

Washington State Register

OCTOBER 16, 1996

OLYMPIA, WASHINGTON

ISSUE 96-20



IN THIS ISSUE

Agriculture, Department of
Asparagus Commission
Attorney General's Office
Blind, Department of Services for the
Building Code Council
Centralia College
Clover Park Technical College
Convention and Trade Center
Eastern Washington University
Ecology, Department of
Education, State Board of
Employment Security Department
Engineers and Land Surveyors, Board of
Registration for Professional
Financial Institutions, Department of
Fish and Wildlife, Department of
Forest Practices Board
Gambling Commission
Health, Department of
Higher Education, Joint Center for
Insurance Commissioner's Office
Labor and Industries, Department of
Licensing, Department of

Marine Safety, Office of
Natural Resources, Department of
Noxious Weed Control Board
Optometry, Board of
Personnel Resources Board
Public Instruction, Superintendent of
Puget Sound Air Pollution Control Agency
Puget Sound Water Quality Action Team
Retirement Systems, Department of
Seattle Community Colleges
Secretary of State
Shoreline Community College
Social and Health Services, Department of
Southwest Air Pollution Control Authority
Transportation Improvement Board
Transportation, Department of
University of Washington
Utilities and Transportation Commission
Veterans Affairs, Department of
Washington State Patrol
Western Washington University
Workforce Training and Education
Coordinating Board

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than October 2, 1996

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 753-7470.

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

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

Mary F. Gallagher Dilley
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

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

1996 - 1997

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
96-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
96-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
96-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
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, 1996	Jan 7, 1997
97-01	Nov 21	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 22
97-02	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 15	Feb 4
97-03	Dec 26, 1996	Jan 8, 1997	Jan 22	Feb 5	Feb 25
97-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
97-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
97-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
97-07	Feb 19	Mar 5	Mar 19	Apr 2	Apr 22
97-08	Mar 5	Mar 19	Apr 2	Apr 16	May 6
97-09	Mar 26	Apr 9	Apr 23	May 7	May 27
97-10	Apr 9	Apr 23	May 7	May 21	Jun 10
97-11	Apr 23	May 7	May 21	Jun 4	Jun 24
97-12	May 7	May 21	Jun 4	Jun 18	Jul 8
97-13	May 21	Jun 4	Jun 18	Jul 2	Jul 22
97-14	Jun 4	Jun 18	Jul 2	Jul 16	Aug 5
97-15	Jun 25	Jul 9	Jul 23	Aug 6	Aug 26
97-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9
97-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23
97-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7
97-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

1996 - 1997

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96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18, 1996	Jan 7, 1997
97-01	Nov 21	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 22
97-02	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 15	Feb 4
97-03	Dec 26, 1996	Jan 8, 1997	Jan 22	Feb 5	Feb 25
97-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
97-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
97-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
97-07	Feb 19	Mar 5	Mar 19	Apr 2	Apr 22
97-08	Mar 5	Mar 19	Apr 2	Apr 16	May 6
97-09	Mar 26	Apr 9	Apr 23	May 7	May 27
97-10	Apr 9	Apr 23	May 7	May 21	Jun 10

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

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STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION

(Required by 39 U.S.C. 3685)

The WASHINGTON STATE REGISTER (ISSN 0164-6389), is published twice each month by the Statute Law Committee, Office of the Code Reviser, Legislative Building, P.O. Box 40552, Olympia, Washington 98504-0552. The filing date of this report was September 27, 1996. The 1996 annual subscription price is \$175 for 24 issues. The general business offices of the publisher are located in the Legislative Building, Olympia, Washington 98504-0552.

The editor is Kerry S. Radcliff, Code Reviser's Office, Legislative Building, P.O. Box 40552, Olympia, Washington 98504-0552. There is no managing editor.

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There are no known bondholders, mortgagees, or other security holders.

The extent and nature of the circulation is as follows:

	Average no. copies each issue during preceding 12 months	Actual no. copies of single issue published nearest to filing date
Total no. copies printing	991	800
Paid circulation		
Sales through dealers & carriers, street vendors, & counter sales	53	59
Paid mail subscriptions	436	486
Total paid circulation	489	545
Free distribution by mail	40	40
Free distribution outside the mail	28	28
Total free distribution	68	68
Total distribution	557	613
Copies not distributed		
Office use, leftover, unaccounted, spoiled after printing	434	187
Returns from news agents	0	0
Total	991	800
Percent paid circulation	87.79%	88.91%

I certify that the statements made by me are correct and complete.

Kerry S. Radcliff
Editor

WSR 96-20-001**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed September 18, 1996, 2:21 p.m.]

Subject of Possible Rule Making: Amendment to WAC 230-12-053 authorizes as a requirement for acceptance of checks, that both the date on the check and the dollar amount cannot be changed, for the check to be considered a check and not a prohibited extension of credit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 (11), (12), (14).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule establishes authority for current practice of prohibiting acceptance of checks that have had the date changed or dollar amount changed.

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 David D. Shaw, Rules and Policy Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 310, FAX (360) 438-8652.

September 18, 1996

David D. Shaw
Rules and Policy Coordinator**WSR 96-20-002****PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed September 18, 1996, 2:23 p.m.]

Subject of Possible Rule Making: Expiration of a gambling license following a change in ownership, business structure, or stock of a commercial business.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 (1), (2), (3), (4), (20), 9.46.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Regulatory concerns necessitate expiration of previous licenses whenever there has been a significant change in the business structure of a licensee. This rule will authorize this expiration process and detail qualifying procedures.

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 David D. Shaw, Rules and Policy Coordinator, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 310, FAX (360) 438-8652.

September 18, 1996

David D. Shaw
Rules and Policy Coordinator**WSR 96-20-003****PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed September 18, 1996, 2:24 p.m.]

Subject of Possible Rule Making: Amendments to WAC 230-20-247, 230-20-230, 230-20-165, use of gift certificates and the awarding of free bingo as prizes during bingo games, in addition to clarifying record-keeping requirements for keno bingo.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify and streamline current rule structure regarding the restrictions and procedures regarding keno bingo and regular bingo and the issuance of gift certificates as prizes for each.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David D. Shaw, Rules and Policy Coordinator, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 310, FAX (360) 438-8652.

September 18, 1996

David D. Shaw
Rules and Policy Coordinator**WSR 96-20-005****PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS**

[Filed September 20, 1996, 10:00 a.m.]

Subject of Possible Rule Making: Expanding the board's use of brief adjudicative proceedings as provided for in RCW 34.05.482 - [34.05.]494.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035 and 34.05.482.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Expand the use of brief adjudicative proceedings (BAP) by this program to include issues such as determining whether a person is in compliance with an order and perhaps other issues. Also, further define BAP procedure in rule.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may participate in rule drafting or may comment on this preproposal by contacting Alan E. Rathbun, Executive Director, P.O. Box 9649, Olympia, WA 98507-9649, FAX (360) 664-2551. All interested persons will be added to the agency's mailing lists on this subject.

September 20, 1996
Alan E. Rathbun
Executive Director

September 19, 1996
David D. Shaw
Rules and Policy Coordinator

WSR 96-20-006

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed September 20, 1996, 10:06 a.m.]

Subject of Possible Rule Making: Brief adjudicative procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.482, chapters 18.11, 18.16, 18.28, 18.85, 18.140, 18.145, 18.165, 18.170, 18.175, 18.185, 67.08, 9.41, 19.105, 19.16, 19.31, 42.44, 64.36, 18.39, 68.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To adopt brief adjudicative procedures in accordance with the Administrative Procedure Act, RCW 34.05.482 through 34.05.494. The procedures will be used in resolution of certain types of disputes.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may participate in rule drafting by contacting Margaret Vogeli, Staff Consultant, P.O. Box 9034, Olympia, WA 98507-9034, FAX (360) [(360)] 586-1596. All interested persons will be added to the agency's mailing list for this rule proposal.

September 20, 1996
Linda Bremer
Assistant Director

WSR 96-20-026

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed September 20, 1996, 1:29 p.m.]

Subject of Possible Rule Making: Commercial amusement games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 (3), (6), (8), (9), (11), (14).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Streamline existing rule structure and address commercial and regulatory concerns that have not been addressed or updated, regarding commercial amusement games.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David D. Shaw, Rules and Policy Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 310, FAX (360) 438-8652.

WSR 96-20-027

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed September 20, 1996, 1:30 p.m.]

Subject of Possible Rule Making: Game starters for card games, employees of cardrooms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 (1), (2), (11), (14), (16), (17).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Streamline and clarify existing rule structure; and address public and cardroom operator concerns regarding appropriate procedures for card playing.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David D. Shaw, Rules and Policy Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 310, FAX (360) 438-8652.

September 20, 1996
David D. Shaw
Rules and Policy Coordinator

WSR 96-20-028

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed September 20, 1996, 1:31 p.m.]

Subject of Possible Rule Making: Bingo equipment.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify existing rules on what is appropriate equipment to use for all types of bingo game play.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David D. Shaw, Rules and Policy Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 310, FAX (360) 438-8652.

September 20, 1996
David D. Shaw
Rules and Policy Coordinator

WSR 96-20-036
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
VETERANS AFFAIRS

[Filed September 23, 1996, 10:28 a.m.]

Subject of Possible Rule Making: WAC 484-20-120.
 Statutes Authorizing the Agency to Adopt Rules on this
 Subject: RCW 43.60A.070.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: Rule appears to conflict
 with other applicable federal and state rules. Proposed
 changes to WAC 484-20-120 are intended to bring agency
 rules in line with other applicable federal and state rules.

Other Federal and State Agencies that Regulate this
 Subject and the Process Coordinating the Rule with These
 Agencies: Federal Human and Health Services via Depart-
 ment of Social and Health Services Medicaid rules, state
 long-term care ombudsman. Proposed changes will be sent
 to appropriate state agencies for review and comment.

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 Kary Hyre, Long-Term Care
 Ombudsman, South King County Multi-Service Center, P.O.
 Box 23699, Federal Way, WA 98093; Cathy Wiggins,
 Director, Nursing Home Services, Department of Social and
 Health Services, Aging and Adult Services Administration,
 4413 Woodview Drive S.E., Mailstop 45600, Olympia, WA
 98504; and Mike Grant, Assistant Attorney General, P.O.
 Box 40110, Olympia, WA 98504. Public hearings held at
 the two state veterans homes with other interested parties
 invited to participate.

September 20, 1996
 Michael E. Grant
 for Sherri Madison
 Policy Analyst

WSR 96-20-039
PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed September 23, 1996, 1:57 p.m.]

Subject of Possible Rule Making: Amending the 1994
 Edition of the Washington State Energy Code regarding
 envelope insulation exemption of personal wireless service
 facilities. This will amend chapter 51-11 WAC, Washington
 State Energy 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 ESHB 2828, relating to
 personal wireless service facilities. This bill was signed by
 Governor Lowry on March 30, 1996. The purpose of this
 rule is to bring chapter 51-11 WAC into compliance with the
 1996 amendments to chapter 19.27A RCW.

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

Process for Developing New Rule: 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, or FAX (360) 586-5880. Meeting notices,
 minutes, and draft language will be provided as requested.
 For further information, please contact Nathan Brown at
 (360) 586-3423.

September 18, 1996
 James R. Beaver
 Council Chair

WSR 96-20-043
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed September 24, 1996, 2:40 p.m.]

In 1992, a referendum of affected milk dealers and milk
 producers was conducted by the Washington State Depart-
 ment of Agriculture on a proposal to authorize the director
 to establish a milk market pooling and pricing plan in the
 state of Washington under the provisions of chapter 15.35
 RCW.

Pursuant to RCW 15.35.110(3), the referendum results were
 filed with the Office of the Secretary of State.

In addition, the Washington State Department of Agriculture
 conducted a public meeting, utilizing the CR-101 process
 under the rule-making criteria, RCW 34.05.310(e), to receive
 input from affected industry on the decision of pursuing the
 promulgation of rules to establish a milk market program in
 Washington state.

During the public meeting, there was unanimous support for
 the department to set aside referendum results and not pursue
 rule making due to the length of time that has elapsed from
 the date of the referendum to present. It was strongly
 emphasized that the market conditions reflected in 1992 may
 not be the same now; and should there be an effort to
 implement the provisions of chapter 15.35 RCW, in relation
 to a milk market program, the director should conduct a new
 referendum of the eligible voters.

As director of the Washington State Department of Agricul-
 ture, I agree with the testimony provided by the affected
 industry on this subject matter. In addition, a milk pooling
 arrangement in the state of Washington would be ineffective
 at this time due to the lack of similar program in neighbor-
 ing states.

The Department of Agriculture has satisfied the requirements
 of chapter 15.35 RCW, has filed the referendum results with
 the Secretary of State, and will not be pursuing rule making
 due to implement a milk marketing program in Washington
 state.

Jim Jesernig
 Director

WSR 96-20-053
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
VETERANS AFFAIRS

[Filed September 25, 1996, 11:35 a.m.]

Subject of Possible Rule Making: WAC 484-20-103.
 Statutes Authorizing the Agency to Adopt Rules on this
 Subject: RCW 43.60A.070.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: Proposed changes to WAC
 484-20-120 (see CR-101 dated September 20, 1996) will
 affect WAC 484-20-103.

Other Federal and State Agencies that Regulate this
 Subject and the Process Coordinating the Rule with These
 Agencies: Federal Human and Health Services via Depart-
 ment of Social and Health Services Medicaid rules, State
 Long-Term Care Ombudsman. Proposed changes will be
 sent to appropriate state agencies for review.

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 Cathy Wiggins, Director, Nursing
 Home Services, Department of Social and Health Services,
 Aging and Adult Services Administration, 4413 Woodview
 Drive S.E., Olympia, WA 98504; Kary Hyre, Long-Term
 Care Ombudsman, P.O. Box 23699, Federal Way, WA
 98093; or Mike Grant, Assistant Attorney General, Mailstop
 40110, Olympia, Washington. Public hearings at state
 veterans homes.

September 24, 1996
 Sherri E. Madison
 Policy Analyst

WSR 96-20-090
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed October 1, 1996, 1:25 p.m.]

Subject of Possible Rule Making: Private, nonprofit
 transportation providers (PNTP) are nonprofit corporations
 providing transportation services to persons with special
 transportation needs, including those persons, and their
 personal attendants, who because of physical or mental
 disability, income status, or age are unable to transport
 themselves. PNTP primarily receive their income from
 private or governmental grants. Docket No. TC-961102.

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: The 1996 legislature passed
 chapter 244, Laws of 1996, which expands the definition of
 elderly and handicapped for regulatory purposes to include
 persons with special transportation needs. This rule making
 examines existing commission rules to discover amendments
 that may be needed for consistency with the new statute.

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

Process for Developing New Rule: Agency study; and
 written notice was provided to interested persons in June

1996 advising of the commission's intent to amend rules.
 Commission staff conducted a stakeholders' meeting on July
 9, 1996, in Olympia, and another meeting on August 6,
 1996, in Spokane. The commission also received oral and
 written comments from several interested persons. A
 discussion draft has been prepared that is available upon
 request.

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 98504-720 [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
 may be filed with the commission secretary, referencing
 Docket No. TC-961102, not later than October 30, 1996.
 All commenters are asked to file an original and ten copies
 of their written comments. The commission also requests
 comments to 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.

September 27, 1996
 Steve McLellan
 Secretary

WSR 96-20-108
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL

[Filed October 2, 1996, 8:04 a.m.]

Subject of Possible Rule Making: New section defining
 antique motor-driven cycles.

Statutes Authorizing the Agency to Adopt Rules on this
 Subject: RCW 46.37.005 and 46.37.530.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: Ensure the definition of an
 "Antique Motor-Driven Cycle" is clear and give the statute
 that also gives the definition. Ensure the motorcycle helmet
 law is properly enforced.

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

Process for Developing New Rule: Clarification of the
 definition was requested by the Law and Justice Committee.

Interested parties can participate in the decision to adopt
 the new rule and formulation of the proposed rule before
 publication by contacting Captain Tim Erickson, Washington
 State Patrol, Commercial Vehicle Division, P.O. Box 42614,
 Olympia, WA 98504-2614, (360) 753-0360, FAX (360) 586-
 8233.

October 1, 1996
 Annette M. Sandberg
 Chief

NEW SECTION

WAC 204-10-035 Antique motor-driven cycles. The term "antique motor-driven cycle" in RCW 46.37.530 means a motor-driven cycle as defined in RCW 46.04.332, which is at least forty years old.

WSR 96-20-110
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
 [Filed October 2, 1996, 8:29 a.m.]

Subject of Possible Rule Making: The Pesticide Management Division is proposing modifications to existing rules relating to the application of certain pesticides in Benton County and portions of Franklin and Walla Walla counties as found in WAC 16-230-810 through 16-230-870. Suggested modifications would allow the department to issue specially conditioned permits to allow aerial applications for the purpose of critical weed control in noncrop areas which are inaccessible by ground apparatus.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 17.21 RCW, Washington Pesticide Application Act and chapter 15.58 RCW, Washington Pesticide Control Act. More specifically RCW 17.21.030 [(1)](b) and 15.58.040 [(2)](h).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Modifications to existing rules would allow the department to grant specially conditioned permits for the use of certain pesticides by air which are currently prohibited in certain areas of Benton County. Grain growers as well as the Benton County Weed Board are experiencing difficulty controlling cereal rye and yellow star thistle respectively. They are limited in their ability to control such pests by ground apparatus due to the steep and hilly terrain. Specially conditioned permits as authorized by the department would allow for the aerial application for critical weed control in noncrop areas, thereby providing the grain growers and the weed board a viable manner to control weeds currently unavailable to them.

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

Process for Developing New Rule: A committee consisting of local growers, applicators and individuals concerned with drift has been developed. The committee will work to develop language for a proposed rule change which would allow the department to grant a permit for aerial applications in areas of Benton County which are currently prohibited.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Pesticide Management Division is requesting written comments on the subject of possible rule making as identified above. Written comments may be sent by FAX to Bill Ritter at (360) 902-2093. Written comments may also be mailed to Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589. Written comments must be received no later than November 15, 1996. For further

information or questions concerning this proposal please contact Bill Ritter at (360) 902-2040.

October 1, 1996
 John Daly
 Assistant Director

WSR 96-20-114
PREPROPOSAL STATEMENT OF INQUIRY
UNIVERSITY OF WASHINGTON
 [Filed October 2, 1996, 10:40 a.m.]

Subject of Possible Rule Making: Amending the University of Washington's rules governing access to public records, chapter 478-276 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.290 and 42.17.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The University of Washington's rules, Governing access to public records, chapter 478-276 WAC, need to be amended to reflect recent changes in state statutes. Specifically, RCW 42.17.290 requires agencies to adopt rules concerning the protection of its public records and RCW 42.17.300 sets new standards regarding charges for copying agency records and encourages the agency to establish and publish these charges.

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 sending written comments or inquiries to Rebecca Goodwin Deardorff, Administrative Procedures Officer via United States mail: University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203; via e-mail: adminpro@u.washington.edu; or via FAX: (206) 543-0786.

September 30, 1996
 Rebecca Goodwin Deardorff
 Administrative Procedures Officer



WSR 96-19-083
PROPOSED RULES
GAMBLING COMMISSION
 [Filed September 18, 1996, 8:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-15-020.

Title of Rule: WAC 230-02-240 Commercial gambling manager defined, 230-04-143 Licensing of commercial gambling managers, 230-04-145 Licensing of charitable or nonprofit gambling managers—Application procedures, 230-08-025 Accounting records to be maintained by distributors and manufacturers, 230-12-215 Prohibited practices—Leases and compensation, 230-30-025 Progressive pull tab games—Definitions—Restrictions—Manner of conducting—Record keeping—Approval, 230-30-040 Step-up pull tab games and carry-over jackpots—Definitions—Restrictions, 230-30-070 Control of prizes, 230-30-075 Punchboard and pull tab prize restrictions—Minimum percentage of prizes available, 230-30-080 Pull tab dispensing limitations, 230-30-102 Pull tab series assembly and packaging, and 230-30-103 Standards for construction of pull tabs.

Purpose: WAC 230-02-240, this rule defines the term "commercial gambling manager" and requires the licensure of a commercial gambling manager if such person is responsible for supervising the operation of progressive jackpot pull tab games; WAC 230-04-143, this rule requires the licensure of a commercial gambling manager, with limited exceptions, for the operation of progressive jackpot pull tab games; WAC 230-04-145, this amendment requires persons responsible for supervision of a progressive jackpot pull tab game for a charitable or nonprofit organization, to be licensed as a charitable or nonprofit gambling manager. In addition, this authorizes the agency to retain the entire license application fee once a charitable or nonprofit gambling manager begins working under a temporary license; WAC 230-08-025, this rule requires the manufacturers and distributors of progressive jackpot pull tab games to separately track the sale of such games; WAC 230-12-215, this rule prohibits the entry into an agreement regarding the purchase or lease of pull tab dispensing devices when such agreement is based in any part on a percentage of receipts or net profits derived from the operation of the devices. Also includes housekeeping changes to previous prohibited practices; WAC 230-30-025, this rule authorizes progressive jackpot prizes on pull tab games and sets forth restrictions under which such games shall be conducted. A progressive jackpot pull tab allows a pull tab player the chance to win an additional prize if they pick the winning jackpot pull tab; WAC 230-30-040, this rule authorizes step-up pull tabs, which involve a predetermined number of pull tabs within a series that allow the player the opportunity to immediately open a second pull tab on a game board. Upon opening this secondary pull tab, these players receive a prize. These prizes include a limited number of jackpot prizes. If no pull tab player wins the jackpot prize before the game is removed, such prize will be carried over to another step-up pull tab game; WAC 230-30-070, "step-up" prizes have historically been authorized for punchboards. This amendment authorizes step-up prizes for pull tab games as well; WAC 230-30-075, this amendment authorizes progressive jackpots to exceed the \$500 prize restriction on standard

punchboard and pull tab games, with a maximum limit of \$5,000. It also authorizes carry-over jackpot prizes on step-up punchboards and pull tabs to exceed the \$500 restriction on standard punchboard and pull tab games, with a maximum limit of \$2,500; WAC 230-30-080, for the limited application to a progressive pull tab series, this amendment allows the use of more than one pull tab machine and expands the cap on total number of pull tabs in a series from 10,000 to 50,000; WAC 230-30-102, this amendment allows progressive jackpot pull tab series to be packaged in more than one container, provided certain guidelines are followed. It also includes additional housekeeping changes; and WAC 230-30-103, this rule requires the winning and losing sheets for progressive pull tab games to be manufactured at the same time and on the same paper stock.

Statutory Authority for Adoption: RCW 9.46.070, 34.05.313, 9.46.120, 9.46.310, 9.46.0273.

Summary: See Title of Rule and Purpose above.

Name of Agency Personnel Responsible for Drafting: David Shaw, Lacey, (360) 438-7654, ext. 310; **Implementation:** Frank Miller, Lacey, (360) 438-7654, ext. 302; and **Enforcement:** Ben Bishop, Lacey, (360) 438-7654, ext. 370.

Name of Proponent: Washington State Gambling Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Title of Rule and Purpose above.

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

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

Hearing Location: Cavanaugh's River Inn, North 700 Division, Spokane, WA 99202, on November 15, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by November 13, 1996, TDD (360) 438-7638, or (360) 438-7654, ext. 310.

Submit Written Comments to: David Shaw, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by November 13, 1996.

Date of Intended Adoption: November 15, 1996.

September 16, 1996

David Shaw

Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 95-09-062 (Order 268), filed 4/18/95, effective 5/19/95)

WAC 230-02-240 Commercial gambling manager defined. A "commercial gambling manager" is a person, whether compensated or not, who is responsible for operating and controlling authorized commercial gambling activities, and who has the authority to make decisions regarding the operation of such gambling activities. The gambling manager supervises and directs all other persons directly or indirectly involved in the conduct of such activities. A

gambling manager may be: An owner; partner; officer of a corporation; or a person designated by any of the above. A gambling manager's duties include, but are not limited to the following: Hiring, firing, and evaluating gambling personnel; supervising and controlling the conduct of gambling activities; preparing or supervising the preparation of gambling records; controlling cash generated by gambling activities and making bank deposits; and purchasing gambling supplies. A commercial gambling manager is required to be licensed if they are responsible for supervising the operation of progressive jackpot pull tab games as authorized in WAC 230-30-025.

NEW SECTION

WAC 230-04-143 Licensing of commercial gambling managers.

What application procedures must I complete prior to working as a commercial gambling manager?

(1) On or before the first day he or she actually performs work as a commercial gambling manager, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission). In addition, the applicant must complete a training course as provided by the commission within 30 days after the first day worked.

(2) If an applicant elects to perform the duties of a commercial gambling manager prior to receiving a license, as authorized under provisions of paragraph 5a and 5b below, the commission shall retain the entire application fee regardless of the disposition of the application.

(3) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed to operate a progressive jackpot pull tab game shall not be required to be additionally licensed as a commercial gambling manager to perform duties in connection with the activity.

(4) The operator of a progressive jackpot pull tab game or partner or officer of the entity operating activity for which the applicant will work shall sign the application of each such commercial gambling manager acknowledging that the applicant will be working for that operator with the operator's knowledge and consent.

When can I begin working as a commercial gambling manager?

(5) No person shall act as a commercial gambling manager for the operation of progressive jackpot pull tab games unless he or she has either received a license to do so from the commission or, if:

(a) The commission has not previously revoked a license or denied an application by that person for such a license; and

(b) He or she has properly applied for such license. If there has been such a previous denial or revocation, or if the applicant has been convicted of, or forfeited bond upon a

charge of, or pleaded guilty to certain offenses set forth in RCW 9A.46.158, that person shall not act as a commercial gambling manager unless he or she has been issued a license by the commission.

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

AMENDATORY SECTION (Amending WSR 95-09-062 (Order 268), filed 4/18/95, effective 5/19/95)

WAC 230-04-145 Licensing of charitable or non-profit gambling managers-Application procedures. Each charitable or nonprofit organization licensed to conduct gambling activities shall designate gambling managers who will be responsible to the officers or board of directors for the proper conduct of the activity and safeguarding of all funds generated by such. An individual may be designated as the gambling manager for more than a single activity if so noted on the application for each activity. No person shall perform the duties of a gambling manager, as set out in WAC 230-12-079, unless they have been approved by the commission. Applicants for a license to perform duties of a gambling manager shall comply with the following procedures:

Who must apply for a license as a charitable or nonprofit gambling manager?

(1) Gambling managers responsible for the following functions of a charitable or nonprofit organization shall be licensed by the commission:

(a) Primary manager of Class D and above bingo games;

(b) Primary manager of Class C and above punchboards and pull tabs;

(c) Any employee responsible for supervision of gambling managers required to be licensed by (a) or (b) of this subsection; ~~(and)~~

(d) The employee assigned the highest level of authority by the officers or governing board of directors to manage the day-to-day affairs of the organization and who is responsible for safeguarding assets purchased with gambling funds or managing the disbursement of gambling funds when:

(i) The organization is licensed to receive more than three hundred thousand dollars in gross gambling receipts; or

(ii) The organization has an established trust and/or endowment fund and gambling receipts in excess of one hundred thousand dollars have been contributed to such funds~~(-)~~; and

(e) An employee responsible for supervision of the operation of progressive jackpot pull tab games, as authorized in WAC 230-30-025.

What must I do if I wish to begin work as a gambling manager before I have received my permanent license?

(2) Prior to performing duties as a licensed gambling manager, each applicant shall:

(a) Submit a completed application to the commission on or before the first day the applicant begins working: *Provided*, That an applicant shall not perform any of the duties of a gambling manager prior to issuance of a license

by the commission if one or more of the following conditions exist:

(i) The applicant has been previously denied a license or had a license suspended or revoked by the commission;

(ii) The applicant has been served administrative or criminal charges and such charges are pending at the time of the application;

(iii) The applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to any offense set forth in RCW 9.46.158; or

(iv) The applicant has violated, failed, or refused to comply with provisions, requirements, conditions, limitations, or duties imposed by chapter 9.46 RCW or any rules of the commission.

(b) Complete a training course provided by the commission within thirty days after the first day worked as required by WAC 230-04-020. Individuals that have been performing duties or assigned responsibilities that require a gambling manager license under this section, for at least ninety days prior to the effective date of this section, may be exempted from such training by the director. Types of training required:

(i) Individuals applying for a license under the provisions of subsection (1)(a), (b), or (c) of this section shall attend training for each gambling activity for which they have been assigned primary or secondary oversight responsibility; and

(ii) Individuals applying for a license under the requirements of subsection (1)(d) of this section shall attend training related to safeguarding assets and proper uses of gambling funds.

(3) If an applicant elects to perform the duties of a charitable or nonprofit gambling manager prior to receiving a permanent license as authorized under the provisions of paragraph (2) above the commission shall retain the entire application fee regardless of the disposition of the application.

What must the application contain?

~~((3))~~ (4) Each application shall be submitted as specified in WAC 230-04-020, and signed by both the applicant and the highest ranking executive officer of the organization;

For how long will a gambling manager license be valid for?

~~((4))~~ (5) A gambling manager license shall be valid for a period not to exceed one year beginning on the date of issuance or the date the application was submitted if the applicant began working prior to licensure, as authorized by subsection (2)(a) of this section, whichever occurs first: *Provided*, That should a licensed gambling manager's employment with the organization listed on the license application be terminated, for any reason, the license shall become immediately void. This individual must reapply for a license prior to performing gambling manager duties for any other charitable or nonprofit organization. Prior to granting a license to a previously licensed gambling manager, the commission shall conduct an investigation to determine the continued qualification of the individual. Such investigation may include inquiries to the previous employer;

What are the fees governing this type of license?

~~((5))~~ (6) The fee for this license shall be as required by WAC 230-04-204: *Provided*, That if an applicant is changing employment from one licensee to another prior to the expiration date as specified in subsection (4) of this section, the fee shall be as required for license renewal;

Can an organization have more than one gambling manager?

~~((6))~~ (7) An organization may appoint more than one gambling manager who is responsible for supervising bingo games or punchboard and pull tab operations. The manager assigned the highest level of authority for each specific activity shall be designated on the application as the "primary gambling manager" and all others as "assistant gambling managers."

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

AMENDATORY SECTION (Amending WSR 94-01-033, filed 12/6/93, effective 1/6/94)

WAC 230-08-025 Accounting records to be maintained by distributors and manufacturers. Every licensed distributor and manufacturer shall keep and maintain a complete set of records which include all details of all activities of the licensee related to the conduct of the licensed activity.

What type of accounting records must I keep and what time periods are they subject to?

These records shall be recorded using the double entry accounting system and maintained in accordance with generally accepted accounting principles. This system shall also be on the same basis as the licensee's federal income tax return. All records shall be maintained for a period of not less than three years following the end of the licensee's fiscal year. These records shall be updated at least once a month and provide a monthly balance for each account.

What are the minimum requirements that must be included in a record system?

The minimum record system shall include the following:

(1) Sales invoices - every manufacturer and distributor shall record every sale, return, or any other type of transfer of punchboards/pull tabs, pull tab dispensing devices or bingo equipment including cards, by completing a standard sales invoice or credit memo. Distributors shall use an invoice in a format prescribed and approved by the commission that includes a separate line for each identification and inspection services stamp number. This invoice shall provide space for the operator to either attach a records entry label or enter the identification and inspection services stamp number and the date the device was placed out for play. These spaces shall be adjacent to the written entry of the identification and inspection services stamp number made by the distributor. These invoices shall set out the following information:

(a) Each invoice must be prenumbered at the time of purchase. The numbering must be consecutive, using not less than four digits: *Provided*, That manufacturers and

distributors may use a computer generated numbering system if the same system is used for all sales and specific numbers can not be input by use of a manual override function;

(b) The date of sale. For distributors only: If the date of delivery is different, then the delivery date must also be entered;

(c) The customer's name and an adequate business address;

(d) A full description of each item sold, including the identification and inspection services stamp number for each item, if attached, and all information required by WAC 230-08-040;

(e) The quantity and sales price of each individual item, including individual items of merchandise to be used as prizes on punchboards and pull tabs;

(f) The gross amount of each sale to each customer including all discount terms and the total dollar amount of any discount;

(g) The sales invoice shall be prepared in at least three parts: *Provided*, That invoices for sales to operators shall be prepared in at least four parts. Invoices shall be distributed and maintained as follows:

(i) The original shall be issued to the customer: *Provided*, That an additional copy of distributor invoices shall be provided to the operator;

(ii) One shall be retained in an invoice file by customer name; and

(iii) One shall be retained in an invoice file by invoice number or in an alternative manner that accounts for each invoice numerically. This provision may be waived if the licensee receives written commission approval.

(h) Information documenting the sales of progressive jackpot pull tabs must be separately tracked, invoiced, and maintained in its own filing system. *Provided*, that a computerized system, which is capable of separately tracking this information and providing immediate output of the data, is sufficient for this requirement.

~~((h))~~ (I) Credit memos for returned items shall be prepared in the same detail as (a) through (g) of this subsection.

(2) Sales journal - the sales journal shall contain at least, but not be limited to, the following by month:

(a) The date of the sale;

(b) The invoice number of the sale;

(c) The customer name or person remitting a payment;

(d) Sales shall be categorized at least by the following:

(i) Punchboards that pay out cash prizes;

(ii) Punchboards that pay out merchandise prizes;

(iii) Pull tabs that pay out cash prizes;

(iv) Pull tabs that pay out merchandise prizes;

(v) Pull tab dispensing devices;

(vi) Merchandise that is intended for use as a prize on a punchboard or pull tab series;

(vii) Bingo equipment;

(viii) Other types of sales directly related to gambling activities, including but not limited to, equipment leases, equipment sales, and supplies; and

(ix) Sales and leases of general purpose equipment and supplies indirectly related to gambling activities, including cash registers, scales, tables, chairs, glue sticks, souvenirs, etc.

(e) Total amount of the invoice.

(3) Cash disbursements book (check register) - this record shall include a recording of all checks issued by the licensee, cash payments made by the licensee, or payments made by any other means. All expenses by the licensee, both gambling and nongambling related, shall be documented by invoices or other appropriate supporting documents. Entries to this record shall contain at least, but not limited to, the following information by month:

(a) The date the check was issued or payment made;

(b) The number of the check issued;

(c) The name of the payee; and

(d) Each disbursement shall be categorized by type of expense.

(4) Cash receipts - all cash receipts shall be recorded in an original book of entry whether it be a sales journal, a check register, or a separate cash receipts journal, and at a minimum shall include a recording of not only cash sales, but also cash received from all sources, and shall contain at least, but not limited to, the following by month:

(a) The date the payment was received;

(b) The name of the person remitting the payment;

(c) The amount of payment received.

(5) General ledger - each licensee whose gambling related sales exceed \$500,000 per year, shall have a general ledger which shall contain, in addition to all other accounts by month, a separate sales account for each type of sale;

(6) Bank reconciliation - a bank reconciliation shall be performed each month. In addition, all funds that have not been deposited at year end shall be reconciled in an account titled "cash on hand";

(7) Copies of all financial data which support tax reports to any and all governmental agencies;

(8) Manufacturer shall maintain records that provide an accountability trail for all identification and inspection services stamps purchased. These records shall include enough details to allow audit of all used, unused, and damaged stamps and includes the following minimum items:

(a) The name of the purchaser;

(b) The date of the sale; and

(c) The invoice number recording the sale.

(9) An alternative format may be used for subsections (1)(a), (g)(ii), (g)(iii), (h), (2), and (3), of this section upon advance written approval from the commission.

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 230-12-215 Prohibited practices - Leases and compensation. (1) No person, association, or organization shall operate or conduct any gambling activity authorized on or within any leased premises if rental under such lease is to be paid wholly or partly on the basis of a percentage of the receipts or net profits derived from the operation of such gambling activity. *Provided*, That amusement games conducted as a part of, and upon the site of, a regional shopping center are exempted from the percentage of receipts or profits restriction of this section and RCW 9.46.120(2).

(a) Nor shall the rental under such lease exceed the usual rental for such premises in the same locality,

(2) No charitable, nonprofit, or commercial organization shall enter into any agreement in conjunction with the operation of any pull tab or pull tab dispensing device wherein any part of the purchase price or lease payment is based wholly or partly on the basis of a percentage of the receipts or net profits derived from the operation of such device.

(3) No charitable or nonprofit organization shall hold or conduct any gambling activity if the compensation to any person taking part in the management or operation of such activity is based upon a percentage of the receipts or income derived from the operation of such game. The payment to such persons of compensation which is other than reasonable under the local prevailing wage scale for employment of a comparable nature shall create a presumption of a violation of this section.

NEW SECTION

WAC 230-30-025 Progressive pull tab games - Definitions - Restrictions - Manner of conducting - Record keeping - Approval. For purposes of this title, the following definitions, restrictions, operating procedures, and record keeping requirements apply to such devices.

(1) Definitions:

(a) Progressive jackpot prize - A minimum jackpot prize plus the accumulation of a predetermined dollar amount of each pull tab sale. The jackpot shall increase for each pull tab sale until a player redeems the winning jackpot tab.

(b) Bank system - a set of up to ten dispensing devices networked together. These devices shall be linked to a computer system capable of calculating total sales and the accumulation of the jackpot prize.

What are the operating conditions governing progressive jackpot pull tab dispensing devices, the manner of conducting a progressive jackpot pull tab game, and redemption of winning tabs from progressive jackpot pull tab games?

(2) Progressive jackpot pull tab dispensing devices may be operated under the following conditions:

(a) A licensee may have more than one bank system operating at one time, but at no time shall a bank system exceed ten machines;

(b) From the effective date of this rule to January 1, 1997, the number of progressive pull tab dispensing devices per location shall be limited to ten machines for commercial stimulant licensees and twenty machines for charitable or nonprofit licensees. Effective January 1, 1997, the Director may approve an increase in the number of machines upon receipt of a written request by the licensee;

(c) Only the minimum possible jackpot prize shall be included in determining the sixty percent payout, as required by WAC 230-30-075;

(i) The manufacturer shall determine the minimum jackpot amount needed to meet the sixty percent payout requirement; and

(ii) Operators may increase the minimum jackpot amount prior to putting the game in play;

(d) The maximum progressive jackpot prize shall not exceed five thousand dollars, as required by WAC 230-30-075(2). However, operators may elect to set the maximum jackpot at an amount less than five thousand dollars; and

(e) The following are prohibited for use with progressive jackpot pull tab games:

- (i) Substitute flares
- (ii) Merchandise prizes; and
- (iii) Last sale prizes.

(3) Progressive jackpot pull tab games shall be conducted in the same manner as other pull tab games. The following additional requirements apply to the conduct of progressive jackpot pull tab games:

(a) The licensed operator shall set the amount to be added to the jackpot prize for each ticket sold. This amount will remain the same for each pull tab sold from a game; *Provided*, that the jackpot prize may not exceed the maximum jackpot prize amount above;

(b) Winning tabs shall be redeemed in the same manner as required by WAC 230-30-070. The following requirements also apply:

(i) For jackpot prizes one thousand two hundred dollars and over, the winner's full name, address, and social security number shall be recorded on a separate form for income tax purposes;

(ii) At least the minimum jackpot prize amount shall be paid by check. The licensee shall record the check number in addition to the information required in WAC 230-30-070(5). These checks may not be cashed on the licensed premises; and

(iii) All jackpot winning tabs must be defaced immediately upon receipt;

(c) The licensee shall have sufficient funds available to pay all prizes upon redemption of winning tabs. Failure to have sufficient funds available shall be *prima facie* evidence of defrauding the public in violation of RCW 9.46.190;

(d) All machines in a bank system must be located together on the license premises;

(e) Each bank system must be linked to a computer which monitors all sales and the accumulation of the jackpot prize;

(f) The current jackpot prize total must be clearly displayed near the bank of machines at all times during the sale of the pull tabs. The maximum jackpot prize amount shall also be disclosed near the bank of machines;

(g) The flare shall be prominently displayed near the bank of machines;

(h) Access to tabs shall be limited. Tabs shall be stored in secured locations that are accessible to only authorized individuals; and

(i) An owner of licensed commercial or charitable or non-profit gambling manager shall be on the premises at all times during the operation of progressive jackpot pull tab games.

(4) All record keeping requirements outlined in WAC 230-08-010 must be followed, in addition to the following:

(a) All winning tabs and winner information for jackpot prizes, along with the game flares, must be retained for one year from the date in which the games were removed from play;

(b) Licensees shall record progressive jackpot games on a separate monthly record in a format prescribed by the commission. This format must contain the following in addition to the information required by WAC 230-08-010(9):

(i) Dollar amount of each pull tab sale contributed to the jackpot;

(ii) Separate prizes paid figures for jackpot prizes and regular prizes; and

(iii) Prizes paid by check;

(b) Licensees are required to maintain a computer printout for each game/bank system detailing:

(i) The beginning jackpot prize amount;

(ii) The number of tickets sold by machine; and

(iii) The ending jackpot prize amount;

(c) The above records must be maintained for a period of not less than three years from the end of the fiscal year for which the records are kept.

What items require agency approval and what standards are applicable to this approval process?

(5) The Director shall approve all progressive jackpot pull tab games.

(a) The following shall be approved prior to sale in Washington:

(i) The progressive jackpot dispensing device;

(ii) The manufacturing process used to manufacture the progressive jackpot games; and

(iii) The secondary win code system;

(b) Computer software used to link dispensing devices, accrue jackpot prizes, and store data used in preparing records must be approved by the Director. The following standards shall be required:

(i) For each game, no person other than the maker of the software shall be able to alter data once input into the system;

(ii) The system must stop accruing when the jackpot amount reaches \$5,000 or the maximum amount predetermined by the operator; and

(iii) A record of transactions for a game must be retained in memory until the transactions have been totaled, printed, and cleared by the operator regardless of whether or not the units primary power source is interrupted; and

(c) Any costs related to the approval of progressive jackpot pull tab games or dispensing devices shall be billed to the persons requesting approval.

NOTE FOR DISCUSSION: Possibility of having two winning jackpot tabs to prevent the winner from holding the tab while the jackpot accrues.

NEW SECTION

WAC 230-30-040 Step-up pull tab games and carry-over jackpots - Definitions - Restrictions. For purposes of this title, the following definitions, restrictions, and requirements apply to step-up pull tab games and carry-over jackpots:

(1) Definitions:

(a) Step-up pull tab game - Pull tab game in which a predetermined number of designated pull tabs permit a player the opportunity to immediately open a pull tab of their choice on the game board/flare to determine the prize.

(b) Carry-over jackpot prizes - A designated jackpot prize on a step-up pull tab game which, if not won, is carried over to another step-up pull tab game. There is no progression of the jackpot prize based on sales or receipts.

What are the conditions governing operation of step-up pull tab games?

2) Step-up pull tab games may be operated under the following conditions:

(a) Each flare shall clearly set out the following:

(i) All prizes available, in accordance with WAC 230-30-106 (2)(b);

(ii) The number of chances available to advance and win a larger prize; and

(iii) The number of winning tabs at each prize level;

(b) Only guaranteed or minimum prizes may be used in calculating the sixty percent payout required by WAC 230-30-075.

(c) For step-up pull tab games with carry-over jackpots:

(i) The carry-over jackpot prize amount is not included in the sixty percent payout calculation;

(ii) The amount of the carry-over jackpot prize and the method of carry-over shall be determined by the manufacturer and disclosed on the flare;

(iii) Carry-over jackpot prize amounts may not exceed two thousand five hundred dollars; and

(iv) Carry-over jackpot prizes are authorized only on flares designed for step-up pull tab games. No substitute flares are allowed.

(d) "Last sale" prizes are not allowed on step-up pull tab games.

What are the conditions governing operation of step-up pull tab games with carry-over jackpot prizes?

(3) Step-up pull tab games with carry-over jackpot prizes shall be conducted in the same manner as other pull tab games. The following additional requirements apply:

(a) For jackpot prizes one thousand two hundred dollars and over, the winner's full name, address, and social security number shall be recorded on a separated form for income tax purposes;

(b) All winning tabs and winner information for jackpot prizes over five hundred dollars, along with the game flares, must be retained for at least one year from the date in which the games were removed from play;

(c) Winning tabs shall be redeemed in the same manner as required by WAC 230-30-070. For prizes where the winning tab is part of the flare, the amount of the prize awarded and the information required to be documented in WAC 230-30-070 (5)(a) shall be recorded on a separate piece of paper, as authorized by WAC 230-30-070 (5)(c); and

(d) Operators are required to maintain a separate record documenting the flow of carry-over jackpots.

What items require agency approval and what standards are applicable to this approval process?

(4) The Director shall approve all step-up pull tab games with carry-over jackpot prizes.

(a) The following shall be approved prior to sale in Washington:

(i) The manufacturing process used to manufacture step-up pull tab games with carry-over jackpot prizes; and

(ii) The secondary win code system.

(b) Any costs related to the approval of step-up pull tab games with carry-over jackpot prizes shall be billed to the persons requesting approval.

Note: The actual amounts or methods of carry-over jackpots will not be determined by the agency. The operator must follow what is on the flare.

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

AMENDATORY SECTION [(Amending WSR 95-23-109 and 95-24-048, filed 11/22/95 and 11/30/95)]

WAC 230-30-070 Control of prizes. All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise.

(1) ~~((Prizes may not involve the opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not))~~ less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch or pull tab for which the opportunity ~~((to take the second punch))~~ was awarded. Each ~~((such))~~ step-up punch board or pull tab game must clearly indicate on its face the terms and conditions under which the ~~((opportunity to obtain the second, or step-up punch,))~~ step-up prize may be ~~((obtained and the prizes which may be))~~ won, including the amount of the step-up prize.

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 bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 94-24-054 (Order 261), filed 12/5/94, effective 1/5/95)

WAC 230-30-075 Punchboard and pull tab prize restrictions-Minimum percentage of prizes available. No operator shall put out for play and no distributor or manufacturer shall sell or otherwise provide to any person in this state, or for use in this state, any punchboard or pull tab series that:

(1) Does not offer prizes that are equal to or greater than sixty percent of the total gross receipts available from the punchboard or pull tab series: *Provided*, That for the purposes of determining the percentage of prizes offered on any punchboard, or in any pull tab series, total merchandise prizes shall be computed at the amount actually paid therefor by the licensed operator plus fifty percent of that actual cost.

(2) Offers a single prize that exceeds:

(a) Five hundred dollars in cash(±): *Provided, that progressive jackpot pull tab prizes, as authorized in WAC 230-30-XXX, shall not exceed five thousand dollars; and carryover jackpot prizes on step-up flares, as authorized in WAC 230-30-XXX, shall not exceed two thousand five hundred dollars; or*

(b) A merchandise prize, or combination merchandise prize, for which the operator has expended more than five hundred dollars.

(3) Has multiple winners on an individual pull tab or punch that combined values exceed the single cash or merchandise prize limit in subsection (2) of this section.

(4) Offers prizes for purchasing the last ticket or last punch that exceeds:

(a) One hundred dollars cash; or

(b) Merchandise for which the licensee has expended more than one hundred dollars; or

(c) The highest prize offered.

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 95-23-109, filed 11/22/95)]

WAC 230-30-080 Pull tab dispensing limitations. (1)

No pull tabs shall be placed out for public play unless the total number of pull tabs originally in the series shall be clearly disclosed on the face of the flare advertising the prizes available from that series of pull tabs. The total number of pull tabs originally in the series will be placed upon the flare by the manufacturer prior to the series being sold to a distributor or operator.

(2) No pull tab shall be added to a series of pull tabs after that series has been shipped from its place of manufacture.

(3)(a) No pull tab series, or any portion thereof, shall be placed in, or if a spindle upon, any pull tab dispensing device or container until any other series of pull tabs previously in, or upon, the device or container has been played out or permanently removed from public play.

(b) Provided, that in the use of a multiple series dispensing device, each series shall be played independently and in accordance with the provisions in (a) above.

(4) No pull tab once placed out for public play shall be removed from the dispensing device or container until the series is permanently removed from public play, except only:

(a) Those pull tabs actually played by consumers; or

(b) Those pull tabs removed by commission representatives or other law enforcement agency inspecting the device; or

(c) Those tabs temporarily removed during necessary repair or maintenance of the device.

(5) Once a pull tab has been removed from public play it shall not again be put out for public play, except tabs removed under subsections (4)(b) and (c) above.

(6) No person shall put out any pull tab series for public play unless the series of pull tabs is wholly contained within, or if a spindle upon, the device or container used for dispensing that series(-): *Provided, that progressive jackpot pull tab games, as authorized by WAC 230-30-025, may utilize more than one machine for a series.*

(7) No person shall sell or transfer to another person in this state, or for use within this state, or put out for public play, any pull tab series which contains more than ~~((10,000))~~ *ten-thousand individual pull tabs(-): Provided, that progressive jackpot pull tab games, as authorized by WAC 230-30-025, may contain up to fifty-thousand individual pull tabs.*

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 bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 94-07-084 (Order 250), filed 3/16/95 [3/16/94], effective 4/16/94)

PROPOSED

WAC 230-30-102 Pull tab series assembly and packaging. (1) Manufacturers of pull tabs shall manufacture, assemble, and package each pull tab series in one container and in such a manner that none of the winning pull tabs, nor the location or approximate location of any of the winning pull tabs can be determined, in advance of opening the pull tabs in any manner or by any device, including but not limited to any pattern in manufacture, assembly, packaging, markings, or by the use of a light. Provided, that progressive jackpot pull tab games, as authorized by WAC 230-30-XXX, may be packaged in more than one container under the following conditions:

(a) All boxes are shrink wrapped and sealed with a sticker or seal of the manufacturer;

(b) Each individual box must be identically labeled with a manufacturer designed referencing system to include:

(i) Individual box reference and total boxes per series;

(ii) Series number; and

(iii) Identification and inspection services stamp number;

(c) Each case must be labeled to include:

(i) Case reference and total cases per set; and

(ii) Series number; and

(d) Each box and/or case must be packaged and shipped together. Cases must be specially marked to easily identify the contents during shipping.

(2) Winning pull tabs shall be distributed and mixed among all other pull tabs in a series so as to eliminate any pattern as between series, or portions of series, from which the location or approximate location of any of the winning tabs may be determined. The pull tab series must be assembled so that no placement of winners or losers exist that allows the possibility of prize manipulation or "pick out." Manufacturers shall not manufacture or offer for sale in Washington any pull tab series in which the winning pull tabs are not distributed and mixed among all other pull tabs in that series.

(3) Manufacturers will mix pull tabs prior to placing them in their final packing container. The mix shall insure that pull tabs are separated from the original collated row position and dispersed amongst all rows in the final packing container.

(4) Each series of pull tabs shall contain a packing slip placed inside the package containing the name of manufacturer, series number, date the series was packaged, and the name or identification of the person who packaged the series: Provided, That this information may be printed on the back of the flare or the outside of the package, box or container in which the pull tabs are packed. This information must be readily available to commission staff from the manufacturer upon request. For progressive jackpot pull tab games, the packing slip and flare must be packaged with the first box of the series.

(5) Manufacturers of pull tabs shall print on the outside of the die cut box, package or other container of pull tabs the following message "Washington State law requires that pull tabs NOT sold through a mechanical pull tab dispensing device must be removed from the packaging container and mixed before selling to the public. Failure to remove and mix pull tabs from a packaging container may result in a minimum five day suspension of a license for each series not mixed." Provided, That the above information may be printed on a crack and peel sticker and placed on the outside of the die cut box, package or other container of pull tabs. The above information may be printed on a colored packing slip and placed inside the package of pull tabs.

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

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

AMENDATORY SECTION (Amending WSR 94-07-084 (Order 250), filed 3/16/95 [3/16/94], effective 4/16/94)

WAC 230-30-103 Standards for construction of pull tabs. (1) All pull tabs manufactured for use in the state of Washington after January 1, 1992 shall utilize a secondary verification code to prohibit counterfeiting on tabs that award prizes greater than \$20.00. Such codes shall be approved by the director prior to use within the state. Punchboards are exempt from the secondary verification code requirements.

(2) Pull tabs shall be constructed so that it is impossible to determine the covered or concealed number, symbol, set of symbols, or game protection on the pull tab until it has been dispensed to and opened by the player, by any method or device, including but not limited to, the use of a marking, variance in size, variance in paper fiber, or light. Winning and losing sheets for each game must be manufactured using the same paper stock and must be manufactured at the same time for all progressive jackpot pull tab games.

(3) All pull tabs, except banded and latex covered pull tabs, will be constructed using a two or three ply paper stock construction.

(4) The manufacturer shall conspicuously print on the face or cover sheet the series number and the name of the manufacturer or label or trademark identifying the manufacturer. On banded pull tabs, the series number and the name of the manufacturer or label or trademark identifying the manufacturer shall be printed so both are readily visible prior to opening the pull tab.

(5) The cover sheet shall be color coded when individual series numbers are repeated and may show the consumer how to open the pull tab to determine the symbols or numbers. The cover sheet will contain perforated and/or clean-cut openings centered over the symbols or numbers on the back of the face sheet in such a manner as to allow easy opening by the consumer after purchase of the pull tabs, while at the same time, not permitting pull tabs to be opened prematurely in normal handling. Perforation should exist on both horizontal lines of the opening with either perforated or clean-cut on the vertical or elliptical line where the tab must be grasped for opening after bending the edge of ticket down. On latex covered pull tabs, either the face or back of

the pull tab shall be color coded when individual series numbers are repeated and may show the consumer how to remove the latex to determine the symbols or numbers. On banded pull tabs, the paper stock shall be color coded when individual series numbers are repeated.

(6) Pull tabs will be glued or sealed so that it is impossible to determine the covered or concealed numbers, symbol or set of symbols on the pull tab until it has been dispensed to and opened by the player.

(7) Thickness.

(a) Vendable pull tabs. Defined as pull tabs that are sold out of mechanical pull tab dispensing devices approved for such use in this state by the Washington state gambling commission.

(i) Single opening and double sided tabs. The overall bulk thickness of the pull tab shall be .045 inches plus or minus .003 inches.

(ii) Multiple opening tabs. The overall bulk thickness of the pull tab shall be .026 inches plus or minus .002 inches.

(b) Nonvendable pull tabs. Defined as pull tabs that cannot be sold out of mechanical pull tab dispensing devices approved for use in this state by the Washington state gambling commission. Nonvendable pull tabs may be dispensed from fishbowls, receptacles, packing boxes or spindles. Manufacturers may use any thickness, provided they comply with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be of the same thickness.

(8) Length and width.

(a) Vendable pull tabs.

(i) Single opening and double sided tabs shall be 1 7/8 inches x 1 inch plus or minus 1/8 inch.

(ii) Multiple opening tabs shall be 3 1/2 inches by 1 7/8 inches plus or minus 1 inch.

(b) Nonvendable pull tabs - manufacturers may construct nonvendable pull tabs in any size provided the pull tab complies with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be uniform in length or width and not vary by more than 3/64 inch, provided that in no case shall winning pull tabs be identifiable by visible variation in dimension.

(9) All pull tabs will be constructed to insure that, when offered for sale to the public, the pull tab is virtually opaque and free of security defects wherein winning pull tabs cannot be determined prior to being opened through the use of high intensity lights, "peeking", or any other method.

(10) Each manufacturer shall establish his own game protection for each pull tab game or series of games. The game protection shall be a method of identifying winning pull tabs, after they have been purchased and opened, from nonwinning, altered or forged pull tabs. The manufacturer may use special numbers, colors, designs, ink or any combination to establish the game protection. Manufacturers will submit to the gambling commission a letter explaining the game protection and will keep the commission informed on any changes. Spindle-type pull tab series when played in the manner set out in WAC 230-30-070(8) are exempt from this requirement.

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

WSR 96-19-084
PROPOSED RULES
GAMBLING COMMISSION
[Filed September 18, 1996, 8:29 a.m.]

Original Notice.

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

Title of Rule: WAC 230-04-140 Licensing of public card room employees, 230-04-190 Issuance of license—Expiration—Restrictions, 230-04-202 Fees—Bona fide charitable/nonprofit organizations, 230-04-203 Fees—Commercial stimulant and other business organizations, 230-04-204 Fees—Individuals, 230-04-220 Prorating and refunding of fees, 230-08-017 Control of gambling equipment—Use of identification and inspection services stamps, and 230-08-125 Annual activity reports (~~(by operators of Class A, B, and C bingo, all classes of raffles, and bona fide)~~)—Certain activities operated by charitable or nonprofit ((amusement games)) organizations.

Purpose: WAC 230-04-140, this amendment authorizes the agency to retain the entire license application fee once a public card room employee begins working under a temporary license; WAC 230-04-190, this amendment provides the expiration dates for licenses of charitable or nonprofit gambling managers and makes modifications to the procedure for license renewal payments; WAC 230-04-202, this amendment increases the license fees for bona fide charitable or nonprofit organizations for all license types and classes and establishes a new "combination license" scheme and fee rate; WAC 230-04-203, this amendment increases the license fees for commercial stimulant and other business organizations for all types and classes of licenses; WAC 230-04-204, this rule adds "commercial gambling manager" to individuals subject to licensing fee requirement, in addition to making nominal increases to all other individual fees; WAC 230-04-220, this amendment provides that once an applicant for an individual license has started performing the applicable job duties, the commission will not refund any portion of the license fee; WAC 230-08-017, this amendment establishes the identification and inspection service stamp fees for (1) step-up pull tab games with carry-over jackpot prizes; (2) progressive jackpot pull tab games; and (3) progressive jackpot pull tab dispensing devices; and WAC 230-08-125, this amendment makes housekeeping changes to the procedures and requirements applicable to annual activity reports.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.116.

Summary: See Title of Rule and Purpose above.

Name of Agency Personnel Responsible for Drafting: David Shaw, Lacey, (360) 438-7654, ext. 310; Implementation: Frank Miller, Lacey, (360) 438-7654, ext. 302; and Enforcement: Ben Bishop, Lacey, (360) 438-7654, ext. 370.

Name of Proponent: Washington State Gambling Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Title of Rule and Purpose above.

PROPOSED

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

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

Hearing Location: Cavanaugh's River Inn, North 700 Division, Spokane, WA 99202, on November 15, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by November 13, 1996, TDD (360) 438-7638, or (360) 438-7654, ext. 310.

Submit Written Comments to: David Shaw, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by November 13, 1996.

Date of Intended Adoption: November 15, 1996.

September 16, 1996

David Shaw

Rules and Policy Coordinator

AMENDATORY SECTION [(Amending Order 167, filed 4/14/87)]

WAC 230-04-140 Licensing of public card room employees. (1) No person shall act as a public card room employee unless he or she has either received a license to do so from the commission or, if:

(a) The commission has not previously revoked a license or denied an application by that person for such a license; and

(b) He or she has properly applied for such license. If there has been such a previous denial or revocation, or if the applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158, that person shall not act as a public card room employee unless he or she has been issued a license by the commission.

(2) On or before the first day he or she actually performs work as a public card room employee, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission): Provided, That the requirements of this section shall not apply to persons employed in a public card room operating under a Class B or Class D license only. In addition, the applicant must complete a training course as provided by the commission within 30 days after the first day worked.

(3) If an applicant elects to perform the duties of a card room employee prior to receiving a permanent license as authorized under the provisions of paragraph (1)(a) and (b) above, the commission shall retain the entire application fee regardless of the disposition of the application.

~~((3))~~ (4) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed to operate a public card room shall not be required to be

additionally licensed as a public card room employee to perform duties in connection with the card room. Except as provided in this section, an operator of a public card room shall not employ any unlicensed person to perform duties for which a license is required in or in connection with a public card room, and shall take all measures necessary to prevent an unlicensed person from doing so.

~~((4))~~ (5) The operator of a public card room or partner or officer of the entity operating the card room for which the applicant will work shall sign the application of each such public card room employee acknowledging that the applicant will be working for that operator with the operator's knowledge and consent.

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

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

AMENDATORY SECTION (Amending WSR 94-23-007, [filed 11/3/94,] effective 1/1/95)

WAC 230-04-190 Issuance of license—Expiration—Restrictions. (1) **Charitable and nonprofit organizations and agricultural fairs.** The commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

(a) Bingo;

(b) Raffles;

(c) Amusement games;

(d) Punchboards and pull tabs;

(e) Social card games; and

(f) Fund raising events as defined in RCW 9.46.0233: *Provided*, That any agricultural fair authorized under the provisions of chapter 15.76 or 36.37 RCW is prohibited from conducting fund raising events.

(2) **Commercial amusement games.** The commission may issue a separate license to any person to operate amusement games at one or more of the locations listed in WAC 230-04-138.

(3) **Commercial stimulant card games.** The commission may issue a license to any person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(4) **Public card room employee.** The commission may issue a license to any person to perform duties in a public card room.

(5) **Commercial stimulant punchboards and pull tabs.** The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to operate punchboards and pull tabs upon specified premises.

(6) **Manufacturers and distributors of gambling equipment and paraphernalia.** The commission may issue a separate or combination license to the following:

(a) Manufacturers of punchboards, pull tabs, devices for the dispensing of pull tabs, bingo equipment, and other gambling equipment, supplies, and paraphernalia; and

(b) Distributors of punchboards, pull tabs, devices for the dispensing of pull tabs, bingo equipment, and any gambling equipment, supplies, or paraphernalia for use in connection with authorized activities.

(7) **Representatives of manufacturers or distributors.** The commission may issue a separate license to a representative of a manufacturer or distributor to engage in the sale and distribution of gambling equipment and paraphernalia.

(8) **Recreational gaming activity permit.** The commission may issue a permit to an organization that has been in existence for at least six months to conduct a recreational gaming activity as defined by WAC 230-02-505.

(9) **License expiration.** Each such license shall be valid for one year from the date that it is issued: *Provided*, That license expiration dates may be adjusted by commission staff to schedule workload. Organizations licensed for more than one activity may have all expiration dates adjusted to end on the same day. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For purposes of computing fees under this section, any part of a month in which the activity is authorized to be operated shall be deemed to be a whole month. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant. Specific expiration dates are as follows:

(a) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(b) A license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall be in effect from the date the license was issued through the conclusion of the fair or festival;

(c) A license issued to conduct a card tournament shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days;

(d) A license issued to conduct a fund raising event shall be valid only for the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event: *Provided*, That a fund raising event license shall allow an organization to have possession of gambling equipment authorized for use at a fund raising event for a period of one year beginning on the day of the event and to rent such for up to four occasions per year to other organizations licensed to operate fund raising events;

(e) A license issued to an individual shall be valid for a period of one year from the date of employment or issuance, whichever occurs first: *Provided*, a ~~((bingo game))~~

charitable or nonprofit gambling manager license shall expire as set out in WAC 230-04-145.

(10) If any licensee fails to submit a properly completed application and all applicable fees prior to the normal expiration date, the license shall expire and the operation of the applicable activity must immediately cease. When a license expires, a new application must then be submitted and a precicensing evaluation/investigation to the extent deemed necessary by the director will be completed prior to granting a license: *Provided*, That if a properly completed renewal application and fees are received at the commission headquarters office within the fourteen-day period following the expiration date, the commission may reinstate the license using normal renewal procedures. Reinstating a license under this provision does not, in any case, grant authority to operate the activity during the period between the normal expiration date and the date of reinstatement.

(11) The commission may allow an applicant renewing an annual license or applying for an additional license to pay the license fee in two payments under the following conditions:

(a) The license fee is at least ~~((eight))~~ one thousand two hundred dollars;

(b) The applicant pays an administrative processing fee ~~((of twenty five dollars))~~ as set forth in WAC 230-04-202 or 230-04-203, plus one-half of the annual license fee at the time of application or renewal;

(c) Licenses issued under the two-payment plan shall be issued with an expiration date as determined by subsection (9) of this section and a second-half payment due date. If the second-half payment is received on or before the due date, the license will remain in effect until the expiration date. If the licensee fails to submit the second-half payment prior to the due date, the license shall expire and all operations of the activity must stop; and

(d) Gross gambling receipts during the first-half payment period must not exceed fifty percent of the authorized class limitation for annual gross gambling receipts. Licensees whose gross gambling receipts exceed fifty percent of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus ~~((twenty five dollars))~~ an administrative processing fee, as set forth in WAC 230-04-202 and 230-04-203.

(12) **Conditions of license issuance.** All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington which include but are not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;
- (d) Use and occupancy permit; and
- (e) Liquor license or permit.

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

AMENDATORY SECTION (Amending Order 260, [filed 12/22/94 and 11/17/94,] effective [1/1/95 and] 1/22/95)

WAC 230-04-202 Fees—Bona fide charitable/nonprofit organizations. Bona fide charitable and nonprofit organizations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. AMUSEMENT GAMES (Fee based on annual gross gambling receipts)		
* Class A	Premises only	\$ ((50)) <u>52</u>
Class B	Up to \$10,000	\$ ((50)) <u>52</u>
Class C	Up to \$25,000	\$((265)) <u>276</u>
Class D	Up to \$50,000	\$((425)) <u>443</u>
Class E	Over \$50,000	\$((740)) <u>772</u>
* Allows a charitable or nonprofit organization to enter into a contract with Class "B" or above commercial amusement game licensee to locate and operate amusement games on their premises.		
2. BINGO GROUP (Fee based on annual gross gambling receipts)		
(#) Class A	Up to \$ 15,000	\$ ((50)) <u>52</u>
Class B	Up to \$ 50,000	\$ ((155)) <u>161</u>
Class C	Up to \$ 100,000	\$ ((315)) <u>329</u>
Class D	Up to \$ ((300,000)) 250,000	\$ ((850)) <u>886</u>
Class E	Up to \$ 500,000	\$ ((1,430)) <u>1,492</u>
(##) Class F	Up to \$1,000,000	\$ ((2,870)) <u>2,996</u>
Class G	Up to \$1,500,000	\$ ((4,140)) <u>4,324</u>
Class H	Up to \$2,000,000	\$ ((5,530)) <u>5,776</u>
Class I	Up to \$2,500,000	\$ ((6,940)) <u>7,216</u>
Class J	Up to \$3,000,000	\$ ((8,390)) <u>8,658</u>
(###) Class K	Up to \$3,500,000	\$ ((9,300)) <u>9,712</u>
Class L	Up to \$4,000,000	\$((10,630)) <u>11,102</u>
Class M	Over \$4,000,000	\$((11,960)) <u>12,492</u>
3. CARD GAMES		
Class A	General (Fee to play charged)	\$((530))
Class B	Limited card games - hearts, rummy, ((mah-jongg)) mahjongg, pitch, pinochle, and cribbage (Fee to play charged)	\$((155)) <u>161</u>
Class C	Tournament only - no more than ten consecutive days per tournament	\$ ((50)) <u>52</u>
Class D	General (No fee to play charged)	\$ ((50)) <u>52</u>

4. FUND-RAISING EVENT		
Class A	One event - not more than 24 consecutive hours	\$((315)) <u>329</u>
Class B	One event - not more than 72 consecutive hours	\$((530)) <u>553</u>
Class C	Additional participant in joint event (not lead organization)	\$((155)) <u>161</u>
Class D	Fund-Raising Event Equipment Distributor - rents or leases, equipment for fund-raising event or recreational gaming activity for no more than ten times per year*	\$((210)) <u>219</u>
Class E	Fund-Raising Event Equipment Distributor - rents or leases equipment for fund-raising event or recreational gaming activity more than ten times per year.	\$((530)) <u>553</u>

* Charitable and nonprofit organizations licensed to conduct fund-raising events may rent their equipment up to four occasions during the term of the license without getting licensed as a distributor.

5. PUNCHBOARDS/ PULL TABS		(Fee based on annual gross gambling receipts)	VARIANCE	
Class A	Up to \$ 50,000	\$ 5,000	\$ ((505))	<u>527</u>
Class B	Up to \$ 100,000	\$ 5,000	\$ ((900))	<u>940</u>
Class C	Up to \$ 200,000	\$10,000	\$((1,700))	<u>1,774</u>
Class D	Up to \$ 300,000	\$10,000	\$((2,470))	<u>2,578</u>
Class E	Up to \$ 400,000	\$10,000	\$((3,190))	<u>3,330</u>
Class F	Up to \$ 500,000	\$10,000	\$((3,850))	<u>4,020</u>
Class G	Up to \$ 600,000	\$10,000	\$((4,460))	<u>4,658</u>
Class H	Up to \$ 700,000	\$10,000	\$((5,020))	<u>5,242</u>
Class I	Up to \$ 800,000	\$10,000	\$((5,530))	<u>5,776</u>
Class J	Up to \$1,000,000	\$20,000	\$((6,270))	<u>6,548</u>
Class K	Up to \$1,250,000	\$25,000	\$((6,960))	<u>7,268</u>
Class L	Up to \$1,500,000	\$25,000	\$((7,600))	<u>7,938</u>
Class M	Up to \$1,750,000	\$25,000	\$((8,130))	<u>8,490</u>
Class N	Up to \$2,000,000	\$25,000	\$((8,640))	<u>8,992</u>
Class O	Over \$2,000,000	Nonapplicable	\$((9,460))	<u>9,880</u>

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

6. RAFFLES (Fee based on annual gross gambling receipts)		
Class A	Up to \$ 5,000	\$ ((50)) <u>52</u>
Class B	Up to \$10,000	\$ ((155)) <u>161</u>
Class C	Up to \$25,000	\$ ((315)) <u>329</u>
Class D	Up to \$50,000	\$ ((530)) <u>553</u>

PROPOSED

Class E	Up to \$75,000	\$ ((850)) 886
Class F	Over \$75,000	\$((1,270)) 1,326

((+-))	12. SIX-MONTH PAYMENT PLAN	(See WAC 230-04-190)	\$((25)) 26
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Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

AMENDATORY SECTION (Amending WSR 95-12-052, [filed 6/2/95,] effective 7/3/95)

WAC 230-04-203 Fees—Commercial stimulant and other business organizations. All persons seeking to operate gambling activities at business locations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

7. COMBINATION LICENSE

<u>CLASS A</u>	<u>Allows gross gambling receipts of up to \$25,000 from bingo, \$7,500 from raffles, and \$7,500 from amusement games, not to exceed \$30,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.</u>	\$100
<u>CLASS B</u>	<u>Allows gross gambling receipts of up to \$60,000 from bingo, \$15,000 from raffles, and \$15,000 from amusement games, not to exceed \$75,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.</u>	\$260
<u>CLASS C</u>	<u>Allows gross gambling receipts of up to \$125,000 from bingo, \$30,000 from raffles, and \$30,000 from amusement games, not to exceed \$150,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.</u>	\$600

8. SEPARATE PREMISES

BINGO	Per occasion (see WAC 230-04-300)	\$((25)) 26
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((8-)) 9. PERMITS

AGRICULTURAL FAIR-BINGO RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-04-191)	\$((25)) 26
	(See WAC 230-25-330 and 230-02-505)	\$((50)) 52

((9-)) 10. CHANGES

NAME	(See WAC 230-04-310)	\$((25)) 26
LOCATION	(See WAC 230-04-320)	\$((25)) 26
FRE	(Date or time) (See WAC 230-04-325)	\$((25)) 26
LICENSE CLASS	(See WAC 230-04-260)	\$((25)) 26
DUPLICATE LICENSE	(See WAC 230-04-290)	\$((25)) 26

((10-)) 11. SPECIAL FEES

INVESTIGATION REPLACEMENT IDENTIFICATION STAMPS EXCEEDING LICENSE CLASS REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-04-240)	As required
	(See WAC 230-30-016)	\$((25)) 26
	(See WAC 230-04-260)	As required
	(See WAC 230-08-017)	As required

LICENSE TYPE	DEFINITION	FEE
1. CARD GAMES		
Class B	Limited card games - hearts, rummy, pitch, pinochle, ((mah-jongg)) mahjongg, and/or cribbage (Fee to play charged)	\$ ((455)) 161
Class C	Tournament only, no more than ten consecutive days per tournament.	\$ ((455)) 161
Class D	General (No fee to play charged)	\$ ((50))
Class E	General (Fee to play charged)	52
E-1	One table only	\$ ((370)) 386
E-2	Up to two tables	\$ ((635)) 663
E-3	Up to three tables	\$((1,060)) 1,106
E-4	Up to four tables	\$((2,120)) 2,214
E-5	Up to five tables	\$((3,190)) 3,330

2. COMMERCIAL AMUSEMENT GAMES		
	(Fee based on annual gross gambling receipts)	
* Class A	Premises only	\$((265/115)) 276/3126
Class B	Up to \$ 50,000	\$ ((370)) 386
Class C	Up to \$ 100,000	\$ ((950)) 992
Class D	Up to \$ 250,000	\$((2,120)) 2,214
Class E	Up to \$ 500,000	\$((3,720)) 3,884
Class F	Up to \$1,000,000	\$((6,380)) 6,662
Class G	Over \$1,000,000	\$((7,980)) 8,334

* Allows a business that is qualified under WAC 230-04-138 (1)(f), (g), (h), (i), or (j) to enter into a contract with a class "B" or above commercial amusement game licensee to locate and operate amusement games upon their premises.

** Provides for a fee reduction of \$150 when: Renewing an annual license; applying for an additional license(s) at the same premises; and/or applying for multiple licenses at the same premises.

PROPOSED

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3. PUNCHBOARDS/ PULL TABS		(Fee based on annual gross gambling receipts)		VARIANCE*	
Class A	Up to \$50,000	\$ 5,000	\$ ((505))	<u>527</u>	
Class B	Up to \$100,000	\$ 5,000	\$ ((900))	<u>940</u>	
Class C	Up to \$200,000	\$10,000	\$((1,700))	<u>1,774</u>	
Class D	Up to \$300,000	\$10,000	\$((2,470))	<u>2,578</u>	
Class E	Up to \$400,000	\$10,000	\$((3,190))	<u>3,330</u>	
Class F	Up to \$500,000	\$10,000	\$((3,850))	<u>4,020</u>	
Class G	Up to \$600,000	\$10,000	\$((4,460))	<u>4,658</u>	
Class H	Up to \$700,000	\$10,000	\$((5,020))	<u>5,242</u>	
Class I	Up to \$800,000	\$10,000	\$((5,530))	<u>5,776</u>	
Class J	Up to \$1,000,000	\$20,000	\$((6,270))	<u>6,548</u>	
Class K	Up to \$1,250,000	\$25,000	\$((6,960))	<u>7,268</u>	
Class L	Up to \$1,500,000	\$25,000	\$((7,600))	<u>7,938</u>	
Class M	Up to \$1,750,000	\$25,000	\$((8,130))	<u>8,490</u>	
Class N	Up to \$2,000,000	\$25,000	\$((8,640))	<u>8,992</u>	
Class O	Over \$2,000,000	Nonapplicable	\$((9,460))	<u>9,880</u>	

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

4. DISTRIBUTOR		(Fee based on annual gross sales of gambling related supplies and equipment)	
(a) Class A	Nonpunchboard/pull tab only	\$ ((530))	<u>553</u>
Class B	Up to \$ 250,000	\$((1,060))	<u>1,106</u>
Class C	Up to \$ 500,000	\$((1,590))	<u>1,660</u>
Class D	Up to \$1,000,000	\$((2,120))	<u>2,214</u>
Class E	Up to \$2,500,000	\$((2,760))	<u>2,882</u>
Class F	Over \$2,500,000	\$((3,400))	<u>3,550</u>

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.

(b) FUND-RAISING EVENT EQUIPMENT DISTRIBUTOR		
Class A	Rents or leases equipment for fund-raising event or recreational gaming activity up to 10 times per year.	\$((210)) <u>219</u>
Class B	Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year.	\$((530)) <u>553</u>

5. MANUFACTURER (Fee based on annual gross sales of gambling related supplies and equipment)

Class A	Machines only	\$ ((530)) <u>553</u>
Class B	Up to \$ 250,000	\$((1,060)) <u>1,106</u>
Class C	Up to \$ 500,000	\$((1,590)) <u>1,660</u>
Class D	Up to \$1,000,000	\$((2,120)) <u>2,214</u>
Class E	Up to \$2,500,000	\$((2,760)) <u>2,882</u>
Class F	Over \$2,500,000	\$((3,400)) <u>3,550</u>

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification, quality control inspection for additional activities or product lines, and renewal of licenses when travel cost is incurred to complete the investigation.

6. PERMITS

AGRICULTURAL FAIR/ SPECIAL PROPERTY BINGO		
Class A	One location and event only (See WAC 230-04-191)	\$ ((25)) <u>26</u>
Class B	Annual permit for specified different events and locations (See WAC 230-04-193)	\$((155)) <u>161</u>
RECREATIONAL GAMING ACTIVITY (RGA)		
	(See WAC 230-02-505 and 230-25-330)	\$ ((50)) <u>52</u>

7. CHANGES

NAME	(See WAC 230-04-310)	\$((25)) <u>26</u>
LOCATION	(See WAC 230-04-320)	\$((25)) <u>26</u>
BUSINESS	(Same owners)	\$((50)) <u>52</u>
CLASSIFICATION LICENSE CLASS		
	(See WAC 230-04-340) (See WAC 230-04-260) New class fee, less previous fee paid, plus	\$((25)) <u>26</u>
DUPLICATE LICENSE	(See WAC 230-04-290)	\$((25)) <u>26</u>
OWNERSHIP OF STOCK LICENSE	(See WAC 230-04-340)	\$((50)) <u>52</u>
TRANSFERS	(See WAC 230-04-125, 230-04-340, and 230-04-350)	\$((50)) <u>52</u>

8. SPECIAL FEES

INVESTIGATION IDENTIFICATION AND INSPECTION SERVICES STAMPS	(See WAC 230-04-240) (See WAC 230-08-017)	As required
QUALITY CONTROL INSPECTION FEES	(See WAC 230-30-030)	As required
REPLACEMENT OF IDENTIFICATION STAMPS	(See WAC 230-30-016)	\$((25)) <u>26</u>
EXCEEDING LICENSE CLASS	(See WAC 230-04-260)	As required

REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-08-017)	As required
SPECIAL SALES PERMITS	(See WAC 230-04-115)	As required

9. SIX-MONTH PAYMENT PLAN	(See WAC 230-04-190)	\$(25) <u>26</u>
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Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

AMENDATORY SECTION (Amending Order 289 [WSR 96-09-070, filed 4/16/96,] effective 7/1/96)

WAC 230-04-204 Fees—Individuals. Individuals shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. CHARITABLE OR NONPROFIT GAMBLING MANAGER	Original	\$(155) <u>161</u>
	Renewal	\$(75) <u>78</u>
	Change of Employer	\$(75) <u>78</u>
2. COMMERCIAL GAMBLING MANAGER	Original	<u>\$155</u>
	Renewal	<u>\$75</u>
	Change of Employer	<u>\$50</u>
((2)) 3. DISTRIBUTOR'S REPRESENTATIVE	Original	\$(240) <u>219</u>
	Renewal	\$(130) <u>135</u>
	Change of Employer	\$(50) <u>52</u>
((3)) 4. MANUFACTURER'S REPRESENTATIVE	Original	\$(240) <u>219</u>
	Renewal	\$(130) <u>135</u>
((4)) 5. PUBLIC CARD ROOM EMPLOYEE	Original	\$(155) <u>161</u>
	Renewal	\$(75) <u>78</u>
((5)) 6. OTHER FEES		
CHANGE OF NAME	(See WAC 230-04-310)	\$(25) <u>26</u>
DUPLICATE LICENSE REPLACEMENT	(See WAC 230-04-290)	\$(25) <u>26</u>
OUT-OF-STATE RECORDS INQUIRY	(See WAC 230-04-240)	As required

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.

AMENDATORY SECTION [(Amending WSR 92-22-058, filed 10/29/92)]

WAC 230-04-220 Prorating and refunding of fees.

(1) Unless otherwise provided by law, there will be no prorating or refunding of any license fee subsequent to issuance of a license or permit for the following actions:

- (a) Discontinuation of business;
- (b) Voluntary surrender of a license or permit; and
- (c) When a license or permit has been suspended, revoked, or otherwise cancelled.

(2) Upon denial, voluntary withdrawal or administrative closure of an application for license, adoption or change of trade name, or change of location, the commission shall retain that portion of the fee tendered therewith as is necessary to offset its costs of processing and investigating the ~~((propriety of issuance of the license))~~ application: Provided, That the commission shall retain the entire fee when an individual license applicant performs any or all portions of the duties for which a permanent license is sought.

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

AMENDATORY SECTION [(Amending WSR 94-23-007, filed 11/3/94)]

WAC 230-08-017 Control of gambling equipment—Use of identification and inspection services stamps.

To ensure gambling equipment is used only as authorized, manufacturers, distributors, and operators shall maintain close control over all gambling equipment in their possession. Each transfer of such equipment shall be documented by completing an invoice or other written record setting forth the information required by WAC 230-08-040. Identification and inspection services stamps obtained from the commission shall be used to identify gambling equipment and shall be permanently and conspicuously affixed to all equipment and devices designated by the commission. Once attached, identification and inspection services stamps shall not be removed, disfigured, or otherwise tampered with by any person. These stamps shall be attached and controlled in the following manner:

- (1) Identification and inspection services stamps shall be attached to the following gambling equipment and devices:
 - (a) Punchboards and pull tab series;
 - (b) Pull tab dispensing devices;
 - (c) Disposable bingo cards: *Provided*, That this requirement applies to cards shipped for use in Washington state after December 31, 1993. All inventory on hand at the distributor and operator level at the close of business on December 31, 1993, shall be exempt from this requirement; ~~((and))~~

(d) Coin or token-activated amusement games operated at any Class A amusement game license location;

(e) Electronic bingo card daubers; and

(f) Other gambling equipment or devices, as determined by the director.

(2) Identification and inspection services stamps shall only be sold to and attached by licensed manufacturers or commission staff: *Provided*, That a licensed owner of

PROPOSED

controlled gambling equipment may purchase and attach stamps per WAC 230-30-018;

(3) The fee charged for identification and inspection services stamps shall be set by the commission at a level sufficient to fund regulation and control of gambling equipment. Fees shall be as set out below:

(a) Punchboards and pull tabs:

(i) Standard - twenty-~~((six*))~~ seven cents;

(ii) Progressive pull tab series - ten dollars per series;

(iii) Step-up pull tab series with carry-over jackpot prizes - five dollars;

(b) Pull tab dispensing devices:

(i) Mechanical and electro-mechanical - twenty-~~((six*))~~ seven cents;

(ii) Electronic - pull tab dispensing devices that require initial and ongoing evaluation of electronic components or functions, such as reading encoded data on pull tabs, accounting for income or prizes, and other functions determined by the director - one hundred dollars annually.

(c) Step-up pull tab games with carry-over jackpot prizes - five dollars;

(d) Progressive jackpot pull tab games - ten dollars;

(e) Progressive jackpot pull tab dispensing devices - one hundred dollars per device;

~~((f*))~~ (f) Disposable bingo cards:

(i) Sets of individual cards or sheets of cards - twenty-~~((six*))~~ seven cents;

(ii) Collations of cards - one dollar and ~~((six*))~~ ten cents~~((s))~~;

(g) Coin or token-activated amusement games operated at any Class A amusement game license location - twenty-five dollars annually;

(h) Electronic bingo card daubers - ten dollars annually;

(i) Other equipment or devices - the actual cost of inspection or approval, as determined by the director.

(4) Devices that require identification and inspection services stamps to be installed annually shall have such stamps attached prior to placing any device into play and, on or before December 31 of the year preceding operation for each subsequent year: *Provided*, That annual identification and inspection services stamps shall be purchased and attached to electronic pull tab dispensing devices, coin operated amusement games, and electronic bingo card daubers located in the state on December 31, 1996, prior to the operation of such devices on or after January 1, 1997.

~~((4))~~ (5) Identification stamps shall only be affixed to gambling equipment or devices in such a manner as to assure reasonable inspection without obstruction. If equipment is enclosed or packaged within protective materials, the stamps shall be readily visible for inspection without removal of any portion of the protective packaging: *Provided*, That when more than one device is packed in a shipping carton, this requirement shall not apply if the identification and inspection services stamp numbers of all devices contained in the carton are printed or otherwise noted on the outside of the carton. Stamps and records entry labels shall be affixed in the following manner:

(a) Punchboards - on the reverse side in an area that will not obstruct removal of punches: *Provided*, That if sufficient space is not available on the reverse side, the records entry labels may be wrapped around and/or partially attached to the edge of a punchboard in a manner that will

not obstruct display of prizes available or other information required by rules of the commission;

(b) Pull tabs - on the face or reverse side of the flare. If placed on the face, then they must be in an area that will not obstruct prizes available or any other information required by rules of the commission; ~~((and))~~

(c) Pull tab dispensing devices - on the outside of the main body, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the pull tabs available for play. The records entry labels shall not be affixed to dispensing devices and may be discarded; and

(d) Disposable bingo cards - on the packing label attached to the outside of the shipping carton. Records entry labels shall be attached to the packing slip: *Provided*, That when a set or collation of cards is packed in more than one shipping carton, the stamp shall be attached to carton number one and the stamp number imprinted on all remaining shipping cartons.

~~((5))~~ (6) Identification and inspection services stamps shall not be attached to gambling equipment or devices that do not comply with rules of the commission. If a piece of equipment or a device requires specific commission approval, stamps shall not be affixed prior to such approval; and

~~((6))~~ (7) Any person requesting commission staff review, inspection, and/or evaluation of equipment, paraphernalia, services, or schemes related to licensed gambling activities shall reimburse the commission the cost to conduct such. If the ~~((requestor))~~ person requesting the service is currently licensed, there will be no assessment of cost for the first hour of service. A deposit of estimated cost may be required prior to performance of such service.

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

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

AMENDATORY SECTION [(Amending WSR 90-10-007, filed 4/19/90)]

WAC 230-08-125 Annual activity reports ~~((by operators of Class A, B, and C bingo, all classes of raffles, and bona fide))~~ Certain activities operated by charitable or nonprofit ~~((amusement games))~~ organizations. Each ~~((licensee for the operation of all classes of))~~ charitable or nonprofit organization licensed to operate raffles ~~((and bona fide charitable or nonprofit))~~, amusement games, ~~((and))~~ Class A, B, or C bingo games, or combination license shall submit to the commission an annual summary of ~~((each separate licensed activity on a form supplied by the commission))~~ all such activities. The annual report shall be completed as follows:

(1) The report form shall be furnished by the commission, and the completed report shall be received in the office of the commission or postmarked no later than ~~((30))~~ thirty days following the expiration of such organization's license year.

(2) The report shall be signed by the highest ranking officer or his/her designee. If the report is prepared by

someone other than this officer, then the preparer shall include his/her name and phone number on the report((:));

(3) The report shall be completed in accordance with the related instructions furnished with the report. The report shall include, among other items, the following:

((1)) (a) The gross gambling receipts from the conduct of each licensed activity;

((2)) (b) The total amount of cash prizes actually paid out, and the total of the cost to the licensee of all merchandise prizes actually paid out for each licensed activity. Donated prizes will be recorded at the fair market value of the prize at the time they were received by the organization;

((3)) (c) The net gambling receipts for each activity;

((4)) (d) Full details on all expenses directly related to each activity, including all compensation paid by the licensee to each person for any work connected with the management, promotion, conduct or operation of each of the licensed activities, including a description of the work performed by that person(~~—Provided that~~): Provided, That RCW 9.46.0277 and WAC 230-20-070 are observed in relation to the restriction against employing persons to conduct or otherwise take part in the operation of a raffle;

((5)) (e) The net income from each activity;

((6)) (f) The total number of sessions conducted during the year; and

((7)) (g) The total number of players participating in bingo games.

~~((8) Net income from the operation of)~~ (4) In addition, organizations that operate retail sales activities ((operated)) in conjunction with bingo games shall report the net income from such.

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

WSR 96-19-085
PROPOSED RULES
GAMBLING COMMISSION
[Filed September 18, 1996, 8:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-11-125.

Title of Rule: WAC 230-02-105 Annual measurement period—Defined, 230-02-123 Charitable or nonprofit organizations—Net return defined, 230-02-126 Charitable or nonprofit organizations—Minimum net return defined, 230-02-138 Positive cash flow from the bingo operation—Defined, 230-02-362 Primary market area defined, 230-02-364 Secondary market area defined, 230-02-366 Impact market area defined, 230-02-455 Social pastime defined, 230-02-503 Fund raising defined, 230-02-530 Circumstances outside the control of the licensee—Defined, 230-02-535 Permanent interruption of customer flow—Defined, 230-02-540 Temporary interruption of customer flow—Defined, 230-12-050 Extension of credit, loans, or gifts prohibited—Limited exception, 230-20-059 Maximum gross gambling receipts for bingo games—Prize and expense limitations—Minimum net return required, 230-20-060 Petitioning the director for a variance from net return requirements, 230-20-062 Minimum net return from bingo games—Sanctions, 230-20-064 Maxi-

num receipts, prizes, and expenses for bingo games—Net income required, 230-20-102 Bingo prizes—Record of winners, 230-20-120 No free food or beverages to be provided at bingo games—Exceptions, 230-20-125 Discounts and promotional gifts—Authorized—Limits, 230-20-190 Bingo card prices, 230-20-242 Activities conducted as a part of bingo games—Authorization—Restrictions, 230-20-249 Speed bingo—Operating procedures—Restrictions, and 230-20-325 Manner of conducting a raffle.

Purpose: WAC 230-02-105, this defines the term "annual measurement period" as the licensee's fiscal year; WAC 230-02-123, this defines the term "net return" as the total amount of return from the operation of bingo games after payment of reasonable prizes and necessary expenses. This rule further outlines the specific accounting which must take place to compute net return, including the handling of any local gambling taxes; WAC 230-02-126, this rule defines the term "minimum net return" as the minimum amount of funds generated from an organization's bingo operation that must be used to provide program services before any adjustments. Designation of minimum net return is based on the class of bingo license issued by the commission; WAC 230-02-138, this rule defines the term "positive cash flow from the bingo operation" as the operation of bingo games and associated activities at an income and expense level that does not require the use of cash or investment resources to sustain; WAC 230-02-362, this rule defines the term "primary market area" as the area within ten miles of the premises of a Class E or above bingo game; WAC 230-02-364, this defines the term "secondary market area" as the area within a ten to twenty-five mile radius from the premises of a Class E or above bingo game; WAC 230-02-366, this rule defines the term "impact market area" as the area that starts at the premises of an operating Class E or above bingo game and extends to a radius located fifty miles from such premises; WAC 230-02-455, this defines the term "social pastime" as a gambling activity conducted primarily for entertainment. This definition applies to charitable or nonprofit organizations that are either licensed to receive \$250,000 or less in annual gross gambling receipts, or are operating under the limited nonlicensure qualifications of RCW 9.46.0321. Further, any licensee that pays wages or rent to conduct bingo is deemed to be operating bingo for purposes of fund raising, (as opposed to operating under the term "social pastime") and is subject to net return requirements; WAC 230-02-503, this defines the term "fund raising" as a gambling activity which is operated with a profit motive and which is conducted for purposes of obtaining funds for a charitable or nonprofit organization's programs. Organizations conducting bingo are deemed to be "fund raising" when licensed to receive more than \$250,000 in gross gambling receipts; WAC 230-02-530, this defines the term "circumstances outside the control of the licensee" as any factors that impact an organization's ability to operate bingo games that is not within the control of the board of directors; WAC 230-02-535, this defines the term "permanent interruption of customer flow" as a decrease in a bingo operator's customer base that lasts more than six months, and is caused by circumstances outside the control of the licensee; WAC 230-02-540, this defines the term "temporary interruption of customer flow" as a decrease in a bingo operator's customer base for less than six months, when the circumstances that

PROPOSED

caused the decrease are outside the control of the licensee; WAC 230-12-050, this rule clarifies that use of electronic point-of-sale bank cards is not the use of credit. In addition, charitable and nonprofit organizations may accept credit cards for participation in raffles. Further, promotional gifts authorized by WAC 230-20-125 are exempted from the credit, loan, and gift prohibition; WAC 230-20-059, this rule establishes the minimum net income requirements that bingo operators must meet to ensure they are raising enough funds for their charitable or nonprofit programs; WAC 230-20-060, this rule sets forth the criteria for petitioning the director for a variance from net income requirements; WAC 230-20-062, this rule outlines the restrictions and procedures applicable to a bingo licensee that is out of compliance with the minimum net return provisions of WAC 230-20-059 and 230-20-060; WAC 230-20-064, this rule has been replaced by new rules WAC 230-02-105, 230-02-123, 230-02-126, 230-02-138, 230-02-362, 230-02-364, 230-02-366, 230-02-455, 230-02-503, 230-02-530, 230-02-535, 230-02-540, 230-20-059, 230-20-060, and 230-20-062. These new rules organize the definitions, duties, and procedures applicable to bingo operators into a more defined structure; WAC 230-20-102, this rule makes housekeeping changes; WAC 230-20-120, this rule clarifies that Class D and above bingo licensees are prohibited from providing food and beverages to players at a rate less than the usual and custom price. In addition, licensees who both fail to meet the minimum net return requirements of WAC 230-20-059 and operate a snack bar at a net loss will be in violation of this section; WAC 230-20-125, this rule authorizes the enhancement of bingo games through the use of both promotional discounts and gifts and "frequent player" incentives. In addition, procedural, monetary, and frequency of use restrictions for such promotions and incentives are further detailed; WAC 230-20-190, this rule allows participation without payment of the usual and customary charge in bingo games conducted by Class D or higher licensees, under promotions authorized by WAC 230-20-125. In addition, Class A, B, and C bingo licensees are prohibited from allowing free play before applicable house rules are produced in writing; WAC 230-20-242, this rule authorizes and establishes the procedures for offering bonus prizes based on a winning player's birth date; WAC 230-20-249, this rule authorizes and establishes the rules for conducting speed bingo; and WAC 230-20-325, this rule authorizes and establishes the procedure for offering discounted and bundled raffle tickets.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.0205, 9.46.0209, 9.46.075, 9.46.0237.

Summary: See Title of Rule and Purpose above.

Name of Agency Personnel Responsible for Drafting: David Shaw, Lacey, (360) 438-7654, ext. 310; Implementation: Frank Miller, Lacey, (360) 438-7654, ext. 302; and Enforcement: Ben Bishop, Lacey, (360) 438-7654, ext. 370.

Name of Proponent: Washington State Gambling Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Title of Rule and Purpose above.

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

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

Hearing Location: Cavanaugh's River Inn, North 700 Division, Spokane, WA 99202, on November 15, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by November 13, 1996, TDD (360) 438-7638, or (360) 438-7654, ext. 310.

Submit Written Comments to: David Shaw, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by November 13, 1996.

Date of Intended Adoption: November 15, 1996.

September 16, 1996

David Shaw

Rules and Policy Coordinator

NEW SECTION

WAC 230-02-105 Annual measurement period—Defined. "Annual measurement period" means the licensee's fiscal year as set forth in the license application.

NEW SECTION

WAC 230-02-123 Charitable or nonprofit organizations — Net return defined. "Net return" is the total amount of return from the operation of bingo games after payment of reasonable prizes and necessary expenses. Net return is expressed as a percent of bingo gross gambling receipts and is computed by dividing bingo gross gambling receipts into the combined net income from bingo games, punchboards/pull tabs, amusement games, and food, drink, or other retail sales activities conducted in conjunction with bingo games. For purposes of computing net return, local gambling taxes for bingo, punchboards/pull tabs, and amusement games, whether paid or accrued, will be added to the accounting net income.

NEW SECTION

WAC 230-02-126 Charitable or nonprofit organizations — Minimum net return defined. "Minimum net return" is the minimum amount of funds generated from the combined bingo operation that an organization is required to have available for use to provide program services before any adjustments. Minimum net return is based on the class of bingo license issued by the commission.

NEW SECTION

WAC 230-02-138 Positive cash flow from the bingo operation - Defined. "Positive cash flow from the bingo operation" means operating bingo games and associated activities at an income and expense level that does not require the use of the licensee's cash or investment resources to sustain the bingo game operation. A licensee will be deemed to have a "positive cash flow" from the bingo operation during any measurement period when the combined gross income of the operation during that same

measurement period, less all prizes and expenses, whether paid or accrued, is greater than zero. For purposes of computing total expenses for this section, the use of resources that do not require a current use of funds, such as amortization and depreciation of assets shall not be considered an expense of the bingo operation.

NEW SECTION

WAC 230-02-362 Primary market area defined.

"Primary market area" means the area that starts at the premises of an operating class E or above bingo game and extends to a radius that is located ten miles from such premises.

NEW SECTION

WAC 230-02-364 Secondary market area defined.

"Secondary market area" means the area that starts at a radius that is located ten miles from the premises of an operating class E or above bingo game and extends to a radius that is located twenty-five miles from the premises.

NEW SECTION

WAC 230-02-366 Impact market area defined.

"Impact market area" means the area that starts at the premises of an operating class E or above bingo game and extends to a radius that is located fifty miles from such premises.

NEW SECTION

WAC 230-02-455 Social pastime defined.

"Social pastime" means a gambling activity conducted primarily for entertainment. Charitable or nonprofit organizations are deemed to be conducting bingo as a social pastime when licensed to receive \$250,000 gross gambling receipts or less annually or operating under the provisions of RCW 9.46.0321: *Provided*, That any licensee that pays wages or rent to conduct bingo shall be deemed to be operating bingo for purposes of fundraising and must comply with net return requirements for their class of license, as set forth in Table 1 of WAC 230-20-059.

NEW SECTION

WAC 230-02-503 Fund raising defined.

"Fund raising" means a gambling activity conducted for purposes of obtaining funds for a charitable or nonprofit organization's programs and which is operated with a profit motive. Organizations are deemed to be conducting bingo for fund raising to support the purposes of the organization when licensed to receive more than \$250,000 gross gambling receipts.

NEW SECTION

WAC 230-02-530 Circumstances outside the control of the licensee - Defined. "Circumstances outside the control of the licensee" means any factors that impact an organization's ability to operate bingo games that are not directly or indirectly under the control of the board of

directors. The following examples of such circumstances may be considered by the director:

- (i) Premises destroyed or condemned;
- (ii) Lease for the premises expires without an option to renew;
- (iii) Unanticipated increases to rent that would put the licensee in jeopardy of being in violation of net return requirements;
- (iv) Significant nonbingo gambling activities operated within a licensee's impact market area by organizations outside the jurisdiction of the commission;
- (v) Closure of arterial exit ramps if within five miles of the premises;
- (vi) Loss of customer parking;
- (vii) Cancellation of public transportation; or
- (viii) Other permanent factors demonstrated by a licensee.

NEW SECTION

WAC 230-02-535 Permanent interruption of customer flow - Defined. "Permanent interruption of customer flow" means a decrease in the customers available to a licensee for longer than a six-month time period, when the circumstances which caused the interruption are outside the control of the licensee.

NEW SECTION

WAC 230-02-540 Temporary interruption of customer flow - Defined. "Temporary interruption of customer flow" means a decrease in the normal customers available to a licensee for a period of six months or less when the circumstances that caused the decrease are outside the control of the licensee. Examples of such interruptions are street repairs, damage to premises, inclement weather, etc.

AMENDATORY SECTION (Amending Order 253, filed 6/15/94)

WAC 230-12-050 Extension of credit, loans, or gifts prohibited~~(s)~~—Limited exception. No licensee, member or employee thereof shall extend credit, make a loan, or grant a gift to any person playing in an authorized activity, or which enables a person to play in an authorized activity. The consideration required to participate in the activity shall be collected in full, by cash ~~((or))~~, check, or electronic point-of-sale bank transfer, prior to participation~~((—Provided))~~; Provided, That this prohibition shall not apply to the following situations:

(1) The consideration paid for the opportunity to play a punchboard or pull tab series may be collected immediately after the play is completed only when such consideration is ten dollars or less; ~~((or))~~

(2) When a bona fide charitable or bona fide nonprofit organization conducting any of the activities authorized by chapter 9.46 RCW or commission rules has a regular billing system for all of the activities of its members with such organization, such billing system may be utilized in connection with the playing of any of the activities authorized hereunder if:

PROPOSED

(a) The playing of such activity is limited to regular members of such organization who have become regular members prior to the commencement of such activity and whose qualifications for membership were not dependent upon, or in any way related to, the playing of such activity; and

(b) The commission has given its prior written consent to the use of such billing system in connection with the conduct of activities authorized under these rules.

(3) Charitable or nonprofit organizations utilizing credit cards, issued by a state and/or federally regulated financial institution, for payment to participate in raffles; and

(4) Promotional gifts that are authorized by WAC 230-20-125.

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

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

NEW SECTION

WAC 230-20-059 Maximum gross gambling receipts for bingo games—Prize and expense limitations—Minimum net return required. Bingo shall be conducted only as a social pastime or for fund raising to support the purpose(s) of a charitable or nonprofit organization. Organizations licensed to conduct bingo games shall comply with the following procedures and limitations:

(1) Gross gambling receipts from the sale of bingo cards shall not exceed the limits by class of license for the organization's license year as set out in WAC 230-04-202 or as restricted by the commission under WAC 230-20-062;

(2) To ensure that organizations licensed to conduct bingo games meet the intent of RCW 9.46.010 and retain funds adequate to promote charitable and nonprofit programs, such organizations shall not award prizes or pay expenses to conduct bingo games that are excessive. Organizations that fail to retain at least the minimum net return for their class of license, as set forth in Table 1 of this section and as adjusted by the director, may be deemed to have paid excessive prizes or unnecessary expenses from the operation of bingo games. As a result, the commission may restrict the organization's gross gambling receipts, prizes, and/or expenses from bingo games or the organization may be subject to other enforcement actions recommended by the director.

Table 1

License Class Requirements*****	Annual Gross Gambling Receipts	Maximum Prize Payout Limits*	Annual Minimum Net Return
A	Up to \$ 15,000	No Limits	No Limits****
B	\$15,000- 50,000	No Limits	No Limits****
C	50,001- 100,000	No Limits	No Limits****
D	100,001- 250,000	No Limits	No Limits****
E	250,001- 500,000	Max of 85.0%	At least 2.0%
F	500,001- 1,000,000	Max of 84.0%	At least 4.0%
G	1,000,001- 1,500,000	Max of 82.0%	At least 6.0%
H	1,500,001- 2,000,000	Max of 80.0%	At least 8.0%
I	2,000,001- 2,500,000	Max of 78.0%	At least 10.0%
J	2,500,001- 3,000,000	Max of 76.0%	At least 12.0%
K	3,000,001- 3,500,000	Max of 74.0%	At least 14.0%
L	3,500,001- 4,000,000	Max of 72.0%	At least 15.0%
M	Over 4,000,000	Max of 72.0%	At least 16.0%

* = Applies only to licensees restricted by WAC 230-20-062.

** = Combined net income from punchboards/pull tabs, bingo, amusement games, raffles (when conducted in conjunction with the bingo game), and sales of food, drink, or other retail items, if applicable, plus local gambling taxes, as a percent of bingo gross gambling receipts.

*** = When a licensee is required to upgrade its license class in the last quarter of its annual license period, compliance with net return requirements will be measured at the lower license class.

**** = Combined net return must be equal to or greater than zero if wages or rent is paid to operate the activity. Local gambling taxes are not considered an expense for computing net return.

NOTE: The minimum net return requirements set forth in this table may be adjusted by the director.

NEW SECTION

WAC 230-20-060 Petitioning the director for a variance from net return requirements. The director may allow a licensee that is being impacted by one or more factors set forth in this subsection a variance to return less funds than the requirements set out in Table 1 of WAC 230-20-059. When petitioning the director for such a variance, the licensee bears the burden of clearly setting forth all facts to demonstrate that it qualifies to be granted the variance.

What factors will be considered by the director in a request for a variance?

(1) In determining the scope and period of time for variances, the director shall consider at least the following factors:

(a) The competition from gambling activities within a licensee's impact market area;

(b) Whether the organization has been previously licensed to conduct bingo at any level prior to beginning operations;

(c) Circumstances outside the control of the licensee that directly impact the bingo game;

(d) The impact on the licensee's charitable or nonprofit programs;

(e) The licensee's record of compliance with net return requirements prior to being impacted by any new factors;

(f) The level of prizes being paid by the licensee; and

(g) Other factors defined by the licensee.

What are the reasons for requesting a variance?

(2) Variances granted by the director under subsection (1) of this section shall be limited cumulatively to a total of two percentage points and individually to those set forth below in this subsection. The director may extend or modify a variance at the end of the approval adjustment period if a licensee demonstrates continued impact and a request for an extension is received prior to the end of the adjustment period. The following variances are authorized:

(a) When a new class E or above or any bingo game not under the jurisdiction of the commission begins operations within the primary market area of an operating class E or above bingo game, and:

(i) The new game operates two or more occasions per week that are common to the currently operating game, the annual minimum net requirements may be decreased by up to a maximum of two percentage points, depending on the size of the game impacting the licensee, for a period not to exceed two annual measurement periods after operation of the new game begins; or

(ii) The new game operates one occasion or less per week that is common to the currently operating game, the annual minimum net return requirement may be decreased by up to a maximum of one percentage point for a period not to exceed one annual measurement period after operation of the new game begins.

(b) When a new class E or above or any bingo game not under the jurisdiction of the commission begins operations within the secondary market area of an operating class E or above bingo game and the new game operates on two or more occasions common to the current game, then the minimum net return requirement may be decreased by one

percentage point for a period not to exceed one annual measurement period after operation of the new bingo game begins;

(c) When an organization is forced to move its game:

(i) Within its primary market area - the actual cost of the move and expenses incurred during the time period the game is closed for the move shall be factored out of the computation of net return for the period. In addition, the minimum net return requirement may be decreased by one percentage point for a period of six months after beginning operation in the new location;

(ii) Outside its primary market area - the actual cost of the move and expenses incurred during the time period closed for the move shall be factored out of the computation of net return for the period. In addition, the minimum net return requirement may be decreased by one percentage point for a period not to exceed the first two annual measurement periods of operation in the new location;

(d) When an organization has not been previously licensed to conduct bingo at any level begins operation, the minimum net return requirement may be decreased by two percentage points for the first annual measurement period;

(e) When an organization experiences a temporary interruption in customer flow, the minimum net return requirement may be decreased by no more than two percentage points during the annual measurement period.

(f) When an organization experiences circumstances outside of its control, the minimum net return requirement may be decreased by up to two percentage points for up to two annual measurement periods, depending upon the severity of the impact; and

(g) When an organization experiences other factors within its impact market area, the director shall make a determination on a case-by-case basis but shall not exceed two percentage points or two measurement periods.

What do I have to do to request a variance?

(3) A licensee requesting a variance of the minimum net return requirements in Table 1 of WAC 230-20-059 shall bear the burden of clearly setting forth all facts to demonstrate that it qualifies to be granted the variance and shall follow these procedures:

(a) Submit a written petition to the director as soon as the factor impacting the bingo game is discovered. In no case may the petition be submitted later than thirty days following the end of the annual measurement period for which a variance is requested. This petition shall be detailed and include the specific circumstances for which such relief is sought;

(b) Provide objective evidence regarding the scope of the impact on the organization's charitable or nonprofit programs if a variance is not granted;

(c) Provide the date the factor causing the impact began and the estimated ending date, if known; and

(d) Provide a copy of the most recently issued financial statements if not currently on file with the commission.

How are variances calculated?

(4) For purposes of this section, variances shall begin on the first day of the next calendar quarter after the impact for which the variance is granted begins and continues for the number of calendar quarters authorized by the director.

Variations that span more than one annual measurement period shall be prorated over all measurement periods by multiplying the variance by the portion of the measurement period for which the variance is authorized.

Example: If a licensee is granted a two percent variance (.02) for one year at the beginning of the last quarter of the licensee's annual measurement period, the variance would be prorated as follows: a one-half percent (.05%) variance in the current measurement period [computed by multiplying the variance percent (.02) times one quarter (.25)]; and one and one-half percent variance (1.5%) in the subsequent measurement period [computed by multiplying the variance (.02) times three quarters (.75)].

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

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

NEW SECTION

WAC 230-20-062 Minimum net return from bingo games — Sanctions. A licensee that fails to comply with the minimum net return provisions of WAC 230-20-059, or as adjusted by the director pursuant to WAC 230-20-060, shall have its license restricted or be subject to summary suspension and revocation of its license. The following restrictions and procedures apply to this section:

(1) Any licensee that does not achieve the minimum net return for its class of license during any calendar quarter and whose net return falls below the annual minimum requirements when measured for its annual measurement period shall take immediate steps to ensure net return requirements for the annual period will be met by completing the following:

(a) Any licensee that is out of compliance by less than one percentage point shall, upon discovery of the problem, immediately evaluate prices, prize structure, and expenses for bingo and all activities conducted in conjunction with the bingo game and develop a plan to gain compliance. The plan and the degree to which the licensee implements the plan may be used as a part of the director's decision to grant a variance to a licensee, if one is later sought, and/or for recommendations made to the commission regarding actions to limit the organization's license class;

(b) Any licensee that is out of compliance by one percentage point or more, but less than three percentage points, shall report the condition to commission staff as soon as discovered, but in no case later than thirty days following the end of the quarter and shall take immediate steps to increase net return for bingo and all associated activities by either increasing prices, decreasing prizes, decreasing expenses, or a combination of all, and:

(i) Provide to the commission no later than forty-five days following the end of the quarter a written plan of actions to gain compliance. This plan shall be evaluated by commission staff. The plan and the degree to which the licensee implements the plan may be used as a part of the director's decision to grant a variance to a licensee and/or

recommendations to the commission regarding actions to limit or summarily suspend the organization's license;

(ii) Provide the commission additional reports determined by the staff as necessary to monitor progress toward compliance; and

(iii) If requested by the director, a committee of the licensee's management, including the chief executive officer, executive director, or equivalent manager, and the licensed gambling manager responsible of the bingo game shall meet with commission staff to discuss the action plan.

(c) Any licensee that is out of compliance by three percentage points or more shall, in addition to the requirements in subsection (b) above, immediately freeze all controllable expenses for bingo and all other activities operated in conjunction with bingo. The licensee must also take the from the commissioners and/or staff regarding the petition and bingo game operations. Any approval granted under this section may be made contingent upon future compliance or other factors as determined by the commission. In addition to the requirements set forth in WAC 230-20-060(3), petitions for relief under this section must include the following:

(a) The portion of the organization's programs that are charitable as compared to nonprofit;

(b) Income available to fund programs from other sources; and

(c) Estimated time that the maximum gross gambling receipts limit for its current license will be reached.

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

WAC 230-20-064 Maximum receipts, prizes, and expenses for bingo games—Net income required.

AMENDATORY SECTION (Amending Order 228, filed 10/15/91)

WAC 230-20-102 Bingo prizes—Record of winners. All payments of prizes for bingo games shall be accounted for and documented in a manner that affords independent verification of the amount paid and the fact of distribution to winners((-)); *Provided*, That Class A and B bingo licensees, organizations conducting bingo under the provisions of RCW 9.46.0321, and bingo activities conducted at a qualified agricultural fair are exempt from all portions of this rule if the requirements of WAC 230-08-015 are followed. Payment of all prizes shall be documented using the following procedures:

(1) A prize receipt shall be completed for each prize awarded at bingo games. The following minimum information shall be recorded for each prize awarded:

(a) The date;

(b) The game number;

(c) The complete name and address of the winner:

Provided, That an address of the winner is not required if ((the following control procedures are followed:

(i)) prizes greater than \$300 are paid by check or a combination of cash or check((+)) and:

~~((i))~~ (i) Checks ~~((must be))~~ are drawn on the licensee's gambling bank account;

~~((ii))~~ (ii) Checks ~~((will be))~~ are made payable only to the winner: *Provided*, That checks for prizes won by players under age ~~((+8))~~ eighteen may be made payable to the guardian or immediate family member accompanying the player;

~~((iv))~~ (iii) The game number and prize receipt number ~~((shall be))~~ are notated on the check;

~~((v))~~ (iv) Checks used ~~((must be))~~ are of a type that provides a duplicate copy. The copies become a part of the daily bingo records and must be maintained as such;

~~((vi))~~ (v) All original checks ~~((must be))~~ are returned by the bank to the licensee. Original checks shall be available for inspection upon demand by the commission; and

~~((vii))~~ (vi) Checks drawn on the licensee's gambling account ~~((shall))~~ are not ~~((be))~~ cashed or otherwise redeemed by the licensee or on the licensee's premises~~((:))~~;

(d) The dollar amount of the prize or the licensee's cost of noncash prizes;

(e) A full description of all noncash prizes;

(f) The check number, if any portion of the prize is paid by check; and

(g) The initials of the bingo worker making the payout and the cashier making the payment.

(2) Prize receipts shall be printed by a commercial printer and meet the following standards:

(a) Manufactured of two-part, self-duplicating paper that provides for an original and a duplicate copy;

(b) Imprinted with the name of the licensee and a consecutive ascending number that does not repeat in at least 100,000 occurrences: *Provided*, That Class E and smaller licensees may utilize receipts that are not imprinted with the licensee's name and which the consecutive number does not repeat in at least 1,000 occurrences; and

(c) Provide space for the licensee to record the information required by subsection (1) above.

(3) Prize receipts shall be consecutively issued in an ascending order. Prize receipts bearing a number below the highest number issued during a session shall be voided and retained with the daily records.

(4) The original of each prize receipt shall be given to the winner and a duplicate copy shall be retained by the licensee as a part of its records for a period of not less than three years.

(5) All prize receipts purchased or otherwise obtained must be accounted for by the licensee. Prize receipts purchased or otherwise obtained by the licensee shall be documented on a vendor's invoice. This invoice, or a photocopy thereof, shall be maintained on the premises and available for inspection by commission staff. The following information shall be documented on the purchase invoice:

(a) Name of the vendor;

(b) Name of the purchasing organization;

(c) Date of purchase;

(d) Number of receipts purchased; and

(e) The beginning and ending receipt number.

(6) Increases to the prize pool for progressive prize type games may be accrued and treated as prizes awarded during the current session if the following conditions are met:

(a) Prize receipts will be issued only when the prize is actually awarded;

(b) Full details of accrued prizes outstanding at the end of each calendar quarter, will be furnished on the licensee's activity report;

(c) Once an election is made to accrue prizes for a particular game, all increases to that prize must be accrued;

(d) Prizes must be accrued after the completion of each session in which they are increased;

(e) A reconciliation of the prize fund shall be made on each "Daily summary - Cash control" record;

(f) The amount of prize accrued shall be deposited in the gambling receipts account per WAC 230-12-020;

(g) The balance of the gambling receipts banking account shall not be reduced at any time below the amount of prizes accrued and currently being offered: *Provided*, That accrued prizes may be transferred to a special bank account, for this purpose, if the balance is maintained at a level equal to or greater than the amount of prizes accrued and currently being offered; and

(h) In the event management elects to discontinue games for which prizes have been accrued, the operator shall amend all activity reports and tax returns previously submitted to reflect the actual prizes awarded.

AMENDATORY SECTION (Amending Order 12, filed 2/14/74)

WAC 230-20-120 No free food or beverages to be provided at bingo games~~((:))~~—Exceptions. ~~((No licensee for the operation of))~~ Class D or above bingo ((games)) licensees shall not provide food or beverages to players for free, or for a consideration which is less than the current normal and usual retail price in the city or county in which the gambling activity is operated ((for such prepared food or beverage, to players in such bingo games: *Provided*, That this provision shall not apply to Class A and B bingo licensees)). Licensees that fail to meet minimum net return requirements of WAC 230-20-059, Table 1, and operate a snack bar at a net operating loss may be deemed to be in violation of this section.

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 230-20-125 Discounts and promotional gifts—Authorized—Limits. To increase profits from bingo games and enhance the entertainment aspect of such, licensees may conduct limited promotional activities. The following restrictions and procedures apply to promotional activities conducted as a part of bingo games:

(1) Licensees may promote bingo games by providing players discounts or gifts of nominal value on up to eight occasions annually under the following conditions:

(a) Licensees may offer players discounts or reductions in the price to play bingo for purposes of evaluating the effectiveness of advertising of bingo games if:

(i) Discounts are only awarded to players that present a coupon that was issued by the licensee for a specific date and session;

(ii) Coupons shall not be available on the licensed premises: *Provided*, That this section does not prevent the sale of newspapers in which such coupons are printed on the licensed premises;

(iii) Coupons are printed in newspapers or similar media that are normally sold or delivered to an individual's residence;

(iv) The discount does not exceed fifty percent of the minimum cost to play or three dollars, whichever is less;

(v) Any conditions or restrictions of the discount are disclosed in all advertisements offering the discount; and

(vi) Records required by subsection (4) of this section are maintained.

(b) Licensees may award promotional gifts to players if:

(i) Only merchandise gifts with a cost to the licensee of no more than three dollars per gift are awarded;

(ii) The gifts are treated as prizes; and

(iii) A record is completed for each session setting out the criterion for selecting the recipients, the number of gifts, and total cost of the gifts.

(c) Licensees may provide special recognition gifts to players during the calendar week of their birthday. These gifts are excluded from the eight occasion limitation if:

(i) Such gifts shall not exceed a value of three dollars;

(ii) The recipient's name and date of birth are recorded; and

(iii) These gifts are treated as prizes and applicable records are maintained.

(2) Licensees may promote bingo games by offering incentives to players which are based on the customer participating in games for a specific number of sessions or for spending a specific dollar amount to play bingo over a period of time if:

(a) These "frequent player" incentives shall be redeemed only for promotional marketing gifts, whose cost does not exceed one half of one percent of the dollar amount spent by the player through the licensee's cash register receipting method of sales;

(b) These incentives shall be accumulated in the form of "credits" or "points" that equate to a specified number of dollars spent by the player;

(c) Such credits or points shall have no cash or partial redemption value;

(d) Players shall be informed of any expiration date of points or credits earned;

(e) The licensee shall develop a control system to account for points or credits issued, redeemed, or expired. Credits or points shall be controlled by issuing points at the time of cash register receipting method sale and recorded either with a computer-based tracking system or approved manual system. The following conditions apply to accumulation records:

(i) If cards are used, cards shall meet all of the requirements set forth for tickets used for receipting for bingo income in WAC 230-20-104 and the recording of credits on such cards shall be accomplished by means under control of the licensee, such as stamps, punches, employee initials, etc.; and

(ii) Computer-based records used to record points shall be approved by the commission staff.

(3) Licensees shall use the combination receipting method set forth in WAC 230-20-108 to record discounts

awarded by this section. All discounts shall be recorded on the cash register receipt during the sales transaction;

(4) Records must be maintained as a part of the daily bingo records that provide full details of each discount or gift awarded. All discounts must be reconciled to sales and cash on the "Bingo daily record-Cash control" record. Such records must include at least the following details:

(a) Time and date of the activity;

(b) Full description of the activity, including any conditions or restrictions;

(d) A copy of all advertisements for such promotions; and

(e) All coupons or "frequent player" cards redeemed which shall include the name, address, and birth date of customers redeeming such.

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

AMENDATORY SECTION (Amending WSR 95-12-051, filed 6/2/95)

WAC 230-20-190 Bingo card prices. No person shall be allowed to play in a bingo game conducted by Class D or higher licensee for free ((not)) or without first paying the licensee's normal and usual charge ((therefor, except that this provision shall not apply to bingo games conducted under the authority of a Class A or B license issued by the commission or games conducted without a license under chapter 9.46 RCW)), except as authorized by WAC 230-20-125. Class A, B, or C licensees allowing free play shall develop house rules governing such. These rules shall be in writing and available for review by commission staff, local law enforcement, or taxing authorities upon request.

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

AMENDATORY SECTION (Amending Order 263 [293], filed 12/5/94 [6/18/96])

WAC 230-20-242 Activities conducted as a part of bingo games—Authorization—Restrictions. Bingo licensees may award prizes to winners of activities authorized by this section when such activities are conducted as a part of bingo games. Such activities shall be deemed to be bingo games if all players paying to participate are allowed to compete equally and all prizes awarded are treated as bingo game prizes for purposes of compliance with WAC 230-20-059. The following activities are authorized:

(1) Drawings. Each licensee shall be allowed to award prizes that are determined by a random drawing of tickets or by other random selection methods involving the numbering system on such tickets if the requirements of WAC 230-20-104(2) are followed and:

(a) All rules regarding these drawings, including requirements to qualify for participation, time and date of the drawing, and whether a player must be present to win are clearly posted and distinctly explained to the players;

(b) Tickets or other facsimiles used to enter such drawings are awarded only to players purchasing cards to play in bingo games;

(c) Tickets, from which the winners of any such drawing are selected, shall not be accumulated for a period that is longer than thirty days. Drawings may be conducted using tickets that accumulate during any bingo occasion, week, or any other period that does not exceed thirty consecutive days;

(d) Licensees may restrict the awarding of tickets to players that are:

- (i) Winners of bingo games;
- (ii) "Good neighbors"; or
- (iii) Other players that meet predetermined specific requirements;

(e) The criterion for granting tickets, and the number of tickets awarded during each session, shall be recorded in the daily bingo record for each session. All winning tickets and other records shall be maintained as a part of the daily bingo records;

(2) Creativity and originality contests (competition to determine the best costume, flower arrangement, cake decorating, ugliest tie, or other activities requiring skill or original thought). A bingo licensee may conduct contests in which players may demonstrate their creativity and originality skills on up to ~~four~~ eight occasions annually. The following rules must be observed in conducting these contests:

(a) The total value of prizes shall not exceed five hundred dollars during any occasion;

(b) Only players who have paid to participate in bingo games during the current session may participate in the contest; and

(c) A record shall be completed for each contest setting out the criterion for selecting the winners, the number of participants in the contest, and all details required by WAC 230-08-080 and 230-20-102. Such records shall be maintained as a part of the daily bingo records.

(3) "Good neighbor" prize schemes. A licensee may award prizes based upon the seating location of a player or players in regards to a winner of a bingo game. The following requirements must be observed prior to awarding "good neighbor" prizes:

(a) All rules regarding these prizes, including the amount to be awarded to each "good neighbor" or group of "good neighbors" and all requirements to qualify for a prize, must be clearly posted and distinctly explained to the players; and

(b) A record shall be completed setting out the criterion for awarding such prizes, the number of such prizes awarded during each session, and all details required by WAC 230-08-080 and 230-20-102. Such record shall be maintained as a part of the daily bingo records.

(4) Second element of chance schemes may be used to increase the minimum prize for a bingo game after the winner(s) of the game has been determined by calling numbers and symbols if:

(a) The schemes do not involve the use of gambling devices specifically prohibited by public policy or commission rules;

(b) A player's minimum odds of winning the highest prize is equal to or greater than one winner out of one

hundred twenty-five chances or the probability of winning the highest prize is .008 or greater;

(c) The scheme does not require the player to risk any portion of a prize already won;

(d) Every possible outcome of the scheme provides the player with an additional prize;

(e) All rules regarding play of the game are clearly posted and distinctly explained to the players. At least the following information shall be disclosed:

(i) The players minimum odds of winning the highest prize;

(ii) How a winner is determined;

(iii) Any contingencies or special requirements that may affect the outcome;

(iv) The cash value of the highest prize available; and

(v) Any financial burden that must be borne by the winner, such as taxes or registration fees.

(f) All requirements of WAC 230-20-010 are met before cards are purchased; and

(g) The scheme and supporting records contain control factors necessary for commission audit.

~~(5) (Licensees may award promotional gifts to bingo players on up to six occasions annually if:~~

~~(a) Only merchandise gifts with a cost to the licensee of no more than three dollars per gift, are awarded; and~~

~~(b) A record shall be completed for each session setting out the criterion for selecting the recipients, the number of gifts, and total cost of the gifts. Such records shall be maintained as a part of the daily bingo records.)~~ Birthday awards. Licensees may offer bonus prizes that are based upon a winning player's birth date. Such prizes are restricted as follows:

(a) The maximum bonus prize is fifty dollars;

(b) The player's birthday must be within the calendar week that the winning combination occurred and the bonus is paid;

(c) A licensee may award only one birthday bonus to any player during any calendar year;

(d) In addition to all requirements of WAC 230-20-102, the prize receipt for such prizes must include:

(i) The address of the winner;

(ii) The player's date of birth; and

(iii) The type of identification provided by the player to verify the winner's date of birth.

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

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

NEW SECTION

WAC 230-20-249 Speed bingo—Operational procedures—Restrictions.

Licensees may play "speed bingo" if the conditions set forth in this section are followed:

(1) For purposes of this section, "speed bingo" is defined as a bingo game that:

(a) Is played using a reduced number of balls and special hard cards with less than twenty-five spaces;

(b) The rate of calling numbers is faster than normal;

(c) The price to play includes an "ante," which is retained by the licensee, and a wager that begins at three units and decreases by one for each number covered on a player's card; and

(d) players compete against all other players for a pool of prizes that varies according to the numbers covered by players during the game;

(2) The following restrictions apply to speed bingo:

(a) The price to play speed bingo, including wagers, shall not exceed two dollars per card, per game;

(b) The price to play shall be the same for each card;

(c) The licensee shall not retain any part of players' wagers and all wagers not covering a called number on a player's card shall be paid to winners. If there is more than one winner, wagers shall be equally split among all winners: *Provided*, That licensees may develop a scheme for splitting odd numbers of chips between winners; and

(d) Gross gambling receipts for speed bingo shall be only the amount of fees collected from players for tickets to participate and excludes wagers and prizes paid to players.

(3) Speed bingo shall be played as follows:

(a) The game shall be played using thirty balls, numbered one through thirty;

(b) Special hard cards that have three spaces imprinted with numbers one through thirty shall be used to play speed bingo;

(c) Tickets shall be used by players to participate in the game. The following procedures apply to tickets:

(i) Players shall purchase tickets for play prior to start of any game;

(ii) All tickets and wagering chips shall be the same value;

(iii) The ticket receipting method set forth in WAC 230-20-105 shall be used to receipt for income received to play games;

(iv) All tickets shall be stamped with the calendar date at the time sold to players;

(v) Different colored tickets shall be used for each session speed bingo is played; and

(vi) Tickets sold and collected from players shall be reconciled to cash for each session.

(d) Wagers shall be made and prizes paid using wagering chips. The requirements of WAC 230-40-070 shall be followed for wagering chips and banking services;

(e) Each player pays the licensee one ticket for each bingo card played for each game;

(f) Each player's beginning wager is three chips for each bingo card played during any single game. A player must have three chips for each card being played prior to the beginning of the game;

(g) During play of the game, players place a wagering chip on each number on their cards that is matched with called numbers. Once a wagering chip is used to cover a valid number, it is retained by the player and no longer available to be won by the game winner(s). Wagering chips must remain on the number on the card until all losing wagers are collected from players by the licensee. The bingo worker collecting wagers must verify that covered numbers are valid;

(h) The first player to cover all three numbers on any card is the winner;

(i) After the winning card is verified, all unprotected chips are collected from all players and paid to the winner.

(4) The following WAC sections are not applicable to speed bingo:

(a) WAC 230-20-010 (1)(b) requiring all prizes available to be disclosed to players prior to their paying to participate: *Provided*, That licensees shall disclose the per-card cost to play and the amount of wagers required to play a single card;

(b) WAC 230-20-240(2) requiring that seventy-five balls, numbered one through seventy-five, be used to conduct games;

(c) WAC 230-20-240 (4)(a) requiring bingo cards to have twenty-five spaces;

(d) WAC 230-20-240(5) requiring Class F and above licensees to use disposable or electronically-generated bingo cards;

(e) WAC 230-20-101 regarding the ticket receipting method;

(f) WAC 230-20-246(6) requiring the symbol or number to be displayed to players: *Provided*, That the symbol or number must be displayed by use of a flashboard required by WAC 230-20-240(3) and the flashboard and audio system shall be fully functional; and

(g) WAC 230-08-080(2) and WAC 230-20-102 regarding records for prizes awarded.

AMENDATORY SECTION (Amending Order 287 [WSR 96-07-077, filed 3/19/96], effective 7/1/96)

WAC 230-20-325 Manner of conducting a raffle.

All raffles shall be conducted by selling individual chances for not more than twenty-five dollars and awarding prizes by selecting winners by a random drawing from among all chances sold. The following operating procedures apply:

(1) All raffle chances shall be consecutively numbered tickets or other objects imprinted with letters or symbols that are not repeated within the population of all chances sold for a specific raffle;

(2) Raffle chances sold to the general public or for raffles that do not require the winner to be present at the drawing shall consist of a ticket that includes a stub or other detachable section bearing a duplicate number, letter, or symbol corresponding to the number, letter, or symbol on the ticket or object representing the player's chance. The portion retained by the raffle operator shall include the participant's name, complete address, telephone number, and/or other information necessary to notify the winner;

(3) All participants in a raffle must be informed of all rules by which such prizes may be won at the time of sale of a chance. This information shall be provided by either imprinting such on the participant's portion of the ticket or otherwise providing such to each participant in writing. The following information shall be provided to each participant:

(a) The cost of each chance;

(b) All prizes available, whether cash or merchandise;

(c) Date and time of drawing;

(d) Location of drawing;

(e) Whether an entrant is required to be present at a raffle drawing in order to be eligible to win a prize; and

(f) Name of organization conducting raffle.

(4) No person shall be required to pay, directly or indirectly, more than twenty-five dollars in order to enter any raffle: Provided, That the sale of more than a single ticket to a single participant or the sale of a booklet of tickets under approval of the director, as authorized by subsection (5) of this section, shall not be deemed a violation of this section;

(5) Each raffle ticket must be sold for the same price as every other raffle ticket being used for that particular raffle: (+): Provided, That the director may authorize a licensee to sell tickets at a discount if:

(a) A petition for approval for discount sales is received at the Lacey headquarters office at least thirty days prior to beginning the raffle for which such approval is requested. Each petition for approval to sell discounted raffle tickets shall include at least the following:

(i) A full description of the discount scheme;

(ii) The accounting controls and records to be used; and

(iii) A facsimile of the tickets and booklet cover planned for the raffle.

(b) Any licensee requesting approval for this activity shall reimburse the commission for all costs in reviewing and approval of such under the guidelines set forth in WAC 230-08-017;

(c) The organization has a class E or higher raffle license;

(d) Participants must be allowed to purchase a single ticket;

(e) Discounted tickets must be bundled into booklets that:

(i) Contain not more than five tickets;

(ii) Are not removed from the booklet and sold individually; and

(iii) The booklet cover of each ticket booklet is imprinted with a control number that meets the requirements of subsection (1) of this section.

(f) The maximum discount for a ticket bundled into a booklet is twenty percent of the single ticket price;

(g) The value of each ticket sold, net of the discount, shall be imprinted on the ticket; and

(h) Accounting procedures must be established that provide controls necessary to allow commission staff the ability to audit gross gambling receipts from such tickets.

(6) No free tickets, or any opportunity to participate in the drawing of any raffle, shall be awarded or given to a person as a prize or reward for selling raffle tickets or for purchasing a certain number of raffle tickets: *Provided, That noncash incentive awards may be provided to members selling tickets if:*

(a) Individual awards do not exceed a fair market value of ten dollars;

(b) The awards are based on the number of chances sold; and

(c) The fair market value of the total amount awarded for an individual raffle does not exceed two percent of the gross gambling receipts of the raffle.

(7) No person shall be required to obtain more than one chance to enter a raffle;

(8) Each ticket seller shall return to the licensee the stubs or other detachable section of all tickets sold. The licensee shall then place each stub or other detachable

section of each ticket sold into a receptacle from which the winning tickets are to be drawn;

(9) The ticket collection receptacle shall be designed so that each ticket has an equal opportunity to be drawn: *Provided, that an alternative drawing format to determine the winner may be utilized if such format is approved by the director before tickets are sold and the following requirements are complied with:*

(a) The organization must have a current raffle license;

(b) The alternate format must meet the definition of a drawing as defined by WAC 230-02-500;

(c) The random selection process used in the alternative format shall be fully disclosed to each player prior to selling a ticket;

(d) Any alternate format utilized to determine the winners must be closely controlled by the licensee; and

(e) The written request to utilize an alternative drawing format shall contain, at a minimum, the following information:

(i) The time, date and location of the drawing;

(ii) The type of random selection process to be used and complete details of its operation;

(iii) The name and telephone number of the raffles manager; and

(iv) The signature of the organization's chief executive officer;

(10) The raffle license issued by the commission or a copy of the license shall be posted in plain view at the location at all times during the occasion when a drawing is being conducted.

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

WSR 96-20-007
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services)
(Public Assistance)

[Filed September 20, 1996, 12:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-15-090.

Title of Rule: WAC 388-49-460 Unearned income.

Purpose: Counts, as unearned income used to calculate food stamp benefits, cash benefits reduced under a federal, state, or local means-tested program for failure to perform an action required under that program.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: Section 829 of HR 3734.

Summary: Clients who cause a program penalty which results in a reduced cash grant, will not receive any increase in food stamps as a result of that cash grant reduction.

Reasons Supporting Proposal: Section 829 of HR 3734 requires this change.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, (360) 413-3073.

Name of Proponent: Joan Wirth, Division of Income Assistance, governmental.

Rule is necessary because of federal law, Section 829 of HR 3734, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Explanation of Rule, its Purpose, and Anticipated Effects: Counts, as unearned income used to calculate food stamp benefits, cash benefits reduced under a federal, state, or local means-tested program for failure to perform an action required under that program.

Clients who cause a program penalty which results in a reduced cash grant, will not receive any increase in food stamps as a result of that cash grant reduction.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply to this rule.

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 98504-5800, on November 5, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by October 21, 1996, (360) 902-8317, or TTY (360) 902-8324.

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 November 5, 1996.

Date of Intended Adoption: November 6, 1996.

September 19, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3801, filed 10/26/94, effective 1/1/95)

WAC 388-49-460 Income—Unearned. (1) The department shall consider unearned income to include, but not be limited to:

- (a) An annuity, pension, or retirement;
- (b) Veteran or disability benefits;
- (c) Workmen or unemployment compensation;
- (d) Old-age, survivors, or social security benefits;
- (e) Strike benefits;
- (f) Payment from federally aided assistance programs based on need;
- (g) Support and alimony payments made directly to the household from a person residing outside the household;
- (h) Child support refund payments received by AFDC recipients from office of support enforcement;
- (i) Adult and child governmental foster care payments, provided the foster care recipient is a food stamp household member;
- (j) Educational benefits less excluded amounts (see income exclusions in WAC 388-49-470):
 - (i) Scholarships;
 - (ii) Educational grants including loans where repayment is deferred;
 - (iii) Fellowships without work requirements; and

- (iv) Veteran benefits.
- (k) Payments from government-sponsored programs;
- (l) Cash prizes, awards, lottery winnings, or gifts;
- (m) Dividends, interest, or royalties;
- (n) Gross income minus the cost of doing business from rental property if a household member is not managing the property at least twenty hours a week;
- (o) Money withheld to recoup an intentional noncompliance overpayment from a federal, state, or local means-tested program;
- (p) Direct money payments, such as interest, dividends, and royalties which are a gain or benefit;
- (q) Money legally obligated and otherwise payable to the household, but diverted by the provider of the payment to a third party, for a household expense; ~~(and)~~
- (r) Deemed income from an alien's sponsor; and
- (s) Cash benefits reduced under a federal, state, or local means-tested public assistance program for failure to perform an action required under that program.

(2) The department shall disregard the following as unearned income:

- (a) Money from any source voluntarily returned by a household member to repay a prior overpayment from the same source;
- (b) Child support payments assigned to office of support enforcement received by AFDC recipients.
- (3) The department shall verify gross nonexempt unearned income except for expedited service households:
 - (a) Before initial certification;
 - (b) At recertification if amount changes more than twenty-five dollars; and
 - (c) On a monthly basis for households subject to monthly reporting if the income changes.

**WSR 96-20-009
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed September 20, 1996, 12:59 p.m.]

Original Notice.

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

Title of Rule: WAC 388-215-1375 Deprivation—Unemployment—Defined and 388-215-1390 Deprivation—Redetermination of eligibility when deprivation ceases.

Purpose: Implements an option in Washington state's AFDC state plan to continue AFDC-E benefits for up to an eighteen-month period when the qualifying parent works one hundred hours or more per month and the child remains otherwise eligible.

Statutory Authority for Adoption: RCW 74.08.090 and 74.12.036.

Statute Being Implemented: 45 CFR 233.10 (b)(4).

Summary: As required by RCW 74.12.036, the department must amend WAC 388-215-1375 and 388-215-1390 to select a new state option in Washington's AFDC state plan to eliminate the one hundred hour rule for AFDC-E clients for up to an eighteen-month period.

PROPOSED

Reasons Supporting Proposal: This state option avoids the need and expense of administering the federal waiver demonstration project for the elimination of the one hundred hour rule for AFDC-E recipients. Implementing this state option will be beneficial to clients by improving their chances for long-term self-sufficiency. Adoption of this rule will also maximize available federal funding for the AFDC-E program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kevin Sullivan, Division of Income Assistance, (360) 438-3093.

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: WAC 388-215-1375 Deprivation—Unemployment—Defined and 388-215-1390 Deprivation—Redetermination of eligibility when deprivation ceases. Implements an option in Washington state's AFDC state plan to continue AFDC-E benefits for up to an eighteen-month period when the qualifying parent works one hundred hours or more per month and the child remains otherwise eligible.

Proposal Changes the Following Existing Rules: This rule eliminates the one hundred hour rule for AFDC-E recipients for up to eighteen months.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not impact small businesses.

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 South, Olympia, WA 98504, on November 5, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut by October 21, 1996, TDD (360) 902-8324, or (360) 902-8317.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by November 5, 1996.

Date of Intended Adoption: November 6, 1996.

September 20, 1996
Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

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

WAC 388-215-1375 Deprivation—Unemployment—Defined. The department shall consider the qualifying parent to be unemployed when the qualifying parent:

- (1) Is employed less than one hundred hours a month; or
- (2) Is employed one hundred hours or more for a particular month if:
 - (a) The qualifying parent was employed less than one hundred hours for each of the two previous months; and
 - (b) Is expected to be employed less than one hundred hours during the next month; or

(3) Is a recipient who works one hundred hours or more a month for up to eighteen consecutive months; or

(4) Participates in institutional and work experience training under the JOBS program and is not otherwise employed over one hundred hours.

AMENDATORY SECTION (Amending Order 3971, filed 4/26/96, effective 5/27/96.)

WAC 388-215-1390 Deprivation—Redetermination of eligibility when deprivation ceases. When deprivation due to death, absence, incapacity, or unemployment ceases and the child remains in need, the department shall determine if another basis for deprivation exists.

(1) If it appears that another basis for deprivation may exist, but additional information or verification is needed to establish eligibility, the department shall:

(a) Request the necessary information or verification from the client following rules in chapter 388-212 WAC; and

(b) Continue assistance during the eligibility redetermination process.

(2) ~~(If deprivation ceases solely due to the qualifying parent working one hundred hours or more a month, the department shall extend AFDC-E eligibility for up to an additional six-month period, if the child remains otherwise eligible.~~

~~(3))~~ If no other basis for deprivation exists, the department shall:

(a) Determine the child ineligible for AFDC according to WAC 388-245-1510; and

(b) Terminate assistance following rules in chapter 388-245 WAC.

**WSR 96-20-011
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed September 20, 1996, 1:05 p.m.]

Original Notice.

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

Title of Rule: WAC 388-49-020 Definitions.

Purpose: To give formal definitive meanings to significant terms in the food stamp program.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: Public Law 104-193.

Summary: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, instituted several changes in food stamp program policy. To facilitate implementing these changes we incorporated several new definitions from the statute.

Reasons Supporting Proposal: Terms are derived directly from the statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Ohlson, Division of Income Assistance, (360) 413-3074.

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

PROPOSED

Rule is necessary because of federal law, Public Law 104-193, Sections 802, 805, and 821.

Explanation of Rule, its Purpose, and Anticipated Effects: The changes include new definitions for "fleeing felons" and "initial month," and amended definitions of "food coupon" and "homeless individual."

The rule provides a consistent basis of legal interpretation when examining the rules.

Proposal Changes the Following Existing Rules: The statute amended the definition for "homeless household" to include a ninety day or less requirement. This had to be added. The statute further defined "food coupon" to include a description covering all different approved methods of issuing benefits under the Food Stamp Act. The definitions of "fleeing felons" and "initial month" are entirely new to the rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not have an impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not mentioned in the statute.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504-5800, on November 5, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by October 21, 1996, (360) 902-8317, or TTY (360) 902-8324.

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 November 5, 1996.

Date of Intended Adoption: November 6, 1996.

September 19, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3947, filed 2/29/96, effective 4/1/96)

WAC 388-49-020 Definitions. (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not a person committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by:

(a) Department action or failure to act when the household properly and accurately reported all the household's circumstances to the department; or

(b) Department failure to timely implement an intentional program violation disqualification; or

(c) For households determined categorically eligible under WAC 388-49-180(1), department action or failure to act which resulted in the household's improper eligibility for public assistance, provided a claim can be calculated based on a change in net food stamp income and/or household size.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to preside over adjudicative proceedings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance

program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult nonhousehold member sufficiently aware of household circumstances designated, in writing, by the head of the household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.

(10) "Boarder" means an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), or (c) who is a person:

(a) Paying reasonable compensation to the household for lodging and meals; or

(b) In foster care.

(11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone seventeen years of age or younger, and under parental control.

(14) "Collateral contact" means oral contact in person or by telephone with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means an enterprise offering meals and lodging for compensation with the intent of making a profit.

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

(17) "Dependent care deduction" means costs incurred by a household member for care provided by a nonhousehold member when the care is necessary for a household member to seek, accept, or continue employment, or attend training or education preparatory to employment.

(18) "Destitute household" means a household with a migrant or seasonal farmworker with little or no income at the time of application and in need of immediate food assistance.

(19) "Disabled person" means a person who meets one of the following criteria:

(a) Receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act;

(b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(c) Is a veteran:

(i) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or

(ii) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.

- (d) Is a surviving:
- (i) Spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or
 - (ii) Child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;
 - (e) A surviving spouse or child of a veteran and:
 - (i) Entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC; and
 - (ii) Has a disability considered permanent under section 221(i) of the Social Security Act.
 - (f) Receives disability retirement benefits from a federal, state, or local government agency because of a disability considered permanent under section 221(i) of the Social Security Act;
 - (g) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:
 - (i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or
 - (ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.
 - (h) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.
- (20) "Documentary evidence" means written confirmation of a household's circumstances.
- (21) "Documentation" means the process of recording the source, date, and content of verifying information.
- (22) "Elderly person" means a person sixty years of age or older.
- (23) "Eligible food" means:
- (a) For a homeless food stamp household, meals prepared and served by an authorized homeless meal provider; or
 - (b) For a blind or a disabled resident, meals prepared and served by a group living arrangement facility.
- (24) "Entitlement" means the food stamp benefit a household received including a disqualified household member.
- (25) "Equity value" means fair market value less encumbrances.
- (26) "Expedited services" means providing food stamps within five calendar days to an eligible household which:
- (a) Has liquid resources of one hundred dollars or less; and
 - (b) Has gross monthly income under one hundred fifty dollars; or
 - (c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:
 - (i) Standard utility allowance as set forth in WAC 388-49-505; or
 - (ii) Limited utility allowance; or
 - (iii) Actual utility costs, whichever is higher; or
 - (d) Includes all members who are homeless individuals; or
 - (e) Includes a destitute migrant or seasonal farmworker.
- (27) "Fair hearing" means an adjudicative proceeding in which the department hears and decides an applicant/recipient's appeal from the department's action or decision.
- (28) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.

(29) "Fleeing felon" means a person who is:

(a) Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the law of the place from which the person is fleeing; or

(b) Violating a condition of probation or parole imposed under a federal or state law as determined by an administrative body or court of competent jurisdiction.

(30) "Food coupon" means (~~food stamps and the two terms are interchangeable~~) any coupon, stamp, type of certificate, authorization card, cash or check issued in lieu of a coupon, or access device, including an electronic benefit transfer card or personal identification number.

~~((30))~~ (31) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.

~~((31))~~ (32) "Food stamp monthly reporting cycle" means the three-month reporting cycle consisting of the budget month, the process month, and the payment month.

~~((32))~~ (33) "Gross income eligibility standard" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.

~~((33))~~ (34) "Group living arrangement" means a public or private nonprofit residential setting which:

- (a) Serves not more than sixteen blind or disabled residents as defined under WAC 388-49-020(19); and

- (b) Is certified by the appropriate state agency under section 1616(e) of the Social Security Act.

~~((34))~~ (35) "Head of household" means the person designated by the household to be named on the case file, identification card, and FCA card.

~~((35))~~ (36) "Household employment representative" means:

- (a) The household member selected as the head of household for employment and training purposes and voluntary quit provisions. Selection is limited to households with:

- (i) An adult parent of children, of any age, living in the household; or

- (ii) An adult who has parental control over children, under eighteen years of age, living in the household; or

- (b) The principal wage earner if no selection is made by the household, or the household is not entitled to make a selection.

~~((36))~~ (37) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.

~~((37))~~ (38) "Homeless individual" means a person lacking a fixed and regular nighttime residence or a person whose primary nighttime residence is a:

- (a) Supervised shelter designed to provide temporary accommodations;

- (b) Halfway house or similar institution providing temporary residence for persons needing or coming out of institutionalization;

- (c) Temporary accommodation in the residence of another person for not more than ninety days; or

- (d) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

~~((38))~~ (39) "Homeless meal provider" means a public or private nonprofit establishment (for example, soup kitchen, temporary shelter, mission, or other charitable

organizations) feeding homeless persons, approved by the division of income assistance (DIA) and authorized by food and consumer service (FCS).

~~((39))~~ (40) "Household" means the basic client unit in the food stamp program.

~~((40))~~ (41) "Household disaster" means when food coupons, food purchased with food coupons, or food coupon authorization cards are destroyed by a natural disaster, such as flood, fire, etc.

~~((41))~~ (42) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

~~((42))~~ (43) "Inadvertent household error overissuance" means any overissuance caused by either:

(a) Misunderstanding or unintended error by a household:

(i) Not determined categorically eligible under WAC 388-49-180(1); or

(ii) Determined categorically eligible under WAC 388-49-180(1) if a claim can be calculated based on a change in net food stamp income and/or household size; or

(b) Social Security Administration action or failure to take action which resulted in the household's categorical eligibility, if a claim can be calculated based on a change in net food stamp income and/or household size.

~~((43))~~ (44) "Ineligible household member" means the member excluded from the food stamp household because of:

(a) Disqualification for intentional program violation;

(b) Failure to apply for or provide a Social Security number;

(c) Failure to comply with work requirements as described under WAC 388-49-360;

(d) Status as an ineligible alien; or

(e) Failure to sign the application attesting to the member's citizenship or alien status.

~~((44))~~ (45) "Initial month" means:

(a) The first month for which a household is issued an allotment; or

(b) The first month for which a household is issued an allotment following any period when the household was not certified due to expired eligibility or termination during a certification period; or

(c) For migrant and seasonal farmworker households, the first month for which the household is issued an allotment when applying more than one calendar month after a prior certification ends.

(46) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

~~((45))~~ (47) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admittance to the course.

~~((46))~~ (48) "Intentional program violation" means intentionally:

(a) Making a false or misleading statement;

(b) Misrepresenting, concealing, or withholding facts; or

(c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any

state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

~~((47))~~ (49) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

~~((48))~~ (50) "Live-in attendant" means a person residing with a household to provide medical, housekeeping, child care, or other similar personal services.

~~((49))~~ (51) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:

(a) Income tax refunds,

(b) Rebates,

(c) Retroactive payments, and

(d) Insurance settlements.

~~((50))~~ (52) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

~~((51))~~ (53) "Migrant farmworker" means a person working in seasonal agricultural employment who is required to be absent overnight from the person's permanent residence.

~~((52))~~ (54) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

~~((53))~~ (55) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as a:

(a) Roomer;

(b) Live-in attendant;

(c) Ineligible student; or

(d) Person who does not purchase and prepare meals with the food stamp household except for persons described under WAC 388-49-190(2).

~~((54))~~ (56) "Nonstriker" means any person:

(a) Exempt from work registration the day before the strike for reasons other than their employment;

(b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;

(c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or

(d) Unable to work because workplace is closed to employees by employer in order to resist demands of employees, e.g., a lockout.

~~((55))~~ (57) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.

~~((56))~~ (58) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

~~((57))~~ (59) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

~~((58))~~ (60) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment is affected by information reported on the monthly report for the budget month.

~~((59))~~ (61) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

~~((60))~~ (62) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

~~((61))~~ (63) "Principal wage earner" means the household member with the greatest source of earned income in the two months prior to the month of violation of employment and training and voluntary quit provisions, including members not required to register.

~~((62))~~ (64) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.

~~((63))~~ (65) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

~~((64))~~ (66) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the household and department are reasonably certain will be received during the month of issuance.

~~((65))~~ (67) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

~~((66))~~ (68) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

~~((67))~~ (69) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

~~((68))~~ (70) "Recent work history" means being employed and receiving earned income in one of the two months prior to the payment month.

~~((69))~~ (71) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

~~((70))~~ (72) "Resident of an institution" means a person residing in an institution that provides the person with the majority of meals as part of the institution's normal service.

~~((71))~~ (73) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.

~~((72))~~ (74) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

~~((73))~~ (75) "Roomer" means a person to whom a household furnishes lodging, but not meals, for compensation.

~~((74))~~ (76) "Seasonal farmworker" means a person working in seasonal agricultural employment who is not required to be absent overnight from the person's permanent residence.

~~((75))~~ (77) "Shelter costs" means:

- Rent or mortgage payments plus taxes on a dwelling and property;
- Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;
- Assessments;

(d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;

(e) Standard basic telephone allowance;

(f) Initial installation fees for utility services; and

(g) Continuing charges leading to shelter ownership such as loan repayments for the purchase of a mobile home including interest on such payments.

~~((76))~~ (78) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

~~((77))~~ (79) "Sibling" means a natural or an adopted brother, sister, half brother, half sister, or stepbrother or stepsister.

~~((78))~~ (80) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

~~((79))~~ (81) "Sponsored alien" means an alien lawfully admitted for permanent residence who has an affidavit of support or similar agreement executed by a person on behalf of the alien as a condition of the alien's admission into the United States as a permanent resident.

~~((80))~~ (82) "Spouse" means:

(a) Married under applicable state law; or

(b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

~~((81))~~ (83) "Striker" means any person:

(a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or

(b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

~~((82))~~ (84) "Student" means any person:

(a) At least eighteen but less than fifty years of age;

(b) Physically and mentally fit for employment; and

(c) Enrolled at least half time in an institution of higher education.

~~((83))~~ (85) "Systematic alien verification for entitlements (SAVE)" means the immigration and naturalization service (INS) program whereby the department may verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file.

~~((84))~~ (86) "Temporary disability" means a nonpermanent physical illness or injury that incapacitates beyond the initial issuance month.

~~((85))~~ (87) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

~~((86))~~ (88) "Under parental control" means living with any adult other than the parent. A person is not under parental control when that person is:

(a) Receiving an AFDC grant as the person's own payee;

(b) Receiving, as the person's own payee, gross income equal to, or exceeding, the AFDC grant payment standard as described under WAC 388-250-1400(2);

(c) Married and living with a spouse; or

PROPOSED

(d) Living with the person's own child.

((87)) (89) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

((88)) (90) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

(a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

((89)) (91) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

WSR 96-20-013
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 20, 1996, 1:11 p.m.]

Original Notice.

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

Title of Rule: WAC 388-49-015 General provisions.

Purpose: Contains federal food stamp program case record confidentiality requirements.

Statutory Authority for Adoption: RCW 74.04.510.

Summary: Mandates issuing Social Security number, address, and if available, photo of an applicant or recipient to a law enforcement officer under certain conditions.

Reasons Supporting Proposal: Complies with Personal Responsibility and Work Opportunities Reconciliation Act of 1996.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Ohlson, Division of Income Assistance, (360) 413-3074.

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

Rule is necessary because of federal law, Public Law 104-193, Section 837.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule says the law enforcement agencies may request the Social Security number, address, and if available, photograph of an applicant or recipient of food stamps when the person is fleeing prosecution, custody, or confinement for a felony, violating parole or probation, or has information needed for an officer's duty related to a felony/parole-probation violation. It could lead to more welfare office workload. The request is limited to applicants or current recipients preventing welfare office record searches for past clients.

Proposal does not change existing rules. This does not change the current rules. It is a new rule with new requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply to small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Does not apply as the Department of Social and Health Services is not named in this statute.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504-5800, on November 5, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by October 21, 1996, (360) 902-8317, or TTY (360) 902-8324.

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 November 5, 1996.

Date of Intended Adoption: November 6, 1996.

September 19, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3809, filed 11/23/94, effective 1/1/95)

WAC 388-49-015 General provisions. (1) The rules in this chapter are for the purpose of administering the food stamp program. Rules and definitions in other chapters of Title 388 of the Washington Administrative Code do not apply to provisions of this chapter unless specifically identified.

(2) The department of social and health services shall administer the food stamp program in accordance with an approved plan with the food and nutrition service (FNS) of the United States Department of Agriculture.

(3) The department shall comply with all FNS directives to reduce, suspend, or terminate all or any portion of the food stamp program.

(4) During a presidential or FNS-declared disaster, the department shall certify affected households in accordance with FNS instructions.

(5) The department shall retain:

(a) Food stamp case records for three years from the month of closure of each record; and

(b) Fiscal and accountable documents for three years from the date of fiscal or administrative closure.

(6) The department shall not discriminate against any applicant or participant in any aspect of program administration for reason of:

(a) Age;

(b) Race;

(c) Color;

(d) Sex;

(e) Handicap;

(f) Religious creed;

(g) Political beliefs; or

(h) National origin.

(7) The department shall display nondiscrimination posters provided by FNS in all offices administering the food stamp program.

(8) The department shall fully translate into the primary language of the limited English proficient applicants and recipients:

(a) Written notices of denial, termination, or reduction of benefits; and

(b) Written requests for additional information.

(9) A person believing the person has been subject to discrimination may file a written complaint with the:

(a) Food and nutrition service; or

(b) State office for equal opportunity.

(10) The department shall restrict use or disclosure of information obtained from applying or participating households to:

(a) A person directly connected with the administration or enforcement of the provisions of:

(i) The Food Stamp Act or regulations;

(ii) Other federal assistance programs; or

(iii) Federally assisted state programs providing assistance on a means-tested basis to a low-income person; and

(iv) Child support program under Title IV-D of the Social Security Act.

(b) An employee of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law; and

(c) A local, state, or federal law enforcement official, upon written request, for the purpose of investigating an alleged violation of the Food Stamp Act or regulations. The written request shall include the:

(i) Identity of the person requesting the information;

(ii) Authority of the person to make the request;

(iii) Violation being investigated; and

(iv) Identity of the person about whom the information is requested.

(d) A local, state, or federal law enforcement officer, upon written request, when the request:

(i) Identifies the requestor, authority to make the request, and household member; and

(ii) Clearly states that the request is being made in the proper exercise of an official duty; and

(iii) Clearly states that locating or apprehending the household member is an official duty; and

(iv) Clearly states that the household member is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime that is a felony under the law of the place the person is fleeing, or is violating a condition of probation or parole imposed under a federal or state law as determined by an administrative body or court of competent jurisdiction; or

(v) Clearly states that the household member has information necessary for the officer to conduct an official duty related to the circumstances described in (d)(iv) of this subsection; and

(vi) Limits the requested information to the address, Social Security Number, and, if available, photograph of the household member.

(11) The department shall make the household's case file available to the household or household's representative for inspection during regular office hours as provided in chapter 388-320 WAC.

(12) The department shall make the following program information available to the public upon request during regular office hours:

(a) Federal regulations, federal procedures in FNS notices and policy memos, and the state plan of operation at the state office; and

(b) Washington Administrative Code and the *Food Stamp Procedures Manual* at the local office.

(13) The coupon allotment provided any eligible household shall not be considered income or resources for any purpose under any federal, state, or local laws.

(14) The department shall not permit a volunteer or other person not an employee of the department to conduct a certification interview or certify a food stamp applicant except:

(a) During a presidential or FNS-declared disaster; or

(b) A Social Security Administration (SSA) employee for a Supplemental Security Income (SSI) household as provided in WAC 388-49-040.

(15) The office of special investigation of the department, designated as the state law enforcement bureau, shall enter into an agreement with FNS to issue food stamps to state and local law enforcement agencies for the purpose of law enforcement and investigative activities.

(16) Redemption of food stamps shall be in accordance with 7 United States Code (USC) 2024 and 7 Code of Federal Regulations (CFR) 278.

(17) Misuse of food stamps issued under WAC 388-49-015(16) shall be a violation of RCW 9.91.140.

(18) The provisions of Title 18 of the United States Code, "Crimes and Criminal Procedures," relative to counterfeiting, misuse, and alteration of obligations of the United States are applicable to food coupons.

(19) The department shall offer voter registration assistance to clients during face-to-face interviews at:

(a) Application;

(b) Eligibility review or recertification; and

(c) Change of address.

WSR 96-20-015
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 20, 1996, 1:13 p.m.]

Original Notice.

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

Title of Rule: WAC 388-49-190 Household concept.

Purpose: Implements the 1996 welfare reform legislation that makes changes to treatment of children living at home and disqualifying fleeing felons.

Statutory Authority for Adoption: RCW 74.04.510 and Public Law 104-193.

Statute Being Implemented: Sections 803 and 821 of HR 3734.

Summary: (1) Children ages twenty-one years and younger living with a parent must be included in the food stamp household with the parent. Can no longer be a separate household under certain circumstances.

(2) Fleeing felons are ineligible for food stamp benefits.

Reasons Supporting Proposal: Sections 803 and 821 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires the change.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Wendy Forslin, Division of Income Assistance, (360) 413-3083.

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

Rule is necessary because of federal law, Public Law 104-193, Sections 803 and 821.

Explanation of Rule, its Purpose, and Anticipated Effects: (1) Children ages twenty-one years and younger living with a parent must be one household for food stamps.

(2) Fleeing felons are ineligible for food stamp benefits.

The rule change will reduce the number of eligible food stamp households or will reduce the amount of the food stamp allotment.

Proposal Changes the Following Existing Rules: Currently children ages twenty-one years or younger living with a parent can be a separate food stamp household when the child purchases and prepares meals separately and lives with spouse; or lives with a child of their own.

Fleeing felons are currently not disqualified from the food stamp program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply to this rule. This rule does not impact small businesses.

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 98504-5800, on November 5, 1996, at 10:00.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by October 21, 1996, (360) 902-8317, or TTY (360) 902-8324.

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 November 5, 1996.

Date of Intended Adoption: November 6, 1996.

September 19, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3854, filed 5/24/95, effective 6/24/95)

WAC 388-49-190 Household concept. (1) The department shall consider the following as households:

(a) A person living alone;

(b) Persons living together and purchasing or preparing meals together; or

(c) A permanently disabled and elderly person unable to prepare meals provided the:

(i) Person's spouse shall be included in the household; and

(ii) Income of other individuals, except the person's spouse, living with the person does not exceed one hundred sixty-five percent of the poverty level.

(2) The department shall consider the following as households regardless of the purchase and prepare arrangements:

(a) Parents and their natural, adoptive, or stepchildren twenty-one years of age or younger (~~except for the children who:~~

~~(i) Purchase and prepare meals separate from the parents; and~~

~~(ii) Live with a spouse; or~~

~~(iii) Live with their own child)).~~

(b) Person seventeen years of age or younger under parental control of an adult other than their parent, and the adult who is maintaining the control; or

(c) Spouses who live together.

(3) The department shall consider the following persons living with the household as nonhousehold members who, if otherwise eligible, may qualify as a separate household:

(a) Roomers;

(b) Live-in attendants; or

(c) Persons sharing living quarters with the household who purchase food and prepare meals separately from the household.

(4) The department shall consider the following persons living with the household as ineligible household members:

(a) Persons disqualified for intentional program violation;

(b) Persons disqualified because of noncompliance with work requirements as described under WAC 388-49-360;

(c) Persons who are ineligible aliens;

(d) Persons disqualified for failure to apply for or provide a Social Security number; (~~or~~)

(e) Persons who fail to sign the application attesting to their citizenship or alien status; or

(f) Fleeing felons.

WSR 96-20-018

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed September 20, 1996, 1:18 p.m.]

Original Notice.

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

Title of Rule: Food stamp program income eligibility standards.

Purpose: Federal regulations require annual update of income eligibility standards. These standards are used for October 1, 1996, determination of food stamp eligibility.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: 7 CFR 273.9(a).

Summary: The gross and net monthly income standards are updated for October 1, 1996, eligibility determination.

Reasons Supporting Proposal: 7 CFR 273.9(a) requires updating these standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, (360) 413-3073.

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

Rule is necessary because of federal law, 7 CFR 273.9(a).

Explanation of Rule, its Purpose, and Anticipated Effects: This rule updates the gross and not [net] monthly

PROPOSED

income standards which are used for food stamp eligibility determination.

Proposal Changes the Following Existing Rules: WAC 388-49-510. See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This amendment does not affect small businesses, and is necessary to implement federal regulations.

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 98504-5800, on November 5, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by October 21, 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 November 5, 1996.

Date of Intended Adoption: November 6, 1996.

September 16, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3907, filed 10/11/95, effective 11/11/95)

WAC 388-49-510 Income eligibility standards. (1) Categorically eligible households, as described in WAC 388-49-180, are not subject to the provisions of this section.

(2) The department shall determine eligibility on the basis of gross income and net food stamp income except for households in subsection (3) of this section.

(3) The department shall determine eligibility on the basis of net food stamp income for households containing an elderly or disabled member.

(4) The gross and net monthly maximum income standards as established by the department of agriculture are as follows:

Gross Monthly Income Standard	
Household Size	Maximum Standard
1	\$ ((810)) <u>839</u>
2	((1,087)) <u>1,123</u>
3	((1,364)) <u>1,407</u>
4	((1,642)) <u>1,690</u>
5	((1,919)) <u>1,974</u>
6	((2,196)) <u>2,258</u>
7	((2,474)) <u>2,542</u>
8	((2,751)) <u>2,826</u>
9	((3,029)) <u>3,110</u>
10	((3,307)) <u>3,394</u>
Each additional person	+ ((278)) <u>284</u>

Net Monthly Income Standard	
Household Size	Maximum Standard
1	\$ ((623)) <u>645</u>
2	((826)) <u>864</u>
3	((1,050)) <u>1,082</u>
4	((1,263)) <u>1,300</u>
5	((1,476)) <u>1,519</u>
6	((1,690)) <u>1,737</u>
7	((1,903)) <u>1,955</u>
8	((2,116)) <u>2,174</u>
9	((2,330)) <u>2,393</u>
10	((2,544)) <u>2,612</u>
Each additional person	+ ((214)) <u>219</u>

WSR 96-20-019
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 20, 1996, 1:19 p.m.]

Original Notice.

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

Title of Rule: WAC 388-49-550 Monthly allotments.

Purpose: Provides food stamp program thrifty food plan (TFP) amounts and benefit issuance rules.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: Public Law 104-193.

Summary: Provides new TFP amounts and amends household benefit proration rules.

Reasons Supporting Proposal: Compliance with federal statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Ohlson, Division of Income Assistance, (360) 413-3074.

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

It is necessary because of federal law, Personal Responsibility and Work Opportunities Reconciliation Act of 1996, Sections 804 and 827.

Explanation of Rule, its Purpose, and Anticipated Effects: TFP increase simply reflects the new amounts in the statute.

The benefit proration policy change will limit an applicant household, except for migrant and seasonal farmworker households, to a prorate benefit with the application month.

Proposal Changes the Following Existing Rules: The current rules allow households, when applying within the month following a certification period, to receive a full month's benefits. Such household under the new rules will receive a prorated benefit.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply to small businesses.

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

PROPOSED

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504-5800, on November 5, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by October 21, 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 November 5, 1996.

Date of Intended Adoption: November 6, 1996.

September 16, 1996
Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3909, filed 10/11/95, effective 11/11/95)

WAC 388-49-550 Monthly allotments. (1) The department shall determine the value of the allotment a household receives.

(2) The monthly allotment shall equal the thrifty food plan (TFP) for the household size reduced by thirty percent of the household's net income. The department shall use the monthly allotment standards as established by the food and nutrition service.

<u>Household Size</u>	<u>Thrifty Food Plan</u>
1	\$ ((119)) <u>120</u>
2	((218)) <u>220</u>
3	((313)) <u>315</u>
4	((397)) <u>400</u>
5	((472)) <u>475</u>
6	((566)) <u>570</u>
7	((626)) <u>630</u>
8	((716)) <u>720</u>
9	((806)) <u>810</u>
10	((896)) <u>900</u>
Each additional member	+ 90

(3) The department shall issue to households, except for households as specified in subsection (4) of this section, a prorated coupon allotment for the number of days remaining from the date of application to the end of the initial month of eligibility.

(a) The department shall base the allotment on a thirty-day month.

(b) The department shall not issue an allotment for less than ten dollars.

(4) The department shall issue a full month ~~((2s))~~ allotment to eligible migrant and seasonal farmworker households applying within one calendar month ~~((of))~~ after a prior certification ~~((period))~~ ends.

(5) The department shall determine the value of the monthly allotment a household receives by:

(a) Multiplying the household's net monthly income by thirty percent;

(b) Rounding the product up to the next whole dollar if it ends with one through ninety-nine cents; and

(c) Subtracting the result from the thrifty food plan for the appropriate household size.

(6) One- and two-person households shall receive a minimum monthly allotment of ten dollars except in the

initial benefit month when the department shall not issue an allotment for less than ten dollars.

(7) The department shall issue an identification card to each certified household.

WSR 96-20-020
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 20, 1996, 1:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-14-054.

Title of Rule: Food stamp program utility allowance.

Purpose: Federal regulations require annual review and update of utility allowances to reflect current costs. These allowances are used as income deductions to calculate food stamp benefits.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: 7 CFR 273.9 (d)(6)(v) and (vi).

Summary: The limited utility allowance (LUA) is increased to \$162.

Reasons Supporting Proposal: 7 CFR 273.9 (d)(6)(v) and (vi) require establishment and annual review and adjustment of utility allowance.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, (360) 438-8324.

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

Rule is necessary because of federal law, 7 CFR 273.9 (d)(6)(v) and (vi).

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes and updates specific utility allowances which are used to calculate food stamp benefits.

Proposal Changes the Following Existing Rules: The limited utility allowance (LUA) is increased to \$162.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not impact small businesses, it only impacts food stamp program clients.

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 98504-5800, on November 5, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by October 21, 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 November 5, 1996.

Date of Intended Adoption: November 6, 1996.

September 16, 1996
Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

PROPOSED

AMENDATORY SECTION (Amending Order 3907, filed 10/11/95, effective 11/11/95)

WAC 388-49-505 Utility allowances. (1) The department shall:

(a) Establish the following utility allowances for use in calculating shelter costs:

(i) A standard utility allowance for households incurring any separate utility charges for heating or cooling costs;

(ii) A limited utility allowance for households, without heating or cooling costs, incurring any separate utility charges other than telephone costs; and

(iii) A telephone allowance for households incurring separate charges for phone service and not claiming the standard or limited utility allowance.

(b) Obtain food and consumer service approval of the methodology used to establish utility allowances.

(2) The standard utility allowance shall be two hundred twenty dollars.

(3) The limited utility allowance shall be one hundred ~~(fifty-six)~~ sixty-two dollars.

(4) The telephone allowance shall be twenty-nine dollars.

WSR 96-20-021
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 20, 1996, 1:23 p.m.]

Original Notice.

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

Title of Rule: Amending WAC 388-49-430 Resources—Vehicles.

Purpose: To raise the food stamp program vehicle resource limit from \$4,600 to \$4,650 effective October 1, 1996.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

Summary: Current \$4,600 ceiling is increased to \$4,650 effective October 1, 1996.

Reasons Supporting Proposal: Compliance with federal statutory mandate.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Ohlson, Division of Income Assistance, (360) 413-3074.

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

Rule is necessary because of federal law, Public Law 104-193, section 810.

Explanation of Rule, its Purpose, and Anticipated Effects: Increase food stamp program vehicle resource limit from \$4,600 to \$4,650. A few applicant households may be eligible with the \$50 increase.

Proposal Changes the Following Existing Rules: Current rule is at \$4,600.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not affect small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Does not apply as [to] the Department of Social and Health Services.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504-5800, on November 5, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by October 21, 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 November 5, 1996.

Date of Intended Adoption: November 6, 1996.

September 16, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3920, filed 11/22/95, effective 12/23/95)

WAC 388-49-430 Resources—Vehicles. (1) The department shall exclude the entire value of a licensed vehicle even during periods of temporary unemployment if the vehicle is:

(a) Used for income-producing purposes over fifty percent of the time the vehicle is in use. A vehicle excluded under this provision because the vehicle is used by a self-employed farmer or fisherman retains its exclusion for one year from the date the household member terminates self-employment from farming or fishing;

(b) Annually producing income consistent with its fair market value;

(c) Necessary for long distance travel, other than daily commuting, that is essential to the employment of a household member, ineligible alien, or disqualified person whose resources are considered available to the household;

(d) Necessary for subsistence hunting or fishing;

(e) Used as the household's home;

(f) Used to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household; or

(g) Necessary to transport a temporarily or permanently physically disabled:

(i) Household member;

(ii) Ineligible alien whose resources are available to the household; or

(iii) Disqualified person whose resources are available to the household.

The exclusion is limited to one vehicle per physically disabled person.

(2) The department shall count the equity value of an unlicensed vehicle even during periods of temporary unemployment unless the vehicle is:

(a) Annually producing income consistent with its fair market value (FMV) even if only used on a seasonal basis; or

(b) Work-related equipment necessary for employment or self-employment of a household member.

PROPOSED

(3) The department shall consider unlicensed vehicles the same as licensed vehicles if the vehicles are driven by Indian tribal members on those reservations not requiring vehicle licensing.

(4) The department shall count toward the household's resource maximum either the FMV in excess of four thousand six hundred dollars or the equity value of licensed vehicles, whichever is greater. Except, the department shall only count the FMV in excess of four thousand six hundred fifty dollars for the following vehicles:

(a) One licensed vehicle per household regardless of the vehicle's use; and

(b) Any other licensed vehicle used for:

(i) Transportation to and from employment;

(ii) Seeking employment; or

(iii) Transportation for training or education.

(5) The department shall determine the FMV using vehicles listed in publications written for the purpose of providing guidance to automobile dealers and loan companies.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this proposal is to postpone the effective date of chapters 359-39, 359-09, 359-48, and 359-07 WAC until January 1, 1998.

Proposal does not change existing rules. See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on November 14, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by November 7, 1996, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by November 12, 1996.

Date of Intended Adoption: November 14, 1996.

September 23, 1996

Dennis Karras
Secretary

WSR 96-20-038

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed September 23, 1996, 10:41 a.m.]

Original Notice.

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

Title of Rule: Chapters 359-39, 359-09, 359-48, and 359-07 WAC.

Purpose: The above WAC chapters were scheduled to be effective January 1, 1997, as filed by WSR 95-23-062. This proposal will delay the effective date of chapters 359-39, 359-09, 359-48, and 359-07 WAC until January 1, 1998.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal will postpone the effective date of WSR 94-23-136.

Reasons Supporting Proposal: The Department of Personnel is working to consolidate the two existing civil service rule books, Titles 251 and 356 WAC, to create a new set of civil service rules, Title 359 WAC. The Personnel Resources Board has adopted four chapters of Title 359 WAC to be effective January 1, 1997. The Department of Personnel is continuing to work on the development of the remaining chapters. At this time, it is evident the remainder of Title 359 WAC will not be completed by January 1, 1997, to coincide with the effective date of the four adopted WAC chapters. Therefore, the Department of Personnel is proposing to postpone the effective date of the following chapters of WAC: Chapters 359-39, 359-09, 359-48, and 359-07 WAC filed as WSR 95-23-062.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

WSR 96-20-040

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed September 23, 1996, 3:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-16-081.

Title of Rule: WAC 468-38-070 Maximums for special permits—Nonreducible and 468-38-071 Maximums for special permits—Reducible.

Purpose: Segregates rules related to permitting nonreducible loads from rules related to permitting reducible loads. Defines rules for measuring maximum lengths for reducible loads (single trailers, double trailers and log truck pulling a pole trailer).

Statutory Authority for Adoption: RCW 46.44.090.

Summary: Segregates nonreducible rules from reducible rules and modifies how length measurements are to be applied to log trucks pulling pole trailers.

Reasons Supporting Proposal: This action was initiated to provide an economic level playing field for the log haulers in Washington relative to log haulers in Oregon and provide an economic benefit to the lumber producers.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Olympia, (360) 664-9497; and Enforcement: Captain Tim Erickson, Olympia, (360) 753-0350.

Name of Proponent: Department of Transportation and Washington Trucking Associations, private and 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: Segregates nonreducible rules from reducible rules

PROPOSED

relative to maximums for special motor vehicle permits. Modifies how a log truck pulling a pole trailer will have its length measured for permitting purposes. The combination will be treated similar to a set of doubles with the measurement incorporating from the front bunk on the log truck to the end of the pole trailer or load whichever is greater. This allows a load to increase from three to four feet and creates a more economical load for both the hauler and the log processor. The overall change also means a greater degree of uniformity with neighboring jurisdictions (Oregon).

Proposal Changes the Following Existing Rules: Identifies the log truck pulling a pole trailer as a unique combination. Modifies previously interpreted measurement from the front of the load to the end of the pole trailer or load, allowing the front measurement to start at the front bunk.

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.

Hearing Location: Department of Transportation, Transportation Building, Room 1D2, Olympia, Washington 98504, on November 7, 1996, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by November 4, 1996.

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX (360) 664-9440, by November 4, 1996.

Date of Intended Adoption: November 7, 1996.

September 23, 1996

Gretchen P. White
for S. A. Moon
Deputy Secretary
for Operations

AMENDATORY SECTION (Amending Order 39, Resolution No. 195, filed 7/25/83)

WAC 468-38-070 Maximums for special permits—Nonreducible. (1) Overwidth: 14 feet on any two-lane highway; 20 feet on any multiple-lane highway where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes; 32 feet on any multiple-lane undivided highway.

The regulations on movement of buildings are in WAC 468-38-360.

(2) Overheight: A load over 14 feet high must be moved by permit, but the permittee is to be governed by the clearance of overhead obstructions such as bridges, underpasses, wires, overhead signs and other objects. The issuance of a permit does not insure the route to be free of low overhead structures. It is the responsibility of the permittee to check the proposed route and detour when necessary. County or city road detours for this purpose require authorization from respective jurisdictions. (~~Vehicles hauling empty apple bins may be issued permits to haul such bins up to 14 feet 10 inches high.~~)

(3) Overlength: The permit will allow movement on routes on which the permittee can negotiate curves, interchanges, entrance and exit roadways and other obstacles. In all instances the general safety of the public is considered paramount.

(4) Overweight: 22,000 pounds on a single axle; 43,000 pounds on tandem axles. (RCW 46.44.091)

NEW SECTION

WAC 468-38-071 Maximums for special permits—Reducible. (1) Overlength: Permits for reducible loads shall not exceed 56 feet for a single trailer and 68 feet for double trailers. Measurement for a single trailer will be from the front of the trailer, or load, to the rear of the trailer, or load, whichever provides the greater distance up to 56 feet. Measurement for double trailers will be from the front of the first trailer, or load, to the rear of the second trailer, or load, whichever provides the greatest distance up to 68 feet. A log truck pulling a pole-trailer, trailer combination, carrying two distinct and separate loads will be treated as a tractor-semitrailer-trailer (doubles). Measurement for the log truck, pole-trailer, trailer combination will be from the front of the first bunk on the truck to the rear of the second trailer, or load, whichever provides the greatest distance up to 68 feet. Measurements shall not include nonload carrying devices designed for the safe and efficient operation of the semitrailer or trailer; for example: External refrigeration unit, resilient bumper, and aerodynamic shells.

(2) Overheight: Vehicles hauling empty apple bins may be issued permits to haul such bins up to 14 feet 10 inches high.

WSR 96-20-050
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed September 25, 1996, 11:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-033.

Title of Rule: State learning assistance program (LAP) rules at chapter 392-162 WAC.

Purpose: Establish certain regulatory requirements applicable to both the federal Title I program and state learning assistance program.

Statutory Authority for Adoption: RCW 28A.165.090.

Statute Being Implemented: Chapter 28A.165 RCW.

Summary: The proposed amendments incorporate and adopt by reference for LAP purposes certain federal Title I statutes.

Reasons Supporting Proposal: The state LAP and federal Title I programs are similar in nature and purpose and thereby lend themselves to common regulatory requirements.

Name of Agency Personnel Responsible for Drafting: Robert E. Patterson, Attorney General, Olympia, 664-2540; Implementation: Wally Hunt, Superintendent of Public Instruction, Olympia, 753-3220; and Enforcement: Mitzi Beach, Superintendent of Public Instruction, Olympia, 753-3220.

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: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: WAC 392-162-060 would be amended to incorporate federal Title I requirements respecting professional development student assessment, parent involvement, coordination of services and student selection.

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

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 November 7, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by October 24, 1996, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, by November 6, 1996.

Date of Intended Adoption: November 8, 1996.

September 24, 1996
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 87-14, filed 10/22/87)

WAC 392-162-005 Authority. The authority for this chapter is (~~chapter 478, Laws of 1987~~) RCW 28A.165.090 which authorizes the superintendent of public instruction to promulgate rules for the implementation of a program designed to provide learning assistance to public school students in grades kindergarten through nine who are deficient in basic skills achievement.

AMENDATORY SECTION (Amending Order 87-14, filed 10/22/87)

WAC 392-162-060 District application. Each district that seeks an allocation from the state for a learning assistance program shall submit a (~~biennial application, including the district program plan outlined in WAC 392-162-070, and an annual expenditure plan for approval on forms provided by the superintendent of public instruction. Provided, That~~) combined state learning assistance and federal Title I district program plan for approval by the superintendent of public instruction. The district program plan shall address the requirements of this chapter including, but not limited to, the professional development requirements of 20 U.S.C. 6312 (b)(3) and 20 U.S.C. 6320, the student assessment requirements of 20 U.S.C. 6312 (b)(1) and (2), the parent involvement requirements of 20 U.S.C. 6319 (a)(1), (2), and (3)(A), and (B), the coordination of service requirements of 20 U.S.C. 6312 (b)(4), (A) and (B), the student selection requirements of 20 U.S.C. 6312 (b)(6) and 20 U.S.C. 6315 (a) and (b)(1)(B), the program requirements of 20 U.S.C. 6312 (b)(7) and 20 U.S.C. 6315 (c)(1), the inventory requirements of 34 C.F.R. 80.32 (d), and the district's annual expenditure plan(s). If district program plan elements (~~described in WAC 392-162-070~~) are changed (~~for the~~

~~second year of the biennium~~), an updated program plan shall be submitted to the superintendent of public instruction for approval on forms provided.

NEW SECTION

WAC 392-162-120 Adoption of federal statutes and rules by reference. The provisions of the United States Code and Code of Federal Regulations specified at WAC 392-162-060 are hereby adopted as state learning assistance program rules of the superintendent of public instruction. Copies of the federal statutes and rules may be obtained by contacting the office of the Superintendent of Public Instruction, Olympia, WA. 98504-7200.

**WSR 96-20-054
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services)
(Public Assistance)**

[Filed September 25, 1996, 4:31 p.m.]

Original Notice.

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

Title of Rule: WAC 388-49-470 Income—Exclusions.

Purpose: Consider as income, for food stamp program purposes (a) state-defined energy allowances in AFDC, continuing general assistance grants; and (b) earned income of those eighteen and older attending elementary or secondary school at least half time.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: Sections 807 and 808 of HR 3734.

Summary: (a) The energy allowance, included in AFDC, continuing general assistance grants and previously excluded as income for food stamp program purposes, will be considered income. (b) Earned income of household members eighteen and over, and attending elementary or secondary school at least half time will no longer be considered excluded income.

Reasons Supporting Proposal: Sections 807 and 808 of HR 3734.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, (360) 413-3073.

Name of Proponent: Joan Wirth, Division of Income Assistance, governmental.

Rule is necessary because of federal law, sections 807 and 808 of HR 3734, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Explanation of Rule, its Purpose, and Anticipated Effects: Consider as income, for food stamp program purposes (a) state-defined energy allowances in AFDC, continuing general assistance grants; and (b) earned income of those eighteen and older attending elementary or secondary school at least half time.

The anticipated effects of this rule change include (a) reduced food stamp benefits for households receiving AFDC,

PROPOSED

continuing general assistance grants; and (b) some small reductions in food stamp caseload.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply to this rule.

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 98504-5800, on November 5, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by October 21, 1996, (360) 902-8317, or TTY (360) 902-8324.

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 November 5, 1996.

Date of Intended Adoption: November 6, 1996.

September 25, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3802, filed 10/26/94, effective 1/1/95)

WAC 388-49-470 Income—Exclusions. (1) The department shall exclude the following income:

- (a) Money withheld from an income source to repay a prior overpayment from that same income source except for money withheld to recoup an intentional noncompliance overpayment from a federal, state, or local means-tested program;
- (b) Income specifically excluded by any federal statute from consideration as income in the food stamp program;

(c) The earned income of household members who are:

- (i) ~~((Twenty one))~~ Seventeen years of age or under; and
- (ii) Attending elementary or secondary school at least half time.

(d) Infrequent or irregular income, received during a three-month period by a prospectively budgeted household, that:

- (i) Cannot be reasonably anticipated as available; and
- (ii) Shall not exceed thirty dollars for all household members.

(e) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred;

(f) Nonrecurring lump sum payments;

(g) Income used for the cost of producing self-employment income;

(h) Educational assistance financed in whole or in part with Title IV funds or issued by the Bureau of Indian Affairs;

(i) Educational assistance to the extent such assistance is earmarked by the school or actually paid by the student for the following educational expenses:

- (i) Tuition;

(ii) Mandatory fees, including rental or purchase of equipment, materials, and supplies related to pursuing the course of study;

(iii) Books;

(iv) Supplies;

(v) Transportation; and

(vi) Miscellaneous personal expenses.

(j) Reimbursements for past or future expenses to the extent the reimbursements do not:

(i) Exceed the actual expense; and

(ii) Represent a gain or benefit to the household.

(k) Any gain or benefit not in money;

(l) Vendor payments as defined in WAC 388-49-020;

(m) Money received and used for the care and maintenance of a third-party beneficiary who is not a household member;

(n) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs;

(o) Energy allowances included in ~~((AFDC, continuing general assistance, and))~~ refugee assistance grants.

(Number in Grant Assistance Unit	Energy Exclusion
1	\$ 55
2	71
3	86
4	102
5	117
6	133
7	154
8 or more	170))

(p) Support payments owed to a household member, but specified by the support court order or other legally binding written support or alimony agreement to go directly to a third-party beneficiary rather than to the household;

(q) Support payments on behalf of a household member, not required by the support court order or other legally binding written support or alimony agreement and paid directly to a third party rather than to the household;

(r) Payments from the individual and family grant program;

(s) Public assistance payments:

(i) Over and above the regular warrant amount;

(ii) Not normally a part of the regular warrant; and

(iii) Paid directly to a third party on behalf of the household.

(t) From Jobs Training Partnership Act programs:

(i) Allowances; and

(ii) Earnings from on-the-job training by household members under parental control and eighteen years of age and younger.

(u) Cash donations based on need:

(i) Received directly by the household;

(ii) From one or more private, nonprofit, charitable organizations; and

(iii) Not exceeding three hundred dollars in any federal fiscal year quarter.

(v) Earned income credit;

PROPOSED

(w) Governmental foster care payments received by households with foster care individuals who are considered to be boarders under WAC 388-49-020(10).

(2) When earnings or amount of work performed by a household member described in subsection (1)(c) of this section, cannot be differentiated from the earnings or work performed by other household members, the department shall:

(a) Prorate the earnings equally among the working members; and

(b) Exclude the household member's pro rata share.

(3) When the intended beneficiaries of a single payment for care and maintenance of a third-party beneficiary include both household members and persons not in the household, the department shall exclude:

(a) Any identifiable portion intended and used for the care and maintenance of the person out of the household; or

(b) The lesser of:

(i) The actual amount used from a single payment for the care of a person outside the household; or

(ii) A pro rata share of the single payment when the single payment does not identify the portion intended for the care of the person outside the household.

WSR 96-20-056
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services)

(Public Assistance)

[Filed September 25, 1996, 4:37 p.m.]

Original Notice.

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

Title of Rule: WAC 388-49-310 Citizenship and alien status.

Purpose: Implements 1996 welfare legislation which limits food stamp program eligibility to a significantly smaller group of legal immigrants than previously eligible for the food stamp program.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: Section 402 of HR 3734.

Summary: Limits food stamp program eligibility to noncitizens who are (a) refugees, asylees and aliens with deportation withheld (for five years from date of entry, grant of asylum or withholding of deportation date); (b) permanent resident aliens (admitted under INA) with forty qualifying work quarters who did not receive any federal means-tested benefits during any qualifying work quarter after December 31, 1996; or (c) veterans and active-duty military, lawfully residing in the United States, plus spouse and unmarried dependent child.

Reasons Supporting Proposal: Section 402 of HR 3734 requires this change.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, (360) 413-3073.

Name of Proponent: Joan Wirth, Division of Income Assistance, governmental.

Rule is necessary because of federal law, Section 402 of HR 3734, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Explanation of Rule, its Purpose, and Anticipated Effects: Limits food stamp program eligibility to noncitizens who are (a) refugees, asylees, and aliens with deportation withheld (for five years from date of entry, grant of asylum or withholding of deportation date); (b) permanent resident aliens (admitted under INA) with forty qualifying work quarters who did not receive any federal means-tested benefits during any qualifying work quarter after December 31, 1996; or (c) veterans and active-duty military, lawfully residing in the United States, plus spouse and unmarried dependent child.

This rule change will significantly reduce the number of legal immigrants eligible for the food stamp program.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply to this rule.

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 98504-5800, on November 5, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by October 21, 1996, (360) 902-8317, or TTY (360) 902-8324.

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 November 5, 1996.

Date of Intended Adoption: November 6, 1996.

September 25, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3409, filed 6/23/92, effective 7/24/92)

WAC 388-49-310 Citizenship and alien status. (1) The department shall require applicants to sign the application attesting to their citizenship or alien status as described under WAC 388-49-030(6).

(2) The department shall consider applicants (~~(failing))~~ and current recipients as of the date of their next certification who fail to meet the requirements of subsections (1) and (3) of this section as ineligible household members under WAC 388-49-190(4), 388-49-420(5), and 388-49-480(2).

(3) The department shall consider the following persons residing in the United States eligible for participation in the food stamp program:

(a) A United States citizen; (~~(or)~~)

(b) An alien lawfully admitted for permanent residence (~~(or)~~) under the Immigration and Nationality Act who has worked forty qualifying quarters of coverage as defined under Title II of the Social Security Act or can be credited with such qualifying quarters.

(i) An alien can be credited for each qualifying quarter worked by a:

~~(A) Parent while the alien was under age eighteen, or
(B) Spouse during their marriage if the alien remains married to the spouse or the spouse is deceased.~~

~~(ii) Beginning January 1, 1997, any quarter in which the alien received any federal means-tested public benefit is not counted as a qualifying quarter.~~

~~(iii) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant has forty qualifying quarters of coverage when:~~

~~(A) The applicant cannot produce acceptable verification of forty qualifying quarters of coverage; and~~

~~(B) The applicant can reasonably explain why the verification is not available.~~

~~(c) An alien, who is a qualified alien as defined under section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the spouse or unmarried dependent child of the alien, lawfully residing in the United States, who is:~~

~~(i) ((Entered the United States before January 1, 1972, or some later date as required by law; and)) A veteran, as defined in section 101 of Title 38, United States Code, with a discharge characterized as an honorable discharge and not on account of alienage;~~

~~(ii) ((Has continuously maintained residency in the United States since then; and~~

~~(iii) Is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the attorney general under section 249 of the Immigration and Nationality Act)) On active duty, other than active duty for training, in the Armed Forces of the United States.~~

~~(d) An alien ((who qualified for entry after March 17, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion under sections 203 (a)(7), 207, and 208 of the Immigration and Nationality Act; or)) admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act until five years after the date of such admission as a refugee;~~

~~(e) An alien ((qualified for conditional entry before March 18, 1980, under former section 203 (a)(7) of the Immigration and Nationality Act; or~~

~~(f) An alien)) granted asylum ((through an exercise of discretion by the attorney general)) under section 208 of the Immigration and Nationality Act until five years after the date of granting such status; or~~

~~((g) An alien lawfully present in the United States as a result of:~~

~~(i) An exercise of discretion by the attorney general for emergent reasons or reasons deemed strictly in the public interest under section 212 (d)(5) of the Immigration and Nationality Act; or~~

~~(ii) A grant of parole by the attorney general.~~

~~(h)) (f) An alien living ((within)) in the United States ((for whom the attorney general withheld)) whose deportation((s)) is withheld under section 243(h) of the Immigration and Nationality Act((, because the attorney general judges the alien is subject to persecution because of race, religion, or political opinion; or~~

~~(i) An alien having temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act; or~~

~~(j) An aged, blind, or disabled alien admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act; or~~

~~(k) An alien who is not aged, blind, or disabled admitted under section 245A of the Immigration and Nationality Act when:~~

~~(i) Permanent status has been gained; and~~

~~(ii) A five-year period has expired from date lawfully admitted.~~

~~(l) An alien who is:~~

~~(i) Granted family unity status by the immigration and naturalization service; and~~

~~(ii) Whose newly legalized alien spouse or parent is eligible to participate in the food stamp program)) until five years after the date such deportation is withheld.~~

~~(4) The household shall provide verification when:~~

~~(a) Citizenship is questionable; or~~

~~(b) One or more of its members are aliens.~~

~~(i) The department shall not contact the immigration and naturalization service to obtain information without the alien's written consent.~~

~~(ii) The department shall give the household failing to provide verification the option of:~~

~~(A) Withdrawing the application; or~~

~~(B) Participating without the alien member.~~

~~(5) An applicant shall be ineligible until:~~

~~(a) Questionable citizenship is verified; or~~

~~(b) Lawful alien status is verified.~~

~~(6) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant is a United States citizen when:~~

~~(a) The applicant cannot produce acceptable citizenship verification; and~~

~~(b) The household can reasonably explain why the verification is not available.~~

~~(7) The department shall notify immigration and naturalization services when any household member is ineligible because that person is present in the United States in violation of a known deportation order of the Immigration and Nationality Act.~~

~~(8) Lawfully admitted aliens who are ineligible include:~~

~~(a) Alien visitors;~~

~~(b) Tourists;~~

~~(c) Diplomats; ((and))~~

~~(d) Students with temporary status; and~~

~~(e) Aliens not identified in subsection (3) of this section as eligible for participation in the food stamp program.~~

WSR 96-20-058

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed September 26, 1996, 10:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-11-114.

Title of Rule: Professional boxing and wrestling.

Purpose: To amend rules to carry out the purpose of chapter 67.08 RCW.

Statutory Authority for Adoption: Chapter 67.08 RCW.

Statute Being Implemented: Chapter 67.08 RCW.

Summary: Amending chapters [sections] to update procedures required by chapter 67.08 RCW.

Reasons Supporting Proposal: Changes to chapter 67.08 RCW, abolishment of the boxing commission, and the recent renewed growth in industry activity has deemed it essential to revise the rules for professional athletics in order to assure the health, safety, and welfare of the participants.

Name of Agency Personnel Responsible for Drafting and Implementation: Pat Brown, Department of Licensing, 405 Black Lake Boulevard, Olympia, 664-2356; and Enforcement: Jon Clark, Department of Licensing, 405 Black Lake Boulevard, Olympia, 753-7506.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules relate to the process for conducting professional boxing and wrestling events. They establish officials' compensation and clarify existing rules that have become obsolete due to RCW revisions. They describe the responsibilities of appointed officials, complaint procedures, and attend to housekeeping language cleanup. The purpose is to ensure the health, safety, and welfare of the participants.

Proposal Changes the Following Existing Rules: (1) Housekeeping language cleanup, (2) redefining officials' compensation, and (3) industry-wide accepted rule updates.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Costs of compliance do not exceed the guidelines for minor and negligible impacts as described by the Business Assistance Center table of minor and negligible impacts.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules are "procedural" and "interpretive" in nature and not "significant legislative rules" as defined in RCW 34.05.328 (5)(c)(i)(ii)(iii).

Hearing Location: Labor and Industry Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on November 25, 1996, at 10:00 - 12:00 noon.

Assistance for Persons with Disabilities: Contact Tim Baker by November 18, 1996, TDD (360) 664-9073, or (360) 753-3713.

Submit Written Comments to: Pat Brown, P.O. Box 9045, Olympia, WA 98507-9045, FAX (360) 753-3747, by November 18, 1996.

Date of Intended Adoption: December 1, 1996.

September 26, 1996

Pat Brown
Administrator

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-010 Penalties. In cases of infraction of the law, the rules and regulations, orders of the (~~professional athletic commission~~) department, or the failure to fulfill any contracts or agreements, it shall rest with the (~~commission~~) director to impose such penalties as may be (~~deemed expedient~~) authorized by law.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-011 "Promoter," "purse" defined. For purposes of brevity, in the following rules the word "promoter" will be used to designate a club, corporation, organization, association or person holding license (~~under this commission~~) from the department. "Purse" will designate the sum of money or other compensation by way of guarantee, percentage or otherwise, paid to boxer.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-020 Boxing weights and classes.

- Strawweight up to 105 pounds
- Light Flyweight over 105 to 108 pounds
- Flyweight over 108 to 112 pounds (~~or under~~)
- Super Flyweight over 112 to 115 pounds
- Bantamweight over (~~(112)~~) 115 to 118 pounds
- Super Bantamweight over 118 to 122 pounds
- Featherweight over (~~(118)~~) 122 to 126 pounds
- (~~Junior lightweight over 126 to 130 pounds~~)
- Super Featherweight over 126 to 130 pounds
- Lightweight over 130 to 135 pounds
- (~~Junior welterweight over 135 to 140 pounds~~)
- Super Lightweight over 135 to 140 pounds
- Welterweight over 140 to 147 pounds
- Super Welterweight over 147 to 154 pounds
- Middleweight over (~~(147)~~) 154 to 160 pounds
- Super Middleweight over 160 to 168 pounds
- Light Heavyweight over (~~(160)~~) 168 to 175 pounds
- Cruiserweight over 175 to 195 pounds
- Heavyweight all over 195 pounds

No contests shall be scheduled, and no contestants shall engage in a boxing contest where the weight difference exceeds the allowance as shown in the following schedule, without the written approval of the (~~commission~~) department.

- (~~(112 lbs.)~~) up to 118 lbs. not more than 3 lbs.
- 118 lbs.-126 lbs. not more than 5 lbs.
- 126 lbs.-(~~(130)~~) 135 lbs. not more than 7 lbs.
- (~~(130)~~) 135 lbs.-(~~(135)~~) 147 lbs. not more than (~~(7)~~) 9 lbs.
- (~~(135 lbs.-140 lbs. not more than 9 lbs.~~)
- 140 lbs.-147 lbs. not more than 9 lbs.)
- 147 lbs.-160 lbs. not more than 11 lbs.
- 160 lbs.-175 lbs. not more than 12 lbs.
- 175 lbs.-195 lbs. not more than (~~(15)~~) 20 lbs.
- 195 lbs. and over, no limit.

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

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-030 Weighing time. (1) Contestants shall be weighed (~~on the date~~) within twenty-four hours of the scheduled (~~match~~) event, at the time designated by the (~~commission~~) department, in the presence of each other, (~~a commission inspector and an official of the club promoting~~

PROPOSED

~~the match, on club scales or other~~) the inspector and a promoter representative on scales approved by the ((~~commission or~~) department at such place or places as may be designated by consent of ((~~commission~~) a department inspector. By special permission of the ((~~commission~~) department, preliminary boxers may be allowed to weigh in and be examined not later than one hour before the scheduled time of the first match on the card. The weight of each contestant shall be recorded on a report sheet ((~~provided~~) approved by the ((~~commission~~) department.

(2) At the official weighing-in of all contestants ((~~duly accredited newspaper, radio and television~~), representatives ((~~may~~)) of print or electronic news media shall, upon request, be admitted.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-040 Ring and equipment. (1) **Ring.** The ring shall be not less than seventeen feet square or more than twenty-four feet within the ropes. The ring floor shall extend beyond the ropes not less than eighteen inches. The ring floor shall be padded in a manner as approved by the ((~~commission~~) department. Padding must extend beyond the ring ropes and over the edge of the platform with a top covering of canvass, duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges must not be used. ((~~Ring canvas~~) Covering material must be in a clean and sanitary condition.

(2) **Height of ring.** The ring platform shall not be more than four feet above the floor of the building, and shall be provided with suitable steps for use of contestants. Ring posts shall be of metal, not more than four inches in diameter, extending from the floor of the building to a height of fifty-eight inches above the ring floor, and shall be properly padded. Ring posts shall be at least eighteen inches away from the ropes.

(3) **Ring ropes.** Ring ropes shall be at least ((~~three~~) four) in number, not less than one inch in diameter((~~;~~) and wrapped in soft material. The ropes shall be manila rope of standard manufacture. No wire or cable shall be used. The spacing of ropes shall consist of the lower rope eighteen inches above the ring floor, the second rope ((~~thirty-five~~) thirty) inches above the floor, the third rope ((~~fifty-two~~) forty-two) inches above the floor, and the fourth rope fifty-four inches above the floor. The lower rope shall have applied around it a padding of a thickness of not less than one-half inch and of a type and construction to be approved by the ((~~commission~~) department. Two vertical stays or rope spacers of an elastic composition shall be utilized for additional rope stability. The vertical stays or rope spacers shall be evenly spaced between the ring posts on all four sides of the ring so as to maximize efficiency.

(4) **((~~Gong or~~) Bell.** There shall be a bell ((~~or gong~~)) at the ring no higher than the level of the ring platform. The bell ((~~or gong~~)) shall be of a clear tone so that the contestants and officials may easily hear it.

(5) **Obstructions.** ((~~The entire ring platform shall be cleared of all obstructions including buckets, stools, etc., the instant~~) When the ten second signal is given by the timekeeper, ((~~and none of these articles~~) all items shall be

((~~placed on the ring floor until the gong has ended~~)) promptly cleared from the ring and no items shall be left on the ring platform at the time the bell sounds to start the round.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-050 Gloves. (1) Gloves shall be examined by the ((~~commission~~) inspector or his designated representative ((~~and the referee~~)). If padding is found to be misplaced or lumpy, or if gloves are found to be ((~~imperfect~~)) not in compliance with this chapter, or ill-fitting, they shall be changed before the contest starts. No breaking, skinning, roughing or twisting of gloves shall be permitted.

(2) Gloves for all main events shall be new, and furnished by club management, and so made as to fit the hands of any contestant whose hands may be unusual in size.

(3) ((~~New gloves or gloves which have been used before~~)) All gloves shall be whole, clean, in sanitary condition, and subject to inspection by the ((~~referee~~) inspector or ((~~commission representative as to condition~~) designated representative for compliance with this chapter. Any ((~~such~~)) gloves found to be unfit or ill-fitting, shall be immediately discarded and replaced with gloves ((~~meeting the above requirements~~)) which comply with this chapter.

(4) ((~~All clubs shall have on hand an extra set~~)) In addition to those gloves which are required to be furnished by a promoter at a contest at least one additional set of eight-ounce and ((~~an extra~~) at least one additional set of ten-ounce gloves ((~~to be used~~)) shall be provided for use in case gloves are broken or in any way damaged during ((~~the course of a bout~~)) a contest. These extra sets of gloves shall be placed in the custody of the department representative at ringside prior to the start of the first contest.

(5) Contestants in all weight classes ((~~up to and including~~) from strawweight through the welterweight class, shall wear no less than eight-ounce gloves. In ((~~the heavier~~) all other classes, contestants shall wear no less than ten-ounce gloves ((~~shall be worn. All gloves must be approved by the commission~~)). When two contestants differ in weight classes, the contestants shall wear the gloves required for the higher weight classification.

(6) Gloves must have the distal portion of the thumb attached to the body of the glove so as to minimize the possibility of injury to an opponent's eye.

(7) Any glove or set of gloves may be only used once during the course of a boxing program and shall immediately after such use be wiped in their entirety with a damp cloth which has been soaked in a solution of water and ten percent chlorine bleach.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-060 Number of rounds. ((~~See RCW 67.08.080.~~) No boxing contest or sparring exhibition held in this state whether under the provisions of statute or otherwise shall be for more than ten rounds and no one round of any such contest or exhibition shall be for a longer period than three minutes and there shall be not less than one minute intermission between each round. In the event of bouts involving state, national, or regional or world championships the commission may grant an extension of no more

than two additional rounds to allow total bouts of twelve rounds.) Promoters shall not schedule less than twenty-six rounds of boxing, ~~((nor more than forty rounds,))~~ except with the ~~((written))~~ approval of the ~~((commission))~~ department for any one program. ~~((An emergency))~~ A standby bout shall be provided in the event an arranged card breaks down, and if it is necessary to put on another bout.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-070 Bandages. (1) Bandages shall not exceed the following restrictions: One winding of surgeon's adhesive tape not over one and one-half inches wide, placed directly on the hand to protect that part of the hand near the wrist. Said tape may cross the back of the hand twice, but shall not extend within one inch of the knuckles when hand is clenched to make a fist.

(2) Contestants shall use soft surgical bandages not over two inches wide, held in place by not more than two yards of surgeon's adhesive tape for each hand. One ten yard roll of bandage shall complete the wrappings for each hand. Bandages shall be ~~((adjusted))~~ applied in the dressing room in the presence of ~~((a commission))~~ the inspector or a designated representative and both contestants. ~~((Either))~~ A contestant may waive ~~((his))~~ the privilege of witnessing the bandaging of his or her opponent's hands.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-080 Ring equipment. Promoters shall provide all necessary equipment, subject to approval by the ~~((commission))~~ department, for use by the seconds and contestants at ~~((all events))~~ ringside. These items shall consist of a corner stool, spit bucket, ice bucket with ice, latex gloves, spray bottle with ten percent bleach/water mixture, paper towels, disposal bucket, and any other items the department deems reasonably necessary for the health and safety of the contestants.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-100 Officials. (1) The officials of boxing ~~((contests))~~ events shall consist of a minimum of two referees, a timekeeper, a physician, ~~((two or))~~ three judges, and ~~((a commission))~~ an inspector. ~~((At the discretion of the commission the three judge system may be used in lieu of the two judge and referee system.))~~ One extra referee and judge may be assigned to boxing events that have 40 to 49 rounds of boxing scheduled and two extra referees and judges may be assigned to events that have 50 or more rounds scheduled. Additional officials may also be added to an event when deemed appropriate by the department for the protection of the participants. The ~~((referee, commission inspector, judges, physician, and timekeeper))~~ event officials shall be assigned by the ~~((commission))~~ department.

(2) No licensee shall verbally or physically abuse a referee or any other ~~((commission))~~ event official.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-110 Referee. (1) The chief official of boxing ~~((contests))~~ events shall be the referee, who shall have general supervision over bouts and take his or her place in the ring prior to each contest. The referee shall maintain the safety and welfare of the contestants foremost at all times.

(2) The referee shall, before starting a contest, ascertain from each contestant the name of his or her chief second, and shall hold said chief second responsible for the conduct of his or her assistant seconds during the progress of the contest.

(3) The referee shall call contestants together before each bout for final instructions, at which time each contestant shall be accompanied by his or her chief second only. ~~((The principals))~~ contestants, after receiving instructions, shall touch gloves and retire to their corners. ~~((They))~~ The contestants shall not intentionally touch gloves at the beginning of a round again until the beginning of the ~~((last))~~ final scheduled round.

(4) No person ~~((s))~~ other than the contestants and the referee may enter the ring during the progress of a round except at the direction or request of a referee.

(5) The referee ~~((shall)),~~ in lieu of the inspector or designated representative, may inspect the bandages and the gloves and make sure that no foreign substances have been applied to either the gloves or any part of a boxer's head or body to the detriment of an opponent.

(6) Referees ~~((must))~~ shall wear dark trousers ~~((and)),~~ light blue shirt and bow tie or uniforms subject to approval of the ~~((commission))~~ department.

(7) All referees must take an annual physical and eye examination similar to that given to all applicants for a boxers' license ~~((and they shall be examined before officiating in any contest by the commission physician before entering the ring the same as boxers; if such examinations indicate the referee is physically or otherwise disabled or incapacitated)).~~ The results of the examination shall be provided to the department. Referees shall be examined, during the day a contest is to be held, by the department physician for the purpose of determining his or her suitability for officiating in the contest. If such examination indicates the referee is unfit to perform his or her duties during the contest, such fact should be immediately reported ~~((, in writing,))~~ by the examining physician to the inspector ~~((in charge)),~~ who shall take appropriate action to replace such referee.

AMENDATORY SECTION (Amending WSR 91-14-063, filed 6/28/91, effective 7/29/91)

WAC 36-12-120 Powers of referee—Penalties for fouls, butts. (1) ~~((The))~~ Referees shall have power to stop a contest ~~((at))~~ any time ~~((if he considers))~~ they think it is too one-sided, or if either contestant is in such condition that to continue might subject ~~((him))~~ them to serious injury ~~((, and in either case)).~~ In the event a referee stops a contest pursuant to this subsection, the referee is authorized to render a decision.

(2) In cases where a boxer receives ~~((a cut eye or))~~ any ~~((other))~~ injury or cut which the referee ~~((may))~~ reasonably

believes shall incapacitate the boxer, the referee shall call into the ring the ~~((commission))~~ department physician ~~((for examination of))~~ to examine the boxer ~~((before the referee shall render his decision in the matter))~~. The physician shall provide the referee with an opinion as to the seriousness of the trauma.

(3) The referee shall stop a contest if, in ~~((his judgment there is stalling or faking by))~~ the referee's judgment, either or both contestants ~~((or))~~ are intentionally delaying or not putting forth the full effort of which the contestants are capable. The referee shall also stop a contest if there is collusion affecting the result, in which case ~~((he))~~ the referee shall recommend to the ~~((commission))~~ department that the purse or purses of the offending boxer or boxers be forfeited ~~((and paid to the commission)).~~

(4) The referee shall penalize any contestant who fouls ~~((his))~~ an opponent during a contest, by charging such contestant with the loss of points, whether such foul or fouls be intentional or unintentional. ~~((However,))~~ The referee shall use ((his own discretion)) reasonable judgment in determining the number of points ~~((, if any,))~~ chargeable against the contestant in each instance ~~((, depending upon the severity or harmlessness of the foul and its effect upon the opponent. The referee shall indicate on the official score card the number of points taken away from a contestant in any and all rounds in which he may find it necessary to charge the contestant with such loss)).~~ At the time of the infraction the referee shall ((, at the conclusion of each round)) notify the judges of the number of points to be deducted in accordance with ((his)) the referee's determination. Judges shall not deduct points without first receiving instruction from the referee.

(5) Persistent unintended fouling by a contestant requiring cautioning by the referee shall be noted ~~((on))~~ by the referee ~~((s score card and called to the attention of the commission for appropriate punishment))~~ on the referee's report.

(6) ~~((No contestant may be awarded a contest on a claim of a low blow foul, nor may a contestant lose a decision by reason of a low blow foul. Except where a contestant commits two fouls and after being warned each time by the referee, he commits a third foul, the referee may then within his discretion award the decision to the contestant who has been fouled.~~

~~((7) Any boxer guilty of intentional foul tactics in a boxing contest may be disqualified and his purse withheld from payment, and the boxer shall be automatically suspended. Disposition of the purse and the penalty to be imposed upon the boxer shall be determined by action of the commission.~~

~~((8) In the event of an unintentional foul (except as provided in subsection (9) of this section) other than low blow fouls, rendering an opponent incapacitated or unfit to continue (in the opinion of the referee))~~ An unintentional low-blow foul shall not, except as otherwise provided, be the basis for a referee to declare a contestant a winner or a loser of a contest. However, if the referee has already warned such contestant for two previous fouls, the unintentional low-blow foul would be a third foul and, accordingly, could be grounds for disqualification.

(7) If the referee determines a boxing contestant to have intentionally committed a foul, the referee may stop the

contest, award the contest to the contestant who has been fouled, and shall notify the department.

~~((8) Except as provided in subsections (5), (6), (9), and (10) of this section, a single unintentional foul shall not be the basis of awarding a contest to the fouled contestant. If an unintentional foul renders a contestant unable to continue, the contest shall be terminated((,)) and no decision shall be rendered ((but the referee shall order withheld from payment the purses of both contestants; the referee shall make a full report thereof, as is otherwise indicated herein, and the matter shall be heard by the commission and be disposed of as the commission may in its judgment deem expedient. Referees are hereby required to report to the commission repeated or persistent intentional or unintentional fouling by any contestant, in which connection the commission may order a hearing and subject the offending contestant to such punishment, which may include a fine or suspension, or both)).~~

(9) If an accidental butt to the head occurs during any bout, the referee shall immediately warn the guilty boxer and ~~((he))~~ may penalize ((him)) the contestant by a deduction in points for the round ~~((, at the same time he shall so notify the other contestant. Should any such penalty be charged against the boxer guilty of butting it shall be charged at the end of the round in which the butting occurred and the referee's score card shall be so marked at the conclusion of the round, at which time he shall also notify the judges; the referee shall explain in writing on the back of his card the nature and circumstances surrounding the penalty)).~~ If the referee deducts points for a butt to the head, it shall be treated as a foul under subsection (4) of this section.

(10) If a ~~((boxer))~~ contestant is accidentally butted in a bout ~~((so that he))~~ and cannot continue, the referee shall:

(a) Call the bout a draw if the injured ~~((boxer))~~ contestant is behind in points, or

(b) Declare the injured ~~((boxer))~~ contestant the winner on a technical decision if he or she has a lead in points. When the judges scorecards are used, the majority ~~((vote as disclosed by the score cards))~~ shall prevail in determining the decision ~~((as specified in this section and the previous section hereof)).~~ If all three score cards differ the contest shall be declared a technical draw.

(c) If any accidental butt to the head occurs during the first three rounds of any contest ~~((the referee shall call the bout a no contest))~~ and renders a contestant unable to continue the referee shall declare the contest terminated and shall not award the contest to either contestant.

The provisions of (a) and (b) of this subsection do not apply in world championship matches.

~~((This rule applies only to accidental butting. Intentional butting is a foul and shall be penalized as such.))~~

(11) The referee shall use ~~((his))~~ reasonable discretion in deciding any matters that may come up during a contest and are not covered by these rules.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-130 Duties of referee—Injuries, knock-downs, falls. (1) In case of a knockdown the referee shall require the fallen contestant to take a count of eight. The referee may compel a hurt contestant to take an eight count

~~((whether or not he is down))~~ at any time. In the case of a cut in the area around the eye or ~~((similar))~~ serious laceration the referee shall consult with the ringside physician. Such consultation ~~((shall take place upon the conclusion of a round or with "time out" or in an emergency during the progress of any round. The termination of the bout shall be governed by the examining physician's decision))~~ may occur at any time. If it occurs during a round, the referee may interrupt the contest and direct the timekeeper to cease keeping time toward completion of the round while the physician examines the contestant and renders a decision on termination of the contest. The termination of a contest by the examining physician is final and may not be overruled by any official or the department.

(2) A contestant who goes down without being struck other than one who is attempting to rise following a knock-out, and stays down, shall be disqualified and the referee may render the decision to his or her opponent((, and)). The referee shall recommend to the ~~((commission))~~ department that the purse of the offending boxer be forfeited and paid to the ((commission)) department.

(3) ~~((Should))~~ A contestant who:

(a) Leaves the ring during the one minute period between rounds and fails to be in the ring when the ((gong)) bell rings the signal to resume boxing((, or should a contestant fail to rise from his chair));

(b) Fails to continue the contest at the beginning of a round((, the referee shall start counting immediately, and)) shall immediately be placed on a count by the referee. Unless the contestant ((is on his feet in the ring)) returns to the contest at the end of ten seconds the referee shall ((declare him as counted out)) award the contest to the other contestant.

(4) Should a contestant who is ("down") knocked down arise before the count of ("ten") is reached, and go down again immediately without being struck, the referee shall resume the count where ((he left off)) the count was when it was interrupted by the rising of the contestant.

(5) If ((in any boxing contest during the rest period between rounds the referee shall decide that either of the contestants is not able to continue, or if the chief second of either of the contestants shall inform the referee that his boxer)) the referee determines during the rest period in a contest that a contestant is unable to continue, or if a contestant's chief second informs the referee during the rest period that the contestant is unable to continue, and the referee concurs therein, ((he shall render his decision before the gong or bell rings and then indicate on his score card)) the referee shall terminate the contest and indicate on the referee's report that the opponent of the incapacitated ((boxer)) contestant is the winner of the contest on a technical knockout as of the round which has last been finished.

~~((5))~~ (6) When a ((boxer)) contestant resumes boxing after having been knocked down or fallen or slipped to the floor, the referee shall wipe ((any accumulated resin or ether)) all foreign material from the boxer's gloves ((with a damp towel or on his shirt)).

AMENDATORY SECTION (Amending Order 74-1, filed 11/19/74)

WAC 36-12-140 Method of counting over a boxer who is down. (1) When a contestant is knocked down the referee shall order the opponent to retire to the farthest neutral corner of the ring, pointing to the corner, ((and immediately)) while simultaneously beginning the count over the ((boxer)) contestant who is down. The referee is the sole judge as to whether ((or not)) there has been a knockdown.

(2) ~~((He))~~ The referee shall audibly announce the passing of each second, accompanying the ((count)) count with a visible arm motion((s of his arm)), the downward motion indicating the end of each second.

(3) Any contestant who is knocked down shall not be allowed to resume boxing until after the referee has finished the count of eight. The contestant may ((take this count either on the floor or standing if he has not been struck hard enough to keep him down)), but is not required to, rise before the referee has reached the count of eight.

(4) The timekeeper shall:

(a) Stand up and strike ((with his hammer on)) the edge of the platform with a hammer or other equipment approved by the department, at the end of each second((,); or

(b) By other effective signaling method, give the referee the correct one-second intervals for ((his count)) the purpose of maintaining the proper count of the passing seconds.

(5) Should the ((opponent fail to stay in the farthest corner)) standing contestant leave the farthest neutral corner to which he or she has been directed by the referee, the referee shall ((cease counting until he has returned to it, and then go on with)) interrupt the count. The count shall not be resumed until the contestant returns to the neutral corner to which he or she was directed by the referee. When the contestant returns to the appropriate corner, the referee shall resume the count from the point at which it was interrupted.

(6) When ((a boxer is cleanly knocked down he shall be required to take a count of "8" whether or not he has regained his feet before the count of "8" has been)) the referee determines a contestant has been knocked down primarily as a result of a blow, the referee shall require the contestant to be subjected to a count of eight before the contestant may resume the contest, regardless of whether the contestant rises from the ring floor prior to the count of eight being reached. This rule will prevent a boxer being struck while proper reflexes are absent and will also aid the referee in judging the condition of the boxer. If the contestant does not arise before the count of eight is reached, the referee must determine whether the contestant's reflexes and condition renders it appropriate to continue the contest.

~~((6))~~ (7) If the ((boxer who is down arises during the count the referee may, if he deems it advisable, step between the contestants long enough to assure himself that the boxer just arisen)) referee deems it appropriate, he or she may defer resumption of a contest to determine whether a contestant who was knocked down and arises before a count of eight is reached is in fit condition to continue. If so assured ((he)) the referee shall, without loss of time, order both boxers to go on with the contest. During such intervention by the referee the striking of a blow by either boxer may be ruled a ((foul)).

~~((7))~~ (8) If the contestant taking the count is still down when the referee calls the count of ~~((ten))~~ the referee shall wave both arms to indicate ~~((that he))~~ the contestant has been knocked out, and shall raise the hand of the opponent as winner. The referee's count is the official count. Upon the opinion and decision of both the physician and referee on any knockout, bad or continuous beating, a boxer will be suspended until such time as he takes a complete physical examination and is reinstated by such report from the ~~((commission))~~ department physician. This report will not include the ~~((Seriological))~~ blood test for ~~((syphilis))~~ communicable diseases, which is taken once a year.

~~((8))~~ (9) In all ~~((boxing bouts, including championship matches, when a boxer is clearly))~~ contests where a contestant has been knocked down a total of three times in ~~((any one))~~ a round, the contest shall be terminated and the opponent shall be awarded the decision. ~~((This rule may be waived by a unanimous vote of the commission.))~~

~~((9))~~ If the round ends during the count the timekeeper shall sound the gong once, thus indicating the termination of the three minute round and that the contestant who is down has not been counted out.

~~((10))~~ The referee shall continue the count after the bell signifying termination of the round except in the final round. (10) If a boxer is down and the referee is in the course of counting at the end of:

(a) A round other than the final scheduled round, the bell indicating the end of the round must not be sounded, but the bell must be sounded as soon as the downed boxer regains his feet and the referee indicates that the boxers should continue.

(b) The final round, the bell must be sounded indicating the end of the round and contest.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-150 When boxer falls from ring during round. (1) A contestant who has been knocked or has fallen through the ropes and over the edge of the ring platform during a contest may be helped back by anyone except his seconds or manager and the referee will allow a reasonable time for this return. When on the ring platform outside the ropes the contestant must reenter the ring immediately, then he may either resume the contest or stay down for a count, which in the latter case shall be started by the referee as soon as the fallen contestant is back in the ring.

(2) ~~((Should the contestant stall for time outside the ropes))~~ If a contestant intentionally declines to reenter the ring, the referee shall start the count ~~((without waiting for him to reenter the ring, and if he is not on his feet))~~ immediately. If the contestant is not in the ring within ten seconds, the referee shall ~~((declare him "knocked out."))~~ award the contest to the other contestant on the basis of a knockout.

(3) When ~~((one boxer))~~ a contestant has fallen through the ropes the other shall retire to the farthest neutral corner and stay there until the count is completed or ~~((his opponent is on his feet in the ring.))~~ The referee must signal for the resumption of fighting when the fighter has returned to the ring) the other contestant returns to the ring and the referee directs resumption of the contest.

(4) A contestant who deliberately wrestles or throws an opponent from the ring, or ~~((who hits him when he))~~ strikes an opponent who is partly out of the ring, and prevented by the ropes from assuming a position of defense may be disqualified, and the referee shall recommend to the ~~((commission))~~ department that the purse of the offending boxer ~~((or boxers))~~ be forfeited ~~((and paid to the commission)).~~

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-160 Report of referee—Withholding or forfeiture of purse. (1) A referee ~~((of any contest))~~ shall submit by mail or in person a report of any and all contests ~~((which he referees))~~ refereed. Any matter involving disregard of the rules or law must be included in the report and any recommendations relative to ~~((fines or))~~ suspensions of violators of the rules or law. ~~((Mail the report to the commission office.))~~ All referees must fully and explicitly describe the circumstances in which any ~~((bout))~~ contest is stopped on account of a technical knockout. ~~((When requested by the commission))~~ The referee's report must ~~((contain the exact reason for his actions in))~~ clearly state the reason for awarding the decision to the winner as a result of a technical knock-out.

(2) ~~((The referee shall recommend to the commission that they declare forfeited any remuneration or purse, or any part thereof, belonging to the contestants or one of them, or any part of the gate receipts for which contestants are competing, if in his judgment such contestant or contestants are not honestly competing. It is the desire of the commission to strictly enforce the above, and every referee is ordered to warn competing boxers of the power of the commission to hold up the purse or purses, should there be any apparent cause for such warning.))~~

~~((3))~~ In any case where the) If a referee decides that both contestants are not ~~((honestly competing))~~ putting forth the full effort of which they are capable, the bout must be stopped before the end of the last round, and no decision be given. The announcer shall inform the audience~~((s))~~ that no decision has been rendered. ~~((In such cases the purses shall be forfeited. A contestant earns nothing and shall not be paid for a contest in which there is stalling, faking, dishonesty or collusion.))~~ The ~~((commission))~~ department shall have the power, independent of the referee ~~((or his decision,))~~ to determine the merits of any contest, and take whatever action it considers proper. Counting a boxer out, or disqualifying one of the contestants for fouling, is in effect giving a decision.

~~((4))~~ (3) A referee's decision rendered at the termination of any ~~((boxing))~~ contest is final and shall not be changed unless ~~((following the rendition of a decision the commission))~~ the director determines that any one of the following occurred:

(a) There was collusion affecting the result of any contest;

(b) The compilation of the scorecard of the referee or referee and judges shows an error which would mean that the decision was given to the wrong ~~((boxer))~~ contestant; or

(c) There was a clear violation of the laws or rules ~~((and regulations))~~ governing ~~((boxing))~~ contests which affected the result of any contest.

If the ~~((commission))~~ director determines that any of the above occurred with regards to any contest ~~((then))~~ the decision ~~((rendered))~~ shall be changed as the ~~((commission))~~ director may direct.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-170 ~~((Referee's))~~ Officials compensation fees to be paid by promoter. (1) The ~~((commissioner in each district))~~ department shall decide the fee schedule and number of ~~((referees))~~ officials to be used at each ~~((boxing card, in each city under his jurisdiction))~~ contest and said minimum fees shall be paid by the promoter of the event.

(2) Officials minimum compensation rate for nontitle, nontelevised bouts shall be as follows:

Judges	\$ 75.00
Timekeeper	\$ 75.00
Referee (preliminary)	\$110.00
Referee (main event)	\$125.00
Physician	\$250.00

(3) Officials minimum compensation rate for nontitle, televised bouts shall be as follows:

Judges	\$100.00
Timekeepers	\$100.00
Referee (preliminary)	\$135.00
Referee (main event)	\$200.00
Physician	\$250.00

(4) In the event of a championship or title fight, nationally televised or closed circuit televised bout, the officials shall be paid at the respective and prevailing scale of the sponsoring organization. The officials pay rate shall not be lower than the televised rate established in subsection (3) of this section.

(5) Travel mileage shall be paid to officials at the rate of \$.30 per mile beginning with the 41st mile.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-190 Duties of ~~((commission))~~ department inspector. (1) They shall attend to the forwarding of all reports to the ~~((commission office))~~ department; prepare reports on suspensions, applications for ~~((reinstallment))~~ reinstatement, and all other matters ~~((arising in their respective districts))~~ which require ~~((joint))~~ action by the ~~((commission))~~ department.

~~((2))~~ ~~((Commission representatives shall have under their charge the issuing of licenses to boxers, managers, seconds, referees, timekeepers, promoters, physicians, judges, and announcers. They shall investigate applications for promoter licenses and report same to the commission but shall not issue promoter licenses except upon the order of the commission.~~

~~((3))~~ Inspectors shall report directly to the ~~((chief inspector of the district and be under his authority))~~ department.

~~((4))~~ (3) Inspectors shall be in charge of all details of the contest that do not come under the jurisdiction of the other officials.

~~((5))~~ (4) Inspectors shall see that all necessary equipment is provided, that the contestants are ready on time, that the seconds are properly instructed in their duties, that the

physician's report and the statement of weights are delivered to the referee, and that all regulations pertaining to the proper conduct of the ~~((bout))~~ contest are enforced.

~~((6))~~ (5) Inspectors shall insist that promoters enforce the rule against gambling.

~~((7))~~ (6) Inspectors shall see that all seconds present a neat appearance and are attired according to the requirements of the rules.

~~((8))~~ (7) The referee's report shall be made on the form supplied for that purpose by the inspector. The referee shall sign the report in the presence of ~~((a commission representative))~~ the inspector after the termination of the ~~((show))~~ event.

~~((9))~~ (8) In accordance with the law, each inspector shall receive for each contest officially attended a fee not to exceed ~~((one))~~ two percent of the net gate of such contest up to a maximum of one hundred fifty dollars for closed circuit televised contests and five hundred dollars for all other boxing contests. Fifty dollars shall be the minimum charge for such fee with respect to closed circuit televised contests and one hundred dollars for all other contests.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-195 License fees. The ~~((commission's))~~ license year is July 1st through June 30th and license fees are paid annually. Fees are as follows:

- (1) Manager - \$40.00
- (2) Referee - \$15.00
- (3) Boxer - \$15.00
- (4) Matchmaker - \$40.00
- (5) Second - \$15.00

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-200 ~~((Boxers-))~~ Contestants. (1) ~~((Boxers-))~~ Contestants may assume and use ring names, but the right to use any certain name is subject to the approval of the ~~((commission))~~ department and may be denied either at the time of presenting application for license or later, should reason for such denial be brought before the ~~((commission))~~ department.

(2) Contestants shall report to the inspector in the dressing room at least one hour before the scheduled time of the first match.

(3) Contestants shall box in proper costume, including such foul proof protection cups as shall be listed as approved by the ~~((commission))~~ department. Proper costume shall include abdominal guard, two pair of trunks of contrasting color, shoes and ~~((approved))~~ a custom-made individually fabricated mouthpiece.

Approved mouthpiece shall mean a custom-made individually fitted mouthpiece.

In addition, female ~~((boxers))~~ contestants shall also include a breast protector and body shirt with their ring costume.

~~((Each boxer shall be equipped and use throughout the bout a custom made individually fabricated mouth guard.))~~

(4) The use of grease or other substances that might handicap an opponent is prohibited.

PROPOSED

(5) Contestants must be clean and present a tidy appearance.

(6) No contestant may absent himself or herself from a show in which he or she has signed or has been signed by his or her duly licensed manager, to appear, without a valid written excuse or furnishing a certificate from a ~~((commission))~~ department physician in advance in case of a physical disability. ~~((Any boxer who files a certificate from a commission physician stating that he is unable to fulfill a contract on account of a physical disability must, on being restored to the eligible list fulfill his contract with the same opponent or a suitable substitute as the promoter specified in the contract within a reasonable time, such period to be set by the commission, unless the boxer is released from the contract by mutual agreement.))~~

(7) When a ~~((boxer))~~ contestant competes anywhere in a ~~((bout))~~ contest of more than four rounds he or she will not be allowed to compete again until six days have elapsed.

When a ~~((boxer))~~ contestant competes anywhere in a ~~((bout))~~ contest of four rounds or less, he or she will not be allowed to compete again until two days have elapsed.

(8) No one shall be allowed in the ~~((boxer's))~~ contestant's dressing room except his or her manager, seconds and ~~((commission))~~ department or promoter representatives.

(9) Boxer's licensing requirements are:

- (a) Completed application.
- (b) Complete physical.
- (c) Two small photos.
- (d) Fee is listed under License fees WAC 36-12-195.

(Forms are supplied by the ~~((commission))~~ department.) These requirements must be received by the ~~((commission office))~~ department before a boxer appears in any event.

AMENDATORY SECTION (Amending Rule .04.210, filed 9/22/60, 3/17/60)

WAC 36-12-210 Down—A contestant shall be deemed "down" when. (1) A ~~((boxer))~~ contestant shall be deemed to be "down" when any part of ~~((his))~~ the body but ~~((his))~~ the feet is on the floor.

(2) A ~~((boxer))~~ contestant is considered "down" if he or she is hanging helplessly over the ropes and the referee has begun to count ~~((over him))~~. ~~((+))~~ Referee can count a contestant out either on the ropes or on the floor.~~((+))~~

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-220 Fouls in boxing. (1)(a) Hitting below the belt.

(b) Hitting an opponent who is down or is getting up after being down.

(c) Holding an opponent with one hand and hitting with the other.

(d) Holding or deliberately maintaining a clinch.

(e) Wrestling, kicking, or roughing at the ropes.

(f) Pushing an opponent about the ring or into the ropes, or striking an opponent who is helpless as a result of blows and so supported by the ropes that ~~((he))~~ the opponent cannot fall.

(g) Butting with the head, the shoulder or using the knee or elbow.

(h) Hitting with the open glove or with the butt or inside of the hand, the elbow, the wrist and all back-hand blows.

(i) Purposely going down without being hit or for the purpose of avoiding a blow.

(j) Striking deliberately at that part of the body over the kidneys.

(k) The use of the pivot blow or the rabbit punch.

(l) Jabbing opponent's eyes with the thumb of the gloves.

(m) The use of abusive language in the ring.

(n) Any unsportsmanlike trick or action causing injury to an opponent.

(o) Hitting on the break.

(p) Hitting after the bell has sounded ending the round.

(q) ~~((Roughing at the ropes.~~

~~((Pushing an opponent about the ring or into the ropes.))~~ Intentionally spitting out of the mouthpiece.

(2) Any ~~((boxer))~~ contestant guilty of foul tactics in a boxing contest may be disqualified ~~((or fined, or both, and his purse withheld from payment, and the boxer))~~ and the contestant shall be automatically suspended. ~~((Disposition of the purse and the penalty to be imposed upon the boxer shall be determined by the commission.))~~

(3) If a bout is stopped because of accidental fouling, the referee and physician shall determine whether the ~~((boxer))~~ contestant who has been fouled can continue or not and if his or her chances have not been seriously jeopardized as a result of the foul, may order the bout continued after a reasonable interval set by the referee, who shall so instruct the timekeeper.

If conditions, except as otherwise provided by these rules and particularly as otherwise provided by WAC 36-12-120(4), relating to accidental butting, make it necessary to stop the ~~((bout))~~ contest the referee shall order as follows, and so notify the ~~((boxers))~~ contestants, their managers, and the promoter, whose announcer shall notify the spectators:

(4) Referees shall not permit unfair practices that may cause injuries to a contestant, and are held strictly responsible for the enforcement of the rules. The only fair blow is a blow delivered with the padded knuckle part of the glove on the front or sides of the head and body above the belt. After sufficient warning has been given the referee shall punish persistent disregard of the rules.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-240 To prevent injury to ~~((boxers))~~ contestants—Physical qualifications and exams—Stimulants—Assumed name—Professional competing with amateur. (1) Any ~~((boxer))~~ contestant applying for a license must first be examined by a physician, to establish both physical and mental fitness for competition, and annually thereafter the ~~((boxer))~~ contestant must take this required examination. The fee for all examinations must be paid by the ~~((boxer))~~ contestant. The ~~((commission))~~ department may order examinations or other medical testing of ~~((boxers))~~ contestants at any time for the purpose of determining whether such ~~((boxer))~~ contestant is fit and qualified to engage in future contests. The printed form supplied to the physician must be filled out and returned to the ~~((commission))~~ department, by the physician, and must

be in the possession of the ~~((commission))~~ department before the license application can be acted upon. The examination must be repeated and reports turned in once a year, as long as the ~~((boxer))~~ contestant is licensed by the ~~((commission))~~ department.

(2) The use of any controlled substances, alcohol or stimulants, or injections in any part of the body, either before or during a match, by any ~~((boxer))~~ contestant is adequate grounds for revoking ~~((his))~~ the contestant's license, as well as revoking the license of the person administering the same.

(3) Before a license is issued to any ~~((boxer))~~ contestant, the application for such license must be approved by the ~~((commission))~~ department.

(4) If a ~~((boxer))~~ contestant uses an assumed ring name, both the real name and his or her ring name must be included in the application. The word "killer" or "bloody" or any similar term must not be used by any contestant and must be eliminated from all advertisements and announcements referring to boxing.

(5) Whenever a licensed ~~((boxer))~~ contestant, because of injuries or illness, is unable to take part in a contest for which he or she is under contract, ~~((he))~~ the contestant (or ~~((his))~~ manager) must immediately report the fact to the nearest inspector, and submit to an examination by a physician designated by the inspector. The examination fee ~~((to))~~ shall be paid by the ~~((boxer))~~ contestant, or promoter, if the latter requests an examination.

(6) Any professional boxer engaging in amateur contests shall automatically have ~~((his))~~ their license revoked.

(7) All professional boxers ~~((should))~~ shall have attained their 18th birthday before being allowed to compete in any ~~((boxing))~~ contest in this state. No ~~((boxer under eighteen or))~~ contestant over thirty-six years old shall be granted a license except by special ~~((action of the commission))~~ waiver from the department.

(8) No license shall be issued to any applicant for a boxer's license who is found to be blind in one eye or whose vision in one eye shall be so poor as to cause any examining physician to recommend that no license be granted. This rule will be effective regardless of how keen the ~~((boxer's))~~ contestant's vision may be in the other eye. Nor shall a boxer's license be issued to any ~~((boxer))~~ contestant who has suffered a cerebral hemorrhage or any other serious head injury.

(9) When a ~~((boxer))~~ contestant has been knocked out, none of ~~((his))~~ the handlers are to touch ~~((him))~~ the contestant, except to remove ~~((his rubber mouth protector))~~ the mouthpiece until the attending physician enters the ring and personally attends the fallen ~~((boxer))~~ contestant, and issues such instructions as ~~((he sees fit))~~ deemed necessary to the ~~((boxer's))~~ contestant's handlers.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-250 Managers. (1) Managers must not sign a contract for the appearance of any ~~((boxer))~~ contestant with whom ~~((he has not a))~~ no written contract is on file with the ~~((commission))~~ department. Contracts between boxer and manager must be on a contract form ~~((approved by and))~~ furnished or approved by the ~~((commission, except~~

~~that any particular contract form not furnished by the commission may be approved by the commission as a whole))~~ department. A contract between a manager and a boxer on file with the ~~((commission))~~ department will be recognized until such time as a court of competent jurisdiction determines it to be of no further force and effect.

(2) Managers must not attempt to select or insist upon the selection of any designated referee in a bout in which a boxer under his or her management is to appear and shall not have the name of such referee written into the official contract.

(3) Managers who act as seconds for their own boxers, exclusively, are not required to take out a second's license.

(4) Contracts between manager and boxer are not transferable except with approval and consent of the ~~((commission))~~ department and may be voided by the ~~((commission))~~ department for cause. ~~((In case of a minor, the contract must be executed by his a proper legal guardian. To settle dispute, a birth certificate may be required.))~~

(5) All contracts between manager and boxer must be in writing and signed in triplicate, the original filed with the ~~((commission))~~ department for approval. Contracts must state the division of the boxer's earnings, which in no case shall allow the manager more than 33-1/3 percent of the boxer's purse, exclusive of amounts owed by the boxer to the manager under subsection (15) of this section.

(6) No assignment of any part or parts of a boxer's or a manager's interest in a contract can be made without the written approval and consent of the ~~((commission))~~ department.

(7) No manager shall be allowed to contract for the services of a boxer under his or her management for a match to take place on a date after the expiration of the contract between the boxer and the manager.

(8) Any boxer not under contract to a manager can make his or her own matches, sign contracts and need not apply for a manager's license to handle his or her own affairs.

(9) In cases where boxers sign contracts with managers the boxer's share of any purse which he or she may earn will not be less than 66-2/3 percent, exclusive of amounts owed to the manager under subsection (15) of this section.

(10) If a manager shall fail to make application for a license he or she shall forfeit all rights to boxers on whom he or she has filed contracts in this state and the boxer shall be free to sign contracts with other licensed managers. Managers must file contracts on all boxers under their management.

(11) If a manager is doing business for a boxer not signed to a contract, such boxer must personally sign all contracts for appearances for licensed promoters and ~~((his))~~ the signature must be properly witnessed.

(12) No boxer can have more than one manager without the express approval of the ~~((commission))~~ department.

(13) No contract shall be approved between a manager and a boxer for a period exceeding five years.

(14) All disputes between the parties of a boxer/manager contract, including the validity of the contract, shall be handled as a civil matter.

(15) Any manager who advances or loans any money to any boxer or incurs indebtedness on behalf of any boxer shall furnish a statement to the boxer. This statement shall

be specific and shall set forth as to each transaction or item at least the following information: The amount of money involved, the date that the indebtedness occurred, the purpose of the indebtedness, and the name of the person to whom the debt is owed.

The manager shall obtain the boxer's signature and date of signature on each accounting, within fourteen days of the loan or obligation being incurred.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-260 Seconds. (1) Seconds and managers acting as seconds must be neatly attired when in the ring.

(2) A second holding only a second's license shall not attempt to act as a manager, or assist in any way in procuring matches, or take a share of the ~~((boxer's))~~ contestant's earnings. If found guilty of such actions he or she shall be suspended.

(3) Seconds shall not be more than three in number, including "house assistant second."

(4) A second shall not excessively coach a ~~((boxer))~~ contestant during a round and shall remain seated and silent when so directed by the ~~((commission))~~ department inspector on duty.

(5) Before a ~~((bout))~~ contest, the referee shall be informed of the identity of the chief second.

(6) Fans may be used between rounds, but swinging of towels is prohibited.

(7) Seconds shall not enter a ring until the bell indicates the end of a round. They shall leave the ring at the sound of the timekeeper's whistle ten seconds before a round is to begin, promptly removing all ~~((obstructions, buckets, stools, etc., promptly))~~ items in the ring and ensuring that no items are left on the ring platform at the ~~((sounding of))~~ time the bell ~~((or gong))~~ sounds to start the round.

(8) Violations of the above rules may result in an indefinite suspension of the offenders by the ~~((commission))~~ department and disqualification of their ~~((principal))~~ boxer.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-270 Matchmakers. (1) Matchmakers must observe all of the rules and requirements with respect to weight agreement and weighing-in, and the proper execution and filing of contracts.

(2) Matchmakers will be held responsible by the ~~((commission))~~ department if they make matches in which one of the principals is outclassed. Persistent lack of judgment in this matter will be regarded as cause for canceling the license of the matchmaker and the promoter which he represents, for the protection of both the ~~((boxers))~~ contestants and the public.

(3) Managers are not allowed to have more than three boxers under their management appear in any one show. Matchmakers must rigidly enforce this rule.

(4) Any promoter or matchmaker found guilty of managing a boxer shall have his license suspended, and in the case of a promoter, his club license may be revoked.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-280 Timekeeper. (1) The timekeeper must be seated at ringside close to the ~~((gong or bell. He))~~ bell and shall indicate the beginning and ending of each round by striking the ~~((gong or))~~ bell with a hammer.

(2) ~~((He shall provide himself with))~~ The timekeeper shall have a whistle and an accurate stopwatch that ~~((shall have))~~ has been properly examined before it is used.

(3) Ten seconds before the beginning of each round the timekeeper shall give a warning to the seconds of the contestants by blowing the whistle.

(4) In the event of a contest terminating before the scheduled limit of rounds, the timekeeper shall inform the announcer of the exact duration of the contest.

(5) The timekeeper's procedure in the case of a knock-down is detailed in WAC 36-12-140(4) and 36-12-150.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-290 Announcer. (1) After contestants and their chief seconds are in the ring the announcer shall announce the names of the contestants, their correct weights, and other matters as may be directed by the ~~((commission))~~ department, inspector, or the promoter. Promoters shall provide the announcement of rounds. The announcer shall announce the decisions.

(2) All substitutions of contestants or changes in any boxing program shall be announced to the audience by the announcer before the first boxing contest.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-300 Judges. (1) The ~~((commission))~~ department inspector in charge at all boxing shows shall, before the start of each ~~((bout))~~ contest, give the judges a regulation scorecard. Judges shall score each round of the ~~((bout))~~ contest on this card and sign it at the conclusion of the contest.

(2) Judges shall score all contests and determine the winner through the use of the ten point must system. In this system the winner of each round receives ten points and the opponent a proportionately less number. If the round is even, each boxer receives ten points. No fraction of points may be given.

(3) The majority opinion on the judges~~(('s))~~ scorecards shall be conclusive and if there is no majority then the decision shall be a draw.

(4) At the termination of each contest, the referee will pick up and deliver the scorecards to a ~~((commission))~~ department representative. When the ~~((commission))~~ department representative has verified the results of the contest, the ring announcer shall be informed of the decision and shall announce the decision.

(5) The ~~((commission))~~ department inspector will deliver or mail all scorecards with the rest of ~~((his))~~ the reports to the ~~((commission))~~ department office.

PROPOSED

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-310 (~~(Commission)~~) **Department physician.** (1) Within (~~eight~~) twenty-four hours of entering the ring each contestant must be given a thorough physical examination by a physician who has been appointed by the (~~commission~~) department. Medical equipment to be utilized for the examination should consist of but not be limited to a blood pressure cuff, otoscope, ophthalmoscope, penlight, reflex hammer, stethoscope, thermometer, and tongue depressors.

(2) Should the boxer examined prove unfit for competition, through physical injury, faulty heart action, the presence of any infection or contagious disease, or any weakness or disability discovered by the examining physician, said boxer shall be rejected and barred from contest. This decision must be reported immediately to the promoter and the (~~commission~~) department inspector.

(3) The physician shall certify to the inspector in writing (~~over his signature~~) that the contestants passed (~~by him~~) are in good physical condition to engage in the contest, and shall (~~give his~~) provide the written report on the (~~boxers~~) contestants to the (~~commission~~) department inspector.

(4) The physician shall be in attendance at the ringside during all the contests and shall be prepared to assist should any serious emergency arise. The (~~commission~~) department physician at ringside will have the authority to stop a fight when he or she considers a boxer badly injured or in no shape to continue. Whenever a fight is stopped between rounds by the physician or otherwise because of injuries, the opponent shall be credited with a TKO for the round just concluded. No (~~bout~~) contest shall be allowed to proceed unless the physician is (~~in his seat~~) at ringside.

(5) The (~~commission~~) department physician shall have a suitable place or room in which to make the examinations. Physicians, other than those licensed by the (~~commission~~) department shall not be allowed in the dressing room of any boxer before a (~~bout~~) contest.

(6) A boxer rejected by a (~~commission~~) department physician for disability will be placed on the suspended list until it is shown that such disability no longer exists.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-320 (~~(Regarding)~~) **Suspensions.** (1) Promoters and their matchmakers will not permit any person under suspension to take any part whatsoever, as a participant or in arranging or conducting matches or exhibitions, during the period of suspension.

(2) Every person (~~debarred~~) whose license has been revoked or suspended by the (~~commission shall refrain from participating~~) department shall not participate in any detail of matchmaking or (~~holding bouts~~) boxing promotion during such (~~disbarment~~) revocation or suspension.

(3) Any person holding a license (~~under this commission~~) from the department who has been suspended for using dishonest methods to affect the outcome of any contest, or for any conduct reflecting serious discredit upon the sport of boxing shall not be eligible for reinstatement.

(4) Any manager under temporary suspension shall be considered to have forfeited for the duration of (~~his~~)

suspension all rights in this state held under the terms of any contract with a licensed boxer. Any attempt by a suspended manager to exercise such contract right shall make the suspension permanent, and a boxer who continues any of the contract relations with a suspended manager shall be indefinitely suspended.

(5) Any person holding a license (~~under the commission~~) from the department may be suspended for violations of the law (~~or the~~) rules, (~~or for arrest~~) or conviction (~~on a charge~~) of a crime involving moral turpitude, dishonesty, or corruption.

(6) A boxer whose manager has been suspended may continue boxing independently during the term of such suspension, signing his or her own contract for matches. No payment of a boxer's earnings may be made by any licensed promoter to a manager under suspension, or to his or her agent, but the purse in full shall be paid to the boxer.

(7) Revocation of a manager's license (~~or permanent suspension of a manager~~) shall automatically cancel all (~~of his~~) the manager's contract rights in this state under any (~~and all~~) contracts with boxers made under authority of this (~~commission~~) department.

(8) In case of such revocation (~~or permanent suspension~~) the boxers are at liberty to operate independently and make their own matches, or to enter into contracts with other managers licensed by the (~~commission~~) department and in good standing.

(9) Following the knockout or technical knockout of a boxer, that boxer shall have his or her license to box suspended for a minimum period of thirty days for a TKO and sixty days for a KO. Boxers will not be permitted to engage in any contact boxing during this period without approval of the (~~commission~~) department.

This suspension is to take effect immediately following the knockout or technical knockout. If the (~~commission~~) department feels that this suspension is not sufficient they may impose a longer period or the suspension may be for an indefinite period pending the outcome of a physical examination.

Any contestant who has lost six consecutive fights (~~will be automatically suspended and cannot be reinstated until he has submitted~~) shall submit to a complete medical examination (~~(, which will also include a neurological examination)~~) and any subsequent testing deemed necessary by a physician prior to their next bout.

(10) If at any time a boxer's ability to perform is questionable, whether for reasons of health, mental condition, or no longer possessing the ability to compete or for any other reason, the (~~commission~~) department may, upon being satisfied of the boxer's lack of ability to perform, retire the boxer from further competition.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-330 **Contracts.** (1) All contracts between promoters and boxers or their managers must be on the official forms supplied by the (~~commission~~) department. The original copy for the (~~commission must~~) department should be filed at the (~~commission~~) department office at least five days before the (~~bout~~) contest.

(2) All contracts must name the opponent and fix a certain date for the contest. If a boxer is signed for a series of ~~((bouts))~~ contests, dates and names of opponents must be a part of the agreement and a separate contract signed for each ~~((bout))~~ contest. Each contract shall be accompanied by an affidavit, signed by the boxer or manager and properly attested, giving an accurate account of his or her ring record. Such affidavit shall be in a form and style prescribed by the ~~((commission))~~ department.

~~((3))~~ ~~((All papers filed with the commission, shall be the property of the commission.))~~

~~((4))~~ No verbal agreement or written agreement other than the contract on the official contract form, and no "blanket contract" or option on a boxer's services will be recognized by the ~~((commission))~~ department. Such options and contracts are expressly prohibited.

~~((5))~~ (4) All contracts shall be paid in full according to their ~~((contracts))~~ terms, and no part or percentage of their remuneration may be withheld except by the order of the ~~((commission or its referee))~~ department, nor shall any part thereof be returned through arrangement with the boxer and his or her manager, to any matchmaker or promoter official.

~~((6))~~ ~~((As a matter of record))~~ (5) All communications to the ~~((commission))~~ department regarding contracts, ~~((or))~~ violations or threatened violations ~~((thereof))~~, must be ~~((made in writing or by telegraph to the commission through its nearest chief inspector, and rulings of the chief inspector or the commission must be made only in writing or by telegraph))~~ written.

~~((7))~~ (6) If, through inclement weather ~~((in case of an outdoor show))~~, or other happening not within the control of the promoter, a postponement becomes necessary, the ~~((commission))~~ department may grant an extension of the contracts ~~((and set a new date, and the action of the commission shall be binding upon all parties to the contracts))~~.

A small advance ticket sale shall not be regarded as a legitimate reason for a postponement or cancellation.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-340 Payment of contestants. (1) All payments of purses shall be made through the ~~((commission's))~~ department's inspector. Payments shall be made immediately after the contest or exhibition, or in case of a percentage contract, as soon as the percentage can be determined, but not later than seventy-two hours from the conclusion of the event.

The promoter's authorized representative shall deliver to the inspector, the checks made out by the promoter to the parties entitled to payment as follows:

If the contestant has no manager legally entitled to represent him, the check shall be made payable to the contestant in the full amount due him or her under ~~((his))~~ the signed contract with the promoter.

If the contestant has a manager the promoter shall provide a check made out by the promoter to the manager for the full contract amount. After receipt of payment the manager is then responsible for paying the purse share of 66-2/3 percent to ~~((his))~~ the boxer, excepting money owed to the manager pursuant to WAC 36-12-250(15).

The inspector shall deliver each check to the person it is made out to, and shall obtain a signed receipt for payment received on the printed form provided by the ~~((commission))~~ department. This receipt shall be mailed or delivered by the inspector to the ~~((commission))~~ department office along with the other relevant event reports.

(2) Should any promoter's check be protested, claim shall be made for the amount of the check upon the surety company, as provided in RCW 67.08.030.

Promoters will hold all endorsed payment checks for inspection at the ~~((commission's))~~ department's order.

~~((In the event the referee fails to render a decision at the termination of any bout, the promoter shall deliver payment checks covering such bout to the commission.))~~

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-350 Tickets. ~~((1))~~ ~~((Promoters may use only tickets approved by the commission. The promoter shall provide to the commission before each event, a sworn inventory from the printer of all tickets printed showing number and prices, including any over prints, changes, or extras.))~~

~~((2))~~ ~~((No exchange of tickets shall be made except at the box office, and no ticket shall be redeemed after the show has taken place. Tickets in the hands of agencies must be returned to the box office not later than two hours after the show has started.))~~

~~((3))~~ ~~((All tickets shall have the price and name of promoter and date of show printed plainly thereon. Changes in ticket prices or dates of shows must be referred to the commission for approval.))~~

~~((4))~~ ~~((No ticket shall be sold except at the price printed on it.))~~

~~((5))~~ ~~((Tickets of different prices shall be printed in different colors on cardboard or heavy paper.))~~

~~((6))~~ ~~((No person shall be admitted to any boxing contest, held in the state of Washington without presenting to the doorkeeper an official ticket, or pass.))~~

~~((7))~~ ~~((Complimentary tickets or passes shall be limited to two percent of the total tickets sold. All tickets exceeding this amount shall be subject to tax under RCW 67.08.050(2).))~~

~~((8))~~ ~~((Under no circumstances shall a ticketholder be passed through the gate without having the ticket separated from the stub, or be allowed to occupy a seat, unless in possession of a ticket stub.))~~

~~((9))~~ ~~((Ushers must see to it that spectators get the seats their ticket stubs entitle them to, and that anyone occupying such seat unlawfully is asked to vacate, and if necessary is ejected.))~~

~~((10))~~ ~~((The sale of tickets cannot exceed the seating capacity of the house, and no person can be sold the right of admission without a ticket.))~~

~~((11))~~ Whenever an exhibition or contest is held, an authorized representative of the licensed promoter holding such event shall, in addition to the written report required by the ~~((commission))~~ department, give an accounting to the inspector immediately after the close of the box office, showing the number of each class of tickets unsold or unused. The inspector ~~((will))~~ may examine all unsold or unused tickets, stubs, coupons, books, cash, and all other

PROPOSED

matters relating to the box office and ticket takers. The inspector will then make a formal report to the ~~((commission by mail immediately))~~ department upon the completion of such examination. Any fraud on the part of the promoter's representative will be deemed the act of the promoter.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-360 Promoters. All promoters must be licensed to promote boxing in the state of Washington. A license certificate is issued when a promoter's application has been approved by the ~~((commission))~~ department and a bond has been obtained and approved. Medical insurance must be obtained before any scheduled event takes place. (See RCW 67.08.030 and 67.08.040.)

(1) All boxing contests must be approved by the ~~((commission))~~ department. No promoter may release the names of contestants to the media or otherwise publicize a contest unless a contract has been executed between the parties and the contest approved by the ~~((commission))~~ department.

(2) The grounds for denial or cancellation by the ~~((commission))~~ department for a boxing contest are as follows:

(a) The failure of the promoter or any person connected with the promotion and under the jurisdiction of the ~~((commission))~~ department to comply with any statute or rule regulating boxing in Washington.

(b) The contest would tend to be a mismatch based on the record, experience, skill, and condition of the contestants.

(c) The contestants have not completed licensing requirements within the seventy-two hour time frame set by the ~~((commission))~~ department.

(d) The ~~((commission))~~ department does not have adequate staff to enforce the statutes and rules regulating boxing enacted and adopted to protect the health, safety, and welfare of the participants and consumers and guarantee the collection of revenue due to the state from the contest and all ancillary rights incidental thereto.

(3) Promoters will be held responsible for maintaining order, and any person who is intoxicated, abusive or disorderly in conduct, to the annoyance of surrounding spectators, must be ejected.

(4) Promoters shall not schedule less than twenty-six rounds of boxing, nor more than forty rounds, for any one program except with the approval of the ~~((commission))~~ department. An emergency bout shall be provided in the event an arranged card breaks down and if it is necessary to put on another bout.

(5) Advance notices for all boxing shows must be in the office of the ~~((commission))~~ department seven days prior to the holding of any boxing show. In addition to the regular scheduled boxers the advance notice must show the names of boxers engaged by the promoter for an emergency bout.

(6) Notice of any change in announced or advertised programs for any contest must be filed immediately with the ~~((commission))~~ department and the press. Notice of such change or substitution must also be conspicuously posted at the box office, and announced from the ring before the opening contest, and if any of the patrons desire to have the price of their tickets refunded, such refund shall be made if

the tickets or ticket stubs are presented at the box office at once. The box office must remain open a reasonable time to redeem such tickets.

(7) Substitutions will not be permitted in any ~~((bout))~~ contest unless ~~((more than twenty-four hours before weighing in time of the day of the contest, and then will be permitted only when))~~ the substitute has been approved by the ~~((commission))~~ department.

(8) No intermission shall exceed a period of ~~((ten))~~ twenty minutes at any boxing show.

The time allowed for putting gloves on main event boxers within the ring, shall not exceed five minutes.

(9) No promoter, or club, or member, stockholder, or official of a club shall be permitted to act directly or indirectly as a manager of a boxer, or to hold any financial interest in such management or in the boxer's ring earnings.

(10) Every promoter must provide a suitable room or place and a scale for the examination of contestants by the ~~((commission))~~ department physician. The promoter must furnish ice bags, a stretcher, and a blanket at each boxing show, to be in readiness in the event same will be deemed necessary by the ~~((commission))~~ department physician. The promoter shall also ensure that the department physician is provided with emergency medical equipment at ringside. The equipment shall consist of but not be limited to airways, nonsurgical rubber gloves, sterile 4 x 4 gauze pads, and tongue depressors.

(11) Copies of all boxing contracts must be filed with the ~~((commission))~~ department. The making of secret agreements contrary to the terms of the contracts so filed is prohibited under penalty of suspension of all parties thereto.

(12) Any promoter doing business directly or indirectly with managers or boxers under suspension may have its license revoked.

~~((13))~~ ~~((Requests for charity shows must be referred to the commission.))~~

~~((14))~~ ~~((No soliciting of any kind by any individual, or organization shall be allowed in any boxing arena without the approval of the commission.))~~

~~((15))~~ All drinks shall be dispensed only in plastic or paper cups. Violations of this rule may result in the suspension or revocation of the offending promoter's license.

~~((16))~~ (14) Promoters must provide adequate security as approved by the ~~((commission))~~ department.

~~((17))~~ (15) A promoter shall not employ any unlicensed second, boxer, matchmaker, or announcer.

~~((18))~~ (16) No admission can be charged where boxers are training except with the approval of the ~~((commission))~~ department. When an admission fee is charged it shall be considered by the ~~((commission))~~ department as a charge for the privilege of seeing an exhibition of boxing, and the promoter or person making the charge for admission shall furnish the ~~((commission))~~ department with a certified written report, detailing the number of admissions and the total amount of money taken in, within seventy-two hours thereafter. The state tax of five percent on such gross receipts, exclusive of any federal taxes paid thereon shall be forwarded to the ~~((commission))~~ department with the report.

~~((19))~~ (17) The ~~((commission))~~ department requires that whenever any person, licensed by the ~~((commission))~~ department is approached with a request or suggestion that a sham or collusive contest be entered into or that the

contest shall not be conducted honestly and fairly, such licensed person must immediately report the matter to the ~~((commission))~~ department.

~~((20) A commissioner, chief inspector, or any commission))~~ (18) Any department inspector supervising a contest or exhibition has the full power of the ~~((commission))~~ department in enforcing the rules and regulations of the ~~((commission))~~ department.

NEW SECTION

WAC 36-12-363 Miscellaneous provisions. (1) **Buildings.** Any building or facility where boxing events are held must meet state and local fire and safety requirements.

(2) **Discrimination.** Discrimination against any participant in regard to sex, race, color, creed or national origin shall be referred to the human rights commission.

(3) Appeals.

(a) Licensees may appeal any suspension or revocation to the department in the manner provided in chapter 34.05 RCW.

(b) Such appeals must be received in the department office within twenty days from the date of the notice sent by the department.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-367 Participants. (1) Any person under the age of eighteen years old shall not be eligible for a license with the ~~((commission))~~ department.

(2) All applications for a participant's license shall be in writing on a form furnished by the ~~((commission))~~ department. Any person who makes a false statement or misrepresents any information on an application may have his license denied or revoked by the ~~((commission))~~ department.

(3) All applicants for a participant's license shall be found after examination by a physician to be physically and mentally fit to participate in a wrestling show or exhibition.

(4) Upon application for a participant's license, all applicants shall pay a fee in the amount of fifteen dollars.

(5) Two small photos are required and must be provided to the ~~((commission))~~ department before a license can be issued.

(6) All licenses are valid from the time of issuance until the expiration of the licensing year. July 1st is the beginning of each license year.

(7) No licensed promoter is eligible for a participant's license.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-385 ((Commission)) Department inspector. (1) A ~~((commission))~~ department inspector shall attend all wrestling events scheduled. He will make sure all participants are properly licensed and that all laws, rules, and regulations are enforced.

(2) The inspector shall forward all reports and the gross revenue tax due from each event to the ~~((commission))~~ department office.

(3) ~~((In accordance with the law,))~~ Each inspector shall receive for each event officially attended, a fee not to exceed ~~((one))~~ two percent of the net gate of each event up to a maximum of ~~((three))~~ four hundred dollars and a minimum of ~~((twenty-five))~~ thirty-five dollars which shall be paid by the promoter.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-400 Timekeepers and announcers. Timekeepers and announcers will be provided by the promoter and must be licensed with the ~~((commission))~~ department. A completed application and two small photos are the licensing requirements for such license.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-410 Matches. (1) The promoter shall furnish the ~~((commission))~~ department with an advance notice, giving the names of the participants to be used prior to each event.

(2) ~~((Under no circumstances shall any))~~ Participants shall not engage another participant in any conduct outside of the ring which may endanger a spectator. Any wrestlers involved in this action will be suspended immediately for a period of time set by the ~~((commission))~~ department.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-415 Tickets. (1) Tickets must be printed and consecutively numbered.

(2) A ticket manifest must be provided to the ~~((commission))~~ department upon request.

~~((3) All tickets must have prior approval by the commission))~~

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-425 Contracts. Any contract or agreement between a participant and a promoter shall be in writing, signed by all parties, and made available to the ~~((commission))~~ department upon request.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-435 Records. Promoters shall maintain a full, true, and accurate set of books of account and other records of receipts and disbursements in connection with all shows or exhibitions, and the records shall be open for inspection and audit by representatives of the ~~((commission))~~ department for a period of six months after each event or exhibition.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-450 Miscellaneous provisions. (1) Dangerous conduct; punishment. The referee shall not permit physically dangerous conduct or tactics by any

participant. Any participant who fails to discontinue such tactics, after being warned by the referee or a ~~((commission))~~ department official shall be disqualified and subject to disciplinary action.

(2) Duties of licensees.

It shall be the duty of the promoter, his agents, employees, and the participants in any wrestling show or exhibition to maintain peace, order, and decency in the conduct of any show or exhibition. There shall be no abuse of a ~~((commission))~~ department official at any time. Foul and profane language by participants is prohibited.

(3) Responsibility of promoter.

(a) Each promoter shall be directly responsible to the ~~((commission))~~ department for the conduct of its employees and any violation of the laws, rules, or regulations of the ~~((commission))~~ department by any employee of a promoter shall be deemed to be a violation by the promoter.

(b) Promoters are responsible for any violations of the law or ~~((commission))~~ department rules by their participants.

(4) Postponement or cancellation.

A small advance sale of tickets shall not be regarded as a legitimate reason for a postponement or cancellation. Indoor wrestling shows or exhibitions shall not be ~~((anceled))~~ canceled for any reason except with the approval of the ~~((commission))~~ department.

(5) Discrimination.

~~((There shall be no))~~ Discrimination against any participant in regard to sex, race, color, ~~((or))~~ creed or national origin shall be referred to the human rights commission.

(6) Appeals.

(a) Licensees may appeal any suspension~~((;))~~ or revocation~~((, or fine))~~ to the ~~((commission))~~ department in the manner provided in chapter 34.05 RCW.

(b) Such appeals must be received in the ~~((commission))~~ department office within twenty days from the date of the notice sent by the ~~((commission))~~ department.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 36-12-180 Chief inspectors.

WSR 96-20-061
PROPOSED RULES
JOINT CENTER
FOR HIGHER EDUCATION
[Filed September 27, 1996, 11:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-15-112.

Title of Rule: WAC 249A-01-010 Policies.

Purpose: To implement policies and procedures for dispensing alcoholic beverages on the Riverpoint Higher Education Park campus.

Statutory Authority for Adoption: RCW 28B.25.020(6).

Summary: To implement policies and procedures for dispensing alcoholic beverages on the Riverpoint Higher Education Park campus.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Terry Novak, 665 North Riverpoint, Spokane, (509) 358-2003.

Name of Proponent: Joint Center for Higher Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To set out and define the dispensing of alcoholic beverages on the Riverpoint campus.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule has no application to industry.

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

Hearing Location: Joint Center for Higher Education Board Room, 665 North Riverpoint, Spokane, WA 99202-1665, on November 13, 1996, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Terry Novak by November 13, 1996, (509) 358-2003.

Submit Written Comments to: Terry Novak, Executive Director, FAX (509) 358-2019, by November 13, 1996.

Date of Intended Adoption: November 13, 1996.

September 26, 1996

Terry L. Novak

Executive Director

Title 249A WAC
HIGHER EDUCATION, JOINT CENTER FOR

Chapter 249A-04 WAC
ALCOHOLIC BEVERAGES ON RIVERPOINT HIGHER
EDUCATION PARK CAMPUS

Reviser's note: The material above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to chapter 249A-04 WAC is probably intended to be to chapter 249A-01 WAC.

NEW SECTION

WAC 249A-01-010 Policies. (1) Alcoholic beverages may be ordered, served and consumed on the Riverpoint campus only if established procedures are followed.

(2) Only bottled and canned beer and bottled wine are permitted. No kegs are allowed. No hard liquor may be dispensed on campus.

(3) Alcoholic beverages may not be purchased with public funds.

(4) Alcoholic beverages may only be served under permits/licenses issued by the State of Washington. This includes banquet permits and special occasion licenses obtained from the Washington Liquor Control Board. Permits/licenses must be obtained for each event at which alcoholic beverages are served. Permits/licenses must be obtained at least three working days prior to the event for which it is granted, and must be displayed during the event.

(5) Written permission of the Joint Center for Higher Education Executive Director, or his/her designee, is required prior to securing a permit or license.

(6) Consumption, possession, dispensation or sale of alcohol in public areas of any Riverpoint owned or con-

trolled property is prohibited except for persons of legal age at campus-approved events.

(7) In addition to the policies of Riverpoint, faculty, staff and students of higher education institutions occupying the Riverpoint campus are bound by the regulations of their respective home institutions.

WSR 96-20-062
PROPOSED RULES
JOINT CENTER
FOR HIGHER EDUCATION
[Filed September 27, 1996, 11:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-15-111.

Title of Rule: Chapter 249A-02 WAC, Parking and traffic regulations.

Purpose: To implement rules and regulations for parking at the Riverpoint Higher Education Park campus.

Statutory Authority for Adoption: RCW 28B.25.020 (1), (6).

Summary: To implement rules and regulations for parking at the Riverpoint Higher Education Park campus.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Terry Novak, 665 North Riverpoint, Spokane, (509) 358-2003.

Name of Proponent: Joint Center for Higher Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To set out and define the rules and regulations as to the parking on the Riverpoint Higher Education Park campus.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule has no application to industry.

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

Hearing Location: Joint Center for Higher Education Board Room, 665 North Riverpoint, Spokane, WA 99202-1665, on November 13, 1996, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Terry Novak by November 13, 1996, (509) 358-2003.

Submit Written Comments to: Terry Novak, Executive Director, FAX (509) 358-2019, by November 13, 1996.

Date of Intended Adoption: November 13, 1996.

September 26, 1996

Terry L. Novak
Executive Director

Chapter 249A-02
PARKING AND TRAFFIC REGULATIONS
RIVERPOINT HIGHER EDUCATION PARK

NEW SECTION

WAC 249A-02-010 Preamble. Pursuant to the authority granted by RCW 28B.25.020(6), the Board of Directors of the Joint Center for Higher Education (JCHE) establishes the following regulations to govern parking and traffic within the Riverpoint Higher Education Park (campus).

NEW SECTION

WAC 249A-02-020 Purposes of regulations. (1) The purposes of these regulations are:

(a) To control parking on property owned or leased by the JCHE.

(b) To assure access at all times for emergency equipment.

(c) To expedite business conducted by those organizations and institutions using the campus.

(d) To provide funds to obtain and maintain suitable campus parking and traffic facilities.

NEW SECTION

WAC 249A-02-030 Knowledge of 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 249A-02-040 Applicable parking and traffic laws and regulations. The following regulations apply upon lands owned or controlled by the JCHE:

(1) The motor vehicle code and other traffic laws of the State of Washington (Revised Code of Washington).

(2) The JCHE parking regulations.

NEW SECTION

WAC 249A-02-050 Emergencies. The Executive Director of the JCHE shall have authority to suspend, modify, or repeal any or all provisions in this chapter in the event of 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 249A-02-060 Advisory and governing bodies. (1) The parking committee of the JCHE: Makes recommendations on regulations governing campus traffic and parking control; reviews the administration and enforcement of parking regulations; makes recommendations for physical improvements in parking facilities; and consults, where appropriate, with city authorities on traffic matters.

(2) The parking appeals committee: This standing committee has members representing some or all of the users of the campus. The committee: establishes and maintains an appeals procedure for parking violations on the campus; hears appeals as requested and renders decisions; and informs the JCHE staff of problems related to the enforcement of parking rules and regulations.

NEW SECTION

WAC 249A-02-080 Severability. If any provision of this chapter 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 249A-02-100 Definitions. (1) Campus. Describes all property owned, leased, and/or controlled by the Joint Center for Higher Education which is, or may hereafter be dedicated mainly to the educational, research, parking, or other activities of the JCHE or its users.

(2) Daily-pay user. A user who has made a cash payment through an on-site machine. The authorization to park shall be valid only for the duration of time for which a fee was paid.

(3) Disability zone. A parking zone identified with a sign bearing the international disability symbol that is restricted at all times to use by vehicles bearing a valid, state-issued disability parking permit.

(4) EWU. Eastern Washington University.

(5) Holiday. A day when all JCHE facilities are generally closed (e.g., Thanksgiving Day, Christmas Day, New Year's Day). Vacation days are not considered holidays. See definition of vacation.

(6) Illegal use of permit. A parking violation in which a citation is issued under the following circumstances:

(a) Use of a permit on an unspecified vehicle.

(b) Use of a counterfeit permit.

(c) Use of a permit obtained under false pretenses.

(d) Use of a modified permit.

(e) Use and/or retention of a permit by person(s) ineligible, or no longer eligible, for such permit as described and authorized in this chapter.

(7) 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.

(8) Motorcycle. Any two-wheeled or three-wheeled motor vehicle, including mopeds and motor scooters.

(9) Motor vehicle. All motor-driven conveyances except wheel chairs.

(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 Services. The individual, company or department designated by the Facilities Manager, JCHE as having the responsibility for the administration and enforcement of these regulations.

(13) Service vehicle. A vehicle used to provide a service for a tenant of the campus, or a contractor of the JCHE or a user of the campus (e.g., a JCHE- or tenant-owned vehicle or a privately-owned vehicle with a valid service permit displayed).

(14) Staff. For the purposes of these regulations, "staff" includes all faculty, classified staff, administrative and

professional employees, temporary employees, other support personnel employed by the JCHE, and the personnel of other activities located on the 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.

(15) Student. Any person who has been admitted to a university (see definition of university), and who is either attending classes, or actively pursuing a degree or certificate.

(16) 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.

(17) University. One of the institutes of higher education conducting classes at the campus, e.g., Eastern Washington University or Washington State University.

(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 on the campus 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).

(22) WSU. Washington State University.

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 249A-02-200 Enforcement authority. The Executive Director, JCHE, is charged with the impartial enforcement of these regulations. Enforcement personnel have the authority to issue parking citations, to impound vehicles, and to control access to areas.

NEW SECTION

WAC 249A-02-210 Times of enforcement. (1) Permit areas. All parking zones are limited to authorized permit holders and/or daily-pay users in those lots where daily pay is authorized (i.e., the red and blue lots) during specific hours. These hours are posted at the entrance to each lot. 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) Loading zone

(c) Service

(d) Reserved

(e) Specially signed areas

(3) Special conditions. The parking regulations are enforced every day, twenty-four hours a day. However, during the following times, permits are not required in the red and blue lots:

(a) During the first week of each scheduled WSU semester.

(b) During the first week of each scheduled EWU quarter.

(c) During those times when the vacations periods of both EWU and WSU coincide. This will include the period between the end of the Spring quarter or semester and the beginning of the summer term and the end of the summer term and the beginning of the fall quarter or semester.

NEW SECTION

WAC 249A-02-220 Signed and marked areas. (1) Parking on campus is permitted only in marked and/or signed spaces in lots and on streets. All other areas outside these areas designated areas are "no parking zones." Each parking area has signs or markings to indicate the type of permit 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 on space shall not constitute an excuse for violation of this rule.

(3) Standing (the stopping of a vehicle with the driver remaining in it) is permitted in marked parking spaces, except restricted spaces, even though the vehicle does not have a valid parking permit. Double parking while "standing" is not permitted.

(4) Should there be a conflict between these regulations and on-site signs regarding parking instructions, the on-site sign takes precedence.

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

NEW SECTION

WAC 249A-02-250 Motorcycles. (1) The general traffic regulations applicable to motor vehicles apply equally to motorcycles. Motorcycles may not be driven on sidewalks or in mall areas. Owners of motorcycles are responsible for all violations including violations issued even if said vehicle is moved by someone else after being legally parked.

(2) Motorcycles may park only in spaces which are designated as motorcycle parking spaces. Motorcycles must display a valid parking permit at all times. Motorcycles may not park in other than designated areas at any time.

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 249A-02-300 Responsibility for citations. (1) Each permit registrant shall be responsible for parking citations on registered vehicles and/or vehicles displaying the registrant's permit.

(2) Owners of vehicles will be held primarily liable for citations.

NEW SECTION

WAC 249A-02-350 Use of areas for emergency, maintenance, or special needs. (1) The JCHE reserves the right to close any campus parking area at any time it is

deemed necessary for maintenance, safety, or to meet special needs. Notice will be provided to users when possible.

(2) Public safety and maintenance personnel performing official duties may deviate from these regulations as required to conduct emergency procedures.

NEW SECTION

WAC 249A-02-360 Liability. The JCHE assumes no responsibility for the care and protection of any vehicle or its contents at any time the vehicle is on property under the jurisdiction of the JCHE.

NEW SECTION

WAC 249A-02-410 Issuance and use of permits. (1) Permits will be available during the first week of each quarter or semester in the lobby of the Phase I Building at 668 Riverpoint Blvd. At other times, permits may be obtained from the Facilities Manager-JCHE or his or her designee. The applicant will receive a parking permit which specifies the parking area(s) where the vehicle may be parked.

(2) A permit is transferable between vehicles (including motorcycles) and will be valid for all motor vehicles registered with Parking Services by the user at the time the permit is secured.

(3) Temporary permits may be obtained from Parking Services. When visitor parking is required for a special event, Parking Services should be contacted at the time the facility is scheduled.

NEW SECTION

WAC 249A-02-420 Consent to withholding of fines. All permit applications shall provide that the JCHE may withhold unpaid fines from any sums owed the permit holder and to treat the same as a debt.

NEW SECTION

WAC 249A-02-430 Change in residence or license plates. Permit holders changing residence or license places after initial application must contact Parking Services 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.

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 249A-02-440 Term of permit - Transfer of permit. (1) Permits are valid up to and including the expiration date on the permit.

(2) The ownership of permits is generally not transferable, but exceptions can be made provided that: the person relinquishing ownership and the eligible purchaser appear in person at Parking Services when requesting such a transfer;

(a) the former owner relinquishes all ownership or claim to the permit, and pays all outstanding fines; and

(b) the new owner completes a new application form for the permit.

NEW SECTION

WAC 249A-02-450 Replacement permits. (1) Sold or traded vehicles. Failure to advise Parking Services of a sale or trade for registration purposes may result in continued responsibility to the permit holder for citations received on that permit. The permit holder has the responsibility for removing parking permits prior to selling or trading a vehicle.

(2) Lost or stolen permits. Permit holders are responsible for the security of their permits. Theft or loss should be reported to Parking Services immediately upon discovery.

(a) A stolen permit will be replaced once at no cost, but only if a theft report has been filed in the appropriate jurisdiction and verified by Parking Services. The second time the permit is reported stolen, the replacement fee will be ten dollars; the third time, twenty dollars; and, thereafter, the original cost of the stolen permit.

NEW SECTION

WAC 249A-02-460 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, or 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 249A-02-470 Recall of permits. (1) Parking permits are the property of the JCHE and may be recalled by the Facilities Manager, JCHE when:

(a) the purpose for which the permit was issued changes or no longer exists (e.g., a staff person no longer employed on campus);

(b) a permit is used on an unauthorized vehicle or by an unauthorized person;

(c) a parking permit application is falsified;

(d) a counterfeit, modified, lost/stolen permit is used; or

(e) the parking fee is unpaid.

NEW SECTION

WAC 249A-02-510 Permits-General. The JCHE will issue permits for designated areas of the campus. Any vehicle parked in areas under JCHE jurisdiction, other than a pay area, must clearly display a current JCHE permit for a given area during the hours when permits are required.

NEW SECTION

WAC 249A-02-520 Permits-Form and display. (1) All permits must be displayed in the approved position on the vehicle with the 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.

(a) Autos and trucks. Hanging permits must be displayed hanging from the rear view mirror post. Transferable

permits must be displayed on the front windshield at the lower left corner (driver's side).

(b) Motorcycles. Permit must be displayed on the left rear of the vehicle or above the rear tail light.

NEW SECTION

WAC 249A-02-540 Zone permits - Availability and use. (1) The management and assignment of parking zones is designed to provide a reliable parking space to permit holders. However, uncontrolled access to parking areas and unexpected parking demand make it impossible to guarantee a parking space in a permit holder's assigned zone. Every effort will be made via surveys and limits on permit sales to ensure that permit holders are not displaced from their assigned zones.

(2) Staff and students are generally assigned to specific parking areas, called zones. Parking zones are color coded with respect to the specific parking area assignment of each permit holder. Permit holders may park only in their assigned zone as reflected by the color on their permit.

(a) Red permits. Holders of red permits may park only in the Red Lot. The Red Lot is the large lot to the northwest of the Riverpoint Phase I Building (668 N. Riverpoint Blvd.). Red permits will normally be issued to students and staff whose primary work or class assignment is in the Riverpoint Phase I Building.

(b) Blue permits. Holders of blue permits may park only in the Blue Lot. The Blue Lot is the lot adjacent to and immediately south of the SIRT Building (665 N. Riverpoint Blvd.). Blue permits will normally be issued to students and staff whose primary work or class assignment is in the SIRT Building.

(c) Yellow permits. Holders of yellow permits may park only in the Yellow Lot. The Yellow Lot is the small lot just to the North of the SIRT Building and just to the South of the Riverpoint Condominium complex. Yellow permits will normally be issued only to staff.

(d) Green permits. Holders of green permits may park in either the Red or Blue Lots. These will normally be issued to certain staff members on a limited basis.

NEW SECTION

WAC 249A-02-560 Other permits. (1) Visitor permits. Visitor permits are available on a daily basis and may be available for longer terms. 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 may be assigned to specific zones on a space-available basis.

(2) Conference permits. Conference permits are available to visitors who participate in conferences held on campus. They are available for the duration of the conference, only: Conference permits may be assigned to a specific zone as specified on the permit. Conference organizers are encouraged to request permits for their participants prior to the activity.

(3) Commercial permits. Commercial permits are issued to vendors, suppliers, and representatives of outside companies performing a service on the campus. Commercial permits are available on a daily and extended basis. These permits may restrict the user to a specific zone.

NEW SECTION

WAC 249A-02-600 Disability permits. JCHE does not furnish a special disability permit. All applicants will receive a standard permit. Possession of a state-issued disability permit will authorize the permit holder to park in areas designated as disability zones. Use of disability zones by unauthorized persons (i.e., other than those to whom the state permit was issued) may result in citation and loss of parking privileges.

NEW SECTION

WAC 249A-02-650 Permit fees. (1) Schedules for parking fees, parking administrative fees, daily-pay rates, prorate and refund schedules, and the effective dates thereof, will be submitted to the Board of Directors, JCHE, for approval by motion and will thereafter be posted in public areas in or near the Parking Services area, and will be on file with the Facilities Manager, JCHE.

(2) Refunds. Annual permits being relinquished may be returned to Parking Services for a prorated refund. Refunds will be made in accordance with the current prorate and refund schedule.

NEW SECTION

WAC 249A-02-810 Violations, fines, and sanctions. (1) Violations and fines. Parking violations will be processed by JCHE or an authorized designee. Fines must be paid at Parking Services, other authorized locations designated by the Facilities Manager, JCHE, or by mail, in accordance with the following rates:

- (a) Overtime/nonpayment of daily pay \$ 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 \$ 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 a 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) All other parking violations \$ 20.00

(2) Reduction of fines. Fines for violations in the above subsection paid within seventy-two hours will be reduced by one-half. Eligible violation received on a Friday or Saturday can be paid by the following Wednesday to satisfy the seventy-two hour requirement. Mailed fines must be postmarked within seventy-two 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, that fine will be reduced to five dollars when possession of a valid parking permit is verified by Parking Services within seventy-two hours.

(3) Visitors. The first violation for NO PARKING PERMIT and NO PARKING PERMIT FOR THIS AREA issued to visitors are considered warning notices upon presentation to Parking Services.

(4) Inoperable vehicles. It is the owner's responsibility to immediately contact Parking Services in the event their vehicle becomes inoperable.

NEW SECTION

WAC 249A-02-830 Other violations and sanctions.

(1) Late payment of fines. Forty-five days after the issuance of a notice of violation a ten-dollar charge will 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 controller's office of the institution with which that person is associated. The controller may, if other collection efforts fail, deduct outstanding fines from the salary or warrants of employees or withhold the amount of the outstanding fines from damage deposits or other funds held for any student in order to secure payment. Where collection efforts are unsuccessful, the controller may notify the registrar to refrain from issuing student transcripts or to withhold permission to reenroll for a subsequent term until outstanding fines are paid. The procedures discussed above are not exclusive, however, and failure by anyone to pay fines may lead to towing or use of the wheel lock device described in these regulations. Nor are the procedures discussed above a precondition to towing or use of the wheel lock.

(2) Impound by wheel lock or towing:

(a) Any vehicle with an accumulation of three or more unpaid parking violations, or any vehicle displaying a lost or stolen permit may be temporarily immobilized by use of a wheel lock device placed on a wheel. A fifty-dollar fee will be assessed on vehicles which are immobilized with a wheel lock.

(b) Any vehicle may be towed away at the 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 JCHE 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 fined 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

PROPOSED

abandoned vehicle and shall be disposed of in accordance with chapter RCW 46.55.

(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 will subject the violator to the revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violation may be prohibited from parking on JCHE-administered property.

(3) Failure to pay fines. Failure to pay a fine or comply with other penalties assessed pursuant to these regulations, after exhausting or failing to exercise appeals provided for in these regulations, constitutes a violation of RCW 28B.10.560. A citation or complaint for such violation may be issued and filed with the district court. Upon request of the JCHE, the department of licensing may withhold vehicle registration pending the payment of outstanding parking fines.

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 249A-02-860 Appeals procedure. (1) Purpose. The parking appeals committee serves two primary functions: to assure an impartial evaluation on circumstances relating to a particular parking violation; and to aid in the appraisal of parking traffic problems.

(2) Procedure. Any person who has received notice of a parking violation may appeal the alleged violation. The appellant may request more information from Parking Services. The appeal must be in writing and received at Parking Services within ten calendar days after the receipt of notice of the violation. Forms for this purpose are available from Parking Services. The parking appeals committee will make an initial decision on the appeal within twenty calendar days during the academic year and forty-five 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 or she may request a hearing before a hearing officer or appeals committee. Such request must be made within ten calendar days of service of the notice of the initial decision. If no such request is received, the initial decision shall be final. During the review hearing the appellant and representatives of Parking Services may be 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 in the above process may appeal to district court. The application for appeal to district court shall be in writing and must be filed at the Parking Services office within ten calendar

days after service of written notice of final decision. Parking Services will forward documents relating to the appeal to the district court.

WSR 96-20-069

PROPOSED RULES

WESTERN WASHINGTON UNIVERSITY

[Filed September 27, 1996, 4:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-08-033.

Title of Rule: Bicycle traffic and parking regulations, chapter 516-13 WAC.

Purpose: Updates bicycle regulations and for safety reasons regulates riding of bicycles on campus during regular class days and hours.

Statutory Authority for Adoption: RCW 28B.35.-120(12).

Summary: The campus is primarily a pedestrian campus; bicycles should not be ridden in congested areas during regular class days and hours for the safety of students and staff.

Reasons Supporting Proposal: Pedestrian traffic on campus is quite congested. Safety would be improved by regulating bicycle use as proposed.

Name of Agency Personnel Responsible for Drafting: Gayle Shipley, Old Main 345, Western Washington University, Bellingham, Washington 98225, (360) 650-6512; Implementation and Enforcement: Vice President G. Pierce, Old Main 300, Western Washington University, Bellingham, Washington 98225, (360) 650-3180.

Name of Proponent: Western Washington University, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Updates regulations for bicycle use on campus and for safety reasons regulates the riding of bicycles on campus during regular class days and hours.

Proposal Changes the Following Existing Rules: Proposed rules regulate for safety reasons the riding of bicycles on campus during hours when student congestion is heavy.

No small business economic impact statement has been prepared under chapter 19.85 RCW. None needed. Financial or economic impact [impact] is minimal.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Rules relate to internal governmental operations.

Hearing Location: Old Main 340, Western Washington University Campus, 516 High Street, Bellingham, WA 98225, on November 7, 1996, at 3:30 p.m.

Assistance for Persons with Disabilities: Contact Gayle Shipley by November 6, 1996, TDD (360) 650-3725, or (360) 650-6512.

Submit Written Comments to: Gayle Shipley, Environmental Health/Safety, Old Main 345, Mailstop 9018, Western Washington University, Bellingham, Washington 98225, FAX (360) 650-6514, by November 6, 1996.

Date of Intended Adoption: November 15, 1996.

September 25, 1996
Gloria A. McDonald
Rules Coordinator

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

WAC 516-13-020 Parking regulations. (1) All state of Washington bicycle regulations are applicable on the campus.

(2) All city of Bellingham bicycle regulations are applicable on the campus.

(3) Bicycles are to be parked only in bicycle racks where provided or in parking areas specifically designated or marked as a bicycle parking area. No person shall park a bicycle in the public areas of buildings, on a path, sidewalk, walkway, or in such a manner as to block a building exit or entrance.

(4) Bicycles are not to be chained to a designated work of art (~~((identifiable by a plaque))~~).

(5) Improperly parked bicycles are subject to impoundment.

AMENDATORY SECTION (Amending Order 6-02-83, Motion No. 6-02-83, filed 6/28/83, effective 9/19/83)

WAC 516-13-030 Impounding of bicycles. (1) Bicycles may be impounded for illegal parking.

(2) Bicycles will be released upon presentation of proof of ownership and payment of a \$3.00 fee if claimed within seven days. Bicycles unclaimed after seven days will be released to the (~~Bellingham police~~) university public safety department. If the owner of an impounded bicycle can be identified they will be notified immediately after impound.

AMENDATORY SECTION (Amending Order 92-01, filed 3/3/92, effective 3/31/92)

WAC 516-13-080 Operation. (1) Pedestrians have the right-of-way on all sidewalks, pathways, and plaza areas on campus. Bicyclists will use due caution when riding bicycles on campus and are encouraged to wear helmets.

(2) It is prohibited for bicycles to be ridden in areas specifically designated as permanent and/or temporary dismount zones (~~((during the ten minutes prior to and until the hour))~~) from 8:00 a.m. to 5:00 p.m. during regular class days or at other times when so posted or as designated by the vice-president for business and financial affairs or a designee.

(3) Bicyclists are responsible for following the Bicycle Responsibility Code adopted May 21, 1996, by the student bicycle advisory coalition as amended by the central health and safety committee on June 3, 1996:

- (a) Pedestrians have right of way, always.
- (b) Stay in control.
- (c) Avoid congested areas and use back roads when possible.
- (d) Obey the dismount policy and obey all traffic laws.
- (e) Dismount and walk your bike when in crowded areas.
- (f) Minimize impact—stay off the lawns.
- (g) Park and lock bikes only at bike racks.
- (h) Know the code!

AMENDATORY SECTION (Amending Order 92-01, filed 3/3/92, effective 3/31/92)

WAC 516-13-090 Enforcement. A bicycle rider who refuses to abide by these regulations will be asked to leave the campus. A person who refuses to obey the request is subject to being cited for criminal trespass under the provisions of chapter 9A.52 RCW. If a student refuses to abide by these regulations, a proceeding may be initiated under chapter 516-23 WAC, the Student Rights and Responsibilities Code. Enforcement described in this chapter does not preclude other established university disciplinary procedures.

WSR 96-20-070

PROPOSED RULES

WESTERN WASHINGTON UNIVERSITY

[Filed September 27, 1996, 4:56 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-08-034.

Title of Rule: Skateboards, chapter 516-15 WAC.

Purpose: Prohibit in-line skates from use on campus.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Summary: Updates skateboard policy on campus, and because the university is primarily a pedestrian campus, prohibits use of in-line skates.

Reasons Supporting Proposal: Desire to improve campus safety and reduce activity which damages steps and outdoor seating.

Name of Agency Personnel Responsible for Drafting: Gayle Shipley, Old Main 345, Western Washington University, Bellingham, Washington 98225, (360) 650-6512; Implementation and Enforcement: Vice-President G. Pierce, Old Main 300, Western Washington University, Bellingham, Washington 98225, (360) 650-3180.

Name of Proponent: Western Washington University, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Prohibit use of in-line skates on campus except in areas that may be designated for such use.

Proposal Changes the Following Existing Rules: Existing rule limits skateboard use. Proposal would similarly limit use of in-line skates.

No small business economic impact statement has been prepared under chapter 19.85 RCW. None needed. Financial or economic impact is minimal.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Rules relate to internal governmental operations.

Hearing Location: Old Main 340, Western Washington University Campus, 516 High Street, Bellingham, WA 98225, on November 7, 1996, at 3 p.m.

Assistance for Persons with Disabilities: Contact Gayle Shipley by November 6, 1996, TDD (360) 650-3725, or (360) 650-6512.

Submit Written Comments to: Gayle Shipley, Environmental Health and Safety, Mailstop 9018, Western Washing-

ton University, Bellingham, Washington 98225, FAX (360) 650-6514, by November 6, 1996.

Date of Intended Adoption: November 15, 1996.

September 25, 1996

Gloria A. McDonald

Rules Coordinator

Chapter 516-15 WAC

SKATEBOARD((S)) AND IN-LINE SKATE POLICY

AMENDATORY SECTION (Amending Resolution No. 87-02, filed 10/21/87)

WAC 516-15-010 Definitions. As used in this chapter, the following words mean((s)):

"Skateboard." A toy consisting of an oblong or rectangular board, made of wood, plastic, metal or components thereof, with ~~((a pair of small))~~ wheels ~~((at each end))~~, ridden, as down an incline, usually in a standing position. It may or may not be motorized.

"Skate." A toy consisting of shoes or boots with small wheels on the soles, either in pairs at the toe and heel or in a line down the length of the foot.

AMENDATORY SECTION (Amending Resolution No. 87-02, filed 10/21/87)

WAC 516-15-020 Purpose. Because the university is primarily a pedestrian campus, the purpose of these regulations is:

(1) To protect and control pedestrian traffic and traffic of persons using coasters, skateboards, in-line skates, toy vehicles or other similar devices.

(2) To protect from physical damage and more than ordinary wear the wooden and concrete benches, brick and paved walkways, stairs, steps, loading ramps, plazas, and ramps for the disabled, caused by use of coasters, skateboards, in-line skates, toy vehicles, or similar devices on such areas.

AMENDATORY SECTION (Amending Resolution No. 87-02, filed 10/21/87)

WAC 516-15-040 Regulation ~~((of skateboards))~~. Skateboards, coasters, in-line skates, toy vehicles, or other types of similar devices may not be used on the campus except in areas as may be designated for such use by the vice-president for business and financial affairs or a designee.

AMENDATORY SECTION (Amending Resolution No. 87-02, filed 10/21/87)

WAC 516-15-050 Enforcement. A person using a skateboard ~~((user))~~, coaster, in-line skates, toy vehicle, or similar device who refuses to abide by these regulations will be asked to leave the campus. Refusal to obey will subject the person to being cited for trespass under the provisions of chapter 9A.52 RCW.

If the user is a student, the student will be asked to remove the skateboard, coaster, in-line skates, toy vehicle, or other similar device from use on campus. If the student refuses, a proceeding may be initiated under chapter 516-22 WAC, the student rights and responsibilities code.

WSR 96-20-071

WITHDRAWAL OF PROPOSED RULES SOUTHWEST AIR POLLUTION CONTROL AUTHORITY

[Filed September 27, 1996, 4:57 p.m.]

The Southwest Air Pollution Control Authority (SWAPCA) hereby requests that the proposed rule SWAPCA 492-110 Contingency Provision for Southern Clark County Carbon Monoxide Nonattainment Area submitted on November 19, 1993, CR-102, WSR 93-24-013 be withdrawn. A CR-103 has not been submitted for this rule-making activity. There are no current plans to proceed with finalizing this rule. The SWAPCA board of directors approved withdrawal of this proposed rule at the September 17, 1996, board meeting. This request is made in accordance with WAC 1-21-060. We understand that SWAPCA is not subject to RCW 34.05.335 in regards to the one hundred eighty day time limit for adoption of the rule as provided at RCW 70.94.141.

Robert D. Elliott
Executive Director

WSR 96-20-077

PROPOSED RULES DEPARTMENT OF LICENSING

[Filed September 30, 1996, 12:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-15-077; and exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 308-12-320 Renewal of licenses and 308-12-326 Architect fees.

Purpose: WAC 308-12-320 Renewal of licenses, was changed from a one-year renewal to a three-year renewal. This amendment would delete information that no longer applies to the rule. WAC 308-12-326 Architect fees, reflects the change in renewal fees from the one-year renewal to the three-year renewal. It also removes any reference to specific divisions of the examination.

Statutory Authority for Adoption: WAC 308-12-320 is RCW 18.03.350; and WAC 308-12-326 is RCW 18.08.350.

Statute Being Implemented: RCW 18.08.350, 18.08.430, 18.08.350 [18.03.350].

Summary: WAC 308-12-320, outdated information is being deleted from the rule. Architect license renewal was converted from one year to three years and the conversion is now complete. WAC 308-12-326, information regarding the conversion from one to three year renewals has been deleted. Also reference to specific divisions of the architect exam has been deleted. Beginning in February 1997, the examinations will be computerized and administered by a test vendor.

Reasons Supporting Proposal: The information is outdated.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James D. Hanson, 405 Black Lake Boulevard, Olympia, (360) 753-1153.

Name of Proponent: Department of Licensing, Business and Professions Division, Architect Registration Unit, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-12-320 Renewal of licenses, deletes information that is no longer required. WAC 308-12-326 Architect fees, deletes fees that are no longer collected by the architect board.

Proposal Changes the Following Existing Rules: It deletes information that is outdated and no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no significant change in fees. The candidates will pay a testing facility rather than the Department of Licensing, Architect Registration Board for the examination.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. It is exempt under RCW 34.05.328 (5)(b)(iv) and (vi).

Hearing Location: Conference Room 1, Business and Professions Division, 405 Black Lake Boulevard, Olympia, WA, on November 27, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Sharon M. Kinder by November 25, 1996, TDD (360) 586-2788, or (360) 586-8935.

Submit Written Comments to: James D. Hanson, P.O. Box 9045, Olympia, WA 98507-9045, FAX (360) 664-2551, by November 25, 1996.

Date of Intended Adoption: December 5, 1996.
September 30, 1996
James D. Hanson
Program Administrator

AMENDATORY SECTION (Amending WSR 90-17-097, filed 8/21/90, effective 9/21/90)

WAC 308-12-320 Renewal of licenses. (1) The license renewal date for architects shall be the architect's birth date. Licensees who fail to pay the license renewal fee within thirty days of license expiration date will be subject to the late payment penalty fee as set forth in RCW 18.08.-430 and WAC 308-12-326. Architects whose renewal fees are delinquent will be listed with the state building officials.

(2) ~~((Effective with the renewal period beginning January 1, 1991,))~~ The ~~((annual))~~ renewal period for architects ~~((will be changed to a three year renewal period. Conversion to the three year renewal system will be accomplished as follows:~~

(a) ~~Current licensees, whose birthdates are in the months of January, February, March or April, will be required to pay a fee equal to one years' renewal fee, or one third of the current three year renewal fee, in order to extend their licenses for a period of one year. Subsequent renewals for this group of licensed architects will be for a three year period.~~

(b) ~~Current licensees, whose birthdates are in the months of May, June, July or August, will be required to pay a fee equal to two years' renewal fee, or two thirds of the current three year renewal fee, in order to extend their licenses for a period of two years. Subsequent renewals for this group of licensed architects will be for a three year period.~~

(c) ~~Current licensees, whose birthdates are in the months of September, October, November or December, will be required to pay the current three year renewal fee, in order to extend their licenses for a period of three years. Subse-~~

~~quent renewals for this group of licensed architects will be for a three year period)) is three years.~~

(3) ~~((Effective January 1, 1991, all new architect licenses, initial or reciprocity, will be issued for a three year period, with subsequent renewals for a three year period.~~

(4) ~~Following completion of the conversion to a three year renewal period, licensees will renew every three years on their date of birth.~~

(5) ~~Assessment of delinquent fees will be based on the number of years delinquent multiplied by one-third of the three-year renewal fee or the fee for one year. Penalty fees are one-third of the three-year renewal fee or equal to the fee for one year multiplied by the number of years delinquent.~~

AMENDATORY SECTION (Amending WSR 91-13-055, filed 6/14/91, effective 7/15/91)

WAC 308-12-326 Architect fees. The following fees shall be charged by the ~~((professional licensing))~~ business and professions division of the department of licensing:

Title of Fee	Fee
Examination application	\$100.00
((Examination (initial or retake full)	345.00
Reexamination	45.00
Reciprocity application	350.00
Initial registration ((effective January 1, 1991))	135.00
Oral examination	50.00
Registration renewal ((:	
January-April, 1991 (1 year)	45.00
May-August, 1991 (2 years)	90.00
September-December, 1991)) (3 years)	135.00
Late renewal ((:	
January-April, 1991 (1 year)	15.00
May-August, 1991 (2 years)	30.00
September-December, 1991 (3 years))	45.00
Certificate replacement	15.00
((Examination proctor fee	100.00
Reciprocity application	350.00
Exam retake:	
Division A: Predesign	35.00
Division B: Site design (written)	20.00
Division B: Site design (graphic)	55.00
Division C: Building design	85.00
Division D/F: Structural General and long span	30.00
Division E: Structural Lateral forces	15.00
Division G: Mechanical, plumbing, and electrical systems	35.00
Division H: Materials and methods	35.00
Division I: Construction documents and services	35.00
Duplicate license	15.00
Certification	25.00
Corporations:	
Certificate of authorization	250.00
Certificate of authorization renewal	125.00

PROPOSED

WSR 96-20-080
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed September 30, 1996, 4:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-09-090.

Title of Rule: Rules relating to standards for asparagus, chapter 16-409 WAC.

Purpose: Improve the marketing of fresh Washington asparagus by providing a premium grade, raising the grade standards for lower grades, which allows product packing to be flexible and responsive to market changes.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Statute Being Implemented: Chapter 15.17 RCW.

Summary: See Explanation of Rule below.

Reasons Supporting Proposal: Request from industry, Washington Asparagus Commission, growers, shippers/packers.

Name of Agency Personnel Responsible for Drafting: Bob Gonzales, Olympia, (360) 902-1832; Implementation and Enforcement: Jim Quigley, Olympia, (360) 902-1833.

Name of Proponent: Washington Asparagus Commission, J. Michael Harker, Administrator, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rule is to add of a premium grade pack, upgrade the existing Washington consumer pack grade, and the removal of packaging container requirements. The purpose is to improve and enhance the marketing of fresh Washington asparagus by providing consumers with an improved quality product and uniformity, and to allow product packaging the flexibility to be responsive to market changes.

Proposal Changes the Following Existing Rules: Addition of a Washington extra fancy tips grade that meets the requirements of the Washington extra fancy grade except that the stalks of asparagus must be all green color, and allows for the minimum diameter size to be a Washington small. The Washington consumer pack grade requirements changes are for stalks to be fairly well trimmed, fairly uniform in length, and at least 85% of the stalk green color. Container requirements changes removed the pyramid type and weight requirements, allowing the use of any type of container with a moisture pad, except for the Washington consumer pack grade.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change will lessen the financial burden due to the new packaging requirements.

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

Hearing Location: On November 5, 1996, at 1:00 p.m., in the TRAC Center, Road 68, Exit #9, Pasco, Washington; and on November 6, 1996, at 10:00 a.m., in the Agricultural Service Center, 2015 South 1st Street, Yakima, WA 98903.

Assistance for Persons with Disabilities: Contact Cathy Jensen, (360) 902-1996.

Submit Written Comments to: Jim Quigley, Program Manager, Washington State Department of Agriculture,

Commodity Inspection, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2085, by November 6, 1996.

Date of Intended Adoption: November 15, 1996.

September 30, 1996

William E. Brookreson
 Assistant Director

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-020 Washington standards—Grades.

(1) Washington extra fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, well trimmed, fairly straight, not wilted, and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means. Stalks shall have at least eighty-five percent green color.

(b) Stalks within individual containers shall meet one of the following designated sizes: Jumbo, large, or standard.

(2) Washington extra fancy tips shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, well trimmed, fairly straight, not wilted, and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means. Stalks shall be all green.

(b) Stalks within the individual containers shall meet one of the following designated sizes: Jumbo, large, standard, or small.

(3) Washington fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, fairly well trimmed, not wilted and not badly misshapen, and which are free from decay and serious damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall have at least eighty-five percent green color.

(b) Each stalk shall have a diameter of not less than four-sixteenths inch.

~~((3))~~ (4) Washington consumer pack shall consist of:

(a) Clean, fresh stalks of asparagus ~~((and may be of random length))~~, fairly uniform in length, fairly well trimmed, which are fairly straight, not wilted and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall ~~((show not more than one and one half inches of white))~~ have at least eighty-five percent green color.

(b) Each stalk shall have a diameter of not less than four-sixteenths inch.

~~((4))~~ (5) Culls.

(a) Asparagus which is not graded in conformity with Washington extra fancy, Washington extra fancy tips, Washington fancy, Washington consumer pack, or U.S. No. 1, or U.S. No. 2 shall be designated as "culls."

(b) Culls shall not be marketed if more than ten percent by count of the stalks show white in excess of two inches.

~~((5))~~ (6) Any lot of fresh asparagus, including "culls" marketed within the state of Washington, shall have not more than ten percent of stalks with white in excess of two inches, nor more than ten percent of stalks which are less than four-sixteenths inch in diameter.

PROPOSED

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-030 Tolerances for defects, color, diameter and trim. (1) In order to allow for variations incident to proper grading and handling in the Washington extra fancy, Washington extra fancy tips, Washington fancy, and Washington consumer pack grades, the following tolerances are provided as specified:

(a) Ten percent, by count, for stalks failing to meet the requirements of the grade other than for trim and color requirements, including therein, not more than one percent for stalks affected by decay.

(b) An additional ten percent, by count, for stalks having less than the specified amount of green color.

(c) An additional ten percent, by count, for stalks not meeting trim requirements.

(2) In order to allow for variations in diameter and length incident to proper sizing in the Washington extra fancy, Washington extra fancy tips, Washington fancy, and Washington consumer pack grades, the following tolerance is provided as specified: Ten percent, by count, for stalks failing to meet the required minimum and maximum diameter, and/or length, as defined under, "fairly uniform in length" and "size designations."

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-060 Washington standards—Size designations. In addition to the statement of grade:

(1) Washington extra fancy grade lots shall be designated as Washington extra fancy jumbo or Washington jumbo, Washington extra fancy large or Washington large, or Washington extra fancy standard or Washington standard. Ninety percent, by count, of the stalks in any lot shall conform to the following diameters for such designations:

(a) Washington extra fancy jumbo or Washington jumbo shall be stalks thirteen-sixteenths inch in diameter or larger.

(b) Washington extra fancy large or Washington large shall be stalks seven-sixteenths inch in diameter or larger.

(c) Washington extra fancy standard or Washington standard shall be stalks six-sixteenths inch in diameter or larger.

(2) Washington extra fancy tips grade shall be designated as Washington extra fancy tips jumbo, Washington extra fancy tips large, Washington extra fancy tips standard or Washington extra fancy tips small. Ninety percent, by count, of stalks in any lot shall conform to the diameters for size designations as stated under the Washington extra fancy grade for jumbo, large or standard and under the Washington fancy grade for small.

(3) Washington fancy grade lots shall be designated by minimum diameter: *Provided*, That when at least ninety percent, by count, of the stalks in any lot are four-sixteenths inch in diameter or larger, the lot may be designated as Washington fancy small or Washington small.

~~((3))~~ (4) Washington consumer pack grade lots shall be designated by minimum diameter. Stalks shall be four-sixteenths inch in diameter or larger.

~~((4))~~ (5) U.S. No. 1 grade lots shall be designated as Washington jumbo, Washington large, or Washington standard, or may be designated by minimum diameter.

~~((5))~~ (6) U.S. No. 2 grade lots shall be designated as Washington small or may be designated by minimum diameter.

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-065 Containers. (1) Fresh asparagus shall be marketed in containers which are clean and free from dirt, trash, and visible contaminates.

(2) Fresh asparagus of the Washington extra fancy, Washington extra fancy tips, Washington fancy, U.S. No. 1, and U.S. No. 2 grades shall be marketed in ~~((pyramid type))~~ containers with moisture pads.

(3) Fresh asparagus of the Washington consumer pack grade shall be marketed in pyramid type containers with moisture pads, or in fibre-board or wooden "western lug" containers having inside dimensions of approximately seven, by eleven and one-half, by eighteen inches, or capacity of thirteen hundred fifty to fifteen hundred fifty cubic inches.

~~((Pyramid type containers shall contain thirty pounds, fifteen pounds, or six kilograms net weight.~~

~~((5))~~ Western lugs shall contain not less than twenty pounds net weight.

~~((6))~~ (5) Culls shall be marketed in wooden pyramid containers with moisture pads.

~~((7))~~ (6) Fresh asparagus in field containers shall not be marketed.

~~((8))~~ (7) The director may allow the use of containers not specified in subsections (2), (3), (4), and (5) ~~((and (6)))~~ of this section, as experimental containers for the purpose of test or trial marketing.

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-070 Marking requirements. (1) Containers shall be conspicuously and legibly marked with the name and address of the grower, packer, or distributor, the grade, and net weight, and a size designation or diameter size as defined in WAC 16-409-060 (1), (2), (3), (4), ~~((and))~~ (5), and (6).

(2) The grade and size designation shall be marked in letters at least three-eighths inch in height.

(3) The following abbreviations of grade and size designation shall be acceptable: Washington may be abbreviated as Wash. or WA. Extra fancy may be abbreviated as ex fcy or extra fcy. Fancy may be abbreviated as fcy. Large may be abbreviated as lge. Standard may be abbreviated as std.

(4) The use of U.S. No. 1 or U.S. No. 2 grade markings shall be permitted subject to WAC 16-409-085.

(5) If culls are marketed, the word "culls" shall be conspicuously and legibly marked in letters at least one inch in height and shall be predominant in size over other markings.

(6) All required markings shall be placed on one end of the container, and may be duplicated on opposite end of container.

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-075 Exemption. Any individual shipment of fresh asparagus shall be exempted from the requirements of WAC 16-409-020 through 16-409-060, 16-409-065 (2), (3), (4), (5), ~~((6))~~ and ~~((8))~~ (7); and 16-409-070 when:

- (1) The shipment consists of asparagus for home use and not for resale.
- (2) The shipment does not exceed two hundred fifty pounds net weight.

WSR 96-20-086
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed October 1, 1996, 10:35 a.m.]

This is a request to withdraw chapters 246-10 and 246-11 WAC which were filed August 25, 1994, and published in WSR 94-18-006. This filing was intended as housekeeping changes requested by constituents. There was a significant lag time between the initial filing and action to proceed with the amendments. Given the changes that have occurred in rule writing it was deemed appropriate to file a new CR-101 prior to continuing with rule adoption (CR-101 filed March 5, 1996 - WSR 96-06-048; CR-102 filed June 23, 1996 - WSR 96-14-069). Therefore, this original filing is no longer necessary.

Individuals requiring information on chapters 246-10 and 246-11 WAC should contact Pat Collins at (360) 664-8881.

Eric Slagle
 Acting Deputy
 for Bruce Miyahara
 Secretary

WSR 96-20-092
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services)
 (Public Assistance)
 [Filed October 1, 1996, 1:57 p.m.]

Supplemental Notice to WSR 96-20-056.

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

Title of Rule: WAC 388-49-310 Citizenship and alien status.

Purpose: This rule implements 1996 federal welfare legislation which limits food stamp program eligibility to a significantly smaller group of legal aliens than previously eligible for the food stamp program. This supplemental notice clarifies that the spouse and dependent children of qualified alien veterans or active-duty military persons must also be qualified aliens to qualify for food stamps.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: Public Law 104-193, Section 402.

Summary: Limits food stamp program eligibility to qualified aliens (as defined by Section 431 of Public Law 104-193) who are (a) refugees, asylees, and aliens with deportation withheld (for five years from date of INS granting of status); (b) permanent resident aliens with forty qualifying work quarters; or (c) veterans and active-duty military, lawfully residing in the United States, plus qualified alien spouses and unmarried dependent qualified alien children.

Reasons Supporting Proposal: Section 402 and 431 of Public Law 104-193.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, (360) 413-3073.

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

Rule is necessary because of federal law, Public Law 104-193, Section 402.

Explanation of Rule, its Purpose, and Anticipated Effects: Limits food stamp program eligibility to qualified aliens (as defined by Section 431 of Public Law 104-193) who are (a) refugees, asylees, and aliens with deportation withheld (for five years from date of INS granting of status); (b) permanent resident aliens with forty qualifying work quarters; or (c) veterans and active-duty military, lawfully residing in the United States plus qualified alien spouses and unmarried dependent qualified alien children.

This rule will significantly reduce the number of legal immigrants eligible for the food stamp program.

Proposal Changes the Following Existing Rules: WAC 388-49-310 is being amended as noted above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not have an impact on small businesses.

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 98504-5800, on November 5, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by October 21, 1996, (360) 902-8317, or TTY (360) 902-8324.

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 November 5, 1996.

Date of Intended Adoption: November 6, 1996.

October 1, 1996
 Merry A. Kogut, Supervisor
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3409, filed 6/23/92, effective 7/24/92)

WAC 388-49-310 Citizenship and alien status. (1) The department shall require applicants to sign the application attesting to their citizenship or alien status as described under WAC 388-49-030(6).

(2) The department shall consider applicants ~~((failing))~~ and current recipients as of the date of their next certification who fail to meet the requirements of subsections (1) and (3)

of this section as ineligible household members under WAC 388-49-190(4), 388-49-420(5), and 388-49-480(2).

(3) The department shall consider the following persons residing in the United States eligible for participation in the food stamp program:

(a) A United States citizen; ~~((or))~~

(b) An alien lawfully admitted for permanent residence ~~((or))~~ under the Immigration and Nationality Act who has worked forty qualifying quarters of coverage as defined under Title II of the Social Security Act or can be credited with such qualifying quarters.

(i) An alien can be credited for each qualifying quarter worked by a:

(A) Parent while the alien was under age eighteen, or

(B) Spouse during their marriage if the alien remains married to the spouse or the spouse is deceased.

(ii) Beginning January 1, 1997, any quarter in which the alien received any federal means-tested public benefit is not counted as a qualifying quarter.

(iii) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant has forty qualifying quarters of coverage when:

(A) The applicant cannot produce acceptable verification of forty qualifying quarters of coverage; and

(B) The applicant can reasonably explain why the verification is not available.

(c) A ~~((or))~~ qualified alien, as defined under section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the qualified alien spouse or unmarried dependent qualified alien child of the alien, lawfully residing in the United States, who is:

(i) ~~((Entered the United States before January 1, 1972, or some later date as required by law; and))~~ A veteran, as defined in section 101 of Title 38, United States Code, with a discharge characterized as an honorable discharge and not on account of alienage;

(ii) ~~((Has continuously maintained residency in the United States since then; and~~

~~(iii) Is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the attorney general under section 249 of the Immigration and Nationality Act))~~ On active duty, other than active duty for training, in the Armed Forces of the United States.

(d) An alien ~~((who qualified for entry after March 17, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion under sections 203 (a)(7), 207, and 208 of the Immigration and Nationality Act; or))~~ admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act until five years after the date of such admission as a refugee;

(e) An alien ~~((qualified for conditional entry before March 18, 1980, under former section 203 (a)(7) of the Immigration and Nationality Act; or~~

(f) An alien)) granted asylum ~~((through an exercise of discretion by the attorney general))~~ under section 208 of the Immigration and Nationality Act until five years after the date of granting such status; or

~~((g) An alien lawfully present in the United States as a result of:~~

~~(i) An exercise of discretion by the attorney general for emergent reasons or reasons deemed strictly in the public~~

~~interest under section 212 (d)(5) of the Immigration and Nationality Act; or~~

~~(ii) A grant of parole by the attorney general.~~

~~(h)) (f) An alien living ~~((within))~~ in the United States ~~((for whom the attorney general withheld))~~ whose deportation ~~((s))~~ is withheld under section 243(h) of the Immigration and Nationality Act ~~((, because the attorney general judges the alien is subject to persecution because of race, religion, or political opinion; or~~~~

~~(i) An alien having temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act; or~~

~~(j) An aged, blind, or disabled alien admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act; or~~

~~(k) An alien who is not aged, blind, or disabled admitted under section 245A of the Immigration and Nationality Act when:~~

~~(i) Permanent status has been gained; and~~

~~(ii) A five-year period has expired from date lawfully admitted.~~

~~(l) An alien who is:~~

~~(i) Granted family unity status by the immigration and naturalization service; and~~

~~(ii) Whose newly legalized alien spouse or parent is eligible to participate in the food stamp program)) until five years after the date such deportation is withheld.~~

(4) The household shall provide verification when:

(a) Citizenship is questionable; or

(b) One or more of its members are aliens.

(i) The department shall not contact the immigration and naturalization service to obtain information without the alien's written consent.

(ii) The department shall give the household failing to provide verification the option of:

(A) Withdrawing the application; or

(B) Participating without the alien member.

(5) An applicant shall be ineligible until:

(a) Questionable citizenship is verified; or

(b) Lawful alien status is verified.

(6) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant is a United States citizen when:

(a) The applicant cannot produce acceptable citizenship verification; and

(b) The household can reasonably explain why the verification is not available.

(7) The department shall notify immigration and naturalization services when any household member is ineligible because that person is present in the United States in violation of a known deportation order of the Immigration and Nationality Act.

(8) Lawfully admitted aliens who are ineligible include:

(a) Alien visitors;

(b) Tourists;

(c) Diplomats; ~~((and))~~

(d) Students with temporary status; and

(e) Aliens not identified in subsection (3) of this section as eligible for participation in the food stamp program.

WSR 96-20-094
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed October 1, 1996, 2:15 p.m.]

The Department of Social and Health Services is withdrawing proposed amendments to WAC 388-15-090, 388-151-090, and 388-155-090 filed as WSR 96-14-027.

Merry A. Kogut, Supervisor
 Rules and Policies Assistance Unit

WSR 96-20-101
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed October 1, 1996, 3:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-15-083.

Title of Rule: Amendments to chapter 51-32 WAC, Uniform Mechanical Code and chapter 51-34 WAC, Uniform Fire Code.

Purpose: To provide regulations relating to the discharge of ammonia refrigerant in cold storage warehouses in response to Governor Mike Lowry's direction to "take appropriate action immediately" to resolve this issue.

Statutory Authority for Adoption: RCW 19.27.074.

Statute Being Implemented: RCW 19.27.074.

Summary: The proposal includes technical amendments to Section 1119 of chapter 51-32 WAC (1994 Edition of the Uniform Mechanical Code) and Section 6309 of chapter 51-34 WAC (1994 Edition of the Uniform Fire Code) relating to the discharge of ammonia refrigerant.

Reasons Supporting Proposal: 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. This proposed rule responds to the governor's direction.

Name of Agency Personnel Responsible for Drafting and Implementation: Tim Nogler, P.O. Box 48300, Olympia, WA 98504-8300, (360) 586-0486; and Enforcement: Local jurisdictions.

Name of Proponent: State Building Code Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule would amend the 1994 Editions of the Uniform Mechanical Code (Section 1119) and the Uniform Fire Code (Section 6309). The purpose is to resolve a problem with the regulations relating to the discharge of ammonia refrigerant which are restrictive and onerous by not allowing for other and/or new methods or processes. The anticipated effects are allowing for flexibility in the design of these facilities and subsequent cost savings for the cold storage industry.

Proposal Changes the Following Existing Rules: The change is to allow alternate methods for treating ammonia

discharge rather than requiring that one prescribed method be used.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule is anticipated to reduce cost.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The State Building Code Council is not identified as an agency required to comply.

Hearing Location: House Hearing Room C, John L. O'Brien Building, Olympia, Washington, on November 13, 1996, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Krista Braaksma by October 25, 1996.

Submit Written Comments to: James R. Beaver, Chair, P.O. Box 48300, Olympia, WA 98504-8300, FAX (360) 586-5880, by November 11, 1996.

Date of Intended Adoption: November 13, 1996.

October 1, 1996

James R. Beaver

Chair

OPTION 1

NEW SECTION

WAC 51-32-1119 Ammonia discharge. Emergency discharge for ammonia refrigeration systems shall be in accordance with Section 1119.1 and Section 1119.2.

1119.1 Emergency discharge for ammonia refrigeration systems shall comply with ASHRAE 15 - 1994.

1119.2 Ammonia discharge to atmosphere without a flaring device is allowed unless the Building Official, upon review of the permit application and submittals, finds that such a discharge method may reasonably result in discharge of concentrations exceeding 500 ppm at grade level and present a significant life hazard to exposed occupancies. The Building Official may require an approved engineering analysis showing that:

Concentrations exceeding 500 ppm at grade level do not present a significant life hazard to exposed occupancies.

The engineering analysis may include the following:

1. Quantity and rate of material expected to be discharged.
2. Weather conditions such as wind speed, wind direction, humidity, and temperature inversion.
3. Emergency response planning.
4. Design benefits limiting discharge.

OPTION 1

NEW SECTION

WAC 51-34-6309 Ammonia discharge. Emergency discharge for ammonia refrigeration systems shall be in accordance with Section 6309.1 and Section 6309.2.

6309.1 Emergency discharge for ammonia refrigeration systems shall comply with ASHRAE 15 - 1994.

6309.2 Ammonia discharge to atmosphere without a flaring device is allowed unless the Chief, upon review of the

permit application and submittals, finds that such a discharge method may reasonably result in discharge of concentrations exceeding 500 ppm at grade level and present a significant life hazard to exposed occupancies. The Chief may require an approved engineering analysis showing that:

Concentrations exceeding 500 ppm at grade level do not present a significant life hazard to exposed occupancies.

The engineering analysis may include the following:

1. Quantity and rate of material expected to be discharged.
2. Weather conditions such as wind speed, wind direction, humidity, and temperature inversion.
3. Emergency response planning.
4. Design benefits limiting discharge.

OPTION 2

NEW SECTION

WAC 51-32-1119 Ammonia discharge. Emergency discharge for ammonia refrigeration systems shall be in accordance with Section 1119.1 and Section 1119.2.

1119.1 Emergency discharge for ammonia refrigeration systems shall comply with ASHRAE 15 - 1994.

1119.2 Ammonia discharge to atmosphere without a flaring device is allowed unless the Building Official, upon review of the permit application and submittals, finds that such a discharge method may reasonably result in discharge of significant concentrations and present a significant life hazard to exposed occupancies. The Building Official may require an approved engineering analysis which may include the following:

1. Quantity and rate of material expected to be discharged.
2. Weather conditions such as wind speed, wind direction, humidity, and temperature inversion.
3. Emergency response planning.
4. Design benefits limiting discharge.

OPTION 2

NEW SECTION

WAC 51-34-6309 Ammonia discharge. Emergency discharge for ammonia refrigeration systems shall be in accordance with Section 6309.1 and Section 6309.2.

6309.1 Emergency discharge for ammonia refrigeration systems shall comply with ASHRAE 15 - 1994.

6309.2 Ammonia discharge to atmosphere without a flaring device is allowed unless the Chief, upon review of the permit application and submittals, finds that such a discharge method may reasonably result in discharge of significant concentrations and present a significant life hazard to exposed occupancies. The Chief may require an approved engineering analysis which may include the following:

1. Quantity and rate of material expected to be discharged.

2. Weather conditions such as wind speed, wind direction, humidity, and temperature inversion.
3. Emergency response planning.
4. Design benefits limiting discharge.

OPTION 3

NEW SECTION

WAC 51-32-1100 Refrigeration.

NEW SECTION

WAC 51-32-1101 General.

1101.1 Scope. This chapter shall govern the design, installation, construction and repair of refrigeration systems that vaporize and liquefy a fluid during the refrigerating cycle. Refrigerant piping design and installation, including pressure vessels and pressure relief devices, shall conform to this code. Permanently installed refrigerant storage systems and other components shall be considered as part of the refrigeration system to which they are attached.

1101.2 Factory-built equipment. Listed and labeled self-contained, factory-built equipment shall be tested in accordance with UL 207, 303, 412, 465, 471 or 1995.

1101.3 Protection. Any portion of a refrigeration system that is subject to physical damage shall be protected in an approved manner.

1101.4 Water connection. Water supply and discharge connections associated with refrigeration systems shall be made in accordance with this code and the plumbing code.

1101.5 Gas connection. Gas fuel devices and equipment used with refrigeration systems shall be installed in accordance with this code.

1101.6 General. Refrigeration systems shall comply with the requirements of this code and, except as modified by this code, ASHRAE 15. Ammonia-refrigerating systems shall comply with this code and, except as modified by this code, ASHRAE 15 and IAR 2.

NEW SECTION

WAC 51-32-1102 System requirements.

1102.1 General. The system classification, allowable refrigerants, the maximum quantity, enclosure requirements, location limitations and field pressure test requirements, shall be determined as follows:

1. Determine the refrigeration system's classification in accordance with Section 1103.
2. Determine the refrigerant classification in accordance with Table 1104.1.
3. Determine the maximum allowable quantity of refrigerant in accordance with Table 1104.2(1), based on type of refrigerant, system classification and occupancy.
4. Determine the system enclosure requirements in accordance with Table 1104.2(1).

- 5. Refrigeration equipment location and installation shall be subject to the limitations of Chapter 3.
- 6. Nonfactory-tested, field-erected equipment shall be pressure tested in accordance with Section 1108.

1102.2 Refrigerants. Refrigerants not identified in Table 1104.1 shall be approved before use. Refrigerants (including refrigerant blends) with different designations in ASHRAE 34 shall not be mixed in a system.

1102.2.1 New refrigerants. Refrigerants used in new equipment shall be of a type and purity level specified or approved by the equipment manufacturer.

1102.2.2 Recovered refrigerants. Refrigerants that are recovered from refrigeration and air-conditioning systems shall not be reused in other than the system from which they were recovered and in other systems of the same owner. Recovered refrigerants shall be filtered and dried before reuse. Recovered refrigerants that show clear signs of contamination shall not be reused unless reclaimed in accordance with Section 1102.2.3.

1102.2.3 Reclaimed refrigerants. Used refrigerants shall not be reused in a different owner's equipment unless reclaimed and found to meet the purity requirements of ARI 700. Contaminated refrigerants shall not be used in the same owner's equipment or in a different owner's equipment unless reclaimed and found to meet the purity requirements of ARI 700.

NEW SECTION

WAC 51-32-1103 Refrigeration system classification.

1103.1 General. For the purposes of applying Tables 1104.1, 1104.2(1), and 1104.2(2), refrigeration systems shall be classified as a high-probability or low-probability system based on the potential hazard resulting from a leakage of refrigerant into an occupancy-classified area other than the machinery room.

1103.2 High-probability systems. Direct systems and indirect open-spray systems shall be classified as high-probability systems.

EXCEPTION: An indirect open-spray system shall not be required to be classified as a high-probability system if the pressure of the secondary coolant is at all times (operating and standby) greater than the pressure of the refrigerant.

1103.3 Low-probability systems. Double-indirect open-spray systems, indirect closed systems and indirect-vented closed systems shall be classified as low-probability systems, provided that all refrigerant-containing piping and fittings are isolated when the quantities in Table 1104.1 are exceeded.

NEW SECTION

WAC 51-32-1104 Refrigerant classification and system requirements.

1104.1 Refrigerant classification. Refrigerants shall be classified in accordance with ASHRAE 34 as listed in Table 1104.1.

PROPOSED

TABLE 1104.1
REFRIGERANT^a CLASSIFICATION, AMOUNT^{b,c,e} AND TLV-TWA^f

REFRIGERANT DESCRIPTION			AMOUNT OF REFRIGERANT PER OCCUPIED SPACE			TLV ^f TWA ppm
Refrigerant Classification	Name or Blend	Chemical Formula	Lb per 1,000 ft ^{3a}	ppm	g/m ^{3c}	
Group A1						
R-11	Trichlorofluoromethane	CCl ₃ F	1.6	4,000	250	C1,000
R-12	Dichlorodifluoromethane	CCl ₂ F ₂	12	40,000	200	1,000
R-13	Chlorotrifluoromethane	CClF ₃	18	67,000	290	1,000
R-13B1	Bromotrifluoromethane	CBrF ₃	22	57,000	350	1,000
R-14	Tetrafluoromethane (Carbon Tetrafluoride)	CF ₄	15	67,000	240	1,000
R-22	Chlorodifluoromethane	CHClF ₂	9.4	42,000	150	1,000
R-113	1,1,2-trichloro-1, 2, 2-trifluoroethane	CCl ₂ FCClF ₂	1.9	4,000	31	1,000
R-114	1,2-dichloro-1, 1, 2, 2-tetrafluoroethane	RCClF ₂ CClF ₂	9.4	21,000	150	1,000
R-115	Chloropentafluoroethane	CClF ₂ CF ₃	27	67,000	430	1,000
R-134a	1,1,1,2-Tetrafluoroethane	CH ₂ F ₃ CF ₃	16	60,000	250	1,000
R-C318	Octafluorocyclobutane	-CF ₂ -CF ₂ -CF ₂ -CF ₂ -	35	67,000	550	1,000
R-400	R-12/R-114	CCL ₂ F ₂ /CCl ₂ FCClF ₂	Note d	Note d	Note d	1,000
R-500	R-12/152a(73.8/26.2)	CCl ₂ F ₂ /CH ₃ CHF ₂	12	47,000	200	1,000
R-502	R-22/115(48.8/51.2)	CHClF ₂ /CClF ₂ CF ₃	19	65,000	300	1,000
R-503	R-23/13(40.1/59.9)	CHF ₃ /CClF ₃	15	67,000	240	1,000
R-744	Carbon Dioxide	CO ₂	5.7	50,000	91	5,000
Group A2						
R-142b	1-chloro-1, 1-Difluoroethane	CH ₃ CClF ₂	3.7	14,000	60	1,000
R-152a	1, 1-Difluoroethane	CH ₃ CHF ₂	1.2	7,000	20	1,000
Group A3^e						
R-170	Ethane	CH ₃ CH ₃	0.50	6,400	8.0	1,000
R-290	Propane	CH ₃ CH ₂ CH ₃	0.50	4,400	8.0	1,000
R-600	Butane	CH ₃ CH ₂ CH ₂ CH ₃	0.51	3,400	8.2	800
R-600a	2-Methyl propane (Isobutane)	CH(CH ₃) ₂ -CH ₃	0.51	3,400	8.2	800
R-1150	Ethene (Ethylene)	CH ₂ =CH ₂	0.38	5,200	6.0	1,000
R-1270	Propene (Propylene)	CH ₃ CH=CH ₂	037	3,400	5.0	1,000
Group B1						
R-123	2, 2-Dichloro-1, 1, 1-Trifluoroethane	CHCl ₂ CF ₃	0.4	1,000	6.3	30
R-764	Sulfur Dioxide	SO ₂	0.016	100	0.26	2
Group B2						
R-40	Chloromethane (methyl chloride)	CH ₃ Cl	1.3	10,000	21.0	C50
R-611	Methyl Formate	HCOOCH ₃	0.78	5,000	12.0	100
R-717	Ammonia	NH ₃	0.022	500	0.35	25
Group B3^e	—	—	—	—	—	—

For SI: 1 pound = 0.454 kg, 1 cubic foot = 0.0283 m³.

^a Other refrigerants shall be approved.

^b To be used only in conjunction with footnotes from Table 1104.2(1).

^c To correct for height, H (feet), above sea level, multiply these values by (1 - 2.42 × 10⁻⁶H). To correct for height, h (km), above sea level, multiply these values by (1 - 7.94 × 10⁻²h). Do not adjust volume percent or TLV-TWA (ppm) for altitude.

^d The quantity of each component shall comply with the limits set in Table 1104.1 for the pure compound and the total volume percent of all components shall not exceed 6.7 volume percent.

^e The basis of the table amounts is given as follows:

Group A1 Eighty percent of the cardiac sensitization level for R-11, R-12, R-13B1, R-22, R-113, R-114, R-134a, R-500 and R-502. One-hundred percent of the IDLH for R-744. Others are limited by levels where oxygen deprivation begins to occur.

Group A2, A3 Approximately 20 percent of LFL.

Group B1 One hundred percent of IDLH for R-764, and 100 percent of the measure consistent with the IDLH for R-123.

Group B2, B3 One hundred percent of IDLH or 20 percent of LFL, whichever is lower.

^f TLV-TWA or measure consistent therewith to be used with Section 1104. The values shown for R-11 and R-40 are TLV-C (TLV-ceiling) values not to be exceeded.

^g Group A3 and B3 refrigerants as listed in Table 1104.1 shall not be used in a refrigerating system in excess of 1,000 pounds, unless approved by the code official.

1104.2 System requirements. The maximum allowable refrigerant quantities shall be in accordance with Table 1104.2(1). To use Table 1104.2(1), determine the occupancy class, refrigerant group in accordance with Table 1104.1 and type of system in accordance with Section 1103, and then locate the notes that apply.

1104.2.1 Occupancy classification. Locations of refrigerating systems are described by occupancy classifications that consider the ability of people to respond to potential exposure to refrigerant. Where equipment, other than piping, is located outside a building and within 20 feet (6096 mm) of any building opening, such equipment shall be governed by the occupancy classification of the building. Occupancy classifications shall be defined as follows:

1. Institutional occupancy is that portion of premises from which, because they are disabled, debilitated or confined, occupants cannot readily leave without the assistance of others. Institutional occupancies include, among others, hospitals, nursing homes, asylums and spaces containing locked cells.
2. Public assembly occupancy is that portion of premises where large numbers of people congregate and from which occupants cannot quickly vacate the space. Public assembly occupancies include, among others, auditoriums, ballrooms, classrooms, passenger depots, restaurants and theaters.
3. Residential occupancy is that portion of premises that provides the occupants with complete independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation. Residential occupancies include, among others, dormitories, hotels, multi-unit apartments and private residences.
4. Commercial occupancy is that portion of premises where people transact business, receive personal service or purchase food and other goods. Commercial occupancies include, among others, office and professional buildings, markets (but not large mercantile occupancies) and work or storage areas that do not qualify as industrial occupancies.
5. Large mercantile occupancy is that portion of premises where more than 100 persons congregate on levels above or below street level to purchase personal merchandise.
6. Industrial occupancy is that portion of premises that is not open to the public, where access by authorized persons is controlled, and that is used to manufacture, process or store goods such as chemicals, food, ice, meat or petroleum.
7. Mixed occupancy occurs when two or more occupancies are located within the same building. When each occupancy is isolated from the rest of the building by tight walls, floors and ceilings and by self-closing doors, the requirements for each occupancy shall apply to its portion of the building. When the various occupancies are not so isolated, the occupancy having the most stringent requirements shall be the governing occupancy.

1104.3 Volume calculations. Volume calculations shall be in accordance with Sections 1104.3.1 through 1104.3.3.

1104.3.1 Unventilated spaces. Where the refrigerant-containing parts of a system are located in one or more unventilated spaces, the volume of the smallest, enclosed occupied space, other than a machinery room, shall be used to determine the permissible quantity of refrigerant in the system. Where a building consists of several stories of unpartitioned space, such as a mezzanine or an atrium, the story having the smallest occupied space shall be deemed to be the enclosed space.

1104.3.2 Ventilated spaces. Where an evaporator or condenser is located in an air duct system, the volume of the smallest occupied space or unpartitioned building story, served by the duct shall be used to determine the maximum allowable quantity of refrigerant in the system.

EXCEPTION: If airflow to any enclosed space cannot be reduced below one-quarter of its maximum, the entire space served by the air duct system shall be used to determine the maximum allowable quantity of refrigerant in the system.

1104.3.3 Plenums. Where the space above a suspended ceiling is continuous and part of the supply or return air plenum system, this space shall be included in calculating the volume of the enclosed space.

NEW SECTION

WAC 51-32-1105 Machinery room, general requirements.

1105.1 General. Where required by Table 1104.2(1), a machinery room shall be provided to enclose refrigeration systems located indoors. Access to the machinery room shall be restricted to authorized personnel.

1105.2 Dimensions. A machinery room shall be dimensioned so as to provide clearances required by Chapter 3. There shall be clear head room of not less than 7 1/4 feet (2210 mm) below equipment located over passageways.

1105.3 Doors. Each machinery room shall have self-closing, weather-stripped doors opening in the direction of egress travel. Doors and door openings shall comply with the requirements of the building code.

1105.4 Openings. Openings to other parts of the building that permit passage of escaping refrigerant to other parts of the building are prohibited. Ducts and air handlers in the machinery room that operate at a lower pressure than the room shall be sealed to prevent any refrigerant leakage from entering the airstream.

EXCEPTIONS:

1. Egress doors serving the machinery room.
2. Access doors and panels in air ducts and air-handling units, provided that such openings are gasketed and tight fitting.

TABLE 1104.2(1)
SYSTEM APPLICATION REQUIREMENTS
 (Letters in the table under "Occupancy" refer to footnotes.
 Where more than one footnote exists, each footnote is a limitation on the other.)
 (For system and refrigerant classifications see Section 1103 and Table 1104.1.)

REFRIGERANT GROUP	SYSTEM CLASSIFICATION	OCCUPANCY ^d		
		Institutional	Public assembly, residential, commercial and large mercantile	Industrial
A1	High	a	b	c
	Low	d	d	d
A2	High	c	c	c, f, h
	Low	g	g	g
A3	High	i	i	c, f, h
	Low	i	i	g
B1	High	a, f	b, f	c
	Low	d	d	d
B2	High	c, f	c, f	c, f, h
	Low	g	g	g
B3	High	i	i	c, f, h
	Low	i	i	g

For SI: 1 square foot = 0.0929 m². 1 pound = 0.454 kg.

^a The refrigerant amount is limited to 50 percent of those listed in Table 1104.1, except Footnote b applies in kitchens, laboratories and mortuaries. If any portion of a refrigerant system containing more than 1 pound of refrigerant (except R-744) is in a room with a flame-sustaining device, this device shall be provided with a hood to exhaust combustion products to the outside air. Otherwise Footnotes c and f shall be followed.

^b The refrigerant amount shall be limited as listed in Table 1104.1.

^c The refrigerant amount shall be unlimited when all of the following are satisfied:

1. The area containing machinery is separated from the areas of the building not containing machinery by tight construction with tight-fitting doors;
2. Egress from the room is directly outdoors;
3. The number of persons in a machinery-containing space on any floor above the first floor (ground level or deck level) is equal to or less than one person per 100 square feet of floor area or, if the number exceeds one person per 100 square feet, the machinery-containing space shall be provided with the required number of doors opening directly into approved building exits; and
4. Detectors are located in areas where refrigerant vapor from a leak will concentrate so as to provide warning at levels not exceeding the TLV-TWA quantities given in Table 1104.1. Otherwise, the footnotes for other occupancies shall apply.

Exception: For ammonia, see Section 1106.8.

^d When the quantity of refrigerant in the largest system exceeds the amounts in Table 1104.1, all refrigerant-containing parts, except piping and those parts outside the building, shall be installed in a machinery room meeting the general requirements of Section 1105.

^e Refrigerant amounts and types of systems shall be limited as shown in Table 1104.2(2).

^f Applications involving air conditioning for human comfort are prohibited.

^g When the quantity of refrigerant in the largest system exceeds the amounts in Table 1104.1, all refrigerant-containing parts, except piping and those parts outside the building, shall be installed in a special requirements machinery room in accordance with Section 1106 with limitations on refrigerant quantities as follows:

550 pounds — Institutional

No limit except Footnote h — Public Assembly

No limit except Footnote h — Residential

No limit except Footnote h — All other occupancies.

No limit except Footnote h — Industrial

Otherwise, Footnote c applies to the amount of Group A2, A3, B2 or B3 refrigerant in the system.

^h When the quantity of refrigerant exceeds Table 1104.1 amounts, all refrigerant-containing parts, except piping, low-side components, condensers, and parts outside the building, shall be installed in a machinery room meeting the general requirements in Section 1105. For refrigerants of Groups A2, A3, B2 and B3:

1. The machinery room shall also meet the special requirements of Section 1106.
2. Except for ammonia, amounts in excess of 1,100 pounds shall be approved by the code official.

ⁱ Use of these refrigerants is prohibited, except in laboratories in commercial occupancies. Only unit systems containing not more than 6.6 pounds of Group A3 or B3 refrigerant shall be used unless the laboratory is occupied by less than one person per 100 square feet of floor area, in which case the requirements of industrial occupancies shall apply.

PROPOSED

TABLE 1104.2(2)
 MAXIMUM PERMISSIBLE QUANTITIES OF REFRIGERANTS
 [For Use With Footnote e of Table 1104.2(1)]

TYPE OF REFRIGERATION SYSTEM	MAXIMUM POUNDS FOR VARIOUS OCCUPANCIES			
	Institutional	Assembly	Residential	All other occupancies
Sealed Absorption System				
In exit access	0	0	3.3	3.3
In adjacent outdoor locations	0	0	22	22
In other than exit access	0	6.6	6.6	22
Unit Systems				
In other than exit access	0	0	6.6	22

For SI: 1 pound = 0.454 kg.

PROPOSED

1105.5 Refrigerant detector. Machinery rooms shall contain a refrigerant detector with an audible and visual alarm. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant from a leak will concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV-TWA values shown in Table 1104.1. Detectors and alarms shall be placed in approved locations.

EXCEPTION: Detectors are not required for ammonia systems complying with Section 1106.8.

1105.6 Tests. Periodic tests of the detector, alarm and mechanical ventilating system shall be performed in accordance with manufacturer's specifications and as required by the code official.

1105.7 Fuel-burning equipment. Open flames that use combustion air from the machinery room shall not be installed in a machinery room.

- EXCEPTIONS:**
1. Matches, lighters, halide leak detectors and similar devices.
 2. Where the refrigerant is carbon dioxide or water.
 3. Fuel-burning equipment shall not be prohibited in the same machinery room with refrigerant-containing equipment where combustion air is ducted from outside the machinery room and sealed in such a manner as to prevent any refrigerant leakage from entering the combustion chamber, or where a refrigerant vapor detector is employed to automatically shut off the combustion process in the event of refrigerant leakage.

1105.8 Sign. A sign shall be posted on the machinery room door prohibiting access of unauthorized personnel.

1105.9 Ventilation. Machinery rooms shall be mechanically ventilated to the outdoors. Mechanical ventilation shall be capable of exhausting the minimum quantity of air both at the normal operating and emergency conditions. Multiple fans or multispeed fans shall be allowed in order to produce the emergency ventilation rate and to obtain a reduced airflow for normal ventilation.

EXCEPTION: Where a refrigerating system is located outdoors more than 20 feet (6096 mm) from any building opening and is enclosed by a penthouse, lean-to or other open structure, natural or mechanical ventilation shall be provided. Location of the openings shall be based on the relative density of the refrigerant to air. The free-aperture cross section for the ventilation of the machinery room shall be not less than:

$$F = \sqrt{G}$$

For SI: $F = 0.138 \sqrt{G}$

where:

F = the free opening area in square feet (m²).

G = the mass of refrigerant in pounds (kg) in the largest system, any part of which is located in the machinery room.

1105.9.1 Discharge location. The discharge of the air shall be to the outdoors in accordance with Chapter 5. Exhaust from mechanical ventilation systems shall be discharged not less than 20 feet (6096 mm) from a property line or openings into buildings.

1105.9.2 Supply air. Provisions shall be made for supply air to replace that being exhausted. Openings for supply air shall be located to avoid intake of exhaust air. Air supply and exhaust ducts to the machinery room shall serve no other area, shall be constructed in accordance with Chapter 5 and shall be covered with corrosion-resistant screen of not less than 1/4-inch (6.4 mm) mesh.

1105.9.3 Quantity—normal ventilation. During occupied conditions the mechanical ventilation system shall exhaust the larger of the following:

1. Not less than 0.5 cfm per square foot (0.0025 m³/s · m²) of machinery room area or 20 cfm (0.009 m³/s) per person; or
2. A volume required to maintain a maximum temperature rise of 18°F. (-7.8°C.) based on all of the heat-producing machinery in the room.

1105.9.4 Quantity—emergency conditions. Upon actuation of the refrigerant detector required in Section 1105.5, the mechanical ventilation system shall exhaust air from the machinery room in the following quantity:

$$Q = 100 \times \sqrt{G}$$

For SI: $Q = 0.07 \times \sqrt{G}$

where:

Q = the airflow in cubic feet per minute (m³/s).

G = the design mass of refrigerant in pounds (kg) in the largest system, any part of which is located in the machinery room.

1105.10 Termination of relief devices. In the equipment room, pressure relief devices, fusible plugs and purge

systems shall terminate outside of the structure at a location not less than 15 feet (4572 mm) above the adjoining grade level and not less than 20 feet (6096 mm) from any window, ventilation opening or exit.

NEW SECTION

WAC 51-32-1106 Machinery room, special requirements.

1106.1 General. Where required by Table 1104.2(1), the machinery room shall meet the requirements of this section in addition to the requirements of Section 1105.

1106.2 Elevated temperature. There shall not be an open flame-producing device or continuously operating hot surface over 800°F. (427°C.) permanently installed in the room.

1106.3 Construction requirements. The machinery room shall be separated from other occupied space with smoke-tight, 1-hour fire-resistance-rated construction.

1106.4 Opening protectives. Opening protection between the machinery room and other occupied spaces shall be approved, self-closing, tight-fitting fire doors with a minimum fire-resistance-rating of 3/4 hour.

1106.5 Pipe penetrations. All pipe penetrations of the interior walls, ceiling or floor of machinery rooms shall be sealed vapor tight and protected in accordance with the building code.

1106.6 Exterior openings. Openings in exterior walls of machinery rooms shall not be located under any exit, stairway or exit discharge.

1106.7 Egress. Each machinery room shall be provided with a minimum of one exit door that opens directly to the outside.

EXCEPTION: Self-closing, tight-fitting doors opening into a vestibule leading directly outside.

1106.8 Ammonia room ventilation. Ventilation equipment in ammonia machinery rooms shall be operated continuously.

EXCEPTIONS: 1. Machinery rooms equipped with a vapor detector that will automatically start the ventilation system and actuate an alarm at a detection level not to exceed 1,000 ppm; or
2. Machinery rooms conforming to the Class 1, Division 2, hazardous location classification requirements of NFPA 70.

1106.9 Flammable refrigerants. Where refrigerants of Groups A2, A3, B2 and B3 are used, the machinery room shall conform to the Class 1, Division 2, hazardous location classification requirements of NFPA 70.

EXCEPTION: Ammonia machinery rooms.

1106.10 Remote controls. Remote control of the mechanical equipment located in the machinery room shall be provided at an approved location immediately outside the machinery room and adjacent to its principal entrance.

1106.10.1 Refrigeration system. A clearly identified switch of the break-glass-type shall provide off-only control of all electrically energized equipment in the machinery room, other than refrigerant leak detectors and machinery room ventilation.

1106.10.2 Ventilation system. A clearly identified switch of the break-glass-type shall provide on-only control of the machinery room ventilation fans.

NEW SECTION

WAC 51-32-1107 Refrigerant piping.

1107.1 General. All refrigerant piping shall be installed, tested and placed in operation in accordance with this chapter.

1107.2 Pipe enclosures. Rigid or flexible metal enclosures or pipe ducts shall be provided for soft, annealed copper tubing and used for refrigerant piping erected on the premises and containing other than Group A1 or B1 refrigerants. Enclosures shall not be required for connections between condensing units and the nearest riser box(es), provided such connections do not exceed 6 feet (1829 mm) in length.

1107.3 Condensation. All refrigerating piping and fittings, brine piping and fittings that, during normal operation, will reach a surface temperature below the dew point of the surrounding air, and are located in spaces or areas where condensation will cause a safety hazard to the building occupants, structure, electrical equipment or any other equipment, shall be protected in an approved manner to prevent such damage.

1107.4 Materials for refrigerant pipe and tubing. Piping materials shall be as set forth in Sections 1107.4.1 through 1107.4.5.

1107.4.1 Steel pipe. Carbon steel pipe with a wall thickness not less than Schedule 80 shall be used for Group A2, A3, B2 or B3 refrigerant liquid lines for sizes 1 1/2 inches (38 mm) and smaller. Carbon steel pipe with a wall thickness not less than Schedule 40 shall be used for Group A1 or B1 refrigerant liquid lines 6 inches (152 mm) and smaller, Group A2, A3, B2 or B3 refrigerant liquid lines sizes 2 inches (51 mm) through 6 inches (152 mm), and all refrigerant suction and discharge lines 6 inches (152 mm) and smaller. Type F steel pipe shall not be used for refrigerant lines having an operating temperature less than -20°F. (-29°C.).

1107.4.2 Copper and brass pipe. Standard iron-pipe size, copper and red brass (not less than 80 percent copper) pipe shall conform to ASTM B 42 and ASTM B 43.

1107.4.3 Copper tube. Copper tube used for refrigerant piping erected on the premises shall be seamless copper tube of Type ACR (hard or annealed) complying with ASTM B 280. Where approved, copper tube for refrigerant piping erected on the premises shall be seamless copper tube of Type K, L or M (drawn or annealed) in accordance with ASTM B 88. Annealed temper copper tube shall not be used in sizes larger than a 2-inch (51 mm) nominal size. Mechanical joints shall not be used on annealed temper copper tube in sizes larger than 7/8-inch (22 mm) OD size.

1107.4.4 Copper tube joints. Copper tubing joints used in refrigerating systems containing Group A2, A3, B2 or B3 refrigerants shall be brazed. Soldered joints shall not be used in such refrigerating systems.

1107.4.5 Aluminum tube. Type 3003-0 aluminum tubing with high-pressure fittings shall not be used with methyl chloride and other refrigerants known to attack aluminum.

1107.5 Joints and refrigerant-containing parts in air ducts. Joints and all refrigerant-containing parts of a refrigerating system located in an air duct of an air-conditioning system carrying conditioned air to and from humanly occupied space shall be constructed to withstand, without leakage, a pressure of 150 percent of the higher of the design pressure or pressure relief device setting.

1107.6 Exposure of refrigerant pipe joints. Refrigerant pipe joints erected on the premises shall be exposed for visual inspection prior to being covered or enclosed.

1107.7 Stop valves. All systems containing more than 6.6 pounds (3 kg) of a refrigerant in systems using positive-displacement compressors, shall have stop valves installed as follows:

1. At the inlet of each compressor, compressor unit or condensing unit.
2. At the discharge outlet of each compressor, compressor unit or condensing unit and of each liquid receiver.

EXCEPTIONS:

1. Systems that have a refrigerant pumpout function capable of storing the entire refrigerant charge in a receiver or heat exchanger.
2. Systems that are equipped with provisions for pumpout of the refrigerant using either portable or permanently installed recovery equipment.
3. Self-contained systems.

1107.7.1 Liquid receivers. All systems containing 100 pounds (45 kg) or more of a refrigerant, other than systems utilizing nonpositive displacement compressors, shall have stop valves, in addition to those required by Section 1107.7, on each inlet of each liquid receiver. Stop valves shall not be required on the inlet of a receiver in a condensing unit, nor on the inlet of a receiver which is an integral part of the condenser.

1107.7.2 Copper tubing. Stop valves used with soft annealed copper tubing or hard-drawn copper tubing 7/8-inch (22 mm) OD standard size or smaller shall be securely mounted, independent of tubing fastenings or supports.

1107.7.3 Identification. Stop valves shall be identified where their intended purpose is not obvious. Numbers shall not be used to label the valves, unless a key to the numbers is located near the valves.

NEW SECTION

WAC 51-32-1108 Field test.

1108.1 General. Every refrigerant-containing part of every system that is erected on the premises, except compressors, condensers, vessels, evaporators, safety devices, pressure gauges and control mechanisms that are listed and factory tested, shall be tested and proved tight after complete installation, and before operation. Tests shall include both the high- and low-pressure sides of each system at not less than the lower of the design pressures or the setting of the pressure-relief device(s). The design pressures for testing

shall be those listed on the condensing unit, compressor or compressor unit nameplate, as required by ASHRAE 15.

EXCEPTIONS:

1. Gas bulk storage tanks that are not permanently connected to a refrigeration system.
2. Systems erected on the premises with copper tubing not exceeding 5/8-inch (16 mm) OD, with wall thickness as required by ASHRAE 15, shall be tested in accordance with Section 1108.1, or by means of refrigerant charged into the system at the saturated vapor pressure of the refrigerant at 70°F. (21°C.) or higher.
3. Limited-charge systems equipped with a pressure relief device, erected on the premises, shall be tested at a pressure not less than one and one-half times the pressure setting of the relief device. If the equipment has been tested by the manufacturer at one and one-half times the design pressure, the test after erection on the premises shall be conducted at the design pressure.
4. Where a compressor is used as a booster to obtain an intermediate pressure and discharges into the suction side of another compressor, the booster compressor shall be considered a part of the low side, provided that it is protected by a pressure relief device.
5. In field-testing systems using centrifugal or other nonpositive displacement compressors, the entire system shall be considered as the low-side pressure for field test purposes.

1108.2 Test gases. Tests shall be performed with an inert dried gas including, but not limited to, nitrogen or carbon dioxide. Oxygen, air, toxic or combustible gases, and mixtures containing such gases, shall not be used.

1108.3 Test apparatus. The means used to build up the test pressure shall have either a pressure-limiting device or a pressure-reducing device and a gauge on the outlet side.

1108.4 Declaration. A certificate of test shall be provided for all systems containing 55 pounds (25 kg) or more of refrigerant. The certificate shall give the name of the refrigerant and the field test pressure applied to the high side and the low side of the system. The certification of test shall be signed by the installer and shall be made part of the public record.

OPTION 3

NEW SECTION

WAC 51-34-6309 Ammonia discharge. Ammonia refrigeration systems shall comply with Chapter 11 of the Washington State Mechanical Code.

WSR 96-20-102

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed October 1, 1996, 3:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-16-064.

Title of Rule: WAC 180-40-245 Short-term suspension—Conditions and limitations and 180-40-260 Long-term suspension—Conditions and limitations.

Purpose: To make additional technical modifications necessary to implement chapter 321, Laws of 1996.

Statutory Authority for Adoption: RCW 28A.305.160.
Statute Being Implemented: Chapter 321, Laws of 1996.

Summary: Amendments change maximum length of time for short-term suspension of students in grades K-4 from five to ten days and clarify that students in grades K-4 are not subject to long-term suspension.

Reasons Supporting Proposal: Amendments implement state law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal 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: Spokane School District, Board Room, 200 North Bernard, Spokane, WA 99201-0282, on November 20, 1996, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Judy Rus by November 6, 1996, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, by November 18, 1996.

Date of Intended Adoption: November 22, 1996.

October 1, 1996

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-40-245 Short-term suspension—Conditions and limitations. A short-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the prior informal conference procedures set forth in WAC 180-40-250, and the grievance procedures set forth in WAC 180-40-255:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a short-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) short-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving

exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a short term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to short-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers may grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to short-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to short-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socio economic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of ~~((five))~~ ten school days during any single semester or trimester as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of fifteen school days during any single semester or ten school days during any single trimester, as the case may be.

(6) Any student subject to a short-term suspension shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the short-term suspension if:

(a) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades, or

(b) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(7) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-40-260 Long-term suspension—Conditions and limitations. A long-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions and the notice requirements set forth in WAC 180-40-265 and the hearing requirements set forth in WAC 180-40-270:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a long-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) long-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a long term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to long-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers are allowed to grant exceptions in cases involving

extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to long-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to long-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socio economic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to ~~((short-term and))~~ long-term suspension~~((s for more than a total of ten school days during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student))~~.

(5) Grade five and above program—No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester

or trimester, as the case may be, during the same school year.

(6) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(7) All long-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

WSR 96-20-109
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (By the Code Reviser's Office)
 [Filed October 2, 1996, 8:06 a.m.]

WAC 460-20B-020 and 460-20B-070, proposed by the Department of Financial Institutions in WSR 96-07-059, appearing in issue 96-07 of the State Register, which was distributed on April 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 96-20-112
PROPOSED RULES
NOXIOUS WEED CONTROL BOARD
 [Filed October 2, 1996, 9:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-17-091.

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

Purpose: The state Noxious Weed Control Board proposes amending the state noxious weed list to add species determined to be noxious and to change areas designated for control of some noxious weeds. Additional changes to this chapter are being proposed to clarify aquatic noxious weed control standards and civil infraction units and to streamline state weed board officer nominations and terms of office.

Statutory Authority for Adoption: Chapter 17.10 RCW.
Statute Being Implemented: Chapter 17.10 RCW.

Summary: Proposed changes to the state noxious weed list include the addition of two new Class C noxious weeds and designation area changes for twelve noxious weeds. A change in the definition of control for aquatic noxious weeds, a clarification of the unit of a civil infraction, and simplifications of the state weed board officer nomination and term process are also being proposed.

Reasons Supporting Proposal: These nonnative species were found to be highly destructive, competitive, or difficult to control. The other changes provide regulatory and operational clarity.

Name of Agency Personnel Responsible for Drafting: Laurie Penders, Kent, Washington, (206) 872-2972; **Implementation:** Ray Fann, Kent, Washington, (206) 872-2972; and **Enforcement:** K. Diane Dolstad, Olympia, Washington, (360) 902-2071.

Name of Proponent: Washington State Noxious Weed Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The state noxious weed list provides the basis for noxious weed control efforts by county noxious weed control boards, weed districts, the state weed board, and the Washington Department of Agriculture, under the auspices of chapter 17.10 RCW. The effect of the state noxious weed list is to prioritize control of noxious weed species statewide, concentrating on prevention and early detection, while still allowing for local program flexibility. The definitions and civil infraction penalties are tools used to ensure that all landowners participate in the control of noxious weeds. The role of the state weed board is to prioritize the state's noxious weed control efforts and to support and assist the weed control programs at the county, state, and federal level.

Proposal Changes the Following Existing Rules: See amendatory sections below. The proposal adds two new Class C noxious weeds and changes the designation of twelve previously listed noxious weeds. A change is proposed in the definition of control, civil infraction units are clarified, and the terms of office and nomination procedure for state weed board officers is streamlined.

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

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

Background: The Washington State Noxious Weed Control Board (WSNWCB) is charged with annually reviewing and updating the state noxious weed list, found in chapter 16-750 WAC, to be sure that it accurately reflects and prioritizes the noxious weeds threatening Washington.

The WSNWCB issued a call for suggestions and recommendations on the content of the state noxious weed list in November of 1995 to all county noxious weed control boards and an extensive mailing list of agricultural and environmental organizations, state and federal agencies, county governments, and other parties who have asked to be notified of such opportunities. This comment period was open until the end of March 1996. Two additional reminder notices were sent during the comment period. A handout is available to the public with tips for making a successful recommendation.

The WSNWCB Noxious Weed Committee, which is composed of scientific advisors, county representatives, WSNWCB representatives, and a representative from the Native Plant Society, first met in May of 1996 to review the suggestions received to date. Committee meetings are open to the public and suggestions can be presented in person or in writing. The committee then used the next few months to gather additional information that was needed to evaluate suggestions. This process includes field investigations, literature searches, interviews with scientists and weed specialists in other areas of the country or world, and additional interviews with persons making recommendations.

The committee then met again in a public meeting in July of 1996 to finish evaluation of suggestions and to review additional suggestions that had been submitted outside of the formal comment period. The committee then developed a draft set of recommendations for changes to the state noxious weed list. Three additional sections of chapter 16-750 WAC where rule-making changes might be needed were identified in the WSNWCB's public statute review process. These three changes were proposed by the WSNWCB during their July 1996 board meeting and included with the state weed list rule making effort, in order to give the public additional comment opportunities. The preproposal statement was filed in July and the draft amendments were sent out for public comment in September of 1996.

The Noxious Weed Committee then met a third time in September and finalized their recommendations to the WSNWCB after consideration of the public input received. After discussion and review of the committee's recommendations, the WSNWCB adopted the recommended changes to the state weed list and the three additional sections of the WAC as their formal proposal in September 1996.

Summary of Amendments: The following changes are proposed:

WAC 16-750-011 State noxious weed list—Class B noxious weeds, Class B noxious weeds are required to be controlled by all landowners in the areas where they are designated, under the authority of chapter 17.10 RCW. In the areas where they are not designated, landowners are only required to control Class B noxious weeds if they are placed on the county noxious weed control list, as a local priority for control.

Remove the designation for mandatory control, most in only one county or a smaller area, for each of seven previously listed species (camelthorn, common catsear, sulfur cinquefoil, yellow hawkweed, Russian knapweed, perennial sowthistle, kochia, and puncturevine).

Designate new areas for the mandatory control of five previously listed species, each in only one county or a smaller area (common cordgrass, smooth cordgrass, purple loosestrife, perennial pepperweed, and rush skeletonweed). These species have been found to have only limited distribution in the areas where they are proposed for designation, making control and containment feasible.

WAC 16-750-015 State noxious weed list—Class C noxious weeds, landowners are only required to control Class C noxious weeds if they are placed on the county noxious weed control list, as a local priority for control.

Add two new nonnative species that are highly destructive, competitive, or difficult to control (common barberry and meadow clary).

WAC 16-750-003 Definition of control, currently, "control" means to prevent all seed production (WAC 16-750-003 (2)(a)). This definition does not work well for aquatic species whose primary mode of spread is not through seeds. Many aquatic species spread primarily through other propagules like turions, tubers, nutlets, and fragments. A new definition of control is proposed to make the weed law more effective with these types of species by including a requirement to prevent the dispersal of these propagules.

WAC 16-750-020 Civil infraction penalties, the current schedule of monetary penalties for civil infractions does not

clearly state the unit of the civil infraction, which has led to different interpretations in different counties. A definition of the unit of a civil infraction is proposed.

WAC 16-750-130 WSNWCB officer nominations and terms of office, two policies, relating to the nomination and terms of office for the officers of the WSNWCB, have become outdated and unnecessary. The proposed changes will simplify the nominating procedure and reelection restrictions for WSNWCB officers.

Costs of Compliance: The addition of new noxious weeds to the state noxious weed list or the designation of noxious weed in new areas of the state impose potential costs on all businesses that own or manage the property they are located on. These costs are only incurred if the listed species occur on the property. By definition, the noxious weeds for which the state requires control are of limited distribution and therefore only a relatively small number of businesses will actually incur noxious weed control costs in any one season.

The control of noxious weeds involves costs for the actual control strategy selected, as well as some administrative time for record keeping, compliance correspondence, training, and safety education for some control strategies. The state's noxious weed law, chapter 17.10 RCW, does not mandate a specific method of control, rather it mandates a result. The landowner can select the method they are most comfortable with, after consideration of site characteristics, cost, time, and effectiveness. Technical assistance in choosing a control strategy is available to all landowners at no cost from the local county noxious weed control board or weed district, WSU Cooperative Extension, the Washington State Department of Agriculture, and the WSNWCB. Control costs will vary widely, based on the noxious weed, the site's environmental characteristics, weather, the extent of the vegetation, the surrounding land use, and the control strategy used.

Chemical control strategies involve costs for the following items. The typical control cost ranges listed below capture the majority of control situations, but some sites may have higher or lower costs:

- herbicides - \$15 to \$100 per acre
- application equipment - spot spray with a premixed chemical \$0, hand held sprayer \$15 to \$45, backpack sprayer \$60 to \$100 new (may be available for loan from county weed board), truck mounted spray rig and boom \$500 to \$5,000 not including vehicle
- labor - in-house or contracted with a licensed applicator (who would handle equipment, licensing, permitting, and record keeping) \$20 to \$100 per hour contracted applicator; aerial application \$150 to \$250 per hour
- protective equipment - goggles \$3 to \$10, chem resistant gloves \$5 to \$40, chem resistant boots \$20 to \$60, tyvek coveralls \$3 to \$12 - personal protective equipment costs will vary depending on the type of herbicide and the frequency and duration of use
- licensing and permitting - application of many herbicides requires the applicator to be licensed and permits may be required for some types of sites (mainly those in or near water) - \$21 to \$40 for license and study materials, \$20 to \$500 for permit notices and signage

- record keeping - 15 minutes to 2 hours of labor time, depending on the extent and variability of the application

Hand-pulling or mowing costs include:

- labor - hand methods may require two to ten times more labor time than chemical strategies
- equipment - hand tools \$5 to \$40 each for shovels, hoes, weed whip; \$35 to \$250 for hand-held trimmers
- disposal - bags 50 cents to \$4 each, landfilling \$15 to \$100/ton

Other strategies like burning, steam solarization, tillage, etc. may be appropriate for some sites, but the previous two methods are the most commonly utilized.

The proposed change to the definition of control for aquatic noxious weeds will not change the cost of aquatic noxious weed control strategies. All current aquatic control strategies are already designed to prevent the spread of aquatic propagules other than seeds. No new strategies will be required of landowners. The civil infraction change provides regulatory clarity of the unit of a civil infraction. Civil penalties range from \$250 to \$1,000. No costs are associated with the WSNWCB nominations and terms of office proposed changes.

Comparison of Cost - Small versus Large Employers: Administrative and control costs vary only with the control strategy selected, the site characteristics, and the type and extent of the infestation. These costs on a per acre basis would be the same for small and large employers, but could be proportionally more per employee for small employers. The cost to outfit, train, and equip one employee for noxious weed control work would depend on the number of employees needed to conduct the control work, but this may represent a larger percentage of employees for small businesses. Contracting for control work would cost more per hour of labor or per \$100 of sales for a small employer. Larger businesses would be expected, in general, to own or manage more land thus potentially incurring a higher total cost.

The proposed amendments likely do not affect more than 20% of all industries or more than 10% of any one industry. The proposed designation changes move seven Class B species into designation for mandatory control for specific areas. For each species, control will only be mandatory in one new county or a smaller subset of a county. These changes are proposed because these species are not present in these areas or present at very small levels of infestation. Only a very small percentage of small businesses will have aquatic ownership, as the majority of rivers and lakes are owned by the state. The addition of two Class C species to the state noxious weed list does not result in mandatory control of these species under the state weed law.

Mitigation of Disproportionate Costs to Small Employers: The state noxious weed law recognizes that the immediate prevention, control, and eradication of noxious weeds is practical on some lands and that these activities should be extended over a period of time on other lands. RCW 17.10.154 allows county noxious weed control boards, at their discretion, to enter into agreements with local landowners to develop plans which allow for gradual containment and control of noxious weeds over a period of

years on some sites for which this is appropriate. In some cases, this allows flexibility for small businesses to spread noxious weed control costs over time.

Mitigation of control requirements for small businesses may not always be possible, however, due to site condition and infestation patterns. Noxious weeds do not recognize human political and ownership boundaries. Effective control state-wide requires that all landowners fulfill the requirements to control and contain these species. This is an inherent part of all pest control programs. Through the state noxious weed list, the state has prioritized control efforts in Washington, concentrating landowner efforts on new infestations. Control of infestations when they are small and new to a region provides the most protection for the least cost. County noxious weed control boards limit landowner costs by conducting regular surveys so that infestations can be caught when small. Technical assistance is also available through several sources to assist landowners in devising the most effective and cost-efficient control program possible.

Hearing Location: The public hearing on this proposed rule making will be held on November 20, 1996, at the Grant County PUD Auditorium, 312 West Third Avenue, Moses Lake, WA, from 9:00 a.m. to 10:00 a.m.

Submit Written Comments to: Laurie Penders, Executive Secretary, Washington State Noxious Weed Control Board, 1851 South Central Place, Suite 211, Kent, WA 98031, (206) 872-2972, FAX (206) 872-6320.

Date of Intended Adoption: November 20, 1996.

A copy of the statement may be obtained by writing to Laurie Penders, Washington State Noxious Weed Control Board, 1851 South Central Place, Suite 211, Kent, WA 98031, phone (206) 872-2972, or FAX (206) 872-6320.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Noxious Weed Control Board is not one of the agencies listed in this section.

Hearing Location: Grant County PUD Auditorium, 312 West Third Avenue, Moses Lake, WA, on November 20, 1996, at 9:00 a.m. - 10:00 a.m.

Assistance for Persons with Disabilities: Contact Laurie Penders by November 19, 1996, TDD (360) 902-1996, or (206) 872-2972.

Submit Written Comments to: Laurie Penders, 1851 South Central Place, Suite 211, Kent, 98031, FAX (206) 872-6320, by November 19, 1996.

Date of Intended Adoption: November 20, 1996.

October 2, 1996

Laurie L. McLellan Penders
Executive Secretary

AMENDATORY SECTION (Amending WSR 93-01-004, filed 12/2/92, effective 1/2/93)

WAC 16-750-003 Definitions. (1) The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise plainly requires:

(a) "Action" means the transaction of the official business of the Washington state noxious weed control board including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, and final actions.

PROPOSED

(b) "Board" means the Washington state noxious weed control board, or a duly authorized representative.

(c) "Director" means the director of the department of agriculture, or the director's appointed representative.

(d) "Executive secretary" means the executive secretary of the Washington state noxious weed control board.

(e) "Department" means the department of agriculture of this state.

(f) "Person" means any individual, partnership, corporation, firm, or any other entity.

(g) "Final action" means a collective positive or negative decision, or an actual vote by a majority of board members when sitting as a body or entity, upon a motion, proposal, resolution, or order.

(h) "Meeting" means meetings at which action is taken.

(i) "Regular meetings" means recurring meetings held in accordance with a periodic schedule declared by statute or rule.

(2) The definitions set forth in this subsection shall apply throughout this chapter, chapter 17.10 RCW, and any rules adopted thereunder unless the context otherwise plainly requires:

(a) "Control" means to prevent all seed production and to prevent the dispersal of the following propagules of aquatic noxious weeds - turions, fragments, tubers, and nutlets.

(b) "Contain" means to confine a noxious weed and its propagules to an identified area of infestation.

(c) "Eradicate" means to eliminate a noxious weed within an area of infestation.

(d) "Prevent the spread of noxious weeds" means to contain noxious weeds.

(e) Class A noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state.

(f) Class B noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region.

(g) "Class B designate" means those Class B noxious weeds whose populations in a region or area are such that all seed production can be prevented within a calendar year.

(h) Class C are any other noxious weeds.

(3) Any county noxious weed control board may enhance the clarity of any definition contained in subsection (2) of this section, making that definition more specific, but shall not change its general meaning.

AMENDATORY SECTION (Amending WSR 96-06-030, filed 2/29/96, effective 3/31/96)

WAC 16-750-011 State noxious weed list—Class B noxious weeds.

Name	Will be a "Class B designate" in all lands lying within:
(1) blackgrass <i>Alopecurus myosuroides</i>	(a) regions 1,2,3,5,6,8,9,10 (b) Ferry, Stevens, Pend Oreille counties of region 4 (c) Adams County of region 7.

(2) blueweed
Echium vulgare

(3) broom, Scotch
Cytisus scoparius

(4) bryony, white
Bryonia alba

(5) bugloss, common
Anchusa officinalis

(6) bugloss, annual
Anchusa arvensis

(7) fanwort
Cabomba caroliniana

(8) camelthorn
Alhagi maurorum

(9) catsear, common
Hypochaeris radicata

(10) cinquefoil, sulfur
Potentilla recta

(a) regions 1,2,3,4,5,6,8,9,10
(b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning.
(a) regions 3,4,6,7,9,10.

(a) regions 1,2,3,4,5,6,8,9
(b) region 7 except Whitman County
(c) Franklin County of region 10.
(a) regions 1,2,3,5,6,8,9,10
(b) region 4 except Stevens and Spokane counties
(c) Lincoln, Adams, and Whitman counties of region 7.

(a) regions 1,2,3,4,5,6,8,9
(b) Lincoln and Adams counties
(c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North.

(a) regions 1,2,3,4,5,6,7,9,10
(b) region 8 except T8N, R3W of Cowlitz County.
(a) regions 1,2,3,4,5,7,8,9
(b) region 6 except those portions of Sections 23,24,25, and 29 through 36, T16N, R27E, W.M. lying outside Intercounty Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County and except the area west of Highway 17 and north of Highway 26 in Adams County

(c) Franklin, Columbia, Garfield, and Asotin counties of region 10
(d) an area beginning at the Washington — Oregon border at the southwest portion of section 15, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning.

(a) regions 3,4,6,7,((9))10
(b) region 9 except Klickitat County.
(a) regions 1,3,((6))8,10
(b) region 2 except Skagit County

PROPOSED

- (11) Cordgrass, smooth
Spartina alterniflora
 - (c) region 4 except Stevens, Ferry, and Pend Oreille counties
 - (d) region 5 except Thurston County
 - (e) region 6 except Yakima County
 - (f) region 7 except Spokane County
 - ~~((f))~~ (g) region 8 except Lewis County
 - ~~((g))~~ (h) region 9 except Klickitat County.
- (12) cordgrass, common
Spartina anglica
 - (a) regions 1,3,4,5,6,7,9,10
 - (b) region 2 except ~~((bays and estuaries))~~ Padilla Bay of Skagit County
 - (c) region 8 except bays and estuaries of Pacific County.
- (13) daisy, oxeye
Leucanthemum vulgare
 - (a) regions 1,3,4,5,6,7,8,9,10
 - (b) region 2 except bays and estuaries of Skagit(~~(-)~~) and Island(~~(-)~~ and Snohomish) counties and except bays and estuaries north of Everett in Snohomish County.
 - (c) regions 7,10
 - (b) region 9 except those areas lying within Klickitat and Yakima counties west of Range 13 East
 - (c) region 6 except those areas lying within Yakima and Kittitas counties west of Range 13 E.
- (14) deadnettle, hybrid
Lamium hybridum
- (15) elodea, Brazilian
Egeria densa
- (16) fieldcress, Austrian
Rorippa austriaca
- (17) gorse
Ulex europaeus
 - (a) regions 3,4,6,7,9,10
 - (b) Skagit County of region 2
 - (c) Thurston and Pierce counties of region 5
 - (d) Wahkiakum, Cowlitz, and Lewis counties of region 8.
- (18) hawkweed, orange
Hieracium aurantiacum
 - (a) regions 3,6,9,10
 - (b) Ferry County of region 4
 - (c) Thurston County of region 5
 - (d) Lincoln and Adams counties of region 7.
- (19) hawkweed, yellow
Hieracium caespitosum
 - (a) regions 1,2,3,5,6,7,8,~~((9))~~10
 - (b) region 4 except north of T32N in Pend Oreille County and east Highway 395 and north of Highway 20 in Stevens County
 - (c) region 9 except sections 32, 33 and 34 of T6N, R12E, and sections 4, 5, 6, and 7 of T5N, R12E, and section 12 of T5N, R11E of Klickitat County.
- (20) hedgeparsley
Torilis arvensis
 - (a) regions 1,2,3,4,5,6,7,8,10
 - (b) Yakima, Benton, Franklin counties
 - (c) Klickitat County except those lands lying within T4N, R10E, R11E, R12E, R13E, R14E; T3N, R10E, R11E, R12E, R13E; T2N, R12E, R13E.
- (21) indigobush
Amorpha fruticosa
 - (a) regions 1,2,3,4,5,6
 - (b) regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream
 - (c) regions 8, 9, and 10 except within 200 feet of the Columbia River.
- (22) knapweed, black
Centaurea nigra
 - (a) regions 1,2,3,4,5,7,9,10
 - (b) region 6 except Kittitas County
 - (c) region 8 except Clark County.
- (23) knapweed, brown
Centaurea jacea
- (24) knapweed, diffuse
Centaurea diffusa
- (25) knapweed, meadow
Centaurea jacea x nigra
- (26) knapweed, Russian
Acroptilon repens
- (27) knapweed, spotted
Centaurea biebersteinii
- (28) kochia
kochia scoparia
- (29) lepyrodiclis
Lepyrodiclis holosteoides
- ~~((29))~~ (30) loosestrife, garden
Lysimachia vulgaris
- ~~((30))~~ (31) loosestrife, purple
Lythrum salicaria
- (a) regions 1,2,3,4,5,7,9,10
- (b) region 6 except Kittitas County
- (c) region 8 except Clark County.
- (a) regions 1,2,5,8
- (b) Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections 1 through 30; T21N, R26E., Sections 5,6,7,8,17, and 18; East 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 E.; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30E. lying in Grant County; all W.M.
- (c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22,26,27,28, 31,32,33 and 34; T15N, R37E, western half of Sections 23, 24 and 25; T15N, R38E, Sections 2,10, 11,14,15,19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6
- (d) Franklin County of regions 9 and 10.
- (a) regions 1,2,3,4,5,7,9,10
- (b) region 6 except Kittitas County
- (c) region 8 except Clark County.
- (a) regions 1,2,5,7,8
- (b) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County
- (c) Adams County of region 6 except for the area west of Highway 17 and North of Highway 26
- (d) Intercounty Weed District No. 52
- (e) region 10 except Franklin County.
- (a) regions 1,2,3,5,6,8,9
- (b) Ferry County of region 4
- (c) Adams and Whitman counties of region 7
- (d) region 10 except Garfield County.
- (a) Pend Oreille County of region 4
- (b) Kittitas County of region 6.
- (a) regions 1,2,3,4,5,6,8,9,10
- (b) region 7 except an area within Whitman County east of the Pullman — Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.
- (a) regions 1,2,3,4,6,7,8,9,10
- (b) region 5 except King County.
- (a) regions 1,4,7,8
- (b) region 2 except Snohomish County
- (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
- (d) region 5 except the area west of the Urban Growth Line, as defined in the King County Comprehensive Plan, and south of I-90, but not including Vashon Island, of King County

PROPOSED

- (e) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
- (f) region 9 except Benton County
- (g) region 10 except Walla Walla County
- (h) Intercounty Weed Districts No. 51 and No. 52.
- (a) regions 1,4,7,8
- (b) region 2 except Snohomish County
- (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
- (d) region 5 except King County
- (e) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
- (f) region 9 except Benton County
- (g) region 10 except Walla Walla County
- (h) Intercounty Weed Districts No. 51 and No. 52.
- (a) regions 1,2,3,4,5,7,8
- (b) region 6 except those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M.
- (c) region 9 except:
 - (i) except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River.

~~((31))~~ (32) loosestrife, wand
Lythrum virgatum

~~((32))~~ (33) nutsedge, yellow
Cyperus esculentus

~~((33))~~ (34) oxtongue,
hawkweed
Picris hieracioides
~~((34))~~ (35) parrotfeather
Myriophyllum aquaticum

~~((35))~~ (36) pepperweed,
perennial
Lepidium latifolium

(37) puncturevine
Tribulus terrestris
~~((36))~~ (38) ragwort, tansy
Senecio jacobaea

~~((37))~~ (39) sandbur, longspine
Cenchrus longispinus

~~((38))~~ (40) skeletonweed, rush
Chondrilla juncea

- Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road.
- (ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County
- (d) region 10 except Walla Walla County.
- (a) regions 1,2,3,4,5,6,7,9,10
- (b) region 8 except Skamania County.
- (a) regions 1,2,3,4,5,6,7,9,10
- (b) region 8 except Clark, Cowlitz, and Wahkiakum counties.
- (a) regions 1,2,3,4,5,7,8,10
- (b) Grant County lying northerly of Township 21, North, W.M.
- (c) Intercounty Weed Districts No. 51 and 52
- (d) Kittitas County of region 6
- (e) Adams County of region 6 except for the area west of Highway 17 and north of Highway 26.
- (a) Kittitas County of region 6.
- (a) regions 3,4,6,7,9,10
- (b) region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.
- (a) regions 1,2,3,4,5,7,8
- (b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52
- (c) Intercounty Weed District No. 51.
- (a) regions 1,2,3,5,8,9
- (b) Franklin County except T13N, R36E; and T14N, R36E
- (c) Adams County except those areas lying west of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line.

PROPOSED

- (d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road E Northwest
 - (e) ~~((Pend Oreille and))~~ Stevens ~~((counties))~~ county north of Township 33 North of region 4
 - (f) Ferry ~~((County))~~ and Pend Oreille counties of region 4
 - (g) Asotin County of region 10
 - (h) Garfield and Columbia counties south of Highway 12
 - (i) Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East.
- ~~((39))~~ (41) sowthistle, perennial *Sonchus arvensis* *ssp. arvensis*
- (a) regions 1,2,3,4,~~((5))~~7,8,9,10
 - (b) Adams County of region 6
 - (c) region 5 except for sections 28, 29, 30, 31, 32, and 33 in T19N, R1E of Thurston and Pierce counties.
- ~~((40))~~ (42) spurge, leafy *Euphorbia esula*
- (a) regions 1,2,3,4,5,6,8,9,10
 - (b) region 7 except as follows:
 - (i) T27N, R37E, Sections 34,35,36; T27N, R38E, Sections 31,32,33; T26N, R37E, Sections 1,2,3,10, 11,12,13,14,15,16,26; T26N, R38E, Sections 5, 6,7,8 of Lincoln County
 - (ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.
- ~~((41))~~ (43) starthistle, yellow *Centaurea solstitialis*
- (a) regions 1,2,3,5,6,8
 - (b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25
 - (c) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border
 - (d) Franklin County
 - (e) region 9 except Klickitat County
 - (f) in all lands lying within Asotin County, Region 10, except as follows: T11N, R44E, Sections 25,26,27,28,29,31,32,33,34, and 35; T11N, R45E, Sections 21,22,23, and 25; T11N, R36E, Sections 19,20,21, 28,29,30,31,32, and 33; T10N, R44E, Sections 1,2,3,4,5,6,8,9,10,11, 12,15, and 16; T10N, R45E, Sections 23 and 24; T10N, R46E, Sections 7,8,17,18,19,20,21,22,27, 34, and 35; T9N, R46E, Sections 1,2,12,13,14,23,24,25,26,35, and 36; T9N, R47E, Sections 18,19,30, and 31; T8N, R46E, Sections 1,2,3,

- 9,10,11,12,13,14,15,16,23, and 24; T8N, R47E, Sections 8,17,18,19, 20,29,30,31, and 32.
 - (a) regions 1,2,3,4,5,7,8
 - (b) Columbia, Garfield, Asotin, and Franklin counties
 - (c) an area beginning at the Washington — Oregon border at the southwest portion of Section 15, R32E, T6N, then north to the northwest corner of Section 3, R32E, T7N, then east to the northeast corner of Section 3, R36E, T7N, then south to the southeast portion of Section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning
 - (d) Weed District No. 3 of Grant County
 - (e) Adams County of region 6.
- ~~((42))~~ (44) Swainsonpea *Sphaerophysa salsula*
- (a) regions 1,2,3,5,6,7,8,9,10
 - (b) Spokane and Pend Oreille counties.
 - (a) regions 1,2,3,5,6,7,8,9,10
 - (b) region 4 except those areas within Stevens County lying north of State Highway 20.
 - (a) regions 1,2,3,4,5,6,8,9
 - (b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border
 - (c) Franklin County.
 - (a) regions 1,2,5,8,10
 - (b) Kittitas, Chelan, Douglas, and Adams counties of region 6
 - (c) Intercounty Weed District No. 51
 - (d) Weed District No. 3 of Grant County
 - (e) Lincoln and Adams counties
 - (f) The western two miles of Spokane County of region 7
 - (g) region 9 except as follows:
 - (i) those areas lying within Yakima County
 - (ii) those areas lying west of the Klickitat River and within Klickitat County.
 - (a) regions 1,9,10
 - (b) region 7 except Spokane County
 - (c) region 8 except within 200 feet of the Columbia River
 - (d) Adams County of region 6
 - (e) in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4.
- ~~((43))~~ (45) thistle, musk *Carduus nutans*
- ~~((44))~~ (46) thistle, plumeless *Carduus acanthoides*
- ~~((45))~~ (47) thistle, Scotch *Onopordum acanthium*
- ~~((46))~~ (48) toadflax, Dalmatian *Linaria dalmatica* *ssp. dalmatica*
- ~~((47))~~ (49) watermilfoil, Eurasian *Myriophyllum spicatum*

AMENDATORY SECTION (Amending WSR 96-06-030, filed 2/29/96, effective 3/31/96)

WAC 16-750-015 State noxious weed list—Class C noxious weeds.

Common Name	Scientific Name
babysbreath	<i>Gypsophila paniculata</i>
barberry, common	<i>Berberis vulgaris</i>
bindweed, field	<i>Convolvulus arvensis</i>
canarygrass, reed	<i>Phalaris arundinacea</i>
carrot, wild	<i>Daucus carota</i>
chervil, wild	<i>Anthriscus sylvestris</i>

<u>clary, meadow</u>	<u>Salvia sclarea</u>
cockle, white	Silene latifolia ssp. alba
cocklebur, spiny	Xanthium spinosum
cress, hoary	Cardaria draba
dodder, smoothseed alfalfa	Cuscuta approximata
goatgrass, jointed	Aegilops cylindrica
henbane, black	Hyoscyamus niger
houndstongue	Cynoglossum officinale
knotweed, Japanese	Polygonum cuspidatum
((koehia	Koehia scoparia))
mayweed, scentless	Matricaria perforata
mullein, common	Verbascum thapsus
nightshade, bitter	Solanum dulcamara
poison-hemlock	Conium maculatum
((puncturevine	Tribulus terrestris))
rocket, garden	Eruca vesicaria ssp. sativa
rye, cereal	Secale cereale
saltcedar	Tamarix species
snapdragon, dwarf	Chaenorrhinum minus
spikeweed	Hemizonia pungens
St. Johnswort, common	Hypericum perforatum
tansy, common	Tanacetum vulgare
toadflax, yellow	Linaria vulgaris
thistle, bull	Cirsium vulgare
thistle, Canada	Cirsium arvense
whitetop, hairy	Cardaria pubescens
wormwood, absinth	Artemisia absinthium

AMENDATORY SECTION (Amending WSR 93-01-004, filed 12/2/92, effective 1/2/93)

WAC 16-750-020 Noxious weeds—Civil infractions—Schedule of monetary penalties. Civil infractions under chapter 17.10 RCW shall be assessed a monetary penalty according to the following schedule:

(1) Any owner knowing of the existence of any noxious weeds on the owner's land who fails to control such weeds in accordance with chapter 17.10 RCW and the rules and regulations in force pursuant thereto shall be assessed ~~((as follows))~~ the following monetary penalties. The penalties shall be assessed per parcel, per noxious weed species, per day after expiration of the notice to control filed pursuant to RCW 17.10.170:

- (a) Any Class A noxious weed:

1st offense within five years	\$ 750
2nd and any subsequent offense	1,000
- (b) Any Class B designate noxious weed in the noxious weed control region in which the land lies:

1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000
- (c) Any Class B nondesignate noxious weed in the noxious weed control region in which the land lies; or any Class C noxious weed:

1st offense within five years	\$ 250
2nd offense	500
3rd offense	750
4th and any subsequent offense	1,000

(2) Any person who enters upon any land in violation of an order in force pursuant to RCW 17.10.210 shall be assessed as follows:

1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

(3) Any person who interferes with the carrying out of the provisions of chapter 17.10 RCW shall be assessed as follows:

1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

AMENDATORY SECTION (Amending WSR 93-01-004, filed 12/2/92, effective 1/2/93)

WAC 16-750-130 State noxious weed control board—Organization. The organization of the board is as follows:

(1) The officers of the board shall be chairperson, vice-chairperson, and secretary. The title of chief administrative officer shall be the executive secretary.

(2) Duties of officers.

(a) The chairperson shall preside at all meetings of the board, has the power to appoint committees, shall act as ex officio member of all committees except the executive committee, serves as chairperson of the executive committee, serves as official signer of agreements between the board and public or private agencies, and shall perform such other duties as pertain to the office.

(b) The vice-chairperson shall perform the duties of the chairperson in his or her absence, shall act as an ex officio member of all committees, and any other duties delegated by the chairperson. The vice-chairperson shall assume the duties of and serve out the term of the chairperson upon permanent departure of same.

(c) The secretary shall be the official keeper of the minutes and shall approve them and present the minutes to the board for adoption. In the absence of the chairperson and vice-chairperson, the secretary will perform the duties of the chairperson.

(d) The duty of the executive secretary, in addition to administrative duties assigned elsewhere in this chapter, will be to keep a record of the proceedings of the board, notify all board members, county noxious weed control boards, and weed districts of meetings, act as an ex officio nonvoting member of all committees, negotiate agreements with public and private agencies on behalf of the board, and perform other responsibilities as delegated by the chairperson.

(3) Term of office. Term of office for officers of the board shall be for twelve months effective July 27 of the year elected and ending July 26 of the following year. ~~((Officers may serve for and be reelected for a maximum of three consecutive terms.))~~

(4) Election of officers. ~~((The nominating committee shall be responsible for presenting nominations for officers. The board chairperson shall appoint a nominating committee in May. This nominating committee shall consist of not less than three voting members: One from the west side of the state, one from the east side, and one member at large. The nominations shall be presented and elections))~~ Elections will

PROPOSED

be held at the first meeting of the fiscal year in July. Officers shall be elected by a majority vote of the voting members present.

(5) Vacancies of officers other than chairperson, shall be filled by election of the voting board members present.

WSR 96-20-113
PROPOSED RULES
DEPARTMENT OF LICENSING
 (Business and Professions Division)
 [Filed October 2, 1996, 10:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-016 and 96-15-077.

Title of Rule: Filed under CR-101 WSR 96-13-016: WAC 308-12-210 Application of brief adjudicative proceedings, explanation of the administrative uses of the brief adjudicative proceedings by the Board of Registration for Architects. WAC 308-12-220 Preliminary record in brief adjudicative proceedings, lists the required documents for conducting a brief adjudicative proceeding. WAC 308-12-230 Conduct of brief adjudicative proceedings, provides the administrative procedures for appointing the presiding officer and conducting the brief adjudicative proceedings. WAC 308-12-240 Administrative review, specifies the time in which a review must be requested and who conducts reviews. WAC 308-12-250 Effectiveness of orders on brief adjudicative proceedings, establishes the number of days for initial orders to become effective and the number of days by which a request for review must be submitted to the board. WAC 308-12-260 Agency record in brief adjudicative proceedings, specifies what documents must be maintained as official agency records of brief adjudicative proceedings conducted by the board. WAC 308-12-270 Reinstatement of suspended certificates, eligibility for registration, or denied renewals, provides the administrative procedures for persons to obtain reinstatement of eligibility, certification, or registration for suspension or denial actions under brief adjudicative proceedings.

Filed under CR-101 WSR 96-15-077: WAC 308-12-025 Application for examination, removes deadlines for applications and references to the paper-and-pencil examination that is no longer available. WAC 308-12-031 Registration examination, removes reference to a written form of examination that is no longer available. WAC 308-12-040 Appeal of examinations, removes references to the grading of the written form of examinations that is no longer available. WAC 308-12-050 Registration by reciprocity, removes out-of-date reference to applicants' base state which is no longer used. WAC 308-12-320 Renewal of licenses, removes the formula and dates for the conversion from an annual license to a triennial period of licensure that was completed in 1993. WAC 308-12-324 Compliance with laws, updates the reference to other licensing jurisdictions' laws to which architects must comply. WAC 308-12-140 Examination—Qualifications of candidates, repealed as no longer applicable. WAC 308-12-145 Acceptable work experience, repealed as no longer applicable.

Purpose: See Title of Rule above.

Statutory Authority for Adoption: WAC 308-12-025 and 308-12-145 is RCW 18.08.350(2); WAC 308-12-031, 308-12-040, and 308-12-140 is RCW 18.08.360(2); WAC 308-12-050 and 308-12-324 is RCW 18.08.340; and WAC 308-12-210, 308-12-220, 308-12-230, 308-12-240, 308-12-250, 308-12-260, and 308-12-270 is RCW 18.08.340.

Statute Being Implemented: WAC 308-12-025 and 308-12-145 is RCW 18.08.350; WAC 308-12-031, 308-12-040, and 308-12-140 is RCW 18.08.360; WAC 308-12-050 is RCW 18.08.400; WAC 308-12-324 is RCW 18.08.440, [18.08.]450, and [18.08.]460; and WAC 308-12-210, 308-12-220, 308-12-230, 308-12-240, 308-12-250, 308-12-260, and 308-12-270 is RCW 18.08.470.

Summary: WAC 308-12-025, 308-12-031, and 308-12-040 must be amended to make correct references to the current form of available examinations. The candidates for examination and registration will be completing a new format of examination on computers. WAC 308-12-050 and 308-12-324 are amended to remove out-of-date terms involved with reciprocal licensing and to make reference to current national procedures. WAC 308-12-140 and 308-12-145 are repealed since both sections are only for the written examination that is no longer available. WAC 308-12-210, 308-12-220, 308-12-230, 308-12-240, 308-12-250, 308-12-260, and 308-12-270 are new sections that are required in support of the new statute RCW 18.08.470 that requires brief adjudicative proceedings for administrative suspension of registration and subsequent reinstatement.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James D. Hanson, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 753-1153, FAX (360) 664-2551, TDD (360) 586-2788.

Name of Proponent: Department of Licensing, Business and Professions Division, Architect Registration Unit, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments of WAC 308-12-025, 308-12-031, and 308-12-040 removes the information concerning examinations that has been transferred to the contracted testing vendor. WAC 308-12-050 and 308-12-324 are housekeeping changes to clarify that Washington will grant a certificate of registration to architects currently registered in any jurisdiction recognized by the National Council of Architectural Registration Boards (NCARB). Reference to reciprocity candidates' base state is no longer valid as the term has been rescinded by the NCARB, and the Washington board recognizes the candidates' current state of registration. WAC 308-12-140 is repealed since it refers to examination candidates before 1985, none of whom are still in the examination process. WAC 308-12-145 is repealed since an examination applicant must be fully qualified at the time the applicant is evaluated as eligible to begin the examination process. WAC 308-12-210 is a list of circumstances for which a brief adjudicative proceeding may be used. WAC 308-12-220 is a comprehensive list of what items shall be considered as the preliminary record in brief adjudicative proceedings. WAC 308-12-230 explains the conduct of a brief adjudicative proceeding. WAC 308-12-240 explains the administrative review process for brief adjudicative

proceedings. WAC 308-12-250 explains the effective dates for final orders of a brief adjudicative proceeding. WAC 308-12-260 explains the contents of the agency record in brief adjudicative proceedings. WAC 308-12-270 explains the administrative procedure for reinstatement of suspended licenses from brief adjudicative proceedings.

Proposal Changes the Following Existing Rules: Current rules refer to the written and graphic examinations in the pencil-and-paper format. The new examination is administered on computers by a contracted testing service in leased facilities in several locations. WAC 308-12-025, 308-12-031, and 308-12-040 pertain to the written examination and are amended to refer to the computerized examinations. WAC 308-12-050 refers to the base state of an applicant, which is no longer identified and is therefore deleted from the section. WAC 308-12-140 and 308-12-145 refer to deadline dates for the written examination which no longer exist; therefore, the two sections are repealed. WAC 308-12-324 makes reference to licensing jurisdictions in the United States which is an obsolete term; therefore, it is deleted from the section. WAC 308-12-210, 308-12-220, 308-12-230, 308-12-240, 308-12-250, 308-12-260, and 308-12-270 are new sections that define, authorize, and set specific uses for using brief adjudicative proceedings under the provisions of chapter 34.05 RCW. The brief adjudicative proceeding is mandatory under the requirement of RCW 18.08.470.

No small business economic impact statement has been prepared under chapter 19.85 RCW. None of the sections change any current fees or charges. The amendments, repealers, and new sections are administrative procedures and instructions to applicants for registration, board members, and unit staff.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. It is exempt under the provisions of RCW 34.05.328 (5)(b)(iv) and (v), and (c)(i)(A) and (B).

Hearing Location: Juniper Meeting Room, Hyatt Regency Bellevue, 900 Bellevue Way N.E., Bellevue, WA 98004, on November 14, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Sharon Kinder by November 8, 1996, TDD (360) 586-2788, or (360) 586-8935.

Submit Written Comments to: James D. Hanson, Board of Registration for Architects, P.O. Box 9045, Olympia, WA 98507-9045, FAX (360) 664-2551, by November 8, 1996.

Date of Intended Adoption: November 20, 1996.

October 1, 1996

James D. Hanson

Program Administrator

AMENDATORY SECTION (Amending WSR 95-04-080, filed 1/31/95, effective 3/3/95)

WAC 308-12-025 Application for examination. (1) The application ~~((for examination))~~ to begin the examination process must be submitted on forms approved by the board, accompanied by academic and/or practical experience verification to document eligibility under the provisions of RCW 18.08.350. ~~((Applications for admission to a scheduled examination must be submitted or postmarked not later than the following dates:~~

<u>Examination Months/Divisions</u>	<u>Cut-off Dates</u>
June All Divisions	April 1
December B(Graphic), C	October 1))

(2) Applications for the examination must be accompanied by the application fee for the examination as established by the director and published in chapter 308-12 WAC, architect fees. The application fee to begin the examination process will not be refunded.

(3) ~~On subsequent attempts examinees may retake any divisions offered not passed on previous attempts. ((Applications for examination or reexamination must be accompanied by the application fee for examination or reexamination fee and the appropriate examination fee for each division as established by the director and published in chapter 308-12 WAC, architect fees. For reexamination applicants, examination fees are listed by separate division.~~

(3) ~~For the June and December examinations, notices of acceptance (examination admission letters) will be mailed to eligible applicants approximately six weeks prior to the examination, along with detailed information as to times, place, and scheduled examination divisions.~~

(4) ~~The application fee for examination and the reexamination fee are administrative charges and will not be refunded. The examination fees for each division may be refunded if notice of cancellation is received by the department prior to ordering of examinations from the national test supplier.))~~

AMENDATORY SECTION (Amending WSR 90-11-062, filed 5/15/90, effective 6/15/90)

WAC 308-12-031 Registration examination. The ~~((form of))~~ board adopts the N.C.A.R.B. Architect Registration Examination (A.R.E.) as the examination required of applicants ~~((shall consist of a written and an oral examination)).~~ Where RCW 18.08.360 refers to the "entire examination," it means the ~~((written examination))~~ NCARB A.R.E. together with the oral examination. ~~((The written examination shall be administered at times and locations the board determines appropriate.))~~

The board adopts the ~~((architectural registration examination and))~~ grading procedures prepared by the ~~((National Council of Architectural Registration Boards as the written portion of the examination. The written examination includes computerized versions))~~ NCARB.

(1) The ~~((director))~~ test vendor shall publish an information guide concerning examination content, locations, ~~((and))~~ schedules, and fees.

(2) ~~((To pass the written examination,))~~ An applicant must ((achieve a passing grade on)) pass each division of the NCARB examination.

(3) The oral examination is given upon the applicant's completion of the ~~((written))~~ NCARB examination.

The purpose of the oral examination is to test in those areas of knowledge and skill not covered in the ~~((written))~~ NCARB examination.

The oral part of the examination shall include a review of the applicant's practical experience, an understanding of the law and the responsibility to safeguard life, health, and property and to promote the public welfare.

The oral examination may be conducted by the full board or by an architect member of the board. The board

may ~~((waive))~~ set aside the full board examination if the examining board member deems the applicant prepared for registration. If ~~((such waiver is not granted))~~ the full board examination is not set aside or if the examining board member fails the applicant, the applicant must then appear for a full board oral examination.

The board may ~~((waive))~~ set aside the entire oral examination based upon certification by the ~~((National Council of Architectural Registration Boards))~~ NCARB of successful completion of the intern development program. Such applicants ((may)) shall submit the ((“green cover”)) NCARB Council Record of IDP ((certificate in lieu of the exhibit checklist which is required for the oral examination. This waiver of)) completion. The decision to set aside the oral examination does not affect the requirement to summarize the law and rules pertaining to architecture.

~~((If an applicant does not receive a recommendation for registration, the board will advise the applicant of the areas of deficiency and schedule another oral examination.))~~

An applicant must successfully complete the entire examination within a five-year period. The five-year period shall begin with the month an applicant ~~((begins the examination process))~~ passes the first division of the examination. Passing scores for any division of the examination may be carried forward for a period of five years from the date the applicant passed that division of the examination. Applicants shall retake any division of the examination which was passed more than five years previously, along with any division of the examination not yet passed. The oral examination is part of the entire examination and shall be completed within the five-year period.

AMENDATORY SECTION (Amending Order PM 843, filed 6/5/89)

WAC 308-12-040 Appeal of examinations. The board adopts the grading procedures as ~~((set forth in the current Circular of Information Number 2, of))~~ established by the ((National Council of Architectural Registration Boards)) NCARB. No appeal of failing scores will be accepted by the department or the board ~~((after the conclusion of the national grading session)).~~

AMENDATORY SECTION (Amending Order PM 857, filed 8/10/89, effective 9/10/89)

WAC 308-12-050 Registration by reciprocity. Pursuant to RCW 18.08.400, the board will recommend to the director that the director grant a certificate of registration to a currently registered architect in ~~((another state or territory of the United States, the District of Columbia, or another country))~~ any jurisdiction recognized by NCARB provided:

(1) That such applicant presents evidence that the applicant has satisfactorily completed ~~((a written))~~ an examination equivalent to the examination required of Washington state registrants. Documentation of NCARB certification may be accepted by the board as satisfactory evidence that the applicant’s qualifications and experience are equivalent to the qualifications and experience required of a person registered under RCW 18.08.350.

(2) That the applicant provides a typed summary analysis of chapter 18.08 RCW and chapter 308-12 WAC. The

summary must include an analysis of each section of chapter 18.08 RCW and chapter 308-12 WAC in sufficient detail to demonstrate a thorough understanding of the law and rules as determined by the board.

(3) That the board will require an oral interview of any candidate for registration by reciprocity, except that the oral interview may be ~~((waived))~~ set aside in cases where documentary or other evidence shows sufficient information for the board to reach judgment.

(4) That the architect’s ~~((base))~~ current state license is not delinquent or inactive. The current ~~((base))~~ state license cannot be under suspension, disciplinary restrictions, or in process of disciplinary review. Reciprocity applicants are held to the same qualifications as initial applicants for registration.

AMENDATORY SECTION (Amending Order PL 560, filed 10/17/85)

WAC 308-12-324 Compliance with laws. (1) An architect shall not, in the conduct of his or her architectural practice, knowingly violate any state or federal criminal law.

(2) An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official’s judgment in connection with a prospective or existing project in which the architect is interested.

(3) An architect shall comply with the registration laws and regulations governing his or her professional practice ~~((in any United States jurisdiction)).~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-12-140 Examination—Qualifications of candidates.
- WAC 308-12-145 Acceptable work experience.

NEW SECTION

WAC 308-12-210 Application of brief adjudicative proceedings. The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request pursuant to subsection (1) below or at the discretion of the board chair pursuant to RCW 34.05.482. (1) If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter involves one or more of the following issues:

(a) A determination whether an applicant meets the qualifications for a certificate of registration or certificate of authorization to practice architecture in this state and the board proposes to deny the application;

(b) A determination if an applicant for a certificate of registration to practice architecture in this state is eligible to begin the examination, continue the examination if already in the examination process, or to complete the examination;

(c) A determination whether a person or organization is in compliance with the terms and conditions of a final order previously issued by the board; or,

PROPOSED

(d) A determination whether a certificate holder or an applicant for examination, certification or certificate renewal has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed student loan or service conditional scholarship.

(2) Brief adjudicative proceedings under subsection (1) shall be limited to consideration of the following issues:

(a) In proceedings under subsections (1)(a) and (b) above, the sole issue to be considered at the hearing is whether the documentation submitted by an applicant for issuance or renewal of a certificate of registration or certificate of authorization to practice architecture in this state, or examination meets the requirements for issuance, or renewal of a certificate or to take the examination for a certificate.

(b) In proceedings under subsection (1)(c) above, the sole issue to be considered at the hearing is whether the documentation submitted indicates that a person or organization is in compliance with the terms and conditions of a final order previously issued by the board.

(c) In proceedings under subsection (1)(d) above, the issues to be considered at the hearing are: (i) whether the person has been correctly certified by a lending agency and reported to the board for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship and (ii) is in a state of nonpayment or default at the time of the brief adjudicative proceeding.

NEW SECTION

WAC 308-12-220 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for a license or to begin or continue the examination shall consist of:

(a) The application for the license or examination and all associated documents; and

(b) All documents relied upon by the program in proposing to deny the application; and

(c) All correspondence between the applicant for license or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement; and

(b) All reports or other documents submitted by the license holder, or at the direction of the license holder, in full or partial fulfillment of the terms of the final order; and

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement.

(d) All documents relied upon by the program that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record for determination of nonpayment or default by the license holder on a federally or state-guaranteed student loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the person is making payment on the loan

in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-12-230 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer appointed by the current board chair in accordance with RCW 34.05.485. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial written order.

NEW SECTION

WAC 308-12-240 Administrative review. The board may conduct an administrative review of an order resulting from a brief adjudicative procedure if it receives a request within twenty-one days after service of the written statement as required by RCW 34.05.485(3). The current board chairman shall conduct the administrative review.

NEW SECTION

WAC 308-12-250 Effectiveness of orders on brief adjudicative proceedings. (1) Initial orders on brief adjudicative proceedings shall become final twenty-one days after service of the initial order unless:

(a) Administrative review has been requested pursuant to WAC 308-12-240; or

(b) On its own initiative, the board determines to review the matter and, within twenty-one days of service of the initial order, provides notice to the parties of the date by which a determination shall be made.

(2) If review is taken under subsection (1) of this section, each party shall be provided an opportunity to state its view of the matter, and a written order containing findings of fact, conclusions of law, and order shall be entered and served upon the parties within twenty days of service of the initial order or the request for review, whichever is later.

(3) A request for review is deemed to be denied if the board does not act on the request within twenty days after the request is submitted.

PROPOSED

(4) If administrative review is taken under subsection (1) of this section, the presiding officer may convert the matter to a full adjudicative proceeding.

(5) The findings of brief adjudicative proceedings are final board actions. Appeals of findings of the presiding officer or reviewing officer of the brief adjudicative proceedings shall be filed in superior court.

NEW SECTION

WAC 308-12-260 Agency record in brief adjudicative proceedings. The agency record of brief adjudicative proceedings shall consist of:

- (1) The preliminary record as set forth in WAC 308-12-220;
- (2) All initiating documents including the notice of opportunity to defend;
- (3) The request for adjudicative proceeding;
- (4) All documents submitted in the proceeding;
- (5) Any transcript or recording of any testimony or arguments presented;
- (6) All orders issued in the case;
- (7) Any request for administrative review;
- (8) Any additional documents submitted for the review; and,
- (9) Final disposition by the review.

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 308-12-270 Reinstatement of suspended certificates, eligibility for registration, or denied renewals. Where a person's certificate of registration has been suspended, an applicant has been denied certificate renewal, or an applicant has been denied the ability to take the examination for certificate of registration due to nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship, his or her certificate renewal or examination application will be reinstated when the person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency, provided, the person shall pay any applicable reinstatement or renewal fee.

**WSR 96-20-116
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed October 2, 1996, 10:55 a.m.]**

Original Notice.

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

Title of Rule: Designation of date, time and place of monthly meetings of the employee retirement benefits board.

Purpose: To provide notice to the public of the date, time and place of the monthly meetings of the employee retirement benefits board. Adoption and publication of this

rule will allow the monthly board meetings to qualify as "regular meetings" under RCW 42.30.075.

Statutory Authority for Adoption: RCW 41.50.086(6).
Statute Being Implemented: RCW 41.50.086(4).

Summary: The proposed rule provides notice to the public of the date, time and place of the monthly meetings of the employee retirement benefits board. Adoption and publication of this rule will allow the monthly board meetings to qualify as "regular meetings" under RCW 42.30.075.

Reasons Supporting Proposal: In order for a meeting to be considered a "regular meeting" under RCW 42.30.075 a periodic schedule for such meetings must be declared by statute or rule. RCW 41.50.086 does not specifically list date, place and time of ERBB meetings, the ERBB must, therefore, adopt a rule setting out that information. If the board does not adopt such a rule RCW 41.30.080 would prohibit it from taking final action on any item that is not on the meeting agenda.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union Avenue, Olympia, WA, (360) 709-4747; Implementation and Enforcement: Shirley Corbett, 1025 East Union Avenue, Olympia, WA, (360) 709-5331.

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 provides notice to the public of the date, time and place of the monthly meetings of the employee retirement benefits board. Adoption and publication of this rule will allow the monthly board meetings to qualify as "regular meetings" under RCW 42.30.075. In order for a meeting to be considered a "regular meeting" under RCW 42.30.075 a periodic schedule for such meetings must be declared by statute or rule. RCW 41.50.086 does not specifically list date, place and time of ERBB meetings, the ERBB must, therefore, adopt a rule setting out that information. If the board does not adopt such a rule RCW 41.30.080 would prohibit it from taking final action on any item that is not on the meeting agenda. The anticipated effect of this rule is it will allow the ERBB to take final action on any item properly before it.

Proposal does not change existing rules.

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 by 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 this provision applies to. The Department of Retirement Systems does not opt to voluntarily bring itself within the coverage of those rules.

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on November 6, 1996, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Paul Neal by November 4, 1996, TDD (360) 586-5450, or (360) 586-3368.

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

Date of Intended Adoption: November 7, 1996.

October 2, 1996

Paul Neal
Rules Coordinator

**Chapter 415-200 WAC
EMPLOYEE RETIREMENT BENEFITS BOARD**

NEW SECTION

WAC 415-200-020 Regular board meetings. The regular meetings of the employee retirement benefits board are held on the fourth Tuesday of each month beginning at 9:00 a.m. at the offices of the State Investment Board, 2424 Heritage Court S.W., Olympia, Washington 98504-0916.

WSR 96-20-118

PROPOSED RULES

INSURANCE COMMISSIONER'S OFFICE

[Filed October 2, 1996, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-11-143.

Title of Rule: Managed care health plan rules.

Purpose: Consolidation, revision, repeal, and creation of rules affecting the sales and servicing of managed care health plans by disability insurers, health care service contractors, and health maintenance organizations to create a consistent regulatory environment for managed health care. Certain portions of the rule making proposed in WSR 96-11-143 are withdrawn to allow for analysis of recent federal legislation that may affect the implementation of state statutes and regulations. Those withdrawn are: Quality assurance and improvement, specific provider credentialing standards, comprehensive utilization review standards, consolidation of existing health plan benefit standards and benefit mandates, and updating of the short-term insurance market reforms (e.g., guaranteed renewability rules).

Other Identifying Information: Insurance Commissioner Matter No. R 96-4.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.120, 48.20.450, 48.20.460, 48.30.010, 48.44.050, 48.46.030, and 48.46.200.

Statute Being Implemented: RCW 48.18.110, 48.20.028, 48.21.045, 48.43.035, 48.43.045, 48.43.055, 48.44.020, 48.44.022, 48.44.023, 48.44.070, 48.44.080, 48.46.040, 48.46.060, and 48.46.090.

Summary: Subchapters of the preproposal contained in this draft rule include general provisions; health care networks; provider contracts; disclosure and reporting; health service delivery and claim settlement standards; and dispute resolution and grievance procedures. This rule making includes a uniform set of definitions to be used in existing rules, and in future rule making to simplify general understanding of rules by consumers and health carriers. Clarification of the need for carriers to maintain adequate provider networks, contract with health care providers using standards established by the Department of Health, and in a manner

that does not discriminate against those who treat the sickest segments of the population is necessary to ensure residents of the state reasonable access to quality care in managed care health plans, and to clarify regulatory requirements for all health carriers. Adding a consumer grievance report to existing reporting requirements assists the commissioner in monitoring health carrier treatment of consumers. Health service delivery and claim settlement standards ensure consumers will receive benefits promised in timely and consistently administered system of nondiscriminatory claim adjudication.

Reasons Supporting Proposal: Adoption of uniform standards related to managed care, and consolidation of health care rules in one chapter (chapter 284-43 WAC), will simplify regulatory oversight and carrier compliance with insurance laws. Wherever possible, rules have effective dates that provide lengthy time periods for compliance. Proposed rules make use of reporting requirements rather than requirements for particular standards for compliance (e.g., access plan filing required, but no specific provider/patient ratio mandated).

Name of Agency Personnel Responsible for Drafting: John Conniff, Olympia, Washington, (360) 664-3786; Implementation and Enforcement: Patrick Musick, Olympia, Washington, (360) 664-2093.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Adoption of uniform standards related to managed care, and consolidation of health care rules in one chapter (chapter 284-43 WAC), will simplify regulatory oversight and carrier compliance with insurance laws. Wherever possible, rules have effective dates that provide lengthy time periods for compliance. Proposed rules make use of reporting requirements rather than requirements for particular standards for compliance (e.g., access plan filing required, but no specific provider/patient ratio mandated).

Proposal Changes the Following Existing Rules: WAC 284-44-470, 284-44-410, and 284-46-575 will be repealed and replaced with a new requirement that is consistent with RCW 48.44.470 and 48.46.243 which require that each type or provider contract be filed with the commissioner fifteen days prior to use.

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

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. A cost benefit analysis will be filed prior to adoption of the rules. Due to the scope of this rule making, and because violations of these rules by health carriers (insurers, health care service contractors, health maintenance organizations) may subject the health carrier to a penalty or sanction, before adoption of these rules the commissioner will prepare an analysis that will incorporate the provision of both the Regulatory Fairness Act and RCW 34.05.328. During the course of development of these rules, the commissioner has listened to the concerns of the public and the affected health carriers. These proposed rules were modified as a direct result of these comments and suggestions. Note that in mitigation, deadlines for compliance by carriers have been deferred or delayed.

Hearing Location: Insurance Building's 2nd Floor Conference Room, Room 200, 14th and Water, Olympia, Washington, on November 12, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Lori Vilaflores by November 11, 1996, TDD (360) 586-0692.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, e-mail inscomr@aol.com, FAX (360) 586-3535, by November 12, 1996.

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October 2, 1996

Greg J. Scully

Chief Deputy Commissioner

SUBCHAPTER A GENERAL PROVISIONS

NEW SECTION

WAC 284-43-110 Purpose. The purpose of this chapter, chapter 284-43 WAC, is to consolidate regulations governing health plans for ease and efficiency in administration and compliance with insurance statutes; to establish uniform standards for managed care health plans for the fair regulatory treatment of health carriers offering these types of health plans, and to create minimum standards for managed care health plans that ensures consumer access to health care services included in their health plan.

NEW SECTION

WAC 284-43-120 Applicability and scope. This chapter shall apply to all health plans and all health carriers subject to the jurisdiction of the state of Washington except as otherwise expressly provided in this chapter. This chapter is in addition to other rules and statutes governing health carriers and health plans but shall supersede any conflicting rules in Title 284 WAC to the extent of the inconsistency in accordance with the effective dates set forth in this chapter.

NEW SECTION

WAC 284-43-130 Definitions. Except as defined in other subchapters and unless the context requires otherwise, the following definitions shall apply throughout this chapter.

(1) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(2) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(3) "Closed plan" means a managed care plan that requires covered persons to use network providers under the terms of the managed care plan except in very limited circumstances such as for emergencies outside the plan's service area.

(4) "Covered benefits" means those health care services to which a covered person is entitled under the terms of a health plan.

(5) "Covered person" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by a health plan.

(6) "Emergency medical condition" means the sudden and, at the time, unexpected onset of a health condition that requires immediate medical attention, where failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(7) "Emergency services" means health care items and services furnished or required to evaluate and treat an emergency medical condition.

(8) "Enrollee point-of-service cost-sharing" or "cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(9) "Facility" means an institution providing health care services, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic settings.

(10) "Fee-for-service plan" means a managed care plan that includes at least ninety percent of the providers within the service area of the plan, that obtains a discount from participating providers for the benefit of enrollees of no more than five percent below the reasonable and customary charges for the provider's health care services, and that does not require an enrollee to obtain a referral from a primary care professional to obtain the health care services of other providers.

(11) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 RCW or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(12) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment, of illness, injury or disease.

(13) "Health carrier" means a person or entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract, or enters into an agreement to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including a disability insurance company, a health care service contractor, a health maintenance organization, and a fraternal benefit society.

(14) "Health plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care service except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Limited health care service offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(i) Employer-sponsored self-funded health plans; and

(j) Dental only and vision only coverage.

(15) "Intermediary" means a person authorized to negotiate and execute provider contracts with health carriers on behalf of health care providers or on behalf of a network.

(16) "Managed care plan" means a health benefit plan that either requires a covered person to use, or creates incentives, including financial incentives, for a covered person to use health care providers or facilities managed, owned, under contract with or employed by the health carrier.

(17) "Network" means the group of participating providers and facilities providing health care services to a particular managed care plan. A health plan network for carriers offering more than one health plan may be smaller in number than the number of participating providers.

(18) "Open plan" means a managed care plan other than a closed plan that provides incentives, including financial incentives, for covered persons to use network providers or facilities under the terms of the managed care plan, but allows covered persons to use participating providers not included in the network.

(19) "Participating provider" and "participating facility" mean a facility or provider who, under a contract with the health carrier or with the carrier's contractor or subcontractor, has agreed to provide health care services to covered persons with an expectation of receiving payment, other than coinsurance, copayments or deductibles, directly or indirectly from the health carrier.

(20) "Person" means an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing.

(21) "Primary care provider" means a participating provider designated by the health carrier to supervise, coordinate or provide initial care or continuing care to a covered person, and who may be required by the health carrier to initiate a referral for specialty care and maintain supervision of health care services rendered to the covered person.

(22) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(23) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

SUBCHAPTER B HEALTH CARE NETWORKS

NEW SECTION

WAC 284-43-200 Adequate network of health care providers and facilities. (1) A health carrier providing a managed care plan shall maintain a network that is sufficient in numbers and types of providers and facilities to assure that all services to covered persons will be accessible without unreasonable delay. In the case of emergency services, covered persons shall have access twenty-four hours per day, seven days per week. The carrier's service area shall not be created in a manner designed to discriminate against persons because of age, sex, family structure, ethnicity, race, health condition, employment status, or socioeconomic status.

(2) Sufficiency shall be determined in accordance with the requirements of this subchapter, and may be established by the carrier with reference to any reasonable criteria used by the carrier, including but not limited to: Provider-covered person ratios by specialty; primary care provider-covered person ratios; geographic accessibility; waiting times for appointments with participating providers; hours of operation; and the volume of technological and specialty services available to serve the needs of covered persons requiring technologically advanced or specialty care.

(3) In any case where the health carrier has an insufficient number or type of participating provider to provide a covered benefit, the health carrier shall ensure that the covered person obtains the covered benefit at no greater cost to the covered person than if the benefit were obtained from network providers and facilities, or shall make other arrangements acceptable to the commissioner.

(4) The health carrier shall establish and maintain adequate arrangements to ensure reasonable proximity of network providers and facilities to the business or personal residence of covered persons. In determining whether a health carrier has complied with this provision, the commissioner will give due consideration to the relative availability of health care providers in the service area under consideration.

(5) A health carrier shall monitor, on an ongoing basis, the ability, clinical capacity, financial capability and legal authority of its providers and facilities to furnish the benefits they have contracted to provide to covered persons.

NEW SECTION

WAC 284-43-210 Network reporting requirement and consumer access to services plan. Beginning January 1, 1998, health carriers shall file with the commissioner an access plan meeting the requirements of this subchapter for each of the managed care plans that the carrier offers in this state. The health carrier shall make the access plans available on its business premises and shall provide them to any interested party upon request. The carrier shall prepare an access plan prior to offering a new managed care plan, and shall update an existing access plan whenever it makes any material change to an existing managed care plan. The access plan shall describe or contain at least the following:

**SUBCHAPTER C
PROVIDER CONTRACTS**

(1) The health carrier's network of providers and facilities by license or certification type and by geographic location;

(2) The following provision is a restatement of a statutory requirement found at RCW 48.43.095 (1)(c): "A full description of the procedures to be followed by an enrollee for consulting a provider other than the primary care provider and whether the enrollee's primary care provider, the carrier's medical director, or another entity must authorize the referral";

(3) The health carrier's process for monitoring and assuring on an ongoing basis the sufficiency of the network to meet the health care needs of populations that enroll in managed care plans;

(4) The health carrier's efforts to address the needs of covered persons with limited English proficiency and literacy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities;

(5) The health carrier's methods for assessing the health care needs of covered persons and their satisfaction with services;

(6) The health carrier's method of informing covered persons of the plan's services and features, including but not limited to, the plan's grievance procedures, its process for covered persons choosing and changing providers, and its procedures for providing and approving emergency and specialty care including the following restated statutory requirements found at RCW 48.43.095 (1)(e), (f), and (i): "Procedures, if any, that an enrollee must first follow for obtaining prior authorization for health care services . . . , and . . . description of any reimbursement or payment arrangements, including, but not limited to, capitation provisions, fee-for-service provisions, and health care delivery efficiency provisions, between a carrier and a provider . . . , and . . . Descriptions and justifications for provider compensation programs, including any incentives or penalties that are intended to encourage providers to withhold services or minimize or avoid referrals to specialists";

(7) The health carrier's system for ensuring the coordination and continuity of care for covered persons referred to specialty physicians, for covered persons using ancillary services, including social services and other community resources, and for ensuring appropriate discharge planning;

(8) The health carrier's proposed plan for providing continuity of care in the event of contract termination between the health carrier and any of its participating providers and facilities, or in the event of the health carrier's insolvency or other inability to continue operations. The description shall explain how covered persons will be notified of the contract termination, or the health carrier's insolvency or other cessation of operations, and transferred to other providers in a timely manner; and

(9) The health carrier's strategy for integrating public health goals with health services offered to covered persons under the managed care plans of the health carrier, including a description of the health carrier's good faith efforts to initiate or maintain communication with public health agencies.

NEW SECTION

WAC 284-43-300 Provider and facility contracts with health carriers—Generally. A health carrier offering a managed care plan shall satisfy all the requirements contained in this subchapter.

NEW SECTION

WAC 284-43-310 Participating provider and facility contracts—Hold harmless and continuity of health care.

(1) A health carrier shall establish a mechanism by which its participating providers and facilities can obtain timely information on patient eligibility for health care services and health plan benefits, including any limitations or conditions on services or benefits.

(2) Each participating provider and participating facility contract shall include the following provisions or variations approved by the commissioner:

(a) "{Name of Provider or facility} hereby agrees that in no event, including, but not limited to nonpayment by {Name of carrier}, {Name of carrier}'s insolvency or breach of this contract shall {Name of Provider or facility} bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against a covered person or person acting on their behalf, other than {Name of carrier}, for services provided pursuant to this contract. This provision shall not prohibit collection of {deductibles, copayments, co-insurance, and/or noncovered services}, which have not otherwise been paid by a primary or secondary carrier in accordance with regulatory standards for coordination of benefits, from covered persons in accordance with the terms of the covered person's health benefit plan."

(b) "{Name of Provider or facility} agrees, in the event of {Name of carrier}'s insolvency, to continue to provide the services promised in this contract to covered persons of {Name of carrier} for the duration of the period for which premiums on behalf of the covered person were paid to {Name of carrier} or until the covered person's discharge from inpatient facilities, whichever time is greater."

(c) "Notwithstanding any other provision of this contract, nothing in this contract shall be construed to modify the rights and benefits contained in the covered person's health plan."

(d) "{Name of Provider or facility} may not bill the covered person for covered services (except for deductibles, copayments or co-insurance) where {Name of carrier} denies payments because the provider or facility has failed to comply with the terms or conditions of this contract."

(e) "{Name of Provider or facility} further agrees (i) that the above provisions (a), (b), (c), and (d) of this subsection {or identifying citations appropriate to the contract form} shall survive termination of this contract regardless of the cause giving rise to termination and shall be construed to be for the benefit of {Name of carrier}'s covered persons, and (ii) that this provision supersedes any oral or written contrary agreement now existing or hereafter entered into between {Name of Provider or facility} and covered persons or persons acting on their behalf."

(f) "If {Name of Provider or facility} contracts with other providers or facilities who agree to provide covered services to covered persons of {Name of carrier} with the expectation of receiving payment directly or indirectly from {Name of carrier}, such providers or facilities must agree to abide by the above provisions (a), (b), (c), (d), and (e) of this subsection {or identifying citations appropriate to the contract form}."

(3) A health carrier shall inform participating providers and facilities that willfully collecting or attempting to collect an amount from a covered person knowing that collection to be in violation of the participating provider or facility contract constitutes a class C felony as provided under RCW 48.80.030(5).

NEW SECTION

WAC 284-43-320 Selection of participating providers—Credentialing and unfair discrimination. (1) Health carrier selection standards for participating providers and facilities shall be developed by the carrier for primary care providers and each health care provider or facility license or professional specialty. The standards shall be used in determining the selection of health care providers and facilities by the health carrier. The standards shall be consistent with any credentialing rules or standards established by the state department of health. Selection criteria shall not be established in a manner:

(a) That would allow a health carrier to avoid high-risk populations by excluding providers or facilities because they are located in geographic areas that contain populations or providers presenting a risk of higher than average claims, losses or health services utilization; or

(b) That would exclude providers or facilities because they treat or specialize in treating populations presenting a risk of higher than average claims, losses or health services utilization.

(2) The provisions of subsection (1)(a) and (b) of this section shall not be construed to prohibit a carrier from declining to select a provider or facility who fails to meet other legitimate selection criteria of the carrier.

(3) The provisions of this subchapter do not require a health carrier to employ, to contract with, or retain more providers or facilities than are necessary to maintain an adequate network.

(4) A health carrier shall make its selection standards for participating providers and facilities available for review by the commissioner.

NEW SECTION

WAC 284-43-330 Provider contracts—General standards. A health carrier is responsible for ensuring that its contracts with intermediaries, with networks, or other health care organizations will permit the carrier to meet the requirements of this chapter. The execution of a contract by a health carrier shall not relieve the health carrier of its liability to any covered person for the provision of health care services, nor of its responsibility for compliance with the law or applicable regulations. In addition to the contract form filing requirements of this subchapter, all provider and facility contracts shall be in writing and made available for review upon request by the commissioner.

(1) A health carrier shall notify participating providers and facilities of their responsibilities with respect to the health carrier's applicable administrative policies and programs, including but not limited to payment terms, utilization review, quality assessment and improvement programs, credentialing, grievance procedures, data reporting requirements, confidentiality requirements and any applicable federal or state requirements.

(2) A health carrier shall not offer an inducement to a participating provider or facility to provide less than medically necessary services to a covered person.

(3) The following provision is a restatement of a statutory requirement found at RCW 48.43.075:

(a) "No health carrier subject to the jurisdiction of the state of Washington may in any way preclude or discourage their providers from informing patients of the care they require, including various treatment options, and whether in their view such care is consistent with medical necessity, medical appropriateness, or otherwise covered by the patient's service agreement with the health carrier. No health carrier may prohibit, discourage, or penalize a provider otherwise practicing in compliance with the law from advocating on behalf of a patient with a health carrier. Nothing in this section shall be construed to authorize providers to bind health carriers to pay for any service."

(b) "No health carrier may preclude or discourage patients or those paying for their coverage from discussing the comparative merits of different health carriers with their providers. This prohibition specifically includes prohibiting or limiting providers participating in those discussions even if critical of a carrier."

(4) A health carrier shall require participating providers and facilities to make health records available to appropriate state and federal authorities involved in assessing the quality of care or investigating the grievances or complaints of covered persons subject to applicable state and federal laws related to the confidentiality of medical or health records.

(5) A health carrier and participating provider shall provide at least sixty days written notice to each other before terminating the contract without cause. The health carrier shall make a good faith effort to provide written notice of a termination within fifteen working days of receipt or issuance of a notice of termination to all covered persons who are patients seen on a regular basis by the provider whose contract is terminating, irrespective of whether the termination was for cause or without cause. Where a contract termination involves a primary care provider, that carrier shall make a good faith effort to notify all covered persons who are patients of that primary care provider.

(6) A health carrier is responsible for ensuring that participating providers and facilities furnish covered benefits to all covered persons without regard to the covered person's enrollment in the plan as a private purchaser of the plan or as a participant in publicly financed programs of health care services. This requirement does not apply to circumstances when the provider should not render services due to limitations arising from lack of training, experience, skill or licensing restrictions.

(7) A health carrier shall not penalize a provider because the provider, in good faith, reports to state or federal authorities any act or practice by the health carrier that jeopardizes patient health or welfare.

(8) The following provision is a restatement of a statutory requirement found at RCW 48.43.085: "Notwithstanding any other provision of law, no health carrier subject to the jurisdiction of the state of Washington may prohibit directly or indirectly its enrollees from freely contracting at any time to obtain any health care services outside the health care plan on any terms or conditions the enrollees choose. Nothing in this section shall be construed to bind a carrier for any services delivered outside the health plan."

(9) Every participating provider contract shall contain procedures for the fair resolution of disputes arising out of the contract.

NEW SECTION

WAC 284-43-340 Intermediary contracts. A contract between a health carrier and an intermediary shall satisfy all the requirements contained in this section.

(1) Intermediaries and participating providers and facilities with whom they contract shall comply with all the applicable requirements of this chapter.

(2) A health carrier's statutory responsibility to monitor the offering of covered benefits to covered persons shall not be delegated or assigned to the intermediary.

(3) A health carrier shall have the right to approve or disapprove participation status of a subcontracted provider in its own or a contracted network for the purpose of delivering covered benefits to the carrier's covered persons.

(4) A health carrier shall maintain copies of all intermediary health care subcontracts at its principal place of business in the state, or ensure that it has access to all intermediary subcontracts, including the right to make copies to facilitate regulatory review, upon twenty days prior written notice from the health carrier.

(5) If applicable, an intermediary shall transmit utilization documentation and claims paid documentation to the health carrier. The carrier shall monitor the timeliness and appropriateness of payments made to providers and health care services received by covered persons.

(6) If applicable, an intermediary shall maintain the books, records, financial information and documentation of services provided to covered persons at its principal place of business in the state and preserve them for five years in a manner that facilitates regulatory review.

(7) A carrier's contract with an intermediary shall allow the commissioner access to the intermediary's books, records, financial information and any documentation of services provided to covered persons, as necessary to determine carrier compliance with this chapter.

NEW SECTION

WAC 284-43-350 Participating provider and intermediary contracts—Filing and approval. (1) Beginning May 1, 1997, a health carrier shall file with the commissioner fifteen days prior to use, sample contract forms proposed for use with its participating providers, facilities, and intermediaries.

(2) A health carrier shall submit material changes to a contract that would affect a provision required by this chapter to the commissioner fifteen days prior to use. Changes in provider payment rates, coinsurance, copayments

or deductibles are not considered material changes for the purpose of this subsection.

(3)(a) If the commissioner takes no action within fifteen days after submission of a sample contract or a material change to a contract by a health carrier, the change or contract is deemed approved except that the commissioner may extend the approval period an additional fifteen days upon giving notice before the expiration of the initial fifteen-day period. Approval may be subsequently withdrawn for cause.

(b) Subject to the right of the carrier to demand and receive a hearing under chapters 48.04 and 34.05 RCW, the commissioner may disapprove such a contract form if it is in any respect in violation of Title 48 RCW or Title 284 WAC.

(4) The health carrier shall maintain provider, facility, and intermediary contracts at its principal place of business in the state, or the health carrier shall have access to all contracts and provide copies to facilitate regulatory review upon twenty days prior written notice from the commissioner.

(5) The commissioner will not act to arbitrate, mediate or settle disputes regarding a decision not to include a provider or facility in a managed care plan or in a provider network or regarding any other dispute between a health carrier, its intermediaries or a provider network arising under or by reason of a provider contract or its termination.

NEW SECTION

WAC 284-43-360 Effective date. (1) All participating provider, facility, and intermediary contracts entered into after the effective date of this subchapter shall comply with this subchapter no later than July 1, 1997.

(2) Participating provider, facility, and intermediary contracts entered into prior to the effective date of this subchapter shall be amended upon renewal to comply with the provisions of this subchapter, but in no event later than July 1, 1998. The commissioner may extend the July 1, 1998 deadline for an additional period not to exceed six months if the health carrier demonstrates good cause for an extension.

SUBCHAPTER D DISCLOSURE AND REPORTING

NEW SECTION

WAC 284-43-400 Prompt responses required. It is an unfair practice for an insurer, and a prohibited practice for a health care service contractor or a health maintenance organization, to fail to respond promptly to any inquiry from the insurance commissioner relative to the business of insurance. A lack of response within fifteen business days from receipt of an inquiry will be considered untimely. A response must be in writing, unless otherwise indicated in the inquiry.

NEW SECTION**WAC 284-43-410 Form for reporting number of persons entitled to services.**

REPORT OF NUMBER OF PERSONS ENTITLED TO HEALTH CARE SERVICES

Organization reporting:
For calendar year:.....

Health carriers shall set forth the number of covered persons who were entitled to health care services during each month of the year indicated above, excluding such persons who were not residents of this state:

January
February
March
April
May
June
July
August
September
October
November
December

Signed

Date

NEW SECTION**WAC 284-43-420 Grievance register and reporting.**

(1) Health carriers shall maintain a register that documents all grievances received during each calendar year. For reporting and recordkeeping requirements of this subchapter a first level review of an adverse determination under subchapter E shall not be considered a grievance. For each grievance, the register shall contain, at a minimum, the following information:

(a) A general description of the reason for the grievance;

(b) Date received;

(c) Date of each review or hearing;

(d) Resolution at each level of the grievance;

(e) Date of resolution at each level; and

(f) Name of the covered person for whom the grievance was filed.

(2) The register shall be maintained in a manner that is reasonably clear and accessible to the commissioner. Grievances shall be classified in the register according to the following classifications:

(a) Access to health care services:

(i) Delay in obtaining appointment;

(ii) Long waits at appointment time;

(iii) Delays in obtaining a referral to a provider or facility;

(iv) Difficulty in traveling to a plan designated provider or facility;

(v) Inability to obtain a referral to a provider; and

(vi) Inability to obtain a health care service;

(b) Coverage dispute:

(i) Denial of a claim or health care service;

(ii) Reduction in claim payment or health care service;

(iii) Dispute over medical necessity; and
(iv) Dispute over experimental or investigational health care services;

(c) Underwriting:

(i) Refusal to insure or sell coverage;

(ii) Cancellation of a plan;

(iii) Nonrenewal of a plan;

(iv) Premium or rate dispute;

(v) Delays in issuing coverage;

(vi) Exclusion, condition, or limitation dispute; and

(vii) Other coverage issuance, pricing, and renewal disputes;

(d) Marketing and sales:

(i) Advertising;

(ii) Agent or broker handling; and

(iii) Failure to offer statutorily required plans or coverage;

(e) Enrollee service:

(i) Failure to respond to enrollee request;

(ii) Delay in responding to enrollee request; and

(iii) Other customer service complaints;

(f) Miscellaneous - grievances that do not fit any of the above classifications.

(3) A health carrier shall retain the register compiled for each calendar year for the longer of three years or until the commissioner has adopted a final report of an examination that contains a review of the register for that calendar year.

(4) A health carrier shall submit an annual report to the commissioner. The report shall include, for each type of health plan offered by the health carrier, the certificate of compliance required by subchapter F of this chapter, the number of covered lives, the total number of grievances, the number of grievances referred to the second level grievance review, the number of grievances resolved at each level and their resolution, the number of grievances appealed to the commissioner of which the health carrier has been informed, the number of grievances referred to alternative dispute resolution procedures or resulting in litigation, and a synopsis of actions being taken to correct problems identified.

**SUBCHAPTER E
HEALTH SERVICE DELIVERY AND CLAIM
SETTLEMENT STANDARDS**

NEW SECTION

WAC 284-43-500 Purpose and intent. This subchapter establishes standards and criteria for the fair settlement of health plan claims and for the delivery of managed health care services. Health carriers are responsible for compliance with the provisions of this subchapter and are responsible for ensuring the compliance of any person or organization acting on behalf of or at the direction of the carrier, or pursuant to carrier standards or requirements governing the coverage of, payment for, or provision of health care services.

NEW SECTION

WAC 284-43-510 Definitions. For purposes of this subchapter:

(1) "Adverse determination" means a determination by a health carrier that an admission to a facility, availability of health care service, continued stay in a facility or continued

provision of a health care service has been reviewed and, based upon the information provided, does not meet the health carrier's requirements for necessity, appropriateness, health care setting, level of care or effectiveness, and the requested plan coverage, claim payment, or service is therefore denied, reduced or terminated.

(2) "Ambulatory review" means review of the necessity and appropriateness of health care services performed or provided in an outpatient setting.

(3) "Appeals procedure" means a formal process whereby a covered person, a representative of a covered person, facility or health care provider can contest an adverse determination rendered by the health carrier or its designee, which results in the denial, reduction or termination of a requested health care service.

(4) "Case management" means a coordinated set of activities conducted for individual patient management of serious, complicated, protracted or other health conditions.

(5) "Certification" means a determination by a health carrier that an admission to a facility, availability of health care service, continued stay in a facility or continued provision of a health care service has been reviewed and, based on the information provided, satisfies the health carrier's requirements for necessity, appropriateness, health care setting, level of care or effectiveness, and the requested plan coverage, claim payment, or service is therefore approved.

(6) "Clinical peer" means a provider who holds a nonrestricted license in a state of the United States and in the same or similar specialty as typically manages the health condition, procedure or treatment under review.

(7) "Clinical review criteria" means the written screening procedures, decision abstracts, clinical protocols and practice guidelines used by the health carrier to determine the necessity and appropriateness of health care services.

(8) "Concurrent review" means review of the necessity and appropriateness of health care services conducted during a patient's hospital stay or course of treatment.

(9) "Discharge planning" means the formal process for determining, prior to discharge from a facility, the coordination and management of the care that a patient receives following discharge from a facility.

(10) "Prospective review" means review of the necessity and appropriateness of health care services conducted prior to a covered person's admission to a facility or prior to a course of health care service or treatment.

(11) "Retrospective review" means review of the necessity and appropriateness of health care services that is conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding or administrative confirmation of services for claim payment.

(12) "Second opinion" means an opportunity or requirement to obtain a clinical evaluation by a provider other than the one originally making a recommendation for a proposed health care service to assess the necessity and appropriateness of the initial proposed health care service.

(13) "Stabilized" means, with respect to an emergency medical condition, that no material deterioration of the condition is likely, within reasonable medical probability, to result or occur before an individual can be transferred.

NEW SECTION

WAC 284-43-520 Standards for claim and service review. (1) Health carriers shall use documented clinical review criteria that are based on sound clinical evidence and are evaluated periodically to assure ongoing efficacy. A health carrier shall make available its clinical review criteria upon request to the commissioner and the Washington state department of health.

(2) Qualified providers shall administer and oversee health care service review decisions and shall ensure the consistent application of clinical review criteria. A clinical peer shall evaluate the necessity and appropriateness of health care services.

(3) A health carrier shall settle claims for benefits and services promptly and except for claims or health care services governed by the review provisions of this subchapter, the carrier shall advise the covered person of the acceptance or denial of the claim within fifteen days of properly executed claim forms. No carrier shall deny a claim without providing the covered person a written explanation of the actual reason for the denial setting forth any plan provision relied upon by the carrier in making the decision.

(4) A health carrier shall provide covered persons and participating providers with access to its review staff by a toll-free number or collect call phone line.

(5) When conducting a review, the health carrier shall collect only the information necessary to certify the admission, procedure or treatment, length of stay, frequency and duration of services.

(6) Health carrier compensation to persons providing services for the review of health care claims or services shall not contain incentives, direct or indirect, for these persons to make inappropriate review decisions. Compensation to any such persons may not be based, directly or indirectly, on the quantity or type of adverse determinations rendered.

NEW SECTION

WAC 284-43-530 Procedures for claim and service review decisions. (1) A health carrier shall maintain written procedures for making claim and service review decisions and for notifying covered persons and providers acting on behalf of covered persons of its decisions. For purposes of this section, "covered person" includes the representative of a covered person.

(2) For initial review determinations, a health carrier shall make the determination within two working days of obtaining all necessary information regarding a proposed admission, procedure or service requiring a review determination. For purposes of this section, "necessary information" includes the results of any face-to-face clinical evaluation or second opinion that may be required.

(a) In the case of a determination to certify an admission to a facility or a health care service, the carrier shall notify the provider rendering the service by telephone within twenty-four hours of making the initial certification; and shall provide written or electronic confirmation of the telephone notification to the covered person and the provider within two working days of making the initial certification.

(b) In the case of an adverse determination, the carrier shall notify the provider rendering the service by telephone

within twenty-four hours of making the adverse determination; and shall provide written or electronic confirmation of the telephone notification to the covered person and the provider within one working day of making the adverse determination.

(3) For concurrent review determinations, a health carrier shall make the determination within one working day of obtaining all necessary information.

(a) In the case of a determination to certify an extended stay in a facility or additional health care services, the carrier shall notify by telephone the provider rendering the service within one working day of making the certification; and shall provide written or electronic confirmation to the covered person and the provider within one working day after the telephone notification. The written notification shall include the number of extended days or next review date, the new total number of days or services approved, and the date of admission or initiation of services.

(b) In the case of an adverse determination, the carrier shall notify by telephone the provider rendering the service within twenty-four hours of making the adverse determination; and shall provide written or electronic notification to the covered person and the provider within one working day of the telephone notification. The service shall be continued without liability to the covered person until the covered person has been notified of the determination.

(4) For retrospective review determinations, a health carrier shall make the determination within thirty working days of receiving all necessary information.

(a) In the case of a certification, the carrier may notify in writing the covered person and the provider rendering the service.

(b) In the case of an adverse determination, the carrier shall notify in writing the provider rendering the service and the covered person within five working days of making the adverse determination.

(5) A written notification of an adverse determination shall include the actual reasons for the determination, the instructions for initiating an appeal or reconsideration of the determination, and the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination. A health carrier shall provide the clinical rationale in writing for an adverse determination, including the clinical review criteria used to make that determination, to any party who received notice of the adverse determination and who follows the procedures for a request.

(6) A health carrier shall have written procedures to address the failure or inability of a provider or a covered person to provide all necessary information for review. In cases where the provider or a covered person will not release necessary information, the health carrier may deny certification.

NEW SECTION

WAC 284-43-540 Requests for reconsideration. (1) In a case involving an initial determination or a concurrent review determination, a health carrier shall give the provider rendering the service an opportunity to request on behalf of the covered person a reconsideration of an adverse determination by the reviewer making the adverse determination.

(2) The reconsideration shall occur within one working day of the receipt of the request and shall be conducted between the provider rendering the service and the reviewer who made the adverse determination or a clinical peer designated by the reviewer if the reviewer who made the adverse determination cannot be available within one working day.

(3) If the reconsideration process does not resolve the difference of opinion, the adverse determination may be appealed by the covered person or the provider on behalf of the covered person. Reconsideration is not a prerequisite to a standard appeal or an expedited appeal of an adverse determination.

NEW SECTION

WAC 284-43-550 Appeals of adverse determinations.

For purposes of this section, "covered person" includes the representative of a covered person.

(1) Standard appeals:

(a) A health carrier shall establish written procedures for a standard appeal of an adverse determination. Appeal procedures shall be available to the covered person and to the provider acting on behalf of the covered person.

(b) Appeals shall be evaluated by an appropriate clinical peer or peers in the same or similar specialty as would typically manage the case being reviewed. The clinical peer shall not have been involved in the initial adverse determination.

(c) For standard appeals the health carrier shall notify in writing both the covered person and the attending or ordering provider of the decision within twenty working days following the request for an appeal. The written decision shall contain:

(i) The names, titles and qualifying credentials of the person or persons evaluating the appeal (the reviewers);

(ii) A statement of the reviewers' understanding of the reason for the covered person's request for an appeal;

(iii) The reviewers' decision in clear terms and the medical rationale in sufficient detail for the covered person to respond further to the health carrier's position;

(iv) A reference to the evidence or documentation used as the basis for the decision, including the clinical review criteria used to make the determination, and instructions for requesting the clinical review criteria.

(v) A description of the process for submitting a grievance in writing requesting a further review of the case.

(d) In any case where the standard review process does not resolve a difference of opinion between the health carrier and the covered person or the provider acting on behalf of the covered person, the covered person or the provider acting on behalf of the covered person may submit a written grievance, unless the provider is prohibited from filing a grievance by federal or other state law.

(2) Expedited appeals: A health carrier shall establish written procedures for the expedited review of an adverse determination involving a situation where the time frame of the standard review procedures set forth in (a) of this subsection would seriously jeopardize the life or health of a covered person or would jeopardize the covered person's ability to regain maximum function. An expedited appeal shall be available to, and may be initiated by, the covered

person or the provider acting on behalf of the covered person.

(a) Expedited appeals shall be evaluated by an appropriate clinical peer or peers in the same or similar specialty as would typically manage the case under review. The clinical peer or peers shall not have been involved in the initial adverse determination.

(b) A health carrier shall provide expedited review to all requests concerning an admission, availability of care, continued stay or health care service for a covered person who has received emergency services but has not been discharged from a facility.

(c) In an expedited review, all necessary information, including the health carrier's decision, shall be transmitted between the health carrier and the covered person or the provider acting on behalf of the covered person by telephone, facsimile or the most expeditious method available.

(d) In an expedited review, a health carrier shall make a decision and notify the covered person or the provider acting on behalf of the covered person as expeditiously as the covered person's medical condition requires, but in no event more than seventy-two hours after the review is commenced. If the expedited review is a concurrent review determination, the service shall be continued without liability to the covered person until the covered person has been notified of the determination.

(e) A health carrier shall provide written confirmation of its decision concerning an expedited review within two working days of providing notification of that decision, if the initial notification was not in writing. The written decision shall contain the provisions specified in subsection (1)(c) of this section.

(f) A health carrier shall provide reasonable access, not to exceed one business day after receiving a request for an expedited review, to a clinical peer who can perform the expedited review.

(g) In any case where the expedited review process does not resolve a difference of opinion between the health carrier and the covered person or the provider acting on behalf of the covered person, the covered person may submit a written grievance or the provider acting on behalf of the covered person may submit a written grievance unless the provider is prohibited from filing a grievance by federal or other state law.

(h) A health carrier shall not provide an expedited review for retrospective adverse determinations.

NEW SECTION

WAC 284-43-560 Emergency services. When conducting a review of the necessity and appropriateness of emergency services or making a benefit determination for emergency services:

(1) A health carrier shall cover emergency services necessary to screen and stabilize a covered person and shall not require prior authorization of such services if a prudent layperson acting reasonably would have believed that an emergency medical condition existed. With respect to care obtained from a provider or facility plan network, a health carrier shall cover emergency services necessary to screen and stabilize a covered person and shall not require prior authorization of the services if a prudent layperson would

have reasonably believed that use of a network provider or facility would result in a delay that would worsen the emergency, or if a provision of federal, state or local law requires the use of a specific provider or facility.

(2) A health carrier shall cover emergency services if the health carrier, acting through a participating provider or other authorized representative, has authorized the provision of emergency services.

(3) If a participating provider or other authorized representative of a health carrier authorizes emergency services, the health carrier shall not subsequently retract its authorization after the emergency services have been provided, or reduce payment for an item or service furnished in reliance on approval, unless the approval was based on a material misrepresentation about the covered person's health condition made by the provider of emergency services.

(4) Coverage of emergency services may be subject to applicable copayments, coinsurance and deductibles.

(5) For immediately required post-evaluation or post-stabilization services, a health carrier shall provide access to an authorized representative twenty-four hours a day, seven days a week, to facilitate review.

SUBCHAPTER F DISPUTE RESOLUTION AND GRIEVANCE PROCEDURES

NEW SECTION

WAC 284-43-600 Purpose. The purpose of this section is to establish uniform standards for health carrier procedures for dispute resolution and grievance procedures. These procedures apply to disputes and grievances of consumers and health care professionals.

NEW SECTION

WAC 284-43-610 Definitions. For purposes of this subchapter:

(1) "Adverse determination" means a determination by a health carrier that an admission to a facility, availability of health care service, continued stay in a facility or continued provision of a health care service has been reviewed and, based upon the information provided, does not meet the health carrier's requirements for necessity, appropriateness, health care setting, level of care or effectiveness, and the requested plan coverage, claim payment, or service is therefore denied, reduced or terminated.

(2) "Ambulatory review" means review of the necessity and appropriateness of health care services performed or provided in an outpatient setting.

(3) "Appeals procedure" means a formal process whereby a covered person, a representative of a covered person, facility or health care provider can contest an adverse determination rendered by the health carrier or its designee utilization review organization, which results in the denial, reduction or termination of a requested health care service.

(4) "Case management" means a coordinated set of activities conducted for individual patient management of serious, complicated, protracted or other health conditions.

(5) "Certification" means a determination by a health carrier that an admission to a facility, availability of health

care service, continued stay in a facility or continued provision of a health care service has been reviewed and, based on the information provided, satisfies the health carrier's requirements for necessity, appropriateness, health care setting, level of care or effectiveness, and the requested plan coverage, claim payment, or service is therefore approved.

(6) "Clinical peer" means a provider who holds a nonrestricted license in a state of the United States and in the same or similar specialty as typically manages the health condition, procedure or treatment under review.

(7) "Clinical review criteria" means the written screening procedures, decision abstracts, clinical protocols and practice guidelines used by the health carrier to determine the necessity and appropriateness of health care services.

(8) "Concurrent review" means review of the necessity and appropriateness of health care services conducted during a patient's hospital stay or course of treatment.

(9) "Discharge planning" means the formal process for determining, prior to discharge from a facility, the coordination and management of the care that a patient receives following discharge from a facility.

(10) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding the:

(a) Availability, delivery or quality of health care services, including a complaint regarding an adverse determination;

(b) Claims payment, handling or reimbursement for health care services; or

(c) Matters pertaining to the contractual relationship between a covered person and a health carrier.

(11) "Prospective review" means review of the necessity and appropriateness of health care services conducted prior to a covered person's admission to a facility or prior to a course of health care service or treatment.

(12) "Retrospective review" means review of the necessity and appropriateness of health care services that is conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding or administrative confirmation of services for claim payment.

(13) "Second opinion" means an opportunity or requirement to obtain a clinical evaluation by a provider other than the one originally making a recommendation for a proposed health care service to assess the necessity and appropriateness of the initial proposed health care service.

(14) "Stabilized" means, with respect to an emergency medical condition, that no material deterioration of the condition is likely, within reasonable medical probability, to result or occur before an individual can be transferred.

NEW SECTION

WAC 284-43-620 Grievance register. Health carriers shall maintain a register that documents all grievances received during each calendar year in accordance with subchapter D of this chapter.

NEW SECTION

WAC 284-43-630 Grievance procedures. (1) Health carriers shall use written procedures for receiving and resolving grievances from covered persons.

(2) A copy of the grievance procedures, including all forms used to process a grievance, shall be filed with the commissioner. Any subsequent material modifications to the documents also shall be filed.

(3) Health carriers shall file annually with the commissioner, as part of the annual grievance report specified in subchapter D of this chapter, a certificate of compliance stating that the health carrier has established and maintains, for each of its health plans, grievance procedures that fully comply with the provisions of this chapter.

(4) A description of the grievance procedure shall be set forth in or attached to the policy, certificate, membership booklet, outline of coverage or other evidence of coverage provided to covered persons.

The grievance procedure documents shall include a statement of a covered person's right to contact the commissioner's office for assistance at any time. The statement shall include the toll-free telephone number and address of the commissioner.

NEW SECTION

WAC 284-43-640 First level grievance review. (1) A grievance may be submitted by a covered person, a covered person's representative or a provider acting on behalf of a covered person, except that a provider may not submit a grievance involving an adverse determination on behalf of a covered person in a situation where federal or other state law prohibits a provider from taking that action. Appeals of adverse determinations shall be conducted in accordance with subchapter E of this chapter. A health carrier shall issue a copy of the written decision to a provider who submits a grievance on behalf of a covered person.

(2)(a) A health carrier shall issue a written decision to the covered person or the covered person's representative within twenty working days after receiving a grievance. The person or persons reviewing the grievance shall not be the same person or persons who made the initial determination denying a claim or handling the matter that is the subject of the grievance. If the health carrier cannot make a decision within twenty working days due to circumstances beyond the carrier's control, the health carrier may take up to an additional ten working days to issue a written decision if the health carrier provides written notice to the covered person of the extension and the reasons for the delay on or before the twentieth working day after receiving a grievance.

(b) A covered person does not have the right to attend, or to have a representative in attendance, at the first level grievance review. A covered person is entitled to submit written material. The health carrier shall provide the covered person the name, address and telephone number of a person designated to coordinate the grievance review on behalf of the health carrier. The health carrier shall make these rights known to the covered person within three working days of receiving a grievance.

(3) The written decision issued pursuant to the first level grievance shall contain:

(a) The names, titles and qualifying credentials of the person or persons participating in the first level grievance review process (the reviewers);

(b) A statement of the reviewers' understanding of the covered person's grievance;

(c) The reviewers' decision in clear terms and the contract basis or medical rationale in sufficient detail for the covered person to respond further to the health carrier's position;

(d) A reference to the evidence or documentation used as the basis for the decision;

(e) If applicable, a statement indicating:

(i) A description of the process to obtain a second level grievance review of a decision; and

(ii) The written procedures governing a second level review, including any required time frame for review;

(f) Notice of the covered person's right to contact the commissioner's office. The notice shall contain the toll-free telephone number and address of the commissioner's office.

NEW SECTION

WAC 284-43-650 Second level grievance review. (1)

A health carrier that offers managed care plans shall establish a second level grievance review process for its managed care plans other than its fee-for-service plans, to give those covered persons who are dissatisfied with the first level grievance review decision the option to request a second level review, at which the covered person has the right to appear in person before authorized representatives of the health carrier. A health carrier required by this section to establish a second level grievance review process shall provide covered persons with adequate notice of that option. A grievance concerning an adverse determination that has already received a standard review pursuant to a carrier's claim and service review procedures shall automatically be reviewed as a second level grievance of a managed care plan.

(2)(a) With respect to a second level review of a grievance concerning an adverse determination, a health carrier shall appoint a second level grievance review panel for each grievance. The panel shall be comprised of persons who were not previously involved in the grievance. However, a person who was previously involved with the grievance may appear before the panel to present information or answer questions. The panel shall have the legal authority to bind the health carrier to the panel's decision.

(b) A health carrier shall ensure that a majority of the persons reviewing a grievance involving an adverse determination are providers who have appropriate expertise. A health carrier shall issue a copy of the written decision to a provider who submits a grievance on behalf of a covered person. In cases where there has been a denial of service, the reviewing provider shall not be a provider in the covered person's health plan and shall not have a financial interest in the outcome of the review.

(c) With respect to a second level review of all grievances except a grievance concerning an adverse determination, a health carrier shall appoint a second level grievance review panel for each grievance. A majority of the panel shall be comprised of employees or representatives of the health carrier who were not previously involved in the

grievance. However, an employee or representative of the health carrier who was previously involved with the grievance may appear before the panel to present information or answer questions. The panel shall have the legal authority to bind the health carrier to the panel's decision.

(3) Whenever a covered person has requested the opportunity to appear in person before authorized representatives of the health carrier, a health carrier's procedures for conducting a second level panel review shall include the following:

(a) The review panel shall schedule and hold a review meeting within thirty days of receiving a request from a covered person for a second level review. The review meeting shall be held at a time and location reasonably accessible to the covered person. In cases where a face-to-face meeting is not practical for geographic reasons, a health carrier shall offer the covered person the opportunity to communicate with the review panel, at the health carrier's expense, by conference call, video conferencing, or other appropriate technology. The covered person shall be notified in writing at least fifteen working days in advance of the review date. The health carrier shall not unreasonably deny a request for postponement of the review made by a covered person.

(b) Upon the request of a covered person, a health carrier shall provide to the covered person all relevant information that is not confidential or privileged.

(c) A covered person has the right to:

(i) Attend the second level review;

(ii) Present his or her case to the review panel;

(iii) Submit supporting material both before and at the review meeting;

(iv) Ask questions of any representative of the health carrier; and

(v) Be assisted or represented by a person of his or her choice.

(d) The notice shall advise the covered person of the rights specified in (c) of this subsection.

(e) If the health carrier desires to have an attorney present to represent the interests of the health carrier, it shall notify the covered person at least fifteen working days in advance of the review that an attorney will be present and that the covered person may wish to obtain legal representation of his or her own.

(f) The covered person's right to a fair review shall not be made conditional on the covered person's appearance at the review.

(g) The review panel shall issue a written decision to the covered person within five working days of completing the review meeting. The decision shall include:

(i) The names and titles of the members of the review panel;

(ii) A statement of the review panel's understanding of the nature of the grievance and all pertinent facts;

(iii) The rationale for the review panel's decision;

(iv) Reference to evidence or documentation considered by the review panel in making that decision;

(v) In cases involving an adverse determination, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; and

(vi) Notice of the covered person's right to contact the commissioner's office. The notice shall contain the toll-free telephone number and address of the commissioner's office.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-44-410 Form for reporting number of persons entitled to services.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-44-240 Participating provider contracts.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-46-575 Participating provider contracts.

WSR 96-20-120
PROPOSED RULES
FOREST PRACTICES BOARD

[Filed October 2, 1996, 11:28 a.m.]

Supplemental Notice to WSR 94-17-156, 95-04-073, 95-14-028, 95-24-093, 96-04-076, 96-05-090, 96-09-099, and 96-13-004.

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

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

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

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

Statute Being Implemented: Chapter 76.09 RCW.

Summary: Alternative 1 - Occupied Stand Approach: Amends WAC 222-16-010 and 222-16-080.

Alternative 2 - Marbled Murrelet Watershed Administrative Unit Approach: Amends WAC 222-16-010 and 222-16-080.

Alternative 3 - MM Detection Area Approach with Safe Harbor: Amends WAC 222-12-090, 222-16-010, 222-16-080, 222-24-030, 222-30-050, 222-30-060, 222-30-065, 222-30-070 and 222-30-100; and new section WAC 222-16-081.

Alternative 3 - MM Detection Area Approach without Safe Harbor: Amends WAC 222-12-090, 222-16-010, 222-16-080, 222-24-030, 222-30-050, 222-30-060, 222-30-065, 222-30-070 and 222-30-100; and new section WAC 222-16-081.

Reasons Supporting Proposal: This rule was originally proposed and published in the same notices as the proposed rules for the northern spotted owl. The Forest Practices Board adopted the owl rules on May 22, 1996, but continued the marbled murrelet portions of the proposal. A Forest

Practices Board committee has reviewed the original proposal in light of new information that has become available. At a special meeting on September 13, 1996, the board accepted two additional alternatives and directed that four alternatives be filed as a supplemental notice.

Name of Agency Personnel Responsible for Drafting: Judith Holter, 1111 Washington Street S.E., Olympia, WA 98504-7012, (360) 902-1412; Implementation and Enforcement: John Edwards, 1111 Washington Street S.E., Olympia, WA 98504-7012, (360) 902-1730.

Name of Proponent: Forest Practices Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These proposed rules identify critical wildlife habitat (state) for a threatened species, the marbled murrelet. Any applications for forest practices within such habitat are classed as Class IV-Special and require additional environmental review in order to identify the potential for substantial material damage to public resources. The proposal's purpose is to identify and classify as Class IV-Special all forest practices that have the potential for a substantial adverse impact on the environment because of impacts on marbled murrelets.

Two alternatives were originally proposed for the marbled murrelet: (1) The occupied stand approach; and (2) the marbled murrelet watershed administrative unit approach. This supplemental notice adds two more alternatives: (3) The marbled murrelet detection area approach with safe harbor, and (4) the marbled murrelet detection area approach without safe harbor. All four approaches identify critical wildlife habitat (state).

The Forest Practices Board is soliciting public comments on these alternatives. A final environmental impact statement on the first two alternatives was published in May 1996. A draft supplemental EIS is being prepared on alternatives three and four. Copies of environmental documents can be obtained by contacting the Forest Practices Board secretary at the address listed below.

Proposal Changes the Following Existing Rules: Changes to existing rules include:

For the marbled murrelet, each alternative:

- * includes new definitions
- * identifies critical wildlife habitat (state).

Alternatives three and four include a new section on a cooperative marbled murrelet survey program, as well as criteria for avoiding disturbance to occupied marbled murrelet sites during the critical nesting season.

A small business economic impact statement has been prepared under chapter 19.85 RCW. The small business economic impact statement was filed as WSR 95-24-096 and published in issue 96-01.

A copy of the statement may be obtained by writing to Forest Practices Board Recording Secretary, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, or FAX (360) 902-1784.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. A statement of proposed rule making under RCW 34.05.320 for this rule making was filed prior to July 23, 1995. See WSR 94-17-156.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on February 11, 1997, at 3 p.m.

Assistance for Persons with Disabilities: Contact Forest Practices Board Recording Secretary by February 1, 1997, TDD (360) 902-1431, or (360) 902-1413.

Submit Written Comments to: Judith Holter, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, FAX (360) 902-1784, by February 14, 1997.

Date of Intended Adoption: May 14, 1997.

September 30, 1996

Jennifer M. Belcher

Commissioner of Public Lands

**FOREST PRACTICES BOARD
PROPOSED MARBLED MURRELET RULES
OCCUPIED STAND APPROACH**

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-16-010 General definitions.* Unless otherwise required by context, as used in these regulations:

"Act" means the Forest Practices Act, chapter 76.09 RCW.

"Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"Appeals board" means the forest practices appeals board established in the act.

"Area of resource sensitivity" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"Board" means the forest practices board established by the act.

"Bog" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on

the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"Constructed wetlands" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"Cooperative spotted owl habitat enhancement agreement (CHEA)" see WAC 222-16-100(2).

"Critical habitat (federal)" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

"Critical nesting season" means for marbled murrelets - April 1 to August 15.

"Critical wildlife habitat (state)" means those habitats designated by the board in accordance with WAC 222-16-080.

"Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Cumulative effects" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"Daily peak activity" means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities

which would reasonably be expected to cause significant damage to a public resource.

"Demographic support" means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

"Department" means the department of natural resources.

"Dispersal habitat" see WAC 222-16-085(2).

"Dispersal support" means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

"Eastern Washington" means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Fen" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hard-stem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermedi-

ate or final harvesting, salvage of trees, brush control, or fertilization.

"Flood level - 50 year." For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"Forest trees" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"Green recruitment trees" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"Historic site" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"Identified watershed processes" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

- Mass wasting;
- Surface and road erosion;
- Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);
- Large organic debris;
- Shading; and
- Stream bank and bed stability.

"Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"Islands" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

"Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"Local government entity" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"Low impact harvest" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"Median home range circle" means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

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

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

"Northern spotted owl site center" means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means a contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occurs:

- A nest is located; or
- Downy chicks or eggs or egg shells are found; or
- Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
- Birds calling from a stationary location within the area; or
- Birds circling above the canopy; or
- A contiguous forested area which is not suitable marbled murrelet habitat in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

The outer perimeter of the occupied site shall be presumed to be the beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat." For sites defined above, it shall be the beginning of any gap greater than 300 feet wide where one or more of the distinguishing vegetative characteristics important to murrelets is lacking.

The department shall rely upon the department of fish and wildlife for the determination of location of these occupied marbled murrelet sites.

"Old forest habitat" see WAC 222-16-085 (1)(a).

"Operator" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.
For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site preparation" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"SOSEA goals" means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"Spotted owl dispersal habitat" see WAC 222-16-085(2).

"Spotted owl special emphasis areas (SOSEA)" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Sub-mature habitat" see WAC 222-16-085 (1)(b).

"Suitable marbled murrelet habitat" means a contiguous forested area with all of the following characteristics:

- Within 40 miles of marine waters;
- Containing at least eight trees per acre equal to or greater than 32 inches dbh;
- At least 40% of the trees equal to or greater than 32 inches are Douglas-fir, western hemlock, western red cedar or sitka spruce; and
- Containing at least two nesting platforms per acre. Nesting platforms shall include any horizontal limb, tree structure, or deformity equal to or greater than seven inches in diameter and 50 feet or more in height above the ground.

"Suitable spotted owl habitat" see WAC 222-16-085(1).

"Threatened or endangered species" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington wildlife commission.

"Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"Watershed administrative unit (WAU)" means an area shown on the map specified in WAC 222-22-020(1).

"Watershed analysis" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

"Western Washington" means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"Wetland functions" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"Wetland management zone" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

PROPOSED

"**Wildlife reserve trees**" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"**Windthrow**" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"**Young forest marginal habitat**" see WAC 222-16-085 (1)(b).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species. (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of wildlife.

(h) Northern spotted owl - the following shall apply through June 30, 1996: Harvesting, road construction, or aerial application of pesticides on the most suitable 500 acres of nesting, roosting, and foraging habitat surrounding the northern spotted owl site center. The most suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife, tribes, and others with applicable expertise. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable 500 acres of habitat.

Beginning July 1, 1996, the following shall apply for the northern spotted owl:

(i) **Within a SOSEA boundary** (see maps in WAC 222-16-086), except as indicated in (h)(ii) of this subsection, harvesting, road construction, or aerial application of pesticides on suitable spotted owl habitat within a median home range circle that is centered within the SOSEA or on adjacent federal lands.

(ii) **Within the Entiat SOSEA**, harvesting, road construction, or aerial application of pesticides within the areas indicated for demographic support (see WAC 222-16-086(2)) on suitable spotted owl habitat located within a median home range circle that is centered within the demographic support area.

(iii) **Outside of a SOSEA**, harvesting, road construction, or aerial application of pesticides, between March 1 and August 31 on the seventy acres of highest quality suitable spotted owl habitat surrounding a northern spotted owl site center located outside a SOSEA. The highest quality suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife. Consideration shall be given to habitat quality, proximity to the activity center and contiguity.

(iv) **Small parcel northern spotted owl exemption.** Forest practices proposed on the lands owned or controlled by a landowner whose forest land ownership within the SOSEA is less than or equal to 500 acres and where the forest practice is not within 0.7 mile of a northern spotted owl site center shall not be considered to be on lands designated as critical wildlife habitat (state) for northern spotted owls.

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within

0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet.

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Operation of heavy equipment, during the critical nesting season, within an occupied marbled murrelet site.

(iii) Use of aircraft below 1,300 feet above ground level, during the critical nesting season, over an occupied marbled murrelet site or the required managed buffer zone adjacent to that site.

(iv) Harvesting within a 300 foot wide managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stem stand density of 75 trees per acre greater than 6 inches dbh; provided that 25 of which shall be greater than 12 inches dbh including five trees greater than 20 inches dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to a maximum of 400 feet as long as an average of 300 feet is maintained.

(v) Blasting and slash burning, during the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(vi) Harvesting, road construction, operation of heavy equipment, timber hauling, or use of aircraft below 1,300 feet above ground level, during the daily peak activity periods within the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(vii) Marbled murrelet critical wildlife habitat (state) shall not include habitat where a current marbled murrelet survey has been conducted and no use of the suitable marbled murrelet habitat by a bird has been detected. Surveys shall be conducted utilizing a survey protocol which is acceptable to the department of fish and wildlife.

(viii) Site status determination and completion of marbled murrelet surveys shall not be a landowner responsibility.

(ix) This rule is intended to be interim and shall be changed as necessary, such as upon completion of a state or federal recovery plan for the marbled murrelet or significant new information.

(2) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

None listed.

(3) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington fish and wildlife commission and/or the United States Secretary of the Interior, the department shall after consultation with the department of fish and wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on

habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(4) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of fish and wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (2) of this section. See WAC 222-16-050 (1)(b)(ii).

(5)(a) Except for bald eagles under subsection (1)(a) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington fish and wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of fish and wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(6) Regardless of any other provision in this section, forest practices applications shall not be classified as Class IV-Special based on critical wildlife habitat (state) (WAC 222-16-080(1)) or critical habitat (federal) (WAC 222-16-050 (1)(b)(ii)) for a species if the forest practices are consistent with one of the following proposed for protection of the species:

(a) A habitat conservation plan and permit or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. §1536 (b) or 1539 (a); an "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or a "no-take letter" or other cooperative or conservation agreement entered into with a federal or state fish and wildlife

agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species and that is subject to review under the National Environmental Protection Act, 42 U.S.C. §4321 et seq., or the State Environmental Policy Act, chapter 43.21C RCW, as applicable;

(b) A rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d);

(c) A special wildlife management plan (SWMP) developed by the landowner and approved by the department in consultation with the department of fish and wildlife;

(d) A bald eagle management plan approved under WAC 232-12-292;

(e) A landowner option plan (LOP) for northern spotted owls developed pursuant to WAC 222-16-100(1); or

(f) A cooperative spotted owl habitat enhancement agreement (CHEA) developed pursuant to WAC 222-16-100(2).

In those situations where one of the options above has been used, forest practices applications may still be classified as Class IV-Special based upon the presence of one or more of the factors listed in WAC 222-16-050(1), other than critical wildlife habitat (state) or critical habitat (federal) for the species covered by the existing plan.

(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, the department shall recommend to the board the suspension, deletion, modification or reestablishment of the applicable SOSEA from the rules. The department shall conduct a review for a particular SOSEA upon approval of a landowner option plan, a petition from a landowner in the SOSEA, or under its own initiative.

(8) The department, in consultation with the department of fish and wildlife, shall report annually to the board on the status of the northern spotted owl to determine whether circumstances exist that substantially interfere with meeting the goals of the SOSEAs.

**FOREST PRACTICES BOARD
PROPOSED MRBLED MURRELET RULES
MM-WATERSHED ADMINISTRATIVE
UNIT APPROACH**

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-16-010 General definitions.* Unless otherwise required by context, as used in these regulations:

"**Act**" means the Forest Practices Act, chapter 76.09 RCW.

"**Affected Indian tribe**" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"**Appeals board**" means the forest practices appeals board established in the act.

"**Area of resource sensitivity**" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"**Board**" means the forest practices board established by the act.

"**Bog**" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"**Borrow pit**" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"**Chemicals**" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"**Clearcut**" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"**Commercial tree species**" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"**Completion of harvest**" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"**Constructed wetlands**" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"**Contamination**" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"**Conversion option harvest plan**" means a voluntary plan developed by the landowner and approved by the local

government entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"Cooperative spotted owl habitat enhancement agreement (CHEA)" see WAC 222-16-100(2).

"Critical habitat (federal)" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

"Critical nesting season" means for marbled murrelets - April 1 to August 15.

"Critical wildlife habitat (state)" means those habitats designated by the board in accordance with WAC 222-16-080.

"Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Cumulative effects" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"Daily peak activity" means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"Demographic support" means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

"Department" means the department of natural resources.

"Dispersal habitat" see WAC 222-16-085(2).

"Dispersal support" means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

"Eastern Washington" means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Fen" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hard-stem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

"Flood level - 50 year." For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"Forest trees" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"Green recruitment trees" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"Historic site" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"Identified watershed processes" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

Mass wasting;

Surface and road erosion;

Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);

Large organic debris;

Shading; and

Stream bank and bed stability.

"Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"Islands" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

"Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"Local government entity" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"Low impact harvest" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"Marbled murrelet - watershed administrative units (MM-WAU)" means those watershed administrative units containing an occupied marbled murrelet site or in which a marbled murrelet has been detected and documented by the department of fish and wildlife.

"Median home range circle" means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

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

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

"Northern spotted owl site center" means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods estab-

lished by and available from the department of fish and wildlife.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means a stand of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occurs:

- Stands where a nest is located; or
- Stands where downy chicks or eggs or egg shells are found; or
- Stands where marbled murrelets are detected flying below, through, into or out of the forest canopy within or adjacent to a stand; or
- Birds calling from a stationary location within the stand; or
- Birds circling above the canopy.

The department shall rely upon the department of fish and wildlife for the determination of location of these occupied marbled murrelet sites.

"Old forest habitat" see WAC 222-16-085 (1)(a).

"Operator" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site preparation" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"SOSEA goals" means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"Spotted owl dispersal habitat" see WAC 222-16-085(2).

"Spotted owl special emphasis areas (SOSEA)" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Sub-mature habitat" see WAC 222-16-085 (1)(b).

"Suitable marbled murrelet habitat" means timber stands with all of the following characteristics:

- Within 40 miles of marine waters;
- Containing at least eight trees per acre equal to or greater than 32 inches dbh;
- At least 40% of the trees equal to or greater than 32 inches are Douglas-fir, western hemlock, western red cedar or sitka spruce;
- Containing at least two nesting platforms per acre. Nesting platforms shall include any horizontal limb, tree structure, or deformity equal to or greater than seven inches in diameter and 50 feet or more in height above the ground;
- At least (5) (10) (25) acres in size; or
- Any stand identified as an occupied marbled murrelet site documented by the department of fish and wildlife.

"Suitable spotted owl habitat" see WAC 222-16-085(1).

"Threatened or endangered species" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington wildlife commission.

"Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"Watershed administrative unit (WAU)" means an area shown on the map specified in WAC 222-22-020(1).

"Watershed analysis" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

"Western Washington" means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and

duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"**Wetland functions**" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"**Wetland management zone**" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"**Wildlife**" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"**Wildlife reserve trees**" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"**Windthrow**" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"**Young forest marginal habitat**" see WAC 222-16-085 (1)(b).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species. (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of wildlife.

(h) Northern spotted owl - the following shall apply through June 30, 1996: Harvesting, road construction, or aerial application of pesticides on the most suitable 500 acres of nesting, roosting, and foraging habitat surrounding the northern spotted owl site center. The most suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife, tribes, and others with applicable expertise. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable 500 acres of habitat.

Beginning July 1, 1996, the following shall apply for the northern spotted owl:

(i) **Within a SOSEA boundary** (see maps in WAC 222-16-086), except as indicated in (h)(ii) of this subsection, harvesting, road construction, or aerial application of pesticides on suitable spotted owl habitat within a median home range circle that is centered within the SOSEA or on adjacent federal lands.

(ii) **Within the Entiat SOSEA**, harvesting, road construction, or aerial application of pesticides within the areas indicated for demographic support (see WAC 222-16-086(2)) on suitable spotted owl habitat located within a median home range circle that is centered within the demographic support area.

(iii) **Outside of a SOSEA**, harvesting, road construction, or aerial application of pesticides, between March 1 and August 31 on the seventy acres of highest quality suitable spotted owl habitat surrounding a northern spotted owl site center located outside a SOSEA. The highest quality suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife. Consideration shall be given to habitat quality, proximity to the activity center and contiguity.

(iv) **Small parcel northern spotted owl exemption.** Forest practices proposed on the lands owned or controlled by a landowner whose forest land ownership within the SOSEA is less than or equal to 500 acres and where the forest practice is not within 0.7 mile of a northern spotted owl site center shall not be considered to be on lands designated as critical wildlife habitat (state) for northern spotted owls.

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet.

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction in suitable marbled murrelet habitat within a MM-WAU, provided that, marbled murrelet critical wildlife habitat (state) shall not include suitable marbled murrelet habitat within a MM-WAU where a current marbled murrelet survey has been conducted and no use of the suitable marbled murrelet habitat by a bird has been detected. Surveys shall be conducted utilizing a survey protocol which is acceptable to the department of fish and wildlife.

(iii) Operation of heavy equipment, during the critical nesting season, within an occupied marbled murrelet site.

(iv) Use of aircraft below 1,300 feet above ground level, during the critical nesting season, over an occupied marbled murrelet site or the required managed buffer zone adjacent to that site.

(v) Harvesting within a 300 foot wide managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stem stand density of 75 trees per acre greater than 6 inches dbh; provided that 25 of which shall be greater than 12 inches dbh including five trees greater than 20 inches dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to a maximum of 400 feet as long as an average of 300 feet is maintained.

(vi) Blasting and slash burning, during the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(vii) Harvesting, road construction, operation of heavy equipment, timber hauling, or use of aircraft below 1,300 feet above ground level, during the daily peak activity periods within the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(viii) Site status determination and completion of marbled murrelet surveys shall not be a landowner responsibility.

(ix) This rule is intended to be interim and shall be changed as necessary, such as upon completion of a state or federal recovery plan for the marbled murrelet or significant new information.

(2) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

None listed.

(3) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington fish and wildlife commission and/or the United States Secretary of the Interior, the department shall after consultation with the department of fish and wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(4) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of fish and wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (2) of this section. See WAC 222-16-050 (1)(b)(ii).

(5)(a) Except for bald eagles under subsection (1)(a) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington fish and wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and

recommend a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of fish and wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(6) Regardless of any other provision in this section, forest practices applications shall not be classified as Class IV-Special based on critical wildlife habitat (state) (WAC 222-16-080(1)) or critical habitat (federal) (WAC 222-16-050 (1)(b)(ii)) for a species if the forest practices are consistent with one of the following proposed for protection of the species:

(a) A habitat conservation plan and permit or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. §1536(b) or 1539(a); an "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or a "no-take letter" or other cooperative or conservation agreement entered into with a federal or state fish and wildlife agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species and that is subject to review under the National Environmental Protection Act, 42 U.S.C. §4321 et seq., or the State Environmental Policy Act, chapter 43.21C RCW, as applicable;

(b) A rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d);

(c) A special wildlife management plan (SWMP) developed by the landowner and approved by the department in consultation with the department of fish and wildlife;

(d) A bald eagle management plan approved under WAC 232-12-292;

(e) A landowner option plan (LOP) for northern spotted owls developed pursuant to WAC 222-16-100(1); or

(f) A cooperative spotted owl habitat enhancement agreement (CHEA) developed pursuant to WAC 222-16-100(2).

In those situations where one of the options above has been used, forest practices applications may still be classified as Class IV-Special based upon the presence of one or more of the factors listed in WAC 222-16-050(1), other than critical wildlife habitat (state) or critical habitat (federal) for the species covered by the existing plan.

(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, the department shall recommend to the board the suspension, deletion, modification or reestablishment of the applicable SOSEA from the rules. The department shall

conduct a review for a particular SOSEA upon approval of a landowner option plan, a petition from a landowner in the SOSEA, or under its own initiative.

(8) The department, in consultation with the department of fish and wildlife, shall report annually to the board on the status of the northern spotted owl to determine whether circumstances exist that substantially interfere with meeting the goals of the SOSEAs.

**FOREST PRACTICES BOARD
PROPOSED MARBLED MURRELET RULES
DETECTION AREA APPROACH WITH
SAFE HARBOR**

AMENDATORY SECTION (Amending WSR 92-15-113, filed 7/21/92, effective 8/21/92)

WAC 222-12-090 Forest practices board manual. When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fisheries, wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) **The standard methods** for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.

(3) **A chart** for establishing recommended permanent culvert sizes and associated data.

(4) **Guidelines** for clearing slash and debris from Type 4 and 5 Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for calculating average widths of riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(13) The standard methodology, which shall specify the quantitative and subjective methods, indices of habitat conditions, and definitions necessary for the assessment of the likelihood of occupancy of suitable marbled murrelet habitat under WAC 222-16-080 (1)(i).

PROPOSED

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-16-010 General definitions.* Unless otherwise required by context, as used in these regulations:

"Act" means the Forest Practices Act, chapter 76.09 RCW.

"Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"Appeals board" means the forest practices appeals board established in the act.

"Area of resource sensitivity" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"Board" means the forest practices board established by the act.

"Bog" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably

hinder such site preparation or rehabilitation of adjoining lands.

"Constructed wetlands" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"Cooperative spotted owl habitat enhancement agreement (CHEA)" see WAC 222-16-100(2).

"Critical habitat (federal)" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

"Critical nesting season" means for marbled murrelets - April 1 to August 31.

"Critical wildlife habitat (state)" means those habitats designated by the board in accordance with WAC 222-16-080.

"Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Cumulative effects" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"Daily peak activity" means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"Demographic support" means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

"Department" means the department of natural resources.

"Dispersal habitat" see WAC 222-16-085(2).

"Dispersal support" means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

"Eastern Washington" means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Fen" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hard-stem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

"Flood level - 50 year." For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

PROPOSED

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"Forest trees" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"Green recruitment trees" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"Historic site" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"Identified watershed processes" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

- Mass wasting;
- Surface and road erosion;
- Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);

- Large organic debris;
- Shading; and
- Stream bank and bed stability.

"Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"Islands" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

"Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"Local government entity" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"Low impact harvest" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"Marbled murrelet detection area" means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor, (that is not adequate to determine an occupied marbled murrelet site). The marbled murrelet detection area shall be comprised of the section of land in which the marbled murrelet detection was made and the eight sections of land immediately adjacent to that section (approximately 5,760 acres, more or less). Provided that, the effect of a marbled murrelet detection area shall expire seven years from the effective date of this rule or five years from the date of the marbled murrelet detection, whichever is later, and a marbled murrelet detection area shall not include any portion of a previously expired marbled murrelet detection area.

"Median home range circle" means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

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

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

"Northern spotted owl site center" means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each

other on the same visit, a female detected on a nest, or one or both adults observed with young.

Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.

Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"**Notice to comply**" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

(a) A nest is located; or

(b) Downy chicks or eggs or egg shells are found; or

(c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or

(d) Birds calling from a stationary location within the area; or

(e) Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1 1/2 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or

(c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(4) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer,

measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1 1/2 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or

(c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(5) Provided that, suitable marbled murrelet habitat which meets the safe harbor conditions in WAC 222-16-081(3) shall not be considered as occupied marbled murrelet sites.

In determining the existence and location of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in compliance with guidelines or protocols established by and available from the department of fish and wildlife applicable at the time of the survey.

"**Old forest habitat**" see WAC 222-16-085 (1)(a).

"**Operator**" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"**Ordinary high-water mark**" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"**Other forest chemicals**" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"**Park**" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"**Partial cutting**" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"**Pesticide**" means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

"**Plantable area**" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Safe harbor" means long-term relief from specified sections, subsections or clauses of the forest practices rules when a specified combination of conditions are met by a landowner.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site preparation" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"SOSEA goals" means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps

(see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"Spotted owl dispersal habitat" see WAC 222-16-085(2).

"Spotted owl special emphasis areas (SOSEA)" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Sub-mature habitat" see WAC 222-16-085 (1)(b).

"Suitable marbled murrelet habitat" means a contiguous forested area with all of the following indicators:

(1) Within 50 miles of marine waters;

(2) Containing at least two trees per acre equal to or greater than 36 inches dbh;

(3) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(4) Containing at least one nesting platform per acre in trees greater than or equal to 36 inches dbh. Nesting platforms shall include any horizontal limb, tree structure, or deformity equal to or greater than 7 inches in diameter and 50 feet or more in height above the ground; and

(5) At least 7 acres in size, including all timber containing nesting platforms within 300 feet of, and contiguous to, the trees described in (2) above; provided that

(6) Suitable marbled murrelet habitat does not include forested areas where the department, in consultation with the department of fish and wildlife, has reviewed an assessment of the habitat, conducted in accordance with the board manual by a wildlife biologist with appropriate expertise, and determined that the habitat is not likely to be occupied by marbled murrelets.

"Suitable spotted owl habitat" see WAC 222-16-085(1).

"Threatened or endangered species" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington wildlife commission.

"Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"Watershed administrative unit (WAU)" means an area shown on the map specified in WAC 222-22-020(1).

"Watershed analysis" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-

060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

"Western Washington" means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"Wetland functions" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"Wetland management zone" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"Wildlife reserve trees" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused

by root rot or fire. These trees are unstable and pose a high hazard to workers.

"Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"Young forest marginal habitat" see WAC 222-16-085 (1)(b).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species. (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of wildlife.

(h) Northern spotted owl - the following shall apply through June 30, 1996: Harvesting, road construction, or aerial application of pesticides on the most suitable 500 acres of nesting, roosting, and foraging habitat surrounding the northern spotted owl site center. The most suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife, tribes, and others with applicable expertise. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable 500 acres of habitat.

Beginning July 1, 1996, the following shall apply for the northern spotted owl:

(i) **Within a SOSEA boundary** (see maps in WAC 222-16-086), except as indicated in (h)(ii) of this subsection, harvesting, road construction, or aerial application of pesticides on suitable spotted owl habitat within a median home range circle that is centered within the SOSEA or on adjacent federal lands.

(ii) **Within the Entiat SOSEA**, harvesting, road construction, or aerial application of pesticides within the areas indicated for demographic support (see WAC 222-16-086(2)) on suitable spotted owl habitat located within a median home range circle that is centered within the demographic support area.

(iii) **Outside of a SOSEA**, harvesting, road construction, or aerial application of pesticides, between March 1 and August 31 on the seventy acres of highest quality suitable spotted owl habitat surrounding a northern spotted owl site center located outside a SOSEA. The highest quality suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife. Consideration shall be given to habitat quality, proximity to the activity center and contiguity.

(iv) **Small parcel northern spotted owl exemption.** Forest practices proposed on the lands owned or controlled by a landowner whose forest land ownership within the SOSEA is less than or equal to 500 acres and where the forest practice is not within 0.7 mile of a northern spotted owl site center shall not be considered to be on lands designated as critical wildlife habitat (state) for northern spotted owls.

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet.

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Harvesting within a 300 foot wide managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stand stem density of 75 trees per acre greater than 6 inches dbh; provided that 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to maximum of 400 feet as long as an average of 300 feet is maintained.

(iii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction in suitable marbled murrelet habitat within a marbled murrelet detection area.

(iv) Critical wildlife habitat (state) shall not include suitable marbled murrelet habitat where survey data has been submitted to the department indicating no use of the suitable marbled murrelet habitat by a marbled murrelet, see WAC 222-16-081. The survey shall be conducted in compliance with the guidelines or protocols, applicable at the time of the survey, established by and available from the department of fish and wildlife.

(2) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

~~((None listed.))~~ Marbled murrelet critical habitat (federal) listed May 24, 1996.

(3) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington fish and wildlife commission and/or the United States Secretary of the Interior, the department shall after consultation with the department of fish and wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(4) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of fish and wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (2) of this section. See WAC 222-16-050 (1)(b)(ii).

(5)(a) Except for bald eagles under subsection (1)(a) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington fish and wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of fish and wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(6) Regardless of any other provision in this section, forest practices applications shall not be classified as Class IV-Special based on critical wildlife habitat (state) (WAC 222-16-080(1)) or critical habitat (federal) (WAC 222-16-050 (1)(b)(ii)) for a species if the forest practices are consistent with one of the following proposed for protection of the species:

(a) A habitat conservation plan and permit or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. §1536(b) or 1539(a); an "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or a "no-take letter" or other cooperative or conservation agreement entered into with a federal or state fish and wildlife agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species and that is subject to review under the National Environmental Protection Act, 42 U.S.C. §4321 et seq., or the State Environmental Policy Act, chapter 43.21C RCW, as applicable;

(b) A rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d);

(c) A special wildlife management plan (SWMP) developed by the landowner and approved by the department in consultation with the department of fish and wildlife;

(d) A bald eagle management plan approved under WAC 232-12-292;

(e) A landowner option plan (LOP) for northern spotted owls developed pursuant to WAC 222-16-100(1); or

(f) A cooperative spotted owl habitat enhancement agreement (CHEA) developed pursuant to WAC 222-16-100(2).

In those situations where one of the options above has been used, forest practices applications may still be classified as Class IV-Special based upon the presence of one or more of the factors listed in WAC 222-16-050(1), other than critical wildlife habitat (state) or critical habitat (federal) for the species covered by the existing plan.

(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, the department shall recommend to the board the suspension, deletion, modification or reestablishment of the applicable SOSEA from the rules. The department shall conduct a review for a particular SOSEA upon approval of a landowner option plan, a petition from a landowner in the SOSEA, or under its own initiative.

(8) The department, in consultation with the department of fish and wildlife, shall report annually to the board on the status of the northern spotted owl to determine whether circumstances exist that substantially interfere with meeting the goals of the SOSEAs.

NEW SECTION

WAC 222-16-081 Cooperative marbled murrelet survey program. The purpose of this section is to encourage the location of undiscovered marbled murrelet sites. Cooperation between the department, the department of fish and wildlife, landowners and others is necessary to efficiently meet this purpose. The marbled murrelet protection measures provided by the rules are dependent on the success of this cooperative effort. Landowners who voluntarily participate in the cooperative marbled murrelet survey program will benefit from the safe harbor provisions indicated in subsection (3) of this section. The cooperative marbled murrelet survey program is described as follows:

(1) The department shall rely upon the department of fish and wildlife to:

(a) Provide and coordinate training for biologists and surveyors in survey protocols, technics and habitat identification;

(b) Establish marbled murrelet survey protocols and training requirements;

(c) Assist landowners in the design of surveys and survey plans;

(d) Review marbled murrelet survey data for compliance with the protocols; and

(e) Provide landowners, upon request, all marbled murrelet survey data related to their ownership.

(2) Landowners participating in the cooperative marbled murrelet survey program:

(a) Are encouraged to notify the department of future harvest plans, when possible, to facilitate the efficient implementation of this program;

(b) Shall provide all marbled murrelet survey data collected by the landowner, their employees or contractors to the department and the department of fish and wildlife; and

(c) Shall submit a five-year survey plan to the department prior to commencing surveys under this program. The plan shall include intended surveys in suitable marbled murrelet habitat, both inside and outside marbled murrelet detection areas.

(3) Safe harbor. The critical wildlife habitat (state) provisions of WAC 222-16-080 (1)(j) shall not apply to suitable marbled murrelet habitat owned by a landowner participating in the cooperative marbled murrelet survey program where appropriate protocol survey data, collected after 1992, has been provided to the department which indicates that the forest stand is not occupied by marbled murrelets at the time of the survey.

(4) The department, in consultation with the department of fish and wildlife, shall develop a standard methodology for determining the likelihood of occupancy of suitable marbled murrelet habitat. This methodology shall include, but not be limited to, an assessment of the following stand conditions that enhance the quality of nesting habitat, which may include: Distance to marine waters; elevation; slope; aspect; stand size; stand origin; tree species composition; canopy closure; tree density; tree diameter; vertical diversity; density of trees with at least one nesting platform; density of suitable nesting platforms; platform suitability, availability, and useability; presence and condition of moss, lichens and mistletoe; ambient site disturbance; presence of snags and

dead and down material; soil moisture (three classes); understory vegetation; canopy layers; and crown structure.

(5) The department shall monitor the effectiveness of this cooperative marbled murrelet survey effort and report the results to the board following the third survey season after adoption of this section. The purpose of this monitoring is to provide the board with information necessary to determine whether modifications of the marbled murrelet rule is required. This monitoring shall include:

(a) An evaluation of the survey efforts of the state agencies and private landowners;

(b) An assessment of the available budget and commitment of the state agencies for the surveys;

(c) The level of participation in the program;

(d) The number of acres and the percentage of suitable marbled murrelet habitat surveyed within and outside the detection areas; and

(e) The number of newly discovered occupied marbled murrelet sites and detection areas.

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-24-030 Road construction. (1) **Right of way timber.** Merchantable right of way timber shall be removed or decked in suitable locations where the decks will not be covered by fill material or act as support for the fill or embankment.

***(2) Debris burial.**

(a) In permanent road construction, do not bury:

(i) Loose stumps, logs or chunks containing more than 5 cubic feet in the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.

(ii) Any significant amount of organic debris within the top 2 feet of the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.

(iii) Excessive accumulation of debris or slash in any part of the load-bearing portion of the road fill, except as puncheon across wetlands or for culvert protection.

(b) In the cases where temporary roads are being constructed across known areas of unstable soils and where possible construction failure would directly impact waters, the requirements in (a), (i), (ii) and (iii) of this subsection shall apply. A temporary road is a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.

(3) **Compact fills.** During road construction, fills or embankments shall be built up by layering. Each layer shall be compacted by operating the tractor or other construction equipment over the entire surface of the layer. Chemical compacting agents may be used in accordance with WAC 222-38-020.

***(4) Stabilize soils.** When soil, exposed by road construction, appears to be unstable or erodible and is so located that slides, slips, slumps, or sediment may reasonably be expected to enter Type 1, 2, 3 or 4 Water and thereby cause damage to a public resource, then such exposed soil areas shall be seeded with grass, clover, or other ground cover, or be treated by erosion control measures acceptable to the department. Avoid introduction of nonnative plant

species, as listed in the board manual, to wetlands and wetland management zones.

***(5) Channel clearance.** Clear stream channel of all debris and slash generated during operations prior to the removal of equipment from the vicinity, or the winter season, whichever is first.

***(6) Drainage.**

(a) All required ditches, culverts, cross drains, drainage dips, water bars, and diversion ditches shall be installed concurrently with the construction of the roadway.

(b) Uncompleted road construction to be left over the winter season or other extended periods of time shall be drained by outslowing or cross draining. Water bars and/or dispersion ditches may also be used to minimize eroding of the construction area and stream siltation. Water movement within wetlands must be maintained.

***(7) Moisture conditions.** Construction shall be accomplished when moisture and soil conditions are not likely to result in excessive erosion and/or soil movement, so as to avoid damage to public resources.

***(8) End haul/sidecasts.** End haul or overhaul construction is required where significant amounts of sidecast material would rest below the 50-year flood level of a Type 1, 2, 3, or 4 Water, within the boundary of a Type A or Type B Wetland or wetland management zones or where the department determines there is a potential for mass soil failure from overloading on unstable slopes or from erosion of side cast material causing damage to the public resources.

***(9) Waste disposal.** When spoil, waste and/or other debris is generated during construction, this material shall be deposited or wasted in suitable areas or locations and be governed by the following:

(a) Spoil or other debris shall be deposited above the 50-year flood level of Type 1, 2, 3, or 4 Waters or in other locations so as to prevent damage to public resources. The material shall be stabilized by erosion control measures as necessary to prevent the material from entering the waters.

(b) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands.

(10) **Disturbance avoidance.** Road construction, operation of heavy equipment and blasting within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(11) Disturbance avoidance for marbled murrelets.

(a) Road construction and operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season; and

(b) Blasting shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the critical nesting season.

(c) Provided that, these restrictions shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-050 Felling and bucking. *(1) **Felling along water.**

(a) No trees will be felled into Type 1, 2 and 3 Waters, or Type A or B Wetlands except trees which cannot practically and safely be felled outside the stream, lake or pond using techniques in general use and these trees must then be removed promptly.

Such felling and removing in Type 1, 2 or 3 Waters shall comply with the hydraulic project approval of the departments of fisheries or wildlife.

(b) Within riparian management zones, and wetland management zones fall trees favorable to the lead consistent with safety standards to yard or skid away from the waters. The use of directional falling, lining, jacking and staged falling techniques are encouraged.

(c) Trees may be felled into Type 4 Water if logs are removed as soon thereafter as practical. See forest practices board manual guidelines for clearing slash and debris from Type 4 and 5 Water.

***(2) Bucking in water.**

(a) No bucking or limbing shall be done on trees or portions thereof lying between the banks of Type 1, 2 or 3 Waters or in open water areas of Type A Wetlands, except as necessary to remove the timber from the water.

(b) Where bucking or limbing is done between the banks of a Type 4 Water, care shall be taken to minimize accumulation of slash in the water.

***(3) Falling near riparian management zones, wetland management zones and setting boundaries.** Reasonable care shall be taken to avoid felling trees into riparian management zones, wetland management zones and areas outside the harvest unit.

(4) Falling in selective and partial cuts. Reasonable care shall be taken to fall trees in directions that minimize damage to residual trees.

(5) Disturbance avoidance. Felling and bucking within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31 provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(6) Disturbance avoidance for marbled murrelets. Felling and bucking shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed

for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-060 Cable yarding. *(1) **Type 1, 2 and 3 Waters.** No timber shall be cable yarded in or across a Type 1, 2 or 3 Waters except where the logs will not materially damage the bed of waters, banks or riparian management zones and removals from Type 1, 2 or 3 Water have hydraulic project approval of the departments of fisheries or wildlife.

* (2) **Type A or B Wetlands.** No timber shall be cable yarded in or across Type A or B Wetlands without written approval from the department.

* (3) **Deadfalls.** Any logs which are firmly embedded in the bed of a Type 1, 2, 3 and 4 Waters shall not be removed or unnecessarily disturbed without approval of the departments of fisheries or wildlife.

* (4) **Yarding in riparian management zones and wetland management zones.** Where timber is yarded from or across a riparian management zone, or wetland management zone reasonable care shall be taken to minimize damage to the vegetation providing shade to the stream or open water areas and to minimize disturbance to understory vegetation, stumps and root systems. Where practical and consistent with good safety practices, logs shall be yarded in the direction in which they lie and away from Type A or B Wetlands or Type 1, 2 and 3 Waters until clear of the wetland management zone or riparian management zone.

(5) Direction of yarding.

(a) Uphill yarding is preferred.

(b) Where downhill yarding is used, reasonable care shall be taken to lift the leading end of the log to minimize downhill movement of slash and soils.

* (c) When yarding parallel to a Type 1, 2 or 3 Water channel below the 50-year flood level or within the riparian management zone, reasonable care shall be taken to minimize soil disturbance and to prevent logs from rolling into the stream, lake, pond, or riparian management zone.

(6) Disturbance avoidance. The operation of heavy equipment within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31 provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(7) Disturbance avoidance for marbled murrelets. Yarding or operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-065 Helicopter yarding. (1) Helicopter operations within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

((+)) (a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

((2)) (b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(2) Helicopter operations shall not be allowed:

(a) Over an occupied marbled murrelet site or the required managed buffer zone adjacent to that site during the critical nesting season; or

(b) Within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season.

(c) Provided that, these restrictions shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-070 Tractor and wheeled skidding systems. *(1) **Typed waters and wetlands.**

(a) Tractor and wheeled skidders shall not be used in Type 1, 2 or 3 Water, except with approval by the department and with a hydraulic project approval of the departments of fisheries or wildlife.

(b) In order to maintain wetland water movement and water quality, and to prevent soil compaction, tractor or wheeled skidders shall not be used in Type A or B Wetlands without prior written approval of the department.

(c) Within all wetlands, tractors and wheeled skidder systems shall be limited to low impact harvest systems. Ground based logging systems operating in wetlands shall only be allowed within wetlands during periods of low soil moisture or frozen soil conditions.

(d) Skidding across any flowing Type 4 Water shall be minimized and when done, temporary stream crossings shall be used, if necessary, to maintain stream bed integrity.

(e) Whenever skidding in or across any type water, the direction of log movement between stream banks shall be as close to right angles to the stream channel as is practical.

*(2) **Riparian management zone.**

(a) Logging will be permitted within the zone. However, any use of tractors, wheeled skidders, or other yarding machines within the zone must be as described in an approved forest practices application or otherwise approved in writing by the department.

(b) Where skidding in or through the riparian management zone is necessary, the number of skidding routes through the zone shall be minimized.

(c) Logs shall be skidded so as to minimize damage to leave trees and vegetation in the riparian management zone, to the extent practical and consistent with good safety practices.

*(3) **Wetlands management zones.**

(a) Logging will be permitted within wetland management zones.

(b) Where feasible logs shall be skidded at least with one end suspended from the ground so as to minimize soil disturbance and damage to leave trees and vegetation in the wetland management zone.

(c) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

*(4) **Deadfalls.** Logs firmly embedded in the bed or bank of Type 1, 2, 3 or 4 Waters shall not be removed or unnecessarily disturbed without hydraulic project approval of the departments of fisheries or wildlife.

*(5) **Moisture conditions.** Tractor and wheeled skidders shall not be used on exposed erodible soils or saturated soils when soil moisture content is so high that unreasonable soil compaction, soil disturbance, or wetland, stream, lake or pond siltation would result.

(6) **Protection of residual timber.** Reasonable care shall be taken to minimize damage from skidding to the stems and root systems of residual timber and to young reproduction.

*(7) **Skid trail construction.**

(a) Skid trails shall be kept to the minimum feasible width.

(b) Reasonable care shall be taken to minimize the amount of sidecast required and shall only be permitted above the 50-year flood level.

(c) Skid trails shall be outsloped where practical, but be insloped where necessary to prevent logs from sliding or rolling downhill off the skid trail.

*(8) **Skid trail maintenance.** Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be water barred where necessary to prevent soil erosion.

*(9) **Slope restrictions.** Tractor and wheeled skidders shall not be used on slopes where in the opinion of the department this method of operation would cause unnecessary or material damage to a public resource.

(10) **Disturbance avoidance.** The operation of heavy equipment within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(11) Disturbance avoidance for marbled murrelets. Operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-100 Slash disposal or prescribed burning. (1) **Slash disposal techniques:**

*(a) Any conventional method of slash disposal may be used, except in Type A or B Wetlands, wetland management zones, and riparian management zones and on sites where the department determines that a particular method would cause unreasonable risk to public resources or unreasonably damage site productivity. Conventional methods of slash disposal include the following: Controlled broadcast burning; pile or windrow and burn; pile or windrow without burning; mechanical scatter and compaction; scarification; chip, mulch or lop and scatter; burying; and physical removal from the forest lands: *Provided*, That on land shown to have low productivity potential the landowner or operator shall obtain the department's approval of its regeneration plan prior to utilizing controlled broadcast burning as a slash disposal technique. In riparian management zones, slash disposal shall be by hand, unless approved by the department. Scarification shall not be allowed within wetlands. Machine piling is discouraged in wetlands.

(b) All slash burning requires a burning permit from the department which provides for compliance with the smoke management plan and reasonable care to protect Type A and B Wetlands, wetland management zones, riparian management zones, soil, residual timber, public resources, and other property.

*(c) Location of slash piles. Except where burning will be completed before the next ordinary high-water season, slash shall not be piled or windrowed below the 50-year flood level of any Type 1, 2, 3 or 4 Water or in locations from which it could be expected to enter any stream, lake or pond.

(2) **Slash isolation, reduction, or abatement** is required when the department determines there is an extreme fire hazard according to law (see WAC 332-24-360).

(3) **Slash disposal** is required where the forest landowner has applied for and been granted an extension of time for reforestation on the grounds that slash disposal is necessary or desirable before reforestation.

*(4) **Removing slash and debris** from streams.

"Slash" or "debris" which can reasonably be expected to cause significant damage to the public resource shall be removed from Type 1, 2, 3 or 4 Waters, to above the 50-year flood level and left in a location or manner minimizing risk of re-entry into the stream, lake or pond and if substantial accumulations of slash exist below the 50-year flood level of Type 1, 2, 3 or 4 Waters, slash disposal is required. See the forest practices board manual for "Guidelines for clearing slash and debris from Type 4 and 5 Waters."

*(5) **Fire trails.**

(a) Construct dips, water bars, cross drainage and ditches as needed to control erosion.

(b) Reasonable care shall be taken to minimize excavation during fire trail construction and sidecast shall only be permitted above the 50-year flood level.

(c) Fire trails shall not be located within Type A or B Wetlands, wetland management zones, or riparian zones without prior written approval of the department. Hand constructed fire trails are preferred within forested wetlands.

When machine built fire trails are necessary for control of burning, trail width and excavation shall be minimized.

(6) **Disturbance avoidance.** Burning within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(7) Disturbance avoidance for marbled murrelets. Slash disposal or prescribed burning shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

**FOREST PRACTICES BOARD
PROPOSED MARBLED MURRELET RULES
DETECTION AREA APPROACH
WITHOUT SAFE HARBOR**

AMENDATORY SECTION (Amending WSR 92-15-113, filed 7/21/92, effective 8/21/92)

WAC 222-12-090 Forest practices board manual.

When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fisheries, wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) **The standard methods** for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.

(3) **A chart** for establishing recommended permanent culvert sizes and associated data.

(4) **Guidelines** for clearing slash and debris from Type 4 and 5 Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for calculating average widths of riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved

by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(13) The standard methodology, which shall specify the quantitative and subjective methods, indices of habitat conditions, and definitions necessary for the assessment of the likelihood of occupancy of suitable marbled murrelet habitat under WAC 222-16-080 (1)(j).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-16-010 General definitions.* Unless otherwise required by context, as used in these regulations:

"Act" means the Forest Practices Act, chapter 76.09 RCW.

"Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"Appeals board" means the forest practices appeals board established in the act.

"Area of resource sensitivity" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"Board" means the forest practices board established by the act.

"Bog" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"Constructed wetlands" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"Cooperative spotted owl habitat enhancement agreement (CHEA)" see WAC 222-16-100(2).

"Critical habitat (federal)" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

"Critical nesting season" means for marbled murrelets - April 1 to August 31.

"Critical wildlife habitat (state)" means those habitats designated by the board in accordance with WAC 222-16-080.

"Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Cumulative effects" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"Daily peak activity" means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"Demographic support" means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

"Department" means the department of natural resources.

"Dispersal habitat" see WAC 222-16-085(2).

"Dispersal support" means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

"Eastern Washington" means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Fen" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hard-stem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

"Flood level - 50 year." For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary

high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"Forest trees" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"Green recruitment trees" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"Historic site" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"Identified watershed processes" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

- Mass wasting;
- Surface and road erosion;
- Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);
- Large organic debris;
- Shading; and
- Stream bank and bed stability.

"Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"Islands" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

"Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"Local government entity" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"Low impact harvest" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"Marbled murrelet detection area" means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor(, that is not adequate to determine an occupied marbled murrelet site). The marbled murrelet detection area shall be comprised of the section of land in which the marbled murrelet detection was made and the eight sections of land immediately adjacent to that section (approximately 5,760 acres, more or less). Provided that, the effect of a marbled murrelet detection area shall expire seven years from the effective date of this rule or five years from the date of the marbled murrelet detection, whichever is later, and a marbled murrelet detection area shall not include any portion of a previously expired marbled murrelet detection area.

"Median home range circle" means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

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

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

"Northern spotted owl site center" means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.

Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.

Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

(a) A nest is located; or

(b) Downy chicks or eggs or egg shells are found; or

(c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or

(d) Birds calling from a stationary location within the area; or

(e) Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, mea-

sured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1 1/2 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or

(c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(4) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1 1/2 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or

(c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(5) Provided that, suitable marbled murrelet habitat which meets the safe harbor conditions in WAC 222-16-081(3) shall not be considered as occupied marbled murrelet sites.

In determining the existence and location of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in compliance with guidelines or protocols established by and available from the department of fish and wildlife applicable at the time of the survey.

"Old forest habitat" see WAC 222-16-085 (1)(a).

"Operator" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil.

Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"**Pesticide**" means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

"**Plantable area**" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"**Power equipment**" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"**Public resources**" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"**Rehabilitation**" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"**Relief culvert**" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"**Resource characteristics**" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"**Riparian management zone**" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"**Rodenticide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"**Salvage**" means the removal of snags, down logs, windthrow, or dead and dying material.

"**Scarification**" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"**Shorelines of the state**" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"**Side casting**" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"**Site preparation**" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"**Skid trail**" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"**Slash**" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"**SOSEA goals**" means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"**Spoil**" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"**Spotted owl dispersal habitat**" see WAC 222-16-085(2).

"**Spotted owl special emphasis areas (SOSEA)**" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"**Stop work order**" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"**Sub-mature habitat**" see WAC 222-16-085 (1)(b).

"**Suitable marbled murrelet habitat**" means a contiguous forested area with all of the following indicators:

(1) Within 50 miles of marine waters;

(2) Containing at least two trees per acre equal to or greater than 36 inches dbh;

(3) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(4) Containing at least one nesting platform per acre in trees greater than or equal to 36 inches dbh. Nesting platforms shall include any horizontal limb, tree structure, or deformity equal to or greater than 7 inches in diameter and 50 feet or more in height above the ground; and

(5) At least 7 acres in size, including all timber containing nesting platforms within 300 feet of, and contiguous to, the trees described in (2) above; provided that

(6) Suitable marbled murrelet habitat does not include forested areas where the department, in consultation with the department of fish and wildlife, has reviewed an assessment of the habitat, conducted in accordance with the board manual by a wildlife biologist with appropriate expertise, and determined that the habitat is not likely to be occupied by marbled murrelets.

"**Suitable spotted owl habitat**" see WAC 222-16-085(1).

"**Threatened or endangered species**" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington wildlife commission.

"**Timber**" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"**Water bar**" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water

PROPOSED

runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"**Watershed administrative unit (WAU)**" means an area shown on the map specified in WAC 222-22-020(1).

"**Watershed analysis**" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"**Weed**" is any plant which tends to overgrow or choke out more desirable vegetation.

"**Western Washington**" means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

"**Wetland**" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"**Wetland functions**" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"**Wetland management zone**" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"**Wildlife**" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"**Wildlife reserve trees**" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity depen-

dent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"**Windthrow**" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"**Young forest marginal habitat**" see WAC 222-16-085 (1)(b).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species. (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of wildlife.

(h) Northern spotted owl - the following shall apply through June 30, 1996: Harvesting, road construction, or aerial application of pesticides on the most suitable 500 acres of nesting, roosting, and foraging habitat surrounding the

northern spotted owl site center. The most suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife, tribes, and others with applicable expertise. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable 500 acres of habitat.

Beginning July 1, 1996, the following shall apply for the northern spotted owl:

(i) **Within a SOSEA boundary** (see maps in WAC 222-16-086), except as indicated in (h)(ii) of this subsection, harvesting, road construction, or aerial application of pesticides on suitable spotted owl habitat within a median home range circle that is centered within the SOSEA or on adjacent federal lands.

(ii) **Within the Entiat SOSEA**, harvesting, road construction, or aerial application of pesticides within the areas indicated for demographic support (see WAC 222-16-086(2)) on suitable spotted owl habitat located within a median home range circle that is centered within the demographic support area.

(iii) **Outside of a SOSEA**, harvesting, road construction, or aerial application of pesticides, between March 1 and August 31 on the seventy acres of highest quality suitable spotted owl habitat surrounding a northern spotted owl site center located outside a SOSEA. The highest quality suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife. Consideration shall be given to habitat quality, proximity to the activity center and contiguity.

(iv) **Small parcel northern spotted owl exemption.** Forest practices proposed on the lands owned or controlled by a landowner whose forest land ownership within the SOSEA is less than or equal to 500 acres and where the forest practice is not within 0.7 mile of a northern spotted owl site center shall not be considered to be on lands designated as critical wildlife habitat (state) for northern spotted owls.

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet.

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Harvesting within a 300 foot wide managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stand stem density of 75 trees per acre greater than 6 inches dbh; provided that 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to maximum of 400 feet as long as an average of 300 feet is maintained.

(iii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction in suitable marbled murrelet habitat within a marbled murrelet detection area.

(iv) Critical wildlife habitat (state) shall not include suitable marbled murrelet habitat where survey data has been

submitted to the department indicating no use of the suitable marbled murrelet habitat by a marbled murrelet, see WAC 222-16-081. The survey shall be conducted in compliance with the guidelines or protocols, applicable at the time of the survey, established by and available from the department of fish and wildlife.

(2) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

~~((None listed.))~~ Marbled murrelet critical habitat (federal) listed May 24, 1996.

(3) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington fish and wildlife commission and/or the United States Secretary of the Interior, the department shall after consultation with the department of fish and wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(4) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of fish and wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (2) of this section. See WAC 222-16-050 (1)(b)(ii).

(5)(a) Except for bald eagles under subsection (1)(a) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington fish and wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of fish and wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(6) Regardless of any other provision in this section, forest practices applications shall not be classified as Class IV-Special based on critical wildlife habitat (state) (WAC 222-16-080(1)) or critical habitat (federal) (WAC 222-16-050(1)(b)(ii)) for a species if the forest practices are consistent with one of the following proposed for protection of the species:

(a) A habitat conservation plan and permit or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. §1536(b) or 1539(a); an "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or a "no-take letter" or other cooperative or conservation agreement entered into with a federal or state fish and wildlife agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species and that is subject to review under the National Environmental Protection Act, 42 U.S.C. §4321 et seq., or the State Environmental Policy Act, chapter 43.21C RCW, as applicable;

(b) A rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d);

(c) A special wildlife management plan (SWMP) developed by the landowner and approved by the department in consultation with the department of fish and wildlife;

(d) A bald eagle management plan approved under WAC 232-12-292;

(e) A landowner option plan (LOP) for northern spotted owls developed pursuant to WAC 222-16-100(1); or

(f) A cooperative spotted owl habitat enhancement agreement (CHEA) developed pursuant to WAC 222-16-100(2).

In those situations where one of the options above has been used, forest practices applications may still be classified as Class IV-Special based upon the presence of one or more of the factors listed in WAC 222-16-050(1), other than critical wildlife habitat (state) or critical habitat (federal) for the species covered by the existing plan.

(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, the department shall recommend to the board the suspension, deletion, modification or reestablishment of the applicable SOSEA from the rules. The department shall conduct a review for a particular SOSEA upon approval of a landowner option plan, a petition from a landowner in the SOSEA, or under its own initiative.

(8) The department, in consultation with the department of fish and wildlife, shall report annually to the board on the

status of the northern spotted owl to determine whether circumstances exist that substantially interfere with meeting the goals of the SOSEAs.

NEW SECTION

WAC 222-16-081 Cooperative marbled murrelet survey program. The purpose of this section is to encourage the location of undiscovered marbled murrelet sites. Cooperation between the department, the department of fish and wildlife, landowners and others is necessary to efficiently meet this purpose. The marbled murrelet protection measures provided by the rules are dependent on the success of this cooperative effort. Landowners who voluntarily participate in the cooperative marbled murrelet survey program will benefit from the safe harbor provisions indicated in subsection (3) of this section. The cooperative marbled murrelet survey program is described as follows:

(1) The department shall rely upon the department of fish and wildlife to:

(a) Provide and coordinate training for biologists and surveyors in survey protocols, techniques and habitat identification;

(b) Establish marbled murrelet survey protocols and training requirements;

(c) Assist landowners in the design of surveys and survey plans;

(d) Review marbled murrelet survey data for compliance with the protocols; and

(e) Provide landowners, upon request, all marbled murrelet survey data related to their ownership.

(2) Landowners participating in the cooperative marbled murrelet survey program:

(a) Are encouraged to notify the department of future harvest plans, when possible, to facilitate the efficient implementation of this program;

(b) Shall provide all marbled murrelet survey data collected by the landowner, their employees or contractors to the department and the department of fish and wildlife; and

(c) Shall submit a five-year survey plan to the department prior to commencing surveys under this program. The plan shall include intended surveys in suitable marbled murrelet habitat, both inside and outside marbled murrelet detection areas.

(3) The department, in consultation with the department of fish and wildlife, shall develop a standard methodology for determining the likelihood of occupancy of suitable marbled murrelet habitat. This methodology shall include, but not be limited to, an assessment of the following stand conditions that enhance the quality of nesting habitat, which may include: Distance to marine waters; elevation; slope; aspect; stand size; stand origin; tree species composition; canopy closure; tree density; tree diameter; vertical diversity; density of trees with at least one nesting platform; density of suitable nesting platforms; platform suitability, availability, and useability; presence and condition of moss, lichens and mistletoe; ambient site disturbance; presence of snags and dead and down material; soil moisture (three classes); understory vegetation; canopy layers; and crown structure.

(4) The department shall monitor the effectiveness of this cooperative marbled murrelet survey effort and report

the results to the board following the third survey season after adoption of this section. The purpose of this monitoring is to provide the board with information necessary to determine whether modifications of the marbled murrelet rule is required. This monitoring shall include:

- (a) An evaluation of the survey efforts of the state agencies and private landowners;
- (b) An assessment of the available budget and commitment of the state agencies for the surveys;
- (c) The level of participation in the program;
- (d) The number of acres and the percentage of suitable marbled murrelet habitat surveyed within and outside the detection areas; and
- (e) The number of newly discovered occupied marbled murrelet sites and detection areas.

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-24-030 Road construction. (1) **Right of way timber.** Merchantable right of way timber shall be removed or decked in suitable locations where the decks will not be covered by fill material or act as support for the fill or embankment.

***(2) Debris burial.**

- (a) In permanent road construction, do not bury:
 - (i) Loose stumps, logs or chunks containing more than 5 cubic feet in the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.
 - (ii) Any significant amount of organic debris within the top 2 feet of the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.
 - (iii) Excessive accumulation of debris or slash in any part of the load-bearing portion of the road fill, except as puncheon across wetlands or for culvert protection.

(b) In the cases where temporary roads are being constructed across known areas of unstable soils and where possible construction failure would directly impact waters, the requirements in (a), (i), (ii) and (iii) of this subsection shall apply. A temporary road is a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.

(3) **Compact fills.** During road construction, fills or embankments shall be built up by layering. Each layer shall be compacted by operating the tractor or other construction equipment over the entire surface of the layer. Chemical compacting agents may be used in accordance with WAC 222-38-020.

***(4) Stabilize soils.** When soil, exposed by road construction, appears to be unstable or erodible and is so located that slides, slips, slumps, or sediment may reasonably be expected to enter Type 1, 2, 3 or 4 Water and thereby cause damage to a public resource, then such exposed soil areas shall be seeded with grass, clover, or other ground cover, or be treated by erosion control measures acceptable to the department. Avoid introduction of nonnative plant species, as listed in the board manual, to wetlands and wetland management zones.

***(5) Channel clearance.** Clear stream channel of all debris and slash generated during operations prior to the

removal of equipment from the vicinity, or the winter season, whichever is first.

***(6) Drainage.**

(a) All required ditches, culverts, cross drains, drainage dips, water bars, and diversion ditches shall be installed concurrently with the construction of the roadway.

(b) Uncompleted road construction to be left over the winter season or other extended periods of time shall be drained by outsliping or cross draining. Water bars and/or dispersion ditches may also be used to minimize eroding of the construction area and stream siltation. Water movement within wetlands must be maintained.

***(7) Moisture conditions.** Construction shall be accomplished when moisture and soil conditions are not likely to result in excessive erosion and/or soil movement, so as to avoid damage to public resources.

***(8) End haul/sidecasts.** End haul or overhaul construction is required where significant amounts of sidecast material would rest below the 50-year flood level of a Type 1, 2, 3, or 4 Water, within the boundary of a Type A or Type B Wetland or wetland management zones or where the department determines there is a potential for mass soil failure from overloading on unstable slopes or from erosion of side cast material causing damage to the public resources.

***(9) Waste disposal.** When spoil, waste and/or other debris is generated during construction, this material shall be deposited or wasted in suitable areas or locations and be governed by the following:

(a) Spoil or other debris shall be deposited above the 50-year flood level of Type 1, 2, 3, or 4 Waters or in other locations so as to prevent damage to public resources. The material shall be stabilized by erosion control measures as necessary to prevent the material from entering the waters.

(b) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands.

(10) Disturbance avoidance. Road construction, operation of heavy equipment and blasting within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(11) Disturbance avoidance for marbled murrelets.

(a) Road construction and operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season; and

(b) Blasting shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the critical nesting season.

(c) Provided that, these restrictions shall not apply if the forest practice is operating in compliance with a plan or

agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-050 Felling and bucking. *(1) **Felling along water.**

(a) No trees will be felled into Type 1, 2 and 3 Waters, or Type A or B Wetlands except trees which cannot practically and safely be felled outside the stream, lake or pond using techniques in general use and these trees must then be removed promptly.

Such felling and removing in Type 1, 2 or 3 Waters shall comply with the hydraulic project approval of the departments of fisheries or wildlife.

(b) Within riparian management zones, and wetland management zones fall trees favorable to the lead consistent with safety standards to yard or skid away from the waters. The use of directional falling, lining, jacking and staged falling techniques are encouraged.

(c) Trees may be felled into Type 4 Water if logs are removed as soon thereafter as practical. See forest practices board manual guidelines for clearing slash and debris from Type 4 and 5 Water.

* (2) **Bucking in water.**

(a) No bucking or limbing shall be done on trees or portions thereof lying between the banks of Type 1, 2 or 3 Waters or in open water areas of Type A Wetlands, except as necessary to remove the timber from the water.

(b) Where bucking or limbing is done between the banks of a Type 4 Water, care shall be taken to minimize accumulation of slash in the water.

* (3) **Felling near riparian management zones, wetland management zones and setting boundaries.** Reasonable care shall be taken to avoid felling trees into riparian management zones, wetland management zones and areas outside the harvest unit.

(4) **Felling in selective and partial cuts.** Reasonable care shall be taken to fall trees in directions that minimize damage to residual trees.

(5) **Disturbance avoidance.** Felling and bucking within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31 provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(6) **Disturbance avoidance for marbled murrelets.** Felling and bucking shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-060 Cable yarding. *(1) **Type 1, 2 and 3 Waters.** No timber shall be cable yarded in or across a Type 1, 2 or 3 Waters except where the logs will not materially damage the bed of waters, banks or riparian management zones and removals from Type 1, 2 or 3 Water have hydraulic project approval of the departments of fisheries or wildlife.

* (2) **Type A or B Wetlands.** No timber shall be cable yarded in or across Type A or B Wetlands without written approval from the department.

* (3) **Deadfalls.** Any logs which are firmly embedded in the bed of a Type 1, 2, 3 and 4 Waters shall not be removed or unnecessarily disturbed without approval of the departments of fisheries or wildlife.

* (4) **Yarding in riparian management zones and wetland management zones.** Where timber is yarded from or across a riparian management zone, or wetland management zone reasonable care shall be taken to minimize damage to the vegetation providing shade to the stream or open water areas and to minimize disturbance to understory vegetation, stumps and root systems. Where practical and consistent with good safety practices, logs shall be yarded in the direction in which they lie and away from Type A or B Wetlands or Type 1, 2 and 3 Waters until clear of the wetland management zone or riparian management zone.

(5) **Direction of yarding.**

(a) Uphill yarding is preferred.

(b) Where downhill yarding is used, reasonable care shall be taken to lift the leading end of the log to minimize downhill movement of slash and soils.

* (c) When yarding parallel to a Type 1, 2 or 3 Water channel below the 50-year flood level or within the riparian management zone, reasonable care shall be taken to minimize soil disturbance and to prevent logs from rolling into the stream, lake, pond, or riparian management zone.

(6) **Disturbance avoidance.** The operation of heavy equipment within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31 provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(7) **Disturbance avoidance for marbled murrelets.** Yarding or operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-065 Helicopter yarding. (1) Helicopter operations within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

- ((+)) (a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or
 ((-)) (b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(2) Helicopter operations shall not be allowed:

(a) Over an occupied marbled murrelet site or the required managed buffer zone adjacent to that site during the critical nesting season; or

(b) Within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season.

(c) Provided that, these restrictions shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-070 Tractor and wheeled skidding systems. *(1) **Typed waters and wetlands.**

(a) Tractor and wheeled skidders shall not be used in Type 1, 2 or 3 Water, except with approval by the department and with a hydraulic project approval of the departments of fisheries or wildlife.

(b) In order to maintain wetland water movement and water quality, and to prevent soil compaction, tractor or wheeled skidders shall not be used in Type A or B Wetlands without prior written approval of the department.

(c) Within all wetlands, tractors and wheeled skidder systems shall be limited to low impact harvest systems. Ground based logging systems operating in wetlands shall only be allowed within wetlands during periods of low soil moisture or frozen soil conditions.

(d) Skidding across any flowing Type 4 Water shall be minimized and when done, temporary stream crossings shall be used, if necessary, to maintain stream bed integrity.

(e) Whenever skidding in or across any type water, the direction of log movement between stream banks shall be as close to right angles to the stream channel as is practical.

*(2) **Riparian management zone.**

(a) Logging will be permitted within the zone. However, any use of tractors, wheeled skidders, or other yarding machines within the zone must be as described in an approved forest practices application or otherwise approved in writing by the department.

(b) Where skidding in or through the riparian management zone is necessary, the number of skidding routes through the zone shall be minimized.

(c) Logs shall be skidded so as to minimize damage to leave trees and vegetation in the riparian management zone, to the extent practical and consistent with good safety practices.

*(3) **Wetlands management zones.**

(a) Logging will be permitted within wetland management zones.

(b) Where feasible logs shall be skidded at least with one end suspended from the ground so as to minimize soil disturbance and damage to leave trees and vegetation in the wetland management zone.

(c) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

*(4) **Deadfalls.** Logs firmly embedded in the bed or bank of Type 1, 2, 3 or 4 Waters shall not be removed or unnecessarily disturbed without hydraulic project approval of the departments of fisheries or wildlife.

*(5) **Moisture conditions.** Tractor and wheeled skidders shall not be used on exposed erodible soils or saturated soils when soil moisture content is so high that unreasonable soil compaction, soil disturbance, or wetland, stream, lake or pond siltation would result.

(6) **Protection of residual timber.** Reasonable care shall be taken to minimize damage from skidding to the stems and root systems of residual timber and to young reproduction.

*(7) **Skid trail construction.**

(a) Skid trails shall be kept to the minimum feasible width.

(b) Reasonable care shall be taken to minimize the amount of sidecast required and shall only be permitted above the 50-year flood level.

(c) Skid trails shall be outslowed where practical, but be insloped where necessary to prevent logs from sliding or rolling downhill off the skid trail.

*(8) **Skid trail maintenance.** Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be water barred where necessary to prevent soil erosion.

*(9) **Slope restrictions.** Tractor and wheeled skidders shall not be used on slopes where in the opinion of the department this method of operation would cause unnecessary or material damage to a public resource.

(10) **Disturbance avoidance.** The operation of heavy equipment within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(11) **Disturbance avoidance for marbled murrelets.** Operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-30-100 Slash disposal or prescribed burning. (1) **Slash disposal techniques:**

*(a) Any conventional method of slash disposal may be used, except in Type A or B Wetlands, wetland management zones, and riparian management zones and on sites where the department determines that a particular method would cause unreasonable risk to public resources or unreasonably damage site productivity. Conventional methods of slash disposal include the following: Controlled broadcast burning; pile or windrow and burn; pile or windrow without burning; mechanical scatter and compaction; scarification; chip, mulch or lop and scatter; burying; and physical removal from the forest lands: *Provided*, That on land shown to have low productivity potential the landowner or operator shall obtain the department's approval of its regeneration plan prior to utilizing controlled broadcast burning as a slash disposal technique. In riparian management zones, slash disposal shall be by hand, unless approved by the department. Scarification shall not be allowed within wetlands. Machine piling is discouraged in wetlands.

(b) All slash burning requires a burning permit from the department which provides for compliance with the smoke management plan and reasonable care to protect Type A and B Wetlands, wetland management zones, riparian management zones, soil, residual timber, public resources, and other property.

*(c) Location of slash piles. Except where burning will be completed before the next ordinary high-water season, slash shall not be piled or windrowed below the 50-year flood level of any Type 1, 2, 3 or 4 Water or in locations from which it could be expected to enter any stream, lake or pond.

(2) **Slash isolation, reduction, or abatement** is required when the department determines there is an extreme fire hazard according to law (see WAC 332-24-360).

(3) **Slash disposal** is required where the forest landowner has applied for and been granted an extension of time for reforestation on the grounds that slash disposal is necessary or desirable before reforestation.

*(4) **Removing slash and debris** from streams.

"Slash" or "debris" which can reasonably be expected to cause significant damage to the public resource shall be removed from Type 1, 2, 3 or 4 Waters, to above the 50-year flood level and left in a location or manner minimizing risk of re-entry into the stream, lake or pond and if substantial accumulations of slash exist below the 50-year flood level of Type 1, 2, 3 or 4 Waters, slash disposal is required. See the forest practices board manual for "Guidelines for clearing slash and debris from Type 4 and 5 Waters."

*(5) **Fire trails.**

(a) Construct dips, water bars, cross drainage and ditches as needed to control erosion.

(b) Reasonable care shall be taken to minimize excavation during fire trail construction and sidecast shall only be permitted above the 50-year flood level.

(c) Fire trails shall not be located within Type A or B Wetlands, wetland management zones, or riparian zones without prior written approval of the department. Hand constructed fire trails are preferred within forested wetlands.

When machine built fire trails are necessary for control of burning, trail width and excavation shall be minimized.

(6) **Disturbance avoidance.** Burning within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(7) **Disturbance avoidance for marbled murrelets.** Slash disposal or prescribed burning shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

WSR 96-20-121
PROPOSED RULES
PUGET SOUND WATER
QUALITY ACTION TEAM
[Filed October 2, 1996, 11:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-16-094; and exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Amending chapter 400-12 WAC, local planning and management of nonpoint pollution.

Purpose: To make minor revisions to chapter 400-12 WAC, pursuant to the Puget Sound Water Quality Protection Act, chapter 90.71 RCW.

Statutory Authority for Adoption: Chapter 90.71 RCW. Statute Being Implemented: Chapter 90.71 RCW.

Summary: The proposed revisions add information on funding sources, call for counties to develop lists of projects, and change the name of the adopting agency.

Reasons Supporting Proposal: The proposed revisions are required by the Puget Sound Water Quality Protection Act.

Name of Agency Personnel Responsible for Drafting: Kathy Minsch, 300 Desmond Drive S.E., Area E, Lacey, WA, (360) 407-7300; Implementation and Enforcement: Nancy McKay, 300 Desmond Drive S.E., Area E, Lacey, WA, (360) 407-7300.

Name of Proponent: Puget Sound Water Quality Action Team, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 400-12 WAC guides local governments and watershed management committees in developing local watershed action plans to reduce pollutant loading from nonpoint sources, prevent new sources from being created, enhance water quality and protect beneficial uses.

The proposed revisions, as described below, are anticipated to help local governments implement local watershed action plans.

Proposal Changes the Following Existing Rules: Each county within the Puget Sound basin is asked to develop a prioritized list of watershed improvement projects, based on existing local watershed action plans or as part of proposed watershed planning processes under this chapter. Information is added on additional potential federal, state and local funding sources for implementing watershed plans. The name of the adopting agency is changed from Puget Sound Water Quality Authority to Puget Sound Water Quality Action Team.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Pursuant to RCW 19.85.030 (1)(a), the proposed revisions to chapter 400-12 WAC will not impose more than minor costs, if any, on businesses in an industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. As per subsection (5)(b)(v) of this section, the revisions to this rule are explicitly and specifically dictated by statute, chapter 90.71 RCW. The revisions also change the name of the adopting agency (subsection (5)(b)(iv)).

Hearing Location: Auditorium, Department of Ecology, 300 Desmond Drive S.E., Lacey, WA 98503, on November 5, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davies by October 25, 1996, TDD (800) 833-6388.

Submit Written Comments to: Kathy Minsch, Puget Sound Water Quality Action Team, P.O. Box 40900, Olympia, WA 98504-0900, FAX (360) 407-7333, by November 13, 1996.

Date of Intended Adoption: November 19, 1996.

October 2, 1996

Nancy McKay
Chair

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-100 Authority. This chapter is promulgated by the Puget Sound water quality ~~((authority))~~ action team pursuant to chapter ~~((90-70))~~ 90.71 RCW.

(1) It is the intent of this chapter that the department of ecology coordinate all aspects of this program, including interpreting this chapter for local entities, state agencies, tribes, and affected parties as they carry out their responsibilities under this chapter, and that the department shall consult with the ~~((authority))~~ action team as needed regarding the interpretation of this chapter.

(2) As required by RCW ~~((90-70-070))~~ 90.71.070, the ~~((authority))~~ council shall review the progress of state agencies and local governments regarding timely implementation of ~~((programs))~~ the work plan established pursuant to this chapter.

~~((3) Pursuant to RCW 90.70.080, local governments and state agencies are authorized to adopt ordinances, rules, and/or regulations to implement action plans.)~~

AMENDATORY SECTION (Amending WSR 91-22-096, filed 11/6/91, effective 12/7/91)

WAC 400-12-120 Applicability. This chapter applies to the Puget Sound basin ~~((as identified by RCW 90.70.060))~~ and does not apply outside of the Puget Sound basin.

AMENDATORY SECTION (Amending WSR 91-22-096, filed 11/6/91, effective 12/7/91)

WAC 400-12-200 Definitions. For the purposes of this chapter, the following definitions shall apply:

~~((1))~~ "Action plan" means a locally developed and department-approved plan which is implemented to prevent and control nonpoint pollution in a priority watershed or an early action watershed.

~~((2))~~ "Affected parties" means both those whose beneficial use of water is being impaired, or potentially impaired, by nonpoint pollution and those groups associated with the nonpoint sources of pollution identified in WAC 400-12-515(2).

~~((3) "Authority")~~ "Action team" means the Puget Sound water quality ~~((authority))~~ action team pursuant to RCW 90.71.020.

~~((4))~~ "Beneficial uses" means uses identified by water quality standards for waters of the state of Washington (chapter 173-201 WAC) as desirable uses for given classes of waters. Examples are water supplies for domestic, industrial, or agricultural purposes; fish, shellfish, and wildlife habitat; recreation; and navigation.

~~((5))~~ "Best management practices" means agricultural, structural, and/or managerial practices that, when used singly or in combination as part of an approved site development plan or farm plan, provide minimum essential action or treatment needed to solve, prevent, or reduce site-specific water quality problems.

~~((6))~~ "Chair" means chair of the Puget Sound water quality action team.

"Council" means the Puget Sound council as established in RCW 90.71.030.

"Comprehensive land use plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to Title 35 RCW, Title 35A RCW, chapter 36.70, or 36.70A RCW.

~~((7))~~ "Consensus" means achievement of general agreement on an issue by the watershed management committee during the planning process.

~~((8))~~ "Department" means the Washington state department of ecology.

~~((9))~~ "Document review" means solicitation of comment from interested and affected parties on reports, proposals, or plans during various stages of development of action plans.

~~((10))~~ "Early action watersheds" means those watersheds selected by the department for development of action plans prior to promulgation of this chapter.

~~((11))~~ "Failed," "failing," or "failure" of an on-site sewage disposal system means failure as defined by chapter 70.118 RCW (On-site sewage disposal systems) and chapter 246-272 WAC (On-site sewage system).

~~((12))~~ "Farm" means a property where domestic animals are kept to provide primary or supplemental income, for personal consumption, or for recreational use, or where crops are grown for resale.

~~((13))~~ "Farm plan" also known as "farm water quality management plan" means a site-specific plan developed by a farm operator in cooperation with a resource agency (such as those developed under the "208" water quality management program with assistance of a conservation district or

PROPOSED

the soil conservation service) and approved by the conservation district board of supervisors, for managing resources to protect water quality.

((14)) "Federal agencies" means units of the federal government having major facilities or substantial land holdings in the watershed, such as the Departments of Defense, Interior, Agriculture, or Transportation.

((15)) "Ground water management areas" means areas designated and defined in chapter 173-100 WAC and administered by the department.

((16)) "Implementing entity" means a federal or state agency, Indian tribe, local government, organization, or special purpose district responsible for carrying out the day-to-day activities of the applicable provisions of an action plan once it is approved by the department and, where applicable, adopted by the legislative body of the entity.

((17)) "Lead agency" means any entity selected in accordance with WAC 400-12-400 with responsibility for coordinating the development and implementation of a watershed action plan. The lead agency must possess the financial and staff resources in order to fulfill its responsibilities under this chapter. The lead agency must be a governmental agency or division thereof with power to pass resolutions, enact ordinances, and appropriate funds for expenditure; an Indian tribe recognized as such by the federal government with territory or usual and accustomed fishing grounds within waters in or adjacent to the county; a conservation district; a metropolitan municipal corporation; or a council of governments.

((18)) "Local government" means the city or town council, board of county commissioners, county council, special purpose district commission, metropolitan municipal corporation, council of governments, or that body assigned legislative duties by a city, county, or district charter.

((19)) "Nonpoint pollution" means pollution, as defined by chapter 90.48 RCW, (Water pollution control) that enters any waters of the state within Puget Sound basin from any dispersed land-based or water-based activities or sources, including farm practices, storm water and erosion, on-site sewage disposal, forest practices, marinas and boats, atmospheric deposition, garbage, and other residential, commercial, and industrial sources.

((20)) "Nonpoint pollution control programs" or "nonpoint pollution control strategy" means programs using education, technical and financial assistance, regulation, incentives or disincentives, monitoring, and/or enforcement to control, prevent, and mitigate pollution from nonpoint sources.

((21)) "On-site sewage disposal system" means a septic tank and drainfield or alternative treatment and disposal system as defined in chapter 246-272 WAC (On-site sewage system).

((22)) "Pesticides" means those substances intended to control pests and unwanted plants as defined in chapter 15.58 RCW, the Washington Pesticide Control Act.

((23)) "Plan" means the ((1994)) 1994 Puget Sound water quality management plan, which has been approved as the comprehensive conservation management plan for Puget Sound, and subsequent revisions.

((24)) "Planning entity" means a governmental or nongovernmental body that prepares reports, makes recommendations, and participates in developing an action plan.

An agency may serve both as a planning entity and implementing entity.

((25)) "Prevention" means application of laws, ordinances, administrative procedures, and/or land management practices or education and public involvement programs which reduce or eliminate the potential for nonpoint pollution.

((26)) "Priority" means highest or higher in importance or rank.

((27)) "Public hearing" means a formal public meeting to take testimony on a pending action.

((28)) "Public meeting" means an informal public proceeding, including a workshop, that informs the public and provides an opportunity for the public to ask questions and voice opinions.

((29)) "Public notification" means use of public information techniques to ensure that:

((a)) Information on decisions to be made or actions to be taken is complete and understandable;

((b)) A full explanation is provided on the effects of decisions or actions on the public, especially the effects on specific groups or geographic areas; and

((c)) The ways in which the public may influence the decision-maker and appeal the decision are explained.

((30)) "Puget Sound" means all waters of Puget Sound south of the Admiralty Inlet including Hood Canal and Saratoga Passage; the waters north to the Canadian border, including portions of the Strait of Juan de Fuca south of the Canadian border; and all land draining into these waters as mapped by WAC 173-500-040, water resource inventory areas, number 1 through 19.

((31)) "Regional watershed" means a large geographic region draining into a major river or body of water as identified and numbered by the state of Washington water resource inventory areas as defined in chapter 173-500 WAC.

((32)) "Regulation" means laws, rules, or ordinances to establish legal standards or administrative procedures to control nonpoint pollution.

((33)) Section 313 of the Clean Water Act specifies that the federal government shall be subject to and comply with all federal, state, interstate and local requirements, administrative authority and process and sanctions respecting the control and abatement of water pollution.

((34)) Section 319 of the Clean Water Act requires states to assess and rank their waters for impacts to beneficial uses from nonpoint source pollution and to develop and implement management programs to address the ranked waters.

((35)) "Special purpose district" means a district established pursuant to statute or ordinance in a specific geographic area to carry out specific responsibilities which affect water quality. Examples are soil and water conservation districts, port districts or on-site sewage disposal system maintenance districts.

((36)) "Special surveys" means intensive assessments of land use and water quality designed to obtain information on specific sources or pollutants not available through routine water sampling.

((37)) "State-wide forest practices program" means chapter 76.09 RCW, the Washington state Forest Practices Act; forest practices regulations as adopted by the state

forest practices board and the department of ecology; administration of the Forest Practices Act and regulations; and implementation of the Timber, Fish, and Wildlife Agreement.

~~((38))~~ "Subwatershed" means a geographic and hydrologic subunit of a watershed or regional watershed.

~~((39))~~ "Technical assistance" means service provided by state, tribal, or federal agencies to assist local entities in watershed ranking and/or action plan development and implementation.

~~((40))~~ "Timber, fish, and wildlife agreement" means a voluntary agreement which was drawn up by resource agencies, tribes, industry, and environmental groups to address forest practices on state and private lands within the state of Washington.

~~((41))~~ "208 water quality management plans" means nonpoint source control plans prepared in accordance with Section 208 of the Federal Clean Water Act.

~~((42))~~ "Watershed" means a geographic region within which water drains into a particular river, stream, or body of water as identified and numbered by the state of Washington water resource inventory areas as defined in chapter 173-500 WAC, or as defined and delineated by a watershed ranking committee through the watershed ranking process.

~~((43))~~ "Watershed improvement projects" means those projects within ranked watersheds which are expected to enhance water and habitat quality and protect beneficial uses, and which are based upon an existing local watershed action plan or are identified as part of a proposed new watershed planning process.

"Watershed management committee" means a local committee formed to develop an action plan in accordance with criteria set forth in this chapter and in the plan.

~~((44))~~ "Watershed ranking committee" means a committee convened to identify and rank all of the watersheds within a county in accordance with criteria set forth in this chapter and as generally described in the plan.

~~((45))~~ "Watershed rating criteria for nonpoint sources of pollution" means criteria developed by the United States Department of Agriculture Puget Sound Cooperative River Basin Study team to rank watersheds.

~~((46))~~ "Water quality violation" means a violation of local, state, and/or federal water quality laws or regulations.

~~((47))~~ "Wetlands" means areas as determined in accordance with element W 4.1.1 of the plan.

"Work plan" means the biennial work plan prepared by the action team pursuant to RCW 90.71.050.

AMENDATORY SECTION (Amending WSR 91-22-096, filed 11/6/91, effective 12/7/91)

WAC 400-12-525 Phase 2—Action plan nonpoint pollution control strategy. (1) Purpose. This section guides the development of control strategies to prevent and minimize nonpoint pollution, protect beneficial uses, and achieve enhancement of water quality. Nonpoint pollution control strategies shall address the existing or potential nonpoint pollutants and sources identified by the watershed management committee as priorities. Control strategies for pollutants or sources which are not identified as priorities may be included in the action plan, but are not required.

(2) Approach. Watershed management committees may select voluntary, educational, and/or regulatory approaches for addressing nonpoint pollution in the watershed. Educational programs must involve agencies and/or individuals with expertise in education in program development and implementation, while regulatory programs must provide adequate enforcement.

(3) Minimum requirements. The watershed management committee shall prepare a description and analysis of nonpoint pollution control strategies for each pollutant or source category which has been designated a priority. A source control strategy would address the pollutants from each source category which has been designated as a priority. A pollutant-by-pollutant strategy still entails control of sources in order to reduce or prevent pollutant loadings, but would be across the range of sources for that pollutant. The committee shall not be limited to the approaches described in subsection (4) of this section. The rationale for choosing or not choosing the approaches described in subsection (4) of this section for each source or pollutant control strategy shall be discussed, including the feasibility, cost, likelihood of success, and likelihood of achieving the stated goals and objectives. In addition, the committee shall describe the ways in which the nonpoint pollution control strategies will achieve enhancement of water quality and protection of beneficial uses in the watershed.

(4) Nonpoint pollution source categories. When addressing pollutants from farm practices, storm water and erosion, on-site septic systems, forest practices, marinas and boating, or other sources as applicable, the committee shall consider including the following in developing the nonpoint pollution control strategies:

(a) **Farm practices.** The intent of this strategy is to control nonpoint pollution that results from farm practices, and to emphasize education and incentives to obtain voluntary action for prevention and correction, the use of best management practices implemented as part of farm water quality management plans, and special considerations for noncommercial farms. Implementation of farm plans, including best management practices that meet USDA Soil Conservation Service technical standards, is the recommended control tool for action plans. The committee shall consider including a compliance and enforcement element for those cases where voluntary action is not obtained, and shall consider including the following:

(i) A farm inventory element that identifies all farms in the watershed, and includes information on the status of existing farm plans;

(ii) A prevention and corrective action element which includes: Provisions for encouraging farm operators without farm plans to develop and implement farm plans and to update existing farm plans; provisions for the local conservation district and lead implementing agency to evaluate on an ongoing basis the effectiveness of farm plan implementation; and special provisions to address nonpoint pollution from noncommercial farms;

(iii) An education element, coordinated with the conservation district and/or cooperative extension service, informing the agricultural community about nonpoint pollution from farm activities and the financial and technical assistance available to implement farm plans;

(iv) A compliance and enforcement element which includes: Incorporation of the Agriculture Compliance Memorandum of Agreement between the department, the Conservation Commission and conservation districts; additional enforcement provisions of the § 208 water quality management plans, such as the requirement for a National Pollutant Discharge Elimination system permit when applicable; and compliance with other applicable state and local laws and rules, such as the state water quality standards, and the federal Clean Water Act; and

(v) An exceptions element stating that any farm implementing an approved farm plan, as agreed upon by the operator and the conservation district, shall be exempt from further water quality regulation under this chapter unless there is a water quality violation pursuant to chapter 90.48 RCW (Water pollution control), chapter 90.52 RCW (Pollution Disclosure Act of 1971), or chapter 90.54 RCW (Water Resources Act of 1971) and/or degradation of water quality. In cases where a violation cannot be attributed to a specific farm or farms, the committee shall consider surveying and evaluating all pollution sources potentially contributing to the violation.

(b) **Storm water and erosion.** The intent of this strategy is to correct and prevent pollution from storm water and erosion originating in urban, suburban, and urbanizing areas of the watershed through focusing on a combination of problem evaluation, public education, use of best management practices, and management of the quality and quantity of storm water runoff. This strategy does not apply to drainage and erosion control activities of farm operations or forest practices addressed pursuant to (a) and (d) of this subsection. The committee shall consider including the following:

(i) An evaluation of existing drainage and erosion control ordinances, policies, and programs to determine their effectiveness in controlling erosion and managing storm water to enhance water quality and protect beneficial uses;

(ii) A ranked list of the most significant storm water and erosion problems in the watershed as determined by the severity of their threat to or impacts on beneficial uses, an explanation of the criteria used to complete the ranking, and identification of needed monitoring information when existing information is not adequate to fully rank the problems;

(iii) A prevention and corrective action element that includes applicable requirements of the Plan elements SW-1 through SW-4. If a watershed includes jurisdictions that encompass both urbanized areas as well as those not considered urbanized, as defined by the Plan, the watershed management committee, together with local government entities responsible for stormwater management, shall propose an appropriate boundary for SW-2 application based on the following criteria: Urban growth areas defined in chapter 36.70A RCW (Growth Management Act), land use designations, and other special purpose district boundaries under the urbanized designation. A watershed management committee may choose storm water management and erosion control requirements that are more stringent than those in the Plan;

(iv) Coordination with local hazardous waste plans pursuant to chapter 70.105 RCW (Hazardous waste management); and

(v) Compliance with the provisions of the National Flood Insurance Program, 44 C.F.R. Parts 59 and 60, and chapter 86.16 RCW, Flood plain management; consideration of and coordination with NPDES Permit Application Regulations for Stormwater Discharges 40 C.F.R. Parts 122, 123, and 124, where appropriate.

(c) **On-site sewage disposal.** The intent of this strategy is to control nonpoint pollution that results from on-site sewage disposal systems and to emphasize prevention and remediation of water quality problems through education, regulation, correction of failing systems, and system maintenance. The committee shall consider including the following:

(i) Identification of geographic areas within the watershed with potential and existing risk of system failure, divided into categories of high, moderate, and low risk of failure, with an explanation of the criteria used. High risk areas are considered to be areas where systems are failing, where soils have severe limitations for sewage treatment, where development is occurring at high densities, or where other site conditions create a potential for surface or ground water contamination when on-site systems are used;

(ii) A prevention and corrective action element that includes: Provisions requiring adherence to chapter 246-272 WAC (On-site sewage system), particularly that failing systems be repaired or replaced; required use of alternative on-site sewage disposal systems in high risk areas, if site conditions permit the use of on-site sewage disposal; consideration of whether high risk areas would be better served, and water quality better protected, by a community or municipal sewage treatment system; provisions for an ongoing operation and maintenance program in high risk areas for existing and new systems utilizing a maintenance district or other mechanism that ensures proper functioning of systems; and in low and moderate risk areas, provisions for periodically informing users of on-site systems of the need for regular system maintenance; and

(iii) An education element directed at owners and those who install and service on-site systems, informing them about basic principles of system siting, design, installation, operation, and maintenance; local and state health requirements; available alternative systems; and financial assistance for remedial actions.

(d) **Forest practices.** The intent of this strategy is to control nonpoint pollution that results from forest practices and to emphasize coordination with forest practices and forest management programs. The committee shall consider including the following:

(i) Identification and ranking, with an explanation of criteria used, of water quality impacts in the watershed resulting from forest practices, using in part the watershed analysis tools available from the department of natural resources, and/or the cooperative evaluation, monitoring and research steering committee with the timber/fish/wildlife agreement, categorized by type of forest practice, geographic area of impact, and land ownership, and ranked according to the severity of threat to beneficial uses and public resources;

(ii) A coordination element that specifies how the water quality impact will be addressed, including the forest practices rule and regulations and timber/fish/wildlife agreement for state and private forest lands, and the national forest planning process for federal forest lands. Proposals

for correcting water quality or fish habitat problems should be coordinated with the department of fisheries or department of wildlife;

(iii) Provisions to ensure that the requirements of the Forest Practices Act and rules and regulations for land use conversions are implemented consistently to their fullest extent by all jurisdictions in the watershed;

(iv) Provisions for ensuring consistency among local jurisdictions in the watershed in carrying out the forest practices provisions in WAC 222-50-020(3) relating to the Shoreline Management Act; review of proposed regulations, and proposal of new regulations, pursuant to RCW 76.09.040 and review of forest practice applications pursuant to RCW 76.09.050;

(v) An education element coordinated with the department of natural resources that informs private landowners, especially small landowners, about the availability of technical assistance on water quality best management practices and compliance with forest practices rules and regulations, and informs watershed residents about opportunities for information and comment on forest practices in the watershed; and

(vi) Procedures for coordinating water quality monitoring on forest lands in the watershed with state, federal and timber/fish/wildlife monitoring programs.

(e) **Marinas and boats.** The intent of this strategy is to control nonpoint pollution from marinas and boats, focusing on coordinated education efforts for the boating public and marina operators to reduce pollutants from improper sewage disposal and boat maintenance. The committee shall consider including:

(i) Provisions for coordinating with the state parks and recreation commission, the department of health, and the state agency task force and advisory committees under MB-1 of the plan; and

(ii) An education program in coordination with element MB-4 of the plan to inform marina operators and the boating public about nonpoint pollution from boating activities, as well as the available methods to control such pollution and applicable federal, state, and local programs, including: On-board sanitation; near-shore and on-shore sewage disposal facilities; use of paints and solvents; solid waste disposal; and other practices related to the use, repair, or maintenance of boats that may contribute to water quality degradation. The boating public shall also be informed of the importance of preventing discharges in sensitive areas particularly shellfish beds and swimming areas; and

(iii) Measures may be developed for shoreside sewage disposal facilities at marinas, regulation of waste discharges from recreational boats and liveaboards, and for the storage, use, and disposal of hazardous materials such as fuels, paints, and solvents.

(f) **Other nonpoint sources.** The intent is to control other priority or potential priority sources of nonpoint pollution in the watershed, including but not limited to pesticides, landfills, mines, sand and gravel pits, septage disposal practices, and contaminated sites, as needed. The committee shall consider including the following:

(i) A pesticides management strategy, emphasizing an education program coordinated with the cooperative extension service, conservation district, forest and farm practices strategies pursuant to this chapter, and the state department

of agriculture. This will include informing users of pesticides in the watershed about the potential water quality problems associated with the improper use, storage, and disposal of pesticides, and the less toxic alternatives, including integrated pest management practices and nonpesticide substances and techniques that do not degrade water quality. The education program shall consider utilizing the Puget Sound Pest Management Information Program developed under element ((NP-17)) PS-2 of the plan, and other appropriate actions, including possible use of the Pesticide Usage Survey developed under element ((NP-16)) PS-1 of the plan. The strategy shall also consider including provisions which recognize the state preemption to regulate pesticides pursuant to chapter 16-228 WAC (Pesticide regulations), chapter 17.21 RCW (Washington Pesticide Application Act) and chapter 15.58 RCW (Washington Pesticide Control Act).

(ii) A management strategy for addressing nonpoint pollution from landfills, mines, and sand and gravel pits shall consider including measures that local governments can incorporate into their permitting processes to minimize sedimentation, turbidity, particulates, and leachates from closed, active, and proposed landfills, mining, and excavation activities; an education program to inform those engaged in landfill and resource excavation activities about the potential water quality problems associated with these operations, existing applicable regulations, and effective methods to reduce erosion and leachates from these activities; and other appropriate actions.

(iii) A management strategy for septage disposal practices, including coordination with the local agency administering the regulations pursuant to chapter 173-304 WAC, Minimal functional standards for solid waste handling.

(iv) A management strategy for contaminated sites, including coordination with the plan, related federal superfund plans, and any relevant state cleanup plans.

(v) When addressing nonpoint pollution from other nonpoint sources, strategies shall be developed by the watershed management committee.

AMENDATORY SECTION (Amending WSR 91-22-096, filed 11/6/91, effective 12/7/91)

WAC 400-12-535 Phase 3—Action plan implementation strategy. The watershed management committee shall prepare a strategy for implementing the action plan, including the following:

(1) A description of the specific actions required of each implementing agency and local government, including federal compliance requirements pursuant to Section 313 of the Federal Clean Water Act, and a means of coordinating these actions within and among control strategies. Where possible, the implementation strategy shall include, but is not limited to, specifically worded statements, such as model ordinances, recommended government policy statements, interagency agreements, proposed legislative changes, and proposed amendments to local comprehensive plans;

(2) A schedule that includes annual milestones for implementing nonpoint pollution control strategies and a specified time frame for achieving action plan objectives;

(3) Estimated implementation costs and budget, including a financing element that identifies existing and potential local, state, and federal funding sources to fully implement the action plan. Optional federal (~~and state~~) funding sources include: Sections 319, 104 (b)(3) and 205(j) of the Clean Water Act, (~~as well as~~) funds from the U.S. Forest Service and U.S. Fish and Wildlife Service implementing the federal forest plan, Clean Vessel Act grants, Army Corps of Engineers environmental restoration project funds, U.S. Environmental Protection Agency environmental education grants, U.S. Department of Agriculture Rural Economic and Community Development Water and Waste Disposal and Low Income Repair loans and grants, U.S. Department of Agriculture Natural Resource Conservation Service funds, and Coastal Zone Management 306 grants, among others. Optional state funding sources include: The state revolving loan program (~~and~~) the Centennial Clean Water Fund, the Jobs for the Environment program, department of transportation watershed mitigation investment funds, department of ecology public participation grants, the Washington state conservation commission nonpoint water quality implementation grants and habitat restoration fisher assistance program, the department of natural resources aquatic lands enhancement account, the interagency committee for outdoor recreation Washington wildlife and recreation fund, the department of community, trade, and economic development community development block grants, the public works trust fund, and others. The financing element shall include local long-term funding sources(~~(, such as utility districts,))~~ that are capable of generating revenues needed to sustain nonpoint pollution control programs, such as: Sewer and water utility districts, shellfish protection districts, conservation assessments, aquifer protection districts, lake management districts, flood control zone districts, drainage districts, on-site septic maintenance districts, conservation futures programs, and bonds, as well as current expense accounts. Additionally, the action team will maintain an updated list of funding sources and contacts which can be obtained by the public;

(4) Identification of a lead agency which must be willing and able to assume a leadership role in coordinating the implementation of the action plan and the public involvement process;

(5) A dispute resolution process to resolve disputes between the lead implementing agency and other implementing entities;

(6) A process and strategy for coordination and integration with ongoing planning and management programs within the watershed which impact water quality, including local, state, federal, and tribal plans and programs. Such plans and programs shall include comprehensive land use plans under the Growth Management Act, storm water and highway runoff plans, drainage basin plans, ground water management programs, flood control plans, wetlands management and protection programs, Coastal Zone Management Act Section 6217 coastal nonpoint pollution control programs, the Shoreline Master Program (chapter 173-19 WAC), shellfish and fisheries management programs, and others as appropriate;

(7) Provisions for public involvement in the preparation and adoption of implementation plans, policies, and/or ordinances. Such public involvement may include the

designation of a watershed management council or similar body to advise and assist the lead implementing agency with overseeing implementation of the action plan; and

(8) A method of evaluating the overall effectiveness of the action plan in preventing and correcting ground and surface water quality impacts from nonpoint pollution and protecting beneficial uses, including:

(a) A long-term monitoring program. The long-term monitoring program shall provide information on trends related to water quality, habitat, biological conditions, and land use to determine whether the nonpoint pollution control strategies in the approved action plan are effective; and

(b) A process for annual review. The lead implementing agency shall annually evaluate the effectiveness of the action plan and report the results of the evaluation to the department and affected parties. Every other year, this report shall include the results from the long-term monitoring program, as applicable, and shall coincide with the departmental biennial audit.

AMENDATORY SECTION (Amending WSR 91-22-096, filed 11/6/91, effective 12/7/91)

WAC 400-12-545 Phase 4—Action plan review and approval. (1) Departmental review. The watershed management committee and lead agency shall periodically consult with the department for technical assistance in the preparation of the draft plan to be submitted for the public and agency review in subsection (2) of this section. The watershed management committee and lead agency shall submit draft portions of the plan, as each phase is completed, to the department for review.

(2) Public and agency review.

(a) As soon as the watershed management committee completes the draft action plan, the lead agency shall:

(i) Forward this draft action plan to the department for review;

(ii) Forward this draft action plan to the planning and implementing entities identified in the action plan for review and to initiate the process for obtaining concurrence;

(iii) Distribute this draft action plan to the public; and

(iv) Initiate the SEPA review process.

(b) Within thirty days after distribution of the draft action plan, the watershed management committee and implementing entities shall conduct a joint public hearing to take public testimony on the draft action plan.

(c) Each planning and implementing entity shall evaluate those provisions of the draft action plan which require the entity's involvement.

(d) The department, planning and implementing agencies, and the public shall provide comments to the lead agency within sixty days of the distribution of the draft action plan.

(e) The lead agency shall collect the comments and present them to the watershed management committee.

(f) The committee shall prepare final revisions to the action plan and a summary of responses to the comments and forward these, preferably within sixty days, to the lead agency and planning and implementing agencies for statements of concurrence.

(3) Statements of concurrence.

(a) Within sixty days of publication of the final proposed action plan, each implementing entity shall submit a statement of its concurrence to the watershed management committee, indicating its intent to adopt implementing policies, ordinances, and programs as required, or a statement of nonconcurrence with the final proposed action plan which recommends specific revisions to those sections requiring its involvement. The lead agency need only concur with those provisions of the final proposed action plan which require its involvement.

(b) The committee shall attempt to resolve statements of nonconcurrence utilizing their dispute resolution process, prepare final revisions to the action plan, and approve it, preferably within sixty days.

(4) Action plan submittal. The final revised action plan shall be forwarded to the lead agency for submittal to the department. If there are unresolved issues or if there are statements of nonconcurrence which could not be resolved by the watershed management committee, these shall be described and included with the final revised action plan for submittal to the department. The lead agency shall propose solutions to any remaining statements of nonconcurrence and submit them to the department as part of the final action plan.

(5) Ecology approval process. Not more than thirty days from receipt of the final action plan, the department shall notify the lead agency, in writing, of its decision to approve or reject all or any portion of the final action plan. The lead agency shall promptly notify the watershed management committee of the decision of the department. Implementation of approved portions may proceed while approval of other portions is pending. To approve all or part of an action plan, the department must conclude that:

(a) The action plan is consistent with the goals and requirements of the plan;

(b) The action plan has been developed in accordance with the process described in this chapter;

(c) The plan contains a summary of the water quality characterization, the problem definition, and a statement of goals and objectives;

(d) The plan specifies a set of actions to be carried out by implementing entities to address the priority nonpoint pollution problems in the watershed and to meet the goals and objectives of the plan;

(e) The plan includes statements of concurrence from entities responsible for implementing recommendations of the action plan; in making a determination, the department shall consider the impact of any statements of nonconcurrence submitted with the action plan;

(f) The action plan includes a budget and implementation schedule;

(g) Adequate public involvement and participation has occurred in development of the action plan and a process for adequate public involvement in implementation of the plan is provided for in the action plan; and

(h) The plan complies with applicable state and federal laws.

(6) ~~((Authority))~~ Action team chair review. If the department disapproves all or part of the action plan and the lead agency cannot reach agreement with the department on approval within sixty days, either the lead agency, the watershed management committee, or the department may

request review by the ~~((authority))~~ chair. The ~~((authority))~~ chair will review the decision for consistency with the plan and forward its determination to the department, lead agency, and watershed management committee.

AMENDATORY SECTION (Amending WSR 91-22-096, filed 11/6/91, effective 12/7/91)

WAC 400-12-615 Responsibilities of implementing entities. (1) Implementing entities are encouraged to adopt action plans, or applicable parts thereof, once approved by the department. Each local and state implementing entity identified in the action plan approved by the department shall be responsible for carrying out its portion of the action plan within the prescribed schedule, using the approaches described in the action plan, pursuant to RCW ~~((90.70.070))~~ 90.71.050 and 90.71.070.

(2) In addition, affected local governments and state agencies with jurisdiction in the watershed shall be guided by the action plan in developing and approving all studies, plans, permits, and facilities in the watershed. The lead implementing agency shall seek to ensure consistency of federal agency actions pursuant to Section 313 and Section 319 of the Clean Water Act, 33 U.S.C. 1251 et seq., as amended, if applicable.

NEW SECTION

WAC 400-12-645 County responsibilities. Each county within the Puget Sound Basin will develop a prioritized list of watershed improvement projects.

AMENDATORY SECTION (Amending WSR 91-22-096, filed 11/6/91, effective 12/7/91)

WAC 400-12-700 Default procedure. If a planning or implementing entity does not carry out its responsibilities pursuant to this chapter, such as develop action plans, and/or carry out its responsibilities under the approved action plan, and has not been granted an exception under WAC 400-12-710, the department shall work directly with that entity to identify reasons why and to develop an appropriate strategy for addressing nonpoint pollution concerns. If the planning or implementing entity fails to prepare and/or implement a watershed action plan, or portions thereof, the ~~((authority))~~ council shall follow procedures in ~~((chapter 90.70))~~ RCW 90.71.070 and in element EM-8 of the plan to seek action. In addition, the department shall use its regulatory authority under chapter 90.48 RCW (Water pollution control) to require that water quality problems are corrected and, as a last resort, prepare action plans, and/or implement portions thereof.

WSR 96-20-122
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Filed October 2, 1996, 11:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-15-005.

Title of Rule: Volunteer cooperative and fisheries regional enhancement group rules.

Purpose: Establish egg and carcass sale procedures and accounting.

Statutory Authority for Adoption: RCW 75.50.100, 75.52.035.

Statute Being Implemented: RCW 75.50.030, 75.52.035.

Summary: Clarify definitions; provide accountability and procedure for carcass and egg sales.

Reasons Supporting Proposal: Accountability.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Ed Manary, 1111 Washington Street, Olympia, 902-2231; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, 902-2927.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules provide for accountability of salmon and egg carcass sales, and the distribution of the funds from these sales. They protect department programs by ensuring that eggs are first used for production, and allow for increasing the scope of volunteer cooperative projects and fisheries regional enhancement groups by providing necessary funding.

Proposal Changes the Following Existing Rules: Provides greater accountability for volunteer cooperative project recovery of reimbursable expenses.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal involves volunteer groups only, not small businesses.

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

Hearing Location: Cavanaugh's Motor Inn, 110 East 4th Avenue, Spokane, WA, on November 15, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by November 7, 1996, TDD (360) 902-2295, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Washington State Department of Fish and Wildlife, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by November 14, 1996.

Date of Intended Adoption: November 16, 1996.

October 2, 1996

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 90-06, filed 1/30/90, effective 3/2/90)

WAC 220-140-010 Definitions. The following definitions apply to this chapter:

(1) "Regional fisheries enhancement group" or "group" means a nonprofit association established in compliance with Title 24 RCW, representing diverse interests, and which will work together within a predesignated area for the express

purpose of enhancing salmon production and habitat in that area.

(2) (~~"Enhancement project" means a project undertaken or overseen by a group, whether publicly or privately funded, the goal of which project is an increase in the salmon resource of the state. Enhancement projects include both salmon production and salmon habitat improvement.~~

~~(3) "Regional enhancement task force" means persons, representing diverse interests, who have been designated by the department of fisheries to review the establishing of groups, to select among competing prospective groups, and to review start up enhancement project applications. Should the legislature authorize a regional fisheries enhancement group advisory board, the board shall take over the responsibilities of the task force.)~~ "Regional fisheries enhancement group's project surplus viable salmon eggs" means those viable salmon eggs that are surplus to both the needs of the department and other public entities within the state and to the group itself. The priority for use of viable salmon eggs is as established in chapter 220-74 WAC.

NEW SECTION

WAC 220-140-040 Project funds from the sale of surplus salmon carcasses and eggs. (1) Regional fisheries enhancement groups whose projects produce surplus salmon carcasses and eggs may request that the department sell such surplus, providing the following conditions are met:

(a) Salmon must be returning to a department approved group facility (hatchery, trap or weir);

(b) An approved and current salmon rearing project must be on file with the department;

(c) The department must declare that a surplus exists beyond the needs of the department, tribes, other public entities, and group project requirements; and

(d) Use of funds generated by such sale will be approved by the regional fisheries enhancement group advisory board and the department, using the same procedure as established for handling moneys allocated from the regional fisheries enhancement group account.

(2) The department may sell the surplus salmon carcasses, nonviable eggs and viable eggs of a group project. Surplus viable salmon eggs shall be sold by the department as prescribed in chapter 220-74 WAC, Surplus salmon eggs. A group may not sell any salmon products resulting from its activities.

(3) All money received by the department from the sale of group surplus salmon carcasses, nonviable eggs and viable eggs shall be placed into the regional fisheries enhancement group account and used solely to fund the expenses of approved activities for the group that developed the project.

(4) All money received by the department from the sale of surplus salmon carcasses, nonviable eggs and viable eggs returning to state funded hatcheries shall be placed into the general regional fisheries enhancement group account. Eighty percent of this money will be distributed equally to each of the twelve groups and twenty percent will be used by the department to administer the program.

(5) All fish produced from an approved group project are intended for release into state waters. Live fish will not be transported from a group project without prior written approval of the department.

(6) Surplus carcasses from salmon returning to a group project may be seeded into and along streams if a plan to do so has been preapproved and coordinated by the department.

AMENDATORY SECTION (Amending Order 89-02, filed 1/6/89)

WAC 220-130-020 Definitions. For the purposes of this chapter:

(1) Project means a volunteer fisheries resource project.
 (2) ~~((Director's))~~ Commission's designee means the director, deputy director or the assistant director for resource management having departmental authority over the species being enhanced by the volunteer program.

(3) Reimbursable expense means an actual expense of the volunteer cooperative project that may be reimbursed by the department to the project from funds generated by the sale of surplus salmon eggs and salmon carcasses from that project. Reimbursable expenses include but are not limited to: Fish food; hardware items; lumber; telephone; electricity; salary for hired labor; office supplies; mileage; insurance; fish culture supplies. Nonreimbursable expenses include purchases of items that have certificate of title or ownership, including but not limited to real estate and motor vehicles, or expenses for debt reduction.

(4) Volunteer cooperative project surplus salmon eggs means those viable salmon eggs that are surplus to both the needs of all programs of the department and other public entities within the state and to the volunteer cooperative project itself. Priority of use of viable eggs ((by the department and other public entities)) is ((the highest priority, and project use is second only to departmental and public entity use)) as established by chapter 220-74 WAC.

AMENDATORY SECTION (Amending Order 89-02, filed 1/6/89)

WAC 220-130-070 Project recovery of reimbursable expenses. ~~((1) In order for a project to recover reimbursable expenses, the project must have an annual budget pre-submitted and approved by the department. The budget must generally show expected expenses, including the names of all persons expected to draw salaries as hired labor.~~

~~((2) The department may sell the products of a project when they are available. The project may not sell products. Nonviable salmon eggs and salmon carcasses shall be sold under competitive bidding. Volunteer cooperative project surplus salmon eggs shall be sold as prescribed by chapter 220-74 WAC, Surplus salmon eggs.~~

~~((3) All moneys received by the department from the sale of project products shall be placed into a special account used solely to fund the reimbursable expenses of that project.~~

~~((4) The project shall annually submit a list of expenses, which will be reviewed by the director or his designee. The department may require actual receipts for items purchased and will require signed timesheets for hired labor salary expenses.~~

~~((5) Reimbursable expenses shall be limited to the actual annual operating expenses of the project. No profit may be realized by the project, and no moneys shall apply to amortization or depreciation.~~

~~((6) Moneys accruing in excess of the reimbursable expense amount, as determined by the director, shall annual-~~

~~ly be remitted to the state general fund.))~~ (1) For a project to recover expenses from the sale of surplus salmon carcasses and eggs resulting from project supplementation activities, the following requirements must first be met:

(a) Salmon must be returning to a department approved group facility (hatchery, trap or weir);

(b) An approved and current salmon rearing project must be on file with the department;

(c) The agency must declare that a surplus exists beyond the needs of the department, tribes, other public entities, volunteer cooperative projects and regional fisheries enhancement group requirements; and

(d) An annual budget must be presubmitted and approved by the department.

The department shall indicate which expenses are approved for reimbursement. The budget must be submitted to the department by the first of July preceding the expected return of the salmon, and show expected expenses. To collect the funds the project shall annually submit a list of expenses for review by the commission or its designee. The department shall require actual receipts for items purchased. Expenses shall be limited to the actual annual operation expenses of the project as detailed in the preapproved budget. No profit may be realized by the project and no money shall apply to amortization or depreciation.

(2) The department may sell surplus salmon carcasses and nonviable eggs of a project. If the department cannot sell the surplus salmon carcasses and nonviable eggs of a project, then the project may sell them directly, subject to the following guidelines:

(a) Surplus salmon carcasses and nonviable eggs shall be sold under a competitive bidding system;

(b) The project must provide bid information to the commission or its designee for approval prior to any sale;

(c) Revenue resulting from the sale must be deposited by the successful bidder into a special account of the department and used solely to fund the approved expenses of the project that produced the surplus;

(d) Salmon products provided to the volunteer cooperative project by the successful bidder as part of the approved sale arrangement shall strictly adhere to applicable department of health and department of agriculture requirements;

(e) The project shall provide to the department detailed accounting records of salmon products provided by the successful bidder as part of the approved sale arrangement, including: Types and amount of salmon product received; monthly disposition of salmon products including amount sold, amount in storage, or amount no longer viable, and total moneys collected; and

(f) All revenue from the sale of salmon products provided to the successful bidder as part of the approved sale arrangement shall be deposited into a special account of the department and used solely to fund the approved expenses of the volunteer cooperative project that produced the surplus.

(3) The department may sell the surplus viable salmon eggs of a project. Surplus viable salmon eggs will be sold by the department as prescribed in chapter 220-74 WAC. Revenue received shall be deposited into a special account of the department and used solely to fund the approved expenses of the project that produced the surplus. Surplus viable salmon eggs may not be sold by a project.

(4) Revenue from the sale of surplus salmon carcasses and eggs placed into the special account of the project producing the surplus may not exceed the amount reflected by the current preapproved budget for project expenses. Moneys accruing in excess of the approved expense amount, as determined by the commission or its designee, shall annually be remitted to the state general fund.

(5) All fish produced from a project are intended for release into state waters. Live fish will not be transported from a project without prior written approval of the department.

(6) Surplus carcasses of salmon returning to an approved volunteer cooperative project may be seeded into and along streams for the purpose of nutrient enrichment if a plan has been preapproved and coordinated with the department.

PROPOSED



WSR 96-20-004
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed September 19, 1996, 10:34 a.m.]

Date of Adoption: September 19, 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.

Citation of Existing Rules Affected by this Order: Amending WAC 415-113-0306, 415-113-055, 415-113-059, 415-113-070, and 415-113-090.

Statutory Authority for Adoption: RCW 41.50.050.

Adopted under notice filed as WSR 96-15-080 on July 18, 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 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 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.

September 19, 1996

Sheryl Wilson
Director

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

PERMANENT

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 96-20-010
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 20, 1996, 1:04 p.m.]

Date of Adoption: September 19, 1996.

Purpose: To improve and simplify the Department of Social and Health Services administrative hearings process.

Citation of Existing Rules Affected by this Order: Amending WAC 388-08-425 and 388-08-449.

Statutory Authority for Adoption: RCW 34.05.020 and 74.08.090.

Adopted under notice filed as WSR 96-14-102 on July 2, 1996.

Changes Other than Editing from Proposed to Adopted Version: Made editing changes to improve clarity. Changed section numbers of new sections from WAC 388-08-595 to WAC 388-08-466 and WAC 388-08-605 to WAC 388-08-462, to improve the structure and organization of the chapter.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing,
September 19, 1996

Philip A. Wozniak, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2999, filed 2/5/90, effective 3/1/90)

WAC 388-08-425 Administrative law judge (ALJ)—Authority—Application of law—Assignment—Disqualification. (1) Authority. The ALJ shall:

- (a) Hear and decide the issue anew (de novo);
- (b) Determine the order of presentation of evidence;
- (c) Administer oaths and affirmations;
- (d) Issue subpoenas;
- (e) Rule on procedural matters, objections, and motions;
- (f) Rule on offers of proof and receive relevant evidence;
- (g) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;
- (h) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;

(i) Take any appropriate action necessary to maintain order during the hearing;

(j) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(k) Permit photographic and recording equipment at hearings subject to conditions the ALJ imposes to preserve confidentiality or to prevent disruption;

(l) Permit a person to waive any right conferred upon that person by chapters 34.05 RCW or 388-08 WAC, except to the extent precluded by another provision of law; ~~(and)~~

(m) Permit the department to amend the adverse notice before the hearing or to amend the notice to conform to the evidence at the hearing. The department shall reduce such amendment to writing and submit the written amendment to both the ALJ and all parties as quickly as possible. The ALJ may grant a party a continuance when necessary to allow that party additional time to prepare or present evidence and/or argument as to the amendment; and

(n) Take any other action necessary and authorized by any applicable rule.

(2) Application of law. The ALJ shall:

(a) Apply as the first source of law governing an issue the department rules adopted in the Washington Administrative Code (WAC);

(b) If there is no department rule governing the issue, resolve the issue on the basis of the best legal authority and reasoning available, including that found in federal and Washington constitutions, statutes and regulations, and court decisions;

(c) Not declare any department rule invalid;

(d) If the validity of any department rule is raised as an issue at any proceeding, permit arguments concerning that issue for subsequent review purposes; and

(e) If the sole issue is one of federal or state law requiring automatic assistance, benefit, scope of program, or fee or regulation adjustments for classes of people the department serves or regulates, dismiss the application without permitting argument on the validity of the law.

(3) Assignment of ALJ. If the notice of hearing does not state the name of the presiding ALJ, the chief ALJ of the office of administrative hearings shall:

(a) Make such assignment five days or more before the hearing; and

(b) Disclose the assignment to any party or representative making inquiry.

(4) Motion of prejudice.

(a) A motion of prejudice with a supporting affidavit under RCW 34.12.050 shall be filed at least three days before the hearing or any earlier stage of the adjudicative proceeding when the ALJ may be required to issue a discretionary ruling.

(b) The chief ALJ or designee shall rule upon subsequent motions of prejudice filed by the same party in the same proceeding.

(5) Petition for disqualification. An individual petitioning to disqualify an ALJ under RCW 34.05.425 shall file such petition with the ALJ assigned to preside over the proceeding.

AMENDATORY SECTION (Amending Order 2999, filed 2/5/90, effective 3/1/90)

WAC 388-08-449 Teleconference hearing. (1) When authorized.

(a) The administrative law judge (ALJ) may conduct all or part of the hearing by telephone, television, or other electronic means if each party in the hearing has an opportunity to participate in, to hear, and, if technically and economically feasible, to see the entire proceeding while it is taking place.

(b) Conducting a hearing by electronic means is subject to the following conditions:

(i) In public assistance cases including the aid to families with dependent children program under Title IV-A and ~~((adult categories))~~ programs under Titles ~~((I, X, XIV, or))~~ IV-F, XVI, or XIX of the Social Security Act ~~((and))~~, general or medical assistance under Title 74 RCW, in the food stamp ~~((disqualification))~~ program under 7 CFR § 273.15 and 273.16, and the refugee assistance program under 45 CFR § 400, a teleconference hearing may be scheduled only if the notice of hearing informs the appellant the hearing will be converted to an in-person hearing upon request ~~((filed with the ALJ at least one week before the hearing))~~. The appellant does not have to show good cause to convert the hearing~~((s))~~.

(ii) In a program not described under subsection (1)~~((a))~~ (b)(i) of this section~~((, or in such a program when a party requests to convert a telephone hearing to an in-person hearing a week or less before the hearing))~~, an appellant shall be advised of the right to request conversion for good cause and the ALJ shall, upon request, schedule a prehearing conference to determine whether to grant the request. The ALJ shall grant the request upon a ~~((party))~~ showing of good cause by any party.

(iii) For purposes of this subsection, good cause shall include, but not be limited to, those cases in which a party is limited in the ability to present evidence or testimony by a disability or communication barrier, or cases in which question of credibility are at issue, demonstrative evidence is to be presented, or a significant number of documents are to be offered in evidence. In cases where there is a potential for physical or emotional harm to one of the participants, the ALJ may issue such orders as are necessary to protect the participant. If an in-person hearing is granted or denied, the ALJ may reschedule the in-person hearing to a different date and time. If the request for an in-person hearing is denied, the ALJ shall enter a written order which is subject to appeal only after entry of the initial decision on the merits of the underlying case. The ALJ shall include findings of fact to support the denial of the in-person hearing in the initial decision and order.

(2) Documentary evidence. When the hearing is conducted by electronic means, the ALJ may enter an order to submit documentary evidence ~~((shall be submitted))~~ in advance as provided under WAC 388-08-452(2). The department shall notify a party in a support enforcement hearing that the department will, upon request, assist the party by copying and transmitting the documentary evidence in advance and at no charge.

NEW SECTION

WAC 388-08-462 Corrected decision. Within ten days of service of the initial decision, any party may file a request with the presiding officer for a corrected decision based on a purely clerical error. Within three days of receipt of the request, the presiding officer shall issue either a corrected decision or a denial of the request. Filing a request for a corrected decision will not extend the twenty-one day period under WAC 388-08-464(1). If the presiding officer issues a corrected initial decision, that order shall become final twenty-one days after the mailing of the original initial decision unless a petition for review is filed under WAC 388-08-464.

NEW SECTION

WAC 388-08-466 Procedure on review by review judge. (1) In licensing and rate-making proceedings and related civil fines, and in custodial parent address disclosure proceedings under RCW 26.23.120, the reviewing officer shall exercise all the decision-making power that the reviewing officer would have had to decide and enter the final order had the reviewing officer presided over the hearing, except to the extent that the issues subject to review are limited by a provision of law or by the reviewing officer upon notice to all the parties. In reviewing findings of fact by presiding officers, the reviewing officers shall give due regard to the presiding officer's opportunity to observe the witnesses.

(2) In all other adjudicative proceedings, the reviewing officer's authority to modify the findings of fact, conclusions of law and decision is limited to the following grounds:

(a) Irregularity in the proceedings preventing the petitioning party from having a fair hearing. This includes misconduct by the prevailing party and misconduct or abuse of discretion by the presiding officer;

(b) The findings of fact are unsupported by substantial evidence in view of the entire record;

(c) Errors of law;

(d) Need for clarification in order for the parties to implement the decision; or

(e) The reviewing officer may also make additional findings of fact when the ALJ failed to make a factual finding on a point, the determination of which is essential to the adjudicative order, and the additional findings are:

(i) Supported by substantial evidence in view of the entire record; and

(ii) Not inconsistent with or contrary to the findings of the ALJ which are supported by substantial evidence in view of the entire record.

The reviewing officer shall enter a final order affirming, modifying, or reversing the initial order or remanding the matter for further proceedings.

WSR 96-20-017
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Institutions)

[Filed September 20, 1996, 1:17 p.m.]

Date of Adoption: September 18, 1996.

Purpose: Specifies a youth who successfully graduates from the basic training camp program shall comply with the provisions of an intensive aftercare program imposed pursuant to RCW 13.40.320.

Citation of Existing Rules Affected by this Order: Amending WAC 275-30-020.

Statutory Authority for Adoption: RCW 13.40.320.

Adopted under notice filed as WSR 96-16-091 on August 7, 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 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 18, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3751, filed 7/7/94, effective 8/7/94)

WAC 275-30-020 Conditions of parole. (1) Following a juvenile's release from a residential facility, the department may require the juvenile to comply with a parole program in the juvenile's community for not more than eighteen months.

(2) The department shall determine a juvenile's period of parole as twenty-four months for crimes committed on or after July 1, 1990 when the juvenile is sentenced for:

- (a) Rape in the first or second degree;
- (b) Rape of a child in the first or second degree;
- (c) Child molestation in the first degree; or
- (d) Indecent liberties with forcible compulsion.

(3) The department shall, for the period of a juvenile's parole, require the juvenile to refrain from possessing a firearm, or using a deadly weapon and refrain from committing new offenses. The department's parole program may require the juvenile to:

(a) Undergo available medical or psychiatric treatment, including urinalysis;

(b) Report as directed to a parole officer, by in-person contact, telephone, and electronic monitoring;

(c) Pursue a course of study or vocational training; ((and))

(d) Remain within prescribed geographical boundaries and notify the department of any address change; and

(e) Comply with provisions of an intensive aftercare program imposed pursuant to RCW 13.40.320(8).

(4) The juvenile shall sign an order of parole conditions on department forms. When the juvenile refuses to sign an order of parole conditions, a witness, attesting the order of parole conditions has been explained to the juvenile, and the juvenile's parole officer shall sign the order. The department shall provide a copy to the juvenile.

(5) The parole officer may modify an order of parole conditions as long as the officer gives the juvenile an opportunity to comment on the proposed modification before the order takes effect.

WSR 96-20-042

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed September 24, 1996, 10:55 a.m.]

Date of Adoption: September 20, 1996.

Purpose: To repeal all provisions respecting Type 2 school activities driver's authorization, and remove all unnecessary references to Type 1 authorizations.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-20-045, 180-20-065, 180-20-155 and 180-20-160; and amending WAC 180-20-035, 180-20-040, 180-20-055, 180-20-060, 180-20-070, 180-20-075, 180-20-090, 180-20-095, 180-20-101, 180-20-111, 180-20-115, 180-20-120, 180-20-130, 180-20-145, and 180-20-150.

Statutory Authority for Adoption: RCW 28A.160.210.

Adopted under notice filed as WSR 96-16-096 on August 7, 1996.

Changes Other than Editing from Proposed to Adopted Version: The last sentence of WAC 180-20-090 was deleted.

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 15, repealed 4.

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 15, repealed 4; 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.

September 24, 1996

Larry Davis

Executive Director

PERMANENT

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-040 Definition—~~((Type 1))~~ **A school bus driver's authorization.** As used in this chapter, "~~((Type 1))~~ a school bus driver's authorization" means an authorization issued by the superintendent of public instruction indicating that the person has met state board of education requirements to operate a school bus or other motor vehicle for the purpose of transporting students to and from school routinely on scheduled routes and for school activities.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-060 Definition—~~((Type 1))~~ **School bus driver training course.** As used in this chapter, "~~((Type 1))~~ school bus driver training course" means a course established by the superintendent of public instruction and taught by a qualified school bus driver instructor. This course shall be successfully completed by all applicants for a continuing ~~((Type 1))~~ school bus driver's authorization.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-070 Definition—~~((Type 1))~~ **School bus driver annual in-service training course.** As used in this chapter, "~~((Type 1))~~ school bus driver annual in-service training course" means an annual course taught by a qualified school bus driver instructor. The content and minimum time requirements of such course shall be annually determined by the superintendent of public instruction and shall be required to be completed by the end of the school year by all authorized ~~((Type 1))~~ school bus drivers.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-035 Definition—School bus driver. As used in this chapter, "school bus driver" means a person, who is employed by a school district including contracted drivers under WAC 180-20-031 (1) and (2) and as part of that employment or contract, ~~((operates a motor vehicle for the transportation of children between home and school or for school related activities. A school bus driver includes both Type 1 and Type 2 drivers.~~

(1) A "Type 1 school bus driver" means a person who) operates a school bus as defined in WAC 392-143-010, as well as other motor vehicles for the regularly scheduled transportation of students between home and school, and for school related activities on routinely ((or) scheduled routes. An authorized ~~((Type 1))~~ school bus driver may also transport students on field trips and other school related activities.

~~((2) A "Type 2 school activities driver" means a person employed by the school district, other than a Type 1 school bus driver, who transports students for school activities in a district or private vehicle with a seating capacity of ten persons or less including the driver as defined in WAC 392-143-070. It is not the intent of this chapter to affect the assignment of work between Type 1 and Type 2 drivers.))~~

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-055 Definition—School bus driver instructor's endorsement. As used in this chapter, "school bus driver instructor's endorsement" means an endorsement issued by the superintendent of public instruction to a person successfully completing the superintendent of public instruction approved school bus driver instructor course. This endorsement qualifies a person to train and verify the training of ~~((Type 1))~~ school bus drivers ~~((and Type 2 school activities drivers)).~~ This endorsement shall lapse unless the holder successfully completes an annual school bus driver instructor's in-service course.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-075 Definition—~~((Type 1))~~ **School bus driver ((and Type 2 school activities driver)) instructor's course.** As used in this chapter, "~~((Type 1))~~ school bus driver ~~((and Type 2 school activities driver))~~ instructor's course" means a training program authorized by the superintendent of public instruction to qualify a person as a ~~((Type 1))~~ school bus driver ~~((and Type 2 school activities driver))~~ instructor.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-090 Authorization required. Every ~~((Type 1))~~ school bus driver ~~((and Type 2 school activities driver))~~ shall meet the requirements for ~~((Type 1 or Type 2))~~ a school bus driver's authorization or temporary ~~((Type 1))~~ school bus driver's authorization issued in accordance with the provisions of this chapter. An authorization is no longer valid if suspended, lapsed, or revoked. ~~((An authorization is not required of an employee who operates a motor vehicle to transport students in an emergency affecting health and/or safety.))~~

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-095 Duration of authorization. A ~~((Type 1 or Type 2))~~ school bus driver's authorization shall continue in effect from year to year as long as the person continues to meet the requirements of this chapter or until the authorization lapses or is suspended or revoked.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-101 Minimum qualifications of ~~((Type 1))~~ school bus drivers ~~((and Type 2 school activities drivers)).~~ (1) Every ~~((Type 1))~~ school bus driver ~~((and Type 2 school activities driver))~~ must meet and continue to meet the following minimum requirements:

(a) Be at least twenty-one years of age.

(b) Have a valid driver's license or commercial driver's license, as required by law, issued by the state department of licensing.

(c) Have at least one year of experience as a driver of a truck or commercial vehicle requiring a special endorse-

ment or, in the alternative, at least three years of experience as a driver of a passenger vehicle.

(d) Hold a current and valid first aid card or equivalent which certifies that the applicant has completed a course in the basic principles of first aid.

(e) Submit to the school district a disclosure of all crimes against children or other persons and all civil adjudications in a dependency action or in a domestic relation action and all disciplinary board final decisions of sexual abuse or exploitation or physical abuse as required by RCW 43.43.834(2) and disclosure of all convictions which may be grounds for denial of authorization under (h), (i), and (j) of this subsection.

(f) Submit to a criminal record check according to chapter 28A.400 RCW (~~for new employees~~) which shows that no offenses have been committed which would be grounds for denial of an authorization.

(g) Shall not have misrepresented or concealed a material fact in obtaining a ~~((Type 1 or Type 2))~~ school bus driver's authorization or in reinstatement thereof in the previous five years.

(h) Shall not have had a driving license privilege suspended or revoked within the preceding three years; a certified copy of the suspension or revocation order issued by the department of licensing being conclusive evidence of the suspension or revocation.

(i) Shall not have incurred three or more speeding tickets in excess of ten miles per hour over the speed limit within any twelve-month period, within the last thirty-six months.

(j) Shall not have been convicted of any misdemeanor, gross misdemeanor, or felony (including instances in which a plea of guilty or nolo contendere is the basis for the conviction) or any proceedings in which the charge has been deferred from prosecution under chapter 10.05 RCW or the sentence has been deferred or suspended, and is related to the occupation of a ~~((Type 1))~~ school bus driver ~~((or the duties of a Type 2 school activities driver))~~, including but not limited to the following:

(i) Any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, sexual exploitation of a child under chapter 9.68A RCW; sexual offenses under chapter 9A.44 RCW where a minor is the victim; promoting prostitution of a minor under chapter 9A.88 RCW; the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction;

(ii) Any crime involving the use, sale, possession, or transportation of any controlled substance or prescription within the last seven years: *Provided*, That in the case of felony convictions, the applicable time limit shall be ten years;

(iii) Any crime involving driving when a driver's license is suspended or revoked, hit and run driving, driving while intoxicated, being in physical control of motor vehicle while intoxicated, reckless driving, negligent driving of a serious nature, vehicular assault or vehicular homicide, within the last three years;

(iv) Any crime against children or other persons as defined in RCW 43.43.830(5) when the date of the conviction or prison release, which ever is more recent, is within

ten years of the date of the job application for felonies and within seven years for other crimes.

(k) Shall not have been found in any dependency action under RCW 13.34.040 to have sexually assaulted or exploited any minor or to have physically abused any minor, within the last seven years.

(l) Shall not have been found by a court in a domestic relation proceeding under Title 26 RCW, to have sexually abused or exploited any minor or to have physically abused any minor, within the last seven years.

(m) Shall not have been found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person, within the last seven years.

(n) Shall not have intentionally and knowingly transported public school students within the state of Washington within the previous five years with an expired, lapsed, surrendered, or revoked authorization in a position for which authorization is required under this chapter.

(o) Shall not have a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, bus drivers, or other colleagues. For the purpose of this chapter, a serious behavioral problem includes, but is not limited to, conduct which indicates unfitness to carry out the responsibilities related to the occupation or job performance of transporting children, such as: Dishonesty; immorality; or misuse of alcohol, a controlled substance, or a prescription drug; or furnishing alcohol or controlled substances to a minor or student.

(2) Every ~~((Type 1))~~ school bus driver must also meet and continue to meet the following requirements:

(a) Be certified by a local school district that the person seeking a ~~((Type 1))~~ school bus driver authorization:

(i) Is physically able to maneuver and control a school bus under all driving conditions; and

(ii) Is physically able to use all hand/or foot operated controls and equipment found on state minimum specified school buses; and

(iii) Is physically able to perform daily routine school bus vehicle safety inspections and necessary emergency roadside services; and

(iv) Has sufficient strength and agility to move about in a school bus as required to provide assistance to students in evacuating the bus. The driver must be able to move from a seated position in a sixty-five passenger school bus, or the largest school bus the driver will be operating, to the emergency door, open the emergency door, and exit the bus through the emergency door, all within twenty-five seconds.

(b) Provide certification of passing a physical examination every twenty-four months in accordance with the standards established in 49 C.F.R. 391.41 through 391.49, of the Federal Motor Carrier Safety Regulations. ~~((Type 1))~~ School bus drivers must continue to meet these physical examination requirements during the time between examinations. This requirement does not prevent a school district from requesting a more frequent examination.

(c) Satisfactorily complete a ~~((Type 1))~~ comprehensive school bus driver training course and each year thereafter, satisfactorily complete a ~~((Type 1))~~ school bus driver in-service training course.

~~((3)) Every Type 2 school activities driver must also meet and continue to meet the following requirements:~~

- ~~(a) Provide written assurance to the school district that the person possesses the physical health necessary to safely transport students prior to initial authorization and at intervals deemed appropriate by the local school district.~~
~~(b) Satisfactorily complete a Type 2 training course.)~~

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-111 Issuing procedures for ((Type 1 and Type 2)) school bus driver authorizations. (1) ((Type 1 and Type 2)) School bus driver authorizations shall be issued by the superintendent of public instruction upon request by an authorized representative of the employing school district subject to compliance with the following provisions:

(2) The employing school district shall forward to the superintendent of public instruction an application for a ((Type 1 or Type 2)) school bus driver authorization prior to issuance. The following verifications relating to the applicant must be provided:

(a) Verification by a qualified training instructor of successful completion of the appropriate training course.

(b) Verification by the employing school district that it has on file a physical health certification or statement as required by this chapter.

(c) Verification by the employing school district that it has on file a current driver's abstract of the applicant's employment and nonemployment driving record issued by the department of licensing verifying compliance with all provisions of this chapter. The issue date of this abstract must be within sixty calendar days of the date the application is being submitted for authorization.

(d) Verification that the applicant has a current and valid first aid card or equivalent.

(e) Verification by the employing school district that it has on file a disclosure statement in compliance with preemployment inquiry regulations in WAC 162-12-140, signed by the applicant, specifying all convictions which relate to fitness to perform the job of ((Type 1)) a school bus driver ((or Type 2 school activities driver)) under WAC 180-20-101 and all crimes against children or other persons, that meets the requirements of RCW 43.43.834(2).

(f) Verification that the school district has on file the results of a criminal record check as required under chapter 28A.400 RCW ((for new employees)) and that such results establish that the applicant has not committed any offense which constitutes grounds for denying, suspending, or revoking an authorization under this chapter.

(g) Verification by the school district that it has on file an applicant's disclosure of all serious behavioral problems which explains the nature of all such problems and/or conditions, a listing of the names, addresses, and telephone numbers of all doctors, psychologists, psychiatrists, counselors, therapists, or other health care practitioners of any kind or hospitals, clinics, or other facilities who have examined and/or treated the applicant for such problems and/or conditions and dates of examinations, therapy, or treatment and the school district has determined that any reported serious behavioral problem does not endanger the education welfare or personal safety of students, teachers, bus drivers, or other colleagues.

(h) Verification by the employing school district that the applicant complies with all of the requirements for ((Type 1)) school bus drivers ((or Type 2 school activities drivers)) set forth in this chapter.

(3) Upon approval of an application, the superintendent of public instruction shall issue a notice of ((Type 1)) school bus driver ((or Type 2 school activities driver)) authorization to the employing school district.

(4) Subsequent authorizations for an individual driver with new or additional employing school districts must be issued from the superintendent of public instruction to such districts prior to the operation of any motor vehicle for the transportation of children.

(5) On or before August 15 of each year, the superintendent of public instruction will provide each school district with a list of authorized drivers and their status.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-115 Issuing procedures for temporary school bus driver authorization—Effective period. A temporary authorization((s, Type 1 and Type 2,)) may be issued by an educational service district superintendent upon application by an authorized representative of the employing school district subject to compliance with the following provisions:

(1) Issuing procedure.

(a) Application for a temporary authorization must be approved by an authorized representative of the employing school district, verified by said school official that the applicant meets the qualification requirements set forth in WAC 180-20-101 (except for a course in first aid and/or the results of a requested criminal record check), and further verified by a certified instructor that the applicant has satisfactorily completed the appropriate training course. The application shall be submitted to the educational service district superintendent for approval.

(b) Upon approval of the application by the educational service district superintendent, the temporary authorization will be transmitted to the employing school district.

(2) Effective period. The temporary authorization shall be valid for a period of sixty calendar days and shall be nonrenewable: *Provided*, That the issuing educational service district superintendent may extend such period for a reasonable number of days when extenuating circumstances exist.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-120 Discipline—Grounds for denial, suspension, or revocation of authorization. (1) A request for an authorization may be denied or an authorization issued under this chapter may be suspended, or revoked for failure to meet any of the minimum requirements set forth in WAC 180-20-101, established by a preponderance of the evidence.

(2) Conduct, which by a preponderance of the evidence, amounts to a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, bus drivers, or other colleagues is grounds for denial, suspension, or revocation whether or not the conduct constitutes a crime. If the act constitutes a crime, conviction

in a criminal proceeding is not a condition precedent to denial, suspension, or revocation action. Upon such conviction, however, the judgment and sentence is conclusive evidence at the ensuing hearing of the guilt of the authorized driver or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based.

(3) Any person in treatment for alcohol or other drug misuse shall have his or her ~~((Type 1 or Type 2))~~ authorization temporarily suspended until successful treatment is satisfactorily confirmed by a state-approved alcohol or other drug treatment program, or by the court in deferred prosecution cases under chapter 10.05 RCW, at which time the authorization will be reinstated.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-130 Discipline—Appeals—Adjudicative proceedings. (1) Any person desiring to appeal a denial, suspension, or revocation of a ~~((Type 1))~~ school bus driver ~~((or a Type 2 school activities driver))~~ authorization, may do so to the superintendent of public instruction or designee in accordance with the adjudicative proceedings in RCW 34.05.413 through 34.05.494 and the administrative practices and procedures of the superintendent of public instruction in chapter 392-101 WAC.

(2) The superintendent of public instruction may assign the adjudicative proceeding to the office of administrative hearings and may delegate final decision making authority to the administrative law judge conducting the hearing.

(3) The superintendent of public instruction may appoint a person to review initial orders and to prepare and enter final agency orders in accordance with RCW 34.05.464.

(4) Any person who disagrees with a school district's determination of failure to meet any ~~((Type 1))~~ school bus driver ~~((or Type 2 school activities driver))~~ authorization qualifications may request that the school district forward the pertinent records to the superintendent of public instruction. After review or investigation, the superintendent of public instruction will grant, deny, suspend, or revoke the authorization.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-145 School district—Verification of drivers continuing compliance. (1) Every school district shall evaluate each authorized driver for continuing compliance with the provisions of this chapter annually. The results of this evaluation of all drivers shall be forwarded to the superintendent of public instruction as follows:

(2) This report shall be added to the regular school bus driver status report (Report 1799) exchanged between all school districts and the superintendent of public instruction.

(3) Verification that each authorized driver's criminal history record contains no convictions or charges which would be grounds for revocation or suspension of a ~~((Type 1))~~ school bus driver ~~((or Type 2 school activities driver))~~ authorization. This report shall verify that each authorized driver has made an updated disclosure in writing and signed and sworn under penalty of perjury which updates the disclosure required in WAC 180-20-101 (1)(e).

(4) This report shall be a written verification that the evaluation has been conducted in accordance with the requirements of this chapter and that all drivers are in compliance, or if all drivers are not in compliance, a list of drivers who are out of compliance and the reason for noncompliance shall be provided.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-150 Training and qualifications of ~~((Type 1))~~ school bus drivers ~~((and Type 2 school activities drivers))~~—Administration. It shall be the responsibility of the superintendent of public instruction to administer the program of training and qualifications of ~~((Type 1))~~ school bus drivers ~~((and Type 2 school activities drivers))~~ consistent with the provisions of this chapter.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-20-045 Definition—Type 2 school activities driver's authorization.
- WAC 180-20-065 Definition—Type 2 school activities driver training course.
- WAC 180-20-155 Type 2 authorization—Implementation date.
- WAC 180-20-160 Type 1 authorization—Conversion date.

WSR 96-20-051

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed September 25, 1996, 11:20 a.m.]

Date of Adoption: September 12, 1996.

Purpose: 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.

Citation of Existing Rules Affected by this Order: Amending WAC 192-28-105 and 192-28-120.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Adopted under notice filed as WSR 96-15-127 on July 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 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

PERMANENT

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 10, 1996

Gary Moore
Commissioner

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. (1) ~~((When the department has information which causes it to believe that an individual has been paid more benefits than he or she is entitled to receive,))~~ If a potential overpayment exists, 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 ((F)) 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. 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)) means 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 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)) payments ((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) ((elapsed)) you claim. ((If any recovery procedure is in conflict with federal regulations, the federal regulations shall apply.))~~

(2) ~~For overpayments ((that are final and)) assessed ((pursuant to)) under RCW 50.20.010 because ((the individual)) 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) ((elapsed)) 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 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 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) ((elapsed)) 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 ((elapsed)) you claim. ((Provided, that at the request of the individual, an)) However, you may request the overpayment ((can)) be repaid at one hundred percent of benefits payable for each ((future)) week ((elapsed)) you claim.~~

(4) ~~((At the request of the individual, an overpayment may be repaid by account adjustment without an overpay-~~

~~ment 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 willful nondisclosure, the amount ~~((to be))~~ deducted will be one hundred percent of benefits payable for each ~~((future))~~ week(s) ~~((elaimed))~~ 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 ~~((elaimed))~~ you claim. ~~((Provided, that at the request of the individual, an))~~ However, you may request the overpayment ~~((ean))~~ be repaid at one hundred percent of benefits payable for each ~~((future))~~ week ~~((elaimed))~~ 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-fers))~~ 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 96-20-073
PERMANENT RULES
SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY
[Filed September 30, 1996, 9:30 a.m.]

Date of Adoption: October [September] 17, 1996.

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.

Citation of Existing Rules Affected by this Order: Amending SWAPCA 476 Standards for Asbestos Control, Demolition, and Renovation.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.331.

Adopted under notice filed as WSR 96-14-075 on June 28, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 3, amended 4, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 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 3, amended 4, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 25, 1996

Robert D. Elliott
Executive Director

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 96-21 issue of the Register.

WSR 96-20-074
PERMANENT RULE
DEPARTMENT OF ECOLOGY
[Filed September 30, 1996, 11:03 a.m.]

Date of Adoption: September 26, 1996.

Purpose: Repeal of chapter 173-28 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 173-28 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Adopted under preproposal statement of inquiry filed as WSR 96-14-031 on June 25, 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 8.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 8.

Effective Date of Rule: Thirty-one days after filing.

September 26, 1996

Mary Riveland
Director

PERMANENT

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-28-010 Authority.
- WAC 173-28-020 Findings.
- WAC 173-28-030 Conclusion.
- WAC 173-28-040 Composition of Lake Washington region.
- WAC 173-28-050 Geographical extent of region.
- WAC 173-28-060 Duties of the local governmental units comprising the region.
- WAC 173-28-070 Review of master programs by the department of ecology.
- WAC 173-28-080 Fund availability.

**WSR 96-20-075
PERMANENT RULES
DEPARTMENT OF ECOLOGY**

[Order 95-17—Filed September 30, 1996, 11:12 a.m.]

Date of Adoption: September 26, 1996.

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

Citation of Existing Rules Affected by this Order: Repealing chapter 173-14 WAC, Permits for development on shorelines of the state, chapter 173-17 WAC, Shoreline Management Act enforcement regulations, and chapter 173-19 WAC, Shoreline Management Act of 1971—State master program.

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

Adopted under notice filed as WSR 96-13-103 on June 19, 1996.

Changes Other than Editing from Proposed to Adopted Version: Chapter 173-26 WAC, clarification that all existing shoreline master programs remain in full force and effect; clarification of effective date of shoreline master programs if appealed to Shorelines Hearings Board. Chapter 173-27 WAC, minor changes to several sections in response to comments.

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 47, amended 0, repealed 270.

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.
September 26, 1996
Mary Riveland
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-14-010 Authority.
- WAC 173-14-020 Purpose.
- WAC 173-14-030 Definitions.
- WAC 173-14-040 Developments exempt from substantial development permit requirement.
- WAC 173-14-050 Application of the permit system to substantial development undertaken prior to the act.
- WAC 173-14-055 Nonconforming development standards.
- WAC 173-14-060 Time requirements of permit.
- WAC 173-14-062 Applicability of permit system to federal agencies.
- WAC 173-14-064 Revisions to permits.
- WAC 173-14-070 Notice required.
- WAC 173-14-080 Public hearings.
- WAC 173-14-090 Filing with department and attorney general.
- WAC 173-14-100 Review criteria for substantial development permits.
- WAC 173-14-110 Application for substantial development, conditional use, or variance permit.
- WAC 173-14-115 Letter of exemption.
- WAC 173-14-120 Permits for substantial development, conditional use, or variance.
- WAC 173-14-130 Department review of conditional use and variance permits.
- WAC 173-14-140 Review criteria for conditional use permits.
- WAC 173-14-150 Review criteria for variance permits.
- WAC 173-14-155 Minimum standards for conditional use and variance permits.
- WAC 173-14-170 Requests for review.
- WAC 173-14-174 Certification of requests for review.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-17-010 Authority and purpose.
- WAC 173-17-020 Definitions.
- WAC 173-17-030 Policy.
- WAC 173-17-040 Order to cease and desist.
- WAC 173-17-050 Civil penalty.
- WAC 173-17-060 Appeal of civil penalty.
- WAC 173-17-070 Criminal penalty.

PERMANENT

WAC 173-17-080 Oil or natural gas exploration—
Penalty.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-19-010 Purpose.
WAC 173-19-020 Definitions.
WAC 173-19-030 Master programs organized by county.
WAC 173-19-040 Date of adoption or approval.
WAC 173-19-044 Local government change of jurisdiction—Effect of annexation.
WAC 173-19-050 Incorporation by reference.
WAC 173-19-060 Amendment of master programs.
WAC 173-19-061 Approval of master programs and amendments by local government.
WAC 173-19-062 Submission of master programs and amendments by local government.
WAC 173-19-064 Review and adoption of master programs and amendments by the department.
WAC 173-19-070 Appeal procedures for master programs.
WAC 173-19-080 Applicability of master program to federal agencies.
WAC 173-19-090 Adams County.
WAC 173-19-100 Asotin County.
WAC 173-19-1001 Asotin, city of.
WAC 173-19-1002 Clarkston, city of.
WAC 173-19-110 Benton County.
WAC 173-19-1101 Benton City, city of.
WAC 173-19-1102 Kennewick, city of.
WAC 173-19-1103 Prosser, city of.
WAC 173-19-1104 Richland, city of.
WAC 173-19-1105 West Richland, city of.
WAC 173-19-120 Chelan County.
WAC 173-19-1201 Cashmere, city of.
WAC 173-19-1202 Chelan, city of.
WAC 173-19-1203 Entiat, town of.
WAC 173-19-1204 Leavenworth, city of.
WAC 173-19-1205 Wenatchee, city of.
WAC 173-19-130 Clallam County.
WAC 173-19-1301 Port Angeles, city of.
WAC 173-19-140 Clark County.
WAC 173-19-1401 Camas, city of.
WAC 173-19-1402 LaCenter, town of.
WAC 173-19-1403 Ridgefield, town of.
WAC 173-19-1404 Vancouver, city of.
WAC 173-19-1405 Washougal, city of.
WAC 173-19-150 Columbia County.
WAC 173-19-1501 Dayton, city of.
WAC 173-19-1502 Starbuck, town of.
WAC 173-19-160 Cowlitz County.
WAC 173-19-1601 Castle Rock, city of.
WAC 173-19-1602 Kalama, city of.

WAC 173-19-1603 Kelso, city of.
WAC 173-19-1604 Longview, city of.
WAC 173-19-1605 Woodland, city of.
WAC 173-19-170 Douglas County.
WAC 173-19-1701 Bridgeport, town of.
WAC 173-19-1702 East Wenatchee, city of.
WAC 173-19-1703 Rock Island, town of.
WAC 173-19-180 Ferry County.
WAC 173-19-1801 Republic, town of.
WAC 173-19-190 Franklin County.
WAC 173-19-1901 Pasco, city of.
WAC 173-19-200 Garfield County.
WAC 173-19-210 Grant County.
WAC 173-19-2101 Krupp, town of.
WAC 173-19-2102 Moses Lake, city of.
WAC 173-19-2103 Soap Lake, city of.
WAC 173-19-2104 Wilson Creek, town of.
WAC 173-19-220 Grays Harbor County.
WAC 173-19-2201 Aberdeen, city of.
WAC 173-19-2202 Cosmopolis, city of.
WAC 173-19-2203 Elma, city of.
WAC 173-19-2204 Hoquiam, city of.
WAC 173-19-2205 Montesano, city of.
WAC 173-19-2206 Oakville, city of.
WAC 173-19-2207 Ocean Shores, city of.
WAC 173-19-2208 Westport, city of.
WAC 173-19-230 Island County.
WAC 173-19-2301 Coupeville, town of.
WAC 173-19-2302 Langley, city of.
WAC 173-19-2303 Oak Harbor, city of.
WAC 173-19-240 Jefferson County.
WAC 173-19-2401 Port Townsend, city of.
WAC 173-19-250 King County.
WAC 173-19-2501 Auburn, city of.
WAC 173-19-2502 Beaux Arts Village, town of.
WAC 173-19-2503 Bellevue, city of.
WAC 173-19-2504 Black Diamond, city of.
WAC 173-19-2505 Bothell, city of.
WAC 173-19-2506 Carnation, town of.
WAC 173-19-2507 Des Moines, city of.
WAC 173-19-2508 Duvall, city of.
WAC 173-19-2509 Hunts Point, town of.
WAC 173-19-2510 Issaquah, city of.
WAC 173-19-2511 Kent, city of.
WAC 173-19-2512 Kirkland, city of.
WAC 173-19-2513 Lake Forest Park, city of.
WAC 173-19-2514 Medina, city of.
WAC 173-19-2515 Mercer Island, city of.
WAC 173-19-2516 Normandy Park, city of.
WAC 173-19-2517 North Bend, city of.
WAC 173-19-2518 Pacific, city of.
WAC 173-19-2519 Redmond, city of.
WAC 173-19-2520 Renton, city of.
WAC 173-19-2521 Seattle, city of.
WAC 173-19-2522 Skykomish, town of.
WAC 173-19-2523 Snoqualmie, city of.
WAC 173-19-2524 Tukwila, city of.
WAC 173-19-2525 Yarrow Point, town of.
WAC 173-19-260 Kitsap County.
WAC 173-19-2601 Bremerton, city of.
WAC 173-19-2602 Port Orchard, city of.
WAC 173-19-2603 Poulsbo, city of.

WAC 173-19-2604	Winslow, city of.	WAC 173-19-370	Skagit County.
WAC 173-19-270	Kittitas County.	WAC 173-19-3701	Anacortes, city of.
WAC 173-19-2701	Cle Elum, city of.	WAC 173-19-3702	Concrete, town of.
WAC 173-19-2702	Ellensburg, city of.	WAC 173-19-3703	Hamilton, town of.
WAC 173-19-2703	South Cle Elum, town of.	WAC 173-19-3704	La Conner, town of.
WAC 173-19-280	Klickitat County.	WAC 173-19-3705	Lyman, town of.
WAC 173-19-2801	Bingen, town of.	WAC 173-19-3706	Mount Vernon, city of.
WAC 173-19-2802	Goldendale, city of.	WAC 173-19-3707	Burlington, city of.
WAC 173-19-2803	White Salmon, town of.	WAC 173-19-380	Skamania County.
WAC 173-19-290	Lewis County.	WAC 173-19-3801	North Bonneville, city of.
WAC 173-19-2901	Centralia, city of.	WAC 173-19-3802	Stevenson, town of.
WAC 173-19-2902	Chehalis, city of.	WAC 173-19-390	Snohomish County.
WAC 173-19-2903	Morton, city of.	WAC 173-19-3901	Arlington, city of.
WAC 173-19-2904	Pe Ell, town of.	WAC 173-19-3902	Brier, city of.
WAC 173-19-2905	Toledo, city of.	WAC 173-19-3903	Edmonds, city of.
WAC 173-19-2906	Vader, city of.	WAC 173-19-3904	Everett, city of.
WAC 173-19-2907	Winlock, city of.	WAC 173-19-3905	Gold Bar, town of.
WAC 173-19-300	Lincoln County.	WAC 173-19-3906	Granite Falls, town of.
WAC 173-19-3001	Odessa, town of.	WAC 173-19-3907	Index, town of.
WAC 173-19-3002	Sprague, city of.	WAC 173-19-3908	Lake Stevens, city of.
WAC 173-19-310	Mason County.	WAC 173-19-3909	Marysville, city of.
WAC 173-19-3101	Shelton, city of.	WAC 173-19-3910	Monroe, city of.
WAC 173-19-320	Okanogan County.	WAC 173-19-3911	Mountlake Terrace, city of.
WAC 173-19-3201	Brewster, town of.	WAC 173-19-3912	Mukilteo, city of.
WAC 173-19-3202	Conconully, town of.	WAC 173-19-3913	Snohomish, city of.
WAC 173-19-3203	Okanogan, city of.	WAC 173-19-3914	Stanwood, city of.
WAC 173-19-3204	Omak, city of.	WAC 173-19-3915	Sultan, town of.
WAC 173-19-3205	Oroville, town of.	WAC 173-19-3916	Woodway, town of.
WAC 173-19-3206	Pateros, town of.	WAC 173-19-400	Spokane County.
WAC 173-19-3207	Riverside, town of.	WAC 173-19-4001	Latah, town of.
WAC 173-19-3208	Tonasket, town of.	WAC 173-19-4002	Medical Lake, town of.
WAC 173-19-3209	Twisp, town of.	WAC 173-19-4003	Millwood, town of.
WAC 173-19-3210	Winthrop, town of.	WAC 173-19-4004	Rockford, town of.
WAC 173-19-330	Pacific County.	WAC 173-19-4005	Spokane, city of.
WAC 173-19-3301	Ilwaco, town of.	WAC 173-19-4006	Waverly, town of.
WAC 173-19-3302	Long Beach, town of.	WAC 173-19-410	Stevens County.
WAC 173-19-3303	Raymond, city of.	WAC 173-19-4101	Chewelah, city of.
WAC 173-19-3304	South Bend, city of.	WAC 173-19-4102	Northport, town of.
WAC 173-19-340	Pend Oreille County.	WAC 173-19-420	Thurston County.
WAC 173-19-3401	Cusick, town of.	WAC 173-19-4201	Bucoda, town of.
WAC 173-19-3402	Ione, town of.	WAC 173-19-4202	Lacey, city of.
WAC 173-19-3403	Metaline, town of.	WAC 173-19-4203	Olympia, city of.
WAC 173-19-3404	Metaline Falls, town of.	WAC 173-19-4204	Tenino, town of.
WAC 173-19-3405	Newport, city of.	WAC 173-19-4205	Tumwater, city of.
WAC 173-19-350	Pierce County.	WAC 173-19-4206	Yelm, town of.
WAC 173-19-3501	Bonney Lake, city of.	WAC 173-19-430	Wahkiakum County.
WAC 173-19-3502	Buckley, city of.	WAC 173-19-4301	Cathlamet, town of.
WAC 173-19-3503	Dupont, city of.	WAC 173-19-440	Walla Walla County.
WAC 173-19-3504	Eatonville, town of.	WAC 173-19-4401	Waitsburg, town of.
WAC 173-19-3505	Fife, city of.	WAC 173-19-4402	Walla Walla, city of.
WAC 173-19-3506	Gig Harbor, city of.	WAC 173-19-450	Whatcom County.
WAC 173-19-3507	Orting, city of.	WAC 173-19-4501	Bellingham, city of.
WAC 173-19-3508	Puyallup, city of.	WAC 173-19-4502	Blaine, city of.
WAC 173-19-3509	Roy, city of.	WAC 173-19-4503	Everson, city of.
WAC 173-19-3510	Ruston, town of.	WAC 173-19-4504	Ferndale, city of.
WAC 173-19-3511	South Prairie, town of.	WAC 173-19-4505	Lynden, city of.
WAC 173-19-3512	Steilacoom, town of.	WAC 173-19-4506	Nooksack, city of.
WAC 173-19-3513	Sumner, city of.	WAC 173-19-4507	Sumas, city of.
WAC 173-19-3514	Tacoma, city of.	WAC 173-19-460	Whitman County.
WAC 173-19-3515	Wilkeson, town of.	WAC 173-19-4601	Albion, town of.
WAC 173-19-360	San Juan County.	WAC 173-19-4602	Colfax, city of.
WAC 173-19-3601	Friday Harbor, town of.	WAC 173-19-4603	Malden, town of.

WAC 173-19-4604	Palouse, city of.
WAC 173-19-4605	Pullman, city of.
WAC 173-19-4606	Rosalia, town of.
WAC 173-19-4607	Tekoa, city of.
WAC 173-19-470	Yakima County.
WAC 173-19-4701	Grandview, city of.
WAC 173-19-4702	Granger, town of.
WAC 173-19-4703	Naches, town of.
WAC 173-19-4704	Selah, city of.
WAC 173-19-4705	Union Gap, city of.
WAC 173-19-4706	Yakima, city of.
WAC 173-19-4707	Zillah, city of.

**Chapter 173-26 WAC
STATE MASTER PROGRAM APPROVAL/
AMENDMENT PROCEDURES**

NEW SECTION

WAC 173-26-010 Authority and purpose. The provisions of this chapter implement the requirements of chapter 90.58 RCW, the Shoreline Management Act of 1971. RCW 90.58.200 authorizes the adoption of rules by the department as necessary and appropriate to carry out the provisions of the act. RCW 90.58.080 directs local governments to develop and administer local shoreline master programs for regulation of uses on shorelines of the state. Such local programs should be integrated with other local government systems for administration and enforcement of land use regulations. RCW 36.70A.480 provides that the goals and policies contained in a local shoreline master program shall be considered an element of the local comprehensive plan required by the Growth Management Act. All other portions of the local shoreline master program, including the use regulations, are considered a part of the local development regulations required by the Growth Management Act.

This chapter is drafted to also reflect RCW 90.58.050 which provides that the Shoreline Management Act is intended to be a cooperative program between local government and the state. It is the intent of this chapter to provide minimum procedural requirements as necessary to comply with the statutory requirements while providing latitude for local government to establish procedural systems based on local needs and circumstances.

Pursuant to the Shoreline Management Act, the department must approve master programs prepared by local governments or adopt them by rule consistent with the act. In order to facilitate this process, Part I of this chapter establishes a recordkeeping system for the department and defines the contents of the state master program. Part II sets forth procedures for approving and adopting master programs and amendments thereto.

NEW SECTION

WAC 173-26-020 Definitions. As used herein, the following words and phrases shall have the following meanings:

(1) "Adoption by rule" means an official action by the department to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, chapter 34.05

RCW, thereby incorporating the adopted shoreline master program or amendment into the state master program;

(2) "Amendment" means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program;

(3) "Approval" means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the department for review and official action pursuant to this chapter; or an official action by the department to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program;

(4) "Department" means the state department of ecology;

(5) "Development regulations" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto;

(6) "Document of record" means the most current shoreline master program officially approved or adopted by rule by the department for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190;

(7) "Guidelines" means those standards adopted by the department to implement the policy of chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs;

(8) "Local government" means any county, incorporated city or town which contains within its boundaries shorelines of the state subject to chapter 90.58 RCW;

(9) "Shoreline master program" or "master program" means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations; and

(10) "State master program" means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department.

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, shall also apply as used herein.

**PART I
STATE MASTER PROGRAM**

NEW SECTION

WAC 173-26-030 Master programs required—State master program contents. (1) Chapter 90.58 RCW requires all local governments with shorelines of the state within their boundaries to develop and administer a shoreline master program. The state master program is the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department, together with any changes pursuant to WAC 173-26-040. Local governments which are required to develop and administer shoreline master programs are listed in WAC 173-26-080.

(2) All shoreline master programs adopted by reference in chapter 173-19 WAC existing as of the effective date of this chapter, remain in full force and effect and continue to be considered part of the state master program, as defined herein.

NEW SECTION

WAC 173-26-040 Master programs required—Unlisted local governments. The department shall periodically update the list of local governments contained in WAC 173-26-080. When as a result of annexation, municipal incorporation, or change in shoreline jurisdiction, a city or town with shorelines of the state within its boundaries is not listed, such local government is required to develop and administer a shoreline master program pursuant to chapter 90.58 RCW and this chapter.

NEW SECTION

WAC 173-26-050 State master program register—Maintained by department. The department shall prepare and maintain an official state master program register identifying original department adoption dates and the effective dates of subsequent amendments approved or adopted by the department for each local government shoreline master program. The master program register shall be available for public viewing and inspection during normal business hours at the headquarters of the department. Copies of the register shall be available from the department at the expense of the requesting party. The department shall keep the register current, incorporating master program adoption and amendment dates as they occur.

NEW SECTION

WAC 173-26-060 State master program—Complete record maintained by department. The department shall maintain records for all master programs and subsequent amendments thereto. Master program records shall be organized consistent with the state master program register and shall be available for public viewing and inspection during normal business hours at the headquarters of the department.

The department shall maintain a record of each master program, the action taken by the department on any proposed master program or amendment, and any appeal of the

department's action. Such records should be maintained in two groups of files as follows:

(1) Shoreline master program working files corresponding to each proposed master program or amendment containing, where applicable:

- (a) Initial submittal from local government;
- (b) Record of notice to the public, interested parties, agencies and tribes;
- (c) Staff reports, analysis and recommendations;
- (d) Pertinent correspondence between local government and the department;
- (e) The department's letter denying, approving as submitted or approving alternatives together with findings and conclusions and amended text and/or maps;
- (f) Documents related to any appeal of the department's action on the amendment;
- (g) Supplemental materials including:
 - (i) Interested party mailing list;
 - (ii) Comment letters and exhibits from federal, state, local, and tribal agencies;
 - (iii) Comment letters and exhibits from the general public;
 - (iv) Recorded tapes and/or a summary of hearing oral testimony;
 - (v) A concise explanatory statement, if adopted by rule.

(2) State master program files, containing the master program currently in effect, with all text and map amendments incorporated, constituting the official state master program approved document of record.

NEW SECTION

WAC 173-26-070 Adoption of shoreline master programs by rule—Department action. (1) The department may adopt a shoreline master program by rule in the following circumstances:

(a) Pursuant to RCW 90.58.070(2), when a local government fails to approve a master program relating to shorelines of the state within its jurisdiction in accordance with the time schedule provided for in RCW 90.58.080, the department shall carry out the requirements of RCW 90.58.080 and adopt by rule a master program for shorelines of the state within the jurisdiction of the local government. The department has adopted by rule a master program for shorelines of the state within the jurisdiction of those local governments listed in subsection (2) of this section;

(b) Pursuant to RCW 90.58.090(4), when the department determines that those parts of a master program relating to shorelines of state-wide significance do not provide for optimum implementation of the policy of chapter 90.58 RCW to satisfy the state-wide interest, the department may develop and adopt by rule an alternative to the local government's master program proposal. The department has adopted by rule an alternative master program for shorelines of state-wide significance within the jurisdiction of those local governments listed in subsection (2) of this section.

(2) As set forth in subsection (1)(a) and (b) of this section, the department has adopted by rule a master program, alternative master program or portion thereof for the local governments listed below. This listing shall be updated periodically so as to remove reference to local governments who have complied with the requirements of

chapter 90.58 RCW and this chapter, having prepared and submitted a shoreline master program that has been approved by the department.

NEW SECTION

WAC 173-26-080 Master programs required of local governments. The following local governments, listed alphabetically by county, are required to develop and administer a shoreline master program:

Adams County.

Asotin County.

Asotin, city of.

Clarkston, city of.

Benton County.

Benton City, city of.

Kennewick, city of.

Prosser, city of.

Richland, city of.

West Richland, city of.

Chelan County.

Cashmere, city of.

Chelan, city of.

Entiat, town of.

Leavenworth, city of.

Wenatchee, city of.

Clallam County.

Forks, city of.

Port Angeles, city of.

Sequim, city of.

Clark County.

Camas, city of.

LaCenter, town of.

Ridgefield, town of.

Vancouver, city of.

Washougal, city of.

Woodland, city of.

Columbia County.

Dayton, city of.

Starbuck, town of.

Cowlitz County.

Castle Rock, city of.

Kalama, city of.

Kelso, city of.

Longview, city of.

Woodland, city of.

Douglas County.

Bridgeport, town of.

Coulee Dam, city of.

East Wenatchee, city of.

Rock Island, town of.

Ferry County.

Republic, town of.

Franklin County.

Pasco, city of.

Garfield County.

Grant County.

Coulee City, city of.

Coulee Dam, city of.

Electric City, city of.

Grand Coulee, city of.

Krupp, town of.

Moses Lake, city of.

Soap Lake, city of.

Wilson Creek, town of.

Grays Harbor County.

Aberdeen, city of.

Cosmopolis, city of.

Elma, city of.

Hoquiam, city of.

Montesano, city of.

Oakville, city of.

Ocean Shores, city of.

Westport, city of.

Island County.

Coupeville, town of.

Langley, city of.

Oak Harbor, city of.

Jefferson County.

Port Townsend, city of.

King County.

Auburn, city of.

Beaux Arts Village, town of.

Bellevue, city of.

Black Diamond, city of.

Bothell, city of.

Burien, city of.

Carnation, town of.

Des Moines, city of.

Duvall, city of.

Federal Way, city of.

Hunts Point, town of.

Issaquah, city of.

Kent, city of.

Kirkland, city of.

Lake Forest Park, city of.

Medina, city of.

Mercer Island, city of.

Milton, city of.

Newcastle, city of.

Normandy Park, city of.

North Bend, city of.

Pacific, city of.

Redmond, city of.

Renton, city of.

Sea-Tac, city of.

Seattle, city of.

Shoreline, city of.

Skykomish, town of.

Snoqualmie, city of.

Tukwila, city of.

Woodinville, city of.

Yarrow Point, town of.

Kitsap County.

Bremerton, city of.

- Port Orchard, city of.
 Poulsbo, city of.
 Bainbridge Island, city of.
- Kittitas County.**
 Cle Elum, city of.
 Ellensburg, city of.
 South Cle Elum, town of.
- Klickitat County.**
 Bingen, town of.
 Goldendale, city of.
 White Salmon, town of.
- Lewis County.**
 Centralia, city of.
 Chehalis, city of.
 Morton, city of.
 Pe Ell, town of.
 Toledo, city of.
 Vader, city of.
 Winlock, city of.
- Lincoln County.**
 Odessa, town of.
 Sprague, city of.
- Mason County.**
 Shelton, city of.
- Okanogan County.**
 Brewster, town of.
 Conconully, town of.
 Coulee Dam, city of.
 Okanogan, city of.
 Omak, city of.
 Oroville, town of.
 Pateros, town of.
 Riverside, town of.
 Tonasket, town of.
 Twisp, town of.
 Winthrop, town of.
- Pacific County.**
 Ilwaco, town of.
 Long Beach, town of.
 Raymond, city of.
 South Bend, city of.
- Pend Oreille County.**
 Cusick, town of.
 Ione, town of.
 Metaline, town of.
 Metaline Falls, town of.
 Newport, city of.
- Pierce County.**
 Bonney Lake, city of.
 Buckley, city of.
 Dupont, city of.
 Eatonville, town of.
 Fife, city of.
 Gig Harbor, city of.
 Lakewood, city of.
 Milton, city of.
 Orting, city of.
- Pacific, city of.
 Puyallup, city of.
 Roy, city of.
 Ruston, town of.
 South Prairie, town of.
 Steilacoom, town of.
 Sumner, city of.
 Tacoma, city of.
 University Place, city of.
 Wilkeson, town of.
- San Juan County.**
 Friday Harbor, town of.
- Skagit County.**
 Anacortes, city of.
 Burlington, city of.
 Concrete, town of.
 Hamilton, town of.
 La Conner, town of.
 Lyman, town of.
 Mount Vernon, city of.
 Sedro Woolley, city of.
- Skamania County.**
 North Bonneville, city of.
 Stevenson, town of.
- Snohomish County.**
 Arlington, city of.
 Bothell, city of.
 Brier, city of.
 Edmonds, city of.
 Everett, city of.
 Gold Bar, town of.
 Granite Falls, town of.
 Index, town of.
 Lake Stevens, city of.
 Marysville, city of.
 Monroe, city of.
 Mountlake Terrace, city of.
 Mukilteo, city of.
 Snohomish, city of.
 Stanwood, city of.
 Sultan, town of.
 Woodway, town of.
- Spokane County.**
 Latah, town of.
 Medical Lake, town of.
 Millwood, town of.
 Rockford, town of.
 Spokane, city of.
 Waverly, town of.
- Stevens County.**
 Chewelah, city of.
 Northport, town of.
- Thurston County.**
 Bucoda, town of.
 Lacey, city of.
 Olympia, city of.
 Tenino, town of.
 Tumwater, city of.

Yelm, town of.

Wahkiakum County.

Cathlamet, town of.

Walla Walla County.

Waitsburg, town of.

Walla Walla, city of.

Whatcom County.

Bellingham, city of.

Blaine, city of.

Everson, city of.

Ferndale, city of.

Lynden, city of.

Nooksack, city of.

Sumas, city of.

Whitman County.

Albion, town of.

Colfax, city of.

Malden, town of.

Palouse, city of.

Pullman, city of.

Rosalia, town of.

Tekoa, city of.

Yakima County.

Grandview, city of.

Granger, town of.

Naches, town of.

Selah, city of.

Union Gap, city of.

Yakima, city of.

Zillah, city of.

PART II

**SHORELINE MASTER PROGRAM APPROVAL/
AMENDMENT**

DRAFT REVIEW:

NEW SECTION

WAC 173-26-090 Periodic review—Public involvement encouraged—Amendment of comprehensive plans, development regulations and master programs. Each local government should periodically review a shoreline master program under its jurisdiction and make amendments to the master program deemed necessary to reflect changing local circumstances, new information or improved data. Each local government shall also review any master program under its jurisdiction and make amendments to the master program necessary to comply with the requirements of RCW 90.58.080 and any applicable guidelines issued by the department. When the amendment is consistent with chapter 90.58 RCW and its applicable guidelines, it may be approved by local government and the department or adopted by rule when appropriate by the department.

In developing master programs and amendments thereto, the department and local governments, pursuant to RCW 90.58.130 shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, and agencies of the federal, state or local

government having interests and responsibilities relating to shorelines of the state and the local master program.

Counties and cities planning under chapter 36.70A RCW, shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments of the comprehensive plan and development regulations relating to shorelines of the state will be considered by the local governing body consistent with RCW 36.70A.130. Such procedures shall provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments.

NEW SECTION

WAC 173-26-100 Local process for approving/amending shoreline master programs. Prior to submittal of a new or amended master program to the department, local government shall solicit public and agency comment during the drafting of proposed new or amended master programs. The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. Recognizing that the department must approve all master programs before they become effective, early and continuous consultation with the department is encouraged during the drafting of new or amended master programs. For local governments planning under chapter 36.70A RCW, local citizen involvement strategies should be implemented that insure early and continuous public participation consistent with WAC 365-195-600.

At a minimum, local government shall:

- (1) Conduct at least one public hearing to consider the draft proposal;
- (2) Publish notice of the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:
 - (a) Reference to the authority(s) under which the action(s) is proposed;
 - (b) A statement or summary of the proposed changes to the master program;
 - (c) The date, time, and location of the hearing, and the manner in which interested persons may present their views; and
 - (d) Reference to the availability of the draft proposal for public inspection at the local government office or upon request;
- (3) Consult with and solicit the comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state;
- (4) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged

PERMANENT

and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions;

(5) Solicit comments on the draft proposal from the department prior to local approval. For local governments planning under the Growth Management Act, the local government shall notify both the department and the department of community, trade, and economic development of its intent to adopt shoreline policies or regulations, at least sixty days prior to final local approval, pursuant to RCW 36.70A.106;

(6) Comply with chapter 43.21C RCW, the State Environmental Policy Act; and

(7) Approve the proposal.

NEW SECTION

WAC 173-26-110 Submittal to department of proposed master programs/amendments. A master program or amendment proposed by local government shall be submitted to the department for its review and formal action. A complete submittal shall include two copies of the following, where applicable:

(1) Documentation (i.e., signed resolution or ordinance) that the proposal has been approved by the local government;

(2) If the proposal includes text amending a master program document of record, it shall be submitted in a form that can replace or be easily incorporated within the existing document. Amended text shall show strikeouts for deleted text and underlining for new text, clearly identifying the proposed changes. At the discretion of the department, strikeouts and underlined text may not be required provided the new or deleted portions of the master program are clearly identifiable;

(3) Amended environment designation map(s), showing both existing and proposed designations, together with corresponding boundaries described in text for each change of environment. Environment designation maps shall include a scale and north arrow and shall be of standard size using distinct reproducible noncolor patterns. All proposals for changes in environment designation and redesignation shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan;

(4) A summary of proposed amendments together with explanatory text indicating the scope and intent of the proposal, staff reports, records of the hearing, and/or other materials which document the necessity for the proposed changes to the master program;

(5) Evidence of compliance with chapter 43.21C RCW, the State Environmental Policy Act, specific to the proposal;

(6) Copies of all public, agency and tribal comments received, including a record of names and addresses of interested parties involved in the local government review process or, where no comments have been received, a comment to that effect.

NEW SECTION

WAC 173-26-120 State process for approving/amending shoreline master programs. Review and approval of master programs and amendments by the department shall follow the procedures set forth below:

FORMAL REVIEW:

(1) The department shall review the submitted master program or amendment for compliance with WAC 173-26-100 and 173-26-110. The department shall notify the local government in writing when it determines that a complete submittal has been received. If the submittal is determined to be incomplete, the department will identify the deficiencies and so notify the local government in writing. The review process will not commence until the department determines the submittal is complete.

(2) The department shall provide reasonable notice and opportunity for written comment to all parties of record who expressed interest regarding the local government proposal and to all persons, groups, agencies, and tribes that have requested in writing notice of proposed master programs or amendments generally or for a specific subject matter. The comment period shall be at least thirty days, unless the department determines that a lack of complexity or controversy surrounding the proposal supports a shorter period.

(3) For master program or amendment proposals involving local governments planning under chapter 36.70A RCW, the department shall provide notice to the department of community, trade, and economic development of its intent to commence formal review of the local government proposal.

(4) At the department's discretion, it may conduct a public hearing during the comment period in the jurisdiction proposing the master program or amendment.

(5) If the department conducts a hearing pursuant to subsection (4) of this section, it shall publish notice of the hearing in at least one newspaper of general circulation in the area affected by the master program. The public notice shall include:

(a) A description of the proposed master program or amendment;

(b) Reference to the authority under which the action is proposed;

(c) The dates, times, and locations of the public hearing, and the manner in which interested persons may obtain copies of the proposal and present their views.

For master program or amendment proposals involving adoption by rule, the notice of the hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(6) Within fifteen days after the close of the department's public comment period, the department shall request of the local government submitting the proposal a review of the issues if any, identified by the public, interested parties, groups, agencies, and tribes, and a written response as to how the proposal addresses the identified issues consistent with the policy of RCW 90.58.020 and the applicable guidelines. Local government shall submit its response to the department within forty-five days of the date of the department's letter requesting a response. If no

response is received by the department within the forty-five-day period, the department may proceed with action on the proposal according to subsection (7) of this section. Within the forty-five-day period, the local government may request in writing additional time to prepare a response.

APPROVAL:

(7) Within thirty days after receipt of the local government written response pursuant to subsection (6) of this section, the department shall make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in subsection (6) of this section and either approve the proposal as submitted, recommend specific changes necessary to make the proposal consistent with chapter 90.58 RCW policy and its applicable guidelines, or deny the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, all interested parties, tribes, and agencies of record on the proposal.

In reaching its determination of consistency with the policy of RCW 90.58.020 and the applicable guidelines, the department shall approve those parts of a master program relating to shorelines unless it determines that the submitted parts are not consistent with the policy of RCW 90.58.020 and the applicable guidelines. The department shall approve those parts of a master program relating to shorelines of state-wide significance only after determining the program provides for optimum implementation of the state-wide interest as set forth in the policy of RCW 90.58.020 and the applicable guidelines.

(a) In cases where the proposal is approved as submitted, the effective date of the approved master program or amendment shall be the date of the department's letter to local government approving the submitted master program or amendments.

(b) If the department recommends changes to the proposal, within thirty days after the department mails the written findings and conclusions to the local government pursuant to this subsection (7), the local government may:

(i) Agree to the proposed changes. Receipt by the department of the written notice of agreement from the local government shall constitute final action by the department approving the revised submittal. Written notice of the local government acceptance shall be provided by the department to all parties of record. In such cases, the effective date of the approved master program or amendment is the date the department receives from local government the written notice of agreement; or

(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally proposed by the department in this subsection (7) and with the policy of RCW 90.58.020 and the applicable guidelines, it shall approve the alternative changes and provide written notice to all parties of record. In such cases, the effective date of the approved master program or amendments is the date of the department's letter to local government approving the alternative proposal.

If the department determines the alternative proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may either deny the alternative proposal or at the request of local government start anew with the review and approval process beginning at WAC 173-26-120.

(8) A master program or amendment thereto takes effect when and in such form as it is approved or adopted by rule by the department except when appealed to the shorelines board as provided for in RCW 90.58.190(4) for local governments not planning under chapter 36.70A RCW. The department's approved document of record, filed at the department, constitutes the official master program.

(9) For local governments planning under chapter 36.70A RCW, after final action by the department on a local government's shoreline master program or amendment the local government shall (pursuant to RCW 90.58.090) promptly publish a notice that the department has taken final action on the master program or amendment. For purposes of this section, the date of publication for the master program adoption or amendment shall be the date on which the local government publishes the notice that the department has taken final action on the master program or amendment.

NEW SECTION

WAC 173-26-130 Appeal procedures for master programs. (1) For local governments planning under chapter 36.70A RCW, the growth management hearings board with jurisdiction shall hear and make determinations regarding the department's decision to approve, adopt by rule, or deny a proposed master program or amendment. All petitions for review shall be filed within sixty days after publication of notice by the local government of the department's final action pursuant to WAC 173-26-120(9).

(2) For local governments not planning under chapter 36.70A RCW, all petitions for review shall be filed with the state shorelines hearings board within thirty days of the written decision by the department approving or denying the master program or amendment.

NEW SECTION

WAC 173-26-140 Shoreline master program administrative interpretation. As required by RCW 36.70B.110(11), each local government planning under chapter 36.70A RCW shall adopt procedures for administrative interpretation of its development regulations, which include shoreline master programs. When developing and adopting procedures for administrative interpretation of its shoreline master program, local government shall include provisions requiring consultation with the department to insure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and the applicable guidelines.

NEW SECTION

WAC 173-26-150 Local government annexation—Shoreline environment predesignation in planning jurisdictions. Cities and towns planning under the Growth Management Act, chapter 36.70A RCW, may within adopted urban growth areas predesignate environments on shorelines

located outside of existing city boundaries. Shoreline environment predesignations shall be consistent with the policy of chapters 36.70A and 90.58 RCW and their applicable guidelines and rules.

Such predesignation shall be conducted under a city's or town's authority to plan for growth within adopted urban growth areas.

Environment predesignations shall be approved by the department according to the procedures set forth in this chapter for amendment of a shoreline master program. No additional procedures are required by the department at the time of annexation. The shoreline environment designation for a predesignated shoreline area shall take effect concurrent with annexation.

NEW SECTION

WAC 173-26-160 Local government annexation.

Except as provided in WAC 173-26-150, in the event of annexation of a shoreline of the state, the local government assuming jurisdiction shall notify the department of such annexation and develop or amend a master program to include the annexed area. Such master program development or amendment shall be consistent with the policy of RCW 90.58.020 and the applicable guidelines and shall be submitted to the department for approval no later than one year from the effective date of annexation.

Until a new or amended master program is adopted by the department, any decision on an application for a shoreline permit in the annexed shoreline area shall be based upon compliance with the master program in effect for the area prior to annexation.

Chapter 173-27 WAC SHORELINE MANAGEMENT PERMIT AND ENFORCEMENT PROCEDURES

PART I

PERMITS FOR DEVELOPMENT ON SHORELINES OF THE STATE

NEW SECTION

WAC 173-27-010 Authority. The provisions of this part implement the requirements of chapter 90.58 RCW, the Shoreline Management Act. Specifically, RCW 90.58.200 authorizes the adoption of rules as necessary to implement the provisions of the act and RCW 90.58.140(3) requires that the department adopt rules for administration and enforcement of the permit system established by the act.

NEW SECTION

WAC 173-27-020 Purpose. RCW 90.58.140(3) requires local governments to establish a program, consistent with rules adopted by the department of ecology, for the administration and enforcement of the permit system for shoreline management. The local program should be integrated with other local government systems for administration and enforcement of land use regulations. It is the intent of these regulations to provide minimum procedural requirements as necessary to comply with statutory requirements while providing latitude for local government to

establish procedural systems based on local needs and circumstances. It is also the intent of these regulations to provide for integration of the shoreline permit into a consolidated environmental review and permit process.

This regulation is drafted to also reflect RCW 90.58.050 which provides that the Shoreline Management Act is intended to establish a cooperative program between local government and the state. According to this provision, local government shall have the primary responsibility for initiating the planning required by the act and administering the regulatory program of shoreline management consistent with the policy and provisions of the act, whereas the department shall act primarily in a supportive and review capacity with an emphasis on providing assistance to local government and on insuring compliance with the policies and provisions of the Shoreline Management Act.

NEW SECTION

WAC 173-27-030 Definitions. The following definitions shall apply:

(1) "Act" means chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended;

(2) "Applicable master program" means the master program approved or adopted by the department pursuant to RCW 90.58.090(6) or 90.58.190(4) prior to acceptance of a complete application by local government;

(3) "Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure;

(4) "Conditional use" means a use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program;

(5) "Department" means the department of ecology;

(6) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level;

(7) "Exempt" developments are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program;

(8) "Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair

market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

(9) "Height" is measured from average grade level to the highest point of a structure: *Provided*, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: *Provided further*, That temporary construction equipment is excluded in this calculation;

(10) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to chapter 90.58 RCW;

(11) "Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling;

(12) "Party of record" includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail;

(13) "Permit" means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW;

(14) "Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development;

(15) "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels;

(16) "Transmit" means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination;

(17) "Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline;

(18) "Vessel" includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water;

(19) The definitions and concepts set forth in RCW 90.58.030, and chapters 173-25 and 173-26 WAC also apply as used in this chapter.

NEW SECTION

WAC 173-27-040 Developments exempt from substantial development permit requirement. (1) Application and interpretation of exemptions.

(a) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.

(b) An exemption from the substantial development permit process is not an exemption from compliance with the act or the local master program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the applicable master program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to the local master program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance.

(c) The burden of proof that a development or use is exempt from the permit process is on the applicant.

(d) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

(e) Local government may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the act and the local master program.

(2) The following developments shall not require substantial development permits:

(a) Any development of which the total cost or fair market value, whichever is higher, does not exceed two thousand five hundred dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

(b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

(c) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural develop-

ments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.

(d) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

(e) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: *Provided*, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(f) Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys;

(g) Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own

use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a state-wide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

(h) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

(i) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or

(ii) In fresh waters the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

For purposes of this section salt water shall include the tidally influenced marine and estuarine water areas of the state including the Pacific Ocean, Strait of Juan de Fuca, Strait of Georgia and Puget Sound and all bays and inlets associated with any of the above;

(i) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;

(j) The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(k) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on June 4, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;

(l) Any project with a certification from the governor pursuant to chapter 80.50 RCW;

(m) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(i) The activity does not interfere with the normal public use of the surface waters;

(ii) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(iii) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(iv) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(v) The activity is not subject to the permit requirements of RCW 90.58.550;

(n) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW;

(o) Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.

(i) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(A) A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(B) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(C) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

(ii) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of

the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;

(p) A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

(i) The project has been approved in writing by the department of fish and wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;

(ii) The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 75.20 RCW; and

(iii) The local government has determined that the project is consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

(3) Hazardous substance remedial actions. The procedural requirements of chapter 90.58 RCW shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to chapter 70.105D RCW or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department shall, in consultation with the appropriate local government, assure that such projects comply with the substantive requirements of chapter 90.58 RCW, chapter 173-26 WAC and the local master program.

NEW SECTION

WAC 173-27-050 Letter of exemption. Some projects conducted on shorelines of the state also require review and approval by federal agencies. Ecology is designated as the coordinating agency for the state with regard to permits issued by the U.S. Army Corps of Engineers. The following is intended to facilitate ecology's coordination of local actions, with regard to exempt development, with federal permit review.

(1) The local government shall prepare a letter of exemption, addressed to the applicant and the department, whenever a development is determined by a local government to be exempt from the substantial development permit requirements and the development is subject to one or more of the following federal permit requirements:

(a) A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899; (The provisions of section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters. Specific applicability information should be obtained from the Corps of Engineers.) or

(b) A section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions of section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the Corps of Engineers.)

(2) The letter shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the local govern-

ment's analysis of the consistency of the project with the master program and the act.

(3) Local government may specify other developments not described within subsection (1) of this section as requiring a letter of exemption prior to commencement of the development.

NEW SECTION

WAC 173-27-060 Applicability of chapter 90.58 RCW to federal lands and agencies. The policies and provisions of chapter 90.58 RCW including the permit system shall be applied in the following manner to federal agencies on lands meeting the criteria of the Shoreline Management Act for shorelines of the state.

(1) Within the coastal counties.

Direct federal agency actions and projects shall be consistent to the maximum extent practicable with the approved Washington state coastal zone management program subject to certain limitations set forth in the Federal Coastal Zone Management Act, 16 U.S.C. 1451 et seq. (CZMA) and regulations adopted pursuant thereto. Other applicable federal law governing the federal agency actions may determine whether the permit system of chapter 90.58 RCW is applicable.

The Shoreline Management Act is incorporated into the Washington state coastal zone management plan and, thereby, those direct federal actions occurring on lands subject to the act must be consistent to the maximum practicable extent with the act, regulations adopted pursuant to the act and with the local master program. Local government is in the best position to determine the appropriate procedure for review of federal development activities at the local level while the state must take action on federal consistency determinations submitted to it.

(a) When the department receives a consistency determination for a development proposed by the federal government on land subject to the act, it shall request that local government review the proposal and respond in writing that the local government:

(i) Cannot make a determination of the consistency of the project with the master program without reviewing the project in the regular permit process; or

(ii) Has reviewed the project for consistency with the local master program without using the permit system. Local government may recommend that the project be approved, approved only under certain specified conditions or denied.

(iii) Defers review of the project to the state.

(b) Upon receipt of a response from local government that a permit is required to make a determination, the department shall inform the requesting agency of the local government finding and shall indicate that concurrence with the consistency determination cannot be granted until a permit is issued. If the local government chooses to review and make a recommendation without using the permit system it shall so notify the department and submit its recommendation to the department within thirty days unless a longer period of time is agreed to by the federal agency and the department. If no response is received from local government within thirty days they shall be deemed to have deferred review of the project.

(c) Nothing in this section shall be deemed to preclude independent review of the project by the state pursuant to any appropriate authority consistent with the approved coastal zone management plan.

(d) The coastal counties, as established in Washington's approved coastal zone management plan, consist of the following counties: Whatcom, Skagit, San Juan, Island, Snohomish, King, Pierce, Thurston, Mason, Kitsap, Jefferson, Clallam, Grays Harbor, Pacific and Wahkiakum.

(2) Outside of the coastal counties.

(a) Direct federal agency actions that are reasonably likely to affect any coastal use or resource shall be consistent with the approved coastal zone management plan to the maximum extent practicable subject to limitations set forth in the Federal Coastal Zone Management Act, 16 U.S.C. 1451 et seq. (CZMA) and regulations adopted pursuant thereto. Other applicable federal law governing the federal agency actions may determine whether the permit system of chapter 90.58 RCW is applicable.

(b) Except as provided in (a) of this subsection, federal agencies shall not be required to obtain permits for developments undertaken by the federal government on lands owned in fee by the federal government or on easements obtained by the federal government for a specified purpose where the proposed development is consistent with the specified purpose, unless under either circumstance the federal government grants or reserves to the state or local government substantial jurisdiction over activities on those lands.

(c) Except as provided in (a) of this subsection, the permit system shall apply to developments undertaken on lands not federally owned but under lease, license, or other similar federal property rights short of fee ownership, to the federal government.

(3) The policies and provisions of chapter 90.58 RCW, including the permit system, shall apply state-wide to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

NEW SECTION

WAC 173-27-070 Application of the permit system to substantial development undertaken prior to the effective date of the act. (1) Substantial development undertaken on the shorelines of the state prior to the effective date of the act shall not require a permit except under the following circumstances:

(a) When the activity was unlawful prior to the effective date of the act.

(b) When there has been an unreasonable period of dormancy in the project between its inception and the effective date of the act.

(c) When the development is not completed within two years after the effective date of the act.

(d) When substantial development occurred prior to the effective date of the act on a shoreline and continued on to a different lake, river or tributary after the effective date, a permit shall be required for the development undertaken after the effective date.

(e) Substantial development undertaken prior to the effective date of the act shall not continue without a permit

into other phases that were not part of the plan being followed at the time construction commenced.

(2) When a change in the area subject to the jurisdiction of the act occurs as a result of a determination of jurisdiction by the department based on the provisions of RCW 90.58.030 (2)(d) or (e), the effective date of the act shall be the date the department provides written notice of the change to the local government(s) in which the affected area is located.

NEW SECTION

WAC 173-27-080 Nonconforming use and development standards. When nonconforming use and development standards do not exist in the applicable master program, the following definitions and standards shall apply:

(1) "Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the act or the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program.

(2) Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

(3) Uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a conditional use permit.

(4) A use which is listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the master program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use.

(5) A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

(6) A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:

(a) No reasonable alternative conforming use is practical; and

(b) The proposed use will be at least as consistent with the policies and provisions of the act and the master program

and as compatible with the uses in the area as the preexisting use.

In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

(7) A nonconforming structure which is moved any distance must be brought into conformance with the applicable master program and the act.

(8) If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.

(9) If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection (6) of this section shall be considered a conforming use for purposes of this section.

(10) An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the act or the applicable master program but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

NEW SECTION

WAC 173-27-090 Time requirements of permit. The following time requirements shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit.

(1) Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and the act, local government may adopt appropriate time limits as a part of action on a substantial development permit and local government, with the approval of the department, may adopt appropriate time limits as a part of action on a conditional use or variance permit: "Good cause based on the requirements and circumstances of the project," shall mean that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted, and/or are necessary for the protection of shoreline resources.

(2) Where neither local government nor the department include specific provisions establishing time limits on a permit as a part of action on the permit, the following time limits shall apply:

(a) Construction shall be commenced or, where no construction is involved, the use or activity shall be com-

menced within two years of the effective date of a shoreline permit. Provided, that local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the department.

(b) Authorization to conduct development activities shall terminate five years after the effective date of a shoreline permit. Provided, that local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the department.

(3) The effective date of a shoreline permit shall be the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval. It is the responsibility of the applicant to inform the local government of the pendency of other permit applications filed with agencies other than the local government and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the local government prior to the date established by the shoreline permit or the provisions of this section, the expiration of a permit shall be based on the shoreline permit.

(4) When permit approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity: *Provided*, That an alternative compliance limit may be specified in the permit.

(5) Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired under subsection (2) of this section: *Provided*, That this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

(6) Local government shall notify the department in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by this section shall require a new permit application.

NEW SECTION

WAC 173-27-100 Revisions to permits. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.

When an applicant seeks to revise a permit, local government shall request from the applicant detailed plans and text describing the proposed changes.

(1) If local government determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the applicable master

program and the act, local government may approve a revision.

(2) "Within the scope and intent of the original permit" means all of the following:

(a) No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;

(b) Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;

(c) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;

(d) Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program;

(e) The use authorized pursuant to the original permit is not changed; and

(f) No adverse environmental impact will be caused by the project revision.

(3) Revisions to permits may be authorized after original permit authorization has expired under WAC 173-27-080(2). The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

(4) If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this section violate the provisions in subsection (2) of this section, local government shall require that the applicant apply for a new permit.

(5) The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department. In addition, local government shall notify parties of record of their action.

(6) If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to the department for the department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.

(7) The revised permit is effective immediately upon final decision by local government or, when appropriate under subsection (6) of this section, upon final action by the department.

(8) Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from the date of

receipt of the local government's action by the department or, when appropriate under subsection (6) of this section, the date the department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

NEW SECTION

WAC 173-27-110 Notice required. (1) Local government shall develop and adopt a system which provides for notification of the public, the department and other agencies with jurisdiction of applications for a shoreline management substantial development, conditional use, or variance permit. Notification pursuant to this section may be carried out as a part of an integrated local permit notification procedure.

(2) The system shall assure that notice of application shall be provided within fourteen days after the determination of completeness as provided in RCW 36.70B.070 and WAC 173-27-180, and include the following in whatever sequence or format the local government deems appropriate:

(a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;

(b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070, 36.70B.090 and WAC 173-27-180;

(c) The identification of other permits not included in the application to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

(e) A statement of the public comment period, which shall be not less than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;

(g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency; and

(h) Any other information determined appropriate by the local government.

(3) If an open record predecision hearing, as defined in RCW 36.70B.020, is required for the requested project

permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

(4) The notification system shall assure that notice to the general public and property owners in the vicinity of such application is given by at least one of the following methods:

(a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the development is proposed;

(b) Posting of the notice in a conspicuous manner on the property upon which the project is to be undertaken; or

(c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

(5) The notification system shall provide for timely notification of individuals and organizations that request such notice in writing.

(6) The notification system shall provide notice to all agencies with jurisdiction per chapter 43.21C RCW and to all other agencies that request in writing any such notice.

NEW SECTION

WAC 173-27-120 Special procedures for limited utility extensions and bulkheads. (1) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter except that the following time periods and procedures shall be used:

(a) The public comment period shall be twenty days. The notice provided shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;

(b) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in subsection (2)(a) of this section; and

(c) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(2) For purposes of this section, a limited utility extension means the extension of a utility service that:

(a) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

(b) Will serve an existing use in compliance with this chapter; and

(c) Will not extend more than two thousand five hundred linear feet within the shorelines of the state.

NEW SECTION

WAC 173-27-130 Filing with department. (1) All applications for a permit or a permit revision shall be submitted to the department upon a final decision by local government. Final decision by local government shall mean the order or ruling, whether it be an approval or denial, which is established after all local administrative appeals

related to the permit have concluded or the opportunity to initiate such appeals have lapsed.

(2) When a substantial development permit and a conditional use or variance permit are required for a development, the submittal on the permits shall be made concurrently.

(3) A complete submittal shall consist of the following documents and information:

(a) A copy of the complete application pursuant to WAC 173-27-180;

(b) Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s) as established in WAC 173-27-140 through 173-27-170;

(c) The final decision of the local government;

(d) The permit data sheet required by WAC 173-27-190; and

(e) Where applicable, local government shall also file the applicable documents required by chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter 43.21C RCW.

(4) When the project has been modified in the course of the local review process, plans or text shall be provided to the department that clearly indicate the final approved plan.

(5) Submittal of substantial development permits, conditional use permits, variances, rescissions and revisions is complete when all of the documents required pursuant to subsections (3) and (4) of this section have been received by the department. If the department determines that the submittal does not contain all of the documents and information required by this section, the department shall identify the deficiencies and so notify local government and the applicant in writing. The submittal and permit are void unless and until the material requested in writing is submitted to the department.

(6) "Date of filing" of a local government final decision involving approval or denial of a substantial development permit, or involving a denial of a variance or conditional use permit, is the date of actual receipt of a complete submittal by the department.

(7) "Date of filing" of a permit for a conditional use or variance approved by local government, and such permits which also involve concurrent submittal by local government of a substantial development permit, is the date of transmittal of the department's final decision on the variance or conditional use permit to local government and the applicant.

(8) The department shall provide a written notice to the local government and the applicant of the "date of filing."

(9) When a permit has been appealed pursuant to RCW 90.58.180, upon conclusion of all review proceedings, a copy of the final order shall be provided to the local government and the department. When the project has been modified in the course of the review proceeding, plans or text shall be provided to the local government, consistent with the provisions of WAC 173-27-180, that clearly indicate the final approved plan and the local government shall reissue the permit accordingly and submit a copy of the reissued permit and supporting documents consistent with subsection

(3) of this section to the department for completion of the file on the permit. The purpose of this provision is to assure that the local and department files on the permit are complete and accurate and not to provide a new opportunity for appeal of the permit.

NEW SECTION

WAC 173-27-140 Review criteria for all development. (1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.

(2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

NEW SECTION

WAC 173-27-150 Review criteria for substantial development permits. (1) A substantial development permit shall be granted only when the development proposed is consistent with:

(a) The policies and procedures of the act;

(b) The provisions of this regulation; and

(c) The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter 173-26 WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.

(2) Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

NEW SECTION

WAC 173-27-160 Review criteria for conditional use permits. The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

(b) That the proposed use will not interfere with the normal public use of public shorelines;

(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the

PERMANENT

area and with uses planned for the area under the comprehensive plan and shoreline master program;

(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

(e) That the public interest suffers no substantial detrimental effect.

(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

(3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.

(4) Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.

NEW SECTION

WAC 173-27-170 Review criteria for variance permits. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

(1) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

(2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

(b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

(c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

(d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

(e) That the variance requested is the minimum necessary to afford relief; and

(f) That the public interest will suffer no substantial detrimental effect.

(3) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

(b) That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and

(c) That the public rights of navigation and use of the shorelines will not be adversely affected.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

(5) Variances from the use regulations of the master program are prohibited.

NEW SECTION

WAC 173-27-180 Application requirements for substantial development, conditional use, or variance permit. A complete application for a substantial development, conditional use, or variance permit shall contain, as a minimum, the following information:

(1) The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.

(2) The name, address and phone number of the applicant's representative if other than the applicant.

(3) The name, address and phone number of the property owner, if other than the applicant.

(4) Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.

(5) Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the act over the project is derived.

(6) A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.

(7) A general description of the property as it now exists including its physical characteristics and improvements and structures.

(8) A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

(9) A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:

(a) The boundary of the parcel(s) of land upon which the development is proposed.

(b) The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

(c) Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.

(d) A delineation of all wetland areas that will be altered or used as a part of the development.

(e) A general indication of the character of vegetation found on the site.

(f) The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.

(g) Where applicable, a landscaping plan for the project.

(h) Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.

(i) Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.

(j) Quantity, composition and destination of any excavated or dredged material.

(k) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.

(l) Where applicable, a depiction of the impacts to views from existing residential uses and public areas.

(m) On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

NEW SECTION

WAC 173-27-190 Permits for substantial development, conditional use, or variance. (1) Each permit for a substantial development, conditional use or variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

(2) Permits for substantial development, conditional use, or variance may be in any form prescribed and used by local government including a combined permit application form. Such forms will be supplied by local government.

(3) A permit data sheet shall be submitted to the department with each shoreline permit. The permit data sheet form shall be as provided in Appendix A of this regulation.

NEW SECTION

WAC 173-27-200 Department review of conditional use and variance permits. (1) After local government approval of a conditional use or variance permit, local government shall submit the permit to the department for the department's approval, approval with conditions, or denial. The department shall render and transmit to local government and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by local government pursuant to WAC 173-27-110.

(2) The department shall review the complete file submitted by local government on conditional use and variance permits and any other information submitted or available that is relevant to the application. The department shall base its determination to approve, approve with conditions or deny a conditional use permit or variance on consistency with the policy and provisions of the act and, except as provided in WAC 173-27-210, the criteria in WAC 173-27-160 and 173-27-170.

(3) Local government shall provide timely notification of the department's final decision to those interested persons having requested notification from local government pursuant to WAC 173-27-130.

NEW SECTION

WAC 173-27-210 Minimum standards for conditional use and variance permits. Pursuant to RCW 90.58.100(5) and 90.58.140(3), the criteria contained in WAC 173-27-160 and 173-27-170 for shoreline conditional use and variance permits shall constitute the minimum criteria for review of these permits by local government and the department. Local government and the department may, in addition, apply the more restrictive criteria where they exist in approved and adopted master programs.

NEW SECTION

WAC 173-27-220 Requests for review. All requests for review of any final permit decisions under chapter 90.58 RCW and chapter 173-27 WAC are governed by the procedures established in RCW 90.58.180 and chapter 461-08 WAC, the rules of practice and procedure of the shorelines hearings board.

**PART II
SHORELINE MANAGEMENT ACT ENFORCEMENT**

NEW SECTION

WAC 173-27-240 Authority and purpose. This part is adopted under RCW 90.58.200 and 90.58.210 to implement the enforcement responsibilities of the department and local government under the Shoreline Management Act. The act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit rescission. The following should be used in addition to other mechanisms already in place at the local level and does not preclude other means of enforcement.

NEW SECTION

WAC 173-27-250 Definitions. The definitions contained in WAC 173-27-030 shall apply in this part also except that the following shall apply when used in this part of the regulations:

(1) "Permit" means any form of permission required under the act prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting, and shoreline exemptions; and

(2) "Exemption" means authorization from local government which establishes that an activity is exempt from substantial development permit requirements under WAC 173-27-040, but subject to regulations of the act and the local master program.

NEW SECTION

WAC 173-27-260 Policy. These regulations should be used by local government in carrying out enforcement responsibilities under the act, unless local government adopts separate rules to implement the act's enforcement provision.

Enforcement action by the department or local government may be taken whenever a person has violated any provision of the act or any master program or other regulation promulgated under the act. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the existence or degree of bad faith of the persons subject to the enforcement action.

NEW SECTION

WAC 173-27-270 Order to cease and desist. Local government and/or the department shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the local master program.

(1) Content of order. The order shall set forth and contain:

(a) A description of the specific nature, extent, and time of violation and the damage or potential damage; and

(b) A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under WAC 173-27-280 may be issued with the order.

(2) Effective date. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

(3) Compliance. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

NEW SECTION

WAC 173-27-280 Civil penalty. (1) A person who fails to conform to the terms of a substantial development permit, conditional use permit or variance issued under RCW 90.58.140, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease and desist order issued under these regulations may be subject to a civil penalty by local government. The department may impose a penalty jointly with local government, or alone only upon an additional finding that a person:

(a) Has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(b) Has been given previous notice of the same or similar type of violation of the same statute or rule; or

(c) The violation has a probability of placing a person in danger of death or bodily harm; or

(d) Has a probability of causing more than minor environmental harm; or

(e) Has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

(2) In the alternative, a penalty may be issued to a person by the department alone, or jointly with local government for violations which do not meet the criteria of subsection (1)(a) through (e) of this section, after the following information has been provided in writing to a person through a technical assistance visit or a notice of correction:

(a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;

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

(c) The date by which the agency requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the agency or others; and

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

Furthermore, no penalty shall be issued by the department until the individual or business has been given a reasonable time to correct the violation and has not done so.

(3) Amount of penalty. The penalty shall not exceed one thousand dollars for each violation. Each day of violation shall constitute a separate violation.

(4) Aiding or abetting. Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

(5) Notice of penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department and/or the local government, or from both jointly. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.

(6) Application for remission or mitigation. Any person incurring a penalty may apply in writing within thirty days of receipt of the penalty to the department or local government for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.

When a penalty is imposed jointly by the department and local government, it may be remitted or mitigated only upon such terms as both the department and the local government agree.

NEW SECTION

WAC 173-27-290 Appeal of civil penalty. (1) Right of appeal. Persons incurring a penalty imposed by the department or imposed jointly by the department and local government may appeal the same to the shorelines hearings board. Appeals to the shorelines hearings board are adjudicatory proceedings subject to the provisions of chapter 34.05 RCW. Persons incurring a penalty imposed by local government may appeal the same to the local government legislative authority.

(2) Timing of appeal. Appeals shall be filed within thirty days of receipt of notice of penalty unless an application for remission or mitigation is made to the department or local government. If such application is made, appeals shall be filed within thirty days of receipt of local government's and/or the department's decision regarding the remission or mitigation.

(3) Penalties due.

(a) Penalties imposed under this section shall become due and payable thirty days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of local government's and/or the department's decision regarding the remission or

mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.

(b) If the amount of a penalty owed the department is not paid within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington to recover such penalty. If the amount of a penalty owed local government is not paid within thirty days after it becomes due and payable, local government may take actions necessary to recover such penalty.

(4) Penalty recovered. Penalties recovered by the department shall be paid to the state treasurer. Penalties recovered by local government shall be paid to the local government treasury. Penalties recovered jointly by the department and local government shall be divided equally between the department and the local government unless otherwise stipulated in the order.

NEW SECTION

WAC 173-27-300 Criminal penalty. The procedures for criminal penalties shall be governed by RCW 90.58.220.

NEW SECTION

WAC 173-27-310 Oil or natural gas exploration—Penalty. Persons violating the provisions of RCW 90.58.550 or chapter 173-15 WAC shall be subject to a civil penalty issued by the department in an amount of up to five thousand dollars a day. The procedures for oil or natural gas exploration penalties shall be governed by RCW 90.58.560.

NEW SECTION

WAC 173-27-990 Appendix A.

Appendix A

**Shoreline Management Act
Permit Data Sheet and Transmittal Letter**

From: (local government)

To: (appropriate Ecology office)

Date of Transmittal: _____

Date of Receipt: (provided by Ecology) _____

Type of Permit: (Indicate all that apply)

Substantial Development ; Conditional Use ; Variance ; Revision ; Other _____.

Local Government Decision: Approval ; Conditional Approval ; Denial

Applicant Information:

Applicant's Representative: (If primary contact)

Name: _____

Name: _____

Address: _____

Address: _____

Phone(s): _____

Phone(s): _____

Is the applicant the property owner? yes no

Location of the Property: (Section Township and Range to the nearest 1/4, 1/4 Section or latitude and longitude, and a street address where available)

Water Body Name: _____

Shoreline of Statewide Significance: Yes No

Environment Designation: _____

Description of the Project: (Summary of the intended use or project purpose)

Notice of Application Date: _____ Final Decision Date: _____

By: _____ (Local Government Primary Contact on this Application)

Phone No: _____

PERMANENT

WSR 96-20-076
PERMANENT RULES
DEPARTMENT OF
SERVICES FOR THE BLIND
 [Filed September 30, 1996, 11:48 a.m.]

Date of Adoption: September 30, 1996.

Purpose: The WAC is amended to make address change.

Citation of Existing Rules Affected by this Order: Amending WAC 67-35-020 Application—How to apply.

Statutory Authority for Adoption: Chapter 74.18 RCW.

Adopted under notice filed as WSR 96-17-068 on August 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 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.

September 30, 1996

Bonnie Jindra

Assistant Director

AMENDATORY SECTION (Amending WSR 89-21-046, filed 10/13/89, effective 11/13/89)

WAC 67-35-020 Application—How to apply. The public may obtain additional information about the program, including how to apply for services by contacting the business enterprise program staff at the Department of Services for the Blind, (~~521 East Legion Way, Mailstop FD-11, Olympia, WA 98504-1422, phone (206) 586-0277~~) P.O. Box 40933, Olympia, WA 98504-0933, phone (360) 586-1224, toll-free 1-800-552-7103. An application for service under the business enterprise program must be made to a vocational rehabilitation counselor located in any office of the department of services for the blind.

WSR 96-20-082
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed September 30, 1996, 4:45 p.m., effective November 1, 1996]

Date of Adoption: September 30, 1996.

Purpose: The Department of Labor and Industries and the Department of Agriculture worked together to jointly adopt the federal Environmental Protection Agency (EPA) worker protection standard. This action was taken to fulfill the requirements of SHB 2703, which required "the Depart-

ment of Agriculture and the Department of Labor and Industries coordinate adoption, implementation, and enforcement of a common set of worker protection standards related to pesticides in order to avoid inconsistency and conflict in the application of those rules."

In addition, the EPA published additional amendments (Federal Register Volume 61, Number 124, dated June 26, 1996) to their worker protection standard. As a result, the Department of Labor and Industries and the Department of Agriculture filed supplemental amendments to the original proposal and held hearings on these amendments to allow the departments to incorporate these federal changes into standard at the same time the originally proposed amendments were adopted.

The Department of Agriculture worker protection rules and the Department of Labor and Industries worker protection rules are identical except for chapter and section number designations.

The worker protection rules being adopted are identical to the federal EPA worker protection standard with the following exceptions:

- Existing Department of Labor and Industries requirements relating to hazard communication, respirators, enclosed cabs, decontamination water, and eyewash systems have been retained and incorporated.
- Existing Department of Agriculture requirements for an agriculture emergency and clarification of the definition of a crop advisor were retained and incorporated.
- The definition of "animal premises" has been added for clarification.
- The Department of Labor and Industries has added explanatory notes to clarify the definitions of "agricultural employer" and "agricultural establishment."
- References to federal laws and administrative rules have been amended to reference applicable Washington state laws or administrative rules.

Federal EPA worker protection standard requirements are currently in effect. There will be no additional compliance requirements as a result of the adopted rules because the rules encompass either the federal standard or rules already being enforced by either the Department of Agriculture or the Department of Labor and Industries.

Under a separate proposal, the Department of Labor and Industries' agriculture standard has been rewritten and reorganized to be understandable, easy to read, and easy to use. Under that proposal, chapter 296-306 WAC is being replaced with chapter 296-306A WAC. As a result, sections proposed for amendment in this proposal are being repealed and applicable information moved to and included in the new agriculture standard, chapter 296-306A WAC.

A summary of the adopted amendments follows:

NEW SECTIONS

WAC 296-306A-107 Federal worker protection standards—Washington State Department of Agriculture, this new section explains that the Department of Labor and Industries and the Department of Agriculture worked together to jointly adopt the federal EPA worker protection

standard, and that this action was taken to fulfill the requirements of SHB 2703 which required the Departments of Agriculture and Labor and Industries to "... coordinate adoption, implementation, and enforcement of a common set of worker protection standards related to pesticides in order to avoid inconsistency and conflict in the application of those rules."

WAC 296-306A-110 Scope and purpose, this section is adopted identical to the federal worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-11005 Definitions—Worker protection standards—40 CFR, § 170.3, this section is identical to the federal worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required by SHB 2703 with the following exception: The definitions of "animal premises" and "crop advisor" have been added for clarification.

WAC 296-306A-11010 General duties and prohibited actions, this section is adopted identical to the federal worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-11015 Violations of this part—Worker protection standard, this section is adopted identical to the federal worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-120 Applicability of this section—Standards for workers—40 CFR, § 170.102, this section is identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required by SHB 2703.

WAC 296-306A-12005 Exceptions—Standards for workers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-12010 Exemptions—Standards for workers—40 CFR, § 170.104, this section is identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required by SHB 2703 with the following exception: Crop advisors must have commercial applicator's license issued by the Department of Agriculture in order to be exempted from most of the requirements of this standard.

WAC 296-306A-12015 Restrictions associated with pesticide applications—Standard for workers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-12020 Entry restrictions—Standards for workers—40 CFR, § 170.112, this section is identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required by SHB 2703.

WAC 296-306A-12025 Notice of applications—Standards for workers—40 CFR, § 170.120, this section is identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required by SHB 2703. Additional amendments relating to warning signs are adopted as a result of EPA worker protection standard amendments dated June 26, 1996.

WAC 296-306A-12030 Providing specific information about applications—Standard for workers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-12035 Notice of applications to handler employers—Standard for workers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-12040 Pesticide safety training—Standards for workers—40 CFR, § 170.130, this section is identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required by SHB 2703 with the following exception: A note is added to explain that labor and industries' hazard communication standard requirements also apply.

WAC 296-306A-12045 Posted pesticide safety information—Standard for workers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-12050 Decontamination—Standards for workers—40 CFR, § 170.150, this section is identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required by SHB 2703 with the following exception: Specified amounts of water for decontamination are retained for pesticide handlers and are added for early reentry workers. Additional amendments relating to decontamination and decontamination supplies are adopted as a result of EPA worker protection standard amendments dated June 26, 1996.

WAC 296-306A-12055 Emergency assistance—Standard for workers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-130 Applicability of this section—Standards for pesticide handlers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-13005 Exemptions—Standards for handlers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-13010 Restrictions during applications—Standards for pesticide handlers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-13015 Providing specific information about applications—Standards for handlers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-13020 Notice of applications to agricultural employers—Standards for handlers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-13025 Pesticide safety training—Standards for pesticide handlers—40 CFR, § 170.230, this

section is identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required by SHB 2703 with the following exception: A note is added to explain that the labor and industries' hazard communication standard requirements also apply.

WAC 296-306A-13030 Knowledge of labeling and site-specific information—Standards for handlers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-13035 Safe operation of equipment—Standards for handlers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-13040 Posted pesticide information—Standards for handlers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

WAC 296-306A-13045 Personal protective equipment—Standards for pesticide handlers—40 CFR, § 170.240, this section is identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required by SHB 2703 with the following exception: Current labor and industries' requirements for a state agency-certified pesticide tractor cab, respirator fit-testing, and the application of the labor and industries' respiratory protection standard when respirators are used, are retained from the current regulations.

WAC 296-306A-13050 Decontamination—Standards for pesticide handlers—40 CFR, § 170.250, this section is identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required by SHB 2703 with the following exception: Specific amounts of water for decontamination and emergency eyewash are retained.

WAC 296-306A-13055 Emergency information—Standards for handlers, this section is adopted identical to the federal EPA worker protection standard and Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

Statutory Authority for Adoption: RCW 49.17.040, [49.17.]050, [49.17.]060.

Adopted under notice filed as WSR 96-14-120 on July 3, 1996; and WSR 96-17-093 on August 21, 1996.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-306A-12020 Entry restrictions—Standards for workers—40 CFR, § 170.112, the reference to 40 CFR 170.112 (5)(a)(i) through (vi) is corrected to CFR 170.112 (5)(e).

WAC 296-306A-11015 Violations of this part—Worker protection standard—40 CFR, § 170.9, references to federal laws and administrative rules have been amended to reference applicable Washington state laws or administrative rules to be identical to the Department of Agriculture rules in chapter 16-233 WAC as required in SHB 2703.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 29, repealed 0; or

Recently Enacted State Statutes: New 29, amended 29, 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: November 1, 1996.

September 30, 1996

Mike Wilson

for Mark O. Brown

Director

PART I: PESTICIDES (WORKER PROTECTION STANDARD)

NEW SECTION

WAC 296-306A-107 Federal worker protection standards—Washington state department of agriculture. This chapter contains the federal Environmental Protection Agency worker protection standards as listed in 40 CFR, Part 170. Revisions to the federal language have been incorporated into this chapter in order to be consistent with other requirements of Washington state law. These rules are adopted in conjunction with rules adopted by the Washington state department of agriculture in chapter 16-233 WAC.

NEW SECTION

WAC 296-306A-110 Scope and purpose—Worker protection standards—40 CFR, § 170.1. This part contains standards designed to reduce the risks of illness or injury resulting from workers' and handlers' occupational exposures to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests and also to reduce the accidental exposure of workers and other persons to such pesticides. It requires workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies.

NEW SECTION

WAC 296-306A-11005 Definitions—Worker protection standards—40 CFR, § 170.3. Terms used in this part have the same meanings they have in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. In addition, the following terms, when used in this part, shall have the following meanings:

"Agricultural emergency" means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a pesticide treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss.

"Agricultural employer" means any person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner of or is responsible for the management or condition of an agricultural establishment that uses such workers.

Note: This definition does not conflict with the definition of employer in WAC 296-306A-012.

"Agricultural establishment" means any farm, forest, nursery, or greenhouse.

Note: This applies to all the Standard Industrial Classification (SIC) Codes listed in WAC 296-306A-010.

"Agricultural plant" means any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers, shrubs; ornamentals; and seedlings.

"Animal premise" means the actual structure used to house, cage or confine animals such as: Barns, poultry houses, mink sheds, corrals, or structures used for shelter.

"Chemigation" means the application of pesticides through irrigation systems.

"Commercial pesticide handling establishment" means any establishment, other than an agricultural establishment, that:

- Employs any person, including a self-employed person, to apply on an agricultural establishment, pesticides used in the production of agricultural plants.

- Employs any person, including a self-employed person, to perform on an agricultural establishment, tasks as a crop advisor.

"Crop advisor" means any person who is assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants and who holds a current Washington state department of agriculture commercial consultant license in the agricultural areas in which they are advising. The term does not include any person who is performing hand labor tasks.

"Early entry" means entry by a worker into a treated area on the agricultural establishment after a pesticide application is complete, but before any restricted-entry interval for the pesticide has expired.

"Farm" means any operation, other than a nursery or forest, engaged in the outdoor production of agricultural plants.

"Forest" means any operation engaged in the outdoor production of any agricultural plant to produce wood fiber or timber products.

"Fumigant" means any pesticide product that is a vapor or gas, or forms a vapor or gas on application, and whose method of pesticidal action is through the gaseous state.

"Greenhouse" means any operation engaged in the production of agricultural plants inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry. This term includes, but is not limited to, polyhouses, mushroom houses, rhubarb houses, and similar structures. It does not include such structures as malls, atriums, conservatories, arboretums, or office buildings where agricultural plants are present primarily for aesthetic or climatic modification.

"Hand labor" means any agricultural activity performed by hand or with hand tools that causes a worker to have

substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors.

"Handler" means any person, including a self-employed person:

- Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment to which WAC 296-306A-130 applies and who is:

- Mixing, loading, transferring, or applying pesticides.
- Disposing of pesticides or pesticide containers.
- Handling opened containers of pesticides.
- Acting as a flagger.
- Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.
- Assisting with the application of pesticides.
- Entering a greenhouse or other enclosed area after the application and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling has been met:
 - ◆ To operate ventilation equipment.
 - ◆ To adjust or remove coverings used in fumigation.
 - ◆ To monitor air levels.
- Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.
- Performing tasks as a crop advisor:
 - ◆ During any pesticide application.
 - ◆ Before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling has been met.
- ◆ During any restricted-entry interval.

- The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple-rinsing or its equivalent.

"Handler employer" means any person who is self-employed as a handler or who employs any handler, for any type of compensation.

"Immediate family" includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.

"Nursery" means any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod.

"Owner" means any person who has a present possessory interest (fee, leasehold, rental, or other) in an agricultural establishment covered by this chapter. A person who has both leased such agricultural establishment to another person

and granted that same person the right and full authority to manage and govern the use of such agricultural establishment is not an owner for purposes of this part.

"Restricted-entry interval" means the time after the end of a pesticide application during which entry into the treated area is restricted.

"Substantial economic loss" means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.

"Treated area" means any area to which a pesticide is being directed or has been directed.

"Worker" means any person, including a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment to which WAC 296-306A-120 applies. While persons employed by a commercial pesticide handling establishment are performing tasks as crop advisors, they are not workers covered by the requirements of WAC 296-306A-120.

NEW SECTION

WAC 296-306A-11010 General duties and prohibited actions—Worker protection standards—40 CFR, § 170.7. (1) General duties. The agricultural employer or the handler employer, as appropriate, shall:

(a) Assure that each worker subject to WAC 296-306A-120 or each handler subject to WAC 296-306A-130 receives the protections required by this part.

(b) Assure that any pesticide to which WAC 296-306A-130 applies is used in a manner consistent with the labeling of the pesticide, including the requirements of this part.

(c) Provide, to each person who supervises any worker or handler, information and directions sufficient to assure that each worker or handler receives the protections required by this part. Such information and directions shall specify which persons are responsible for actions required to comply with this part.

(d) Require each person who supervises any worker or handler to assure compliance by the worker or handler with the provisions of this part and to assure that the worker or handler receives the protections required by this part.

(2) Prohibited actions. The agricultural employer or the handler employer shall not take any retaliatory action for attempts to comply with this part or any action having the effect of preventing or discouraging any worker or handler from complying or attempting to comply with any requirement of this part.

NEW SECTION

WAC 296-306A-11015 Violations of this part—Worker protection standards—40 CFR, § 170.9. (1) RCW 15.58.150 (2)(c) provides that it is unlawful for any person ". . . to use or cause to be used any pesticide contrary to label directions . . ." When 40 CFR, Part 170 is referenced on a label, users must comply with all of its requirements except those that are inconsistent with product specific

instructions on the labeling. For purposes of this chapter, the term "use" is interpreted to include:

(a) Preapplication activities, including, but not limited to:

(i) Arranging for the application of the pesticide;

(ii) Mixing and loading the pesticide; and

(iii) Making necessary preparations for the application of the pesticide, including responsibilities related to worker notification, training of handlers, decontamination, use and care of personal protective equipment, emergency information, and heat stress management.

(b) Application of the pesticide.

(c) Post-application activities necessary to reduce the risks of illness and injury resulting from handlers' and workers' occupational exposures to pesticide residues during the restricted-entry interval plus thirty days. These activities include, but are not limited to, responsibilities related to worker training, notification, and decontamination.

(d) Other pesticide-related activities, including, but not limited to, providing emergency assistance, transporting or storing pesticides that have been opened, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

(2) A person who has a duty under this chapter, as referenced on the pesticide product label, and who fails to perform that duty, violates RCW 15.58.330 and 17.21.315, and is subject to civil penalties under RCW 15.58.335, 15.58.260 and 17.21.315.

(3) FIFRA section 14 (b)(4) provides that a person is liable for a penalty under FIFRA if another person employed by or acting for that person violates any provision of FIFRA. The term "acting for" includes both employment and contractual relationships.

(4) The requirements of this chapter, including the decontamination requirements, shall not, for the purposes of section 653(b)(1) of Title 29 of the U.S. Code, be deemed to be the exercise of statutory authority to prescribe or enforce standards or regulations affecting the general sanitary hazards addressed by the WISHA Field Sanitation Standard, WAC 296-24-120, or other agricultural, nonpesticide hazards.

STANDARD FOR WORKERS

NEW SECTION

WAC 296-306A-120 Applicability of this section—Standards for workers—40 CFR, § 170.102. Requirement. Except as provided by WAC 296-306A-12005 and 296-306A-12010, WAC 296-306A-120 applies when any pesticide product is used on an agricultural establishment in the production of agricultural plants.

NEW SECTION

WAC 296-306A-12005 Exceptions—Standards for workers—40 CFR, § 170.103. This section does not apply when any pesticide is applied on an agricultural establishment in the following circumstances:

(1) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(2) On livestock or other animals, or in or about animal premises.

(3) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(4) On plants that are in ornamental gardens, parks, and public or private lawns and grounds that are intended only for aesthetic purposes or climatic modification.

(5) By injection directly into agricultural plants. Direct injection does not include "hack and squirt," "frill and spray," chemigation, soil-incorporation, or soil-injection.

(6) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(7) For control of vertebrate pests.

(8) As attractants or repellents in traps.

(9) On the harvested portions of agricultural plants or on harvested timber.

(10) For research uses of unregistered pesticides.

NEW SECTION

WAC 296-306A-12010 Exemptions—Standards for workers—40 CFR, § 170.104. The workers listed in this section are exempt from the specified provisions of WAC 296-306A-120.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself/herself or members of his/her immediate family who are performing tasks related to the production of agricultural plants on their own agricultural establishment the protections of:

(i) WAC 296-306A-12020 (3)(e) through (i);

(ii) WAC 296-306A-12020 (3)(e) through (i); as referenced in WAC 296-306A-12020 (4)(b)(iii) and (5);

(iii) WAC 296-306A-12025;

(iv) WAC 296-306A-12030;

(v) WAC 296-306A-12040;

(vi) WAC 296-306A-12045;

(vii) WAC 296-306A-12050;

(viii) WAC 296-306A-12055.

(b) The owner of the agricultural establishment must provide the protections listed in (a)(i) through (viii) of this subsection to other workers and other persons who are not members of his/her immediate family.

(2) Crop advisors.

(a) Provided that the conditions of this section are met, a person who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by EPA or a State or Tribal lead agency for pesticide enforcement, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

(i) WAC 296-306A-12050.

(ii) WAC 296-306A-12055.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iii) and (iv) of this subsection. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 296-306A-13025 (3)(d).

(ii) Applies only when performing crop advising tasks in the treated area.

(iii) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(iv) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his/her direct supervision of the pesticide product and active ingredient(s) applied, method of application, time of application, the restricted entry interval which tasks to undertake, and how to contact the crop advisor.

NEW SECTION

WAC 296-306A-12015 Restrictions associated with pesticide applications—Standards for workers—40 CFR, § 170.110. (1) Farms and forests. During the application of any pesticide on a farm or in a forest, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the treated area.

(2) Nurseries. In a nursery, during any pesticide application described in column A of Table 1 of this section, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 1 of this section. After the application is completed, until the end of any restricted-entry interval, the entry-restricted area is the treated area.

Table 1.—Entry-Restricted Areas in Nurseries During Pesticide Applications

A. During Application of a Pesticide:	B. Workers are Prohibited in:
(1)(a) Applied: (i) Aerially, or (ii) In an upward direction, or (iii) Using a spray pressure greater than 150 psi, or (b) Applied as a: (i) Fumigant, or (ii) Smoke, or (iii) Mist, or (iv) Fog, or (v) Aerosol.	Treated area plus 100 feet in all directions on the nursery
(2)(a) Applied downward using: (i) A height of greater than 12 inches from the planting medium, or (ii) A fine spray, or (iii) A spray pressure greater than 40 psi and less than 150 psi. (b) Not as in 1 or 2(a) above but for which a respiratory protection device is required for application by the product labeling.	Treated area plus 25 feet in all directions on the nursery
(3) Applied otherwise.	Treated area

(3) Greenhouses.

(a) When a pesticide application described in column A of Table 2 under (d) of this subsection takes place in a greenhouse, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 2 until the time specified in column C of Table 2 has expired.

(b) After the time specified in column C of Table 2 under (d) of this subsection has expired, until the expiration of any restricted-entry interval, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area as specified in column D of Table 2 under (d) of this subsection, except as provided in WAC 296-306A-12020.

(c) When column C of Table 2 under (d) of this subsection specifies that ventilation criteria must be met, ventilation shall continue until the air concentration is measured to be equal to or less than the inhalation exposure level the labeling requires to be achieved. If no inhalation exposure level is listed on the labeling, ventilation shall continue until after:

- (i) Ten air exchanges are completed; or
- (ii) Two hours of ventilation using fans or other mechanical ventilating systems; or
- (iii) Four hours of ventilation using vents, windows or other passive ventilation; or
- (iv) Eleven hours with no ventilation followed by one hour of mechanical ventilation; or
- (v) Eleven hours with no ventilation followed by two hours of passive ventilation; or
- (vi) Twenty-four hours with no ventilation.

(d) The following Table 2 applies to (a), (b) and (c) of this subsection.

Table 2.—Greenhouse Entry Restrictions Associated With Pesticide Applications

A. When a Pesticide is Applied:	B. Workers are Prohibited in:	C. Until:	D. After the Expiration of Time in Column C Until the Restricted-Entry Interval Expires, the Entry-Restricted Area is:
(1) As a fumigant	Entire greenhouse plus any adjacent structure that cannot be sealed off from the treated area	The ventilation criteria of (c) of this subsection are met	No entry restrictions after criteria in column C are met

(2) As a:	Entire enclosed area	The ventilation criteria of (c) of this subsection are met	Entire enclosed area is the treated area
(i) Smoke, or (ii) Mist, or (iii) Fog, or (iv) Aerosol			
(3) Not in 1 or 2 above, and for which a respiratory protection device is required for application by the product labeling	Entire enclosed area	The ventilation criteria of (c) of this subsection are met	Treated area
(4) Not in 1, 2, or 3 above, and:	Treated area plus 25 feet in all directions in the enclosed area	Application is complete	Treated area
(i) From a height of greater than 12 in. from the planting medium, or (ii) As a fine spray, or (iii) Using a spray pressure greater than 40 psi			
(5) Otherwise	Treated area	Application is complete	Treated area

NEW SECTION**WAC 296-306A-12020 Entry restrictions—Standards for workers—40 CFR, § 170.112.** (1) General restrictions.

(a) After the application of any pesticide on an agricultural establishment, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area before the restricted-entry interval specified on the pesticide labeling has expired, except as provided in this section.

(b) Entry-restricted areas in greenhouses are specified in column D in Table 2 under WAC 296-306A-12015 (3)(d).

(c) When two or more pesticides are applied at the same time, the restricted-entry interval shall be the longest of the applicable intervals.

(d) The agricultural employer shall assure that any worker who enters a treated area under a restricted-entry interval as permitted by subsections (3), (4), and (5) of this section uses the personal protective equipment specified in the product labeling for early entry workers and follows any other requirements on the pesticide labeling regarding early entry.

(2) Exception for activities with no contact. A worker may enter a treated area during a restricted-entry interval if the agricultural employer assures that both of the following are met:

(a) The worker will have no contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants; and

(b) No such entry is allowed until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling have been met.

(3) Exception for short-term activities. A worker may enter a treated area during a restricted-entry interval for short-term activities if the agricultural employer assures that the following requirements are met:

(a) No hand labor activity is performed.

(b) The time in treated areas under a restricted-entry interval for any worker does not exceed one hour in any twenty-four-hour period.

(c) No such entry is allowed for the first four hours following the end of the application, and no such entry is allowed thereafter until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling have been met.

(d) The personal protective equipment specified on the product labeling for early entry is provided to the worker. Such personal protective equipment shall conform to the following standards:

(i) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(ii) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(iii) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be

made of material that allows no measurable movement of the pesticide being used through the material during use.

(iv) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(v) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-piece, chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(vi) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over a layer of clothing. If a chemical-resistant suit is substituted for coveralls, it need not be worn over a layer of clothing.

(vii) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent materials must not be worn for early entry activities unless these materials are listed on the product labeling as acceptable for such use. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable for tasks with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant liners. However, once leather gloves have been worn for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(viii) When "chemical-resistant footwear" is specified by the product labeling, it shall be one of the following types of footwear: Chemical-resistant shoes, chemical-resistant boots, or chemical-resistant shoe coverings worn over shoes or boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable for workers, then leather boots may be worn in such terrain.

(ix) When "protective eyewear" is specified by the product labeling, it shall be one of the following types of eyewear: Goggles; face shield; safety glasses with front, brow, and temple protection; or a full-face respirator.

(x) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(e) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner that the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use.

(f) The agricultural employer shall assure that:

(i) Workers wear the personal protective equipment correctly for its intended purpose and use personal protective equipment according to manufacturer's instructions.

(ii) Before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(iii) Personal protective equipment that cannot be cleaned properly is disposed of in accordance with any applicable federal, state, and local regulations.

(iv) All personal protective equipment is cleaned according to manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(v) Before being stored, all clean personal protective equipment is dried thoroughly or is put in a well-ventilated place to dry.

(vi) Personal protective equipment contaminated with pesticides is kept separately and washed separately from any other clothing or laundry.

(vii) Any person who cleans or launders personal protective equipment is informed that such equipment may be contaminated with pesticides, of the potentially harmful effects of exposure to pesticides, and of the correct way(s) to handle and clean personal protective equipment and to protect themselves when handling equipment contaminated with pesticides.

(viii) All clean personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(ix) Each worker is instructed how to put on, use, and remove the personal protective equipment and is informed about the importance of washing thoroughly after removing personal protective equipment.

(x) Each worker is instructed in the prevention, recognition, and first aid treatment of heat-related illness.

(xi) Workers have a clean place(s) away from pesticide-storage and pesticide-use areas for storing personal clothing not in use; putting on personal protective equipment at the start of any exposure period; and removing personal protective equipment at the end of any exposure period.

(g) When personal protective equipment is required by the labeling of any pesticide for early entry, the agricultural employer shall assure that no worker is allowed or directed to perform the early entry activity without implementing, when appropriate, measures to prevent heat-related illness.

(h) During any early entry activity, the agricultural employer shall provide a decontamination site in accordance with WAC 296-306A-12050.

(i) The agricultural employer shall not allow or direct any worker to wear home or to take home personal protective equipment contaminated with pesticides.

(4) Declaration of an agricultural emergency.

(a) The director of the Washington state department of agriculture may declare the existence of circumstances causing an agricultural emergency on a particular establishment or establishments.

(b) The director may declare an agricultural emergency based on the reasonably expected certainty of circumstances occurring based on weather or other forecasts that would create conditions that would normally be anticipated to cause an agricultural emergency.

(c) The agricultural employer may determine if the establishment under his/her control is subject to the agricultural emergency declared by the director.

(d) Emergency repair of equipment that is in use and sited within a pesticide treated area under a restricted-entry interval, such as frost protection devices, shall be considered to be an agricultural emergency. The conditions in WAC 16-228-655 shall be met.

(e) Activities that require immediate response such as fire suppression, relocation of greenhouse plants due to power failure, and similar conditions, shall be considered to be agricultural emergencies. The conditions in WAC 16-228-655 shall be met.

(5) Agricultural activities permitted under an agricultural emergency.

(a) A worker may enter a pesticide treated area under a restricted-entry interval in an agricultural emergency to perform tasks, including hand labor tasks, necessary to mitigate the effects of the agricultural emergency if the agricultural employer assures that all the following requirements are met:

(i) No entry is permitted for the first four hours after the pesticide application or the minimum reentry interval allowed by EPA for that product, whichever is less;

(ii) The personal protective equipment specified on the product labeling for early entry is provided to the worker;

(iii) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use;

(iv) The agricultural employer shall assure that the worker wears the proper PPE and that the PPE is in operable condition and that the worker has been trained in its proper use;

(v) The agricultural employer shall assure that measures have been taken, when appropriate, to prevent heat-related illness;

(vi) A decontamination site has been provided in accordance with EPA regulations;

(vii) The agricultural employer shall not allow or direct any worker to wear home or take home personal protective equipment contaminated with pesticides.

(b) If the agricultural emergency is due to equipment failure, then the agricultural employer shall assure that all the requirements in subsection (1) of this section are met plus the following additional requirement. The only permitted activity until the restricted-entry interval has elapsed is equipment repair that would mitigate the effect of the equipment failure.

(6) Recordkeeping required for agricultural emergencies.

(a) If the employer declares that his/her establishment is affected by an agricultural emergency and that activities regulated by the worker protection standard have been performed, the employer shall keep the following records for seven years from the date of the agricultural emergency:

(i) Date of the agricultural emergency;

(ii) Time of the agricultural emergency, start and end;

(iii) Reason for the agricultural emergency, such as frost, fire, equipment failure, etc.;

(iv) Crop/site;

(v) Pesticide(s) - name, EPA number, REI;

(vi) Name, date, time of entry and exit of early entry person(s);

(vii) Estimated potential of economic loss which would have occurred had no early entry been allowed.

(b) Records shall be completed within twenty-four hours of the early entry exposure and be available to the department and/or department of health and/or medical facility or treating physician if requested by the above or the employee.

(7) Exception to entry restrictions requiring EPA approval. EPA may in accordance with 40 CFR, Part 170.112(e) grant an exception from the requirements of this section. A request for an exception must be submitted to the Director, Office of Pesticide Programs (H-7501C), Environmental Protection Agency, 401 "M" Street SW, Washington, DC 20460 and must be accompanied by two copies of the information specified in 40 CFR, Part 170.112(e).

NEW SECTION

WAC 296-306A-1205 Notice of applications—Standards for workers—40 CFR, § 170.120. (1) Notification to workers of pesticide applications in greenhouses. The agricultural employer shall notify workers of any pesticide application in the greenhouse in accordance with this subsection.

(a) All pesticide applications shall be posted in accordance with subsection (3) of this section.

(b) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall also provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through the greenhouse; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(2) Notification to workers on farms, in nurseries, or in forests of pesticide applications. The agricultural employer shall notify workers of any pesticide application on the farm or in the nursery or forest in accordance with this subsection.

(a) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall post signs in accordance with subsection (3) of this section and shall provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(b) For any pesticide other than those for which the labeling requires both posting and oral notification of applications, the agricultural employer shall give notice of the application to the worker either by the posting of warning signs in accordance with subsection (3) of this section or orally in accordance with subsection (4) of this section, and shall inform the workers as to which method of notification is in effect.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through on

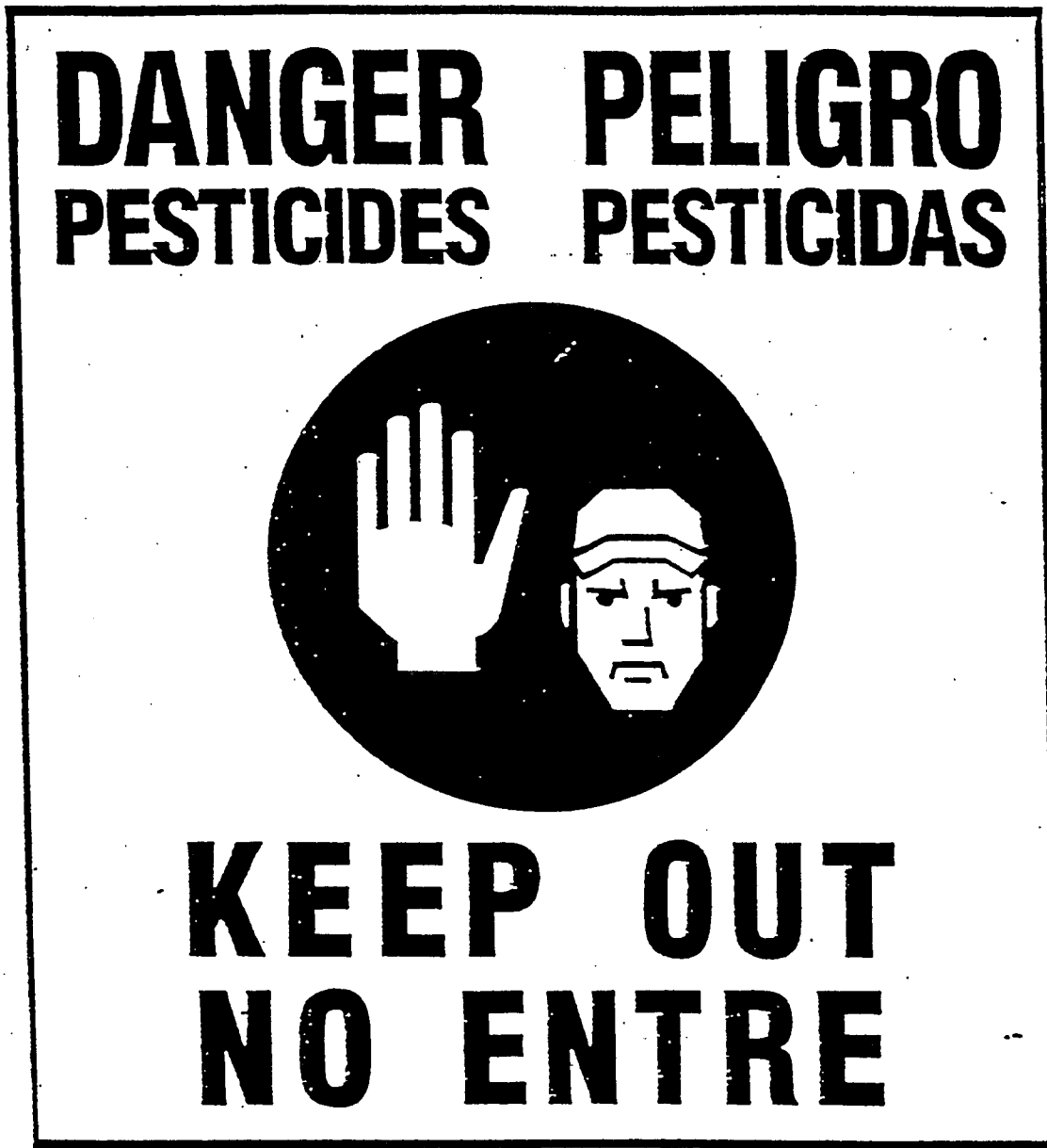
foot the treated area or any area within one-quarter mile of the treated area; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(3) Posted warning signs. The agricultural employer shall post warning signs in accordance with the following criteria:

(a) The warning sign shall have a background color that contrasts with red. The words "DANGER" and "PELIGRO," plus "PESTICIDES" and "PESTICIDAS," shall be at the top of the sign, and the words "KEEP OUT" and "NO ENTRE" shall be

at the bottom of the sign. Letters for all words must be clearly legible. A circle containing an upraised hand on the left and a stern face on the right must be near the center of the sign. The inside of the circle must be red, except that the hand and a large portion of the face must be in a shade that contrasts with red. The length of the hand must be at least twice the height of the smallest letters. The length of the face must be only slightly smaller than the hand. Additional information such as the name of the pesticide and the date of application may appear on the warning sign if it does not detract from the appearance of the sign or change the meaning of the required information. A black and white example of a warning sign meeting these requirements, other than the size requirements, follows:



PERMANENT

(b) The standard sign shall be at least fourteen inches by sixteen inches with letters at least one inch in height. Farms and forests shall use the standard size sign unless a smaller sign is necessary because the treated area is too small to accommodate a sign of this size. In nurseries and greenhouses, the agricultural employer may, at any time, use a sign smaller than the standard size sign. Whenever a small sign is used on any establishment, there are specific posting distances depending on the size of the lettering and symbol on the sign. If a sign is used with DANGER and PELIGRO in letters at least 7/8 inch in height and the remaining letters at least 1/2 inch and a red circle at least three inches in diameter containing an upraised hand and a stern face, the signs shall be no further than fifty feet apart. If a sign is used with DANGER and PELIGRO in letters at least 7/16 inch in height and the remaining letters at least 1/4 inch in height and a red circle at least 1 1/2 inches in diameter containing an upraised hand and stern face, the signs shall be no further than twenty-five feet apart. A sign with DANGER and PELIGRO in letters less than 7/16 inch in height or with any words in letters less than 1/4 inch in height, or a red circle smaller than 1 1/2 inches in diameter containing an upraised hand and a stern face will not satisfy the requirements of the rule. All signs must meet the requirements of (a) of this subsection.

(c) The employer may replace the Spanish portion of the warning sign with a non-English language read by the largest group of workers who do not read English. The replacement sign must be in the same format as the original sign and must be visible and legible.

(d) On farms and in forests and nurseries, the signs shall be visible from all usual points of worker entry to the treated area, including at least each access road, each border with any labor camp adjacent to the treated area, and each footpath and other walking route that enters the treated area. When there are no usual points of worker entry, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(e) In greenhouses, the signs shall be posted so they are visible from all usual points of worker entry to the treated area including each aisle or other walking route that enters the treated area. When there are no usual points of worker entry to the treated area, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(f) The signs shall:

(i) Be posted no sooner than twenty-four hours before the scheduled application of the pesticide.

(ii) Remain posted throughout the application and any restricted-entry interval.

(iii) Be removed within three days after the end of the application and any restricted-entry interval and before agricultural-worker entry is permitted, other than entry permitted by WAC 296-306A-12020.

(g) The signs shall remain visible and legible during the time they are posted.

(h) When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. Worker entry, other than entry permitted by WAC 296-306A-12020, is prohibited for the entire area while the signs are posted.

(4) Oral warnings. The agricultural employer shall provide oral warnings to workers in a manner that the worker can understand. If a worker will be on the premises during the application, the warning shall be given before the application takes place. Otherwise, the warning shall be given at the beginning of the worker's first work period during which the application is taking place or the restricted-entry interval for the pesticide is in effect. The warning shall consist of:

(a) The location and description of the treated area.

(b) The time during which entry is restricted.

(c) Instructions not to enter the treated area until the restricted-entry interval has expired.

NEW SECTION

WAC 296-306A-12030 Providing specific information about applications—Standards for workers—40 CFR, § 170.122. When workers are on an agricultural establishment and, within the last thirty days, a pesticide covered by this part has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, specific information about the pesticide.

(1) Location, accessibility, and legibility. The information shall be displayed in the location specified for the pesticide safety poster in WAC 296-306A-12045(4) and shall be accessible and legible, as specified in WAC 296-306A-12045 (4) and (6).

(2) Timing.

(a) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(b) The information shall be posted before the application takes place, if workers will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any worker's first work period.

(c) The information shall continue to be displayed for at least thirty days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least thirty days after the end of the application) or at least until workers are no longer on the establishment, whichever is earlier.

(3) Required information. The information shall include:

(a) The location and description of the treated area.

(b) The product name, EPA registration number, and active ingredient(s) of the pesticide.

(c) The time and date the pesticide is to be applied.

(d) The restricted-entry interval for the pesticide.

NEW SECTION

WAC 296-306A-12035 Notice of applications to handler employers—Standards for workers—40 CFR, § 170.124. Whenever handlers who are employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the agricultural employer shall provide to the handler employer, or assure that the handler employer is aware of, the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within one-quarter mile of) and that may be treated with a pesticide or that may be under a restricted-entry

interval while the handler will be on the agricultural establishment:

- (1) Specific location and description of any such areas; and
- (2) Restrictions on entering those areas.

NEW SECTION

WAC 296-306A-12040 Pesticide safety training—Standards for workers—40 CFR, § 170.130. (1) General requirement.

(a) Agricultural employer assurance. The agricultural employer shall assure that each worker, required by this section to be trained, has been trained according to this section during the last five years, counting from the end of the month in which the training was completed.

Note: In addition to the training required by this section, the agricultural employer shall assure without exception, that all employees are trained in accordance with WAC 296-62-054 through 296-62-05427, Hazard communication.

(b) Requirement for workers performing early entry activities. Before a worker enters a treated area on the agricultural establishment during a restricted-entry interval to perform early entry activities permitted by WAC 296-306A-12020 and contacts anything that has been treated with the pesticide to which the restricted-entry interval applies, including but not limited to, soil, water, or surfaces of plants, the agricultural employer shall assure that the worker has been trained.

(c) Requirements for other agricultural workers.

(i) Information before entry. Except as provided in (b) of this subsection, before a worker enters any areas on the agricultural establishment where, within the last thirty days a pesticide to which this part applies has been applied or the restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been provided the pesticide safety information specified in subsection (3) of this section, in a manner that agricultural workers can understand, such as by providing written materials or oral communication or by other means. The agricultural employer must be able to verify compliance with this requirement.

(ii) Training before the start of a work period. The agricultural employer shall assure that a worker has been trained before the worker enters any areas on the agricultural establishment where, within the last thirty days a pesticide to which this chapter applies has been applied or a restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been trained.

(2) Exceptions. The following persons need not be trained under this section:

(a) A worker who is currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW.

(b) A worker who satisfies the training requirements of chapter 17.21 RCW.

(c) A worker who satisfies the handler training requirements of WAC 296-306A-13025(3).

(d) A worker who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: *Provided*, That a requirement for such certification or licensing is pesticide safety training that

includes all the information set out in WAC 296-306A-13025 (3)(d).

(3) Pesticide safety information. The pesticide safety information required by subsection (1)(c)(i) of this section shall be presented to workers in a manner that the workers can understand. At a minimum, the following information shall be provided:

(a) Pesticides may be on or in plants, soil, irrigation water, or drifting from nearby applications.

(b) Prevent pesticides from entering your body by:

(i) Following directions and/or signs about keeping out of treated or restricted areas.

(ii) Washing before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wearing work clothing that protects the body from pesticide residues.

(iv) Washing/showering with soap and water, shampoo hair, and put on clean clothes after work.

(v) Washing work clothes separately from other clothes before wearing them again.

(vi) Washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(4) Training programs.

(a) General pesticide safety information shall be presented to workers either orally from written materials or audiovisually. The information must be presented in a manner that the workers can understand (such as through a translator) using nontechnical terms. The presenter also shall respond to workers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

(ii) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

(iii) Have completed a pesticide safety train-the-trainer program approved by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

(iv) Satisfy the training requirements in WAC 296-306A-13025(3).

(c) Any person who issues a Washington state department of agriculture-approved Worker Protection Standard worker training card must assure that the worker who receives the training card has been trained in accordance with subsection (4)(d) of this section.

(d) The training materials shall convey, at a minimum, the following information:

(i) Where and in what form pesticides may be encountered during work activities.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes through which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures, including emergency eyeflushing techniques.

(viii) Hazards from chemigation and drift.

(ix) Hazards from pesticide residues on clothing.

(x) Warnings about taking pesticides or pesticide containers home.

(xi) Requirements of this part designed to reduce the risks of illness or injury resulting from workers' occupational exposure to pesticides, including application and entry restrictions, the design of the warning sign, posting of warning signs, oral warnings, the availability of specific information about applications, and the protection against retaliatory acts.

(5) Verification of training.

(a) Except as provided in subsection (5)(b) of this section, if the agricultural employer assures that a worker possesses a Washington state department of agriculture-approved Worker Protection Standard worker training card, then the requirements of subsection (1) of this section will have been met.

(b) If the agricultural employer is aware or has reason to know that a Washington state department of agriculture-approved Worker Protection Standard worker training card has not been issued in accordance with this section, or has not been issued to the worker bearing the card, or the training was completed more than five years before the beginning of the current month, a worker's possession of that certificate does not meet the requirements of subsection (1) of this section.

NEW SECTION

WAC 296-306A-12045 Posted pesticide safety information—Standards for workers—40 CFR, § 170.135.

(1) Requirement. When workers are on an agricultural establishment and, within the last thirty days, a pesticide covered by this part has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, pesticide safety information.

(2) Pesticide safety poster. A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(a) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.

(v) Wash work clothes separately from other clothes before wearing them again.

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(b) There are federal rules to protect workers and handlers, including a requirement for safety training.

(3) Emergency medical care information.

(a) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(b) The agricultural employer shall inform workers promptly of any change to the information on emergency medical care facilities.

(4) Location.

(a) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by workers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by workers and where workers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(5) Accessibility. Workers shall be informed of the location of the information and shall be allowed access to it.

(6) Legibility. The information shall remain legible during the time it is posted.

NEW SECTION

WAC 296-306A-12050 Decontamination—Standards for workers—40 CFR, § 170.150. (1) Requirements. The agricultural employer must provide decontamination supplies for workers in accordance with this section whenever:

(a) Any worker on the agricultural establishment is performing an activity in the area where a pesticide was applied or a restricted-entry interval (REI) was in effect within the last thirty days; and

(b) The worker contacts anything that has been treated with the pesticide including but not limited to soil, water, plants, plant surfaces, and plant parts;

(c) *Exception.* The thirty-day time period established in (a) of this subsection shall not apply if the only pesticides used in the treated area are products with an REI of four hours or less on the label (but not a product without an REI on the label). When workers are in such treated areas, the agricultural employer shall provide decontamination supplies for not less than seven days following the expiration of any applicable REI.

(2) General conditions.

(a) The agricultural employer shall provide workers with adequate water for routine washing and emergency eyeflushing. At all times when the water is available to workers, the employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The agricultural employer shall provide soap and single-use towels in quantities sufficient to meet workers' needs.

(d) To provide for emergency eyeflushing, the agricultural employer shall assure that at least one pint of water is immediately available to each worker who is performing

early entry activities permitted by WAC 296-306A-12020 and for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the early entry worker, or shall be on the vehicle the early entry worker is using, or shall be otherwise immediately accessible.

(3) Location.

(a) The decontamination supplies shall be located together and shall be reasonably accessible to and not more than one-quarter mile from where workers are working.

(b) For worker activities performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, and water may be at the nearest place of vehicular access.

(ii) The agricultural employer may permit workers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.

(c) The decontamination supplies shall not be in an area being treated with pesticides.

(d) The decontamination supplies shall not be maintained in an area that is under a restricted-entry interval, unless the workers for whom the decontamination supplies are provided are performing early entry activities permitted by WAC 296-306A-12020 and involving contact with treated surfaces and the decontamination supplies would otherwise not be reasonably accessible to those workers.

(4) Decontamination after early entry activities. At the end of any exposure period for workers engaged in early entry activities permitted by WAC 296-306A-12020 and involving contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants, the agricultural employer shall provide, at the site where the workers remove personal protective equipment, soap, clean towels, and a adequate amount of water so that the workers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at early entry sites that do not have running water.

NEW SECTION

WAC 296-306A-12055 Emergency assistance—Standards for workers—40 CFR, § 170.160. If there is reason to believe that a person who is or has been employed on an agricultural establishment to perform tasks related to the production of agricultural plants has been poisoned or injured by exposure to pesticides used on the agricultural establishment, including, but not limited to, exposures from application, splash, spill, drift, or pesticide residues, the agricultural employer shall:

(1) Make available to that person prompt transportation from the agricultural establishment, including any labor camp on the agricultural establishment, to an appropriate emergency medical facility.

(2) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(a) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(b) Antidote, first aid, and other medical information from the product labeling.

(c) The circumstances of application or use of the pesticide on the agricultural establishment.

(d) The circumstances of exposure of that person to the pesticide.

STANDARD FOR PESTICIDE HANDLERS

NEW SECTION

WAC 296-306A-130 Applicability of this section—Standards for pesticide handlers—40 CFR, § 170.202. (1) Requirement. Except as provided by subsection (2) of this section, WAC 296-306A-130 applies when any pesticide is handled for use on an agricultural establishment.

(2) Exceptions. WAC 296-306A-130 does not apply when any pesticide is handled for use on an agricultural establishment in the following circumstances:

(a) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(b) On livestock or other animals, or in or about animal premises.

(c) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(d) On plants that are in ornamental gardens, parks, and public or private lawns and grounds and that are intended only for aesthetic purposes or climatic modification.

(e) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(f) For control of vertebrate pests.

(g) As attractants or repellents in traps.

(h) On the harvested portions of agricultural plants or on harvested timber.

(i) For research uses of unregistered pesticides.

(j) Exemptions. Except as provided by WAC 296-306A-130 and 296-306A-13005, WAC 296-306A-130 applies when a pesticide is handled for an agricultural establishment.

NEW SECTION

WAC 296-306A-13005 Exemptions—Standards for handlers—40 CFR, § 170.204. The handlers listed in this section are exempt from the specified provisions of this part.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself or members of his immediate family who are performing handling tasks on their own agricultural establishment the protections of:

(i) WAC 296-306A-13010 (2) and (3).

(ii) WAC 296-306A-13015.

(iii) WAC 296-306A-13025.

(iv) WAC 296-306A-13030.

(v) WAC 296-306A-13035.

(vi) WAC 296-306A-13040.

(vii) WAC 296-306A-13045 (5) through (7).

(viii) WAC 296-306A-13050.

(ix) WAC 296-306A-13055.

(b) The owner of the agricultural establishment must provide the protections listed in subsection (1)(a)(i) through (ix) of this section to other handlers and other persons who are not members of his immediate family.

(2) Crop advisors.

(a) Provided that the conditions of (b) of this subsection are met, a person who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

(i) WAC 296-306A-13030.

(ii) WAC 296-306A-13045.

(iii) WAC 296-306A-13050.

(iv) WAC 296-306A-13055.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iv) and (v) of this subsection. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 296-306A-13025 (3)(d).

(ii) No entry into the treated area occurs until after application ends.

(iii) Applies only when performing crop advising tasks in the treated area.

(iv) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(v) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his direct supervision of the pesticide products and active ingredient(s) applied, method of application, time of application, the restricted-entry interval, which tasks to undertake, and how to contact the crop advisor.

(c) Applies only when the persons are performing crop advising tasks in the treated area.

(d) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

NEW SECTION

WAC 296-306A-13010 Restrictions during applications—Standards for pesticide handlers—40 CFR, § 170.210. (1) Contact with workers and other persons. The handler employer and the handler shall assure that no pesticide is applied so as to contact, either directly or through drift; any worker or other person, other than an appropriately trained and equipped handler.

(2) Handlers handling highly toxic pesticides. The handler employer shall assure that any handler who is

performing any handling activity with a product that has the skull and crossbones symbol on the front panel of the label is monitored visually or by voice communication at least every two hours.

(3) Fumigant applications in greenhouses. The handler employer shall assure:

(a) That any handler who handles a fumigant in a greenhouse, including a handler who enters the greenhouse before the acceptable inhalation exposure level or ventilation criteria have been met to monitor air levels or to initiate ventilation, maintains continuous visual or voice contact with another handler.

(b) That the other handler has immediate access to the personal protective equipment required by the fumigant labeling for handlers in the event entry into the fumigated greenhouse becomes necessary for rescue.

NEW SECTION

WAC 296-306A-13015 Providing specific information about applications—Standards for pesticide handlers—40 CFR, § 170.222. When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last thirty days, a pesticide covered by this part has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, specific information about the pesticide.

(1) Location, accessibility, and legibility. The information shall be displayed in the same location specified for the pesticide safety poster in WAC 296-306A-13040(4) and shall be accessible and legible, as specified in WAC 296-306A-13040 (5) and (6).

(2) Timing.

(a) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(b) The information shall be posted before the application takes place, if handlers (except those employed by a commercial pesticide handling establishment) will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any such handler's first work period.

(c) The information shall continue to be displayed for at least thirty days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least thirty days after the end of the application) or at least until the handlers are no longer on the establishment, whichever is earlier.

(3) Required information. The information shall include:

(a) The location and description of the treated area.

(b) The product name, EPA registration number, and active ingredient(s) of the pesticide.

(c) The time and date the pesticide is to be applied.

(d) The restricted-entry interval for the pesticide.

NEW SECTION

WAC 296-306A-13020 Notice of applications to agricultural employers—Standards for pesticide handlers—40 CFR, § 170.224. Before the application of any pesticide on or in an agricultural establishment, the handler employer shall provide the following information to any agricultural employer for the establishment or shall assure that any agricultural employer is aware of:

- (1) Specific location and description of the treated area.
- (2) Time and date of application.
- (3) Product name, EPA registration number, and active ingredient(s).
- (4) Restricted-entry interval.
- (5) Whether posting and oral notification are required.
- (6) Any other product-specific requirements on the product labeling concerning protection of workers or other persons during or after application.

NEW SECTION

WAC 296-306A-13025 Pesticide safety training—Standards for pesticide handlers—40 CFR, § 170.230. (1) Requirement. Before any handler performs any handling task, the handler employer shall assure that the handler has been trained in accordance with this section during the last five years, counting from the end of the month in which the training was completed.

Note: In addition to the training required by this section, the agricultural employer shall assure, without exception, that all employees are trained in accordance with WAC 296-62-054 through 296-62-05427, Hazard communication.

(2) Exceptions. The following persons need not be trained under this section:

(a) A handler who is currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW.

(b) A handler who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: *Provided*, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 296-306A-13025 (3)(d).

(3) Training programs.

(a) General pesticide safety information shall be presented to handlers either orally from written materials or audiovisually. The information must be presented in a manner that the handlers can understand (such as through a translator). The presenter also shall respond to handlers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

(ii) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture under chapters 15.58 or 17.21 RCW; or

(iii) Have completed a pesticide safety train-the-trainer program approved by a state, federal, or tribal agency having jurisdiction.

(c) Any person who issues a Washington state department of agriculture-approved Worker Protection Standard

handler training card must assure that the handler who receives the training card has been trained in accordance with (d) of this subsection.

(d) The pesticide safety training materials must convey, at a minimum, the following information:

(i) Format and meaning of information contained on pesticide labels and in labeling, including safety information such as precautionary statements about human health hazards.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes by which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures.

(viii) Need for and appropriate use of personal protective equipment.

(ix) Prevention, recognition, and first-aid treatment of heat-related illness.

(x) Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup.

(xi) Environmental concerns such as drift, runoff, and wildlife hazards.

(xii) Warnings about taking pesticides or pesticide containers home.

(xiii) Requirements of this part that must be followed by handler employers for the protection of handlers and other persons, including the prohibition against applying pesticides in a manner that will cause contact with workers or other persons, the requirement to use personal protective equipment, the provisions for training and decontamination, and the protection against retaliatory acts.

(4) Verification of training.

(a) Except as provided in (b) of this subsection, if the handler employer assures that a handler possesses a Washington state department of agriculture-approved Worker Protection Standard handler training card, then the requirements of subsection (1) of this section will have been met.

(b) If the handler employer is aware or has reason to know that a Washington state department of agriculture-approved Worker Protection Standard handler training card has not been issued in accordance with this section, or has not been issued to the handler bearing the card, or the handler training was completed more than five years before the beginning of the current month, a handler's possession of that card does not meet the requirements of subsection (1) of this section.

NEW SECTION

WAC 296-306A-13030 Knowledge of labeling and site-specific information—Standards for pesticide handlers—40 CFR, § 170.232. (1) Knowledge of labeling information.

(a) The handler employer shall assure that before the handler performs any handling activity, the handler either has

read the product labeling or has been informed in a manner the handler can understand of all labeling requirements related to safe use of the pesticide, such as signal words, human hazard precautions, personal protective equipment requirements, first-aid instructions, environmental precautions, and any additional precautions pertaining to the handling activity to be performed.

(b) The handler employer shall assure that the handler has access to the product labeling information during handling activities.

(2) Knowledge of site-specific information. Whenever a handler who is employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the handler employer shall assure that the handler is aware of the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within one-quarter mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

(a) Specific location and description of any such areas; and

(b) Restrictions on entering those areas.

NEW SECTION

WAC 296-306A-13035 Safe operation of equipment—Standards for pesticide handlers—40 CFR, § 170.234. (1) The handler employer shall assure that before the handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment, including, when relevant, chemigation safety requirements and drift avoidance.

(2) The handler employer shall assure that, before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is inspected for leaks, clogging, and worn or damaged parts, and any damaged equipment is repaired or is replaced.

(3) Before allowing any person to repair, clean, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the handler employer shall assure that pesticide residues have been removed from the equipment, unless the person doing the cleaning, repairing, or adjusting is a handler employed by the agricultural or commercial pesticide handling establishment. If pesticide residue removal is not feasible, the handler employer shall assure that the person who repairs, cleans, or adjusts such equipment is informed:

(a) That such equipment may be contaminated with pesticides.

(b) Of the potentially harmful effects of exposure to pesticides.

(c) Of the correct way to handle such equipment.

NEW SECTION

WAC 296-306A-13040 Posted pesticide safety information—Standards for pesticide handlers—40 CFR, § 170.235. (1) Requirement. When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last thirty days, a pesticide covered by this part has been applied on the establishment or a restricted-entry interval has been in effect,

the handler employer shall display, in accordance with this section, pesticide safety information.

(2) Pesticide safety poster. A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(a) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.

(v) Wash work clothes separately from other clothes before wearing them again.

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(b) There are federal rules to protect workers and handlers including a requirement for safety training.

(3) Emergency medical care information.

(a) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(b) The handler employer shall inform handlers promptly of any change to the information on emergency medical care facilities.

(4) Location.

(a) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by handlers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by handlers and where handlers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(5) Accessibility. Handlers shall be informed of the location of the information and shall be allowed access to it.

(6) Legibility. The information shall remain legible during the time it is posted.

NEW SECTION

WAC 296-306A-13045 Personal protective equipment—Standards for pesticide handlers—40 CFR, § 170.240. (1) Requirement. Any person who performs tasks as a pesticide handler shall use the clothing and personal protective equipment specified on the labeling for use of the product.

(2) Definition.

(a) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory

protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(b) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(3) Provision. When personal protective equipment is specified by the labeling of any pesticide for any handling activity, the handler employer shall provide the appropriate personal protective equipment in clean and operating condition to the handler.

(a) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(b) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(c) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(d) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over another layer of clothing.

(e) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent material shall not be worn for handling activities unless such materials are listed on the product labeling as acceptable for such use.

(f) When "chemical-resistant footwear" is specified by the product labeling, one of the following types of footwear must be worn:

(i) Chemical-resistant shoes.

(ii) Chemical-resistant boots.

(iii) Chemical-resistant shoe coverings worn over shoes or boots.

(g) When "protective eyewear" is specified by the product labeling, one of the following types of eyewear must be worn:

(i) Goggles.

(ii) Face shield.

(iii) Safety glasses with front, brow, and temple protection.

(iv) Full-face respirator.

(h) When a "chemical-resistant apron" is specified by the product labeling, an apron that covers the front of the body from mid-chest to the knees shall be worn.

(i) When a respirator is specified by the product labeling, it shall be appropriate for the pesticide product used and for the activity to be performed. The handler employer shall assure that the respirator fits correctly by using the procedures consistent with WAC 296-62-071. If the label does not specify the type of respirator to be used, it shall meet the requirements of WAC 296-62-071. The respiratory

protection requirements of the general occupational health standards, WAC 296-62-071, shall apply.

(j) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(4) Exceptions to personal protective equipment specified on product labeling.

(a) Body protection.

(i) A chemical-resistant suit may be substituted for "coveralls," and any requirement for an additional layer of clothing beneath is waived.

(ii) A chemical-resistant suit may be substituted for "coveralls" and a chemical-resistant apron.

(b) Boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable, then leather boots may be worn in such terrain.

(c) Gloves. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, then during handling activities with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant glove liners. However, once leather gloves are worn for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(d) Closed systems. If handling tasks are performed using properly functioning systems that enclose the pesticide to prevent it from contacting handlers or other persons, and if such systems are used and are maintained in accordance with that manufacturer's written operating instructions, exceptions to labeling-specified personal protective equipment for the handling activity are permitted as provided in (d)(i) and (ii) of this subsection.

(i) Persons using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long-sleeved shirt, long pants, shoes, socks, chemical-resistant apron, and any protective gloves specified on the labeling for handlers for the labeling-specified personal protective equipment.

(ii) Persons using a closed system to mix or load pesticides other than those in (d)(i) of this subsection or to perform other handling tasks may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment.

(iii) Persons using a closed system that operates under pressure shall wear protective eyewear.

(iv) Persons using a closed system shall have all labeling-specified personal protective equipment immediately available for use in an emergency.

(e) Enclosed cabs. If handling tasks are performed from inside a cab that has a nonporous barrier which totally surrounds the occupants of the cab and prevents contact with pesticides outside of the cab, exceptions to personal protective equipment specified on the product labeling for that handling activity are permitted as provided in (e)(i) through (iv) of this subsection.

(i) Persons occupying an enclosed cab may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn.

(ii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and

maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device other than a dust/mist-filtering respirator is specified on the pesticide product labeling, it must be worn.

(iii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than the vapor-removing or gas-removing respirator specified on pesticide product labeling may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If an air-supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn.

(iv) Persons occupying an enclosed cab shall have all labeling-specified personal protective equipment immediately available and stored in a chemical-resistant container, such as a plastic bag. They shall wear such personal protective equipment if it is necessary to exit the cab and contact pesticide-treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it must be removed before reentering the cab.

(f) Aerial applications.

(i) Use of gloves. Chemical-resistant gloves shall be worn when entering or leaving an aircraft contaminated by pesticide residues. In the cockpit, the gloves shall be kept in an enclosed container to prevent contamination of the inside of the cockpit.

(ii) Open cockpit. Persons occupying an open cockpit shall use the personal protective equipment specified in the product labeling for use during application, except that chemical-resistant footwear need not be worn. A helmet may be substituted for chemical-resistant headgear. A visor may be substituted for protective eyewear.

(iii) Enclosed cockpit. Persons occupying an enclosed cockpit may substitute a long-sleeved shirt, long pants, shoes, and socks for labeling-specified personal protective equipment.

(g) Crop advisors. Crop advisors entering treated areas while a restricted-entry interval is in effect may wear the personal protective equipment specified on the pesticide labeling for early entry activities instead of the personal protective equipment specified on the pesticide labeling for handling activities, provided:

(i) Application has been completed for at least four hours.

(ii) Any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling have been met.

(5) Use of personal protective equipment.

(a) The handler employer shall assure that personal protective equipment is used correctly for its intended

purpose and is used according to the manufacturer's instructions.

(b) The handler employer shall assure that, before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(6) Cleaning and maintenance.

(a) The handler employer shall assure that all personal protective equipment is cleaned according to the manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(b) If any personal protective equipment cannot be cleaned properly, the handler employer shall dispose of the personal protective equipment in accordance with any applicable federal, state, and local regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall be not be reused.

(c) The handler employer shall assure that contaminated personal protective equipment is kept separately and washed separately from any other clothing or laundry.

(d) The handler employer shall assure that all clean personal protective equipment shall be either dried thoroughly before being stored or shall be put in a well ventilated place to dry.

(e) The handler employer shall assure that all personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(f) The handler employer shall assure that when dust/mist filtering respirators are used, the filters shall be replaced:

(i) When breathing resistance becomes excessive.

(ii) When the filter element has physical damage or tears.

(iii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iv) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(g) The handler employer shall assure that when gas-removing or vapor-removing respirators are used, the gas-removing or vapor-removing canisters or cartridges shall be replaced:

(i) At the first indication of odor, taste, or irritation.

(ii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iii) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(h) The handler employer shall inform any person who cleans or launders personal protective equipment:

(i) That such equipment may be contaminated with pesticides.

(ii) Of the potentially harmful effects of exposure to pesticides.

(iii) Of the correct way(s) to clean personal protective equipment and to protect themselves when handling such equipment.

(i) The handler employer shall assure that handlers have a clean place(s) away from pesticide storage and pesticide use areas where they may:

- (i) Store personal clothing not in use.
- (ii) Put on personal protective equipment at the start of any exposure period.
- (iii) Remove personal protective equipment at the end of any exposure period.
- (j) The handler employer shall not allow or direct any handler to wear home or to take home personal protective equipment contaminated with pesticides.

(7) Heat-related illness. When the use of personal protective equipment is specified by the labeling of any pesticide for the handling activity, the handler employer shall assure that no handler is allowed or directed to perform the handling activity unless appropriate measures are taken, if necessary, to prevent heat-related illness.

NEW SECTION

WAC 296-306A-13050 Decontamination—Standards for pesticide handlers—40 CFR, § 170.250. (1) Requirement. During any handling activity, the handler employer shall provide for handlers, in accordance with this section, decontamination supplies for washing off pesticides and pesticide residues.

(2) General conditions.

(a) The handler employer shall provide handlers with enough water for routine washing, for emergency eyeflushing, and for washing the entire body in case of an emergency. At all times when the water is available to handlers, the handler employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The handler employer shall provide soap and single-use towels in quantities sufficient to meet handlers' needs.

(d) The handler employer shall provide one clean change of clothing, such as coveralls for use in an emergency.

(3) Location. The decontamination supplies shall be located together and reasonably accessible to and not more than one-quarter mile from each handler during the handling activity.

(a) Exception for mixing sites. For mixing activities, the decontamination supplies shall be at the mixing site.

(b) Exception for pilots. The decontamination supplies for a pilot who is applying pesticides aerially shall be in the airplane or at the aircraft loading site.

(c) Exception for handling pesticides in remote areas. When handling activities are performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, clean change of clothing, and water may be at the nearest place of vehicular access.

(ii) The handler employer may permit handlers to use clean water from springs, streams, lakes, or other sources for

decontamination at the remote work site, if such water is more accessible than the water with the decontamination supplies located at the nearest place of vehicular access.

(d) Decontamination supplies in treated areas. The decontamination supplies shall not be in an area being treated with pesticides or in an area under a restricted-entry interval, unless:

(i) The decontamination supplies are in the area where the handler is performing handling activities;

(ii) The soap, single-use towels, and clean change of clothing are in enclosed containers; and

(iii) The water is running tap water or is enclosed in a container.

(4) Emergency eyeflushing. To provide for emergency eyeflushing, the handler employer shall assure that at least one pint of water is immediately available to each handler who is performing tasks for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible.

(5) A plumbed or portable emergency eyewash capable of delivering at least 1.5 liters (0.4 gals.) of water per minute for fifteen minutes shall be provided at all pesticide mixing and loading stations or handler decontamination sites when the label requires protective eyewear for mixing, loading or applying. A plumbed or portable system meeting the above requirements shall be provided at all permanent pesticide mixing and loading sites.

(6) Decontamination after handling activities. At the end of any exposure period, the handler employer shall provide at the site where handlers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the handlers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

NEW SECTION

WAC 296-306A-13055 Emergency assistance—Standards for pesticide handlers—40 CFR, § 170.260. If there is reason to believe that a person who is or has been employed by an agricultural establishment or commercial pesticide handling establishment to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, including, but not limited to, exposures from handling tasks or from application, splash, spill, drift, or pesticide residues, the handler employer shall:

(1) Make available to that person prompt transportation from the place of employment or the handling site to an appropriate emergency medical facility.

(2) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(a) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(b) Antidote, first aid, and other medical information from the product labeling.

(c) The circumstances of handling of the pesticide.

(d) The circumstances of exposure of that person to the pesticide.

WSR 96-20-087
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Optometry)

[Filed October 1, 1996, 10:40 a.m.]

Date of Adoption: September 13, 1996.

Purpose: Amends and repeals existing optometry rules to further clarify the application process following the Optometry Board's recent designation of the national examination as the licensing examination for Washington candidates. Repeals the temporary permit rule because it duplicates language relative to credentialing by endorsement. Repeals the examination appeal procedures because the national examination has appeal procedures in place.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-851-080 and 246-851-480; and amending WAC 246-851-490 and 246-851-500.

Statutory Authority for Adoption: RCW 18.54.070(2). Adopted under notice filed as WSR 96-14-044 on June 26, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 2, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, 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 2, repealed 2.

Effective Date of Rule: Thirty-one days after filing.

September 13, 1996
 Donald T. Shute, O.D.
 Chair

AMENDATORY SECTION (Amending WSR 95-14-114, filed 6/30/95, effective 7/31/95)

WAC 246-851-490 Examination and licensure. ~~((Except for a candidate seeking licensure by credential or a candidate seeking a temporary license,))~~ To qualify for licensure in this state a candidate must:

(1) Successfully complete Parts I, II, and III of the National Board of Examiners in Optometry (NBEO) examinations; the Part III having been administered and successfully completed after January 1, 1993;

(2) Applicants who completed the NBEO Part II examination prior to January 1, 1993, must successfully complete the International Association of Examiners in Optometry (IAB) examination in treatment and management of ocular disease; and

(3) Successfully complete a jurisprudence (~~(examination))~~ questionnaire; and

(4) Be a graduate of a state accredited high school or equivalent; and

(5) Be a graduate of a school or college of optometry accredited by the Council on Optometric Education of the American Optometric Association and approved by the Washington state board of optometry; and

(6) Be of good moral character.

AMENDATORY SECTION (Amending WSR 95-14-114, filed 6/30/95, effective 7/31/95)

WAC 246-851-500 Credentialing by endorsement. A license to practice optometry may be issued without examination to an individual licensed in another state that has licensing standards substantially equivalent to those in Washington.

(1) The license may be issued upon receipt of:

(a) Documentation from the state in which the applicant is licensed indicating that the state's licensing standards are substantially equivalent to the licensing standards currently applicable in Washington state;

(b) A completed application form with application fees;

(c) Verification from all states in which the applicant holds a license, whether active or inactive, indicating that the applicant is not subject to charges or disciplinary action for unprofessional conduct or impairment; and

(d) Certification that the applicant has read chapters 18.53, 18.54, 18.195 and 18.130 RCW, and chapters 246-851 and 246-852 WAC.

~~(2) ((No individual who has at any time failed to successfully complete the board administered examination is eligible for credentialing by endorsement under this section.~~

~~(3))~~ The board may require additional information as needed to determine if an applicant is eligible for credentialing by endorsement.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-851-080 Examination appeal procedures.
 WAC 246-851-480 Temporary permit.

WSR 96-20-088
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed October 1, 1996, 10:43 a.m.]

Date of Adoption: September 13, 1996.

Purpose: Repeal of the optometry temporary permit fee to coincide with the Optometry Board's repeal of the temporary permit rule.

Citation of Existing Rules Affected by this Order: Amending WAC 246-851-990.

Statutory Authority for Adoption: RCW 43.70.250.

Adopted under notice filed as WSR 96-15-033 on July 10, 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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 1.

Effective Date of Rule: Thirty-one days after filing.
September 25, 1996

Eric Slagle
Acting Deputy
for Bruce 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
((Temporary permit	50.00))
Out-of-state seminar	100.00
License renewal	160.00
Late renewal	45.00
Duplicate license	15.00
Certification	25.00

WSR 96-20-089
PERMANENT RULES
DEPARTMENT OF LICENSING
[Filed October 1, 1996, 11:00 a.m.]

Date of Adoption: October 1, 1996.

Purpose: Update agency contact information, detail address of record change procedures for driver's license and identicard holders.

Citation of Existing Rules Affected by this Order: Amending WAC 308-102-006.

Statutory Authority for Adoption: RCW 46.01.110 and 46.20.205.

Adopted under notice filed as WSR 96-17-069 on August 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 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 days after filing.

October 1, 1996
Katherine Baros Friedt
Director

AMENDATORY SECTION (Amending WSR 92-08-045, filed 3/25/92)

WAC 308-102-006 Correspondence address. All correspondence shall be addressed to the Department of Licensing, Hearings and Interviews Section, P.O. Box 9030, Olympia, WA 98507-9030, or sent by facsimile transmission (Fax) to ~~((360) 586-8354)~~ (360) 664-8492, attention Hearings and Interviews Section.

NEW SECTION

WAC 308-104-018 Changing the address of record. (1) In addition to the form identified in RCW 46.20.205, the department may change a driver's or identicard holder's address of record upon:

(a) The verbal request of the driver or identicard holder, where the department has satisfied itself as to the identity of the person making the request; or

(b) Receipt of written documentation or electronic communication concerning the driver or identicard holder, where such documentation or communication includes an address that differs from the one maintained by department and is:

(i) Signed by the driver or identicard holder;

(ii) Filed at the request of the driver or identicard holder; or

(iii) Filed by a public official or governmental agency.

(2) This section shall not be construed as relieving the driver or identicard holder of the responsibility to notify the department of a change of address as required by RCW 46.20.205. Failure by the department to change a driver's or identicard holder's address of record, where the driver or identicard holder has not notified the department of the change of address with the form identified in RCW 46.20.205, shall not limit the effectiveness of any notice mailed to the driver or identicard holder at the address of record as previously established by the department.

WSR 96-20-093
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services)
(Public Assistance)
[Filed October 1, 1996, 2:10 p.m.]

Date of Adoption: September 30, 1996.

PERMANENT

Purpose: To editorially correct sections, clarify department's purpose and intent, clarify task definitions, and incorporate training requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 388-15-030, 388-15-196, 388-15-202, 388-15-203, 388-15-204, 388-15-206, 388-15-209, 388-15-219, 388-15-610, 388-15-620, 388-15-690, 388-15-695 through 388-15-715, 388-15-880, 388-15-890; and new WAC 388-15-198.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030, section 5, chapter 302, Laws of 1996.

Adopted under notice filed as WSR 96-13-107 on June 19, 1996.

Changes Other than Editing from Proposed to Adopted Version: (1) In WAC 388-15-196 the date required for current care givers to complete training is extended to October 31, 1997. (2) In WAC 388-15-890 the limitation on providing supervision in residential settings is clarified.

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 7, 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 18, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 18, 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.

September 30, 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 96-21 issue of the Register.

WSR 96-20-095
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed October 1, 1996, 2:19 p.m.]

Date of Adoption: September 30, 1996.

Purpose: Implements provisions of chapter 302, Laws of 1995, to strengthen enforcement of child care licensing requirements and exempting friends and neighbors from child care licensing.

Citation of Existing Rules Affected by this Order: Amending WAC 388-155-020.

Statutory Authority for Adoption: RCW 74.15.030.

Adopted under notice filed as WSR 96-14-027 on June 24, 1996.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-155-020 (3)(b)(ii).

Currently Reads: (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 quarter or year consistent with the Internal Revenue Services earning standard for tax liability related to household employees;

Revised to Read: (ii) "Engaging in business" shall exclude those persons providing child care for only one family of children or who can demonstrate that their gross earning from child care will not exceed \$1,000 in any one calendar year.

WAC 388-150-092, 388-151-092, and 388-155-092.

(1) Currently Reads: (1) Before imposing a civil penalty, the department shall provide written notification by personal service or registered mail which shall include:

Revised to Read: (1) Before imposing a civil penalty, the department shall provide written notification by personal service including by the licensor or by certified mail which shall include:

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

(a) The seriousness of the violation;

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

(c) Previous opportunities to correct the deficiency.

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

(a) The seriousness of the violation;

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

(c) Previous opportunities to correct the deficiency.

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

(a) _____

(b) _____

(c) The violation has the probability of placing a child in danger of death or bodily harm.

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

(a) _____

(b) _____

(c) The violation has a potential threat to the health, safety and/or welfare of children in care.

(4) No change to this subsection.

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

Revised to Read: The civil fine shall be payable twenty-eight days after the receipt of the notice or later as specified by the department.

(6) New (6) Inserted: (6) The fine may be forgiven if the agency comes into compliance during the notification period.

(7) Formerly (6) and Reads: (7) The center or person against whom the department assesses a civil fine has a right to an adjudicative proceeding.

Revised to Read: (7) The center or person against whom the department assesses a civil fine has a right to an adjudicative proceeding as governed by RCW 43.20A.215.

WAC 388-150-093, all of the text is deleted and the section is revised to read: Whenever the department imposes a civil monetary penalty per WAC 388-150-092(3), the department shall impose a penalty of two hundred and fifty dollars per violation per day. The department may assess and collect the penalty with interest for each day of non-compliance.

WAC 388-151-093, all of the text is deleted and the section is revised to read: Whenever the department imposes a civil monetary penalty per WAC 388-151-092(3), the department shall impose a penalty of two hundred and fifty dollars per violation per day. The department may assess and collect the penalty with interest for each day of non-compliance.

WAC 388-155-093, all of the text is deleted and the section is revised to read: Whenever the department imposes a civil monetary penalty WAC 388-155-092(3), the department shall impose a penalty of seventy-five dollars per violation per day. The department may assess and collect the penalty with interest for each day of non-compliance.

WAC 388-150-095, 388-151-095, and 388-155-095, these WAC sections are revised as follows: Where the department has determined that an agency is operating without a license, the department shall send written notification by certified mail or other means showing proof of service. This notification shall contain the following:

(1) Advising the agency of the bases of determination of providing children care without a license and the need to be licensed by the department;

(2) The citation of the applicable law;

(3) The assessment of seventy-five dollars per day penalty of each day unlicensed care is provided. The fine would be effective and payable within thirty days of receipt of the notification;

(4) How to contact the Office of Child Care Policy;

(5) The need to submit an application to the Office of Child Care Policy within thirty days of receipt of the notification;

(6) That the penalty may be forgiven if the agency submits an application within thirty days of the notification; and

(7) The right of an adjudicative proceeding as a result of the assessment of a monetary penalty and the appropriate procedure for requesting an adjudicative proceeding.

WAC 388-150-096, 388-151-096, and 388-155-096.

Currently Reads: 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.

Revised to Read: Each violation of a law or rule constitutes a separate violation and may be penalized as such. A penalty may be imposed for each day the violation continues.

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 24, amended 4, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 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: Thirty-one days after filing.

September 30, 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 96-21 issue of the Register.

**WSR 96-20-103
PERMANENT RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY**

[Filed October 1, 1996, 4:05 p.m.]

Date of Adoption: September 12, 1996.

Purpose: To update the registration program to conform to state law regarding registration and to adjust the fees to cover the program costs.

Citation of Existing Rules Affected by this Order: Repealing Sections 5.08, 5.11 - Regulation I; and amending Sections 5.02, 5.03, 5.05, 5.07 - Regulation I.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 96-16-082 on August 7, 1996.

Changes Other than Editing from Proposed to Adopted Version: Deleted Sections 5.03 (a)(2) and 5.03 (a)(37), and alphabetized and renumbered list.

Reworded Section 5.03 (a)(35) (now Section 5.03 (b)(46)) to read: ~~(46)((35) Materials handling and transfer facilities that generate fine particulate, which may include p)) Pneumatic materials conveying operations((, eyelones, baghouses,)) and industrial housekeeping vacuuming systems that exhaust more than 1,000 acfm to the atmosphere;~~

Deleted the following item under Section 5.05(d): organic compounds that have negligible photochemical reactivity (NR), as listed in 40 CFR 51.100 (s)(1), emissions.....25

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:

PERMANENT

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.
September 30, 1996
James L. Nolan
Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 5.02 ((DEFINITION AND COMPONENTS)) APPLICABILITY AND PURPOSE OF THE REGISTRATION PROGRAM

(a) ~~((For purposes of this regulation, registration shall mean the Agency's continuing program for identifying, delineating, itemizing, verifying, and maintaining a current, accurate record of all air contaminant sources and their emissions within the jurisdiction of the Agency, and the making of reports, as required by the Agency, by the persons owning, operating, or responsible for such sources, and including the Agency activities and services enumerated in Section 5.02(b) 2-7 (below) performed in direct support of the registration program.))~~ Program Authority and Applicability. As authorized by RCW 70.94.151, the Board, by this regulation, classifies air contaminant sources which, in its judgment, may cause or contribute to air pollution. This classification is made according to levels and types of emissions and other characteristics that cause or contribute to air pollution. The Board requires both registration and reporting for these classes of air contaminant sources. The classifications are made for the entire area of jurisdiction of the Agency and are made with special reference to effects on health, economic and social factors, and physical effects on property.

(b) ~~((The components of such registration program shall include:))~~ Program Purpose. As defined in WAC 173-400-099(1), the registration program is a program to develop and maintain a current and accurate record of air contaminant sources. Information collected through the registration program is used to evaluate the effectiveness of air pollution control strategies and to verify source compliance with applicable air pollution requirements.

(c) Registration and Reporting. Any person operating or responsible for the operation of an air contaminant source for which registration and reporting are required, shall register the source with the Agency. The owner or operator shall make reports to the Agency containing information as may be required by the Agency concerning location, size, and height of contaminant outlets, processes employed, nature of the air contaminant emission, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

(d) Annual Registration Fees. The Board requires that registration be accompanied by a fee and has determined the amount of this fee for each class of air contaminant source to be as shown in Section 5.07. The amount of fees collected shall not exceed the costs of administering this registration program, which shall be defined as:

(1) Initial registration and annual or other periodic reports from the source owner(s) providing the information ((described in Section 5.05(a-)) directly related to air pollution registration,

(2) On-site inspections necessary to verify compliance with ((Section 5.03 and/or to supplement information provided by sources pursuant to the requirements of Section 5.05(a-)) registration requirements,

(3) ~~((Computer and software maintenance used to compile and retrieve information provided by sources pursuant to the requirements of Section 5.05(a-))~~ Data storage and retrieval systems necessary for support of the registration program,

(4) Emission inventory reports and emission reduction credits computed from information provided by sources pursuant to the requirements of the registration program, ((Section 5.05(a-))

(5) Staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to the requirements of the registration program, ((Section 5.05(a-))

(6) Clerical and other office support provided ((by the Agency)) in direct furtherance of the ((other components of the)) registration program((-), and

(7) Administrative support provided in directly carrying out the registration program.

AMENDATORY SECTION

REGULATION I SECTION 5.03 REGISTRATION REQUIRED

~~((All air contaminant sources within the jurisdiction of the Agency shall be registered with the Agency, except any of the excluded sources which are listed in Exhibit A to this Regulation I, which by this reference is made a part hereof as now constituted or hereafter amended.))~~

(a) The registration requirements of this article do not apply to mobile sources or to sources that require an operating permit under Article 7.

(b) It shall be unlawful for any person to cause or allow the operation of any source required to register under Section 5.03, unless it conforms to all the requirements of Article 5. Except as provided in Section 5.03(a), the owner or operator of each of the following stationary air contaminant sources shall register the source with the Agency by paying the annual fee required by Section 5.07 and submitting any reports required by Section 5.05.

(1) Aerosol can-filling facilities;

(2) Agricultural chemical facilities engaging in the manufacturing of liquid or dry fertilizers or pesticides;

(3) Agricultural drying and dehydrating operations;

(4) Alumina processing;

(5) Ammonium sulfate manufacturing plants;

(6) Any category of stationary sources to which a federal standard of performance (NSPS) under 40 CFR Part 60, other than Subpart S (Primary Aluminum Reduction Plants), BB (Kraft Pulp Mills) or AAA (New Residential Wood Heaters), applies;

(7) Any source category subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) under 40 CFR Part 61, other than Subpart M (Asbestos on roadways, asbestos demolition or renovation activities, or asbestos spraying), or 40 CFR Part 63;

(8) Any source that has elected to opt out of the operating permit program by limiting its potential-to-emit (synthetic minor) or is required to report periodically to

demonstrate nonapplicability to EPA requirements under Sections 111 or 112 of the federal Clean Air Act;

(9) Any source with the potential to emit any of the following pollutants at a rate of emission equal to or greater than any one of the following rates (tons/year):

<u>carbon monoxide</u>	<u>100</u>
<u>nitrogen oxides</u>	<u>40</u>
<u>sulfur dioxide</u>	<u>40</u>
<u>particulate matter (PM)</u>	<u>25</u>
<u>fine particulate matter (PM₁₀)</u>	<u>15</u>
<u>volatile organic compounds (VOC)</u>	<u>40</u>
<u>lead</u>	<u>0.6</u>
<u>fluorides</u>	<u>3</u>
<u>sulfuric acid mist</u>	<u>7</u>
<u>hydrogen sulfide (H₂S)</u>	<u>10</u>
<u>total reduced sulfur (including H₂S)</u>	<u>10</u>

(10) Asphalt and asphalt products production facilities;
(11) Automobile or light-duty truck surface coating operations;

(12) Baker's yeast manufacturing;
(13) Brick and clay manufacturing plants, including tiles and ceramics;

(14) Cattle feedlots with operational facilities that have an inventory of 1,000 or more cattle in operation between June 1 and October 1, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season;

(15) Chemical manufacturing plants;
(16) Coal preparation plants;
(17) Coffee roasting facilities;
(18) Composting operations, including commercial, industrial and municipal, but exempting agricultural and residential composting activities;

(19) Concrete product manufacturers and ready-mix and premix concrete plants;

(20) Crematoria or animal carcass incinerators;
(21) Dry cleaning plants;
(22) Ethylene dichloride, polyvinyl chloride, or vinyl chloride plants;

(23) Explosives production;
(24) Flexible polyurethane foam production;
(25) Flexible vinyl and urethane coating and printing operations;

(26) Gasoline stations, bulk gasoline plants, and gasoline loading terminals;

(27) Gelcoat, polyester, resin, or vinylester coating manufacturing operations at commercial or industrial facilities;

(28) Glass manufacturing plants;
(29) Grain, seed, animal feed, legume, and flour processing operations and handling facilities;

(30) Ink manufacturers;
(31) Landfills, active and inactive, including covers, gas collection systems, or flares;

(32) Lead-acid battery manufacturing plants;
(33) Lime manufacturing plants;
(34) Metal casting facilities and foundries, ferrous and nonferrous;

(35) Metallic and nonmetallic mineral processing plants, including rock crushing plants and sand and gravel operations;

(36) Metallurgical processing plants;
(37) Mills such as lumber, plywood, shake, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, or any combination thereof;

(38) Mineral wool production;
(39) Mineralogical processing plants;
(40) Municipal waste combustors;
(41) Nitric acid plants;
(42) Paper manufacturers, except Kraft and sulfite pulp mills;

(43) Petroleum refineries;
(44) Pharmaceuticals production;
(45) Plastics and fiberglass product fabrication facilities;
(46) Pneumatic materials conveying operations and industrial housekeeping vacuuming systems that exhaust more than 1,000 acfm to the atmosphere;

(47) Portland cement plants;
(48) Primary copper smelters, lead smelters, magnesium refining and zinc smelters, but excluding primary aluminum plants;

(49) Rendering plants;
(50) Semiconductor manufacturing;
(51) Shipbuilding and ship repair (surface coating);
(52) Soil vapor extraction (active), thermal soil contaminant desorption, or groundwater air stripping remediation projects;

(53) Sulfuric acid plants;
(54) Surface-coating manufacturers;
(55) Surface spray-coating operations, including automotive, metal, cans, pressure-sensitive tape, labels, coils, wood, plastic, rubber, glass, paper, and other substrates;

(56) Synthetic fiber production facilities;
(57) Synthetic organic chemical manufacturing industries;

(58) Tire recapping facilities;
(59) Vegetable oil production;
(60) Wastewater treatment plants;
(61) Wood treatment;

(62) Any source that has equipment or control equipment, with an approved Notice of Construction under Article 6 of Regulation I; or

(63) Any source, including any listed above, that has been determined through review by the Control Officer to warrant registration, due to the amount and nature of air contaminants produced, or the potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property.

~~((EXHIBIT A — INSIGNIFICANT SOURCES~~

~~Exclusions:~~

~~(1) Ventilating systems, including fume hoods, not designed to prevent or reduce air contaminant emissions.~~

~~(2) Fuel burning equipment that has a maximum input rate of:~~

~~(i) less than 0.5 million Btu per hour (0.15 million joules per second) burning waste derived fuel; or~~

~~(ii) less than 10 million Btu per hour (3 million joules per second) burning natural gas, propane, or butane; or~~

~~(iii) less than 1 million Btu per hour (0.3 million joules per second) burning any other fuel.~~

~~(3) Insecticide, pesticide, or fertilizer spray equipment.~~

PERMANENT

PERMANENT

(4) Internal combustion engines less than the size thresholds of the proposed United States Environmental Protection Agency (EPA) New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart FF (Stationary Internal Combustion Engines, 44 FR 43152 7/23/79) or the promulgated EPA NSPS 40 CFR Part 60 Subpart GG (Stationary Gas Turbines).

(5) Laboratory equipment used exclusively for chemical or physical analyses.

(6) Laundry dryers without control equipment.

(7) Dryers or ovens used solely to accelerate evaporation.

(8) Routing, turning, carving, cutting, and drilling equipment used for metal, wood, plastics, rubber, leather, or ceramics which does not release air contaminants to the ambient air.

(9) Storage tanks:

(i) that do not store substances capable of emitting air contaminants; or

(ii) with a rated capacity of 1,000 gallons (3,780 liters) or less used for storage of gasoline; or

(iii) with a rated capacity of less than 10,000 gallons (38,000 liters) used for storage of volatile organic compounds; or

(iv) with a rated capacity of less than 40,000 gallons (150,000 liters) used for storage of volatile organic compounds with a true vapor pressure less than 0.01 kPa (0.002 psia).

(10) Sanitary or storm drainage systems.

(11) Welding, brazing, or soldering equipment.

(12) Asphalt roofing and laying equipment (not including manufacturing or storage).

(13) Restaurants and other retail food preparing establishments.

(14) Cold solvent cleaners using a solvent with a true vapor pressure less than or equal to 4.2 kPa (0.6 psia).

(15) Retail printing operations (not including web presses).

(16) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or similar structures.

(17) Sources which due to the amount and nature of air contaminants produced, and potential to contribute to air pollution, are determined through review by the Control Officer not to warrant registration.)

AMENDATORY SECTION

REGULATION I SECTION 5.05 GENERAL REPORTING REQUIREMENTS FOR REGISTRATION

(a) ((Owners or operators of air contaminant sources subject to Section 5.03 above shall, upon request by the Agency, make annual and/or periodic reports to the Agency regarding emission sources, types and amounts of raw materials used and air contaminants emitted, data on equipment and control equipment, stack heights, process weights, process flow, fuel composition, pollutant concentrations, and any other information directly related to air pollution registration requested by the Agency.)) General. The owner or operator of an air contaminant source for which registration is required by Section 5.03, shall make reports containing information as required by the Agency concerning

location, size, and height of contaminant outlets, processes employed, nature and quantity of the air contaminant emission, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

(b) ((Annual registration and periodic reporting for a source as required by the Agency shall be made by the owner or lessee of the source or his agent on forms provided by the Agency or in an Agency approved format. The owner of the source shall be responsible for completion and submittal of the annual registration and/or periodic reports within 60 days of receipt of forms. The owner of the source shall be responsible for the correctness of the information submitted.)) Registration Form. Registration information shall be provided on forms supplied by the Agency and shall be completed and returned within the time specified on the form.

(c) ((A separate annual registration and separate periodic report shall be required for each facility which emits air contaminants.)) Reporting Responsibility. The owner, operator, or a designated representative shall sign Agency registration and reporting forms for each source. The owner or operator of the source shall be responsible for notifying the Agency of the existence of the source, and for the accuracy, completeness, and timely submittal of registration reporting information and any accompanying fee.

(d) ((The confidentiality provisions of Section 3.19 shall be applicable in administering the registration and reporting program.)) Emission Reporting. An emission report shall be required from each registered source of those air contaminants during the previous calendar year that equal or exceed the following (tons/year):

carbon monoxide (CO) emissions	25
facility combined total of all toxic air contaminant (TAC) emissions	5
Any single toxic air contaminant (TAC) emissions	2
nitrogen oxide (NOx) emissions	25
particulate matter (PM ₁₀) emissions	25
sulfur oxide (SOx) emissions	25
volatile organic compounds (VOC) emissions	25

Annual emission rates shall be reported to the nearest whole tons per year for only those air contaminants that equal or exceed the thresholds above.

(e) Operation and Maintenance Plan. Owners or operators of air contaminant sources subject to Section 5.03 above shall develop and implement an operation and maintenance plan to assure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

- (1) Periodic inspection of all equipment and control equipment;
- (2) Monitoring and recording of equipment and control equipment performance;
- (3) Prompt repair of any defective equipment or control equipment;
- (4) Procedures for start up, shut down, and normal operation;
- (5) The control measures to be employed to assure compliance with Section 9.15 of Regulation I; and

(6) A record of all actions required by the plan.

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.

(f) Report of Closure. Continued payment of the annual registration fee to the Agency maintains the registration of the source with the Agency, as well as the status of the source as an operating facility. A source shall only be removed from the registration program after a written request has been received from the owner or operator of the source. It shall be unlawful for any person to operate a source that has been removed from registration, unless the owner or operator has submitted and received an approval for a "Notice of Construction and Application for Approval", in compliance with Article 6.

(g) Report of Change of Ownership. A new owner of a source shall report in writing any change of ownership to the Agency within 90 days of such a change.

AMENDATORY SECTION

REGULATION I SECTION 5.07 REGISTRATION FEES

(a) The Agency shall levy annual fees as set forth in the ((1996)) 1997 Registration Fee Schedule for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the program. Registration fees do not apply to sources subject to Article 7 of Regulation I.

(b) Upon assessment by the Agency, registration fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days.

((1996)) 1997 REGISTRATION FEE SCHEDULE

((1)) For all facilities, a fee of \$85.00 per facility except \$600.00 per facility for those with synthetic minor permits; and

(2) For all facilities:

(i) \$38.00 for each item of air contaminant generating equipment; and

(ii) \$80.00 for each item of air contaminant control equipment; and

(iii) \$1,200.00 for each continuous emission monitor required under Article 12 of Regulation I; and

(3) For all facilities except those subject to (4) below, a \$24.00 emission fee for each item of air contaminant generating equipment except for unvented dry cleaning machines; and

(4) For only those facilities which have permitted emissions or actual annual emissions of 25 tons or more of any of the following: PM₁₀, sulfur oxides, nitrogen oxides, or carbon monoxide; or annual emissions of 5 tons or more of toxic air contaminants or volatile organic compounds, including any negligibly reactive compound:

(i) \$24.00 per ton for PM₁₀, sulfur oxides, nitrogen oxides, or volatile organic compounds, including any negligibly reactive compound; and

(ii) \$8.00 per ton for carbon monoxide or toxic air contaminants.

(5) The fees required by this section are for the calendar year 1996 and shall be based on Agency files showing equipment to be used during 1996 and either actual emis-

sions during calendar year 1994 or permitted emissions if no actual emissions were reported during calendar year 1994.)

Facility Fees:

Automobile body repair and painting \$200

Dry Cleaners \$130

Gasoline service stations with more than 1 tank \$300

Gasoline service stations with 1 tank \$150

Emission reporting sources under Section 5.05(d) . . . \$2,000

Other sources with 8 or more equipment items

(including control equipment) requiring a

Notice of Construction under Article 6 \$1,500

Other sources with 3 to 7 equipment items

(including control equipment) requiring a

Notice of Construction under Article 6 \$500

Other sources with 2 or less equipment items

(including control equipment) requiring a

Notice of Construction under Article 6 \$200

Additional Fees:

Emission fees applicable to all emission reporting sources:

1995 CO emission fee¹ \$8/ton

1995 TAC emission fee² \$8/ton

1995 NO_x, PM₁₀, or SO_x emission fee³ \$25/ton

1995 NR or VOC emission fee⁴ \$25/ton

Continuous emission monitor fee⁵ . . . \$1,500/monitor

1 Required only when CO emissions equal or exceed 25 tons in 1995.

2 Required only when individual TAC emissions equal or exceed 2 tons in 1995 or when total facility TAC emissions exceed 5 tons in 1995.

3 Required only when NO_x, PM₁₀, or SO_x emissions equal or exceed 25 tons in 1995.

4 Required only when organic compounds with negligible photochemical reactivity (NR), as listed in 40 CFR 51.100 (s)(1), or VOC emissions equal or exceed 25 tons in 1995.

5 Required only of continuous emission monitors required by Section 12.02, counting each pollutant and location as a separate monitor.

REPEALER

REGULATION I SECTION 5.08 SHUT DOWN SOURCES

REPEALER

REGULATION I SECTION 5.11 REGISTRATION OF OXYGENATED GASOLINE BLENDERS

WSR 96-20-104

PERMANENT RULES

PUGET SOUND AIR

POLLUTION CONTROL AGENCY

[Filed October 1, 1996, 4:06 p.m.]

Date of Adoption: September 12, 1996.

Purpose: To adjust maximum civil penalty amount for inflation; clarify that regulatory orders can be used to approve alternate means of compliance; update delegation for federal NSPS and NESHAPs; and to clarify asbestos

PERMANENT

notification requirements and adjust the asbestos fees for inflation and to cover the costs of administering the program.

Citation of Existing Rules Affected by this Order: Amending Sections 3.11, 3.23, 6.11 - Regulation I; Sections 2.02, 4.03 - Regulation III.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 96-16-061 on August 5, 1996.

Changes Other than Editing from Proposed to Adopted Version: Added "window-glazing" to Section 4.03 (a)(3).

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.

September 30, 1996

James L. Nolan

Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 3.11 CIVIL PENALTIES

(a) Any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed (~~(\$11,225.00)~~) \$11,550.00 per day for each violation.

(b) Any person who fails to take action as specified by an order issued pursuant to Chapter 70.94 RCW or Regulations I, II, and III of the Puget Sound Air Pollution Control Agency shall be liable for a civil penalty of not more than (~~(\$11,225.00)~~) \$11,550.00 for each day of continued non-compliance.

(c) Within 15 days after receipt of a Notice and Order of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. Any such request must contain the following:

(1) The name, mailing address, telephone number, and telefacsimile number (if available) of the appealing party;

(2) A copy of the Notice and Order of Civil Penalty appealed from;

(3) A short and plain statement showing the grounds upon which the appealing party considers such order to be unjust or unlawful;

(4) A clear and concise statement of facts upon which the appealing party relies to sustain his or her grounds for appeal;

(5) The relief sought, including the specific nature and extent; and

(6) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by the party's signature.

Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(d) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to Chapter 43.21B RCW and Chapter 371-08 WAC if the appeal is filed with the Hearings Board and served on the Agency within 30 days after receipt by the person penalized of the notice imposing the penalty or 30 days after receipt of the notice of disposition on the application for relief from penalty.

(e) A civil penalty shall become due and payable on the later of:

(1) 30 days after receipt of the notice imposing the penalty;

(2) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or

(3) 30 days after receipt of the notice of decision of the Hearings Board if the penalty is appealed.

(f) If the amount of the civil penalty is not paid to the Agency within 30 days after it becomes due and payable, the Agency may bring action to recover the penalty in King County Superior Court or in the superior court of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(g) Civil penalties incurred but not paid shall accrue interest beginning on the 91st day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the 31st day following final resolution of the appeal.

(h) To secure the penalty incurred under this section, the Agency shall have a lien on any vessel used or operated in violation of Regulations I, II, and III which shall be enforced as provided in RCW 60.36.050.

AMENDATORY SECTION

REGULATION I SECTION 3.23 ALTERNATE MEANS OF COMPLIANCE

Other emission reduction methods may be employed to achieve compliance with the emissions standards of Regulations I, II, and III if the owner or operator demonstrates to the satisfaction of the Control Officer that they are at least as effective as the required methods and they are included in a regulatory order issued under Section 3.03 or a permit issued under Article 6 or 7 of this Regulation.

AMENDATORY SECTION

REGULATION I SECTION 6.11 NEW SOURCE PERFORMANCE STANDARDS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part

60, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, ((1995)) 1996 herein incorporated by reference.

AMENDATORY SECTION

REGULATION III SECTION 2.02 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 61 or Part 63, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, ((1995)) 1996 herein incorporated by reference.

AMENDATORY SECTION

REGULATION III SECTION 4.03 NOTIFICATION REQUIREMENTS

(a) General Requirements

It shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional information requested by the Control Officer, has been submitted to the ~~((Control Officer on))~~ Agency ~~((-))~~ on approved forms, in accordance with the advance notification period requirements contained in Section 4.03(d) of this Regulation.

(1) The duration of an asbestos project shall be commensurate with the amount of work involved.

~~((1))~~ (2) Notification is not required for asbestos projects involving less than 10 linear feet or 48 square feet (per structure, per calendar year) of any asbestos-containing material.

(3) Notification is not required for removal and disposal of the following nonfriable asbestos-containing materials: caulking, window-glazing, or ((nonfriable asbestos-containing)) roofing ((material)). All other asbestos project and demolition requirements remain in effect except as provided by Article 4.

~~((2))~~ (4) Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present. All other demolition requirements remain in effect.

~~((3))~~ (5) The written notification shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.

~~((4))~~ (6) A copy of the notification, all amendments to the notification, the asbestos survey, and any Order of Approval for an alternate means of compliance shall be available for inspection at all times at the asbestos project or demolition site.

~~((5))~~ (7) Notification for multiple asbestos projects or demolitions may be filed by a property owner on one form if all the following criteria are met:

(A) The work will be performed continuously by the same contractor; and

(B) ~~((The structures are in a group or can be managed as a group;))~~ A work plan is submitted that includes: a map of the structures involved in the project including the site address for each structure, the amount and type of asbestos-

containing material in each structure; and the schedule for performing asbestos project and demolition work. For projects where a detailed work schedule cannot be provided, the asbestos contractor and/or the demolition contractor shall participate in the Agency's work schedule fax program and will continue to participate in the program throughout the duration of the project.

~~((C))~~ The project specifications regarding location and amount of asbestos-containing material to be removed from each location, and the project work schedule, are provided in detail for each segment of the project; and

~~((D))~~ All asbestos projects or demolitions are under one contract.

~~((6))~~ (8) Annual Notification

A property owner may file one annual notification for asbestos projects to be conducted on one or more structures, vessels, or buildings during each calendar year if all of the following conditions are met:

(A) The annual notification shall be filed with the Agency before commencing work on any asbestos project included in an annual notification;

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

(C) The property owner submits quarterly written reports to the Control Officer on Agency-approved forms within 15 days after the end of each calendar quarter.

(b) Amendments

(1) Mandatory Amendments

An amendment shall be submitted to the Control Officer for the following changes in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency:

(A) Increases in the project type or job size category that increase the fee or change the advance notification period;

(B) Changes in the type of asbestos-containing material that will be removed; or

(C) Changes in the start date, completion date, or work schedule, including hours of work ~~((-unless the asbestos contractor or property owner participates))~~. Asbestos contractors or property owners participating in the Agency work schedule fax program are not required to submit amendments for work schedule changes occurring between the start and completion dates.

(2) Optional Amendments

(A) An amendment may be submitted to the Control Officer for any other change in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.

(B) Contractors and property owners participating in the Agency work schedule fax program may, within 45 days after the last completion date on record, submit an amendment to the Control Officer for the removal of additional asbestos-containing material not identified during the asbestos survey. If more than 45 days have lapsed since the last completion date on record, the requirements of Section 4.03(a), including notification periods and fees, shall apply.

(c) **Emergencies**

The Control Officer may waive the advance notification period, if the property owner submits a written request that demonstrates to the Control Officer that an asbestos project or demolition must be conducted immediately because of any of the following:

(1) There was a sudden, unexpected event that resulted in a public health or safety hazard;

(2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;

(3) ~~((Hidden-a))~~ Asbestos-containing materials were encountered that were not identified during the asbestos survey; or

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

(d) **Notification Period and Fees**

PERMANENT

Project	Size or Type	Notification Period	Fee
Owner-Occupied, Single-Family Residence (asbestos project and/or demolition)	All	Prior Notice	\$25
All Other Demolitions with no asbestos project	All	10 Days	\$(125)) <u>150</u>
Asbestos Project includes demolition fee*	10 - 259 linear ft 48 - 159 square ft	3 Days	\$(125)) <u>150</u>
Asbestos Project includes demolition fee	260 - 999 linear ft 160 - 4,999 square ft	10 Days	\$(250)) <u>300</u>
Asbestos Project includes demolition fee	1,000 - ((10,000)) <u>9,999</u> linear ft 5,000 - ((50,000)) <u>49,999</u> square ft	10 Days	\$(500)) <u>750</u>
Asbestos Project includes demolition fee	10,000 (+)) - <u>49,999</u> linear ft 50,000 (+)) - <u>99,999</u> square ft	10 Days	\$(1,000)) <u>2,000</u>
<u>Asbestos Project includes demolition fee</u>	<u>50,000 - 99,999 linear ft</u> <u>100,000 - 149,999 square ft</u>	<u>10 Days</u>	<u>\$5,000</u>
<u>Asbestos Project includes demolition fee</u>	<u>100,000 + linear ft</u> <u>150,000 + square ft</u>	<u>10 Days</u>	<u>\$10,000</u>
Emergency	4.03(c)	Prior Notice	Additional fee equal to project fee
Amendment	4.03(b)	Prior Notice	\$(25)) <u>50</u>
Alternate Means of Compliance (demolitions or friable asbestos-containing materials)	4.06 (a) or (c)	10 (-)) Days ((Review Period))	Additional fee equal to project fee
Alternate Means of Compliance (nonfriable asbestos-containing materials)	4.06(b)	<u>10 Days</u> ((Concurrent with the project period))	Additional fee equal to project fee
Annual	4.03 (a) ((6)) <u>(8)</u>	Prior Notice	\$(1,000)) <u>1,500</u>

* Demolitions with asbestos projects involving less than 10 linear feet or less than 48 square feet may submit an asbestos project notification under this project category and will be eligible for the 3-day notification period.

The Control Officer may waive the asbestos project fee and notification period, by written authorization, for disposal of unused and intact or abandoned (without the knowledge or consent of the property owner) asbestos-

containing materials. All other asbestos project and demolition requirements remain in effect.

**WSR 96-20-105
PERMANENT RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY**

[Filed October 1, 1996, 4:08 p.m.]

Date of Adoption: September 12, 1996.

Purpose: To adjust fees for notice of construction and operating permits in order to cover the costs of administering the programs.

Citation of Existing Rules Affected by this Order: Amending Sections 6.03, 6.04, 7.07 - Regulation I.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 96-16-083 on August 7, 1996.

Changes Other than Editing from Proposed to Adopted Version: Added to the beginning of Section 6.03(b): Except when part of a new major source or major modification in a nonattainment area,

Added two sentences to the end of Section 6.03 (b)(17) to read: The owner or operator shall submit to the Control Officer, the information necessary to make this determination. The Control Officer shall notify the owner or operator in writing whether a "Notice of Construction and Application for Approval" is required for the source.

Deleted the following three items under Section 6.04:

Replacement of Existing Control Equipment with Equipment of a Like Design	\$200.00
Synthetic Minor, including Public Notice Fee, but not including Publication Fees	\$700.00
Air Pollution Control Equipment or Equipment Used in a Manufacturing Process (not classified above)	\$400.00

Section 7.07 - Under Facility Fees in the 1997 Operating Permit Fee Schedule, made a separate line item for sources with SIC 3721 and 3728 as follows:

Operating permit sources with SIC = 3721 or 3728 with employee population:	
8,000 or greater	\$18,000
1,000 through 7,999	\$6,000
less than 1,000	\$3,000

Since the reporting requirements of Section 5.05 also apply to Operating Permits, the applicable sections were copied to Article 7 as a new section 7.09.

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.
September 30, 1996
James L. Nolan
Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 6.03 NOTICE OF CONSTRUCTION

(a) ~~((No))~~ It shall be unlawful for any person ((shall)) to cause or allow the construction, installation, establishment, or ((modify)) modification of an air contaminant source, except those sources that are excluded in ((Exhibit A of Section 5.03)) Section 6.03(b), unless a "Notice of Construction and Application for Approval" has been filed with and approved by the Agency.

(b) Except when part of a new major source or major modification in a nonattainment area, the following air contaminant sources do not need a "Notice of Construction and Application for Approval approved by the Agency prior to construction, installation, establishment, or modification:

(1) Ventilating systems, including fume hoods, not designed to prevent or reduce air contaminant emissions.

(2) Fuel burning equipment that has a maximum input rate of:

(A) less than 0.5 million Btu per hour (0.15 million joules per second) burning waste-derived fuel; or

(B) less than 10 million Btu per hour (3 million joules per second) burning natural gas, propane, or butane; or

(C) less than 1 million Btu per hour (0.3 million joules per second) burning any other fuel.

(3) Insecticide, pesticide, or fertilizer spray equipment.

(4) Internal combustion engines less than the size thresholds of the proposed United States Environmental Protection Agency (EPA) New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart FF (Stationary Internal Combustion Engines, 44 FR 43152 7/23/79) or the promulgated EPA NSPS 40 CFR Part 60 Subpart GG (Stationary Gas Turbines).

(5) Laboratory equipment used exclusively for chemical or physical analyses.

(6) Laundry dryers without control equipment.

(7) Dryers or ovens used solely to accelerate evaporation.

(8) Routing, turning, carving, cutting, and drilling equipment used for metal, wood, plastics, rubber, leather, or ceramics which does not release air contaminants to the ambient air.

(9) Storage tanks:
(A) that do not store substances capable of emitting air contaminants; or

(B) with a rated capacity of 1,000 gallons (3,780 liters) or less used for storage of gasoline; or

(C) with a rated capacity of less than 10,000 gallons (38,000 liters) used for storage of volatile organic compounds; or

(D) with a rated capacity of less than 40,000 gallons (150,000 liters) used for storage of volatile organic com-

PERMANENT

pounds with a true vapor pressure less than 0.01 kPa (0.002 psia).

- (10) Sanitary or storm drainage systems.
- (11) Welding, brazing, or soldering equipment.
- (12) Asphalt roofing and laying equipment (not including manufacturing or storage).

(13) Restaurants and other retail food-preparing establishments.

(14) Cold solvent cleaners using a solvent with a true vapor pressure less than or equal to 4.2 kPa (0.6 psia).

(15) Retail printing operations (not including web presses).

(16) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or similar structures.

(17) Any source that has been determined through review by the Control Officer not to warrant a "Notice of Construction and Application for Approval", due to the minimal amount and nature of air contaminants produced and potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property. The owner or operator shall submit to the Control Officer, the information necessary to make this determination. The Control Officer shall notify the owner or operator in writing whether a "Notice of Construction and Application for Approval" is required for the source.

~~((b))~~ (c) Each Notice of Construction and Application for Approval shall be submitted on forms provided by the Agency and shall be accompanied by a set of plans that fully describes the proposed source, the means for prevention or control of the emissions of air contaminants, the appropriate fee as required by Section 6.04, and any additional information required by the Board or Control Officer to demonstrate that the proposed source will meet the requirements of Section 6.07.

~~((e))~~ (d) Within 30 days of receipt of a Notice of Construction and Application for Approval, the Agency shall notify the applicant in writing if any additional information is necessary to complete the application.

AMENDATORY SECTION

REGULATION I SECTION 6.04 NOTICE OF CONSTRUCTION REVIEW FEES

A Notice of Construction and Application for Approval is incomplete until the Agency has received a plan examination fee as shown below:

~~((Fuel Burning Equipment: (rated heat input — million Btu/hr)~~

less than 10.0	\$ 300.00
10.0 or more but less than 100.0	\$ 1,000.00
100.0 or more but less than 250.0	\$10,000.00
250.0 or more	\$20,000.00

Control Equipment or Equipment Used in a Manufacturing Process: (acfm)

less than 25,000	\$ 300.00
25,000 or more but less than 100,000	\$ 1,000.00
100,000 or more	\$ 5,000.00

Refuse Burning Equipment: (rated capacity)

12 tons per day or less	\$ 5,000.00
greater than 12 tons per day but less than 250 tons per day	\$20,000.00
250 tons per day or greater	\$50,000.00

Storage Tanks: (gallons)

less than 20,000	\$ 200.00
20,000 or more	\$ 500.00

Spray Painting Operation \$ 300.00

Gasoline Station \$ ~~((200.00))~~ 300.00

Dry Cleaner \$ 200.00

Landfill Gas System \$ 1,000.00

Composting Facility \$ 1,000.00

Soil Thermal Desorption Unit (initial) \$ 2,000.00

Relocation of Approved Desorption Unit to New Address \$ 700.00

Minor NOC Change not Involving a Change in Equipment \$ 300.00

Relocation of Previously Permitted Portable Source to a New Address, except Soil Thermal Desorption Units \$ 300.00

NOC Applicability Determination \$ 100.00

Other (not classified above) \$ ~~((200.00))~~ 300.00

Additional Charges:

SEPA Threshold Determination \$ 100.00

Air Toxics ~~((Screening))~~ Review \$ ~~((200.00))~~ 500.00
~~((see))~~ Under Regulation III, Section ~~((6.07(e)))~~ 2.07 (c)(2)(f))

Air Toxics Review \$ 5,000.00
Under Regulation III, Section 2.07 (c)(3)

~~((Exceedance of Acceptable Source Impact Level [see Regulation I, Section 6.07(e))])~~

Major Source, ~~((or))~~ Major Modification, or Emission Increases greater than Prevention of Significant Deterioration Thresholds \$ 5,000.00
~~((f))~~ see Regulation I, Section 6.07(d)(f))

Opacity/Grain Loading Correlation \$ 5,000.00
~~((f))~~ see Regulation I, Section 9.09(c)(f))
~~((Permitted Emissions~~ \$20.00/ton))

Emissions Units Subject to an NSPS or NESHAP (except residential wood heaters, asbestos renovation or demolition, chromic acid anodizing, chromium electroplating, perchloroethylene dry cleaning, or cold solvent cleaners) \$ 1,000.00

Public Notice (plus publication fees) \$ 200.00

AMENDATORY SECTION

REGULATION I SECTION 7.07 FEES

(a) The Agency shall levy annual operating permit fees as set forth in the ~~((1996))~~ 1997 Operating Permit Fee Schedule to cover the cost of administering the operating permit program.

PERMANENT

~~((1996))~~ **1997 OPERATING PERMIT FEE SCHEDULE**

~~((1)) For all facilities, a fee of \$2,200.00 per facility; and~~

- ~~(2) For all facilities:~~
 - ~~(i) \$100.00 for each item of air contaminant generating equipment; and~~
 - ~~(ii) \$100.00 for each item of air contaminant control equipment; and~~
 - ~~(iii) \$1,200.00 for each continuous emission monitor required under Article 12 of Regulation I; and~~
 - ~~(iv) \$24.00 per ton for PM₁₀, sulfur oxides, nitrogen oxides, or volatile organic compounds, including any negligibly reactive compound; and~~
 - ~~(v) \$8.00 per ton for carbon monoxide or toxic air contaminants.~~

~~(3) The fees required by this section are for the calendar year 1996 and shall be based on Agency files showing equipment to be used during 1996 and either actual emissions during calendar year 1994 or permitted emissions if no actual emissions were reported during calendar year 1994.)~~

Facility Fees:

Operating permit sources with SIC = 2911, 3241, 3312, or 9711 \$18,000

Operating permit sources with SIC = 1721, 2051, 2431, 2434, 2491, 2499, 2672, 3086, 3251, 3443, 3498, 3585, or 7641 \$ 3,000

Operating permit sources with SIC = 3721 or 3728 with employee population:
8,000 or greater \$18,000
1,000 through 7,999 \$6,000
less than 1,000 \$3,000

Operating permit sources with SIC = other than listed above \$ 6,000

Additional Emission Fees:

1995 CO emission fee¹ \$8/ton
1995 TAC emission fee² \$8/ton
1995 NO_x, PM₁₀, or SO_x emission fee³ \$25/ton
1995 NR or VOC emission fee⁴ \$25/ton
Continuous emission monitor fee⁵ . . . \$1,500/monitor

¹ Required only when CO emissions equal or exceed 25 tons in 1995.

² Required only when individual TAC emissions equal or exceed 2 tons in 1995 or when total facility TAC emissions exceed 5 tons in 1995.

³ Required only when NO_x, PM₁₀, or SO_x emissions equal or exceed 25 tons in 1995.

⁴ Required only when organic compounds with negligible photochemical reactivity (NR), as listed in 40 CFR 51.100 (s)(1), or VOC emissions equal or exceed 25 tons in 1995.

⁵ Required only of continuous emission monitors required by Section 12.02, counting each pollutant and location as a separate monitor.

(b) The agency shall, on a source-by-source basis, levy the following surcharges:

~~((1))~~ (1) for the issuance or renewal of an operating permit, a surcharge equal to 20% of the annual operating permit fee, not to exceed \$5,000.00.

~~((2))~~ (2) to cover the cost of public involvement under WAC 173-401-800.

~~((3))~~ (3) to cover the cost incurred by the Washington State Department of Health in enforcing 40 CFR Part 61, Subpart I and Chapter 246-247 WAC.

(c) The Agency shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology under WAC 173-401 to cover the Department of Ecology's program development and oversight costs.

(d) Upon assessment by the Agency, operating permit fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days.

(e) Continued payment to the Agency of the annual operating permit fee maintains the operating permit and the status of the source as an operating facility.

NEW SECTION

REGULATION I SECTION 7.09 GENERAL REPORTING REQUIREMENTS

(a) Emission Reporting. An emission report shall be required from each operating permit source of those air contaminants during the previous calendar year that equal or exceed the following (tons/year):

- carbon monoxide (CO) emissions 25
- facility combined total of all toxic air contaminant (TAC) emissions 5
- any single toxic air contaminant (TAC) emissions . . . 2
- nitrogen oxide (NO_x) emissions 25
- particulate matter (PM₁₀) emissions 25
- sulfur oxide (SO_x) emissions 25
- volatile organic compounds (VOC) emissions . . . 25

Annual emission rates shall be reported to the nearest whole tons per year for only those air contaminants that equal or exceed the thresholds above.

(b) Operation and Maintenance Plan. Owners or operators of air contaminant sources subject to Regulation I Article 7 shall develop and implement an operation and maintenance plan to assure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

- (1) Periodic inspection of all equipment and control equipment;
- (2) Monitoring and recording of equipment and control equipment performance;
- (3) Prompt repair of any defective equipment or control equipment;
- (4) Procedures for start up, shut down, and normal operation;
- (5) The control measures to be employed to assure compliance with Section 9.15 of Regulation I; and
- (6) A record of all actions required by the plan.

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.

PERMANENT



WSR 96-20-008
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services)
(Public Assistance)

[Filed September 20, 1996, 12:56 p.m., effective September 21, 1996]

Date of Adoption: September 19, 1996.

Purpose: Counts, as unearned income used to calculate food stamp benefits, cash benefits reduced under a federal, state, or local means-tested program for failure to perform an action required under that program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-460.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: Section 829 of HR 3734.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Section 829 of HR 3734 must be implemented thirty days after enactment or September 21, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 21, 1996.

September 19, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3801, filed 10/26/94, effective 1/1/95)

WAC 388-49-460 Income—Unearned. (1) The department shall consider unearned income to include, but not be limited to:

- (a) An annuity, pension, or retirement;
- (b) Veteran or disability benefits;
- (c) Workmen or unemployment compensation;
- (d) Old-age, survivors, or social security benefits;
- (e) Strike benefits;
- (f) Payment from federally aided assistance programs based on need;
- (g) Support and alimony payments made directly to the household from a person residing outside the household;
- (h) Child support refund payments received by AFDC recipients from office of support enforcement;

(i) Adult and child governmental foster care payments, provided the foster care recipient is a food stamp household member;

(j) Educational benefits less excluded amounts (see income exclusions in WAC 388-49-470):

(i) Scholarships;

(ii) Educational grants including loans where repayment is deferred;

(iii) Fellowships without work requirements; and

(iv) Veteran benefits.

(k) Payments from government-sponsored programs;

(l) Cash prizes, awards, lottery winnings, or gifts;

(m) Dividends, interest, or royalties;

(n) Gross income minus the cost of doing business from rental property if a household member is not managing the property at least twenty hours a week;

(o) Money withheld to recoup an intentional noncompliance overpayment from a federal, state, or local means-tested program;

(p) Direct money payments, such as interest, dividends, and royalties which are a gain or benefit;

(q) Money legally obligated and otherwise payable to the household, but diverted by the provider of the payment to a third party, for a household expense; ~~((and))~~

(r) Deemed income from an alien's sponsor; and

(s) Cash benefits reduced under a federal, state, or local means-tested public assistance program for failure to perform an action required under that program.

(2) The department shall disregard the following as unearned income:

(a) Money from any source voluntarily returned by a household member to repay a prior overpayment from the same source;

(b) Child support payments assigned to office of support enforcement received by AFDC recipients.

(3) The department shall verify gross nonexempt unearned income except for expedited service households:

(a) Before initial certification;

(b) At recertification if amount changes more than twenty-five dollars; and

(c) On a monthly basis for households subject to monthly reporting if the income changes.

WSR 96-20-012
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 20, 1996, 1:10 p.m., effective September 21, 1996]

Date of Adoption: September 19, 1996.

Purpose: Amending the rule because the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, instituted several changes in food stamp program policy. To facilitate implementing these changes, we incorporated several new definitions from the statute.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-020.

Statutory Authority for Adoption: RCW 74.04.510.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Mandated by Public Law 104-193.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 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: September 21, 1996.

September 19, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3947, filed 2/29/96, effective 4/1/96)

WAC 388-49-020 Definitions. (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not a person committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by:

(a) Department action or failure to act when the household properly and accurately reported all the household's circumstances to the department; or

(b) Department failure to timely implement an intentional program violation disqualification; or

(c) For households determined categorically eligible under WAC 388-49-180(1), department action or failure to act which resulted in the household's improper eligibility for public assistance, provided a claim can be calculated based on a change in net food stamp income and/or household size.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to preside over adjudicative proceedings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult nonhousehold member sufficiently aware of household circumstances designated, in writing, by the head of the

household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.

(10) "Boarder" means an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), or (c) who is a person:

(a) Paying reasonable compensation to the household for lodging and meals; or

(b) In foster care.

(11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone seventeen years of age or younger, and under parental control.

(14) "Collateral contact" means oral contact in person or by telephone with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means an enterprise offering meals and lodging for compensation with the intent of making a profit.

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

(17) "Dependent care deduction" means costs incurred by a household member for care provided by a nonhousehold member when the care is necessary for a household member to seek, accept, or continue employment, or attend training or education preparatory to employment.

(18) "Destitute household" means a household with a migrant or seasonal farmworker with little or no income at the time of application and in need of immediate food assistance.

(19) "Disabled person" means a person who meets one of the following criteria:

(a) Receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act;

(b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(c) Is a veteran:

(i) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or

(ii) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.

(d) Is a surviving:

(i) Spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or

(ii) Child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;

(e) A surviving spouse or child of a veteran and:

(i) Entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC; and

(ii) Has a disability considered permanent under section 221(i) of the Social Security Act.

(f) Receives disability retirement benefits from a federal, state, or local government agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(g) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:

(i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or

(ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.

(h) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.

(20) "Documentary evidence" means written confirmation of a household's circumstances.

(21) "Documentation" means the process of recording the source, date, and content of verifying information.

(22) "Elderly person" means a person sixty years of age or older.

(23) "Eligible food" means:

(a) For a homeless food stamp household, meals prepared and served by an authorized homeless meal provider; or

(b) For a blind or a disabled resident, meals prepared and served by a group living arrangement facility.

(24) "Entitlement" means the food stamp benefit a household received including a disqualified household member.

(25) "Equity value" means fair market value less encumbrances.

(26) "Expedited services" means providing food stamps within five calendar days to an eligible household which:

(a) Has liquid resources of one hundred dollars or less; and

(b) Has gross monthly income under one hundred fifty dollars; or

(c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:

(i) Standard utility allowance as set forth in WAC 388-49-505; or

(ii) Limited utility allowance; or

(iii) Actual utility costs, whichever is higher; or

(d) Includes all members who are homeless individuals; or

(e) Includes a destitute migrant or seasonal farmworker.

(27) "Fair hearing" means an adjudicative proceeding in which the department hears and decides an applicant/recipient's appeal from the department's action or decision.

(28) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.

(29) "Fleeing felon" means a person who is:

(a) Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the law of the place from which the person is fleeing; or

(b) Violating a condition of probation or parole imposed under a federal or state law as determined by an administrative body or court of competent jurisdiction.

(30) "Food coupon" means ((food stamps and the two terms are interchangeable)) any coupon, stamp, type of certificate, authorization card, cash or check issued in lieu of a coupon, or access device, including an electronic benefit transfer card or personal identification number.

~~((30))~~ (31) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.

~~((31))~~ (32) "Food stamp monthly reporting cycle" means the three-month reporting cycle consisting of the budget month, the process month, and the payment month.

~~((32))~~ (33) "Gross income eligibility standard" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.

~~((33))~~ (34) "Group living arrangement" means a public or private nonprofit residential setting which:

(a) Serves not more than sixteen blind or disabled residents as defined under WAC 388-49-020(19); and

(b) Is certified by the appropriate state agency under section 1616(e) of the Social Security Act.

~~((34))~~ (35) "Head of household" means the person designated by the household to be named on the case file, identification card, and FCA card.

~~((35))~~ (36) "Household employment representative" means:

(a) The household member selected as the head of household for employment and training purposes and voluntary quit provisions. Selection is limited to households with:

(i) An adult parent of children, of any age, living in the household; or

(ii) An adult who has parental control over children, under eighteen years of age, living in the household; or

(b) The principal wage earner if no selection is made by the household, or the household is not entitled to make a selection.

~~((36))~~ (37) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.

~~((37))~~ (38) "Homeless individual" means a person lacking a fixed and regular nighttime residence or a person whose primary nighttime residence is a:

(a) Supervised shelter designed to provide temporary accommodations;

(b) Halfway house or similar institution providing temporary residence for persons needing or coming out of institutionalization;

(c) Temporary accommodation in the residence of another person for not more than ninety days; or

(d) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

~~((38))~~ (39) "Homeless meal provider" means a public or private nonprofit establishment (for example, soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by the division of income assistance (DIA) and authorized by food and consumer service (FCS).

~~((39))~~ (40) "Household" means the basic client unit in the food stamp program.

~~((40))~~ (41) "Household disaster" means when food coupons, food purchased with food coupons, or food coupon

authorization cards are destroyed by a natural disaster, such as flood, fire, etc.

~~((41))~~ (42) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

~~((42))~~ (43) "Inadvertent household error overissuance" means any overissuance caused by either:

(a) Misunderstanding or unintended error by a household:

(i) Not determined categorically eligible under WAC 388-49-180(1); or

(ii) Determined categorically eligible under WAC 388-49-180(1) if a claim can be calculated based on a change in net food stamp income and/or household size; or

(b) Social Security Administration action or failure to take action which resulted in the household's categorical eligibility, if a claim can be calculated based on a change in net food stamp income and/or household size.

~~((43))~~ (44) "Ineligible household member" means the member excluded from the food stamp household because of:

(a) Disqualification for intentional program violation;

(b) Failure to apply for or provide a Social Security number;

(c) Failure to comply with work requirements as described under WAC 388-49-360;

(d) Status as an ineligible alien; or

(e) Failure to sign the application attesting to the member's citizenship or alien status.

~~((44))~~ (45) "Initial month" means:
(a) The first month for which a household is issued an allotment; or

(b) The first month for which a household is issued an allotment following any period when the household was not certified due to expired eligibility or termination during a certification period; or

(c) For migrant and seasonal farmworker households, the first month for which the household is issued an allotment when applying more than one calendar month after a prior certification ends.

(46) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

~~((45))~~ (47) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admittance to the course.

~~((46))~~ (48) "Intentional program violation" means intentionally:

(a) Making a false or misleading statement;

(b) Misrepresenting, concealing, or withholding facts; or

(c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

~~((47))~~ (49) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

~~((48))~~ (50) "Live-in attendant" means a person residing with a household to provide medical, housekeeping, child care, or other similar personal services.

~~((49))~~ (51) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:

(a) Income tax refunds,

(b) Rebates,

(c) Retroactive payments, and

(d) Insurance settlements.

~~((50))~~ (52) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

~~((51))~~ (53) "Migrant farmworker" means a person working in seasonal agricultural employment who is required to be absent overnight from the person's permanent residence.

~~((52))~~ (54) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

~~((53))~~ (55) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as a:

(a) Roomer;

(b) Live-in attendant;

(c) Ineligible student; or

(d) Person who does not purchase and prepare meals with the food stamp household except for persons described under WAC 388-49-190(2).

~~((54))~~ (56) "Nonstriker" means any person:

(a) Exempt from work registration the day before the strike for reasons other than their employment;

(b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;

(c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or

(d) Unable to work because workplace is closed to employees by employer in order to resist demands of employees, e.g., a lockout.

~~((55))~~ (57) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.

~~((56))~~ (58) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

~~((57))~~ (59) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

~~((58))~~ (60) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment is affected by information reported on the monthly report for the budget month.

~~((59))~~ (61) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

~~((60))~~ (62) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

~~((61))~~ (63) "Principal wage earner" means the household member with the greatest source of earned income in

the two months prior to the month of violation of employment and training and voluntary quit provisions, including members not required to register.

~~((62))~~ (64) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.

~~((63))~~ (65) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

~~((64))~~ (66) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the household and department are reasonably certain will be received during the month of issuance.

~~((65))~~ (67) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

~~((66))~~ (68) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

~~((67))~~ (69) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

~~((68))~~ (70) "Recent work history" means being employed and receiving earned income in one of the two months prior to the payment month.

~~((69))~~ (71) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

~~((70))~~ (72) "Resident of an institution" means a person residing in an institution that provides the person with the majority of meals as part of the institution's normal service.

~~((71))~~ (73) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.

~~((72))~~ (74) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

~~((73))~~ (75) "Roomer" means a person to whom a household furnishes lodging, but not meals, for compensation.

~~((74))~~ (76) "Seasonal farmworker" means a person working in seasonal agricultural employment who is not required to be absent overnight from the person's permanent residence.

~~((75))~~ (77) "Shelter costs" means:

- (a) Rent or mortgage payments plus taxes on a dwelling and property;
- (b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;
- (c) Assessments;
- (d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;
- (e) Standard basic telephone allowance;
- (f) Initial installation fees for utility services; and
- (g) Continuing charges leading to shelter ownership such as loan repayments for the purchase of a mobile home including interest on such payments.

~~((76))~~ (78) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

~~((77))~~ (79) "Sibling" means a natural or an adopted brother, sister, half brother, half sister, or stepbrother or step sister.

~~((78))~~ (80) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

~~((79))~~ (81) "Sponsored alien" means an alien lawfully admitted for permanent residence who has an affidavit of support or similar agreement executed by a person on behalf of the alien as a condition of the alien's admission into the United States as a permanent resident.

~~((80))~~ (82) "Spouse" means:

- (a) Married under applicable state law; or
- (b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

~~((81))~~ (83) "Striker" means any person:

- (a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or
- (b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

~~((82))~~ (84) "Student" means any person:

- (a) At least eighteen but less than fifty years of age;
- (b) Physically and mentally fit for employment; and
- (c) Enrolled at least half time in an institution of higher education.

~~((83))~~ (85) "Systematic alien verification for entitlements (SAVE)" means the immigration and naturalization service (INS) program whereby the department may verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file.

~~((84))~~ (86) "Temporary disability" means a nonpermanent physical illness or injury that incapacitates beyond the initial issuance month.

~~((85))~~ (87) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

~~((86))~~ (88) "Under parental control" means living with any adult other than the parent. A person is not under parental control when that person is:

- (a) Receiving an AFDC grant as the person's own payee;
- (b) Receiving, as the person's own payee, gross income equal to, or exceeding, the AFDC grant payment standard as described under WAC 388-250-1400(2);
- (c) Married and living with a spouse; or
- (d) Living with the person's own child.

~~((87))~~ (89) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

~~((88))~~ (90) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

(a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

((89)) (91) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

WSR 96-20-014
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 20, 1996, 1:12 p.m., effective September 21, 1996]

Date of Adoption: September 19, 1996.

Purpose: Incorporate portions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 related to disclosure of food stamp program case record information.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-015 General provisions.

Statutory Authority for Adoption: RCW 74.04.510.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Implementation due thirty days from enactment September 22, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 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: September 21, 1996.

September 19, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3809, filed 11/23/94, effective 1/1/95)

WAC 388-49-015 General provisions. (1) The rules in this chapter are for the purpose of administering the food stamp program. Rules and definitions in other chapters of

Title 388 of the Washington Administrative Code do not apply to provisions of this chapter unless specifically identified.

(2) The department of social and health services shall administer the food stamp program in accordance with an approved plan with the food and nutrition service (FNS) of the United States Department of Agriculture.

(3) The department shall comply with all FNS directives to reduce, suspend, or terminate all or any portion of the food stamp program.

(4) During a presidential or FNS-declared disaster, the department shall certify affected households in accordance with FNS instructions.

(5) The department shall retain:

(a) Food stamp case records for three years from the month of closure of each record; and

(b) Fiscal and accountable documents for three years from the date of fiscal or administrative closure.

(6) The department shall not discriminate against any applicant or participant in any aspect of program administration for reason of:

(a) Age;

(b) Race;

(c) Color;

(d) Sex;

(e) Handicap;

(f) Religious creed;

(g) Political beliefs; or

(h) National origin.

(7) The department shall display nondiscrimination posters provided by FNS in all offices administering the food stamp program.

(8) The department shall fully translate into the primary language of the limited English proficient applicants and recipients:

(a) Written notices of denial, termination, or reduction of benefits; and

(b) Written requests for additional information.

(9) A person believing the person has been subject to discrimination may file a written complaint with the:

(a) Food and nutrition service; or

(b) State office for equal opportunity.

(10) The department shall restrict use or disclosure of information obtained from applying or participating households to:

(a) A person directly connected with the administration or enforcement of the provisions of:

(i) The Food Stamp Act or regulations;

(ii) Other federal assistance programs; or

(iii) Federally assisted state programs providing assistance on a means-tested basis to a low-income person; and
(iv) Child support program under Title IV-D of the Social Security Act.

(b) An employee of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law; and

(c) A local, state, or federal law enforcement official, upon written request, for the purpose of investigating an alleged violation of the Food Stamp Act or regulations. The written request shall include the:

(i) Identity of the person requesting the information;

(ii) Authority of the person to make the request;

(iii) Violation being investigated; and
 (iv) Identity of the person about whom the information is requested.

(d) A local, state, or federal law enforcement officer, upon written request, when the request:

(i) Identifies the requestor, authority to make the request, and household member; and

(ii) Clearly states that the request is being made in the proper exercise of an official duty; and

(iii) Clearly states that locating or apprehending the household member is an official duty; and

(iv) Clearly states that the household member is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime that is a felony under the law of the place the person is fleeing, or is violating a condition of probation or parole imposed under a federal or state law as determined by an administrative body or court of competent jurisdiction; or

(v) Clearly states that the household member has information necessary for the officer to conduct an official duty related to the circumstances described in (d)(iv) of this subsection; and

(vi) Limits the requested information to the address, Social Security Number, and, if available, photograph of the household member.

(11) The department shall make the household's case file available to the household or household's representative for inspection during regular office hours as provided in chapter 388-320 WAC.

(12) The department shall make the following program information available to the public upon request during regular office hours:

(a) Federal regulations, federal procedures in FNS notices and policy memos, and the state plan of operation at the state office; and

(b) Washington Administrative Code and the *Food Stamp Procedures Manual* at the local office.

(13) The coupon allotment provided any eligible household shall not be considered income or resources for any purpose under any federal, state, or local laws.

(14) The department shall not permit a volunteer or other person not an employee of the department to conduct a certification interview or certify a food stamp applicant except:

(a) During a presidential or FNS-declared disaster; or

(b) A Social Security Administration (SSA) employee for a Supplemental Security Income (SSI) household as provided in WAC 388-49-040.

(15) The office of special investigation of the department, designated as the state law enforcement bureau, shall enter into an agreement with FNS to issue food stamps to state and local law enforcement agencies for the purpose of law enforcement and investigative activities.

(16) Redemption of food stamps shall be in accordance with 7 United States Code (USC) 2024 and 7 Code of Federal Regulations (CFR) 278.

(17) Misuse of food stamps issued under WAC 388-49-015(16) shall be a violation of RCW 9.91.140.

(18) The provisions of Title 18 of the United States Code, "Crimes and Criminal Procedures," relative to counterfeiting, misuse, and alteration of obligations of the United States are applicable to food coupons.

(19) The department shall offer voter registration assistance to clients during face-to-face interviews at:

(a) Application;

(b) Eligibility review or recertification; and

(c) Change of address.

WSR 96-20-016

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed September 20, 1996, 1:15 p.m., effective September 21, 1996]

Date of Adoption: September 19, 1996.

Purpose: WAC 388-49-190 Household concept. (1) Children ages twenty-one years and younger living with a parent must be one household for food stamp benefits. (2) Fleeing felons are ineligible for food stamp benefits.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-190.

Statutory Authority for Adoption: RCW 74.04.510 and Public Law 104-193.

Other Authority: Sections 803 and 821 of the Personal Responsibility and Work Opportunity Reconciliation Act 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: Mandated by Public Law 104-193.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 21, 1996.

September 19, 1996

Merry A. Kogut, Supervisor
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3854, filed 5/24/95, effective 6/24/95)

WAC 388-49-190 Household concept. (1) The department shall consider the following as households:

(a) A person living alone;

(b) Persons living together and purchasing or preparing meals together; or

(c) A permanently disabled and elderly person unable to prepare meals provided the:

(i) Person's spouse shall be included in the household; and

(ii) Income of other individuals, except the person's spouse, living with the person does not exceed one hundred sixty-five percent of the poverty level.

(2) The department shall consider the following as households regardless of the purchase and prepare arrangements:

(a) Parents and their natural, adoptive, or stepchildren twenty-one years of age or younger (~~except for the children who~~

~~(i) Purchase and prepare meals separate from the parents; and~~

~~(ii) Live with a spouse; or~~

~~(iii) Live with their own child).~~

(b) Person seventeen years of age or younger under parental control of an adult other than their parent, and the adult who is maintaining the control; or

(c) Spouses who live together.

(3) The department shall consider the following persons living with the household as nonhousehold members who, if otherwise eligible, may qualify as a separate household:

(a) Roomers;

(b) Live-in attendants; or

(c) Persons sharing living quarters with the household who purchase food and prepare meals separately from the household.

(4) The department shall consider the following persons living with the household as ineligible household members:

(a) Persons disqualified for intentional program violation;

(b) Persons disqualified because of noncompliance with work requirements as described under WAC 388-49-360;

(c) Persons who are ineligible aliens;

(d) Persons disqualified for failure to apply for or provide a Social Security number; (~~(e)~~)

(e) Persons who fail to sign the application attesting to their citizenship or alien status; or

(f) Fleeing felons.

WSR 96-20-022
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 20, 1996, 1:24 p.m., effective October 1, 1996]

Date of Adoption: September 16, 1996.

Purpose: Increase food stamp program vehicle resource limit from \$4,600 to \$4,650 effective October 1, 1996.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-430.

Statutory Authority for Adoption: RCW 74.04.510.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Failure to implement October 1, 1996, would violate federal statute and receive an indefeasible compliance issue.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 1, 1996.

September 16, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3920, filed 11/22/95, effective 12/23/95)

WAC 388-49-430 Resources—Vehicles. (1) The department shall exclude the entire value of a licensed vehicle even during periods of temporary unemployment if the vehicle is:

(a) Used for income-producing purposes over fifty percent of the time the vehicle is in use. A vehicle excluded under this provision because the vehicle is used by a self-employed farmer or fisherman retains its exclusion for one year from the date the household member terminates self-employment from farming or fishing;

(b) Annually producing income consistent with its fair market value;

(c) Necessary for long distance travel, other than daily commuting, that is essential to the employment of a household member, ineligible alien, or disqualified person whose resources are considered available to the household;

(d) Necessary for subsistence hunting or fishing;

(e) Used as the household's home;

(f) Used to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household; or

(g) Necessary to transport a temporarily or permanently physically disabled:

(i) Household member;

(ii) Ineligible alien whose resources are available to the household; or

(iii) Disqualified person whose resources are available to the household.

The exclusion is limited to one vehicle per physically disabled person.

(2) The department shall count the equity value of an unlicensed vehicle even during periods of temporary unemployment unless the vehicle is:

(a) Annually producing income consistent with its fair market value (FMV) even if only used on a seasonal basis; or

(b) Work-related equipment necessary for employment or self-employment of a household member.

(3) The department shall consider unlicensed vehicles the same as licensed vehicles if the vehicles are driven by Indian tribal members on those reservations not requiring vehicle licensing.

(4) The department shall count toward the household's resource maximum either the FMV in excess of four thousand six hundred dollars or the equity value of licensed vehicles, whichever is greater. Except, the department shall only count the FMV in excess of four thousand six hundred fifty dollars for the following vehicles:

(a) One licensed vehicle per household regardless of the vehicle's use; and

(b) Any other licensed vehicle used for:

(i) Transportation to and from employment;

(ii) Seeking employment; or

(iii) Transportation for training or education.

(5) The department shall determine the FMV using vehicles listed in publications written for the purpose of providing guidance to automobile dealers and loan companies.

WSR 96-20-023
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 20, 1996, 1:26 p.m., effective October 1, 1996]

Date of Adoption: September 16, 1996.

Purpose: To adjust the food stamp program thrifty food plan (TFP) in response to new federal legislation.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-550 Monthly allotments.

Statutory Authority for Adoption: RCW 74.04.510.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: To comply with the Personal Responsibility and Work Opportunity Act of 1996 (Public Law 104-193).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making:

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 1, 1996.

September 16, 1996

Merry A. Kogut, Supervisor

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3909, filed 10/11/95, effective 11/11/95)

WAC 388-49-550 Monthly allotments. (1) The department shall determine the value of the allotment a household receives.

(2) The monthly allotment shall equal the thrifty food plan (TFP) for the household size reduced by thirty percent of the household's net income. The department shall use the monthly allotment standards as established by the food and nutrition service.

<u>Household Size</u>	<u>Thrifty Food Plan</u>
1	\$ (119) 120
2	(218) 220
3	(313) 315
4	(397) 400
5	(472) 475
6	(566) 570
7	(626) 630
8	(716) 720
9	(806) 810
10	(896) 900
Each additional member	+ 90

(3) The department shall issue to households, except for households as specified in subsection (4) of this section, a prorated coupon allotment for the number of days remaining from the date of application to the end of the initial month of eligibility.

(a) The department shall base the allotment on a thirty-day month.

(b) The department shall not issue an allotment for less than ten dollars.

(4) The department shall issue a full month ~~(two)~~ allotment to eligible migrant and seasonal farmworker households applying within one calendar month ~~(of)~~ after a prior certification ~~(period)~~ ends.

(5) The department shall determine the value of the monthly allotment a household receives by:

(a) Multiplying the household's net monthly income by thirty percent;

(b) Rounding the product up to the next whole dollar if it ends with one through ninety-nine cents; and

(c) Subtracting the result from the thrifty food plan for the appropriate household size.

(6) One- and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month when the department shall not issue an allotment for less than ten dollars.

(7) The department shall issue an identification card to each certified household.

EMERGENCY

WSR 96-20-024
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed September 20, 1996, 1:27 p.m., effective October 1, 1996]

Date of Adoption: September 16, 1996.

Purpose: Federal regulations require annual update of income eligibility standards. These standards are used for determination of food stamp eligibility starting October 1, 1996, benefits.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-510.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: 7 CFR 273.9(a).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: 7 CFR 273.9(a) requires annual update effective October 1, 1996. Federal determination of new income eligibility standards was completed mid-August 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 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 1, 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: October 1, 1996.

September 16, 1996

Merry A. Kogut, Supervisor
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3907, filed 10/11/95, effective 11/11/95)

WAC 388-49-510 Income eligibility standards. (1) Categorically eligible households, as described in WAC 388-49-180, are not subject to the provisions of this section.

(2) The department shall determine eligibility on the basis of gross income and net food stamp income except for households in subsection (3) of this section.

(3) The department shall determine eligibility on the basis of net food stamp income for households containing an elderly or disabled member.

(4) The gross and net monthly maximum income standards as established by the department of agriculture are as follows:

Gross Monthly Income Standard	
Household Size	Maximum Standard
1	\$ ((810)) <u>839</u>
2	((1,087)) <u>1,123</u>
3	((1,364)) <u>1,407</u>
4	((1,642)) <u>1,690</u>
5	((1,919)) <u>1,974</u>
6	((2,196)) <u>2,258</u>
7	((2,474)) <u>2,542</u>
8	((2,751)) <u>2,826</u>
9	((3,029)) <u>3,110</u>
10	((3,307)) <u>3,394</u>
Each additional person	+ ((278)) <u>284</u>

Net Monthly Income Standard	
Household Size	Maximum Standard
1	\$ ((623)) <u>645</u>
2	((836)) <u>864</u>
3	((1,050)) <u>1,082</u>
4	((1,263)) <u>1,300</u>
5	((1,476)) <u>1,519</u>
6	((1,690)) <u>1,737</u>
7	((1,903)) <u>1,955</u>
8	((2,116)) <u>2,174</u>
9	((2,330)) <u>2,393</u>
10	((2,544)) <u>2,612</u>
Each additional person	+ ((214)) <u>219</u>

WSR 96-20-025
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed September 20, 1996, 1:28 p.m., effective October 1, 1996]

Date of Adoption: September 16, 1996.

Purpose: Food stamp program utility allowances are reviewed and updated to reflect current costs. These allowances are used as income deductions to calculate food stamp benefits.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-505 Utility allowances.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: 7 CFR 273.9 (d)(6)(v) and (vi).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: 7 CFR 273.9 (d)(6)(v) and (vi) require annual federal review and approval of utility allowances. That review and approval were received in early August 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

EMERGENCY

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: October 1, 1996.

September 16, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3907, filed 10/11/95, effective 11/11/95)

WAC 388-49-505 Utility allowances. (1) The department shall:

(a) Establish the following utility allowances for use in calculating shelter costs:

(i) A standard utility allowance for households incurring any separate utility charges for heating or cooling costs;

(ii) A limited utility allowance for households, without heating or cooling costs, incurring any separate utility charges other than telephone costs; and

(iii) A telephone allowance for households incurring separate charges for phone service and not claiming the standard or limited utility allowance.

(b) Obtain food and consumer service approval of the methodology used to establish utility allowances.

(2) The standard utility allowance shall be two hundred twenty dollars.

(3) The limited utility allowance shall be one hundred ((fifty-six)) sixty-two dollars.

(4) The telephone allowance shall be twenty-nine dollars.

WSR 96-20-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 96-161—Filed September 20, 1996, 4:06 p.m., effective September 20, 1996, 11:59 p.m.]

Date of Adoption: September 18, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19100T.

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: It is estimated that the management guideline of 50,000 coho for Areas 5 and 6 will have been taken by September 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 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: September 20, 1996, 11:59 p.m.
September 18, 1996

Bern Shanks
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 pm September 20, 1996:

WAC 220-56-19100T Puget Sound salmon - Saltwater seasons and daily catch limits

WSR 96-20-033
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 96-163—Filed September 20, 1996, 4:10 p.m., effective September 22, 1996, 12:01 a.m.]

Date of Adoption: September 20, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-702.

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: Opening in Area 7B provides opportunity to harvest the non-Indian allocation of coho salmon destined for the Nooksack-Samish region of origin per preseason schedule. Gillnet mesh restriction and purse seine release requirement, and in-season area restriction are necessary to reduce chinook impacts relative to nontreaty allocation requirements at the preseason run size forecast.

Openings in Area 9A provides opportunity to harvest the nontreaty allocation of Hood Canal hatchery-origin coho salmon according to the preseason schedule.

Openings in Area 12A provide opportunity to harvest the nontreaty allocation of hatchery-origin coho destined for the Quilcene National Fish Hatchery per preseason agree-

EMERGENCY

ments. Experimental fishery permits will be issued to five persons according to the provisions of WAC 220-47-427. Beach seine gear specifications are defined in WAC 220-47-427(6).

All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

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: September 22, 1996, 12:01 a.m. September 20, 1996

Evan Jacoby
for Bern Shanks
Director

6:00 a.m. Monday October 28 to 4:00 p.m. Friday November 1, 1996.

- * **Area 12A** - Holders of Quilcene Bay salmon beach seine Experimental Fishery Permits may fish 7:00 a.m. to 7:00 p.m. daily:
Monday September 23, 1996 through Friday September 27, 1996,
Monday September 30, 1996 through Friday October 4, 1996,
Monday October 7, 1996 through Friday October 11, 1996.
All provisions of WAC 220-47-427 apply.

- * **Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8, 8A, 8D, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K**, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-702 Puget Sound all-citizen commercial salmon fishery. (96-155)

NEW SECTION

WAC 220-47-703 Puget Sound-all citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday September 22, 1996 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **Area 7B** - Gill nets using 5-inch minimum, 6-inch maximum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Sunday September 15 through 11:59 p.m. Saturday October 26, 1996. Purse seines are required to release all chinook salmon until 11:59 p.m. Saturday September 28, 1996. In addition to the exclusion zones listed in WAC 220-47-307, area 7B is closed south of a line projected from Governors Point to the most northerly Point on Vendovi Island until 11:59 p.m. Saturday September 28, 1996.
- * **Area 9A** - Gillnets using 5-inch minimum mesh may fish:
6:00 a.m. Monday September 23 to 4:00 p.m. Friday September 27, 1996,
6:00 a.m. Monday September 30 to 4:00 p.m. Friday October 4, 1996,
6:00 a.m. Monday October 7 to 4:00 p.m. Friday October 11, 1996,
6:00 a.m. Monday October 14 to 4:00 p.m. Friday October 18, 1996,
6:00 a.m. Monday October 21 to 4:00 p.m. Friday October 25, 1996,

**WSR 96-20-034
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 96-156—Filed September 20, 1996, 4:12 p.m.]

Date of Adoption: September 13, 1996.

Purpose: Commercial fishing regulations.

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: Interim emergency rule will be effective until permanent rule takes effect on October 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 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.

September 18, 1996

Bern Shanks

Director

NEW SECTION

WAC 220-47-42700A 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 or the applicant wishes not to be a participant, 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 purposes 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 no smaller than 210/30d nylon, 12 thread cotton, or the equivalent diameter in any other material.

WSR 96-20-035

EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE (Fisheries)

[Order 96-162—Filed September 20, 1996, 5:12 p.m.]

Date of Adoption: September 20, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100W; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are available. This season is consistent with the 1996 Fall Management Agreement and requirements of the Endangered Species Act.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

September 20, 1996

Dave Brittell

for Bern Shanks

Director

EMERGENCY

NEW SECTION

WAC 220-32-05100W Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051, WAC 220-32-052, WAC 220-32-053, WAC 220-32-056, WAC 220-32-057, and WAC 220-32-058, effective immediately it is unlawful for a person to take or possess salmon, shad or sturgeon for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas (SMCRA) 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open for salmon and shad: 6:00 a.m., Monday, September 23 to 6:00 p.m., Saturday, September 28, 1996.

(b) Sturgeon - It shall be lawful to retain sturgeon for subsistence purposes only. It shall be unlawful to retain sturgeon less than 36" or greater than 72" in length. All sales of sturgeon are prohibited.

(c) Open Area: SMCRA 1F, 1G and 1H, except closed below the Hood River Bridge in SMCRA 1F.

(d) Mesh: No mesh restriction

(2) Notwithstanding the provisions of WAC 220-32-058, closed areas at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between point one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia river between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(I) Spring Creek is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half miles downstream from the western shoreline of the mouth of Spring Creek.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

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 6:01 p.m., Saturday, September 28, 1996:

WAC 220-32-05100W Columbia River salmon seasons above Bonneville. (96-162)

**WSR 96-20-049
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 96-165—Filed September 24, 1996, 4:09 p.m.]

Date of Adoption: September 24, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-88A-08000F; 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) Pandalid shrimp under Subproceeding 89-3 of United States v. Washington provides for regional harvest shares. An additional 20,000 pounds in Area 22A is available for harvest by the non-Indian beam trawl fishery.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

September 24, 1996

Dirk Brazil
Deputy Director
for Bern Shanks
Director

NEW SECTION

WAC 220-88A-08000G Emerging commercial fishery-Puget Sound shrimp trawl experimental fishery-Seasons and gear. Notwithstanding the provisions of WAC 220-88A-080, effective immediately until further notice, it is lawful to fish for or possess shrimp taken for commercial purposes in Puget Sound using shellfish beam trawl gear in the following area:

(1) Area 22A outside of Shrimp District 2 and outside of San Juan Channel open until further notice. San Juan Channel is that portion of Marine Fish/Shellfish Catch Area 22A north of a line projected true east west through Turn Rock Light from San Juan Island to Lopez Island, west of a line projected true north and south from the western tip of Crane Island, and south of the southern boundary of Marine Fish/Shellfish Catch Area 20B.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-88A-08000F Emerging commercial fishery-Puget Sound shrimp trawl experimental fishery-Seasons and gear.

**WSR 96-20-055
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services)
(Public Assistance)**

[Filed September 25, 1996, 4:35 p.m.]

Date of Adoption: September 25, 1996.

Purpose: Consider as income, for food stamp program purposes (a) state-defined energy allowances in AFDC, continuing general assistance grants; and (b) earned income of those eighteen and older attending elementary or secondary school at least half time.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-470.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: Sections 807 and 808 of HR 3734.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Sections 807 and 808 of HR 3734 must be implemented thirty days after enactment.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

September 25, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3802, filed 10/26/94, effective 1/1/95)

WAC 388-49-470 Income—Exclusions. (1) The department shall exclude the following income:

(a) Money withheld from an income source to repay a prior overpayment from that same income source except for money withheld to recoup an intentional noncompliance overpayment from a federal, state, or local means-tested program;

(b) Income specifically excluded by any federal statute from consideration as income in the food stamp program;

(c) The earned income of household members who are:

(i) ~~((Twenty-one))~~ Seventeen years of age or under; and

(ii) Attending elementary or secondary school at least half time.

EMERGENCY

(d) Infrequent or irregular income, received during a three-month period by a prospectively budgeted household, that:

- (i) Cannot be reasonably anticipated as available; and
- (ii) Shall not exceed thirty dollars for all household members.

(e) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred;

(f) Nonrecurring lump sum payments;

(g) Income used for the cost of producing self-employment income;

(h) Educational assistance financed in whole or in part with Title IV funds or issued by the Bureau of Indian Affairs;

(i) Educational assistance to the extent such assistance is earmarked by the school or actually paid by the student for the following educational expenses:

(i) Tuition;

(ii) Mandatory fees, including rental or purchase of equipment, materials, and supplies related to pursuing the course of study;

(iii) Books;

(iv) Supplies;

(v) Transportation; and

(vi) Miscellaneous personal expenses.

(j) Reimbursements for past or future expenses to the extent the reimbursements do not:

(i) Exceed the actual expense; and

(ii) Represent a gain or benefit to the household.

(k) Any gain or benefit not in money;

(l) Vendor payments as defined in WAC 388-49-020;

(m) Money received and used for the care and maintenance of a third-party beneficiary who is not a household member;

(n) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs;

(o) Energy allowances included in ~~((AFDC, continuing general assistance, and))~~ refugee assistance grants.

((Number in Grant	Energy
Assistance Unit	Exclusion

1	\$ 55
2	71
3	86
4	102
5	117
6	133
7	154
8 or more	170))

(p) Support payments owed to a household member, but specified by the support court order or other legally binding written support or alimony agreement to go directly to a third-party beneficiary rather than to the household;

(q) Support payments on behalf of a household member, not required by the support court order or other legally binding written support or alimony agreement and paid directly to a third party rather than to the household;

(r) Payments from the individual and family grant program;

(s) Public assistance payments:

(i) Over and above the regular warrant amount;

(ii) Not normally a part of the regular warrant; and

(iii) Paid directly to a third party on behalf of the household.

(t) From Jobs Training Partnership Act programs:

(i) Allowances; and

(ii) Earnings from on-the-job training by household members under parental control and eighteen years of age and younger.

(u) Cash donations based on need:

(i) Received directly by the household;

(ii) From one or more private, nonprofit, charitable organizations; and

(iii) Not exceeding three hundred dollars in any federal fiscal year quarter.

(v) Earned income credit;

(w) Governmental foster care payments received by households with foster care individuals who are considered to be boarders under WAC 388-49-020(10).

(2) When earnings or amount of work performed by a household member described in subsection (1)(c) of this section, cannot be differentiated from the earnings or work performed by other household members, the department shall:

(a) Prorate the earnings equally among the working members; and

(b) Exclude the household member's pro rata share.

(3) When the intended beneficiaries of a single payment for care and maintenance of a third-party beneficiary include both household members and persons not in the household, the department shall exclude:

(a) Any identifiable portion intended and used for the care and maintenance of the person out of the household; or

(b) The lesser of:

(i) The actual amount used from a single payment for the care of a person outside the household; or

(ii) A pro rata share of the single payment when the single payment does not identify the portion intended for the care of the person outside the household.

WSR 96-20-057
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services)
(Public Assistance)

[Filed September 25, 1996, 4:40 p.m.]

Date of Adoption: September 25, 1996.

Purpose: Limits food stamp program eligibility to noncitizens who are (a) refugees, asylees, and aliens with deportation withheld (for five years from date of entry, grant of asylum or withholding of deportation date); (b) permanent resident aliens (admitted under INA) with forty qualifying work quarters who did not receive any federal means-tested benefits during any qualifying work quarter after December 31, 1996; or (c) veterans and active-duty military, lawfully residing in the United States, plus spouse and unmarried dependent child.

EMERGENCY

Citation of Existing Rules Affected by this Order:
Amending WAC 388-49-310.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: Section 402 of HR 3734.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Section 402 of HR 3734 must be implemented thirty days after enactment.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Immediately.

September 25, 1996

Merry A. Kogut, Supervisor

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3409, filed 6/23/92, effective 7/24/92)

WAC 388-49-310 Citizenship and alien status. (1)

The department shall require applicants to sign the application attesting to their citizenship or alien status as described under WAC 388-49-030(6).

(2) The department shall consider applicants (~~(failing)~~) and current recipients as of the date of their next certification who fail to meet the requirements of subsections (1) and (3) of this section as ineligible household members under WAC 388-49-190(4), 388-49-420(5), and 388-49-480(2).

(3) The department shall consider the following persons residing in the United States eligible for participation in the food stamp program:

(a) A United States citizen; (~~(or)~~)

(b) An alien lawfully admitted for permanent residence (~~(or)~~) under the Immigration and Nationality Act who has worked forty qualifying quarters of coverage as defined under Title II of the Social Security Act or can be credited with such qualifying quarters.

(i) An alien can be credited for each qualifying quarter worked by a:

(A) Parent while the alien was under age eighteen, or

(B) Spouse during their marriage if the alien remains married to the spouse or the spouse is deceased.

(ii) Beginning January 1, 1997, any quarter in which the alien received any federal means-tested public benefit is not counted as a qualifying quarter.

(iii) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant has forty qualifying quarters of coverage when:

(A) The applicant cannot produce acceptable verification of forty qualifying quarters of coverage; and

(B) The applicant can reasonably explain why the verification is not available.

(c) An alien, who is a qualified alien as defined under section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the spouse or unmarried dependent child of the alien, lawfully residing in the United States, who is:

(i) (~~Entered the United States before January 1, 1972, or some later date as required by law; and~~) A veteran, as defined in section 101 of Title 38, United States Code, with a discharge characterized as an honorable discharge and not on account of alienage;

(ii) (~~Has continuously maintained residency in the United States since then; and~~

(iii) ~~Is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the attorney general under section 249 of the Immigration and Nationality Act~~) On active duty, other than active duty for training, in the Armed Forces of the United States.

(d) An alien (~~who qualified for entry after March 17, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion under sections 203 (a)(7), 207, and 208 of the Immigration and Nationality Act; or~~) admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act until five years after the date of such admission as a refugee;

(e) An alien (~~qualified for conditional entry before March 18, 1980, under former section 203 (a)(7) of the Immigration and Nationality Act; or~~

(~~f~~) An alien) granted asylum (~~(through an exercise of discretion by the attorney general)~~) under section 208 of the Immigration and Nationality Act until five years after the date of granting such status; or

(~~g~~) An alien lawfully present in the United States as a result of:

(i) An exercise of discretion by the attorney general for emergent reasons or reasons deemed strictly in the public interest under section 212 (d)(5) of the Immigration and Nationality Act; or

(ii) A grant of parole by the attorney general.

(~~h~~) (~~f~~) An alien living (~~(within)~~) in the United States (~~(for whom the attorney general withheld)~~) whose deportation (~~(s)~~) is withheld under section 243(h) of the Immigration and Nationality Act (~~(because the attorney general judges the alien is subject to persecution because of race, religion, or political opinion; or~~

(i) An alien having temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act; or

(j) An aged, blind, or disabled alien admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act; or

(k) An alien who is not aged, blind, or disabled admitted under section 245A of the Immigration and Nationality Act when:

(i) Permanent status has been gained; and

~~(ii) A five year period has expired from date lawfully admitted:~~

~~(i) An alien who is:~~

~~(i) Granted family unity status by the immigration and naturalization service; and~~

~~(ii) Whose newly legalized alien spouse or parent is eligible to participate in the food stamp program)) until five years after the date such deportation is withheld.~~

(4) The household shall provide verification when:

(a) Citizenship is questionable; or

(b) One or more of its members are aliens.

(i) The department shall not contact the immigration and naturalization service to obtain information without the alien's written consent.

(ii) The department shall give the household failing to provide verification the option of:

(A) Withdrawing the application; or

(B) Participating without the alien member.

(5) An applicant shall be ineligible until:

(a) Questionable citizenship is verified; or

(b) Lawful alien status is verified.

(6) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant is a United States citizen when:

(a) The applicant cannot produce acceptable citizenship verification; and

(b) The household can reasonably explain why the verification is not available.

(7) The department shall notify immigration and naturalization services when any household member is ineligible because that person is present in the United States in violation of a known deportation order of the Immigration and Nationality Act.

(8) Lawfully admitted aliens who are ineligible include:

(a) Alien visitors;

(b) Tourists;

(c) Diplomats; ~~(and)~~

(d) Students with temporary status; and

(e) Aliens not identified in subsection (3) of this section as eligible for participation in the food stamp program.

WSR 96-20-064
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 96-166—Filed September 27, 1996, 4:45 p.m., effective October 1, 1996]

Date of Adoption: September 27, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-57A-17500D; 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 indicates that harvestable numbers of coho salmon are available and there is a nontreaty 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: October 1, 1996.

September 27, 1996

Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-57A-17500D Lake Washington Notwithstanding the provisions of WAC 220-57A-175, effective October 1, 1996 through November 30, 1996 it is unlawful to take, fish for or possess salmon taken by angling for personal use from Lake Washington except as provided for in this section:

(1) The waters of Lake Washington north of the Evergreen Point Floating bridge (Highway 520) including waters east of the concrete abutment on the east side of the Montlake Bridge are open for salmon angling.

(2) The daily catch limit is 2 coho salmon. All chinook and sockeye salmon must be released immediately.

(3) Salmon angling is prohibited daily from one hour after official sunset until one hour before official sunrise.

REPEALER

The following section of the Washington Administrative Code is repealed effective one hour after official sunset November 30, 1996:

WAC 220-57A-17500D Lake Washington.

WSR 96-20-065
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 96-167—Filed September 27, 1996, 4:47 p.m., effective October 1, 1996, 8:00 a.m.]

Date of Adoption: September 27, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-040 and 220-52-046.

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 closures in WAC 220-52-04600P are necessitated by federal court order. The state may not authorize commercial shellfish harvests absent agreed planning or compliance with a process. For Areas 26B, 26C, and 26D there is no agreement to commercial non-Indian crabbing and therefore it must remain closed until compliance with federal court orders or until an agreed plan addresses the area. For other areas in this emergency order, agreed plans with applicable tribes have been entered as required by the court order. Such plans have the effect of a federal court order. 898 F. Supp 1453, 1466, 3.1. Pursuant to RCW 34.04.350 [34.05.350], the need to comply with such federal court orders in the form of allocative management plans constitutes an emergency that requires bypassing the time periods inherent in permanent rule making. Failure to comply with such plans may result in contempt of federal court or failure of all commercial crab fishing in a given region addressed by a plan.

WAC 220-52-04000B will allow groundlines to continue to be used, has industry support, and will improve Washington Department of Fish and Wildlife's ability to enforce pot limits. Because groundlines are often used in areas of heavy marine traffic, this configuration will make the gear more visible and less likely to be damaged and/or lost. The buoy brand certificate program is very costly to administer and is no longer considered an effective method to help ensure shellfish pot limit compliance.

WAC 220-52-04600Q is needed to provide for an orderly fishery. Implementation of the crab management plan has caused resentment between competing user groups, and gear molestation has been reported. Restricting harvest activities to daylight hours will reduce the gear molestation and stabilize the fishery.

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 3, 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: October 1, 1996, 8:00 a.m.

September 27, 1996

Evan Jacoby
for Bern Shanks
Director

NEW SECTION

WAC 220-52-04000B Crab fishery—Lawful and unlawful. Notwithstanding the provisions of WAC 220-20-010 and WAC 220-52-040, effective October 1, 1996 until further notice:

(1) It is unlawful for any person to take or fish for Dungeness crabs for commercial purposes in the Puget Sound licensing district with more than 20 pots per groundline, and it shall be unlawful to use or operate a groundline unless such gear meets the following requirements:

(a) A buoy, staff, flag and radar reflector must be attached at each end of the groundline;

(b) Flags attached at each end of the groundline must be orange in color;

(c) Buoys attached at each end of the groundline must be marked in a visible and legible manner with the Department of Fish and Wildlife approved and registered buoy brand issued to the license;

(d) Buoys attached at each end of the groundline must be marked with the number of pots attached to the groundline;

(e) Staffs with attached flags at each end of the groundline must be at least four feet above the water surface.

(2) A current Puget Sound crab pot/buoy brand certificate is not required to fish for Dungeness crab in Puget Sound.

NEW SECTION

WAC 220-52-04600P Crab fishery—Seasons, areas and gear restrictions. Notwithstanding the provisions of WAC 220-52-046, it is unlawful to fish for Dungeness crab for commercial purposes in Puget Sound except during the times and in the areas provided for in this section.

(1) All Puget Sound Marine Fish/Shellfish Management and Catch Reporting Areas are open beginning 8:00 a.m. October 1, 1996 until further notice except Areas 25C, 27A, 27B, 27C, 28A, 28B, 28C, and 28D and the closures provided for in this section.

(2) The following areas are closed to non-Indian commercial crab fishing:

(a) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 20A between a line from the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the western boundary of Birch Bay State Park to Birch Point are closed through November 7, 1996.

(b) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from the entrance buoy at Sandy Point to Gooseberry Point.

(c) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder at Point Francis to the pilings at Stevie's Point.

(d) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24A east of lines projected north from the most westerly tip of Skagit Island and south to the most westerly tip of Hope Island thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

(e) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore.

(f) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24B north of a line projected true west from Kayak Point and south and west of a line from Kayak Point to Barnum Point.

(g) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the mouth of Cooper Creek are closed through November 15, 1996, and beginning November 16, 1996 until further notice there is a 30 pot per vessel limit in these waters.

(h) Those waters of Marine Fish/Shellfish Management and Catch Reporting Areas 26B, 26C, and 26D.

(3) The following areas are closed to commercial crab fishing during the periods indicated:

(a) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley are closed October 1, 1996, through October 31, 1996.

(b) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 26A in Useless Bay north and east of a line from Indian Point to a point on shore 1.5 miles northeast of Double Bluff are closed October 1, 1996, through October 31, 1996.

(c) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 21B inside lines from Oyster Creek to the fisheries monument on Samish Island and from Oyster Creek to Point Williams are closed shoreward of the ten fathom contour October 1, 1996, through October 31, 1996.

(d) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the easternmost oil dock are closed October 1, 1996, through October 31, 1996.

(4) The following areas are closed to commercial crab fishing until further notice:

(a) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24A within a line projected from Rocky Point to Polnell Point to the intersection with the fifteen fathom depth contour, thence to the red number 2 buoy, thence to Brown Point.

(b) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24D south of a line from Dines Point to the point just north of Beverly Beach.

(c) Those waters of Marine Fish/Shellfish Management and Catch Reporting Areas 24B and 26A inside lines

projected from the five-meter tower between Gendey Island and Priest Point to the north tip of Jetty Island and from the five-meter tower to the tower at Pigeon Creek.

(d) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 26A within a line from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point thence following the 200 foot contour to a point due east from the Glendale Dock.

(e) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Oyster Creek to the fisheries management monument on Samish Island.

(f) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

(g) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the western boundary of Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.

(h) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 21A shoreward of the ten-fathom contour in Chuckanut Bay.

(i) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to Shaw Island.

(j) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

(k) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Fisherman's Bay south of a line projected east-west through the red number 4 entrance buoy.

(l) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected from Lopez Island through Crab and Fortress Islands to Lopez Island.

(m) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay within a line projected from the northern end of the easternmost oil dock to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore.

(n) All waters in the San Juan Islands Marine Preserve Area.

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

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

NEW SECTION

WAC 220-52-04600Q Crab fishery—Seasons, areas and gear restrictions. Notwithstanding the provisions of WAC 220-52-046, effective October 1, 1996 until further notice it is unlawful to pull or set commercial crab gear in the waters of Puget Sound from one-half hour after sunset to one-half hour before sunrise.

WSR 96-20-066
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

September 27, 1996

Evan Jacoby
for Bern Shanks
Director

[Order 96-171—Filed September 27, 1996, 4:50 p.m., effective September 29, 1996, 12:01 a.m.]

Date of Adoption: September 27, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-703.

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: Openings in Area 6D provide opportunity to harvest the non-Indian allocation of coho salmon destined for the Dungeness River per preseason schedule.

Opening in Area 7B provides opportunity to harvest the non-Indian allocation of coho salmon destined for the Nooksack-Samish region of origin per preseason schedule. Gillnet mesh restriction and purse seine release requirement, and in-season area restriction imposed by emergency regulation are no longer necessary as chinook have cleared the marine area.

Openings in Area 8D provide opportunity to harvest surplus coho salmon originating from the Tulalip hatchery per preseason schedule.

Openings in Area 9A provide opportunity to harvest the nontreaty allocation of Hood Canal hatchery-origin coho salmon according to the preseason schedule.

Openings in Area 12A provide opportunity to harvest the nontreaty allocation of hatchery-origin coho destined for the Quilcene National Fish Hatchery per preseason agreements. Experimental fishery permits will be issued to five persons according to the provisions of WAC 220-47-427. Beach seine gear specifications are defined in WAC 220-47-427(6).

All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

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: September 29, 1996, 12:01 a.m.

NEW SECTION

WAC 220-47-704 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday September 29, 1996 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **Area 6D** - Skiff gill nets using 5-inch minimum mesh may fish from 7:00 a.m. to 7:00 p.m. daily Tuesday October 1, 1996 through Friday October 4, 1996.
- * **Area 7B** - Gill nets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish until 11:59 p.m. Saturday October 26, 1996.
- * **Area 8D** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 7:00 p.m. daily, Monday, Tuesday, Wednesday and Thursday September 30, October 1, 2 and 3, 1996. Gillnets using 5-inch minimum mesh may fish from 6:00 p.m. to 8:00 a.m. nightly, Monday, Tuesday, Wednesday and Thursday nights September 30, October 1, 2 and 3, 1996.
- * **Area 9A** - Gillnets using 5-inch minimum mesh may fish:
6:00 a.m. Monday September 30 to 4:00 p.m. Friday October 4, 1996,
6:00 a.m. Monday October 7 to 4:00 p.m. Friday October 11, 1996,
6:00 a.m. Monday October 14 to 4:00 p.m. Friday October 18, 1996,
6:00 a.m. Monday October 21 to 4:00 p.m. Friday October 25, 1996,
6:00 a.m. Monday October 28 to 4:00 p.m. Friday November 1, 1996.
- * **Area 12A** - Holders of Quilcene Bay salmon beach seine Experimental Fishery Permits may fish 7:00 a.m. to 7:00 p.m. daily:
Monday September 30, 1996 through Friday October 4, 1996,
Monday October 7, 1996 through Friday October 11, 1996.
All provisions of WAC 220-47-427 apply.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 7, 7A, 7C, 7D, 7E, 8, 8A, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 29, 1996:

WAC 220-47-703 Puget Sound all citizen commercial salmon fishery. (96-163)

**WSR 96-20-067
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 96-164—Filed September 27, 1996, 4:52 p.m., effective September 30, 1996, 6:00 a.m.]

Date of Adoption: September 26, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000J; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of coho, fall chinook salmon and sturgeon are available in the Columbia River. This rule is consistent with the actions of the September 20, 1996, Columbia River Compact decision.

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: September 30, 1996, 6:00 a.m.
September 26, 1996

Evan Jacoby
for Bern Shanks
Director

River SMCRA 1A, 1B, 1C, 1D, and 1E except during the times and under conditions listed:

FISHING PERIODS

(1) 6:00 a.m. to 6:00 p.m. September 30, 1996

Allowable sale: Salmon and sturgeon

(2) 6:00 p.m. October 1, 1996 to 6:00 p.m. October 4, 1996

Allowable sale: Salmon. Sturgeon may not be retained and must be returned to the water immediately.

GEAR

(3) It is unlawful to fish for salmon, shad and sturgeon with gillnet gear that:

(a) Exceeds 1,500 feet in length along the corkline;

(b) Is constructed of monofilament webbing;

(c) Has lead or weight on the leadline that exceeds two pounds in any one fathom, measurement to be taken along the corkline of the net; or

(d) Has mesh size greater than 9-1/4 inches stretch measure.

(4) It is unlawful to gaff a sturgeon.

(5) Sturgeon less than 48 inches or greater than 66 inches in length may not be retained. The length of a commercially caught sturgeon shall be defined as the shortest distance between the tip of the nose and the extreme tip of the tail while the fish lies on its side on a flat surface with its tail in a normal position.

(6) A minimum carcass length for sturgeon (head and tail removed) of 28 inches at fish processing locations is required.

(7) Sturgeon must be delivered to fish buyers undressed (in the round)

SANCTUARIES

(8) During the season provided for in subsection 1 of this section, the following sanctuaries, as defined in WAC 220-33-005, are closed to fishing:

- Grays River,
- Cowlitz River,
- Elokomin-A,
- Kalama-A,
- Lewis-B,
- Washougal River,
- Sandy River,
- all tributaries flowing into the Columbia River.

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 6:00 p.m. October 4, 1996:

WAC 220-33-01000J Columbia River gillnet seasons below Bonneville.

NEW SECTION

WAC 220-33-01000J Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC's 220-33-005, 220-33-010, 220-33-020, 220-33-030, it is unlawful for a person to take or possess salmon, shad, and sturgeon taken for commercial purposes from Columbia

EMERGENCY

**WSR 96-20-068
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 96-170—Filed September 27, 1996, 4:54 p.m.]

Date of Adoption: September 27, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-88A-07000H and 220-88A-08000G;
and amending WAC 220-88A-070 and 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) Pandalid shrimp under Subproceeding 89-3 *United States v. Washington* provides for regional harvest shares. These rules are necessary to ensure that the 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 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: Immediately.

September 27, 1996

Evan Jacoby
for Bern Shanks
Director

NEW SECTION

WAC 220-88A-07000I Emerging commercial fishery-Puget Sound shrimp pot experimental fishery-Seasons and gear-Spot prawn restriction. Notwithstanding the provisions of WAC 220-88A-070, effective immediately until further notice, it is unlawful to fish for or possess shrimp taken for commercial purposes in Puget Sound using shellfish pot gear except as provided for in this section:

(1) Areas 23C, 25A (outside of Shrimp District 1), 25B, 28A, 28C, 28D, and 29 open until further notice.

(2) All spot shrimp taken from the waters of Marine Fish/Shellfish Management and Catch Reporting Area 25A must be released immediately to the water unharmed. Shrimp pots in Area 25A waters may not be lifted while fishers have spot shrimp aboard.

NEW SECTION

WAC 220-88A-08000H Emerging commercial fishery - Puget Sound shrimp trawl experimental fishery-Seasons and gear. Notwithstanding the provisions of WAC 220-88A-080, effective immediately 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) Area 20A, 22A (outside of Shrimp District 2 and outside of San Juan Channel), 23A, 23B, 23C, 23D (outside of Shrimp District 3), 25A (outside of Shrimp District 1), 25B and 29 open until further notice. San Juan Channel is that portion of Marine Fish/Shellfish Catch Area 22A north of a line projected true east west through Turn Rock Light from San Juan Island to Lopez Island, west of a line projected true north and south from the western tip of Crane Island, and south of the southern boundary of Marine Fish/Shellfish Catch Area 20B.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-88A-07000H Emerging commercial fishery-Puget Sound shrimp pot experimental fishery-Seasons and gear-Spot prawn restriction. (96-157)

WAC 220-88A-08000G Emerging commercial fishery-Puget Sound shrimp trawl experimental fishery-Seasons and gear. (96-165)

**WSR 96-20-078
RESCISSION OF EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Filed September 30, 1996, 3:55 p.m.]**

The Department of Agriculture is rescinding emergency order WSR 96-17-051, filed on August 19, 1996. Due to refinement of the ginseng management program, another filing will be made on the emergency rules.

Jim Jesernig
Director

**WSR 96-20-079
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 6001—Filed September 30, 1996, 3:58 p.m.]**

Date of Adoption: September 30, 1996.

Purpose: To establish a ginseng management program, recognized by the United States Fish and Wildlife Service, so that cultivated ginseng can be harvested, marketed and exported from Washington state.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule must be in place and approved by the United States Fish and Wildlife Service in order for the ginseng industry in the state of Washington to begin exporting after the 1996 harvest. If the ginseng industry is unable to export after the 1996 harvest, they will suffer significant economic loss. Due to the potential economic losses that could occur without this rule in place, the Department of Agriculture is instituting this emergency rule so the public welfare is served and will not be harmed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

September 30, 1996

James M. Jesernig

Director

Rules Relating to Ginseng Management

NEW SECTION

WAC 16-695-005 Purpose. These rules are promulgated under Chapter 34.05 RCW to establish standards and administer a ginseng management program. This program will promote the production and export of cultivated ginseng and prohibit acts detrimental to the survival of the indigenous wild ginseng population. These rules shall regulate the sale and export of ginseng, establish a registration program for dealers and growers, and provide for the certification of cultivated American ginseng by the Washington State Department of Agriculture. These rules are recognized by the United States Fish and Wildlife Service.

NEW SECTION

WAC 16-695-010 Definitions. The following definitions shall apply:

(1) "Cultivated ginseng" means any part of a ginseng plant that is growing or grown in managed beds under artificial or natural shade and cultivated according to recognized ginseng horticultural practices. Cultivated ginseng includes woodsgrown ginseng.

(2) "Dealer" means anyone who buys ginseng for resale, or grows and sells it for export. This definition does not

apply to persons who buy ginseng solely for the purpose of final retail sale to consumers in the United States.

(3) "Dealer registration" means an annual registration issued by the department authorizing a dealer to buy, collect, or otherwise acquire ginseng roots for resale or export from this state.

(4) "Department" means the Washington state department of agriculture.

(5) "Director" means the director of the department or his duly appointed representative.

(6) "Dry weight" means the weight in pounds and ounces of harvested or collected ginseng root that is dried and is no longer viable.

(7) "Out-of-state ginseng" means ginseng that is grown or originated outside the state of Washington.

(8) "Ginseng" means any and all parts of the plant known as American ginseng (*Panax quinquefolius* L.) including but not limited to: plants, whole roots, essentially intact roots, root chunks, slices, seeds, and tissue. This definition does not apply to processed products, seed, tissue cultures obtained in vitro, or live seedlings (within one year of germination) of ginseng not intended for export. This definition includes live seedlings intended for export.

(9) "Green ginseng" means a ginseng root from which the moisture has not been removed by drying.

(10) "Green weight" means the weight in pounds and ounces of freshly harvested or collected ginseng root that is not dried and is still viable.

(11) "Grower" means a person who grows "cultivated," "wild simulated" and or "woodsgrown" ginseng, and sells it to a dealer.

(12) "Grower registration" means an annual registration issued by the department which enables a grower to sell cultivated ginseng that the grower has produced.

(13) "Person" means any individual, firm, partnership, corporation, company, society, association or other business entity, and every officer, agent or employee thereof, agency or organized group of persons whether or not incorporated

(14) "Wild ginseng" means ginseng growing naturally within its native range.

(15) "Wild simulated ginseng" means cultivated ginseng grown in a wooded site where wild ginseng is not established.

(16) "Woodsgrown ginseng" means ginseng grown in managed beds under natural shade.

NEW SECTION

WAC 16-695-015 Collection of wild ginseng. No grower's or dealer's registration will be issued for the collection, sale or distribution of wild ginseng for the purpose of sale or distribution.

NEW SECTION

WAC 16-695-020 Dealers and growers—Annual registration with the department — Requirements. Dealer and growers must register with the Washington State Department of Agriculture, and the following requirements apply. (1) No person may act as a dealer without first registering with the department. Registration shall be made annually on a form provided by the department and will expire on December 31 of each year. The department will

assign a registration number to each person registered under this subsection.

(2) No person shall act as a grower without first registering with the department. Registration shall be made annually on a form provided by the department and will expire on December 31 of each year. The department will assign a registration number to each person registered under this subsection.

(3) Any person who acts as a dealer and a grower must register as both.

NEW SECTION

WAC 16-695-025 Grower records. A grower selling cultivated ginseng shall do all of the following when selling to a dealer:

(a) Provide a record of sale containing all of the following information to a dealer:

- (i) Grower's name and address;
- (ii) Grower's registration number;
- (iii) Ginseng certificate number;
- (iv) Dry weight;
- (v) Year harvested;
- (vi) Date of transaction;

(b) Certify that the ginseng was grown in Washington State. The certification shall be in the form prescribed by the director;

(c) Maintain records of all ginseng production and sales;

(d) Maintain records of the location and dimensions of and all management activities applied to any woodsgrown ginseng beds;

NEW SECTION

WAC 16-695-030 Dealer records. Dealers shall keep true and accurate records of transactions, including both sales and purchase records, in a format prescribed by the director herein. (1) Purchase records shall include:

- (a) Dealer's Name;
 - (b) Dealer's registration number;
 - (c) Dealer's address;
 - (d) Grower/seller name;
 - (e) Grower/seller registration number;
 - (f) Ginseng weight in pounds and ounces;
 - (g) Designation of green or dry ginseng;
 - (h) Designation of wild or cultivated ginseng;
 - (i) Harvest year of ginseng;
 - (j) Date of transaction;
- (2) Sales records shall include the following information:

- (a) Dealer's name;
- (b) Dealer's registration number;
- (c) Dealer's address;
- (d) Buyer's name;
- (e) Buyer's registration number;
- (f) Ginseng weight in pounds and ounces;
- (g) Designation of green or dry ginseng;
- (h) Designation of wild or cultivated ginseng;
- (i) Harvest year;
- (j) Date of transaction.

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

NEW SECTION

WAC 16-695-035 Out-of-state ginseng. (1) No dealer may purchase, receive or import out-of-state ginseng unless it is accompanied by a valid certificate of origin issued by the state or country of origin. The certificate must include the state or country of origin, the source (wild or cultivated), year of harvest, and dry weight of the out-of-state ginseng.

(2) The dealer shall retain for a period of three years a copy of each written certificate of origin received.

(3) If a dealer receives ginseng not accompanied by a valid certificate of origin, the uncertified ginseng must be returned within 30 days to the state or country of origin. Failure to do so shall render the ginseng illegal for commerce.

NEW SECTION

WAC 16-695-040 Selling and/or shipping of ginseng - Certificates. (1) No person shall sell, ship or export ginseng out-of-state unless it is accompanied by a valid certificate of origin issued by the Washington State Department of Agriculture, which contains the following information:

- (a) State of origin;
- (b) Serial number of certificate;
- (c) Dealer's and grower's state registration number;
- (d) Dealer's and grower's shipment number for that harvest season;
- (e) Year of harvest of ginseng being certified;
- (f) Designation as wild or artificially propagated roots or plants;
- (g) Designation as dried or fresh (green) roots, or live plants;
- (h) Weight of roots or plants (or number of plants) separately expressed both numerically and in writing;
- (i) Verified statement by Washington State Department of Agriculture ginseng official that the ginseng was obtained in that state in accordance with the state law of that harvest year;
- (j) Name and title of the Washington State Department of Agriculture certifying official;
- (k) Date of certification;
- (l) Signature of dealer and Washington State Department of Agriculture official making certification;

(2) Certificates are issued by the Washington State Department of Agriculture in triplicate. The original is designated for the dealer's use in commerce; the first copy is for the dealer's records; and the second copy is retained by the Washington State Department of Agriculture for reference.

(3) No person shall export ginseng grown in Washington using an out-of-state issued certificate.

(4) A certificate is valid for ginseng harvested within the same registration year that the certificate was issued (also see WAC 16-695-050).

(5) Certificates of origin shall not be issued for wild ginseng.

NEW SECTION

WAC 16-695-045 Maintaining separate lots of ginseng. Dealers shall maintain separation between lots of out-of-state ginseng and that harvested in Washington until a certificate of origin has been issued for the ginseng harvested in the state.

NEW SECTION

WAC 16-695-050 Dealer and/or grower holding ginseng after March 31 of the year. Any grower or dealer holding ginseng after March 31 of the year after harvest must notify the Department. The Department will inspect the ginseng and provide an official receipt of the weight of the remaining ginseng. Any future certification of this ginseng will be issued referencing this weight receipt.

NEW SECTION

WAC 16-695-055 Inspection or submission of records. (1) All records required to be kept under this chapter must be made available to the Washington State Department of Agriculture upon request for audit, inspection, and/or copying.

(2) Pursuant to the authority provided in chapter 15.17 RCW, the department shall not disclose information obtained regarding purchases, sales, or production of an individual American ginseng dealer, except for providing reports to the United States Fish and Wildlife Service. This information is exempt from public disclosure required by chapter 42.17 RCW.

NEW SECTION

WAC 16-695-060 Export procedures. Valid Federal CITES documents are necessary to export ginseng.

NEW SECTION

WAC 16-695-065 Fees—Hourly, overtime. Fees shall be charged sufficient to cover the department's cost of implementing this chapter. (1) Ginseng certification activities shall be provided at an hourly and overtime rate. The overtime rate shall apply for service provided subsequent to a regularly scheduled eight-hour week day shift or on Saturdays, Sundays, and state legal holidays. No service will be performed on Thanksgiving Day, Christmas Day or New Years Day, beginning at 5:00 p.m., on the previous day.

(2) Charges shall be for a minimum of one hour. Additional time shall be charged in one-half hour increments.

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 16-695-070 Schedule of fees and charges. The following schedule for ginseng certification activities shall apply:

- (1) Certificate, each \$25.00
- (2) Hourly rate \$28.00
- (3) Overtime rate \$42.00

(4) Travel time at the appropriate hourly or overtime rate shall be assessed.

(5) Mileage and per diem shall be charged at the rate established by the state office of financial management.

(6) Postage and other miscellaneous costs shall be charged back at actual cost.

(7) Certification activities shall include auditing dealers records of the production, sales and storage of ginseng, and issuing certificates.

NEW SECTION

WAC 16-695-075 Unlawful activities. A person shall not do any of the following:

- (1) Fail to maintain all required records.
- (2) Buy, otherwise acquire, or possess uncertified ginseng, which is required by this chapter to be certified.
- (3) Export uncertified ginseng from this state.
- (4) Possess ginseng originating from another state without authorization from the state of origin.
- (5) Violate Chapter 15.17 RCW or any rule promulgated thereunder, or any lawful order of the director.
- (6) Knowingly provide incorrect or false information on a registration application, report, certificate of origin, or other document required under this act.
- (7) Provide a purchaser with a record of sale for more ginseng than is actually sold or otherwise exchanged.

NEW SECTION

WAC 16-695-080 Enforcement actions. (1) The director may take any enforcement action authorized by Chapter 15.17 RCW.

(2) Upon determination that an applicant or registered ginseng dealer or grower has violated this chapter, and after following the notice and hearing requirements and provisions of chapter 34.05 RCW concerning adjudicative proceedings, the director of the department may deny, suspend, or revoke any registration or application for registration.

**WSR 96-20-081
EMERGENCY RULES
SECRETARY OF STATE
[Filed September 30, 1996, 4:13 p.m.]**

Date of Adoption: September 30, 1996.

Purpose: To provide uniform procedures governing the processing and tabulation of absentee ballots by counties.

Citation of Existing Rules Affected by this Order: Amending WAC 434-40-230.

Statutory Authority for Adoption: RCW 29.36.150 and 29.04.080.

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 amendment is necessary to provide uniform standards for the tabulation of absentee ballots by counties at the 1996 state general election.

EMERGENCY

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 1, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

September 30, 1996

Donald F. Whiting

Assistant Secretary of State

not be opened until after 8:00 p.m. on election day. (~~In counties tabulating absentee ballots on an electronic vote tallying system, the ballots may be removed from the inner envelope not earlier than the tenth day prior to a primary or election and the ballots then prepared for processing.~~)

(3) In counties tabulating absentee ballots on an electronic vote tallying system, the canvassing board or its representatives may perform the initial processing of absentee ballots at any time on or after the tenth day prior to the primary or election. Following initial processing, all absentee ballots (whether removed from the inner security envelope or not) must be kept in sealed (or locked) containers and in secure storage until they are ready (to be tabulated) for final processing.

(4) For the state general election in November of 1996, final processing may be performed only after 7:00 a.m. on the day of that general election.

(5) Tabulation may not occur until after 8:00 p.m. on the day of the primary or election.

NEW SECTION

WAC 434-40-225 Definitions regarding absentee ballots. For purposes of the counting and canvassing of absentee ballots:

(1) "Initial processing" means all steps taken to prepare absentee ballots for tabulation, except for the reading of ballots by an electronic vote tallying system. Initial processing includes, but is not limited to: Verification of signatures on return envelopes; removal of the security envelope from the return envelope; removal of the ballot from the security envelope; manual inspection for damage, for write-in votes, and for incorrect or incomplete marks; duplication of damaged and write-in ballots; and other preparation of ballots for final processing.

(2) "Final processing" means the reading of ballots by an electronic vote tallying system, but does not include tabulation.

(3) "Tabulation" means the production of returns of votes cast regarding candidates or measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-230 Processing of absentee ballots. (1) Prior to initial processing of absentee ballots, the county auditor shall notify the county chair of each major political party of the time and date on which absentee processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of absentee ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of absentee ballots.

(2) All absentee ballot return envelopes may be opened and subsequently processed no earlier than the tenth day prior to any primary or election. In counties tabulating absentee ballots by hand, the inner security envelope may

WSR 96-20-083
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)
(Wildlife)

[Order 96-172—Filed September 30, 1996, 4:52 p.m., effective October 1, 1996]

Date of Adoption: September 30, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-57-175 and 232-28-619.

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: Cowlitz Hatchery fall salmon escapement is assured. Conservation measures can be lifted.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 1, 1996.

September 30, 1996
Dirk Brazil
for Bern Shanks
Director

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 1, 1996, noon.

September 30, 1996
Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-57-17500E Cowlitz River. Notwithstanding the provisions of WAC 220-57-175, effective October 1, 1996 until further notice, daily limit A in those waters of the Cowlitz River downstream from fishing boundary markers approximately 400 feet below barrier dam, except release chinook salmon greater than 28 inches in length caught upstream from Blue Creek October 1, 1996 through December 31, 1996.

NEW SECTION

WAC 232-28-61900X Regional exception to permanent game fish rules. Notwithstanding the provisions of WAC 232-28-619, effective October 1, 1996 until further notice, it is lawful to retain hatchery steelhead as part of the daily catch limit in open waters of the Cowlitz River.

NEW SECTION

WAC 220-44-05000C Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective noon October 1, 1996 until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. **Cumulative limit** - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

b. **Two-month cumulative limit** is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two, fixed calendar months, without a limit on the number of landings or trips. The fixed two-month periods are January-February, March-April, May-June, July-August, September-October and November-December. No more than sixty percent of any two-month cumulative limit may be taken and retained, possessed or landed per vessel in either calendar month of the fixed, two-month period. The two-month cumulative limit includes all fish harvested by a vessel during the two-month period, whether taken in limited entry or open access fisheries. Once a two-month cumulative limit has been achieved, an operator may begin fishing on the next two-month cumulative limit so long as the fish are not landed until after the beginning of the next two-month cumulative period.

c. **Daily trip limit** - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

d. **Groundfish limited entry fishery** - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

e. **Groundfish open access fishery** - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

f. **Vessel trip** - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

**WSR 96-20-084
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 96-173—Filed September 30, 1996, 4:55 p.m., effective October 1, 1996, noon]

Date of Adoption: October 1 [September 30], 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000B; and amending WAC 220-44-050.

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 regulations are necessary for conservation and to maintain consistency between state and federal regulations.

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:

g. **Vessel trip limit** - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

h. **Dressed length** - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

2. **Groundfish limited entry fishery limits.** The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29:

a. **Pacific ocean perch** - Two-month cumulative limit of 10,000 pounds. No minimum size.

b. **Widow rockfish** - Two-month cumulative limit of 50,000 pounds. Effective 12:01 a.m. November 1, 1996, one-month cumulative limit of 25,000 pounds. No minimum size.

c. **Shortbelly rockfish** - No minimum size. No maximum poundage.

d. **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

e. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.)

(1) North of Cape Lookout and south of Cape Lookout if no declaration has been made - Two-month cumulative limit of 70,000 pounds, of which no more than 20,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish. Effective 12:01 a.m. November 1, 1996, one-month cumulative limit of 35,000 pounds, of which no more than 10,000 pounds may be yellowtail rockfish and no more than 9,000 pounds may be canary rockfish. No minimum size on any species in this category.

(2) South of Cape Lookout - Two-month cumulative limit of 100,000 pounds of which no more than 70,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish. Effective 12:01 a.m. November 1, 1996, one-month cumulative limit of 50,000 pounds, of which no more than 35,000 pounds may be yellowtail rockfish and no more than 9,000 pounds may be canary rockfish. No minimum size on any species in this category. In order to deliver higher limits taken below Cape Lookout the licensee must make a declaration as follows:

(a) The declaration must be made at least 12 hours prior to departing from port by telephoning the Department Montesano Office at (360) 249-4628, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The declarer will receive a declaration number from the department.

(b) The declaration must include: vessel name; federal limited entry permit number; operator's name, phone number

and address; anticipated date and port of departure; anticipated date and port of return.

(c) Phone declarations must be followed by a written declaration, signed by the operator and mailed or delivered to the Montesano Office at 48 Devonshire Road, Montesano, WA 98563, prior to the day of departure. Forms are available at that office or from coastal processors.

(d) No fishing north of Cape Lookout is allowed after declaring for fishing south of Cape Lookout until the vessel has landed at a Washington or Oregon port and notified the Montesano Office during business hours.

1) There is a maximum two-month cumulative limit for landings from both north and south of Cape Lookout of 100,000 pounds of which no more than 70,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish. Effective 12:01 a.m. November 1, there is a maximum one-month limit for landings from both north and south of Cape Lookout of 50,000 pounds of which no more than 35,000 pounds may be yellowtail rockfish and not more than 9,000 pounds may be canary rockfish.

2) Wholesale fish dealers purchasing more than 42,000 pounds of *Sebastes* complex, 19,200 pounds of yellowtail rockfish or 10,800 pounds of canary rockfish (60% of two-month cumulative allowances) must enter the declaration number on the fish receiving ticket. Effective 12:01 a.m. November 1, 1996 wholesale dealers purchasing more than 35,000 pounds of *Sebastes* complex, 10,000 pounds of yellowtail rockfish or 9,000 pounds of canary rockfish (one-month cumulative allowances north of Cape Lookout) must enter the number on the fish receiving ticket.

f. **DTS Complex - (Sablefish, Dover sole and thornyhead rockfish)** - Two-month cumulative limit of 70,000 pounds, of which not more than 12,000 pounds may be sablefish and not more than 20,000 pounds may be thornyhead rockfish. Of the thornyhead rockfish, not more than 4,000 pounds may be shortspine thornyhead.

g. **Sablefish** -

(1) **Trawl vessels** - Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches.

(2) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight). No minimum size.

(a) Effective noon October 1, 1996 through noon October 15, 1996 cumulative vessel limit of 3,400 pounds (round weight). In any trip no more than 1,500 pounds or 3% of all sablefish on board (whichever is greater) may be less than 22 inches in total length.

(b) Effective noon October 15, 1996 the daily trip limit is 300 pounds (round weight). No minimum size.

h. **Pacific Whiting** - Vessel trip limit of 10,000 pounds, no minimum size.

i. **Lingcod** - Two-month cumulative limit of 40,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 22 inches taken in the trawl fishery only.

3. **Groundfish open access fishery limits.** The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting

Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29. Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit:

(1) **Sablefish** - Daily trip limit of 300 pounds (round weight) not to exceed 2100 pounds in any calendar month. No minimum size.

(2) **Rockfish** - Vessel trip limit of 10,000 pounds. Cumulative limit of 35,000 pounds.

(3) **Lingcod** - cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(4) **Thornyhead rockfish** - Illegal to take, possess, transport or land thornyhead rockfish.

(5) It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

(6) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

Reviser's note: The 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 noon October 1, 1996:

WAC 220-44-05000B Coastal bottomfish catch limits (96-151)

**WSR 96-20-091
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed October 1, 1996, 1:55 p.m.]

Date of Adoption: October 1, 1996.

Purpose: This emergency rule replaces the emergency rule filed as WSR 96-20-057 on September 25, 1996. This rule clarifies that the spouse and child of qualified alien veterans or active-duty military persons must also be qualified aliens to be eligible for food stamps.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-310.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: Public Law 104-193, Section 402.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline

for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: This section of the public law must be implemented thirty days after enactment for federal financial participation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 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.

October 1, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3409, filed 6/23/92, effective 7/24/92)

WAC 388-49-310 Citizenship and alien status. (1)

The department shall require applicants to sign the application attesting to their citizenship or alien status as described under WAC 388-49-030(6).

(2) The department shall consider applicants (~~and~~) and current recipients as of the date of their next certification who fail to meet the requirements of subsections (1) and (3) of this section as ineligible household members under WAC 388-49-190(4), 388-49-420(5), and 388-49-480(2).

(3) The department shall consider the following persons residing in the United States eligible for participation in the food stamp program:

(a) A United States citizen; (~~or~~)

(b) An alien lawfully admitted for permanent residence (~~or~~) under the Immigration and Nationality Act who has worked forty qualifying quarters of coverage as defined under Title II of the Social Security Act or can be credited with such qualifying quarters.

(i) An alien can be credited for each qualifying quarter worked by a:

(A) Parent while the alien was under age eighteen, or (B) Spouse during their marriage if the alien remains married to the spouse or the spouse is deceased.

(ii) Beginning January 1, 1997, any quarter in which the alien received any federal means-tested public benefit is not counted as a qualifying quarter.

(iii) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant has forty qualifying quarters of coverage when:

(A) The applicant cannot produce acceptable verification of forty qualifying quarters of coverage; and

(B) The applicant can reasonably explain why the verification is not available.

EMERGENCY

(c) ~~A(n) qualified alien, as defined under section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the qualified alien spouse or unmarried dependent qualified alien child of the alien, lawfully residing in the United States, who is:~~

~~(i) ((Entered the United States before January 1, 1972, or some later date as required by law; and)) A veteran, as defined in section 101 of Title 38, United States Code, with a discharge characterized as an honorable discharge and not on account of alienage;~~

~~(ii) ((Has continuously maintained residency in the United States since then; and~~

~~(iii) Is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the attorney general under section 249 of the Immigration and Nationality Act)) On active duty, other than active duty for training, in the Armed Forces of the United States.~~

~~(d) An alien ((who qualified for entry after March 17, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion under sections 203(a)(7), 207, and 208 of the Immigration and Nationality Act; or)) admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act until five years after the date of such admission as a refugee;~~

~~(e) An alien ((qualified for conditional entry before March 18, 1980, under former section 203(a)(7) of the Immigration and Nationality Act; or~~

~~(f) An alien)) granted asylum ((through an exercise of discretion by the attorney general)) under section 208 of the Immigration and Nationality Act until five years after the date of granting such status; or~~

~~((g) An alien lawfully present in the United States as a result of:~~

~~(i) An exercise of discretion by the attorney general for emergent reasons or reasons deemed strictly in the public interest under section 212(d)(5) of the Immigration and Nationality Act; or~~

~~(ii) A grant of parole by the attorney general;~~

~~(h)) ((An alien living ((within)) in the United States ((for whom the attorney general withheld)) whose deportation((s)) is withheld under section 243(h) of the Immigration and Nationality Act((, because the attorney general judges the alien is subject to persecution because of race, religion, or political opinion; or~~

~~(i) An alien having temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act; or~~

~~(j) An aged, blind, or disabled alien admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act; or~~

~~(k) An alien who is not aged, blind, or disabled admitted under section 245A of the Immigration and Nationality Act when:~~

~~(i) Permanent status has been gained; and~~

~~(ii) A five-year period has expired from date lawfully admitted;~~

~~(l) An alien who is:~~

~~(i) Granted family unity status by the immigration and naturalization service; and~~

~~((ii) Whose newly legalized alien spouse or parent is eligible to participate in the food stamp program)) until five years after the date such deportation is withheld.~~

~~(4) The household shall provide verification when:~~

~~(a) Citizenship is questionable; or~~

~~(b) One or more of its members are aliens.~~

~~(i) The department shall not contact the immigration and naturalization service to obtain information without the alien's written consent.~~

~~(ii) The department shall give the household failing to provide verification the option of:~~

~~(A) Withdrawing the application; or~~

~~(B) Participating without the alien member.~~

~~(5) An applicant shall be ineligible until:~~

~~(a) Questionable citizenship is verified; or~~

~~(b) Lawful alien status is verified.~~

~~(6) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant is a United States citizen when:~~

~~(a) The applicant cannot produce acceptable citizenship verification; and~~

~~(b) The household can reasonably explain why the verification is not available.~~

~~(7) The department shall notify immigration and naturalization services when any household member is ineligible because that person is present in the United States in violation of a known deportation order of the Immigration and Nationality Act.~~

~~(8) Lawfully admitted aliens who are ineligible include:~~

~~(a) Alien visitors;~~

~~(b) Tourists;~~

~~(c) Diplomats; ((and))~~

~~(d) Students with temporary status; and~~

~~(e) Aliens not identified in subsection (3) of this section as eligible for participation in the food stamp program.~~

**WSR 96-20-106
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 96-169—Filed October 1, 1996, 4:27 p.m.]

Date of Adoption: October 1, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-24000D; and amending WAC 220-56-240.

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: Permanent rules filed do not reflect management concerns for mid-Columbia and Snake rivers.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 1, 1996
Bern Shanks
Director

NEW SECTION

WAC 220-56-24000E Sturgeon—Seasons and areas. Notwithstanding the provisions of WAC 220-56-240, effective immediately until further notice the following rules apply to sturgeon in the following listed areas of the Columbia River:

(1) Catch and release only in:

(a) Columbia River and tributary waters upstream from the upstream line at Bonneville Dam to a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore immediately downstream from McNary Dam.

(b) Columbia River and tributary waters upstream from Priest Rapids Dam; and

(c) Snake River and tributary waters upstream from Lower Granite Dam.

(2) Limit 1 fish not less than 48 inches in length and not more than 66 inches in length in the Columbia River and tributaries upstream from McNary Dam to Priest Rapids Dam, and in the Snake River and tributaries upstream from the confluence of the Columbia and Snake Rivers to a point 400 feet below Lower Granite Dam.

(3) All other provisions of WAC 220-56-240, 220-56-290, and 220-56-295 remain in effect, as do closures below dams.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-24000D Sturgeon—Seasons and areas. (96-153)

**WSR 96-20-107
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 96-175—Filed October 1, 1996, 4:30 p.m., effective October 3, 1996, 12:01 p.m.]

Date of Adoption: October 1, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600P; and amending WAC 220-52-046.

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 closures in WAC 220-52-04600Q are necessitated by federal court order. The state may not authorize commercial shellfish harvests absent agreed planning or compliance with a process. For Areas 26B, 26C, and 26D there is no agreement to commercial non-Indian crabbing and therefore it must remain closed until compliance with federal court orders or until an agreed plan addresses the area. For other areas in this emergency order, agreed plans with applicable tribes have been entered as required by the court order. Such plans have the effect of a federal court order. 898 F. Supp 1453, 1466, 3.1. Pursuant to RCW 34.04.350 [34.05.350], the need to comply with such federal court orders in the form of allocative management plans constitutes an emergency that requires bypassing the time periods inherent to permanent rule making. Failure to comply with such plans may result in contempt of federal court or failure of all commercial crab fishing in a given region addressed by a plan.

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: October 3, 1996, 12:01 p.m.

October 1, 1996
Dirk Brazil
for Bern Shanks
Director

EMERGENCY

NEW SECTION

WAC 220-52-04600R Crab fishery—Seasons, areas and gear restrictions. Notwithstanding the provisions of WAC 220-52-046, it is unlawful to fish for Dungeness crab for commercial purposes in Puget Sound except during the times and in the areas provided for in this section.

(1) All Puget Sound Marine Fish/Shellfish Management and Catch Reporting Areas are open beginning 8:00 a.m. October 1, 1996 until further notice except Areas 25C, 27A, 27B, 27C, 28A, 28B, 28C, and 28D and the closures provided for in this section.

(2) The following areas are closed to non-Indian commercial crab fishing:

(a) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 20A between a line from the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the western boundary of Birch Bay State Park to Birch Point are closed through November 7, 1996.

(b) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from the entrance buoy at Sandy Point to Gooseberry Point.

(c) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder at Point Francis to the pilings at Stevie's Point.

(d) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24A east of lines projected north from the most westerly tip of Skagit Island and south to the most westerly tip of Hope Island thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

(e) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore.

(f) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24B north of a line projected true west from Kayak Point and south and west of a line from Kayak Point to Barnum Point.

(g) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the mouth of Cooper Creek are closed through November 15, 1996, and beginning November 16, 1996 until further notice there is a 30 pot per vessel limit in these waters.

(h) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 25D within a line projected from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin.

(I) Those waters of Marine Fish/Shellfish Management and Catch Reporting Areas 26B, 26C, and 26D.

(3) The following areas are closed to commercial crab fishing during the periods indicated:

(a) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley are closed October 1, 1996, through October 31, 1996.

(b) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 26A in Useless Bay north and east of a line from Indian Point to a point on shore 1.5 miles northeast of Double Bluff are closed October 1, 1996, through October 31, 1996.

(c) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 21B inside lines from Oyster Creek to the fisheries monument on Samish Island and from Oyster Creek to Point Williams are closed shoreward of the ten fathom contour October 1, 1996, through October 31, 1996.

(d) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the easternmost oil dock are closed October 1, 1996, through October 31, 1996.

(4) The following areas are closed to commercial crab fishing until further notice:

(a) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24A within a line projected from Rocky Point to Polnell Point to the intersection with the fifteen fathom depth contour, thence to the red number 2 buoy, thence to Brown Point.

(b) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24D south of a line from Dines Point to the point just north of Beverly Beach.

(c) Those waters of Marine Fish/Shellfish Management and Catch Reporting Areas 24B and 26A inside lines projected from the five-meter tower between Gendey Island and Priest Point to the north tip of Jetty Island and from the five-meter tower to the tower at Pigeon Creek.

(d) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 26A within a line from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point thence following the 200 foot contour to a point due east from the Glendale Dock.

(e) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Oyster Creek to the fisheries management monument on Samish Island.

(f) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

(g) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the western boundary of Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.

(h) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 21A shoreward of the ten-fathom contour in Chuckanut Bay.

(I) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to Shaw Island.

(j) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

(k) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Fisherman's Bay south of a line projected east-west through the red number 4 entrance buoy.

(l) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected from Lopez Island through Crab and Fortress Islands to Lopez Island.

(m) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay within a line projected from the northern end of the easternmost oil dock to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore.

(n) All waters in the San Juan Islands Marine Preserve Area.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600P Crab fishery — Season, areas, and gear restrictions

**WSR 96-20-123
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 96-176—Filed October 2, 1996, 11:57 a.m.]

Date of Adoption: October 2, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable salmon are available.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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.

October 2, 1996
Evan Jacoby
for Bern Shanks
Director

NEW SECTION

WAC 220-32-05500Z Columbia River tributaries—Commercial, Notwithstanding the provisions of WAC 220-32-055, effective immediately it is unlawful for a person possessing treaty rights under the Yakima treaty to take or possess salmon taken for commercial purposes from the Klickitat River, except under the following provisions:

(1) The Klickitat River from the site of the Swinging Bridge (river mile 1.5) to Fishway No. 5 (River mile 2.2) is open except that fishing is not allowed within 25 feet of the entrance to any fishway.

Noon Wednesday, October 2, 1996 to 6:00 p.m.
Saturday, October 5, 1996.

Noon Mondays, to 6:00 p.m. Saturdays, weekly from October 7, 1996 to December 14, 1996

(2) Allowable Gear: Dipnets, setbag net, or hook and line with bait or lures. All other fishing gear and methods, including snagging are unlawful.

(3) Only chinook and coho salmon taken within the fishing area may be sold. Steelhead may not be sold.

(4) All fish must be sold within one mile of the Klickitat Falls fishing area.

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 6:01 p.m. December 14, 1996:

WAC 220-32-05500Z Columbia River tributaries—Commercial

EMERGENCY

OFFICE OF THE CODE REVISER
Quarterly Rule Making Report
Covering Registers 96-13 through 96-18

Type of Activity	New	Amended	Repealed
AGRICULTURE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	40	16	157
Number of Rules Adopted as Emergency Rules	27	0	0
Number of Rules Proposed for Permanent Adoption	40	7	6
Number of Sections Adopted at Request of a Nongovernmental Entity	7	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	18	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	14	0	0
Number of Sections Adopted on the Agency's own Initiative	28	7	150
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	39	8	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
BUILDING CODE COUNCIL			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	4	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	4	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CASCADIA COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	39	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	8	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	39	0	0
Number of Sections Adopted using Negotiated Rule Making	39	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
COUNTY ROAD ADMINISTRATION BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	7	116	10

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

ECOLOGY, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	2	0
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Rules Proposed for Permanent Adoption	47	4	270
Number of Sections Adopted at Request of a Nongovernmental Entity	0	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	2	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

EDUCATION, STATE BOARD OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	10	0
Number of Rules Proposed for Permanent Adoption	3	16	4
Number of Rules Withdrawn	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	6	0
Number of Sections Adopted on the Agency's own Initiative	1	8	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	10	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

EMPLOYMENT SECURITY DEPARTMENT

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	2
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	2

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	1	1	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

EVERGREEN STATE COLLEGE, THE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	8	0	8
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	8
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	1	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	8	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	8	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FINANCIAL INSTITUTIONS, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	28	113
Number of Rules Proposed for Permanent Adoption	2	38	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	12	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	13	2	113
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	13	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FINANCIAL MANAGEMENT, OFFICE OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
FISH AND WILDLIFE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	8	22	1
Number of Rules Adopted as Emergency Rules	70	0	59
Number of Rules Proposed for Permanent Adoption	10	12	3
Number of Rules Withdrawn	4	0	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	1	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	49	25	38
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FORENSIC INVESTIGATIONS COUNCIL			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	0	0
Number of Rules Proposed for Permanent Adoption	5	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	5	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	5	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	5	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FOREST PRACTICES APPEALS BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	2
Number of Rules Proposed for Permanent Adoption	0	1	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	2
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FOREST PRACTICES BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	0	0
Number of Rules Adopted as Emergency Rules	2	11	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	3	11	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

GAMBLING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	8	10	0
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	3	2	0
Number of Rules Withdrawn	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	6	8	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	6	8	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	0	0
Number of Sections Adopted on the Agency's own Initiative	2	2	0
Number of Sections Adopted using Negotiated Rule Making	8	8	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	1	0	0

GENERAL ADMINISTRATION, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	6	8
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	6	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	3	2
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HEALTH CARE AUTHORITY

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	0	9
Number of Rules Withdrawn	13	0	9
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	12	0	12
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	13	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HEALTH, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	82	5	78
Number of Rules Proposed for Permanent Adoption	20	60	5
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	3	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	1	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	6	79	75
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	4	5	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HIGHER EDUCATION COORDINATING BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	6
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	6
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	0	1	6
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HUMAN RIGHTS COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	27	2
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	3	16	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	4	11	0
Number of Sections Adopted in Order to Comply with Federal Statute	4	10	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	22	0
Number of Sections Adopted on the Agency's own Initiative	5	24	2
Number of Sections Adopted using Negotiated Rule Making	5	24	2
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

INSURANCE COMMISSIONER'S OFFICE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	18	4	2

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	18	3	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

JUDICIAL CONDUCT, COMMISSION ON

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	0	22
Number of Rules Proposed for Permanent Adoption	22	0	0
Number of Rules Withdrawn	26	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	22
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	22
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LABOR AND INDUSTRIES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	25	0
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Rules Proposed for Permanent Adoption	924	49	328
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	22	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	6	0	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	6	28	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LICENSING, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	27	14	108
Number of Rules Proposed for Permanent Adoption	5	16	3
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	19	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	11	4	2
Number of Sections Adopted on the Agency's own Initiative	19	3	88
Number of Sections Adopted using Negotiated Rule Making	8	3	0
Number of Sections Adopted using Other Alternative Rule Making	11	5	90
Number of Sections Adopted using Pilot Rule Making	0	0	0

LIQUOR CONTROL BOARD

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Rules Withdrawn	1	0	0

LOTTERY COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	11	8	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	4	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	11	9	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MARINE SAFETY, OFFICE OF

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Adopted as Emergency Rules	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	3	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

NATURAL RESOURCES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	3	0	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PARKS AND RECREATION COMMISSION

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

PERSONNEL RESOURCES BOARD/PERSONNEL, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	15	2
Number of Rules Adopted as Emergency Rules	0	8	0
Number of Rules Proposed for Permanent Adoption	0	8	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	22	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	24	4
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	16	0
Number of Sections Adopted on the Agency's own Initiative	0	22	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	46	4

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Pilot Rule Making	0	0	0

PIERCE COLLEGE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	0	11

PILOTAGE COMMISSIONERS, BOARD OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

POLLUTION CONTROL HEARINGS BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	54	0	54
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	54	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	3	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	7	0	48
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC DISCLOSURE COMMISSION

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Withdrawn	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC INSTRUCTION, SUPERINTENDENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	15	321
Number of Rules Proposed for Permanent Adoption	41	24	3

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	13	15	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	9	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

RETIREMENT SYSTEMS, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	95	8	102
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	164	8	105
Number of Sections Adopted at Request of a Nongovernmental Entity	1	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	5	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	108	2	104
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

REVENUE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	2	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

SECRETARY OF STATE, OFFICE OF THE

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	1	1	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	1	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	1	1	1

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

SERVICES FOR THE BLIND, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

SHORELINES HEARINGS BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	58	0	64
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	59	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	5	0	55
Number of Sections Adopted using Pilot Rule Making	0	0	0

SKAGIT VALLEY COLLEGE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	0	0

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	82	36	60
Number of Rules Adopted as Emergency Rules	0	9	0
Number of Rules Proposed for Permanent Adoption	83	73	10
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	10	27	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	7	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	131	3	118
Number of Sections Adopted on the Agency's own Initiative	2	33	1
Number of Sections Adopted using Negotiated Rule Making	17	2	0
Number of Sections Adopted using Other Alternative Rule Making	116	42	119
Number of Sections Adopted using Pilot Rule Making	0	0	0

TACOMA COMMUNITY COLLEGE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	15	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	15	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	3	0	0
Number of Sections Adopted on the Agency's own Initiative	0	15	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

TRANSPORTATION, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	9	79
Number of Rules Proposed for Permanent Adoption	0	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	7	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	6	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	8	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

TREASURER, STATE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

UTILITIES AND TRANSPORTATION COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0

WASHINGTON STATE PATROL

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	1	1
Number of Rules Adopted as Emergency Rules	2	1	0
Number of Rules Proposed for Permanent Adoption	14	1	8
Number of Rules Withdrawn	9	1	13
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	5	2	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	2	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	5	0	1
Number of Sections Adopted on the Agency's own Initiative	5	0	1
Number of Sections Adopted using Negotiated Rule Making	1	1	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	4	1	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

WASHINGTON STATE UNIVERSITY

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	35	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	35	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

WESTERN WASHINGTON UNIVERSITY

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

TOTALS FOR THE QUARTER:

Number of Permanent Rules Adopted	639	411	1211
Number of Rules Adopted as Emergency Rules	113	44	60
Number of Rules Proposed for Permanent Adoption	1388	337	758
Number of Rules Withdrawn	53	11	24
Number of Sections Adopted at Request of a Nongovernmental Entity	14	16	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	213	129	59
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	6	67	4
Number of Sections Adopted in Order to Comply with Federal Statute	12	11	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	204	82	125
Number of Sections Adopted on the Agency's own Initiative	355	266	606
Number of Sections Adopted using Negotiated Rule Making	93	48	2
Number of Sections Adopted using Other Alternative Rule Making	226	165	320
Number of Sections Adopted using Pilot Rule Making	1	0	0

MISCELLANEOUS

WSR 96-20-029
NOTICE OF PUBLIC MEETINGS
CENTRALIA COLLEGE
 [Memorandum—September 18, 1996]

The Community College District Twelve board of trustees will change the date of their regular meeting originally scheduled for October 10, 1996, to October 17, 1996, due to a lack of quorum on October 10, 1996.

WSR 96-20-030
NOTICE OF PUBLIC MEETINGS
OFFICE OF
MARINE SAFETY
 [Memorandum—September 19, 1996]

The Office of Marine Safety is convening the Fishing Vessel Inspection Advisory Council established under WAC 317-31-230(2). The advisory council meetings will be:

Date: Wednesday, October 30, 1996
 Time: 9:00 to 3:30
 Place: Marine Exchange of Puget Sound
 2701 First Avenue
 Seattle, WA

Date: Wednesday, November 13, 1996
 Time: 9:00 to 3:30
 Place: Marine Exchange of Puget Sound
 2701 First Avenue
 Seattle, WA

Date: Tuesday, December 17, 1996
 Time: 9:00 to 3:30
 Place: Bank of California Building
 24th Floor
 900 4th Avenue
 Seattle, WA

The meetings will be open to the public. Persons requiring special accommodations please contact the Office of Marine Safety's ADA Coordinator at (360) 664-9110.

The organizations represented on the advisory council are:

- Washington State Fire Academy representing the public at large.
- Northwest Indian Fisheries Commission representing the Native American Tribes.
- Trident Seafoods Corporation representing the fish processing industry.
- Sierra Club Cascade Chapter representing environmental organizations.
- North Pacific Fishing Vessel Owners' Association representing fishing industry trade associations.
- Fremont Marine Services representing the public at large.
- Cascade Fishing, Inc. representing the fish catching industry.
- Washington State Office of Marine Safety representing state government.
- Washington State Department of Ecology representing state government.
- Center for Marine Conservation representing environmental organizations.

- Seven Seas Fishing Company representing the fish catching industry.
- American Seafoods Company representing the fish processing industry.

WSR 96-20-031
ATTORNEY GENERAL OPINION
Cite as: AGO 1996 No. 16
 [September 13, 1996]

DEPARTMENT OF FISH AND WILDLIFE - FISH - WILDLIFE - OFFICES AND OFFICERS - AUTHORITY OF THE DEPARTMENT OF FISH AND WILDLIFE TO "COMMISSION," AS FISHERIES PATROL OFFICERS OR AS WILDLIFE AGENTS, PERSONS WHO HAVE NOT BEEN "APPOINTED" TO LAW ENFORCEMENT POSITIONS WITHIN THE AGENCY.

The Fish and Wildlife Commission and the director of the Department of Fish and Wildlife may commission, as fisheries patrol officers or as wildlife agents, only persons serving by appointment to positions whose job description includes law enforcement duties.

Requested by:
 Mr. Bern Shanks
 Director
 Department of Fish and Wildlife
 600 Capitol Way North
 Olympia, Washington 98501-1091

WSR 96-20-037
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Asparagus Commission)
 [Memorandum—September 18, 1996]

The location for the October 15, 1996, meeting of the Washington Asparagus Commission has been changed from the Sunnyside Valley Irrigation District Office to the Red Lion Inn, Pasco, Washington. The time of 9:00 a.m. remains the same.

WSR 96-20-041
POLICY STATEMENT
DEPARTMENT OF LICENSING
 [Filed September 23, 1996, 3:55 p.m.]

Date: September 16, 1996.
 Agency: Department of Licensing, Business and Professions Division.
 Title of Statement: BPD.10 Suspension of license or certificate of those who have defaulted on a student loan.
 Subject Matter: Describes the procedure the Department of Licensing will utilize to suspend the license or certificate on any licensee who has been certified for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.
 Effective Date: June 6, 1996.

MISCELLANEOUS

Contact Person: Terryl Verone, Executive Assistant,
 Department of Licensing, Business and Professions Division,
 P.O. Box 48001, Olympia, WA 98507-8001, (360) 753-1749.
 Terryl Verone
 Executive Assistant
 Business and Professions Division

WSR 96-20-044
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—September 24, 1996]

Eastern Washington University
 Board of Trustees
 September 27, 1996, 9:00 a.m.
 Cheney Campus
 Pence Union Building
 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 PUB board room.

Please Note: The fall 1996 board workshop will be held following the board meeting in PUB 265-67.

Eastern Washington University
 Board of Trustees'
 Workshop
 EWU Financial Review
 September 27, 1996
 12:30 p.m. - 5:00 p.m.
 Cheney Campus
 Pence Union Building
 Room 265-67

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 96-20-045
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD
 [Memorandum—September 18, 1996]

SEPTEMBER MEETING CANCELED

The September meeting of the Transportation Improvement Board scheduled for September 26-27, 1996, in Tacoma has been canceled due to the lack of agenda items.

The next meeting of the Transportation Improvement Board is scheduled for October 24-25, 1996, in Port Angeles. A notice with further detail of the October meeting will be mailed October 4, 1996.

WSR 96-20-046
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF TRANSPORTATION
 (Transportation Improvement Board)
 [Memorandum—September 24, 1996]
 Transportation Workshops

Pasco
 Tuesday, October 29, 1996
 Franklin County PUD
 1411 West Clark
 Pasco, WA

Spokane
 Wednesday, October 30, 1996
 Spokane Transit Authority
 1230 West Boone Avenue
 Southside Multipurpose Auditorium (2nd Floor)
 Spokane, WA

Wenatchee
 Thursday, October 31, 1996
 Chelan County PUD
 327 North Wenatchee Avenue

Mount Vernon
 Friday, November 1, 1996
 Skagit County Administration Building
 Hearing Room B
 700 South 2nd Street
 Mount Vernon, WA

Bellevue
 Tuesday, November 5, 1995 [1996] (Election Day)
 Bellevue Service Center
 Parquet Room
 2901 115th Avenue N.E.
 Bellevue, WA

Tacoma
 Wednesday, November 6, 1996
 Pierce Transit's Lakewood Training Center
 6132 Motor Avenue
 Lakewood, Wa

Longview
 Thursday, November 7, 1996
 Longview City Hall
 115 Broadway (and 15th Avenue)
 Longview, WA

The Transportation Improvement Board (TIB) and the Washington State Department of Transportation (WSDOT) invite you to participate in workshops that explain the transportation grants available to public agencies.

The workshops will help you understand the selection criteria and application process for state and federal funds, and how your six-year program should be prepared. Questions will be answered at the close of each session.

The daily agenda is:

WSDOT
 9:00 to 10:00 - Six-Year Program/STIP
 10:00 to 10:15 - Break

MISCELLANEOUS

10:15 to 11:45 - Federal and state funding programs consisting of Next ISTE, Power Washington, and other funding issues.

11:45 to 1:00 - Lunch on your own

TIB

1:00 to 1:20 - Small Cities Account

1:20 to 2:00 - Urban Arterial Trust Account

2:00 to 2:40 - Transportation Improvement Account

2:40 to 3:00 - Break

3:00 to 3:30 - Pedestrian Facility Program

Application packets will be available for some TIB programs and most TransAid programs.

If you need special accommodations for the workshop, please call Jennine at (360) 705-7549 at least ten days before the workshop.

WSR 96-20-047

**NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD**

[Memorandum—September 23, 1996]

THE GOVERNOR'S TASK FORCE ON
SCHOOL-TO-WORK TRANSITION
QUARTERLY MEETING
WEDNESDAY, OCTOBER 16, 1996
12:00 noon to 2:00 p.m.

At the Battelle Seattle Conference Center
4000 N.E. 41st
Seattle, WA

The meeting will be held in Conference Rooms 1 and 2.

The Task Force will discuss key policy issues in school-to-work transition and education reform.

- 12 noon - 2:00 p.m. Task Force Working Lunch and Quarterly Meeting

The meeting site is barrier free. People needing special accommodations, please call Jan Hills at least ten days in advance at (360) 586-4530.

WSR 96-20-048

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Memorandum—September 20, 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 University of Washington Public Records Office.

It is necessary to establish a regular meeting schedule to provide for regular meetings of the University of Washington School of Drama faculty under the Open Meeting Act of 1971.

Now, therefore, be it resolved by the faculty of the School of Drama that regular meetings of said faculty shall be held in Hutchinson 154 on the following dates and times:

Wednesday	September 25, 1996	9:30 - 12:30
Monday	October 21, 1996	1:30 p.m.
Monday	November 18, 1996	1:30 p.m.
Monday	December 16, 1996	1:30 p.m.
Monday	February 10, 1997	1:30 p.m.
Monday	March 17, 1997	1:30 p.m.
Monday	April 21, 1997	1:30 p.m.
Monday	May 19, 1997	1:30 p.m.
Monday	June 9, 1997	1:30 p.m.

**Graduate School of Library and Information Science
Faculty Meetings**

Our school will be having regularly scheduled faculty meetings for the 1996-97 academic year as follows:

- October 1, 1996
- October 22
- November 12
- December 3
- January 7, 1997
- January 28
- February 18
- March 4
- April 1
- April 22
- May 13
- June 3

All meetings will be held in 127 Suzzallo Library at 2:30 p.m.

**WSR 96-20-052
NOTICE OF PUBLIC MEETINGS
CLOVER PARK
TECHNICAL COLLEGE**

[Memorandum—September 18, 1996]

The board of trustees of Clover Park Technical College at their regularly scheduled meeting on September 17, 1996, identified the following dates for their monthly meetings in 1997 in compliance with RCW 42.30.075:

- January 21, 1997
- February 18, 1997
- March 18, 1997
- April 15, 1997
- May 20, 1997
- June 17, 1997
- July 15, 1997
- August 19, 1997
- September 16, 1997
- October 21, 1997
- November 18, 1997
- December 16, 1997

All meetings will begin at 3:00 p.m. in the board room located in Building 15 on the Clover Park Technical College campus at 4500 Steilacoom Boulevard S.W., Lakewood, WA 98499.

MISCELLANEOUS

WSR 96-20-059
ATTORNEY GENERAL'S OFFICE

[Filed September 26, 1996, 11:59 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by October 23, 1996. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by October 23, 1996, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of our intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

96-09-01 Request by James R. Ellis
Chairman of the Board
Washington State Convention & Trade Center

What competitive bidding requirements apply to the proposed Convention & Trade Center's expansion project?

WSR 96-20-060
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER

[Memorandum—September 24, 1996]

The regular meeting of the Washington State Convention and Trade Center board of directors, scheduled for Wednesday, September 25, 1996, at 1:30 p.m., will [be] held solely to announce that it will be adjourned to Wednesday, October 2, 1996, at 1:30 p.m. in a convention center meeting room.

If you have any questions regarding this notice, please call 447-5012.

WSR 96-20-063
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
 [Memorandum—September 27, 1996]

Public Meeting Notice
Title and Registration Advisory Committee

Date: November 20, 1996
Time: 10:00 p.m. [a.m.] to 12:00 p.m.
Place: GFP Board Room
 Main Terminal Building MT 5110
 South Mezzanine
 SeaTac Airport
 SeaTac, Washington

WSR 96-20-072
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—September 23, 1996]

On October 1, 1996, the Seattle Community College District board of trustees will tour the Seattle Vocational Technical Institute, 315 22nd Avenue South, Seattle, WA 98144, from 4:30 to 5:30 p.m.

Following the tour, the trustees will attend the regular board of trustees meeting, at the Seattle Community College District, Arthur Siegal Education and Service Center, in the Tillikum Conference Room, 1500 Harvard, Seattle, WA 98122. The meeting will begin at 6:00 p.m.

WSR 96-20-085
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH
 [Filed October 1, 1996, 10:31 a.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: Can a Naturopathic Physician perform alternative (artificial) insemination (AI)?

Issuing Entity: Washington State Medical Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from Bobbi Lutack, ND, Evergreen Natural Health Clinic, Seattle, Washington, on whether naturopathic physicians can perform alternative (artificial) insemination.

Effective Date: August 21, 1996.

Contact Person: Beverly A. Teeter, Administrator, Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, (360) 664-8690.

WSR 96-20-096
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed October 1, 1996, 2:22 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Administrative Policy 13.06.
 Subject: General Contracting Policy.
 Effective Date: October 1, 1996.

Document Description: This policy provides department staff with the first general contracting policy since the advent of contract conversion and brings together, in one document, all the types of contracts the department uses. It provides a basic overview of contracting in order to lay the foundation for future, more detailed policies on specific contracting types.

This issuance proposes some selected changes to the contract process that will afford better protection for the department and staff. Specifically, the use of work orders signed by program staff is now restricted to client service contracts, and these client service work orders can only be signed by staff who have delegated signing authority from the secretary. Further, this policy puts new emphasis on the state ethics in public service law and the Single Audit Act.

To receive a copy of the interpretive or policy statement, contact Christy Gullion, Office of Contracts and Asset Management, P.O. Box 45811, Olympia, WA 98504-5811, phone (360) 902-7649, TDD (360) 753-4542, FAX (360) 586-8487, E-mail cgullion@dshs.wa.gov.

September 30, 1996
 Philip A. Wozniak
 Director

WSR 96-20-097
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed October 1, 1996, 2:23 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Federally Qualified Health Centers.
 Subject: Policy and Billing Instructions.
 Effective Date: October 1, 1996.

Document Description: This is a manual for federally qualified health centers describing the program and billing procedures.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98513, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, E-mail dejarae@dshs.wa.gov.

September 26, 1996
 Steven Wish, Section Head
 Division of Client Services

WSR 96-20-098
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed October 1, 1996, 2:24 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: #96-85.
 Subject: Temporary Removal of Prior Authorization for Selected Procedures.

Effective Date: October 1, 1996, through February 28, 1997.

Document Description: Effective for claims with October 1, 1996, through February 28, 1997, dates of service, prior authorization requirement(s) will be removed from selected procedure codes and selected diagnosis codes. All services that have prior authorization removed will be reviewed after payment for medical necessity. Areas which will no longer require prior authorization are specifically identified within this numbered memoranda.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98513, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, E-mail dejarae@dshs.wa.gov.

September 26, 1996
 Steven Wish, Section Head
 Division of Client Services

WSR 96-20-099
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed October 1, 1996, 2:25 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: #96-86.
 Subject: Removal of Prior Authorization for Home Health Services.

Effective Date: October 1, 1996.

Document Description: Effective October 1, 1996, the Medical Assistance Administration (MAA) will no longer require prior authorization for home health services. All existing policies, rules and regulations will remain in effect. Services will continue to be subject to pre/post pay review. Previously assigned or existing prior authorization numbers are to be used only when billing for dates of service prior to October 1, 1996.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98513, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, E-mail dejarae@dshs.wa.gov.

September 26, 1996
 Steven Wish, Section Head
 Division of Client Services

WSR 96-20-100
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed October 1, 1996, 2:26 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Chemical Dependency Billing Instructions.

Subject: Policy and Billing Instructions.

Effective Date: October 1996.

Document Description: Billing instructions to be used by outpatient chemical dependency treatment centers contracted through the Division of Alcohol and Substance Abuse (DASA).

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98513, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, E-mail dejarae@dshs.wa.gov.

September 26, 1996
Steven Wish, Section Head
Division of Client Services

WSR 96-20-111
NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED CONTROL BOARD
[Memorandum—October 1, 1996]

The Washington State Noxious Weed Control Board will hold the following public hearing on proposed revisions to chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties: November 20, 1996, 9:00 a.m. to 10:00 a.m., Natural Resources Building, Room 172, 1111 Washington Street, Olympia, WA.

The public is invited to attend or to submit written testimony. Contact Laurie Penders, 1851 South Central Place, Suite 211, Kent, WA 98031, (206) 872-2972 if you have any questions.

WSR 96-20-115
RULES COORDINATOR
SHORELINE COMMUNITY COLLEGE
[Filed October 2, 1996, 10:42 a.m.]

In accordance with RCW 34.05.310, please be advised that Charles Whiteside, Vice-President for Human Resources and Employee Relations, will serve as the agency rules coordinator for Shoreline Community College. His mailing address and phone number are Mr. Charles Whiteside, Vice-President for Human Resources and Employee Relations, Shoreline Community College, 16101 Greenwood Avenue North, Seattle, WA 98133, phone (206) 546-4694.

Gary Oertli
President

WSR 96-20-117
INSURANCE COMMISSIONER'S OFFICE
[Filed October 2, 1996, 11:14 a.m.]

NOTICE OF PUBLIC HEARING
THE OFFICE OF THE INSURANCE COMMISSIONER

Subject: Proposed managed care health care rules.
When: Wednesday, October 30, 1996, 5:30 p.m. to 7:30 p.m.

Where: Ridpath WestCoast Hotel, West 515 Sprague Avenue, Spokane, WA.

Insurance Commissioner Deborah Senn invites all interested parties to provide testimony on working draft rules related to the consolidation of existing duplicative regulations for disability insurers, health care service contractors and health maintenance organizations; adoption of managed care rules based on National Association of Insurance Commissioners' model acts; and the possible modification of existing regulations to conform to recent health care legislation.

Contact Person: Beverly Smith, Administrative Assistant, (360) 664-8055, P.O. Box 40255, Olympia, WA 98504-0255. You may access the latest draft of the rules on-line at <http://www.wa.gov/ins>.

WSR 96-20-119
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
[Memorandum—October 2, 1996]

Notice of Meetings to Begin Negotiated Rule Making

At its August 14, 1996, meeting, the Forest Practices Board directed staff to begin a negotiated rule-making process for handling forest practices in the Columbia River Gorge National Scenic Area's special management zones (SMAs). Representatives from the various groups interested in this process have been invited to develop (negotiate) a rule proposal.

The meetings will take place on October 9 and November 5, 1996, from 10 a.m. to 2:30 p.m. at the Washington Employment Security Department, 5411 East Mill Plain Boulevard, Building 3, Suite B., Vancouver, WA.

The public is welcome to attend these meetings as observers, but no oral public comment will be taken at this time. Written comments about the development of the rule proposal can be sent to the board at the address below. All written comments will be forwarded to the Forest Practices Board and to the negotiating team. After a proposed rule is developed, it will go through a full public review process as required by the Administrative Procedure Act.

Send written comments to Judith Holter, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012.

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	12-10-230	PREP-X	96-13-023	12-10-440	REP	96-17-078
4-25-530	AMD-P	96-09-065	12-10-230	REP	96-17-078	12-10-442	PREP-X	96-13-023
4-25-530	AMD	96-12-060	12-10-240	PREP-X	96-13-023	12-10-442	REP	96-17-078
4-25-722	PREP	96-05-082	12-10-240	REP	96-17-078	12-10-444	PREP-X	96-13-023
4-25-722	AMD-P	96-09-064	12-10-245	PREP-X	96-13-023	12-10-444	REP	96-17-078
4-25-722	AMD	96-12-062	12-10-245	REP	96-17-078	12-10-450	PREP-X	96-13-023
4-25-750	PREP	96-05-083	12-10-260	PREP-X	96-13-023	12-10-450	REP	96-17-078
4-25-750	AMD-P	96-09-066	12-10-260	REP	96-17-078	12-10-455	PREP-X	96-13-023
4-25-750	AMD	96-12-061	12-10-270	PREP-X	96-13-023	12-10-455	REP	96-17-078
4-25-810	PREP	96-05-084	12-10-270	REP	96-17-078	12-10-460	PREP-X	96-13-023
4-25-810	PREP-W	96-10-027	12-10-300	PREP-X	96-13-023	12-10-460	REP	96-17-078
12-10-010	PREP-X	96-13-023	12-10-300	REP	96-17-078	12-10-465	PREP-X	96-13-023
12-10-010	REP	96-17-078	12-10-305	PREP-X	96-13-023	12-10-465	REP	96-17-078
12-10-020	PREP-X	96-13-023	12-10-305	REP	96-17-078	12-10-470	PREP-X	96-13-023
12-10-020	REP	96-17-078	12-10-310	PREP-X	96-13-023	12-10-470	REP	96-17-078
12-10-025	PREP-X	96-13-023	12-10-310	REP	96-17-078	12-10-480	PREP-X	96-13-023
12-10-025	REP	96-17-078	12-10-320	PREP-X	96-13-023	12-10-480	REP	96-17-078
12-10-030	PREP-X	96-13-023	12-10-320	REP	96-17-078	12-10-485	PREP-X	96-13-023
12-10-030	REP	96-17-078	12-10-330	PREP-X	96-13-023	12-10-485	REP	96-17-078
12-10-035	PREP-X	96-13-023	12-10-330	REP	96-17-078	12-10-490	PREP-X	96-13-023
12-10-035	REP	96-17-078	12-10-340	PREP-X	96-13-023	12-10-490	REP	96-17-078
12-10-040	PREP-X	96-13-023	12-10-340	REP	96-17-078	12-10-495	PREP-X	96-13-023
12-10-040	REP	96-17-078	12-10-345	PREP-X	96-13-023	12-10-495	REP	96-17-078
12-10-050	PREP-X	96-13-023	12-10-345	REP	96-17-078	12-10-500	PREP-X	96-13-023
12-10-050	REP	96-17-078	12-10-350	PREP-X	96-13-023	12-10-500	REP	96-17-078
12-10-055	PREP-X	96-13-023	12-10-350	REP	96-17-078	12-10-510	PREP-X	96-13-023
12-10-055	REP	96-17-078	12-10-355	PREP-X	96-13-023	12-10-510	REP	96-17-078
12-10-060	PREP-X	96-13-023	12-10-355	REP	96-17-078	12-10-520	PREP-X	96-13-023
12-10-060	REP	96-17-078	12-10-360	PREP-X	96-13-023	12-10-520	REP	96-17-078
12-10-100	PREP-X	96-13-023	12-10-360	REP	96-17-078	12-10-530	PREP-X	96-13-023
12-10-100	REP	96-17-078	12-10-365	PREP-X	96-13-023	12-10-530	REP	96-17-078
12-10-160	PREP-X	96-13-023	12-10-365	REP	96-17-078	12-10-535	PREP-X	96-13-023
12-10-160	REP	96-17-078	12-10-370	PREP-X	96-13-023	12-10-535	REP	96-17-078
12-10-170	PREP-X	96-13-023	12-10-370	REP	96-17-078	12-10-540	PREP-X	96-13-023
12-10-170	REP	96-17-078	12-10-375	PREP-X	96-13-023	12-10-540	REP	96-17-078
12-10-180	PREP-X	96-13-023	12-10-375	REP	96-17-078	12-10-545	PREP-X	96-13-023
12-10-180	REP	96-17-078	12-10-390	PREP-X	96-13-023	12-10-545	REP	96-17-078
12-10-190	PREP-X	96-13-023	12-10-390	REP	96-17-078	12-10-550	PREP-X	96-13-023
12-10-190	REP	96-17-078	12-10-400	PREP-X	96-13-023	12-10-550	REP	96-17-078
12-10-200	PREP-X	96-13-023	12-10-400	REP	96-17-078	12-10-570	PREP-X	96-13-023
12-10-200	REP	96-17-078	12-10-405	PREP-X	96-13-023	12-10-570	REP	96-17-078
12-10-203	PREP-X	96-13-023	12-10-405	REP	96-17-078	12-10-580	PREP-X	96-13-023
12-10-203	REP	96-17-078	12-10-410	PREP-X	96-13-023	12-10-580	REP	96-17-078
12-10-205	PREP-X	96-13-023	12-10-410	REP	96-17-078	12-10-600	PREP-X	96-13-023
12-10-205	REP	96-17-078	12-10-420	PREP-X	96-13-023	12-10-600	REP	96-17-078
12-10-210	PREP-X	96-13-023	12-10-420	REP	96-17-078	12-10-650	PREP-X	96-13-023
12-10-210	REP	96-17-078	12-10-425	PREP-X	96-13-023	12-10-650	REP	96-17-078
12-10-215	PREP-X	96-13-023	12-10-425	REP	96-17-078	12-10-652	PREP-X	96-13-023
12-10-215	REP	96-17-078	12-10-440	PREP-X	96-13-023	12-10-652	REP	96-17-078

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
12-10-660	PREP-X	96-13-023	12-24-145	DECOD-P	96-14-024	16-05-001	NEW	96-13-082
12-10-660	REP	96-17-078	12-24-145	DECOD	96-17-018	16-05-005	NEW-P	96-10-080
12-10-690	PREP-X	96-13-023	12-24-150	DECOD-P	96-14-024	16-05-005	NEW	96-13-082
12-10-690	REP	96-17-078	12-24-150	DECOD	96-17-018	16-05-010	NEW-P	96-10-080
12-10-695	PREP-X	96-13-023	12-24-155	DECOD-P	96-14-024	16-05-010	NEW	96-13-082
12-10-695	REP	96-17-078	12-24-155	DECOD	96-17-018	16-05-015	NEW-P	96-10-080
12-10-700	PREP-X	96-13-023	12-24-160	DECOD-P	96-14-024	16-05-015	NEW	96-13-082
12-10-700	REP	96-17-078	12-24-160	DECOD	96-17-018	16-05-020	NEW-P	96-10-080
12-10-710	PREP-X	96-13-023	12-24-165	DECOD-P	96-14-024	16-05-020	NEW	96-13-082
12-10-710	REP	96-17-078	12-24-165	DECOD	96-17-018	16-05-025	NEW-P	96-10-080
12-10-800	PREP-X	96-13-023	12-24-170	DECOD-P	96-14-024	16-05-025	NEW	96-13-082
12-10-800	REP	96-17-078	12-24-170	DECOD	96-17-018	16-05-030	NEW-P	96-10-080
12-10-810	PREP-X	96-13-023	12-24-175	DECOD-P	96-14-024	16-05-030	NEW	96-13-082
12-10-810	REP	96-17-078	12-24-175	DECOD	96-17-018	16-05-035	NEW-P	96-10-080
12-10-820	PREP-X	96-13-023	12-24-180	DECOD-P	96-14-024	16-05-035	NEW	96-13-082
12-10-820	REP	96-17-078	12-24-180	DECOD	96-17-018	16-05-040	NEW-P	96-10-080
12-10-830	PREP-X	96-13-023	12-24-185	DECOD-P	96-14-024	16-05-040	NEW	96-13-082
12-10-830	REP	96-17-078	12-24-185	DECOD	96-17-018	16-05-045	NEW-P	96-10-080
12-10-840	PREP-X	96-13-023	12-24-190	DECOD-P	96-14-024	16-05-045	NEW	96-13-082
12-10-840	REP	96-17-078	12-24-190	DECOD	96-17-018	16-06-010	REP-P	96-06-082
12-10-900	PREP-X	96-13-023	12-24-195	DECOD-P	96-14-024	16-06-010	REP-C	96-11-119
12-10-900	REP	96-17-078	12-24-195	DECOD	96-17-018	16-06-010	REP	96-14-086
12-18-001	DECOD-P	96-14-024	12-24-200	DECOD-P	96-14-024	16-06-010	REP-P	96-06-082
12-18-001	DECOD	96-17-018	12-24-200	DECOD	96-17-018	16-06-020	REP-C	96-11-119
12-18-010	DECOD-P	96-14-024	12-24-205	DECOD-P	96-14-024	16-06-020	REP	96-14-086
12-18-010	DECOD	96-17-018	12-24-205	DECOD	96-17-018	16-06-030	REP-P	96-06-082
12-18-020	PREP	96-10-041	12-24-210	DECOD-P	96-14-024	16-06-030	REP-C	96-11-119
12-18-020	AMD-P	96-14-024	12-24-210	DECOD	96-17-018	16-06-030	REP	96-14-086
12-18-020	DECOD-P	96-14-024	12-24-215	DECOD-P	96-14-024	16-06-040	REP-P	96-06-082
12-18-020	AMD	96-17-018	12-24-215	DECOD	96-17-018	16-06-040	REP-C	96-11-119
12-18-020	DECOD	96-17-018	12-24-350	DECOD-P	96-14-024	16-06-040	REP	96-14-086
12-18-030	DECOD-P	96-14-024	12-24-350	DECOD	96-17-018	16-06-050	REP-P	96-06-082
12-18-030	DECOD	96-17-018	12-24-360	DECOD-P	96-14-024	16-06-050	REP-C	96-11-119
12-18-040	DECOD-P	96-14-024	12-24-360	DECOD	96-17-018	16-06-050	REP	96-14-086
12-18-040	DECOD	96-17-018	12-24-370	DECOD-P	96-14-024	16-06-060	REP-P	96-06-082
12-18-050	DECOD-P	96-14-024	12-24-370	DECOD	96-17-018	16-06-060	REP-C	96-11-119
12-18-050	DECOD	96-17-018	12-24-380	DECOD-P	96-14-024	16-06-060	REP	96-14-086
12-19-010	DECOD-P	96-14-024	12-24-380	DECOD	96-17-018	16-06-070	REP-P	96-06-082
12-19-010	DECOD	96-17-018	12-40-010	DECOD-P	96-14-024	16-06-070	REP-C	96-11-119
12-20-050	DECOD-P	96-14-024	12-40-010	DECOD	96-17-018	16-06-070	REP	96-14-086
12-20-050	DECOD	96-17-018	12-40-020	DECOD-P	96-14-024	16-06-080	REP-P	96-06-082
12-24-002	DECOD-P	96-14-024	12-40-020	DECOD	96-17-018	16-06-080	REP-C	96-11-119
12-24-002	DECOD	96-17-018	12-40-030	DECOD-P	96-14-024	16-06-080	REP	96-14-086
12-24-005	DECOD-P	96-14-024	12-40-030	DECOD	96-17-018	16-06-090	REP-P	96-06-082
12-24-005	DECOD	96-17-018	12-40-040	DECOD-P	96-14-024	16-06-090	REP-C	96-11-119
12-24-025	DECOD-P	96-14-024	12-40-040	DECOD	96-17-018	16-06-090	REP	96-14-086
12-24-025	DECOD	96-17-018	12-40-050	DECOD-P	96-14-024	16-06-100	REP-P	96-06-082
12-24-030	DECOD-P	96-14-024	12-40-050	DECOD	96-17-018	16-06-100	REP-C	96-11-119
12-24-030	DECOD	96-17-018	12-40-060	DECOD-P	96-14-024	16-06-100	REP	96-14-086
12-24-035	DECOD-P	96-14-024	12-40-060	DECOD	96-17-018	16-06-110	REP-P	96-06-082
12-24-035	DECOD	96-17-018	12-40-070	DECOD-P	96-14-024	16-06-110	REP-C	96-11-119
12-24-040	DECOD-P	96-14-024	12-40-070	DECOD	96-17-018	16-06-110	REP	96-14-086
12-24-040	DECOD	96-17-018	12-40-080	DECOD-P	96-14-024	16-06-120	REP-P	96-06-082
12-24-045	DECOD-P	96-14-024	12-40-080	DECOD	96-17-018	16-06-120	REP-C	96-11-119
12-24-045	DECOD	96-17-018	12-40-090	DECOD-P	96-14-024	16-06-120	REP	96-14-086
12-24-050	DECOD-P	96-14-024	12-40-090	DECOD	96-17-018	16-06-130	REP-P	96-06-082
12-24-050	DECOD	96-17-018	12-40-100	DECOD-P	96-14-024	16-06-130	REP-C	96-11-119
12-24-105	DECOD-P	96-14-024	12-40-100	DECOD	96-17-018	16-06-130	REP	96-14-086
12-24-105	DECOD	96-17-018	12-40-110	DECOD-P	96-14-024	16-06-140	REP-P	96-06-082
12-24-110	DECOD-P	96-14-024	12-40-110	DECOD	96-17-018	16-06-140	REP-C	96-11-119
12-24-110	DECOD	96-17-018	12-40-120	DECOD-P	96-14-024	16-06-140	REP	96-14-086
12-24-115	DECOD-P	96-14-024	12-40-120	DECOD	96-17-018	16-06-150	NEW-P	96-06-082
12-24-115	DECOD	96-17-018	12-40-130	DECOD-P	96-14-024	16-06-150	NEW-C	96-11-119
12-24-120	DECOD-P	96-14-024	12-40-130	DECOD	96-17-018	16-06-150	NEW	96-14-086
12-24-120	DECOD	96-17-018	12-40-140	DECOD-P	96-14-024	16-06-155	NEW-P	96-06-082
12-24-125	DECOD-P	96-14-024	12-40-140	DECOD	96-17-018	16-06-155	NEW-C	96-11-119
12-24-125	DECOD	96-17-018	12-40-150	DECOD-P	96-14-024	16-06-155	NEW	96-14-086
12-24-130	DECOD-P	96-14-024	12-40-150	DECOD	96-17-018	16-06-160	NEW-P	96-06-082
12-24-130	DECOD	96-17-018	12-40-160	DECOD-P	96-14-024	16-06-160	NEW-C	96-11-119
12-24-135	DECOD-P	96-14-024	12-40-160	DECOD	96-17-018	16-06-160	NEW	96-14-086
12-24-135	DECOD	96-17-018	12-40-170	DECOD-P	96-14-024	16-06-165	NEW-P	96-06-082
12-24-140	DECOD-P	96-14-024	12-40-170	DECOD	96-17-018	16-06-165	NEW-C	96-11-119
12-24-140	DECOD	96-17-018	16-05-001	NEW-P	96-10-080	16-06-165	NEW	96-14-086

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-06-170	NEW-P	96-06-082	16-101-430	REP	96-18-108	16-1019-020	NEW-P	96-18-037
16-06-170	NEW-C	96-11-119	16-101-440	PREP-X	96-14-009	16-1019-020	NEW-E	96-18-038
16-06-170	NEW	96-14-086	16-101-440	REP	96-18-108	16-1019-030	NEW-P	96-18-037
16-06-175	NEW-P	96-06-082	16-101-450	PREP-X	96-14-009	16-1019-030	NEW-E	96-18-038
16-06-175	NEW-C	96-11-119	16-101-450	REP	96-18-108	16-1019-040	NEW-P	96-18-037
16-06-175	NEW	96-14-086	16-101-455	PREP-X	96-14-009	16-1019-040	NEW-E	96-18-038
16-06-180	NEW-P	96-06-082	16-101-455	REP	96-18-108	16-1019-050	NEW-P	96-18-037
16-06-180	NEW-C	96-11-119	16-101-460	PREP-X	96-14-009	16-114-001	PREP-X	96-14-017
16-06-180	NEW	96-14-086	16-101-460	REP	96-18-108	16-114-001	REP	96-18-110
16-06-185	NEW-P	96-06-082	16-101-465	PREP-X	96-14-009	16-114-010	PREP-X	96-14-017
16-06-185	NEW-C	96-11-119	16-101-465	REP	96-18-108	16-114-010	REP	96-18-110
16-06-185	NEW	96-14-086	16-101-470	PREP-X	96-14-009	16-114-015	PREP-X	96-14-017
16-06-190	NEW-P	96-06-082	16-101-470	REP	96-18-108	16-114-015	REP	96-18-110
16-06-190	NEW-C	96-11-119	16-101-475	PREP-X	96-14-009	16-114-020	PREP-X	96-14-017
16-06-190	NEW	96-14-086	16-101-475	REP	96-18-108	16-114-020	REP	96-18-110
16-06-195	NEW-P	96-06-082	16-101-480	PREP-X	96-14-009	16-114-025	PREP-X	96-14-017
16-06-195	NEW-C	96-11-119	16-101-480	REP	96-18-108	16-114-025	REP	96-18-110
16-06-195	NEW	96-14-086	16-101-490	PREP-X	96-14-009	16-114-030	PREP-X	96-14-017
16-06-200	NEW-P	96-06-082	16-101-490	REP	96-18-108	16-114-030	REP	96-18-110
16-06-200	NEW-C	96-11-119	16-101-500	PREP-X	96-14-009	16-114-040	PREP-X	96-14-017
16-06-200	NEW	96-14-086	16-101-500	REP	96-18-108	16-114-040	REP	96-18-110
16-06-205	NEW-P	96-06-082	16-101-510	PREP-X	96-14-009	16-114-045	PREP-X	96-14-017
16-06-205	NEW-C	96-11-119	16-101-510	REP	96-18-108	16-114-045	REP	96-18-110
16-06-205	NEW	96-14-086	16-101-520	PREP-X	96-14-009	16-114-050	PREP-X	96-14-017
16-06-210	NEW-P	96-06-082	16-101-520	REP	96-18-108	16-114-050	REP	96-18-110
16-06-210	NEW-C	96-11-119	16-101-530	PREP-X	96-14-009	16-114-055	PREP-X	96-14-017
16-06-210	NEW	96-14-086	16-101-530	REP	96-18-108	16-114-055	REP	96-18-110
16-06-215	NEW-P	96-06-082	16-101-540	PREP-X	96-14-009	16-114-060	PREP-X	96-14-017
16-06-215	NEW-C	96-11-119	16-101-540	REP	96-18-108	16-114-060	REP	96-18-110
16-06-215	NEW	96-14-086	16-101-550	PREP-X	96-14-009	16-114-065	PREP-X	96-14-017
16-06-220	NEW-P	96-06-082	16-101-550	REP	96-18-108	16-114-065	REP	96-18-110
16-06-220	NEW-C	96-11-119	16-101-560	PREP-X	96-14-009	16-114-070	PREP-X	96-14-017
16-06-220	NEW	96-14-086	16-101-560	REP	96-18-108	16-114-070	REP	96-18-110
16-06-225	NEW-P	96-06-082	16-101-570	PREP-X	96-14-009	16-114-075	PREP-X	96-14-017
16-06-225	NEW-C	96-11-119	16-101-570	REP	96-18-108	16-114-075	REP	96-18-110
16-06-225	NEW	96-14-086	16-101-580	PREP-X	96-14-009	16-114-080	PREP-X	96-14-017
16-06-230	NEW-P	96-06-082	16-101-580	REP	96-18-108	16-114-080	REP	96-18-110
16-06-230	NEW-C	96-11-119	16-101-590	PREP-X	96-14-009	16-114-085	PREP-X	96-14-017
16-06-230	NEW	96-14-086	16-101-590	REP	96-18-108	16-114-085	REP	96-18-110
16-06-235	NEW-P	96-06-082	16-101-600	PREP-X	96-14-009	16-114-090	PREP-X	96-14-017
16-06-235	NEW-C	96-11-119	16-101-600	REP	96-18-108	16-114-090	REP	96-18-110
16-06-235	NEW	96-14-086	16-101-610	PREP-X	96-14-009	16-114-095	PREP-X	96-14-017
16-09-001	PREP-X	96-14-072	16-101-610	REP	96-18-108	16-114-095	REP	96-18-110
16-09-001	REP	96-18-104	16-101-620	PREP-X	96-14-009	16-114-100	PREP-X	96-14-017
16-09-010	PREP-X	96-14-072	16-101-620	REP	96-18-108	16-114-100	REP	96-18-110
16-09-010	REP	96-18-104	16-101-630	PREP-X	96-14-009	16-114-105	PREP-X	96-14-017
16-09-020	PREP-X	96-14-072	16-101-630	REP	96-18-108	16-114-105	REP	96-18-110
16-09-020	REP	96-18-104	16-101-640	PREP-X	96-14-009	16-114-110	PREP-X	96-14-017
16-09-030	PREP-X	96-14-072	16-101-640	REP	96-18-108	16-114-110	REP	96-18-110
16-09-030	REP	96-18-104	16-101-650	PREP-X	96-14-009	16-114-115	PREP-X	96-14-017
16-09-040	PREP-X	96-14-072	16-101-650	REP	96-18-108	16-114-115	REP	96-18-110
16-09-040	REP	96-18-104	16-101-660	PREP-X	96-14-009	16-114-120	PREP-X	96-14-017
16-49-001	PREP-X	96-14-011	16-101-660	REP	96-18-108	16-114-120	REP	96-18-110
16-49-001	REP	96-18-105	16-101-670	PREP-X	96-14-009	16-114-125	PREP-X	96-14-017
16-49-010	PREP-X	96-14-011	16-101-670	REP	96-18-108	16-114-125	REP	96-18-110
16-49-010	REP	96-18-105	16-101-680	PREP-X	96-14-009	16-114-130	PREP-X	96-14-017
16-49-020	PREP-X	96-14-011	16-101-680	REP	96-18-108	16-114-130	REP	96-18-110
16-49-020	REP	96-18-105	16-101-700	PREP	96-13-093	16-114-135	PREP-X	96-14-017
16-49-030	PREP-X	96-14-011	16-101-700	AMD-P	96-18-084	16-114-135	REP	96-18-110
16-49-030	REP	96-18-105	16-101-705	NEW-P	96-18-085	16-114-140	PREP-X	96-14-017
16-49-040	PREP-X	96-14-011	16-101-711	NEW-P	96-18-085	16-114-140	REP	96-18-110
16-49-040	REP	96-18-105	16-101-715	REP-P	96-18-085	16-116-001	PREP-X	96-14-012
16-54-082	PREP	96-13-095	16-101-716	NEW-P	96-18-085	16-116-001	REP	96-18-111
16-54-082	AMD-P	96-16-080	16-101-720	REP-P	96-18-085	16-116-010	PREP-X	96-14-012
16-54-125	PREP	96-13-096	16-101-721	NEW-P	96-18-085	16-116-010	REP	96-18-111
16-54-125	AMD-P	96-16-079	16-101-725	REP-P	96-18-085	16-116-020	PREP-X	96-14-012
16-86-015	PREP	96-13-095	16-101-726	NEW-P	96-18-085	16-116-020	REP	96-18-111
16-86-015	AMD-P	96-16-080	16-101-730	REP-P	96-18-085	16-116-030	PREP-X	96-14-012
16-101-410	PREP-X	96-14-009	16-101-735	REP-P	96-18-085	16-116-030	REP	96-18-111
16-101-410	REP	96-18-108	16-101-740	REP-P	96-18-085	16-116-040	PREP-X	96-14-012
16-101-420	PREP-X	96-14-009	16-101-990	NEW-P	96-18-085	16-116-040	REP	96-18-111
16-101-420	REP	96-18-108	16-1019-010	NEW-P	96-18-037	16-120-001	PREP-X	96-14-014
16-101-430	PREP-X	96-14-009	16-1019-010	NEW-E	96-18-038	16-120-001	REP	96-18-112

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-120-005	PREP-X	96-14-014	16-132-050	PREP-X	96-14-014	16-168-060	NEW	96-09-037
16-120-005	REP	96-18-112	16-132-050	REP	96-18-112	16-168-070	NEW-P	96-05-027
16-120-010	PREP-X	96-14-014	16-132-060	PREP-X	96-14-014	16-168-070	NEW	96-09-037
16-120-010	REP	96-18-112	16-132-060	REP	96-18-112	16-168-080	NEW-P	96-05-027
16-120-020	PREP-X	96-14-014	16-136-001	PREP-X	96-14-013	16-168-080	NEW	96-09-037
16-120-020	REP	96-18-112	16-136-001	REP	96-18-107	16-168-090	NEW-P	96-05-027
16-120-030	PREP-X	96-14-014	16-136-010	PREP-X	96-14-013	16-168-090	NEW	96-09-037
16-120-030	REP	96-18-112	16-136-010	REP	96-18-107	16-168-100	NEW-P	96-05-027
16-120-040	PREP-X	96-14-014	16-136-020	PREP-X	96-14-013	16-168-100	NEW	96-09-037
16-120-040	REP	96-18-112	16-136-020	REP	96-18-107	16-200-640	REP-P	96-10-071
16-120-050	PREP-X	96-14-014	16-138-010	NEW-E	96-11-001	16-200-640	REP	96-15-018A
16-120-050	REP	96-18-112	16-138-020	NEW-E	96-11-001	16-200-650	REP-P	96-10-071
16-120-060	PREP-X	96-14-014	16-138-030	NEW-E	96-11-001	16-200-650	REP	96-15-018A
16-120-060	REP	96-18-112	16-138-040	NEW-E	96-11-001	16-200-750	AMD-P	96-10-071
16-120-070	PREP-X	96-14-014	16-140-001	PREP-X	96-14-016	16-200-750	AMD	96-15-018A
16-120-070	REP	96-18-112	16-140-001	REP	96-18-113	16-200-755	NEW-P	96-10-071
16-120-080	PREP-X	96-14-014	16-140-010	PREP-X	96-14-016	16-200-755	NEW	96-15-018A
16-120-080	REP	96-18-112	16-140-010	REP	96-18-113	16-200-760	AMD-P	96-10-071
16-120-090	PREP-X	96-14-014	16-140-020	PREP-X	96-14-016	16-200-760	AMD	96-15-018A
16-120-090	REP	96-18-112	16-140-020	REP	96-18-113	16-200-770	AMD-P	96-10-071
16-120-100	PREP-X	96-14-014	16-140-030	PREP-X	96-14-016	16-200-770	AMD	96-15-018A
16-120-100	REP	96-18-112	16-140-030	REP	96-18-113	16-200-780	REP-P	96-10-071
16-120-110	PREP-X	96-14-014	16-140-040	PREP-X	96-14-016	16-200-780	REP	96-15-018A
16-120-110	REP	96-18-112	16-140-040	REP	96-18-113	16-200-790	AMD-P	96-10-071
16-120-120	PREP-X	96-14-014	16-140-050	PREP-X	96-14-016	16-200-790	AMD	96-15-018A
16-120-120	REP	96-18-112	16-140-050	REP	96-18-113	16-200-795	NEW-P	96-10-071
16-120-130	PREP-X	96-14-014	16-140-060	PREP-X	96-14-016	16-200-795	NEW	96-15-018A
16-120-130	REP	96-18-112	16-140-060	REP	96-18-113	16-200-800	REP-P	96-10-071
16-122	PREP	96-13-092	16-140-070	PREP-X	96-14-016	16-200-800	REP	96-15-018A
16-122	AMD-P	96-18-086	16-140-070	REP	96-18-113	16-200-805	AMD-P	96-10-071
16-122-001	AMD-P	96-18-086	16-140-080	PREP-X	96-14-016	16-200-805	AMD	96-15-018A
16-124-011	PREP	96-13-091	16-140-080	REP	96-18-113	16-200-810	REP-P	96-10-071
16-124-011	AMD-P	96-18-087	16-140-090	PREP-X	96-14-016	16-200-810	REP	96-15-018A
16-126-001	PREP-X	96-14-014	16-140-090	REP	96-18-113	16-200-815	AMD-P	96-10-071
16-126-001	REP	96-18-112	16-140-100	PREP-X	96-14-016	16-200-815	AMD	96-15-018A
16-128-001	PREP-X	96-14-016	16-140-100	REP	96-18-113	16-200-830	AMD-P	96-10-071
16-128-001	REP	96-18-113	16-140-100	REP	96-18-113	16-200-830	AMD	96-15-018A
16-128-010	PREP-X	96-14-016	16-144-001	PREP-X	96-14-010	16-200-850	REP-P	96-10-071
16-128-010	REP	96-18-113	16-144-001	REP	96-18-106	16-200-850	REP	96-15-018A
16-128-020	PREP-X	96-14-016	16-144-020	PREP-X	96-14-010	16-200-860	AMD-P	96-10-071
16-128-020	REP	96-18-113	16-144-020	REP	96-18-106	16-200-860	AMD	96-15-018A
16-128-030	PREP-X	96-14-016	16-144-030	PREP-X	96-14-010	16-200-865	NEW-P	96-10-071
16-128-030	REP	96-18-113	16-144-030	REP	96-18-106	16-200-865	NEW	96-15-018A
16-128-040	PREP-X	96-14-016	16-144-040	PREP-X	96-14-010	16-200-870	REP-P	96-10-071
16-128-040	REP	96-18-113	16-144-040	REP	96-18-106	16-200-870	REP	96-15-018A
16-128-050	PREP-X	96-14-016	16-144-050	PREP-X	96-14-010	16-200-885	NEW-P	96-10-071
16-128-050	REP	96-18-113	16-144-050	REP	96-18-106	16-200-885	NEW	96-15-018A
16-128-060	PREP-X	96-14-016	16-144-060	PREP-X	96-14-010	16-200-887	NEW-P	96-10-071
16-128-060	REP	96-18-113	16-144-060	REP	96-18-106	16-200-887	NEW	96-15-018A
16-128-070	PREP-X	96-14-016	16-144-070	PREP-X	96-14-010	16-230	PREP	96-20-110
16-128-070	REP	96-18-113	16-144-070	REP	96-18-106	16-233-001	NEW-P	96-14-108
16-128-080	PREP-X	96-14-016	16-144-080	PREP-X	96-14-010	16-233-005	NEW-P	96-14-108
16-128-080	REP	96-18-113	16-144-080	REP	96-18-106	16-233-010	NEW-P	96-14-108
16-128-090	PREP-X	96-14-016	16-148-001	PREP-X	96-14-015	16-233-020	NEW-P	96-14-108
16-128-090	REP	96-18-113	16-148-001	REP	96-18-109	16-233-025	NEW-P	96-14-108
16-128-100	PREP-X	96-14-016	16-148-010	PREP-X	96-14-015	16-233-100	NEW-P	96-14-108
16-128-100	REP	96-18-113	16-148-010	REP	96-18-109	16-233-105	NEW-P	96-14-108
16-128-110	PREP-X	96-14-016	16-148-020	PREP-X	96-14-015	16-233-110	NEW-P	96-14-108
16-128-110	REP	96-18-113	16-148-020	REP	96-18-109	16-233-115	NEW-P	96-14-108
16-128-120	PREP-X	96-14-016	16-148-030	PREP-X	96-14-015	16-233-120	NEW-P	96-14-108
16-128-120	REP	96-18-113	16-148-030	REP	96-18-109	16-233-125	NEW-P	96-14-108
16-128-130	PREP-X	96-14-016	16-156	PREP	96-08-074	16-233-125	NEW-S	96-17-081
16-128-130	REP	96-18-113	16-168-010	NEW-P	96-05-027	16-233-130	NEW-P	96-14-108
16-132-001	PREP-X	96-14-014	16-168-010	NEW	96-09-037	16-233-135	NEW-P	96-14-108
16-132-001	REP	96-18-112	16-168-020	NEW-P	96-05-027	16-233-140	NEW-P	96-14-108
16-132-010	PREP-X	96-14-014	16-168-020	NEW	96-09-037	16-233-145	NEW-P	96-14-108
16-132-010	REP	96-18-112	16-168-030	NEW-P	96-05-027	16-233-150	NEW-P	96-14-108
16-132-020	PREP-X	96-14-014	16-168-030	NEW	96-09-037	16-233-150	NEW-S	96-17-081
16-132-020	REP	96-18-112	16-168-040	NEW-P	96-05-027	16-233-155	NEW-P	96-14-108
16-132-030	PREP-X	96-14-014	16-168-040	NEW	96-09-037	16-233-200	NEW-P	96-14-108
16-132-030	REP	96-18-112	16-168-050	NEW-P	96-05-027	16-233-205	NEW-P	96-14-108
16-132-040	PREP-X	96-14-014	16-168-050	NEW	96-09-037	16-233-210	NEW-P	96-14-108
16-132-040	REP	96-18-112	16-168-060	NEW-P	96-05-027	16-233-215	NEW-P	96-14-108

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-233-220	NEW-P	96-14-108	16-532-0406	NEW	96-15-139	36-08-020	REP	96-17-040
16-233-225	NEW-P	96-14-108	16-532-0408	NEW-P	96-05-086	36-08-030	PREP-X	96-13-021
16-233-230	NEW-P	96-14-108	16-532-0408	NEW	96-15-139	36-08-030	REP	96-17-040
16-233-235	NEW-P	96-14-108	16-532-0410	NEW-P	96-05-086	36-08-040	PREP-X	96-13-021
16-233-240	NEW-P	96-14-108	16-532-0410	NEW	96-15-139	36-08-040	REP	96-17-040
16-233-245	NEW-P	96-14-108	16-532-0412	NEW-P	96-05-086	36-08-050	PREP-X	96-13-021
16-233-250	NEW-P	96-14-108	16-532-0412	NEW	96-15-139	36-08-050	REP	96-17-040
16-233-250	NEW-S	96-17-081	16-532-0414	NEW-P	96-05-086	36-08-060	PREP-X	96-13-021
16-233-255	NEW-P	96-14-108	16-532-0414	NEW	96-15-139	36-08-060	REP	96-17-040
16-300-010	AMD	96-04-058	16-540-040	AMD	96-03-150	36-08-070	PREP-X	96-13-021
16-304-110	AMD-P	96-09-091	16-560-06001	AMD	96-07-054	36-08-070	REP	96-17-040
16-304-110	AMD	96-12-066	16-695-005	NEW-E	96-17-051	36-08-080	PREP-X	96-13-021
16-304-130	AMD-P	96-09-091	16-695-005	RESCIND	96-20-078	36-08-080	REP	96-17-040
16-304-130	AMD	96-12-066	16-695-005	NEW-E	96-20-079	36-08-090	PREP-X	96-13-021
16-316	PREP	96-07-085	16-695-010	NEW-E	96-17-051	36-08-090	REP	96-17-040
16-316	PREP	96-07-086	16-695-010	RESCIND	96-20-078	36-08-100	PREP-X	96-13-021
16-316-280	AMD-P	96-07-087	16-695-010	NEW-E	96-20-079	36-08-100	REP	96-17-040
16-316-280	AMD-C	96-11-121	16-695-015	NEW-E	96-17-051	36-08-110	PREP-X	96-13-021
16-316-280	AMD	96-14-088	16-695-015	RESCIND	96-20-078	36-08-110	REP	96-17-040
16-316-315	AMD-P	96-11-120	16-695-015	NEW-E	96-20-079	36-08-120	PREP-X	96-13-021
16-316-315	AMD	96-14-087	16-695-020	NEW-E	96-17-051	36-08-120	REP	96-17-040
16-316-327	AMD-P	96-07-087	16-695-020	RESCIND	96-20-078	36-08-130	PREP-X	96-13-021
16-316-327	AMD-C	96-11-121	16-695-020	NEW-E	96-20-079	36-08-130	REP	96-17-040
16-316-327	AMD	96-14-088	16-695-025	NEW-E	96-17-051	36-08-140	PREP-X	96-13-021
16-316-455	AMD-P	96-11-122	16-695-025	RESCIND	96-20-078	36-08-140	REP	96-17-040
16-316-455	AMD	96-14-089	16-695-025	NEW-E	96-20-079	36-08-150	PREP-X	96-13-021
16-316-474	AMD-P	96-11-124	16-695-030	NEW-E	96-17-051	36-08-150	REP	96-17-040
16-316-474	AMD	96-14-091	16-695-030	RESCIND	96-20-078	36-08-160	PREP-X	96-13-021
16-316-724	AMD-P	96-11-124	16-695-030	NEW-E	96-20-079	36-08-160	REP	96-17-040
16-316-724	AMD	96-14-091	16-695-035	NEW-E	96-17-051	36-08-170	PREP-X	96-13-021
16-316-921	AMD-P	96-11-123	16-695-035	RESCIND	96-20-078	36-08-170	REP	96-17-040
16-316-921	AMD	96-14-090	16-695-040	NEW-E	96-20-079	36-08-180	PREP-X	96-13-021
16-319-041	AMD-P	96-03-065	16-695-040	NEW-E	96-17-051	36-08-180	REP	96-17-040
16-319-041	AMD	96-11-044	16-695-040	RESCIND	96-20-078	36-08-190	PREP-X	96-13-021
16-400-040	AMD-P	96-05-071	16-695-040	NEW-E	96-20-079	36-08-190	REP	96-17-040
16-400-040	AMD	96-10-060	16-695-045	NEW-E	96-17-051	36-08-200	PREP-X	96-13-021
16-400-100	AMD-P	96-05-071	16-695-045	RESCIND	96-20-078	36-08-200	REP	96-17-040
16-400-100	AMD	96-10-060	16-695-045	NEW-E	96-20-079	36-08-210	PREP-X	96-13-021
16-400-210	AMD-P	96-05-071	16-695-050	NEW-E	96-17-051	36-08-210	REP	96-17-040
16-400-210	AMD	96-10-060	16-695-050	RESCIND	96-20-078	36-08-220	PREP-X	96-13-021
16-409-020	PREP	96-09-090	16-695-050	NEW-E	96-20-079	36-08-220	REP	96-17-040
16-409-020	AMD-P	96-20-080	16-695-055	NEW-E	96-17-051	36-08-230	PREP-X	96-13-021
16-409-030	PREP	96-09-090	16-695-055	RESCIND	96-20-078	36-08-230	REP	96-17-040
16-409-030	AMD-P	96-20-080	16-695-055	NEW-E	96-20-079	36-08-240	PREP-X	96-13-021
16-409-060	PREP	96-09-090	16-695-060	NEW-E	96-17-051	36-08-240	REP	96-17-040
16-409-060	AMD-P	96-20-080	16-695-060	RESCIND	96-20-078	36-08-250	PREP-X	96-13-021
16-409-065	PREP	96-09-090	16-695-060	NEW-E	96-20-079	36-08-250	REP	96-17-040
16-409-065	AMD-P	96-20-080	16-695-065	NEW-E	96-17-051	36-08-260	PREP-X	96-13-021
16-409-070	AMD-P	96-20-080	16-695-065	RESCIND	96-20-078	36-08-260	REP	96-17-040
16-409-075	AMD-P	96-20-080	16-695-065	NEW-E	96-20-079	36-08-270	PREP-X	96-13-021
16-473-005	NEW-E	96-10-036	16-695-070	NEW-E	96-17-051	36-08-270	REP	96-17-040
16-473-005	NEW-E	96-17-027	16-695-070	RESCIND	96-20-078	36-08-280	PREP-X	96-13-021
16-473-010	NEW-E	96-10-036	16-695-070	NEW-E	96-20-079	36-08-280	REP	96-17-040
16-473-010	NEW-E	96-17-027	16-695-075	NEW-E	96-17-051	36-08-290	PREP-X	96-13-021
16-473-015	NEW-E	96-10-036	16-695-075	RESCIND	96-20-078	36-08-290	REP	96-17-040
16-473-015	NEW-E	96-17-027	16-695-075	NEW-E	96-20-079	36-08-300	PREP-X	96-13-021
16-473-020	NEW-E	96-10-036	16-695-080	NEW-E	96-17-051	36-08-300	REP	96-17-040
16-473-020	NEW-E	96-17-027	16-695-080	RESCIND	96-20-078	36-08-310	PREP-X	96-13-021
16-473-025	NEW-E	96-10-036	16-695-080	NEW-E	96-20-079	36-08-310	REP	96-17-040
16-473-025	NEW-E	96-17-027	16-700-021	PREP	96-16-084	36-08-320	PREP-X	96-13-021
16-473-030	NEW-E	96-10-036	16-750	AMD-C	96-03-093	36-08-320	REP	96-17-040
16-473-030	NEW-E	96-17-027	16-750	PREP	96-17-091	36-08-330	PREP-X	96-13-021
16-473-035	NEW-E	96-10-036	16-750-003	AMD-P	96-20-112	36-08-330	REP	96-17-040
16-473-035	NEW-E	96-17-027	16-750-005	AMD	96-06-030	36-08-340	PREP-X	96-13-021
16-529-150	AMD	96-03-151	16-750-011	AMD	96-06-030	36-08-340	REP	96-17-040
16-532-010	AMD-P	96-05-086	16-750-011	AMD-P	96-20-112	36-08-350	PREP-X	96-13-021
16-532-010	AMD	96-15-139	16-750-015	AMD	96-06-030	36-08-350	REP	96-17-040
16-532-040	PREP	96-02-082	16-750-015	AMD-P	96-20-112	36-08-360	PREP-X	96-13-021
16-532-0402	NEW-P	96-05-086	16-750-020	AMD-P	96-20-112	36-08-360	REP	96-17-040
16-532-0402	NEW	96-15-139	16-750-130	AMD-P	96-20-112	36-08-370	PREP-X	96-13-021
16-532-0404	NEW-P	96-05-086	36-08-010	PREP-X	96-13-021	36-08-370	REP	96-17-040
16-532-0404	NEW	96-15-139	36-08-010	REP	96-17-040	36-08-380	PREP-X	96-13-021
16-532-0406	NEW-P	96-05-086	36-08-020	PREP-X	96-13-021	36-08-380	REP	96-17-040

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
36-08-390	PREP-X	96-13-021	36-12-310	AMD-P	96-20-058	50-08-140	PREP-X	96-14-037
36-08-390	REP	96-17-040	36-12-320	AMD-P	96-20-058	50-08-140	REP	96-17-072
36-08-400	PREP-X	96-13-021	36-12-330	AMD-P	96-20-058	50-08-150	PREP-X	96-14-037
36-08-400	REP	96-17-040	36-12-340	AMD-P	96-20-058	50-08-150	REP	96-17-072
36-08-410	PREP-X	96-13-021	36-12-350	AMD-P	96-20-058	50-08-160	PREP-X	96-14-037
36-08-410	REP	96-17-040	36-12-360	AMD-P	96-20-058	50-08-160	REP	96-17-072
36-08-420	PREP-X	96-13-021	36-12-363	NEW-P	96-20-058	50-08-170	PREP-X	96-14-037
36-08-420	REP	96-17-040	36-12-367	AMD-P	96-20-058	50-08-170	REP	96-17-072
36-08-430	PREP-X	96-13-021	36-12-385	AMD-P	96-20-058	50-08-180	PREP-X	96-14-037
36-08-430	REP	96-17-040	36-12-400	AMD-P	96-20-058	50-08-180	REP	96-17-072
36-08-440	PREP-X	96-13-021	36-12-410	AMD-P	96-20-058	50-08-190	PREP-X	96-14-037
36-08-440	REP	96-17-040	36-12-415	AMD-P	96-20-058	50-08-190	REP	96-17-072
36-08-450	PREP-X	96-13-021	36-12-425	AMD-P	96-20-058	50-08-200	PREP-X	96-14-037
36-08-450	REP	96-17-040	36-12-435	AMD-P	96-20-058	50-08-200	REP	96-17-072
36-08-460	PREP-X	96-13-021	36-12-450	AMD-P	96-20-058	50-08-210	PREP-X	96-14-037
36-08-460	REP	96-17-040	44-10-010	AMD	96-03-155	50-08-210	REP	96-17-072
36-08-470	PREP-X	96-13-021	44-10-020	NEW	96-03-155	50-08-220	PREP-X	96-14-037
36-08-470	REP	96-17-040	44-10-030	AMD	96-03-155	50-08-220	REP	96-17-072
36-08-480	PREP-X	96-13-021	44-10-031	NEW	96-03-155	50-08-230	PREP-X	96-14-037
36-08-480	REP	96-17-040	44-10-040	AMD	96-03-155	50-08-230	REP	96-17-072
36-08-490	PREP-X	96-13-021	44-10-050	AMD	96-03-155	50-08-240	PREP-X	96-14-037
36-08-490	REP	96-17-040	44-10-060	AMD	96-03-155	50-08-240	REP	96-17-072
36-08-500	PREP-X	96-13-021	44-10-070	AMD	96-03-155	50-08-250	PREP-X	96-14-037
36-08-500	REP	96-17-040	44-10-080	AMD	96-03-155	50-08-250	REP	96-17-072
36-08-510	PREP-X	96-13-021	44-10-090	AMD	96-03-155	50-08-260	PREP-X	96-14-037
36-08-510	REP	96-17-040	44-10-100	AMD	96-03-155	50-08-260	REP	96-17-072
36-08-520	PREP-X	96-13-021	44-10-110	AMD	96-03-155	50-08-270	PREP-X	96-14-037
36-08-520	REP	96-17-040	44-10-120	AMD	96-03-155	50-08-270	REP	96-17-072
36-08-530	PREP-X	96-13-021	44-10-130	AMD	96-03-155	50-08-280	PREP-X	96-14-037
36-08-530	REP	96-17-040	44-10-140	AMD	96-03-155	50-08-280	REP	96-17-072
36-08-540	PREP-X	96-13-021	44-10-150	AMD	96-03-155	50-08-290	PREP-X	96-14-037
36-08-540	REP	96-17-040	44-10-160	AMD	96-03-155	50-08-290	REP	96-17-072
36-08-550	PREP-X	96-13-021	44-10-165	REP	96-03-155	50-08-300	PREP-X	96-14-037
36-08-550	REP	96-17-040	44-10-170	AMD	96-03-155	50-08-300	REP	96-17-072
36-08-560	PREP-X	96-13-021	44-10-180	AMD	96-03-155	50-08-310	PREP-X	96-14-037
36-08-560	REP	96-17-040	44-10-200	AMD	96-03-155	50-08-310	REP	96-17-072
36-08-570	PREP-X	96-13-021	44-10-210	AMD	96-03-155	50-08-320	PREP-X	96-14-037
36-08-570	REP	96-17-040	44-10-220	REP	96-03-155	50-08-320	REP	96-17-072
36-08-580	PREP-X	96-13-021	44-10-221	NEW	96-03-155	50-08-330	PREP-X	96-14-037
36-08-580	REP	96-17-040	44-10-222	NEW	96-03-155	50-08-330	REP	96-17-072
36-08-590	PREP-X	96-13-021	44-10-223	NEW	96-03-155	50-08-340	PREP-X	96-14-037
36-08-590	REP	96-17-040	44-10-230	REP	96-03-155	50-08-340	REP	96-17-072
36-12	PREP	96-11-114	44-10-300	AMD	96-03-155	50-08-350	PREP-X	96-14-037
36-12-010	AMD-P	96-20-058	44-10-310	AMD	96-03-155	50-08-350	REP	96-17-072
36-12-011	AMD-P	96-20-058	44-10-320	REP	96-03-155	50-08-360	PREP-X	96-14-037
36-12-020	AMD-P	96-20-058	50-08-009	PREP-X	96-14-037	50-08-360	REP	96-17-072
36-12-030	AMD-P	96-20-058	50-08-009	REP	96-17-072	50-08-370	PREP-X	96-14-037
36-12-040	AMD-P	96-20-058	50-08-010	PREP-X	96-14-037	50-08-370	REP	96-17-072
36-12-050	AMD-P	96-20-058	50-08-010	REP	96-17-072	50-08-380	PREP-X	96-14-037
36-12-060	AMD-P	96-20-058	50-08-020	PREP-X	96-14-037	50-08-380	REP	96-17-072
36-12-070	AMD-P	96-20-058	50-08-020	REP	96-17-072	50-08-390	PREP-X	96-14-037
36-12-080	AMD-P	96-20-058	50-08-040	PREP-X	96-14-037	50-08-390	REP	96-17-072
36-12-100	AMD-P	96-20-058	50-08-040	REP	96-17-072	50-08-400	PREP-X	96-14-037
36-12-110	AMD-P	96-20-058	50-08-050	PREP-X	96-14-037	50-08-400	REP	96-17-072
36-12-120	AMD-P	96-20-058	50-08-050	REP	96-17-072	50-08-410	PREP-X	96-14-037
36-12-130	AMD-P	96-20-058	50-08-060	PREP-X	96-14-037	50-08-410	REP	96-17-072
36-12-140	AMD-P	96-20-058	50-08-060	REP	96-17-072	50-08-420	PREP-X	96-14-037
36-12-150	AMD-P	96-20-058	50-08-070	PREP-X	96-14-037	50-08-420	REP	96-17-072
36-12-160	AMD-P	96-20-058	50-08-070	REP	96-17-072	50-08-430	PREP-X	96-14-037
36-12-170	AMD-P	96-20-058	50-08-080	PREP-X	96-14-037	50-08-430	REP	96-17-072
36-12-180	REP-P	96-20-058	50-08-080	REP	96-17-072	50-08-440	PREP-X	96-14-037
36-12-190	AMD-P	96-20-058	50-08-085	PREP-X	96-14-037	50-08-440	REP	96-17-072
36-12-195	AMD-P	96-20-058	50-08-085	REP	96-17-072	50-08-450	PREP-X	96-14-037
36-12-200	AMD-P	96-20-058	50-08-090	PREP-X	96-14-037	50-08-450	REP	96-17-072
36-12-210	AMD-P	96-20-058	50-08-090	REP	96-17-072	50-08-460	PREP-X	96-14-037
36-12-220	AMD-P	96-20-058	50-08-100	PREP-X	96-14-037	50-08-460	REP	96-17-072
36-12-240	AMD-P	96-20-058	50-08-100	REP	96-17-072	50-08-470	PREP-X	96-14-037
36-12-250	AMD-P	96-20-058	50-08-110	PREP-X	96-14-037	50-08-470	REP	96-17-072
36-12-260	AMD-P	96-20-058	50-08-110	REP	96-17-072	50-08-480	PREP-X	96-14-037
36-12-270	AMD-P	96-20-058	50-08-120	PREP-X	96-14-037	50-08-480	REP	96-17-072
36-12-280	AMD-P	96-20-058	50-08-120	REP	96-17-072	50-08-490	PREP-X	96-14-037
36-12-290	AMD-P	96-20-058	50-08-130	PREP-X	96-14-037	50-08-490	REP	96-17-072
36-12-300	AMD-P	96-20-058	50-08-130	REP	96-17-072	50-08-500	PREP-X	96-14-037

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
50-08-500	REP	96-17-072	50-30-010	DECOD	96-03-059	50-60-09005	DECOD	96-04-028
50-08-510	PREP-X	96-14-037	50-30-015	NEW	96-03-059	50-60-09010	DECOD	96-04-028
50-08-510	REP	96-17-072	50-30-015	DECOD	96-03-059	50-60-09015	DECOD	96-04-028
50-08-520	PREP-X	96-14-037	50-30-020	AMD	96-03-059	50-60-09020	DECOD	96-04-028
50-08-520	REP	96-17-072	50-30-020	DECOD	96-03-059	50-60-100	DECOD	96-04-028
50-08-530	PREP-X	96-14-037	50-30-025	NEW	96-03-059	50-60-110	DECOD	96-04-028
50-08-530	REP	96-17-072	50-30-025	DECOD	96-03-059	50-60-120	DECOD	96-04-028
50-08-540	PREP-X	96-14-037	50-30-030	AMD	96-03-059	50-60-125	DECOD	96-04-028
50-08-540	REP	96-17-072	50-30-030	DECOD	96-03-059	50-60-130	DECOD	96-04-028
50-08-550	PREP-X	96-14-037	50-30-035	NEW	96-03-059	50-60-140	DECOD	96-04-028
50-08-550	REP	96-17-072	50-30-035	DECOD	96-03-059	50-60-145	DECOD	96-04-028
50-08-560	PREP-X	96-14-037	50-30-040	AMD	96-03-059	50-60-150	DECOD	96-04-028
50-08-560	REP	96-17-072	50-30-040	DECOD	96-03-059	50-60-160	DECOD	96-04-028
50-08-570	PREP-X	96-14-037	50-30-050	AMD	96-03-059	50-60-165	DECOD	96-04-028
50-08-570	REP	96-17-072	50-30-050	DECOD	96-03-059	50-60-170	DECOD	96-04-028
50-08-580	PREP-X	96-14-037	50-30-060	AMD	96-03-059	50-60-190	DECOD	96-04-028
50-08-580	REP	96-17-072	50-30-060	DECOD	96-03-059	50-60-200	DECOD	96-04-028
50-08-590	PREP-X	96-14-037	50-30-065	NEW	96-03-059	50-60-210	DECOD	96-04-028
50-08-590	REP	96-17-072	50-30-065	DECOD	96-03-059	51-11	PREP	96-20-039
50-20-100	AMD	96-04-013	50-30-068	NEW	96-03-059	51-32	PREP	96-15-083
50-20-100	DECOD	96-04-013	50-30-068	DECOD	96-03-059	51-32-1100	NEW-P	96-20-101
50-20-110	AMD	96-04-013	50-30-070	AMD	96-03-059	51-32-1101	NEW-P	96-20-101
50-20-110	DECOD	96-04-013	50-30-070	DECOD	96-03-059	51-32-1102	NEW-P	96-20-101
50-20-120	AMD	96-04-013	50-30-075	NEW	96-03-059	51-32-1103	NEW-P	96-20-101
50-20-120	DECOD	96-04-013	50-30-075	DECOD	96-03-059	51-32-1104	NEW-P	96-20-101
50-20-130	AMD	96-04-013	50-30-080	AMD	96-03-059	51-32-1105	NEW-P	96-20-101
50-20-130	DECOD	96-04-013	50-30-080	DECOD	96-03-059	51-32-1106	NEW-P	96-20-101
50-20-140	AMD	96-04-013	50-30-085	NEW	96-03-059	51-32-1107	NEW-P	96-20-101
50-20-140	DECOD	96-04-013	50-30-085	DECOD	96-03-059	51-32-1108	NEW-P	96-20-101
50-20-150	AMD	96-04-013	50-30-090	AMD	96-03-059	51-32-1118	NEW-E	96-13-047
50-20-150	DECOD	96-04-013	50-30-090	DECOD	96-03-059	51-32-1119	NEW-E	96-13-047
50-20-160	AMD	96-04-013	50-30-095	NEW	96-03-059	51-32-1119	NEW-P	96-20-101
50-20-160	DECOD	96-04-013	50-30-095	DECOD	96-03-059	51-34	PREP	96-15-083
50-20-170	REP	96-04-013	50-30-100	AMD	96-03-059	51-34-6308	NEW-E	96-13-047
50-20-180	DECOD	96-04-013	50-30-100	DECOD	96-03-059	51-34-6309	NEW-E	96-13-047
50-20-190	AMD	96-04-013	50-30-110	REP	96-03-059	51-34-6309	NEW-P	96-20-101
50-20-190	DECOD	96-04-013	50-40-010	PREP-X	96-14-041	55-01-001	REP-P	96-09-102
50-20-200	REP	96-04-013	50-40-010	REP	96-17-072	55-01-001	REP-W	96-15-008
50-24-010	PREP-X	96-14-040	50-40-020	PREP-X	96-14-041	55-01-001	REP	96-15-024
50-24-010	REP	96-17-072	50-40-020	REP	96-17-072	55-01-010	AMD-E	96-03-104
50-24-020	PREP-X	96-14-040	50-40-040	PREP-X	96-14-041	55-01-010	REP-P	96-09-102
50-24-020	REP	96-17-072	50-40-040	REP	96-17-072	55-01-010	AMD-E	96-11-097
50-24-030	PREP-X	96-14-040	50-40-050	PREP-X	96-14-041	55-01-010	REP-W	96-15-008
50-24-030	REP	96-17-072	50-40-050	REP	96-17-072	55-01-010	REP	96-15-024
50-24-040	PREP-X	96-14-040	50-40-060	PREP-X	96-14-041	55-01-020	AMD-E	96-03-104
50-24-040	REP	96-17-072	50-40-060	REP	96-17-072	55-01-020	REP-P	96-09-102
50-24-050	PREP-X	96-14-040	50-40-070	PREP-X	96-14-041	55-01-020	AMD-E	96-11-097
50-24-050	REP	96-17-072	50-40-070	REP	96-17-072	55-01-020	REP-W	96-15-008
50-24-060	PREP-X	96-14-040	50-40-090	PREP-X	96-14-041	55-01-020	REP	96-15-024
50-24-060	REP	96-17-072	50-40-090	REP	96-17-072	55-01-030	AMD-E	96-03-104
50-24-070	PREP-X	96-14-040	50-44-020	AMD	96-04-022	55-01-030	REP-P	96-09-102
50-24-070	REP	96-17-072	50-44-025	NEW	96-04-022	55-01-030	AMD-E	96-11-097
50-24-080	PREP-X	96-14-040	50-60-010	DECOD	96-04-028	55-01-030	REP-W	96-15-008
50-24-080	REP	96-17-072	50-60-020	DECOD	96-04-028	55-01-030	REP	96-15-024
50-24-090	PREP-X	96-14-040	50-60-030	DECOD	96-04-028	55-01-040	AMD-E	96-03-104
50-24-090	REP	96-17-072	50-60-035	DECOD	96-04-028	55-01-040	REP-P	96-09-102
50-24-100	PREP-X	96-14-040	50-60-040	DECOD	96-04-028	55-01-040	AMD-E	96-11-097
50-24-100	REP	96-17-072	50-60-042	DECOD	96-04-028	55-01-040	REP-W	96-15-008
50-24-110	PREP-X	96-14-040	50-60-045	DECOD	96-04-028	55-01-040	REP	96-15-024
50-24-110	REP	96-17-072	50-60-050	DECOD	96-04-028	55-01-050	AMD-E	96-03-104
50-24-120	PREP-X	96-14-040	50-60-060	DECOD	96-04-028	55-01-050	REP-P	96-09-102
50-24-120	REP	96-17-072	50-60-070	DECOD	96-04-028	55-01-050	AMD-E	96-11-097
50-24-130	PREP-X	96-14-040	50-60-080	DECOD	96-04-028	55-01-050	REP-W	96-15-008
50-24-130	REP	96-17-072	50-60-08005	DECOD	96-04-028	55-01-050	REP	96-15-024
50-24-140	PREP-X	96-14-040	50-60-08010	DECOD	96-04-028	55-01-060	AMD-E	96-03-104
50-24-140	REP	96-17-072	50-60-08015	DECOD	96-04-028	55-01-060	REP-P	96-09-102
50-24-150	PREP-X	96-14-040	50-60-08020	DECOD	96-04-028	55-01-060	AMD-E	96-11-097
50-24-150	REP	96-17-072	50-60-08025	DECOD	96-04-028	55-01-060	REP-W	96-15-008
50-24-990	PREP-X	96-14-040	50-60-08030	DECOD	96-04-028	55-01-060	REP	96-15-024
50-24-990	REP	96-17-072	50-60-08035	DECOD	96-04-028	55-01-070	AMD-E	96-03-104
50-30-005	NEW	96-03-059	50-60-08040	DECOD	96-04-028	55-01-070	REP-P	96-09-102
50-30-005	DECOD	96-03-059	50-60-085	DECOD	96-04-028	55-01-070	AMD-E	96-11-097
50-30-010	AMD	96-03-059	50-60-090	DECOD	96-04-028	55-01-070	REP-W	96-15-008

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
55-01-070	REP	96-15-024	132V-15-040	AMD	96-16-034	132Z-276-060	NEW-P	96-09-074
55-01-080	REP-W	96-15-008	132V-15-050	AMD-P	96-12-005	132Z-276-060	NEW	96-14-098
55-01-080	REP	96-15-024	132V-15-050	AMD	96-16-034	132Z-276-070	NEW-P	96-09-074
67-35-020	AMD-P	96-17-068	132V-15-060	AMD-P	96-12-005	132Z-276-070	NEW	96-14-098
67-35-020	AMD	96-20-076	132V-15-060	AMD	96-16-034	132Z-276-080	NEW-P	96-09-074
67-35-910	AMD-P	96-08-026	132V-15-070	AMD-P	96-12-005	132Z-276-080	NEW	96-14-098
67-35-910	AMD	96-11-096	132V-15-070	AMD	96-16-034	132Z-276-090	NEW-P	96-09-074
82-05-010	NEW	96-03-048	132V-15-090	AMD-P	96-12-005	132Z-276-090	NEW	96-14-098
82-05-020	NEW	96-03-048	132V-15-090	AMD	96-16-034	132Z-276-100	NEW-P	96-09-074
82-05-030	NEW	96-03-048	132V-15-100	AMD-P	96-12-005	132Z-276-100	NEW	96-14-098
82-05-040	NEW	96-03-048	132V-15-100	AMD	96-16-034	132Z-276-110	NEW-P	96-09-074
82-05-050	NEW	96-03-048	132V-15-110	AMD-P	96-12-005	132Z-276-110	NEW	96-14-098
82-50-021	AMD-P	96-12-037	132V-15-110	AMD	96-16-034	132Z-276-120	NEW-P	96-09-074
82-50-021	AMD	96-15-039	132V-15-120	AMD-P	96-12-005	132Z-276-120	NEW	96-14-098
82-54-010	AMD-E	96-15-076	132V-15-120	AMD	96-16-034	132Z-276-130	NEW-P	96-09-074
82-54-010	PREP	96-15-125	132V-24	PREP	96-09-050B	132Z-276-130	NEW	96-14-098
82-54-010	AMD-P	96-19-061	132V-24-030	AMD-P	96-12-006	132Z-276-140	NEW-P	96-09-074
131-28-026	AMD	96-03-049	132V-24-030	AMD	96-16-035	132Z-276-140	NEW	96-14-098
132D-120-055	PREP	96-10-016	132V-24-040	AMD-P	96-12-006	132Z-300-010	NEW-P	96-09-074
132D-120-055	NEW-P	96-15-061	132V-24-040	AMD	96-16-035	132Z-300-010	NEW	96-14-098
132K-20-010	REP-P	96-16-077	132V-24-090	AMD-P	96-12-006	132Z-300-020	NEW-P	96-09-074
132K-20-020	REP-P	96-16-077	132V-24-090	AMD	96-16-035	132Z-300-020	NEW	96-14-098
132K-20-030	REP-P	96-16-077	132V-24-090	AMD	96-12-006	132Z-300-030	NEW-P	96-09-074
132K-20-040	REP-P	96-16-077	132V-24-120	AMD-P	96-12-006	132Z-300-030	NEW	96-14-098
132K-20-040	REP-P	96-16-077	132V-24-120	AMD	96-16-035	132Z-300-030	NEW	96-14-098
132K-20-050	REP-P	96-16-077	132V-130	PREP	96-09-050C	132Z-300-040	NEW-P	96-09-074
132K-20-060	REP-P	96-16-077	132V-130-010	NEW-P	96-12-007	132Z-300-040	NEW	96-14-098
132K-20-070	REP-P	96-16-077	132V-130-010	NEW	96-16-036	132Z-310-010	NEW-P	96-09-074
132K-20-080	REP-P	96-16-077	132V-130-020	NEW-P	96-12-007	132Z-310-010	NEW	96-14-098
132K-20-090	REP-P	96-16-077	132V-130-020	NEW	96-16-036	132Z-310-020	NEW-P	96-09-074
132K-20-100	REP-P	96-16-077	132V-130-030	NEW-P	96-12-007	132Z-310-020	NEW	96-14-098
132K-20-110	REP-P	96-16-077	132V-130-030	NEW	96-16-036	132Z-310-030	NEW-P	96-09-074
132N-276	PREP	96-03-101	132Z-104-010	NEW-P	96-09-074	132Z-310-030	NEW	96-14-098
132N-276-005	AMD-P	96-07-029	132Z-104-010	NEW	96-14-098	132Z-310-040	NEW-P	96-09-074
132N-276-005	AMD	96-12-041	132Z-104-020	NEW-P	96-09-074	132Z-310-040	NEW	96-14-098
132N-276-010	AMD-P	96-07-029	132Z-104-020	NEW	96-14-098	132Z-325-010	NEW-P	96-09-074
132N-276-010	AMD	96-12-041	132Z-104-030	NEW-P	96-09-074	132Z-325-010	NEW	96-14-098
132N-276-020	AMD-P	96-07-029	132Z-104-030	NEW	96-14-098	136-01	AMD-P	96-11-052
132N-276-020	AMD	96-12-041	132Z-108-010	NEW-P	96-09-074	136-01	AMD	96-17-013
132N-276-030	AMD-P	96-07-029	132Z-108-010	NEW	96-14-098	136-01-010	AMD-P	96-11-052
132N-276-030	AMD	96-12-041	132Z-108-010	NEW	96-14-098	136-01-010	AMD	96-17-013
132N-276-040	AMD-P	96-07-029	132Z-108-020	NEW-P	96-09-074	136-02	AMD-P	96-11-052
132N-276-040	AMD	96-12-041	132Z-108-020	NEW	96-14-098	136-02	AMD	96-17-013
132N-276-050	AMD-P	96-07-029	132Z-108-030	NEW-P	96-09-074	136-02-010	AMD-P	96-11-052
132N-276-050	AMD	96-12-041	132Z-108-030	NEW	96-14-098	136-02-010	AMD	96-17-013
132N-276-060	AMD-P	96-07-029	132Z-108-040	NEW-P	96-09-074	136-02-020	AMD-P	96-11-052
132N-276-060	AMD	96-12-041	132Z-108-040	NEW	96-14-098	136-02-020	AMD	96-17-013
132N-276-070	AMD-P	96-07-029	132Z-108-050	NEW-P	96-09-074	136-02-030	REP-P	96-11-052
132N-276-070	AMD	96-12-041	132Z-108-050	NEW	96-14-098	136-02-030	REP	96-17-013
132N-276-080	AMD-P	96-07-029	132Z-108-060	NEW-P	96-09-074	136-04	AMD-P	96-11-052
132N-276-080	AMD	96-12-041	132Z-108-060	NEW	96-14-098	136-04	AMD	96-17-013
132N-276-090	AMD-P	96-07-029	132Z-108-070	NEW-P	96-09-074	136-04-010	AMD-P	96-11-052
132N-276-090	AMD	96-12-041	132Z-108-070	NEW	96-14-098	136-04-010	AMD	96-17-013
132N-276-100	AMD-P	96-07-029	132Z-108-080	NEW-P	96-09-074	136-04-020	AMD-P	96-11-052
132N-276-100	AMD	96-12-041	132Z-108-080	NEW	96-14-098	136-04-020	AMD	96-17-013
132N-276-110	AMD-P	96-07-029	132Z-122-010	NEW-P	96-09-074	136-04-030	AMD-P	96-11-052
132N-276-110	AMD	96-12-041	132Z-122-010	NEW	96-14-098	136-04-030	AMD	96-17-013
132N-276-120	AMD-P	96-07-029	132Z-122-020	NEW-P	96-09-074	136-04-040	AMD-P	96-11-052
132N-276-120	AMD	96-12-041	132Z-122-020	NEW	96-14-098	136-04-040	AMD	96-17-013
132N-276-130	AMD-P	96-07-029	132Z-122-030	NEW-P	96-09-074	136-04-050	AMD-P	96-11-052
132N-276-130	AMD	96-12-041	132Z-122-030	NEW	96-14-098	136-04-050	AMD	96-17-013
132N-276-140	AMD-P	96-07-029	132Z-133-010	NEW-P	96-09-074	136-04-055	AMD-P	96-11-052
132N-276-140	AMD	96-12-041	132Z-133-010	NEW	96-14-098	136-04-055	AMD	96-17-013
132N-276-150	AMD-P	96-07-029	132Z-134-010	NEW-P	96-09-074	136-04-060	AMD-P	96-11-052
132N-276-150	AMD	96-12-041	132Z-134-010	NEW	96-14-098	136-04-060	AMD	96-17-013
132V-11	PREP	96-09-050	132Z-276-010	NEW-P	96-09-074	136-04-060	AMD-P	96-11-052
132V-15	PREP	96-09-050A	132Z-276-010	NEW	96-14-098	136-04-070	AMD-P	96-17-013
132V-15-010	AMD-P	96-12-005	132Z-276-020	NEW-P	96-09-074	136-04-070	AMD	96-11-052
132V-15-010	AMD	96-16-034	132Z-276-020	NEW	96-14-098	136-04-080	AMD-P	96-17-013
132V-15-020	AMD-P	96-12-005	132Z-276-030	NEW-P	96-09-074	136-04-080	AMD	96-11-052
132V-15-020	AMD	96-16-034	132Z-276-030	NEW	96-14-098	136-04-090	AMD-P	96-17-013
132V-15-030	AMD-P	96-12-005	132Z-276-040	NEW-P	96-09-074	136-04-090	AMD	96-11-052
132V-15-030	AMD	96-16-034	132Z-276-040	NEW	96-14-098	136-04-100	AMD-P	96-17-013
132V-15-040	AMD-P	96-12-005	132Z-276-050	NEW-P	96-09-074	136-04-100	AMD	96-11-052
			132Z-276-050	NEW	96-14-098	136-04-110	NEW-P	96-17-013

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
136-04-110	NEW	96-17-013	136-20-050	AMD-P	96-11-052	136-163-010	NEW-P	96-11-051
136-10	AMD-P	96-11-052	136-20-050	AMD	96-17-013	136-163-010	NEW	96-17-014
136-10	AMD	96-17-013	136-20-060	AMD-P	96-11-052	136-163-020	NEW-P	96-11-051
136-10-020	AMD-P	96-11-052	136-20-060	AMD	96-17-013	136-163-020	NEW	96-17-014
136-10-020	AMD	96-17-013	136-24-010	REP-P	96-11-052	136-163-030	NEW-P	96-11-051
136-10-030	AMD-P	96-11-052	136-24-010	REP	96-17-013	136-163-030	NEW	96-17-014
136-10-030	AMD	96-17-013	136-24-010	AMD-P	96-11-052	136-163-040	NEW-P	96-11-051
136-11-010	AMD-P	96-11-052	136-28-010	AMD	96-17-013	136-163-040	NEW	96-17-014
136-11-010	AMD	96-17-013	136-28-010	AMD	96-11-052	136-163-050	NEW-P	96-11-051
136-11-020	AMD-P	96-11-052	136-28-020	AMD-P	96-17-013	136-163-050	NEW	96-17-014
136-11-020	AMD	96-17-013	136-28-020	AMD	96-11-052	136-163-060	NEW-P	96-11-051
136-11-030	AMD-P	96-11-052	136-28-030	AMD-P	96-17-013	136-163-060	NEW	96-17-014
136-11-030	AMD	96-17-013	136-28-030	AMD	96-11-052	136-170-010	AMD-P	96-11-052
136-12	AMD-P	96-11-052	136-40-030	AMD-P	96-17-013	136-170-010	AMD	96-17-013
136-12	AMD	96-17-013	136-40-030	AMD	96-11-052	136-170-030	AMD-P	96-11-052
136-12-010	AMD-P	96-11-052	136-40-040	AMD-P	96-17-013	136-170-030	AMD	96-17-013
136-12-010	AMD	96-17-013	136-40-040	AMD	96-11-052	136-180-010	AMD-P	96-11-052
136-12-070	AMD-P	96-11-052	136-40-050	REP-P	96-17-013	136-180-010	AMD	96-17-013
136-12-070	AMD	96-17-013	136-40-050	REP	96-11-052	136-180-030	AMD-P	96-11-052
136-12-080	AMD-P	96-11-052	136-40-060	REP	96-17-013	136-180-030	AMD	96-17-013
136-12-080	AMD	96-17-013	136-60	AMD-P	96-11-052	136-180-040	AMD-P	96-11-052
136-14-030	AMD-P	96-11-052	136-60	AMD	96-17-013	136-180-040	AMD	96-17-013
136-14-030	AMD	96-17-013	136-60-010	AMD-P	96-11-052	136-190-010	AMD-P	96-11-052
136-14-040	AMD-P	96-11-052	136-60-010	AMD	96-17-013	136-190-010	AMD	96-17-013
136-14-040	AMD	96-17-013	136-60-010	AMD	96-11-052	136-200	AMD-P	96-11-052
136-14-050	AMD-P	96-11-052	136-60-030	AMD-P	96-17-013	136-200	AMD	96-17-013
136-14-050	AMD	96-17-013	136-60-030	AMD	96-11-052	136-200-010	AMD-P	96-11-052
136-14-060	AMD-P	96-11-052	136-60-060	AMD-P	96-17-013	136-200-010	AMD	96-17-013
136-14-060	AMD	96-17-013	136-60-060	AMD	96-11-052	136-200-020	AMD-P	96-11-052
136-15	AMD-P	96-11-052	136-100-010	AMD-P	96-17-013	136-200-020	AMD	96-17-013
136-15	AMD	96-17-013	136-100-010	AMD	96-11-052	136-210-010	AMD-P	96-11-052
136-15-010	AMD-P	96-11-052	136-100-020	AMD-P	96-17-013	136-210-010	AMD	96-17-013
136-15-010	AMD	96-17-013	136-100-020	AMD	96-11-052	136-210-020	AMD-P	96-11-052
136-15-020	AMD-P	96-11-052	136-100-030	AMD-P	96-17-013	136-210-020	AMD	96-17-013
136-15-020	AMD	96-17-013	136-100-030	AMD	96-11-052	136-210-030	AMD-P	96-11-052
136-16	AMD-P	96-11-052	136-100-040	AMD-P	96-17-013	136-210-030	AMD	96-17-013
136-16	AMD	96-17-013	136-100-040	AMD	96-11-052	136-210-040	AMD-P	96-11-052
136-16-010	AMD-P	96-11-052	136-110-010	AMD-P	96-17-013	136-210-040	AMD	96-17-013
136-16-010	AMD	96-17-013	136-110-010	AMD	96-11-052	136-210-050	AMD-P	96-11-052
136-16-020	AMD-P	96-11-052	136-110-030	AMD-P	96-17-013	136-210-050	AMD	96-17-013
136-16-020	AMD	96-17-013	136-110-030	AMD	96-11-052	136-220-010	AMD-P	96-11-052
136-16-022	AMD-P	96-11-052	136-110-040	AMD-P	96-17-013	136-220-010	AMD	96-17-013
136-16-022	AMD	96-17-013	136-110-040	AMD	96-11-052	136-220-030	AMD-P	96-11-052
136-16-030	AMD-P	96-11-052	136-110-050	AMD-P	96-17-013	136-220-030	AMD	96-17-013
136-16-030	AMD	96-17-013	136-110-050	AMD	96-11-052	136-250-010	REP-P	96-11-052
136-16-042	AMD-P	96-11-052	136-120	AMD-P	96-17-013	136-250-010	REP	96-17-013
136-16-042	AMD	96-17-013	136-120	AMD	96-11-052	136-250-020	REP-P	96-11-052
136-16-050	AMD-P	96-11-052	136-120-010	AMD-P	96-17-013	136-250-020	REP	96-17-013
136-16-050	AMD	96-17-013	136-120-010	AMD	96-11-052	136-250-030	REP-P	96-11-052
136-18	AMD-P	96-11-052	136-120-020	AMD-P	96-17-013	136-250-030	REP	96-17-013
136-18	AMD	96-17-013	136-120-020	AMD	96-11-052	136-250-040	REP-P	96-11-052
136-18-010	AMD-P	96-11-052	136-120-030	AMD-P	96-17-013	136-250-040	REP	96-17-013
136-18-010	AMD	96-17-013	136-120-030	AMD	96-11-052	136-250-050	REP-P	96-11-052
136-18-020	AMD-P	96-11-052	136-130	AMD-P	96-17-013	136-250-050	REP	96-17-013
136-18-020	AMD	96-17-013	136-130	AMD	96-11-052	136-300	AMD-P	96-11-052
136-18-030	AMD-P	96-11-052	136-130-010	AMD-P	96-17-013	136-300	AMD	96-17-013
136-18-030	AMD	96-17-013	136-130-010	AMD	96-11-052	136-300-010	AMD-P	96-11-052
136-18-060	AMD-P	96-11-052	136-130-040	AMD-P	96-17-013	136-300-010	AMD	96-17-013
136-18-060	AMD	96-17-013	136-130-040	AMD	96-11-052	136-300-020	AMD-P	96-11-052
136-18-070	AMD-P	96-11-052	136-130-060	AMD-P	96-17-008	136-300-020	AMD	96-17-013
136-18-070	AMD	96-17-013	136-150-010	AMD-P	96-11-052	136-300-020	AMD	96-11-052
136-18-080	AMD-P	96-11-052	136-150-010	AMD	96-17-013	136-310-010	AMD-P	96-11-052
136-18-080	AMD	96-17-013	136-150-020	AMD-P	96-11-052	136-310-010	AMD	96-17-013
136-18-090	AMD-P	96-11-052	136-150-020	AMD	96-17-013	136-310-020	AMD-P	96-11-052
136-18-090	AMD	96-17-013	136-150-020	AMD	96-11-052	136-310-020	AMD	96-17-013
136-20	AMD-P	96-11-052	136-150-022	AMD-P	96-17-013	136-310-050	AMD-P	96-11-052
136-20	AMD	96-17-013	136-150-022	AMD	96-11-052	136-310-050	AMD	96-17-013
136-20-020	AMD-P	96-11-052	136-150-023	AMD-P	96-17-013	136-340	AMD-P	96-11-052
136-20-020	AMD	96-17-013	136-150-023	AMD	96-11-052	136-340	AMD	96-17-013
136-20-030	AMD-P	96-11-052	136-161-060	AMD-P	96-17-013	136-340-020	AMD-P	96-11-052
136-20-030	AMD	96-17-013	136-161-060	AMD	96-11-052	136-340-020	AMD	96-17-013
136-20-040	AMD-P	96-11-052	136-161-070	AMD-P	96-17-013	136-340-030	AMD-P	96-11-052
136-20-040	AMD	96-17-013	136-161-070	AMD	96-11-052	136-340-030	AMD	96-17-013
			136-161-100	REP-P	96-11-052	136-340-040	AMD-P	96-11-052
			136-161-100	REP	96-17-013			

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
136-340-040	AMD	96-17-013	154-12-110	REP-P	96-13-100	154-130-030	REP	96-16-020
136-400-010	AMD-P	96-11-052	154-12-110	REP	96-16-020	154-140-010	REP-P	96-13-100
136-400-010	AMD	96-17-013	154-24-010	REP-P	96-13-100	154-140-010	REP	96-16-020
136-400-060	AMD-P	96-11-052	154-24-010	REP	96-16-020	154-140-020	REP-P	96-13-100
136-400-060	AMD	96-17-013	154-28-010	REP-P	96-13-100	154-140-020	REP	96-16-020
136-400-100	AMD-P	96-11-052	154-28-010	REP	96-16-020	154-140-030	REP-P	96-13-100
136-400-100	AMD	96-17-013	154-32-010	REP-P	96-13-100	154-140-030	REP	96-16-020
136-400-110	AMD-P	96-11-052	154-32-010	REP	96-16-020	154-150-010	REP-P	96-13-100
136-400-110	AMD	96-17-013	154-32-020	REP-P	96-13-100	154-150-010	REP	96-16-020
136-400-120	AMD-P	96-11-052	154-32-020	REP	96-16-020	154-150-020	REP-P	96-13-100
136-400-120	AMD	96-17-013	154-36-010	REP-P	96-13-100	154-150-020	REP	96-16-020
137-08	PREP	96-07-099	154-36-010	REP	96-16-020	154-150-030	REP-P	96-13-100
139-01-810	AMD-P	96-03-025	154-40-010	REP-P	96-13-100	154-150-030	REP	96-16-020
139-01-810	AMD	96-08-008	154-40-010	REP	96-16-020	154-150-040	REP-P	96-13-100
154	PREP	96-06-079	154-44-010	REP-P	96-13-100	154-150-040	REP	96-16-020
154-01-010	REP-P	96-13-100	154-44-010	REP	96-16-020	154-150-050	REP-P	96-13-100
154-01-010	REP	96-16-020	154-48-010	REP-P	96-13-100	154-150-050	REP	96-16-020
154-04-010	REP-P	96-13-100	154-48-010	REP	96-16-020	154-160-010	REP-P	96-13-100
154-04-010	REP	96-16-020	154-52-010	REP-P	96-13-100	154-160-010	REP	96-16-020
154-04-020	REP-P	96-13-100	154-52-010	REP	96-16-020	154-160-020	REP-P	96-13-100
154-04-020	REP	96-16-020	154-56-010	REP-P	96-13-100	154-160-020	REP	96-16-020
154-04-030	REP-P	96-13-100	154-56-010	REP	96-16-020	154-170-010	REP-P	96-13-100
154-04-030	REP	96-16-020	154-60-010	REP-P	96-13-100	154-170-010	REP	96-16-020
154-04-041	REP-P	96-13-100	154-60-010	REP	96-16-020	154-180-010	REP-P	96-13-100
154-04-041	REP	96-16-020	154-64-010	REP-P	96-13-100	154-180-010	REP	96-16-020
154-04-050	REP-P	96-13-100	154-64-010	REP	96-16-020	154-180-020	REP-P	96-13-100
154-04-050	REP	96-16-020	154-64-020	REP-P	96-13-100	154-180-020	REP	96-16-020
154-04-065	REP-P	96-13-100	154-64-020	REP	96-16-020	154-180-030	REP-P	96-13-100
154-04-065	REP	96-16-020	154-64-030	REP-P	96-13-100	154-180-030	REP	96-16-020
154-04-070	REP-P	96-13-100	154-64-030	REP	96-16-020	154-180-040	REP-P	96-13-100
154-04-070	REP	96-16-020	154-64-040	REP-P	96-13-100	154-180-040	REP	96-16-020
154-04-075	REP-P	96-13-100	154-64-040	REP	96-16-020	154-180-050	REP-P	96-13-100
154-04-075	REP	96-16-020	154-64-050	REP-P	96-13-100	154-180-050	REP	96-16-020
154-04-080	REP-P	96-13-100	154-64-050	REP	96-16-020	154-180-060	REP-P	96-13-100
154-04-080	REP	96-16-020	154-64-060	REP-P	96-13-100	154-180-060	REP	96-16-020
154-04-100	REP-P	96-13-100	154-64-060	REP	96-16-020	154-180-070	REP-P	96-13-100
154-04-100	REP	96-16-020	154-68-010	REP-P	96-13-100	154-180-070	REP	96-16-020
154-08-010	REP-P	96-13-100	154-68-010	REP	96-16-020	154-190-010	REP-P	96-13-100
154-08-010	REP	96-16-020	154-68-020	REP-P	96-13-100	154-190-010	REP	96-16-020
154-08-020	REP-P	96-13-100	154-68-020	REP	96-16-020	154-200-010	REP-P	96-13-100
154-08-020	REP	96-16-020	154-110-010	REP-P	96-13-100	154-200-010	REP	96-16-020
154-08-030	REP-P	96-13-100	154-110-010	REP	96-16-020	154-200-020	REP-P	96-13-100
154-08-030	REP	96-16-020	154-110-015	REP-P	96-13-100	154-200-020	REP	96-16-020
154-08-040	REP-P	96-13-100	154-110-015	REP	96-16-020	154-200-030	REP-P	96-13-100
154-08-040	REP	96-16-020	154-110-020	REP-P	96-13-100	154-200-030	REP	96-16-020
154-08-050	REP-P	96-13-100	154-110-020	REP	96-16-020	154-200-040	REP-P	96-13-100
154-08-050	REP	96-16-020	154-110-030	REP-P	96-13-100	154-200-040	REP	96-16-020
154-12-010	REP-P	96-13-100	154-110-030	REP	96-16-020	154-300-005	REP-P	96-13-100
154-12-010	REP	96-16-020	154-120-010	REP-P	96-13-100	154-300-005	REP	96-16-020
154-12-015	REP-P	96-13-100	154-120-010	REP	96-16-020	154-300-010	REP-P	96-13-100
154-12-015	REP	96-16-020	154-120-015	REP-P	96-13-100	154-300-010	REP	96-16-020
154-12-020	REP-P	96-13-100	154-120-015	REP	96-16-020	154-300-020	REP-P	96-13-100
154-12-020	REP	96-16-020	154-120-020	REP-P	96-13-100	154-300-020	REP	96-16-020
154-12-030	REP-P	96-13-100	154-120-020	REP	96-16-020	154-300-030	REP-P	96-13-100
154-12-030	REP	96-16-020	154-120-025	REP-P	96-13-100	154-300-030	REP	96-16-020
154-12-040	REP-P	96-13-100	154-120-025	REP	96-16-020	154-300-040	REP-P	96-13-100
154-12-040	REP	96-16-020	154-120-030	REP-P	96-13-100	154-300-040	REP	96-16-020
154-12-050	REP-P	96-13-100	154-120-030	REP	96-16-020	154-300-050	REP-P	96-13-100
154-12-050	REP	96-16-020	154-120-035	REP-P	96-13-100	154-300-050	REP	96-16-020
154-12-070	REP-P	96-13-100	154-120-035	REP	96-16-020	154-300-060	REP-P	96-13-100
154-12-070	REP	96-16-020	154-120-040	REP-P	96-13-100	154-300-060	REP	96-16-020
154-12-075	REP-P	96-13-100	154-120-040	REP	96-16-020	154-300-070	REP-P	96-13-100
154-12-075	REP	96-16-020	154-120-045	REP-P	96-13-100	154-300-070	REP	96-16-020
154-12-080	REP-P	96-13-100	154-120-045	REP	96-16-020	154-300-080	REP-P	96-13-100
154-12-080	REP	96-16-020	154-120-050	REP-P	96-13-100	154-300-080	REP	96-16-020
154-12-085	REP-P	96-13-100	154-120-050	REP	96-16-020	154-300-090	REP-P	96-13-100
154-12-085	REP	96-16-020	154-120-055	REP-P	96-13-100	154-300-090	REP	96-16-020
154-12-086	REP-P	96-13-100	154-120-055	REP	96-16-020	154-300-100	REP-P	96-13-100
154-12-086	REP	96-16-020	154-130-010	REP-P	96-13-100	154-300-100	REP	96-16-020
154-12-087	REP-P	96-13-100	154-130-010	REP	96-16-020	154-300-110	REP-P	96-13-100
154-12-087	REP	96-16-020	154-130-020	REP-P	96-13-100	154-300-110	REP	96-16-020
154-12-090	REP-P	96-13-100	154-130-020	REP	96-16-020	154-300-120	REP-P	96-13-100
154-12-090	REP	96-16-020	154-130-030	REP-P	96-13-100	154-300-120	REP	96-16-020

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
162-04	PREP	96-02-081	162-36-005	NEW	96-13-045	173-14-064	REP	96-20-075
162-08	PREP	96-02-081	162-36-006	NEW-P	96-06-087	173-14-070	REP-P	96-13-103
162-08-061	AMD-P	96-06-087	162-36-006	NEW	96-13-045	173-14-070	REP	96-20-075
162-08-061	AMD	96-13-045	162-36-010	AMD-P	96-06-087	173-14-080	REP-P	96-13-103
162-08-062	AMD-P	96-06-087	162-36-010	AMD	96-13-045	173-14-080	REP	96-20-075
162-08-062	AMD	96-13-045	162-36-020	AMD-P	96-06-087	173-14-090	REP-P	96-13-103
162-08-071	AMD-P	96-06-087	162-36-020	AMD	96-13-045	173-14-090	REP	96-20-075
162-08-071	AMD	96-13-045	162-38	PREP	96-02-081	173-14-100	REP-P	96-13-103
162-08-072	AMD-P	96-06-087	162-38-010	AMD-P	96-06-087	173-14-100	REP	96-20-075
162-08-072	AMD	96-13-045	162-38-010	AMD	96-13-045	173-14-110	REP-P	96-13-103
162-08-093	AMD-P	96-06-087	162-38-020	REP-P	96-06-087	173-14-110	REP	96-20-075
162-08-093	AMD	96-13-045	162-38-020	REP	96-13-045	173-14-115	REP-P	96-13-103
162-08-094	AMD-P	96-06-087	162-38-030	REP-P	96-06-087	173-14-115	REP	96-20-075
162-08-094	AMD	96-13-045	162-38-030	REP	96-13-045	173-14-120	REP-P	96-13-103
162-08-09401	NEW-P	96-06-087	162-38-035	AMD-P	96-06-087	173-14-120	REP	96-20-075
162-08-09401	NEW	96-13-045	162-38-035	AMD	96-13-045	173-14-130	REP-P	96-13-103
162-08-099	AMD-P	96-06-087	162-38-040	AMD-P	96-06-087	173-14-130	REP	96-20-075
162-08-099	AMD	96-13-045	162-38-040	AMD	96-13-045	173-14-140	REP-P	96-13-103
162-08-102	AMD-P	96-06-087	162-38-050	AMD-P	96-06-087	173-14-140	REP	96-20-075
162-08-102	AMD	96-13-045	162-38-050	AMD	96-13-045	173-14-150	REP-P	96-13-103
162-08-104	AMD-P	96-06-087	162-38-060	AMD-P	96-06-087	173-14-150	REP	96-20-075
162-08-104	AMD	96-13-045	162-38-060	AMD	96-13-045	173-14-155	REP-P	96-13-103
162-08-106	AMD-P	96-06-087	162-38-070	AMD-P	96-06-087	173-14-155	REP	96-20-075
162-08-106	AMD	96-13-045	162-38-070	AMD	96-13-045	173-14-170	REP-P	96-13-103
162-08-107	NEW-P	96-06-087	162-38-080	AMD-P	96-06-087	173-14-170	REP	96-20-075
162-08-107	NEW	96-13-045	162-38-080	AMD	96-13-045	173-14-174	REP-P	96-13-103
162-08-261	AMD-P	96-06-087	162-38-090	AMD-P	96-06-087	173-14-174	REP	96-20-075
162-08-261	AMD	96-13-045	162-38-090	AMD	96-13-045	173-17-010	REP-P	96-13-103
162-08-268	AMD-P	96-06-087	162-38-100	AMD-P	96-06-087	173-17-010	REP	96-20-075
162-08-268	AMD	96-13-045	162-38-100	AMD-W	96-13-044	173-17-020	REP-P	96-13-103
162-08-288	AMD-P	96-06-087	162-38-110	AMD-P	96-06-087	173-17-020	REP	96-20-075
162-08-288	AMD	96-13-045	162-38-110	AMD	96-13-045	173-17-030	REP-P	96-13-103
162-08-298	AMD-P	96-06-087	162-38-120	AMD-P	96-06-087	173-17-030	REP	96-20-075
162-08-298	AMD	96-13-045	162-38-120	AMD	96-13-045	173-17-040	REP-P	96-13-103
162-08-305	AMD-P	96-06-087	172-120	PREP	96-19-089	173-17-040	REP	96-20-075
162-08-305	AMD	96-13-045	172-120-015	NEW-E	96-19-090	173-17-050	REP-P	96-13-103
162-12-100	AMD-P	96-08-055	172-120-020	AMD-E	96-19-090	173-17-050	REP	96-20-075
162-12-110	REP-P	96-08-055	172-120-030	AMD-E	96-19-090	173-17-060	REP-P	96-13-103
162-12-120	AMD-P	96-08-055	172-120-040	AMD-E	96-19-090	173-17-060	REP	96-20-075
162-12-130	AMD-P	96-08-055	172-120-050	AMD-E	96-19-090	173-17-070	REP-P	96-13-103
162-12-135	AMD-P	96-08-055	172-120-060	AMD-E	96-19-090	173-17-070	REP	96-20-075
162-12-140	AMD-P	96-08-055	172-120-070	AMD-E	96-19-090	173-17-080	REP-P	96-13-103
162-12-150	AMD-P	96-08-055	172-120-080	AMD-E	96-19-090	173-17-080	REP	96-20-075
162-12-160	AMD-P	96-08-055	172-120-090	AMD-E	96-19-090	173-19-010	REP-P	96-13-103
162-12-170	AMD-P	96-08-055	172-120-100	AMD-E	96-19-090	173-19-010	REP	96-20-075
162-12-180	AMD-P	96-08-055	172-120-110	AMD-E	96-19-090	173-19-020	REP-P	96-13-103
162-22	AMD-P	96-08-055	172-120-120	AMD-E	96-19-090	173-19-020	REP	96-20-075
162-22-010	AMD-P	96-08-055	172-120-130	AMD-E	96-19-090	173-19-030	REP-P	96-13-103
162-22-020	AMD-P	96-08-055	172-120-140	AMD-E	96-19-090	173-19-030	REP	96-20-075
162-22-030	REP-P	96-08-055	172-120-150	REP-E	96-19-090	173-19-040	REP-P	96-13-103
162-22-040	REP-P	96-08-055	173-09-010	AMD-P	96-11-136	173-19-040	REP	96-20-075
162-22-050	AMD-P	96-08-055	173-09-010	AMD	96-15-104	173-19-044	REP-P	96-13-103
162-22-060	AMD-P	96-08-055	173-09-020	AMD-P	96-11-136	173-19-044	REP	96-20-075
162-22-070	AMD-P	96-08-055	173-09-020	AMD	96-15-104	173-19-050	REP-P	96-13-103
162-22-080	AMD-P	96-08-055	173-09-040	NEW-P	96-11-136	173-19-050	REP	96-20-075
162-22-090	AMD-P	96-08-055	173-09-040	NEW	96-15-104	173-19-060	REP-P	96-13-103
162-22-100	NEW-P	96-08-055	173-14-010	REP-P	96-13-103	173-19-060	REP	96-20-075
162-30	AMD-P	96-08-055	173-14-010	REP	96-20-075	173-19-061	REP-P	96-13-103
162-30-010	AMD-P	96-08-055	173-14-020	REP-P	96-13-103	173-19-061	REP	96-20-075
162-30-020	AMD-P	96-08-055	173-14-020	REP	96-20-075	173-19-062	REP-P	96-13-103
162-30-030	NEW-P	96-08-055	173-14-030	REP-P	96-13-103	173-19-062	REP	96-20-075
162-30-035	NEW-P	96-08-055	173-14-030	REP	96-20-075	173-19-064	REP-P	96-13-103
162-30-040	NEW-P	96-08-055	173-14-040	REP-P	96-13-103	173-19-064	REP	96-20-075
162-30-050	NEW-P	96-08-055	173-14-040	REP	96-20-075	173-19-070	REP-P	96-13-103
162-30-060	NEW-P	96-08-055	173-14-050	REP-P	96-13-103	173-19-070	REP	96-20-075
162-30-070	NEW-P	96-08-055	173-14-050	REP	96-20-075	173-19-080	REP-P	96-13-103
162-30-080	NEW-P	96-08-055	173-14-055	REP-P	96-13-103	173-19-080	REP	96-20-075
162-30-090	NEW-P	96-08-055	173-14-055	REP	96-20-075	173-19-090	REP-P	96-13-103
162-30-100	NEW-P	96-08-055	173-14-060	REP-P	96-13-103	173-19-090	REP	96-20-075
162-36	PREP	96-02-081	173-14-060	REP	96-20-075	173-19-100	REP-P	96-13-103
162-36-001	NEW-P	96-06-087	173-14-062	REP-P	96-13-103	173-19-100	REP	96-20-075
162-36-001	NEW	96-13-045	173-14-062	REP	96-20-075	173-19-1001	REP-P	96-13-103
162-36-005	NEW-P	96-06-087	173-14-064	REP-P	96-13-103	173-19-1001	REP	96-20-075

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-19-4702	REP-P	96-13-103	173-27-120	NEW-P	96-13-103	173-340-700	AMD	96-04-010
173-19-4702	REP	96-20-075	173-27-120	NEW	96-20-075	173-340-706	AMD	96-04-010
173-19-4703	REP-P	96-13-103	173-27-130	NEW-P	96-13-103	173-340-740	AMD	96-04-010
173-19-4703	REP	96-20-075	173-27-130	NEW	96-20-075	173-340-745	AMD	96-04-010
173-19-4704	REP-P	96-13-103	173-27-140	NEW-P	96-13-103	173-354-008	NEW-W	96-05-020
173-19-4704	REP	96-20-075	173-27-140	NEW	96-20-075	173-354-010	NEW-W	96-05-020
173-19-4705	REP-P	96-13-103	173-27-150	NEW-P	96-13-103	173-354-020	NEW-W	96-05-020
173-19-4705	REP	96-20-075	173-27-150	NEW	96-20-075	173-354-050	NEW-W	96-05-020
173-19-4706	REP-P	96-13-103	173-27-160	NEW-P	96-13-103	173-354-070	NEW-W	96-05-020
173-19-4706	REP	96-20-075	173-27-160	NEW	96-20-075	173-354-090	NEW-W	96-05-020
173-19-4707	REP-P	96-13-103	173-27-170	NEW-P	96-13-103	173-354-100	NEW-W	96-05-020
173-19-4707	REP	96-20-075	173-27-170	NEW	96-20-075	173-354-150	NEW-W	96-05-020
173-22	AMD-P	96-19-034	173-27-180	NEW-P	96-13-103	173-354-200	NEW-W	96-05-020
173-22-015	REP-P	96-19-034	173-27-180	NEW	96-20-075	173-354-230	NEW-W	96-05-020
173-22-030	AMD-P	96-19-034	173-27-190	NEW-P	96-13-103	173-354-300	NEW-W	96-05-020
173-22-035	NEW-P	96-19-034	173-27-190	NEW	96-20-075	173-354-320	NEW-W	96-05-020
173-22-040	AMD-P	96-19-034	173-27-200	NEW-P	96-13-103	173-354-340	NEW-W	96-05-020
173-22-070	AMD-P	96-19-034	173-27-200	NEW	96-20-075	173-354-360	NEW-W	96-05-020
173-22-080	NEW-P	96-19-034	173-27-210	NEW-P	96-13-103	173-354-380	NEW-W	96-05-020
173-26-010	NEW-P	96-13-103	173-27-210	NEW	96-20-075	173-354-400	NEW-W	96-05-020
173-26-010	NEW	96-20-075	173-27-220	NEW-P	96-13-103	173-354-440	NEW-W	96-05-020
173-26-020	NEW-P	96-13-103	173-27-220	NEW	96-20-075	173-354-460	NEW-W	96-05-020
173-26-020	NEW	96-20-075	173-27-240	NEW-P	96-13-103	173-354-500	NEW-W	96-05-020
173-26-030	NEW-P	96-13-103	173-27-240	NEW	96-20-075	173-354-515	NEW-W	96-05-020
173-26-030	NEW	96-20-075	173-27-250	NEW-P	96-13-103	173-354-525	NEW-W	96-05-020
173-26-040	NEW-P	96-13-103	173-27-250	NEW	96-20-075	173-354-535	NEW-W	96-05-020
173-26-040	NEW	96-20-075	173-27-260	NEW-P	96-13-103	173-354-545	NEW-W	96-05-020
173-26-050	NEW-P	96-13-103	173-27-260	NEW	96-20-075	173-354-555	NEW-W	96-05-020
173-26-050	NEW	96-20-075	173-27-270	NEW-P	96-13-103	173-354-600	NEW-W	96-05-020
173-26-060	NEW-P	96-13-103	173-27-270	NEW	96-20-075	173-354-620	NEW-W	96-05-020
173-26-060	NEW	96-20-075	173-27-280	NEW-P	96-13-103	173-354-640	NEW-W	96-05-020
173-26-070	NEW-P	96-13-103	173-27-280	NEW	96-20-075	173-354-660	NEW-W	96-05-020
173-26-070	NEW	96-20-075	173-27-290	NEW-P	96-13-103	173-354-670	NEW-W	96-05-020
173-26-080	NEW-P	96-13-103	173-27-290	NEW	96-20-075	173-354-680	NEW-W	96-05-020
173-26-080	NEW	96-20-075	173-27-300	NEW-P	96-13-103	173-354-700	NEW-W	96-05-020
173-26-090	NEW-P	96-13-103	173-27-300	NEW	96-20-075	173-354-720	NEW-W	96-05-020
173-26-090	NEW	96-20-075	173-27-310	NEW-P	96-13-103	173-354-800	NEW-W	96-05-020
173-26-100	NEW-P	96-13-103	173-27-310	NEW	96-20-075	173-354-900	NEW-W	96-05-020
173-26-100	NEW	96-20-075	173-27-990	NEW-P	96-13-103	173-354-990	NEW-W	96-05-020
173-26-110	NEW-P	96-13-103	173-27-990	NEW	96-20-075	173-400	PREP	96-12-080
173-26-110	NEW	96-20-075	173-28-010	PREP-X	96-14-031	173-400	AMD-C	96-13-081
173-26-120	NEW-P	96-13-103	173-28-010	REP	96-20-074	173-400-030	AMD-P	96-06-036
173-26-120	NEW	96-20-075	173-28-020	PREP-X	96-14-031	173-400-030	AMD	96-19-054
173-26-130	NEW-P	96-13-103	173-28-020	REP	96-20-074	173-400-045	AMD-P	96-06-036
173-26-130	NEW	96-20-075	173-28-030	PREP-X	96-14-031	173-400-045	AMD	96-19-054
173-26-140	NEW-P	96-13-103	173-28-030	REP	96-20-074	173-400-070	AMD-P	96-06-036
173-26-140	NEW	96-20-075	173-28-040	PREP-X	96-14-031	173-400-070	AMD	96-19-054
173-26-150	NEW-P	96-13-103	173-28-040	REP	96-20-074	173-400-075	AMD-P	96-06-036
173-26-150	NEW	96-20-075	173-28-050	PREP-X	96-14-031	173-400-075	AMD	96-19-054
173-26-160	NEW-P	96-13-103	173-28-050	REP	96-20-074	173-400-105	AMD-P	96-06-036
173-26-160	NEW	96-20-075	173-28-060	PREP-X	96-14-031	173-400-105	AMD	96-19-054
173-27-010	NEW-P	96-13-103	173-28-060	REP	96-20-074	173-400-115	AMD-P	96-06-036
173-27-010	NEW	96-20-075	173-28-070	PREP-X	96-14-031	173-400-115	AMD	96-19-054
173-27-020	NEW-P	96-13-103	173-28-070	REP	96-20-074	173-400-116	AMD-P	96-06-036
173-27-020	NEW	96-20-075	173-28-080	PREP-X	96-14-031	173-400-116	AMD	96-19-054
173-27-030	NEW-P	96-13-103	173-28-080	REP	96-20-074	173-400-141	AMD-P	96-06-036
173-27-030	NEW	96-20-075	173-145-100	AMD-E	96-09-007	173-400-141	AMD	96-19-054
173-27-040	NEW-P	96-13-103	173-224-040	AMD	96-03-041	173-401	PREP	96-11-134
173-27-040	NEW	96-20-075	173-224-050	AMD	96-03-041	173-401	PREP-W	96-14-052
173-27-050	NEW-P	96-13-103	173-224-070	REP	96-03-041	173-422	PREP	96-15-134
173-27-050	NEW	96-20-075	173-224-090	AMD	96-03-041	173-422-030	AMD-P	96-12-023
173-27-060	NEW-P	96-13-103	173-303-515	REP-W	96-05-020	173-422-050	AMD-P	96-12-023
173-27-060	NEW	96-20-075	173-330-010	REP-W	96-05-020	173-422-060	AMD-P	96-12-023
173-27-070	NEW-P	96-13-103	173-330-020	REP-W	96-05-020	173-422-070	AMD-P	96-12-023
173-27-070	NEW	96-20-075	173-330-030	REP-W	96-05-020	173-422-170	AMD-P	96-12-023
173-27-080	NEW-P	96-13-103	173-330-040	REP-W	96-05-020	173-422-190	AMD-P	96-12-023
173-27-080	NEW	96-20-075	173-330-050	REP-W	96-05-020	173-422-170	AMD-P	96-19-093
173-27-090	NEW-P	96-13-103	173-330-060	REP-W	96-05-020	173-430	PREP	96-12-081
173-27-090	NEW	96-20-075	173-330-070	REP-W	96-05-020	173-430-040	AMD-E	96-08-041
173-27-100	NEW-P	96-13-103	173-330-900	REP-W	96-05-020	173-430-040	AMD-E	96-16-013
173-27-100	NEW	96-20-075	173-340-200	AMD	96-04-010	173-430-040	AMD-P	96-16-014
173-27-110	NEW-P	96-13-103	173-340-440	AMD	96-04-010	173-430-040	AMD-E	96-16-024
173-27-110	NEW	96-20-075	173-340-530	AMD	96-04-010	173-492	PREP	96-11-135

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-492-010	AMD-P	96-14-084	180-20-111	AMD-P	96-16-096	180-83-030	NEW	96-04-073
173-492-010	AMD	96-19-094	180-20-111	AMD	96-20-042	180-83-040	NEW	96-04-073
173-492-050	AMD-P	96-14-084	180-20-115	AMD-P	96-16-096	180-83-050	NEW	96-04-073
173-492-050	AMD	96-19-094	180-20-115	AMD	96-20-042	180-83-060	NEW	96-04-073
173-492-070	AMD-P	96-14-084	180-20-120	AMD-P	96-16-096	180-83-070	NEW	96-04-073
173-492-070	AMD	96-19-094	180-20-120	AMD	96-20-042	180-85	PREP	96-16-046
173-806	PREP	96-06-018	180-20-130	AMD-P	96-16-096	180-85-025	AMD-P	96-04-074
174-120	PREP	96-03-138	180-20-130	AMD	96-20-042	180-85-025	AMD	96-08-013
174-120-010	REP-P	96-08-066	180-20-145	AMD-P	96-16-096	180-85-025	AMD-W	96-15-006
174-120-010	REP	96-13-086	180-20-145	AMD	96-20-042	180-85-030	PREP	96-13-050
174-120-015	NEW-P	96-08-066	180-20-150	AMD-P	96-16-096	180-85-030	AMD-W	96-15-006
174-120-015	NEW	96-13-086	180-20-150	AMD	96-20-042	180-85-032	NEW-P	96-04-074
174-120-025	NEW-P	96-08-066	180-20-155	REP-P	96-16-096	180-85-032	NEW	96-08-013
174-120-025	NEW	96-13-086	180-20-155	REP	96-20-042	180-86	PREP	96-06-038
174-120-030	REP-P	96-08-066	180-20-160	REP-P	96-16-096	180-86	PREP	96-16-041
174-120-030	REP	96-13-086	180-20-160	REP	96-20-042	180-86-080	NEW-P	96-16-087
174-120-035	NEW-P	96-08-066	180-27-056	PREP	96-13-011	180-86-086	NEW-P	96-16-087
174-120-035	NEW	96-13-086	180-40	PREP	96-10-003	180-86-116	NEW-P	96-16-087
174-120-040	REP-P	96-08-066	180-40	PREP	96-16-064	180-87-093	NEW-P	96-04-072
174-120-040	REP	96-13-086	180-40-205	AMD-P	96-12-088	180-87-093	NEW	96-08-012
174-120-045	NEW-P	96-08-066	180-40-205	AMD	96-15-098	180-90	PREP	96-09-026
174-120-045	NEW	96-13-086	180-40-240	AMD-P	96-08-061	180-90-115	AMD-P	96-12-087
174-120-050	REP-P	96-08-066	180-40-240	AMD-W	96-09-025	180-90-115	AMD	96-15-099
174-120-050	REP	96-13-086	180-40-240	AMD-P	96-12-088	180-90-125	AMD-P	96-12-087
174-120-055	NEW-P	96-08-066	180-40-240	AMD	96-15-098	180-90-125	AMD	96-15-099
174-120-055	NEW	96-13-086	180-40-245	AMD-P	96-20-102	180-90-160	AMD-P	96-12-087
174-120-060	REP-P	96-08-066	180-40-255	AMD-P	96-08-061	180-90-160	AMD	96-15-099
174-120-060	REP	96-13-086	180-40-255	AMD-W	96-09-025	182-08-010	AMD-P	96-02-079
174-120-065	NEW-P	96-08-066	180-40-255	AMD-P	96-12-088	182-08-010	AMD	96-08-042
174-120-065	NEW	96-13-086	180-40-255	AMD	96-15-098	182-08-015	NEW-P	96-02-079
174-120-070	REP-P	96-08-066	180-40-260	AMD-P	96-20-102	182-08-015	NEW	96-08-042
174-120-070	REP	96-13-086	180-40-310	AMD-P	96-08-061	182-08-020	AMD-P	96-02-079
174-120-075	NEW-P	96-08-066	180-40-310	AMD-W	96-09-025	182-08-020	AMD	96-08-042
174-120-075	NEW	96-13-086	180-40-310	AMD-P	96-12-088	182-08-030	REP-P	96-02-079
174-120-080	REP-P	96-08-066	180-40-310	AMD-P	96-15-098	182-08-030	REP	96-08-042
174-120-080	REP	96-13-086	180-40-315	AMD-P	96-08-061	182-08-040	REP-P	96-02-079
174-120-085	NEW-P	96-08-066	180-40-315	AMD-W	96-09-025	182-08-040	REP	96-08-042
174-120-085	NEW	96-13-086	180-40-315	AMD-P	96-12-088	182-08-060	REP-P	96-02-079
174-120-090	REP-P	96-08-066	180-40-315	AMD	96-15-098	182-08-060	REP	96-08-042
174-120-090	REP	96-13-086	180-40-317	NEW-P	96-08-061	182-08-090	NEW-P	96-02-079
174-122-010	PREP-X	96-14-007	180-40-317	NEW-W	96-09-025	182-08-095	NEW	96-08-042
174-122-020	PREP-X	96-14-007	180-40-317	NEW-P	96-12-088	182-08-110	REP-P	96-02-079
174-122-030	PREP-X	96-14-007	180-40-317	NEW	96-15-098	182-08-110	REP	96-08-042
174-122-040	PREP-X	96-14-007	180-40-320	AMD-P	96-08-061	182-08-120	AMD-P	96-02-079
180-16	PREP	96-16-043	180-40-320	AMD-W	96-09-025	182-08-120	AMD	96-08-042
180-16-238	PREP	96-04-070	180-40-320	AMD-P	96-12-088	182-08-160	AMD-P	96-02-079
180-16-238	NEW-P	96-07-046	180-40-320	AMD	96-15-098	182-08-160	AMD	96-08-042
180-16-238	NEW	96-11-111	180-51-050	AMD-P	96-04-071	182-08-165	AMD-P	96-02-079
180-20	PREP	96-08-060	180-51-050	AMD-C	96-09-010	182-08-165	AMD	96-08-042
180-20-005	AMD-P	96-12-089	180-51-050	AMD	96-09-027	182-08-170	REP-P	96-02-079
180-20-035	AMD-P	96-16-096	180-75	PREP	96-16-040	182-08-170	REP	96-08-042
180-20-035	AMD	96-20-042	180-75-047	AMD	96-08-022	182-08-180	AMD-P	96-02-079
180-20-040	AMD-P	96-16-096	180-77	PREP	96-16-042	182-08-180	AMD	96-08-042
180-20-040	AMD	96-20-042	180-77A	PREP	96-16-047	182-08-190	AMD-P	96-02-079
180-20-045	AMD-P	96-12-089	180-78	PREP	96-16-044	182-08-190	AMD	96-08-042
180-20-045	REP-P	96-16-096	180-78-145	PREP	96-13-051	182-08-195	REP-P	96-02-079
180-20-045	REP	96-20-042	180-78-145	AMD-P	96-16-048	182-08-195	REP	96-08-042
180-20-055	AMD-P	96-16-096	180-78-160	PREP	96-07-102	182-08-200	AMD-P	96-02-079
180-20-055	AMD	96-20-042	180-78-160	AMD-P	96-12-086	182-08-200	AMD	96-08-042
180-20-060	AMD-P	96-16-096	180-78-160	AMD	96-16-049	182-08-210	AMD-P	96-02-079
180-20-060	AMD	96-20-042	180-78A	PREP	96-16-045	182-08-210	AMD	96-08-042
180-20-065	REP-P	96-16-096	180-79	PREP	96-16-040	182-08-220	AMD-P	96-02-079
180-20-065	REP	96-20-042	180-79-086	AMD-P	96-04-047	182-08-220	AMD	96-08-042
180-20-070	AMD-P	96-16-096	180-79-086	AMD	96-08-023	182-08-300	REP-P	96-02-079
180-20-070	AMD	96-20-042	180-79-230	AMD	96-08-022	182-08-300	REP	96-08-042
180-20-075	AMD-P	96-16-096	180-79-311	AMD-P	96-04-048	182-12-110	AMD-P	96-02-080
180-20-075	AMD	96-20-042	180-79-311	AMD	96-08-024	182-12-110	AMD	96-08-043
180-20-090	AMD-P	96-16-096	180-79-334	AMD-P	96-04-049	182-12-111	AMD-P	96-02-080
180-20-090	AMD	96-20-042	180-79-334	AMD	96-08-025	182-12-111	AMD	96-08-043
180-20-095	AMD-P	96-16-096	180-79-340	AMD-W	96-15-007	182-12-115	AMD-P	96-02-080
180-20-095	AMD	96-20-042	180-79A	PREP	96-16-040	182-12-115	AMD	96-08-043
180-20-101	AMD-P	96-16-096	180-83-010	NEW	96-04-073	182-12-117	NEW-P	96-02-080
180-20-101	AMD	96-20-042	180-83-020	NEW	96-04-073	182-12-117	NEW	96-08-043

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
182-12-119	NEW-P	96-02-080	192-16-002	AMD-P	96-04-065	208-08-030	NEW-P	96-06-085
182-12-119	NEW	96-08-043	192-16-002	AMD	96-11-002	208-08-030	NEW	96-11-035
182-12-122	REP-P	96-02-080	192-16-024	NEW-P	96-04-065	208-08-040	NEW-P	96-06-085
182-12-122	REP	96-08-043	192-16-024	NEW	96-11-002	208-08-040	NEW	96-11-035
182-12-130	REP-P	96-02-080	192-16-051	AMD-P	96-04-065	208-08-050	NEW-P	96-06-085
182-12-130	REP	96-08-043	192-16-051	AMD	96-11-002	208-08-050	NEW	96-11-035
182-12-132	AMD-P	96-02-080	192-16-052	NEW-P	96-04-065	208-08-060	NEW-P	96-06-085
182-12-132	AMD	96-08-043	192-16-052	NEW	96-11-002	208-08-060	NEW	96-11-035
182-12-145	AMD-P	96-02-080	192-28-105	PREP	96-03-159	208-08-070	NEW-P	96-06-085
182-12-145	AMD	96-08-043	192-28-105	AMD-P	96-15-127	208-08-070	NEW	96-11-035
182-12-151	REP-P	96-02-080	192-28-105	AMD	96-20-051	208-08-080	NEW-P	96-06-085
182-12-151	REP	96-08-043	192-28-120	PREP	96-03-159	208-08-080	NEW	96-11-035
182-12-160	REP-P	96-02-080	192-28-120	AMD-P	96-15-127	208-08-090	NEW-P	96-06-085
182-12-160	REP	96-08-043	192-28-120	AMD	96-20-051	208-08-090	NEW	96-11-035
182-12-165	REP-P	96-02-080	192-33-001	NEW-E	96-09-004	208-08-100	NEW-P	96-06-085
182-12-165	REP	96-08-043	192-33-001	NEW-E	96-16-016	208-08-100	NEW	96-11-035
182-12-200	AMD-P	96-02-080	192-36-010	NEW-P	96-08-062	208-08-110	NEW-P	96-06-085
182-12-200	AMD	96-08-043	192-36-010	NEW	96-11-141	208-08-110	NEW	96-11-035
182-12-215	AMD-P	96-02-080	192-36-015	NEW-P	96-08-062	208-08-120	NEW-P	96-06-085
182-12-215	AMD	96-08-043	192-36-015	NEW	96-11-141	208-08-120	NEW	96-11-035
182-12-220	AMD-P	96-02-080	192-36-020	NEW-P	96-08-062	208-08-130	NEW-P	96-06-085
182-12-220	AMD	96-08-043	192-36-020	NEW	96-11-141	208-08-130	NEW	96-11-035
182-25-001	NEW-P	96-09-102	192-36-025	NEW-P	96-08-062	208-08-140	NEW-P	96-06-085
182-25-001	NEW-W	96-15-008	192-36-025	NEW	96-11-141	208-08-140	NEW	96-11-035
182-25-001	NEW	96-15-024	192-42-060	PREP-X	96-14-042	208-12-010	NEW-P	96-11-145
182-25-010	NEW-P	96-09-102	192-42-060	REP	96-18-035	208-12-010	NEW	96-14-082
182-25-010	NEW-W	96-15-008	196-16-005	REP-P	96-07-052	208-12-020	NEW-P	96-11-145
182-25-010	NEW	96-15-024	196-16-005	REP	96-11-086	208-12-020	NEW	96-14-082
182-25-010	PREP	96-19-075	196-16-007	AMD-P	96-07-052	208-12-030	NEW-P	96-11-145
182-25-020	NEW-P	96-09-102	196-16-007	AMD	96-11-086	208-12-030	NEW	96-14-082
182-25-020	NEW-W	96-15-008	196-16-010	AMD-P	96-07-052	208-12-040	NEW-P	96-11-145
182-25-020	NEW	96-15-024	196-16-010	AMD	96-11-086	208-12-040	NEW	96-14-082
182-25-020	PREP	96-19-075	196-16-020	AMD-P	96-07-052	208-12-050	NEW-P	96-11-145
182-25-030	NEW-P	96-09-102	196-16-020	AMD	96-11-086	208-12-050	NEW	96-14-082
182-25-030	NEW-W	96-15-008	196-16-031	AMD-P	96-07-052	208-12-070	NEW-P	96-11-145
182-25-030	NEW	96-15-024	196-16-031	AMD	96-11-086	208-12-070	NEW	96-14-082
182-25-030	PREP	96-19-075	196-20-010	AMD-P	96-07-052	208-12-080	NEW-P	96-11-145
182-25-040	NEW-P	96-09-102	196-20-010	AMD	96-11-086	208-12-080	NEW	96-14-082
182-25-040	NEW-W	96-15-008	196-20-020	AMD-P	96-07-052	208-12-090	NEW-P	96-11-145
182-25-040	NEW	96-15-024	196-20-020	AMD	96-11-086	208-12-090	NEW	96-14-082
182-25-040	PREP	96-19-075	196-20-030	AMD-P	96-07-052	208-12-100	NEW-P	96-11-145
182-25-050	NEW-P	96-09-102	196-20-030	AMD	96-11-086	208-12-100	NEW	96-14-082
182-25-050	NEW-W	96-15-008	196-21-010	NEW-P	96-07-052	208-12-110	NEW-P	96-11-145
182-25-050	NEW	96-15-024	196-21-010	NEW	96-11-086	208-12-110	NEW	96-14-082
182-25-060	NEW-P	96-09-102	196-21-020	NEW-P	96-07-052	208-12-120	NEW-P	96-11-145
182-25-060	NEW-W	96-15-008	196-21-020	NEW	96-11-086	208-12-120	NEW	96-14-082
182-25-060	NEW	96-15-024	196-21-030	NEW-P	96-07-052	208-12-130	NEW-P	96-11-145
182-25-070	NEW-P	96-09-102	196-21-030	NEW	96-11-086	208-12-130	NEW	96-14-082
182-25-070	NEW-W	96-15-008	196-24-058	NEW-P	96-07-037	208-418	AMD-P	96-08-076
182-25-070	NEW	96-15-024	196-24-058	NEW	96-11-085	208-418	AMD	96-12-058
182-25-080	NEW-P	96-09-102	204-10-035	PREP	96-20-108	208-418-020	RECOD	96-06-011
182-25-080	NEW-W	96-15-008	204-10-045	PREP	96-14-077	208-418-020	AMD-P	96-08-076
182-25-080	NEW	96-15-024	204-10-045	NEW-P	96-18-075	208-418-020	AMD	96-12-058
182-25-090	NEW-P	96-09-102	204-10-045	NEW-W	96-19-088	208-418-030	RECOD	96-06-011
182-25-090	NEW-W	96-15-008	204-29-010	PREP	96-15-084	208-418-030	REP-P	96-08-076
182-25-090	NEW	96-15-024	204-29-010	REP-P	96-19-076	208-418-030	REP	96-12-058
182-25-090	PREP	96-19-075	204-56	PREP	96-06-060	208-418-040	RECOD	96-06-011
182-25-100	NEW-P	96-09-102	204-56-085	AMD-P	96-09-080	208-418-040	AMD-P	96-08-076
182-25-100	NEW-W	96-15-008	204-56-085	AMD	96-14-008	208-418-040	AMD	96-12-058
182-25-100	NEW	96-15-024	204-91A-060	AMD-E	96-19-046	208-418-045	RECOD	96-06-011
182-25-105	NEW-P	96-09-102	204-91A-060	PREP	96-19-047	208-418-045	AMD-P	96-08-076
182-25-105	NEW-W	96-15-008	204-91A-140	PREP	96-14-076	208-418-045	PREP-X	96-14-038
182-25-105	NEW	96-15-024	204-91A-140	PREP-W	96-18-055	208-418-045	REP	96-17-072
182-25-110	NEW-P	96-09-102	204-91A-140	AMD-E	96-19-046	208-418-050	RECOD	96-06-011
182-25-110	NEW-W	96-15-008	204-91A-140	PREP	96-19-047	208-418-050	AMD-P	96-08-076
182-25-110	NEW	96-15-024	204-95-030	PREP	96-15-117	208-418-050	AMD	96-12-058
184-10-140	NEW-C	96-03-033	204-95-030	NEW-E	96-15-119	208-418-060	RECOD	96-06-011
192-12-300	PREP	96-03-158	204-95-080	PREP	96-15-117	208-418-060	AMD-P	96-08-076
192-12-300	AMD-P	96-12-082	204-95-080	NEW-E	96-15-119	208-418-060	AMD	96-12-058
192-12-300	AMD	96-16-018	208-08-010	NEW-P	96-06-085	208-418-070	RECOD	96-06-011
192-12-305	PREP	96-03-158	208-08-010	NEW	96-11-035	208-418-070	AMD-P	96-08-076
192-12-305	REP-P	96-12-082	208-08-020	NEW-P	96-06-085	208-418-070	AMD	96-12-058
192-12-305	REP	96-16-018	208-08-020	NEW	96-11-035	208-418-080	RECOD	96-06-011

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
208-418-080	REP-P	96-08-076	208-472-041	AMD-P	96-14-122	208-660-025	NEW-P	96-15-128
208-418-080	REP	96-12-058	208-472-041	AMD	96-17-071	208-660-030	RECOD	96-04-028
208-436-010	RECOD	96-06-011	208-472-045	RECOD	96-06-011	208-660-035	RECOD	96-04-028
208-436-010	AMD-P	96-14-122	208-472-045	AMD-P	96-14-122	208-660-040	RECOD	96-04-028
208-436-010	AMD	96-17-071	208-472-045	AMD	96-17-071	208-660-042	RECOD	96-04-028
208-436-020	RECOD	96-06-011	208-472-050	RECOD	96-06-011	208-660-045	RECOD	96-04-028
208-436-020	AMD-P	96-14-122	208-472-060	RECOD	96-06-011	208-660-050	RECOD	96-04-028
208-436-020	AMD	96-17-071	208-472-060	AMD-P	96-14-122	208-660-060	RECOD	96-04-028
208-436-030	RECOD	96-06-011	208-472-060	AMD	96-17-071	208-660-070	RECOD	96-04-028
208-436-030	AMD-P	96-14-122	208-472-065	RECOD	96-06-011	208-660-080	RECOD	96-04-028
208-436-030	AMD	96-17-071	208-472-065	AMD-P	96-14-122	208-660-08005	RECOD	96-04-028
208-436-040	RECOD	96-06-011	208-472-065	AMD	96-17-071	208-660-08010	RECOD	96-04-028
208-436-040	AMD-P	96-14-122	208-472-070	RECOD	96-06-011	208-660-08015	RECOD	96-04-028
208-436-040	AMD	96-17-071	208-472-070	AMD-P	96-14-122	208-660-08020	RECOD	96-04-028
208-436-050	RECOD	96-06-011	208-472-070	AMD	96-17-071	208-660-08025	RECOD	96-04-028
208-436-050	AMD-P	96-14-122	208-472-075	RECOD	96-06-011	208-660-08030	RECOD	96-04-028
208-436-050	AMD	96-17-071	208-472-075	AMD-P	96-14-122	208-660-08035	RECOD	96-04-028
208-436-060	RECOD	96-06-011	208-472-075	AMD	96-17-071	208-660-08040	RECOD	96-04-028
208-436-060	AMD-P	96-14-122	208-472-080	RECOD	96-06-011	208-660-085	RECOD	96-04-028
208-436-060	AMD	96-17-071	208-480-010	RECOD	96-06-011	208-660-090	RECOD	96-04-028
208-436-070	RECOD	96-06-011	208-480-020	RECOD	96-06-011	208-660-09005	RECOD	96-04-028
208-436-070	AMD-P	96-14-122	208-480-030	RECOD	96-06-011	208-660-09010	RECOD	96-04-028
208-436-070	AMD	96-17-071	208-480-030	AMD-P	96-14-122	208-660-09015	RECOD	96-04-028
208-436-080	RECOD	96-06-011	208-480-030	AMD	96-17-071	208-660-09020	RECOD	96-04-028
208-436-080	AMD-P	96-14-122	208-480-040	RECOD	96-06-011	208-660-100	RECOD	96-04-028
208-436-080	AMD	96-17-071	208-480-050	RECOD	96-06-011	208-660-110	RECOD	96-04-028
208-436-090	RECOD	96-06-011	208-480-050	AMD-P	96-14-122	208-660-120	RECOD	96-04-028
208-436-090	AMD-P	96-14-122	208-480-050	AMD	96-17-071	208-660-125	RECOD	96-04-028
208-436-090	AMD	96-17-071	208-480-060	RECOD	96-06-011	208-660-130	RECOD	96-04-028
208-440-010	RECOD	96-06-011	208-480-070	RECOD	96-06-011	208-660-140	RECOD	96-04-028
208-440-010	AMD-P	96-14-122	208-620-010	NEW	96-04-013	208-660-145	RECOD	96-04-028
208-440-010	AMD	96-17-071	208-620-020	NEW	96-04-013	208-660-150	RECOD	96-04-028
208-440-020	RECOD	96-06-011	208-620-030	NEW	96-04-013	208-660-160	RECOD	96-04-028
208-440-030	RECOD	96-06-011	208-620-040	NEW	96-04-013	208-660-165	RECOD	96-04-028
208-440-030	PREP-X	96-14-071	208-620-050	NEW	96-04-013	208-660-170	RECOD	96-04-028
208-440-030	AMD-P	96-14-122	208-620-060	NEW	96-04-013	208-660-190	RECOD	96-04-028
208-440-030	REP	96-17-072	208-620-070	NEW	96-04-013	208-660-200	RECOD	96-04-028
208-440-040	RECOD	96-06-011	208-620-080	NEW	96-04-013	208-660-210	RECOD	96-04-028
208-440-050	RECOD	96-06-011	208-620-090	NEW	96-04-013	208-680A	PREP	96-06-084
208-444-010	RECOD	96-06-011	208-620-100	RECOD	96-04-013	208-680A-010	RECOD	96-05-018
208-444-010	AMD-P	96-14-122	208-620-110	RECOD	96-04-013	208-680A-010	REP-P	96-15-129
208-444-010	AMD	96-17-071	208-620-120	RECOD	96-04-013	208-680A-020	RECOD	96-05-018
208-464-010	RECOD	96-06-011	208-620-130	RECOD	96-04-013	208-680A-020	AMD-P	96-15-129
208-464-010	AMD-P	96-14-122	208-620-140	RECOD	96-04-013	208-680A-030	RECOD	96-05-018
208-464-010	AMD	96-17-071	208-620-150	NEW	96-04-013	208-680A-030	AMD-P	96-15-129
208-464-020	RECOD	96-06-011	208-620-160	RECOD	96-04-013	208-680A-040	RECOD	96-05-018
208-464-030	RECOD	96-06-011	208-620-170	RECOD	96-04-013	208-680A-040	AMD-P	96-15-129
208-464-030	AMD-P	96-14-122	208-620-180	NEW	96-04-013	208-680B	PREP	96-06-084
208-464-030	AMD	96-17-071	208-620-190	RECOD	96-04-013	208-680B-010	RECOD	96-05-018
208-464-040	RECOD	96-06-011	208-620-200	NEW	96-04-013	208-680B-020	RECOD	96-05-018
208-464-050	RECOD	96-06-011	208-620-210	RECOD	96-04-013	208-680B-030	RECOD	96-05-018
208-464-050	AMD-P	96-14-122	208-620-220	NEW	96-04-013	208-680B-050	RECOD	96-05-018
208-464-050	AMD	96-17-071	208-630-005	RECOD	96-03-059	208-680B-070	RECOD	96-05-018
208-464-060	RECOD	96-06-011	208-630-010	RECOD	96-03-059	208-680B-080	RECOD	96-05-018
208-464-060	AMD-P	96-14-122	208-630-015	RECOD	96-03-059	208-680B-080	AMD-P	96-15-129
208-464-060	AMD	96-17-071	208-630-020	RECOD	96-03-059	208-680B-090	RECOD	96-05-018
208-464-070	RECOD	96-06-011	208-630-025	RECOD	96-03-059	208-680C	PREP	96-06-084
208-464-070	AMD-P	96-14-122	208-630-030	RECOD	96-03-059	208-680C-020	RECOD	96-05-018
208-464-070	AMD	96-17-071	208-630-035	RECOD	96-03-059	208-680C-030	RECOD	96-05-018
208-464-080	RECOD	96-06-011	208-630-040	RECOD	96-03-059	208-680C-040	RECOD	96-05-018
208-464-090	RECOD	96-06-011	208-630-050	RECOD	96-03-059	208-680C-045	NEW-P	96-15-129
208-472-010	RECOD	96-06-011	208-630-060	RECOD	96-03-059	208-680C-050	RECOD	96-05-018
208-472-012	RECOD	96-06-011	208-630-065	RECOD	96-03-059	208-680D	PREP	96-06-084
208-472-015	RECOD	96-06-011	208-630-068	RECOD	96-03-059	208-680D-010	RECOD	96-05-018
208-472-015	AMD-P	96-14-123	208-630-070	RECOD	96-03-059	208-680D-020	RECOD	96-05-018
208-472-015	AMD	96-17-070	208-630-075	RECOD	96-03-059	208-680D-030	RECOD	96-05-018
208-472-020	RECOD	96-06-011	208-630-080	RECOD	96-03-059	208-680D-030	AMD-P	96-15-129
208-472-020	AMD-P	96-14-122	208-630-085	RECOD	96-03-059	208-680D-040	RECOD	96-05-018
208-472-020	AMD	96-17-071	208-630-090	RECOD	96-03-059	208-680D-050	RECOD	96-05-018
208-472-025	RECOD	96-06-011	208-630-095	RECOD	96-03-059	208-680D-050	AMD-P	96-15-129
208-472-025	AMD-P	96-14-122	208-630-100	RECOD	96-03-059	208-680D-060	RECOD	96-05-018
208-472-025	AMD	96-17-071	208-660-010	RECOD	96-04-028	208-680D-060	AMD-P	96-15-129
208-472-041	RECOD	96-06-011	208-660-020	RECOD	96-04-028	208-680D-070	RECOD	96-05-018

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
208-680D-080	RECOD	96-05-018	212-17-21515	NEW-P	96-15-118	220-36-023	AMD-P	96-09-104
208-680E	PREP	96-06-084	212-17-21515	NEW-W	96-18-101	220-36-023	AMD	96-13-035
208-680E-011	RECOD	96-05-018	212-17-21518	NEW-E	96-11-068	220-40-021	AMD-P	96-09-104
208-680E-011	AMD-P	96-15-129	212-17-21518	PREP	96-12-063	220-40-021	AMD	96-13-035
208-680F	PREP	96-06-084	212-17-21518	NEW-P	96-15-118	220-40-027	AMD-P	96-09-104
208-680F-010	RECOD	96-05-018	212-17-21518	NEW-W	96-18-101	220-40-027	AMD	96-13-035
208-680F-020	RECOD	96-05-018	212-17-21521	NEW-E	96-11-068	220-44-030	AMD-P	96-03-154
208-680F-040	RECOD	96-05-018	212-17-21521	PREP	96-12-063	220-44-030	AMD	96-11-055
208-680F-040	AMD-P	96-15-129	212-17-21521	NEW-P	96-15-118	220-44-050	AMD-P	96-03-154
208-680F-050	RECOD	96-05-018	212-17-21521	NEW-W	96-18-101	220-44-050	AMD	96-11-055
208-680F-050	AMD-P	96-15-129	212-17-21525	NEW-E	96-11-068	220-44-05000A	NEW-E	96-18-047
208-680F-060	RECOD	96-05-018	212-17-21525	PREP	96-12-063	220-44-05000A	REP-E	96-19-028
208-680F-070	RECOD	96-05-018	212-17-21525	NEW-P	96-15-118	220-44-05000B	NEW-E	96-19-028
210-01-020	AMD-P	96-15-122	212-17-21525	NEW-W	96-18-101	220-44-05000B	REP-E	96-20-084
210-01-020	AMD	96-18-029	218-04-010	NEW-P	96-13-063	220-44-05000C	NEW-E	96-20-084
210-01-030	AMD-P	96-15-122	218-04-010	NEW	96-16-062	220-44-05000W	REP-E	96-11-094
210-01-030	AMD	96-18-029	218-04-020	NEW-P	96-13-063	220-44-05000X	NEW-E	96-11-094
210-01-120	AMD-P	96-15-122	218-04-020	NEW	96-16-062	220-44-05000X	REP-E	96-14-066
210-01-120	AMD	96-18-029	218-04-030	NEW-P	96-13-063	220-44-05000Y	NEW-E	96-14-066
212-17-185	REP-E	96-11-068	218-04-030	NEW	96-16-062	220-44-05000Y	REP-E	96-17-048
212-17-185	PREP	96-12-063	218-04-040	NEW-P	96-13-063	220-44-05000Z	NEW-E	96-17-048
212-17-185	REP-P	96-15-118	218-04-040	NEW	96-16-062	220-44-05000Z	REP-E	96-18-047
212-17-185	REP-W	96-18-101	218-04-050	NEW-P	96-13-063	220-47-304	AMD-P	96-09-105
212-17-190	REP-E	96-11-068	218-04-050	NEW	96-16-062	220-47-304	AMD	96-15-101
212-17-190	PREP	96-12-063	220-16-320	AMD-W	96-11-084	220-47-307	AMD-P	96-09-105
212-17-190	REP-P	96-15-118	220-24-02000A	NEW-E	96-15-100	220-47-307	AMD	96-15-101
212-17-185	REP-W	96-18-101	220-24-02000A	REP-E	96-16-051	220-47-311	AMD-P	96-09-105
212-17-195	REP-E	96-11-068	220-24-02000B	NEW-E	96-16-051	220-47-311	AMD	96-15-101
212-17-195	PREP	96-12-063	220-24-02000B	REP-E	96-18-002	220-47-401	AMD-P	96-09-105
212-17-195	REP-P	96-15-118	220-24-02000C	NEW-E	96-18-002	220-47-401	AMD	96-15-101
212-17-185	REP-W	96-18-101	220-32-05100S	NEW-E	96-04-039	220-47-411	AMD-P	96-09-105
212-17-200	REP-E	96-11-068	220-32-05100S	REP-E	96-04-039	220-47-411	AMD	96-15-101
212-17-200	PREP	96-12-063	220-32-05100T	NEW-E	96-18-027	220-47-427	NEW-P	96-09-105
212-17-200	REP-P	96-15-118	220-32-05100T	REP-E	96-18-027	220-47-427	NEW-S	96-15-137
212-17-200	REP-W	96-18-101	220-32-05100U	NEW-E	96-19-024	220-47-427	NEW	96-19-049
212-17-203	REP-E	96-11-068	220-32-05100U	REP-E	96-19-024	220-47-42700A	NEW-E	96-20-034
212-17-203	PREP	96-12-063	220-32-05100V	NEW-E	96-19-059	220-47-428	NEW-P	96-09-105
212-17-203	REP-P	96-15-118	220-32-05100V	REP-E	96-19-059	220-47-428	NEW	96-15-101
212-17-203	REP-W	96-18-101	220-32-05100W	NEW-E	96-20-035	220-47-701	NEW-E	96-19-021
212-17-205	REP-E	96-11-068	220-32-05100W	REP-E	96-20-035	220-47-702	NEW-E	96-19-053
212-17-205	PREP	96-12-063	220-32-05500V	NEW-E	96-10-015	220-47-702	REP-E	96-20-033
212-17-205	REP-P	96-15-118	220-32-05500V	REP-E	96-12-029	220-47-703	NEW-E	96-20-033
212-17-205	REP-W	96-18-101	220-32-05500W	NEW-E	96-12-029	220-47-703	REP-E	96-20-066
212-17-210	REP-E	96-11-068	220-32-05500W	REP-E	96-12-069	220-47-704	NEW-E	96-20-066
212-17-210	PREP	96-12-063	220-32-05500X	NEW-E	96-12-069	220-48-01500A	NEW-E	96-16-076
212-17-210	REP-P	96-15-118	220-32-05500X	REP-E	96-14-060	220-48-01500A	REP-E	96-18-005
212-17-210	REP-W	96-18-101	220-32-05500Y	NEW-E	96-14-060	220-48-01500B	NEW-E	96-18-005
212-17-215	AMD-E	96-11-068	220-32-05500Z	NEW-E	96-20-123	220-49-020001	NEW-E	96-10-002
212-17-215	PREP	96-12-063	220-32-05500Z	REP-E	96-20-123	220-49-020001	REP-E	96-10-002
212-17-215	AMD-P	96-15-118	220-32-05700S	NEW-E	96-08-064	220-52-03000J	NEW-E	96-11-117
212-17-215	AMD-W	96-18-101	220-32-05700S	REP-E	96-08-064	220-52-03000J	REP-E	96-11-117
212-17-21501	NEW-E	96-11-068	220-32-05700T	NEW-E	96-11-092	220-52-04000B	NEW-E	96-20-065
212-17-21501	PREP	96-12-063	220-32-05700T	REP-E	96-11-092	220-52-04600L	REP-E	96-02-065
212-17-21501	NEW-P	96-15-118	220-33-01000D	NEW-E	96-05-055	220-52-04600M	NEW-E	96-03-055
212-17-21501	NEW-W	96-18-101	220-33-01000D	REP-E	96-05-055	220-52-04600N	NEW-E	96-06-006
212-17-21503	NEW-E	96-11-068	220-33-01000E	NEW-E	96-17-047	220-52-04600P	NEW-E	96-20-065
212-17-21503	PREP	96-12-063	220-33-01000E	REP-E	96-17-047	220-52-04600P	REP-E	96-20-107
212-17-21503	NEW-P	96-15-118	220-33-01000F	NEW-E	96-17-049	220-52-04600Q	NEW-E	96-20-065
212-17-21503	NEW-W	96-18-101	220-33-01000F	REP-E	96-17-049	220-52-04600R	NEW-E	96-20-107
212-17-21506	NEW-E	96-11-068	220-33-01000G	NEW-E	96-19-026	220-52-06000A	NEW-E	96-10-046
212-17-21506	PREP	96-12-063	220-33-01000G	REP-E	96-19-026	220-52-06000A	REP-E	96-15-015
212-17-21506	NEW-P	96-15-118	220-33-01000H	NEW-E	96-19-051	220-52-06000B	NEW-E	96-15-015
212-17-21506	NEW-W	96-18-101	220-33-01000H	REP-E	96-19-051	220-52-06000B	REP-E	96-15-049
212-17-21509	NEW-E	96-11-068	220-33-01000I	NEW-E	96-19-062	220-52-07100Y	NEW-E	96-11-007
212-17-21509	PREP	96-12-063	220-33-01000I	REP-E	96-19-062	220-52-07100Y	REP-E	96-12-043
212-17-21509	NEW-P	96-15-118	220-33-01000J	NEW-E	96-20-067	220-52-07100Z	NEW-E	96-12-043
212-17-21509	NEW-W	96-18-101	220-33-01000J	REP-E	96-20-067	220-52-07100Z	REP-E	96-14-073
212-17-21512	NEW-E	96-11-068	220-33-03000J	NEW-E	96-11-032	220-52-07300C	REP-E	96-03-014
212-17-21512	PREP	96-12-063	220-33-03000J	REP-E	96-11-032	220-52-07300D	NEW-E	96-03-014
212-17-21512	NEW-P	96-15-118	220-33-04000B	NEW-E	96-04-026	220-52-07300D	REP-E	96-03-014
212-17-21512	NEW-W	96-18-101	220-33-04000B	REP-E	96-04-026	220-52-07300E	NEW-E	96-04-038
212-17-21515	NEW-E	96-11-068	220-36-021	AMD-P	96-09-104	220-52-07300E	REP-E	96-04-038
212-17-21515	PREP	96-12-063	220-36-021	AMD	96-13-035	220-52-07300F	NEW-E	96-05-019

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-52-07300F	REP-E	96-05-019	220-56-31000L	REP-E	96-15-014	220-57-200	AMD-C	96-05-005
220-52-07300F	REP-E	96-05-033	220-56-31000M	NEW-E	96-15-014	220-57-200	AMD	96-11-078
220-52-07300G	NEW-E	96-05-033	220-56-325	AMD	96-05-004	220-57-205	AMD-C	96-05-005
220-52-07300G	REP-E	96-05-033	220-56-32500E	NEW-E	96-09-049	220-57-205	AMD-W	96-11-084
220-52-07300H	NEW-E	96-06-005	220-56-32500F	NEW-E	96-11-034	220-57-210	AMD-C	96-05-005
220-52-07300H	REP-E	96-06-005	220-56-32500F	REP-E	96-11-034	220-57-210	AMD-W	96-11-084
220-52-07500A	NEW-E	96-09-048	220-56-32500G	NEW-E	96-11-099	220-57-215	AMD-C	96-05-005
220-55-005	AMD	96-05-004	220-56-32500G	REP-E	96-14-061	220-57-215	AMD	96-11-078
220-55-010	AMD	96-05-004	220-56-32500H	NEW-E	96-12-068	220-57-220	AMD-C	96-05-005
220-55-050	AMD	96-05-004	220-56-32500H	REP-E	96-12-068	220-57-220	AMD-W	96-11-084
220-55-055	AMD	96-05-004	220-56-32500I	NEW-E	96-13-041	220-57-230	AMD-C	96-05-005
220-55-075	AMD	96-05-004	220-56-32500I	REP-E	96-13-041	220-57-230	AMD-W	96-11-084
220-55-110	AMD	96-05-004	220-56-32500J	NEW-E	96-13-085	220-57-235	AMD-C	96-05-005
220-56-100	AMD-C	96-05-005	220-56-32500J	REP-E	96-13-085	220-57-235	AMD	96-11-078
220-56-100	AMD	96-11-078	220-56-32500K	NEW-E	96-14-061	220-57-23500H	NEW-E	96-19-052
220-56-10300A	NEW-E	96-13-052	220-56-326	NEW	96-05-004	220-57-240	AMD-C	96-05-005
220-56-105	AMD-C	96-05-005	220-56-330	AMD-C	96-05-005	220-57-240	AMD	96-11-078
220-56-105	AMD	96-11-078	220-56-330	AMD	96-11-078	220-57-250	AMD-C	96-05-005
220-56-10500A	NEW-E	96-11-039	220-56-350	AMD-C	96-05-005	220-57-250	AMD-W	96-11-084
220-56-115	AMD-W	96-11-084	220-56-350	AMD	96-11-078	220-57-25000B	NEW-E	96-19-052
220-56-116	AMD-W	96-11-084	220-56-35000J	REP-E	96-08-046	220-57-260	AMD-C	96-05-005
220-56-124	AMD-C	96-05-005	220-56-35000K	NEW-E	96-08-046	220-57-260	AMD-W	96-11-084
220-56-124	AMD	96-11-078	220-56-35000K	REP-E	96-11-008	220-57-265	AMD-C	96-05-005
220-56-189	AMD-W	96-11-084	220-56-35000L	NEW-E	96-11-008	220-57-265	AMD-W	96-11-084
220-56-190	AMD-C	96-05-005	220-56-35000L	REP-E	96-15-055	220-57-270	AMD-C	96-05-005
220-56-190	AMD	96-11-078	220-56-35000M	NEW-E	96-15-055	220-57-270	AMD-W	96-11-084
220-56-19000E	NEW-E	96-15-097	220-56-35500A	NEW-E	96-18-004	220-57-27000B	NEW-E	96-11-118
220-56-19000E	REP-E	96-16-052	220-56-36000Q	NEW-E	96-07-051	220-57-27000B	REP-E	96-11-118
220-56-19000F	NEW-E	96-16-052	220-56-36000Q	REP-E	96-07-051	220-57-280	AMD-C	96-05-005
220-56-19000F	REP-E	96-18-049	220-56-36000Q	REP-E	96-11-038	220-57-280	AMD-W	96-11-084
220-56-19000G	NEW-E	96-18-049	220-56-36000R	NEW-E	96-11-038	220-57-285	AMD-C	96-05-005
220-56-19000G	REP-E	96-19-022	220-56-36000R	REP-E	96-11-038	220-57-285	AMD-W	96-11-084
220-56-19000H	NEW-E	96-19-022	220-56-372	AMD	96-05-004	220-57-29000S	NEW-E	96-08-045
220-56-191	AMD-C	96-05-005	220-56-37500A	NEW-E	96-18-004	220-57-29000S	REP-E	96-12-067
220-56-191	AMD	96-11-078	220-56-380	AMD-C	96-05-005	220-57-29000T	NEW-E	96-12-067
220-56-19100Q	NEW-E	96-09-063	220-56-380	AMD	96-11-078	220-57-300	AMD-C	96-05-005
220-56-19100R	NEW-E	96-16-029	220-56-38000D	REP-E	96-08-046	220-57-300	AMD-W	96-11-084
220-56-19100R	REP-E	96-16-029	220-56-38000E	NEW-E	96-08-046	220-57-310	AMD-C	96-05-005
220-56-19100S	NEW-E	96-16-053	220-56-38000E	REP-E	96-11-008	220-57-310	AMD	96-11-078
220-56-19100S	REP-E	96-16-053	220-56-38000F	NEW-E	96-11-008	220-57-31000S	NEW-E	96-08-045
220-56-19100T	NEW-E	96-17-050	220-56-38000F	REP-E	96-15-055	220-57-31000T	NEW-E	96-19-052
220-56-19100T	REP-E	96-17-050	220-56-38000G	NEW-E	96-15-055	220-57-31500B	NEW-E	96-08-045
220-56-19100T	REP-E	96-20-032	220-56-38000G	REP-E	96-19-063	220-57-319	AMD-C	96-05-005
220-56-19100U	NEW-E	96-18-058	220-56-38000H	NEW-E	96-19-063	220-57-319	AMD	96-11-078
220-56-19100U	REP-E	96-18-058	220-56-420	AMD-W	96-11-084	220-57-31900K	NEW-E	96-08-045
220-56-192	AMD-W	96-11-084	220-57-130	AMD-C	96-05-005	220-57-31900K	REP-E	96-13-020
220-56-195	AMD-C	96-05-005	220-57-130	AMD	96-11-078	220-57-31900L	NEW-E	96-13-020
220-56-195	AMD	96-11-078	220-57-135	AMD-C	96-05-005	220-57-32100A	NEW-E	96-08-045
220-56-19500A	NEW-E	96-18-058	220-57-135	AMD	96-11-078	220-57-32100A	AMD-C	96-05-005
220-56-19500A	REP-E	96-18-058	220-57-137	AMD-C	96-05-005	220-57-340	AMD-W	96-11-084
220-56-205	AMD-C	96-05-005	220-57-137	AMD	96-11-078	220-57-340	AMD-C	96-05-005
220-56-205	AMD	96-11-078	220-57-140	AMD-C	96-05-005	220-57-345	AMD-W	96-11-084
220-56-20500A	NEW-E	96-11-039	220-57-140	AMD-W	96-11-084	220-57-345	AMD-C	96-05-005
220-56-225	AMD-W	96-11-084	220-57-155	AMD-C	96-05-005	220-57-350	AMD-C	96-11-078
220-56-235	AMD	96-05-004	220-57-155	AMD	96-11-078	220-57-350	AMD	96-11-078
220-56-240	AMD	96-05-004	220-57-160	AMD-C	96-05-005	220-57-370	AMD-C	96-05-005
220-56-24000B	NEW-E	96-08-063	220-57-160	AMD-W	96-11-084	220-57-370	AMD	96-11-078
220-56-24000C	NEW-E	96-18-003	220-57-16000D	NEW-E	96-06-052	220-57-385	AMD-C	96-05-005
220-56-24000C	REP-E	96-19-050	220-57-16000E	NEW-E	96-11-033	220-57-385	AMD	96-11-078
220-56-24000D	NEW-E	96-19-050	220-57-16000E	REP-E	96-11-033	220-57-410	AMD-C	96-05-005
220-56-24000D	REP-E	96-20-106	220-57-16000F	NEW-E	96-12-013	220-57-410	AMD-W	96-11-084
220-56-24000E	NEW-E	96-20-106	220-57-16000G	NEW-E	96-18-048	220-57-415	AMD-C	96-05-005
220-56-250	AMD-W	96-11-084	220-57-16000G	REP-E	96-18-048	220-57-415	AMD-W	96-11-084
220-56-25500C	NEW-E	96-12-012	220-57-170	AMD-C	96-05-005	220-57-425	AMD-C	96-05-005
220-56-25500C	REP-E	96-15-092	220-57-170	AMD-W	96-11-084	220-57-425	AMD	96-11-078
220-56-25500D	NEW-E	96-15-092	220-57-175	AMD-C	96-05-005	220-57-430	AMD-C	96-05-005
220-56-28500G	NEW-E	96-06-052	220-57-175	AMD	96-11-078	220-57-430	AMD-W	96-11-084
220-56-28500G	REP-E	96-06-052	220-57-17500D	NEW-E	96-08-045	220-57-435	AMD-C	96-05-005
220-56-28500H	NEW-E	96-08-063	220-57-17500E	NEW-E	96-20-083	220-57-435	AMD	96-11-078
220-56-310	AMD-C	96-05-005	220-57-187	NEW-C	96-05-005	220-57-450	AMD-C	96-05-005
220-56-310	AMD-W	96-11-084	220-57-187	NEW-W	96-11-084	220-57-450	AMD	96-11-078
220-56-31000A	NEW-E	96-18-004	220-57-190	AMD-C	96-05-005	220-57-455	AMD-C	96-05-005
220-56-31000L	NEW-E	96-14-059	220-57-190	AMD-W	96-11-084	220-57-455	AMD	96-11-078
						220-57-460	AMD-C	96-05-005

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-57-460	AMD	96-11-078	222-10-030	NEW-W	96-03-067	222-30-065	NEW-E	96-13-026
220-57-465	AMD-C	96-05-005	222-10-040	NEW-C	96-04-076	222-30-065	AMD-S	96-20-120
220-57-465	AMD	96-11-078	222-10-040	NEW-C	96-05-090	222-30-070	AMD-E	96-03-009
220-57-473	AMD-C	96-05-005	222-10-040	NEW-S	96-09-099	222-30-070	AMD-C	96-04-076
220-57-473	AMD	96-11-078	222-10-040	NEW	96-12-038	222-30-070	AMD-C	96-05-090
220-57-480	AMD-C	96-05-005	222-10-040	NEW	96-14-081	222-30-070	AMD-S	96-09-099
220-57-480	AMD-W	96-11-084	222-10-041	NEW-C	96-04-076	222-30-070	AMD	96-12-038
220-57-495	AMD-C	96-05-005	222-10-041	NEW-C	96-05-090	222-30-070	AMD-E	96-13-026
220-57-495	AMD	96-11-078	222-10-041	NEW-S	96-09-099	222-30-070	AMD-S	96-20-120
220-57-49500B	NEW-E	96-19-052	222-10-041	NEW	96-12-038	222-30-075	NEW-E	96-03-009
220-57-50500Y	NEW-E	96-08-045	222-12-090	AMD-S	96-20-120	222-30-075	NEW-W	96-03-067
220-57-51500L	NEW-E	96-08-045	222-16-010	AMD-E	96-03-009	222-30-075	NEW-E	96-13-026
220-57-520	AMD-C	96-05-005	222-16-010	AMD-C	96-04-076	222-30-100	AMD-E	96-03-009
220-57-520	AMD-W	96-11-084	222-16-010	AMD-C	96-05-090	222-30-100	AMD-C	96-04-076
220-57-525	AMD-C	96-05-005	222-16-010	AMD-S	96-09-099	222-30-100	AMD-C	96-05-090
220-57-525	AMD-W	96-11-084	222-16-010	AMD	96-12-038	222-30-100	AMD-S	96-09-099
220-57A-001	AMD	96-05-004	222-16-010	AMD-C	96-13-004	222-30-100	AMD	96-12-038
220-57A-035	AMD	96-05-004	222-16-010	AMD-E	96-13-026	222-30-100	AMD-E	96-13-026
220-57A-09700B	NEW-E	96-18-083	222-16-010	AMD-E	96-18-054	222-30-100	AMD-S	96-20-120
220-57A-175	AMD-C	96-05-005	222-16-010	AMD-S	96-20-120	222-38-020	AMD-E	96-03-009
220-57A-175	AMD-W	96-11-084	222-16-075	NEW-W	96-03-067	222-38-020	AMD-W	96-03-067
220-57A-17500A	NEW-E	96-15-037	222-16-080	AMD-E	96-03-009	222-38-020	AMD-E	96-13-026
220-57A-17500A	REP-E	96-15-037	222-16-080	AMD-C	96-04-076	222-38-030	AMD-E	96-03-009
220-57A-17500B	NEW-E	96-15-068	222-16-080	AMD-C	96-05-090	222-38-030	AMD-W	96-03-067
220-57A-17500B	REP-E	96-15-068	222-16-080	AMD-S	96-09-099	222-38-030	AMD-E	96-13-026
220-57A-17500C	NEW-E	96-16-005	222-16-080	AMD	96-12-038	223-08-080	AMD-P	96-09-057
220-57A-17500C	REP-E	96-17-002	222-16-080	AMD-C	96-13-004	223-08-080	AMD	96-15-034
220-57A-17500D	NEW-E	96-20-064	222-16-080	AMD-E	96-13-026	223-08-085	AMD-P	96-13-106
220-57A-17500D	REP-E	96-20-064	222-16-080	AMD-E	96-18-054	223-08-085	AMD	96-19-030
220-57A-180	AMD-C	96-05-005	222-16-080	AMD-S	96-20-120	223-08-150	REP-P	96-09-057
220-57A-180	AMD-W	96-11-084	222-16-081	NEW-S	96-20-120	223-08-150	REP	96-15-034
220-69-24000C	NEW-E	96-09-048	222-16-085	NEW-C	96-04-076	223-08-155	REP-P	96-09-057
220-69-24000D	NEW-E	96-11-007	222-16-085	NEW-C	96-05-090	223-08-155	REP	96-15-034
220-88A-07000C	NEW-E	96-09-048	222-16-085	NEW-S	96-09-099	223-08-235	REP-P	96-13-106
220-88A-07000C	REP-E	96-11-054	222-16-085	NEW	96-12-038	223-08-235	REP	96-19-030
220-88A-07000D	NEW-E	96-11-037	222-16-086	NEW-C	96-04-076	223-08-257	AMD-P	96-09-057
220-88A-07000D	REP-E	96-11-054	222-16-086	NEW-C	96-05-090	223-08-257	AMD	96-15-034
220-88A-07000E	NEW-E	96-11-054	222-16-086	NEW-S	96-09-099	230-02-035	AMD-P	96-10-050
220-88A-07000E	REP-E	96-11-095	222-16-086	NEW	96-12-038	230-02-035	AMD	96-13-068
220-88A-07000F	NEW-E	96-11-095	222-16-100	NEW-C	96-04-076	230-02-105	NEW-P	96-19-085
220-88A-07000F	REP-E	96-12-003	222-16-100	NEW-C	96-05-090	230-02-123	NEW-P	96-19-085
220-88A-07000G	NEW-E	96-12-003	222-16-100	NEW-S	96-09-099	230-02-126	NEW-P	96-19-085
220-88A-07000G	REP-E	96-19-064	222-16-100	NEW	96-12-038	230-02-137	NEW-P	96-03-077
220-88A-07000H	NEW-E	96-19-064	222-21-010	NEW-W	96-03-067	230-02-137	NEW	96-07-075
220-88A-07000H	REP-E	96-20-068	222-21-020	NEW-W	96-03-067	230-02-138	NEW-P	96-19-085
220-88A-07000I	NEW-E	96-20-068	222-21-030	NEW-W	96-03-067	230-02-143	NEW-P	96-19-083
220-88A-08000B	NEW-E	96-09-048	222-21-040	NEW-W	96-03-067	230-04-145	AMD-P	96-19-083
220-88A-08000B	REP-E	96-12-003	222-24-030	AMD-E	96-03-009	230-02-162	NEW-P	96-03-077
220-88A-08000C	NEW-E	96-12-003	222-24-030	AMD-C	96-04-076	230-02-162	NEW	96-07-075
220-88A-08000C	REP-E	96-12-022	222-24-030	AMD-C	96-05-090	230-02-240	AMD-P	96-19-083
220-88A-08000D	NEW-E	96-12-022	222-24-030	AMD-S	96-09-099	230-02-278	AMD-P	96-03-077
220-88A-08000D	REP-E	96-14-032	222-24-030	AMD	96-12-038	230-02-278	AMD	96-07-075
220-88A-08000E	NEW-E	96-14-032	222-24-030	AMD-E	96-13-026	230-02-279	NEW-P	96-03-077
220-88A-08000E	REP-E	96-15-036	222-24-030	AMD-S	96-20-120	230-02-279	NEW	96-07-075
220-88A-08000F	NEW-E	96-15-036	222-30-050	AMD-E	96-03-009	230-02-362	NEW-P	96-19-085
220-88A-08000F	REP-E	96-20-049	222-30-050	AMD-C	96-04-076	230-02-364	NEW-P	96-19-085
220-88A-08000G	NEW-E	96-20-049	222-30-050	AMD-C	96-05-090	230-02-366	NEW-P	96-19-085
220-88A-08000G	REP-E	96-20-068	222-30-050	AMD-S	96-09-099	230-02-455	NEW-P	96-19-085
220-88A-08000H	NEW-E	96-20-068	222-30-050	AMD	96-12-038	230-02-503	NEW-P	96-19-085
220-95	AMD-C	96-08-015	222-30-050	AMD-E	96-13-026	230-02-511	AMD-P	96-03-080
220-95	AMD-C	96-13-034	222-30-050	AMD-S	96-20-120	230-02-511	AMD	96-07-076
220-95-013	AMD-P	96-04-069	222-30-060	AMD-E	96-03-009	230-02-530	NEW-P	96-19-085
220-95-013	AMD-S	96-14-146	222-30-060	AMD-C	96-04-076	230-02-535	NEW-P	96-19-085
220-95-018	AMD-P	96-04-069	222-30-060	AMD-C	96-05-090	230-02-540	NEW-P	96-19-085
220-95-018	AMD-S	96-14-146	222-30-060	AMD-S	96-09-099	230-04-024	AMD-P	96-03-077
220-95-022	AMD-P	96-04-069	222-30-060	AMD	96-12-038	230-04-024	AMD	96-07-075
220-95-022	AMD-S	96-14-146	222-30-060	AMD-E	96-13-026	230-04-040	AMD-P	96-03-077
220-95-032	AMD-P	96-04-069	222-30-060	AMD-S	96-20-120	230-04-040	AMD	96-07-075
220-95-032	AMD-S	96-14-146	222-30-065	NEW-E	96-03-009	230-04-064	AMD-P	96-03-077
220-130-020	AMD-P	96-20-122	222-30-065	NEW-C	96-04-076	230-04-064	AMD	96-07-075
220-130-070	AMD-P	96-20-122	222-30-065	NEW-C	96-05-090	230-04-120	AMD-P	96-05-042
220-140-010	AMD-P	96-20-122	222-30-065	NEW-S	96-09-099	230-04-120	AMD	96-09-071
220-140-040	NEW-P	96-20-122	222-30-065	NEW	96-12-038	230-04-120	AMD	96-11-126

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
230-04-138	AMD-P	96-15-066	230-20-165	PREP	96-20-003	232-12-068	AMD	96-18-009
230-04-138	AMD	96-19-081	230-20-190	AMD-P	96-19-085	232-12-101	AMD-P	96-14-129
230-04-140	AMD-P	96-19-084	230-20-230	AMD-P	96-03-079	232-12-101	AMD	96-18-061
230-04-143	NEW-P	96-19-083	230-20-230	AMD	96-07-078	232-12-104	AMD-P	96-14-130
230-04-145	AMD-P	96-19-083	230-20-230	PREP	96-20-003	232-12-104	AMD	96-18-060
230-04-187	AMD-P	96-05-042	230-20-240	AMD-P	96-07-072	232-12-107	AMD-P	96-14-134
230-04-187	AMD	96-09-071	230-20-240	AMD	96-13-067	232-12-107	AMD	96-18-062
230-04-190	AMD-P	96-19-084	230-20-241	AMD-P	96-07-072	232-12-114	AMD-P	96-14-127
230-04-202	AMD-P	96-19-084	230-20-241	AMD	96-13-067	232-12-114	AMD	96-18-064
230-04-203	AMD-P	96-19-084	230-20-242	AMD-P	96-07-072	232-12-121	AMD-P	96-14-135
230-04-204	AMD-P	96-05-043	230-20-242	AMD	96-13-067	232-12-121	AMD	96-18-065
230-04-204	AMD	96-09-070	230-20-242	AMD-P	96-19-085	232-12-124	AMD-P	96-14-128
230-04-204	AMD-P	96-19-084	230-20-246	AMD-P	96-07-072	232-12-124	AMD	96-18-063
230-04-220	AMD-P	96-19-084	230-20-246	AMD	96-13-067	232-12-128	NEW-P	96-14-136
230-08-017	AMD-P	96-19-084	230-20-247	NEW-P	96-11-074	232-12-128	NEW-W	96-18-028
230-08-025	AMD-P	96-19-083	230-20-247	NEW	96-15-064	232-12-131	AMD	96-04-027
230-08-080	AMD-W	96-03-068	230-20-247	PREP	96-20-003	232-12-144	AMD-C	96-05-044
230-08-080	AMD-P	96-07-072	230-20-249	NEW-P	96-19-085	232-12-144	AMD-W	96-11-083
230-08-080	AMD	96-13-067	230-20-270	PREP	96-20-003	232-12-147	AMD-C	96-05-044
230-08-090	AMD-P	96-07-074	230-20-325	AMD-P	96-03-076	232-12-147	AMD-W	96-11-083
230-08-090	AMD-W	96-14-028	230-20-325	AMD	96-07-077	232-12-168	AMD-C	96-05-044
230-08-095	AMD-P	96-03-077	230-20-325	AMD-P	96-19-085	232-12-168	AMD	96-11-079
230-08-095	AMD	96-07-075	230-20-335	AMD-P	96-03-076	232-12-168	AMD-P	96-06-063
230-08-105	AMD-P	96-07-072	230-20-335	AMD	96-07-077	232-12-168	AMD	96-15-096
230-08-105	AMD	96-13-067	230-20-510	NEW-P	96-03-080	232-12-16800A	NEW-E	96-10-070
230-08-122	AMD-P	96-03-077	230-20-510	NEW	96-07-076	232-12-16800A	REP-E	96-10-070
230-08-122	AMD	96-07-075	230-25-040	AMD-P	96-03-076	232-12-275	AMD-P	96-06-064
230-08-125	AMD-P	96-19-084	230-25-040	AMD	96-07-077	232-12-275	AMD	96-12-045
230-08-255	AMD-P	96-03-077	230-25-220	AMD-P	96-03-076	232-12-284	AMD-P	96-14-143
230-08-255	AMD	96-07-075	230-25-220	AMD	96-07-077	232-12-619	AMD-C	96-05-044
230-12-005	NEW-P	96-13-072	230-25-330	AMD-P	96-05-042	232-12-619	AMD	96-11-079
230-12-005	NEW	96-17-012	230-25-330	AMD	96-09-071	232-12-61900B	NEW-E	96-10-070
230-12-020	AMD-P	96-04-085	230-30-025	NEW-P	96-19-083	232-12-61900B	REP-E	96-10-070
230-12-020	AMD-S	96-05-041	230-30-040	NEW-P	96-19-083	232-12-827	REP	96-04-027
230-12-020	AMD	96-09-073	230-30-070	AMD-P	96-19-083	232-12-828	NEW	96-03-084
230-12-050	AMD-P	96-19-085	230-30-075	AMD-P	96-19-083	232-12-829	REP-E	96-03-083
230-12-053	PREP	96-20-001	230-30-075	AMD-P	96-19-083	232-12-829	REP	96-03-084
230-12-076	NEW-P	96-03-077	230-30-080	AMD-P	96-19-083	232-12-829	REP-P	96-06-065
230-12-076	NEW	96-07-075	230-30-097	AMD-P	96-10-049	232-12-829	REP	96-12-056
230-12-215	NEW-P	96-19-083	230-30-097	AMD	96-13-069	232-12-829	REP	96-12-056
230-20-050	AMD-P	96-03-079	230-30-102	AMD-P	96-19-083	232-12-831	REP	96-04-027
230-20-050	AMD	96-07-078	230-30-103	AMD-P	96-19-083	232-16-080	AMD-P	96-06-066
230-20-052	NEW-P	96-03-079	230-40-010	AMD-P	96-07-073	232-16-080	AMD	96-12-046
230-20-052	NEW	96-07-078	230-40-010	AMD	96-11-073	232-16-080	REP-P	96-14-126
230-20-055	AMD-P	96-03-080	230-40-030	AMD-P	96-03-081	232-16-080	REP-E	96-17-073
230-20-055	AMD	96-07-076	230-40-030	AMD-W	96-14-028	232-16-080	REP	96-18-010
230-20-059	NEW-P	96-19-085	230-40-050	AMD-P	96-15-065	232-16-410	REP-P	96-06-067
230-20-060	NEW-P	96-19-085	230-40-050	AMD	96-19-082	232-16-410	REP	96-12-057
230-20-062	NEW-P	96-19-085	230-40-055	AMD-P	96-03-080	232-16-730	NEW-P	96-14-141
230-20-064	AMD-P	96-03-077	230-40-055	AMD-W	96-14-028	232-16-730	NEW-W	96-18-028
230-20-064	AMD	96-05-011	230-40-999	NEW-P	96-13-070	232-16-740	NEW-P	96-14-140
230-20-064	AMD	96-07-075	230-40-999	NEW-E	96-13-071	232-16-740	NEW	96-18-005
230-20-064	PREP	96-11-125	230-40-999	NEW	96-17-011	232-16-74000A	NEW-E	96-17-074
230-20-064	REP-P	96-19-085	230-46-100	AMD-P	96-07-073	232-16-750	NEW-P	96-14-125
230-20-101	AMD-P	96-07-072	230-46-100	AMD	96-11-073	232-16-750	NEW	96-18-006
230-20-101	AMD	96-13-067	230-50-560	AMD-P	96-03-078	232-16-760	NEW-P	96-14-139
230-20-102	AMD-P	96-19-085	230-50-560	AMD	96-09-072	232-16-760	NEW	96-18-007
230-20-103	AMD-P	96-03-079	230-50-562	NEW-P	96-03-078	232-16-770	NEW-P	96-14-138
230-20-103	AMD	96-07-078	230-50-562	NEW	96-09-072	232-16-770	NEW	96-18-008
230-20-104	NEW-P	96-07-072	230-50-800	AMD-P	96-10-050	232-24-120	REP	96-04-027
230-20-104	NEW	96-13-067	230-50-800	AMD	96-13-068	232-28-02203	AMD	96-04-027
230-20-105	NEW-P	96-07-072	230-50-815	NEW-P	96-17-010	232-28-02204	AMD	96-04-027
230-20-105	NEW	96-13-067	232-12-001	AMD-C	96-05-044	232-28-02205	AMD	96-04-027
230-20-106	NEW-P	96-07-072	232-12-001	AMD	96-11-079	232-28-02210	AMD	96-04-027
230-20-106	NEW	96-13-067	232-12-01701	NEW-P	96-06-063	232-28-02220	AMD	96-04-027
230-20-107	NEW-P	96-07-072	232-12-01701	NEW	96-15-096	232-28-02240	AMD	96-04-027
230-20-107	NEW	96-13-067	232-12-01800A	NEW-E	96-14-030	232-28-02250	AMD	96-04-027
230-20-108	NEW-P	96-07-072	232-12-025	AMD-P	96-06-062	232-28-02270	AMD	96-04-027
230-20-108	NEW	96-13-067	232-12-025	AMD-W	96-09-003	232-28-02280	AMD	96-04-027
230-20-115	NEW-P	96-03-079	232-12-026	NEW-P	96-06-062	232-28-02290	AMD	96-04-027
230-20-115	NEW	96-07-078	232-12-026	NEW-W	96-09-003	232-28-206	REP	96-04-027
230-20-120	AMD-P	96-19-085	232-12-064	AMD-P	96-14-131	232-28-209	REP	96-04-027
230-20-125	NEW-P	96-19-085	232-12-064	AMD	96-18-059	232-28-21201	REP	96-04-027
			232-12-068	AMD-P	96-14-142	232-28-215	REP	96-04-027

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
232-28-216	REP	96-04-027	232-28-61900U	NEW-E	96-16-019	246-11-430	AMD-P	96-14-069
232-28-225	REP	96-04-027	232-28-61900V	REP-E	96-16-019	246-11-550	AMD-P	96-14-069
232-28-240	AMD	96-04-027	232-28-61900W	NEW-E	96-18-048	246-15-001	NEW-P	96-19-086
232-28-240	AMD-P	96-12-093	232-28-61900X	REP-E	96-18-048	246-15-010	NEW-P	96-19-086
232-28-240	AMD	96-15-102	232-28-61900X	NEW-E	96-19-052	246-15-020	NEW-P	96-19-086
232-28-240	AMD-P	96-15-116	232-28-812	NEW-E	96-20-083	246-15-030	NEW-P	96-19-086
232-28-240	AMD	96-18-051	236-12-015	REP	96-04-027	246-50-001	AMD-P	96-04-082
232-28-241	AMD	96-04-027	236-12-015	AMD-E	96-09-006	246-50-001	AMD	96-09-042
232-28-241	AMD-P	96-06-068	236-12-015	AMD-P	96-10-019	246-50-010	AMD-P	96-04-082
232-28-241	AMD	96-12-044	236-12-015	AMD	96-13-001	246-50-010	AMD	96-09-042
232-28-242	AMD	96-04-027	236-12-351	AMD-E	96-09-006	246-100-042	AMD-P	96-04-078
232-28-246	AMD	96-04-027	236-12-351	AMD-P	96-10-019	246-100-042	AMD	96-11-077
232-28-248	AMD	96-04-027	236-12-351	AMD	96-13-001	246-100-076	AMD-P	96-16-072
232-28-249	AMD	96-04-027	236-12-360	AMD-E	96-09-006	246-100-166	AMD	96-04-079
232-28-250	AMD-P	96-06-069	236-12-360	AMD-P	96-10-019	246-100-218	NEW-P	96-04-077
232-28-250	AMD	96-12-047	236-12-360	AMD	96-13-001	246-100-218	NEW	96-08-028
232-28-251	AMD-P	96-06-070	236-12-361	AMD-E	96-09-006	246-100-221	PREP-X	96-14-067
232-28-251	AMD	96-12-048	236-12-361	AMD-P	96-10-019	246-100-221	REP	96-19-043
232-28-252	AMD-P	96-06-071	236-12-361	AMD	96-13-001	246-100-226	PREP-X	96-14-067
232-28-252	AMD	96-12-049	236-12-362	REP-E	96-09-006	246-100-226	REP	96-19-043
232-28-253	AMD-P	96-06-072	236-12-362	REP-P	96-10-019	246-201-001	PREP-X	96-14-067
232-28-253	AMD	96-12-050	236-12-362	REP	96-13-001	246-201-001	REP	96-19-043
232-28-254	AMD-P	96-06-073	236-12-370	AMD-E	96-09-006	246-201-020	PREP-X	96-14-067
232-28-254	AMD	96-12-051	236-12-370	AMD-P	96-10-019	246-201-020	REP	96-19-043
232-28-256	AMD-P	96-06-074	236-12-370	AMD	96-13-001	246-201-030	PREP-X	96-14-067
232-28-256	AMD	96-12-052	236-12-371	AMD-E	96-09-006	246-201-030	REP	96-19-043
232-28-257	AMD	96-04-027	236-12-371	AMD-P	96-10-019	246-201-040	PREP-X	96-14-067
232-28-260	NEW	96-04-027	236-12-371	AMD	96-13-001	246-201-040	REP	96-19-043
232-28-260	AMD-P	96-14-132	236-24-010	PREP-X	96-13-040	246-201-050	PREP-X	96-14-067
232-28-260	AMD	96-18-066	236-24-010	REP	96-17-090	246-201-050	REP	96-19-043
232-28-261	NEW-P	96-06-075	236-24-020	PREP-X	96-13-040	246-201-060	PREP-X	96-14-067
232-28-261	NEW	96-12-053	236-24-020	REP	96-17-090	246-201-060	REP	96-19-043
232-28-262	NEW-P	96-06-076	236-24-030	PREP-X	96-13-040	246-201-070	PREP-X	96-14-067
232-28-262	NEW	96-12-054	236-24-030	REP	96-17-090	246-201-070	REP	96-19-043
232-28-263	NEW-P	96-14-133	236-48-095	PREP-X	96-13-038	246-201-080	PREP-X	96-14-067
232-28-263	NEW	96-18-067	236-48-095	REP	96-17-088	246-201-080	REP	96-19-043
232-28-404	REP	96-04-027	236-48-131	PREP-X	96-13-038	246-201-090	PREP-X	96-14-067
232-28-407	REP	96-04-027	236-48-131	REP	96-17-088	246-201-090	REP	96-19-043
232-28-419	REP-P	96-06-077	236-50-010	PREP-X	96-13-039	246-201-100	PREP-X	96-14-067
232-28-419	REP	96-12-055	236-50-010	REP	96-17-089	246-201-100	REP	96-19-043
232-28-420	NEW-P	96-14-124	236-56-100	PREP-X	96-13-037	246-201-110	PREP-X	96-14-067
232-28-420	NEW	96-18-003	236-56-100	REP	96-17-087	246-201-110	REP	96-19-043
232-28-42000A	NEW-E	96-17-075	236-60-001	PREP-X	96-13-036	246-201-120	PREP-X	96-14-067
232-28-514	AMD-P	96-14-137	236-60-005	PREP-X	96-13-036	246-201-120	REP	96-19-043
232-28-514	AMD	96-18-004	236-60-010	PREP-X	96-13-036	246-201-130	PREP-X	96-14-067
232-28-60101	REP	96-04-027	236-60-020	PREP-X	96-13-036	246-201-130	REP	96-19-043
232-28-60102	REP	96-04-027	236-60-030	PREP-X	96-13-036	246-201-140	PREP-X	96-14-067
232-28-604	REP	96-04-027	236-60-040	PREP-X	96-13-036	246-201-140	REP	96-19-043
232-28-60415	REP	96-04-027	236-60-050	PREP-X	96-13-036	246-201-150	PREP-X	96-14-067
232-28-605	REP	96-04-027	236-60-060	PREP-X	96-13-036	246-201-150	REP	96-19-043
232-28-60508	REP	96-04-027	236-60-070	PREP-X	96-13-036	246-201-160	PREP-X	96-14-067
232-28-61610	REP	96-04-027	236-60-080	PREP-X	96-13-036	246-201-160	REP	96-19-043
232-28-619	AMD-C	96-05-044	236-60-090	PREP-X	96-13-036	246-201-170	PREP-X	96-14-067
232-28-619	AMD	96-11-079	236-60-100	PREP-X	96-13-036	246-201-170	REP	96-19-043
232-28-61900K	NEW-E	96-03-053	245-02-040	PREP	96-04-059	246-201-180	PREP-X	96-14-067
232-28-61900K	REP-E	96-03-053	245-02-040	AMD-P	96-08-090	246-201-180	REP	96-19-043
232-28-61900L	NEW-E	96-03-054	245-02-040	AMD	96-11-133	246-201-190	PREP-X	96-14-067
232-28-61900L	REP-E	96-03-054	246-08-104	PREP-X	96-14-046	246-201-190	REP	96-19-043
232-28-61900M	NEW-E	96-04-043	246-08-104	REP	96-19-041	246-201-200	PREP-X	96-14-067
232-28-61900M	REP-E	96-04-043	246-08-105	PREP-X	96-14-046	246-201-200	REP	96-19-043
232-28-61900P	NEW-E	96-06-007	246-08-105	REP	96-19-041	246-201-210	PREP-X	96-14-067
232-28-61900P	REP-E	96-06-007	246-10	PREP	96-06-048	246-201-210	REP	96-19-043
232-28-61900P	REP-E	96-13-019	246-10	AMD-W	96-20-086	246-249-080	PREP	96-11-129
232-28-61900Q	NEW-E	96-10-070	246-10-107	AMD-P	96-14-069	246-254-053	AMD-P	96-07-103
232-28-61900Q	REP-E	96-10-070	246-10-124	AMD-P	96-14-069	246-254-053	AMD	96-11-043
232-28-61900R	NEW-E	96-13-019	246-10-204	AMD-P	96-14-069	246-254-070	AMD-P	96-07-103
232-28-61900R	NEW-P	96-14-145	246-10-403	AMD-P	96-14-069	246-254-070	AMD	96-11-043
232-28-61900R	REP-P	96-14-145	246-10-501	AMD-P	96-14-069	246-254-080	AMD-P	96-07-103
232-28-61900R	NEW-W	96-18-028	246-10-502	AMD-P	96-14-069	246-254-080	AMD	96-11-043
232-28-61900R	REP-W	96-18-028	246-10-503	AMD-P	96-14-069	246-254-090	AMD-P	96-07-103
232-28-61900S	NEW-E	96-15-120	246-11	PREP	96-06-048	246-254-090	AMD	96-11-043
232-28-61900S	REP-E	96-15-120	246-11	AMD-W	96-20-086	246-254-100	AMD-P	96-07-103
232-28-61900T	NEW-E	96-15-121	246-11-380	AMD-P	96-14-069	246-254-100	AMD	96-11-043

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-255	PREP-X	96-14-046	246-310-200	AMD-P	96-17-065	246-790-100	PREP	96-14-043
246-255	REP	96-19-041	246-310-210	AMD-P	96-17-065	246-790-110	PREP	96-14-043
246-264-010	PREP-X	96-14-067	246-310-230	AMD-P	96-17-065	246-790-120	PREP	96-14-043
246-264-010	REP	96-19-043	246-310-262	AMD-P	96-17-065	246-790-130	PREP	96-14-043
246-264-020	PREP-X	96-14-067	246-310-280	AMD-P	96-17-065	246-800	PREP-W	96-09-018
246-264-020	REP	96-19-043	246-310-350	REP-P	96-17-065	246-806-010	REP-P	96-10-006
246-264-030	PREP-X	96-14-067	246-310-360	AMD-P	96-17-065	246-806-010	REP	96-16-074
246-264-030	REP	96-19-043	246-310-370	AMD-P	96-17-065	246-806-020	REP-P	96-10-006
246-264-040	PREP-X	96-14-067	246-310-380	AMD-P	96-17-065	246-806-020	REP	96-16-074
246-264-040	REP	96-19-043	246-310-390	AMD-P	96-17-065	246-806-030	REP-P	96-10-006
246-264-050	PREP-X	96-14-067	246-310-395	NEW-P	96-17-065	246-806-030	REP	96-16-074
246-264-050	REP	96-19-043	246-310-396	NEW-P	96-17-065	246-806-040	REP-P	96-10-006
246-264-060	PREP-X	96-14-067	246-310-397	NEW-P	96-17-065	246-806-040	REP	96-16-074
246-264-060	REP	96-19-043	246-310-400	REP-P	96-17-065	246-806-060	REP-P	96-10-006
246-264-070	PREP-X	96-14-067	246-310-410	AMD-P	96-17-065	246-806-060	REP	96-16-074
246-264-070	REP	96-19-043	246-310-470	AMD-P	96-17-065	246-806-070	REP-P	96-10-006
246-264-080	PREP-X	96-14-067	246-310-480	AMD-P	96-17-065	246-806-070	REP	96-16-074
246-264-080	REP	96-19-043	246-310-490	AMD-P	96-17-065	246-806-075	REP-P	96-10-006
246-264-090	PREP-X	96-14-067	246-310-500	AMD-P	96-17-065	246-806-075	REP	96-16-074
246-264-090	REP	96-19-043	246-310-560	AMD-P	96-17-065	246-806-080	REP-P	96-10-006
246-264-100	PREP-X	96-14-067	246-310-570	AMD-P	96-17-065	246-806-080	REP	96-16-074
246-264-100	REP	96-19-043	246-310-580	AMD-P	96-17-065	246-806-085	REP-P	96-10-006
246-264-110	PREP-X	96-14-067	246-310-590	AMD-P	96-17-065	246-806-085	REP	96-16-074
246-264-110	REP	96-19-043	246-310-600	AMD-P	96-17-065	246-806-090	REP-P	96-10-006
246-264-120	PREP-X	96-14-067	246-310-610	AMD-P	96-17-065	246-806-090	REP	96-16-074
246-264-120	REP	96-19-043	246-310-900	AMD-P	96-17-065	246-806-100	REP-P	96-10-006
246-264-130	PREP-X	96-14-067	246-310-990	AMD-P	96-17-065	246-806-100	REP	96-16-074
246-264-130	REP	96-19-043	246-316-990	AMD-P	96-09-084	246-806-110	REP-P	96-10-006
246-264-140	PREP-X	96-14-067	246-316-990	AMD	96-12-027	246-806-110	REP	96-16-074
246-264-140	REP	96-19-043	246-318	PREP	96-07-011	246-806-120	REP-P	96-10-006
246-264-150	PREP-X	96-14-067	246-321	PREP	96-17-060	246-806-120	REP	96-16-074
246-264-150	REP	96-19-043	246-327-990	AMD-P	96-09-082	246-806-130	REP-P	96-10-006
246-264-160	PREP-X	96-14-067	246-327-990	AMD	96-12-026	246-806-130	REP	96-16-074
246-264-160	REP	96-19-043	246-328-100	NEW-P	96-11-131	246-806-140	REP-P	96-10-006
246-264-170	PREP-X	96-14-067	246-328-100	NEW	96-14-070	246-806-140	REP	96-16-074
246-264-170	REP	96-19-043	246-328-150	NEW-P	96-11-131	246-806-160	REP-P	96-10-006
246-264-180	PREP-X	96-14-067	246-328-150	NEW	96-14-070	246-806-160	REP	96-16-074
246-264-180	REP	96-19-043	246-328-200	NEW-P	96-11-131	246-806-170	REP-P	96-10-006
246-264-190	PREP-X	96-14-067	246-328-200	NEW	96-14-070	246-806-170	REP	96-16-074
246-264-190	REP	96-19-043	246-328-990	NEW-P	96-11-131	246-806-180	REP-P	96-10-006
246-264-200	PREP-X	96-14-067	246-328-990	NEW	96-14-070	246-806-180	REP	96-16-074
246-264-200	REP	96-19-043	246-328-990	NEW	96-14-070	246-806-190	REP-P	96-10-006
246-282-005	AMD-P	96-14-110	246-331-990	AMD-P	96-09-081	246-806-190	REP	96-16-074
246-282-005	AMD	96-18-096	246-336-990	AMD-P	96-09-083	246-806-990	REP-P	96-10-006
246-282-990	AMD-P	96-12-074	246-336-990	AMD	96-12-028	246-806-990	REP	96-16-074
246-282-990	AMD	96-16-073	246-338-990	AMD-P	96-09-043	246-807-020	REP-P	96-10-006
246-292-030	PREP-X	96-14-046	246-338-990	AMD	96-12-011	246-807-020	REP	96-16-074
246-292-030	REP	96-19-041	246-378-010	PREP-X	96-14-067	246-807-030	REP-P	96-10-006
246-310	PREP	96-05-059	246-378-010	REP	96-19-043	246-807-030	REP	96-16-074
246-310-010	AMD-P	96-17-065	246-378-020	PREP-X	96-14-067	246-807-040	REP-P	96-10-006
246-310-020	AMD-P	96-17-065	246-378-020	REP	96-19-043	246-807-040	REP	96-16-074
246-310-035	AMD-P	96-17-065	246-378-030	PREP-X	96-14-067	246-807-050	REP-P	96-10-006
246-310-041	NEW-P	96-17-065	246-378-030	REP	96-19-043	246-807-050	REP	96-16-074
246-310-042	NEW-P	96-17-065	246-378-040	PREP-X	96-14-067	246-807-060	REP-P	96-10-006
246-310-043	NEW-P	96-17-065	246-378-040	REP	96-19-043	246-807-060	REP	96-16-074
246-310-044	NEW-P	96-17-065	246-378-050	PREP-X	96-14-067	246-807-070	REP-P	96-10-006
246-310-050	AMD-P	96-17-065	246-378-050	REP	96-19-043	246-807-070	REP	96-16-074
246-310-070	REP-P	96-17-065	246-430-030	AMD-P	96-04-081	246-807-080	REP-P	96-10-006
246-310-080	AMD-P	96-17-065	246-430-030	AMD	96-13-027	246-807-080	REP	96-16-074
246-310-090	AMD-P	96-17-065	246-610-010	PREP-X	96-14-067	246-807-090	REP-P	96-10-006
246-310-100	AMD-P	96-17-065	246-610-010	REP	96-19-043	246-807-090	REP	96-16-074
246-310-110	AMD-P	96-17-065	246-610-020	PREP-X	96-14-067	246-807-100	REP-P	96-10-006
246-310-120	AMD-P	96-17-065	246-610-020	REP	96-19-043	246-807-100	REP	96-16-074
246-310-130	AMD-P	96-17-065	246-610-030	PREP-X	96-14-067	246-807-110	REP-P	96-10-006
246-310-132	AMD-P	96-17-065	246-610-030	REP	96-19-043	246-807-110	REP	96-16-074
246-310-135	AMD-P	96-17-065	246-610-040	PREP-X	96-14-067	246-807-115	REP-P	96-10-006
246-310-136	AMD-P	96-17-065	246-610-040	REP	96-19-043	246-807-115	REP	96-16-074
246-310-140	AMD-P	96-17-065	246-790-010	PREP	96-14-037	246-807-120	REP-P	96-10-006
246-310-150	AMD-P	96-17-065	246-790-050	PREP	96-14-043	246-807-120	REP	96-16-074
246-310-160	AMD-P	96-17-065	246-790-060	PREP	96-14-043	246-807-125	REP-P	96-10-006
246-310-170	AMD-P	96-17-065	246-790-070	PREP	96-14-043	246-807-125	REP	96-16-074
246-310-180	AMD-P	96-17-065	246-790-080	PREP	96-14-043	246-807-130	REP-P	96-10-006
246-310-190	AMD-P	96-17-065	246-790-090	PREP	96-14-043	246-807-130	REP	96-16-074

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-808-690	NEW	96-16-074	246-904-060	NEW-E	96-11-103	246-919-120	NEW	96-03-073
246-808-695	NEW-P	96-10-006	246-904-060	NEW-P	96-17-066	246-919-130	NEW	96-03-073
246-808-695	NEW	96-16-074	246-904-070	NEW-E	96-11-103	246-919-140	NEW	96-03-073
246-808-700	NEW-P	96-10-006	246-904-070	NEW-P	96-17-066	246-919-150	NEW	96-03-073
246-808-700	NEW	96-16-074	246-904-080	NEW-E	96-11-103	246-919-200	NEW	96-03-073
246-808-710	NEW-P	96-10-006	246-904-080	NEW-P	96-17-066	246-919-200	PREP-X	96-14-045
246-808-710	NEW	96-16-074	246-904-090	NEW-E	96-11-103	246-919-200	REP	96-19-042
246-808-720	NEW-P	96-10-006	246-904-090	NEW-P	96-17-066	246-919-210	NEW	96-03-073
246-808-720	NEW	96-16-074	246-904-100	NEW-E	96-11-103	246-919-210	PREP-X	96-14-045
246-808-801	NEW-P	96-10-006	246-904-100	NEW-P	96-17-066	246-919-210	NEW	96-19-042
246-808-801	NEW	96-16-074	246-907-020	AMD-P	96-17-076	246-919-220	NEW	96-03-073
246-808-810	NEW-P	96-10-006	246-907-030	AMD-P	96-17-076	246-919-220	PREP-X	96-14-045
246-808-810	NEW	96-16-074	246-915-030	AMD-E	96-03-050	246-919-220	NEW	96-19-042
246-808-820	NEW-P	96-10-006	246-915-030	AMD-P	96-08-068	246-919-230	NEW	96-03-073
246-808-820	NEW	96-16-074	246-915-030	AMD	96-13-008	246-919-230	PREP-X	96-14-045
246-808-830	NEW-P	96-10-006	246-917-020	REP	96-03-073	246-919-230	NEW	96-19-042
246-808-830	NEW	96-16-074	246-917-025	REP	96-03-073	246-919-240	NEW	96-03-073
246-808-990	NEW-P	96-10-006	246-917-026	REP	96-03-073	246-919-240	PREP-X	96-14-045
246-808-990	NEW	96-16-074	246-917-030	REP	96-03-073	246-919-240	NEW	96-19-042
246-810	PREP	96-16-071	246-917-040	REP	96-03-073	246-919-300	NEW	96-03-073
246-810-990	AMD	96-08-069	246-917-050	REP	96-03-073	246-919-305	NEW	96-03-073
246-826-070	PREP	96-15-072	246-917-060	REP	96-03-073	246-919-310	NEW	96-03-073
246-826-080	PREP	96-15-072	246-917-070	REP	96-03-073	246-919-320	NEW	96-03-073
246-830-005	AMD-P	96-18-095	246-917-080	REP	96-03-073	246-919-330	NEW	96-03-073
246-838-010	PREP-W	96-06-028	246-917-090	REP	96-03-073	246-919-340	NEW	96-03-073
246-838-130	PREP-W	96-06-028	246-917-100	REP	96-03-073	246-919-350	NEW	96-03-073
246-839-120	PREP-W	96-06-028	246-917-110	REP	96-03-073	246-919-355	NEW	96-03-073
246-840-910	NEW	96-05-060	246-917-120	REP	96-03-073	246-919-360	NEW	96-03-073
246-840-920	NEW	96-05-060	246-917-121	REP	96-03-073	246-919-365	NEW	96-03-073
246-840-930	NEW	96-05-060	246-917-125	REP	96-03-073	246-919-370	NEW	96-03-073
246-840-940	NEW	96-05-060	246-917-126	REP	96-03-073	246-919-380	NEW	96-03-073
246-840-950	NEW	96-05-060	246-917-130	REP	96-03-073	246-919-390	NEW	96-03-073
246-840-960	NEW	96-05-060	246-917-135	REP	96-03-073	246-919-395	NEW	96-03-073
246-840-970	NEW	96-05-060	246-917-140	REP	96-03-073	246-919-400	NEW	96-03-073
246-840-980	NEW	96-05-060	246-917-150	REP	96-03-073	246-919-410	NEW	96-03-073
246-841-405	NEW	96-06-029	246-917-160	REP	96-03-073	246-919-420	NEW	96-03-073
246-841-990	AMD	96-03-051	246-917-170	REP	96-03-073	246-919-430	NEW	96-03-073
246-851-080	PREP	96-11-049	246-917-180	REP	96-03-073	246-919-440	NEW	96-03-073
246-851-080	REP-P	96-14-044	246-917-190	REP	96-03-073	246-919-450	NEW	96-03-073
246-851-080	REP	96-20-087	246-917-200	REP	96-03-073	246-919-460	NEW	96-03-073
246-851-480	PREP	96-11-049	246-917-210	REP	96-03-073	246-919-470	NEW	96-03-073
246-851-480	REP-P	96-14-044	246-917-220	REP	96-03-073	246-919-480	NEW	96-03-073
246-851-480	REP	96-20-087	246-917-300	REP	96-03-073	246-919-500	NEW	96-03-073
246-851-490	PREP	96-11-049	246-917-990	REP	96-03-073	246-919-510	NEW	96-03-073
246-851-490	AMD-P	96-14-044	246-918	AMD	96-03-073	246-919-600	NEW	96-03-073
246-851-490	AMD	96-20-087	246-918-005	AMD	96-03-073	246-919-610	NEW	96-03-073
246-851-500	PREP	96-11-049	246-918-006	AMD	96-03-073	246-919-620	NEW	96-03-073
246-851-500	AMD-P	96-14-044	246-918-007	AMD	96-03-073	246-919-700	NEW	96-03-073
246-851-500	AMD	96-20-087	246-918-008	AMD	96-03-073	246-919-710	NEW	96-03-073
246-851-990	AMD-P	96-15-033	246-918-009	AMD	96-03-073	246-919-720	NEW	96-03-073
246-851-990	AMD	96-20-088	246-918-030	AMD	96-03-073	246-919-730	NEW	96-03-073
246-861-040	AMD-P	96-04-080	246-918-035	AMD	96-03-073	246-919-740	NEW	96-03-073
246-861-040	AMD	96-11-042	246-918-050	AMD	96-03-073	246-919-750	NEW	96-03-073
246-869-240	REP	96-03-016	246-918-070	AMD	96-03-073	246-919-760	NEW	96-03-073
246-872	PREP	96-15-110	246-918-080	AMD	96-03-073	246-919-770	NEW	96-03-073
246-879	PREP	96-15-109	246-918-085	AMD	96-03-073	246-919-990	NEW	96-03-073
246-883-020	PREP	96-03-012	246-918-090	AMD	96-03-073	246-920-020	REP	96-03-073
246-883-020	AMD-P	96-11-041	246-918-095	AMD	96-03-073	246-920-030	REP	96-03-073
246-883-020	AMD-C	96-14-109	246-918-110	AMD	96-03-073	246-920-040	REP	96-03-073
246-885-030	NEW-P	96-03-134	246-918-120	AMD	96-03-073	246-920-120	REP	96-03-073
246-885-030	NEW	96-07-012	246-918-130	AMD	96-03-073	246-920-130	REP	96-03-073
246-887-170	PREP	96-10-038	246-918-140	AMD	96-03-073	246-920-140	REP	96-03-073
246-904	PREP	96-11-130	246-918-170	AMD	96-03-073	246-920-150	REP	96-03-073
246-904-010	NEW-E	96-11-103	246-918-180	AMD	96-03-073	246-920-160	REP	96-03-073
246-904-010	NEW-P	96-17-066	246-918-250	AMD	96-03-073	246-920-170	REP	96-03-073
246-904-020	NEW-E	96-11-103	246-918-260	AMD	96-03-073	246-920-180	REP	96-03-073
246-904-020	NEW-P	96-17-066	246-918-310	AMD	96-03-073	246-920-190	REP	96-03-073
246-904-030	NEW-E	96-11-103	246-918-990	AMD	96-03-073	246-920-200	REP	96-03-073
246-904-030	NEW-P	96-17-066	246-919-010	NEW	96-03-073	246-920-210	REP	96-03-073
246-904-040	NEW-E	96-11-103	246-919-020	NEW	96-03-073	246-920-220	REP	96-03-073
246-904-040	NEW-P	96-17-066	246-919-030	NEW	96-03-073	246-920-230	REP	96-03-073
246-904-050	NEW-E	96-11-103	246-919-100	NEW	96-03-073	246-920-240	REP	96-03-073
246-904-050	NEW-P	96-17-066	246-919-110	NEW	96-03-073	246-920-250	REP	96-03-073

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-920-260	REP	96-03-073	246-976-076	NEW-P	96-14-111	251-12-099	AMD-C	96-07-091
246-920-270	REP	96-03-073	246-976-076	NEW	96-17-067	251-12-099	AMD	96-09-055
246-920-280	REP	96-03-073	246-976-077	PREP	96-06-049	251-12-100	AMD-P	96-04-053
246-920-290	REP	96-03-073	246-976-077	NEW-P	96-14-111	251-12-100	AMD-C	96-07-091
246-920-300	REP	96-03-073	246-976-077	NEW	96-17-067	251-12-100	AMD	96-09-055
246-920-310	REP	96-03-073	246-976-140	PREP	96-06-049	251-12-101	REP-P	96-04-053
246-920-320	REP	96-03-073	246-976-140	AMD-P	96-14-111	251-12-101	REP-C	96-07-091
246-920-330	REP	96-03-073	246-976-140	AMD	96-17-067	251-12-101	REP	96-09-055
246-920-340	REP	96-03-073	246-976-165	NEW	96-03-052	251-12-102	AMD-P	96-04-053
246-920-350	REP	96-03-073	246-976-181	PREP	96-06-049	251-12-102	AMD-C	96-07-091
246-920-360	REP	96-03-073	246-976-181	NEW-P	96-14-111	251-12-102	AMD	96-09-055
246-920-370	REP	96-03-073	246-976-181	NEW	96-17-067	251-12-104	NEW-P	96-04-053
246-920-380	REP	96-03-073	249A-01-010	NEW-P	96-20-061	251-12-104	NEW-C	96-07-091
246-920-390	REP	96-03-073	249A-02-010	NEW-P	96-20-062	251-12-104	NEW	96-09-055
246-920-400	REP	96-03-073	249A-02-020	NEW-P	96-20-062	251-12-105	NEW-P	96-04-053
246-920-410	REP	96-03-073	249A-02-030	NEW-P	96-20-062	251-12-105	NEW-C	96-07-091
246-920-420	REP	96-03-073	249A-02-040	NEW-P	96-20-062	251-12-105	NEW	96-09-055
246-920-430	REP	96-03-073	249A-02-050	NEW-P	96-20-062	251-12-106	NEW-P	96-04-053
246-920-440	REP	96-03-073	249A-02-060	NEW-P	96-20-062	251-12-106	NEW-C	96-07-091
246-920-450	REP	96-03-073	249A-02-080	NEW-P	96-20-062	251-12-106	NEW	96-09-055
246-920-460	REP	96-03-073	249A-02-100	NEW-P	96-20-062	251-12-180	AMD-P	96-04-053
246-920-470	REP	96-03-073	249A-02-200	NEW-P	96-20-062	251-12-180	AMD-C	96-07-091
246-920-480	REP	96-03-073	249A-02-210	NEW-P	96-20-062	251-12-180	AMD	96-09-055
246-920-490	REP	96-03-073	249A-02-220	NEW-P	96-20-062	251-12-232	AMD-P	96-04-053
246-920-500	REP	96-03-073	249A-02-250	NEW-P	96-20-062	251-12-232	AMD-C	96-07-091
246-920-510	REP	96-03-073	249A-02-300	NEW-P	96-20-062	251-12-232	AMD	96-09-055
246-920-520	REP	96-03-073	249A-02-350	NEW-P	96-20-062	251-14-110	AMD-P	96-04-053
246-920-530	REP	96-03-073	249A-02-360	NEW-P	96-20-062	251-14-110	AMD-C	96-07-091
246-920-540	REP	96-03-073	249A-02-410	NEW-P	96-20-062	251-14-110	AMD	96-09-055
246-920-550	REP	96-03-073	249A-02-420	NEW-P	96-20-062	251-14-110	AMD-E	96-19-079
246-920-560	REP	96-03-073	249A-02-430	NEW-P	96-20-062	251-14-130	NEW-P	96-04-053
246-920-570	REP	96-03-073	249A-02-440	NEW-P	96-20-062	251-14-130	NEW-C	96-07-091
246-920-580	REP	96-03-073	249A-02-450	NEW-P	96-20-062	251-14-130	NEW	96-09-055
246-920-590	REP	96-03-073	249A-02-460	NEW-P	96-20-062	251-17-010	AMD	96-02-072
246-920-600	REP	96-03-073	249A-02-470	NEW-P	96-20-062	251-17-150	AMD-P	96-08-086
246-920-610	REP	96-03-073	249A-02-510	NEW-P	96-20-062	251-17-150	AMD	96-11-061
246-920-620	REP	96-03-073	249A-02-520	NEW-P	96-20-062	251-17-170	AMD	96-02-072
246-920-630	REP	96-03-073	249A-02-540	NEW-P	96-20-062	251-19-105	REP-W	96-02-069
246-920-640	REP	96-03-073	249A-02-560	NEW-P	96-20-062	251-19-105	AMD-P	96-02-071
246-920-650	REP	96-03-073	249A-02-600	NEW-P	96-20-062	251-19-105	AMD	96-05-026
246-920-660	REP	96-03-073	249A-02-650	NEW-P	96-20-062	251-22-045	AMD-E	96-15-047
246-920-670	REP	96-03-073	249A-02-810	NEW-P	96-20-062	251-22-045	AMD-P	96-18-018
246-920-680	REP	96-03-073	249A-02-830	NEW-P	96-20-062	251-22-116	AMD-P	96-08-081
246-920-690	REP	96-03-073	249A-02-860	NEW-P	96-20-062	251-22-116	AMD-C	96-09-089
246-920-710	REP	96-03-073	249A-04-010	PREP	96-18-056	251-22-116	AMD	96-13-077
246-920-720	REP	96-03-073	250-20-021	AMD	96-04-019	251-22-124	AMD-E	96-15-047
246-920-730	REP	96-03-073	250-20-021	PREP	96-07-096	251-22-124	AMD-P	96-18-018
246-920-740	REP	96-03-073	250-20-021	AMD-P	96-11-101	251-22-167	AMD-P	96-08-081
246-920-750	REP	96-03-073	250-20-021	AMD	96-18-024	251-22-167	AMD-C	96-09-089
246-920-760	REP	96-03-073	250-65	PREP	96-07-095	251-22-167	AMD	96-13-077
246-920-770	REP	96-03-073	250-65-020	AMD-P	96-11-090	251-22-195	AMD-P	96-08-081
246-920-780	REP	96-03-073	250-65-020	AMD	96-18-023	251-22-195	AMD-C	96-09-089
246-920-790	REP	96-03-073	250-65-060	AMD-P	96-11-090	251-22-195	AMD	96-13-077
246-924-040	PREP	96-16-007	250-65-060	AMD	96-18-023	251-22-197	REP-P	96-08-081
246-924-080	AMD-P	96-02-086	250-74-010	PREP-X	96-13-028	251-22-197	REP-C	96-09-089
246-924-080	AMD	96-08-007	250-74-010	REP	96-18-025	251-22-197	REP	96-13-077
246-924-240	PREP	96-16-009	250-74-020	PREP-X	96-13-028	251-22-200	AMD-P	96-08-081
246-924-250	AMD-P	96-02-086	250-74-020	REP	96-18-025	251-22-200	AMD-C	96-09-089
246-924-250	AMD	96-08-007	250-74-030	PREP-X	96-13-028	251-22-200	AMD	96-13-077
246-924-370	PREP	96-16-006	250-74-030	REP	96-18-025	251-22-250	AMD-P	96-08-084
246-924-470	AMD-P	96-02-086	250-74-040	PREP-X	96-13-028	251-22-250	AMD	96-11-059
246-924-470	AMD	96-08-007	250-74-040	REP	96-18-025	251-22-260	AMD-E	96-15-047
246-924-480	PREP	96-16-008	250-74-050	PREP-X	96-13-028	251-22-260	AMD-P	96-18-018
246-924-500	NEW-P	96-02-086	250-74-050	REP	96-18-025	251-22-270	AMD-W	96-02-069
246-924-500	NEW	96-08-007	250-74-060	PREP-X	96-13-028	251-22-270	AMD-P	96-08-084
246-924-500	PREP	96-16-009	250-74-060	REP	96-18-025	251-22-270	AMD	96-11-059
246-924-990	AMD-P	96-02-085	251-04-050	AMD-P	96-08-088	251-22-280	AMD-P	96-08-084
246-924-990	AMD	96-08-006	251-04-050	AMD	96-11-063	251-22-280	AMD	96-11-059
246-924-990	PREP	96-15-071	251-06-020	AMD-P	96-08-088	251-22-280	AMD-E	96-15-047
246-976	PREP	96-17-063	251-06-020	AMD	96-11-063	251-22-280	AMD-P	96-18-018
246-976-010	AMD	96-03-052	251-10-030	AMD-P	96-10-065	251-22-290	AMD-P	96-08-084
246-976-045	NEW	96-03-052	251-10-030	AMD	96-13-078	251-22-290	AMD	96-11-059
246-976-076	PREP	96-06-049	251-12-099	AMD-P	96-04-053	251-22-290	AMD-E	96-15-047

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
260-48-920	NEW-P	96-04-066	260-60-410	NEW	96-12-008	260-70-250	REP-P	96-04-067
260-48-920	NEW	96-10-014	260-60-420	NEW-P	96-09-098	260-70-250	REP	96-10-001
260-52	PREP	96-12-085	260-60-420	NEW	96-12-008	260-70-260	REP-P	96-04-067
260-60	PREP	96-03-145	260-60-430	NEW-P	96-09-098	260-70-260	REP	96-10-001
260-60-010	REP-P	96-09-098	260-60-430	NEW	96-12-008	260-70-270	REP-P	96-04-067
260-60-010	REP	96-12-008	260-60-440	NEW-P	96-09-098	260-70-270	REP	96-10-001
260-60-020	REP-P	96-09-098	260-60-440	NEW	96-12-008	260-70-280	REP-P	96-04-067
260-60-020	REP	96-12-008	260-60-450	NEW-P	96-09-098	260-70-280	REP	96-10-001
260-60-030	REP-P	96-09-098	260-60-450	NEW	96-12-008	260-70-290	REP-P	96-04-067
260-60-030	REP	96-12-008	260-60-460	NEW-P	96-09-098	260-70-290	REP	96-10-001
260-60-040	REP-P	96-09-098	260-60-460	NEW	96-12-008	260-70-300	REP-P	96-04-067
260-60-040	REP	96-12-008	260-60-470	NEW-P	96-09-098	260-70-300	REP	96-10-001
260-60-050	REP-P	96-09-098	260-60-470	NEW	96-12-008	260-70-500	NEW-P	96-04-067
260-60-050	REP	96-12-008	260-70-010	REP-P	96-04-067	260-70-500	NEW	96-10-001
260-60-060	REP-P	96-09-098	260-70-010	REP	96-10-001	260-70-510	NEW-P	96-04-067
260-60-060	REP	96-12-008	260-70-021	REP-P	96-04-067	260-70-510	NEW	96-10-001
260-60-070	REP-P	96-09-098	260-70-021	REP	96-10-001	260-70-520	NEW-P	96-04-067
260-60-070	REP	96-12-008	260-70-025	REP-P	96-04-067	260-70-520	NEW	96-10-001
260-60-080	REP-P	96-09-098	260-70-025	REP	96-10-001	260-70-530	NEW-P	96-04-067
260-60-080	REP	96-12-008	260-70-026	REP-P	96-04-067	260-70-530	NEW	96-10-001
260-60-090	REP-P	96-09-098	260-70-026	REP	96-10-001	260-70-540	NEW-P	96-04-067
260-60-090	REP	96-12-008	260-70-027	REP-P	96-04-067	260-70-540	NEW	96-10-001
260-60-100	REP-P	96-09-098	260-70-027	REP	96-10-001	260-70-550	NEW-P	96-04-067
260-60-100	REP	96-12-008	260-70-028	REP-P	96-04-067	260-70-550	NEW	96-10-001
260-60-110	REP-P	96-09-098	260-70-028	REP	96-10-001	260-70-560	NEW-P	96-04-067
260-60-110	REP	96-12-008	260-70-029	REP-P	96-04-067	260-70-560	NEW	96-10-001
260-60-115	REP-P	96-09-098	260-70-029	REP	96-10-001	260-70-570	NEW-P	96-04-067
260-60-115	REP	96-12-008	260-70-031	REP-P	96-04-067	260-70-570	NEW	96-10-001
260-60-120	REP-P	96-09-098	260-70-031	REP	96-10-001	260-70-580	NEW-P	96-04-067
260-60-120	REP	96-12-008	260-70-032	REP-P	96-04-067	260-70-580	NEW	96-10-001
260-60-130	REP-P	96-09-098	260-70-032	REP	96-10-001	260-70-590	NEW-P	96-04-067
260-60-130	REP	96-12-008	260-70-040	REP-P	96-04-067	260-70-590	NEW	96-10-001
260-60-140	REP-P	96-09-098	260-70-040	REP	96-10-001	260-70-600	NEW-P	96-04-067
260-60-140	REP	96-12-008	260-70-050	REP-P	96-04-067	260-70-600	NEW	96-10-001
260-60-150	REP-P	96-09-098	260-70-050	REP	96-10-001	260-70-610	NEW-P	96-04-067
260-60-150	REP	96-12-008	260-70-060	REP-P	96-04-067	260-70-610	NEW	96-10-001
260-60-160	REP-P	96-09-098	260-70-060	REP	96-10-001	260-70-620	NEW-P	96-04-067
260-60-160	REP	96-12-008	260-70-070	REP-P	96-04-067	260-70-620	NEW	96-10-001
260-60-170	REP-P	96-09-098	260-70-070	REP	96-10-001	260-70-630	NEW-P	96-04-067
260-60-170	REP	96-12-008	260-70-080	REP-P	96-04-067	260-70-630	NEW	96-10-001
260-60-180	REP-P	96-09-098	260-70-080	REP	96-10-001	260-70-640	NEW-P	96-04-067
260-60-180	REP	96-12-008	260-70-090	REP-P	96-04-067	260-70-640	NEW	96-10-001
260-60-190	REP-P	96-09-098	260-70-090	REP	96-10-001	260-70-650	NEW-P	96-04-067
260-60-190	REP	96-12-008	260-70-100	REP-P	96-04-067	260-70-650	NEW	96-10-001
260-60-200	REP-P	96-09-098	260-70-100	REP	96-10-001	260-70-660	NEW-P	96-04-067
260-60-200	REP	96-12-008	260-70-110	REP-P	96-04-067	260-70-660	NEW	96-10-001
260-60-210	REP-P	96-09-098	260-70-110	REP	96-10-001	260-70-670	NEW-P	96-04-067
260-60-210	REP	96-12-008	260-70-120	REP-P	96-04-067	260-70-670	NEW	96-10-001
260-60-230	REP-P	96-09-098	260-70-120	REP	96-10-001	260-70-680	NEW-P	96-04-067
260-60-230	REP	96-12-008	260-70-130	REP-P	96-04-067	260-70-680	NEW	96-10-001
260-60-300	NEW-P	96-09-098	260-70-130	REP	96-10-001	260-70-690	NEW-P	96-04-067
260-60-300	NEW	96-12-008	260-70-140	REP-P	96-04-067	260-70-690	NEW	96-10-001
260-60-310	NEW-P	96-09-098	260-70-140	REP	96-10-001	260-70-700	NEW-P	96-04-067
260-60-310	NEW	96-12-008	260-70-150	REP-P	96-04-067	260-70-700	NEW	96-10-001
260-60-320	NEW-P	96-09-098	260-70-150	REP	96-10-001	260-70-710	NEW-P	96-04-067
260-60-320	NEW	96-12-008	260-70-160	REP-P	96-04-067	260-70-710	NEW	96-10-001
260-60-330	NEW-P	96-09-098	260-70-160	REP	96-10-001	260-70-720	NEW-P	96-04-067
260-60-330	NEW	96-12-008	260-70-170	REP-P	96-04-067	260-70-720	NEW	96-10-001
260-60-340	NEW-P	96-09-098	260-70-170	REP	96-10-001	260-70-730	NEW-P	96-04-067
260-60-340	NEW	96-12-008	260-70-180	REP-P	96-04-067	260-70-730	NEW	96-10-001
260-60-350	NEW-P	96-09-098	260-70-180	REP	96-10-001	275-16-080	PREP	96-14-002
260-60-350	NEW	96-12-008	260-70-190	REP-P	96-04-067	275-16-085	AMD-P	96-15-057
260-60-360	NEW-P	96-09-098	260-70-190	REP	96-10-001	275-16-085	AMD	96-18-090
260-60-360	NEW	96-12-008	260-70-200	REP-P	96-04-067	275-26-010	AMD-P	96-07-090
260-60-370	NEW-P	96-09-098	260-70-200	REP	96-10-001	275-26-010	AMD	96-10-076
260-60-370	NEW	96-12-008	260-70-210	REP-P	96-04-067	275-26-074	NEW-P	96-07-090
260-60-380	NEW-P	96-09-098	260-70-210	REP	96-10-001	275-26-074	NEW	96-10-076
260-60-380	NEW	96-12-008	260-70-220	REP-P	96-04-067	275-26-076	NEW-P	96-07-090
260-60-390	NEW-P	96-09-098	260-70-220	REP	96-10-001	275-26-076	NEW	96-10-076
260-60-390	NEW	96-12-008	260-70-230	REP-P	96-04-067	275-26-077	NEW-P	96-07-090
260-60-400	NEW-P	96-09-098	260-70-230	REP	96-10-001	275-26-077	NEW	96-10-076
260-60-400	NEW	96-12-008	260-70-240	REP-P	96-04-067	275-27	PREP	96-12-015
260-60-410	NEW-P	96-09-098	260-70-240	REP	96-10-001	275-27-020	PREP	96-12-034

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-27-026	PREP	96-12-034	284-07	AMD-C	96-09-046	284-46-060	REP	96-17-079
275-27-030	PREP	96-12-034	284-07	AMD-C	96-11-046	284-46-575	REP-P	96-20-118
275-27-031	PREP	96-12-034	284-07-050	AMD-P	96-05-091	284-54-170	NEW-W	96-04-018
275-27-032	PREP	96-12-034	284-07-050	AMD-C	96-11-046	284-58-030	AMD-P	96-07-081
275-27-033	PREP	96-12-034	284-07-050	AMD-C	96-17-033	284-58-030	AMD	96-11-004
275-27-034	PREP	96-12-034	284-07-050	AMD	96-17-079	284-58-250	AMD-P	96-07-081
275-27-035	PREP	96-12-034	284-07-070	AMD-P	96-05-091	284-58-250	AMD	96-11-004
275-27-036	PREP	96-12-034	284-07-070	AMD-C	96-11-046	284-66	AMD-C	96-08-016
275-27-037	PREP	96-12-034	284-07-070	AMD-C	96-17-033	284-66-020	AMD-P	96-04-086
275-27-040	PREP	96-12-034	284-07-070	AMD	96-17-079	284-66-020	AMD	96-09-047
275-27-050	PREP	96-12-034	284-10-140	NEW-C	96-03-033	284-66-063	AMD-P	96-04-086
275-27-220	PREP	96-12-016	284-10-140	NEW-C	96-03-075	284-66-063	AMD	96-09-047
275-27-221	PREP	96-12-016	284-10-140	NEW	96-04-060	284-66-077	AMD-P	96-04-086
275-27-223	PREP	96-12-016	284-17	AMD-C	96-15-085	284-66-077	AMD	96-09-047
275-30-020	AMD-P	96-16-091	284-17	AMD-C	96-17-006	284-66-110	AMD-P	96-04-086
275-30-020	AMD	96-20-017	284-17-220	AMD-P	96-11-144	284-66-110	AMD	96-09-047
275-46-005	NEW-P	96-14-056	284-17-220	AMD	96-17-029	284-66-120	AMD-P	96-04-086
275-46-005	NEW	96-18-041	284-17-230	AMD-P	96-11-144	284-66-120	AMD	96-09-047
275-46-010	NEW-P	96-14-056	284-36A-005	NEW-P	96-19-067	284-66-130	AMD-P	96-04-086
275-46-010	NEW	96-18-041	284-36A-010	NEW-P	96-19-067	284-66-130	AMD	96-09-047
275-46-020	NEW-P	96-14-056	284-36A-020	NEW-P	96-19-067	284-66-135	NEW-P	96-04-086
275-46-020	NEW	96-18-041	284-36A-025	NEW-P	96-19-067	284-66-135	NEW	96-09-047
275-46-030	NEW-P	96-14-056	284-36A-030	NEW-P	96-19-067	284-66-142	AMD-P	96-04-086
275-46-030	NEW	96-18-041	284-36A-035	NEW-P	96-19-067	284-66-142	AMD	96-09-047
275-46-040	NEW-P	96-14-056	284-43	AMD-P	96-12-072	284-66-203	AMD-P	96-04-086
275-46-040	NEW	96-18-041	284-43	AMD	96-16-050	284-66-203	AMD	96-09-047
275-46-050	NEW-P	96-14-056	284-43-100	NEW-P	96-12-072	284-85	PREP	96-15-044
275-46-050	NEW	96-18-041	284-43-100	NEW	96-16-050	284-85	NEW-C	96-15-085
275-46-060	NEW-P	96-14-056	284-43-110	NEW-P	96-20-118	284-85	NEW-C	96-17-006
275-46-060	NEW	96-18-041	284-43-120	NEW-P	96-20-118	284-85-005	NEW-P	96-11-144
275-46-070	NEW-P	96-14-056	284-43-130	NEW-P	96-20-118	284-85-005	NEW	96-17-029
275-46-070	NEW	96-18-041	284-43-200	NEW-P	96-20-118	284-85-010	NEW-P	96-11-144
275-47	PREP	96-15-081	284-43-210	NEW-P	96-20-118	284-85-010	NEW	96-17-029
275-47-020	AMD-P	96-19-020	284-43-300	NEW-P	96-20-118	284-85-015	NEW-P	96-11-144
275-47-050	NEW-P	96-19-020	284-43-310	NEW-P	96-20-118	284-85-015	NEW	96-17-029
275-56	PREP	96-12-015	284-43-320	NEW-P	96-20-118	284-85-030	NEW-P	96-11-144
284-02	AMD-C	96-09-002	284-43-330	NEW-P	96-20-118	284-85-030	NEW	96-17-029
284-02-010	AMD-P	96-04-087	284-43-340	NEW-P	96-20-118	284-85-040	NEW-P	96-11-144
284-02-010	AMD	96-09-038	284-43-350	NEW-P	96-20-118	284-85-040	NEW	96-17-029
284-02-020	AMD-P	96-04-087	284-43-360	NEW-P	96-20-118	284-85-045	NEW-P	96-11-144
284-02-020	AMD	96-09-038	284-43-400	NEW-P	96-20-118	284-85-045	NEW	96-17-029
284-02-030	AMD-P	96-04-087	284-43-410	NEW-P	96-20-118	284-85-050	NEW-P	96-11-144
284-02-030	AMD	96-09-038	284-43-420	NEW-P	96-20-118	284-85-050	NEW	96-17-029
284-02-040	AMD-P	96-04-087	284-43-500	NEW-P	96-20-118	284-85-055	NEW-P	96-11-144
284-02-040	AMD	96-09-038	284-43-510	NEW-P	96-20-118	284-85-055	NEW	96-17-029
284-02-050	AMD-P	96-04-087	284-43-520	NEW-P	96-20-118	284-85-060	NEW-P	96-11-144
284-02-050	AMD	96-09-038	284-43-530	NEW-P	96-20-118	284-85-060	NEW	96-17-029
284-02-060	AMD-P	96-04-087	284-43-540	NEW-P	96-20-118	284-85-070	NEW-P	96-11-144
284-02-060	AMD	96-09-038	284-43-550	NEW-P	96-20-118	284-85-070	NEW	96-17-029
284-02-070	AMD-P	96-04-087	284-43-560	NEW-P	96-20-118	284-85-075	NEW-P	96-11-144
284-02-070	AMD	96-09-038	284-43-600	NEW-P	96-20-118	284-85-075	NEW	96-17-029
284-02-080	AMD-P	96-04-087	284-43-610	NEW-P	96-20-118	284-85-080	NEW-P	96-11-144
284-02-080	AMD	96-09-038	284-43-620	NEW-P	96-20-118	284-85-080	NEW	96-17-029
284-02-100	AMD-P	96-04-087	284-43-630	NEW-P	96-20-118	284-85-085	NEW-P	96-11-144
284-02-100	AMD	96-09-038	284-43-640	NEW-P	96-20-118	284-85-085	NEW	96-17-029
284-04-001	NEW-P	96-19-066	284-43-650	NEW-P	96-20-118	284-85-090	NEW-P	96-11-144
284-04-005	NEW-P	96-19-066	284-44-140	AMD-P	96-07-081	284-85-090	NEW	96-17-029
284-04-008	NEW-P	96-19-066	284-44-140	AMD	96-11-004	284-85-100	NEW-P	96-11-144
284-04-010	NEW-P	96-19-066	284-44-240	REP-P	96-20-118	284-85-100	NEW	96-17-029
284-04-020	NEW-P	96-19-066	284-44-345	REP-P	96-05-091	284-85-110	NEW-P	96-11-144
284-04-025	NEW-P	96-19-066	284-44-345	REP-C	96-08-017	284-85-110	NEW	96-17-029
284-04-030	NEW-P	96-19-066	284-44-345	REP-C	96-09-046	284-85-900	NEW-P	96-11-144
284-04-035	NEW-P	96-19-066	284-44-345	REP-C	96-11-046	284-85-900	NEW	96-17-029
284-04-045	NEW-P	96-19-066	284-44-345	REP-C	96-17-033	286-04-010	AMD-P	96-04-054
284-04-050	NEW-P	96-19-066	284-44-345	REP	96-17-079	286-04-010	AMD	96-08-044
284-04-055	NEW-P	96-19-066	284-44-410	REP-P	96-20-118	286-04-030	AMD-P	96-04-054
284-04-060	NEW-P	96-19-066	284-46-025	NEW-P	96-07-081	286-04-030	AMD	96-08-044
284-04-063	NEW-P	96-19-066	284-46-025	NEW	96-11-004	286-04-060	AMD-P	96-04-054
284-04-065	NEW-P	96-19-066	284-46-060	REP-P	96-05-091	286-04-060	AMD	96-08-044
284-04-080	NEW-P	96-19-066	284-46-060	REP-C	96-08-017	286-04-070	AMD-P	96-04-054
284-04-090	NEW-P	96-19-066	284-46-060	REP-C	96-09-046	286-04-070	AMD	96-08-044
284-07	AMD-C	96-08-017	284-46-060	REP-C	96-11-046	286-04-080	AMD-P	96-04-054
					96-17-033	286-04-080	AMD	96-08-044

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
286-04-090	AMD-P	96-04-054	286-35-040	AMD	96-08-044	292-08-040	REP-P	96-05-006
286-04-090	AMD	96-08-044	286-35-050	REP-P	96-04-054	292-08-040	REP	96-17-024
286-13-010	AMD-P	96-04-054	286-35-050	REP	96-08-044	292-08-050	REP-P	96-05-006
286-13-010	AMD	96-08-044	286-35-060	AMD-P	96-04-054	292-08-050	REP	96-17-024
286-13-020	AMD-P	96-04-054	286-35-060	AMD	96-08-044	292-12	REP-C	96-17-023
286-13-020	AMD	96-08-044	286-35-070	REP-P	96-04-054	292-12-010	REP-P	96-05-006
286-13-030	AMD-P	96-04-054	286-35-070	REP	96-08-044	292-12-010	REP	96-17-024
286-13-030	AMD	96-08-044	286-40-010	AMD-P	96-04-054	292-12-020	REP-P	96-05-006
286-13-040	AMD-P	96-04-054	286-40-010	AMD	96-08-044	292-12-020	REP	96-17-024
286-13-040	AMD	96-08-044	286-40-020	AMD-P	96-04-054	292-12-030	REP-P	96-05-006
286-13-045	NEW-P	96-04-054	286-40-020	AMD	96-08-044	292-12-030	REP	96-17-024
286-13-045	NEW	96-08-044	286-40-030	AMD-P	96-04-054	292-12-040	REP-P	96-05-006
286-13-060	AMD-P	96-04-054	286-40-030	AMD	96-08-044	292-12-040	REP	96-17-024
286-13-060	AMD	96-08-044	286-40-030	AMD	96-08-044	292-12-050	REP-P	96-05-006
286-13-070	AMD-P	96-04-054	292-04-270	AMD-E	96-03-092	292-12-050	REP	96-17-024
286-13-070	AMD	96-08-044	292-06-001	NEW-P	96-04-083	292-12-060	REP-P	96-05-006
286-13-070	AMD	96-08-044	292-06-001	NEW-W	96-17-053	292-12-060	REP	96-17-024
286-13-080	AMD-P	96-04-054	292-06-001	NEW-P	96-04-083	292-12-060	REP	96-17-024
286-13-080	AMD	96-08-044	292-06-005	NEW-P	96-04-083	292-12-070	REP-P	96-05-006
286-13-085	AMD-P	96-04-054	292-06-005	NEW-W	96-17-053	292-12-070	REP	96-17-024
286-13-085	AMD	96-08-044	292-06-010	NEW-P	96-04-083	292-12-070	REP	96-17-024
286-13-085	AMD	96-08-044	292-06-010	NEW-W	96-17-053	292-12-080	REP-P	96-05-006
286-13-085	AMD-P	96-11-112	292-06-010	NEW-P	96-04-083	292-12-080	REP	96-17-024
286-13-085	AMD-E	96-11-113	292-06-020	NEW-P	96-04-083	292-12-090	REP-P	96-05-006
286-13-085	AMD-S	96-12-065	292-06-020	NEW-W	96-17-053	292-12-090	REP	96-17-024
286-13-085	AMD	96-15-082	292-06-030	NEW-P	96-04-083	292-12-090	REP	96-17-024
286-13-100	AMD-P	96-04-054	292-06-030	NEW-W	96-17-053	292-12-110	REP-P	96-05-006
286-13-100	AMD	96-08-044	292-06-030	NEW-W	96-17-053	292-12-110	REP	96-17-024
286-13-110	AMD-P	96-04-054	292-06-040	NEW-P	96-04-083	292-12-110	REP	96-17-024
286-13-110	AMD	96-08-044	292-06-040	NEW-P	96-04-083	292-12-120	REP-P	96-05-006
286-13-115	AMD-P	96-04-054	292-06-050	NEW-W	96-17-053	292-12-120	REP	96-17-024
286-13-115	AMD	96-08-044	292-06-050	NEW-W	96-17-053	292-12-130	REP-P	96-05-006
286-26-010	AMD-P	96-04-054	292-06-060	NEW-P	96-04-083	292-12-130	REP	96-17-024
286-26-010	AMD	96-08-044	292-06-060	NEW-P	96-04-083	292-12-140	REP-P	96-05-006
286-26-020	AMD-P	96-04-054	292-06-070	NEW-W	96-17-053	292-12-140	REP	96-17-024
286-26-020	AMD	96-08-044	292-06-070	NEW-W	96-17-053	292-12-150	REP-P	96-05-006
286-26-020	AMD	96-08-044	292-06-080	NEW-P	96-04-083	292-12-150	REP	96-17-024
286-26-030	REP-P	96-04-054	292-06-080	NEW-P	96-04-083	292-12-160	REP-P	96-05-006
286-26-030	REP	96-08-044	292-06-090	NEW-P	96-04-083	292-12-160	REP	96-17-024
286-26-080	AMD-P	96-04-054	292-06-090	NEW-W	96-17-053	292-12-170	REP-P	96-05-006
286-26-080	AMD	96-08-044	292-06-100	NEW-P	96-04-083	292-12-170	REP	96-17-024
286-26-100	AMD-P	96-04-054	292-06-100	NEW-W	96-17-053	292-12-180	REP-P	96-05-006
286-26-100	AMD	96-08-044	292-06-110	NEW-P	96-04-083	292-12-180	REP	96-17-024
286-26-110	NEW-P	96-04-054	292-06-110	NEW-W	96-17-053	292-100-010	NEW-E	96-03-072
286-26-110	NEW	96-08-044	292-06-130	NEW-P	96-04-083	292-100-010	NEW-P	96-15-095
286-27-010	AMD-P	96-04-054	292-06-130	NEW-W	96-17-053	292-100-020	NEW-E	96-03-072
286-27-010	AMD	96-08-044	292-06-140	NEW-P	96-04-083	292-100-020	NEW-P	96-15-095
286-27-030	REP-P	96-04-054	292-06-140	NEW-P	96-04-083	292-100-030	NEW-E	96-03-072
286-27-030	REP	96-08-044	292-06-140	NEW-W	96-17-053	292-100-030	NEW-P	96-15-095
286-27-040	AMD-P	96-04-054	292-06-160	NEW-P	96-04-083	292-100-040	NEW-E	96-03-072
286-27-040	AMD	96-08-044	292-06-160	NEW-W	96-17-053	292-100-040	NEW-P	96-15-095
286-27-050	AMD-P	96-04-054	292-06-170	NEW-P	96-04-083	292-100-050	NEW-E	96-03-072
286-27-050	AMD	96-08-044	292-06-170	NEW-W	96-17-053	292-100-050	NEW-P	96-15-095
286-27-055	NEW-P	96-04-054	292-06-190	NEW-P	96-04-083	292-100-060	NEW-E	96-03-072
286-27-055	NEW	96-08-044	292-06-190	NEW-W	96-17-053	292-100-060	NEW-P	96-15-095
286-27-065	NEW-P	96-04-054	292-06-200	NEW-P	96-04-083	292-100-070	NEW-E	96-03-072
286-27-065	NEW	96-08-044	292-06-200	NEW-W	96-17-053	292-100-070	NEW-P	96-15-095
286-27-070	REP-P	96-04-054	292-06-210	NEW-P	96-04-083	292-100-080	NEW-E	96-03-072
286-27-070	REP	96-08-044	292-06-210	NEW-W	96-17-053	292-100-080	NEW-P	96-15-095
286-27-075	NEW-P	96-04-054	292-06-220	NEW-P	96-04-083	292-100-090	NEW-E	96-03-072
286-27-075	NEW	96-08-044	292-06-220	NEW-W	96-17-053	292-100-090	NEW-P	96-15-095
286-27-080	REP-P	96-04-054	292-06-230	NEW-P	96-04-083	292-100-100	NEW-E	96-03-072
286-27-080	REP	96-08-044	292-06-230	NEW-W	96-17-053	292-100-100	NEW-P	96-15-095
286-30-010	AMD-P	96-04-054	292-06-240	NEW-P	96-04-083	292-100-100	NEW-P	96-15-095
286-30-010	AMD	96-08-044	292-06-240	NEW-W	96-17-053	292-100-110	NEW-E	96-03-072
286-30-020	REP-P	96-04-054	292-06-250	NEW-P	96-04-083	292-100-110	NEW-P	96-15-095
286-30-020	REP	96-08-044	292-06-250	NEW-W	96-17-053	292-100-120	NEW-E	96-03-072
286-30-030	AMD-P	96-04-054	292-06-270	NEW-P	96-04-083	292-100-120	NEW-P	96-15-095
286-30-030	AMD	96-08-044	292-06-270	NEW-W	96-17-053	292-100-130	NEW-P	96-15-095
286-35	AMD-P	96-04-054	292-06-280	NEW-P	96-04-083	292-100-140	NEW-E	96-03-072
286-35	AMD	96-08-044	292-06-280	NEW-W	96-17-053	292-100-140	NEW-P	96-15-095
286-35-020	REP-P	96-04-054	292-08	REP-C	96-17-023	292-100-150	NEW-P	96-15-095
286-35-020	REP	96-08-044	292-08-010	REP-P	96-05-006	292-100-160	NEW-P	96-15-095
286-35-030	AMD-P	96-04-054	292-08-010	REP	96-17-024	292-100-170	NEW-P	96-15-095
286-35-030	AMD	96-08-044	292-08-020	REP-P	96-05-006	292-100-180	NEW-P	96-15-095
286-35-040	AMD-P	96-04-054	292-08-020	REP	96-17-024	292-100-190	NEW-P	96-15-095
			292-08-030	REP-P	96-05-006	292-100-200	NEW-P	96-15-095
			292-08-030	REP	96-17-024	292-110-020	NEW-P	96-15-094
						292-110-030	NEW-P	96-15-093
						294-04-010	NEW-P	96-16-095

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
294-04-020	NEW-P	96-16-095	296-17-51101	NEW-P	96-05-064	296-17-53802	NEW-P	96-05-065
294-04-030	NEW-P	96-16-095	296-17-51101	NEW-P	96-05-065	296-17-53802	NEW	96-12-039
294-04-040	NEW-P	96-16-095	296-17-51101	NEW	96-12-039	296-17-53803	AMD-P	96-05-064
294-04-050	NEW-P	96-16-095	296-17-512	AMD-P	96-05-064	296-17-53803	AMD-P	96-05-065
294-04-060	NEW-P	96-16-095	296-17-512	AMD-P	96-05-065	296-17-53803	AMD-W	96-19-007
294-04-070	NEW-P	96-16-095	296-17-512	AMD	96-12-039	296-17-53805	AMD-P	96-05-064
294-04-080	NEW-P	96-16-095	296-17-513	AMD-P	96-05-064	296-17-53805	AMD-P	96-05-065
296-04	PREP	96-10-035	296-17-513	AMD-P	96-05-065	296-17-53805	AMD	96-12-039
296-15-070	PREP	96-12-094	296-17-513	AMD	96-12-039	296-17-53806	AMD-P	96-05-064
296-15-070	AMD-P	96-16-057	296-17-51301	NEW-P	96-05-064	296-17-53806	AMD-P	96-05-065
296-15-190	PREP	96-12-094	296-17-51301	NEW-P	96-05-065	296-17-53806	AMD	96-12-039
296-15-190	AMD-P	96-16-057	296-17-51301	AMD	96-12-039	296-17-539	AMD-P	96-05-064
296-15-255	PREP	96-12-094	296-17-517	AMD-P	96-05-064	296-17-539	AMD-P	96-05-065
296-15-255	AMD-P	96-16-057	296-17-517	AMD-P	96-05-065	296-17-539	AMD	96-12-039
296-15-260	PREP	96-12-094	296-17-517	AMD	96-12-039	296-17-540	AMD-P	96-05-064
296-15-260	AMD-P	96-16-057	296-17-519	AMD-P	96-05-064	296-17-540	AMD-P	96-05-065
296-17	PREP	96-09-100	296-17-519	AMD-P	96-05-065	296-17-540	AMD	96-12-039
296-17	PREP	96-15-088	296-17-519	AMD	96-12-039	296-17-54101	AMD-P	96-05-064
296-17-420	AMD-P	96-05-064	296-17-52002	AMD-P	96-05-064	296-17-54101	AMD-P	96-05-065
296-17-420	AMD-P	96-05-065	296-17-52002	AMD-P	96-05-065	296-17-54101	AMD	96-12-039
296-17-420	AMD	96-12-039	296-17-52002	AMD	96-12-039	296-17-545	AMD-P	96-05-064
296-17-440	AMD-P	96-05-064	296-17-52103	AMD-P	96-05-064	296-17-545	AMD-P	96-05-065
296-17-440	AMD-P	96-05-065	296-17-52103	AMD-P	96-05-065	296-17-545	AMD	96-12-039
296-17-440	AMD	96-12-039	296-17-52103	AMD	96-12-039	296-17-546	AMD-P	96-05-064
296-17-45003	AMD-P	96-05-064	296-17-52104	AMD-P	96-05-064	296-17-546	AMD-P	96-05-065
296-17-45003	AMD-P	96-05-065	296-17-52104	AMD-P	96-05-065	296-17-546	AMD	96-12-039
296-17-45003	AMD	96-12-039	296-17-52104	AMD	96-12-039	296-17-55201	AMD-P	96-05-064
296-17-501	AMD-P	96-05-064	296-17-52107	AMD-P	96-05-064	296-17-55201	AMD-P	96-05-065
296-17-501	AMD-P	96-05-065	296-17-52107	AMD-P	96-05-065	296-17-55201	AMD	96-12-039
296-17-501	AMD	96-12-039	296-17-52107	AMD	96-12-039	296-17-555	AMD-P	96-05-064
296-17-502	REP-P	96-05-064	296-17-52110	AMD-P	96-05-064	296-17-555	AMD-P	96-05-065
296-17-502	REP-P	96-05-065	296-17-52110	AMD-P	96-05-065	296-17-555	AMD	96-12-039
296-17-502	REP	96-12-039	296-17-52110	AMD	96-12-039	296-17-556	REP-P	96-05-064
296-17-503	AMD-P	96-05-064	296-17-52112	NEW-P	96-05-064	296-17-556	REP-P	96-05-065
296-17-503	AMD-P	96-05-065	296-17-52112	NEW-P	96-05-065	296-17-556	REP	96-12-039
296-17-503	AMD	96-12-039	296-17-52112	NEW	96-12-039	296-17-561	AMD-P	96-05-064
296-17-505	AMD-P	96-05-064	296-17-52113	NEW-P	96-05-064	296-17-561	AMD-P	96-05-065
296-17-505	AMD-P	96-05-065	296-17-52113	NEW-P	96-05-065	296-17-561	AMD	96-12-039
296-17-505	AMD	96-12-039	296-17-52113	NEW	96-12-039	296-17-56101	AMD-P	96-05-064
296-17-50603	NEW-P	96-05-064	296-17-524	AMD-P	96-05-064	296-17-56101	AMD-P	96-05-065
296-17-50603	NEW	96-12-039	296-17-524	AMD-P	96-05-065	296-17-56101	AMD	96-12-039
296-17-507	REP-P	96-05-064	296-17-524	AMD	96-12-039	296-17-562	AMD-P	96-05-064
296-17-507	NEW-P	96-05-065	296-17-526	AMD-P	96-05-064	296-17-562	AMD-P	96-05-065
296-17-507	REP	96-12-039	296-17-526	AMD-P	96-05-065	296-17-562	AMD	96-12-039
296-17-50703	NEW-P	96-05-065	296-17-526	AMD	96-12-039	296-17-563	AMD-P	96-05-064
296-17-50703	NEW-W	96-19-007	296-17-527	AMD-P	96-05-064	296-17-563	AMD-P	96-05-065
296-17-508	AMD-P	96-05-064	296-17-527	AMD-P	96-05-065	296-17-563	AMD	96-12-039
296-17-508	AMD-P	96-05-065	296-17-527	AMD	96-12-039	296-17-564	AMD-P	96-05-064
296-17-508	AMD	96-12-039	296-17-528	AMD-P	96-05-064	296-17-564	AMD-P	96-05-065
296-17-50904	REP-P	96-05-064	296-17-528	AMD-P	96-05-065	296-17-564	AMD	96-12-039
296-17-50904	REP-P	96-05-065	296-17-528	AMD	96-12-039	296-17-56401	AMD-P	96-05-064
296-17-50904	REP	96-12-039	296-17-529	AMD-P	96-05-064	296-17-56401	AMD-P	96-05-065
296-17-50908	NEW-P	96-05-064	296-17-529	AMD-P	96-05-065	296-17-56401	AMD	96-12-039
296-17-50908	NEW-P	96-05-065	296-17-529	AMD	96-12-039	296-17-56402	AMD-P	96-05-064
296-17-50908	NEW	96-12-039	296-17-530	REP-P	96-05-064	296-17-56402	AMD-P	96-05-065
296-17-50910	NEW-P	96-05-064	296-17-530	REP-P	96-05-065	296-17-56402	AMD	96-12-039
296-17-50910	NEW-P	96-05-065	296-17-530	REP	96-12-039	296-17-565	AMD-P	96-05-064
296-17-50910	NEW	96-12-039	296-17-534	AMD-P	96-05-064	296-17-565	AMD-P	96-05-065
296-17-50912	NEW-P	96-05-064	296-17-534	AMD-P	96-05-065	296-17-565	AMD	96-12-039
296-17-50912	NEW-P	96-05-065	296-17-534	AMD	96-12-039	296-17-56602	NEW-P	96-05-064
296-17-50912	NEW	96-12-039	296-17-53501	AMD-P	96-05-064	296-17-56602	NEW-P	96-05-065
296-17-50915	NEW-P	96-05-064	296-17-53501	AMD-P	96-05-065	296-17-56602	NEW	96-12-039
296-17-50915	NEW-P	96-05-065	296-17-53501	AMD	96-12-039	296-17-567	AMD-P	96-05-064
296-17-50915	NEW	96-12-039	296-17-53502	AMD-P	96-05-064	296-17-567	AMD-P	96-05-065
296-17-50917	NEW-P	96-05-064	296-17-53502	AMD-P	96-05-065	296-17-567	AMD	96-12-039
296-17-50917	NEW-P	96-05-065	296-17-53502	AMD	96-12-039	296-17-568	AMD-P	96-05-064
296-17-50917	NEW	96-12-039	296-17-536	AMD-P	96-05-064	296-17-568	AMD-P	96-05-065
296-17-510	AMD-P	96-05-064	296-17-536	AMD-P	96-05-065	296-17-568	AMD	96-12-039
296-17-510	AMD-P	96-05-065	296-17-536	AMD	96-12-039	296-17-56901	AMD-P	96-05-064
296-17-510	AMD	96-12-039	296-17-538	AMD-P	96-05-064	296-17-56901	AMD-P	96-05-065
296-17-511	AMD-P	96-05-064	296-17-538	AMD-P	96-05-065	296-17-56901	AMD	96-12-039
296-17-511	AMD-P	96-05-065	296-17-538	AMD	96-12-039	296-17-57001	AMD-P	96-05-064
296-17-511	AMD	96-12-039	296-17-53802	NEW-P	96-05-064	296-17-57001	AMD-P	96-05-065

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-17-57001	AMD	96-12-039	296-17-599	AMD-P	96-05-064	296-17-66004	NEW-P	96-05-065
296-17-57003	AMD-P	96-05-064	296-17-599	AMD-P	96-05-065	296-17-66004	NEW	96-12-039
296-17-57003	AMD-P	96-05-065	296-17-599	AMD	96-12-039	296-17-67601	AMD-P	96-05-064
296-17-57003	AMD	96-12-039	296-17-604	AMD-P	96-05-064	296-17-67601	AMD-P	96-05-065
296-17-571	AMD-P	96-05-064	296-17-604	AMD-P	96-05-065	296-17-67601	AMD	96-12-039
296-17-571	AMD-P	96-05-065	296-17-604	AMD	96-12-039	296-17-67602	AMD-P	96-05-064
296-17-571	AMD	96-12-039	296-17-605	REP-P	96-05-064	296-17-67602	AMD-P	96-05-065
296-17-572	AMD-P	96-05-064	296-17-605	REP-P	96-05-065	296-17-67602	AMD	96-12-039
296-17-572	AMD-P	96-05-065	296-17-605	REP	96-12-039	296-17-677	AMD-P	96-05-064
296-17-572	AMD	96-12-039	296-17-606	AMD-P	96-05-064	296-17-677	AMD-P	96-05-065
296-17-573	AMD-P	96-05-064	296-17-606	AMD-P	96-05-065	296-17-677	AMD	96-12-039
296-17-573	AMD-P	96-05-065	296-17-606	AMD	96-12-039	296-17-67901	AMD-P	96-05-064
296-17-573	AMD	96-12-039	296-17-619	AMD-P	96-05-064	296-17-67901	AMD-P	96-05-065
296-17-57602	AMD-P	96-05-064	296-17-619	AMD-P	96-05-065	296-17-67901	AMD	96-12-039
296-17-57602	AMD-P	96-05-065	296-17-619	AMD	96-12-039	296-17-680	AMD-P	96-05-064
296-17-57602	AMD	96-12-039	296-17-620	AMD-P	96-05-064	296-17-680	AMD-P	96-05-065
296-17-57603	AMD-P	96-05-064	296-17-620	AMD-P	96-05-065	296-17-680	AMD	96-12-039
296-17-57603	AMD-P	96-05-065	296-17-620	AMD	96-12-039	296-17-681	AMD-P	96-05-064
296-17-57603	AMD	96-12-039	296-17-622	AMD-P	96-05-064	296-17-681	AMD-P	96-05-065
296-17-579	REP-P	96-05-064	296-17-622	AMD-P	96-05-065	296-17-681	AMD	96-12-039
296-17-579	REP-P	96-05-065	296-17-622	AMD	96-12-039	296-17-687	AMD-P	96-05-064
296-17-579	REP	96-12-039	296-17-628	AMD-P	96-05-064	296-17-687	AMD-P	96-05-065
296-17-580	AMD-P	96-05-064	296-17-628	AMD-P	96-05-065	296-17-687	AMD	96-12-039
296-17-580	AMD-P	96-05-065	296-17-628	AMD	96-12-039	296-17-692	AMD-P	96-05-064
296-17-580	AMD	96-12-039	296-17-634	AMD-P	96-05-064	296-17-692	AMD-P	96-05-065
296-17-582	AMD-P	96-05-064	296-17-634	AMD-P	96-05-065	296-17-692	AMD	96-12-039
296-17-582	AMD-P	96-05-065	296-17-634	AMD	96-12-039	296-17-693	AMD-P	96-05-064
296-17-582	AMD	96-12-039	296-17-643	AMD-P	96-05-064	296-17-693	AMD-P	96-05-065
296-17-58201	AMD-P	96-05-064	296-17-643	AMD-P	96-05-065	296-17-693	AMD	96-12-039
296-17-58201	AMD-P	96-05-065	296-17-643	AMD	96-12-039	296-17-694	AMD-P	96-05-064
296-17-58201	AMD	96-12-039	296-17-644	AMD-P	96-05-064	296-17-694	AMD-P	96-05-065
296-17-583	AMD-P	96-05-064	296-17-644	AMD-P	96-05-065	296-17-694	AMD	96-12-039
296-17-583	AMD-P	96-05-065	296-17-644	AMD	96-12-039	296-17-695	AMD-P	96-05-064
296-17-583	AMD	96-12-039	296-17-645	AMD-P	96-05-064	296-17-695	AMD-P	96-05-065
296-17-585	AMD-P	96-05-064	296-17-645	AMD-P	96-05-065	296-17-695	AMD	96-12-039
296-17-585	AMD-P	96-05-065	296-17-645	AMD	96-12-039	296-17-699	AMD-P	96-05-064
296-17-585	AMD	96-12-039	296-17-646	AMD-P	96-05-064	296-17-699	AMD-P	96-05-065
296-17-58501	AMD-P	96-05-064	296-17-646	AMD-P	96-05-065	296-17-699	AMD	96-12-039
296-17-58501	AMD-P	96-05-065	296-17-646	AMD	96-12-039	296-17-700	AMD-P	96-05-064
296-17-58501	AMD	96-12-039	296-17-649	AMD-P	96-05-064	296-17-700	AMD-P	96-05-065
296-17-58503	NEW-P	96-05-064	296-17-649	AMD-P	96-05-065	296-17-700	AMD	96-12-039
296-17-58503	NEW-P	96-05-065	296-17-649	AMD	96-12-039	296-17-701	AMD-P	96-05-064
296-17-58503	NEW	96-12-039	296-17-64901	AMD-P	96-05-064	296-17-701	AMD-P	96-05-065
296-17-58504	NEW-P	96-05-064	296-17-64901	AMD-P	96-05-065	296-17-701	AMD	96-12-039
296-17-58504	NEW-P	96-05-065	296-17-64901	AMD	96-12-039	296-17-703	AMD-P	96-05-064
296-17-58504	NEW	96-12-039	296-17-64902	AMD-P	96-05-064	296-17-703	AMD-P	96-05-065
296-17-58505	NEW-P	96-05-064	296-17-64902	AMD-P	96-05-065	296-17-703	AMD	96-12-039
296-17-58505	NEW-P	96-05-065	296-17-64902	AMD	96-12-039	296-17-704	AMD-P	96-05-064
296-17-58505	NEW	96-12-039	296-17-64903	AMD-P	96-05-064	296-17-704	AMD-P	96-05-065
296-17-58506	NEW-P	96-05-064	296-17-64903	AMD-P	96-05-065	296-17-704	AMD	96-12-039
296-17-58506	NEW-P	96-05-065	296-17-64903	AMD	96-12-039	296-17-706	AMD-P	96-05-064
296-17-58506	NEW	96-12-039	296-17-64904	AMD-P	96-05-064	296-17-706	AMD-P	96-05-065
296-17-58507	NEW-P	96-05-064	296-17-64904	AMD-P	96-05-065	296-17-706	AMD	96-12-039
296-17-58507	NEW-P	96-05-065	296-17-64904	AMD	96-12-039	296-17-707	AMD-P	96-05-064
296-17-58507	NEW	96-12-039	296-17-64905	AMD-P	96-05-064	296-17-707	AMD-P	96-05-065
296-17-586	AMD-P	96-05-064	296-17-64905	AMD-P	96-05-065	296-17-707	AMD	96-12-039
296-17-586	AMD-P	96-05-065	296-17-64905	AMD	96-12-039	296-17-708	AMD-P	96-05-064
296-17-586	AMD	96-12-039	296-17-64999	NEW-P	96-05-064	296-17-708	AMD-P	96-05-065
296-17-590	AMD-P	96-05-064	296-17-64999	NEW-P	96-05-065	296-17-708	AMD	96-12-039
296-17-590	AMD-P	96-05-065	296-17-64999	NEW	96-12-039	296-17-709	AMD-P	96-05-064
296-17-590	AMD	96-12-039	296-17-651	AMD-P	96-05-064	296-17-709	AMD-P	96-05-065
296-17-59201	AMD-P	96-05-064	296-17-651	AMD-P	96-05-065	296-17-709	AMD	96-12-039
296-17-59201	AMD-P	96-05-065	296-17-651	AMD	96-12-039	296-17-710	AMD-P	96-05-064
296-17-59201	AMD	96-12-039	296-17-654	AMD-P	96-05-064	296-17-710	AMD-P	96-05-065
296-17-59202	AMD-P	96-05-064	296-17-654	AMD-P	96-05-065	296-17-710	AMD	96-12-039
296-17-59202	AMD-P	96-05-065	296-17-654	AMD	96-12-039	296-17-711	AMD-P	96-05-064
296-17-59202	AMD	96-12-039	296-17-659	AMD-P	96-05-064	296-17-711	AMD-P	96-05-065
296-17-59205	NEW-P	96-05-064	296-17-659	AMD-P	96-05-065	296-17-711	AMD	96-12-039
296-17-59205	NEW-P	96-05-065	296-17-659	AMD	96-12-039	296-17-712	AMD-P	96-05-064
296-17-59205	NEW	96-12-039	296-17-66002	AMD-P	96-05-064	296-17-712	AMD-P	96-05-065
296-17-594	AMD-P	96-05-064	296-17-66002	AMD-P	96-05-065	296-17-712	AMD	96-12-039
296-17-594	AMD-P	96-05-065	296-17-66002	AMD	96-12-039	296-17-717	AMD-P	96-05-064
296-17-594	AMD	96-12-039	296-17-66004	NEW-P	96-05-064	296-17-717	AMD-P	96-05-065

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-17-717	AMD	96-12-039	296-17-919	PREP	96-03-153	296-54-551	AMD-P	96-09-101
296-17-719	AMD-P	96-05-064	296-17-919	AMD-P	96-07-098	296-54-553	AMD-P	96-09-101
296-17-719	AMD-P	96-05-065	296-17-919	AMD	96-10-029	296-54-555	AMD-P	96-09-101
296-17-719	AMD	96-12-039	296-17-919	AMD-P	96-19-100	296-54-557	AMD-P	96-09-101
296-17-723	AMD-P	96-05-064	296-17-91901	AMD-P	96-19-100	296-54-559	AMD-P	96-09-101
296-17-723	AMD-P	96-05-065	296-17-91902	AMD-P	96-19-100	296-54-561	AMD-P	96-09-101
296-17-723	AMD	96-12-039	296-17-91903	AMD-P	96-19-100	296-54-565	AMD-P	96-09-101
296-17-727	AMD-P	96-05-064	296-17-91904	AMD-P	96-19-100	296-54-567	AMD-P	96-09-101
296-17-727	AMD-P	96-05-065	296-17-91905	AMD-P	96-19-100	296-54-575	AMD-P	96-09-101
296-17-727	AMD	96-12-039	296-17-920	AMD-P	96-03-115	296-54-577	AMD-P	96-09-101
296-17-741	AMD-P	96-05-064	296-17-920	AMD-P	96-05-064	296-54-593	AMD-P	96-09-101
296-17-741	AMD-P	96-05-065	296-17-920	AMD-P	96-05-065	296-54-595	AMD-P	96-09-101
296-17-741	AMD	96-12-039	296-17-920	AMD	96-06-025	296-54-597	AMD-P	96-09-101
296-17-742	AMD-P	96-05-064	296-17-920	AMD-W	96-19-007	296-54-601	AMD-P	96-09-101
296-17-742	AMD-P	96-05-065	296-17-920	AMD-P	96-19-100	296-54-605	AMD-P	96-09-101
296-17-742	AMD	96-12-039	296-18A-520	PREP	96-03-106	296-62-05413	PREP	96-14-118
296-17-746	AMD-P	96-05-064	296-20-010	AMD-P	96-05-066	296-62-07306	AMD-P	96-03-024
296-17-746	AMD-P	96-05-065	296-20-010	AMD	96-10-086	296-62-07306	AMD	96-09-030
296-17-746	AMD	96-12-039	296-20-01002	PREP	96-17-092	296-62-07342	AMD-P	96-03-024
296-17-746	AMD-P	96-05-064	296-20-132	AMD-P	96-05-066	296-62-07342	AMD	96-09-030
296-17-747	AMD-P	96-05-065	296-20-132	AMD	96-10-086	296-62-07445	AMD-P	96-03-024
296-17-747	AMD	96-12-039	296-20-135	AMD-P	96-05-066	296-62-07445	AMD	96-09-030
296-17-753	AMD-P	96-05-064	296-20-135	AMD	96-10-086	296-62-07515	PREP	96-05-077
296-17-753	AMD-P	96-05-065	296-20-135	PREP	96-13-104	296-62-07515	AMD-P	96-10-085
296-17-753	AMD	96-12-039	296-20-135	AMD-E	96-14-065	296-62-07515	AMD	96-17-056
296-17-756	AMD-P	96-05-064	296-20-135	AMD-P	96-16-025	296-62-07521	AMD-P	96-03-024
296-17-756	AMD-P	96-05-065	296-20-135	AMD	96-19-060	296-62-07521	AMD	96-09-030
296-17-756	AMD	96-12-039	296-20-200	PREP	96-17-092	296-62-07533	AMD-P	96-03-024
296-17-76207	AMD-P	96-05-064	296-20-210	PREP	96-17-092	296-62-07533	AMD	96-09-030
296-17-76207	AMD-P	96-05-065	296-20-220	PREP	96-17-092	296-62-07550	AMD-P	96-03-024
296-17-76207	AMD	96-12-039	296-23-180	AMD-P	96-05-066	296-62-07550	AMD	96-09-030
296-17-76209	AMD-P	96-05-064	296-23-180	AMD	96-10-086	296-62-07668	AMD-P	96-03-024
296-17-76209	AMD-P	96-05-065	296-23-185	AMD-P	96-05-066	296-62-07668	AMD	96-09-030
296-17-76209	AMD	96-12-039	296-23-185	AMD	96-10-086	296-62-07701	AMD-P	96-18-114
296-17-763	AMD-P	96-05-064	296-23-220	AMD-P	96-05-066	296-62-07703	AMD-P	96-18-114
296-17-763	AMD-P	96-05-065	296-23-220	AMD	96-10-086	296-62-07705	AMD-E	96-08-072
296-17-763	AMD	96-12-039	296-23-230	AMD-P	96-05-066	296-62-07705	AMD-E	96-16-026
296-17-778	AMD-P	96-05-064	296-23-230	AMD	96-10-086	296-62-07705	AMD-P	96-18-114
296-17-778	AMD-P	96-05-065	296-23-265	PREP	96-17-092	296-62-07706	AMD-P	96-18-114
296-17-778	AMD	96-12-039	296-23A	PREP	96-11-066	296-62-07707	REP-P	96-18-114
296-17-855	AMD-P	19-19-100	296-23A-400	AMD-P	96-05-066	296-62-07707	AMD-P	96-18-114
296-17-870	AMD-P	96-05-064	296-23A-400	AMD	96-10-086	296-62-07709	AMD-P	96-18-114
296-17-870	AMD-P	96-05-065	296-24-084	AMD-P	96-03-024	296-62-07711	AMD-P	96-18-114
296-17-870	AMD	96-12-039	296-24-084	AMD	96-09-030	296-62-07712	AMD-P	96-18-114
296-17-875	AMD-P	96-19-100	296-24-092	AMD-P	96-03-024	296-62-07713	AMD-P	96-18-114
296-17-880	AMD-P	96-19-100	296-24-092	AMD	96-09-030	296-62-07715	AMD-P	96-18-114
296-17-885	AMD-P	96-05-064	296-24-23533	AMD-P	96-03-024	296-62-07717	AMD-P	96-18-114
296-17-885	AMD-P	96-05-065	296-24-23533	AMD	96-09-030	296-62-07719	AMD-P	96-18-114
296-17-885	AMD	96-12-039	296-27	PREP	96-06-033	296-62-07721	AMD-P	96-18-114
296-17-885	AMD-P	96-19-100	296-27-15503	AMD-P	96-10-085	296-62-07722	NEW-P	96-18-114
296-17-890	AMD-P	96-19-100	296-27-15503	AMD	96-17-056	296-62-07723	AMD-P	96-18-114
296-17-895	AMD-P	96-03-115	296-27-16001	AMD-P	96-10-085	296-62-07725	AMD-P	96-18-114
296-17-895	AMD-P	96-05-064	296-27-16001	AMD	96-17-056	296-62-07727	AMD-P	96-18-114
296-17-895	AMD-P	96-05-065	296-30	PREP	96-17-055	296-62-07728	NEW-P	96-18-114
296-17-895	AMD	96-06-025	296-31	PREP	96-17-055	296-62-07731	REP-P	96-18-114
296-17-895	AMD	96-12-039	296-45	PREP	96-05-075	296-62-07733	AMD-P	96-18-114
296-17-895	AMD-P	96-19-100	296-45-60013	NEW-P	96-09-101	296-62-07735	AMD-P	96-18-114
296-17-89501	REP-P	96-19-100	296-54	PREP	96-05-075	296-62-07737	AMD-P	96-18-114
296-17-90100	NEW-P	96-13-105	296-54-45001	REP-P	96-09-101	296-62-07739	AMD-P	96-03-024
296-17-90100	NEW	96-18-040	296-54-501	AMD-P	96-09-101	296-62-07739	AMD	96-09-030
296-17-90110	NEW-P	96-13-105	296-54-505	AMD-P	96-09-101	296-62-07741	AMD-P	96-18-114
296-17-90110	NEW	96-18-040	296-54-507	AMD-P	96-09-101	296-62-07745	AMD-P	96-18-114
296-17-90120	NEW-P	96-13-105	296-54-511	AMD-P	96-09-101	296-62-07747	AMD-P	96-18-114
296-17-90120	NEW	96-18-040	296-54-513	AMD-P	96-09-101	296-62-07749	AMD-P	96-18-114
296-17-90130	NEW-P	96-13-105	296-54-515	AMD-P	96-09-101	296-62-07751	AMD-P	96-18-114
296-17-90130	NEW	96-18-040	296-54-519	AMD-P	96-09-101	296-62-07753	AMD-P	96-18-114
296-17-90140	NEW-P	96-13-105	296-54-521	AMD-P	96-09-101	296-65-003	AMD	96-05-056
296-17-90140	NEW	96-18-040	296-54-523	AMD-P	96-09-101	296-65-005	AMD	96-05-056
296-17-90150	NEW-P	96-13-105	296-54-529	AMD-P	96-09-101	296-65-007	AMD	96-05-056
296-17-90150	NEW	96-18-040	296-54-531	AMD-P	96-09-101	296-65-010	AMD	96-05-056
296-17-915	AMD-P	96-05-064	296-54-535	AMD-P	96-09-101	296-65-012	AMD	96-05-056
296-17-915	AMD-P	96-05-065	296-54-537	AMD-P	96-09-101	296-65-015	AMD	96-05-056
296-17-915	AMD	96-12-039	296-54-539	AMD-P	96-09-101	296-65-015	PREP	96-14-119
							AMD-P	96-18-114

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-65-020	AMD	96-05-056	296-104-240	AMD-P	96-16-063	296-150A-990	REP-P	96-15-089
296-65-030	AMD	96-05-056	296-104-245	PREP	96-09-086	296-150B-005	REP-P	96-15-089
296-65-050	AMD	96-05-056	296-104-245	AMD-P	96-16-063	296-150B-010	REP-P	96-15-089
296-78-56505	AMD-P	96-10-085	296-104-255	PREP	96-09-086	296-150B-015	REP-P	96-15-089
296-78-56505	AMD	96-17-056	296-104-255	AMD-P	96-16-063	296-150B-020	REP-P	96-15-089
296-78-56513	AMD-P	96-10-085	296-104-256	PREP	96-09-086	296-150B-025	REP-P	96-15-089
296-78-56513	AMD	96-17-056	296-104-256	NEW-P	96-16-063	296-150B-030	REP-P	96-15-089
296-78-570	AMD-P	96-10-085	296-104-260	PREP	96-09-086	296-150B-035	REP-P	96-15-089
296-78-570	AMD	96-17-056	296-104-260	AMD-P	96-16-063	296-150B-040	REP-P	96-15-089
296-78-580	AMD-P	96-10-085	296-104-273	PREP	96-09-086	296-150B-045	REP-P	96-15-089
296-78-580	AMD	96-17-056	296-104-273	NEW-P	96-16-063	296-150B-050	REP-P	96-15-089
296-78-605	AMD-P	96-10-085	296-116-185	PREP	96-05-054	296-150B-055	REP-P	96-15-089
296-78-605	AMD	96-17-056	296-116-185	AMD-P	96-10-055	296-150B-060	REP-P	96-15-089
296-78-620	AMD-P	96-10-085	296-116-185	AMD-C	96-13-057	296-150B-065	REP-P	96-15-089
296-78-620	AMD	96-17-056	296-116-185	AMD	96-14-062	296-150B-070	REP-P	96-15-089
296-78-635	AMD-P	96-10-085	296-116-300	PREP	96-04-052	296-150B-075	REP-P	96-15-089
296-78-635	AMD	96-17-056	296-116-300	AMD-P	96-08-067	296-150B-080	REP-P	96-15-089
296-78-650	AMD-P	96-10-085	296-116-300	AMD	96-12-017	296-150B-085	REP-P	96-15-089
296-78-650	AMD	96-17-056	296-116-300	AMD-P	96-19-070	296-150B-090	REP-P	96-15-089
296-78-660	AMD-P	96-10-085	296-126-098	AMD-P	96-14-115	296-150B-095	REP-P	96-15-089
296-78-660	AMD	96-17-056	296-126-224	REP-P	96-14-115	296-150B-100	REP-P	96-15-089
296-78-665	AMD-P	96-10-085	296-128-013	NEW-P	96-14-116	296-150B-105	REP-P	96-15-089
296-78-665	AMD	96-17-056	296-150A	PREP	96-06-032	296-150B-110	REP-P	96-15-089
296-78-690	AMD-P	96-10-085	296-150A-005	REP-P	96-15-089	296-150B-115	REP-P	96-15-089
296-78-690	AMD	96-17-056	296-150A-011	REP-P	96-15-089	296-150B-120	REP-P	96-15-089
296-78-70503	AMD-P	96-10-085	296-150A-016	REP-P	96-15-089	296-150B-122	REP-P	96-15-089
296-78-70503	AMD	96-17-056	296-150A-021	REP-P	96-15-089	296-150B-125	REP-P	96-15-089
296-78-71003	AMD-P	96-10-085	296-150A-024	REP-P	96-15-089	296-150B-130	REP-P	96-15-089
296-78-71003	AMD	96-17-056	296-150A-030	REP-P	96-15-089	296-150B-135	REP-P	96-15-089
296-78-71015	AMD-P	96-10-085	296-150A-035	REP-P	96-15-089	296-150B-140	REP-P	96-15-089
296-78-71015	AMD	96-17-056	296-150A-040	REP-P	96-15-089	296-150B-145	REP-P	96-15-089
296-78-71017	AMD-P	96-10-085	296-150A-045	REP-P	96-15-089	296-150B-150	REP-P	96-15-089
296-78-71017	AMD	96-17-056	296-150A-051	REP-P	96-15-089	296-150B-155	REP-P	96-15-089
296-78-725	AMD-P	96-10-085	296-150A-055	REP-P	96-15-089	296-150B-160	REP-P	96-15-089
296-78-725	AMD	96-17-056	296-150A-060	REP-P	96-15-089	296-150B-165	REP-P	96-15-089
296-78-750	AMD-P	96-10-085	296-150A-065	REP-P	96-15-089	296-150B-175	REP-P	96-15-089
296-78-750	AMD	96-17-056	296-150A-070	REP-P	96-15-089	296-150B-180	REP-P	96-15-089
296-78-800	AMD-P	96-10-085	296-150A-075	REP-P	96-15-089	296-150B-185	REP-P	96-15-089
296-78-800	AMD	96-17-056	296-150A-080	REP-P	96-15-089	296-150B-200	REP-P	96-15-089
296-78-835	AMD-P	96-10-085	296-150A-085	REP-P	96-15-089	296-150B-205	REP-P	96-15-089
296-78-835	AMD	96-17-056	296-150A-090	REP-P	96-15-089	296-150B-210	REP-P	96-15-089
296-78-84005	AMD-P	96-10-085	296-150A-095	REP-P	96-15-089	296-150B-215	REP-P	96-15-089
296-78-84005	AMD	96-17-056	296-150A-100	REP-P	96-15-089	296-150B-220	REP-P	96-15-089
296-78-84007	AMD-P	96-10-085	296-150A-105	REP-P	96-15-089	296-150B-225	REP-P	96-15-089
296-78-84007	AMD	96-17-056	296-150A-110	REP-P	96-15-089	296-150B-230	REP-P	96-15-089
296-99	PREP	96-14-117	296-150A-115	REP-P	96-15-089	296-150B-235	REP-P	96-15-089
296-104-010	AMD-P	96-16-063	296-150A-120	REP-P	96-15-089	296-150B-240	REP-P	96-15-089
296-104-025	PREP	96-09-086	296-150A-125	REP-P	96-15-089	296-150B-245	REP-P	96-15-089
296-104-025	AMD-P	96-16-063	296-150A-130	REP-P	96-15-089	296-150B-250	REP-P	96-15-089
296-104-065	PREP	96-09-086	296-150A-135	REP-P	96-15-089	296-150B-255	REP-P	96-15-089
296-104-065	AMD-P	96-16-063	296-150A-140	REP-P	96-15-089	296-150B-300	REP-P	96-15-089
296-104-102	PREP	96-09-086	296-150A-145	REP-P	96-15-089	296-150B-305	REP-P	96-15-089
296-104-102	AMD-P	96-16-063	296-150A-150	REP-P	96-15-089	296-150B-307	REP-P	96-15-089
296-104-140	AMD-P	96-16-063	296-150A-155	REP-P	96-15-089	296-150B-310	REP-P	96-15-089
296-104-151	NEW-P	96-16-063	296-150A-160	REP-P	96-15-089	296-150B-315	REP-P	96-15-089
296-104-170	PREP	96-09-086	296-150A-170	REP-P	96-15-089	296-150B-400	REP-P	96-15-089
296-104-170	AMD-P	96-16-063	296-150A-300	REP-P	96-15-089	296-150B-403	REP-P	96-15-089
296-104-195	REP-P	96-16-063	296-150A-800	REP-P	96-15-089	296-150B-407	REP-P	96-15-089
296-104-200	AMD-P	96-16-063	296-150A-805	REP-P	96-15-089	296-150B-410	REP-P	96-15-089
296-104-205	PREP	96-09-086	296-150A-815	REP-P	96-15-089	296-150B-413	REP-P	96-15-089
296-104-205	AMD-P	96-16-063	296-150A-820	REP-P	96-15-089	296-150B-417	REP-P	96-15-089
296-104-210	PREP	96-09-086	296-150A-825	REP-P	96-15-089	296-150B-420	REP-P	96-15-089
296-104-210	AMD-P	96-16-063	296-150A-830	REP-P	96-15-089	296-150B-423	REP-P	96-15-089
296-104-215	PREP	96-09-086	296-150A-835	REP-P	96-15-089	296-150B-427	REP-P	96-15-089
296-104-215	AMD-P	96-16-063	296-150A-840	REP-P	96-15-089	296-150B-430	REP-P	96-15-089
296-104-220	PREP	96-09-086	296-150A-845	REP-P	96-15-089	296-150B-433	REP-P	96-15-089
296-104-220	AMD-P	96-16-063	296-150A-850	REP-P	96-15-089	296-150B-437	REP-P	96-15-089
296-104-225	REP-P	96-16-063	296-150A-855	REP-P	96-15-089	296-150B-440	REP-P	96-15-089
296-104-230	PREP	96-09-086	296-150A-860	REP-P	96-15-089	296-150B-443	REP-P	96-15-089
296-104-230	AMD-P	96-16-063	296-150A-865	REP-P	96-15-089	296-150B-447	REP-P	96-15-089
296-104-235	PREP	96-09-086	296-150A-870	REP-P	96-15-089	296-150B-450	REP-P	96-15-089
296-104-235	AMD-P	96-16-063	296-150A-875	REP-P	96-15-089	296-150B-453	REP-P	96-15-089
296-104-240	PREP	96-09-086	296-150A-950	REP-P	96-15-089	296-150B-457	REP-P	96-15-089

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-305-010	AMD-C	96-03-026	296-305-045	REP	96-11-067	296-305-07001	AMD-C	96-03-026
296-305-010	REP	96-11-067	296-305-04501	NEW-C	96-03-026	296-305-07001	AMD	96-11-067
296-305-01001	NEW-C	96-03-026	296-305-04501	NEW	96-11-067	296-305-07003	AMD-C	96-03-026
296-305-01001	NEW	96-11-067	296-305-04503	NEW-C	96-03-026	296-305-07003	AMD	96-11-067
296-305-01002	NEW-C	96-03-026	296-305-04503	NEW	96-11-067	296-305-07005	AMD-C	96-03-026
296-305-01002	NEW	96-11-067	296-305-04505	NEW-C	96-03-026	296-305-07005	AMD	96-11-067
296-305-01003	NEW-C	96-03-026	296-305-04505	NEW	96-11-067	296-305-07007	AMD-C	96-03-026
296-305-01003	NEW	96-11-067	296-305-04507	NEW-C	96-03-026	296-305-07007	AMD	96-11-067
296-305-01005	NEW-C	96-03-026	296-305-04507	NEW	96-11-067	296-305-07009	AMD-C	96-03-026
296-305-01005	NEW	96-11-067	296-305-04509	NEW-C	96-03-026	296-305-07009	AMD	96-11-067
296-305-01007	NEW-C	96-03-026	296-305-04509	NEW	96-11-067	296-305-07011	NEW-C	96-03-026
296-305-01007	NEW	96-11-067	296-305-04511	NEW-C	96-03-026	296-305-07011	NEW	96-11-067
296-305-01009	NEW-C	96-03-026	296-305-04511	NEW	96-11-067	296-305-07013	NEW-C	96-03-026
296-305-01009	NEW	96-11-067	296-305-05001	NEW-C	96-03-026	296-305-07013	NEW	96-11-067
296-305-015	AMD-C	96-03-026	296-305-05001	NEW	96-11-067	296-305-07015	NEW-C	96-03-026
296-305-015	REP	96-11-067	296-305-05003	NEW-C	96-03-026	296-305-07015	NEW	96-11-067
296-305-01501	NEW-C	96-03-026	296-305-05003	NEW	96-11-067	296-305-07017	NEW-C	96-03-026
296-305-01501	NEW	96-11-067	296-305-05005	NEW-C	96-03-026	296-305-07017	NEW	96-11-067
296-305-01503	NEW-C	96-03-026	296-305-05005	NEW	96-11-067	296-305-07019	NEW-C	96-03-026
296-305-01503	NEW	96-11-067	296-305-05007	NEW-C	96-03-026	296-305-07019	NEW	96-11-067
296-305-01505	NEW-C	96-03-026	296-305-05007	NEW	96-11-067	296-305-075	AMD-C	96-03-026
296-305-01505	NEW	96-11-067	296-305-05009	NEW-C	96-03-026	296-305-075	REP	96-11-067
296-305-01507	NEW-C	96-03-026	296-305-05009	NEW	96-11-067	296-305-080	AMD-C	96-03-026
296-305-01507	NEW	96-11-067	296-305-05011	NEW-C	96-03-026	296-305-080	REP	96-11-067
296-305-01509	NEW-C	96-03-026	296-305-05011	NEW	96-11-067	296-305-08000	NEW-C	96-03-026
296-305-01509	NEW	96-11-067	296-305-05013	NEW-C	96-03-026	296-305-08000	NEW	96-11-067
296-305-01511	NEW-C	96-03-026	296-305-05013	NEW	96-11-067	296-305-085	AMD-C	96-03-026
296-305-01511	NEW	96-11-067	296-305-05501	NEW-C	96-03-026	296-305-085	REP	96-11-067
296-305-01513	NEW-C	96-03-026	296-305-05501	NEW	96-11-067	296-305-090	AMD-C	96-03-026
296-305-01513	NEW	96-11-067	296-305-05503	NEW-C	96-03-026	296-305-090	REP	96-11-067
296-305-01515	NEW-C	96-03-026	296-305-05503	NEW	96-11-067	296-305-095	AMD-C	96-03-026
296-305-01515	NEW	96-11-067	296-305-060	AMD-C	96-03-026	296-305-095	REP	96-11-067
296-305-01517	NEW-C	96-03-026	296-305-060	REP	96-11-067	296-305-100	AMD-C	96-03-026
296-305-01517	NEW	96-11-067	296-305-06001	AMD-C	96-03-026	296-305-100	REP	96-11-067
296-305-017	AMD-C	96-03-026	296-305-06001	AMD	96-11-067	296-305-105	AMD-C	96-03-026
296-305-017	REP	96-11-067	296-305-06003	AMD-C	96-03-026	296-305-105	REP	96-11-067
296-305-020	AMD-C	96-03-026	296-305-06003	AMD	96-11-067	296-305-110	AMD-C	96-03-026
296-305-020	REP	96-11-067	296-305-06005	AMD-C	96-03-026	296-305-110	REP	96-11-067
296-305-02001	NEW-C	96-03-026	296-305-06005	AMD	96-11-067	296-305-115	AMD-C	96-03-026
296-305-02001	NEW	96-11-067	296-305-06007	AMD-C	96-03-026	296-305-115	REP	96-11-067
296-305-02003	NEW-C	96-03-026	296-305-06007	AMD	96-11-067	296-306	PREP	96-06-034
296-305-02003	NEW	96-11-067	296-305-06009	AMD-C	96-03-026	296-306	PREP	96-06-078
296-305-02005	NEW-C	96-03-026	296-305-06009	REP	96-11-067	296-306-003	REP-P	96-14-121
296-305-02005	NEW	96-11-067	296-305-06011	AMD-C	96-03-026	296-306-006	REP-P	96-14-121
296-305-02007	NEW-C	96-03-026	296-305-06011	REP	96-11-067	296-306-009	REP-P	96-14-121
296-305-02007	NEW	96-11-067	296-305-063	AMD-C	96-03-026	296-306-010	REP-P	96-14-121
296-305-02009	NEW-C	96-03-026	296-305-063	REP	96-11-067	296-306-01001	REP-P	96-14-121
296-305-02009	NEW	96-11-067	296-305-064	AMD-C	96-03-026	296-306-012	REP-P	96-14-121
296-305-02011	NEW-C	96-03-026	296-305-064	REP	96-11-067	296-306-015	REP-P	96-14-121
296-305-02011	NEW	96-11-067	296-305-065	AMD-C	96-03-026	296-306-020	REP-P	96-14-121
296-305-02013	NEW-C	96-03-026	296-305-065	REP	96-11-067	296-306-025	REP-P	96-14-121
296-305-02013	NEW	96-11-067	296-305-06501	AMD-C	96-03-026	296-306-030	REP-P	96-14-121
296-305-02015	NEW-C	96-03-026	296-305-06501	AMD	96-11-067	296-306-035	REP-P	96-14-121
296-305-02015	NEW	96-11-067	296-305-06503	AMD-C	96-03-026	296-306-040	REP-P	96-14-121
296-305-02017	NEW-C	96-03-026	296-305-06503	AMD	96-11-067	296-306-045	REP-P	96-14-121
296-305-02017	NEW	96-11-067	296-305-06505	AMD-C	96-03-026	296-306-050	REP-P	96-14-121
296-305-02019	NEW-C	96-03-026	296-305-06505	AMD	96-11-067	296-306-055	REP-P	96-14-121
296-305-02019	NEW	96-11-067	296-305-06507	AMD-C	96-03-026	296-306-057	REP-P	96-14-121
296-305-025	AMD-C	96-03-026	296-305-06507	AMD	96-11-067	296-306-061	REP-P	96-14-121
296-305-025	REP	96-11-067	296-305-06509	AMD-C	96-03-026	296-306-06101	REP-P	96-14-121
296-305-02501	NEW-C	96-03-026	296-305-06509	AMD	96-11-067	296-306-06103	REP-P	96-14-121
296-305-02501	NEW	96-11-067	296-305-06511	AMD-C	96-03-026	296-306-06105	REP-P	96-14-121
296-305-030	AMD-C	96-03-026	296-305-06511	AMD	96-11-067	296-306-06107	REP-P	96-14-121
296-305-030	REP	96-11-067	296-305-06513	AMD-C	96-03-026	296-306-06109	REP-P	96-14-121
296-305-03001	NEW-C	96-03-026	296-305-06513	AMD	96-11-067	296-306-065	REP-P	96-14-121
296-305-03001	NEW	96-11-067	296-305-06515	AMD-C	96-03-026	296-306-070	REP-P	96-14-121
296-305-035	AMD-C	96-03-026	296-305-06515	AMD	96-11-067	296-306-075	REP-P	96-14-121
296-305-035	REP	96-11-067	296-305-06517	AMD-C	96-03-026	296-306-07501	REP-P	96-14-121
296-305-040	AMD-C	96-03-026	296-305-06517	AMD	96-11-067	296-306-07503	REP-P	96-14-121
296-305-040	REP	96-11-067	296-305-06519	NEW-C	96-03-026	296-306-080	REP-P	96-14-121
296-305-04001	NEW-C	96-03-026	296-305-06519	NEW	96-11-067	296-306-084	REP-P	96-14-121
296-305-04001	NEW	96-11-067	296-305-070	AMD-C	96-03-026	296-306-085	REP-P	96-14-121
296-305-045	AMD-C	96-03-026	296-305-070	REP	96-11-067	296-306-08501	REP-P	96-14-121

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-306-08503	REP-P	96-14-121	296-306A-05501	NEW-P	96-14-121	296-306A-12030	NEW-P	96-14-120
296-306-08505	REP-P	96-14-121	296-306A-05503	NEW-P	96-14-121	296-306A-12030	NEW-S	96-17-093
296-306-08507	REP-P	96-14-121	296-306A-05505	NEW-P	96-14-121	296-306A-12030	NEW	96-20-082
296-306-08509	REP-P	96-14-121	296-306A-05507	NEW-P	96-14-121	296-306A-12035	NEW-P	96-14-120
296-306-090	REP-P	96-14-121	296-306A-060	NEW-P	96-14-121	296-306A-12035	NEW-S	96-17-093
296-306-09001	REP-P	96-14-121	296-306A-061	NEW-P	96-14-121	296-306A-12035	NEW	96-20-082
296-306-09003	REP-P	96-14-121	296-306A-065	NEW-P	96-14-121	296-306A-12040	NEW-P	96-14-120
296-306-095	REP-P	96-14-121	296-306A-070	NEW-P	96-14-121	296-306A-12040	NEW-S	96-17-093
296-306-100	REP-P	96-14-121	296-306A-07001	NEW-P	96-14-121	296-306A-12040	NEW	96-20-082
296-306-105	REP-P	96-14-121	296-306A-07003	NEW-P	96-14-121	296-306A-12045	NEW-P	96-14-120
296-306-110	REP-P	96-14-121	296-306A-07005	NEW-P	96-14-121	296-306A-12045	NEW-S	96-17-093
296-306-115	REP-P	96-14-121	296-306A-07007	NEW-P	96-14-121	296-306A-12045	NEW	96-20-082
296-306-120	REP-P	96-14-121	296-306A-07009	NEW-P	96-14-121	296-306A-12050	NEW-P	96-14-120
296-306-125	REP-P	96-14-121	296-306A-07011	NEW-P	96-14-121	296-306A-12050	NEW-S	96-17-093
296-306-130	REP-P	96-14-121	296-306A-07013	NEW-P	96-14-121	296-306A-12050	NEW	96-20-082
296-306-135	REP-P	96-14-121	296-306A-073	NEW-P	96-14-121	296-306A-12055	NEW-P	96-14-120
296-306-140	REP-P	96-14-121	296-306A-076	NEW-P	96-14-121	296-306A-12055	NEW-S	96-17-093
296-306-145	REP-P	96-14-121	296-306A-080	NEW-P	96-14-121	296-306A-12055	NEW	96-20-082
296-306-14501	REP-P	96-14-121	296-306A-08003	NEW-P	96-14-121	296-306A-130	NEW-P	96-14-120
296-306-14503	REP-P	96-14-121	296-306A-08006	NEW-P	96-14-121	296-306A-130	NEW-S	96-17-093
296-306-14505	REP-P	96-14-121	296-306A-08009	NEW-P	96-14-121	296-306A-130	NEW	96-20-082
296-306-14507	REP-P	96-14-121	296-306A-08012	NEW-P	96-14-121	296-306A-13005	NEW-P	96-14-120
296-306-14509	REP-P	96-14-121	296-306A-08015	NEW-P	96-14-121	296-306A-13005	NEW-S	96-17-093
296-306-14511	REP-P	96-14-121	296-306A-08018	NEW-P	96-14-121	296-306A-13005	NEW	96-20-082
296-306-14513	REP-P	96-14-121	296-306A-08021	NEW-P	96-14-121	296-306A-13010	NEW-P	96-14-120
296-306-14515	REP-P	96-14-121	296-306A-085	NEW-P	96-14-121	296-306A-13010	NEW-S	96-17-093
296-306-150	REP-P	96-14-121	296-306A-090	NEW-P	96-14-121	296-306A-13010	NEW	96-20-082
296-306-155	REP-P	96-14-121	296-306A-095	NEW-P	96-14-121	296-306A-13015	NEW-P	96-14-120
296-306-160	REP-P	96-14-121	296-306A-09503	NEW-P	96-14-121	296-306A-13015	NEW-S	96-17-093
296-306-165	REP-P	96-14-121	296-306A-09506	NEW-P	96-14-121	296-306A-13015	NEW	96-20-082
296-306-170	REP-P	96-14-121	296-306A-09509	NEW-P	96-14-121	296-306A-13020	NEW-P	96-14-120
296-306-175	REP-P	96-14-121	296-306A-09512	NEW-P	96-14-121	296-306A-13020	NEW-S	96-17-093
296-306-180	REP-P	96-14-121	296-306A-09515	NEW-P	96-14-121	296-306A-13020	NEW	96-20-082
296-306-200	REP-P	96-14-121	296-306A-09518	NEW-P	96-14-121	296-306A-13025	NEW-P	96-14-120
296-306-250	REP-P	96-14-121	296-306A-100	NEW-P	96-14-121	296-306A-13025	NEW-S	96-17-093
296-306-25003	REP-P	96-14-121	296-306A-10005	NEW-P	96-14-121	296-306A-13025	NEW	96-20-082
296-306-25005	REP-P	96-14-121	296-306A-10010	NEW-P	96-14-121	296-306A-13030	NEW-P	96-14-120
296-306-25007	REP-P	96-14-121	296-306A-10015	NEW-P	96-14-121	296-306A-13030	NEW-S	96-17-093
296-306-25009	REP-P	96-14-121	296-306A-10020	NEW-P	96-14-121	296-306A-13030	NEW	96-20-082
296-306-25013	REP-P	96-14-121	296-306A-10025	NEW-P	96-14-121	296-306A-13035	NEW-P	96-14-120
296-306-25017	REP-P	96-14-121	296-306A-107	NEW-P	96-14-120	296-306A-13035	NEW-S	96-17-093
296-306-25019	REP-P	96-14-121	296-306A-107	NEW-S	96-17-093	296-306A-13035	NEW	96-20-082
296-306-25021	REP-P	96-14-121	296-306A-107	NEW	96-20-082	296-306A-13040	NEW-P	96-14-120
296-306-25023	REP-P	96-14-121	296-306A-110	NEW-P	96-14-120	296-306A-13040	NEW-S	96-17-093
296-306-25095	REP-P	96-14-121	296-306A-110	NEW-S	96-17-093	296-306A-13040	NEW	96-20-082
296-306-260	REP-P	96-14-121	296-306A-110	NEW	96-20-082	296-306A-13045	NEW-P	96-14-120
296-306-26001	REP-P	96-14-121	296-306A-11005	NEW-P	96-14-120	296-306A-13045	NEW-S	96-17-093
296-306-265	REP-P	96-14-121	296-306A-11005	NEW-S	96-17-093	296-306A-13045	NEW	96-20-082
296-306-270	REP-P	96-14-121	296-306A-11005	NEW	96-20-082	296-306A-13050	NEW-P	96-14-120
296-306-27095	REP-P	96-14-121	296-306A-11010	NEW-P	96-14-120	296-306A-13050	NEW-S	96-17-093
296-306-275	REP-P	96-14-121	296-306A-11010	NEW-S	96-17-093	296-306A-13050	NEW	96-20-082
296-306-300	REP-P	96-14-121	296-306A-11010	NEW	96-20-082	296-306A-13055	NEW-P	96-14-120
296-306-310	REP-P	96-14-121	296-306A-11015	NEW-P	96-14-120	296-306A-13055	NEW-S	96-17-093
296-306-320	REP-P	96-14-121	296-306A-11015	NEW-S	96-17-093	296-306A-13055	NEW	96-20-082
296-306-40003	REP-P	96-14-121	296-306A-11015	NEW	96-20-082	296-306A-145	NEW-P	96-14-121
296-306-40005	REP-P	96-14-121	296-306A-120	NEW-P	96-14-120	296-306A-14505	NEW-P	96-14-121
296-306-40011	REP-P	96-14-121	296-306A-120	NEW-S	96-17-093	296-306A-14510	NEW-P	96-14-121
296-306A-003	NEW-P	96-14-121	296-306A-120	NEW	96-20-082	296-306A-14520	NEW-P	96-14-121
296-306A-006	NEW-P	96-14-121	296-306A-12005	NEW-P	96-14-120	296-306A-150	NEW-P	96-14-121
296-306A-009	NEW-P	96-14-121	296-306A-12005	NEW-S	96-17-093	296-306A-15003	NEW-P	96-14-121
296-306A-012	NEW-P	96-14-121	296-306A-12005	NEW	96-20-082	296-306A-15006	NEW-P	96-14-121
296-306A-015	NEW-P	96-14-121	296-306A-12010	NEW-P	96-14-120	296-306A-15009	NEW-P	96-14-121
296-306A-018	NEW-P	96-14-121	296-306A-12010	NEW-S	96-17-093	296-306A-15012	NEW-P	96-14-121
296-306A-021	NEW-P	96-14-121	296-306A-12010	NEW	96-20-082	296-306A-160	NEW-P	96-14-121
296-306A-024	NEW-P	96-14-121	296-306A-12015	NEW-P	96-14-120	296-306A-16001	NEW-P	96-14-121
296-306A-030	NEW-P	96-14-121	296-306A-12015	NEW-S	96-17-093	296-306A-16003	NEW-P	96-14-121
296-306A-033	NEW-P	96-14-121	296-306A-12015	NEW	96-20-082	296-306A-16005	NEW-P	96-14-121
296-306A-036	NEW-P	96-14-121	296-306A-12020	NEW-P	96-14-120	296-306A-16007	NEW-P	96-14-121
296-306A-039	NEW-P	96-14-121	296-306A-12020	NEW-S	96-17-093	296-306A-16009	NEW-P	96-14-121
296-306A-042	NEW-P	96-14-121	296-306A-12020	NEW	96-20-082	296-306A-16011	NEW-P	96-14-121
296-306A-045	NEW-P	96-14-121	296-306A-12025	NEW-P	96-14-120	296-306A-16013	NEW-P	96-14-121
296-306A-050	NEW-P	96-14-121	296-306A-12025	NEW-S	96-17-093	296-306A-16015	NEW-P	96-14-121
296-306A-055	NEW-P	96-14-121	296-306A-12025	NEW	96-20-082	296-306A-16017	NEW-P	96-14-121

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-306A-48035	NEW-P	96-14-121	296-306A-53003	NEW-P	96-14-121	308-13-150	AMD-P	96-08-005
296-306A-48037	NEW-P	96-14-121	296-306A-53005	NEW-P	96-14-121	308-13-150	AMD	96-11-132
296-306A-48039	NEW-P	96-14-121	296-306A-53007	NEW-P	96-14-121	308-14-080	PREP-X	96-13-021
296-306A-48041	NEW-P	96-14-121	296-306A-53009	NEW-P	96-14-121	308-14-080	REP	96-17-040
296-306A-48043	NEW-P	96-14-121	296-306A-53011	NEW-P	96-14-121	308-14-110	PREP-X	96-13-021
296-306A-48045	NEW-P	96-14-121	296-306A-53013	NEW-P	96-14-121	308-14-110	REP	96-17-040
296-306A-48047	NEW-P	96-14-121	296-306A-53015	NEW-P	96-14-121	308-20-020	PREP-X	96-13-021
296-306A-48049	NEW-P	96-14-121	296-306A-53017	NEW-P	96-14-121	308-20-020	REP	96-17-040
296-306A-48051	NEW-P	96-14-121	304-12-010	REP	96-04-045	308-20-050	PREP-X	96-13-021
296-306A-48053	NEW-P	96-14-121	304-12-020	REP	96-04-045	308-20-050	REP	96-17-040
296-306A-485	NEW-P	96-14-121	304-12-025	REP	96-04-045	308-20-060	PREP-X	96-13-021
296-306A-48501	NEW-P	96-14-121	304-12-145	AMD	96-04-045	308-20-060	REP	96-17-040
296-306A-48503	NEW-P	96-14-121	304-12-290	AMD	96-04-045	308-20-070	PREP-X	96-13-021
296-306A-48505	NEW-P	96-14-121	304-12-350	REP	96-04-045	308-20-070	REP	96-17-040
296-306A-48507	NEW-P	96-14-121	304-25-010	REP	96-04-045	308-20-095	PREP-X	96-13-021
296-306A-48509	NEW-P	96-14-121	304-25-020	REP	96-04-045	308-20-095	REP	96-17-040
296-306A-490	NEW-P	96-14-121	304-25-030	REP	96-04-045	308-20-100	PREP-X	96-13-021
296-306A-49001	NEW-P	96-14-121	304-25-040	REP	96-04-045	308-20-100	REP	96-17-040
296-306A-49003	NEW-P	96-14-121	304-25-050	REP	96-04-045	308-20-109	PREP-X	96-13-021
296-306A-49005	NEW-P	96-14-121	304-25-060	REP	96-04-045	308-20-109	REP	96-17-040
296-306A-49007	NEW-P	96-14-121	304-25-110	REP	96-04-045	308-20-140	PREP-X	96-13-021
296-306A-49009	NEW-P	96-14-121	304-25-120	REP	96-04-045	308-20-140	REP	96-17-040
296-306A-49011	NEW-P	96-14-121	304-25-510	REP	96-04-045	308-20-175	PREP-X	96-13-021
296-306A-49013	NEW-P	96-14-121	304-25-520	REP	96-04-045	308-20-175	REP	96-17-040
296-306A-49015	NEW-P	96-14-121	304-25-530	REP	96-04-045	308-20-205	PREP-X	96-13-021
296-306A-495	NEW-P	96-14-121	304-25-540	REP	96-04-045	308-20-205	REP	96-17-040
296-306A-49501	NEW-P	96-14-121	304-25-550	REP	96-04-045	308-20-208	PREP-X	96-13-021
296-306A-49503	NEW-P	96-14-121	304-25-555	REP	96-04-045	308-20-208	REP	96-17-040
296-306A-49505	NEW-P	96-14-121	304-25-560	REP	96-04-045	308-20-510	PREP-X	96-13-021
296-306A-49507	NEW-P	96-14-121	304-25-570	REP	96-04-045	308-20-510	REP	96-17-040
296-306A-500	NEW-P	96-14-121	304-25-580	REP	96-04-045	308-20-540	PREP-X	96-13-021
296-306A-50001	NEW-P	96-14-121	304-25-590	REP	96-04-045	308-20-540	REP	96-17-040
296-306A-50003	NEW-P	96-14-121	308-04-001	PREP-X	96-13-021	308-20-545	PREP-X	96-13-021
296-306A-50005	NEW-P	96-14-121	308-04-001	REP	96-17-040	308-20-545	REP	96-17-040
296-306A-50007	NEW-P	96-14-121	308-10-010	AMD	96-05-036	308-48-140	PREP-X	96-13-021
296-306A-50009	NEW-P	96-14-121	308-10-020	AMD	96-05-036	308-48-140	REP	96-17-040
296-306A-50011	NEW-P	96-14-121	308-10-025	AMD	96-05-036	308-56A-030	AMD	96-04-004
296-306A-50013	NEW-P	96-14-121	308-10-030	AMD	96-05-036	308-56A-090	AMD	96-03-047
296-306A-50015	NEW-P	96-14-121	308-10-040	AMD	96-05-036	308-56A-210	AMD	96-03-047
296-306A-50017	NEW-P	96-14-121	308-10-045	AMD	96-05-036	308-57	PREP	96-11-104
296-306A-50019	NEW-P	96-14-121	308-10-067	AMD	96-05-036	308-66-110	AMD-P	96-13-042
296-306A-50021	NEW-P	96-14-121	308-12-025	AMD-P	96-20-113	308-66-110	AMD	96-19-025
296-306A-50023	NEW-P	96-14-121	308-12-031	AMD-P	96-20-113	308-66-120	AMD-P	96-13-042
296-306A-50025	NEW-P	96-14-121	308-12-040	AMD-P	96-20-113	308-66-120	AMD	96-19-025
296-306A-50027	NEW-P	96-14-121	308-12-050	AMD-P	96-20-113	308-66-150	AMD-P	96-13-042
296-306A-50029	NEW-P	96-14-121	308-12-140	REP-P	96-20-113	308-66-150	AMD	96-19-025
296-306A-520	NEW-P	96-14-121	308-12-145	REP-P	96-20-113	308-66-155	AMD-P	96-13-042
296-306A-52001	NEW-P	96-14-121	308-12-210	NEW-P	96-20-113	308-66-155	AMD	96-19-025
296-306A-52003	NEW-P	96-14-121	308-12-220	NEW-P	96-20-113	308-66-160	AMD-P	96-13-042
296-306A-52005	NEW-P	96-14-121	308-12-230	NEW-P	96-20-113	308-66-160	AMD	96-19-025
296-306A-52007	NEW-P	96-14-121	308-12-240	NEW-P	96-20-113	308-66-170	AMD-P	96-13-042
296-306A-52009	NEW-P	96-14-121	308-12-250	NEW-P	96-20-113	308-66-170	AMD	96-19-025
296-306A-52011	NEW-P	96-14-121	308-12-260	NEW-P	96-20-113	308-66-180	AMD-P	96-13-042
296-306A-52013	NEW-P	96-14-121	308-12-270	NEW-P	96-20-113	308-66-180	AMD	96-19-025
296-306A-52015	NEW-P	96-14-121	308-12-320	AMD-P	96-20-077	308-66-190	AMD-P	96-13-042
296-306A-52017	NEW-P	96-14-121	308-12-324	AMD-P	96-20-113	308-66-190	AMD	96-19-025
296-306A-52019	NEW-P	96-14-121	308-12-326	AMD-P	96-20-077	308-66-200	AMD-P	96-13-042
296-306A-52021	NEW-P	96-14-121	308-13-005	AMD-P	96-04-009	308-66-200	AMD	96-19-025
296-306A-52023	NEW-P	96-14-121	308-13-005	AMD-C	96-04-040	308-66-205	AMD-P	96-13-042
296-306A-52025	NEW-P	96-14-121	308-13-005	AMD	96-10-013	308-66-205	AMD	96-19-025
296-306A-52027	NEW-P	96-14-121	308-13-015	AMD-P	96-04-009	308-66-206	REP-P	96-13-042
296-306A-52029	NEW-P	96-14-121	308-13-015	AMD-C	96-04-040	308-66-206	REP	96-19-025
296-306A-52031	NEW-P	96-14-121	308-13-015	AMD	96-10-013	308-66-210	AMD-P	96-13-042
296-306A-52033	NEW-P	96-14-121	308-13-024	AMD-P	96-04-009	308-66-210	AMD	96-19-025
296-306A-52035	NEW-P	96-14-121	308-13-024	AMD-C	96-04-040	308-66-211	AMD-P	96-13-042
296-306A-52037	NEW-P	96-14-121	308-13-024	AMD	96-10-013	308-66-211	AMD	96-19-025
296-306A-52039	NEW-P	96-14-121	308-13-050	AMD-P	96-04-009	308-66-212	AMD-P	96-13-042
296-306A-52041	NEW-P	96-14-121	308-13-050	AMD-C	96-04-040	308-66-212	AMD	96-19-025
296-306A-52043	NEW-P	96-14-121	308-13-050	AMD	96-10-013	308-66-214	AMD-P	96-13-042
296-306A-52045	NEW-P	96-14-121	308-13-110	REP-P	96-04-009	308-66-214	AMD	96-19-025
296-306A-52047	NEW-P	96-14-121	308-13-110	REP-C	96-04-040	308-66-215	REP-P	96-13-042
296-306A-530	NEW-P	96-14-121	308-13-110	REP	96-10-013	308-66-215	REP	96-19-025
296-306A-53001	NEW-P	96-14-121	308-13-150	PREP	96-04-007	308-66-227	NEW-P	96-13-042

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-66-227	NEW	96-19-025	308-96A-035	AMD	96-04-004	308-128A-010	DECOD	96-05-018
308-66-230	REP-P	96-13-042	308-96A-063	NEW-P	96-16-031	308-128A-020	DECOD	96-05-018
308-66-230	REP	96-19-025	308-96A-064	NEW-P	96-16-031	308-128A-030	DECOD	96-05-018
308-87-010	NEW-P	96-11-006	308-96A-175	AMD-P	96-16-030	308-128A-040	DECOD	96-05-018
308-87-010	NEW	96-16-032	308-96A-176	NEW-P	96-16-030	308-128B	PREP	96-06-084
308-87-020	NEW-P	96-11-006	308-96A-505	AMD-P	96-09-040	308-128B-010	DECOD	96-05-018
308-87-020	NEW-E	96-12-076	308-96A-505	AMD	96-13-054	308-128B-020	DECOD	96-05-018
308-87-020	NEW	96-16-032	308-102-006	PREP	96-14-095	308-128B-030	DECOD	96-05-018
308-87-030	NEW-P	96-11-006	308-102-006	AMD-P	96-17-069	308-128B-050	DECOD	96-05-018
308-87-030	NEW	96-16-032	308-102-006	AMD	96-20-089	308-128B-070	DECOD	96-05-018
308-87-040	NEW-P	96-11-006	308-104	PREP	96-14-095	308-128B-080	DECOD	96-05-018
308-87-040	NEW	96-16-032	308-104-018	NEW-P	96-17-069	308-128B-090	DECOD	96-05-018
308-87-050	NEW-P	96-11-006	308-104-018	NEW	96-20-089	308-128C	PREP	96-06-084
308-87-050	NEW	96-16-032	308-124D-040	PREP	96-13-049	308-128C-020	DECOD	96-05-018
308-87-060	NEW-P	96-11-006	308-126A-010	PREP-X	96-13-021	308-128C-030	DECOD	96-05-018
308-87-060	NEW-E	96-12-076	308-126A-010	REP	96-17-040	308-128C-040	DECOD	96-05-018
308-87-060	NEW	96-16-032	308-126A-020	PREP-X	96-13-021	308-128C-050	DECOD	96-05-018
308-87-070	NEW-P	96-11-006	308-126A-020	REP	96-17-040	308-128D	PREP	96-06-084
308-87-070	NEW	96-16-032	308-126A-030	PREP-X	96-13-021	308-128D-010	DECOD	96-05-018
308-87-080	NEW-P	96-11-006	308-126A-030	REP	96-17-040	308-128D-020	DECOD	96-05-018
308-87-080	NEW	96-16-032	308-126A-040	PREP-X	96-13-021	308-128D-030	DECOD	96-05-018
308-89-010	AMD-P	96-11-006	308-126A-040	REP	96-17-040	308-128D-040	DECOD	96-05-018
308-89-010	AMD	96-16-032	308-126B-010	PREP-X	96-13-021	308-128D-050	DECOD	96-05-018
308-89-020	AMD-P	96-11-006	308-126B-010	REP	96-17-040	308-128D-060	DECOD	96-05-018
308-89-020	AMD	96-16-032	308-126B-020	PREP-X	96-13-021	308-128D-070	DECOD	96-05-018
308-89-030	AMD-P	96-11-006	308-126B-020	REP	96-17-040	308-128D-080	DECOD	96-05-018
308-89-030	AMD	96-16-032	308-126B-030	PREP-X	96-13-021	308-128E	PREP	96-06-084
308-89-040	AMD-P	96-11-006	308-126B-030	REP	96-17-040	308-128E-011	DECOD	96-05-018
308-89-040	AMD	96-16-032	308-126B-040	PREP-X	96-13-021	308-128F	PREP	96-06-084
308-89-050	AMD-P	96-11-006	308-126B-040	REP	96-17-040	308-128F-010	DECOD	96-05-018
308-89-050	AMD	96-16-032	308-126B-050	PREP-X	96-13-021	308-128F-020	DECOD	96-05-018
308-89-060	AMD-P	96-11-006	308-126B-050	REP	96-17-040	308-128F-040	DECOD	96-05-018
308-89-060	AMD	96-16-032	308-126B-060	PREP-X	96-13-021	308-128F-050	DECOD	96-05-018
308-90-070	PREP	96-19-013	308-126B-060	REP	96-17-040	308-128F-060	DECOD	96-05-018
308-93-010	AMD-P	96-07-030	308-126B-070	PREP-X	96-13-021	308-128F-070	DECOD	96-05-018
308-93-010	AMD-S	96-11-128	308-126B-070	REP	96-17-040	308-129-010	NEW-W	96-08-057
308-93-010	AMD	96-16-038	308-126B-080	PREP-X	96-13-021	308-129-010	NEW-P	96-11-102
308-93-050	AMD-P	96-07-030	308-126B-080	REP	96-17-040	308-129-010	NEW	96-14-092
308-93-050	AMD-S	96-11-128	308-126B-090	PREP-X	96-13-021	308-129-011	NEW-E	96-09-056
308-93-050	AMD	96-16-038	308-126B-090	REP	96-17-040	308-129-020	NEW-W	96-08-057
308-93-070	AMD	96-04-004	308-126B-100	PREP-X	96-13-021	308-129-020	NEW-P	96-11-102
308-93-088	AMD	96-03-046	308-126B-100	REP	96-17-040	308-129-020	NEW	96-14-092
308-93-174	REP-P	96-09-041	308-126B-110	PREP-X	96-13-021	308-129-021	NEW-E	96-09-056
308-93-174	REP	96-13-055	308-126B-110	REP	96-17-040	308-129-030	NEW-W	96-08-057
308-93-440	AMD	96-03-046	308-126B-120	PREP-X	96-13-021	308-129-030	NEW-P	96-11-102
308-93-670	AMD	96-03-046	308-126B-120	REP	96-17-040	308-129-030	NEW	96-14-092
308-93-700	NEW-P	96-07-030	308-126B-130	PREP-X	96-13-021	308-129-031	NEW-E	96-09-056
308-93-700	NEW-S	96-11-128	308-126B-130	REP	96-17-040	308-129-100	NEW-W	96-08-057
308-93-700	NEW	96-16-038	308-126B-140	PREP-X	96-13-021	308-129-100	NEW-P	96-11-102
308-93-710	NEW-P	96-07-030	308-126B-140	REP	96-17-040	308-129-100	NEW	96-14-092
308-93-710	NEW-S	96-11-128	308-126C-010	PREP-X	96-13-021	308-129-101	NEW-E	96-09-056
308-93-710	NEW	96-16-038	308-126C-010	REP	96-17-040	308-129-110	NEW-W	96-08-057
308-93-720	NEW-P	96-07-030	308-126C-020	PREP-X	96-13-021	308-129-110	NEW-P	96-11-102
308-93-720	NEW-S	96-11-128	308-126C-020	REP	96-17-040	308-129-110	NEW	96-14-092
308-93-720	NEW	96-16-038	308-126C-030	PREP-X	96-13-021	308-129-111	NEW-E	96-09-056
308-93-730	NEW-P	96-07-030	308-126C-030	REP	96-17-040	308-129-120	NEW-W	96-08-057
308-93-730	NEW-S	96-11-128	308-126C-040	PREP-X	96-13-021	308-129-120	NEW-P	96-11-102
308-93-730	NEW	96-16-038	308-126C-040	REP	96-17-040	308-129-120	NEW	96-14-092
308-93-740	NEW-P	96-07-030	308-126C-050	PREP-X	96-13-021	308-129-130	NEW-W	96-08-057
388-93-740	NEW-S	96-11-128	308-126C-050	REP	96-17-040	308-129-130	NEW-P	96-11-102
308-93-740	NEW	96-16-038	308-126C-060	PREP-X	96-13-021	308-129-130	NEW	96-14-092
308-93-750	NEW-P	96-07-030	308-126C-060	REP	96-17-040	308-129-130	NEW-W	96-08-057
308-93-750	NEW-S	96-11-128	308-126C-070	PREP-X	96-13-021	308-129-210	NEW-W	96-08-057
308-93-750	NEW	96-16-038	308-126C-070	REP	96-17-040	308-129-220	NEW-W	96-08-057
308-93-760	NEW-P	96-07-030	308-126C-080	PREP-X	96-13-021	308-129-230	NEW-W	96-08-057
308-93-760	NEW-S	96-11-128	308-126C-080	REP	96-17-040	308-129-230	NEW-P	96-11-102
308-93-760	NEW	96-16-038	308-126C-090	PREP-X	96-13-021	308-129-230	NEW	96-14-092
308-93-770	NEW-P	96-07-030	308-126C-090	REP	96-17-040	308-129-240	NEW-W	96-08-057
308-93-770	NEW-S	96-11-128	308-126C-100	PREP-X	96-13-021	308-129-300	NEW-W	96-08-057
308-93-770	NEW	96-16-038	308-126C-100	REP	96-17-040	308-129-300	NEW-P	96-11-102
308-94-030	AMD	96-04-004	308-126C-110	PREP-X	96-13-021	308-129-300	NEW	96-14-092
308-94-035	REP-P	96-09-039	308-126C-110	REP	96-17-040	308-129-310	NEW-W	96-08-057
308-94-035	REP	96-13-053	308-128A	PREP	96-06-084	308-129-310	NEW-P	96-11-102

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-129-310	NEW	96-14-092	315-11A-162	AMD	96-15-124	317-21-030	AMD	96-03-070
308-129-320	NEW-P	96-11-102	315-11A-163	NEW-P	96-03-157	317-21-120	AMD	96-03-070
308-129-320	NEW	96-14-092	315-11A-163	NEW	96-07-015	317-21-200	AMD	96-03-070
308-330-300	AMD-P	96-10-039	315-11A-163	AMD-E	96-15-087	317-21-205	AMD	96-03-070
308-330-300	AMD	96-13-089	315-11A-163	AMD-P	96-15-126	317-21-210	AMD	96-03-070
308-330-305	AMD-P	96-10-039	315-11A-163	AMD	96-19-071	317-21-215	AMD	96-03-070
308-330-305	AMD	96-13-089	315-11A-164	NEW-P	96-03-157	317-21-235	AMD	96-03-070
308-330-307	AMD-P	96-10-039	315-11A-164	NEW	96-07-015	317-21-245	AMD	96-03-070
308-330-307	AMD	96-13-089	315-11A-164	PREP	96-08-071	317-21-265	AMD	96-03-070
308-330-316	AMD-P	96-10-039	315-11A-164	PREP	96-09-103	317-21-320	AMD	96-03-070
308-330-316	AMD	96-13-089	315-11A-164	AMD-P	96-12-096	317-21-345	AMD	96-03-070
308-330-400	AMD-P	96-10-039	315-11A-164	AMD	96-15-124	317-21-500	AMD	96-03-070
308-330-400	AMD	96-13-089	315-11A-165	NEW-P	96-03-157	317-21-530	AMD	96-03-070
314-10-090	AMD-P	96-13-043	315-11A-165	NEW	96-07-015	317-21-540	AMD	96-03-070
314-10-090	AMD	96-19-018	315-11A-166	NEW-P	96-03-157	317-30	REP-C	96-09-008
314-10-100	PREP	96-15-042	315-11A-166	NEW	96-07-015	317-30-010	REP-P	96-03-071
314-12-020	AMD	96-03-004	315-11A-167	NEW-P	96-03-157	317-30-010	REP	96-12-077
314-12-025	AMD	96-03-004	315-11A-167	NEW	96-07-015	317-30-020	REP-P	96-03-071
314-12-035	AMD	96-03-004	315-11A-167	AMD-P	96-12-096	317-30-020	REP	96-12-077
314-12-070	AMD	96-03-004	315-11A-167	AMD	96-15-124	317-30-030	REP-P	96-03-071
314-12-080	AMD	96-03-004	315-11A-168	NEW-P	96-07-104	317-30-030	REP	96-12-077
314-14-010	NEW	96-03-074	315-11A-168	NEW	96-11-107	317-30-040	REP-P	96-03-071
314-14-020	NEW	96-03-074	315-11A-169	NEW-P	96-07-104	317-30-040	REP	96-12-077
314-14-030	NEW	96-03-074	315-11A-169	NEW	96-11-107	317-30-050	REP-P	96-03-071
314-14-040	NEW	96-03-074	315-11A-169	AMD-P	96-12-096	317-30-050	REP	96-12-077
314-14-050	NEW	96-03-074	315-11A-169	AMD	96-15-124	317-30-060	REP-P	96-03-071
314-14-060	NEW	96-03-074	315-11A-170	NEW-P	96-07-104	317-30-060	REP	96-12-077
314-14-070	NEW	96-03-074	315-11A-170	NEW	96-11-107	317-30-070	REP-P	96-03-071
314-14-080	NEW	96-03-074	315-11A-171	NEW-P	96-07-104	317-30-070	REP	96-12-077
314-14-090	NEW	96-03-074	315-11A-171	NEW	96-11-107	317-30-080	REP-P	96-03-071
314-14-100	NEW	96-03-074	315-11A-172	NEW-P	96-07-104	317-30-080	REP	96-12-077
314-14-110	NEW	96-03-074	315-11A-172	NEW	96-11-107	317-30-090	REP-P	96-03-071
314-14-120	NEW	96-03-074	315-11A-173	NEW-P	96-07-104	317-30-090	REP	96-12-077
314-14-130	NEW	96-03-074	315-11A-173	NEW	96-11-107	317-30-100	REP-P	96-03-071
314-14-140	NEW	96-03-074	315-11A-174	NEW-P	96-12-096	317-30-100	REP	96-12-077
314-14-150	NEW	96-03-074	315-11A-174	NEW	96-15-124	317-30-110	REP-P	96-03-071
314-14-160	NEW	96-03-074	315-11A-175	NEW-P	96-12-096	317-30-110	REP	96-12-077
314-14-170	NEW-W	96-13-087	315-11A-175	NEW	96-15-124	317-30-120	REP-P	96-03-071
314-16-196	AMD	96-03-005	315-11A-176	NEW-P	96-12-096	317-30-120	REP	96-12-077
314-20-100	AMD-P	96-07-101	315-11A-176	NEW	96-15-124	317-30-130	REP-P	96-03-071
314-20-100	AMD-W	96-11-075	315-11A-177	NEW-P	96-12-096	317-30-130	REP	96-12-077
314-24-190	AMD-P	96-07-101	315-11A-177	NEW	96-15-124	317-30-140	REP-P	96-03-071
314-24-190	AMD-W	96-11-075	315-11A-178	NEW-P	96-12-096	317-30-140	REP	96-12-077
314-24-220	AMD-P	96-07-100	315-11A-178	NEW	96-15-124	317-30-150	REP-P	96-03-071
314-24-220	AMD	96-11-076	315-11A-179	NEW-P	96-12-096	317-30-150	REP	96-12-077
314-70-010	AMD	96-03-004	315-11A-179	NEW	96-15-124	317-30-900	REP-P	96-03-071
314-70-030	AMD	96-03-004	315-11A-180	NEW-P	96-15-126	317-30-900	REP	96-12-077
315-04-220	AMD	96-03-039	315-11A-180	NEW	96-19-071	317-31	NEW-C	96-09-008
315-06	PREP	96-09-103	315-11A-181	NEW-P	96-15-126	317-31-010	NEW-P	96-03-071
315-06-120	PREP	96-12-095	315-11A-181	NEW	96-19-071	317-31-010	NEW	96-12-077
315-06-120	AMD-P	96-12-096	315-11A-182	NEW-P	96-15-126	317-31-020	NEW-P	96-03-071
315-06-120	AMD	96-15-124	315-11A-182	NEW	96-19-071	317-31-020	NEW	96-12-077
315-06-120	AMD-P	96-15-126	315-11A-183	NEW-P	96-15-126	317-31-030	NEW-P	96-03-071
315-06-120	AMD	96-19-071	315-11A-183	NEW	96-19-071	317-31-030	NEW	96-12-077
315-06-123	NEW-P	96-12-096	315-11A-184	NEW-P	96-19-072	317-31-100	NEW-P	96-03-071
315-06-123	NEW	96-15-124	315-11A-185	NEW-P	96-19-072	317-31-100	NEW	96-12-077
315-10	PREP	96-15-123	315-11A-186	NEW-P	96-19-072	317-31-110	NEW-P	96-03-071
315-10-050	PREP	96-03-156	315-34	PREP	96-08-004	317-31-110	NEW	96-12-077
315-10-050	REP-P	96-07-104	315-34-010	AMD-P	96-12-096	317-31-120	NEW-P	96-03-071
315-10-050	REP	96-11-107	315-34-010	AMD	96-15-054	317-31-120	NEW	96-12-077
315-10-070	PREP	96-15-123	315-34-020	AMD-P	96-12-096	317-31-130	NEW-P	96-03-071
315-11	PREP	96-15-123	315-34-020	AMD	96-15-054	317-31-130	NEW	96-12-077
315-11A	PREP	96-08-004	315-34-040	AMD-P	96-12-096	317-31-140	NEW-P	96-03-071
315-11A-157	NEW-W	96-03-038	315-34-040	AMD	96-15-054	317-31-140	NEW	96-12-077
315-11A-157	NEW-P	96-03-157	315-34-070	NEW-P	96-12-096	317-31-200	NEW-P	96-03-071
315-11A-157	NEW	96-07-015	315-34-070	NEW	96-15-054	317-31-200	NEW	96-12-077
315-11A-158	NEW	96-03-039	315-34-080	NEW-P	96-12-096	317-31-200	AMD-E	96-18-022
315-11A-159	NEW	96-03-039	315-34-080	NEW	96-15-054	317-31-210	NEW-P	96-03-071
315-11A-160	NEW	96-03-039	315-34-090	NEW-P	96-12-096	317-31-210	NEW	96-12-077
315-11A-161	NEW	96-03-039	315-34-090	NEW	96-15-054	317-31-220	NEW-P	96-03-071
315-11A-162	NEW-P	96-03-157	315-34-100	NEW-P	96-12-096	317-31-220	NEW	96-12-077
315-11A-162	NEW	96-07-015	315-34-100	NEW	96-15-054	317-31-220	AMD-E	96-18-022
315-11A-162	AMD-P	96-12-096	317-21-020	AMD	96-03-070	317-31-230	NEW-P	96-03-071

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
317-31-230	NEW	96-12-077	356-18-110	AMD	96-13-076	371-08-010	REP-P	96-10-063
317-31-230	AMD-E	96-18-022	356-18-112	AMD-W	96-02-069	371-08-010	REP	96-15-003
317-31-240	NEW-P	96-03-071	356-18-112	AMD-P	96-08-083	371-08-020	REP-P	96-10-063
317-31-240	NEW	96-12-077	356-18-112	AMD	96-11-058	371-08-020	REP	96-15-003
317-31-250	NEW-P	96-03-071	356-18-112	AMD-E	96-15-046	371-08-030	REP-P	96-10-063
317-31-250	NEW	96-12-077	356-18-112	AMD-P	96-18-019	371-08-030	REP	96-15-003
317-31-300	NEW-P	96-03-071	356-18-116	AMD	96-02-073	371-08-032	REP-P	96-10-063
317-31-300	NEW	96-12-077	356-18-140	AMD-P	96-08-082	371-08-032	REP	96-15-003
317-31-310	NEW-P	96-03-071	356-18-140	AMD-C	96-09-088	371-08-033	REP-P	96-10-063
317-31-310	NEW	96-12-077	356-18-140	AMD	96-13-076	371-08-033	REP	96-15-003
317-31-900	NEW-P	96-03-071	356-18-145	AMD-P	96-08-082	371-08-035	REP-P	96-10-063
317-31-900	NEW	96-12-077	356-18-145	AMD-C	96-09-088	371-08-035	REP	96-15-003
317-50-999	NEW-E	96-08-002	356-18-145	AMD	96-13-076	371-08-040	REP-P	96-10-063
326-02-030	AMD-E	96-13-010	356-18-150	AMD-P	96-08-082	371-08-040	REP	96-15-003
326-30-041	PREP	96-07-089	356-18-150	AMD-C	96-09-088	371-08-050	REP-P	96-10-063
326-30-041	AMD-P	96-11-100	356-18-150	AMD	96-13-076	371-08-050	REP	96-15-003
326-30-041	AMD	96-14-064	356-22-220	AMD-P	96-08-085	371-08-055	REP-P	96-10-063
326-30-051	AMD-E	96-13-010	356-22-220	AMD	96-11-060	371-08-055	REP	96-15-003
326-40-030	PREP	96-07-088	356-30-025	REP-W	96-02-069	371-08-061	REP-P	96-10-063
326-40-060	AMD-E	96-13-010	356-30-050	AMD	96-02-073	371-08-061	REP	96-15-003
332-24-221	AMD-P	96-08-027	356-30-065	AMD-W	96-02-069	371-08-065	REP-P	96-10-063
332-24-221	AMD	96-12-020	356-30-067	AMD-W	96-02-069	371-08-065	REP	96-15-003
332-24-301	PREP	96-12-021	356-30-230	AMD	96-02-073	371-08-071	REP-P	96-10-063
332-24-301	AMD-P	96-16-037	356-30-315	AMD	96-02-073	371-08-071	REP	96-15-003
332-24-720	AMD	96-03-003	356-30-330	AMD	96-02-073	371-08-075	REP-P	96-10-063
332-26-040	NEW-E	96-13-048	356-37-020	AMD-P	96-04-052A	371-08-075	REP	96-15-003
332-26-050	NEW-E	96-13-048	356-37-020	AMD	96-07-093	371-08-080	REP-P	96-10-063
332-26-060	NEW-E	96-13-048	356-37-030	AMD-P	96-04-052A	371-08-080	REP	96-15-003
352-20-010	AMD-P	96-19-080	356-37-030	AMD	96-07-093	371-08-085	REP-P	96-10-063
352-32-010	AMD-P	96-19-080	356-37-040	AMD-P	96-04-052A	371-08-085	REP	96-15-003
352-32-130	AMD-P	96-19-080	356-37-040	AMD	96-07-093	371-08-100	REP-P	96-10-063
352-32-250	AMD-P	96-19-080	356-37-050	AMD-P	96-04-052A	371-08-100	REP	96-15-003
352-32-251	AMD-P	96-19-080	356-37-050	AMD	96-07-093	371-08-104	REP-P	96-10-063
352-32-300	PREP	96-13-079	356-37-100	AMD-P	96-04-052A	371-08-104	REP	96-15-003
352-32-300	AMD-P	96-15-108	356-37-100	AMD	96-07-093	371-08-106	REP-P	96-10-063
352-32-300	AMD	96-19-031	356-37-160	NEW-P	96-04-052A	371-08-106	REP	96-15-003
352-32-330	NEW-P	96-19-080	356-37-160	NEW	96-07-093	371-08-125	REP-P	96-10-063
356-05-171	REP-P	96-08-082	356-37-170	NEW-P	96-04-052A	371-08-125	REP	96-15-003
356-05-171	REP-C	96-09-088	356-37-170	NEW	96-07-093	371-08-130	REP-P	96-10-063
356-05-171	REP	96-13-076	356-42-020	AMD-P	96-06-059	371-08-130	REP	96-15-003
356-05-415	AMD-W	96-02-069	356-42-020	AMD-C	96-09-054	371-08-140	REP-P	96-10-063
356-06-080	AMD-P	96-08-087	356-42-020	AMD-C	96-11-057	371-08-140	REP	96-15-003
356-06-080	AMD	96-11-062	356-42-020	AMD	96-13-074	371-08-144	REP-P	96-10-063
356-10-020	AMD-P	96-08-087	356-42-045	AMD-P	96-10-066	371-08-144	REP	96-15-003
356-10-020	AMD	96-11-062	356-42-045	AMD-W	96-13-073	371-08-146	REP-P	96-10-063
356-14-240	AMD	96-02-073	356-42-055	AMD-P	96-04-052A	371-08-146	REP	96-15-003
356-14-260	AMD-P	96-08-082	356-42-055	AMD	96-07-093	371-08-147	REP-P	96-10-063
356-14-260	AMD-C	96-09-088	356-46-080	AMD	96-02-073	371-08-147	REP	96-15-003
356-14-260	AMD	96-13-076	356-56-115	AMD-P	96-08-089	371-08-148	REP-P	96-10-063
356-15-030	AMD-P	96-08-082	356-56-115	AMD	96-12-004	371-08-148	REP	96-15-003
356-15-030	AMD-C	96-09-088	359-07	AMD-P	96-20-038	371-08-150	REP-P	96-10-063
356-15-030	AMD	96-13-076	359-09	AMD-P	96-20-038	371-08-150	REP	96-15-003
356-15-050	AMD	96-02-073	359-39	AMD-P	96-20-038	371-08-155	REP-P	96-10-063
356-15-060	AMD-P	96-02-070	359-48	AMD-P	96-20-038	371-08-155	REP	96-15-003
356-15-060	AMD-C	96-07-092	365-135	PREP	96-19-014	371-08-156	REP-P	96-10-063
356-15-060	AMD-W	96-09-053	365-185-010	NEW-E	96-03-045	371-08-156	REP	96-15-003
356-15-060	AMD-P	96-10-064	365-185-010	NEW	96-04-046	371-08-162	REP-P	96-10-063
356-15-060	AMD	96-13-075	365-185-020	NEW-E	96-03-045	371-08-162	REP	96-15-003
356-15-070	AMD	96-02-073	365-185-020	NEW	96-04-046	371-08-165	REP-P	96-10-063
356-15-090	AMD	96-02-073	365-185-030	NEW-E	96-03-045	371-08-165	REP	96-15-003
356-15-110	AMD	96-02-073	365-185-030	NEW	96-04-046	371-08-167	REP-P	96-10-063
356-18-025	AMD-E	96-15-046	365-185-040	NEW-E	96-03-045	371-08-167	REP	96-15-003
356-18-025	AMD-P	96-18-019	365-185-040	NEW	96-04-046	371-08-180	REP-P	96-10-063
356-18-050	AMD-E	96-15-046	365-185-050	NEW-E	96-03-045	371-08-180	REP	96-15-003
356-18-050	AMD-P	96-18-019	365-185-050	NEW	96-04-046	371-08-183	REP-P	96-10-063
356-18-060	AMD-P	96-08-082	365-185-060	NEW-E	96-03-045	371-08-183	REP	96-15-003
356-18-060	AMD-C	96-09-088	365-185-060	NEW	96-04-046	371-08-184	REP-P	96-10-063
356-18-060	AMD	96-13-076	371-08-001	REP-P	96-10-063	371-08-184	REP	96-15-003
356-18-080	AMD-P	96-08-082	371-08-001	REP	96-15-003	371-08-185	REP-P	96-10-063
356-18-080	AMD-C	96-09-088	371-08-002	REP-P	96-10-063	371-08-185	REP	96-15-003
356-18-080	AMD	96-13-076	371-08-002	REP	96-15-003	371-08-186	REP-P	96-10-063
356-18-110	AMD-P	96-08-082	371-08-005	REP-P	96-10-063	371-08-186	REP	96-15-003
356-18-110	AMD-C	96-09-088	371-08-005	REP	96-15-003	371-08-187	REP-P	96-10-063

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
371-08-187	REP	96-15-003	371-08-400	NEW	96-15-003	388-08-449	AMD	96-20-010
371-08-188	REP-P	96-10-063	371-08-405	NEW-P	96-10-063	388-08-462	NEW	96-20-010
371-08-188	REP	96-15-003	371-08-405	NEW	96-15-003	388-08-466	NEW	96-20-010
371-08-189	REP-P	96-10-063	371-08-410	NEW-P	96-10-063	388-08-595	NEW-P	96-14-102
371-08-189	REP	96-15-003	371-08-410	NEW	96-15-003	388-08-605	NEW-P	96-14-102
371-08-195	REP-P	96-10-063	371-08-415	NEW-P	96-10-063	388-11-010	REP-P	96-06-039
371-08-195	REP	96-15-003	371-08-415	NEW	96-15-003	388-11-010	REP	96-09-036
371-08-196	REP-P	96-10-063	371-08-420	NEW-P	96-10-063	388-11-011	AMD-P	96-06-039
371-08-196	REP	96-15-003	371-08-420	NEW	96-15-003	388-11-011	AMD	96-09-036
371-08-197	REP-P	96-10-063	371-08-425	NEW-P	96-10-063	388-11-015	AMD-P	96-06-039
371-08-197	REP	96-15-003	371-08-425	NEW	96-15-003	388-11-015	AMD	96-09-036
371-08-200	REP-P	96-10-063	371-08-430	NEW-P	96-10-063	388-11-030	REP-P	96-06-039
371-08-200	REP	96-15-003	371-08-430	NEW	96-15-003	388-11-030	REP	96-09-036
371-08-215	REP-P	96-10-063	371-08-435	NEW-P	96-10-063	388-11-032	REP-P	96-06-039
371-08-215	REP	96-15-003	371-08-435	NEW	96-15-003	388-11-032	REP	96-09-036
371-08-220	REP-P	96-10-063	371-08-440	NEW-P	96-10-063	388-11-035	REP-P	96-06-039
371-08-220	REP	96-15-003	371-08-440	NEW	96-15-003	388-11-035	REP	96-09-036
371-08-230	REP-P	96-10-063	371-08-445	NEW-P	96-10-063	388-11-040	REP-P	96-06-039
371-08-230	REP	96-15-003	371-08-445	NEW	96-15-003	388-11-040	REP	96-09-036
371-08-235	REP-P	96-10-063	371-08-450	NEW-P	96-10-063	388-11-045	AMD-P	96-06-039
371-08-235	REP	96-15-003	371-08-450	NEW	96-15-003	388-11-045	AMD	96-09-036
371-08-240	REP-P	96-10-063	371-08-455	NEW-P	96-10-063	388-11-048	AMD-P	96-06-039
371-08-240	REP	96-15-003	371-08-455	NEW	96-15-003	388-11-048	AMD	96-09-036
371-08-250	REP-P	96-10-063	371-08-460	NEW-P	96-10-063	388-11-055	REP-P	96-06-039
371-08-250	REP	96-15-003	371-08-460	NEW	96-15-003	388-11-055	REP	96-09-036
371-08-255	REP-P	96-10-063	371-08-465	NEW-P	96-10-063	388-11-060	REP-P	96-06-039
371-08-255	REP	96-15-003	371-08-465	NEW	96-15-003	388-11-060	REP	96-09-036
371-08-260	REP-P	96-10-063	371-08-470	NEW-P	96-10-063	388-11-065	AMD-P	96-06-039
371-08-260	REP	96-15-003	371-08-470	NEW	96-15-003	388-11-065	AMD	96-09-036
371-08-300	NEW-P	96-10-063	371-08-475	NEW-P	96-10-063	388-11-120	AMD-P	96-06-039
371-08-300	NEW	96-15-003	371-08-475	NEW	96-15-003	388-11-120	AMD	96-09-036
371-08-305	NEW-P	96-10-063	371-08-480	NEW-P	96-10-063	388-11-140	AMD-P	96-06-039
371-08-305	NEW	96-15-003	371-08-480	NEW	96-15-003	388-11-140	AMD	96-09-036
371-08-310	NEW-P	96-10-063	371-08-485	NEW-P	96-10-063	388-11-150	AMD-P	96-06-039
371-08-310	NEW-S	96-13-065	371-08-485	NEW	96-15-003	388-11-150	AMD	96-09-036
371-08-310	NEW	96-17-016	371-08-490	NEW-P	96-10-063	388-11-210	AMD-P	96-06-039
371-08-315	NEW-P	96-10-063	371-08-490	NEW	96-15-003	388-11-210	AMD	96-09-036
371-08-315	NEW	96-15-003	371-08-500	NEW-P	96-10-063	388-11-215	AMD-P	96-06-039
371-08-320	NEW-P	96-10-063	371-08-500	NEW	96-15-003	388-11-215	AMD	96-09-036
371-08-320	NEW	96-15-003	371-08-505	NEW-P	96-10-063	388-11-220	AMD-P	96-06-039
371-08-325	NEW-P	96-10-063	371-08-505	NEW-S	96-13-065	388-11-220	AMD	96-09-036
371-08-325	NEW	96-15-003	371-08-505	NEW	96-17-016	388-11-280	NEW-P	96-06-039
371-08-330	NEW-P	96-10-063	371-08-510	NEW-P	96-10-063	388-11-280	NEW	96-09-036
371-08-330	NEW	96-15-003	371-08-510	NEW	96-15-003	388-11-285	NEW-P	96-06-039
371-08-335	NEW-P	96-10-063	371-08-515	NEW-P	96-10-063	388-11-285	NEW	96-09-036
371-08-335	NEW-S	96-13-065	371-08-515	NEW	96-15-003	388-11-290	NEW-P	96-06-039
371-08-335	NEW	96-17-016	371-08-520	NEW-P	96-10-063	388-11-290	NEW	96-09-036
371-08-340	NEW-P	96-10-063	371-08-520	NEW	96-15-003	388-11-295	NEW-P	96-06-039
371-08-340	NEW	96-15-003	371-08-525	NEW-P	96-10-063	388-11-295	NEW	96-09-036
371-08-345	NEW-P	96-10-063	371-08-525	NEW	96-15-003	388-11-300	NEW-P	96-06-039
371-08-345	NEW-S	96-13-065	371-08-530	NEW-P	96-10-063	388-11-300	NEW	96-09-036
371-08-345	NEW	96-17-016	371-08-530	NEW	96-15-003	388-11-305	NEW-P	96-06-039
371-08-350	NEW-P	96-10-063	371-08-535	NEW-P	96-10-063	388-11-305	NEW	96-09-036
371-08-350	NEW	96-15-003	371-08-535	NEW	96-15-003	388-11-310	NEW-P	96-06-039
371-08-355	NEW-P	96-10-063	371-08-540	NEW-P	96-10-063	388-11-310	NEW	96-09-036
371-08-355	NEW	96-15-003	371-08-540	NEW	96-15-003	388-11-315	NEW-P	96-06-039
371-08-360	NEW-P	96-10-063	371-08-545	NEW-P	96-10-063	388-11-315	NEW	96-09-036
371-08-360	NEW	96-15-003	371-08-545	NEW	96-15-003	388-11-400	NEW-P	96-06-039
371-08-365	NEW-P	96-10-063	371-08-550	NEW-P	96-10-063	388-11-400	NEW	96-09-036
371-08-365	NEW	96-15-003	371-08-550	NEW	96-15-003	388-11-405	NEW-P	96-06-039
371-08-370	NEW-P	96-10-063	371-08-555	NEW-P	96-10-063	388-11-405	NEW	96-09-036
371-08-370	NEW	96-15-003	371-08-555	NEW	96-15-003	388-11-410	NEW-P	96-06-039
371-08-375	NEW-P	96-10-063	371-08-560	NEW-P	96-10-063	388-11-410	NEW	96-09-036
371-08-375	NEW	96-15-003	371-08-560	NEW	96-15-003	388-11-415	NEW-P	96-06-039
371-08-380	NEW-P	96-10-063	371-08-565	NEW-P	96-10-063	388-11-415	NEW	96-09-036
371-08-380	NEW	96-15-003	371-08-565	NEW	96-15-003	388-11-420	NEW-P	96-06-039
371-08-385	NEW-P	96-10-063	371-08-570	NEW-P	96-10-063	388-11-420	NEW	96-09-036
371-08-385	NEW	96-15-003	371-08-570	NEW	96-15-003	388-11-425	NEW-P	96-06-039
371-08-390	NEW-P	96-10-063	374-60-030	AMD	96-04-005	388-11-425	NEW	96-09-036
371-08-390	NEW	96-15-003	374-60-120	AMD	96-04-005	388-11-430	NEW-P	96-06-039
371-08-395	NEW-P	96-10-063	388-08-425	AMD-P	96-14-102	388-11-430	NEW	96-09-036
371-08-395	NEW	96-15-003	388-08-425	AMD	96-20-010	388-15	PREP	96-06-009
371-08-400	NEW-P	96-10-063	388-08-449	AMD-P	96-14-102	388-15	PREP	96-12-015

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-15-030	AMD-P	96-13-107	388-49-190	AMD-P	96-20-015	388-73-020	AMD-P	96-06-051
388-15-030	AMD	96-20-093	388-49-190	AMD-E	96-20-016	388-73-020	AMD-E	96-07-079
388-15-134	PREP	96-09-076	388-49-310	AMD-P	96-20-056	388-73-020	AMD	96-10-032
388-15-145	AMD-P	96-06-014	388-49-310	AMD-E	96-20-057	388-73-030	AMD-C	96-03-105
388-15-145	AMD	96-09-035	388-49-310	AMD-E	96-20-091	388-73-030	AMD-S	96-05-061
388-15-196	AMD-P	96-13-107	388-49-310	AMD-S	96-20-092	388-73-030	RESCIND	96-05-067
388-15-196	AMD	96-20-093	388-49-330	AMD-P	96-04-036	388-73-030	AMD-E	96-05-068
388-15-198	NEW-P	96-13-107	388-49-330	AMD	96-07-053	388-73-030	AMD	96-10-043
388-15-198	NEW	96-20-093	388-49-410	AMD-P	96-04-008	388-73-030	AMD-E	96-10-054
388-15-202	AMD-P	96-13-107	388-49-410	AMD	96-07-022	388-73-036	AMD-S	96-05-061
388-15-202	AMD	96-20-093	388-49-430	AMD-P	96-20-021	388-73-036	AMD-E	96-05-068
388-15-203	AMD-P	96-13-107	388-49-430	AMD-E	96-20-022	388-73-036	AMD	96-10-043
388-15-203	AMD	96-20-093	388-49-460	PREP	96-15-090	388-73-036	AMD-E	96-10-054
388-15-204	AMD-P	96-13-107	388-49-460	AMD-P	96-20-007	388-73-048	AMD-P	96-06-051
388-15-204	AMD	96-20-093	388-49-460	AMD-E	96-20-008	388-73-048	AMD-E	96-07-079
388-15-206	AMD-P	96-13-107	388-49-470	AMD-P	96-20-054	388-73-048	AMD	96-10-032
388-15-206	AMD	96-20-093	388-49-470	AMD-E	96-20-055	388-73-054	AMD-P	96-06-051
388-15-209	AMD-P	96-13-107	388-49-480	PREP	96-09-034	388-73-054	AMD-E	96-07-079
388-15-209	AMD	96-20-093	388-49-500	AMD-P	96-03-097	388-73-054	AMD	96-10-032
388-15-219	AMD-P	96-13-107	388-49-500	AMD	96-06-046	388-73-606	AMD-P	96-06-051
388-15-219	AMD	96-20-093	388-49-505	PREP	96-14-054	388-73-606	AMD-E	96-07-079
388-15-610	AMD-P	96-13-107	388-49-505	AMD-P	96-20-020	388-73-606	AMD	96-10-032
388-15-610	AMD	96-20-093	388-49-505	AMD-E	96-20-025	388-73-800	AMD-P	96-06-051
388-15-620	AMD-P	96-13-107	388-49-510	AMD-P	96-20-018	388-73-800	AMD-E	96-07-079
388-15-620	AMD	96-20-093	388-49-510	AMD-E	96-20-024	388-73-800	AMD	96-10-032
388-15-690	AMD-P	96-13-107	388-49-515	AMD-P	96-15-038	388-73-803	NEW-P	96-06-051
388-15-690	AMD	96-20-093	388-49-515	AMD	96-18-042	388-73-803	NEW-E	96-07-079
388-15-695	AMD-P	96-13-107	388-49-520	AMD-P	96-11-082	388-73-803	NEW	96-10-032
388-15-695	AMD	96-20-093	388-49-520	AMD	96-18-045	388-73-805	NEW-P	96-06-051
388-15-700	AMD-P	96-13-107	388-49-530	REP-P	96-11-081	388-73-805	NEW-E	96-07-079
388-15-700	AMD	96-20-093	388-49-530	REP	96-18-043	388-73-805	NEW	96-10-032
388-15-705	AMD-P	96-13-107	388-49-535	AMD-P	96-11-080	388-73-815	AMD-P	96-06-051
388-15-705	AMD	96-20-093	388-49-535	AMD	96-18-044	388-73-815	AMD-E	96-07-079
388-15-710	AMD-P	96-13-107	388-49-550	AMD-P	96-20-019	388-73-815	AMD	96-10-032
388-15-710	AMD	96-20-093	388-49-550	AMD-E	96-20-023	388-73-821	NEW-P	96-06-051
388-15-715	AMD-P	96-13-107	388-49-670	AMD-P	96-03-095	388-73-821	NEW-E	96-07-079
388-15-715	AMD	96-20-093	388-49-670	AMD	96-06-042	388-73-821	NEW	96-10-032
388-15-880	AMD-P	96-13-107	388-55-006	NEW	96-05-009	388-73-822	NEW-P	96-06-051
388-15-880	AMD	96-20-093	388-55-008	NEW	96-05-009	388-73-822	NEW-E	96-07-079
388-15-890	AMD-P	96-13-107	388-55-010	AMD	96-05-009	388-73-822	NEW	96-10-032
388-15-890	AMD	96-20-093	388-55-020	AMD	96-05-009	388-73-823	NEW-P	96-06-051
388-15-900	REP-P	96-04-084	388-55-024	NEW	96-05-009	388-73-823	NEW-E	96-07-079
388-15-900	REP	96-11-045	388-55-027	NEW	96-05-009	388-73-823	NEW	96-10-032
388-15-905	REP-P	96-04-084	388-55-030	AMD	96-05-009	388-73-825	NEW-P	96-06-051
388-15-905	REP	96-11-045	388-55-040	AMD	96-05-009	388-73-825	NEW-E	96-07-079
388-15-910	REP-P	96-04-084	388-55-050	NEW	96-05-009	388-73-825	NEW	96-10-032
388-15-910	REP	96-11-045	388-55-060	NEW	96-05-009	388-76	AMD-C	96-11-106
388-15-915	REP-P	96-04-084	388-60-005	AMD-P	96-14-101	388-76	AMD-C	96-13-018
388-15-915	REP	96-11-045	388-60-120	AMD-P	96-14-101	388-76	AMD-C	96-13-058
388-15-920	REP-P	96-04-084	388-60-130	AMD-P	96-14-101	388-76	PREP	96-18-089
388-15-920	REP	96-11-045	388-60-140	AMD-P	96-14-101	388-76-010	REP-P	96-06-040
388-15-925	REP-P	96-04-084	388-60-150	AMD-P	96-14-101	388-76-010	REP	96-14-003
388-15-925	REP	96-11-045	388-60-160	AMD-P	96-14-101	388-76-020	REP-P	96-06-040
388-15-935	REP-P	96-04-084	388-60-190	NEW-P	96-14-101	388-76-020	REP	96-14-003
388-15-935	REP	96-11-045	388-60-200	NEW-P	96-14-101	388-76-030	REP-P	96-06-040
388-15-940	REP-P	96-04-084	388-60-210	NEW-P	96-14-101	388-76-030	REP	96-14-003
388-15-940	REP	96-11-045	388-60-220	NEW-P	96-14-101	388-76-040	REP-P	96-06-040
388-15-945	REP-P	96-04-084	388-60-230	NEW-P	96-14-101	388-76-040	REP	96-14-003
388-15-945	REP	96-11-045	388-60-240	NEW-P	96-14-101	388-76-045	REP-P	96-06-040
388-15-950	REP-P	96-04-084	388-60-250	NEW-P	96-14-101	388-76-045	REP	96-14-003
388-15-950	REP	96-11-045	388-70	PREP	96-12-015	388-76-050	REP-P	96-06-040
388-15-955	REP-P	96-04-084	388-70	PREP	96-15-107	388-76-050	REP	96-14-003
388-15-955	REP	96-11-045	388-73	PREP	96-12-010	388-76-060	REP-P	96-06-040
388-49-015	AMD-P	96-20-013	388-73	PREP	96-12-015	388-76-060	REP	96-14-003
388-49-015	AMD-E	96-20-014	388-73-012	AMD-P	96-06-051	388-76-070	REP-P	96-06-040
388-49-020	AMD-P	96-03-013	388-73-012	AMD-E	96-07-079	388-76-070	REP	96-14-003
388-49-020	AMD	96-06-031	388-73-012	AMD	96-10-032	388-76-080	REP-P	96-06-040
388-49-020	AMD-P	96-20-011	388-73-014	AMD-P	96-06-051	388-76-080	REP	96-14-003
388-49-020	AMD-E	96-20-012	388-73-014	AMD-E	96-07-079	388-76-085	REP-P	96-06-040
388-49-160	PREP	96-07-094	388-73-014	AMD	96-10-032	388-76-085	REP	96-14-003
388-49-160	AMD-E	96-10-059	388-73-01950	AMD-P	96-06-051	388-76-087	REP-P	96-06-040
388-49-160	AMD-P	96-11-146	388-73-01950	AMD-E	96-07-079	388-76-087	REP	96-14-003
388-49-160	AMD	96-14-074	388-73-01950	AMD	96-10-032	388-76-090	REP-P	96-06-040

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-76-090	REP	96-14-003	388-76-450	REP-P	96-06-040	388-76-660	NEW	96-14-003
388-76-095	REP-P	96-06-040	388-76-450	REP	96-14-003	388-76-665	NEW-P	96-06-040
388-76-095	REP	96-14-003	388-76-460	REP-P	96-06-040	388-76-665	NEW	96-14-003
388-76-100	REP-P	96-06-040	388-76-460	REP	96-14-003	388-76-670	NEW-P	96-06-040
388-76-100	REP	96-14-003	388-76-465	REP-P	96-06-040	388-76-670	NEW	96-14-003
388-76-110	REP-P	96-06-040	388-76-465	REP	96-14-003	388-76-675	NEW-P	96-06-040
388-76-110	REP	96-14-003	388-76-467	REP-P	96-06-040	388-76-675	NEW	96-14-003
388-76-130	REP-P	96-06-040	388-76-467	REP	96-14-003	388-76-680	NEW-P	96-06-040
388-76-130	REP	96-14-003	388-76-470	REP-P	96-06-040	388-76-680	NEW	96-14-003
388-76-140	REP-P	96-06-040	388-76-470	REP	96-14-003	388-76-685	NEW-P	96-06-040
388-76-140	REP	96-14-003	388-76-475	REP-P	96-06-040	388-76-685	NEW	96-14-003
388-76-155	REP-P	96-06-040	388-76-475	REP	96-14-003	388-76-690	NEW-P	96-06-040
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	388-76-480	REP-P	96-06-040	388-76-695	NEW	96-14-003
388-76-170	REP-P	96-06-040	388-76-490	REP-P	96-06-040	388-76-700	NEW-P	96-06-040
388-76-170	REP	96-14-003	388-76-490	REP	96-14-003	388-76-700	NEW	96-14-003
388-76-180	REP-P	96-06-040	388-76-500	REP-P	96-06-040	388-76-705	NEW-P	96-06-040
388-76-180	REP	96-14-003	388-76-500	REP	96-14-003	388-76-705	NEW	96-14-003
388-76-185	REP-P	96-06-040	388-76-520	REP-P	96-06-040	388-76-710	NEW-P	96-06-040
388-76-185	REP	96-14-003	388-76-520	REP	96-14-003	388-76-710	NEW	96-14-003
388-76-190	REP-P	96-06-040	388-76-530	REP-P	96-06-040	388-76-715	NEW-P	96-06-040
388-76-190	REP	96-14-003	388-76-530	REP	96-14-003	388-76-715	NEW	96-14-003
388-76-200	REP-P	96-06-040	388-76-535	NEW-P	96-06-040	388-76-715	NEW	96-14-003
388-76-200	REP	96-14-003	388-76-535	NEW	96-14-003	388-76-720	NEW-P	96-06-040
388-76-220	REP-P	96-06-040	388-76-540	NEW-P	96-06-040	388-76-720	NEW	96-14-003
388-76-220	REP	96-14-003	388-76-540	NEW	96-14-003	388-76-725	NEW-P	96-06-040
388-76-240	REP-P	96-06-040	388-76-545	NEW-P	96-06-040	388-76-725	NEW	96-14-003
388-76-240	REP	96-14-003	388-76-545	NEW	96-14-003	388-76-730	NEW-P	96-06-040
388-76-250	REP-P	96-06-040	388-76-550	NEW-P	96-06-040	388-76-730	NEW	96-14-003
388-76-250	REP	96-14-003	388-76-550	NEW	96-14-003	388-76-735	NEW-P	96-06-040
388-76-260	REP-P	96-06-040	388-76-555	NEW-P	96-06-040	388-76-735	NEW	96-14-003
388-76-260	REP	96-14-003	388-76-555	NEW	96-14-003	388-76-740	NEW-P	96-06-040
388-76-280	REP-P	96-06-040	388-76-560	NEW-P	96-06-040	388-76-740	NEW	96-14-003
388-76-280	REP	96-14-003	388-76-560	NEW	96-14-003	388-76-745	NEW-P	96-06-040
388-76-290	REP-P	96-06-040	388-76-565	NEW-P	96-06-040	388-76-745	NEW	96-14-003
388-76-290	REP	96-14-003	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	388-91-005	REP-P	96-16-088
388-76-420	REP	96-14-003	388-76-645	NEW-P	96-06-040	388-91-010	REP-P	96-16-088
388-76-430	REP-P	96-06-040	388-76-645	NEW	96-14-003	388-91-013	REP-P	96-16-088
388-76-430	REP	96-14-003	388-76-650	NEW-P	96-06-040	388-91-015	REP-P	96-16-088
388-76-435	REP-P	96-06-040	388-76-650	NEW	96-14-003	388-91-016	REP-P	96-16-088
388-76-435	REP	96-14-003	388-76-655	NEW-P	96-06-040	388-91-020	REP-P	96-16-088
388-76-440	REP-P	96-06-040	388-76-655	NEW	96-14-003	388-91-030	REP-P	96-16-088
388-76-440	REP	96-14-003	388-76-660	NEW-P	96-06-040	388-91-035	REP-P	96-16-088

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-91-040	REP-P	96-16-088	388-110-230	NEW-P	96-04-084	388-155-090	AMD-S	96-05-061
388-91-050	REP-P	96-16-088	388-110-230	NEW	96-11-045	388-155-090	RESCIND	96-05-067
388-96	PREP	96-07-024	388-110-240	NEW-P	96-04-084	388-155-090	AMD-E	96-05-068
388-96-221	AMD-P	96-11-010	388-110-240	NEW	96-11-045	388-155-090	AMD	96-10-043
388-96-221	AMD	96-15-056	388-110-250	NEW-P	96-04-084	388-155-090	AMD-E	96-10-054
388-96-534	AMD-P	96-11-010	388-110-250	NEW	96-11-045	388-155-090	AMD-P	96-14-027
388-96-534	AMD	96-15-056	388-110-260	NEW-P	96-04-084	388-155-090	AMD-W	96-20-094
388-96-585	AMD-P	96-11-010	388-110-260	NEW	96-11-045	388-155-092	NEW-P	96-14-027
388-96-585	AMD	96-15-056	388-110-260	AMD-P	96-18-102	388-155-092	NEW	96-20-095
388-96-708	NEW-P	96-11-010	388-110-270	NEW-P	96-04-084	388-155-093	NEW-P	96-14-027
388-96-708	NEW	96-15-056	388-110-270	NEW	96-11-045	388-155-093	NEW	96-20-095
388-96-735	AMD-P	96-11-010	388-110-280	NEW-P	96-04-084	388-155-094	NEW-P	96-14-027
388-96-735	AMD	96-15-056	388-110-280	NEW	96-11-045	388-155-094	NEW	96-20-095
388-96-745	AMD-P	96-11-010	388-150	PREP	96-12-010	388-155-095	NEW-P	96-14-027
388-96-745	AMD	96-15-056	388-150-085	NEW-P	96-14-027	388-155-095	NEW	96-20-095
388-96-762	AMD-P	96-11-010	388-150-085	NEW	96-20-095	388-155-096	NEW-P	96-14-027
388-96-762	AMD	96-15-056	388-150-090	AMD-C	96-03-105	388-155-096	NEW	96-20-095
388-96-774	AMD-P	96-11-010	388-150-090	AMD-S	96-05-061	388-155-097	NEW-P	96-14-027
388-96-774	AMD	96-15-056	388-150-090	RESCIND	96-05-067	388-155-097	NEW	96-20-095
388-96-776	AMD-P	96-11-010	388-150-090	AMD-E	96-05-068	388-155-098	NEW-P	96-14-027
388-96-776	AMD	96-15-056	388-150-090	AMD	96-10-043	388-155-098	NEW	96-20-095
388-96-810	AMD-P	96-11-010	388-150-090	AMD-E	96-10-054	388-155-600	NEW-P	96-07-010
388-96-810	AMD	96-15-056	388-150-090	AMD-P	96-14-027	388-155-600	NEW	96-10-042
388-96-904	AMD-P	96-11-010	388-150-090	AMD-W	96-20-094	388-155-605	NEW-P	96-07-010
388-96-904	AMD	96-15-056	388-150-092	NEW-P	96-14-027	388-155-605	NEW	96-10-042
388-97	PREP	96-14-100	388-150-092	NEW	96-20-095	388-155-610	NEW-P	96-07-010
388-110	NEW-C	96-09-032	388-150-093	NEW-P	96-14-027	388-155-610	NEW	96-10-042
388-110	NEW-C	96-10-010	388-150-093	NEW	96-20-095	388-155-620	NEW-P	96-07-010
388-110	NEW-C	96-10-077	388-150-094	NEW-P	96-14-027	388-155-620	NEW	96-10-042
388-110-005	NEW-P	96-04-084	388-150-094	NEW	96-20-095	388-155-630	NEW-P	96-07-010
388-110-005	NEW	96-11-045	388-150-095	NEW-P	96-14-027	388-155-630	NEW	96-10-042
388-110-010	NEW-P	96-04-084	388-150-095	NEW	96-20-095	388-155-640	NEW-P	96-07-010
388-110-010	NEW	96-11-045	388-150-096	NEW-P	96-14-027	388-155-640	NEW	96-10-042
388-110-020	NEW-P	96-04-084	388-150-096	NEW	96-20-095	388-155-650	NEW-P	96-07-010
388-110-020	NEW	96-11-045	388-150-097	NEW-P	96-14-027	388-155-650	NEW	96-10-042
388-110-030	NEW-P	96-04-084	388-150-097	NEW	96-20-095	388-155-660	NEW-P	96-07-010
388-110-030	NEW	96-11-045	388-150-098	NEW-P	96-14-027	388-155-660	NEW	96-10-042
388-110-040	NEW-P	96-04-084	388-150-098	NEW	96-20-095	388-155-670	NEW-P	96-07-010
388-110-040	NEW	96-11-045	388-151	PREP	96-12-010	388-155-670	NEW	96-10-042
388-110-040	AMD-P	96-18-102	388-151-085	NEW-P	96-14-027	388-155-680	NEW-P	96-07-010
388-110-050	NEW-P	96-04-084	388-151-085	NEW	96-20-095	388-155-680	NEW	96-10-042
388-110-050	NEW	96-11-045	388-151-090	AMD-C	96-03-105	388-160	PREP	96-05-057
388-110-060	NEW-P	96-04-084	388-151-090	AMD-S	96-05-061	388-160	PREP	96-12-010
388-110-060	NEW	96-11-045	388-151-090	RESCIND	96-05-067	388-160-050	PREP	96-05-057
388-110-070	NEW-P	96-04-084	388-151-090	AMD-E	96-05-068	388-160-050	AMD-P	96-14-099
388-110-070	NEW	96-11-045	388-151-090	AMD	96-10-043	388-160-080	PREP	96-05-057
388-110-080	NEW-P	96-04-084	388-151-090	AMD-E	96-10-054	388-160-080	AMD-P	96-14-099
388-110-080	NEW	96-11-045	388-151-090	AMD-P	96-14-027	388-160-090	AMD-C	96-03-105
388-110-090	NEW-P	96-04-084	388-151-090	AMD-W	96-20-094	388-160-090	AMD-S	96-05-061
388-110-090	NEW	96-11-045	388-151-092	NEW-P	96-14-027	388-160-090	RESCIND	96-05-067
388-110-100	NEW-P	96-04-084	388-151-092	NEW	96-20-095	388-160-090	AMD-E	96-05-068
388-110-100	NEW	96-11-045	388-151-093	NEW-P	96-14-027	388-160-090	AMD	96-10-043
388-110-110	NEW-P	96-04-084	388-151-093	NEW	96-20-095	388-160-090	AMD-E	96-10-054
388-110-110	NEW	96-11-045	388-151-094	NEW-P	96-14-027	388-160-120	AMD-S	96-05-061
388-110-110	AMD-P	96-18-102	388-151-094	NEW	96-20-095	388-160-120	AMD-E	96-05-068
388-110-120	NEW-P	96-04-084	388-151-095	NEW-P	96-14-027	388-160-120	AMD	96-10-043
388-110-120	NEW	96-11-045	388-151-095	NEW	96-20-095	388-160-120	AMD-E	96-10-054
388-110-140	NEW-P	96-04-084	388-151-096	NEW-P	96-14-027	388-160-430	PREP	96-05-057
388-110-140	NEW	96-11-045	388-151-096	NEW	96-20-095	388-160-430	AMD-P	96-14-099
388-110-150	NEW-P	96-04-084	388-151-097	NEW-P	96-14-027	388-160-460	PREP	96-05-057
388-110-150	NEW	96-11-045	388-151-097	NEW	96-20-095	388-160-460	AMD-P	96-14-099
388-110-170	NEW-P	96-04-084	388-151-098	NEW-P	96-14-027	388-160-480	PREP	96-05-057
388-110-170	NEW	96-11-045	388-151-098	NEW	96-20-095	388-160-480	AMD-P	96-14-099
388-110-180	NEW-P	96-04-084	388-155	PREP	96-12-010	388-160-490	PREP	96-05-057
388-110-180	NEW	96-11-045	388-155-020	AMD-P	96-14-027	388-160-490	AMD-P	96-14-099
388-110-190	NEW-P	96-04-084	388-155-020	AMD	96-20-095	388-160-500	PREP	96-05-057
388-110-190	NEW	96-11-045	388-155-060	AMD-P	96-07-010	388-160-500	AMD-P	96-14-099
388-110-200	NEW-P	96-04-084	388-155-060	AMD	96-10-042	388-160-530	AMD-P	96-14-099
388-110-200	NEW	96-11-045	388-155-070	AMD-P	96-07-010	388-160-550	NEW-P	96-14-099
388-110-210	NEW-P	96-04-084	388-155-070	AMD	96-10-042	388-200	PREP	96-07-041
388-110-210	NEW	96-11-045	388-155-085	NEW-P	96-14-027	388-200-1050	AMD-P	96-13-056
388-110-220	NEW-P	96-04-084	388-155-085	NEW	96-20-095	388-200-1100	AMD-P	96-13-056
388-110-220	NEW	96-11-045	388-155-090	AMD-C	96-03-105	388-200-1150	AMD-P	96-13-056

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-200-1160	AMD-P	96-13-056	388-320-140	AMD-P	96-15-028	388-517-1720	AMD-P	96-12-009
388-200-1300	PREP	96-07-041	388-320-140	AMD	96-18-092	388-517-1720	AMD	96-15-029
388-200-1300	NEW-P	96-13-056	388-330	PREP	96-12-010	388-517-1740	PREP	96-08-019
388-200-1350	PREP	96-07-041	388-330-010	AMD-C	96-03-105	388-517-1740	AMD-E	96-08-021
388-200-1350	NEW-P	96-13-056	388-330-010	AMD-S	96-05-061	388-517-1740	AMD-P	96-12-009
388-201-200	AMD-P	96-04-034	388-330-010	RESCIND	96-05-067	388-517-1740	AMD	96-15-029
388-201-200	AMD	96-07-021	388-330-010	AMD-E	96-05-068	388-517-1760	PREP	96-08-019
388-201-300	AMD-P	96-04-034	388-330-010	AMD	96-10-043	388-517-1760	AMD-E	96-08-021
388-201-300	AMD	96-07-021	388-330-010	AMD-E	96-10-054	388-517-1760	AMD-P	96-12-009
388-201-400	AMD-P	96-04-034	388-330-035	NEW-C	96-03-105	388-517-1760	AMD	96-15-029
388-201-400	AMD	96-07-021	388-330-035	NEW-S	96-05-061	388-518-1805	AMD-E	96-10-033
388-201-410	AMD-P	96-04-034	388-330-035	RESCIND	96-05-067	388-518-1805	PREP	96-10-034
388-201-410	AMD	96-07-021	388-330-035	NEW-E	96-05-068	388-518-1805	AMD-P	96-14-035
388-201-420	AMD-P	96-04-034	388-330-035	NEW	96-10-043	388-518-1805	AMD	96-16-092
388-201-420	AMD	96-07-021	388-330-035	NEW-E	96-10-054	388-518-1810	AMD-E	96-10-033
388-201-430	AMD-P	96-04-034	388-500	PREP	96-12-015	388-518-1810	PREP	96-10-034
388-201-430	AMD	96-07-021	388-501-0130	AMD-P	96-03-066	388-518-1810	AMD-P	96-14-035
388-201-440	AMD-P	96-04-034	388-501-0130	AMD	96-06-041	388-518-1810	AMD	96-16-092
388-201-440	AMD	96-07-021	388-503-0310	PREP	96-04-025	388-518-1820	AMD-P	96-04-037
388-201-450	AMD-P	96-04-034	388-503-0310	AMD-P	96-09-077	388-518-1820	AMD	96-07-023
388-201-450	AMD	96-07-021	388-503-0310	AMD	96-12-001	388-519-1905	PREP	96-07-004
388-201-460	AMD-P	96-04-034	388-503-0310	PREP	96-16-090	388-519-1905	AMD-E	96-10-033
388-201-460	AMD	96-07-021	388-505-0520	AMD-P	96-10-012	388-519-1905	PREP	96-10-034
388-201-470	AMD-P	96-04-034	388-505-0520	AMD-E	96-10-053	388-519-1905	AMD-P	96-14-035
388-201-470	AMD	96-07-021	388-505-0520	AMD	96-13-002	388-519-1905	AMD	96-16-092
388-201-480	AMD-P	96-04-034	388-505-0540	PREP	96-08-091	388-519-1910	PREP	96-04-056
388-201-480	AMD	96-07-021	388-506-0630	PREP	96-19-039	388-519-1910	AMD-P	96-11-011
388-215-1375	AMD-E	96-19-040	388-507-0710	AMD-P	96-06-010	388-519-1910	AMD	96-14-057
388-215-1375	AMD-P	96-20-009	388-507-0710	AMD-E	96-08-036	388-519-1930	PREP	96-04-056
388-215-1385	PREP	96-19-019	388-507-0710	AMD	96-09-033	388-519-1930	AMD-P	96-11-011
388-215-1390	PREP	96-03-096	388-507-0740	AMD-P	96-04-037	388-519-1930	AMD	96-14-057
388-215-1390	AMD-E	96-04-001	388-507-0740	AMD	96-07-023	388-521-2106	PREP	96-11-071
388-215-1390	AMD-P	96-07-009	388-508-0805	PREP	96-08-019	388-521-2106	NEW-P	96-15-067
388-215-1390	AMD	96-10-045	388-508-0805	AMD-E	96-08-021	388-521-2106	NEW	96-18-091
388-215-1390	AMD-E	96-19-040	388-508-0805	AMD-P	96-12-009	388-522-2230	PREP	96-07-004
388-215-1390	AMD-P	96-20-009	388-508-0805	AMD	96-15-029	388-522-2230	AMD-E	96-10-033
388-215-1600	AMD-P	96-03-099	388-509-0920	PREP	96-05-035	388-522-2230	PREP	96-10-034
388-215-1600	AMD	96-06-045	388-509-0920	AMD-E	96-08-021	388-522-2230	AMD-P	96-14-035
388-215-1610	AMD-P	96-03-099	388-509-0920	AMD-P	96-12-009	388-522-2230	AMD	96-16-092
388-215-1610	AMD	96-06-045	388-509-0920	AMD	96-15-029	388-528-2810	PREP	96-04-024
388-218-1510	AMD	96-03-040	388-509-0960	AMD-E	96-08-021	388-528-2810	PREP	96-16-021
388-219-3000	AMD-P	96-07-014	388-509-0960	AMD-P	96-12-009	388-530-1000	NEW-P	96-16-088
388-219-3000	AMD-E	96-09-075	388-509-0960	AMD	96-15-029	388-530-1050	NEW-P	96-16-088
388-219-3000	AMD	96-10-031	388-511-1105	PREP	96-16-090	388-530-1100	NEW-P	96-16-088
388-235-5050	PREP	96-08-041A	388-511-1130	PREP	96-19-039	388-530-1150	NEW-P	96-16-088
388-235-5050	AMD-P	96-13-066	388-511-1140	AMD	96-05-010	388-530-1200	NEW-P	96-16-088
388-235-5050	AMD-E	96-14-036	388-511-1140	PREP	96-19-039	388-530-1250	NEW-P	96-16-088
388-235-5050	AMD	96-16-022	388-511-1160	PREP	96-16-089	388-530-1300	NEW-P	96-16-088
388-235-7500	AMD-P	96-13-056	388-513-1315	AMD-P	96-08-037	388-530-1350	NEW-P	96-16-088
388-245-1170	AMD-P	96-13-056	388-513-1315	AMD	96-11-072	388-530-1400	NEW-P	96-16-088
388-245-1300	AMD-P	96-13-056	388-513-1320	AMD-P	96-08-037	388-530-1450	NEW-P	96-16-088
388-245-1350	AMD-P	96-13-056	388-513-1320	AMD	96-11-072	388-530-1500	NEW-P	96-16-088
388-245-1700	AMD-P	96-13-056	388-513-1330	PREP	96-19-039	388-530-1550	NEW-P	96-16-088
388-245-1715	AMD-P	96-13-056	388-513-1350	AMD-P	96-06-010	388-530-1600	NEW-P	96-16-088
388-245-1720	AMD-P	96-13-056	388-513-1350	AMD-E	96-08-020	388-530-1650	NEW-P	96-16-088
388-245-2020	AMD-P	96-04-035	388-513-1350	AMD	96-09-033	388-530-1700	NEW-P	96-16-088
388-245-2020	AMD	96-07-025	388-513-1360	PREP	96-04-055	388-530-1750	NEW-P	96-16-088
388-250-1250	AMD-E	96-19-098	388-513-1360	AMD-P	96-09-079	388-530-1800	NEW-P	96-16-088
388-250-1250	AMD-P	96-19-099	388-513-1360	AMD	96-12-002	388-530-1850	NEW-P	96-16-088
388-250-1300	AMD-E	96-19-098	388-513-1365	PREP	96-05-034	388-530-1900	NEW-P	96-16-088
388-250-1300	ADM-P	96-19-099	388-513-1380	AMD-P	96-06-010	388-530-1950	NEW-P	96-05-087
388-250-1400	AMD	96-04-002	388-513-1380	AMD-E	96-08-020	388-530-1950	NEW	96-08-018
388-250-1700	AMD-P	96-07-008	388-513-1380	AMD	96-09-033	388-530-2050	NEW-P	96-16-088
388-250-1700	AMD-E	96-10-030	388-513-1380	PREP	96-11-105	388-531	PREP	96-07-045
388-250-1700	AMD	96-10-044	388-513-1395	AMD-E	96-10-033	388-535	PREP	96-08-030
388-265-1250	AMD-P	96-13-056	388-513-1395	PREP	96-10-034	388-535-1000	PREP	96-08-031
388-270-1125	PREP	96-06-008	388-513-1395	AMD-P	96-14-035	388-535-1100	PREP	96-08-031
388-270-1125	AMD-P	96-11-127	388-513-1395	AMD	96-16-092	388-538	PREP	96-10-011
388-270-1125	AMD	96-17-032	388-515-1505	PREP	96-03-098	388-538-050	PREP	96-13-003
388-290	PREP	96-11-047	388-515-1505	AMD-P	96-11-012	388-538-070	PREP	96-13-003
388-290-135	AMD-P	96-06-026	388-515-1505	AMD	96-14-058	388-538-080	PREP	96-08-032
388-290-135	AMD	96-09-058	388-517-1720	PREP	96-08-019	388-543	PREP	96-07-042
388-301	PREP	96-11-047	388-517-1720	AMD-E	96-08-021	388-546	PREP	96-07-043

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-550	PREP	96-07-044	391-25-140	AMD-P	96-03-135	391-45-330	AMD	96-07-105
390-05-190	AMD-P	96-05-072	391-25-140	AMD	96-07-105	391-45-431	REP-P	96-03-135
390-05-190	AMD	96-09-015	391-25-170	AMD-P	96-03-135	391-45-431	REP	96-07-105
390-05-200	AMD	96-05-001	391-25-170	AMD	96-07-105	391-55-002	AMD-P	96-03-135
390-05-205	AMD	96-05-001	391-25-190	AMD-P	96-03-135	391-55-002	AMD	96-07-105
390-05-210	AMD-P	96-05-072	391-25-190	AMD	96-07-105	391-55-010	AMD-P	96-03-135
390-05-210	AMD	96-09-015	391-25-220	AMD-P	96-03-135	391-55-010	AMD	96-07-105
390-05-245	NEW-P	96-05-072	391-25-220	AMD	96-07-105	391-55-090	AMD-P	96-03-135
390-05-245	NEW	96-09-015	391-25-230	AMD-P	96-03-135	391-55-090	AMD	96-07-105
390-05-400	NEW	96-04-021	391-25-230	AMD	96-07-105	391-55-200	AMD-P	96-03-135
390-13-010	AMD	96-05-001	391-25-250	AMD-P	96-03-135	391-55-200	AMD	96-07-105
390-16-034	AMD	96-05-001	391-25-250	AMD	96-07-105	391-55-205	AMD-P	96-03-135
390-16-037	AMD	96-05-001	391-25-350	AMD-P	96-03-135	391-55-205	AMD	96-07-105
390-16-038	AMD-P	96-05-073	391-25-350	AMD	96-07-105	391-55-210	AMD-P	96-03-135
390-16-038	AMD	96-09-016	391-25-370	AMD-P	96-03-135	391-55-210	AMD	96-07-105
390-16-041	AMD-E	96-13-084	391-25-370	AMD	96-07-105	391-55-215	AMD-P	96-03-135
390-16-055	AMD	96-05-001	391-25-391	AMD-P	96-03-135	391-55-215	AMD	96-07-105
390-16-105	AMD-W	96-15-009	391-25-391	AMD	96-07-105	391-55-220	AMD-P	96-03-135
390-16-150	AMD-W	96-15-009	391-25-410	AMD-P	96-03-135	391-55-220	AMD	96-07-105
390-16-190	NEW	96-04-020	391-25-410	AMD	96-07-105	391-55-225	AMD-P	96-03-135
390-16-310	AMD	96-05-001	391-25-430	AMD-P	96-03-135	391-55-225	AMD	96-07-105
390-16-313	NEW-P	96-05-073	391-25-430	AMD	96-07-105	391-55-230	AMD-P	96-03-135
390-16-313	NEW	96-09-016	391-25-470	AMD-P	96-03-135	391-55-230	AMD	96-07-105
390-16-314	NEW-P	96-05-073	391-25-470	AMD	96-07-105	391-55-235	AMD-P	96-03-135
390-16-314	NEW	96-09-016	391-25-490	AMD-P	96-03-135	391-55-235	AMD	96-07-105
390-17-017	AMD	96-05-001	391-25-490	AMD	96-07-105	391-55-240	AMD-P	96-03-135
390-17-030	AMD	96-05-001	391-25-510	AMD-P	96-03-135	391-55-240	AMD	96-07-105
390-17-050	REP-P	96-05-073	391-25-510	AMD	96-07-105	391-55-245	AMD-P	96-03-135
390-17-050	REP	96-09-016	391-25-550	AMD-P	96-03-135	391-55-245	AMD	96-07-105
390-17-052	REP-P	96-05-073	391-25-550	AMD	96-07-105	391-55-255	AMD-P	96-03-135
390-17-052	REP	96-09-016	391-25-590	AMD-P	96-03-135	391-55-255	AMD	96-07-105
390-17-060	AMD	96-05-001	391-25-590	AMD	96-07-105	391-55-260	REP-P	96-03-135
390-17-065	AMD	96-05-001	391-35-001	AMD-P	96-03-135	391-55-260	REP	96-07-105
390-17-310	AMD	96-05-001	391-35-001	AMD	96-07-105	391-55-315	AMD-P	96-03-135
390-17-315	AMD	96-05-001	391-35-010	AMD-P	96-03-135	391-55-315	AMD	96-07-105
390-17-320	AMD	96-05-001	391-35-010	AMD	96-07-105	391-55-345	AMD-P	96-03-135
390-20-052	AMD	96-05-001	391-35-020	AMD-P	96-03-135	391-55-345	AMD	96-07-105
390-24-010	AMD-S	96-05-074	391-35-020	AMD	96-07-105	391-55-360	REP-P	96-03-135
390-24-010	AMD	96-09-017	391-35-030	AMD-P	96-03-135	391-55-360	REP	96-07-105
390-24-020	AMD-S	96-05-074	391-35-030	AMD	96-07-105	391-55-400	REP-P	96-03-135
390-24-020	AMD	96-09-017	391-35-050	AMD-P	96-03-135	391-55-400	REP	96-07-105
391-08-001	AMD-P	96-03-135	391-35-050	AMD	96-07-105	391-55-410	REP-P	96-03-135
391-08-001	AMD	96-07-105	391-35-080	AMD-P	96-03-135	391-55-410	REP	96-07-105
391-08-030	AMD-P	96-03-135	391-35-080	AMD	96-07-105	391-55-415	REP-P	96-03-135
391-08-030	AMD	96-07-105	391-35-110	AMD-P	96-03-135	391-55-415	REP	96-07-105
391-08-040	AMD-P	96-03-135	391-35-110	AMD	96-07-105	391-55-420	REP-P	96-03-135
391-08-040	AMD	96-07-105	391-35-170	AMD-P	96-03-135	391-55-420	REP	96-07-105
391-08-120	AMD-P	96-03-135	391-35-170	AMD	96-07-105	391-55-425	REP-P	96-03-135
391-08-120	AMD	96-07-105	391-35-300	NEW-P	96-03-135	391-55-425	REP	96-07-105
391-08-180	AMD-P	96-03-135	391-35-300	NEW	96-07-105	391-55-430	REP-P	96-03-135
391-08-180	AMD	96-07-105	391-35-310	NEW-P	96-03-135	391-55-430	REP	96-07-105
391-08-650	NEW-P	96-03-135	391-35-310	NEW	96-07-105	391-55-435	REP-P	96-03-135
391-08-650	NEW	96-07-105	391-45-001	AMD-P	96-03-135	391-55-435	REP	96-07-105
391-08-670	NEW-P	96-03-135	391-45-001	AMD	96-07-105	391-55-440	REP-P	96-03-135
391-08-670	NEW	96-07-105	391-45-030	AMD-P	96-03-135	391-55-440	REP	96-07-105
391-08-820	AMD-P	96-03-135	391-45-030	AMD	96-07-105	391-55-445	REP-P	96-03-135
391-08-820	AMD	96-07-105	391-45-050	AMD-P	96-03-135	391-55-445	REP	96-07-105
391-25-001	AMD-P	96-03-135	391-45-050	AMD	96-07-105	391-55-450	REP-P	96-03-135
391-25-001	AMD	96-07-105	391-45-110	AMD-P	96-03-135	391-55-450	REP	96-07-105
391-25-011	NEW-P	96-03-135	391-45-110	AMD	96-07-105	391-55-455	REP-P	96-03-135
391-25-011	NEW	96-07-105	391-45-130	AMD-P	96-03-135	391-55-455	REP	96-07-105
391-25-030	AMD-P	96-03-135	391-45-130	AMD	96-07-105	391-65-030	AMD-P	96-03-135
391-25-030	AMD	96-07-105	391-45-170	AMD-P	96-03-135	391-65-030	AMD	96-07-105
391-25-050	AMD-P	96-03-135	391-45-170	AMD	96-07-105	391-65-050	AMD-P	96-03-135
391-25-050	AMD	96-07-105	391-45-190	AMD-P	96-03-135	391-65-050	AMD	96-07-105
391-25-070	AMD-P	96-03-135	391-45-190	AMD	96-07-105	391-65-110	AMD-P	96-03-135
391-25-070	AMD	96-07-105	391-45-260	AMD-P	96-03-135	391-65-110	AMD	96-07-105
391-25-090	AMD-P	96-03-135	391-45-260	AMD	96-07-105	391-65-130	AMD-P	96-03-135
391-25-090	AMD	96-07-105	391-45-270	AMD-P	96-03-135	391-65-130	AMD	96-07-105
391-25-110	AMD-P	96-03-135	391-45-270	AMD	96-07-105	391-95-001	AMD-P	96-03-135
391-25-110	AMD	96-07-105	391-45-290	AMD-P	96-03-135	391-95-001	AMD	96-07-105
391-25-130	AMD-P	96-03-135	391-45-290	AMD	96-07-105	391-95-090	AMD-P	96-03-135
391-25-130	AMD	96-07-105	391-45-330	AMD-P	96-03-135	391-95-090	AMD	96-07-105

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
391-95-110	AMD-P	96-03-135	392-122-401	REP	96-18-014	392-139-330	AMD	96-19-037
391-95-110	AMD	96-07-105	392-122-405	PREP-X	96-14-018	392-139-340	AMD-P	96-15-091
391-95-170	AMD-P	96-03-135	392-122-405	REP	96-18-014	392-139-340	AMD	96-19-037
391-95-170	AMD	96-07-105	392-122-410	PREP-X	96-14-018	392-139-901	AMD-P	96-15-091
391-95-230	AMD-P	96-03-135	392-122-410	REP	96-18-014	392-139-901	AMD	96-19-037
391-95-230	AMD	96-07-105	392-122-415	PREP-X	96-14-018	392-140-073	NEW-P	96-15-114
391-95-260	AMD-P	96-03-135	392-122-415	REP	96-18-014	392-140-073	NEW	96-19-095
391-95-260	AMD	96-07-105	392-122-710	AMD	96-03-002	392-140-175	PREP-X	96-14-018
391-95-270	AMD-P	96-03-135	392-122-805	AMD	96-03-002	392-140-175	REP	96-18-014
391-95-270	AMD	96-07-105	392-122-900	AMD	96-03-002	392-140-176	PREP-X	96-14-018
392-101-010	PREP	96-07-036	392-123-054	AMD-P	96-05-031	392-140-176	REP	96-18-014
392-103-005	PREP-X	96-14-018	392-123-054	AMD	96-08-058	392-140-177	PREP-X	96-14-018
392-103-005	REP	96-18-014	392-123-078	AMD-P	96-05-031	392-140-177	REP	96-18-014
392-103-010	PREP-X	96-14-018	392-123-078	AMD	96-09-001	392-140-178	PREP-X	96-14-018
392-103-010	REP	96-18-014	392-123-079	AMD-P	96-05-031	392-140-178	REP	96-18-014
392-103-015	PREP-X	96-14-018	392-123-079	AMD	96-09-001	392-140-179	PREP-X	96-14-018
392-103-015	REP	96-18-014	392-127-011	AMD-P	96-02-077	392-140-179	REP	96-18-014
392-103-020	PREP-X	96-14-018	392-127-011	AMD	96-05-022	392-140-180	PREP-X	96-14-018
392-103-020	REP	96-18-014	392-127-015	AMD-P	96-02-077	392-140-180	REP	96-18-014
392-103-025	PREP-X	96-14-018	392-127-015	AMD	96-05-022	392-140-181	PREP-X	96-14-018
392-103-025	REP	96-18-014	392-127-020	AMD-P	96-02-077	392-140-181	REP	96-18-014
392-103-030	PREP-X	96-14-018	392-127-020	AMD	96-05-022	392-140-182	PREP-X	96-14-018
392-103-030	REP	96-18-014	392-127-050	AMD-P	96-02-077	392-140-182	REP	96-18-014
392-103-035	PREP-X	96-14-018	392-127-050	AMD	96-05-022	392-140-183	PREP-X	96-14-018
392-103-035	REP	96-18-014	392-127-055	AMD-P	96-02-077	392-140-183	REP	96-18-014
392-103-040	PREP-X	96-14-018	392-127-055	AMD	96-05-022	392-140-185	PREP-X	96-14-018
392-103-040	REP	96-18-014	392-127-060	AMD-P	96-02-077	392-140-185	REP	96-18-014
392-103-045	PREP-X	96-14-018	392-127-060	AMD	96-05-022	392-140-186	PREP-X	96-14-018
392-103-045	REP	96-18-014	392-127-070	AMD-P	96-02-077	392-140-186	REP	96-18-014
392-109-040	AMD-P	96-04-033	392-127-070	AMD	96-05-022	392-140-220	PREP-X	96-14-018
392-109-040	AMD	96-08-001	392-127-080	AMD-P	96-02-077	392-140-220	REP	96-18-014
392-109-047	AMD-P	96-04-033	392-127-080	AMD	96-05-022	392-140-221	PREP-X	96-14-018
392-109-047	AMD	96-08-001	392-127-090	AMD-P	96-02-077	392-140-221	REP	96-18-014
392-109-058	AMD-P	96-04-033	392-127-090	AMD	96-05-022	392-140-222	PREP-X	96-14-018
392-109-058	AMD	96-08-001	392-130	PREP	96-17-005	392-140-222	REP	96-18-014
392-109-065	AMD-P	96-04-033	392-132	PREP	96-15-025	392-140-223	PREP-X	96-14-018
392-109-065	AMD	96-08-001	392-139-120	AMD-P	96-15-091	392-140-223	REP	96-18-014
392-109-070	AMD-P	96-04-033	392-139-120	AMD	96-19-037	392-140-224	PREP-X	96-14-018
392-109-070	AMD	96-08-001	392-139-129	AMD-P	96-15-091	392-140-224	REP	96-18-014
392-109-072	AMD-P	96-04-033	392-139-129	AMD	96-19-037	392-140-225	PREP-X	96-14-018
392-109-072	AMD	96-08-001	392-139-150	AMD-P	96-15-091	392-140-225	REP	96-18-014
392-109-085	AMD-P	96-04-033	392-139-150	AMD	96-19-037	392-140-226	PREP-X	96-14-018
392-109-085	AMD	96-08-001	392-139-152	AMD-P	96-15-091	392-140-226	REP	96-18-014
392-109-090	AMD-P	96-04-033	392-139-152	AMD	96-19-037	392-140-230	PREP-X	96-14-018
392-109-090	AMD	96-08-001	392-139-154	AMD-P	96-15-091	392-140-230	REP	96-18-014
392-109-100	AMD-P	96-04-033	392-139-154	AMD	96-19-037	392-140-231	PREP-X	96-14-018
392-109-100	AMD	96-08-001	392-139-156	AMD-P	96-15-091	392-140-231	REP	96-18-014
392-109-105	AMD-P	96-04-033	392-139-156	AMD	96-19-037	392-140-232	PREP-X	96-14-018
392-109-105	AMD	96-08-001	392-139-158	AMD-P	96-15-091	392-140-232	REP	96-18-014
392-109-120	AMD-P	96-04-033	392-139-158	AMD	96-19-037	392-140-233	PREP-X	96-14-018
392-109-120	AMD	96-08-001	392-139-162	AMD-P	96-15-091	392-140-233	REP	96-18-014
392-120	PREP	96-06-061	392-139-162	AMD	96-19-037	392-140-234	PREP-X	96-14-018
392-121-435	NEW	96-03-001	392-139-164	AMD-P	96-15-091	392-140-234	REP	96-18-014
392-122-100	AMD	96-03-002	392-139-164	AMD	96-19-037	392-140-336	PREP-X	96-14-018
392-122-105	AMD	96-03-002	392-139-166	REP-P	96-15-091	392-140-336	REP	96-18-014
392-122-106	AMD	96-03-002	392-139-166	REP	96-19-037	392-140-337	PREP-X	96-14-018
392-122-107	AMD	96-03-002	392-139-168	AMD-P	96-15-091	392-140-337	REP	96-18-014
392-122-110	AMD	96-03-002	392-139-168	AMD	96-19-037	392-140-338	PREP-X	96-14-018
392-122-120	AMD	96-03-002	392-139-172	AMD-P	96-15-091	392-140-338	REP	96-18-014
392-122-130	AMD	96-03-002	392-139-172	AMD	96-19-037	392-140-431	PREP-X	96-14-018
392-122-131	AMD	96-03-002	392-139-182	AMD-P	96-15-091	392-140-431	REP	96-18-014
392-122-132	AMD	96-03-002	392-139-182	AMD	96-19-037	392-140-432	PREP-X	96-14-018
392-122-135	AMD	96-03-002	392-139-184	AMD-P	96-15-091	392-140-432	REP	96-18-014
392-122-140	AMD	96-03-002	392-139-184	AMD	96-19-037	392-140-433	PREP-X	96-14-018
392-122-145	AMD	96-03-002	392-139-220	REP-P	96-15-091	392-140-433	REP	96-18-014
392-122-150	AMD	96-03-002	392-139-220	REP	96-19-037	392-140-434	PREP-X	96-14-018
392-122-155	AMD	96-03-002	392-139-225	REP-P	96-15-091	392-140-434	REP	96-18-014
392-122-160	AMD	96-03-002	392-139-225	REP	96-19-037	392-140-435	PREP-X	96-14-018
392-122-165	AMD	96-03-002	392-139-310	AMD-P	96-15-091	392-140-435	REP	96-18-014
392-122-166	NEW	96-03-002	392-139-310	AMD	96-19-037	392-140-436	PREP-X	96-14-018
392-122-400	PREP-X	96-14-018	392-139-320	AMD-P	96-15-091	392-140-436	REP	96-18-014
392-122-400	REP	96-18-014	392-139-320	AMD	96-19-037	392-140-437	PREP-X	96-14-018
392-122-401	PREP-X	96-14-018	392-139-330	AMD-P	96-15-091	392-140-437	REP	96-18-014

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
392-140-438	PREP-X	96-14-018	392-140-482	REP	96-18-014	392-140-530	PREP-X	96-14-018
392-140-438	REP	96-18-014	392-140-483	AMD-P	96-02-078	392-140-530	REP	96-18-014
392-140-439	PREP-X	96-14-018	392-140-483	AMD	96-05-021	392-140-531	PREP-X	96-14-018
392-140-439	REP	96-18-014	392-140-483	PREP-X	96-14-018	392-140-531	REP	96-18-014
392-140-441	PREP-X	96-14-018	392-140-483	REP	96-18-014	392-140-533	PREP-X	96-14-018
392-140-441	REP	96-18-014	392-140-485	PREP-X	96-14-018	392-140-533	REP	96-18-014
392-140-442	PREP-X	96-14-018	392-140-485	REP	96-18-014	392-140-533	PREP-X	96-14-018
392-140-442	REP	96-18-014	392-140-486	PREP-X	96-14-018	392-140-535	REP	96-18-014
392-140-443	PREP-X	96-14-018	392-140-486	REP	96-18-014	392-140-536	PREP-X	96-14-018
392-140-443	REP	96-18-014	392-140-490	AMD-P	96-02-078	392-140-536	REP	96-18-014
392-140-444	PREP-X	96-14-018	392-140-490	AMD	96-05-021	392-140-537	PREP-X	96-14-018
392-140-444	REP	96-18-014	392-140-490	PREP-X	96-14-018	392-140-537	REP	96-18-014
392-140-445	PREP-X	96-14-018	392-140-490	REP	96-18-014	392-140-538	PREP-X	96-14-018
392-140-445	REP	96-18-014	392-140-491	AMD-P	96-02-078	392-140-538	REP	96-18-014
392-140-446	PREP-X	96-14-018	392-140-491	AMD	96-05-021	392-140-540	PREP-X	96-14-018
392-140-446	REP	96-18-014	392-140-491	PREP-X	96-14-018	392-140-540	REP	96-18-014
392-140-447	PREP-X	96-14-018	392-140-491	REP	96-18-014	392-140-542	PREP-X	96-14-018
392-140-447	REP	96-18-014	392-140-492	AMD-P	96-02-078	392-140-542	REP	96-18-014
392-140-450	AMD-P	96-02-078	392-140-492	AMD	96-05-021	392-140-543	PREP-X	96-14-018
392-140-450	AMD	96-05-021	392-140-492	PREP-X	96-14-018	392-140-543	REP	96-18-014
392-140-450	PREP-X	96-14-018	392-140-492	REP	96-18-014	392-140-544	PREP-X	96-14-018
392-140-450	REP	96-18-014	392-140-493	PREP-X	96-14-018	392-140-544	REP	96-18-014
392-140-451	PREP-X	96-14-018	392-140-493	REP	96-18-014	392-140-545	PREP-X	96-14-018
392-140-451	REP	96-18-014	392-140-494	AMD-P	96-02-078	392-140-545	REP	96-18-014
392-140-452	PREP-X	96-14-018	392-140-494	AMD	96-05-021	392-140-548	PREP-X	96-14-018
392-140-452	REP	96-18-014	392-140-494	PREP-X	96-14-018	392-140-548	REP	96-18-014
392-140-460	PREP-X	96-14-018	392-140-494	REP	96-18-014	392-140-549	PREP-X	96-14-018
392-140-460	REP	96-18-014	392-140-495	PREP-X	96-14-018	392-140-549	REP	96-18-014
392-140-461	AMD-P	96-02-078	392-140-495	REP	96-18-014	392-140-551	PREP-X	96-14-018
392-140-461	AMD	96-05-021	392-140-496	PREP-X	96-14-018	392-140-551	REP	96-18-014
392-140-461	PREP-X	96-14-018	392-140-496	REP	96-18-014	392-140-552	PREP-X	96-14-018
392-140-461	REP	96-18-014	392-140-497	AMD-P	96-02-078	392-140-552	REP	96-18-014
392-140-462	AMD-P	96-02-078	392-140-497	AMD	96-05-021	392-140-553	PREP-X	96-14-018
392-140-462	AMD	96-05-021	392-140-497	PREP-X	96-14-018	392-140-553	REP	96-18-014
392-140-462	PREP-X	96-14-018	392-140-497	REP	96-18-014	392-140-555	PREP-X	96-14-018
392-140-462	REP	96-18-014	392-140-500	PREP-X	96-14-018	392-140-555	REP	96-18-014
392-140-463	PREP-X	96-14-018	392-140-500	REP	96-18-014	392-140-557	PREP-X	96-14-018
392-140-463	REP	96-18-014	392-140-501	PREP-X	96-14-018	392-140-557	REP	96-18-014
392-140-464	PREP-X	96-14-018	392-140-501	REP	96-18-014	392-140-559	PREP-X	96-14-018
392-140-464	REP	96-18-014	392-140-503	PREP-X	96-14-018	392-140-559	REP	96-18-014
392-140-465	PREP-X	96-14-018	392-140-503	REP	96-18-014	392-140-600	NEW-P	96-15-114
392-140-465	REP	96-18-014	392-140-504	PREP-X	96-14-018	392-140-600	NEW	96-19-095
392-140-466	PREP-X	96-14-018	392-140-504	REP	96-18-014	392-140-601	NEW-P	96-15-114
392-140-466	REP	96-18-014	392-140-505	PREP-X	96-14-018	392-140-601	NEW	96-19-095
392-140-470	AMD-P	96-02-078	392-140-505	REP	96-18-014	392-140-602	NEW-P	96-15-114
392-140-470	AMD	96-05-021	392-140-506	PREP-X	96-14-018	392-140-602	NEW	96-19-095
392-140-470	PREP-X	96-14-018	392-140-506	REP	96-18-014	392-140-605	NEW-P	96-15-114
392-140-470	REP	96-18-014	392-140-507	PREP-X	96-14-018	392-140-605	NEW	96-19-095
392-140-471	PREP-X	96-14-018	392-140-507	REP	96-18-014	392-140-608	NEW-P	96-15-114
392-140-471	REP	96-18-014	392-140-508	PREP-X	96-14-018	392-140-608	NEW	96-19-095
392-140-472	PREP-X	96-14-018	392-140-508	REP	96-18-014	392-140-609	NEW-P	96-15-114
392-140-472	REP	96-18-014	392-140-509	PREP-X	96-14-018	392-140-609	NEW	96-19-095
392-140-473	PREP-X	96-14-018	392-140-509	REP	96-18-014	392-140-610	NEW-P	96-15-114
392-140-473	REP	96-18-014	392-140-510	PREP-X	96-14-018	392-140-610	NEW	96-19-095
392-140-474	PREP-X	96-14-018	392-140-510	REP	96-18-014	392-140-613	NEW-P	96-15-114
392-140-474	REP	96-18-014	392-140-511	PREP-X	96-14-018	392-140-613	NEW	96-19-095
392-140-475	PREP-X	96-14-018	392-140-511	REP	96-18-014	392-140-616	NEW-P	96-15-114
392-140-475	REP	96-18-014	392-140-512	PREP-X	96-14-018	392-140-616	NEW	96-19-095
392-140-476	AMD-P	96-02-078	392-140-512	REP	96-18-014	392-140-620	NEW-P	96-15-114
392-140-476	AMD	96-05-021	392-140-516	PREP-X	96-14-018	392-140-620	NEW	96-19-095
392-140-476	PREP-X	96-14-018	392-140-516	REP	96-18-014	392-140-625	NEW-P	96-15-114
392-140-476	REP	96-18-014	392-140-517	PREP-X	96-14-018	392-140-625	NEW	96-19-095
392-140-477	PREP-X	96-14-018	392-140-517	REP	96-18-014	392-140-640	NEW-P	96-15-114
392-140-477	REP	96-18-014	392-140-518	PREP-X	96-14-018	392-140-640	NEW	96-19-095
392-140-478	PREP-X	96-14-018	392-140-518	REP	96-18-014	392-140-643	NEW-P	96-15-114
392-140-478	REP	96-18-014	392-140-519	PREP-X	96-14-018	392-140-643	NEW	96-19-095
392-140-480	AMD-P	96-02-078	392-140-519	REP	96-18-014	392-140-646	NEW-P	96-15-114
392-140-480	AMD	96-05-021	392-140-525	PREP-X	96-14-018	392-140-646	NEW	96-19-095
392-140-480	PREP-X	96-14-018	392-140-525	REP	96-18-014	392-140-650	NEW-P	96-15-114
392-140-480	REP	96-18-014	392-140-527	PREP-X	96-14-018	392-140-650	NEW	96-19-095
392-140-481	PREP-X	96-14-018	392-140-527	REP	96-18-014	392-140-653	NEW-P	96-15-114
392-140-481	REP	96-18-014	392-140-529	PREP-X	96-14-018	392-140-653	NEW	96-19-095
392-140-482	PREP-X	96-14-018	392-140-529	REP	96-18-014	392-140-656	NEW-P	96-15-114

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
392-140-656	NEW	96-19-095	392-163-130	PREP-X	96-14-019	392-163-290	REP	96-18-014
392-140-660	NEW-P	96-15-114	392-163-130	REP	96-18-014	392-163-295	PREP-X	96-14-019
392-140-660	NEW	96-19-095	392-163-135	PREP-X	96-14-019	392-163-295	REP	96-18-014
392-140-665	NEW-P	96-15-114	392-163-135	REP	96-18-014	392-163-299	PREP-X	96-14-019
392-140-665	NEW	96-19-095	392-163-140	PREP-X	96-14-019	392-163-299	REP	96-18-014
392-140-670	NEW-P	96-15-114	392-163-140	REP	96-18-014	392-163-300	PREP-X	96-14-019
392-140-670	NEW	96-19-095	392-163-142	PREP-X	96-14-019	392-163-300	REP	96-18-014
392-140-675	NEW-P	96-15-114	392-163-142	REP	96-18-014	392-163-305	PREP-X	96-14-019
392-140-675	NEW	96-19-095	392-163-145	PREP-X	96-14-019	392-163-305	REP	96-18-014
392-140-680	NEW-P	96-15-114	392-163-145	REP	96-18-014	392-163-306	PREP-X	96-14-019
392-140-680	NEW	96-19-095	392-163-150	PREP-X	96-14-019	392-163-306	REP	96-18-014
392-140-685	NEW-P	96-15-114	392-163-150	REP	96-18-014	392-163-310	PREP-X	96-14-019
392-140-685	NEW	96-19-095	392-163-155	PREP-X	96-14-019	392-163-310	REP	96-18-014
392-141	PREP	96-09-067	392-163-155	REP	96-18-014	392-163-315	PREP-X	96-14-019
392-141-115	AMD-P	96-11-137	392-163-160	PREP-X	96-14-019	392-163-315	REP	96-18-014
392-141-115	AMD	96-16-010	392-163-160	REP	96-18-014	392-163-320	PREP-X	96-14-019
392-141-125	REP-P	96-11-137	392-163-165	PREP-X	96-14-019	392-163-320	REP	96-18-014
392-141-125	PREP-X	96-14-018	392-163-165	REP	96-18-014	392-163-322	PREP-X	96-14-019
392-141-125	REP	96-16-010	392-163-170	PREP-X	96-14-019	392-163-322	REP	96-18-014
392-141-125	REP	96-18-014	392-163-170	REP	96-18-014	392-163-325	PREP-X	96-14-019
392-141-135	AMD-P	96-11-137	392-163-175	PREP-X	96-14-019	392-163-325	REP	96-18-014
392-141-135	AMD	96-16-010	392-163-175	REP	96-18-014	392-163-330	PREP-X	96-14-019
392-141-140	AMD-P	96-11-137	392-163-180	PREP-X	96-14-019	392-163-330	REP	96-18-014
392-141-140	AMD	96-16-010	392-163-180	REP	96-18-014	392-163-335	PREP-X	96-14-019
392-141-151	REP-P	96-11-137	392-163-185	PREP-X	96-14-019	392-163-335	REP	96-18-014
392-141-151	REP	96-16-010	392-163-185	REP	96-18-014	392-163-340	PREP-X	96-14-019
392-141-155	AMD-P	96-11-137	392-163-186	PREP-X	96-14-019	392-163-340	REP	96-18-014
392-141-155	AMD	96-16-010	392-163-186	REP	96-18-014	392-163-345	PREP-X	96-14-019
392-141-160	AMD-P	96-11-137	392-163-190	PREP-X	96-14-019	392-163-345	REP	96-18-014
392-141-160	AMD	96-16-010	392-163-190	REP	96-18-014	392-163-350	PREP-X	96-14-019
392-141-170	AMD-P	96-11-137	392-163-195	PREP-X	96-14-019	392-163-350	REP	96-18-014
392-141-170	AMD	96-16-010	392-163-195	REP	96-18-014	392-163-355	PREP-X	96-14-019
392-141-175	REP-P	96-11-137	392-163-200	PREP-X	96-14-019	392-163-355	REP	96-18-014
392-141-175	PREP-X	96-14-018	392-163-200	REP	96-18-014	392-163-360	PREP-X	96-14-019
392-141-175	REP	96-16-010	392-163-205	PREP-X	96-14-019	392-163-360	REP	96-18-014
392-141-175	REP	96-18-014	392-163-205	REP	96-18-014	392-163-362	PREP-X	96-14-019
392-141-176	REP-P	96-11-137	392-163-210	PREP-X	96-14-019	392-163-362	REP	96-18-014
392-141-176	PREP-X	96-14-018	392-163-210	REP	96-18-014	392-163-363	PREP-X	96-14-019
392-141-176	REP	96-16-010	392-163-215	PREP-X	96-14-019	392-163-363	REP	96-18-014
392-141-176	REP	96-18-014	392-163-215	REP	96-18-014	392-163-364	PREP-X	96-14-019
392-141-185	AMD-P	96-11-137	392-163-220	PREP-X	96-14-019	392-163-364	REP	96-18-014
392-141-185	AMD	96-16-010	392-163-220	REP	96-18-014	392-163-365	PREP-X	96-14-019
392-142	PREP	96-09-068	392-163-225	PREP-X	96-14-019	392-163-365	REP	96-18-014
392-142-155	AMD-P	96-11-138	392-163-225	REP	96-18-014	392-163-370	PREP-X	96-14-019
392-142-155	AMD	96-16-011	392-163-230	PREP-X	96-14-019	392-163-370	REP	96-18-014
392-143	PREP	96-09-069	392-163-230	REP	96-18-014	392-163-375	PREP-X	96-14-019
392-143-010	AMD-P	96-11-139	392-163-235	PREP-X	96-14-019	392-163-375	REP	96-18-014
392-143-010	AMD	96-16-012	392-163-235	REP	96-18-014	392-163-385	PREP-X	96-14-019
392-151	PREP	96-15-048	392-163-236	PREP-X	96-14-019	392-163-385	REP	96-18-014
392-151-025	AMD-P	96-19-096	392-163-236	REP	96-18-014	392-163-390	PREP-X	96-14-019
392-151-030	AMD-P	96-19-096	392-163-237	PREP-X	96-14-019	392-163-390	REP	96-18-014
392-153	PREP	96-11-108	392-163-237	REP	96-18-014	392-163-400	PREP-X	96-14-019
392-153-020	AMD-P	96-18-039	392-163-240	PREP-X	96-14-019	392-163-400	REP	96-18-014
392-153-025	AMD-P	96-18-039	392-163-240	REP	96-18-014	392-163-405	PREP-X	96-14-019
392-153-032	AMD-P	96-18-039	392-163-245	PREP-X	96-14-019	392-163-405	REP	96-18-014
392-162	PREP	96-13-033	392-163-245	REP	96-18-014	392-163-410	PREP-X	96-14-019
392-162-005	AMD-P	96-20-050	392-163-250	PREP-X	96-14-019	392-163-410	REP	96-18-014
392-162-060	AMD-P	96-20-050	392-163-250	REP	96-18-014	392-163-415	PREP-X	96-14-019
392-162-120	NEW-P	96-20-050	392-163-255	PREP-X	96-14-019	392-163-415	REP	96-18-014
392-163	AMD-P	96-16-056	392-163-255	REP	96-18-014	392-163-420	PREP-X	96-14-019
392-163	AMD	96-19-097	392-163-260	PREP-X	96-14-019	392-163-420	REP	96-18-014
392-163-100	PREP-X	96-14-019	392-163-260	REP	96-18-014	392-163-425	PREP-X	96-14-019
392-163-100	REP	96-18-014	392-163-265	PREP-X	96-14-019	392-163-425	REP	96-18-014
392-163-105	PREP-X	96-14-019	392-163-265	REP	96-18-014	392-163-430	PREP-X	96-14-019
392-163-105	REP	96-18-014	392-163-270	PREP-X	96-14-019	392-163-430	REP	96-18-014
392-163-110	PREP-X	96-14-019	392-163-270	REP	96-18-014	392-163-435	PREP-X	96-14-019
392-163-110	REP	96-18-014	392-163-275	PREP-X	96-14-019	392-163-435	REP	96-18-014
392-163-115	PREP-X	96-14-019	392-163-275	REP	96-18-014	392-163-440	PREP-X	96-14-019
392-163-115	REP	96-18-014	392-163-280	PREP-X	96-14-019	392-163-440	REP	96-18-014
392-163-120	PREP-X	96-14-019	392-163-280	REP	96-18-014	392-163-445	PREP-X	96-14-019
392-163-120	REP	96-18-014	392-163-285	PREP-X	96-14-019	392-163-445	REP	96-18-014
392-163-125	PREP-X	96-14-019	392-163-285	REP	96-18-014	392-163-450	PREP-X	96-14-019
392-163-125	REP	96-18-014	392-163-290	PREP-X	96-14-019	392-163-450	REP	96-18-014

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
392-300-001	NEW-P	96-14-093	415-08-015	NEW	96-16-020	415-104-405	NEW-P	96-18-074
392-300-001	NEW	96-17-045	415-08-020	AMD-P	96-07-080	415-108-340	AMD	96-03-100
392-300-005	NEW-P	96-14-093	415-08-020	AMD	96-11-036	415-112-0160	NEW-P	96-18-073
392-300-005	NEW	96-17-045	415-08-023	NEW-P	96-07-080	415-112-040	AMD	96-03-100
392-300-010	NEW-P	96-14-093	415-08-023	NEW	96-11-036	415-112-330	AMD-E	96-18-072
392-300-010	NEW	96-17-045	415-08-025	AMD-P	96-07-080	415-112-335	NEW-E	96-18-072
392-300-015	NEW-P	96-14-093	415-08-025	AMD	96-11-036	415-112-410	REP-P	96-18-073
392-300-015	NEW	96-17-045	415-08-027	NEW-P	96-07-080	415-112-411	REP-P	96-18-073
392-300-020	NEW-P	96-14-093	415-08-027	NEW	96-11-036	415-112-414	REP-P	96-18-073
392-300-020	NEW	96-17-045	415-08-030	AMD-P	96-07-080	415-112-444	NEW-P	96-18-073
392-300-025	NEW-P	96-14-093	415-08-030	AMD	96-11-036	415-112-445	NEW-P	96-18-073
392-300-025	NEW	96-17-045	415-08-040	AMD-P	96-07-080	415-112-450	NEW-P	96-18-073
392-300-030	NEW-P	96-14-093	415-08-040	AMD	96-11-036	415-112-460	NEW-P	96-18-073
392-300-030	NEW	96-17-045	415-08-050	AMD-P	96-07-080	415-112-4601	NEW-P	96-18-073
392-300-035	NEW-P	96-14-093	415-08-050	AMD	96-11-036	415-112-4603	NEW-P	96-18-073
392-300-035	NEW	96-17-045	415-08-080	AMD-P	96-07-080	415-112-4604	NEW-P	96-18-073
392-300-040	NEW-P	96-14-093	415-08-080	AMD	96-11-036	415-112-4605	NEW-P	96-18-073
392-300-040	NEW	96-17-045	415-08-090	AMD-P	96-07-080	415-112-4607	NEW-P	96-18-073
392-300-045	NEW-P	96-14-093	415-08-090	AMD	96-11-036	415-112-4608	NEW-P	96-18-073
392-300-045	NEW	96-17-045	415-08-100	AMD-P	96-07-080	415-112-4609	NEW-P	96-18-073
392-300-050	NEW-P	96-14-093	415-08-100	AMD	96-11-036	415-112-470	NEW-P	96-18-073
392-300-050	NEW	96-17-045	415-08-105	AMD-P	96-07-080	415-112-471	NEW-P	96-18-073
392-300-055	NEW-P	96-14-093	415-08-105	AMD	96-11-036	415-112-473	NEW-P	96-18-073
392-300-055	NEW	96-17-045	415-08-280	AMD-P	96-07-080	415-112-475	NEW-P	96-18-073
392-300-060	NEW-P	96-14-093	415-08-280	AMD	96-11-036	415-112-477	NEW-P	96-18-073
392-300-060	NEW	96-17-045	415-08-420	AMD-P	96-07-080	415-112-480	NEW-P	96-18-073
392-310-010	PREP-X	96-14-019	415-08-420	AMD	96-11-036	415-112-482	NEW-P	96-18-073
392-310-010	REP	96-18-014	415-104-0125	NEW	96-04-003	415-112-483	NEW-P	96-18-073
392-310-015	PREP-X	96-14-019	415-104-108	AMD	96-03-100	415-112-485	NEW-P	96-18-073
392-310-015	REP	96-18-014	415-104-298	NEW-P	96-18-074	415-112-487	NEW-P	96-18-073
392-310-020	PREP-X	96-14-019	415-104-299	NEW-P	96-18-074	415-112-489	NEW-P	96-18-073
392-310-020	REP	96-18-014	415-104-301	NEW-P	96-18-074	415-112-490	NEW-P	96-18-073
392-310-025	PREP-X	96-14-019	415-104-305	NEW-P	96-18-074	415-112-491	NEW-P	96-18-073
392-310-025	REP	96-18-014	415-104-311	NEW-P	96-18-074	415-113-0306	AMD-P	96-15-080
392-320	PREP	96-07-050	415-104-3200	NEW-P	96-18-074	415-113-0306	AMD	96-20-004
392-320-005	AMD-P	96-12-075	415-104-3201	NEW-P	96-18-074	415-113-055	AMD-P	96-15-080
392-320-005	AMD	96-15-115	415-104-3202	NEW-P	96-18-074	415-113-055	AMD	96-20-004
392-320-015	AMD-P	96-12-075	415-104-3203	NEW-P	96-18-074	415-113-059	AMD-P	96-15-080
392-320-015	AMD	96-15-115	415-104-3204	NEW-P	96-18-074	415-113-059	AMD	96-20-004
392-320-025	AMD-P	96-12-075	415-104-3205	NEW-P	96-18-074	415-113-070	AMD-P	96-15-080
392-320-025	AMD	96-15-115	415-104-330	NEW-P	96-18-074	415-113-070	AMD	96-20-004
392-320-040	AMD-P	96-12-075	415-104-3301	NEW-P	96-18-074	415-113-090	AMD-P	96-15-080
392-320-040	AMD	96-15-115	415-104-3302	NEW-P	96-18-074	415-113-090	AMD	96-20-004
392-320-045	AMD-P	96-12-075	415-104-3303	NEW-P	96-18-074	415-200-020	NEW-P	96-20-116
392-320-045	AMD	96-15-115	415-104-3304	NEW-P	96-18-074	415-501-010	NEW-P	96-13-100
392-320-050	AMD-P	96-12-075	415-104-3305	NEW-P	96-18-074	415-501-010	NEW	96-16-020
392-320-050	AMD	96-15-115	415-104-3306	NEW-P	96-18-074	415-501-020	NEW-P	96-13-100
400-12	PREP	96-16-094	415-104-340	NEW-P	96-18-074	415-501-020	NEW	96-16-020
400-12-100	AMD-P	96-20-121	415-104-3401	NEW-P	96-18-074	415-504-010	NEW-P	96-13-100
400-12-120	AMD-P	96-20-121	415-104-3402	NEW-P	96-18-074	415-504-010	NEW	96-16-020
400-12-200	AMD-P	96-20-121	415-104-3403	NEW-P	96-18-074	415-504-020	NEW-P	96-13-100
400-12-525	AMD-P	96-20-121	415-104-3404	NEW-P	96-18-074	415-504-020	NEW	96-16-020
400-12-535	AMD-P	96-20-121	415-104-3405	NEW-P	96-18-074	415-504-030	NEW-P	96-13-100
400-12-545	AMD-P	96-20-121	415-104-3406	NEW-P	96-18-074	415-504-030	NEW	96-16-020
400-12-615	AMD-P	96-20-121	415-104-350	NEW-P	96-18-074	415-504-040	NEW-P	96-13-100
400-12-645	NEW-P	96-20-121	415-104-360	NEW-P	96-18-074	415-504-040	NEW	96-16-020
400-12-700	AMD-P	96-20-121	415-104-363	NEW-P	96-18-074	415-504-050	NEW-P	96-13-100
415	PREP	96-06-079	415-104-365	NEW-P	96-18-074	415-504-050	NEW	96-16-020
415-02-099	REP	96-03-100	415-104-367	NEW-P	96-18-074	415-504-060	NEW-P	96-13-100
415-04	AMD-P	96-13-100	415-104-370	NEW-P	96-18-074	415-504-060	NEW	96-16-020
415-04	AMD	96-16-020	415-104-373	NEW-P	96-18-074	415-504-070	NEW-P	96-13-100
415-04-010	AMD-P	96-13-100	415-104-375	NEW-P	96-18-074	415-504-070	NEW	96-16-020
415-04-010	AMD	96-16-020	415-104-377	NEW-P	96-18-074	415-504-080	NEW-P	96-13-100
415-04-020	AMD-P	96-13-100	415-104-379	NEW-P	96-18-074	415-504-080	NEW	96-16-020
415-04-020	AMD	96-16-020	415-104-380	NEW-P	96-18-074	415-504-090	NEW-P	96-13-100
415-04-030	NEW-P	96-13-100	415-104-383	NEW-P	96-18-074	415-504-090	NEW	96-16-020
415-04-030	NEW	96-16-020	415-104-385	NEW-P	96-18-074	415-504-100	NEW-P	96-13-100
415-04-040	NEW-P	96-13-100	415-104-387	NEW-P	96-18-074	415-504-100	NEW	96-16-020
415-04-040	NEW	96-16-020	415-104-390	NEW-P	96-18-074	415-504-110	NEW-P	96-13-100
415-04-050	NEW-P	96-13-100	415-104-393	NEW-P	96-18-074	415-504-110	NEW	96-16-020
415-04-050	NEW	96-16-020	415-104-395	NEW-P	96-18-074	415-508-010	NEW-P	96-13-100
415-08-010	AMD-P	96-07-080	415-104-397	NEW-P	96-18-074	415-508-010	NEW	96-16-020
415-08-010	AMD	96-11-036	415-104-401	NEW-P	96-18-074	415-508-020	NEW-P	96-13-100

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
415-508-020	NEW	96-16-020	415-610-010	NEW-P	96-13-100	415-695-010	NEW	96-16-020
415-508-030	NEW-P	96-13-100	415-610-010	NEW	96-16-020	415-695-020	NEW-P	96-13-100
415-508-030	NEW	96-16-020	415-610-015	NEW-P	96-13-100	415-695-020	NEW	96-16-020
415-508-040	NEW-P	96-13-100	415-610-015	NEW	96-16-020	415-695-030	NEW-P	96-13-100
415-508-040	NEW	96-16-020	415-610-020	NEW-P	96-13-100	415-695-030	NEW	96-16-020
415-508-050	NEW-P	96-13-100	415-610-020	NEW	96-16-020	415-695-040	NEW-P	96-13-100
415-508-050	NEW	96-16-020	415-610-030	NEW-P	96-13-100	415-695-040	NEW	96-16-020
415-512-010	NEW-P	96-13-100	415-610-030	NEW	96-16-020	419-04-010	PREP-X	96-14-041
415-512-010	NEW	96-16-020	415-620-010	NEW-P	96-13-100	419-04-010	REP	96-17-072
415-512-015	NEW-P	96-13-100	415-620-010	NEW	96-16-020	419-04-020	PREP-X	96-14-041
415-512-015	NEW	96-16-020	415-620-015	NEW-P	96-13-100	419-04-020	REP	96-17-072
415-512-020	NEW-P	96-13-100	415-620-015	NEW	96-16-020	419-04-030	PREP-X	96-14-041
415-512-020	NEW	96-16-020	415-620-020	NEW-P	96-13-100	419-04-030	REP	96-17-072
415-512-030	NEW-P	96-13-100	415-620-020	NEW	96-16-020	419-18	PREP	96-03-037
415-512-030	NEW	96-16-020	415-620-025	NEW-P	96-13-100	419-18-020	DECOD	96-06-011
415-512-040	NEW-P	96-13-100	415-620-025	NEW	96-16-020	419-18-030	DECOD	96-06-011
415-512-040	NEW	96-16-020	415-620-030	NEW-P	96-13-100	419-18-040	DECOD	96-06-011
415-512-050	NEW-P	96-13-100	415-620-030	NEW	96-16-020	419-18-045	DECOD	96-06-011
415-512-050	NEW	96-16-020	415-620-035	NEW-P	96-13-100	419-18-050	DECOD	96-06-011
415-512-070	NEW-P	96-13-100	415-620-035	NEW	96-16-020	419-18-060	DECOD	96-06-011
415-512-070	NEW	96-16-020	415-620-040	NEW-P	96-13-100	419-18-070	DECOD	96-06-011
415-512-075	NEW-P	96-13-100	415-620-040	NEW	96-16-020	419-18-080	DECOD	96-06-011
415-512-075	NEW	96-16-020	415-620-045	NEW-P	96-13-100	419-20-010	PREP-X	96-14-040
415-512-080	NEW-P	96-13-100	415-620-045	NEW	96-16-020	419-20-010	REP	96-17-072
415-512-080	NEW	96-16-020	415-620-050	NEW-P	96-13-100	419-20-020	PREP-X	96-14-040
415-512-085	NEW-P	96-13-100	415-620-050	NEW	96-16-020	419-20-020	REP	96-17-072
415-512-085	NEW	96-16-020	415-620-055	NEW-P	96-13-100	419-20-030	PREP-X	96-14-040
415-512-086	NEW-P	96-13-100	415-620-055	NEW	96-16-020	419-20-030	REP	96-17-072
415-512-086	NEW	96-16-020	415-630-010	NEW-P	96-13-100	419-20-040	PREP-X	96-14-040
415-512-087	NEW-P	96-13-100	415-630-010	NEW	96-16-020	419-20-040	REP	96-17-072
415-512-087	NEW	96-16-020	415-630-020	NEW-P	96-13-100	419-20-050	PREP-X	96-14-040
415-512-090	NEW-P	96-13-100	415-630-020	NEW	96-16-020	419-20-050	REP	96-17-072
415-512-090	NEW	96-16-020	415-630-030	NEW-P	96-13-100	419-20-060	PREP-X	96-14-040
415-512-110	NEW-P	96-13-100	415-630-030	NEW	96-16-020	419-20-060	REP	96-17-072
415-512-110	NEW	96-16-020	415-640-010	NEW-P	96-13-100	419-20-070	PREP-X	96-14-040
415-524-010	NEW-P	96-13-100	415-640-010	NEW	96-16-020	419-20-070	REP	96-17-072
415-524-010	NEW	96-16-020	415-640-020	NEW-P	96-13-100	419-20-080	PREP-X	96-14-040
415-528-010	NEW-P	96-13-100	415-640-020	NEW	96-16-020	419-20-080	REP	96-17-072
415-528-010	NEW	96-16-020	415-640-030	NEW-P	96-13-100	419-20-090	PREP-X	96-14-040
415-532-010	NEW-P	96-13-100	415-640-030	NEW	96-16-020	419-20-090	REP	96-17-072
415-532-010	NEW	96-16-020	415-650-010	NEW-P	96-13-100	419-20-100	PREP-X	96-14-040
415-532-020	NEW-P	96-13-100	415-650-010	NEW	96-16-020	419-20-100	REP	96-17-072
415-532-020	NEW	96-16-020	415-650-020	NEW-P	96-13-100	419-20-110	PREP-X	96-14-040
415-536-010	NEW-P	96-13-100	415-650-020	NEW	96-16-020	419-20-110	REP	96-17-072
415-536-010	NEW	96-16-020	415-650-030	NEW-P	96-13-100	419-20-120	PREP-X	96-14-040
415-540-010	NEW-P	96-13-100	415-650-030	NEW	96-16-020	419-20-120	REP	96-17-072
415-540-010	NEW	96-16-020	415-650-040	NEW-P	96-13-100	419-20-130	PREP-X	96-14-040
415-544-010	NEW-P	96-13-100	415-650-040	NEW	96-16-020	419-20-130	REP	96-17-072
415-544-010	NEW	96-16-020	415-650-050	NEW-P	96-13-100	419-20-140	PREP-X	96-14-040
415-548-010	NEW-P	96-13-100	415-650-050	NEW	96-16-020	419-20-140	REP	96-17-072
415-548-010	NEW	96-16-020	415-660-010	NEW-P	96-13-100	419-20-150	PREP-X	96-14-040
415-552-010	NEW-P	96-13-100	415-660-010	NEW	96-16-020	419-20-150	REP	96-17-072
415-552-010	NEW	96-16-020	415-660-020	NEW-P	96-13-100	419-20-900	PREP-X	96-14-040
415-556-010	NEW-P	96-13-100	415-660-020	NEW	96-16-020	419-20-900	REP	96-17-072
415-556-010	NEW	96-16-020	415-670-010	NEW-P	96-13-100	419-28-010	PREP-X	96-14-039
415-560-010	NEW-P	96-13-100	415-670-010	NEW	96-16-020	419-28-010	REP	96-17-072
415-560-010	NEW	96-16-020	415-680-010	NEW-P	96-13-100	419-28-020	PREP-X	96-14-039
415-564-010	NEW-P	96-13-100	415-680-010	NEW	96-16-020	419-28-020	REP	96-17-072
415-564-010	NEW	96-16-020	415-680-020	NEW-P	96-13-100	419-28-030	PREP-X	96-14-039
415-564-020	NEW-P	96-13-100	415-680-020	NEW	96-16-020	419-28-030	REP	96-17-072
415-564-020	NEW	96-16-020	415-680-030	NEW-P	96-13-100	419-28-040	PREP-X	96-14-039
415-564-030	NEW-P	96-13-100	415-680-030	NEW	96-16-020	419-28-040	REP	96-17-072
415-564-030	NEW	96-16-020	415-680-040	NEW-P	96-13-100	419-28-050	PREP-X	96-14-039
415-564-040	NEW-P	96-13-100	415-680-040	NEW	96-16-020	419-28-050	REP	96-17-072
415-564-040	NEW	96-16-020	415-680-050	NEW-P	96-13-100	419-28-060	PREP-X	96-14-039
415-564-050	NEW-P	96-13-100	415-680-050	NEW	96-16-020	419-28-060	REP	96-17-072
415-564-050	NEW	96-16-020	415-680-060	NEW-P	96-13-100	419-28-070	PREP-X	96-14-039
415-564-060	NEW-P	96-13-100	415-680-060	NEW	96-16-020	419-28-070	REP	96-17-072
415-564-060	NEW	96-16-020	415-680-070	NEW-P	96-13-100	419-28-080	PREP-X	96-14-039
415-568-010	NEW-P	96-13-100	415-680-070	NEW	96-16-020	419-28-080	REP	96-17-072
415-568-010	NEW	96-16-020	415-690-010	NEW-P	96-13-100	419-28-990	PREP-X	96-14-039
415-568-020	NEW-P	96-13-100	415-690-010	NEW	96-16-020	419-28-990	REP	96-17-072
415-568-020	NEW	96-16-020	415-695-010	NEW-P	96-13-100	419-36-010	DECOD	96-06-011

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
419-36-020	DECOD	96-06-011	434-75-090	AMD	96-03-141	434-75-340	DECOD	96-03-141
419-36-030	DECOD	96-06-011	434-75-090	DECOD	96-03-141	434-75-350	AMD-E	96-03-140
419-36-040	DECOD	96-06-011	434-75-100	AMD-E	96-03-140	434-75-350	AMD	96-03-141
419-36-050	DECOD	96-06-011	434-75-100	AMD	96-03-141	434-75-350	DECOD	96-03-141
419-36-060	DECOD	96-06-011	434-75-100	DECOD	96-03-141	434-79-010	AMD-E	96-14-085
419-36-070	DECOD	96-06-011	434-75-110	AMD-E	96-03-140	434-120-100	AMD-P	96-05-089
419-36-080	DECOD	96-06-011	434-75-110	AMD	96-03-141	434-120-100	AMD	96-10-021
419-36-090	DECOD	96-06-011	434-75-110	DECOD	96-03-141	434-120-105	AMD-P	96-05-089
419-40-010	DECOD	96-06-011	434-75-120	AMD-E	96-03-140	434-120-105	AMD-W	96-19-008
419-40-020	DECOD	96-06-011	434-75-120	AMD	96-03-141	434-120-130	AMD-P	96-05-089
419-40-030	DECOD	96-06-011	434-75-120	DECOD	96-03-141	434-120-130	AMD-W	96-19-008
419-40-040	DECOD	96-06-011	434-75-130	AMD-E	96-03-140	434-120-140	AMD-P	96-05-089
419-40-050	DECOD	96-06-011	434-75-130	AMD	96-03-141	434-120-140	AMD	96-10-021
419-44-010	DECOD	96-06-011	434-75-130	DECOD	96-03-141	434-120-225	AMD-P	96-05-089
419-64-010	DECOD	96-06-011	434-75-140	AMD-E	96-03-140	434-120-225	AMD	96-10-021
419-64-020	DECOD	96-06-011	434-75-140	AMD	96-03-141	434-120-255	AMD-P	96-05-089
419-64-030	DECOD	96-06-011	434-75-140	DECOD	96-03-141	434-120-255	AMD-W	96-19-008
419-64-040	DECOD	96-06-011	434-75-150	AMD-E	96-03-140	434-120-300	AMD-P	96-05-088
419-64-050	DECOD	96-06-011	434-75-150	AMD	96-03-141	434-120-300	AMD	96-08-049
419-64-060	DECOD	96-06-011	434-75-150	DECOD	96-03-141	434-120-335	AMD-P	96-05-088
419-64-070	DECOD	96-06-011	434-75-160	AMD-E	96-03-140	434-120-335	AMD	96-08-049
419-64-080	DECOD	96-06-011	434-75-160	AMD	96-03-141	434-166-260	AMD-P	96-07-069
419-64-090	DECOD	96-06-011	434-75-160	DECOD	96-03-141	434-166-260	AMD	96-10-052
419-72-010	DECOD	96-06-011	434-75-170	REP-E	96-03-140	434-166-280	AMD-P	96-07-069
419-72-012	DECOD	96-06-011	434-75-170	REP	96-03-141	434-166-280	AMD	96-10-052
419-72-015	DECOD	96-06-011	434-75-180	AMD-E	96-03-140	434-166-290	AMD-P	96-07-069
419-72-015	PREP	96-09-005	434-75-180	AMD	96-03-141	434-166-290	AMD	96-10-052
419-72-020	DECOD	96-06-011	434-75-180	DECOD	96-03-141	434-219-010	RECOD	96-03-141
419-72-025	DECOD	96-06-011	434-75-190	AMD-E	96-03-140	434-219-020	RECOD	96-03-141
419-72-041	DECOD	96-06-011	434-75-190	AMD	96-03-141	434-219-030	RECOD	96-03-141
419-72-045	DECOD	96-06-011	434-75-190	DECOD	96-03-141	434-219-040	RECOD	96-03-141
419-72-050	DECOD	96-06-011	434-75-200	REP-E	96-03-140	434-219-050	RECOD	96-03-141
419-72-060	DECOD	96-06-011	434-75-200	REP	96-03-141	434-219-060	RECOD	96-03-141
419-72-065	DECOD	96-06-011	434-75-210	AMD-E	96-03-140	434-219-070	RECOD	96-03-141
419-72-070	DECOD	96-06-011	434-75-210	AMD	96-03-141	434-219-080	RECOD	96-03-141
419-72-075	DECOD	96-06-011	434-75-210	DECOD	96-03-141	434-219-090	RECOD	96-03-141
419-72-080	DECOD	96-06-011	434-75-220	AMD-E	96-03-140	434-219-100	RECOD	96-03-141
419-80-010	DECOD	96-06-011	434-75-220	AMD	96-03-141	434-219-110	RECOD	96-03-141
419-80-020	DECOD	96-06-011	434-75-220	DECOD	96-03-141	434-219-120	RECOD	96-03-141
419-80-030	DECOD	96-06-011	434-75-230	AMD-E	96-03-140	434-219-130	RECOD	96-03-141
419-80-040	DECOD	96-06-011	434-75-230	AMD	96-03-141	434-219-140	RECOD	96-03-141
419-80-050	DECOD	96-06-011	434-75-230	DECOD	96-03-141	434-219-150	RECOD	96-03-141
419-80-060	DECOD	96-06-011	434-75-240	AMD-E	96-03-140	434-219-160	RECOD	96-03-141
419-80-070	DECOD	96-06-011	434-75-240	AMD	96-03-141	434-219-180	RECOD	96-03-141
434-40-225	NEW-E	96-20-081	434-75-240	DECOD	96-03-141	434-219-190	RECOD	96-03-141
434-40-230	AMD-E	96-20-081	434-75-250	AMD-E	96-03-140	434-219-210	RECOD	96-03-141
434-40-235	NEW-E	96-18-103	434-75-250	AMD	96-03-141	434-219-220	RECOD	96-03-141
434-40-310	REP-E	96-18-103	434-75-250	DECOD	96-03-141	434-219-230	RECOD	96-03-141
434-75-010	AMD-E	96-03-140	434-75-260	AMD-E	96-03-140	434-219-240	RECOD	96-03-141
434-75-010	AMD	96-03-141	434-75-260	AMD	96-03-141	434-219-250	RECOD	96-03-141
434-75-010	DECOD	96-03-141	434-75-260	DECOD	96-03-141	434-219-260	RECOD	96-03-141
434-75-020	AMD-E	96-03-140	434-75-270	AMD-E	96-03-140	434-219-270	RECOD	96-03-141
434-75-020	AMD	96-03-141	434-75-270	AMD	96-03-141	434-219-280	RECOD	96-03-141
434-75-020	DECOD	96-03-141	434-75-270	DECOD	96-03-141	434-219-290	RECOD	96-03-141
434-75-030	AMD-E	96-03-140	434-75-280	AMD-E	96-03-140	434-219-310	RECOD	96-03-141
434-75-030	AMD	96-03-141	434-75-280	AMD	96-03-141	434-219-320	RECOD	96-03-141
434-75-030	DECOD	96-03-141	434-75-280	DECOD	96-03-141	434-219-330	RECOD	96-03-141
434-75-040	AMD-E	96-03-140	434-75-290	AMD-E	96-03-140	434-219-340	RECOD	96-03-141
434-75-040	AMD	96-03-141	434-75-290	AMD	96-03-141	434-219-350	RECOD	96-03-141
434-75-040	DECOD	96-03-141	434-75-290	DECOD	96-03-141	440-22	PREP	96-08-079
434-75-050	AMD-E	96-03-140	434-75-300	REP-E	96-03-140	440-22	PREP	96-12-015
434-75-050	AMD	96-03-141	434-75-300	REP	96-03-141	440-22-005	AMD-P	96-09-078
434-75-050	DECOD	96-03-141	434-75-310	AMD-E	96-03-140	440-22-005	AMD-C	96-12-033
434-75-060	AMD-E	96-03-140	434-75-310	AMD	96-03-141	440-22-005	AMD-S	96-14-055
434-75-060	AMD	96-03-141	434-75-310	DECOD	96-03-141	440-22-406	NEW-P	96-09-078
434-75-060	DECOD	96-03-141	434-75-320	AMD-E	96-03-140	440-22-406	NEW-C	96-12-033
434-75-070	AMD-E	96-03-140	434-75-320	AMD	96-03-141	440-22-406	NEW-S	96-14-055
434-75-070	AMD	96-03-141	434-75-320	DECOD	96-03-141	440-22-408	NEW-P	96-09-078
434-75-070	DECOD	96-03-141	434-75-330	AMD-E	96-03-140	440-22-408	NEW-C	96-12-033
434-75-080	AMD-E	96-03-140	434-75-330	AMD	96-03-141	440-26-005	NEW-P	96-13-101
434-75-080	AMD	96-03-141	434-75-330	DECOD	96-03-141	440-26-005	NEW	96-16-015
434-75-080	DECOD	96-03-141	434-75-340	AMD-E	96-03-140	440-26-010	NEW-P	96-13-101
434-75-090	AMD-E	96-03-140	434-75-340	AMD	96-03-141	440-26-010	NEW	96-16-015

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
440-26-020	NEW-P	96-13-101	458-24-020	PREP-X	96-14-049	460-10A-075	REP-P	96-07-084
440-26-020	NEW	96-16-015	458-24-030	PREP-X	96-14-049	460-10A-075	REP	96-11-026
440-26-030	NEW-P	96-13-101	458-24-040	PREP-X	96-14-049	460-10A-080	REP-P	96-07-084
440-26-030	NEW	96-16-015	458-24-050	PREP-X	96-14-049	460-10A-080	REP	96-11-026
440-26-100	NEW-P	96-13-101	458-24-060	PREP-X	96-14-049	460-10A-090	REP-P	96-07-084
440-26-100	NEW	96-16-015	458-24-070	PREP-X	96-14-049	460-10A-090	REP	96-11-026
440-26-110	NEW-P	96-13-101	458-24-080	PREP-X	96-14-049	460-10A-095	REP-P	96-07-084
440-26-110	NEW	96-16-015	458-24-090	PREP-X	96-14-049	460-10A-095	REP	96-11-026
440-26-120	NEW-P	96-13-101	458-40-660	PREP	96-06-058	460-10A-100	REP-P	96-07-084
440-26-120	NEW	96-16-015	458-40-660	AMD-P	96-10-075	460-10A-100	REP	96-11-026
440-26-130	NEW-P	96-13-101	458-40-660	AMD	96-14-063	460-10A-105	REP-P	96-07-084
440-26-130	NEW	96-16-015	458-40-660	PREP	96-19-087	460-10A-105	REP	96-11-026
440-26-140	NEW-P	96-13-101	458-40-690	PREP	96-19-087	460-10A-110	AMD-P	96-07-084
440-26-140	NEW	96-16-015	458-53-010	AMD	96-05-002	460-10A-110	AMD	96-11-026
440-26-160	NEW-P	96-13-101	458-53-020	AMD	96-05-002	460-10A-115	REP-P	96-07-084
440-26-160	NEW	96-16-015	458-53-030	AMD	96-05-002	460-10A-115	REP	96-11-026
440-26-200	NEW-P	96-13-101	458-53-040	REP	96-05-002	460-10A-120	REP-P	96-07-084
440-26-200	NEW	96-16-015	458-53-050	AMD	96-05-002	460-10A-120	REP	96-11-026
440-26-205	NEW-P	96-13-101	458-53-051	REP	96-05-002	460-10A-125	REP-P	96-07-084
440-26-205	NEW	96-16-015	458-53-070	AMD	96-05-002	460-10A-125	REP	96-11-026
440-26-210	NEW-P	96-13-101	458-53-080	AMD	96-05-002	460-10A-130	AMD-P	96-07-084
440-26-210	NEW	96-16-015	458-53-090	AMD	96-05-002	460-10A-130	AMD	96-11-026
440-26-220	NEW-P	96-13-101	458-53-095	NEW	96-05-002	460-10A-135	REP-P	96-07-084
440-26-220	NEW	96-16-015	458-53-100	AMD	96-05-002	460-10A-135	REP	96-11-026
440-26-230	NEW-P	96-13-101	458-53-105	NEW	96-05-002	460-10A-140	REP-P	96-07-084
440-26-230	NEW	96-16-015	458-53-110	REP	96-05-002	460-10A-140	REP	96-11-026
440-26-240	NEW-P	96-13-101	458-53-120	REP	96-05-002	460-10A-145	REP-P	96-07-084
440-26-240	NEW	96-16-015	458-53-130	AMD	96-05-002	460-10A-145	REP	96-11-026
440-26-250	NEW-P	96-13-101	458-53-135	NEW	96-05-002	460-10A-150	REP-P	96-07-084
440-26-250	NEW	96-16-015	458-53-140	AMD	96-05-002	460-10A-150	REP	96-11-026
446-10-090	PREP	96-14-114	458-53-141	REP	96-05-002	460-10A-155	REP-P	96-07-084
446-20-290	REP-E	96-11-069	458-53-142	REP	96-05-002	460-10A-155	REP	96-11-026
446-20-290	PREP	96-11-070	458-53-150	REP	96-05-002	460-10A-170	AMD-P	96-07-084
446-20-290	REP-P	96-14-078	458-53-160	AMD	96-05-002	460-10A-170	AMD	96-11-026
446-20-290	REP	96-18-017	458-53-163	REP	96-05-002	460-10A-180	AMD-P	96-07-084
446-20-600	NEW-E	96-11-069	458-53-165	REP	96-05-002	460-10A-180	AMD	96-11-026
446-20-600	PREP	96-11-070	458-53-180	REP	96-05-002	460-10A-185	NEW-P	96-07-084
446-20-600	NEW-P	96-14-078	458-53-200	AMD	96-05-002	460-10A-185	NEW	96-11-026
446-20-600	NEW	96-18-017	458-53-210	AMD	96-05-002	460-10A-190	NEW-P	96-07-084
446-20-610	NEW-E	96-11-069	458-56-010	PREP-X	96-14-050	460-10A-190	NEW	96-11-026
446-20-610	PREP	96-11-070	458-56-020	PREP-X	96-14-050	460-10A-195	NEW-P	96-07-084
446-20-610	NEW-P	96-14-078	458-56-030	PREP-X	96-14-050	460-10A-195	NEW	96-11-026
446-20-610	NEW	96-18-017	458-56-040	PREP-X	96-14-050	460-10A-200	NEW-P	96-07-084
446-20-620	NEW-E	96-11-069	458-56-050	PREP-X	96-14-050	460-10A-200	NEW	96-11-026
446-20-620	PREP	96-11-070	458-56-060	PREP-X	96-14-050	460-10A-205	NEW-P	96-07-084
446-20-620	NEW-P	96-14-078	458-56-070	PREP-X	96-14-050	460-10A-205	NEW	96-11-026
446-20-620	NEW	96-18-017	458-56-080	PREP-X	96-14-050	460-10A-210	NEW-P	96-07-084
446-20-630	NEW-E	96-11-069	458-56-090	PREP-X	96-14-050	460-10A-210	NEW	96-11-026
446-20-630	PREP	96-11-070	458-56-100	PREP-X	96-14-050	460-16A-010	PREP	96-03-129
446-20-630	NEW-P	96-14-078	458-56-110	PREP-X	96-14-050	460-16A-010	AMD-P	96-07-057
446-20-630	NEW	96-18-017	458-56-120	PREP-X	96-14-050	460-16A-010	AMD	96-11-023
446-65-010	AMD-E	96-14-112	458-56-130	PREP-X	96-14-050	460-16A-015	PREP	96-03-128
446-65-010	PREP	96-14-113	458-56-140	PREP-X	96-14-050	460-16A-015	AMD-P	96-07-065
446-65-010	AMD-P	96-19-077	458-56-150	PREP-X	96-14-050	460-16A-015	AMD	96-11-019
458-10	PREP	96-15-135	458-56-160	PREP-X	96-14-050	460-16A-111	PREP	96-03-127
458-20-101	PREP	96-15-136	458-56-170	PREP-X	96-14-050	460-16A-111	AMD-P	96-07-063
458-20-104	PREP	96-15-136	458-56-180	PREP-X	96-14-050	460-16A-111	AMD	96-11-020
458-20-12401	NEW-P	96-06-056	458-56-190	PREP-X	96-14-050	460-16A-120	PREP	96-03-126
458-20-12401	NEW-P	96-09-087	458-56-200	PREP-X	96-14-050	460-16A-120	AMD-P	96-07-062
458-20-12401	NEW-E	96-10-020	458-56-210	PREP-X	96-14-050	460-16A-120	AMD	96-11-021
458-20-12401	NEW	96-16-086	458-56-220	PREP-X	96-14-050	460-16A-125	PREP	96-03-125
458-20-13601	PREP	96-08-040	458-56-230	PREP-X	96-14-050	460-16A-125	AMD-P	96-07-055
458-20-14601	PREP	96-07-097	460-10A	PREP	96-03-121	460-16A-125	AMD	96-11-024
458-20-199	AMD-P	96-06-057	460-10A-035	REP-P	96-07-084	460-16A-150	PREP	96-03-125
458-20-199	AMD-C	96-10-040	460-10A-035	REP	96-11-026	460-16A-150	AMD-P	96-07-055
458-20-199	AMD	96-12-024	460-10A-050	AMD-P	96-07-084	460-16A-150	AMD	96-11-024
458-20-211	AMD	96-03-139	460-10A-050	AMD	96-11-026	460-16A-205	PREP	96-03-130
458-20-226	AMD	96-05-080	460-10A-055	REP-P	96-07-084	460-16A-205	AMD-P	96-07-061
458-20-232	PREP-X	96-14-051	460-10A-055	REP	96-11-026	460-16A-205	AMD	96-11-017
458-20-262	PREP	96-17-037	460-10A-060	AMD-P	96-07-084	460-16A-390	PREP	96-03-129
458-20-263	PREP	96-14-079	460-10A-060	AMD	96-11-026	460-16A-390	AMD-P	96-07-057
458-20-263	NEW-E	96-14-080	460-10A-065	REP-P	96-07-084	460-16A-390	AMD	96-11-023
458-24-010	PREP-X	96-14-049	460-10A-065	REP	96-11-026	460-17A	PREP	96-03-120

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
460-17A	AMD-P	96-07-083	461-08-050	REP-P	96-10-062	461-08-195	REP	96-15-002
460-17A	AMD	96-11-027	461-08-050	REP	96-15-002	461-08-205	REP-P	96-10-062
460-17A-010	AMD-P	96-07-083	461-08-053	REP-P	96-10-062	461-08-205	REP	96-15-002
460-17A-010	AMD	96-11-027	461-08-053	REP	96-15-002	461-08-210	REP-P	96-10-062
460-17A-020	AMD-P	96-07-083	461-08-055	REP-P	96-10-062	461-08-210	REP	96-15-002
460-17A-020	AMD	96-11-027	461-08-055	REP	96-15-002	461-08-215	REP-P	96-10-062
460-17A-030	AMD-P	96-07-083	461-08-060	REP-P	96-10-062	461-08-215	REP	96-15-002
460-17A-030	AMD	96-11-027	461-08-060	REP	96-15-002	461-08-220	REP-P	96-10-062
460-17A-040	AMD-P	96-07-083	461-08-065	REP-P	96-10-062	461-08-220	REP	96-15-002
460-17A-040	AMD	96-11-027	461-08-065	REP	96-15-002	461-08-221	REP-P	96-10-062
460-17A-050	AMD-P	96-07-083	461-08-070	REP-P	96-10-062	461-08-221	REP	96-15-002
460-17A-050	AMD	96-11-027	461-08-070	REP	96-15-002	461-08-225	REP-P	96-10-062
460-17A-060	AMD-P	96-07-083	461-08-075	REP-P	96-10-062	461-08-225	REP	96-15-002
460-17A-060	AMD	96-11-027	461-08-075	REP	96-15-002	461-08-230	REP-P	96-10-062
460-17A-070	AMD-P	96-07-083	461-08-080	REP-P	96-10-062	461-08-230	REP	96-15-002
460-17A-070	AMD	96-11-027	461-08-080	REP	96-15-002	461-08-235	REP-P	96-10-062
460-20B-020	PREP	96-03-117	461-08-085	REP-P	96-10-062	461-08-235	REP	96-15-002
460-20B-020	AMD-P	96-07-059	461-08-085	REP	96-15-002	461-08-237	REP-P	96-10-062
460-20B-020	AMD-W	96-20-109	461-08-090	REP-P	96-10-062	461-08-237	REP	96-15-002
460-20B-035	NEW-S	96-12-018	461-08-090	REP	96-15-002	461-08-240	REP-P	96-10-062
460-20B-035	NEW	96-15-062	461-08-093	REP-P	96-10-062	461-08-240	REP	96-15-002
460-20B-070	PREP	96-03-117	461-08-093	REP	96-15-002	461-08-245	REP-P	96-10-062
460-20B-070	NEW-P	96-07-059	461-08-095	REP-P	96-10-062	461-08-245	REP	96-15-002
460-20B-070	NEW-W	96-20-109	461-08-095	REP	96-15-002	461-08-250	REP-P	96-10-062
460-33A-020	PREP	96-03-124	461-08-100	REP-P	96-10-062	461-08-250	REP	96-15-002
460-33A-020	AMD-P	96-07-056	461-08-100	REP	96-15-002	461-08-255	REP-P	96-10-062
460-33A-020	AMD	96-11-025	461-08-105	REP-P	96-10-062	461-08-255	REP	96-15-002
460-40A-025	PREP	96-03-122	461-08-105	REP	96-15-002	461-08-260	REP-P	96-10-062
460-40A-025	REP-P	96-07-060	461-08-110	REP-P	96-10-062	461-08-260	REP	96-15-002
460-40A-025	REP	96-11-018	461-08-110	REP	96-15-002	461-08-265	REP-P	96-10-062
460-42A-010	PREP	96-03-119	461-08-115	REP-P	96-10-062	461-08-265	REP	96-15-002
460-42A-010	REP-P	96-07-067	461-08-115	REP	96-15-002	461-08-270	REP-P	96-10-062
460-42A-010	REP	96-11-028	461-08-120	REP-P	96-10-062	461-08-270	REP	96-15-002
460-42A-081	AMD-P	96-03-131	461-08-120	REP	96-15-002	461-08-300	NEW-P	96-10-062
460-42A-081	AMD	96-11-016	461-08-125	REP-P	96-10-062	461-08-300	NEW	96-15-002
460-44A-503	PREP	96-03-116	461-08-125	REP	96-15-002	461-08-305	NEW-P	96-10-062
460-44A-503	AMD-P	96-12-019	461-08-130	REP-P	96-10-062	461-08-305	NEW	96-15-002
460-44A-503	AMD	96-15-063	461-08-130	REP	96-15-002	461-08-310	NEW-P	96-10-062
460-44A-505	PREP	96-03-116	461-08-135	REP-P	96-10-062	461-08-310	NEW-S	96-13-064
460-44A-506	PREP	96-03-116	461-08-135	REP	96-15-002	461-08-310	NEW	96-17-017
460-46A-050	AMD-P	96-03-132	461-08-140	REP-P	96-10-062	461-08-315	NEW-P	96-10-062
460-46A-050	AMD	96-11-015	461-08-140	REP	96-15-002	461-08-315	NEW	96-15-002
460-60A-015	PREP	96-03-123	461-08-143	REP-P	96-10-062	461-08-320	NEW-P	96-10-062
460-60A-015	AMD-P	96-07-058	461-08-143	REP	96-15-002	461-08-320	NEW	96-15-002
460-60A-015	AMD	96-11-022	461-08-144	REP-P	96-10-062	461-08-325	NEW-P	96-10-062
460-60A-020	PREP	96-03-123	461-08-144	REP	96-15-002	461-08-325	NEW	96-15-002
460-60A-020	AMD-P	96-07-058	461-08-145	REP-P	96-10-062	461-08-330	NEW-P	96-10-062
460-60A-020	AMD	96-11-022	461-08-145	REP	96-15-002	461-08-330	NEW	96-15-002
460-80-160	PREP	96-03-118	461-08-150	REP-P	96-10-062	461-08-335	NEW-P	96-10-062
460-80-160	REP-P	96-07-066	461-08-150	REP	96-15-002	461-08-335	NEW	96-15-002
460-80-160	REP	96-11-029	461-08-155	REP-P	96-10-062	461-08-340	NEW-P	96-10-062
461-08-001	REP-P	96-10-062	461-08-155	REP	96-15-002	461-08-340	NEW	96-15-002
461-08-001	REP	96-15-002	461-08-156	REP-P	96-10-062	461-08-345	NEW-P	96-10-062
461-08-005	REP-P	96-10-062	461-08-156	REP	96-15-002	461-08-345	NEW	96-15-002
461-08-005	REP	96-15-002	461-08-157	REP-P	96-10-062	461-08-350	NEW-P	96-10-062
461-08-010	REP-P	96-10-062	461-08-157	REP	96-15-002	461-08-350	NEW	96-15-002
461-08-010	REP	96-15-002	461-08-160	REP-P	96-10-062	461-08-355	NEW-P	96-10-062
461-08-015	REP-P	96-10-062	461-08-160	REP	96-15-002	461-08-355	NEW	96-15-002
461-08-015	REP	96-15-002	461-08-167	REP-P	96-10-062	461-08-360	NEW-P	96-10-062
461-08-020	REP-P	96-10-062	461-08-167	REP	96-15-002	461-08-360	NEW	96-15-002
461-08-020	REP	96-15-002	461-08-170	REP-P	96-10-062	461-08-365	NEW-P	96-10-062
461-08-025	REP-P	96-10-062	461-08-170	REP	96-15-002	461-08-365	NEW	96-15-002
461-08-025	REP	96-15-002	461-08-174	REP-P	96-10-062	461-08-370	NEW-P	96-10-062
461-08-030	REP-P	96-10-062	461-08-174	REP	96-15-002	461-08-370	NEW	96-15-002
461-08-030	REP	96-15-002	461-08-175	REP-P	96-10-062	461-08-375	NEW-P	96-10-062
461-08-035	REP-P	96-10-062	461-08-175	REP	96-15-002	461-08-375	NEW	96-15-002
461-08-035	REP	96-15-002	461-08-180	REP-P	96-10-062	461-08-380	NEW-P	96-10-062
461-08-040	REP-P	96-10-062	461-08-180	REP	96-15-002	461-08-380	NEW	96-15-002
461-08-040	REP	96-15-002	461-08-185	REP-P	96-10-062	461-08-385	NEW-P	96-10-062
461-08-045	REP-P	96-10-062	461-08-185	REP	96-15-002	461-08-385	NEW	96-15-002
461-08-045	REP	96-15-002	461-08-190	REP-P	96-10-062	461-08-390	NEW-P	96-10-062
461-08-047	REP-P	96-10-062	461-08-190	REP	96-15-002	461-08-390	NEW	96-15-002
461-08-047	REP	96-15-002	461-08-195	REP-P	96-10-062	461-08-395	NEW-P	96-10-062

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
461-08-395	NEW	96-15-002	461-08-575	NEW	96-15-002	468-200-320	NEW	96-02-067
461-08-400	NEW-P	96-10-062	461-08-580	NEW-P	96-10-062	468-200-340	NEW	96-02-067
461-08-400	NEW	96-15-002	461-08-580	NEW	96-15-002	468-200-350	NEW	96-02-067
461-08-405	NEW-P	96-10-062	461-08-585	NEW-P	96-10-062	468-200-360	NEW	96-02-067
461-08-405	NEW	96-15-002	461-08-585	NEW	96-15-002	468-210-001	RECOD-P	96-14-024
461-08-410	NEW-P	96-10-062	468-06	PREP	96-09-013	468-210-001	RECOD	96-17-018
461-08-410	NEW	96-15-002	468-06-030	AMD-P	96-12-036	468-210-010	RECOD-P	96-14-024
461-08-415	NEW-P	96-10-062	468-06-030	AMD	96-16-004	468-210-010	RECOD	96-17-018
461-08-415	NEW	96-15-002	468-06-040	AMD-P	96-12-036	468-210-020	RECOD-P	96-14-024
461-08-420	NEW-P	96-10-062	468-06-040	AMD	96-16-004	468-210-020	RECOD	96-17-018
461-08-420	NEW	96-15-002	468-06-070	AMD-P	96-12-036	468-210-030	RECOD-P	96-14-024
461-08-425	NEW-P	96-10-062	468-06-070	AMD	96-16-004	468-210-030	RECOD	96-17-018
461-08-425	NEW	96-15-002	468-06-090	AMD-P	96-12-036	468-210-040	RECOD-P	96-14-024
461-08-430	NEW-P	96-10-062	468-06-090	AMD	96-16-004	468-210-040	RECOD	96-17-018
461-08-430	NEW	96-15-002	468-38-070	AMD-P	96-20-040	468-210-050	RECOD-P	96-14-024
461-08-435	NEW-P	96-10-062	468-38-071	NEW-P	96-20-040	468-210-050	RECOD	96-17-018
461-08-435	NEW	96-15-002	468-38-120	PREP	96-11-009	468-220-010	RECOD-P	96-14-024
461-08-440	NEW-P	96-10-062	468-38-120	AMD-P	96-15-018	468-220-010	RECOD	96-17-018
461-08-440	NEW	96-15-002	468-38-120	AMD	96-18-053	468-230-050	RECOD-P	96-14-024
461-08-445	NEW-P	96-10-062	468-66	PREP	96-06-022	468-230-050	RECOD	96-17-018
461-08-445	NEW	96-15-002	468-66-010	AMD-P	96-10-007	468-240-002	RECOD-P	96-14-024
461-08-450	NEW-P	96-10-062	468-66-010	AMD	96-13-007	468-240-002	RECOD	96-17-018
461-08-450	NEW	96-15-002	468-66-080	AMD	96-03-031	468-240-005	RECOD-P	96-14-024
461-08-455	NEW-P	96-10-062	468-86-010	NEW-W	96-05-032	468-240-005	RECOD	96-17-018
461-08-455	NEW	96-15-002	468-86-020	NEW-W	96-05-032	468-240-025	RECOD-P	96-14-024
461-08-460	NEW-P	96-10-062	468-86-030	NEW-W	96-05-032	468-240-025	RECOD	96-17-018
461-08-460	NEW	96-15-002	468-86-040	NEW-W	96-05-032	468-240-030	RECOD-P	96-14-024
461-08-465	NEW-P	96-10-062	468-86-050	NEW-W	96-05-032	468-240-030	RECOD	96-17-018
461-08-465	NEW	96-15-002	468-86-060	NEW-W	96-05-032	468-240-035	RECOD-P	96-14-024
461-08-470	NEW-P	96-10-062	468-86-070	NEW-W	96-05-032	468-240-035	RECOD	96-17-018
461-08-470	NEW	96-15-002	468-86-080	NEW-W	96-05-032	468-240-040	RECOD-P	96-14-024
461-08-475	NEW-P	96-10-062	468-86-090	NEW-W	96-05-032	468-240-040	RECOD	96-17-018
461-08-475	NEW	96-15-002	468-86-100	NEW-W	96-05-032	468-240-045	RECOD-P	96-14-024
461-08-480	NEW-P	96-10-062	468-86-110	NEW-W	96-05-032	468-240-045	RECOD	96-17-018
461-08-480	NEW	96-15-002	468-86-120	NEW-W	96-05-032	468-240-050	RECOD-P	96-14-024
461-08-485	NEW-P	96-10-062	468-86-130	NEW-W	96-05-032	468-240-050	RECOD	96-17-018
461-08-485	NEW	96-15-002	468-86-140	NEW-W	96-05-032	468-240-105	RECOD-P	96-14-024
461-08-490	NEW-P	96-10-062	468-86-150	NEW-W	96-05-032	468-240-105	RECOD	96-17-018
461-08-490	NEW	96-15-002	468-86-160	NEW-W	96-05-032	468-240-110	RECOD-P	96-14-024
461-08-495	NEW-P	96-10-062	468-86-170	NEW-W	96-05-032	468-240-110	RECOD	96-17-018
461-08-495	NEW	96-15-002	468-86-180	NEW-W	96-05-032	468-240-115	RECOD-P	96-14-024
461-08-500	NEW-P	96-10-062	468-86-190	NEW-W	96-05-032	468-240-115	RECOD	96-17-018
461-08-500	NEW	96-15-002	468-86-200	NEW-W	96-05-032	468-240-120	RECOD-P	96-14-024
461-08-505	NEW-P	96-10-062	468-86-210	NEW-W	96-05-032	468-240-120	RECOD	96-17-018
461-08-505	NEW	96-15-002	468-86-220	NEW-W	96-05-032	468-240-125	RECOD-P	96-14-024
461-08-510	NEW-P	96-10-062	468-86-230	NEW-W	96-05-032	468-240-125	RECOD	96-17-018
461-08-510	NEW	96-15-002	468-86-240	NEW-W	96-05-032	468-240-130	RECOD-P	96-14-024
461-08-515	NEW-P	96-10-062	468-86-260	NEW-W	96-05-032	468-240-130	RECOD	96-17-018
461-08-515	NEW	96-15-002	468-105-010	NEW	96-03-107	468-240-135	RECOD-P	96-14-024
461-08-520	NEW-P	96-10-062	468-105-020	NEW	96-03-107	468-240-135	RECOD	96-17-018
461-08-520	NEW-S	96-13-064	468-105-030	NEW	96-03-107	468-240-140	RECOD-P	96-14-024
461-08-520	NEW	96-17-017	468-105-040	NEW	96-03-107	468-240-140	RECOD	96-17-018
461-08-525	NEW-P	96-10-062	468-105-050	NEW	96-03-107	468-240-145	RECOD-P	96-14-024
461-08-525	NEW	96-15-002	468-105-060	NEW	96-03-107	468-240-145	RECOD	96-17-018
461-08-530	NEW-P	96-10-062	468-105-070	NEW	96-03-107	468-240-150	RECOD-P	96-14-024
461-08-530	NEW	96-15-002	468-105-080	NEW	96-03-107	468-240-150	RECOD	96-17-018
461-08-535	NEW-P	96-10-062	468-200-020	NEW	96-02-067	468-240-155	RECOD-P	96-14-024
461-08-535	NEW	96-15-002	468-200-040	NEW	96-02-067	468-240-155	RECOD	96-17-018
461-08-540	NEW-P	96-10-062	468-200-060	NEW	96-02-067	468-240-160	RECOD-P	96-14-024
461-08-540	NEW	96-15-002	468-200-080	NEW	96-02-067	468-240-160	RECOD	96-17-018
461-08-545	NEW-P	96-10-062	468-200-100	NEW	96-02-067	468-240-165	RECOD-P	96-14-024
461-08-545	NEW	96-15-002	468-200-110	NEW	96-02-067	468-240-165	RECOD	96-17-018
461-08-550	NEW-P	96-10-062	468-200-120	NEW	96-02-067	468-240-170	RECOD-P	96-14-024
461-08-550	NEW	96-15-002	468-200-160	NEW	96-02-067	468-240-170	RECOD	96-17-018
461-08-555	NEW-P	96-10-062	468-200-180	NEW	96-02-067	468-240-175	RECOD-P	96-14-024
461-08-555	NEW	96-15-002	468-200-200	NEW	96-02-067	468-240-175	RECOD	96-17-018
461-08-560	NEW-P	96-10-062	468-200-220	NEW	96-02-067	468-240-180	RECOD-P	96-14-024
461-08-560	NEW	96-15-002	468-200-230	NEW	96-02-067	468-240-180	RECOD	96-17-018
461-08-565	NEW-P	96-10-062	468-200-240	NEW	96-02-067	468-240-185	RECOD-P	96-14-024
461-08-565	NEW	96-15-002	468-200-250	NEW	96-02-067	468-240-185	RECOD	96-17-018
461-08-570	NEW-P	96-10-062	468-200-260	NEW	96-02-067	468-240-190	RECOD-P	96-14-024
461-08-570	NEW	96-15-002	468-200-280	NEW	96-02-067	468-240-190	RECOD	96-17-018
461-08-575	NEW-P	96-10-062	468-200-300	NEW	96-02-067	468-240-195	RECOD-P	96-14-024

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
468-240-195	RECOD	96-17-018	478-120-085	NEW	96-10-051	504-19-420	NEW	96-15-050
468-240-200	RECOD-P	96-14-024	478-120-090	REP	96-10-051	504-19-430	NEW-P	96-11-115
468-240-200	RECOD	96-17-018	478-120-095	NEW	96-10-051	504-19-430	NEW	96-15-050
468-240-205	RECOD-P	96-14-024	478-120-100	AMD	96-10-051	504-19-440	NEW-P	96-11-115
468-240-205	RECOD	96-17-018	478-120-105	NEW	96-10-051	504-19-440	NEW	96-15-050
468-240-210	RECOD-P	96-14-024	478-120-110	REP	96-10-051	504-19-450	NEW-P	96-11-115
468-240-210	RECOD	96-17-018	478-120-115	NEW	96-10-051	504-19-450	NEW	96-15-050
468-240-215	RECOD-P	96-14-024	478-120-120	REP	96-10-051	504-19-460	NEW-P	96-11-115
468-240-215	RECOD	96-17-018	478-120-125	NEW	96-10-051	504-19-460	NEW	96-15-050
468-240-350	RECOD-P	96-14-024	478-120-130	REP	96-10-051	504-19-470	NEW-P	96-11-115
468-240-350	RECOD	96-17-018	478-120-135	NEW	96-10-051	504-19-470	NEW	96-15-050
468-240-360	RECOD-P	96-14-024	478-120-140	NEW	96-10-051	504-19-510	NEW-P	96-11-115
468-240-360	RECOD	96-17-018	478-120-145	NEW	96-10-051	504-19-510	NEW	96-15-050
468-240-370	RECOD-P	96-14-024	478-124	AMD-C	96-03-091	504-19-520	NEW-P	96-11-115
468-240-370	RECOD	96-17-018	478-124-037	NEW	96-10-051	504-19-520	NEW	96-15-050
468-240-380	RECOD-P	96-14-024	478-276	PREP	96-20-114	504-19-540	NEW-P	96-11-115
468-240-380	RECOD	96-17-018	479-12-008	AMD	96-04-015	504-19-540	NEW	96-15-050
468-250-010	RECOD-P	96-14-024	479-20-013	AMD	96-04-015	504-19-560	NEW-P	96-11-115
468-250-010	RECOD	96-17-018	479-112-0055	AMD	96-04-015	504-19-560	NEW	96-15-050
468-250-020	RECOD-P	96-14-024	480-09-300	AMD	96-02-083	504-19-580	NEW-P	96-11-115
468-250-020	RECOD	96-17-018	480-09-310	AMD	96-02-083	504-19-580	NEW	96-15-050
468-250-030	RECOD-P	96-14-024	480-09-330	AMD	96-02-083	504-19-600	NEW-P	96-11-115
468-250-030	RECOD	96-17-018	480-09-340	AMD	96-02-083	504-19-600	NEW	96-15-050
468-250-040	RECOD-P	96-14-024	480-09-390	NEW	96-02-083	504-19-650	NEW-P	96-11-115
468-250-040	RECOD	96-17-018	480-09-426	NEW	96-02-083	504-19-650	NEW	96-15-050
468-250-050	RECOD-P	96-14-024	480-09-460	AMD	96-02-083	504-19-810	NEW-P	96-11-115
468-250-050	RECOD	96-17-018	480-09-465	AMD	96-02-083	504-19-810	NEW	96-15-050
468-250-060	RECOD-P	96-14-024	480-09-466	NEW	96-02-083	504-19-830	NEW-P	96-11-115
468-250-060	RECOD	96-17-018	480-09-467	NEW	96-02-083	504-19-830	NEW	96-15-050
468-250-070	RECOD-P	96-14-024	480-09-470	AMD	96-02-083	504-19-860	NEW-P	96-11-115
468-250-070	RECOD	96-17-018	480-09-480	AMD	96-02-083	504-19-860	NEW	96-15-050
468-250-080	RECOD-P	96-14-024	480-09-750	AMD	96-02-083	504-19-900	NEW-P	96-11-115
468-250-080	RECOD	96-17-018	480-09-751	NEW	96-02-083	504-19-900	NEW	96-15-050
468-250-090	RECOD-P	96-14-024	480-75	PREP	96-14-097	504-19-920	NEW-P	96-11-115
468-250-090	RECOD	96-17-018	480-93-010	AMD-P	96-03-148	504-19-920	NEW	96-15-050
468-250-100	RECOD-P	96-14-024	480-93-010	AMD	96-13-022	504-19-930	NEW-P	96-11-115
468-250-100	RECOD	96-17-018	480-120-405	PREP	96-14-096	504-19-930	NEW	96-15-050
468-250-110	RECOD-P	96-14-024	480-120-405	AMD-P	96-17-052	504-19-940	NEW-P	96-11-115
468-250-110	RECOD	96-17-018	484-20-103	PREP	96-20-053	504-19-940	NEW	96-15-050
468-250-120	RECOD-P	96-14-024	484-20-120	PREP	96-20-036	516-12	PREP	96-03-110
468-250-120	RECOD	96-17-018	495D-120-085	NEW-P	96-03-060	516-12-400	AMD-P	96-09-009
468-250-130	RECOD-P	96-14-024	495D-120-085	NEW	96-07-049	516-12-400	AMD	96-14-006
468-250-130	RECOD	96-17-018	504-19-010	NEW-P	96-11-115	516-12-440	AMD-P	96-09-009
468-250-140	RECOD-P	96-14-024	504-19-010	NEW	96-15-050	516-12-440	AMD	96-14-006
468-250-140	RECOD	96-17-018	504-19-020	NEW-P	96-11-115	516-12-460	AMD-P	96-09-009
468-250-150	RECOD-P	96-14-024	504-19-020	NEW	96-15-050	516-12-460	AMD	96-14-006
468-250-150	RECOD	96-17-018	504-19-030	NEW-P	96-11-115	516-12-470	AMD-P	96-09-009
468-250-160	RECOD-P	96-14-024	504-19-030	NEW	96-15-050	516-12-470	AMD	96-14-006
468-250-160	RECOD	96-17-018	504-19-040	NEW-P	96-11-115	516-13	PREP	96-08-033
468-250-170	RECOD-P	96-14-024	504-19-040	NEW	96-15-050	516-13-020	AMD-P	96-20-069
468-250-170	RECOD	96-17-018	504-19-050	NEW-P	96-11-115	516-13-030	AMD-P	96-20-069
468-300-010	AMD	96-05-046	504-19-050	NEW	96-15-050	516-13-080	AMD-P	96-20-069
468-300-010	AMD	96-05-047	504-19-080	NEW-P	96-11-115	516-13-090	AMD-P	96-20-069
468-300-020	PREP	96-11-056	504-19-080	NEW	96-15-050	516-15	PREP	96-08-034
468-300-020	AMD-P	96-15-010	504-19-100	NEW-P	96-11-115	516-15-010	AMD-P	96-20-070
468-300-020	AMD	96-19-045	504-19-100	NEW	96-15-050	516-15-020	AMD-P	96-20-070
468-300-040	PREP	96-11-056	504-19-200	NEW-P	96-11-115	516-15-040	AMD-P	96-20-070
468-300-040	AMD-P	96-15-010	504-19-200	NEW	96-15-050	516-15-050	AMD-P	96-20-070
468-300-040	AMD	96-19-045	504-19-210	NEW-P	96-11-115	516-22-005	REP	96-03-103
468-300-210	AMD-P	96-09-023	504-19-210	NEW	96-15-050	516-22-010	REP	96-03-103
468-300-210	AMD	96-14-004	504-19-220	NEW-P	96-11-115	516-22-015	REP	96-03-103
468-300-700	AMD	96-05-048	504-19-220	NEW	96-15-050	516-22-020	REP	96-03-103
478-120	AMD-C	96-03-091	504-19-250	NEW-P	96-11-115	516-22-025	REP	96-03-103
478-120-010	AMD	96-10-051	504-19-250	NEW	96-15-050	516-22-030	REP	96-03-103
478-120-020	AMD	96-10-051	504-19-300	NEW-P	96-11-115	516-22-035	REP	96-03-103
478-120-030	AMD	96-10-051	504-19-300	NEW	96-15-050	516-22-040	REP	96-03-103
478-120-040	AMD	96-10-051	504-19-350	NEW-P	96-11-115	516-22-100	REP	96-03-103
478-120-050	AMD	96-10-051	504-19-350	NEW	96-15-050	516-22-120	REP	96-03-103
478-120-060	REP	96-10-051	504-19-360	NEW-P	96-11-115	516-22-124	REP	96-03-103
478-120-065	NEW	96-10-051	504-19-360	NEW	96-15-050	516-22-130	REP	96-03-103
478-120-070	REP	96-10-051	504-19-410	NEW-P	96-11-115	516-22-134	REP	96-03-103
478-120-075	NEW	96-10-051	504-19-410	NEW	96-15-050	516-22-138	REP	96-03-103
478-120-080	REP	96-10-051	504-19-420	NEW-P	96-11-115	516-22-142	REP	96-03-103

Table of WAC Sections Affected

WAC #		WSR #	WAC #	WSR #	WAC #	WSR #
516-22-146	REP	96-03-103				
516-22-150	REP	96-03-103				
516-22-210	REP	96-03-103				
516-23-005	NEW	96-03-103				
516-23-010	NEW	96-03-103				
516-23-015	NEW	96-03-103				
516-23-020	NEW	96-03-103				
516-23-025	NEW	96-03-103				
516-23-030	NEW	96-03-103				
516-23-035	NEW	96-03-103				
516-23-040	NEW	96-03-103				
516-23-045	PREP	96-03-109				
516-23-045	NEW-P	96-08-038				
516-23-045	NEW-W	96-10-057				
516-23-045	NEW	96-14-005				
516-23-050	NEW	96-03-103				
516-23-055	NEW	96-03-103				
516-23-060	NEW	96-03-103				
516-23-065	NEW	96-03-103				
516-23-070	NEW	96-03-103				
516-23-075	NEW	96-03-103				
516-23-080	NEW	96-03-103				
516-23-085	NEW	96-03-103				
516-23-090	NEW	96-03-103				
516-23-095	NEW	96-03-103				
516-23-100	NEW	96-03-103				
516-23-105	NEW	96-03-103				
516-23-110	NEW	96-03-103				
516-23-115	NEW	96-03-103				
516-23-120	NEW	96-03-103				
516-23-125	NEW	96-03-103				
516-23-130	NEW	96-03-103				
516-23-135	NEW	96-03-103				
516-23-140	NEW	96-03-103				
516-23-145	NEW	96-03-103				
516-37	AMD	96-05-029				
516-37-001	AMD	96-05-029				
516-37-005	AMD	96-05-029				
516-37-010	AMD	96-05-029				
516-37-020	AMD	96-05-029				
516-37-030	AMD	96-05-029				
516-37-100	REP	96-05-029				
516-39-010	NEW	96-05-030				

TABLE

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

ACCOUNTANCY, BOARD OF Continuing professional education	PREP	96-05-084	Expedited repeal	EXRE	96-14-013
	PROP	96-10-027	butter substitutes	PERM	96-18-107
CPA examination	PREP	96-05-082	egg products	EXRE	96-14-017
	PROP	96-09-064		PERM	96-18-110
Fees	PERM	96-12-062	executive conflict of interest	EXRE	96-14-072
	PREP	96-05-081		PERM	96-18-104
Licenses	PROP	96-09-065	frozen dairy product standards	EXRE	96-14-010
	PERM	96-12-060		PERM	96-18-106
CPA firms	PREP	96-05-083	ground beef regulation	EXRE	96-14-011
	PROP	96-09-066		PERM	96-18-105
interstate reciprocal licensing	PERM	96-12-061	milk marketing	EXRE	96-14-014
	PREP	96-05-085	milk standards	PERM	96-18-112
Third-party compensation	PREP	96-03-114		EXRE	96-14-009
				EXRE	96-14-015
AGRICULTURE, DEPARTMENT OF Administrative procedure	PREP	96-06-081		EXRE	96-14-016
				PERM	96-18-108
Alfalfa seed commission assessments	PERM	96-03-151	poultry and rabbit killing establishments	PERM	96-18-109
Animals				PERM	96-18-113
skunks, foxes, and raccoons, permits for animals banned as pets	PREP	96-13-096	Fairs	EXRE	96-14-012
	PROP	96-16-079	state fair fund allocation	PERM	96-18-111
Apple commission meetings	MISC	96-02-061		PREP	96-16-084
Asparagus standards	PREP	96-09-090	Farmed salmon commission meetings	MISC	96-03-030
	PROP	96-20-080	Food products		
Asparagus commission meetings	MISC	96-01-052	quality standards, adoption of federal regulations	PREP	96-13-090
	MISC	96-20-037	Food storage warehouses		
Barley commission meetings	MISC	96-01-051	licenses	PERM	96-01-041
	MISC	96-18-070	renewal and expiration dates		
Beans			sanitation consultants, qualifications for independent consultants	PROP	96-05-027
seed certification and phytosanitary rules	PREP	96-04-057		PERM	96-09-037
	PROP	96-07-087	Forest reproductive material certification fees	PROP	96-03-065
Beef				PERM	96-11-044
ground beef regulation	EXRE	96-14-011	Fruits and vegetables		
	PERM	96-18-105	fees for department services	PREP	96-02-036
Beef commission meetings	MISC	96-03-090		PROP	96-05-071
	MISC	96-08-003		PERM	96-10-060
Butter substitutes	EXRE	96-14-013	Fryer commission meetings	MISC	96-03-017
	PERM	96-18-107	Ginseng		
Canola/rapeseed commodity commission creation	PREP	96-15-138	certification for export	PREP	96-02-037
Cattle				EMER	96-17-051
brucellosis vaccine	PREP	96-13-095		PROP	96-20-078
	PROP	96-16-080	management program	EMER	96-20-079
Cherries				EMER	96-17-051
assessments	PERM	96-07-054		PROP	96-20-078
Commercial feed medicated feeds	PREP	96-06-050	record keeping	PROP	96-20-079
	PROP	96-10-071		PREP	96-02-037
	PERM	96-15-018A		EMER	96-17-051
Dairies			Hop commission assessments	PROP	96-20-078
dairy technicians, licensing	PREP	96-13-091		PREP	96-02-082
	PROP	96-18-087		PROP	96-05-086
producer degrades	PREP	96-10-079	meetings	PERM	96-15-139
	EMER	96-11-001	spectrophotometric analysis of hops, fees	MISC	96-01-038
	PROP	96-18-037			
	EMER	96-18-038	Horticulture	PREP	96-13-102
Dry pea and lentil commission meetings	MISC	96-03-011	plant pests		
Egg commission meetings	MISC	96-04-011	Milk and milk products	PREP	96-03-064
Egg products	EXRE	96-14-017	abnormal milk		
	PERM	96-18-110		EXRE	96-14-015
Executive conflict of interest	EXRE	96-14-072	dry milk products	PERM	96-18-109
	PERM	96-18-104		EXRE	96-14-016
			frozen dairy product standards	PERM	96-18-113
				EXRE	96-14-010
				PERM	96-18-106

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

interstate milk shippers, certification	PREP 96-13-094		PERM 96-14-087
	PROP 96-18-085	fees	PERM 96-14-090
marketing	EXRE 96-14-014		PREP 96-07-085
	PREP 96-14-107		PROP 96-11-124
	PROP 96-16-065	wheat, rye, and triticale	PERM 96-14-091
	PERM 96-18-112	seed quarantine	
milk distributors, licensing	PREP 96-13-092		EMER 96-10-036
	PROP 96-18-086	Technical assistance	EMER 96-17-027
milk market pooling and pricing	MISC 96-20-043	development of lists of organizations	
pasteurized milk ordinance	PREP 96-13-093	or individuals to provide	
	PROP 96-18-084	assistance	PREP 96-06-080
producer degrades	PREP 96-10-079		PROP 96-10-080
	EMER 96-11-001		PERM 96-13-082
	PROP 96-18-037	Tree fruit research commission	
	EMER 96-18-038	assessments	
standards	EXRE 96-14-009	Weights and measures	PERM 96-07-054
	PERM 96-18-108	device registration	PERM 96-01-040
Mint commission		service agent registration	PERM 96-01-040
grower assessments	PERM 96-03-150	Wine commission	
Noxious weed control board		meetings	MISC 96-01-039
meetings	MISC 96-17-094	referendum to continue	
noxious weed list	PROP 96-03-093	participation in commission	MISC 96-11-048
	PERM 96-06-030		
	PREP 96-17-091	ARTS COMMISSION	
	PROP 96-20-112	Meetings	MISC 96-04-016
noxious weed seeds	PERM 96-04-058	Rules coordinator	MISC 96-04-029
public hearings	MISC 96-20-111		
schedule of penalties	PROP 96-03-093	ATTORNEY GENERAL'S OFFICE	
	PREP 96-17-091	Lemon law administration	PERM 96-03-155
	PROP 96-20-112	Notice of request for attorney	
Organic food		general's opinion	MISC 96-04-032
producer certification	PREP 96-08-074		MISC 96-04-044
Pesticides			MISC 96-04-075
agricultural farmworkers,			MISC 96-07-070
protection standards	PREP 96-06-053		MISC 96-08-054
	PROP 96-14-108		MISC 96-11-031
	PROP 96-17-081		MISC 96-12-059
application permits	PREP 96-20-110		MISC 96-12-064
Potato commission			MISC 96-16-058
meetings	MISC 96-01-053		MISC 96-17-084
Poultry and rabbit killing			MISC 96-18-050
establishments	EXRE 96-14-012	Opinions	MISC 96-20-059
	PERM 96-18-111	county auditors or recording	
Public records, availability	PREP 96-03-149	officers, duty to record	
	PROP 96-06-082	documents (1996, No. 12)	MISC 96-17-020
	PROP 96-11-119	county health department, administration by	
	PERM 96-14-086	spouse of county commissioner	
Puget Sound gillnet salmon commission		1996, No. 15	MISC 96-19-032
meetings	MISC 96-01-113	fish and wildlife officers, law enforcement	
Quarantine		commissions (1996, No. 16)	MISC 96-20-031
Karnal bunt	EMER 96-10-036	fish guards, authority of fish	
	EMER 96-17-027	and wildlife department to	
wheat, rye, and triticale seed	EMER 96-10-036	install (1996, No. 3)	MISC 96-05-040
	EMER 96-17-027		
Red raspberry commission		gaming, vote required to	
meetings	MISC 96-01-112	authorize tribal-sponsored	
	MISC 96-09-024	electromechanical gaming	
Seeds		(1996, No. 13)	MISC 96-17-021
alfalfa standards	PREP 96-07-086	liquor control board authority	
	PROP 96-11-122	to appoint vendors (1996, No. 4)	MISC 96-07-026
	PERM 96-14-089	liquor wholesalers, free or reduced-	
assessment program	PREP 96-02-038	price products provided to retailers	
	PROP 96-09-091	(1996, No. 8)	MISC 96-12-032
	PERM 96-12-066	platting and subdivisions, effect	
bean seed certification and		of 1969 Platting Act (1996, No. 5)	MISC 96-07-027
phytosanitary rules	PREP 96-04-057	property tax, effect of homestead	
	PROP 96-07-087	and allodial ownership declarations	
	PROP 96-11-121	(1996, No. 6)	MISC 96-07-028
	PERM 96-14-088	schools district employees'	
certification standards	PREP 96-07-085	basic benefits (1996, No. 9)	MISC 96-15-074
	PROP 96-11-124	schools, prayer at commencement	
corn seed standards	PREP 96-07-086	exercises (1996, No. 10)	MISC 96-15-075
	PROP 96-11-120	sheriff's employees, transfer rights	
	PROP 96-11-123	(1996, No. 7)	MISC 96-12-031

Subject/Agency Index
(Citation in **bold type** refer to material in this issue)

superior court judges, employer contributions to benefits (1996, No. 2)	MISC	96-05-039	Meetings	MISC	96-13-099
truancy cases, confidentiality of juvenile court records (1996, No. 1)	MISC	96-05-003	CENTRALIA COLLEGE Meetings	MISC	96-01-097
trust lands, department of natural resources' responsibilities (1996, No. 11)	MISC	96-17-019	CLARK COLLEGE Meetings	MISC	96-01-076
voter registration, use of federal postcard form (1996, No. 14)	MISC	96-18-015	Public records, availability	PREP	96-03-101
				PROP	96-07-029
				PERM	96-12-041
BATES TECHNICAL COLLEGE Meetings	MISC	96-15-132	CLEMENCY AND PARDONS BOARD (See GOVERNOR, OFFICE OF THE)		
BELLEVUE COMMUNITY COLLEGE Discrimination complaint procedure	PERM	96-01-057	CLOVER PARK TECHNICAL COLLEGE Hazing policy	PREP	96-08-065
Meetings	MISC	96-02-020	Meetings	MISC	96-01-060
Tuition and fees refunds	PERM	96-01-056	Student conduct code	MISC	96-20-052
				PREP	96-08-065
BELLINGHAM TECHNICAL COLLEGE Meetings	MISC	96-03-020	CODE REVISER'S OFFICE Quarterly reports		
	MISC	96-04-061	95-19 through 95-24 - See Issue 96-02		
	MISC	96-07-016	96-01 through 96-06 - See Issue 96-08		
	MISC	96-08-070	96-07 through 96-12 - See Issue 96-14		
	MISC	96-10-005	96-13 through 96-18 - See Issue 96-20		
	MISC	96-10-061			
	MISC	96-13-006	COLUMBIA BASIN COLLEGE Meetings	MISC	96-19-058
	MISC	96-16-039			
	MISC	96-19-011	COMMUNITY AND TECHNICAL COLLEGES, BOARD FOR Tuition and fees waivers	PROP	96-01-022
BENTON COUNTY CLEAN AIR AUTHORITY Meetings	MISC	96-04-041		PERM	96-03-049
Regulation 1	PROP	96-03-032	COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF Affordable housing advisory board		
	PERM	96-10-025	meetings	MISC	96-14-083
BLIND, DEPARTMENT OF SERVICES FOR THE Address of office	PROP	96-17-068	Bond cap allocation	PREP	96-19-014
	PERM	96-20-076	Community economic revitalization board		
Facility operation agreement	PREP	96-04-023	meetings	MISC	96-05-028
	PROP	96-08-026		MISC	96-08-010
	PERM	96-11-096		MISC	96-15-058
BOILER RULES, BOARD OF (See LABOR AND INDUSTRIES, DEPARTMENT OF)			Growth management planning and environmental review fund		
BUILDING CODE COUNCIL Ammonia refrigerant discharge	EMER	96-13-047	management procedure	PROP	96-01-105
	PREP	96-15-083		EMER	96-03-045
	PROP	96-20-101	Hardwoods commission	PERM	96-04-046
Energy code			meetings		
personal wireless service facilities, insulation	PREP	96-20-039	Land use study commission		
Fireplace design standards	PERM	96-01-120	meetings	MISC	96-03-042
Meetings	MISC	96-01-121	public records, accessibility	MISC	96-01-116
			Low-income home energy assistance program	PROP	96-16-095
CASCADIA COMMUNITY COLLEGE Board of trustees	PROP	96-09-074	Manufactured housing, office of plumbing installation in manufactured homes	MISC	96-13-005
	PERM	96-14-098	Public works board		
Grievance procedures	PROP	96-09-074	meetings	MISC	96-18-076
	PERM	96-14-098		MISC	96-09-020
Organization	PROP	96-09-074		MISC	96-15-004
	PERM	96-14-098		MISC	96-18-026
Practice and procedure	PROP	96-09-074	CONSERVATION COMMISSION Meetings	MISC	96-12-030
	PERM	96-14-098			
Public records, availability	PROP	96-09-074	CONVENTION AND TRADE CENTER Environmental impact statement, availability		
	PERM	96-14-098	Hearings	MISC	96-18-068
State Environmental Policy Act (SEPA) compliance	PROP	96-09-074	Meetings	MISC	96-11-013
	PERM	96-14-098		MISC	96-01-025
CENTRAL WASHINGTON UNIVERSITY Affirmative action policy	PERM	96-02-013		MISC	96-03-010
				MISC	96-03-094

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	MISC	96-05-051	oxygenated gasoline use	PREP	96-11-135
	MISC	96-07-031		PROP	96-14-084
	MISC	96-09-045		MISC	96-14-106
	MISC	96-11-053		PERM	96-19-094
	MISC	96-11-093	reasonably available control technology (RACT)		
	MISC	96-13-060	list and schedule	MISC	96-19-055
	MISC	96-14-026	Spokane emissions testing areas	MISC	96-13-046
	MISC	96-15-035	Vancouver emissions testing area	MISC	96-13-046
	MISC	96-15-103	Environmental protection agency		
	MISC	96-16-055	(EPA) and state environmental		
	MISC	96-17-003	partnership	MISC	96-12-097
	MISC	96-19-010	Expedited repeal		
	MISC	96-19-056	Lake Washington shoreline region	EXRE	96-14-031
	MISC	96-20-060		PERM	96-20-074
			Fish hatcheries		
			marine finfish rearing facilities	PERM	96-02-058
			Flood control		
			emergency funds, administration	EMER	96-09-007
			Growth Management Act integration with		
			State Environmental Policy Act		
			(SEPA)	PREP	96-06-018
			Model Toxics Control Act		
			agreed orders for cleanup actions	PERM	96-04-010
			Oil		
			used oil management standards	PROP	96-05-020
			Permit process		
			expedited appeals	PROP	96-11-136
				PERM	96-15-104
			Recycling		
			used oil management standards	PROP	96-05-020
			Resource damage assessment committee		
			meetings	MISC	96-01-043
			Rules coordinator	MISC	96-10-081
			Shorelands and wetlands associated		
			with shorelines, designation	PROP	96-19-034
			Shoreline Management Act integration with		
			Growth Management Act and State		
			Environmental Policy Act (SEPA)	PROP	96-13-103
				PERM	96-20-075
			Shoreline master programs		
			Lake Washington region	EXRE	96-14-031
				PERM	96-20-074
			State Environmental Policy Act (SEPA)		
			integration with Growth Management Act	PREP	96-06-018
			State implementation plan (SIP)		
			Spokane	MISC	96-04-042
				MISC	96-06-035
			Vancouver	MISC	96-10-047
			Toxics control account appropriation	MISC	96-16-093
			Wastewater discharge permit program		
			fees	PERM	96-03-041
			Water quality		
			surface waters not meeting quality		
			standards	MISC	96-01-044
			Watershed coordinating council		
			meetings	MISC	96-12-079
			ECONOMIC DEVELOPMENT FINANCE AUTHORITY		
			Meetings	MISC	96-03-006
			EDMONDS COMMUNITY COLLEGE		
			Meetings	MISC	96-01-096
				MISC	96-03-043
				MISC	96-03-063
				MISC	96-03-069
				MISC	96-03-113
				MISC	96-04-006
				MISC	96-04-062
				MISC	96-05-017
				MISC	96-07-002
				MISC	96-07-048
				MISC	96-08-009
				MISC	96-09-060
				MISC	96-11-014
				MISC	96-11-064
CORRECTIONS, DEPARTMENT OF					
Public records, availability	PREP	96-07-099			
COUNTY ROAD ADMINISTRATION BOARD					
Emergent and emergency projects,					
allocation of funds	PROP	96-11-051			
	PERM	96-17-014			
Meetings	MISC	96-06-003			
	MISC	96-11-005			
	MISC	96-16-027			
Organization and operation	PROP	96-11-052			
	PERM	96-17-013			
Project prioritization					
in southeast region	PROP	96-17-008			
Rules coordinator	MISC	96-01-001			
CRIMINAL JUSTICE TRAINING COMMISSION					
Appeals	PROP	96-03-025			
	PERM	96-08-008			
Meetings	MISC	96-01-027			
DEFERRED COMPENSATION, COMMITTEE FOR					
Deferred compensation program	PREP	96-06-079			
EASTERN WASHINGTON UNIVERSITY					
Meetings	MISC	96-03-102			
	MISC	96-05-053			
	MISC	96-09-011			
	MISC	96-11-110			
	MISC	96-14-025			
	MISC	96-15-131			
	MISC	96-20-044			
Student conduct code	PREP	96-19-089			
	EMER	96-19-090			
ECOLOGY, DEPARTMENT OF					
Agricultural burning	EMER	96-08-041			
	PREP	96-12-081			
Air quality					
air pollution sources, regulations	PROP	96-06-036			
	PROP	96-13-081			
	PERM	96-19-054			
air quality program, regulations					
reorganization	MISC	96-12-070			
Clark County carbon monoxide					
maintenance plan	MISC	96-02-039			
	PROP	96-12-023			
grass field burning, limitation	EMER	96-08-041			
	EMER	96-16-013			
	PROP	96-16-014			
	EMER	96-16-024			
insignificant emissions,					
monitoring and reporting	PREP	96-11-134			
	MISC	96-14-052			
motor vehicle emission testing					
program	PREP	96-15-134			
	PROP	96-19-093			
new source review program for					
new emission sources	PREP	96-12-080			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Meetings	MISC	96-01-037	Licensing, department of		
	MISC	96-16-033	funeral directors, licenses	EXRE	96-13-021
	MISC	96-17-007	land development program	EXRE	96-13-021
Organization and operation	EMER	96-03-072	Public instruction, superintendent of		
Rules coordinator	MISC	96-01-075	alien teacher permits	EXRE	96-14-019
Use of state resources for private benefit	PERM	96-01-036		PERM	96-18-014
			conflicts of interest	EXRE	96-14-018
				PERM	96-18-014
			fair start program	EXRE	96-14-018
				EXRE	96-14-019
				PERM	96-18-014
			finance rules	EXRE	96-14-018
				PERM	96-18-014
			hazardous walking conditions	EXRE	96-14-018
				PERM	96-18-014
			schools for 21st century program	EXRE	96-14-019
				PERM	96-18-014
			student retention and retrieval program	EXRE	96-14-019
				PERM	96-18-014
			Revenue, department of		
			gift taxes	EXRE	96-14-050
			liquor sales tax	EXRE	96-14-051
			unfair cigarette sales act	EXRE	96-14-049
			Transportation, department of		
			aeronautics commission	EXRE	96-13-023
			State Environmental Policy Act (SEPA)	EXRE	96-13-023
			FAMILY POLICY COUNCIL		
			Meetings	MISC	96-01-091
			FINANCIAL INSTITUTIONS, DEPARTMENT OF		
			Adjudicative proceedings	PREP	96-06-085
				PERM	96-11-035
			Agency, institutions acting as		
			agent for another	PROP	96-07-040
			Banks		
			adjudicative hearings	EXRE	96-14-037
				PERM	96-17-072
				EXRE	96-14-041
				PERM	96-17-072
			satellite facilities		
			securities, sales by bank employees		
			statement of policy	MISC	96-16-023
			semiannual asset charge	PROP	96-01-019
				EMER	96-01-054
				PERM	96-04-022
			Check cashers and sellers		
			licenses		
			fees	PREP	96-09-095
			small loan endorsement	EMER	96-02-033
				PERM	96-03-059
			Consumer loan companies		
			licensing, fees, and business		
			practices	PERM	96-04-013
			Credit unions		
			capital and liquidity adequacy,		
			analysis	PROP	96-07-039
			common bond of association, definition	PREP	96-09-005
				PROP	96-14-123
				PERM	96-17-070
			examination fund	EXRE	96-14-038
				PERM	96-17-072
			fees	PREP	96-03-037
				PROP	96-08-076
				PERM	96-12-058
			recodification of sections in		
			Title 419 WAC	MISC	96-06-011
				PROP	96-14-122
				PERM	96-17-071
			satellite facilities	EXRE	96-14-039
				PERM	96-17-072
			Escrow agents		
			interest-bearing trust accounts, use	PREP	96-06-084
				PROP	96-15-129
			licenses		
			suspension and reinstatement	PREP	96-09-094

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

recodification of chapter 308-128 WAC records and accounts, responsibility	MISC 96-05-018 PREP 96-06-084 PROP 96-15-129	offerings price variances	PREP 96-03-126 PROP 96-07-062 PERM 96-11-021
Expedited repeal		officers' and directors'	
banks		equity investment	PREP 96-03-127 PROP 96-07-063 PERM 96-11-020
adjudicative hearings	EXRE 96-14-037 PERM 96-17-072		PROP 96-03-132 PERM 96-11-015 PREP 96-03-122
satellite facilities	EXRE 96-14-041 PERM 96-17-072	promotional shares	PROP 96-07-060 PERM 96-11-018 PREP 96-03-120
credit unions		selling expenses	PREP 96-03-122 PROP 96-07-060 PERM 96-11-018
examination fund	EXRE 96-14-038 PERM 96-17-072		PREP 96-03-120 PROP 96-07-083 PERM 96-11-027
satellite facilities	EXRE 96-14-039 PERM 96-17-072	small corporate offering registration	
gifts, prizes, and premiums	EXRE 96-14-071 PERM 96-17-072		
public records	EXRE 96-14-040 PERM 96-17-072		
Gifts, prizes, and premiums	EXRE 96-14-071 PERM 96-17-072		
Mortgage brokers and loan originators			
computerized loan origination by real estate brokers	PREP 96-06-083 PROP 96-15-128 MISC 96-04-028	FINANCIAL MANAGEMENT, OFFICE OF	
recodification of chapter 50-60 WAC		Governor's affirmative action policy committee hearings	MISC 96-13-083 PREP 96-18-030
Mortgage broker commission meetings	MISC 96-06-001 PROP 96-11-145	Moving costs, allowable costs defined	PREP 96-18-031 PREP 96-09-031 PROP 96-12-037 PERM 96-15-039
Public records, availability	EXRE 96-14-040 PERM 96-14-082 PERM 96-17-072	Passenger vehicles owned by agencies, use Paydates for 1997	
		Rules adoption, amendment or repeal, format for petition	PERM 96-03-048 MISC 96-15-016
		Rules coordinator	EMER 96-15-076 PREP 96-15-125 PROP 96-19-061 PREP 96-18-032
		Shared leave program	
		Travel regulations for state employees	
Securities			
adjudicative proceedings	PREP 96-03-129 PROP 96-07-057 PERM 96-11-023	FISH AND WILDLIFE, DEPARTMENT OF	
asset backed securities	PREP 96-03-130 PROP 96-07-061 PERM 96-11-017	Aquaculture disease control	PREP 96-18-077 PREP 96-18-081
audited financial statements	PREP 96-03-123 PREP 96-03-124 PROP 96-07-056 PROP 96-07-058 PERM 96-11-022 PERM 96-11-025	Aquatic invertebrate disease control	
broker-dealers and salespersons registration		Deleterious exotic species	PREP 96-02-084 PROP 96-06-063 PERM 96-15-096
cheap stock	PREP 96-03-116 PREP 96-03-117 PROP 96-07-059 PROP 96-12-018 PROP 96-12-019 PERM 96-15-062 PERM 96-15-063 PROP 96-20-109	zebra mussel	
definitions	PREP 96-03-125 PROP 96-07-055 PERM 96-11-024	Fish and wildlife commission meetings	MISC 96-03-137
exchange and national market system exemption	PROP 96-03-131 PERM 96-11-016	<u>Fishing, commercial</u>	
filings		baitfish	EMER 96-10-002
franchise cross-reference sheets	PREP 96-03-118 PROP 96-07-066 PERM 96-11-029	seasons	
		coastal bottomfish	EMER 96-16-076 EMER 96-19-005 EMER 96-02-017 EMER 96-11-094 EMER 96-14-066 EMER 96-17-048 EMER 96-18-047 EMER 96-19-028 EMER 96-20-084
		bottom trawl fishery	EMER 96-03-154 PERM 96-11-055
		catch limits	
		gear	
		Puget Sound bottomfish take reduction	PREP 96-18-078 EMER 96-01-002 EMER 96-01-064 EMER 96-02-028 EMER 96-02-065 EMER 96-03-055 EMER 96-06-006 PREP 96-18-080 EMER 96-20-065 EMER 96-20-107
		crawfish	
		areas and seasons	EMER 96-10-046 EMER 96-15-015 EMER 96-15-049
		salmon	
		Columbia River above Bonneville	EMER 96-04-039 EMER 96-18-027

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	EMER 96-19-024	sturgeon	
	EMER 96-19-059	areas and seasons	EMER 96-02-026
	EMER 96-20-035		EMER 96-08-064
Columbia River below Bonneville	EMER 96-05-055		EMER 96-11-092
	EMER 96-17-047		EMER 96-20-067
	EMER 96-17-049	<u>Fishing, personal use</u>	
	EMER 96-19-026	bottomfish	
	EMER 96-19-051	areas and limits	PERM 96-05-004
	EMER 96-19-062	food fish	PROP 96-05-044
	EMER 96-20-067		PERM 96-11-079
Columbia River tributaries	EMER 96-01-013	classification	PROP 96-05-044
	EMER 96-20-123		PERM 96-11-079
Grays Harbor fishery	PROP 96-09-104		PROP 96-11-083
	PERM 96-13-035		PROP 96-11-084
license buy-back program	PROP 96-04-069	licenses	PERM 96-05-004
	PROP 96-08-015	seasons and gear	PROP 96-05-005
	PROP 96-13-034		PROP 96-05-044
	PROP 96-14-146		PERM 96-11-078
Puget Sound net fishery	PREP 96-04-068		PERM 96-11-079
	PROP 96-09-105		PROP 96-11-083
	PERM 96-15-101	fresh water angling	
	PROP 96-15-137	seasons and gear	PROP 96-05-005
	EMER 96-19-021		PERM 96-11-078
	PERM 96-19-049	game fish seasons and catch limits,	
	EMER 96-19-053	1995-97	
	EMER 96-20-033	Alkali Lake	EMER 96-15-120
	EMER 96-20-034	Blue Lake	EMER 96-15-120
	EMER 96-20-066		EMER 96-16-019
sale of eggs and carcasses by volunteer groups	PREP 96-15-005	Carbon River	EMER 96-03-053
	PROP 96-20-122	classification	PROP 96-05-044
troll fleet	EMER 96-15-100		PERM 96-11-079
	EMER 96-16-051		PROP 96-11-083
	EMER 96-18-002	closing date	EMER 96-03-054
	PROP 96-09-104	Cowlitz River	EMER 96-06-007
	PERM 96-13-035		EMER 96-13-019
sea cucumbers		Elochoman River	EMER 96-19-052
areas and seasons	EMER 96-11-007	Fish Lake	EMER 96-15-120
	EMER 96-12-043	Grays River	EMER 96-19-052
	EMER 96-14-073	Green River	EMER 96-03-053
sea urchins		Hoh River	EMER 96-04-043
areas and seasons	EMER 96-01-048	Icicle River	EMER 96-12-067
	EMER 96-01-065	Kalama River	EMER 96-19-052
	EMER 96-02-018	Lewis River	EMER 96-06-007
	EMER 96-03-014		EMER 96-13-019
	EMER 96-04-038	Long Lake	EMER 96-18-083
	EMER 96-05-019	Nisqually River	EMER 96-03-053
	EMER 96-05-033	Park Lake	EMER 96-15-120
	EMER 96-06-005	Pilchuck River	EMER 96-03-053
shad		Puyallup River	EMER 96-03-053
areas and seasons	EMER 96-11-032	Raging River	EMER 96-03-053
	EMER 96-20-067	Rainbow Lake	EMER 96-16-019
shellfish		seasons and gear	PROP 96-11-083
razor clams	EMER 96-11-117		PROP 96-11-084
shrimp		Skagit River	EMER 96-03-053
coastal spot prawn fishery	PREP 96-18-082	Skykomish River	EMER 96-03-053
commercial purchasers and receivers, duties		Snohomish River	EMER 96-03-053
harvest logs	EMER 96-09-048	Snoqualmie River	EMER 96-03-053
seasons and gear	EMER 96-09-048	Spring Lake	EMER 96-16-019
	EMER 96-11-037	Stillaguamish River	EMER 96-03-053
	EMER 96-11-054		EMER 96-15-121
	EMER 96-11-095	Sultan River	EMER 96-03-053
	EMER 96-12-003	Tokul Creek	EMER 96-03-053
	EMER 96-12-022	Tolt River	EMER 96-03-053
	EMER 96-14-032	Washougal River	EMER 96-19-052
	EMER 96-15-036	White River	EMER 96-03-053
	PREP 96-18-080	Williams Lake	EMER 96-15-120
	EMER 96-19-064	halibut	
	EMER 96-20-049	areas and seasons	EMER 96-12-012
	EMER 96-20-068		EMER 96-15-092
smelt		licenses	PERM 96-05-004
areas and seasons	EMER 96-04-026	outboard motor and boat use	PROP 96-11-084
		recreational fishing	PREP 96-10-067
			EMER 96-10-070
			EMER 96-11-039
			PROP 96-14-145

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

salmon			<u>Fishing, subsistence</u>		
areas and seasons	EMER	96-01-086	Columbia River tributaries	EMER	96-10-015
	PERM	96-05-004		EMER	96-12-029
	EMER	96-06-052		EMER	96-12-069
	EMER	96-08-045		EMER	96-14-060
	EMER	96-09-063	Game reserves		
	EMER	96-11-033	Columbia and Snake River game		
	EMER	96-11-118	reserve	PROP	96-06-066
	EMER	96-12-013		PERM	96-12-046
	EMER	96-13-020		EMER	96-17-073
	EMER	96-13-052	Stubblefield Lake game reserve	PROP	96-06-067
	EMER	96-16-005		PERM	96-12-057
	EMER	96-16-029	Hunting rules	PERM	96-04-027
	EMER	96-16-052		PREP	96-17-001
	EMER	96-16-053	<u>Hunting seasons</u>		
	EMER	96-17-002	bear	PREP	96-08-035
	EMER	96-17-050		PROP	96-12-093
	EMER	96-18-048		PERM	96-15-102
	EMER	96-18-049		PROP	96-15-116
	EMER	96-18-058	big game auction permits	PREP	96-02-029
	EMER	96-19-022		PROP	96-06-075
	EMER	96-20-032		PROP	96-06-076
	EMER	96-20-064		PERM	96-12-053
	EMER	96-20-083		PERM	96-12-054
landlocked chinook and coho	EMER	96-14-030	Canada goose	EMER	96-01-004
	EMER	96-15-037		EMER	96-01-014
	EMER	96-15-068		EMER	96-01-031
	EMER	96-15-097		EMER	96-02-046
sale of eggs and carcasses by			Columbia, Snake, and Yakima rivers		
volunteer groups	PREP	96-15-005	waterfowl, coot, and snipe	PROP	96-14-140
seaweed				EMER	96-17-074
licenses	PERM	96-05-004	cougar	PERM	96-18-005
shad				PREP	96-02-029
areas and seasons	EMER	96-06-052		PROP	96-06-074
shellfish			deer	PERM	96-12-052
areas and seasons				PREP	96-02-029
crab	EMER	96-13-041		PREP	96-05-035
	EMER	96-13-085		PROP	96-06-069
crawfish	EMER	96-14-059		PERM	96-12-047
	EMER	96-15-014		PREP	96-12-092
licenses	PERM	96-05-004		PROP	96-12-093
native clams	EMER	96-02-027		PERM	96-15-102
	EMER	96-08-046		PERM	96-15-116
	EMER	96-11-008	disabled persons hunting	PERM	96-18-051
	EMER	96-15-055		EMER	96-03-083
	EMER	96-19-004		PERM	96-03-084
oysters	EMER	96-08-046		PROP	96-06-065
	EMER	96-11-008		PERM	96-12-056
	EMER	96-15-055	elk	PREP	96-02-029
	EMER	96-19-004		PROP	96-06-070
	EMER	96-19-063		PROP	96-06-075
razor clams	PERM	96-05-004		PERM	96-12-048
	EMER	96-07-051		PERM	96-12-053
	EMER	96-11-038	falconry regulations	PREP	96-10-072
	EMER	96-19-004		PROP	96-14-127
scallops				PROP	96-14-128
shrimp				PROP	96-14-129
areas and seasons	PERM	96-05-004		PROP	96-14-130
	EMER	96-09-049		PROP	96-14-131
	EMER	96-11-034		PROP	96-14-134
	EMER	96-11-099		PROP	96-14-135
	EMER	96-12-068		PROP	96-14-136
	EMER	96-13-041		PERM	96-18-059
	EMER	96-13-085		PERM	96-18-060
sport fishing rules	EMER	96-14-061		PERM	96-18-061
	PREP	96-08-078		PERM	96-18-062
	PREP	96-18-079		PERM	96-18-063
steelhead				PERM	96-18-064
areas and seasons	EMER	96-06-007		PERM	96-18-065
	EMER	96-18-048	goat	PREP	96-02-029
sturgeon				PROP	96-06-073
areas and seasons	EMER	96-08-063		PERM	96-12-051
	PREP	96-14-144	hunting hours and small game seasons	PROP	96-06-068
	EMER	96-19-003		PERM	96-12-044
	EMER	96-19-050			
	EMER	96-20-106			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

migratory waterfowl	PERM 96-02-009 PROP 96-06-077 PREP 96-10-068 PERM 96-12-055 PROP 96-14-124 PROP 96-14-125 PROP 96-14-126 PROP 96-14-138 PROP 96-14-139 PROP 96-14-140 PROP 96-14-141 PROP 96-14-142 EMER 96-17-075 PERM 96-18-003 PERM 96-18-006 PERM 96-18-007 PERM 96-18-008 PERM 96-18-009 PERM 96-18-010 PROP 96-18-028				PROP 96-05-090 PROP 96-09-099 PERM 96-12-038 PROP 96-13-004 EMER 96-13-026 PERM 96-14-081 EMER 96-18-054 PROP 96-20-120 MISC 96-02-068 MISC 96-08-075 MISC 96-13-024 MISC 96-17-082 MISC 96-20-119
		Meetings			
		Northern spotted owl critical wildlife habitat			EMER 96-03-009 PROP 96-03-067 PROP 96-04-076 PROP 96-05-090 PROP 96-09-099 PERM 96-12-038 EMER 96-13-026 PERM 96-14-081
moose	PROP 96-02-029 PROP 96-06-071 PERM 96-12-049				
permit hunts	PREP 96-10-069 PROP 96-14-132 PROP 96-14-133 PREP 96-17-001 PERM 96-18-066 PERM 96-18-067	GAMBLING COMMISSION Adjudicative proceedings			PROP 96-03-078 PERM 96-09-072
		Amusement games locations			PROP 96-15-066 PERM 96-19-081 PROP 96-03-080 PERM 96-07-076 PROP 96-14-028 PREP 96-15-023 PREP 96-20-026
sheep	PREP 96-02-029 PROP 96-06-072 PROP 96-06-076 PERM 96-12-050 PERM 96-12-054	operation			
special hunts	PREP 96-02-030 PROP 96-06-062 PROP 96-09-003	Bingo equipment gift certificates			PREP 96-20-028 PROP 96-03-079 PERM 96-07-078 PREP 96-20-003 PROP 96-11-074 PERM 96-15-064 PREP 96-20-003 PERM 96-05-011 PREP 96-11-125 PROP 96-19-085 PROP 96-07-072 PERM 96-13-067 PROP 96-03-068 PREP 96-15-021 PROP 96-03-079 PERM 96-07-078
Pelt sealing	PREP 96-17-001 PROP 96-18-046	Keno bingo			
Private lands wildlife management areas	PREP 96-17-001 PREP 96-18-046				
Trapping 1996 season	PREP 96-10-078 PROP 96-14-137 PERM 96-18-004	net income requirements			
Wildlife bighorn sheep horn marking	PREP 96-08-077 PROP 96-14-143 PROP 96-18-028	operating standards player selection games			
bullfrog classification	PREP 96-17-001 PREP 96-18-046	record-keeping requirements satellite bingo and speed bingo transportation to games			PERM 96-13-067 PROP 96-03-068 PREP 96-15-021 PROP 96-03-079 PERM 96-07-078
problem animal removal	PREP 96-02-030 PROP 96-06-062 PROP 96-09-003	Card rooms jackpot poker operation			PREP 96-07-071 PROP 96-03-081 PROP 96-07-074 PROP 96-14-028 PROP 96-19-084 PREP 96-20-027
Wildlife rehabilitation facilities	PREP 96-02-066 PROP 96-06-064 PERM 96-12-045	public card room enhancement program			PROP 96-13-070 EMER 96-13-071 PERM 96-17-011 PREP 96-07-071 PROP 96-13-070 EMER 96-13-071 PROP 96-15-065 PROP 96-19-082 PREP 96-20-001 PROP 96-05-043 PERM 96-09-070 PROP 96-19-084 PREP 96-03-087
FORENSIC INVESTIGATIONS COUNCIL Organization and operation	PREP 96-10-018 PROP 96-13-063 PERM 96-16-062	table time charge			
Rules coordinator	MISC 96-10-017				
FOREST PRACTICES APPEALS BOARD Hearings, practice and procedure	PROP 96-09-057 PROP 96-13-106 PERM 96-15-034 PERM 96-19-030	Checks, requirements for acceptance Fee schedule			
FOREST PRACTICES BOARD Marbled murrelet critical wildlife habitat	EMER 96-03-009 PROP 96-03-067 PROP 96-04-076	House rules Licenses expiration			PREP 96-20-002

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	MISC	96-06-016	Health care insurance		
	MISC	96-15-017	whistleblower protection		PREP 96-05-058
HEALTH, DEPARTMENT OF					MISC 96-17-057
Adjudicative proceedings	PREP	96-06-048	Health professions quality assurance		PROP 96-19-086
	PROP	96-14-069	license suspension for nonpayment		
	PROP	96-20-086	or default on educational loan		
Administrative procedure			policy statements	MISC	96-14-047
filing policy and interpretive			guidelines prohibiting discrimination		
statements	MISC	96-14-001	against persons with disabilities	MISC	96-15-069
Adult family homes			Hearing and speech, board of		
providers and resident managers,	PREP	96-08-050	fees	PREP	96-17-062
registration	PROP	96-11-131	meetings	MISC	96-16-067
	PERM	96-14-070	speech-language pathologists		
Blood lead levels reporting	PROP	96-04-078	certification standards	PREP	96-17-061
Boarding homes			Home care		
fees	PROP	96-09-084	fees	PROP	96-09-083
	PERM	96-12-027		PERM	96-12-028
Cancer reporting and data collection	PROP	96-04-081	Home health care		
	PERM	96-13-027	fees	PROP	96-09-082
Certificate of need program	PREP	96-05-059		PERM	96-12-026
	PROP	96-17-065	Hospice care		
Chiropractic quality assurance commission			fees	PROP	96-09-081
meetings	MISC	96-04-031		PERM	96-12-025
organization and operation	PROP	96-10-006	hospice care centers	PREP	96-17-060
	PERM	96-16-074	Hospitals		
Community and family health, division of			maintenance and operation standards	PREP	96-07-011
policy statements			Hypnotherapists		
work schedules, hours, overtime, and			fees	PROP	96-01-033
exchange time	MISC	96-15-070		PERM	96-08-069
Coordinated quality improvement program	PROP	96-04-082	Laboratory services		
	PERM	96-09-042	duties and procedures	EXRE	96-14-067
Counselors				PERM	96-19-043
certification requirements	PREP	96-16-071	Lead, reporting of blood lead levels	PROP	96-04-078
fees	PROP	96-01-033		PERM	96-11-077
Dental quality assurance commission			Licenses		
dentists			administrative procedures	PREP	96-17-064
examination	PERM	96-01-083	fees	PREP	96-17-064
Emergency medical services			Malpractice insurance for health care		
intermediate and advanced life support			practitioners	PROP	96-09-018
personnel training and certification	PERM	96-03-052	Massage, board of		
intermediate life technicians			education programs	PREP	96-06-027
personnel training and certification	PREP	96-06-049		PROP	96-18-095
	PROP	96-14-111	examinations	PREP	96-06-027
	PERM	96-17-067		PROP	96-18-095
Expedited repeal			licenses		
laboratory services and duties	EXRE	96-14-067	policy statement	MISC	96-16-068
	PERM	96-19-043	practice standards	PREP	96-06-027
medical quality assurance commission rule			student supervision	PROP	96-18-095
process	EXRE	96-14-045		PREP	96-06-027
	PERM	96-19-042	Medical quality assurance commission	PREP	96-18-095
plumbing principles	EXRE	96-14-067	disciplinary action		
	PERM	96-19-043	interpretive statements	PERM	96-03-073
radiation protection forms	EXRE	96-14-046	naturopathic physicians performing		
	PERM	96-19-041	artificial insemination	MISC	96-20-085
rule-making petition	EXRE	96-14-046	license revocation		
	PERM	96-19-041	request for review	PREP	96-18-094
water and wastewater operator			licenses	PERM	96-03-073
certification board	EXRE	96-14-045	rule process	EXRE	96-14-045
	PERM	96-19-041		PERM	96-19-042
water safety teaching stations	EXRE	96-14-067	Medical test sites		
	PERM	96-19-043	fees	PROP	96-09-043
Facilities				PERM	96-12-011
certificate of need program	PREP	96-05-059	Nursing assistants		
Farmers' market nutrition program	PERM	96-01-085	delegation of duties		
Gunshot wound reporting	PROP	96-04-077	fees	PERM	96-06-029
	PERM	96-08-028	Nursing care quality assurance commission	PERM	96-03-051
Health care assistants			interpretive statements		
credentials	PREP	96-15-072	controlled substance administration	MISC	96-15-030
definitions	PREP	96-15-072	epidural anesthesia procedures		
supervision	PREP	96-15-072	policy statement	MISC	96-16-069
Health care entities			finger oximeter checks	MISC	96-15-032
fees	PROP	96-17-076	oral pharyngeal suctioning	MISC	96-15-031
licenses	PROP	96-17-076			

Subject/Agency Index
(Citation in **bold type** refer to material in this issue)

licensed practical nurses			continuing education	PROP	96-02-086
licenses				PERM	96-08-007
reinstatement	MISC	96-06-028		PREP	96-16-009
supervision	MISC	96-06-028	examination	PROP	96-02-086
practical nurses				PERM	96-08-007
women's health examinations			fees	PROP	96-02-085
policy statement	MISC	96-16-070		PERM	96-08-006
registered nurses			licenses	PREP	96-15-071
delegation of duties	PERM	96-05-060	education requirements	PREP	96-16-007
Nursing home administrators, board of			fees	PROP	96-02-086
certification, policy statement	MISC	96-18-098		PERM	96-08-007
meetings	MISC	96-02-034	retired active psychologists	PROP	96-02-086
	MISC	96-10-037		PERM	96-08-007
	MISC	96-19-044		PREP	96-16-009
Optometry, board of			temporary permits	PREP	96-16-008
continuing education	PREP	96-14-068	managed care companies, license		
examinations	PREP	96-11-049	verification	MISC	96-14-048
	PROP	96-14-044	meetings	MISC	96-03-133
	PERM	96-20-087		MISC	96-18-097
fees	PREP	96-11-040	Radiation protection, division of		
	PROP	96-15-033	fees	PROP	96-07-103
	PERM	96-20-088		PERM	96-11-043
licensure	PREP	96-11-049	Radioactive waste management		
	PROP	96-14-044	disposal of low-level waste	PREP	96-11-129
	PERM	96-20-087	Radiologic technology ad hoc committee		
reciprocity	PREP	96-11-049	meetings	MISC	96-02-063
	PROP	96-14-044	Sexual offender treatment providers		
	PERM	96-20-087	notification of petition to repeal or		
Pharmacy, board of			amend a rule	MISC	96-16-066
computerized drug distribution devices	PREP	96-15-110	Shellfish programs		
continuing education	PERM	96-02-007	export certifications, fee	PREP	96-09-029
	PROP	96-04-080		PROP	96-12-074
	PERM	96-11-042		PERM	96-16-073
controlled substances			interstate trade, performance standards	PROP	96-14-110
carisoprodol, addition to schedule IV	PREP	96-10-038		PERM	96-18-096
drug destruction firms	PREP	96-15-109	Social workers		
drug price disclosure	PERM	96-02-008	fees	PROP	96-01-033
educational requirements	PERM	96-02-006	Temporary worker housing		
health care entities, licensing and			regulations	PERM	96-01-084
regulation	EMER	96-11-103		PERM	96-02-014
	PREP	96-11-130	Trauma care facilities and services		
	PROP	96-17-066	designation standards	PREP	96-17-063
legend drugs			Tuberculosis		
identification	PREP	96-03-012	reporting requirements	PROP	96-16-072
	PROP	96-11-041	Vaccination schedule for school-age		
	PROP	96-14-109	children	PERM	96-04-079
over-the-counter drugs			Veterinary board of governors		
imprints	PROP	96-03-134	animal technicians		
	PERM	96-07-012	scope of practice	PREP	96-18-093
professional responsibilities	PERM	96-02-005	drug labeling	PREP	96-18-093
	PERM	96-03-016	record-keeping requirements	PREP	96-18-093
steroids			surgical procedures	PREP	96-18-093
addition to schedule III	PERM	96-01-032	Water		
Physical therapy, board of			plumbing principles	EXRE	96-14-067
examinations	EMER	96-03-050		PERM	96-19-043
	PREP	96-03-160	Water safety teaching stations	EXRE	96-14-067
	PROP	96-08-068		PERM	96-19-043
	PERM	96-13-008	Whistleblowers		
license numbers, policy statement on			health care insurance complaints	PREP	96-05-058
availability	MISC	96-18-099		PROP	96-19-086
personal data, policy statement	MISC	96-18-100	policy statement	MISC	96-17-057
Policy statements			WIC program		
naturopathic physicians performing			administrative procedures	PREP	96-14-043
artificial insemination	MISC	96-20-085			
nursing home administrators, certification	MISC	96-18-098			
physical therapist license numbers,			HEALTH, STATE BOARD OF		
availability	MISC	96-18-099	(See HEALTH, DEPARTMENT OF)		
physical therapist personal data	MISC	96-18-100			
review procedure	MISC	96-17-058	HIGHER EDUCATION COORDINATING BOARD		
	MISC	96-17-059	Expedited repeal		
whistleblower complainants,			Pacific Rim language scholarship		
confidentiality	MISC	96-17-057	program	EXRE	96-13-028
Psychology, examining board of				PERM	96-18-025
child custody evaluation procedures	PREP	96-16-006			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Future teacher conditional scholarship recipient teaching obligation	PREP 96-07-095 PROP 96-11-090 PERM 96-18-023	Financial statements electronic filing by insurers	PROP 96-05-091 PROP 96-08-017 PROP 96-09-046
State need grant program	PROP 96-01-074 PERM 96-04-019 PREP 96-07-096 PROP 96-11-101 PERM 96-18-024	Fraternal benefit societies surplus requirements	PROP 96-11-046 PROP 96-17-033 PERM 96-17-079 PREP 96-13-097 PROP 96-19-067
HIGHER EDUCATION, JOINT CENTER FOR		Health care services	
Meetings	MISC 96-04-017	benefits following birth of a child	PREP 96-18-115
Riverpoint higher education park alcoholic beverages	PREP 96-15-112 PREP 96-18-056 PROP 96-20-061	benefits, standards for determining when reasonable in relation to amount charged	PREP 96-17-080
parking regulations	PREP 96-15-111 PROP 96-20-062	conscientious objection to participating in specific services	PROP 96-03-033 PROP 96-03-075 PERM 96-04-060 PROP 96-12-072 PERM 96-16-050
Rules coordinator	MISC 96-09-021	women's health care services access	
HIGHLINE COMMUNITY COLLEGE		Long-term care insurance	
Meetings	MISC 96-01-059	benefits	PROP 96-04-018 PROP 96-11-144 PROP 96-15-044 PROP 96-15-085 PROP 96-17-006 PERM 96-17-029 PREP 96-11-143
HISPANIC AFFAIRS, COMMISSION ON		long-term care partnership	
Meetings	MISC 96-01-020	Managed care plans	PROP 96-15-044 PROP 96-17-006 PERM 96-17-029 PREP 96-11-143 MISC 96-20-117 PROP 96-20-118
HORSE RACING COMMISSION		Medicare supplemental insurance	PROP 96-04-086 PROP 96-08-016 PERM 96-09-047 PROP 96-04-087 PROP 96-09-002 PERM 96-09-038
Association grounds and facilities	PREP 96-03-143	Organization and operation	
Association officials and employees	PREP 96-06-086 PROP 96-09-097	Practice and procedure for contested matters	PREP 96-17-085 PROP 96-19-066
Claiming	PREP 96-03-145 PROP 96-09-098 PERM 96-12-008	Public hearings managed care plans	MISC 96-20-117
Controlled medication program	PROP 96-04-067 PERM 96-10-001	INTEREST RATES (See inside front cover)	
Drug and alcohol testing	PREP 96-03-144	INVESTMENT BOARD	
National model rules, uniformity	PREP 96-03-142	Meetings	MISC 96-05-050
Parimutuel rules	PROP 96-04-066 PERM 96-10-014 PROP 96-19-006	Rules coordinator	MISC 96-08-052
Race conduct	PREP 96-12-085	JUDICIAL CONDUCT, COMMISSION ON	
Safety helmets use	PREP 96-12-084	Ethical standards	PREP 96-06-047 MISC 96-01-034 MISC 96-06-024 MISC 96-09-096 PROP 96-04-083 PROP 96-05-006 PROP 96-17-023 PROP 96-17-024 MISC 96-17-025 PROP 96-17-053 MISC 96-01-035
HOUSING FINANCE COMMISSION		Meetings	
Housing finance plan, hearings	MISC 96-01-110 MISC 96-01-111	Procedural rules	
HUMAN RIGHTS COMMISSION		Rules coordinator	
Employment		LABOR AND INDUSTRIES, DEPARTMENT OF	
handicapped persons	PROP 96-08-055	Administrative rules review	MISC 96-03-152
preemployment inquiry guide	PROP 96-08-055	Apprenticeship and training council	
sex discrimination	PROP 96-08-055	apprenticeship agreements	EMER 96-03-092
Fair housing program	PREP 96-02-081 PROP 96-06-087 PROP 96-13-044 PERM 96-13-045	apprenticeship committees	PREP 96-10-035
Meetings	MISC 96-01-106 MISC 96-08-051 MISC 96-12-040 MISC 96-16-028	Asbestos certification program	PERM 96-05-056 PREP 96-14-119
INDETERMINATE SENTENCE REVIEW BOARD		Boiler rules, board of meetings nonstandard boilers and pressure vessels, requirements	MISC 96-16-054 PREP 96-09-086 PROP 96-16-063
Rules coordinator	MISC 96-09-085		
INSURANCE COMMISSIONER, OFFICE OF			
Alien insurance companies			
credit for reinsurance	PREP 96-19-065		
Automobile insurance			
personal injury protection (PIP) coverage	PREP 96-17-028 PREP 96-03-091A PROP 96-07-081 PERM 96-11-004		
Filing of rates and contracts, form			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

reinstalled boilers and pressure vessels, requirements	PREP 96-09-086 PROP 96-16-063	OSHA compliance	PROP 96-03-024 PERM 96-09-030 PREP 96-01-119
Electrical board meetings	MISC 96-01-050	Technical assistance consultant lists	
Electrical code	PREP 96-10-082	Wages and hours	
Employment standards		overtime compensation for retail sales employees	PREP 96-10-083
employer-required wearing apparel	PREP 96-10-084 PROP 96-14-115	Workers' compensation classifications	PROP 96-05-064 PROP 96-05-065 PERM 96-12-039 PROP 96-19-007 PREP 96-17-055 PREP 96-11-066 PREP 96-17-092
overtime compensation for retail sales employees	PREP 96-10-083 PROP 96-14-116	definitions	
Factory built housing	PREP 96-06-032 PROP 96-15-089	hospital services payment	
First-aid requirements	PREP 96-12-071	impairment rating examinations	
Hazard communication	PREP 96-14-118	job modification during vocational retraining	PREP 96-03-106 PREP 96-02-052 PROP 96-05-066 PERM 96-10-086 PREP 96-13-104 EMER 96-14-065 PROP 96-16-025 PERM 96-19-060
Mobile homes, commercial coaches, and recreational vehicles	PREP 96-06-032 PROP 96-15-089	medical services payment system	
Occupational health standards			
	PERM 96-05-056 PREP 96-05-076		
asbestos exposure	EMER 96-08-072 EMER 96-16-026 PROP 96-18-114 PROP 96-03-024 PERM 96-09-030 PROP 96-03-024	premium discount, drug-free workplace employer certification	PREP 96-09-100 PROP 96-13-105 PERM 96-18-040 PREP 96-01-118 EMER 96-02-053 PROP 96-03-115 PERM 96-06-025 PREP 96-15-088 PROP 96-19-100 PROP 96-05-064 PROP 96-05-065 PREP 96-03-153 PROP 96-07-098 PERM 96-10-029
general	PERM 96-09-030		
lead exposure	PROP 96-03-024	premium rates	
respiratory protection	PERM 96-09-030 PROP 96-03-024		
saccharin fit testing	PROP 96-03-024 PERM 96-09-030		
Policy and interpretive statements	MISC 96-15-045 MISC 96-17-015 MISC 96-19-016	rates and rating system	
Recordkeeping and reporting		retrospective rating	
confidential witness statements	MISC 96-06-033 PROP 96-10-085 PERM 96-17-056		
Safety and health standards		self-insurers, certification and procedures	PREP 96-12-094 PROP 96-16-057
beryllium and nitrous oxide PELs	PREP 96-05-077 PROP 96-10-085 PERM 96-17-056		
crane and derrick suspended platforms	PROP 96-03-024 PERM 96-09-030	LAKE WASHINGTON TECHNICAL COLLEGE	
personal protective equipment	PROP 96-03-024 PERM 96-09-030	Hazing policy	PROP 96-03-060 PERM 96-07-049
pesticides, worker protection	PREP 96-06-078 PROP 96-17-093 PERM 96-20-082	LAND USE STUDY COMMISSION (See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)	
sawmills	PROP 96-10-085 PERM 96-17-056	LICENSING, DEPARTMENT OF	
Safety standards		Adjudicative procedures	PREP 96-18-001 PROP 96-20-113
agriculture	PREP 96-06-034 PREP 96-06-078 PROP 96-10-085 PROP 96-14-120 PROP 96-14-121 PROP 96-17-093 PERM 96-20-082	Architects, board of registration for examinations	PREP 96-15-077 PROP 96-20-077 PROP 96-20-113 PREP 96-15-077 PROP 96-20-077
asbestos removal	PERM 96-05-056 PREP 96-05-076 PROP 96-18-114	fees	PREP 96-15-077 PROP 96-20-077
construction work	PREP 96-05-078 PROP 96-10-085 PERM 96-17-056	licenses	
fall protection	PREP 96-05-079 PROP 96-11-116	reciprocity	PREP 96-15-077 PROP 96-20-113 PREP 96-15-077 PROP 96-20-077
fire fighters	PROP 96-03-026 PERM 96-11-067	renewal	PREP 96-15-077 PROP 96-20-077 PREP 96-13-016 PROP 96-20-113
grain handling facilities	PREP 96-14-117	suspension for default on student loans	PREP 96-13-016 PROP 96-20-113
logging operations	PREP 96-05-075 PROP 96-09-101	meetings	MISC 96-02-062 MISC 96-03-089 MISC 96-18-013 PREP 96-11-114 PROP 96-20-058
		Boxing and wrestling	

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Drivers' licenses			Private detectives		
agency contact information update	PREP	96-14-095	fees	PREP	96-12-090
	PROP	96-17-069	penalties	PREP	96-12-090
	PERM	96-20-089	Public records, availability	PROP	96-02-035
Engineers and land surveyors, board of				PERM	96-05-036
adjudicative proceedings	PREP	96-20-005	Real estate appraisers		
	PREP	96-20-006	licensing and certification requirements	PREP	96-19-001
licenses			usage of terms	PREP	96-19-002
requirements	PROP	96-07-052	Real estate commission		
	PERM	96-11-086	agency representation disclosure	PREP	96-13-049
retired status license	PROP	96-07-037	buyer's agents, disclosure	PREP	96-19-012
	PERM	96-11-085	meetings	MISC	96-02-011
suspension	PREP	96-12-078	real estate education	PREP	96-13-049
Expedited repeal			Security guards		
funeral directors, licenses	EXRE	96-13-021	fees	PREP	96-12-091
	PERM	96-17-040	penalties	PREP	96-12-091
land development registration	EXRE	96-13-021	Title and registration advisory committee		
Fuel tax			meetings	MISC	96-20-063
trust fund accountability assessments	PREP	96-19-036	Travel sellers		
Landscape architects			registration	EMER	96-01-055
board of registration	PROP	96-04-009		PREP	96-08-056
	PROP	96-04-040		PROP	96-08-057
	PERM	96-10-013		EMER	96-09-056
examinations	PROP	96-04-009		PROP	96-11-102
	PROP	96-04-040		PERM	96-14-092
	PERM	96-10-013	Vessels		
fees	PREP	96-04-007	application fees, disposition	PROP	96-09-041
	PROP	96-04-009		PERM	96-13-055
	PROP	96-04-040	dealer registration	PREP	96-19-013
	PERM	96-10-013	owner identification criteria	PERM	96-04-004
	PROP	96-08-005	registration identification	PREP	96-19-013
	PERM	96-11-132	owner information disclosure	PERM	96-03-046
registration	PROP	96-04-009	watercraft excise tax and registration		
	PROP	96-04-040	exemption for Indian tribal members	PROP	96-07-030
	PERM	96-10-013		PROP	96-11-128
suspension of registration for default				PERM	96-16-038
on student loans	PREP	96-13-017			
Licenses and certifications			LIQUOR CONTROL BOARD		
suspension for default on student loans	PREP	96-13-015	Alcohol server training program	PERM	96-03-074
	MISC	96-20-041		PROP	96-13-087
Limousine carrier businesses			Distributors		
fees	EMER	96-12-076	beer and wine wholesale price postings	PREP	96-01-123
insurance requirements	EMER	96-12-076		PROP	96-07-101
Model traffic ordinance	PROP	96-10-039		PROP	96-11-075
	PERM	96-13-089			
Motor vehicles			Licenses		
collectors' vehicles, licensing	PREP	96-10-023	approval of uncontested or unopposed		
dealer/manufacturer licensing	PROP	96-13-042	applications	PREP	96-10-056
	PERM	96-19-025	complimentary drinks for customers	PREP	96-15-043
destroyed vehicles, reporting	PREP	96-08-029	game rooms, liquor service	PREP	96-15-041
disabled person parking privileges	PREP	96-14-034	restaurants, class H	PERM	96-03-005
limousine and for hire businesses	PREP	96-07-047	self-service activities	PREP	96-15-040
	PROP	96-11-006	transfers of licenses	PERM	96-03-004
	PERM	96-16-032	Tobacco products		
motor vehicle excise tax	PREP	96-11-104	distribution, reporting requirements	PREP	96-15-042
owner identification criteria	PERM	96-04-004	sample, definition	PREP	96-09-044
owner information disclosure	PERM	96-03-047		PROP	96-13-043
ride sharing for persons with special				PERM	96-19-018
transportation needs	PREP	96-10-024	Wine warehouses		
	PROP	96-16-030	storage and removal of wine	PREP	96-01-124
salvage vehicles, reporting	PREP	96-08-029		PROP	96-07-100
snowmobile registration fee	PROP	96-09-039		PERM	96-11-076
	PERM	96-13-053			
Taipei economic and cultural office			LOTTERY COMMISSION		
special license plates	PREP	96-10-022	Instant game number 157 - Summer Gold	PROP	96-03-038
	PROP	96-16-031		PROP	96-03-157
taxi cabs	PREP	96-07-047	Instant game number 158 - Five Card Stud	PERM	96-07-015
	PROP	96-11-006	Instant game number 159 - Fat Cat	PERM	96-03-039
veteran remembrance emblems program	PREP	96-04-064	Instant game number 160 - My! Oh! My!	PERM	96-03-039
	PROP	96-09-040	Instant game number 161 - \$2 Baseball		
	PERM	96-13-054	scorecard	PERM	96-03-039
Policy statements			Instant game number 162 - \$2 Double Dollars	PROP	96-03-157
license or certificate suspension for				PERM	96-07-015
default on student loan	MISC	96-20-041		PROP	96-12-096
				PERM	96-15-124

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Instant game number 163 - Apple Bucks	PROP 96-03-157	MARINE SAFETY, OFFICE OF	
	PERM 96-07-015	Fishing vessel boarding checklist	MISC 96-05-063
	EMER 96-15-087	Fishing vessel inspection advisory council meetings	MISC 96-20-030
	PROP 96-15-126	Pilot coordination and testing program	PERM 96-03-070
Instant game number 164 - Blackjack	PERM 96-19-071	Vessel operation	
	PROP 96-03-157	small tank barges, financial responsibility	EMER 96-08-002
	PERM 96-07-015		PREP 96-10-048
	PREP 96-08-071		PROP 96-03-071
	PROP 96-12-096	substantial risk standards	MISC 96-03-082
	PERM 96-15-124		MISC 96-05-063
Instant game number 165 - \$2 Bingo	PROP 96-03-157		PROP 96-09-008
	PERM 96-07-015		PERM 96-12-077
Instant game number 166 - Instant Jackpot	PROP 96-03-157		EMER 96-18-022
	PERM 96-07-015		
	PROP 96-12-096		
	PERM 96-15-124		
Instant game number 167 - 100 Grands	PROP 96-07-104	MINORITY AND WOMENS' BUSINESS ENTERPRISES, OFFICE OF	
	PERM 96-11-107	Annual goals for participation	PREP 96-07-089
Instant game number 168 - \$2 Instant Casino	PROP 96-07-104		PROP 96-11-100
	PERM 96-11-107		PERM 96-14-064
Instant game number 169 - Aces High	PROP 96-07-104	Bid standards	PREP 96-13-009
	PERM 96-11-107		EMER 96-13-010
	PROP 96-12-096		
	PERM 96-15-124	State agency and educational institution responsibilities	PREP 96-07-088
Instant game number 170 - Lucky Charms	PROP 96-07-104		
	PERM 96-11-107		
Instant game number 171 - \$5 Holiday Surprise	PROP 96-07-104	NATURAL RESOURCES, DEPARTMENT OF	
	PERM 96-11-107	Burning permit program fees	PROP 96-08-027
	PROP 96-12-096		PERM 96-12-020
Instant game number 172 - Winner Wonderland	PROP 96-07-104	Fire hazard areas, closure	EMER 96-13-048
	PERM 96-11-107	Fire protection	
Instant game number 173 - Lucky Streak	PROP 96-07-104	Anderson Island	PERM 96-03-003
	PERM 96-11-107	industrial restrictions	PREP 96-12-021
Instant game number 174 - \$2 Double Joker	PROP 96-12-096		PROP 96-16-037
	PERM 96-15-124		
Instant game number 175 - Cash Vault	PROP 96-12-096	Forest fire advisory board meetings	MISC 96-03-034
	PROP 96-15-124		
Instant game number 176 - Amazing 8s	PROP 96-12-096	Forest practices board (See FOREST PRACTICES BOARD)	
	PERM 96-15-124	Natural heritage advisory council meetings	MISC 96-08-053
Instant game number 177 - \$2 Jumbo Bucks	PROP 96-12-096		MISC 96-17-039
	PERM 96-15-124		
Instant game number 178 - Royal Flush	PROP 96-12-096	Natural resources, board of meetings	MISC 96-08-048
	PERM 96-15-124		MISC 96-10-009
Instant game number 179 - Crazy Cash	PROP 96-12-096		MISC 96-18-011
	PERM 96-15-124		
Instant game number 180 - \$2 Stadium Fever	PROP 96-15-126		
	PERM 96-19-071		
Instant game number 181 - My! Oh! My!	PROP 96-15-126	NORTHWEST AIR POLLUTION AUTHORITY	
	PERM 96-19-071	Compliance standards and enforcement	PROP 96-01-089
Instant game number 182 - Bonus 7 Come 11	PROP 96-15-126		PERM 96-05-024
	PERM 96-19-071		PROP 96-06-017
Instant game number 183 - Win For Life	PROP 96-15-126		PERM 96-11-091
	PERM 96-19-071		
Instant game number 184 - \$2 Instant Monopoly	PROP 96-19-072	OLYMPIC AIR POLLUTION CONTROL AUTHORITY	
Instant game number 185 - Double Blackjack	PROP 96-19-072	Gasoline vapor recovery requirements	PROP 96-17-083
Instant game number 186 - Lucky Bug	PROP 96-19-072		
Instant game rules	PREP 96-03-156	OLYMPIC COLLEGE	
	PREP 96-08-004	Meetings	MISC 96-01-092
	PREP 96-09-103		MISC 96-03-112
	PREP 96-12-095		MISC 96-07-006
	PREP 96-15-123		MISC 96-15-013
	PERM 96-03-039		
Limited off-premises sales permits	PROP 96-12-096	OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR	
Lotto	PERM 96-15-054	Development costs, retroactivity	PROP 96-11-112
	PERM 96-19-073		EMER 96-11-113
Meetings	MISC 96-19-074		PROP 96-12-065
Policy statements	PREP 96-12-095		PERM 96-15-082
Prizes, payment	PERM 96-15-124		PROP 96-04-054
	PROP 96-15-126	Funds management	PERM 96-08-044
	PERM 96-19-071		MISC 96-03-136
Rules coordinator	MISC 96-07-001	Meetings	MISC 96-05-025
	MISC 96-15-053		MISC 96-07-020
			MISC 96-10-008
			MISC 96-12-042
MARINE EMPLOYEES' COMMISSION			
Policy statements	MISC 96-19-068		

Subject/Agency Index
(Citation in bold type refer to material in this issue)

	MISC	96-15-001		PERM	96-11-059
	MISC	96-17-026		PROP	96-18-018
	MISC	96-19-033		PROP	96-18-019
Organization and operation	PROP	96-04-054	Shift premium	PROP	96-02-070
	PERM	96-08-044		PROP	96-07-092
Policy or interpretive statements	MISC	96-17-046		PROP	96-09-053
				PROP	96-10-064
				PERM	96-13-075
PARKS AND RECREATION COMMISSION					
Application fees	PREP	96-13-079	Temporary appointments from outside state service	PROP	96-02-002
	PROP	96-15-108			
	PERM	96-19-031	Temporary appointments from within state service	PROP	96-02-002
Fees for parks use	PREP	96-16-075	Union shop elections	PROP	96-10-066
	PROP	96-19-080		PROP	96-13-073
Fishing in state parks	PERM	96-01-030		PROP	96-08-085
Land classification system	PERM	96-01-078	Veteran's preference	PROP	96-08-086
Meetings	MISC	96-02-016		PERM	96-11-060
SEPA procedures	PERM	96-01-029		PERM	96-11-061
Snowmobile registration fee	PREP	96-07-019		PERM	96-02-073
Technical rock climbing, regulations	PERM	96-02-015	Washington management service		
PENINSULA COLLEGE					
Meetings	MISC	96-05-062	PERSONNEL, DEPARTMENT OF		
Personnel resources board					
(See PERSONNEL RESOURCES BOARD)					
			Salary adjustments	PROP	96-08-089
				PERM	96-12-004
PERSONNEL RESOURCES BOARD					
Arbitration of collective bargaining impasses	EMER	96-19-079	PIERCE COLLEGE		
Civil service rules	PROP	96-20-038	Meetings	MISC	96-01-016
Classification plan	PROP	96-08-087		MISC	96-05-052
	PROP	96-08-088		MISC	96-18-020
	PERM	96-11-062		MISC	96-18-071
	PERM	96-11-063		MISC	96-19-009
Compensation	PERM	96-02-073	Rules coordinator	MISC	96-17-038
	PROP	96-08-087	Tenure policy	PROP	96-16-077
	PROP	96-08-088			
	PERM	96-11-062	PILOTAGE COMMISSIONERS, BOARD OF		
	PERM	96-11-063	Pilotage tariff rates		
Compensatory time	PROP	96-08-082	Grays Harbor district	PREP	96-05-054
Disabled employees, accommodation	PROP	96-02-071		PROP	96-10-055
	PERM	96-05-026		PROP	96-13-057
Examinations				PERM	96-14-062
administration	PERM	96-02-072	Puget Sound district	PREP	96-04-052
veteran's preference	PROP	96-08-085		PROP	96-08-067
	PROP	96-08-086		PERM	96-12-017
Labor relations	PREP	96-02-001		PROP	96-19-070
	PROP	96-04-052A			
	PROP	96-04-053	POLLUTION CONTROL HEARINGS BOARD		
	PROP	96-06-059	(See ENVIRONMENTAL HEARINGS OFFICE)		
	PROP	96-07-091	POLLUTION LIABILITY INSURANCE AGENCY		
	PERM	96-07-093	Appeals	PROP	96-01-102
	PROP	96-09-054		PERM	96-04-005
	PERM	96-09-055	Heating oil pollution liability insurance program	PERM	96-01-101
	PROP	96-11-057		EMER	96-02-051
	PERM	96-13-074	Underground storage tanks site visits	PROP	96-01-102
	PREP	96-19-078			
Layoff	PROP	96-10-065	PUBLIC DISCLOSURE COMMISSION		
	PERM	96-13-078	Contributions		
Leave rules	PROP	96-08-081	definitions	PROP	96-05-072
	PROP	96-08-082		PROP	96-05-073
	PROP	96-09-088		PERM	96-09-015
	PROP	96-09-089	expenditure reporting	PERM	96-09-016
	PERM	96-13-076	independent expenditures	PREP	96-14-104
	PERM	96-13-077		PROP	96-05-072
	EMER	96-15-046		PROP	96-05-073
	EMER	96-15-047		PERM	96-09-015
	PROP	96-18-018	legislative session freeze period	PERM	96-01-103
	PROP	96-18-019	limitations	PROP	96-01-109
Meetings	MISC	96-01-003		PERM	96-04-021
	MISC	96-14-105		PROP	96-15-009
Overtime	PROP	96-08-082	summary contribution and expenditure form	EMER	96-13-084
Shared leave	PROP	96-02-002			
	PROP	96-02-069			
	PROP	96-08-083			
	PROP	96-08-084			
	PERM	96-11-058			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Definitions	PROP 96-01-117	School districts	
	PERM 96-05-001	budget timelines	PROP 96-05-031
	PROP 96-05-072		PERM 96-08-058
	PROP 96-05-073		PERM 96-09-001
	PERM 96-09-015	maintenance and operation levies	PROP 96-15-091
	PERM 96-09-016		PERM 96-19-037
Electronic filing program	PROP 96-01-108	School safety patrol	PREP 96-15-048
	PERM 96-04-020		PROP 96-19-096
Lobbyists and lobbying expense reporting	PERM 96-01-103	Special education	
	PREP 96-16-078	certificated instructional	
	MISC 96-04-030	staff ratio	PROP 96-02-077
Meetings	MISC 96-09-014		PERM 96-05-022
	EMER 96-01-104	funds allocation	PERM 96-03-002
Personal financial affairs statement	PROP 96-05-074		PROP 96-15-114
	PERM 96-09-017		PERM 96-19-095
Requests for lists of individuals	PROP 96-01-117	Teacher assistance program	PREP 96-11-140
	PERM 96-05-001		PROP 96-15-113
			PERM 96-19-038
		Traffic safety education	PREP 96-11-108
			PROP 96-18-039
PUBLIC EMPLOYEES BENEFITS BOARD		Transportation	
Meetings	MISC 96-01-021	operation allocation	PREP 96-09-067
			PROP 96-11-137
			PERM 96-16-010
PUBLIC EMPLOYMENT RELATIONS COMMISSION		replacement and depreciation allocation	PREP 96-09-068
Administrative procedures and	PROP 96-03-135		PROP 96-11-138
housekeeping changes	PERM 96-07-105		PERM 96-16-011
meetings	MISC 96-09-028	school bus standards	PREP 96-09-069
			PROP 96-11-139
			PERM 96-16-012
PUBLIC INSTRUCTION, SUPERINTENDENT OF		University of Washington transition	
Administrative hearings		school and early entrance program	PREP 96-06-061
certification appeals	PREP 96-07-036		
Administrator internship program	PREP 96-07-050		
	PROP 96-12-075		
	PERM 96-15-115		
	PREP 96-17-031		
Child nutrition program		PUBLIC WORKS BOARD	
Education, state board of (See also		(See COMMUNITY, TRADE AND ECONOMIC	
EDUCATION, STATE BOARD OF)		DEVELOPMENT, DEPARTMENT OF)	
elections	PROP 96-04-033		
	PERM 96-08-001	PUGET SOUND AIR POLLUTION CONTROL AGENCY	
Educational employees		Agricultural burning	PROP 96-02-019
fingerprint record checks	PREP 96-08-059		PERM 96-05-015
	PROP 96-14-093	Asbestos notification and fees	PROP 96-16-061
	PERM 96-17-045		PERM 96-20-104
self-funded programs for		Carbon monoxide standards, maintenance	PROP 96-12-083
employee benefits	PREP 96-17-005		PERM 96-15-059
Expedited repeal		Chromium electroplating and	
alien teacher permits	EXRE 96-14-019	anodizing facilities	PROP 96-10-073
	PERM 96-18-014		PERM 96-13-061
conflicts of interest	EXRE 96-14-018	Coatings and ink manufacturing	PROP 96-06-055
	PERM 96-18-014		PERM 96-09-059
fair start program	EXRE 96-14-018	Compliance with orders	PROP 96-16-061
	EXRE 96-14-019		PERM 96-20-104
	PERM 96-18-014	Fees	PROP 96-16-061
finance rules	EXRE 96-14-018		PROP 96-16-082
	PERM 96-18-014		PERM 96-20-103
hazardous walking conditions	EXRE 96-14-018	Fire department training	PERM 96-20-104
	PERM 96-18-014		PROP 96-02-019
schools for 21st century program	EXRE 96-14-019	General regulatory orders	PERM 96-05-015
	PERM 96-18-014		PROP 96-10-073
student retention and retrieval program	EXRE 96-14-019	Meetings	PERM 96-13-061
	PERM 96-18-014	Outdoor fires	MISC 96-03-035
			PROP 96-02-019
Funding		Sources	PERM 96-05-015
basic education apportionment	PERM 96-03-001	fees	
federal Title I grants	PREP 96-13-032		PROP 96-16-082
	PROP 96-16-056		PROP 96-16-083
	PERM 96-19-097		PERM 96-20-103
K-3 staff enhancement	PROP 96-02-078	registration program	PERM 96-20-105
	PERM 96-05-021		PROP 96-16-082
nonhigh participatory finance	PREP 96-15-025		PERM 96-20-103
special education allocation	PERM 96-03-002		
	PROP 96-15-114		
	PERM 96-19-095		
Learning assistance program	PREP 96-13-033		
	PROP 96-20-050		
		PUGET SOUND WATER QUALITY ACTION TEAM	
		Local planning and management of	
		nonpoint source pollution	PREP 96-16-094
			PROP 96-20-121

Subject/Agency Index

(Citation in bold type refer to material in this issue)

PUGET SOUND WATER QUALITY AUTHORITY

Meetings MISC 96-03-018
 Puget Sound ambient monitoring program MISC 96-07-082
 Puget Sound water quality management plan MISC 96-08-080

QUARTERLY REPORTS

(See CODE REVISER'S OFFICE)

RENTON TECHNICAL COLLEGE

Meetings MISC 96-02-044

RETIREMENT SYSTEMS, DEPARTMENT OF

Adjudicative proceedings presiding officer PROP 96-07-080
 PERM 96-11-036
 Deferred compensation program PREP 96-06-079
 PROP 96-13-100
 PERM 96-16-020
 PROP 96-20-116
 Employee retirement benefits board meetings
 Firefighters
 uniformed firefighter, definition PERM 96-01-045
 PERM 96-04-003
 Law enforcement officers' and fire fighters' retirement system
 basic salary, determination PREP 96-07-033
 PROP 96-18-074
 PROP 96-15-080
 PERM 96-20-004
 Portability
 Public employees' retirement system compensation earnable, determination PREP 96-07-034
 Service credit, establishment or reestablishment PREP 96-15-079
 Social Security numbers, disclosure PREP 96-07-032
 Standby pay PERM 96-01-046
 Survivor benefit options PERM 96-01-047
 PERM 96-03-100
 Teachers' retirement system
 community and technical college part-time employees, service credit calculation EMER 96-18-072
 compensation earnable, determination PREP 96-07-035
 PROP 96-18-073
 plan 3 contribution rates PREP 96-17-077
 return to work, effect PREP 96-15-078

REVENUE, DEPARTMENT OF

Business and occupation tax accounting methods PROP 96-06-057
 PROP 96-10-040
 PERM 96-12-024
 PREP 96-15-136
 tax return filing, exemption
 Excise taxes
 financial institutions and businesses apportionment of income PREP 96-07-097
 Expedited repeal
 gift taxes EXRE 96-14-050
 liquor sales tax EXRE 96-14-051
 unfair cigarette sales act EXRE 96-14-049
 Property tax
 agricultural land valuation PERM 96-01-095
 forest land values PERM 96-02-055
 inflation rates PERM 96-01-094
 ratios of real and personal property, determination PERM 96-05-002
 refunds, rate of interest PERM 96-01-093
 Public utility tax
 low-density light and power utility deduction MISC 96-13-062
 tax return filing, exemption PREP 96-15-136
 Real property appraisers accreditation PREP 96-15-135
 Rules coordinator MISC 96-10-074

Sales tax

accounting methods PROP 96-06-057
 PROP 96-10-040
 PERM 96-12-040
 PERM 96-03-139
 PREP 96-17-037
 equipment rentals
 farmworker housing exemption
 landscape and horticultural services PROP 96-02-010
 PERM 96-05-080
 PREP 96-08-040
 manufacturing machinery and equipment
 stadium tax on food and beverage sales PREP 96-02-031
 EMER 96-02-032
 PROP 96-06-056
 PROP 96-09-087
 EMER 96-10-020
 PERM 96-16-086
 wind and solar electric generating facilities PREP 96-14-079
 EMER 96-14-080
 Timber excise tax
 definitions PERM 96-02-054
 PERM 96-02-055
 scaling and grading methods PERM 96-02-054
 PERM 96-02-056
 PERM 96-02-057
 PREP 96-06-058
 PROP 96-10-075
 PERM 96-14-063
 PREP 96-19-087
 PERM 96-02-054
 timber quality codes
 Use tax
 catalog printed out of state and mailed to state residents PREP 96-16-085
 PREP 96-08-040
 manufacturing machinery and equipment
 stadium tax on food and beverage sales PREP 96-02-031
 EMER 96-02-032
 PROP 96-06-056
 EMER 96-10-020
 PERM 96-16-086
 wind and solar electric generating facilities PREP 96-14-079
 EMER 96-14-080

RULES COORDINATORS

(See Issue 96-01 for a complete list of rules coordinators designated as of 12/20/95)
 Arts commission MISC 96-04-029
 County road administration board MISC 96-01-001
 Ecology, department of MISC 96-10-081
 Executive ethics board MISC 96-01-075
 Financial management, office of MISC 96-15-016
 Forensic investigations council MISC 96-10-017
 Gambling commission MISC 96-15-019
 MISC 96-17-009
 Higher education, joint center for MISC 96-09-021
 Indeterminate sentence review board MISC 96-09-085
 Investment board MISC 96-08-052
 Judicial conduct, commission on MISC 96-01-035
 Lottery commission MISC 96-07-001
 MISC 96-15-053
 Pierce College MISC 96-17-038
 Revenue, department of MISC 96-10-074
 Shoreline Community College MISC 96-11-065
 MISC 96-20-115
 Social and health services, department of MISC 96-15-011
 Washington state historical society MISC 96-03-146

SEATTLE COMMUNITY COLLEGES

Meetings MISC 96-01-023
 MISC 96-05-016
 MISC 96-06-037
 MISC 96-07-013
 MISC 96-07-038

Subject/Agency Index

(Citation in bold type refer to material in this issue)

	MISC	96-09-012	home and community assistance, eligibility		
	MISC	96-11-050		PREP	96-08-041A
	MISC	96-13-014		PROP	96-04-084
	MISC	96-14-094		PROP	96-09-032
	MISC	96-18-057		PROP	96-10-010
	MISC	96-20-072		PROP	96-10-077
				PERM	96-11-045
				PROP	96-13-066
				PERM	96-16-022
				EMER	96-14-036
				PREP	96-02-021
				PROP	96-06-014
				PERM	96-09-035
SECRETARY OF STATE					
Charitable solicitations					
financial reporting	PROP	96-01-088	long-term care services, eligibility		
	PROP	96-05-089	nursing home discharge allowance		
	PERM	96-08-049			
	PERM	96-10-021			
	PROP	96-19-008	social services for families, children, and adults	PREP	96-06-009
registration	PROP	96-01-088		PROP	96-13-107
	PROP	96-05-089		PERM	96-20-093
	PERM	96-08-049			
	PERM	96-10-021	Aid to families with dependent children (AFDC)		
	PROP	96-19-008	assistance units	PROP	96-03-099
Charitable trusts				PERM	96-06-045
annual renewal date	PROP	96-05-088	eligibility	PREP	96-03-096
	PERM	96-08-049		EMER	96-04-001
jurisdiction	PROP	96-05-088		PROP	96-07-009
	PERM	96-08-049		PERM	96-10-045
Corporations division				PREP	96-19-019
dissolved corporations list	MISC	96-01-122		EMER	96-19-040
Elections				PROP	96-20-009
absentee ballots, tabulation procedures	EMER	96-20-081	income policies	PERM	96-01-008
absentee ballots, unsigned affidavit	EMER	96-18-103	incorrect payments		
administration	PREP	96-14-103	determination of intent	PREP	96-06-008
initiative and referendum petitions, signature verification	EMER	96-14-085		PROP	96-11-127
presidential primary	EMER	96-03-140	medical programs, eligibility	PERM	96-17-032
	PERM	96-03-141		EMER	96-02-003
International student exchange agencies				PREP	96-02-004
registration	PROP	96-07-069	monthly reporting	EMER	96-08-036
	PERM	96-10-052		PREP	96-01-018
				PROP	96-04-035
				PERM	96-07-025
SHORELINE COMMUNITY COLLEGE			payment standards	PROP	96-01-062
Rules coordinator	MISC	96-11-065		PERM	96-04-002
	MISC	96-20-115	success through employment program (STEP)	EMER	96-02-048
				PROP	96-04-034
				PERM	96-07-021
			time-loss compensation	PERM	96-03-040
			work quarters, definition	PREP	96-19-019
				EMER	96-19-040
SHORELINE HEARINGS BOARD					
(See ENVIRONMENTAL HEARINGS OFFICE)					
SKAGIT VALLEY COLLEGE					
Antidiscrimination policy	PERM	96-01-077	Alcohol and substance abuse, division of		
Grievance procedure	PERM	96-01-077	behavior management and temporary protective		
Hazing policy	PREP	96-10-016	holding of patients	PREP	96-01-061
	PROP	96-15-061		PROP	96-09-078
Meetings	MISC	96-01-015		PROP	96-12-033
	MISC	96-10-004		PROP	96-14-055
Sexual harassment policy	PERM	96-01-077	chemical dependency treatment centers, billing instructions	MISC	96-20-100
SOCIAL AND HEALTH SERVICES, DEPARTMENT OF			drug-free workplace program, worker compensation employer premium discount	PREP	96-08-079
Administrative hearings	PROP	96-14-102		PROP	96-13-101
	PERM	96-20-010	Child care		
Administrative procedures			eligibility	EMER	96-01-007
interpretive and policy statement	MISC	96-16-001		PROP	96-06-026
Adoption support services	PREP	96-15-107	Child care facilities	PERM	96-09-058
Adult family homes			employment disqualification, appeal		
licensing and operation	PROP	96-06-040		EMER	96-01-009
	PROP	96-11-106		PROP	96-03-105
	PROP	96-13-018		PROP	96-05-061
	PROP	96-13-058		EMER	96-05-067
	PERM	96-14-003		EMER	96-05-068
	PREP	96-18-089		PERM	96-10-043
payment rates	PREP	96-15-105		EMER	96-10-054
Aging and adult services			licensing	PROP	96-14-027
adult residential care	PREP	96-02-022		PROP	96-20-094
	PROP	96-18-102		PERM	96-20-095
assisted living facilities					
payment rates	PREP	96-15-106			

Subject/Agency Index

(Citation in bold type refer to material in this issue)

family child day care homes			ineligible household members	PREP	96-09-034
fire safety	PROP	96-07-010	monthly allotments	PROP	96-20-019
	PERM	96-10-042		EMER	96-20-023
licensing	PROP	96-07-010	resource exemptions	PROP	96-04-008
	PERM	96-10-042		PERM	96-07-022
	PREP	96-12-010	retrospective income budgeting	PREP	96-01-070
Child protective services				PROP	96-11-081
investigation notification	PREP	96-09-076		PERM	96-18-043
Child support, division of			special circumstances budgeting	PREP	96-01-072
hearing process	PROP	96-06-039		PROP	96-11-080
	PERM	96-09-036		PERM	96-18-044
obligations	PROP	96-06-039	students, eligibility	PREP	96-01-071
	PERM	96-09-036		PROP	96-04-036
Children with disabilities				PERM	96-07-053
early intervention programs	PREP	96-12-015	utility allowances	PREP	96-14-054
Community options program entry system (COPEs)				PROP	96-20-020
income exemptions	PREP	96-03-098	vehicle resource limit	EMER	96-20-025
	PROP	96-11-012		PROP	96-20-021
	PERM	96-14-058	violations and disqualification	EMER	96-20-022
Contracting, policy statement	MISC	96-20-096		PROP	96-03-095
Crisis residential centers			Income assistance	PERM	96-06-042
licensing requirements	PROP	96-06-051	allocation of income	PROP	96-07-014
	EMER	96-07-079		EMER	96-09-075
	PERM	96-10-032	need standards	PERM	96-10-031
Developmental disabilities, division of				PREP	96-15-086
community residential services, nursing				PROP	96-19-099
assistant training	PROP	96-07-090	special assistance	PREP	96-07-041
	PERM	96-10-076	standards of assistance	EMER	96-02-043
eligibility for services	PREP	96-12-034		PROP	96-07-008
family support program				EMER	96-10-030
funding	PREP	96-12-016		PERM	96-10-044
Domestic violence perpetrator treatment			telephone assistance	EMER	96-19-098
program certification	PROP	96-14-101	Interpretive or policy statements	PERM	96-01-017
Drug-free workplace program			chemical dependency billing instructions	MISC	96-20-100
employer certification	PREP	96-08-079	claims, prior authorization	MISC	96-20-098
	PROP	96-13-101	contracting policy	MISC	96-20-096
	PERM	96-16-015	federally qualified health centers, policy and billing manual	MISC	96-20-097
Financial recovery, office of			home health services, prior authorization	MISC	96-20-099
hospitalization costs of criminally insane persons	PREP	96-14-002	Job opportunities and basic skills		
	PROP	96-15-057	program (JOBS)	PREP	96-11-047
	PERM	96-18-090	Juvenile rehabilitation administration		
Food stamp program			basic training camp program	PREP	96-10-058
certification periods	PREP	96-07-094		PROP	96-16-091
	EMER	96-10-059	collection of costs of support, treatment, and confinement	PERM	96-20-017
	PROP	96-11-146		PREP	96-15-081
	PERM	96-14-074	security standards	PROP	96-19-020
citizenship and alien status	PROP	96-20-056		PREP	96-02-041
	EMER	96-20-057		PROP	96-14-056
	EMER	96-20-091		PERM	96-18-041
	PROP	96-20-092	Long-term care		
confidentiality of case records	PROP	96-20-013	eligibility	EMER	96-14-036
	EMER	96-20-014	receipt of person's assets, penalties	PREP	96-04-024
definitions	PROP	96-03-013	resource exemptions	PREP	96-04-055
	PERM	96-06-031		PROP	96-09-079
	PROP	96-20-011	Medical assistance	PERM	96-12-002
	EMER	96-20-012	assets, transfer		
household concept	PROP	96-20-015	categorically needy, eligibility	PREP	96-05-034
	EMER	96-20-016		PREP	96-04-025
income deductions	PROP	96-03-097	children's health program	PROP	96-09-077
	PERM	96-06-046		PERM	96-12-001
income eligibility	PROP	96-01-069		PREP	96-16-090
	PROP	96-11-082		PREP	96-05-035
	PROP	96-15-038		EMER	96-08-021
	PREP	96-15-090		PREP	96-11-071
	PERM	96-18-042		PROP	96-12-009
	PERM	96-18-045		PERM	96-15-029
	PROP	96-20-007		PROP	96-15-067
	EMER	96-20-008	claims, prior authorization requirements	PERM	96-18-091
	PROP	96-20-018		MISC	96-20-098
	EMER	96-20-024			
	PROP	96-20-054			
	EMER	96-20-055			
income of nonhousehold members	PREP	96-01-068			

Subject/Agency Index

(Citation in bold type refer to material in this issue)

dental care	PERM 96-01-006	Nursing homes	
	PREP 96-08-030	accounting and reimbursement	
	PREP 96-08-031	system	PROP 96-03-066
durable medical equipment	PREP 96-07-042		PERM 96-06-041
eligibility	PREP 96-07-004		PREP 96-07-024
	PROP 96-08-037		PROP 96-11-010
	PREP 96-16-090		PERM 96-15-056
federally qualified health centers, policy		licensing	PREP 96-14-100
and billing manual	MISC 96-20-097		PREP 96-16-059
guardianship	PREP 96-11-105	Overnight youth shelters	
home health services, prior authorization	MISC 96-20-099	licensing requirements	PREP 96-05-057
hospital services	PREP 96-07-044		PROP 96-14-099
length of stay criteria		Public documents	
interpretive or policy statement	MISC 96-16-003	inspection and copying fees	PROP 96-15-028
income eligibility standards	PROP 96-02-042		PERM 96-18-092
	PREP 96-04-056	Refugee assistance	
	PERM 96-05-010	eligibility	PROP 96-01-063
	EMER 96-08-021		PROP 96-02-050
	EMER 96-08-036		PERM 96-05-009
	PROP 96-11-011	Rules coordinator	MISC 96-15-011
	PERM 96-14-057	Youth, crisis residential centers	
	PREP 96-19-039	licensing requirements	PROP 96-06-051
institutionalized client			EMER 96-07-079
income eligibility	EMER 96-02-003		
	PREP 96-02-004	SOUTH PUGET SOUND COMMUNITY COLLEGE	
	PREP 96-05-034	Meetings	MISC 96-01-067
	PREP 96-08-019		MISC 96-04-063
	EMER 96-08-020		MISC 96-07-007
	PROP 96-08-037		MISC 96-09-061
	PERM 96-11-072		MISC 96-09-062
limited casualty program--medically		SOUTHWEST AIR POLLUTION CONTROL AUTHORITY	
indigent (LCP-MI), eligibility	PROP 96-04-037	Air pollution sources	
	PERM 96-07-023	emission requirements	PROP 96-17-034
	EMER 96-10-033		PROP 96-17-035
	PREP 96-10-034		PROP 96-17-036
managed care		Asbestos control standards	PREP 96-05-070
enrollment requirements	PREP 96-10-011		PROP 96-14-075
exemptions	PREP 96-08-032		PERM 96-20-073
stop-loss claims	PREP 96-13-003		
medically needy	EMER 96-10-033	Carbon monoxide	
	PREP 96-10-034	southern Clark County nonattainment area,	
	PROP 96-14-035	contingency provisions	PROP 96-20-071
	PERM 96-16-092	Gasoline vapor emission standards and	
Medicare Part B/Medicaid crossover claims	MISC 96-19-029	controls	PREP 96-14-021
needs special assistance clients	PREP 96-07-041		PROP 96-17-042
	PROP 96-13-056	Oxygenated fuels	PREP 96-14-022
pharmacy services			PROP 96-17-043
reimbursement	PROP 96-16-088	Petroleum contaminated soil, emissions	PROP 96-09-093
physician services	PREP 96-07-045	Vancouver ozone maintenance plan	PERM 96-10-026
point-of-sale prospective drug		Volatile organic compounds emission	
use review	PROP 96-05-087	standards and controls	PREP 96-14-020
	PERM 96-08-018		PROP 96-17-041
pregnant women, eligibility	PREP 96-02-047		
	EMER 96-02-049	SPOKANE, COMMUNITY COLLEGES OF	
	EMER 96-08-021	Meetings	MISC 96-07-005
	PROP 96-10-012		MISC 96-14-023
	EMER 96-10-053		MISC 96-18-021
	PROP 96-12-009		
	PERM 96-13-002	SUPREME COURT, STATE	
	PERM 96-15-029	Citizen complaints	MISC 96-13-031
prescription drug program		Firm names and designations	MISC 96-13-030
interpretive or policy statement	MISC 96-16-002	Guilty pleas, defendant's statement	MISC 96-01-042
	MISC 96-18-088	Indigent defense funds, claim for	
receipt of resources	PREP 96-16-021	payment of expense	MISC 96-13-029
resources, availability	PERM 96-01-005	Judicial information system committee	MISC 96-11-089
	PREP 96-01-010	Juvenile dependency and termination	
	PROP 96-06-010	of parental rights proceedings	MISC 96-11-087
	PERM 96-09-033	Juvenile disposition orders	MISC 96-15-051
	PREP 96-16-089	Pleas	MISC 96-13-030
resources, exemption		Summons, service	MISC 96-13-030
retroactive V medical certification,		Traffic offenses, bail in criminal cases	MISC 96-11-088
policy statement	MISC 96-18-052		
subrogation and assignment	PREP 96-08-091		
third party liability, policy statement	MISC 96-18-088		
transportation	PREP 96-07-043		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

TACOMA COMMUNITY COLLEGE

Hazing policy
 PREP 96-09-050C
 PROP 96-12-007
 PERM 96-16-036
 Meetings
 Public records, availability
 MISC 96-02-060
 PREP 96-09-050B
 PROP 96-12-006
 PERM 96-16-035
 Student records
 confidentiality
 PREP 96-09-050A
 PROP 96-12-005
 PERM 96-16-034
 Tuition and fee waivers
 PREP 96-09-050

TAX APPEALS, BOARD OF

Meetings
 MISC 96-01-049

THE EVERGREEN STATE COLLEGE

(See EVERGREEN STATE COLLEGE, THE)

TRAFFIC SAFETY COMMISSION

Meetings
 MISC 96-19-017

TRANSPORTATION COMMISSION

Meetings
 MISC 96-02-040
 MISC 96-05-069
 MISC 96-08-014
 MISC 96-11-098
 MISC 96-14-029
 MISC 96-19-069

TRANSPORTATION IMPROVEMENT BOARD

Meetings
 MISC 96-01-028
 MISC 96-03-023
 MISC 96-07-003
 MISC 96-09-022
 MISC 96-11-030
 MISC 96-13-025
 MISC 96-15-012
 MISC **96-20-045**
 Transit agencies, funding
 PROP 96-01-100
 PERM 96-04-015
 Transportation grants, workshops
 MISC **96-20-046**

TRANSPORTATION, DEPARTMENT OF

Air search and rescue
 management
 PERM 96-02-067
 PREP 96-03-044
 pilot registration fees
 PREP 96-10-041
 PROP 96-14-024
 PERM 96-17-018
 registration
 PERM 96-02-067
 PREP 96-03-044
 training
 PERM 96-02-067
 PREP 96-03-044
 Checks dishonored by nonacceptance or
 nonpayment, fees and costs
 PERM 96-01-090
 Expedited repeal
 aeronautics commission
 EXRE 96-13-023
 PERM 96-17-078
 State Environmental Policy Act (SEPA)
 EXRE 96-13-023
 PERM 96-17-078
 Ferries
 bicycle passes
 PROP 96-02-024
 PERM 96-05-046
 fare schedule
 PREP 96-11-056
 PROP 96-15-010
 PERM 96-19-045
 hazardous materials transport, fee
 PROP 96-09-023
 PERM 96-14-004
 hazardous materials transport,
 petition to repeal or amend a rule
 postal service vehicles, preferential
 loading
 MISC 96-18-012
 PROP 96-02-025
 PERM 96-05-048

regional fare integration projects
 PROP 96-02-023
 PERM 96-05-047
 Highway advertising control
 billboard placement
 definitions
 PERM 96-03-031
 PREP 96-06-022
 PROP 96-10-007
 PERM 96-13-007

Manufactured housing, transport on
 highways
 PREP 96-11-009
 PROP 96-15-018
 PERM 96-18-053

Public private initiatives in transportation
 public advisory elections
 Public records, availability
 PERM 96-03-107
 PREP 96-09-013
 PROP 96-12-036
 PERM 96-16-004

Regional transportation planning process
 PROP 96-01-012
 PROP 96-05-032
 PREP 96-14-033
 MISC **96-20-046**

Transportation grants, workshops
 Trucks
 double trailer log trucks
 PREP 96-16-081
 PROP 96-20-040

TREASURER'S OFFICE, STATE

Local government investment pool
 PROP 96-15-122
 PERM 96-18-029

UNIVERSITY OF WASHINGTON

General conduct code
 PERM 96-10-051
 Hazing policy
 PERM 96-10-051
 Meetings
 MISC 96-01-114
 MISC 96-02-075
 MISC 96-03-021
 MISC 96-03-022
 MISC 96-03-061
 MISC 96-03-062
 MISC 96-03-111
 MISC 96-03-147
 MISC 96-04-012
 MISC 96-04-051
 MISC 96-05-038
 MISC 96-07-017
 MISC 96-07-018
 MISC 96-07-068
 MISC 96-13-088
 MISC 96-15-026
 MISC 96-15-027
 MISC 96-15-060
 MISC 96-15-133
 MISC 96-17-044
 MISC **96-20-048**
 PREP 96-20-114
 PROP 96-03-091
 PERM 96-10-051
 Public records, accessibility
 Student conduct code

UTILITIES AND TRANSPORTATION COMMISSION

Administrative procedure
 PERM 96-02-083
 Gas utilities
 pipeline safety
 PROP 96-03-148
 PERM 96-13-022
 Petroleum pipeline companies
 pipeline safety
 PREP 96-14-097
 Telecommunications
 choice of services and service providers
 extended area service, definition
 PROP 96-15-130
 PREP 96-14-096
 PROP 96-17-052
 federal Telecommunications Act,
 implementation
 PREP 96-08-073
 Transportation services
 nonprofit providers to persons with special
 transportation needs
 PREP 96-20-090

VETERANS AFFAIRS, DEPARTMENT OF

State veterans homes

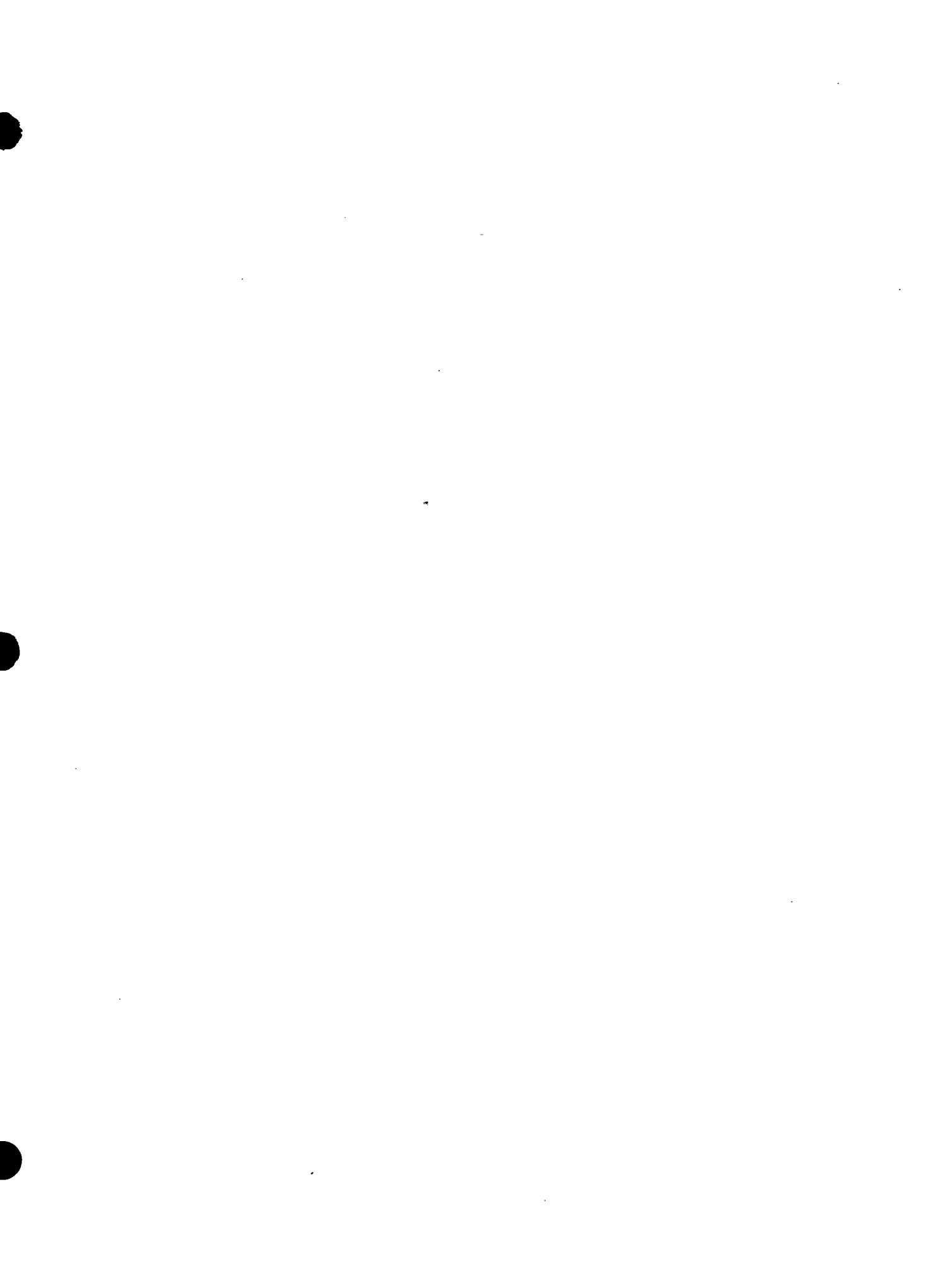
INDEX

Subject/Agency Index

(Citation in bold type refer to material in this issue)

transfer and discharge of resident	PREP 96-20-036 PREP 96-20-053	Vancouver campus parking	PREP 96-08-039 PROP 96-11-115 PERM 96-15-050
VOLUNTEER FIRE FIGHTERS, BOARD FOR		WESTERN WASHINGTON UNIVERSITY	
Meetings	MISC 96-03-029 MISC 96-06-012 MISC 96-13-098	Admission and registration	PERM 96-01-058 PREP 96-08-033 PROP 96-20-069
WASHINGTON STATE HISTORICAL SOCIETY		Bicycle traffic and parking	PERM 96-01-098 PERM 96-05-029 PROP 96-10-057 PROP 96-01-099 PERM 96-05-030 PREP 96-03-110 PROP 96-09-009 PERM 96-14-006 PREP 96-08-034 PROP 96-20-070 PERM 96-03-103 PREP 96-03-109 PROP 96-08-038 PERM 96-14-005
Meetings	MISC 96-09-052	Library, use of facilities	
Rules coordinator	MISC 96-03-146	Media services, access	
WASHINGTON STATE LIBRARY		Parking and traffic	
Library commission meetings	MISC 96-03-058 MISC 96-06-002 MISC 96-09-019 MISC 96-11-142 MISC 96-12-073 MISC 96-17-030 MISC 96-18-033 PERM 96-04-045 PERM 96-04-045	Skateboards and in-line skates	
responsibilities		Student rights and responsibilities	
Local library grants		Tuition and fees refunds	PERM 96-01-058
WASHINGTON STATE PATROL		WHATCOM COMMUNITY COLLEGE	
Agricultural transporters harvest dates	EMER 96-14-112 PREP 96-14-113 PROP 96-19-077 EMER 96-11-069 PREP 96-11-070 PROP 96-14-078 PERM 96-18-017	Meetings	MISC 96-15-073
Fees		WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD	
Fire protection certification and accreditation guideline committee meetings	MISC 96-02-012	Meetings	MISC 96-02-074 MISC 96-03-015 MISC 96-05-049 MISC 96-06-054 MISC 96-09-051 MISC 96-11-109 MISC 96-12-014 MISC 96-16-060 MISC 96-17-022 MISC 96-19-048 MISC 96-20-047
Fire protection policy board meetings	MISC 96-04-050		
Fire protection training and review committee meetings	MISC 96-03-019		
Fireworks retail sales	EMER 96-11-068 PREP 96-12-063 PROP 96-15-118 PROP 96-18-101		
Limousine carriers inspection, process and fees	PREP 96-15-117 EMER 96-15-119		
Motor vehicles antique motor-driven cycle, definition license plate marking	PREP 96-20-108 PREP 96-15-084 PROP 96-19-076		
sound level measurement	PREP 96-06-060 PROP 96-09-080 PERM 96-14-008 PREP 96-14-077 PROP 96-18-075 PROP 96-19-088		
wireless communications systems			
Public records copy charges	PREP 96-14-114		
Regional training council meetings	MISC 96-03-036		
Towing businesses application for letter of appointment vehicle storage	PREP 96-19-047 PREP 96-14-076 PROP 96-18-055 EMER 96-19-046		
WASHINGTON STATE UNIVERSITY			
Meetings	MISC 96-01-024 MISC 96-01-026 MISC 96-18-034		





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