

**JANUARY 7, 1998**

**OLYMPIA, WASHINGTON**

**ISSUE 98-01**



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## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

## 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

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## STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of January 1998 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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# WASHINGTON STATE REGISTER

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

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **INDEX**-includes a combined subject matter and agency index.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

## 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
  - (i) underlined material is new material;
  - (ii) deleted material is (~~lined out between double parentheses~~);
- (b) Complete new sections are prefaced by the heading **NEW SECTION**;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading **REPEALER**.

## 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

## 4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

## 5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

## 1997 - 1998

### DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>	Expedited Adoption
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS			
For Inclusion in--	File no later than 12:00 NOON--			Count 20 days from--	For hearing on or after	First Agency Adoption
97-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9	Oct 4
97-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23	Oct 1
97-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7	Nov 1
97-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21	Nov 1
97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4	Nov 2
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25	Dec 2
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9	Jan 3
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23	Jan 1
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998	Jan 3
98-01	Nov 26	Dec 10	Dec 24, 1997	Jan 7, 1998	Jan 27	Feb 2
98-02	Dec 10	Dec 24, 1997	Jan 7, 1998	Jan 21	Feb 10	Mar 7
98-03	Dec 24, 1997	Jan 7, 1998	Jan 21	Feb 4	Feb 24	Mar 2
98-04	Jan 7	Jan 21	Feb 4	Feb 18	Mar 10	Apr 4
98-05	Jan 21	Feb 4	Feb 18	Mar 4	Mar 24	Apr 1
98-06	Feb 4	Feb 18	Mar 4	Mar 18	Apr 7	May 1
98-07	Feb 18	Mar 4	Mar 18	Apr 1	Apr 21	May 1
98-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5	Ma
98-09	Mar 25	Apr 8	Apr 22	May 6	May 26	Jun 2
98-10	Apr 8	Apr 22	May 6	May 20	Jun 9	Jul 4
98-11	Apr 22	May 6	May 20	Jun 3	Jun 23	Jul 18
98-12	May 6	May 20	Jun 3	Jun 17	Jul 7	Aug 1
98-13	May 20	Jun 3	Jun 17	Jul 1	Jul 21	Aug 1
98-14	Jun 3	Jun 17	Jul 1	Jul 15	Aug 4	Aug 2
98-15	Jun 24	Jul 8	Jul 22	Aug 5	Aug 25	Sep 1
98-16	Jul 8	Jul 22	Aug 5	Aug 19	Sep 8	Oct 3
98-17	Jul 22	Aug 5	Aug 19	Sep 2	Sep 22	Oct 1
98-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6	Oct 3
98-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27	Nov 2
98-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10	Dec 5
98-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24	Dec 1
98-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8	Jan 2
98-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22	Jan 1
98-24	Nov 4	Nov 18	Dec 2	Dec 16, 1998	Jan 5, 1999	Jan 3

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

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

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

<sup>4</sup>A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. A longer period is required, but the public may file written objections. See RCW 34.05.230, as amended by section 202, chapter 409, Laws of 1997.

## **REGULATORY FAIRNESS ACT**

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

### **Small Business Economic Impact Statements (SBEIS)**

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

### **Mitigation**

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

### **When is an SBEIS Required?**

When:

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

### **When is an SBEIS Not Required?**

When:

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

There is less than minor economic impact on business;

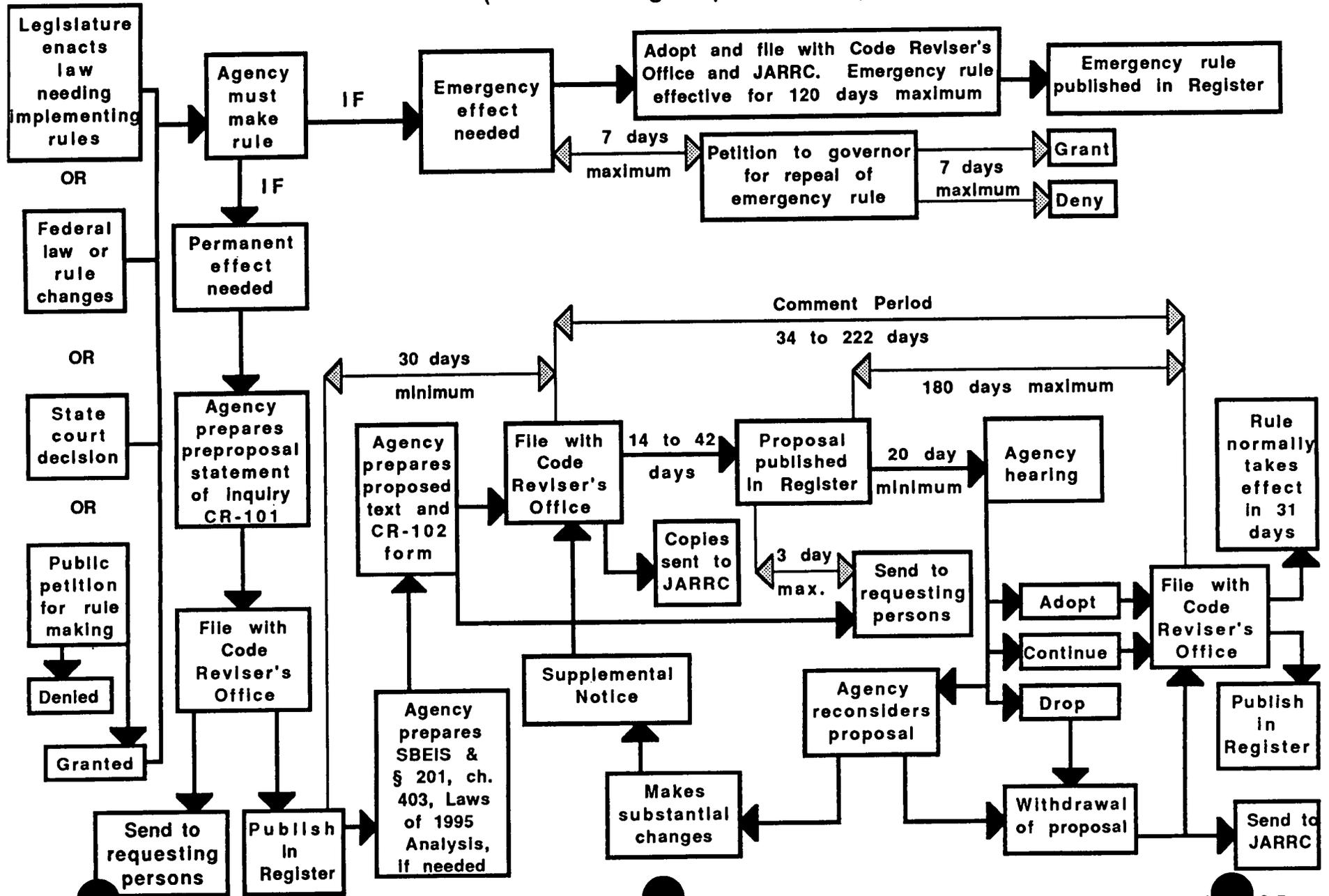
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS

(Not including Expedited Repeal)



**WSR 98-01-006****PREPROPOSAL STATEMENT OF INQUIRY  
LOTTERY COMMISSION**  
[Filed December 4, 1997, 11:20 a.m.]

Subject of Possible Rule Making: Lotto game rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering extending the payment period for Lotto jackpot winners from twenty to twenty-five years.

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 Mary Jane Ferguson, Rules Coordinator, at (360) 753-1947, FAX (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

December 4, 1997  
Mary Jane Ferguson  
Rules Coordinator

**WSR 98-01-011****PREPROPOSAL STATEMENT OF INQUIRY  
WESTERN WASHINGTON UNIVERSITY**  
[Filed December 5, 1997, 10:18 a.m.]

Subject of Possible Rule Making: Chapter 516-56 WAC, University housing and dining.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.110(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Students and others interested in becoming student residents at Western Washington University contact the university by telephone or website and seek information regarding university housing. Housing and dining contracts, residency manuals, and handbooks are annually updated.

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 Kay Rich, Director, University Housing, Mailstop 9195, Western Washington University, Bellingham, Washington 98225, office phone (360) 650-2950, TDD 1-800-833-6388, FAX (360) 650-6890.

December 3, 1997  
Gloria A. McDonald  
Rules Coordinator

**WSR 98-01-035****PREPROPOSAL STATEMENT OF INQUIRY  
LIQUOR CONTROL BOARD**  
[Filed December 8, 1997, 1:25 p.m.]

Subject of Possible Rule Making: To explain the authority the board may delegate to staff under RCW 66.24.010(2) and the conditions under which such authority may be delegated to staff for the approval of unopposed licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.24.010(2), 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To establish guidelines for the board for delegating authority to staff to approve uncontested or unopposed liquor license applications.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Goyette, Director, Licensing and Regulation, 1025 East Union, Olympia, WA 98504, phone (360) 753-2724, FAX (360) 753-2710.

August 28, 1997  
Nathan S. Ford, Jr.  
Chairman

**WSR 98-01-067****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed December 11, 1997, 4:02 p.m.]

Subject of Possible Rule Making: WAC 388-521-2160.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 4732 of the Balanced Budget Act of 1997, RCW 74.08.090 and 74.04.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed amendment is necessary to implement a new federal requirement in the Balanced Budget Act. This amendment will increase the number of people who may be eligible for Medicare cost-sharing.

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

Process for Developing New Rule: The department invites the interested public to review and provide input into the adopted language of this proposed WAC amendment. The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of final rule.

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

December 10, 1997  
Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**WSR 98-01-068**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed December 11, 1997, 4:04 p.m.]

Subject of Possible Rule Making: WAC 388-507-0710 and 388-513-1350.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.057, 74.04.050, and 74.09.575.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed amendment is necessary to adopt new federal standards which are effective January 1, 1998, regarding the one-person medically needy income level and community spouse resource maximum.

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

Process for Developing New Rule: The department invites the interested public to review and provide input into the adopted language of this proposed WAC amendment. The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of final rule.

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

December 10, 1997  
Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**WSR 98-01-090**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**  
[Filed December 15, 1997, 2:44 p.m.]

Subject of Possible Rule Making: Changes in recordkeeping, conducting raffles.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes will allow discount sale of raffle tickets to stimulate fundraising by nonprofit organizations without sacrificing recordkeeping standards.

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 Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Carrie Tellefson, Director of Policy, Support and Enforcement, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 #310.

ment, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Soojin Kim, Rules and Policy Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 #310.

Meetings: Skamania Lodge, January 9, 1998, Exit 44, Interstate 84, Stevenson, Washington 98648, (509) 427-7700; at the Ramada Governor House, February 12, 1998, 621 Capitol Way South, Olympia, WA 98501, (360) 352-7700; and at the Holiday Inn Sea-Tac, March 12 and 13, 17338 International Boulevard, SeaTac, WA 98188, (206) 248-1000.

Soojin Kim  
Rules and Policy Coordinator

**WSR 98-01-091**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**  
[Filed December 15, 1997, 2:45 p.m.]

Subject of Possible Rule Making: Change in pricing restrictions on sale of gambling equipment.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Change to delete a proviso regarding pull tab dispensing devices to make consistent with general policy against contingent sales.

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 Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Carrie Tellefson, Director of Policy, Support and Enforcement, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Soojin Kim, Rules and Policy Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 #310.

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Soojin Kim  
Rules and Policy Coordinator

**WSR 98-01-092**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**  
[Filed December 15, 1997, 2:47 p.m.]

Subject of Possible Rule Making: Changes in manner of conducting raffles.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes will ease reporting requirements in recordkeeping for nonprofit organizations that conduct raffles.

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 Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Carrie Tellefson, Director of Policy, Support and Enforcement, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Soojin Kim, Rules and Policy Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 #310.

Meetings: Skamania Lodge, January 9, 1998, Exit 44, Interstate 84, Stevenson, Washington 98648, (509) 427-7700; at the Ramada Governor House, February 12, 1998, 621 Capitol Way South, Olympia, WA 98501, (360) 352-7700; and at the Holiday Inn Sea-Tac, March 12 and 13, 17338 International Boulevard, SeaTac, WA 98188, (206) 248-1000.

Soojin Kim  
Rules and Policy Coordinator

#### WSR 98-01-093

##### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed December 15, 1997, 2:49 p.m.]

Subject of Possible Rule Making: Restrictions on having interest in separate business at different marketing levels.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule will safeguard against undue influence over a market by one entity; the rule will place restrictions on having an interest in separate businesses at different marketing levels.

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 Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Carrie Tellefson, Director of Policy, Support and Enforcement, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Soojin Kim, Rules and Policy Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 #310.

Meetings: Skamania Lodge, January 9, 1998, Exit 44, Interstate 84, Stevenson, Washington 98648, (509) 427-7700; at the Ramada Governor House, February 12, 1998, 621 Capitol Way South, Olympia, WA 98501, (360) 352-7700;

and at the Holiday Inn Sea-Tac, March 12 and 13, 17338 International Boulevard, SeaTac, WA 98188, (206) 248-1000.

Soojin Kim  
Rules and Policy Coordinator

#### WSR 98-01-099

##### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed December 16, 1997, 1:15 p.m.]

Subject of Possible Rule Making: Chapter 180-16 WAC, State support of public schools.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

December 16, 1997  
Larry Davis  
Executive Director

#### WSR 98-01-102

##### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed December 16, 1997, 4:00 p.m.]

Subject of Possible Rule Making: Clarification of procedures and policies relating to the disclosure of public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.250 - 42.17.348.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Old rules are outdated; new rules will streamline, clarify and inform the public as to agency procedures in the disclosure of public records.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or

Carrie Tellefson, Director of Policy, Support and Enforcement, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Soojin Kim, Rules and Policy Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 #310.

Meetings: Ramada Governor House, February 12, 1998, 621 Capitol Way South, Olympia, WA 98501, (360) 352-7700; at the Holiday Inn Sea-Tac, March 12 and 13, 17338 International Boulevard, SeaTac, WA 98188, (206) 248-1000; and at The Inn at Semi-ah-moo, April 9 and 10, 9565 Semiahmoo Parkway, Blaine, WA 98230-9326, (360) 371-2000.

Soojin Kim  
Rules and Policy Coordinator

### WSR 98-01-117

#### PREPROPOSAL STATEMENT OF INQUIRY INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 97-8—Filed December 18, 1997, 11:45 a.m.]

Subject of Possible Rule Making: WAC 284-53-010 Standards for coverage of chemical dependency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.44.050, and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule was among those identified in the regulatory review process by the Insurance Commissioner as a rule that needed to be updated. The rule was adopted over a decade ago and has never been amended. Benefit provisions and references to WAC and RCW sections are among the provisions that may be outdated. Additionally, the regulatory scheme that is currently being utilized will be examined to determine if the considerable advances and changes that have occurred in the field of treatment of chemical dependency would be better served by an alternative method of regulation.

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 comments are solicited. Please send comments to Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, FAX (360) 407-0351, Internet KacyB@oic.wa.gov. Please send comments by February 13, 1998.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, phone (360) 407-0729, FAX (360) 407-0351, Internet KacyB@oic.wa.gov.

December 18, 1997  
Greg J. Scully  
Chief Deputy Commissioner

### WSR 98-01-128

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

(Children's Administration)  
[Filed December 18, 1997, 1:26 p.m.]

Subject of Possible Rule Making: WAC 388-15-170 General and seasonal child day care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.12.340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to govern subsidy child care programs in the children's administration. Rules in WAC 388-15-170 needed to be updated to be consistent with the working connections child program in Economic Services Administration.

Process for Developing New Rule: Children's Administration will not make any changes to the rules without involving other agencies, stakeholders, advocates, and the public as much as possible through meetings and inclusion on mailing lists for public comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Reigel, Program Manager, P.O. Box 45700, Olympia, WA 98507, phone (360) 902-8046, FAX (360) 902-7903, TTY (360) 902-7906, e-mail REIS300@DSHS.WA.GOV.

December 18, 1997  
Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

### WSR 98-01-133

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed December 18, 1997, 4:50 p.m.]

Subject of Possible Rule Making: Title 365 WAC, criteria to assist local governments planning under RCW 36.70A.040 to analyze the consistency of project actions with the applicable development regulations, or in the absence of applicable regulations the adopted comprehensive plan.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.70B.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 36.70B.040 authorizes the Department of Community, Trade and Economic Development to adopt by rule criteria to analyze project consistency. Local governments planning under the Growth Management Act need guidance on how to analyze project consistency when consistency with applicable regulations or policies is not clear.

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

Process for Developing New Rule: The rule will be developed by an advisory committee and circulated for comment among interest groups, counties, and cities.

Over the last two years, the Department of Ecology and the Department of Community, Trade and Economic

Development have been meeting with an advisory committee consisting of county and city planners, environmental and citizen groups, the business community, and other state agencies. The advisory committee was convened to develop amendments to chapter 197-11 WAC to integrate SEPA and the Growth Management Act, including criteria for consistency. The draft amendments were circulated for state-wide public comment and hearings. Subsequently, rule-making authority to develop the consistency criteria was transferred to the Department of Community, Trade and Economic Development.

The results of ecology's process are being relied upon as part of this Department of Community, Trade and Economic Development rule-making process. The former SEPA rule advisory committee will continue to be used to develop this rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Department of Community, Trade and Economic Development, Growth Management Division, P.O. Box 48300, Olympia, WA 98504-8300, Shane Hope, Managing Director, (360) 753-1197, FAX (360) 753-2950, Heather Ballash, Growth Management Planner.

December 16, 1997  
Erika Lim, Director  
Government Relations

#### WSR 98-01-154

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed December 22, 1997, 3:49 p.m.]

**Subject of Possible Rule Making:** The Department of Health is considering a proposal to establish a limited commercial shellfish license. The new classification, harvester, is intended to provide a license category for small operations not interested in being on the interstate shippers list.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 43.70.040 and 43.20B.020.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Currently, shellstock shippers are the lowest regulatory category recognized by the Office of Shellfish Programs. The harvester classification is a more limited class designed to be exempt from the new federal hazard analysis critical control point (HACCP) regulations that become effective December 18, 1997.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The Food and Drug Administration (FDA) issued the HACCP rules and reviews the state program for compliance with national shellfish sanitation program (NSSP). The Department of Health has been working with FDA to ensure the Department of Health definition of harvester will comply with FDA exemptions for HACCP and NSSP requirements.

**Process for Developing New Rule:** The rule-making process will include mailings to interested parties. Public meetings will be held if responses demonstrate a need.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ned Therien, Department of

Health, Office of Shellfish Programs, Airdustrial Center, Building 4, P.O. Box 47824, Olympia, WA 98504-7824, phone (360) 753-5992, FAX (360) 586-4499.

December 11, 1997

Bruce Miyahara  
Secretary

#### WSR 98-01-155

##### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed December 22, 1997, 3:50 p.m.]

**Subject of Possible Rule Making:** WAC 246-05-020 Appendix—County, city or town in a public health district, department or county-city department.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 43.20.050 and 70.46.080.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The rules need to be reviewed to assure that they are clear, up-to-date, and reflect [that rules] are consistent with current responsibilities and financing of local health jurisdictions.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The State Board of Health and Department of Health are reviewing the existing rules, due to shared statutory authority for parts of this chapter.

**Process for Developing New Rule:** The State Board of Health and the Department of Health are working collaboratively with county commissioners, local health jurisdictions and other interested parties in developing any amendments. The development of any amendments will be discussed at the Board of Health at public meetings, and other public meetings as needed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry Reid, Office of Policy and Planning, Mailstop 7815, 1102 S.E. Quince Street, Olympia, WA 98504-7815, (360) 705-6064, (360) 705-6077.

December 17, 1997

S. I. Beck  
Executive Director

#### WSR 98-01-156

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed December 22, 1997, 3:52 p.m.]

**Subject of Possible Rule Making:** WAC 246-843-001 Source of authority—Title, 246-843-030 Board of examiners—Meetings, 246-843-040 Board of examiners—General powers and responsibilities, and 246-843-050 Board of examiners—Officers and duties.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 18.52.061.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The 1992 legislature changed statutory language and rules contain language that is redundant. The name of the board was changed by

statute. Rules need review and amendment to coincide with statutory language.

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

Process for Developing New Rule: Development of rules will include public meetings with constituency groups, citizens who are likely users of nursing home facilities, and other state agencies. Mailings will go to interested persons on the mailing list, licensed nursing home administrators and candidates for nursing home administrator license. Development of rules will include public input gathered from interested parties who attend meetings or submit written comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara A. Hayes, Program Manager, Board of Nursing Home Administrators, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 664-3245, FAX (360) 664-0412. Public meeting on February 18, 1998, 9 a.m.-noon, Wesley Gardens Board Room, First Floor, 815 South 216th Street, Des Moines, WA.

December 10, 1997  
Barbara A. Hayes  
Program Manager

**WSR 98-01-157**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Board of Nursing Home Administrators)

[Filed December 22, 1997, 3:54 p.m.]

Subject of Possible Rule Making: WAC 246-843-010 General Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.52.061.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Definitions should be clarified to allow ease of understanding by applicants, licensees and Department of Social and Health Services residential care services staff.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Social and Health Services residential care services is responsible to assure licensed nursing homes comply with federal and state statutes and rules. The Department of Social and Health Services has previously provided public input and those comments will be considered.

Process for Developing New Rule: Development of rules will include public meetings with constituency groups, citizens who are likely users of nursing home facilities, and other state agencies. Mailings will go to interested persons on the mailing list, licensed nursing home administrators and candidates for nursing home administrator license. Development of rules will include public input gathered from interested parties who attend meetings or submit written comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara A. Hayes, Program

Manager, Board of Nursing Home Administrators, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 664-3245, FAX (360) 664-0412. Public meeting on February 18, 1998, 9 a.m.-noon, Wesley Gardens Board Room, First Floor, 815 South 216th Street, Des Moines, WA.

December 10, 1997  
Barbara A. Hayes  
Program Manager

**WSR 98-01-158**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Board of Nursing Home Administrators)

[Filed December 22, 1997, 3:55 p.m.]

Subject of Possible Rule Making: WAC 246-843-070 Scheduling of examinations and reexaminations, 246-843-080 Application for examination, 248-843-100 Disqualification—Reexamination, 246-843-110 Subjects for examination, 246-843-115 Examination procedures, 246-843-120 Grading examinations, 246-843-122 Examination review procedures, 246-843-170 Temporary permits, and 246-843-230 Reciprocity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.52.061.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Board of Nursing Home Administrators is reconsidering the written state law examination portion of its two-part examination. Current rules should be reviewed to determine the desired approach to state law competency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Social and Health Services licenses nursing homes for operation in Washington state. There is no overlap of jurisdiction regarding examination of candidates for nursing home administrator licensure.

Process for Developing New Rule: Development of rules will include public meetings with constituency groups, citizens who are likely users of nursing home facilities, and other state agencies. Mailings will go to interested persons on the mailing list, licensed nursing home administrators and candidates for nursing home administrator license. Development of rules will include public input gathered from interested parties who attend meetings or submit written comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara A. Hayes, Program Manager, Board of Nursing Home Administrators, P.O. Box 47869, Olympia, WA 98504-7869, (360) 664-3245, FAX (360) 664-0412. Public meeting on February 18, 1998, 9 a.m.-noon, Wesley Gardens Board Room, First Floor, 815 South 216th Street, Des Moines, WA.

December 12, 1997  
Barbara A. Hayes  
Program Manager

**WSR 98-01-159****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Board of Nursing Home Administrators)

[Filed December 22, 1997, 3:56 p.m.]

Subject of Possible Rule Making: WAC 246-843-090 Preexamination requirements and 246-843-095 Preceptors for administrator-in-training programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.52.061.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Administrator-in-training program and preceptor requirements should be clarified to facilitate easy understanding by applicants, licensees and board staff. Clearly written rules would enhance rapid processing of applications and prevent delays in start dates of administrator-in-training programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Social and Health Services sets rate for reimbursement to nursing homes for administrator-in-training. There is no overlap of jurisdiction in defining the content of an administrator-in-training program.

Process for Developing New Rule: Development of rules will include public meetings with constituency groups, citizens who are likely users of nursing home facilities, and other state agencies. Mailings will go to interested persons on the mailing list, licensed nursing home administrators and candidates for nursing home administrator license. Development of rules will include public input gathered from interested parties who attend meetings or submit written comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara A. Hayes, Program Manager, Board of Nursing Home Administrators, P.O. Box 47869, Olympia, WA 98504-7869, (360) 664-3245, FAX (360) 664-0412. Public meeting on February 18, 1998, 9 a.m.-noon, Wesley Gardens Board Room, First Floor, 815 South 216th Street, Des Moines, WA.

December 10, 1997  
Barbara A. Hayes  
Program Manager

**WSR 98-01-160****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Board of Nursing Home Administrators)

[Filed December 22, 1997, 3:57 p.m.]

Subject of Possible Rule Making: WAC 246-843-125 Continuing education credit for preceptors for administrators-in-training programs, 246-843-130 Courses of study, 246-843-150 Continuing education requirements to meet the conditions of reregistration for license, and 246-843-155 Certification of compliance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.52.061.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Licensees have expressed difficulties with expense of obtaining continuing education

and the time needed to keep track of courses. The Board of Nursing Home Administrators has authority to define continuing education requirements and the board's current rules should be reviewed to determine the desired approach to continuing competency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health has authority to promulgate rules to ensure consistent administrative procedures for licensure of health care practitioners credentialed under the Uniform Disciplinary Act. Department of Health rules will determine due dates for continuing education reporting.

Process for Developing New Rule: Development of rules will include public meetings with constituency groups, citizens who are likely users of nursing home facilities, and other state agencies. Mailings will go to interested persons on the mailing list, licensed nursing home administrators and candidates for nursing home administrator license. Development of rules will include public input gathered from interested parties who attend meetings or submit written comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara A. Hayes, Program Manager, Board of Nursing Home Administrators, P.O. Box 47869, Olympia, WA 98504-7869, (360) 664-3245, FAX (360) 664-0412. Public meeting on February 18, 1998, 9 a.m.-noon, Wesley Gardens Board Room, First Floor, 815 South 216th Street, Des Moines, WA.

December 10, 1997  
Barbara A. Hayes  
Program Manager

**WSR 98-01-161****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Board of Nursing Home Administrators)

[Filed December 22, 1997, 3:58 p.m.]

Subject of Possible Rule Making: WAC 246-843-200 Standards of suitability and character and 246-843-205 Standards of conduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.52.061.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule may be in conflict with the Americans with Disabilities Act regarding physical or mental impairment. Letters of recommendation are subjective. Standards of conduct should be reviewed to determine clarity and effectiveness. Executive Order 97-02 requires review of rules to improve effectiveness and fairness.

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

Process for Developing New Rule: Development of rules will include public meetings with constituency groups, citizens who are likely users of nursing home facilities, and other state agencies. Mailings will go to interested persons on the mailing list, licensed nursing home administrators and candidates for nursing home administrator license. Development of rules will include public input gathered from

interested parties who attend meetings or submit written comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara A. Hayes, Program Manager, Board of Nursing Home Administrators, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 664-3245, FAX (360) 664-0412. Public meeting on February 18, 1998, 9 a.m.-noon, Wesley Gardens Board Room, First Floor, 815 South 216th Street, Des Moines, WA.

December 10, 1997  
Barbara A. Hayes  
Program Manager

#### WSR 98-01-162

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed December 22, 1997, 3:59 p.m.]

Subject of Possible Rule Making: WAC 246-843-220 Complaints and hearing procedures, 246-843-225 Issuance of subpoenas—Administering oaths and affirmations—Ruling when board or hearing panel not in session, and 246-843-340 Adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.52.061.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules need review to determine areas of overlap with the Uniform Disciplinary Act, the Administrative Procedure Act and Department of Health, Health Profession Quality Assurance Division procedures. Rules may need repeal or amendment because they repeat the statute.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health procedures that cover processing of complaints, the Uniform Disciplinary Act, and the Administrative Procedure Act adequately inform the public about the issues covered by these rules.

Process for Developing New Rule: Development of rules will include public meetings with constituency groups, citizens who are likely users of nursing home facilities, and other state agencies. Mailings will go to interested persons on the mailing list, licensed nursing home administrators and candidates for nursing home administrator license. Development of rules will include public input gathered from interested parties who attend meetings or submit written comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara A. Hayes, Program Manager, Board of Nursing Home Administrators, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 664-3245, FAX (360) 664-0412. Public meeting on February 18, 1998, 9 a.m.-noon, Wesley Gardens Board Room, First Floor, 815 South 216th Street, Des Moines, WA.

December 10, 1997  
Barbara A. Hayes  
Program Manager

#### WSR 98-01-163

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed December 22, 1997, 4:00 p.m.]

Subject of Possible Rule Making: Chapter 246-907 WAC, Pharmaceutical licensing periods and fees.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The income generated from the board's license fees does not meet operating expenses. Board of Pharmacy operations are funded solely by revenue from licensing fees. It is the policy of the state of Washington that the cost of each professional licensing program be fully borne by the members of that profession. The board's budget allotment for the 1997-98 biennium is 1.9 million dollars. Income generated from current licensing fees will produce 1.6 million dollars. The board has not raised license fees since 1991. During this time, three staff positions have been added to provide support to licensees and to more adequately address legislatively mandated responsibilities. In addition to operating expenses, the board is required to fund portions of services provided to all divisions of the department.

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

Process for Developing New Rule: Mailings and public meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Salmi, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, (360) 586-3018, (360) 586-4359.

Interested parties can contact the board office to obtain a listing of public meetings. The board will also accept written comments until February 1, 1998.

December 22, 1997  
Bruce Miyahara  
Secretary

#### WSR 98-01-167

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

##### SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed December 22, 1997, 4:15 p.m.]

Subject of Possible Rule Making: WAC 388-86-030 Vision care, and other related sections. The Department of Social and Health Services intends to expand coverage for replacing (within a twenty-four month period) broken, lost or stolen eyeglasses to all clients with prior authorization by the department. Services for clients under the age of twenty-one and developmentally disabled clients would not require authorization.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.510, and 74.09.520.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Provides necessary services for clients with broken, lost, or stolen glasses.

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

**Process for Developing New Rule:** The department invites the interested public to review and provide input on the draft language of this WAC. Draft material and information about how to participate are available by contacting the Department of Social and Health Services representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allen Richards, Program Assistance and Support Services, Medical Assistance Administration, Olympia, Washington 98504-5530, phone (360) 586-1008, FAX (360) 753-7315, TTY 1-800-848-5429, e-mail richaa@dshs.wa.gov.

December 22, 1997  
Edith M. Rice, Chief  
for Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**WSR 98-01-168**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed December 22, 1997, 4:17 p.m.]

**Subject of Possible Rule Making:** In accordance with Governor's Executive Order 97-02 and the Administrative Procedure Act, Economic Services Administration (ESA) and Medical Assistance Administration (MAA) have created a team to review all services delivered by ESA. The goal of this review is to streamline and simplify program requirements across public assistance programs, including WorkFirst, childcare, cash programs, food stamps, general assistance, medical programs and child support. As part of this effort, the team will review program manuals and approximately 300 rules now published in Title 388 WAC. In some cases, streamlining and consolidating program requirements will require changes to ESA, and possibly MAA, rules. Where duplication and redundancy exist, rules may be amended or repealed or new rules written to reflect these program requirement changes.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** ESA receives statutory authority to adopt rules from many sources, including: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.040, 74.08A.220, 74.04.005, 74.08A.320, 74.13.0903, 74.20.320, 74.20.040, 74.20A.350, 74.20.360, 26.23.045, 26.23.030, 26.23.120, 26.21.016, 26.23.035, 70.58.080, 74.20A.055, 74.20A.056, and 26.23.040. Specific statutory authority will be provided for each rule filing that follows from this Preproposal Statement of Inquiry.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** This extensive review results from the Governor's Executive Order 97-02 and the Department of Social and Health Services Secretary's

Executive Order on Regulatory Improvement. All rules and manuals related to public assistance programs have been targeted for priority review in our four-year review process. Additionally, ESA has been tasked with creating streamlined program requirements during this priority year. These changes cannot be implemented without also changing the Washington Administrative Code relating to the programs.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Department of Community, Trade and Economic Development, Employment Security Department, the Social Security Administration and other administrations within the Department of Social and Health Services may need to be involved, depending on the particular rule. ESA will include all affected agencies in mailings, invitations to participate in meetings and other development activities, as needed. Whenever possible, announcements of opportunities to collaborate will be published in the Washington State Register.

**Process for Developing New Rule:** Agency study; and ESA will not make any changes without involving other agencies, stakeholders, advocates and the public as much as possible through meeting invitations and inclusion on mailing lists for public comment. Whenever possible, we will announce these opportunities through publication in the Washington State Register and/or the Internet. Each rule will be developed and adopted as required by the Department of Social and Health Services policy and the Administrative Procedure Act. All proposed rule changes will be mailed for review and comment. A series of public meetings is planned for January, March and April of 1998 to present our plan and work products. Contact ESA if you would like more information about those planned meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sydney Doré, Regulatory Improvement Manager, Economic Services Administration, Lacey Government Center, Olympia, Washington 98504-5400, phone (360) 413-3290, e-mail sdore@dshs.wa.gov.

December 22, 1997  
Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**WSR 98-01-174**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed December 23, 1997, 8:15 a.m.]

**Subject of Possible Rule Making:** Migratory and upland game bird, big game, small game, and special species hunting seasons and regulations; trapping seasons and regulations; game management unit (hunting areas) boundaries; hunting auctions and raffles; permit hunts and quotas; private lands wildlife management areas; game reserves; hunting hours; big game tagging; landowner damage hunts; hunting on the Colville Indian Reservation; transport tag fees; special closures and firearm restriction areas; hunting equipment restrictions; sage and sharp-tailed grouse listing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.020, 77.12.030, 77.12.040, and 77.32.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recreational opportunity; update sensitive, threatened and endangered lists to reflect current status of species; adjust listing process to be more efficient; and streamline process and clarify rules for wildlife rehabilitation permits.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Management, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by January 25, 1998, rule proposal filing expected to be February 1998.

December 23, 1997

Evan Jacoby  
Rules Coordinator

**WSR 98-01-182**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ECOLOGY**

[Order 97-45—Filed December 23, 1997, 1:06 p.m.]

Subject of Possible Rule Making: Evaluating and certifying, where appropriate, alternate agricultural practices to grass seed field burning.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.656.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 70.94.656(3) provides for certification of alternate agricultural practices to the open burning of field and turf grasses grown for seed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Ecology is the agency responsible for certifying alternate agricultural practices to open burning of grass seed fields and regulating emissions from all forms of agricultural burning.

Process for Developing New Rule: Agency assessment, review, and evaluation of alternate agricultural practices to open field burning of grass seed fields.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Send written suggestions, ideas, proposals, etc. to the Department of Ecology for consideration in its assessment, review and evaluation of alternate agricultural practices to open burning of grass seed fields. Ecology anticipates filing a proposed rule around the middle of March 1998; ideas and suggestions received before then will be most helpful. Ecology will also seek input on this topic from the Agricultural Burning Practices and Research Task Force which meets monthly. Such meetings are open to the public. Send information to Chad Atkins, Department of Ecology, Air Program, 4601 North Monroe, Suite 202.

December 23, 1997

Joseph R. Williams  
Program Manager

**WSR 98-01-185**

**PREPROPOSAL STATEMENT OF INQUIRY  
EMPLOYMENT SECURITY DEPARTMENT**

[Filed December 23, 1997, 2:25 p.m.]

Subject of Possible Rule Making: Adopt new sections in chapter 192-32 WAC, Timber retraining benefits, defining a base year employer as an interested party to a determination that (a) an individual is potentially eligible for timber retraining benefits and (b) the individual's training plan meets the criteria for approval established by regulation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 Commissioner's duties and powers, 50.12.040 Rule-making authority, and 50.22.090(6) Additional benefit period for rural natural resources impact areas.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recent decisions of the commissioner indicate base year employers have standing as interested parties under the Administrative Procedure Act because they are charged for the additional benefits claimants are paid under RCW 50.22.090. The proposed addition to chapter 192-32 WAC will clarify the standing of base year employers to appeal decisions made by the department, the timeframes for filing such appeals, and the consequences to claimants whose eligibility for additional benefits is overturned following administrative or judicial review.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons interested in participating in public meetings to discuss the proposed regulatory changes may contact Juanita Myers, Employment Security Department, Unemployment Insurance Division Policy Unit, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, or FAX (360) 902-9799.

December 5, 1997

Carver Gayton  
Commissioner

**WSR 98-01-187**

**PREPROPOSAL STATEMENT OF INQUIRY  
PUBLIC DISCLOSURE COMMISSION**

[Filed December 23, 1997, 3:41 p.m.]

Subject of Possible Rule Making: Whether to amend WAC 390-05-400 and increase or decrease contribution limits and other dollar amounts established by Initiative 134.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1), 42.17.690.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 42.17.690, enacted as part of Initiative 134, requires the Public Disclosure Commission, at the beginning of each even-numbered year, to increase or decrease all dollar amounts, including contribution limits, based on an inflationary index recommended by the Office of Financial Management. In enacting contribution limits as part of I-134, the public made a determination that the amounts set forth therein were appropriate and meaningful, as they stood in 1992. The biennial review of those amounts ensures that they continue to be appropriate as economic conditions change.

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

Process for Developing New Rule: Interested persons are invited to submit written comments by January 23, 1998. A discussion regarding whether to proceed with rules and if so the content of the proposed rules is scheduled to occur at the commission's meeting on January 27, 1998.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Public Disclosure Commission Assistant Director Vickie Rippie at Washington Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 753-1111, FAX (360) 753-1112. Obtain agenda for commission meeting to be held on January 27, 1998, for time and location of discussion on possible rules. If the commission decides to move forward with amending WAC 390-05-400, the public hearing will likely be scheduled for March 24, 1998.

December 17, 1997  
Melissa Warheit  
Executive Director

#### WSR 98-01-188

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

[Filed December 23, 1997, 3:56 p.m.]

Subject of Possible Rule Making: Chapter 388-555 WAC, Interpreter services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.025, 74.04.050, 45 CFR Sec. 80.1 and 80.03, 45 CFR Sec. 605.52; 28 CFR, part 35.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This chapter will establish minimum industry standards for interpreter services for the Medical Assistance Administration. The purpose is to insure that clients with limited proficiency in English or who are deaf, blind, or hard of hearing can communicate effectively when accessing Medicaid services. The proposed rules will also reduce risks to the medical and health care community.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Office of Civil Rights (OCR) also regulates this subject. The Department of Social and Health Services

rules will not duplicate or conflict with federal law or regulations.

Process for Developing New Rule: The Department of Social and Health Services is currently monitoring issues related to new contracts for interpreter services to evaluate the feasibility of complying with and administering the minimum industry standards which are currently adopted as emergency rules. In addition, the department is holding ongoing meetings to gather stakeholder input. The Department of Social and Health Services invites the interested public to review and provide input on the draft language of this WAC. Draft material and information about how to participate are available by contacting the Department of Social and Health Services representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Davis, Program Assistance and Support Services, Medical Assistance Administration, Olympia, Washington 98504-5530, phone (360) 586-2337, FAX (360) 753-7315, TTY 1-800-848-5429, e-mail davis ba@dshs.wa.gov.

December 23, 1997  
Edith M. Rice, Chief  
for Merry A. Kogut, Manager,  
Rules and Policies Assistance Unit

#### WSR 98-01-189

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

[Filed December 23, 1997, 3:58 p.m.]

Subject of Possible Rule Making: WAC 388-86-047 Hospice services, and related sections. The Department of Social and Health Services intends to change the hospice election periods (i.e. when a client can choose hospice coverage) for its medical assistance clients. This change would match the Medicare hospice election periods (changed October 1, 1997). The department is also considering adding a five-day notification period requirement (to medical assistance hospice clients) for operational and administrative purposes. This requirement is currently found in the department's Hospice Billing Instructions (1995 edition).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.520 and 74.08.090, 42 CFR 418.22 and .24.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Coordinate with federal law (changed October 1, 1997) regarding Medicare hospice election periods (i.e. when a client can choose hospice coverage). Add to state rules the five-day notification requirement.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this WAC. Draft material and information about how to participate are available by contacting the

Department of Social and Health Services representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allen Richards, Program Assistance and Support Services, Medical Assistance Administration, Olympia, Washington 98504-5530, phone (360) 586-1008, FAX (360) 753-7315, TTY 1-800-848-5429, e-mail richaa@dshs.wa.gov.

December 23, 1997  
Edith M. Rice, Chief  
for Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

publication by contacting Simone Stilson, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-4744, FAX (360) 902-4249, Internet stil235@lni.wa.gov.

December 22, 1997  
Gary Moore  
Director

**WSR 98-01-223**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed December 24, 1997, 11:35 a.m.]

Subject of Possible Rule Making: Medical aid rules updates.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule follows the established process used by the department to update the maximum allowable payments for most medical services. These updates follow the established methodologies of the Department of Labor and Industries, the Health Care Authority, and the Medical Assistance Administration. The proposed rule will do the following: In WAC 296-20-135, update the conversion factors used by the department for calculating reimbursement rates for most medical services and anesthesia. The conversion factors will be updated to correspond to changes in the medical procedure codes, the relative value units and anesthesia base units. These changes will enable the department to continue a medical reimbursement methodology consistent with other state agencies. Cost-of-living increases may be incorporated into the changes in the conversion factors.

In WAC 296-23-220 and 296-23-230, update the maximum daily reimbursement level for physical and occupational therapy services so the department may, if necessary, give cost-of-living increases to affected providers.

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

Process for Developing New Rule: The department is working with external stakeholders through its Anesthesia and Reimbursement Technical Advisory Groups on the updates to the conversion factors and to the physical and occupational therapy maximum daily reimbursement level. The department coordinates these updates with the Health Care Authority, the Medical Assistance Administration and the Health Care Financing Administration to insure consistent health care purchasing policies when possible. The proposed changes will be presented to the advisory groups and publicized in a letter to interested persons.

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

**WSR 98-01-007**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed December 4, 1997, 3:44 p.m.]

Continuance of WSR 97-22-107.

Preproposal statement of inquiry was filed as WSR 97-19-092.

Title of Rule: Personal use rules.

Purpose: Amend personal use rules.

Other Identifying Information: This continuance is for accepting written testimony only.

Statutory Authority for Adoption: RCW 75.50.100, 75.52.035.

Statute Being Implemented: RCW 75.50.100, 75.52.035.

Summary: See WSR 97-22-107.

Reasons Supporting Proposal: See WSR 97-22-107.

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

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 97-22-107.

Proposal does not change existing rules. See WSR 97-22-107.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect recreational anglers, not small businesses.

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

Hearing Location: Red Lion Inn, Spokane, on December 13, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by December 1, 1997, TDD (360) 902-2295, or (902) [(360)] 902-2933.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2940, by December 12, 1997.

Date of Intended Adoption: January 23-24, 1998.

November 21, 1997

Evan Jacoby

Rules Coordinator

**WSR 98-01-036**  
**PROPOSED RULES**  
**SPOKANE COUNTY AIR**  
**POLLUTION CONTROL AUTHORITY**  
 [Filed December 8, 1997, 1:57 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: (1) SCAPCA Regulation I, Article IX; and (2) SCAPCA Regulation I, Article X, Section 10.09.

Purpose: (1) To limit asbestos emissions from renovation and demolition operations; and (2) to establish fees for a self-supporting asbestos program.

Statutory Authority for Adoption: RCW 70.94.141, 70.94.380(2).

Statute Being Implemented: Chapter 70.94 RCW and 42 USC 7401 et seq., 42 USC 7412.

Summary: (1) The regulation establishes requirements for asbestos surveys, project notifications, and asbestos removal and disposal; and (2) asbestos fee regulation.

Reasons Supporting Proposal: (1) Asbestos is recognized as a known human carcinogen. Fiber release must be controlled in order to protect public health; and (2) fees cover cost of asbestos program implementation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Matt Holmquist, 1101 West College, #403, Spokane, WA 99201, (509) 456-4727.

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Spokane County Air Pollution Control Authority (SCAPCA) is responsible for implementing federal laws regarding the renovation and demolition of buildings that may contain asbestos. Because there is no known safe level of exposure to asbestos and because each exposure to asbestos increases a person's risk of acquiring asbestos related diseases, SCAPCA proposes this regulation as a reasonable approach to controlling asbestos emissions from renovation and demolition activities.

Rule is necessary because of federal law, [42 USC 7412 (Section 112D)].

Explanation of Rule, its Purpose, and Anticipated Effects: (1) The regulation establishes requirements for asbestos surveys, project notifications, asbestos removal and disposal, and recordkeeping. The purpose of the regulation is to limit asbestos emissions from renovation and demolition activities. The anticipated effect is industry-wide uniformity in how asbestos is identified, removed, and disposed of.

(2) This rule authorizes SCAPCA to assess fees for certain asbestos abatement and demolition activities. The purpose and effect is to fully recover costs of the asbestos program.

Proposal Changes the Following Existing Rules: (1)

- Specific survey requirements will be addressed in the new regulation whereas there was only brief mention of survey requirements in the former regulation. The regulation did read ". . . prior to the start of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos, . . ." The new regulation will have definitions for AHERA Building Inspector and Asbestos Survey along with an entire section dedicated to explaining asbestos survey requirements.
- The definition of demolition was revised from the ". . . taking out of any load-supporting structural member of a facility . . ." to ". . . making the structure permanently uninhabitable or unusable."
- Category I Non-Friable ACM, Category II Non-Friable ACM, and Regulated ACM language was eliminated.

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Instead, the regulation will refer to Friable ACM and Non-Friable ACM.

Residential projects referred to residential buildings having four or fewer dwelling units in the old regulation. The new regulation will refer to owner-occupied, single-family residences.

Modified notification categories and fees.

- Owner-occupied single-family residence asbestos projects, excluding demolition, will no longer be required to submit notifications/fees, but must still meet other applicable requirements.
- Commercial asbestos projects, excluding demolition, involving less than 10 linear feet of ACM or 11 square feet of ACM will no longer be required to submit notifications/fees, but must still meet other applicable requirements.
- All demolition projects with projected roof areas greater than 120 square feet (building department demolition definition reference) will be required to submit notifications/fees, regardless of asbestos content. This includes owner-occupied, single-family residences.
- An additional fee will be required for emergency notifications and amended notifications.
- Some larger commercial projects will have a 10-fold fee increase.
- An "alternate means of compliance" category will be offered for twice the regular project fee.
- A three-day notification period will be allowed for commercial projects involving less than 260 linear feet of ACM or 160 square feet of ACM. Since this project category is not covered under the federal NESHAPS, which requires a ten-day notification period, a three-day notification period will be permitted.
- Prior notification versus a ten-day notification period will be required for owner-occupied, single-family residence demolition projects since this project category is not covered under the federal NESHAPS. The owner and/or owner's agent(s) will have met the "prior notice" requirement when SCAPCA receives necessary notification information and SCAPCA returns written acknowledgment via facsimile or mail to the owner and/or owner's agent(s) indicating the notification was received and was determined to be complete.
- The old regulation did not specify a limit on the quantity of ACM that could be removed under an annual notification. The new regulation will limit annual notifications to less than 260 linear feet of ACM or less than 160 square feet of ACM. The annual notification is good only for the calendar year for which it is filed. Quarterly reports will also be required.
- Notification for multiple asbestos projects or demolitions may be filed by a property owner on one form if the work will be performed continuously by the same contractor and if other requirements outlined in the regulation are met.
- A compliance investigation fee may be assessed for work done without an approved notification.

Transparent viewing ports, if feasible, will be required in negative pressure enclosures.

Any demolition or renovation that would disturb asbestos-containing material or damage a structure so as to preclude access to asbestos-containing material for future removal is prohibited unless all asbestos-containing material is first removed. Some exemptions exist in the regulation (hazardous conditions and alternate means of compliance).

Unlike the old regulation, the new regulation specifically addresses . . .

- Notification for multiple asbestos projects or demolitions.
- Annual notifications.
- Exemption procedures for removal of ACM before demolition if hazardous conditions exist such as buildings that are in danger of imminent collapse.
- Training requirements for those persons working on an asbestos project.
- Removal of nonfriable asbestos-containing roofing material.
- Leaving nonfriable asbestos-containing material in place during demolition.
- Temporary waste storage sites and disposal requirements for asbestos cement pipe.

Work schedule FAX program.

- When all notification information is provided (start date and completion date, map of structures involved, site address, amount of asbestos, type of ACM in each structure, etc.), but where a detailed *work schedule* can not be provided, contractors and consultants may utilize the work schedule FAX program.
- 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) The proposal is a new section to recover program costs through fees.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Spokane County Air Pollution Control Authority is not required under chapter 19.85 RCW to file small business economic impact statements.

RCW 34.05.328 does not apply to this rule adoption. This is a local agency rule and RCW 34.05.328 has not been made voluntarily applicable to this rule.

Hearing Location: Spokane County Public Works Building, 1206 West Broadway, Hearing Room Lower Level, Spokane, WA 99201, on February 5, 1998, at 9:00 a.m.

Submit Written Comments to: Matt Holmquist, Spokane County Air Pollution Control Authority, 1101 West College, Suite #403, Spokane, WA 99201, FAX (509) 459-6828, by January 29, 1998.

Date of Intended Adoption: February 5, 1998.

November 24, 1997

Matt Holmquist

Air Quality Specialist II

**REPEALER**

REGULATION I ARTICLE IX STANDARDS FOR REMOVAL AND DISPOSAL OF ASBESTOS-CONTAINING MATERIAL

**NEW SECTION**

REGULATION I ARTICLE IX ASBESTOS CONTROL STANDARDS

**ARTICLE IX****ASBESTOS CONTROL STANDARDS**

**ADOPTED: October 12, 1991**

**REVISED: February 5, 1998 (proposed)**

**EFFECTIVE: March 8, 1998 (proposed)**

**SECTION 9.01 PURPOSE**

The Board of Directors of the Spokane County Air Pollution Control Authority recognizes that airborne asbestos is a serious health hazard. Asbestos fibers released into the air can be inhaled and cause lung cancer, pleural mesothelioma, peritoneal mesothelioma or asbestosis. The Board of Directors has adopted this regulation to control asbestos emissions from asbestos removal and demolition projects in order to protect the public health.

**SECTION 9.02 DEFINITIONS**

A. **AHERA Building Inspector** means a person who has successfully completed the training requirements for a building inspector established by EPA Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E, I.B.3) and whose certification is current.

B. **AHERA Project Designer** means a person who has successfully completed the training requirements for an abatement project designer established by EPA Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E, I.B.5.) and whose certification is current.

C. **Asbestos** means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentinite), crocidolite (riebeckite), or anthophyllite.

D. **Asbestos-Containing Material** means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix A, Subpart F, 40 CFR Part 763, Section 1, Polarized Light Microscopy or a more effective method as approved by EPA.

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

F. **Asbestos Project** means any activity involving the abatement, renovation, demolition, removal, salvage, clean-up or disposal of asbestos-containing material, or any other action that disturbs or is likely to disturb any asbestos-containing material. It includes the removal and disposal of stored asbestos-containing material or asbestos-containing

waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.

G. **Asbestos Survey** means a written report describing an inspection using the procedures in EPA regulations (40 CFR 763.85 and 40 CFR 763.86), or an alternate method that has received the prior written approval from the Control Officer, to determine whether materials or structures to be worked on, renovated, removed, or demolished (including materials on the outside of structures) contain asbestos.

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

I. **Component** means any equipment, pipe, structural member, or other item covered or coated with, or manufactured from, asbestos-containing material.

J. **Demolition** means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable.

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

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

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

N. **Owner-Occupied, Single-Family Residence** means any non-multiple unit building containing living space that is currently occupied by one family who owns the property as their domicile. This term includes houses, mobile homes, trailers, detached garages, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit.

O. **Person** means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

P. **Renovation** means altering a structure or component in any way, other than demolition.

Q. **Surfacing Material** means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings or panes,

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fireproofing material on structural members, or other material on surfaces for decorative purposes.

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

S. Thermal System Insulation means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.

T. Work Schedule Fax Program means a program whereby the property owner or owner's agent provides prior notice by facsimile to the Authority of the specific location and date of the asbestos project or demolition on a form approved by the Authority.

#### SECTION 9.03 ASBESTOS SURVEY REQUIREMENTS

A. Requirements for Renovations. It shall be unlawful for any person to cause or allow any renovation unless prior to renovation, the property owner or the owner's agent obtains an asbestos survey, performed by an AHERA building inspector.

1. Asbestos surveys associated with the renovation of an owner-occupied, single-family residence need not be performed by an AHERA building inspector.

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

3. The property owner or owner's agent shall retain a copy of all asbestos survey records for at least 2 years.

B. Requirements for Demolition. It shall be unlawful for any person to cause or allow any demolition, except as provided by RCW 52.12.150(6), unless prior to demolition, the property owner or the owner's agent obtains an asbestos survey, performed by an AHERA building inspector.

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

2. The property owner or owner's agent shall retain a copy of all asbestos survey records for at least 2 years.

#### SECTION 9.04 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 Authority on approved forms by the property owner or owner's agent, in accordance with the advance notification period requirements contained in Article X, Section 10.09 of this Regulation.

1. The duration of an asbestos project shall be commensurate with the amount of work involved.

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 roofing. All other asbestos

project and demolition requirements remain in effect except, as provided by Article IX.

4. Notification is not required for renovations involving owner-occupied, single-family residences. All other asbestos project and demolition requirements remain in effect except, as provided by Article IX.

5. 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.

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 made available for inspection at all times at the asbestos project or demolition site.

7. Notification for multiple asbestos projects or demolitions may be filed by a property owner or owner's agent on one form if all the following criteria are met:

- a. The notification applies only to contiguous properties.
- b. The work will be performed by the same contractor.
- c. 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 property owner or owner's agent shall participate in the Authority's work schedule fax program and will continue to participate in the program throughout the duration of the project.

8. Annual Notification. A property owner or owner's agent may file one annual notification for asbestos projects to be conducted on one or more structures, vessels, or buildings in one calendar year if all of the following conditions are met:

- a. The notification applies only to single, contiguous property.
- b. The annual notification is filed with the Authority before commencing work on any asbestos project included in the annual notification.
- c. 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.
- d. The property owner submits quarterly written reports to the Authority on approved forms within 15 days after the end of each calendar quarter.

9. The property owner or owner's agent shall retain a copy of all asbestos survey records for at least 2 years.

10. Work Done Without Notification. Where any work on an asbestos project or demolition, for which notification is required, is commenced or performed prior to making notification and receiving approval, except as provided for in Section 9.04.C, the Control Officer may conduct a compliance investigation and assess a fee. In such case, a compliance investigation fee, as established in Section 10.09(c) of this Regulation, shall be paid by the applicant in addition to the fees required in Section 10.09(a) of this Regulation. Payment of fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

11. Notifications are valid for no more than twelve months from the original notification start date. A new notification shall be submitted to the Authority for work to be performed beginning more than twelve months from the original notification start date and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09(a) of this Regulation.

**B. Amendments.**

1. **Mandatory Amendments.** An amendment shall be submitted to the Authority for any of the following changes in notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09(a) of this Regulation:

- a. Increases in the project type or job size category that increase the fee or change the advance notification period; or
- 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. Asbestos contractors or property owners participating in the Authority's work schedule fax program are not required to submit amendments for work schedule changes occurring between the start and completion dates.

2. **Optional Amendments.** An amendment may be submitted to the Authority for any other change in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09(a) of this Regulation.

3. **Opportunity For Amendment.** In no case shall an amendment be accepted and approved by the Authority if it is filed after the last completion date on record. In the case of additional work to be performed after the last completion date on record, a new notification shall be submitted to the Authority and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09(a) of this Regulation.

**C. Emergencies.**

1. The Control Officer may waive the advance notification period, if the property owner submits a written request, demonstrating to the Control Officer that an asbestos project or demolition must be conducted immediately because of any of the following:

- a. There was a sudden, unexpected event that resulted in a public health or safety hazard; or
- b. The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage; or
- c. Asbestos-containing materials were encountered that were not identified during the asbestos survey; or
- d. The project must proceed to avoid imposing an unreasonable financial burden.

2. Advance notification shall not be required to commence an asbestos project or demolition, which would normally require advance notification pursuant to Section 9.04 and 10.09 of this Regulation, if all of the following criteria are met:

- a. A notification shall be filed with the Authority not later than the first working day after the asbestos project or demolition is commenced and shall be accompanied by a written request from the property owner, demonstrating to the Control Officer that an asbestos project or demolition

was conducted without advance notification because of life endangerment or other serious consequences.

b. For purposes of compliance with Section 9.04 and 10.09, the Control Officer shall determine whether the asbestos project or demolition, commenced before approval by the Authority, meets the requirements of this subsection.

**SECTION 9.05 ASBESTOS REMOVAL REQUIREMENTS PRIOR TO RENOVATION OR DEMOLITION**

A. **Removal of Asbestos Prior to Renovation or Demolition.** Except as provided in Section 9.07.C of this Regulation, it shall be unlawful for any person to cause or allow any demolition or renovation that may disturb asbestos-containing material or damage a structure so as to preclude access to asbestos-containing material for future removal, without first removing all asbestos-containing material in accordance with the requirements of this Regulation.

Asbestos-containing material need not be removed from a component if, prior to renovation or demolition, the component is removed, stored, or transported for reuse without disturbing or damaging the asbestos-containing material.

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

**SECTION 9.06 PROCEDURES FOR ASBESTOS PROJECTS**

A. **Training Requirements.** It shall be unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) and whose certification is current.

This certification requirement does not apply to asbestos projects conducted in an owner-occupied, single-family residence performed by the resident owner of the dwelling.

B. **Asbestos Removal Work Practices.** Except as provided in Section 9.06.C and Section 9.07 of this Regulation, it shall be unlawful for any person to cause or allow the removal of asbestos-containing material unless all the following requirements are met:

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

2. If a negative pressure enclosure is employed it shall be equipped with transparent viewing ports, if feasible, and shall be maintained in good working order.

3. Absorbent materials, such as surfacing material and thermal system insulation, shall be saturated with a liquid

wetting agent prior to removal. Wetting shall continue until all the material is permeated with the wetting agent. Any unsaturated surfaces exposed during removal shall be wetted immediately.

4. Nonabsorbent materials, such as cement asbestos board or vinyl asbestos tile, shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. They shall be wetted after removal, as necessary, to assure they are wet when sealed in leak-tight containers. Any dry surfaces exposed during removal shall be wetted immediately.

5. Metal components (such as valves, fire doors, and reactor vessels) that have internal asbestos-containing material do not require wetting of the asbestos-containing material if all access points to the asbestos-containing materials are welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the asbestos-containing material from the environment.

6. Except for surfacing material being removed inside a negative pressure enclosure, asbestos-containing material that is being removed, has been removed, or may have fallen off components during an asbestos project shall be carefully lowered to the ground or the floor, not dropped, thrown, slid, or otherwise damaged.

7. All asbestos-containing waste material shall be kept wet and shall be sealed in leak-tight containers while still wet, as soon as possible after removal but no later than the end of each work shift.

8. The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.

9. Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.

10. Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.

11. The asbestos-containing waste material shall be stored in a controlled area until transported to an approved waste disposal site.

**C. Method of Removal for Nonfriable Asbestos-Containing Roofing Material.** All of the following asbestos removal methods shall be employed for asbestos-containing roofing material that has been determined to be nonfriable by a Competent Person or an AHERA Building Inspector:

1. The nonfriable asbestos-containing roofing material shall be removed using methods, such as spud bar and knife, which do not render the material friable. Removal methods such as sawing or grinding shall not be employed.

2. Dust control methods shall be used as necessary to assure no fugitive dust is generated from the removal of nonfriable asbestos-containing roofing material.

3. Nonfriable asbestos-containing roofing material shall be carefully lowered to the ground to prevent fugitive dust.

4. After being lowered to the ground, the nonfriable asbestos-containing roofing material shall be immediately transferred to a disposal container.

5. Each disposal container shall have a sign identifying the material as nonfriable asbestos-containing material.

**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.

#### SECTION 9.07 ALTERNATE MEANS OF COMPLIANCE

**A. Friable Asbestos-Containing Material Removal Alternative.** An alternate asbestos removal method may be employed for friable asbestos-containing material if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the Control Officer that the planned control method will be equally as effective as the work practices contained in Section 9.06.B of this Regulation in controlling asbestos emissions. The property owner or the owner's agent shall document through air monitoring at the exhaust from the controlled area that the asbestos fiber concentrations outside the controlled area do not exceed 0.01 fiber/cc, 8 hour average.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.

**B. Nonfriable Asbestos-Containing Material Removal Alternative.** An alternate asbestos removal method may be employed for nonfriable asbestos-containing material if a Competent Person or AHERA Project Designer has evaluated the work area, the type of asbestos-containing material, the proposed work practices, and the engineering controls, and demonstrates to the Control Officer that the planned control method will be equally as effective as the work practices contained in Section 9.06.B of this Regulation in controlling asbestos emissions.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.

**C. Leaving Nonfriable Asbestos-Containing Material in Place During Demolition.** Nonfriable asbestos-containing material may be left in place during a demolition, if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing materials involved, the proposed work practices, and the engineering controls, and demonstrates to the Control Officer that the asbestos-containing material will remain nonfriable during all demolition activities and the subsequent disposal of the debris.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.

#### SECTION 9.08 DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL

**A.** Except as provided in Section 9.08.C and 9.08.D of this Regulation, it shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless it is deposited within 10 days of removal at a waste disposal site authorized to accept such waste.

B. Waste Tracking Requirements. It shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless all of the following requirements are met:

1. Maintain waste shipment records, beginning prior to transport, using a form that includes all of the following information:

- a. The name, address, and telephone number of the waste generator.
- b. The approximate quantity in cubic meters or cubic yards.
- c. The name and telephone number of the disposal site operator.
- d. The name and physical site location of the disposal site.
- e. The date transported.
- f. The name, address, and telephone number of the transporter.

g. A certification that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition to transport by highway according to applicable waste transport regulations.

2. Provide a copy of the waste shipment record to the disposal site owner or operator at the same time the asbestos-containing waste material is delivered.

3. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 35 calendar days of the date the waste was accepted by the initial transporter, contact the transporter and/or the owner or operator of the disposal site to determine the status of the waste shipment.

4. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter, report in writing to the Control Officer. Include in the report, a copy of the waste shipment record and cover letter signed by the waste generator, explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.

5. Retain a copy of all waste shipment records for at least 2 years, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site.

C. Temporary Storage Site. A person may establish a facility for the purpose of collecting and temporarily storing asbestos-containing waste material if the facility is approved by the Control Officer and all of the following conditions are met:

1. Accumulated asbestos-containing waste material shall be kept in a controlled storage area posted with asbestos warning signs and accessible only to authorized persons.

2. All asbestos-containing waste material shall be stored in leak-tight containers which are maintained in leak-tight condition.

3. The storage area must be locked except during transfer of asbestos-containing waste material.

4. Storage, transportation, disposal, and return of the waste shipment record to the waste generator shall not exceed 90 days.

D. Disposal of Asbestos Cement Pipe. Asbestos cement pipe may be buried in place if the pipe is left intact and

covered with at least 3 feet or more of non-asbestos fill material.

REPEALER

REGULATION I ARTICLE X SECTION 10.09 ASBESTOS

NEW SECTION

REGULATION I ARTICLE X SECTION 10.09 ASBESTOS FEES

ARTICLE X

SECTION 10.09 ASBESTOS FEES

Written notification, as required in Article IX, Section 9.04, shall be accompanied by the appropriate nonrefundable fee according to Section 10.09(a).

(a) Notification Period and Fees

PROPOSED

Project	Size or Type	Notification Period	Fee
Owner-Occupied, Single-Family Residence Asbestos Project (excluding demolition)	Notification Not Required	None	None
Owner-Occupied, Single-Family Residence Demolition	All	Prior Notice	\$25
All Other Demolitions with no asbestos project	All	10 Days	\$150
Asbestos Project includes demolition fee*	10-259 linear ft 48-159 square ft	3 Days	\$150
Asbestos Project includes demolition fee	260-999 linear ft 160-4,999 square ft	10 Days	\$300
Asbestos Project includes demolition fee	1,000-9,999 linear ft 5,000-49,999 square ft	10 Days	\$750
Asbestos Project includes demolition fee	> 10,000 linear ft > 50,000 square ft	10 Days	\$1,500
Emergency	9.04.C.1	Prior Notice**	Additional fee equal to project fee
Amendment***	9.04.B	Prior Notice	\$50
Alternate Means of Compliance (demolitions or friable asbestos-containing material)	9.07.A or C	10 Days	Additional fee equal to project fee
Alternate Means of Compliance (non-friable asbestos-containing material)	9.07.B	10 Days	Additional fee equal to project fee
Annual	9.04.A.7	Prior Notice	\$1,000

PROPOSED

\* 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.

\*\* Except in the case where advance notice is not required pursuant to Section 9.04.C.2.

\*\*\* For an amendment where the project type or job size category is associated with a higher fee, a fee equal to the difference between the fee associated with the most recently submitted notification and the fee associated with the increased project type or job size category shall be submitted in addition to the \$50 amendment fee.

(b) 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.

(c) Where a compliance investigation is conducted pursuant to Section 9.04 of this regulation, the compliance investigation fee shall be equal to \$50 per hour of compliance investigation.

**WSR 98-01-054  
WITHDRAWAL OF PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed December 10, 1997, 1:30 p.m.]

Withdrawal of proposal, chapter 392-160 WAC.

The Superintendent of Public Instruction has been working diligently on issues covered by the proposed rules and has determined that based on input provided by interested parties, a rewrite is necessary at a later date.

Rick Wilson  
Rules Coordinator

**WSR 98-01-069  
PROPOSED RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed December 11, 1997, 4:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-07-035.

**Title of Rule:** Defining compensation earnable for the public employees' retirement system (PERS) and making technical corrections to rules defining earnable compensation for the teachers' retirement system (TRS).

**Purpose:** To codify department interpretations of the definition of "earnable compensation" for TRS Plan 1 and TRS Plan 2 found in RCW 41.40.010(8).

**Statutory Authority for Adoption:** RCW 41.50.050.

**Statute Being Implemented:** RCW 41.40.010(8).

**Summary:** The proposed rules codify the department's interpretation of the term "compensation earnable" for PERS Plan 1 and PERS Plan 2 as found in RCW 41.40.010(10). The proposed rules also make technical corrections to the TRS earnable compensation rules adopted at WSR 97-03-016.

**Reasons Supporting Proposal:** The definition of "compensation earnable" in the TRS statute does not discuss many specific types of payments. The proposed rules provide an analytical framework for a determination of whether a particular payment is compensation earnable as well as a detailed discussion of different types of payments. This should help members, employers and department staff in making correct determinations of compensation earnable.

**Name of Agency Personnel Responsible for Drafting:** Paul Neal, 1025 East Union Avenue, Olympia, WA 98504-8380, (360) 709-5300; **Implementation and Enforcement:** Jack Bryant, 1025 East Union Avenue, Olympia, WA 98504-8380, (360) 709-5300.

**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 definition of "compensation earnable" in the PERS statute does not discuss many specific types of payments. The proposed rules provide an analytical framework for a determination of whether a particular payment is compensation earnable as well as a detailed discussion of different types of payments. This should help members, employers and department staff in making correct determinations of compensation earnable.

**Proposal Changes the Following Existing Rules:** WAC 415-108-450, 415-108-460, and 415-108-490 are each repealed. The standards currently contained in those WACs have been revised into a more readable format and included as part of the proposed rule. WAC 415-112-445, 415-112-4608, and 415-112-4609 are each amended to correct minor errors appearing in the current codifications.

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 economic impact statement is required.

RCW 34.05.328 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 January 30, 1998, at 11:00 - 12:00.

**Assistance for Persons with Disabilities:** Contact Jack Bryant by January 27, TDD (360) 586-5450, or (360) 709-4747.

**Submit Written Comments to:** Paul Neal, P.O. Box 48380, Olympia, WA 98504-8380, FAX (360) 753-3166, by January 23, 1998.

**Date of Intended Adoption:** February 3, 1998.

December 11, 1997

Paul Neal

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

**WAC 415-108-010 Definitions.** ~~((1))~~ All definitions in RCW 41.40.010 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.40 RCW are defined in this chapter.

~~((2)) As used in this chapter, unless a different meaning is plainly required by the context:~~

~~"Annual leave" means leave provided by an employer for the purpose of vacation and does not include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work: *Provided, however,* That if an employer authorizes only one type of leave to provide paid leave for vacation and illness as well as any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.)~~

#### NEW SECTION

**WAC 415-108-0110 Reportable compensation—Definition.** "Reportable compensation" means compensation earnable as that term is defined in RCW 41.40.010(8).

#### NEW SECTION

**WAC 415-108-0111 Annual leave—Definition.** "Annual leave" means leave provided by an employer for the purpose of taking regularly scheduled work time off with pay. Annual leave does not include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work: *Provided, however,* That if an employer authorizes only one type of leave to provide paid leave for vacation and illness as well as any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

### REPORTABLE COMPENSATION

#### NEW SECTION

**WAC 415-108-441 Purpose and scope of compensation earnable rules.** WAC 415-108-443 through 415-108-488 codify the department's existing interpretation of statutes and existing administrative practice regarding classification of payments as compensation earnable in PERS Plan I and PERS Plan II. The department has applied and will apply these rules to determine the proper characterization of

PROPOSED

payments occurring prior to the effective dates of these sections.

**NEW SECTION**

**WAC 415-108-443 Reportable compensation table.**

The following table is provided as a quick reference guide to help you characterize payments under Plan I and Plan II. Be sure to turn to the referenced rule to ensure that you have correctly identified the payment in question. The department determines compensation earnable based upon the nature of the payment, not the name applied to it, see WAC 415-108-445.

PROPOSED

Type of Payment	PERS I Reportable Compensation?	PERS II Reportable Compensation?
Annual Leave Cash Outs	Yes - WAC 415-108-456	No - WAC 415-108-456
Assault Pay (State Emp.)	Yes - WAC 415-108-468	Yes - WAC 415-108-468
Base Rate	Yes - WAC 415-108-451	Yes - WAC 415-108-451
Car Allowances	No - WAC 415-108-485 <sup>1</sup>	No - WAC 415-108-485
Cafeteria Plans	Yes - WAC 415-108-455	Yes - WAC 415-108-455
Deferred Wages	Yes - WAC 415-108-459	Yes - WAC 415-108-459
Disability Payments	No - WAC 415-108-477	No - WAC 415-108-477
Disability: Salary lost while on disability leave	Yes - WAC 415-108-468 RCW 41.40.038	Yes - WAC 415-108-468 RCW 41.40.038
Employer Provided Vehicle	No - WAC 415-108-480 <sup>2</sup>	No - WAC 415-108-480
Employer taxes/contributions	No - WAC 415-108-459	No - WAC 415-108-459
Fringe Benefits	No - WAC 415-108-475	No - WAC 415-108-475
Illegal Payments	No - WAC 415-108-482	No - WAC 415-108-482
Legislative Leave	Yes - WAC 415-108-464	Yes - WAC 415-108-464
Longevity/Education Attainment Pay	Yes - WAC 415-108-451	Yes - WAC 415-108-451
Nonmoney Maintenance	Yes - WAC 415-108-470 <sup>3</sup>	No - WAC 415-108-470
Optional Payments	No - WAC 415-108-483	No - WAC 415-108-483
Payments in Lieu of Excluded Items	No - WAC 415-108-463	No - WAC 415-108-463
Performance Bonuses	Yes - WAC 415-108-453	Yes - WAC 415-108-453

<sup>1</sup>A portion of the value of an employer car allowance may be reportable, see WAC 415-108-485

<sup>2</sup>A portion of the value of an employer provided vehicle may be reportable in Plan I only, see WAC 415-108-480.

<sup>3</sup>A portion of the value of nonmoney maintenance provided may be reportable in Plan I only, see WAC 415-108-470.

Type of Payment	PERS I Reportable Compensation?	PERS II Reportable Compensation?
Retroactive Salary Increase	Yes - WAC 415-108-457	Yes - WAC 415-108-457
Reimbursements	No - WAC 415-108-484	No - WAC 415-108-484
Reinstatement Payments	Yes - WAC 415-108-467	Yes - WAC 415-108-467
Retirement or Termination Bonuses	No - WAC 415-108-487	No - WAC 415-108-487
Severance Pay - Earned Over Time	Yes - WAC 415-108-458	No - WAC 415-108-458
Severance Pay - Not Earned Over Time	No - WAC 415-108-488	No - WAC 415-108-488
Shared Leave - State Emp.	Yes - WAC 415-108-468	Yes - WAC 415-108-468
Shared Leave - Local Government Employees	No - WAC 415-108-468	No - WAC 415-108-468
Sick Leave Cash Outs - State Employees	No - WAC 415-108-456	No - WAC 415-108-456
Sick Leave Cash Out - Local Government Employees	Yes - WAC 415-108-456	No - WAC 415-108-456
Standby Pay	Yes - WAC 415-108-469	Yes - WAC 415-108-469
Time Off with Pay	Yes - WAC 415-108-456 WAC 415-108-465	Yes - WAC 415-108-456 WAC 415-108-465
Union Leave <sup>4</sup>	Yes - WAC 415-108-466	Yes - WAC 415-108-466
Worker's Compensation	No - WAC 415-108-479	No - WAC 415-108-479

<sup>4</sup> Only specific types of union leave are reportable, see WAC 415-108-466.

PROPOSED

NEW SECTION

**WAC 415-108-445 What compensation can be reported?** In order for payments to be subject to retirement system contributions and included in the calculation of a member's retirement benefit, those payments must meet the definition of compensation earnable in RCW 41.40.010(8).

(1) **Payments for personal services rendered.** To determine whether a payment meets this definition and can be reported, ask the following questions:

(a) Was the payment earned as a salary or wage for personal services rendered during a fiscal year? If the answer is no, the payment is not reportable. If the answer is yes, ask question (b).

(b) Was the payment paid by an employer to an employee? If the answer is no, the payment is not reportable. If the answer is yes, report the payment.

(2) **Payments included that are not for personal services rendered.** The legislature has included certain specific payments within the definition of compensation earnable even though those payments are not for personal services rendered by the employee to the employer. (See WAC 415-108-464 through 415-108-469.)

(3) **Reportable compensation is earned when the service is rendered, rather than when payment is made.**

**Example:** If a member works during June but does not receive payment for the work until July, the reportable compensation was earned during June and must be reported to the department as June earnings.

(4) **Salary characterizations are based upon the nature of the payment.** A payment is reportable compensation if it meets the criteria of subsection (1) or (2) of this section. The name given to the payment or the document authorizing it is not controlling in determining whether the payment is reportable compensation. The department determines whether a payment is reportable compensation by considering:

(a) What the payment is for; and

(b) Whether the reason for the payment brings it within the statutory definition of compensation earnable.

**Example:** A payment conditioned upon retirement is not reportable compensation. Attaching the label "longevity" to the payment does not change the fact that the payment is conditioned on retirement. Such a payment is not for services rendered and will not be counted as reportable compensation despite being identified by the employer as a longevity payment.

(5) **Differences in reportable compensation between plans.** WAC 415-108-445 through 415-108-488 define reportable compensation for each of the two PERS plans. "Compensation earnable" is defined in very similar terms for both PERS Plan I and PERS Plan II. The characterization of payments as reportable compensation or not reportable compensation in WAC 415-108-455 through 415-108-488 is the same for both PERS Plan I and PERS Plan II except as specifically noted.

NEW SECTION

**WAC 415-108-451 Salary or wages.** Most employees receive a base rate of salary or wages expressed as an hourly or monthly rate of pay. This payment is for services rendered and qualifies as reportable compensation. Two possible components of an employee's base rate are salary considerations based on longevity or educational attainment.

(1) A member who receives a salary increase based upon longevity or educational attainment receives a higher salary without working more hours. The higher salary indicates a higher level of performance due to greater experience or more education. The payment is therefore a payment for personal service and is reportable compensation.

(2) Simply attaching the label "longevity" to a payment does not guarantee that it will be reportable compensation. If a payment described as a longevity payment is actually based upon some other criteria, such as retirement or notification of intent to retire, the payment may not be reportable.

NEW SECTION

**WAC 415-108-453 Performance bonuses.** Bonuses that are based upon meeting certain performance goals are earned for services rendered and are reportable compensation. If a bonus was earned over a specified period of time it should be prorated for reporting purposes.

**Example:** An employer pays each employee in the work group an additional \$100 if the work group had no work related accidents in the preceding year. Remaining accident free is a performance goal. Therefore the payment is for services rendered and qualifies as reportable compensation. The bonus should be prorated over each of the preceding twelve months during which it was earned.

NEW SECTION

**WAC 415-108-455 Cafeteria plans.** Compensation received in any form under the provisions of a "cafeteria plan," "flexible benefits plan," or similar arrangement pursuant to section 125 of the United States Internal Revenue Code is reportable compensation if the employee has an absolute right to receive cash or deferred cash payments in lieu of the fringe benefits offered. In such an instance, the fringe benefits are being provided in lieu of cash and are considered reportable compensation, just as the cash would be. If there is no cash option, the value of the fringe benefit is not a salary or wage and is not reportable compensation, see WAC 415-108-475.

NEW SECTION

**WAC 415-108-456 Leave payments earned over time.** (1) **Sick and annual leave usage.** Sick leave and annual leave is accumulated over time and paid to a person during a period of excused absence. Leave accrues at a prescribed rate, usually a certain number of hours per month. The employee earns a leave day by rendering service during the month the leave accrued. When the employee uses his or her accrued leave by taking a scheduled work day off

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with pay, the payment is deferred compensation for services previously rendered. The payment is a salary or wage earned for services rendered and is reportable.

(2) **Annual leave cash outs.** Annual leave cash outs, like payments for leave usage, are deferred compensation earned for services previously rendered. Whether, and to what extent an annual leave cash out qualifies as reportable compensation depends upon which PERS plan the member belongs to and the type of employer.

(a) Annual leave cash outs are not reportable compensation for PERS Plan II members. Although the payments are for services rendered, they are excluded from the definition of compensation earnable by statute, see RCW 41.40.010 (8)(b).

(b) A cash out of up to thirty days of annual leave for state government employees is reportable compensation for PERS Plan I, see RCW 43.01.040. A cash out in excess of thirty days of annual leave:

(i) Qualifies as reportable compensation if it is authorized by a letter of necessity under RCW 43.01.040. Annual leave qualifies as authorized under a letter of necessity only if the leave was earned after the letter of necessity was issued;

(ii) Does not qualify as reportable compensation if it is earned between the date that the member accrued thirty days of annual leave and the member's anniversary date under RCW 43.01.044.

(c) All annual leave cash outs received by PERS Plan I members who are not state employees qualify as reportable compensation.

(3) **Sick leave cash outs.** Sick leave cash outs are deferred compensation for services previously rendered.

(a) Sick leave cash outs are excluded from the definition of compensation earnable for PERS Plan II members by statute, see RCW 41.40.010 (8)(b).

(b) Sick leave cash outs are reportable compensation for PERS Plan I members other than state, school district, and educational service district employees.

(c) Sick leave cash outs are excluded from reportable compensation for:

(i) State employees by RCW 41.04.340;

(ii) School district employees by RCW 28A.400.210; and

(iii) Educational service district employees by RCW 28A.310.490.

See RCW 41.40.010 (8)(a).

#### NEW SECTION

**WAC 415-108-457 Retroactive salary increases.** A retroactive salary payment to an employee who worked during the covered period is a payment of additional salary for services already rendered.

Note: A retroactive salary increase is not the same as a retroactive payment upon reinstatement or in lieu of reinstatement of a terminated or suspended employee. For treatment of back payments for periods where services were not rendered, see WAC 415-108-467.

(1) To qualify as reportable compensation under this section, the payment must be a bona fide retroactive salary

increase. To ensure that is the case, the retroactive payment must be made pursuant to:

(a) An order or conciliation agreement of a court or administrative agency charged with enforcing federal, state, or local statutes, ordinances, or regulations protecting employment rights;

(b) A bona fide settlement of such a claim before a court or administrative agency;

(c) A collective bargaining agreement; or

(d) Action by the personnel resources board which expressly states the payments are retroactive.

(2) The payments will be deemed earned in the period in which the work was done.

#### NEW SECTION

**WAC 415-108-458 Severance pay earned over time.**

(1) **Plan I.** Severance pay must be earned over time in the same manner as annual leave or sick leave in order to be deferred compensation for services previously rendered and to be reportable in Plan I. Severance pay is earned over time if the employment contract(s) or compensation policies in effect at the beginning of a given period of employment specify that a certain amount of severance pay will be earned during that period in consideration for services rendered.

Example: Mr. Jones is a PERS Plan I member employed as a city manager. Since the beginning of his term of employment with the city, his contract has specified that he will earn one week of severance pay for every year of his employment. The earned severance pay will be paid at the time of his separation. His severance pay is reportable compensation. When Mr. Jones retires, the two weeks severance pay that he earned during his two highest paid years (i.e., one week per year for two years) will be included in his PERS Plan I retirement calculation.

To the extent that severance pay qualifies as reportable compensation and is earned within the member's average final compensation period, the severance pay is excess compensation, see RCW 41.50.150.

(2) **Plan II.** All forms of severance pay are excluded from earnable compensation for Plans II by RCW 41.40.010 (8)(b).

(3) Severance pay that is not earned over time is not earned for services rendered and is not reportable in Plan I or II, see WAC 415-108-488.

#### NEW SECTION

**WAC 415-108-459 Payroll deductions.** Salary or wages for services rendered that are withheld from a member's pay still qualify as reportable compensation.

(1) **Retirement contributions.** Payments deducted from employee compensation for employee retirement contributions are reportable. Employer contributions are a fringe benefit and are not reportable, see WAC 415-108-475.

(2) **Tax withholding.** Payments withheld to satisfy federal tax obligations qualify as reportable compensation.

(3) **Voluntary deductions.** Payments deducted voluntarily, such as I.R.C. section 457 plan contributions or other authorized deductions, are reportable.

#### NEW SECTION

**WAC 415-108-463 Payments not for services rendered.** In general, payments cannot be reported to the retirement system unless they are for services rendered. However, the legislature has identified some types of compensation which are reportable even though they are not for services rendered.

(1) WAC 415-108-464 through 415-108-469 discuss all payments that are not for services rendered that nonetheless qualify as reportable compensation.

(2) WAC 415-108-475 through 415-108-488 discuss some payments that are not a salary or wage for services rendered and so do not qualify as reportable compensation. A payment not for services rendered other than those identified in WAC 415-108-464 through 415-108-469 is not reportable compensation even if it is not listed in WAC 415-108-475 through 415-108-488.

(3) A payment made in lieu of a payment that is not for services rendered (such as a payment made in lieu of a car allowance) will be treated in the same way that the original payment was treated. Such a payment is not for services rendered and is not reportable.

#### NEW SECTION

**WAC 415-108-464 Legislative leave.** If a PERS member takes a leave without pay from an eligible position to serve in the legislature, the member may elect to participate in PERS as a legislator.

(1) **Plan I.** The salary the employee would have earned from their employer is reportable compensation if the required member contribution is paid by the member and the required employer contribution is paid by the member or the employer.

(2) **Plan II.** The employee may choose between:

(a) The reportable compensation he or she would have earned had the member not served in the legislature; or

(b) The actual reportable compensation for nonlegislative public employment and the legislative service combined.

If the member selects option (a) of this subsection, he or she is responsible for paying the additional employer and employee contributions to the extent the reportable compensation reported is higher than it would have been under (b) of this subsection.

#### NEW SECTION

**WAC 415-108-465 Paid leave not earned over time.** If paid leave is not based upon earned leave accumulated over time, the payment is not a deferred payment for services previously rendered. Further, the member on leave is not currently rendering services in exchange for the payment. However, RCW 41.40.175 and 41.40.710 identify payments received from the employer while on paid leave as reportable for PERS. Contributions are due on these payments to the extent they meet the following conditions:

(1) The payment is equal to the salary for the position that the person is on leave from;

(2) The payment is actually from the employer. Payments from an employer that are conditioned upon reimbursement from a third party are payments from the third party. Because the payments are not from the employer, they are not reportable compensation. The only exception is union leave paid by the employer subject to reimbursement from the union under the conditions specified in RCW 41.40.175 (Plan I) and RCW 41.40.710 (Plan II) and WAC 415-108-466.

#### NEW SECTION

**WAC 415-108-466 Union leave.** If a member takes an authorized leave of absence to serve as an elected official of a labor organization and the employer pays the member on leave subject to reimbursement from the union, the person's pay qualifies as reportable compensation provided that all the conditions of RCW 41.40.175 (Plan I) or RCW 41.40.710 (Plan II) as appropriate, are met.

#### NEW SECTION

**WAC 415-108-467 Reinstatement or payment in lieu of reinstatement.** If an employer makes payments to an employee for periods where the employee was not employed and those payments are made upon reinstatement of the employee or in lieu of reinstatement, the payments are not earned for services rendered. However, RCW 41.40.010(8) specifically designates such payments as reportable compensation. The payments are only reportable to the extent that they are equivalent to the salary the employee would have earned had he or she been working.

#### NEW SECTION

**WAC 415-108-468 Compensation authorized by statute for periods of absence due to sickness or injury.** Compensation that a member receives for periods of absence due to sickness or injury are not payments for services rendered unless the payments are authorized pursuant to sick leave earned by the member for services rendered, see WAC 415-108-456. Certain specific types of payments for periods of absence due to sickness or injury have been included within the statutory definition of compensation earnable and therefore qualify as reportable compensation.

(1) **Assault pay** qualifies as reportable compensation only to the extent authorized by RCW 27.04.100, 72.01.045, and 72.09.240.

(2) **Imputed compensation for periods of duty disability** that a member would have received but for a disability occurring in the line of duty qualify as reportable compensation only to the extent authorized by RCW 41.40.038.

(3) **Shared leave.**

(a) Compensation that a state employee receives due to participation in a leave sharing program to the extent authorized by RCW 41.04.650 through 41.04.670 qualifies as reportable compensation.

(b) Shared leave payments received by members who are not state employees, do not qualify as reportable compensation. Such payments are not for services rendered, nor are they specifically included within the statutory definition of compensation earnable.

NEW SECTION

**WAC 415-108-469 Standby pay.** Some employers pay employees for being on "standby." A member is on standby when not being paid for time actually worked and the employer requires the member to be prepared to report immediately for work if the need arises, although the need may not arise. Because the member is not actually working, the member is not rendering service. However, RCW 41-40.010(8) specifically identifies standby pay that meets the above requirements as reportable compensation. Although included in the definition of compensation earnable, time spent on standby is excluded from the definition of "service," see RCW 41.40.010(9).

NEW SECTION

**WAC 415-108-475 Fringe benefits.** Payments made by an employer to a third party to provide benefits for an employee are not part of the employee's salary or wage. Those payments are not reportable compensation. Examples of these types of payments are insurance premiums (other than those made under bona fide cafeteria plans, see WAC 415-108-455) and employer retirement contributions.

Note: Mandatory salary deferrals are salary, not benefits. Such payments are reportable see WAC 415-108-459.

NEW SECTION

**WAC 415-108-477 Disability insurance.** Disability insurance payments are paid to persons for periods when they are unable to work. Because no services are rendered in exchange for these payments, they are not reportable compensation. This is true whether the payments come directly from the employer or from an insurance company.

NEW SECTION

**WAC 415-108-479 Workers' compensation.** Workers' compensation is paid to persons for periods when they are unable to work. Workers' compensation payments, like disability insurance, are not payments for services rendered and are not reportable compensation.

Example: Some employees on unpaid disability leave submit their workers' compensation payments to their employer who then issues the employee a check for the same amount through the payroll system. This exchange of payments does not change the character of the workers' compensation payment. Whether the payments come from the department of labor and industries, a self-insured employer, or have the appearance of coming from the employer, workers' compensation payments are not payments for services rendered and do not qualify as reportable compensation.

Note: A member may elect to make contributions and receive service credit for periods of disability covered by industrial insurance, see RCW 41.40.038.

NEW SECTION

**WAC 415-108-482 Illegal payments.** Payments made by an employer in excess of the employer's legal authority are not reportable.

Example: School districts are prohibited from increasing an employee's salary to include a payment in lieu of a fringe benefit per RCW 28A.400.220. If a district increased a person's salary instead of providing a fringe benefit, the payment would be illegal and should not be reported.

NEW SECTION

**WAC 415-108-483 Optional payments.** If an employee can receive an additional payment only on the condition of taking an action other than providing service to the employer, the payment is not for services rendered and is not reportable compensation.

Example: An employer offers to make a contribution to a deferred compensation plan on behalf of an employee only if the employee agrees to defer a portion of his or her salary. Because the employee does not have a right to receive the contribution based solely on the rendering of service, the employer payment is not reportable compensation.

NEW SECTION

**WAC 415-108-484 Reimbursements for expenses.** Reimbursements are not earned for services rendered and thus are not reportable compensation. Typical reimbursement payments include mileage reimbursements for use of a private car on employer business, see WAC 415-108-485, or meal and lodging reimbursements for business trips.

NEW SECTION

**WAC 415-108-487 Retirement bonus or incentive.** A payment made to an employee as a bonus or incentive when retiring or terminating is not a payment for services rendered. Rather, the payment is made in exchange for an employee's promise or notification of intent to retire or terminate. A retirement or termination bonus or incentive is not reportable compensation.

Example: A collective bargaining agreement authorizes a city to pay employees a higher salary during the last two years of employment if the employee gives written notice of his or her intent to retire or terminate. Because the payment is in exchange for the agreement to retire or terminate and not for services, the payment is not reportable compensation.

NEW SECTION

**WAC 415-108-488 Severance pay not earned over time—Contract buy outs.** Severance pay that is not earned over time is not earned for services rendered and is not reportable. An example of severance pay not earned over time is a payment negotiated as part of termination agreement.

**Example:** At the time of an employee's termination the employer agrees to pay a lump sum payment equal to two months salary. The employer identifies this payment as "severance pay." Because the payment was not earned for services rendered, it is not reportable compensation and will not be included in the retirement calculation.

department determines (~~basic salary~~) earnable compensation based upon the nature of the payment, not the name applied to it, see WAC 415-112-450.

For treatment of severance pay earned over time, see WAC 415-108-458.

**NEW SECTION**

**WAC 415-108-491 Salary imputed to periods of unpaid leave.** In some circumstances specified in statute, a member may elect to establish service credit for periods of unpaid leave. The salary imputed to a member for purposes of calculating contributions owing for such periods of leave is not reportable compensation. Depending on the type of leave, the imputed compensation may or may not be included as average final compensation in calculating a member's retirement allowance.

(1) **Authorized unpaid leave.** RCW 41.40.710 provides Plan II members with an option to establish service credit for periods of unpaid leave. RCW 41.40.038 provides members with an option to establish service credit for periods of disability covered by industrial insurance. Salary imputed to members in order to calculate contributions for such periods is not reportable compensation and can not be included as average final compensation in calculating a member's retirement allowance.

(2) **Military leave.** Salary imputed to a member for purposes of calculating contributions owing for periods of interrupted military service is not reportable compensation. Federal law requires that if a member elects to purchase credit for such periods of military service, and that period falls in the member's average final compensation period, the member is entitled to have the imputed salary he or she would have earned during the period of absence used in the calculation of his or her average final compensation.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 415-108-450 Compensation earnable for Plan I PERS members.
- WAC 415-108-460 Compensation earnable for Plan II PERS members.
- WAC 415-108-490 Back pay award or settlement—Definition—Allocated by the department for retirement system purposes.

**AMENDATORY SECTION** (Amending WSR 97-03-016, filed 1/6/97, effective 2/6/97)

**WAC 415-112-445 Reportable compensation table.**

The following table is provided as a quick reference guide to help you characterize payments under Plan I, Plan II and Plan III. Be sure to turn to the referenced rule to ensure that you have correctly identified the payment in question. The

PROPOSED

Type of Payment	TRS I Reportable Compensation?	TRS II/III Reportable Compensation?
Annual Leave Cash Outs	Yes - WAC 415-112-4605	No - WAC 415-112-4605
Base Contract	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Car Allowances	No - WAC 415-112-41301 <sup>1</sup>	No - WAC 415-112-41301
Cafeteria Plans	Yes - WAC 415-112-4604	Yes - WAC 415-112-4604
Deferred Wages	Yes - WAC 415-112-4609	Yes - WAC 415-112-4609
Disability Payments	No - WAC 415-112-482	No - WAC 415-112-482
Employer Provided Vehicle	No - WAC 415-112-413 <sup>2</sup>	No - WAC 415-112-413
Evening/Summer School	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Extracurricular Contracts	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Employer taxes/contributions	No - WAC 415-112-4609	No - WAC 415-112-4609
Fringe Benefits	No - WAC 415-112-480	No - WAC 415-112-480
Illegal Payments	No - WAC 415-112-485	No - WAC 415-112-485
Legislative Leave	Yes - WAC 415-112-471	Yes - WAC 415-112-471
Longevity/Education Attainment Pay	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Nonmoney Maintenance	Yes - WAC 415-112-412 <sup>3</sup>	No - WAC 415-112-412
Optional Payments	No - WAC 415-112-487	No - WAC 415-112-487
Payments in Lieu of Excluded Items	No - WAC 415-112-470	No - WAC 415-112-470
Performance Bonuses	Yes - WAC 415-112-4603	Yes - WAC 415-112-4603
Retroactive Salary Increase	Yes - WAC 415-112-4607	Yes - WAC 415-112-4607

<sup>1</sup>A portion of the value of an employer car allowance may be reportable in Plan I only, see WAC 415-112-41301

<sup>2</sup>A portion of the value of an employer provided vehicle may be reportable in Plan I only, see WAC 415-112-413.

<sup>3</sup>A portion of the value of nonmoney maintenance provided may be reportable in Plan I only, see WAC 415-112-412.

Type of Payment	TRS I Reportable Compensation?	TRS II/III Reportable Compensation?
Reimbursements	No - WAC 415-112-489	No - WAC 415-112-489
Reinstatement Payments	Yes - WAC 415-112-477	Yes - WAC 415-112-477
Retirement or Termination Bonuses	No - WAC 415-112-490	No - WAC 415-112-490
Severance Pay - Earned Over Time	Yes - WAC 415-112-4608	No - WAC 415-112-4608
Severance Pay - Not Earned Over Time	No - WAC 415-112-491	No - WAC 415-112-491
Sick Leave Cash Outs	No - WAC 415-112-4605	No - WAC 415-112-4605
Supplemental Contracts	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601 <sup>4</sup>
Time Off with Pay	Yes - WAC 415-112-473 WAC 415-112-4605	Yes - WAC 415-112-473 WAC 415-112-4605
Union Leave <sup>5</sup>	Yes - WAC 415-112-475	Yes - WAC 415-112-475
Worker's Compensation	No - WAC 415-112-483	No - WAC 415-112-483

PROPOSED

<sup>4</sup> Reportable only if member is employed in an eligible position.

<sup>5</sup> Only specific types of union leave are reportable, see WAC 415-112-475.

**AMENDATORY SECTION** (Amending WSR 97-03-016, filed 1/6/97, effective 2/6/97)

**WAC 415-112-4608 Severance pay earned over time.**

(1) **Plan I.** Severance pay must be earned over time in the same manner as annual leave or sick leave in order to be deferred compensation for services previously rendered and to be reportable in Plan I. Severance pay is earned over time if the employment contract(s) entered into at the beginning of the period of employment specify that a certain amount of severance pay will be earned in the coming year in consideration for services rendered.

**Example:** Mr. Jones is a TRS Plan I member employed as a school administrator. Since the beginning of his term of employment with the district, his contract has specified that he will earn one week of severance pay for every year of his employment. The earned severance pay will be paid at the time of his separation. His

severance pay is reportable compensation. When Mr. Jones retires, the two weeks severance pay that he earned during his two highest paid years (i.e., one week per year for two years) will be included in his TRS Plan I retirement calculation.

(2) **Plans II and III.** All forms of severance pay are excluded from earnable compensation for Plans II and III by RCW 41.32.010(10).

(3) Severance pay that is not earned over time is not earned for services rendered and is not reportable in Plan I, II, or III, see WAC 415-112-491.

**AMENDATORY SECTION** (Amending WSR 97-03-016, filed 1/6/97, effective 2/6/97)

**WAC 415-112-4609** (~~Payments earned by, but not made to a member.~~) **Payroll deductions.** Salary or wages

for services rendered that are withheld from a member's pay still qualify as reportable compensation.

(1) **Retirement contributions.** Payments deducted from employee compensation for employee retirement contributions are reportable. Employer contributions are a fringe benefit and are not reportable, see WAC 415-112-480.

(2) **Tax withholding.** Payments withheld to satisfy federal tax obligations qualify as reportable compensation.

(3) **Voluntary deductions.** Payments deducted voluntarily, such as 403(b) plan contributions or other authorized deductions, are reportable.

### WSR 98-01-070

#### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LICENSING

[Filed December 12, 1997, 9:02 a.m.]

The Department of Licensing hereby withdraws WSR 97-21-056 filed with your office on October 14, 1997.

Nancy Kelly, Administrator  
Title and Registration Services

### WSR 98-01-094

#### WITHDRAWAL OF PROPOSED RULES GAMBLING COMMISSION

(By the Code Reviser's Office)

[Filed December 16, 1997, 8:30 a.m.]

WAC 230-04-125, proposed by the Gambling Commission in WSR 97-11-017, appearing in issue 97-12 of the State Register, which was distributed on June 18, 1997, 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 98-01-118

#### PROPOSED RULES INSURANCE COMMISSIONER'S OFFICE

[Filed December 18, 1997, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-23-077.

Title of Rule: Electronic authentication (digital signatures).

Purpose: Establish and clarify the application of the Electronic Authentication Act (chapter 19.34 RCW) to the Insurance Code and regulations.

Other Identifying Information: Insurance Commissioner Matter No. R 97-6.

Statutory Authority for Adoption: RCW 48.02.060.

Statute Being Implemented: Title 48 RCW.

Summary: The rule establishes and clarifies that documentation can be "delivered" electronically, and that "writing" and "signature" and related terms apply as provided in the Electronic Authentication Act.

Reasons Supporting Proposal: The application of these provisions might be unclear without the rule, or harder to identify.

Name of Agency Personnel Responsible for Drafting Implementation and Enforcement: G. W. Taylor, P.O. 40257, Olympia, WA 98504, (360) 438-7696.

Name of Proponent: Insurance Commissioner Deborah Senn, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Various laws and rules currently phrase requirements assuming that all transactions occur using-paper documents, and assuming that all transactions will happen face-to-face or over the phone. There are currently requirements that disclosure notices must be delivered or left with the consumer. The proposed rule would clarify or establish how an insurer can comply with delivery requirements, and other similar current laws and rules, where transaction is accomplished by electronic communications. It would also establish standards for what constitutes "signature" and "writing" under the Insurance Code and rules.

Proposal does not change existing rules.

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

#### Economic Impact Analysis and Small Business Economic Impact Statement

Introduction: This report analyzes a proposed rule related to the application of the Electronic Authentication Act (chapter 19.34 RCW). The proposed rule clarifies disclosure delivery requirements and other similar current rules, where the transaction is accomplished by electronic communication. This evaluation is completed to demonstrate that the proposed rule produces probable benefits while imposing no additional costs on the regulated industry.

Background: Various laws and rules currently phrase requirements assuming that all transactions occur using paper documents, and assuming that all transaction will happen face-to-face or over the phone. There are rules that currently require insurers to deliver disclosure notices to consumers. The proposed rule would clarify or establish how an insurer can comply with delivery requirements, and other similar current laws and rules, where the transaction is accomplished by electronic communications.

Federal Law and Other State Law: This rule does not conflict with any other state or federal law or rule.

Industry Codes: The proposed rules would potentially affect all insurance companies (industry codes #6311, #6321, #6324, #6331, #6351, #6361, #6399, #6411).

Probable Costs: The proposed rule does not impose any costs on the regulated industry. The proposed rule improves the efficiency and clarity of regulation concerning the Electronic Authentication Act. The rule does not restrict current delivery requirements and does not impose new filing requirements. The commissioner recognizes the potential for costs associated with the time required to read and comprehend the proposed rule. These probable costs would be insignificant relative to the benefits associated with the proposed rule.

Probable Benefits: The proposed rule would clarify the application of certain parts of the Electronic Authentication

Act (chapter 19.34 RCW) to the Insurance Code and regulations. The rules produce benefits for both insurance companies and insureds. In some situations, paper and ink transactions prove to be expensive, slow, cumbersome, and inefficient relative to modern electronic modes of doing business. The proposed rule improves the efficiency of these transactions by allowing for electronic transactions to substitute for many of the more burdensome paper transactions. The rule is set up to accommodate new and easier methods of doing business as long as these practices are fair to insureds and insurers.

**Small Business Impact:** The proposed rule does not impose a disproportionately higher economic burden on small businesses within the four-digit classification. There are no filing requirements associated with the proposed rule. The rule is being proposed to permit more flexibility and improve the efficiency of business transactions in the insurance industry. Small businesses will not be required to change their business practices to comply with the proposed rule.

**Mitigation:** Mitigation to reduce the economic impact of the proposed rule on small businesses is not necessary because there are no cost impacts on small businesses. The proposed amendments could be considered a form of mitigation because they provide potentially more benefits to both insurers and consumers, without imposing costs on the regulated industry.

**Industry Involvement:** Businesses that will be affected by the proposed rule were invited to provide input to the commissioner's staff throughout the rule-writing process. A Preproposal Statement of Inquiry was filed for the rule on November 19, 1997. All comments received by the commissioner have been in support of this rule.

**Conclusion:** The proposed rule increases the potential benefits to insureds and insurers without increasing the costs of compliance. The proposed rule also clarifies requirements related to the Electronic Authentication Act. The rule does not impose any direct costs on the regulated industry. The proposed rule benefits insurers as well as insureds. Because the rule increases potential benefits without imposing any direct costs on insureds, it is reasonable to conclude that the probable benefits of this proposed rule are greater than probable costs.

A copy of the statement may be obtained by writing to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0256, Internet e-mail KacyB@oic.wa.gov, FAX (360) 407-0351.

RCW 34.05.328 does not apply to this rule adoption. This is an "interpretive rule" within the meaning of that law.

**Hearing Location:** Conference Room Downstairs, RoweSix, Building 4, 4224 6th Avenue S.E., Lacey, WA, on January 27, 1998, at 9:00.

**Assistance for Persons with Disabilities:** Contact Steve Carlsberg by January 23, 1998, TDD (360) 664-3154.

**Submit Written Comments to:** Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0256, Internet e-mail KacyB@oic.wa.gov, FAX (360) 407-0351, by January 26, 1997 [1998].

**Date of Intended Adoption:** January 30, 1998.

December 18, 1997  
Greg J. Scully  
Chief Deputy Commissioner

## NEW SECTION

**WAC 284-01-050 Provisions relating to electronic authentication.** (1) The term "deliver" as used in Title 48 RCW and Title 284 WAC includes delivery by message, as "message" is defined in RCW 19.34.020. Where any provision in Title 48 RCW or Title 284 WAC requires that a writing be given or mailed to someone or left with someone or the like, the requirement is satisfied by delivery of a message, as "message" is defined in RCW 19.34.020.

(2) Where any provision in Title 48 RCW or Title 284 WAC requires that something be "written," or otherwise requires a writing, that requirement is met by anything that is a "writing" within the meaning of RCW 19.34.320.

(3) Where any provision in Title 48 RCW or Title 284 WAC requires that something be "signed," or otherwise requires a signature, that requirement is met by anything that is deemed "signed" under RCW 19.34.300.

### **WSR 98-01-120**

#### **PROPOSED RULES**

#### **INSURANCE COMMISSIONER'S OFFICE**

[Filed December 18, 1997, 11:55 a.m.]

Continuance of WSR 97-21-151.

Preproposal statement of inquiry was filed as WSR 97-13-072.

**Title of Rule:** Filing of contract forms and rate schedules.

**Other Identifying Information:** Insurance Commissioner Matter No. R 97-2.

**Date of Intended Adoption:** January 7, 1998.

Greg J. Scully  
Chief Deputy Commissioner

### **WSR 98-01-121**

#### **PROPOSED RULES**

#### **INSURANCE COMMISSIONER'S OFFICE**

[Filed December 18, 1997, 11:58 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 97-20-141.

**Title of Rule:** Annuity mortality table.

**Purpose:** The proposed rule making will permit insurers to use a mortality table recently adopted by the National Association of Insurance Commissioners (NAIC).

**Other Identifying Information:** Insurance Commissioner Matter No. 97-5.

**Statutory Authority for Adoption:** RCW 48.02.060.

**Statute Being Implemented:** RCW 48.02.060.

**Summary:** The proposed amendment to WAC 284-74-010 will permit insurers to use a mortality table recently adopted by the NAIC.

**Reasons Supporting Proposal:** WAC 284-74-010 was adopted in 1987 and has not been amended since that date, while mortality rates among persons purchasing annuities has changed significantly.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Roy Olson, Olympia, Washington,

PROPOSED

(360) 753-7305; and Enforcement: Ida Zodrow, Olympia, Washington, (360) 664-8137.

Name of Proponent: Insurance Commissioner Deborah Senn, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment to WAC 284-74-010 will permit insurers to use a mortality table recently adopted by the National Association of Insurance Commissioners. WAC 284-74-010 was adopted in 1987 and has not been amended since that date; while mortality rates among persons purchasing annuities has changed. The rule is in response to a petition for adoption presented to the Insurance Commissioner by the American Council of Life Insurance (ACLI).

Proposal Changes the Following Existing Rules: The proposed rule amends WAC 284-74-010 to permit insurers to use a new mortality table.

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

Evaluation of Probable Costs and Benefits and Small Business Economic Impact Statement  
Insurance Commissioner Matter No. R 97-5

Introduction: This report analyzes a proposal to amend rules to recognize revised annuity mortality tables for use in determining the minimum standard of valuation and reserve liabilities for annuity and pure endowment contracts. The changes are proposed as a result of improved life expectancies among annuitants. This evaluation is completed to demonstrate that the proposed changes are made to reflect current demographic conditions and are not overly burdensome on either the insurer or insured. An analysis of the economic impact on small businesses is also included as part of this evaluation.

Background: In December 1996, the National Association of Insurance Commissioners adopted a revised Model Rule for Recognizing Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities. The purpose of revising this rule is to recognize new mortality tables, the Annuity 2000 Mortality Table and the 1994 Group Annuity

Reserving Table (GAR), for use in determining the minimum standard of valuation for annuity and pure endowment contracts.

The expectation of life continues to increase and studies continue to show general mortality improvements among annuitants of 1% and 2% per year<sup>1</sup>. One result of the improved mortality is that annuity reserves must be increased to adequately measure an insurer's liability to provide benefits over an annuitant's longer life expectancy. To provide a consistent basis for these higher reserves, the Society of Actuaries developed and recommended a new Annuity 2000 Mortality Table for valuing individual annuities and the 1994 Group Annuity Reserving Table for valuing group annuities.

Federal Law and Other State Law: The proposed rules do conflict with any other state and federal laws.

Industry Codes: The proposed rules would affect all insurers selling annuity contracts in the state of Washington. This would affect Life Insurance Companies (industry code #6311).

Probable Costs: The proposed rules potentially impose short-term costs on insurers and insureds by updating the mortality rates used to value annuity contracts and reserve liability. Insurers will be required to hold higher reserves for new annuity business to reflect the probability of annuitants living longer lives. It is believed that the valuation techniques currently in use are based on outdated mortality rates. The expectation of life continues to increase and studies continue to show general mortality improvements among annuitants of 1% and 2% per year. As actual mortality levels improve, they begin to erode the margins built into the mortality tables currently in use, making them inadequate for valuation purposes.

Although these modifications may impose short-term burdens, the purpose of the rule is to restore an overall balance between premiums, reserves and future annuity payments. To understand the balance of annuity income as a function of mortality rates, a whole life annuity formula for an annuitant issued at age forty is listed below in EQ #1. This formula does not take into consideration expenses (e.g. administrative, operations, commission, etc.).

EQ #1

$$Y = x \cdot a_{40}$$

Y = total present value of annuity contract

x = annuity payment received by insured

$a_{40}$  = the actuarial present value of 1 unit of payment by insurer to the insured at the end of each year as long as the person survives (issued at age 40).

$$a_{40} = \sum_{k=1}^{\infty} 1 \cdot v^k \cdot {}_k p_{40}$$

k = time period

${}_k p_{40}$  = probability of 40 year old person surviving k years

v = discount factor

Using the relationships in the equations above, one observes that improvements in mortality would increase  ${}_k p_{40}$ .

An increase in  ${}_k p_{40}$  would lead to an increase in  $a_{40}$ . In order to maintain the contract value of Y while  $a_{40}$  is

increasing,  $x$  (the annuity payments) must decrease. It would seem that if annuity payments ( $x$ ) are decreasing, an annuitant's benefits are decreasing; however, if  $a_{40}$  realistically reflects improved life expectancies, the present value of all annuity payments received over a lifetime ( $Y$ ) should remain the same. In order for the annuity contracts to be appropriately valued,  $a_{40}$  must be based on appropriate mortality rates. If people are living longer than what is reflected in the mortality rate tables, annuitants will receive relatively more income from an annuity over a lifetime than what was originally expected (when the policy was issued). Although the annuitant comes out ahead in this situation, over the long run, it is essential that expectations and contract valuations are based on appropriate data because reserves are also determined as a function of mortality rates. If overall actual life expectancies are significantly higher than the life expectancy rates used for annuity valuation calculations, insurers may be holding insufficient amounts of reserves to pay future claims.

**Probable Benefits:** When new mortality tables are required for regulatory purposes, it is desirable to insurers that they also be available to increase a company's tax reserve deduction under Internal Revenue Code Section 807(d). This section provides that a company must use for tax purposes "... the most recent commissioner's standard tables prescribed by the NAIC which are permitted to be used in computing reserves for that type of contract under the insurance laws of at least twenty-six states when the contract was issued." While a new mortality table may be required for regulatory purposes after a few states have adopted it, the tables cannot be used for tax purposes until it is permitted under the laws of at least twenty-six states. By adopting this rule, insurers are a step closer to being able to take tax deductions on the revised reserves.

**Small Business Impact:** The proposed rule making does not impose a disproportionately higher economic burden on small businesses within the four-digit classification. There are no filing requirements associated with the proposed rules. The rules are updated to reflect current mortality rates of annuitants so that more appropriate standards for valuation and reserve liabilities can be used in a consistent manner. In addition, the adoption of new mortality tables will potentially assist small companies by permitting them to increase tax reserve deductions. Small businesses will not be required to change their business practices to comply with the proposed rules.

**Mitigation:** To allow for a transition period, the proposed tables have been introduced as an option until April 1, 1998. Any further mitigation would defeat the purpose of using improved mortality tables based on current data.

**Industry Involvement:** The commissioner received a petition for rule making from the American Council of Life Insurance on September 17, 1997. The petition requested that the commissioner adopt new individual and group annuity valuation mortality tables as rules. In response to this petition, a CR-101 was filed for the rules and businesses that would be affected by the proposed rules were invited to provide input to the commissioner's staff throughout the rule-writing process. The Preproposal Statement of Inquiry was filed for the rule on October 1, 1997.

**Conclusion:** The rules are proposed in response to a petition for rule making from the American Council of Life Insurance and recently adopted model regulation from the National Association of Insurance Commissioners. This proposal updates the rules relating to annuity reserves and tables in order to reflect current mortality rates. Although these rules may impose short-term costs on both insurers and insureds, the rules are needed to appropriately value annuities and determine annuity reserves.

<sup>1</sup>Final Report 1994 Group Annuity Mortality Table and 1994 Group Annuity Reserving Table by the Society of Actuaries Group Annuity Valuation Table Task Force, May 1995, Pages 23-24.

A copy of the statement may be obtained by writing to Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, Internet e-mail KacyB@oic.wa.gov, FAX (360) 407-0351.

RCW 34.05.328 applies to this rule adoption.

**Hearing Location:** Conference Room Downstairs, RoweSix, Building 4, 4224 6th Avenue S.E., Lacey, WA, on February 3, 1998, at 9:00.

**Assistance for Persons with Disabilities:** Contact Steve Carlsberg, TDD (360) 664-3154.

**Submit Written Comments to:** Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, Internet e-mail KacyB@oic.wa.gov, FAX (360) 407-0351, by February 1, 1998.

**Date of Intended Adoption:** February 17, 1998.

Greg J. Scully  
Chief Deputy Commissioner

AMENDATORY SECTION (Amending Order R 87-3, filed 2/18/87)

**WAC 284-74-010 1983 Annuity tables.** The purpose of this section is to recognize new mortality tables, the 1983 table "a" and the 1983 GAM table, for use in determining the minimum standard of valuation for annuity and pure endowment contracts, except as otherwise provided in WAC 284-74-020.

(1) The 1983 table "a" mortality table, which was developed by the society of actuaries committee to recommend a new mortality basis for individual annuity valuation and adopted as a recognized mortality table for annuities in June 1982 by the National Association of Insurance Commissioners (NAIC), and which is set forth in NAIC Proceedings, 1982 Vol. II, p. 454, is recognized and approved as an individual annuity mortality table for valuation and, at the option of the company, may be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued (~~or delivered in this state~~) on or after July 10, 1982.

(2) The 1983 table "a" referred to in subsection (1) of this section is to be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued (~~or delivered in this state~~) on or after January 1, 1988.

(3) The 1983 GAM mortality table, which was developed by the society of actuaries committee on annuities and adopted as a recognized mortality table for annuities in December 1983 by the NAIC, and which is set forth in NAIC Proceedings, 1984 Vol. I, pp. 414-415, and the 1983

table "a" mortality table referred to in subsection (1) of this section, are recognized and approved as group annuity mortality tables for valuation and, at the option of the company, either table may be used for purposes of valuation for any annuity or pure endowment purchased on or after July 10, 1982, under a group annuity or pure endowment contract.

(4) The 1983 GAM table referred to in subsection (3) of this section is to be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after January 1, 1988 under a group annuity or pure endowment contract.

#### NEW SECTION

**WAC 284-74-020 Annuity 2000 and 1994 GAR tables.** The purpose of this section is to recognize the following mortality tables for use in determining the minimum standard of valuation for annuity and pure endowment contracts: The annuity 2000 mortality table, and the 1994 group annuity reserving (1994 GAR) table.

(1) This section does not apply to an individual annuity or pure endowment contract, if the contract is based on life contingencies and is issued to fund periodic benefits arising from:

(a) Settlements of various forms of claims pertaining to court settlements or out of court settlements from tort actions;

(b) Settlements involving similar actions such as worker's compensation claims; or

(c) Settlements of long term disability claims where a temporary or life annuity has been used in lieu of continuing disability payments.

(2) The annuity 2000 mortality table, which was developed by the society of actuaries committee on life insurance research and adopted as a recognized mortality table for annuities in December 1996 by the National Association of Insurance Commissioners (NAIC), and which is set forth in *Transactions, Society of Actuaries*, Vol. XLVII (1995), p. 240, is recognized and approved as an individual annuity mortality table for valuation and shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after April 1, 1998. At the option of the company, the annuity 2000 mortality table may be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 1998.

(3) The 1994 GAR table, which was developed by the society of actuaries group annuity valuation table task force and adopted as a recognized mortality table for annuities in December 1996 by the NAIC, and which is set forth in *Transactions, Society of Actuaries*, Vol. XLVII (1995), pp. 866 and 867, is recognized and approved as a group annuity mortality table for valuation and shall be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after April 1, 1998, under a group annuity or pure endowment contract. At the option of the company, the 1994 GAR table may be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after January 1, 1998, under a group annuity or pure endowment contract.

(4) In using the 1994 GAR table, the mortality rate for a person age  $x$  in year  $(1994 + n)$  is calculated as follows:

$$q_x^{1994+n} = q_x^{1994} (1 - AA_x)^n,$$

where the  $q_x^{1994}$  and  $AA_x$ s are as specified in the 1994 GAR table.

**WSR 98-01-126**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed December 18, 1997, 1:20 p.m.]

Original Notice.

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

Title of Rule: WAC 388-250-1700 Standards of assistance—Federal, state supplemental, and combined benefit levels for clients eligible for supplemental security income (SSI).

Purpose: The department will revise the SSI state supplement amount to stay within allotted levels and pass along the federal 2.1 percent cost-of-living adjustment (COLA).

Statutory Authority for Adoption: RCW 74.04.600.

Statute Being Implemented: RCW 74.04.620, 62 Fed. Reg. Number 210 (October 30, 1997).

Summary: This change will restore the SSI state supplement amount to within \$1.00 of November 1997 levels and pass along the federal COLA thereby allowing the department to meet federal pass along requirements for 1998. Already filed as an emergency adoption under WSR 97-24-035.

Reasons Supporting Proposal: Required by federal law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Hargrave, P.O. Box 45470, Olympia, WA 98504, (360) 413-3104.

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

Rule is necessary because of federal law, 62 Fed. Reg. Number 210 (October 30, 1997).

Explanation of Rule, its Purpose, and Anticipated Effects: Purpose: The department plans to change the method of determining the supplemental security income (SSI) state supplement amount to stay within allotted levels. Under the Balanced Budget Act of 1997, SSI state supplement expenditures are expected to exceed allotments, so the department will return to the "total expenditure method" to hold expenditures to allotted levels. Under this method, state supplement expenditures in the current calendar year must "meet, or exceed" total expenditures in the prior calendar year. This rule is also necessary to pass along the federal 2.1 percent cost-of-living adjustment (COLA) for the SSI program.

On January 1, 1998, the department will restore the state supplement payment to \$1.00 below November 1997 levels, and extend the reduction to the entire caseload. The state will also pass along the federal SSI cost-of-living adjustment (COLA) on January 1, 1998, which will offset the impact of the reduced amount of the state supplement for clients.

Proposal Changes the Following Existing Rules: Amends WAC 388-250-1700 Standards of assistance—Supplemental security income. See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Change in SSI state supplement standards does not affect small business.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to the Department of Social and Health Services rules concerning client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 102, Lacey, WA 98503, on January 27, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by January 16, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by January 27, 1998.

Date of Intended Adoption: No sooner than January 28, 1998.

December 17, 1997  
Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 97-14-011, filed 6/19/97, effective 8/1/97)

**WAC 388-250-1700 Standards of assistance—Federal, state supplemental and combined benefit levels for clients eligible for supplemental security income.** ((Effective January 1, 1997, the standards of SSI assistance paid to an eligible individual and couple are:

(1) Living alone (own household or alternate care, except nursing homes or medical institutions):

	Standard	Federal SSI Benefit	State Supplement
<b>Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties</b>			
Individual	\$512.00	\$484.00	\$ 28.00
Individual with one essential person	748.00	726.00	22.00
<b>Couple:</b>			
Both eligible	748.00	726.00	22.00
Includes one essential person	748.00	726.00	22.00
Includes ineligible spouse	652.20	484.00	168.20
<b>Area II: All Counties Other Than the Above</b>			
Individual	\$491.55	484.00	7.55
Individual with one essential person	726.00	726.00	0
<b>Couple:</b>			
Both eligible	726.00	726.00	0
Includes one essential person	726.00	726.00	0
Includes ineligible spouse	622.25	484.00	138.25

**Areas I and II:**

Eligible individual with more than one essential person: \$484.00 for eligible individual plus \$242.00 for each essential person (no state supplement):

Eligible couple with one or more essential persons: \$726.00 for eligible couple plus \$242.00 for each essential person (no state supplement):

**(2) Shared living (Supplied shelter): Area I and II**

	Standard	Federal SSI Benefit	State Supplement
Individual	\$328.48	\$322.67	\$ 5.81
Individual with one essential person	490.30	484.00	6.30
<b>Couple:</b>			
Both eligible	490.30	484.00	6.30
Includes one essential person	490.30	484.00	6.30
Includes ineligible spouse	426.43	322.67	103.76

**Area I and II:**

Eligible individual with more than one essential person: \$322.67 for eligible individual plus \$161.33 for each essential person (no state supplement):

Eligible couple with one or more essential persons: \$484.00 for eligible couple plus \$161.33 for each essential person (no state supplement):

**(3) Residing in a medical institution: Area I and II**

	Standard	Federal SSI Benefit	State Supplement
No change	\$41.62	\$30.00	\$11.62

(4) Mandatory income level (MIL) for grandfathered claimant. Increased by three dollars and seventy-eight cents for all MIL clients, except for those converted in a "D" living arrangement (residing in a medical institution at the time of conversion:-))

(1) Supplemental Security Income (SSI) is a cash assistance program for needy individuals and couples who meet federal disability guidelines as aged, blind or disabled. Since the SSI program began in January 1974, the state of Washington has supplemental the federal benefit level with state funds, known as the SSI state supplement. Persons found eligible for SSI receive cash assistance based on the combined federal and state supplement benefit levels, minus countable income.

(2) Effective January 1, 1998, the federal, state and combined benefit levels for an eligible individual and couple are:

(a) Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties.

(i) Living alone (own household or alternate care, except nursing homes or medical institutions).

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<u>LIVING ALONE</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Federal/State Benefit Level</u>
<u>Individual</u>	<u>\$494.00</u>	<u>\$27.00</u>	<u>\$521.00</u>
<u>Individual with One Essential Person<sup>1</sup></u>	<u>\$741.00</u>	<u>\$21.00</u>	<u>\$762.00</u>
<u>Couple, both Eligible</u>	<u>\$741.00</u>	<u>\$21.00</u>	<u>\$762.00</u>
<u>Couple with One Essential Person<sup>2</sup></u>	<u>\$741.00</u>	<u>\$21.00</u>	<u>\$762.00</u>
<u>Couple includes Ineligible Spouse</u>	<u>\$494.00</u>	<u>\$167.20</u>	<u>\$661.20</u>

(ii) Shared living (supplied shelter).

<u>SHARED LIVING</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Benefit Level</u>
<u>Individual</u>	<u>\$329.34</u>	<u>\$4.81</u>	<u>\$334.15</u>
<u>Individual with One Essential Person<sup>3</sup></u>	<u>\$494.00</u>	<u>\$5.30</u>	<u>\$499.30</u>
<u>Couple, Both Eligible</u>	<u>\$494.00</u>	<u>\$5.30</u>	<u>\$499.30</u>
<u>Couple includes One Essential Person<sup>4</sup></u>	<u>\$494.00</u>	<u>\$5.30</u>	<u>\$499.30</u>
<u>Couple includes Ineligible Spouse</u>	<u>\$329.34</u>	<u>\$102.76</u>	<u>\$432.10</u>

(b) Area II: All counties other than the above.

(i) Living alone (own household or alternate care, except nursing homes or medical institutions).

<u>LIVING ALONE</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Federal/State Benefit Level</u>
<u>Individual</u>	<u>\$494.00</u>	<u>\$6.55</u>	<u>\$500.55</u>
<u>Individual with One Essential Person<sup>1</sup></u>	<u>\$741.00</u>	<u>\$0</u>	<u>\$741.00</u>
<u>Couple, Both Eligible</u>	<u>\$741.00</u>	<u>\$0</u>	<u>\$741.00</u>
<u>Couple with One Essential Person<sup>2</sup></u>	<u>\$741.00</u>	<u>\$0</u>	<u>\$741.00</u>
<u>Couple includes Ineligible Spouse</u>	<u>\$494.00</u>	<u>\$137.25</u>	<u>\$631.25</u>

(ii) Shared living (supplied shelter).

<u>SHARED LIVING</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Benefit Level</u>
<u>Individual</u>	<u>\$329.34</u>	<u>\$4.81</u>	<u>\$334.15</u>
<u>Individual with One Essential Person<sup>3</sup></u>	<u>\$494.00</u>	<u>\$5.30</u>	<u>\$499.30</u>
<u>Couple, Both Eligible</u>	<u>\$494.00</u>	<u>\$5.30</u>	<u>\$499.30</u>
<u>Couple includes One Essential Person<sup>4</sup></u>	<u>\$494.00</u>	<u>\$5.30</u>	<u>\$499.30</u>
<u>Couple includes Ineligible Spouse</u>	<u>\$329.34</u>	<u>\$102.76</u>	<u>\$432.10</u>

(c) Residing in a medical institution: Area I and II

<u>MEDICAL INSTITUTION</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Benefit Level</u>
<u>Individual</u>	<u>\$30.00</u>	<u>\$11.62</u>	<u>\$41.62</u>

(d) Mandatory income level (MIL) for grandfathered claimant. "Grandfathered" refers to a person who qualified for assistance from the state as aged, blind, or disabled, was converted from the state to federal disability assistance under SSI in January 1974, and has remained continuously eligible for SSI since that date.

The combined federal/state SSI benefit level for MIL clients is the higher of the following:

(i) The state assistance standard they received in December 1973, except for those converted in a "D" living arrangement (residing in a medical institution at the time of

conversion), plus the federal cost-of-living adjustments (COLA) since then; or

(ii) The current standard.

<sup>1</sup> Eligible individual with more than one essential person living alone: \$494.00 for the eligible individual plus \$247.00 for each essential person (no state supplement).

<sup>2</sup> Eligible couple with one or more essential persons living alone: \$741.00 for eligible couple plus \$247.00 for each essential person (no state supplement).

<sup>3</sup> Eligible individual with more than one essential person in shared living: \$329.34 for eligible individual plus \$164.66 for each essential person (no state supplement).

<sup>4</sup> Eligible couple with one or more essential persons in shared living: \$494.00 for eligible couple plus \$164.66 for each essential person (no state supplement).

**WSR 98-01-127**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed December 18, 1997, 1:25 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-08-035.

Title of Rule: WAC 388-511-1160 SSI-related resource exemptions.

Purpose: This amendment is to ensure appropriate exemption of an automobile when determining eligibility for medical assistance. It increases the amount of the exemption to \$5,000 as allowed under less restrictive federal methodology. It exempts funds received under a class settlement in the case of Susan Walker v. Bayer Corporation, et al., 96-C-5024 (N.D.Ill.) (May 8, 1997).

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, and 74.04.057.

Statute Being Implemented: 42 CFR 435.601 and Section 4735 of the Federal Balanced Budget Act of 1997 (P.L. 105-33 (H.R. 2015)).

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 617 8th S.E., Olympia, WA, (360) 753-7462.

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

Rule is necessary because of federal law, 42 CFR 435.601 and Section 4735 of the Balanced Budget Act of 1997 (P.L. 105-33 (H.R. 2015)).

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses. It concerns eligibility policy and affects only clients and staff.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vii) exempts the Department of Social and Health Services rules that relate only to client medical program eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104B, Lacey, WA 98503, on January 27, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by January 16, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292 or pwall@dshs.wa.gov, by January 27, 1998.

Date of Intended Adoption: No sooner than January 28, 1998.

December 18, 1997  
Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 97-03-034, filed 1/9/97, effective 2/9/97)

**WAC 388-511-1160 SSI-related resource exemptions.**

(1) ~~((The department shall exempt the following resources in))~~ When determining eligibility for SSI-related medical care programs, the following resources are exempt:

(a) ~~One home~~ ((+ "Home" means)), which may be any shelter ~~((+ (A)))~~ in which ~~((+ (A)))~~ the client has ownership interest ~~((+ and~~

~~((B)))~~ , when:

~~((i))~~ The client uses ~~((as))~~ the ~~((principal place of residence. The department shall only consider one))~~ home as the ~~((client's))~~ principal place of residence ~~((-~~

~~((ii))~~ The client's absence from the home shall not affect the home exemption. The client's home shall remain the principal place of residence as long as:

~~((A))~~ The client intends to return home. The department shall accept the client's statement of intent without challenge; or

~~((B))~~ A client's spouse or dependent relative uses the home during the client's absence. The department shall:

~~((i))~~ Consider a person a dependent relative when such a person is either financially or medically dependent on the client; and

~~((ii))~~ Accept the client's or dependent relative's written statement of dependency or relationship unless the department has reason to question such statement.

~~((iii))~~ The department shall exempt the proceeds from the sale of the home providing the client uses the proceeds to purchase another home within three months of the receipt of the proceeds. Proceeds include:

~~((A))~~ Real estate contracts or any similar home financing arrangements; and

~~((B))~~ The amount of income that does not reflect interest from such a contract.

~~((iv))~~ The department shall evaluate transfers of the home by an institutional client or client's spouse under WAC 388-513-1365;

~~((b)))~~;

(ii) The client's spouse resides in the home; or

(iii) The client does not currently live in the home and the client:

(A) Intends to return to the home; and

(B) Provides the department with an oral or written statement of the intent.

(iv) A relative resides in the home when:

(A) The relative is financially or medically dependent on the client; and

(B) The client or dependent relative provides the department with a written statement of the dependency.

(b) Proceeds from the sale of the home described under subsection (1)(a) of this section when the client purchases another home within three months of receipt of the proceeds.

Proceeds include:

(i) Cash; or

(ii) A real estate contract or similar home financing arrangement with the exception of the amount of income from such a contract that represents interest payments. See subsection (2) of this section when the client does not intend to purchase another home within the three-month time period.

(c) Household goods and personal effects;

~~((e)) (d) One vehicle(, the department shall~~

~~(i) Exempt one vehicle regardless of its value if, for) with up to five thousand dollars in equity value. The five thousand dollar limitation does not apply when the client or a member of the client's household, uses the vehicle ((is~~

~~(A) Necessary for employment; or~~

~~(B) Necessary for the treatment of a specific or regular medical problem; or~~

~~(C) Modified for operation by, or transportation of, a handicapped person; or~~

~~(D) Necessary due to climate, terrain, distance, or similar factors to provide the client transportation to perform essential daily activities.~~

~~(ii) Exempt one of the client's vehicles up to the extent its current market value does not exceed four thousand five hundred dollars;~~

~~(iii) Count any excess against the resource limit;~~

~~(iv) Exempt a vehicle under this subsection only if a vehicle is not exempt under (e)(i) of this subsection;~~

~~(v) Treat the client's ownership of other vehicles as nonexempt resources and count the equity value toward the resource limit.~~

~~(d)) as described under 20 CFR 416.1218(b)(1).~~

~~(e) Property essential to self-support((- The department shall exempt)):~~

~~(i) ((Property)) Regardless of value, when the client uses the property for income-producing activity:~~

~~(A) In a trade or business; or~~

~~(B) As an employee for work((, or~~

~~(C) As authorized by the government for income-producing activity)).~~

~~(ii) Nonbusiness property up to six thousand dollars in equity, when the client uses the property for producing:~~

~~(A) Goods or services essential to daily activities, solely for the client's household;~~

~~((iii) Nonbusiness property up to six thousand dollars equity, when the client uses the property to produce))~~

~~(B) An annual income return of six percent or more of the exempt equity; or ((is expected to produce at least)).~~

~~(C) A six percent return within a twenty-month period ((as long as)) when the client((,~~

~~(A) Currently)) uses the property, or is expected to resume using the property within twelve months in the activities described in subsection (1)((d)) (e) of this section((, or~~

~~(B) Is expected to resume using the property in the activities described in subsection (1)(d) of this section within twelve months;~~

~~(e)):~~

~~(f) Resources necessary for a blind or disabled client to fulfill an approved self-sufficiency plan ((for a blind or disabled client to achieve self-support as long as such plan remains in effect;~~

~~(f)):~~

~~(g) Alaska Native Claims Settlement Act including:~~

~~(i) Shares of stock held in a regional or village corporation;~~

~~(ii) Cash ((received)) or dividends on stock received from a native corporation((, including cash dividends on stock received from a native corporation)) up to ((the extent the cash does not exceed)) two thousand dollars per person per year;~~

~~(iii) Stock issued ((or distributed)) by a native corporation as a dividend ((or distribution on the stock));~~

~~(iv) A partnership interest;~~

~~(v) Land or an interest in land((, including land or an interest in land received from a native corporation, as a dividend or distribution on stock)); and~~

~~(vi) An interest in a settlement trust.~~

~~((g) Life insurance:~~

~~(i) The department shall exempt the total cash surrender value when the total face value of all policies held by each person is one thousand five hundred dollars or less;~~

~~(ii) The cash surrender value applies to the resource limit under WAC 388-511-1110 if the face value of all policies held by each person is over one thousand five hundred dollars; and~~

~~(iii) When determining total face value in subsection (1)(g)(i) of this section, the department shall not include term or burial insurance with no cash surrender value.))~~

~~(h) The total cash surrender value (CSV) of a life insurance policy or policies when the total face value of all policies held by the client is one thousand five hundred dollars or less. For a client whose policies have a total face value of more than one thousand five hundred dollars apply the CSV to the resource limit described under WAC 388-511-1110.~~

~~(i) Restricted allotted land owned by an enrolled tribal member and spouse, ((if married,)) if ((such)) the land cannot be ((sold, transferred, or otherwise)) disposed of without the permission of other persons, the tribe, or an agency of the federal government;~~

~~((f)) (j) A settlement the client receives for the purpose of repairing or replacing a specific exempt resource for a period of:~~

~~(i) Nine months when the client uses the total amount of the cash to repair or replace the exempt resource;~~

~~(ii) Nine additional months when:~~

~~(A) Circumstances beyond the control of the client prevent the repair or replacement of the exempt resource; and~~

~~(B) The client uses the total amount of the cash to repair or replace the exempt resource; and~~

(iii) Twelve additional months, for a maximum of thirty months, when:

(A) The settlement is a result of a catastrophe which is declared a major disaster by the President of the United States;

(B) The exempt resource is geographically within the disaster area as defined by the presidential order;

(C) The client intends to repair or replace the exempt resource; and

(D) Circumstances beyond the control of the client prevented the repair or replacement of the exempt resource in the time frames described under subsection (1)((+))(i) and (ii) of this section.

~~(iv) ((The department shall consider))~~ Except, any settlement excluded and not used within the allowable time period as described under subsection (1)((+))(i) of this section as an available resource.

~~((+))~~ (k) Burial spaces for the client, the client's spouse, or any member of the client's immediate family~~(-)~~ including:

~~(i) ((The department shall consider burial spaces includes))~~ Conventional grave sites~~(-)~~;

(ii) Crypts(-);

(iii) Mausoleums(-);

(iv) Urns(-) and other repositories customarily ((and traditionally)) used for the remains of deceased persons(-

~~(ii) The department shall consider burial spaces as including); or~~

(v) A burial space purchase agreement as well as any interest accrued on and left to accumulate as part of the value of the burial space purchase agreement.

~~((iii))~~ For purposes of subsection (1)((+))~~and~~ (k) of this section, "immediate family" means a client's minor and adult children, including adopted children and stepchildren; a client's brothers, sisters, parents, adoptive parents, and the spouses of those persons. ~~((The department shall not consider))~~ Dependency or living-in-the-same-household ~~((es))~~ are not factors in determining whether a person is an immediate family member;

~~((k) Burial funds:~~

~~(i) The department shall ensure funds specifically set aside for the burial arrangements of a client or the client's spouse not exceed one thousand five hundred dollars for each spouse. The department shall count burial funds in excess of this limit toward the resource limit in WAC 388-511-1110.~~

~~(ii) The department shall require funds set aside for burial expenses to be kept separate from all other resources and separately identified and designated as set aside for burial. If the exempt burial funds are mixed with other resources, the department shall not apply this exemption to any portion of the funds unless the client intends to use the nonexempt funds for burial related items or services. The department may exempt designated burial funds retroactively back to the first day of the month in which the person intended the funds to be set aside for burial.~~

~~(iii) Funds set aside for burial include revocable burial contracts, burial trusts, other burial arrangements, cash, accounts, or other financial instruments with a definite cash value the person clearly designates as set aside solely for the person's or spouse's burial expenses.~~

~~(iv) The department shall reduce the one thousand five hundred dollar exemption by:~~

~~(A) The face value of the client's insurance policies owned by the person or spouse on the life of the person if the policies have been exempted as provided in subsection (1)(g) of this section; and~~

~~(B) Amounts in an irrevocable burial trust.~~

~~(v) The department shall exempt the interest earned on exempt burial funds and appreciation in the value of exempt burial arrangements if the exempt interest and appreciation are left to accumulate and become part of the separately identified burial fund.~~

~~(vi) When used for other purposes, the department shall consider as available income any exempt burial funds, interest, or appreciated values set aside for burial expenses if, at the first of the month of use, when added to other nonexempt resources, the total exceeds the resource limit;))~~

(l) Burial funds:

(i) Up to one thousand five hundred dollars each for a client or a client's spouse when funds are specifically set aside solely for burial expenses;

(ii) In a revocable burial contract, burial trust, cash, account, or other financial instrument with a definite cash value; and

(iii) Including interest earned and appreciation in the value of exempt burial funds when left to accumulate and become part of the burial fund;

(iv) "Specifically set aside solely for burial expenses" means funds:

(A) Kept separate from all other resources except nonexempt funds the client intends to use solely for burial-related items or services and identified as a burial fund; and

(B) Which may be designated as burial funds back to the first day of the month in which the person intended the funds to be set aside for burial.

(v) Limitation described under subsection (1)(l)(i) of this section is reduced by:

(A) The face value of insurance policies owned by the client or spouse if the policies have been exempted as provided in subsection (1)(h) of this section; and

(B) Amounts in an irrevocable burial trust.

(vi) Except:

(A) Burial funds mixed with other resources lose exemption status; or

(B) When any exempt burial funds, interest, or appreciated values are used for another purpose, the funds are considered as available income if, at the first of the month of use, when added to other nonexempt resources, the total exceeds the resource limit.

(m) Other resources considered exempt by federal statute;

~~((m))~~ (n) Retroactive SSI payments, including benefits a client receives under the interim assistance reimbursement agreement with the Social Security Administration, or OASDI payments for six months following the month of receipt. This exemption applies to:

(i) Payments received by the client, spouse, or any other financially responsible person ((received that the department considers available to meet the client's needs));

(ii) SSI payments made to the client for benefits due for a month before the month of payment;

(iii) OASDI payments made to the client for benefits due for a month that is two or more months before the month of payment; and

(iv) Payments that remain in the form of cash, checking accounts, or saving accounts. ~~((The department shall not apply))~~ This exemption does not apply once the retroactive payment has been converted to any other form.

~~((n))~~ ~~Payments for medical or social services, for one calendar month following the month of receipt, certain)~~

(o) Cash payments an SSI person receives from a ((governmental or nongovernmental)) medical or social service agency to pay for medical or social services for one calendar month following the month of receipt;

~~((e))~~ (p) Restitution payment and any interest earned from ((such)) the payment to persons of Japanese or Aleut ancestry relocated and interned during war time, under P.L. 100-383;

~~((p))~~ (q) The annuity payment of trust funds to Puyallup Tribal Indians received under P.L. 101-41;

~~((q))~~ (r) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

~~((r))~~ (s) Payments from the Dutch government under the Netherlands' Act on Benefits for Victims of Persecution (WUV). See WAC 388-511-1140 (1)(aa) for the treatment of interest earned on such payment.

~~((s))~~ (t) Payments to ((certain)) survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on ((conserved)) payment is not exempt;

~~((t))~~ ~~Unspent assistance payments the client receives because of a presidential declaration of a major disaster, under P.L. 93-288, are exempt for nine months from the date of receipt.~~

~~(i) The department shall determine the exemption may extend an additional nine months, if circumstances beyond the client's control:~~

~~(A) Prevents the client from repairing or replacing the damaged or destroyed property; or~~

~~(B) Keeps the client from contracting for such repair or replacement.~~

~~((ii) Interest earned on the exempt resource is exempt for the period the exemption applies;))~~

(u) Earned income tax credit refunds and payments are exempt during the month of receipt and the following month;

(v) Payments from a state administered victim's compensation program for a period of nine calendar months after the month of receipt;

(w) Payments, or interest accrued on payments received under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents;

(x) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall:

(i) Not consider such payments as income or resources for determining eligibility or post-eligibility; and

(ii) Count the interest from such payments as unearned income for the client;

(y) Payments from *Susan Walker v. Bayer Corporation*, et al., 96-C-5024 (N.D. Ill.) (May 8, 1997) settlement funds.

~~(2) ((The department shall consider))~~ A sales contract is an:

~~(a) ((An))~~ Exempt resource when the current market value of the contract:

(i) Is zero or the contract is unsalable; or

(ii) When combined with other resources, exceeds the resource limit, and the sales contract was executed:

(A) On or before November 30, 1993; or

(B) On or after December 1, 1993, and:

(I) Was received as compensation for the sale of the client's principal place of residence ((For an institutionalized client, this rule shall apply only to the client's principal place of residence before institutionalization of the client));  
~~((and))~~

(II) Provides for an interest rate within prevailing rates at the time of the sale; ((and))

(III) Requires the repayment of a principal amount equal to the fair market value of the property; and

(IV) Payment on the amount owed does not exceed thirty years.

~~(iii) ((The department shall consider payment))~~ Refer to WAC 388-505-0590(4)(b) for treatment of principal and interest on a sales contract meeting the criteria of subsection (2)(a)(i) or (ii) of this section ((under WAC 388-505-0590 (4)(b));)

~~(b) ((An))~~ Available resource when the ((current market value of a)) sales contract does not meet the requirements in subsection (2)(a)(i) or (ii) of this section. For a sales contract the department determines to be an available resource, ((the department shall consider)) the payment that represents:

(i) Principal, is an available resource; and

(ii) Interest, ((under)) refer to WAC 388-505-0590 (4)(c).

~~(c) ((An))~~ Available resource when transferred by the client to a person other than the client's spouse. See WAC 388-513-1365((, and

~~(d) An exempt resource to the extent the proceeds from the sale of a home are used to purchase another home. The department shall not consider payments received under such sales contract as income as described under subsection (1)(a)(iii) of this section))~~

~~(3) ((The department shall consider))~~ Cash received from the sale of an exempt resource ((as)) is a nonexempt resource ((to the extent that)) unless the cash is ((not)):

(a) Used to replace an exempt resource; or

(b) Invested in an exempt resource within the same month, unless specified differently, under this section.

### WSR 98-01-134

#### PROPOSED RULES

#### INSURANCE COMMISSIONER'S OFFICE

[Filed December 19, 1997, 8:35 a.m.]

Continuance of WSR 97-22-108.

Preproposal statement of inquiry was filed as WSR 96-24-108.

Title of Rule: Accelerated life insurance benefits.

Other Identifying Information: Insurance Commissioner Matter No. R 96-13.

Summary: Continuation of adoption date.

Date of Intended Adoption: January 7, 1998.  
December 18, 1997  
Greg J. Scully  
Chief Deputy Commissioner

**WSR 98-01-139**  
**PROPOSED RULES**  
**PERSONNEL RESOURCES BOARD**  
[Filed December 19, 1997, 9:45 a.m.]

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

Title of Rule: WAC 356-05-390 Seniority.  
Purpose: This rule pertains to seniority.  
Statutory Authority for Adoption: Chapter 41.06 RCW.  
Statute Being Implemented: RCW 41.06.150.

Summary: This modification is to clarify the amount of time that will be credited to seniority when an employee is off the state payroll due to a reduction-in-force.

Name of Agency Personnel Responsible for Drafting: Sharon Peck, 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.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule defines seniority and describes circumstances where adjustments to this date may be needed. When an employee is off the state payroll due to a reduction-in-force, the time spent off the state payroll will be credited for the period of time the employee is eligible to be placed on the reduction-in-force register. This modification clarifies that this time is a maximum of three years.

Proposal does not change existing rules.  
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. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on February 12, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by February 5, 1998, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by February 10, 1998.

Date of Intended Adoption: February 12, 1998.  
December 17, 1997  
Dennis Karras  
Secretary

**AMENDATORY SECTION** (Amending WSR 89-16-030, filed 7/25/89, effective 9/1/89)

**WAC 356-05-390 Seniority.** A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the ((state)) personnel resources board or the director. Service in positions brought under the jurisdiction of the ((state)) personnel resources board or the director by statute is counted as though it had previously been under the jurisdiction of the ((state)) personnel resources board. Leaves of absence granted by agencies and separations due to reduction in force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is approved for the reasons cited in WAC 356-18-220(2), or statutes require it be credited. Time spent off the state payroll due to reduction in force will be credited for that period of time the employee is eligible to be placed on the reduction in force register, for a maximum of three years for each reduction in force occurrence. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(26), WAC 356-06-055 and 356-30-330. Time spent under the jurisdiction of the higher education personnel ((board)) rules will be added when the employee comes under the jurisdiction of the ((state)) personnel resources board through the provisions of WAC 356-49-040. The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or the deceased veteran's spouse as defined in WAC 356-05-470.

**WSR 98-01-140**  
**PROPOSED RULES**  
**PERSONNEL RESOURCES BOARD**  
[Filed December 19, 1997, 9:47 a.m.]

Continuance of WSR 97-24-041.  
Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 251-19-100 Transfer—Lateral movement—Voluntary demotion.

Purpose: This rule pertains to transfers, lateral movements, and voluntary demotions.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on February 12, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by February 5, 1998, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by February 10, 1998.

Date of Intended Adoption: February 12, 1998.  
December 17, 1997  
Dennis Karras  
Secretary

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**WSR 98-01-141  
PROPOSED RULES  
PERSONNEL RESOURCES BOARD**

[Filed December 19, 1997, 9:49 a.m.]

Continuance of WSR 97-24-037.

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

Title of Rule: WAC 356-06-120 Americans with Disabilities Act of 1990—Federal and state preemption and 251-04-170 Americans with Disabilities Act of 1990—Federal and state preemption.

Purpose: The purpose of these rules is to remove any possible conflict between state laws or the Americans with Disabilities Act of 1990 and the Personnel Resources Board rules.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on February 12, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by February 5, 1998, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by February 10, 1998.

Date of Intended Adoption: February 12, 1998.

December 17, 1997

Dennis Karras  
Secretary

**WSR 98-01-142  
PROPOSED RULES  
PERSONNEL RESOURCES BOARD**

[Filed December 19, 1997, 9:50 a.m.]

Continuance of WSR 97-24-040.

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

Title of Rule: WAC 251-19-105 Accommodation due to disability.

Purpose: This rule pertains to accommodation due to disability.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on February 12, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by February 5, 1998, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by February 10, 1998.

Date of Intended Adoption: February 12, 1998.

December 17, 1997

Dennis Karras  
Secretary

**WSR 98-01-147  
PROPOSED RULES  
HORSE RACING COMMISSION**

[Filed December 19, 1997, 1:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-04-059.

Title of Rule: WAC 260-32-180 amended and WAC 260-32-360 repealed.

Purpose: WAC 260-32-180 dealing with fees associated with riders, payment thereof. Repealing WAC 260-32-360 regarding apprentice allowances and extensions.

Other Identifying Information: Specifically regarding payment of double jock mount fees.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: To detail fees paid for riding of horses in a race, when a double jock fee may be owing a rider first selected to ride then replaced at the last moment by another rider.

Reasons Supporting Proposal: Request of the National Jockey Guild to clarify this rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To clarify and define the fees related to jockeys riding in race meets, when a double jock fee may be required to be paid in certain circumstances.

Proposal Changes the Following Existing Rules: Amending WAC 260-32-180 to reflect the possibility of payment of a double jockey fee in certain circumstances.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These changes will not affect more than 20% or less than 10% of the population. A small business economic impact statement was not prepared.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, on January 27, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Bruce Batson by January 26, 1998, (360) 459-6462.

Submit Written Comments to: Bruce Batson, FAX (360) 459-6462, by January 26, 1998.

Date of Intended Adoption: January 27, 1998.

December 18, 1997

Bruce Batson  
Executive Secretary

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

260-32-360 Apprentice allowances and extensions.

**AMENDATORY SECTION** (Amending Order 4, filed 12/24/69)

**WAC 260-32-180 Fees.** (1) Jockey's riding fees, for a meeting must be approved by the commission.

(a) If any owner or trainer engages two or more jockeys for the same race, he shall pay the losing fee for each engaged jockey not riding in the race, as well as the proper fee to the jockey who does ride. In the event an owner or trainer elects to remove a jockey from his/her mount after scratch time, the stewards may require a double jockey fee to be paid. The double jockey fee to be paid shall be equal to that earned by the jockey who rode the race.

(b) A jockey's fee shall be considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned if the jockey, of his own free will, takes himself off his mount, where injury to the horse or rider is not involved. Any conditions or considerations not covered by the above ruling shall be at the discretion of the stewards.

(2) In a dead heat the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other or others. Likewise, the owners of the horses involved shall pay their equal share.

**WSR 98-01-152****PROPOSED RULES****DEPARTMENT OF CORRECTIONS**

[Filed December 22, 1997, 10:27 a.m.]

The following Department of Corrections rules amend WAC 137-28-150 and 137-28-190. They are submitted for publication in the Register and the Washington Administrative Code. Pertinent information is as follows:

1. Amendment to WAC 137-28-150 and amendment to WAC 137-28-190 are proposed for adoption.

2. I certify, pursuant to RCW 34.05.030 [(1)](c), that the rules stated above are internal to the management of offenders in the custody of the Department of Corrections and do not affect outside members of the public. These rules are exempt from the Washington State Administrative Procedure Act.

Original Notice.

Title of Rule: Chapter 137-28 WAC, Prisons—Discipline.

Purpose: To clarify and confirm that offenders may be subject to criminal prosecution for persistent prison misbehavior under RCW 9.94.070.

Statutory Authority for Adoption: RCW 72.09.130, 72.01.090, 9.94.070.

Statute Being Implemented: RCW 72.09.130 and 9.94.070.

Summary: These rules clarify and confirm the statutory basis for the department's disciplinary code as it relates to persistent prison misbehavior, and specify that the superintendent of an institution must refer a violation of RCW 9.94.070 to law enforcement authorities for felony prosecution. These rules facilitate a review of and provide an opportunity for comment on the department's disciplinary code in light of the potential for felony prosecution under RCW 9.94.070.

Reasons Supporting Proposal: With the enactment of RCW 9.94.070, offenders are subject to criminal prosecution for persistent prison misbehavior based on a violation of a "serious infraction" as defined by the Department of Corrections. The department's disciplinary code specifies a number of serious infractions. See WAC 137-28-260; WAC 137-56-110. Over the years, the department has developed considerable experience in implementing and refining the disciplinary code. The department believes that the disciplinary code is understandable to offenders, and ensures the effective and fair administration of discipline within adult correctional facilities. The department believes that review of the disciplinary code and these proposed changes will further the effective and lawful implementation of RCW 72.09.130 and 9.94.070.

Name of Agency Personnel Responsible for Drafting: Gary Banning, P.O. Box 41114, Olympia, WA, (360) 753-5770; Implementation and Enforcement: Eldon Vail, P.O. Box 41123, Olympia, WA, (360) 664-0488.

Name of Proponent: Washington State Department of Corrections, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules clarify and confirm the statutory basis for the department's disciplinary code, specify that the prison superintendent must refer a violation of RCW 9.94.070 to law enforcement authorities for felony prosecution, and facilitate comment and review of the department's disciplinary code in light of the potential for felony prosecution under RCW 9.94.070. Although the department is exempt from formal rule making under RCW 34.05.030 (1)(c), through this rule-making proceeding the department seeks to further its reasonable and consistent implementation of authority delegated pursuant to RCW 72.09.130 and 9.94.070.

Proposal Changes the Following Existing Rules: WAC 137-28-150 and 137-28-190. Adds statutory basis for the Department of Corrections' disciplinary code and specifies that the institution superintendent must refer a violation of RCW 9.94.070 to law enforcement authorities for felony prosecution. The changes facilitate a review of and provide an opportunity for comment on the department's disciplinary code in light of the potential for felony prosecution under RCW 9.94.070.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not affect businesses.

RCW 34.05.328 does not apply to this rule adoption. These rules are exempt from chapter 34.05 RCW.

Hearing Location: 9th Floor Conference Room, 410 West 5th, Olympia, WA, on January 30, 1998, at 1:30 p.m. pst.

Assistance for Persons with Disabilities: Contact Marilyn Varpness by January 28, 1998, (360) 753-5770.

Submit Written Comments to: FAX (360) 664-2009, by January 30, 1998.

Date of Intended Adoption: February 4, 1998.

December 19, 1997  
Joseph D. Lehman  
Secretary

PROPOSED

**AMENDATORY SECTION** (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

**WAC 137-28-150 Authority.** The authority for this chapter is RCW 72.01.090, RCW 72.09.130, and RCW 9.94.070..

**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 95-15-044, filed 7/13/95, effective 8/15/95)

**WAC 137-28-190 Reporting to law enforcement authorities.** (1) The superintendent shall report any felony under state or federal law to law enforcement authorities.

(2) When an offender knowingly commits an additional serious infraction after losing all potential earned early release time credits, the Superintendent will report that offender to local law enforcement authorities for possible felony prosecution under RCW 9.94.070.

~~((2))~~ (3) If a violation has been reported to law enforcement authorities, inmates who have been charged with an infraction shall not be questioned about the incident outside of a formal disciplinary hearing or an administrative segregation hearing until after it has been determined that no prosecution will occur or until a finding of guilty is made.

~~((3))~~ (4) No provisions of these rules shall prevent the administrative segregation of any inmate.

**WSR 98-01-164**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
[Filed December 22, 1997, 4:03 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 97-21-136.

**Title of Rule:** EMS and trauma care system trust account—Disbursement (pursuant to SB 5127 amending chapter 70.168 RCW).

**Purpose:** To disburse funds in the trust account. "Emergency medical services and trauma care are provided to all residents of the state regardless of a person's ability to pay. Historically, hospitals and health care providers have been able to recover some of their financial losses incurred in caring for an uninsured or underinsured person by charging persons able to pay more. In recent years, the health care industry has undergone substantial changes. With the advent of managed health care programs and the adoption of new cost control measures, some hospitals and health care providers assert that it is difficult to shift costs for uninsured and underinsured patients onto insured patients." (Chapter 70.168 RCW).

**Statutory Authority for Adoption:** Chapter 70.168 RCW and SB 5127 (1997).

**Statute Being Implemented:** Chapter 70.168 RCW.

**Summary:** The rules provide a framework for the Department of Health to disburse the EMS and trauma care fund to providers of trauma care.

**Reasons Supporting Proposal:** The proposal is in response to a legislative requirement.

**Name of Agency Personnel Responsible for Drafting:** Shane Sanderson, 2725 Harrison Avenue N.W., Olympia, WA, (360) 705-6727; and **Implementation:** Janet Griffith, 2725 Harrison Avenue N.W., Olympia, WA, (360) 705-6745.

**Name of Proponent:** Department of Health, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This rule provides a framework for distribution of the EMS and trauma care system fund established in chapter 70.168 RCW.

Trauma care providers (EMS agencies, hospitals, physicians, etc.) will be compensated, at least in part, for providing care to trauma patients, without regard to the patient's ability-to-pay. This will encourage providers to participate in an organized response to trauma situations. The department will use three methods to distribute funds:

- Payment to providers of major trauma care for the Department of Social and Health Services medical assistance clients and for certain other patients who meet the Department of Health-defined eligibility criteria.
- "Participation grants" to compensate services for their availability to the comprehensive trauma care system, in order to assure access to trauma care.
- "Needs grants" to prehospital agencies that are otherwise not able to meet RCW and WAC standards.

Reimbursement for uncompensated trauma care will help to assure the availability of all components needed for a comprehensive trauma system in all parts of the state.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not impose an economic burden on any small businesses.

RCW 34.05.328 applies to this rule adoption. These rules are significant because (1) they subject program ineligibility for not complying with the rule and (2) the rule establishes qualifications or processes for program eligibility. A significant rule analysis is available in the rule-making file.

**Hearing Location:** 1101 Eastside Street, Room 16, Olympia, WA, on January 27, 1998, at 9:00 a.m.

**Assistance for Persons with Disabilities:** Contact Tami Schweppe by January 16, 1998, TDD (800) 833-6388, or (360) 705-6748.

**Submit Written Comments to:** Janet Griffith, Director, P.O. Box 47853, Olympia, WA 98504-7853, FAX (360) 705-6706, by January 16, 1998.

**Date of Intended Adoption:** January 27, 1998.

December 22, 1997  
Bruce Miyahara  
Secretary

## EMERGENCY MEDICAL SERVICES AND TRAUMA CARE SYSTEM TRUST ACCOUNT

### NEW SECTION

**WAC 246-976-935 Emergency medical services and trauma care system trust account.** RCW 70.168.040 establishes the emergency medical services and trauma care system trust account. With the advice of the EMS/TC steering committee, the department will develop a method to budget and distribute funds in the trust account. The department may use an injury severity score to define a major trauma patient. Initially, the method and budget will be based on the department's *Trauma Care Cost Reimbursement Study, final report (October 1991)*. The committee and the department will review the method and the budget at least every two years.

(1) Definitions: The following phrases used in this section mean:

(a) "Initial acute episode of injury" refers to care that is related to a major trauma. This can include prehospital care, resuscitation, stabilization, inpatient care and/or subsequent transfer, and rehabilitation. It does not include outpatient care or later readmission.

(b) "Needs grant" is a trust account payment that is based on a demonstrated need to develop and maintain service that meets the trauma care standards of chapter 70.168 RCW and this chapter. Needs grants are awarded to verified trauma care ambulance or aid services. Services must be able to show that they have looked for other resources without success before they will be considered for a needs grant.

(c) "Participation grant" refers to a trust account payment designed to compensate the recipient for participation in the state's comprehensive trauma care system. These grants are intended as a tool for assuring access to trauma care. Participation grants are awarded to:

- (i) Verified trauma care ambulance or aid services;
- (ii) Designated trauma care services; and
- (iii) Designated trauma rehabilitation services.

(2) The department will distribute trust account funds to:

- (a) Verified trauma care ambulance and aid services;
- (b) Designated trauma care services:

- (i) Levels I-V general; and
- (ii) Levels I-III pediatric;

(c) Physicians and other clinical providers who:

- (i) Are members of designated trauma care services;
- (ii) Meet the response-time standards of this chapter;
- (iii) Provide care for major trauma patients during the initial acute episode of injury. This includes physiatrists who consult on rehabilitation during the acute hospital stay, or who provide care in a designated trauma rehabilitation service;

(iv) Complete trauma records in a timely manner according to the trauma care services current requirements; and

- (v) Participate in quality assurance activities;
- (d) Designated trauma rehabilitation services:

- (i) Levels I-III; and
- (ii) I-pediatric.

(3) The department's distribution method for verified trauma care ambulance and aid services will include at least:

(a) Participation grants, which will be awarded once a year to services that comply with verification standards. The department will review the compliance requirements annually;

(b) Needs grants, based on the service's ability to meet the standards of chapter 70.168 RCW and chapter 246-976 WAC (this chapter). The department may consider:

- (i) Level of service (BLS, ILS, ALS);
- (ii) Type of service (aid or ambulance);
- (iii) Response area (rural, suburban, urban, wilderness);
- (iv) Volume of service;
- (v) Other factors that relate to trauma care;

(4) The department's distribution method for designated trauma care services, levels I-V general and I-III-pediatric will include at least:

(a) Participation grants, which will be awarded once a year only to services that comply with designation standards. The department will review the compliance requirements annually. The department may consider:

- (i) Level of designation;
- (ii) Service area (rural, suburban, urban, wilderness);
- (iii) Volume of service;
- (iv) The percentage of uncompensated major trauma care;

(v) Other factors that relate to trauma care;

(b) Increased payment by the department of social and health services for major trauma care for medical assistance clients during the initial acute episode of injury;

(5) The department's distribution method for physicians and other clinical providers included in subsection (2)(c) of this section will include at least:

(a) Increased payment by the department of social and health services for trauma care and rehabilitation of medical assistance clients, using medicare rates as a benchmark;

(b) Partial reimbursement for care of other major trauma patients who meet DOH eligibility criteria. The department's criteria will consider at least:

- (i) The patient's ability to pay;
- (ii) The patient's eligibility for other health insurance, such as medical assistance or Washington's basic health plan;
- (iii) Other sources of payment.

(6) The department's distribution method for designated trauma rehabilitation services, levels I-III and I-pediatric will include at least:

(a) Participation grants, which will be awarded once a year only to services that comply with designation standards. The department will review the compliance requirements annually. The department may consider:

- (i) Level of designation;
- (ii) Volume of service;
- (iii) Other factors that relate to trauma care;

(b) Partial reimbursement for trauma rehabilitation provided during the initial acute episode of injury for major trauma patients who:

(i) Meet DOH eligibility criteria. The department's criteria will include at least:

- (A) Residence in Washington at the time of injury;
- (B) The patient's ability to pay;
- (C) The patient's eligibility for other health insurance, such as medical assistance or Washington's basic health plan;

(D) Other sources of payment;

(ii) Were admitted for rehabilitation service within ninety days of the injury;

(c) The department will give priority to acute inpatient rehabilitation services.

(7) Chapter 70.168 RCW requires regional match of state funds from the emergency medical services and trauma care trust account. Contributions to regional matching funds may include:

(a) Hard match;

(b) Soft match:

(i) The value of services provided by volunteer prehospital agencies;

(ii) Local government support;

(iii) The cost of care by designated trauma care services which exceeds insurance or patient payment;

(iv) The value of volunteer time (excluding any expenses paid with state funds) to establish and operate:

(A) State EMS/TC committees and their subcommittees;

(B) Regional and local EMS/TC councils, and their committees and subcommittees;

(C) Regional and local quality assurance programs;

(D) Injury prevention and public education programs;

(E) EMS training and education programs;

(F) Trauma-related stress management and support programs;

(c) The department will determine the value of personnel time included in soft match, to be applied state-wide.

**WSR 98-01-166**

**PROPOSED RULES**

**DEPARTMENT OF HEALTH**

[Filed December 22, 1997, 4:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-17-064.

Title of Rule: Administrative procedures and requirements for credential health care providers.

Purpose: Consolidation of the administrative requirements for health care credentials from forty-three different profession's WACs to a single chapter.

Other Identifying Information:

WACs - New, Repealed or Amended

PROGRAM	WAC	Repeal/Amend/New
Admin Procedures and Requirements	246-12-001	New
	246-12-010 thru 140	New
	246-12-160	New
	246-12-165	New
	246-12-170 thru 360	New
Adult Family Homes	246-328-100	Repeal
	246-328-150	Repeal
	246-328-200	Amend
	246-328-990	Amend
Acupuncture	246-802-020	Repeal
	246-802-025	Amend
	246-802-090	Amend
	246-802-250	Amend
	246-802-990	Amend
Chiropractic	246-808-105	Amend
	246-808-106	Repeal
	246-808-150	Amend
	246-808-155	Amend
	246-808-160	Repeal
	246-808-165	Amend
	246-808-180	Amend
	246-808-181	New
	246-808-185	Repeal
	246-808-215	Amend
	246-808-990	Amend
Counselor	246-810-020	Repeal
	246-810-022	Repeal
	246-810-080	Amend
	246-810-130	Amend
	246-810-140	Repeal
Denturist	246-810-990	Amend
	246-812-120	Amend
	246-812-140	Repeal
	246-812-160	Amend
	246-812-161	New
Dental Hygienist	246-812-990	Amend
	246-812-995	New
	246-815-020	Amend
	246-815-040	Repeal
	246-815-100	Amend
	246-815-140	Amend
	246-815-150	Repeal
	246-815-300	Repeal
	246-815-990	Amend

PROPOSED

PROGRAM	WAC	Repeal/Amend/New
Dental	246-817-110	Amend
	246-817-150	Amend
	246-817-201	Repeal
	246-817-210	Amend
	246-817-990	Amend
Dietitian/Nutritionist	246-822-110	Repeal
	246-822-120	Amend
	246-822-140	Repeal
	246-822-990	Amend
Dispensing Opticians	246-824-020	Amend
	246-824-040	Amend
	246-824-071	Amend
	246-824-073	Amend
	246-824-074	New
	246-824-075	Amend
	246-824-170	Amend
	246-824-990	Amend
	246-824-995	New
	Health Care Assistant	246-826-050
246-826-230		Amend
246-826-990		Amend
246-826-995		New
Hearing & Speech	246-828-050	Repeal
	246-828-295	Amend
	246-828-300	Amend
	246-828-370	Amend
	246-828-510	Amend
	246-828-520	Repeal
	246-828-530	Amend
	246-828-540	Repeal
	246-828-560	Repeal
	246-828-990	Amend
Massage	246-830-035	Amend
	246-830-050	Repeal
	246-830-230	Amend
	246-830-270	Amend
	246-830-460	Amend
	246-830-465	Repeal
	246-830-470	Repeal
	246-830-480	Repeal
	246-830-990	Amend
Midwifery	246-834-060	Amend
	246-834-065	Amend
	246-834-170	Amend
	246-834-200	Amend
	246-834-260	Amend

PROGRAM	WAC	Repeal/Amend/New
	246-834-400	New
	246-834-500	Repeal
Naturopath	246-836-070	Repeal
	246-836-080	Amend
	246-836-090	Repeal
	246-836-410	Amend
	246-836-990	Amend
Nursing	246-840-010	Amend
	246-840-020	Amend
	246-840-040	Amend
	246-840-080	Amend
	246-840-090	Amend
	246-840-100	Repeal
	246-840-110	Repeal
	246-840-111	New
	246-840-115	Repeal
	246-840-120	Amend
	246-840-340	Amend
	246-840-350	Amend
	246-840-360	Amend
	246-840-365	Amend
	246-840-410	Amend
	246-840-440	Amend
	246-840-450	Amend
	246-840-990	Amend
Nursing Assistant	246-841-520	New
	246-841-610	Amend
	246-841-990	Amend
Nursing Home Administrator	246-843-150	Amend
	246-843-155	Repeal
	246-843-158	Repeal
	246-843-160	Repeal
	246-843-162	Amend
	246-843-180	Amend
	246-843-230	Amend
	246-843-250	Repeal
	246-843-320	Repeal
	246-843-330	Amend
	246-843-990	Amend
Nursing Pool	246-845-100	Repeal
	246-845-990	Amend
Occupational Therapy	246-847-055	Amend
	246-847-060	Repeal
	246-847-065	Amend
	246-847-068	Amend
	246-847-070	Amend

PROPOSED

PROGRAM	WAC	Repeal/Amend/New
	246-847-190	Amend
	246-847-200	Repeal
	246-847-990	Amend
Ocularist	246-849-110	Amend
	246-849-210	Amend
	246-849-220	Amend
	246-849-260	Amend
	246-849-990	Amend
	246-849-995	New
Optometrist	246-851-020	Repeal
	246-851-090	Amend
	246-851-100	Repeal
	246-851-220	Repeal
	246-851-240	Repeal
	246-851-430	Amend
	246-851-510	Repeal
	246-851-990	Amend
Osteopathic Physician	246-853-040	Repeal
	246-853-045	Amend
	246-853-060	Amend
	246-853-080	Amend
	246-853-210	Amend
	246-853-230	Amend
	246-853-240	Repeal
	246-853-270	Repeal
	246-853-275	Repeal
	246-853-990	Amend
Osteopathic Physician Assistant	246-854-050	Amend
	246-854-080	Amend
	246-854-110	Amend
Osteopathic PA - Acupuncture	246-855-100	Amend
Pharmacy, etc.	246-861-010	Amend
	246-861-020	Amend
	246-861-120	Repeal
	246-863-030	Amend
	246-863-050	Repeal
	246-863-070	Amend
	246-863-080	Amend
	246-863-090	Amend
	246-863-120	Amend
	246-869-050	Repeal
	246-879-070	Amend
	246-887-020	Amend
	246-901-065	Amend
	246-901-120	Amend
	246-907-020	Repeal

PROGRAM	WAC	Repeal/Amend/New
	246-907-030	Amend
	246-907-995	New
Physical Therapist	246-915-010	Amend
	246-915-050	Amend
	246-915-060	Repeal
	246-915-080	Repeal
	246-915-085	Amend
	246-915-090	Repeal
	246-915-110	Amend
	246-915-990	Amend
Physician Asst.	246-918-006	Repeal
	246-918-080	Amend
	246-918-081	New
	246-918-085	Repeal
	246-918-170	Amend
	246-918-180	Amend
	246-918-990	Amend
Physician	246-919-030	Repeal
	246-919-305	Repeal
	246-919-380	Amend
	246-919-400	Repeal
	246-919-410	Repeal
	246-919-420	Repeal
	246-919-430	Amend
	246-919-440	Repeal
	246-919-460	Amend
	246-919-480	Amend
	246-919-990	Amend
Podiatric Physician	246-922-070	Amend
	246-922-275	Repeal
	246-922-280	Repeal
	246-922-285	Amend
	246-922-290	Amend
	246-922-295	Amend
	246-922-300	Amend
	246-922-320	Repeal
	246-922-990	Amend
	246-922-995	New
Psychologist	246-924-110	Amend
	246-924-120	Repeal
	246-924-230	Amend
	246-924-290	Repeal
	246-924-320	Repeal
	246-924-490	Repeal
	246-924-500	Amend
	246-924-990	Amend

PROPOSED

PROPOSED

PROGRAM	WAC	Repeal/Amend/New
Radiological Technologist	246-926-160	Repeal
	246-926-170	Amend
	246-926-200	Amend
	246-926-990	Amend
	246-926-995	New
Respiratory Care	246-928-090	Repeal
	246-928-190	Amend
	246-928-990	Amend
Sex Offender Treatment Provider	246-930-020	Amend
	246-930-400	Repeal
	246-930-410	Amend
	246-930-420	Amend
	246-930-430	Repeal
	246-930-431	New
	246-930-990	Amend
	246-930-995	New
Veterinarian	246-933-180	Repeal
	246-933-305	Amend
	246-933-420	Amend
	246-933-430	Repeal
	246-933-470	Repeal
	246-933-480	Amend
	246-933-980	Repeal
	246-933-990	Amend
Veterinary Animal Technician	246-935-125	Repeal
	246-935-130	Amend
	246-935-990	Amend
Certified Veterinary Med Clerks	246-937-050	Amend
	246-937-080	Amend
	246-937-100	Repeal
	246-937-990	Amend

Statutory Authority for Adoption: RCW 18.130.040.  
 Statute Being Implemented: Uniform Disciplinary Act.

Summary: 1996 legislation (HB 2151) directed the Department of Health, in consultation with health profession boards and commissions, to consolidate the administrative requirements for the licensure, certification, and registration of health care providers credentialed under the Uniform Disciplinary Act. The intent was to create a single, uniform process for credentialing health care providers.

Reasons Supporting Proposal: To increase the effectiveness and fairness of the regulation of different providers by creating a single process for credentialing.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Diana Ehri, Health

Services Administrator, 1300 Quince Street, Olympia, WA, (360) 753-9177.

Name of Proponent: Washington State Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Consolidation of the administrative procedures for health care credentials. Currently, the forty-three different professions's credentialed providers each have sections in their WACs that describe the administrative requirements to obtain a credential. These rule changes will amend and replace in the WACs of each profession. The result will be a single chapter that describes administrative procedures.

Each profession will retain the ability to make or recommend substantive rule changes for their respective professions.

Areas included in these rule changes include: Application for initial credential, renewal of the credential, expired credentials, inactive credentials, documentation of continuing education, and documentation of HIV/AIDS education. Consolidation of these procedures in one chapter will minimize variation and provide greater consistency in the regulatory process.

**Proposal Changes the Following Existing Rules:** These changes will remove administrative procedures and requirements from the WACs that regulate forty-three different professions. Parts of the existing WAC sections will be amended and parts will be replaced. References in each of the forty-three different chapters will be made to the new chapter 246-12 WAC.

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

### **Economic Impact Analysis and**

### **Small Business Economic Impact Statement**

**I. Background:** 1996 legislation (HB 2151) directed the Department of Health, in consultation with health profession boards and commissions, to consolidate the administrative requirements for the licensure, certification, and registration of health care providers credentialed under the Uniform Disciplinary Act, RCW 18.130.040. The intent was to create a single, uniform process for credentialing health care providers. The legislation stated the process must be in rule.

To accomplish this, the department created new chapter 246-12 WAC. Chapter 246-12 WAC consolidates administrative requirements across the forty-three credentialed professions. The chapter includes the administrative procedures for initial and renewal credentials for providers, initial and renewal credentials for businesses, inactive credentials, retired active credentials, suspensions, continuing education, AIDS prevention and information education requirements, duplicate credentials or wall certificates, provider name and address changes, fees payments and refunds.

Individual boards and commissions retain the ability to make or recommend additional requirements that are unique to their respective professions, such as continuing competency or continuing education. However, the basic administrative procedures will be the same for all professions.

### **II. Financial Impact on Regulated Parties:**

**Recordkeeping and Reporting:** Currently, the recordkeeping and reporting requirements to acquire a credential, whether it be licensure, certification, or registration, are found in the rules of each separate profession. Chapter 246-12 WAC changes this by creating a single administrative path to acquire a credential. Variation that currently exists will be minimized. The providers who will benefit most are those who are credentialed in multiple professions.

Though they will have to apply for each credential separately<sup>1</sup>, the application process will be the same. Other providers and the public will also benefit from a streamlined process that will become familiar to all users of the system.

The following recordkeeping and reporting requirements have existed in various forms in the separate WACs of the professions. Here they are expressed in a single manner which will lessen the burden on providers.

Providers are required to complete the basic uniform application to receive an initial credential. This application requires the minimum amount of identifying data from applicants; a declaration of criminal history, unprofessional conduct and practice history; education and experience; and HIV/AIDS education. This information enables DOH to screen applicants for qualifications and substantiated violations.

Once granted, credentials will expire on the birthday of the provider. While most professions already use birthday renewal dates, eleven credentials will be changed from set expiration dates to birthday expiration dates.

Providers will be notified by the department when their credentials need to be renewed. Notice is sent eight weeks prior to the expiration date of the credential. As determined by the profession, continuing education<sup>2</sup>, competency requirements, and or written declarations may be required upon renewal.

The department has minimized the amount of time necessary to renew a credential by creating a preprinted renewal form for providers to complete. The form contains questions about current practice, a continuing education declaration, and the fee providers must pay to renew their credentials. It is estimated that the renewal form takes 5-10 minutes to complete.

Credentials are renewed every one or two years. Each profession designates whether the credential expires in one or two years. Renewal every two years would place less burden on providers, except where providers pay high rates to renew credentials in relation to their wage or salary. Two year renewals might create a financial burden for some providers in low wage professions, such as midwifery or nursing assistance.

Two year renewal might also create a financial burden for those professions with a small number of providers. Since the total cost of program administration must be supported by the credentialed providers, professions with fewer providers must divide costs among a small number of people. Acupuncture, midwifery, and denturists are examples of higher fees due to a small number of providers.

The following table demonstrates professions likely to consider two year renewal a financial burden.

PROPOSED

PROFESSION	COST TO RENEW - 1YR	COST TO RENEW - 2 YR
Acupuncture	\$240	\$480
Denturist	\$2,750	\$5,550
Midwife	\$325	\$650
Registered Nursing Asst.	\$20	\$40

PROPOSED

In 1998, the Department of Health's Health Professions Quality Assurance Division (HPQAD) will initiate a voluntary rule-making process for those professions that would like to move to a two year renewal cycle.

If providers do not renew their credentials and allow them to expire, additional recordkeeping and reporting requirements are triggered. If a credential has expired for less than one year it may be returned to active status when the provider pays the appropriate fees, submits written declarations that the profession may require, and meets any continuing education requirement of the profession.

If a credential has expired for more than one year but less than three years, providers must pay the appropriate fees, submit written declarations that the profession may require, complete an abbreviated application form, submit a written declaration that no action has been taken to restrict practice, submit a written declaration that the credential was not voluntarily given up to avoid negative action, and submit a written declaration that any continuing education requirements for the last two years has been met.

If a credential has expired for more than three years, providers must pay the appropriate fees, submit written declarations that the profession may require, complete an abbreviated application form, submit a written declaration that no action has been taken to restrict practice, submit a written declaration that the credential was not voluntarily given up to avoid negative action, and submit a written declaration that any continuing education requirements for the last two years has been met, provide proof of AIDS education if not previously provided, and meet the competency requirements of the profession.

Some professions allow providers to obtain inactive credentials. To obtain an inactive credential providers must submit a letter stating they are in good standing and will not practice while holding an inactive license. Inactive credentials may be renewed on the provider's birth date. To return to active status from inactive, providers must notify the department in writing, provide a written declaration that any continuing education requirement has been met, and provide a written declaration that no action has been taken to restrict practice. Providers must also provide proof of AIDS education, if not previously submitted.

Some professions allow providers to obtain retired active credentials. To obtain retired active credentials, provider must submit a letter stating they are in good standing and will practice on intermittent or emergency basis only. To renew a retired active credential providers must submit a declaration that they have practiced only intermittently or on an emergency basis. To return to active status from retired active providers must notify the department in writing, pay the appropriate fee, provide a written declaration that continuing education requirements have been met, provide a written declaration that no action has been taken

to restrict practice, provide any additional written declarations that may be required by the professions, and satisfy any competency requirements of the profession.

State law requires the department to suspend the credentials of people who have not paid student loans or child support. The disciplining authority may also suspend the credential of providers who have violated the law. Providers may return to active status from suspension when they have completed the requirements of the order, paid the appropriate fees, provided a written declaration that any continuing education requirements have been met, provided any written declaration that the profession may require, and, if the suspension was for over three years, the provider must comply with any other requirements identified by the profession.

To renew a license, providers must submit a uniform, signed declaration of compliance with any continuing education requirements of the profession. If providers do not submit a declaration of compliance, they may be subject to disciplinary action as determined by the profession. Requests for exemption from continuing education requirements may be taken to the profession. Each credit hour must be at least 50 minutes to qualify as continuing education. Credit for a course will be granted the first time the course is taken during the renewal only.

All applicants must complete AIDS prevention and information education requirements, per chapter 70.24 RCW<sup>3</sup>. Four or seven hours of training is required, depending upon the profession, prior to receiving a credential. The AIDS education must meet the requirements of the model curriculum. Applicants should be prepared to document curriculum and validate attendance for up to two years after attendance.

Providers may obtain duplicate credentials or wall certificate by paying the appropriate fee.

Providers are required to notify the department of any name or address change. Name changes must be documented by a marriage certificate, a divorce decree, or a court order of legal name change. Address changes may be made by telephone. A current mailing address enables the department to inform providers about changes in regulation, notify them of disciplinary actions, and send renewal notices.

Since this chapter changes the renewal date for some providers' credentials, there will be a transition period. During the transition some credentials will be valid for more, or less than, the usual period of validity depending on the birthday of the provider. Fees will be prorated. Some providers will have to renew more frequently during the transition period, however they will be notified eight weeks in advance of each renewal date and notified of the prorated fee.

**Training and Education:** No additional training or education is required as a result of this chapter. Providers

PROPOSED

will be notified of any changes in renewal dates through program newsletters and notices.

**New Equipment Requirements:** No new equipment is required.

**Inspections - Audits:** Up to 25% of credentialed providers may be audited for compliance with continuing education requirements. Providers must keep documentation of attendance in case of a department audit. Acceptable documentation consists of course certificates or transcripts.

**New Licenses/Fees:** RCW 43.70.250 requires that the cost of credentialing professions be fully supported by the members of the profession. Initial fees and renewal fees are determined on a profession by profession basis. Currently, the following fees are charged when appropriate:

- Initial fee.
- Renewal fee.
- Late renewal penalty fee - for expired credentials.
- Inactive credential fee.
- Retired active renewal fee.
- Returned from mandated suspension fee.
- Duplicate credential fee.

The only new fee is the expired credential reissuance fee. This fee is charged when providers renew credentials which have expired for more than one year. This fee covers the expenses related to the maintenance of the provider's record in the licensing data base and in the individual program files. This fee may be avoided. It is only charged after the credential has expired for more than a year.

**If the annual renewal is: The expired credential reissuance fee is:**

- From \$1 to \$50 . . . . . 100% of the renewal fee
- From \$51 to \$100 . . . . . \$50 flat fee
- \$101 or more . . . . . 50% of the renewal fee, but no more than \$300

**Administration Expenses and Professional Services:** No additional administrative expenses or professional services will be incurred by providers as a result of this chapter.

**Reduced Production:** No reduction in production is anticipated as a result of this chapter.

**Summary:** The total costs of these requirements to individual providers exceeds the minor cost threshold determined by the Standard Industrial Code Classification, Miscellaneous Health and Allied Services (809). A small business economic impact statement is necessary.

**III. Cost to the Department of Health:**

**Administration Costs:** Fees paid by providers are sufficient to meet, but not exceed, the Department of Health costs. State law, RCW 43.70.25 [43.70.250], requires that the cost of credentialing professions be fully supported by members of the profession. Each profession completes a fee study that determines fees sufficient to meet program costs.

Changes resulting from this chapter will not increase the Department of Health administrative costs or increase individual program fees. The only change is the addition of the expired license reissuance fee. This fee will cover the administrative costs related to credentials that have expired over a year. The fee supports expenses related to maintenance of records on the ASI computer system and in individual program files. This fee may be avoided. It is

only charged after the credential has expired for more than a year.

A temporary increase in administrative costs will occur as eleven types of credentials are changed from set expiration dates to birthday expiration dates. However, the additional expense will only occur during the transition and is not expected to be significant.

**Small Business Economic Impact Statement:** Nearly all providers pay the fees for their own credentials. Individual providers qualify as small businesses since less than fifty people are employed. Since most providers qualify as small businesses, there is no disproportionate impact to small businesses. When there is no disproportionate impact, mitigation is not necessary.

An estimated 228,807 credentialed providers will have to comply with the requirements of these rules. Public involvement was solicited through presentations to boards, commissions, committees, and to interested parties in eastern and western Washington. Opportunity for written comments was provided during different stages of the development of the rules. Comments were received from regulated providers, provider associations, independent boards and commissions, advisory committees, and individual program staff.

- 1 Since each profession is has different education and experience requirements for a credential, separate applications are necessary. For example, the experience and education required for a person to become a licensed midwife is not the same for a person to become a licensed massage therapist. However dual licensure in these areas may be desirable for a practitioner.
- 2 HPQA wrote a report questioning the efficacy of mandatory continuing education requirements. However, addressing the need for mandatory continuing education is beyond the scope of HB 2151. HB 2151 authorized only administrative changes.
- 3 Repeal of this requirement would require legislative action.

A copy of the statement may be obtained by writing to Department of Health, Health Professions Quality Assurance, Connie Soiberg, P.O. Box 47860, Olympia, WA 98504-0657, phone (360) 753-9177, or FAX (360) 753-0657.

RCW 34.05.328 does not apply to this rule adoption. These rule changes apply to administrative procedures and do not include substantive changes.

Hearing Location: 1102 Quince Street, Olympia, WA, on January 28, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Connie Soiberg by January 21, 1998, TDD (360) 664-0064, or FAX (360) 753-0657.

Submit Written Comments to: Diana Ehri, Department of Health, P.O. Box 47860, Olympia, WA 98504-7860, FAX (360) 753-0657, by January 21, 1998.

Date of Intended Adoption: January 30, 1998.

December 22, 1997  
Bruce Miyahara  
Secretary

**Chapter 246-12 WAC  
ADMINISTRATIVE PROCEDURES AND REQUIREMENTS FOR CREDENTIALLED HEALTH CARE PROVIDERS**

**PART 1  
GENERAL PROVISIONS**

**NEW SECTION**

**WAC 246-12-001 Purpose and scope.** The rules in this chapter are intended to ensure consistent application of administrative procedures and requirements for licensure, certification and registration of health care practitioners credentialed under the Uniform Disciplinary Act (RCW 18.130.040), except those credentialed under chapter 18.73 RCW (emergency medical services). Within the rules there are several references to additional requirements which may be unique to a profession. Examples are the renewal cycle, fees, continuing education or competency requirements. Refer to individual profession's laws and rules for further guidance and information. Health profession laws and rules are available in public libraries and in publications by the department of health.

**NEW SECTION**

**WAC 246-12-010 Definitions.** (1) "Business": A business is an adult family home provider owned by a corporation regulated under chapter 18.48 RCW; a pharmaceutical firm regulated under chapter 18.64 RCW; or a nursing pool regulated under chapter 18.52C RCW.

(2) "Credential": A credential is a license, certification, or registration issued to a person to practice a regulated health care profession. Whether the credential is a license, certification or registration is determined by the law regulating the profession.

(3) "Declaration": A declaration is a statement signed by the practitioner on a form provided by the department of health for verifying continuing education, AIDS training, or other requirements. When required, declarations must be completed and signed to be effective verification to the department.

(4) "Disciplinary suspension": The regulatory entity places the credential in disciplinary suspension status when there is a finding of unprofessional conduct. Refer to the Uniform Disciplinary Act (RCW 18.130.160).

(5) "Mandated suspension": The department of health places the credential in mandated suspension status when a law requires suspension of a credential under certain circumstances. This suspension is nondiscretionary for the department of health. Examples of mandated suspension are default on a student loan and failure to pay child support. The practitioner may not practice while on mandated suspension. The credential must be returned to active status before the practitioner may practice. See Part 6 of this chapter.

(6) "Practitioner": A practitioner is an individual health care provider listed under the Uniform Disciplinary Act, RCW 18.130.040.

(7) "Regulatory entities": A "regulatory entity" is a board, commission, or the secretary of the department of health designated as the authority to regulate one or more professions or occupations in this state. Practitioner health care practice acts and the Uniform Disciplinary Act (UDA) designate whether it is a board, commission, or the secretary of the department of health which has the authority to adopt rules, discipline health care providers, and determine

requirements for initial licensure and continuing education requirements.

The regulatory entity may determine whether disciplinary action should be taken on a credential for unprofessional conduct. These actions may include revocation, suspension, practice limitations or conditions upon the practitioner.

(8) "Renewal": Every credential requires renewal. The renewal cycle is either one year or two years, depending on the profession.

(9) "Secretary": The secretary is the secretary of the department of health or his or her designee.

(10) "Status": All credentials are subject to the Uniform Disciplinary Act (UDA) regardless of status. A credential status may be in any one of the following:

(a) Most credentials are in "active" status. These practitioners are authorized to practice the profession. These practitioners need to renew the credential each renewal cycle. See Part 2 of this chapter.

(b) The department of health places the credential in "expired" status if the credential is not renewed on time. While in expired status, the practitioner is not authorized to practice. Practice on an expired status is a violation of law and subject to disciplinary action. See Part 2 of this chapter.

(c) A practitioner may place the credential in "inactive" status if authorized by the regulatory entity. This means the practitioner is not practicing the profession. See Part 4 of this chapter.

(d) A practitioner may place the credential in "retired active" status if authorized by the regulatory entity. This means the practitioner can practice only intermittently or in emergencies. See Part 5 of this chapter.

**PART 2  
INITIAL AND RENEWAL CREDENTIALING OF  
PRACTITIONERS**

**NEW SECTION**

**WAC 246-12-020 How to obtain an initial credential.** (1) An initial credential for a practitioner is issued once all eligibility requirements are met.

(2) To obtain an initial credential, the practitioner must:

(a) Pay applicable application, examination and licensing fees;

(b) Submit an application on forms approved by the secretary;

(c) Submit supporting documentation required by the regulatory entity.

(3) The initial credential will expire on the practitioner's birthday, except for faculty or limited education credential authorized by law. Initial credentials issued within ninety days of the practitioner's birthday do not expire until a full renewal cycle has elapsed.

**NEW SECTION**

**WAC 246-12-030 How to renew a credential.** (1) The expiration date for all credentials is the practitioner's birthday, except for faculty or limited education credentials authorized by law.

(2) A credential period may be one or two years. To determine the renewal cycle, refer to the individual laws and rules pertaining to your profession.

- (3) To renew a credential, the practitioner must:
- (a) Pay the renewal fee;
  - (b) Pay the impaired monitoring credential surcharge, if required by the profession; and
  - (c) Provide written declarations, if required for the profession.
- (4) Prior to the credential expiration date, courtesy renewal notices are mailed to the address on file. Practitioners should return the renewal notice when renewing their credential. Failure to receive a courtesy renewal notice does not relieve or exempt the credential renewal requirement.
- (5) Renewal fees are accepted by the department no sooner than ninety days prior to the expiration date.

#### NEW SECTION

**WAC 246-12-040 How to return to active status when a credential has expired.** (1) The credential status is expired if the practitioner does not renew on or before the expiration date. Any renewal that is postmarked or presented to the department after midnight on the expiration date is late, and subject to a **late renewal penalty fee**. The practitioner must not practice until the credential is returned to active status.

(2) A credential is returned to active status by complying with the following:

- (a) Expired for one renewal cycle or less:
  - (i) Pay the late renewal penalty fee;
  - (ii) Pay the current renewal fee;
  - (iii) Pay the current impaired monitoring credential surcharge, if required by the profession;
  - (iv) Provide written declarations, if required for the profession; and
  - (v) Comply with current continuing education or continuing competency requirements if required by the profession.

(b) Expired for more than one renewal cycle but less than three years:

- (i) Complete an abbreviated application form;
- (ii) Pay the late renewal penalty fee;
- (iii) Pay the current renewal fee;
- (iv) Pay the expired credential reissuance fee;
- (v) Provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the practitioner's practice of the profession;

(vi) Provide a written declaration that he or she has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of or to avoid formal action;

(vii) Provide a written declaration that continuing education and competency requirements for the two most recent years have been met, if required for the profession to maintain an active credential; and

(viii) Provide other written declarations or documentation, if required for the profession.

(c) Expired for over three years:

- (i) Complete an abbreviated application form;
- (ii) Pay the late renewal penalty fee;
- (iii) Pay the current renewal fee;
- (iv) Pay the expired credential reissuance fee;

(v) Satisfy other competency requirements of the regulatory entity, if required;

(vi) Provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the practitioner's practice of the profession;

(vii) Provide a written declaration that he or she has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of or to avoid formal action;

(viii) Provide a written declaration that continuing education requirements for the two most recent years have been met, if required for the profession;

(ix) Provide other written declarations or documentation, if required for the profession; and

(x) If not previously provided, provide proof of AIDS education as required for the profession and in Part 8 of this chapter.

### PART 3

#### INITIAL AND RENEWAL CREDENTIALING OF BUSINESSES

#### NEW SECTION

**WAC 246-12-060 How to obtain an initial business credential.** An initial credential for a business is issued once all eligibility requirements are met. To obtain an initial credential, the business must:

- (1) Pay all applicable application and license fees;
- (2) Submit an application on forms approved by the secretary;
- (3) Submit supporting documentation required by the regulatory entity.

#### NEW SECTION

**WAC 246-12-070 How to renew a business credential.** (1) A business expires on a date determined by the regulatory entity.

(2) A credential period may be one or two years. Refer to the profession laws and rules to determine the renewal cycle and expiration date.

(3) To renew a credential the business must:

- (a) Pay the renewal fee; and
- (b) Provide written declarations, if required for the profession.

(4) Prior to the credential expiration date, courtesy renewal notices are mailed to the address on file. Businesses should return the renewal notice when renewing their credential. Failure to receive a courtesy renewal notice does not relieve or exempt the credential renewal requirement.

(5) Renewal fees are accepted by the department within ninety days prior to the expiration date.

#### NEW SECTION

**WAC 246-12-080 When a business credential expires.** (1) The business credential expires if the credential is not renewed on or before the expiration date. The business must not open for business or otherwise operate until the credential is renewed.

(2) A business credential is renewed by complying with the following:

- (a) Expired for three years or less:
  - (i) Pay the late renewal penalty fee;
  - (ii) Pay the current renewal fee for each renewal cycle where the credential was expired; and
  - (iii) Provide written declarations, if required for the profession.
- (b) Expired more than three years:
  - (i) Comply with the qualifications and procedures for initial credentialing; and
  - (ii) Pay initial credentialing fee.

#### PART 4 INACTIVE CREDENTIAL

##### NEW SECTION

**WAC 246-12-090 How to obtain an inactive credential.** A practitioner may obtain an inactive credential if authorized by the regulatory entity. Refer to the profession rules to determine if this status is available.

(1) To obtain an inactive credential the practitioner must submit a letter notifying the department of health of the intent to obtain an inactive credential.

(2) A practitioner may apply for an inactive credential if he or she meets the following criteria:

- (a) Holds an active Washington state credential;
- (b) Is in good standing; and
- (c) Will not practice in Washington.

(3) The practitioner may obtain an inactive credential at any time the criteria in subsection (2) of this section are met. The fee for the initial inactive credential will be due when the active credential expires.

##### NEW SECTION

**WAC 246-12-100 How to renew an inactive credential.** (1) The expiration for all credentials is the practitioner's birthday. To renew an inactive credential, the practitioner must:

- (a) Pay the inactive credential renewal fee; and
- (b) Pay the impaired monitoring surcharge, if required by the profession.

(2) To determine the renewal cycle, refer to the individual laws and rules pertaining to your profession.

(3) Inactive credential renewal fees are accepted by the department no sooner than ninety days prior to the expiration date.

(4) Prior to the inactive credential expiration date, courtesy renewal notices are mailed to the address on file. Practitioners should return the renewal notice when renewing their credential. Failure to receive a courtesy renewal notice does not relieve or exempt the inactive credential renewal requirement.

##### NEW SECTION

**WAC 246-12-110 How to return to active status from inactive status.** To change an inactive credential to an active credential status the practitioner must:

- (1) Notify the department in writing of the change;
- (2) Pay the appropriate current active renewal fee;

(3) Provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the practitioner's practice of the profession;

(4) Provide a written declaration that he or she has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of or to avoid formal action;

(5) Provide a written declaration that continuing education requirements for the two most recent years have been met, if required for the profession;

(6) Provide other written declarations, if required for the profession;

(7) Satisfy other competency requirements of the regulatory entity; if required; and

(8) If not previously provided, provide proof of AIDS education as required for the profession and in Part 8 of this chapter.

#### PART 5 RETIRED ACTIVE CREDENTIAL

##### NEW SECTION

**WAC 246-12-120 How to obtain a retired active credential.** A practitioner may obtain a retired active status credential if authorized by the regulatory entity. Refer to the profession rules to determine if this status is available.

(1) To obtain a retired active credential the practitioner must submit a letter notifying the department of health of the intent to practice only on an intermittent or emergency basis.

(2) A practitioner may apply for a retired active credential (refer to RCW 18.130.250) if he or she meets the following criteria:

- (a) Holds an active Washington state credential;
- (b) Is in good standing; and either
- (c) Will practice no more than ninety days each year in Washington state; or

(d) Will practice only in emergency circumstances such as earthquakes, floods, times of declared war or other states of emergency.

(3) The practitioner may obtain a retired active credential at any time the criteria in subsection (2) of this section are met. The fee for the initial retired active credential will be due when the active credential expires.

(4) The profession may define specific practice settings in which services may be provided. Refer to the laws and rules of the profession to determine if specific practice settings are identified.

##### NEW SECTION

**WAC 246-12-130 How to renew a retired active credential.** (1) The expiration for all credentials is the practitioner's birthday. To determine the renewal cycle, refer to the individual laws and rules pertaining to your profession.

(2) To renew a retired active credential, the practitioner must:

- (a) Pay the retired active credential renewal fee;
- (b) Pay the impaired monitoring surcharge, if required by the profession;

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(c) Provide a written declaration stating that he or she practiced only intermittently or in an emergency during the previous renewal cycle;

(d) Provide a written declaration stating that continuing education requirements have been met, if required for the profession; and

(e) Provide other written declarations, if required for the profession.

(3) Retired active credential renewal fees are accepted by the department no sooner than ninety days prior to the expiration date.

(4) Prior to the retired active credential expiration date, courtesy renewal notices are mailed to the address on file. Practitioners should return the renewal notice when renewing their credential. Failure to receive a courtesy renewal notice does not relieve or exempt the retired active credential renewal requirement.

NEW SECTION

**WAC 246-12-140 How to return to active status from retired active status.** To change a retired active credential to an active credential status the practitioner must:

(1) Notify the department in writing of the change;

(2) Pay the appropriate current active renewal fee;

(3) Provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the practitioner's practice of the profession;

(4) Provide a written declaration that he or she has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of or to avoid formal action;

(5) Provide a written declaration that continuing education requirements have been met, if required for the profession;

(6) Provide other written declarations or documentation, if required for the profession;

(7) Satisfy other competency requirements of the regulatory entity, if required; and

(8) If not previously provided, provide proof of AIDS education as required for the profession and in Part 8 of this chapter.

**PART 6  
CREDENTIAL SUSPENSIONS**

NEW SECTION

**WAC 246-12-160 How to return to active status following a mandated suspension.** (1) The department of health places the credential in mandated suspension status when a law requires suspension of a credential under certain circumstances. This suspension is not discretionary for the department of health. Examples of mandated suspension are default on a student loan and failure to pay child support. The practitioner may not practice while on mandated suspension. The credential must be returned to active status before the practitioner may practice.

(2) A credential is returned to active status by complying with the following:

(a) Meet all the requirements outlined in the order mandating the suspension;

(b) Pay the current renewal fee, if due;

(c) Pay the impaired monitoring credential surcharge if required by the profession;

(d) Pay a "return from mandated suspension fee" of two hundred forty-five dollars. Standard renewal fees are not required during the period of the suspension;

(e) Provide written declaration that all continuing education hours for the entire suspension period have been met, if required by the profession;

(f) Provide other written declarations, if required for the profession; and

(g) If the mandated suspension was for more than three years the practitioner must also comply with any specific requirements identified in rule by that profession's regulatory entity.

NEW SECTION

**WAC 246-12-165 How to return to active status following a disciplinary suspension.** (1) The regulatory entity may place a credential on disciplinary suspension when there is a finding of unprofessional conduct. The practitioner may not practice while on suspension. The credential must be returned to active status before the practitioner may practice.

(2) A credential is returned to active status by complying with the following:

(a) Meet all the requirements outlined in the order mandating the suspension;

(b) Pay the current renewal fee, if due. Standard renewal fees are not required during the period of the suspension;

(c) Pay the impaired monitoring credential surcharge if required by the profession;

(d) Provide written declaration that all continuing education hours for the entire suspension period have been met, if required by the profession; and

(e) Provide other written declarations, if required for the profession.

**PART 7  
CONTINUING EDUCATION**

NEW SECTION

**WAC 246-12-170 When is continuing education required?** Continuing education is required for renewal of a credential only if authorized in law. The regulatory entity defines the continuing education requirements. Practitioners should refer to the laws and rules relating to their profession to determine if continuing education is required.

NEW SECTION

**WAC 246-12-180 How to prove compliance.** If continuing education is required for renewal, the practitioner must verify compliance by submitting a signed declaration of compliance.

NEW SECTION

**WAC 246-12-190 Auditing for compliance.** Up to twenty-five percent of the practitioners are randomly audited for continuing education compliance after the credential is renewed. It is the practitioner's responsibility to submit documentation of completed continuing education activities at the time of the audit. Failure to comply with the audit documentation request or failure to supply acceptable documentation within sixty days may result in disciplinary action.

NEW SECTION

**WAC 246-12-200 What is acceptable audit documentation?** Practitioners must:

(1) Prove compliance which may include course or program certificates of training or transcripts. Refer to the rules of your profession for more specific guidance.

(2) Keep records for four years documenting attendance description of learning.

NEW SECTION

**WAC 246-12-210 When is a practitioner exempt from continuing education?** A practitioner may be excused from or granted an extension of continuing education requirements due to illness or other extenuating circumstances. The profession's regulatory entity determines when the requirements may be waived or may grant an extension.

NEW SECTION

**WAC 246-12-220 How credit hours for continuing education courses are determined.** A credit hour is defined as time actually spent in a course or other activities as determined by the regulatory entity as fulfilling continuing education requirements. A credit hour for time actually spent in a course can not be less than fifty minutes.

NEW SECTION

**WAC 246-12-230 Carrying over of continuing education credits.** Continuing education hours in excess of the required hours earned in a renewal period cannot be carried forward to the next renewal cycle.

NEW SECTION

**WAC 246-12-240 Taking the same course more than once during a renewal cycle.** The same course taken more than once during a renewal cycle will only be counted once.

**PART 8  
AIDS PREVENTION AND INFORMATION  
EDUCATION REQUIREMENTS**

NEW SECTION

**WAC 246-12-250 Definitions.** (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section with the department of health or any successor department with

jurisdiction over public health matters as defined in chapter 70.24 RCW.

NEW SECTION

**WAC 246-12-260 Who must obtain AIDS education?** All practitioners must demonstrate completion of four or seven clock hours of AIDS education prior to initially obtaining a health care credential. Refer to the specific profession rules to determine whether four or seven hours of AIDS education and training is required.

NEW SECTION

**WAC 246-12-270 Acceptable AIDS education and training.** (1) The regulatory entity will accept education and training that is consistent with the model curriculum available from the office on AIDS.

(2) AIDS education and training must include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

NEW SECTION

**WAC 246-12-280 What is acceptable documentation?** Practitioners must:

(1) Provide a written declaration that the minimum education and training has been completed;

(2) Keep records for two years documenting attendance and description of learning; and

(3) Be prepared to validate, through submission of these records, that attendance has taken place.

**PART 9  
DUPLICATE CREDENTIALS OR WALL CERTIFICATES**

NEW SECTION

**WAC 246-12-290 How to obtain a duplicate credential or wall certificate.** Practitioners may obtain a duplicate credential or wall certificate by providing a written request and paying a fee established by the secretary.

**PART 10  
PRACTITIONER NAME AND ADDRESS CHANGES**

NEW SECTION

**WAC 246-12-300 Name changes.** It is the responsibility of each practitioner to maintain his or her correct name on file with the department. Requests for name changes must be submitted in writing along with acceptable documentation. Acceptable documentation includes a copy of a marriage certificate, divorce decree or court order of legal name change.

PROPOSED

NEW SECTION

**WAC 246-12-310 Address changes.** It is the responsibility of each practitioner to maintain his or her current address on file with the department. Requests for address changes may be made either by telephone or in writing. The mailing address on file with the department will be used for mailing of all official matters to the practitioner. If charges against a practitioner are mailed to the address on file with the department and returned unclaimed or are unable to be delivered for any reason, then the regulatory entity may proceed against the practitioner by default under RCW 34.05.440.

NEW SECTION

**WAC 246-12-320 Other information.** Refer to WAC 246-01-100 and 246-11-060 for more information on maintaining a current address with the department.

**PART 11  
FEES, PAYMENTS AND REFUNDS**

NEW SECTION

**WAC 246-12-330 General information.** The costs of health care professional credentialing programs must be fully supported by members of that profession. The amount of all fees are established by the secretary and set by rule. Fees can be found in rules pertaining to each profession.

NEW SECTION

**WAC 246-12-340 Refund of fees.** Fees submitted with applications for initial credentialing, examinations, renewal, and other fees associated with the licensing and regulation of the profession are nonrefundable.

NEW SECTION

**WAC 246-12-350 Making payments.** (1) Make checks or money orders payable to the department of health. (2) Practitioners should include their credential number on the check, draft or money order. (3) Applicants should include profession for which they are applying on the check, draft or money order. (4) Send check, draft or money order to:

Department of Health  
P.O. Box 1099  
Olympia, Washington 98507-1099

NEW SECTION

**WAC 246-12-360 Other information.** Refer to RCW 43.70.250, 43.70.320 and WAC 246-08-560 for more information relating to fees and refunds.

AMENDATORY SECTION (Amending WSR 96-14-070, filed 6/28/96, effective 7/1/96)

**WAC 246-328-200 HIV/AIDS prevention and information education requirements.** ~~((1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for registration. Persons applying for registration shall successfully complete the HIV/AIDS education requirements of subsection (3) of this section.~~

~~(3) HIV/AIDS education and training requirements:~~

~~(a) The department shall accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) The department shall accept the department of social and health services fundamentals of caregiving training or modified fundamentals of caregiving as meeting HIV/AIDS education requirements.~~

~~(4) Persons applying for registration shall attest to the department that HIV/AIDS education and training is successfully completed. If the person applying is a corporation, the corporation must verify and certify that the resident manager has successfully completed the minimum education and training.) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

AMENDATORY SECTION (Amending WSR 96-14-070, filed 6/28/96, effective 7/1/96)

**WAC 246-328-990 ((Fees for) Adult family home provider or resident manager fees and renewal cycle.** ~~((The fees charged by the health professions quality assurance division of the department of health are listed below. The initial registration fee for an individual who is an adult family home provider or resident manager shall include the first month up to, but not including, the birth date month following initial registration. The initial registration fee for a corporation that is an adult family home provider shall include the first month up to July 1 following initial registration, the initial registration fee of \$90.00 shall be prorated by the department of health at \$7.50 per month-)) (1) Registrations of an individual who is a provider or resident manager must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.~~

~~(2) Registrations of a corporation that is a provider must be renewed every year on July 1 as provided in chapter 246-12 WAC, Part 3.~~

~~(3) The following nonrefundable fees will be charged:~~

Title of Fee	Fee
Initial registration	\$90.00
Registration renewal	85.00
Late renewal penalty	50.00
Expired registration reissuance	50.00
Duplicate registration	15.00
Certification of registration	15.00

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 246-328-100 Registration.

**AMENDATORY SECTION** (Amending Order 295B, filed 8/13/92, effective 9/13/92)

**WAC 246-802-025 Inactive status.** ~~(((1) A certified acupuncturist, in good standing, who practices exclusively out of state or is on sabbatical, may place his or her license on inactive status by submitting to the department:~~

- ~~(a) A written request for inactive status; and~~
- ~~(b) The inactive renewal fee specified in WAC 246-802-990.~~

~~(2) An acupuncturist may request that an inactive license be made active by submitting to the department:~~

- ~~(a) A written request to activate the inactive license;~~
- ~~(b) The renewal fee specified in WAC 246-802-990;~~
- ~~(c) An updated consultation plan.))~~

A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

**AMENDATORY SECTION** (Amending Order 295B, filed 8/13/92, effective 9/13/92)

**WAC 246-802-090 Examinations.** (1) An examination shall be given twice yearly for qualified applicants.

(2) An applicant for certification as an acupuncturist shall pass the following examinations:

- (a) National Commission for Certification of Acupuncturists (NCCA) written examination;
- (b) NCCA point location examination; and
- (c) NCCA-approved clean needle technique course.

(3) An applicant may take and pass the examinations in subsection (1) of this section in a language other than English if that applicant:

- (a) Holds a degree or diploma or transfers from an institution in an English-speaking country; or
- (b) Passes the test of English as a foreign language with a minimum score of 550.

~~(((4) Application fees are nonrefundable.))~~

**AMENDATORY SECTION** (Amending Order 295B, filed 8/13/92, effective 9/13/92)

**WAC 246-802-250 AIDS prevention and information education requirements.** ~~(((1) Definitions-~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education and training-~~

~~(a) Acceptable education and training. The secretary will accept education and training that is consistent with the~~

~~topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(c) Documentation. The applicant shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.))~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

**AMENDATORY SECTION** (Amending WSR 95-01-038, filed 12/12/94, effective 1/1/95)

**WAC 246-802-990 Acupuncture fees and renewal cycle.** ~~((The following fees shall be charged by the professional licensing division of the department of health:))~~

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
License application <del>((nonrefundable))</del>	\$200.00
<del>((Annual))</del> License renewal	240.00
Inactive license renewal	110.00
Late renewal penalty	100.00
Expired license reissuance	<u>120.00</u>
Expired inactive license reissuance	<u>55.00</u>
Duplicate license	15.00
Certification of license	25.00
Acupuncture training program application	500.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 246-802-020 License renewal registration date and fee.

**AMENDATORY SECTION** (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

**WAC 246-808-105 Chiropractic licensure—Initial eligibility and application requirements.** To be eligible for Washington state chiropractic licensure, the applicant shall complete an application provided by the commission, and

PROPOSED

shall include written documentation to meet the eligibility criteria for such licensure.

(1) Eligibility. An applicant shall provide proof that they:

(a) Graduated from an accredited chiropractic college approved by the commission and show satisfactory evidence of completion of a resident course of study of at least four thousand classroom hours of instruction.

(b) Successfully completed National Board of Chiropractic Examiners test parts I and II.

(c) Completed not less than one-half the requirements for a baccalaureate degree at an accredited and approved college or university if the applicant matriculated after January 1, 1975. Applicants who matriculated prior to January 1, 1975, must show proof of high school graduation or its equivalent.

(2) Application procedure. Each applicant shall submit:

(a) Completed official application including two recent photos.

(b) The ~~((nonrefundable))~~ examination fee. ~~((Fees must be in U.S. funds and made payable, by check or money order, to the department of health.))~~ (Refer to WAC 246-808-990 for fee schedule.)

(c) Official transcripts from prechiropractic schools showing successful completion of at least two years of liberal arts and sciences study.

(d) An official transcript and diploma certified by the registrar, from an approved chiropractic college.

(e) An official certificate of proficiency sent directly to the commission from the National Board of Chiropractic Examiners, parts I and II.

(f) Verification of licensure status from all states where applicant has been issued a license to practice chiropractic. Verification is required whether license is active or inactive.

(g) ~~((Certification of completion of four hours of AIDS education and training as further defined by WAC 246-808-106.))~~ Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

**WAC 246-808-150 Commission approved continuing education.** (1) Licensed chiropractors ~~((shall be responsible for obtaining twenty-five hours of commission approved continuing education each year with proof (transcripts, certificates) to be submitted with annual renewal of their license))~~ must complete twenty-five hours of continuing education as required in chapter 246-12 WAC, Part 7.

(2) The commission approves the following subject material for continuing chiropractic education credit:

(a) Diagnosis and treatment of the spine or immediate articulations within the scope of practice;

(b) X-ray/diagnostic imaging;

(c) Adjustive technique;

(d) Detection of a subluxation;

(e) Physical examination;

(f) Hygiene;

(g) Symptomatology;

(h) Neurology;

(i) Spinal pathology;

(j) Spinal orthopedics;

(k) Patient/case management;

(l) Impairment within the scope of practice;

(m) CPR - once every three years;

(n) Dietary advice; and

(o) Chiropractic philosophy.

(3) Subject matter not approved for continuing education credit:

(a) Business management;

(b) Subject matter not directly relating to the chiropractic clinical scope of practice;

(c) Practice building; and

(d) Conduct prohibited by Washington state statutes or rules governing chiropractic practice.

(4) A formal video continuing education program that meets the requirements of this section is acceptable provided that the video viewing is accompanied by a moderator and/or a panel knowledgeable in the video contents to comment thereon and answer questions or conduct discussions.

(5) The individual or organization responsible for a continuing education presentation must provide documentation of attendance to the participants.

(6) ~~((Credit for hours of continuing education in a commission approved continuing education program can be counted only once per year toward the annual continuing education requirement regardless of the number of times that program is attended.))~~ Licensed chiropractors serving as teachers or lecturers in commission approved continuing education programs receive credit on the same basis as the doctors attending the program.

AMENDATORY SECTION (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

**WAC 246-808-155 Prior approval not required.** (1) It shall be unnecessary for a chiropractor to inquire into the prior approval of any continuing chiropractic education. The commission shall accept any continuing chiropractic education that falls within these regulations and relies upon each individual chiropractor's integrity in complying with this requirement.

(2) Continuing chiropractic education program sponsors need not apply for, nor expect to receive, prior commission approval for a formal continuing chiropractic education program. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The commission relies upon the integrity of program sponsors to present continuing chiropractic education that constitutes a meritorious learning experience and complies with RCW 18.25.070.

~~((3) The commission shall conduct a random compliance audit of renewal applicants. If the commission determines that the applicant has not obtained continuing chiropractic education that falls within the subject matter defined in WAC 246-808-150 and the guidelines for symposium approval in WAC 246-808-150, then the application for renewal shall be denied.))~~

AMENDATORY SECTION (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

**WAC 246-808-165 Exemptions.** In the event a licensee fails to meet requirements because of illness or retirement (with no further provision of chiropractic services

to consumers) or failure to renew, or other extenuating circumstances, each case shall be considered by the commission on an individual basis. When circumstances justify it, the commission may grant a time extension. In the case of permanent retirement or illness, the commission may grant indefinite waiver of continuing chiropractic education as a requirement for relicensure, provided an affidavit is received indicating the chiropractor is not providing chiropractic services to consumers. If such permanent illness or retirement status is changed or consumer chiropractic services resumed, it is incumbent upon the licensed chiropractor to immediately notify the commission and meet continuing chiropractor education requirements for relicensure. Continuing chiropractic education hours shall be prorated for the portion of ~~((that three year))~~ the period involving resumption of such services.

**AMENDATORY SECTION** (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

**WAC 246-808-180** ~~((Lapsed and inactive))~~ **Expired licenses—Requirements for reinstating ((or activating)) a license.** ~~((1) A licensee who allows their chiropractic license to lapse for more than three years must pay all back renewal fees plus penalty fee and submit proof of continuing education courses during the time the license was lapsed. If the licensee cannot submit proof of continuing education courses during the time the license was lapsed, reexamination of the former licensee as provided in RCW 18.25.040 and 18.25.070(2) shall be required.~~

~~(2) A licensee who has placed their chiropractic license on inactive status and now requests to activate the license shall submit to the commission, in writing, a request to activate their license from inactive status. A licensee whose license has been inactive for more than three years may be reexamined as provided for in RCW 18.25.040 at the commission's discretion. The request to activate a license must include the following:~~

~~(a) An applicable fee, per WAC 246-808-990;~~

~~(b) Updated chronology from date license was placed into inactive status;~~

~~(c) Proof of four hours of AIDS education as defined in WAC 246-808-106;~~

~~(d) Documentation of any continuing education courses taken during the time their license was inactive.)~~ **(1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.**

**(2) If the license has expired for more than three years and the practitioner can submit proof of continuing education, the practitioner must:**

**(a) Successfully complete the jurisprudence examination given by the department;**

**(b) Meet the requirements of chapter 246-12 WAC, Part 2.**

**(3) If the license has expired for more than three years and the practitioner cannot submit proof of continuing education courses during the time the license was expired, the practitioner must:**

**(a) Successfully pass the examination as provided in RCW 18.25.040 and 18.25.070(2);**

**(b) Meet the requirements of chapter 246-12 WAC, Part 2.**

## NEW SECTION

**WAC 246-808-181 Inactive credential.** (1) A chiropractor may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

(2) To return to active status the practitioner must:

(a) Take and pass the jurisprudence examination given by the department; and

(b) Meet the requirements of chapter 246-12 WAC, Part 4.

**AMENDATORY SECTION** (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

**WAC 246-808-215 Registration of chiropractic x-ray technicians.** (1) Chiropractic doctors shall employ only commission registered technicians to operate x-ray equipment.

(2) Application. An x-ray technician may apply for registration by submitting to the commission:

(a) Proof of satisfactory completion of a course of classroom instruction of at least forty-eight hours which has been approved by the commission in accordance with subsection (4) of this section; and

(b) Verification of passing a proficiency examination in radiologic technology, which is approved by the commission. A passing grade shall be seventy-five percent or a standardized score approved by the commission. If the applicant fails the initial examination, the applicant may reapply to take the examination one additional time without additional classroom instruction. If the applicant fails a second examination, the applicant shall complete an additional sixteen hours of classroom instruction prior to reapplying for a third examination.

(3) Exceptions. An applicant who holds a current active registration, license, or certification from a national certifying agency or other governmental licensing agency whose standards for registration, licensure or certification are equal to or exceed the standards under these rules may register without examination.

(4) Course approval. An individual may request commission approval of a course of classroom instruction for x-ray technicians by submitting the following information to the commission no later than ninety days prior to the first day of instruction:

(a) An outline of the course of instruction, which shall include:

(i) Physics and equipment;

(ii) Principles of radiographic exposure;

(iii) Radiation protection;

(iv) Anatomy and physiology; and

(v) Radiographic positioning and procedures.

(b) Proficiency examination;

(c) Verification that the course instructor has on-campus or postgraduate faculty status in the field of radiology with a commission approved chiropractic college; and

(d) Any other information deemed necessary by the commission to make a determination.

(5) Continuing education. ~~((A))~~ **Registered chiropractic x-ray technicians** ~~((shall submit an affidavit certifying the))~~ **must demonstrate** completion of six hours of continuing education ~~((over the preceding year when applying for~~

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~~annual renewal~~) as provided in chapter 246-12 WAC, Part 7.

~~((a))~~ The commission approves continuing education of subject matter listed in subsection (4) of this section. Prior approval of continuing education programs is not required by the commission.

~~((b) The commission shall conduct random audits. If the commission determines that the applicant has not obtained continuing education that falls within the subject matter defined in subsection (4), the commission shall deny renewal of the registration.)~~

AMENDATORY SECTION (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

WAC 246-808-990 Chiropractic fees and renewal cycle. ~~((The following fees shall be charged by the department of health:))~~ (1) Licenses and registrations must be renewed on the practitioner's birthday every year as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for chiropractic license:

Title of Fee	Fee
Application/full examination or reexamination	\$300.00
Original license	200.00
Temporary permit application	150.00
Temporary practice permit	50.00
Preceptorship	100.00
License renewal	300.00
Late renewal penalty	150.00
<u>Expired license reissuance</u>	<u>150.00</u>
Inactive license renewal	150.00
<u>Expired inactive license reissuance</u>	<u>75.00</u>
Duplicate license	15.00
Certification of license	25.00

(3) The following nonrefundable fees will be charged for chiropractic x-ray technician registration:

<del>((Chiropractic x-ray technician))</del> Application	25.00
<del>((Chiropractic x-ray technician))</del> Original registration	25.00
Renewal	40.00
Late renewal penalty	25.00
<u>Expired registration reissuance</u>	<u>40.00</u>
Duplicate registration	15.00
<u>Certification of registration</u>	<u>25.00</u>

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-808-106 AIDS prevention and information education requirements.
- WAC 246-808-160 License renewal—Affidavit of compliance with continuing education requirements.
- WAC 246-808-185 License renewal form.

AMENDATORY SECTION (Amending WSR 97-17-113, filed 8/20/97, effective 9/20/97)

WAC 246-810-080 AIDS prevention and information education requirements. ~~((1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health in rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Persons applying for registration or certification must submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Documentation. The applicant must:~~

~~(i) Certify, on forms provided, that the minimum education and training was completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the training;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance took place.) Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

AMENDATORY SECTION (Amending WSR 97-17-113, filed 8/20/97, effective 9/20/97)

WAC 246-810-130 ~~((Canceled certification—Reapplication.))~~ Expired credential. (1) If the certification has expired for three years or less the individual must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If a certification has been expired for more than three years ~~((or more, the certification is canceled. The certified counselor must reapply with the department, pay any current fees, and))~~ the individual may be required to meet all the requirements of a new applicant ~~((—This section does not apply to anyone in a temporary retirement status))~~ and must meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 97-17-113, filed 8/20/97, effective 9/20/97)

WAC 246-810-990 Fees and renewal cycle. ~~((The following fees shall be charged by the health professions quality assurance division of the department of health:))~~ (1) Certificates and registrations must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

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Title	Fee
<u>(2) The following nonrefundable fees will be charged</u>	
for registered counselor:	
Application and registration	\$ 40.00
Renewal	37.00
Late renewal penalty	37.00
<u>Expired registration reissuance</u>	<u>37.00</u>
Duplicate registration	15.00
<del>((Verification))</del> <u>Certification of registration</u>	15.00
<u>(3) The following nonrefundable fees will be charged</u>	
for registered hypnotherapist:	
Application and registration	95.00
Renewal	130.00
Late renewal penalty	65.00
<u>Expired registration reissuance</u>	<u>65.00</u>
Duplicate registration	15.00
<del>((Verification))</del> <u>Certification of registration</u>	15.00
<u>(4) The following nonrefundable fees will be charged</u>	
for certified marriage and family therapist:	
Application	100.00
Initial certification	125.00
Examination administration	50.00
Renewal	200.00
Late renewal penalty	100.00
<u>Expired certification reissuance</u>	<u>100.00</u>
Duplicate certification	15.00
<del>((Verification))</del> <u>Certification of certificate</u>	15.00
Wall certificate	15.00
<u>(5) The following nonrefundable fees will be charged for</u>	
certified mental health counselor:	
Application	75.00
Initial certification	60.00
Renewal	65.00
Late renewal penalty	50.00
<u>Expired certification reissuance</u>	<u>50.00</u>
Duplicate certification	15.00
<del>((Verification))</del> <u>Certification of certificate</u>	15.00
Wall certificate	15.00
<u>(6) The following nonrefundable fees will be charged</u>	
for certified social worker:	
Application	50.00
Initial certification	50.00
Renewal	65.00
Late renewal penalty	50.00
<u>Expired certification reissuance</u>	<u>50.00</u>
Duplicate certification	15.00
<del>((Verification))</del> <u>Certification of certificate</u>	15.00
Wall certificate	15.00

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 246-810-020 Expiration of registration or certification.
- WAC 246-810-022 Current address.
- WAC 246-810-140 Temporary retirement.

**AMENDATORY SECTION** (Amending WSR 95-22-062, filed 10/30/95, effective 11/30/95)

**WAC 246-812-120 Denturist licensure—Initial eligibility and application requirements.** To be eligible for Washington state denturist licensure, the applicant shall complete an application and shall include written documentation to meet eligibility criteria. Each applicant shall provide:

(1) A signed, notarized application and required fee. ~~((Fees are set by the secretary and are nonrefundable. Fees must be in United States funds and made payable by check or money order, to the department of health.))~~ (Refer to WAC 246-812-990 for fee schedule.)

(2) Proof that they meet the basic eligibility requirements identified in RCW 18.30.090, documented by the signed, notarized affidavit processed as part of the application.

(3) ~~((Proof of seven hours of AIDS education and training as further defined by WAC 246-812-130.))~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(4) Photograph. A recent photograph, signed and dated, shall be attached to the application.

**AMENDATORY SECTION** (Amending WSR 95-22-062, filed 10/30/95, effective 11/30/95)

**WAC 246-812-160** ~~((Lapsed and inactive licenses—Requirements for reinstating or activating a))~~ **Expired license.** ~~((1) A licensee who allows their denturist license to lapse for more than three years must pay a penalty fee per WAC 246-812-990.~~

~~((2) A licensee whose license has been inactive for more than three years may be reexamined as provided for in RCW 18.25.040 at the secretary's discretion.~~

~~((3) A licensee who has placed their denturist license on inactive status and later requests to activate the license shall submit to the secretary, in writing, a request to activate their license from inactive status. The request to activate a license must include the following:~~

~~((a) An applicable fee, per WAC 246-812-990.~~

~~((b) Updated chronology from date license was placed into inactive status.~~

~~((c) Proof of four hours of AIDS education refresher training.))~~ (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for more than three years, the practitioner must:

(a) Successfully pass the examination as provided in RCW 18.25.040;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

**NEW SECTION**

**WAC 246-812-161 Inactive credential.** A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

PROPOSED

**AMENDATORY SECTION** (Amending WSR 95-22-062, filed 10/30/95, effective 11/30/95)

**WAC 246-812-990 Denturist fees and renewal cycle.** ~~((The following fees shall be charged by the department of health and are nonrefundable:))~~

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application <del>((includes the initial license which expires the following June 30))</del>	<del>\$ 1,000)</del> \$ 1,000.00
Examination	<del>((1,500))</del> 1,500.00
Reexamination, written	<del>((500))</del> 500.00
Reexamination, practical	<del>((500))</del> 500.00
License renewal	<del>((2,750))</del> 2,750.00
Late renewal penalty	<del>((300))</del> 300.00
<u>Expired license reissuance</u>	<u>300.00</u>
Inactive license renewal	<del>((1,500))</del> 1,500.00
<u>Expired inactive license reissuance</u>	<u>300.00</u>
Duplicate license	<del>((15))</del> 15.00
<u>Certification of license</u>	<del>((25))</del> 25.00
Multiple location licenses	<del>((50))</del> 50.00

**NEW SECTION**

**WAC 246-812-995 Conversion to a birthday renewal cycle.** (1) The biennial license renewal date is changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion to a staggered system, practitioners will renew their license every other year on their birthday at the current renewal rate.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 246-812-140 Application for licensure—  
AIDS education requirements.

**AMENDATORY SECTION** (Amending WSR 95-16-102, filed 8/1/95, effective 9/1/95)

**WAC 246-815-020 Dental hygiene examination eligibility.** (1) To be eligible to take the Washington dental hygiene examination, the applicant must meet the following requirements:

(a) The applicant must have successfully completed a dental hygiene education program approved by the secretary of the department of health pursuant to WAC 246-815-030.

~~((The applicant must have completed the AIDS prevention and information education required by WAC 246-815-040.))~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(c) The applicant must demonstrate knowledge of Washington law pertaining to the practice of dental hygiene.

(d) The applicant must complete the required application materials and pay the required ~~((nonrefundable))~~ fee.

(2) Applications for the dental hygiene examination are available from the department of health dental hygiene program. The completed application must be received by the department of health sixty days prior to the examination. The application must include:

(a) The required ~~((nonrefundable))~~ examination fee.

(b) Either the national board IBM card reflecting a passing score or a notarized copy of the national board certificate.

(c) Two photographs of the applicant taken within one year preceding the application.

(3) An official transcript or certificate of completion constitutes proof of successful completion from an approved dental hygiene education program. Applicants who will successfully complete the dental hygiene education program within forty-five days preceding the examination for which they are applying may provide documentation of successful completion by inclusion of their names on a verified list of students successfully completing the program from the dean or director of the education program. No other proof of successful completion is acceptable. An applicant may complete the application and be scheduled for the examination, but will not be admitted to the examination if the department of health has not received the required proof of successful completion.

**AMENDATORY SECTION** (Amending WSR 95-16-102, filed 8/1/95, effective 9/1/95)

**WAC 246-815-100 Licensure by interstate endorsement of credentials.** A license to practice as a dental hygienist in Washington may be issued pursuant to RCW 18.29.045 provided the applicant meets the following requirements:

(1) The applicant has successfully completed a dental hygiene education program which is approved by the secretary of the department of health pursuant to WAC 246-815-030.

(2) The applicant has been issued a valid, current, nonlimited license by successful completion of a dental hygiene examination in another state. The other state's current licensing standards must be substantively equivalent to the licensing standards in the state of Washington. The other state's examination must have included the following portions and minimum level of competency standards.

(a) Written tests - the written tests include:

(i) The National Board of Dental Hygiene examination.

(ii) A state written test covering the current dental hygiene subjects that are tested for Washington state.

(b) Practical tests - all portions shall be graded anonymously by calibrated practicing dental hygienists or dental

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hygienists and dentists. The calibration process shall consist of training sessions which include components to evaluate and confirm each examiners ability to uniformly detect known errors on pregraded patients and/or dentoforms. Examiners will be calibrated to the established standard of minimum level of competency. The examination must have equivalent patient selection criteria for the patient evaluation, prophylaxis and anesthesia portions. The current Washington state patient selection criteria for examination will be used as the basis of comparison at the time of application for licensure by interstate endorsement of credentials. The practical tests include:

(i) Patient evaluation clinical competency test which includes what is currently tested for the Washington state dental hygiene examination.

(ii) Prophylaxis clinical competency test which includes what is currently tested for the Washington state dental hygiene examination.

(iii) Anesthesia clinical competency test which includes what is currently tested for the Washington state dental hygiene examination.

(iv) Restorative test which includes what is currently tested for the Washington state dental hygiene examination.

(3) The applicant holds a valid current license, and has been currently engaged in clinical practice at any time within the previous year as a dental hygienist in another state or in the discharge of official duties in the United States Armed Services, Coast Guard, Public Health Services, Veterans' Bureau, or Bureau of Indian Affairs. Verification of licensure must be obtained from the state of licensure, and any fees for verification required by the state of licensure must be paid by the applicant.

(4) The applicant has not engaged in unprofessional conduct as defined in the Uniform Disciplinary Act in RCW 18.130.180 or is not an impaired practitioner under RCW 18.130.170 in the Uniform Disciplinary Act.

(5) ~~(The applicant has completed the AIDS prevention and information education required by WAC 246-815-040.)~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(6) The applicant demonstrates to the secretary knowledge of Washington law pertaining to the practice of dental hygiene.

(7) The applicant completes the required application materials and pays the required ~~(nonrefundable)~~ application fee. Applications for licensure by interstate endorsement are available from the department of health dental hygiene program.

(8) If the secretary of the department of health finds that the other state's licensing standards are substantively equivalent except for a portion(s) of the examination, the applicant may take that portion(s) to qualify for interstate endorsement. That portion(s) of the exam must be successfully completed to qualify for interstate endorsement and an additional ~~(nonrefundable)~~ examination fee as well as the licensure by interstate endorsement ~~(nonrefundable)~~ fee shall be required.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-815-140 Continuing education for dental hygienists.** (1) Purposes. The secretary of the department of health in consultation with the dental hygiene examining committee has determined that the public health, safety and welfare will be served by requiring all holders of dental hygiene licenses granted under chapter 18.29 RCW to continue their education after receiving such licenses.

~~(2) ((Implementation. Notification of the continuing education requirements will be provided to licensees with renewal notices beginning January 1, 1991. Effective January 1, 1992, renewal of any current license or reinstatement of any license on lapsed or disciplinary status shall require evidence of completion of continuing education which meets the requirements of subsection[s] (3) & (4).~~

~~(3)) Requirements. ((All)) Licensed dental ((hygiene licensees shall acquire)) hygienists must complete 15 clock hours of continuing education((, which shall include)) as required in chapter 246-12 WAC, Part 7. A ((nonexpired)) current CPR card((, in each year prior to their license renewal date)) must be maintained as part of this requirement. ((One clock hour is defined as sixty minutes.~~

~~(4)) (3) Acceptable continuing education. Continuing education must be dental related education for professional development as a dental hygienist. The 15 clock hours shall be obtained through continuing education courses, correspondence courses, college credit courses, dental hygiene examination standardization/calibration workshops and dental hygiene examination item writer workshops.~~

~~((5) Documentation. The licensee shall:~~

~~(a) Certify on forms provided, that the minimum continuing education has been completed in the year prior to their renewal date.~~

~~(b) Keep records for two years documenting attendance or completion and description of the information addressed in the course.~~

~~(c) Be prepared to validate, through submission of the records in (5)(b), attendance or completion of the requisite number of clock hours.~~

~~(6) The department of health may conduct random compliance audits of continuing education records. If the department determines that the licensee has not obtained continuing education as defined in (3) and (4) above, then the license renewal or reinstatement may be denied pursuant to RCW 18.130.180.))~~

AMENDATORY SECTION (Amending WSR 95-16-102, filed 8/1/95, effective 9/1/95)

**WAC 246-815-990 Dental hygiene fees and renewal cycle.** ~~((The following nonrefundable fees shall be charged:))~~ (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application examination and reexamination	\$100.00
Renewal	60.00
Late renewal penalty	50.00
<u>Expired license reissuance</u>	<u>50.00</u>

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Credentialing application	300.00
Temporary license application	115.00
Duplicate license	15.00
Certification of license	25.00
Education program evaluation	200.00

((All fees shall be payable, in U.S. funds, by check or money order to "Washington state treasurer" or "department of health."))

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 246-815-040 AIDS prevention and information education requirements.
- WAC 246-815-150 Renewal of licenses.
- WAC 246-815-300 Reinstatement of a dental hygiene expired license.

**AMENDATORY SECTION** (Amending WSR 95-21-041, filed 10/10/95, effective 11/10/95)

**WAC 246-817-110 Dental licensure—Initial eligibility and application requirements.** To be eligible for Washington state dental licensure, the applicant shall complete an application provided by the dental HPQAD of the department of health, and shall include written documentation to meet the eligibility criteria for the license for which he/she is applying. Each applicant shall provide:

(1) Completed application and fee. The applicant shall submit a signed, notarized application and required fee. ~~((Fees are set by the secretary of health and are nonrefundable. Fees must be in U.S. funds and made payable by check or money order, to the department of health.))~~ (Refer to WAC 246-817-990 for fee schedule.)

(2) Proof of graduation from a dental school approved by the DQAC. The DQAC adopts those standards of the American Dental Association's Commission on Accreditation which were relevant to accreditation of dental schools and current in May 1993 and has approved all and only those dental schools which were accredited by the commission as of May 1993. Other dental schools which apply for DQAC approval and which meet these adopted standards to the DQAC's satisfaction may be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved.

(3) Certification of successful completion of the National Board Dental Examination Parts I and II. An original scorecard or a certified copy of the scorecard shall be accepted.

(4) Proof of graduation from an approved dental school. The only acceptable proof is an official, posted transcript sent directly from such school, or in the case of recent graduates, a verified list of graduating students submitted directly from the dean of the dental school. Graduates of nonaccredited dental schools must also meet the requirements outlined in WAC 246-817-160.

(5) A complete listing of professional education and experience including college or university (predental), and a complete chronology of practice history from the date of

dental school graduation to present, whether or not engaged in activities related to dentistry.

~~(6) ((Proof of seven hours of AIDS education and training as further defined by WAC 246-817-201.)) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

(7) Certification of malpractice insurance if available, including dates of coverage and any claims history.

(8) Written certification of any licenses held, submitted directly from another licensing entity, and including license number, issue date, expiration date and whether applicant has been the subject of final or pending disciplinary action.

(9) Proof of successful completion of an approved practical/clinical examination and a written jurisprudence examination or any other examination approved by and administered under the direction of the DQAC.

(10) Photograph. A recent photograph, signed and dated, shall be attached to the application.

(11) Inquiries from other sources may be conducted as determined by the DQAC, including but not limited to the national practitioner data bank and drug enforcement agency. Applicants are responsible for any fees incurred in obtaining verification of requirements.

(12) Additional requirements for each license type as further defined.

**AMENDATORY SECTION** (Amending WSR 95-21-041, filed 10/10/95, effective 11/10/95)

**WAC 246-817-150 Licenses—Persons licensed or qualified out-of-state who are faculty at school of dentistry—Conditions.** (1) The department shall provide an application for faculty licensure upon receipt of a written request from the dean of the University of Washington, School of Dentistry.

(2) Applicants for faculty licensure shall submit a signed, notarized application, including applicable fees, and other documentation as required by the DQAC.

(3) The dean of the University of Washington, School of Dentistry, or his designee, shall notify the department of health of any changes in employment status of any person holding a faculty license.

~~(4) ((Faculty license renewal shall occur on an annual basis, on or before July 1. Courtesy notices shall be sent to the last address on record, prior to the renewal date.~~

~~(5))~~ Clinics situated away from the School of Dentistry on the University of Washington campus, must be recommended by the dean in writing and approved by the DQAC. The recommendation must list the rationale for including each location as a University of Washington School of Dentistry facility.

**AMENDATORY SECTION** (Amending WSR 95-21-041, filed 10/10/95, effective 11/10/95)

**WAC 246-817-210 ((Renewal of)) Expired license(s).** ~~((Under the annual birth date license renewal system, a late payment penalty provision shall be applied as follows:~~

~~(1) Before the expiration date of the individual's license, as a courtesy, a notice for renewal of license shall be mailed to the last address on file to every person holding a current license. The licensee must return the notice along with~~

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~~current renewal fees prior to the expiration of said license. Should the licensee fail to renew his/her license prior to the expiration date then the individual is subject to the statutory penalty fee.~~

~~(2) If the licensee fails to renew his/her license within three years from expiration date thereof, such individual must apply for licensing under the statutory conditions then in force.)~~ (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, the practitioner must:

(a) Comply with the current statutory conditions;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

**AMENDATORY SECTION** (Amending WSR 95-16-122, filed 8/2/95, effective 9/1/95)

**WAC 246-817-990 Dentist fees and renewal cycle.** ~~((The following fees shall be charged by the department of health:))~~ (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except faculty licenses.

(2) Faculty licenses must be renewed every year on July 1 as provided in chapter 246-12 WAC, Part 2.

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
<b>Original application by examination*</b>	
Initial application	\$ 325.00
<b>Original application - Without examination</b>	
Initial application	350.00
Initial license	350.00
<b>Faculty license application</b>	325.00
<b>Resident license application</b>	60.00
<b>License renewal:</b>	
<del>((Annual birthdate))</del> Renewal	215.00
Surcharge - impaired dentist	5.00
Late renewal penalty	110.00
Expired license reissuance	110.00
<del>((Original application - License without examination</del>	
Initial application	350.00
Initial license	350.00))
<b>Duplicate license</b>	15.00
<b>Certification of license</b>	25.00
<b>Anesthesia permit</b>	
Initial application	50.00
Renewal - (three-year renewal cycle)	50.00
Late renewal penalty	50.00
Expired permit reissuance	50.00
On-site inspection fee	To be determined by future rule adoption.

\* In addition to the initial application fee above, applicants for licensure via examination will be required to submit a separate application and examination fee directly to the dental testing agency accepted by the dental quality assurance commission.

~~((All fees shall be made payable by check or money order, in U.S. funds, to the "department of health."~~

~~All application and renewal fees are nonrefundable.~~

~~New fees shall become effective September 1, 1995.))~~

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 246-817-201 Application for licensure—  
AIDS education requirements.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-822-120 Application requirements.** (1) Individuals applying for certification as a certified dietitian must submit:

(a) A completed application form with fee;

(b) ~~((Verification of AIDS education and training as set forth in WAC 246-822-110; and))~~ Complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8; and

(c) Verification of current registration status with the commission on dietetic registration.

(2) Individuals applying for certification as a certified dietitian who have not passed the required written examination or who are not registered with the commission on dietetic registration must:

(a) Provide transcripts forwarded directly from the issuing college or university showing completion of a baccalaureate degree or higher in a major course of study in human nutrition, foods and nutrition, dietetics, or food management;

(b) Provide evidence of completion of a continuous preprofessional experience or coordinated undergraduate program in dietetics under the supervision of a qualified supervisor;

(c) Take and pass the required written examination; and

(d) ~~((Provide verification of AIDS education and training as set forth in WAC 246-822-110.))~~ Complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(3) Individuals applying for certification as a certified nutritionist must submit:

(a) A completed application form with fee; and

(b) Documentation that the applicant meets the application requirements for certified dietitians, as set forth in subsection (1) or (2) of this section; or

(c) Transcripts forwarded directly from the issuing college or university showing completion of a masters or doctorate degree in one of the following subject areas: Human nutrition, nutrition education, foods and nutrition, or public health nutrition; and

(d) ~~((Verification of AIDS education and training as set forth in WAC 246-822-110.))~~ Complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

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**AMENDATORY SECTION** (Amending Order 173, filed 6/6/91, effective 7/7/91)

**WAC 246-822-990 Dietitian and nutritionist fees and renewal cycle.** ~~((The following fees shall be charged by the professional licensing division of the department of health:))~~

(1) Certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title	Fee
Application	\$100.00
Renewal	80.00
Late renewal penalty	25.00
<u>Expired certificate reissuance</u>	<u>50.00</u>
<u>Duplicate certificate</u>	<u>15.00</u>
Certification of certificate	25.00
<del>((Duplicate</del>	<del>15.00))</del>

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 246-822-110 AIDS prevention and information education requirements.

**AMENDATORY SECTION** (Amending Order 155, filed 4/10/91, effective 5/11/91)

**WAC 246-824-020 Registration of apprentices.** (1) Registration of an apprentice shall be requested by the physician, optometrist or dispensing optician who intends to provide the training for and direct supervision of the apprentice's work, on a form provided by the secretary.

(2) Separate registrations shall be required if an individual receives his or her apprenticeship training from more than one licensee.

(3) In determining whether or not an individual has completed his or her apprenticeship, within the minimum of three years or the maximum of six years, only the apprenticeship training received subsequent to the date that the apprentice was formally registered with the secretary will be considered: *Provided*, That an individual who has been registered in an apprentice-type program by an agency of the state of Washington, which program has been approved by the secretary, and who has been trained and directly supervised by a licensed physician, optometrist, or dispensing optician while in such program, may have all such training considered toward fulfillment of his or her apprenticeship, whether such training occurred before or after his or her formal registration with the secretary: *Provided, further*, That this exemption is not to be construed or applied in any manner which would except any person from any provision of RCW 18.34.030: *Provided, further*, That before such training may be considered toward fulfillment of an apprenticeship, formal registration of the individual must be requested by the physician, optometrist, or dispensing optician who has trained and supervised the individual, in retrospective accordance with subsections (1), (2) and (4) of this section, on a form provided by the secretary.

(4) The licensee initially requesting the registration of an apprentice shall notify the secretary whenever he or she terminates the apprenticeship training, unless such termination is concluded by reason of the apprentice becoming licensed as a dispensing optician.

~~((5) After registration, the apprentice shall notify the secretary, in writing and within thirty days, of any name or address change.))~~

**AMENDATORY SECTION** (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

**WAC 246-824-040 Application for examination.** (1) An individual shall make application for examination, in accordance with RCW 18.34.070, on an application form prepared and provided by the secretary.

(2) The apprenticeship training requirement shall be supported with certification by the licensed individual (or individuals) who provided such training.

(3) ~~((Examination fees are not refundable.))~~ If an applicant is unable to attend his or her scheduled examination, and so notifies the secretary in writing at least 7 days prior to the scheduled examination date, the applicant will be rescheduled at no additional charge. Otherwise, the fee will be forfeited. (Emergencies considered.)

(4) If an applicant takes the examination and fails to obtain a satisfactory grade, he or she may be scheduled to retake the examination by submitting an application and paying the statutory examination fee.

(5) Applications and fees for examination and all documents required in support of the application must be submitted to the division of professional licensing, department of health, at least sixty days prior to the scheduled examination. Failure to meet the deadline will result in the applicant not being scheduled until the next scheduled examination.

(6) Apprenticeship training shall be completed prior to the application deadline.

**AMENDATORY SECTION** (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

**WAC 246-824-071 Licensure by endorsement—Definitions.** (1) For the purpose of licensure by endorsement the following definitions ~~((shall))~~ will apply:

(a) "Credential in another state" means the applicant holds a current valid license to practice as a dispensing optician in another state.

(b) "Substantially equivalent" means the applicant has successfully completed an examination administered by or authorized by either a national professional association or a state other than Washington state. The examination shall cover the same subject matter as the Washington state examination. The licensing law under which the applicant is licensed shall, at a minimum, include the duties described in RCW 18.34.060.

(2) The department ~~((shall))~~ will issue a license by endorsement unless there is a basis for denial of the license or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160. A person applying for a license by endorsement ~~((shall))~~ must submit to the department:

(a) A completed application on a form provided by the department;

(b) An application fee, and if the application is approved, an original license fee;

(c) Evidence satisfactory to the department that the education and examination requirements of the other state are substantially equivalent to that of Washington;

(d) A completed open-book state law examination provided by the department;

(e) ~~((Proof of compliance with the AIDS prevention and information education requirements as listed in WAC 246-824-170-))~~ Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(3) Written documentation shall be submitted directly from all states in which the applicant is or has been licensed, verifying the applicant is in good standing and not subject to charges or disciplinary action for unprofessional conduct or impairment.

(4) If licensure by endorsement is denied, and the applicant is otherwise qualified for the licensing examination, he or she may apply for licensure by examination in accordance with RCW 18.34.070 and WAC 246-824-040.

(5) Endorsement application fees ~~((are non-refundable, but))~~ may be applied towards the examination fee if licensure by endorsement is denied.

~~((6) A license issued by endorsement is subject to annual renewal, penalty for late renewal as established in RCW 18.34.120 and WAC 246-824-990, and continuing education as provided for in WAC 246-824-075-))~~

AMENDATORY SECTION (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

**WAC 246-824-073 Retired active ((license)) credential.** ~~((1) A person holding a current Washington state dispensing optician license who wishes to practice only in emergency or intermittent circumstances may apply for a retired active license if that person:~~

(a) Practices no more than ninety days each year in Washington state;

(b) Does not wish to practice on an intermittent basis but is available to practice for an extended period of time for the purpose of providing his or her professional services in emergency circumstances such as times of declared war or other states of emergency.

~~(2) An individual requesting a retired active license status shall submit a letter to the department declaring the intent to practice only on an intermittent or emergency basis, along with the active retired renewal fee specified in WAC 246-824-990. Active retired licenses will not be retroactively issued for prior years.~~

~~(3) An active retired license is subject to annual renewal and penalty for late renewal as established in RCW 18.34.120 and WAC 246-824-990. Subsequent to being issued a retired active license, the licensee shall report, with the annual renewal the dates and circumstances under which the licensee practiced during the previous year.~~

~~(4) An active retired license is subject to continuing education as established in WAC 246-824-075.~~

~~(5) To reinstate the license to an active license status the licensee shall notify the department in writing five days in~~

~~advance of the change and pay a reinstatement fee as specified in WAC 246-824-990.~~

~~(6) Individuals on a retired active license status are subject to chapter 18.130 RCW to the same extent as individuals holding an active license-))~~ A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.

#### NEW SECTION

**WAC 246-824-074 Inactive credential.** A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

AMENDATORY SECTION (Amending Order 155, filed 4/10/91, effective 5/11/91)

**WAC 246-824-075 Continuing education requirements for dispensing opticians.** Purpose and scope. The purpose of these requirements is to ensure the continued high quality of services provided by the licensed dispensing optician. Continuing education consists of educational activities designed to review existing concepts and techniques and conveys information and knowledge about advances in the field of opticianry, so as to keep the licensed dispensing opticians abreast of current and forecasted developments in a rapidly changing field.

(1) Basic requirements. ~~((As a prerequisite for license renewal, licensed dispensing opticians are required to have thirty hours of continuing education every three years. The credit hours will be measured as follows: Any single session covering not less than two hours and forty minutes will be assigned three credits; any single session covering not less than one hour and forty minutes will be assigned two credits; any single session covering not less than fifty minutes will be assigned one credit.))~~ Licensed dispensing opticians must complete thirty hours of continuing education every three years as required in chapter 246-12 WAC, Part 7.

(2) Fifteen of the credit hours ~~((shall))~~ must relate to contact lenses.

~~((Continuing education credit hours in excess of the required hours earned in any renewal period may not be carried forward to a subsequent renewal period.~~

~~(2) Effective date of requirement. The effective date of the continuing education requirement will be upon the 1994 license renewal date or three years after initial licensure in Washington state, whichever is later.))~~

(3) Qualification of program for continuing education credit. Courses offered by the organizations and methods listed in this section will be presumed to qualify as continuing education courses. The secretary reserves the authority to refuse to accept credits in any course if the secretary determines that the course did not provide information sufficient in amount or relevancy to opticianry. Qualifying organizations and methods for the purposes of this section shall include in-class training, correspondence courses, video and/or audio tapes offered by any of the following:

- (a) American board of opticianry;
- (b) National academy of opticianry;
- (c) Optical laboratories association;
- (d) National contact lens examiners;
- (e) Pacific coast contact lens society;
- (f) Contact lens society of America;

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- (g) Opticians association of Washington;
- (h) Opticianry colleges or universities approved by the secretary;
- (i) Speakers sponsored by any of the above organizations;
- (j) Any state or national opticianry association; and
- (k) Additional qualifying organizations or associations as approved by the secretary.

~~((4) Certification of compliance. Each licensee shall certify, on forms provided by the department, that the minimum continuing education and training requirements have been met. Each licensee shall be responsible for retaining copies of all records, certificates, or other evidence of continuing education course completion. In said documentation the licensee shall:~~

- ~~(a) Keep records documenting attendance course title and course content.~~
- ~~(b) Be prepared to validate, through submission of these records, that attendance has taken place.~~

~~The department may, at its discretion, require any licensee to submit, in addition to the sworn certification, proof of completion of continuing education requirements. Failure to comply with the continuing education requirements will be cause for a license to lapse. Any licensee whose license has lapsed shall pay a late penalty fee as established by rule for each year the license has lapsed and submit evidence of continuing education requirement compliance. Any licensee whose license has lapsed for a period of two years or more may reinstate his or her license by paying an examination fee and successfully passing the examination provided in RCW 18.34.070.)~~

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-824-170 AIDS prevention and information education requirements.** ~~((1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education and training:~~

~~(a) Acceptable education and training. The secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this~~

~~section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

- ~~(e) Documentation. The applicant shall:~~
  - ~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~
  - ~~(ii) Keep records for two years documenting attendance and description of the learning;~~
  - ~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.) Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

AMENDATORY SECTION (Amending WSR 94-08-078, filed 4/5/94, effective 5/6/94)

**WAC 246-824-990 Dispensing optician fees and renewal cycle.** ~~((The following fees shall be charged by the professional licensing services division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.~~

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Optician:	
Full examination (or reexamination)	\$200.00
Reexamination—Practical only	50.00
Reexamination—Written (basic) only	25.00
Reexamination—Written (contact lens) only	25.00
Renewal	125.00
Late renewal penalty	75.00
<u>Expired license reissuance</u>	<u>62.50</u>
Duplicate license	15.00
<u>Certification of license</u>	<u>15.00</u>
Apprentice registration	75.00
Endorsement application	100.00
Inactive license	35.00

NEW SECTION

**WAC 246-824-995 Conversion to a birthday renewal cycle.** (1) The annual license renewal date is changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion to a staggered system, practitioners will annually renew their license on their birthday at the current renewal rate.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-826-050 Renewal of health care assistants.** Updated certification/delegation forms must be submitted ~~((within two years from the date of the most recent certification on file with the department of health. The department will send renewal forms to the delegation or facility's address on record approximately sixty days prior to the expiration date)).~~ It ~~((shall be))~~ is the responsibility of every health care facility and health care practitioner who certifies health care assistants to submit the renewal forms and fees

on or before (~~certification expiration date~~) the health care assistant's birthday.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-826-230 AIDS prevention and information education requirements—Health care assistants.** ~~((+) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for certification. Effective January 1, 1989, persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section:~~

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(c) Documentation. The applicant shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.~~

~~(4) Temporary emergency waiver of seven hours training requirement. The secretary may waive the minimum seven clock hour requirement of subsection (3)(a) of this section if evidence is provided which documents compliance with AIDS training curriculum content. Certificates issued under this provision will be effective for one hundred twenty days only.) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

**AMENDATORY SECTION** (Amending Order 173, filed 6/6/91, effective 7/7/91)

**WAC 246-826-990 Health care assistant fees and renewal cycle.** ~~((The following fees shall be charged by the professional licensing division of the department of health:))~~

(1) Certificates must be renewed every two years on the

practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
First certification	\$35.00
Renewal	33.00
<u>Expired certificate reissuance</u>	<u>33.00</u>
Recertification	35.00
Duplicate	15.00

**NEW SECTION**

**WAC 246-826-995 Conversion to a birthday renewal cycle.** (1) Effective July 1, 1998, the biennial certificate renewal date is changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion, practitioners will renew their certificate every other year on their birthday at the current renewal rate.

**AMENDATORY SECTION** (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-295 Inactive ((status license)) credential.** ~~((An inactive license shall be issued to a currently licensed fitter and dispenser at the time of his or her annual renewal upon the department's receipt of the licensee's written request and payment of the inactive license fee. An inactive license may be returned to active status upon written request of the licensee in accordance with RCW 18.25.095. An inactive license shall be renewed annually on the licensee's birthdate by submitting to the department the inactive status fee.)) A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.~~

**AMENDATORY SECTION** (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-300 ((License renewal, late penalty, reexamination required.)) Expired license.** ~~((+) A license shall be renewed annually on or before the licensee's birthdate. An initial license shall expire on the licensee's next birthdate. Unless otherwise specified in statute, the secretary may prorate the renewal fee based on 1/12 of the annual renewal fee for each full calendar month between the initial issue date and the next anniversary of the applicant's birthdate.~~

(2) A licensee may renew his/her license at the annual renewal rate, for one year. Any renewal that is postmarked or presented to the department after midnight on the expiration date is late, and subject to a late renewal penalty fee.

(3) Failure to timely renew a license shall invalidate the license and all privileges granted by the license. Any licensee subject to the Uniform Disciplinary Act who submits a late renewal which is postmarked or presented to the department more than thirty days after its expiration date, shall be subject to investigation for unprofessional conduct

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in accordance with RCW 18.130.180(7) for unlicensed practice.

(4) Late renewal penalty fees, reinstatement of licensure. A license holder who fails to renew his or her license on or before its expiration date may be issued a license to practice during the first three years that the license has been allowed to lapse. The licensee shall remit to the department a completed reinstatement application, late penalty fee, all back annual renewal fees, and proof of completion of the continuing education requirement for the time the license was lapsed. Late renewal penalty fees shall be based on the following formula:

If the annual renewal \_\_\_\_\_ The late renewal penalty fee is:

From \$1 to \$50 .....	100% of the renewal fee
From \$51 to \$100 .....	\$50 flat fee
\$101 or more .....	50% of the renewal fee, but no more than \$300

(5) If a licensee has allowed his or her license to lapse for more than three years the licensee shall, before the license may be reinstated to active status, satisfactorily complete all portions of the licensing examination and pay the applicable examination and licensing fees.)) (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

- (a) Submit verification of active practice from any other United States jurisdiction;
- (b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

- (a) Successfully pass the examination as provided in RCW 18.35.050;
- (b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-370 AIDS prevention and information education requirements.** ((1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective July 1, 1989, persons who submit an application for a license to fit/dispense hearing aids or who submit an application for a trainee permit shall submit, prior to being granted a license and in addition to the other requirements for licensure, evidence to show compliance with the educational requirements of subsection (4) of this section.

(3) Renewal of licenses. Effective with the renewal period beginning July 1, 1989, and ending June 30, 1990, all persons making application of licensure renewal shall submit,

in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section.

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the topical outline available from the office on AIDS. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective July 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.

(c) Documentation. The licensee or applicant for licensure shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.)) Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending Order 342B, filed 3/5/93, effective 4/5/93)

**WAC 246-828-510 ((Basic requirement—Amount))** Continuing education. ((In the one year period immediately preceding the annual renewal of the license to practice the fitting and dispensing of hearing aids, the applicant shall complete or accumulate ten hours of acceptable continuing education.

(1) Measurement is in full academic hours only (a fifty-minute period equals one hour). A one day course shall constitute eight hours of credit.

(2) Credit shall be granted only for class hours and not preparation hours.

(3) Acceptable courses taken after January 1, 1993, may be included in the first computation of continuing education hours necessary for renewal.

(4) The same course taken more than once during the renewal period shall be counted only once.)) (1) Licensed hearing instrument fitter/dispensers must complete ten hours of continuing education as required in chapter 246-12 WAC, Part 7.

(2) A maximum of two hours may be in the area of practice management. Practice management includes, but is not limited to, marketing, computer recordkeeping, and personnel issues.

**AMENDATORY SECTION** (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-530 Exceptions for continuing education.** ~~((The following is an exception from the continuing education requirements. Upon a showing of good cause by a licensee to the secretary, the secretary, with advice from the board, may exempt such licensee from any, all, or part of the continuing education requirement. Good cause includes, but is not limited to, severe illness.))~~ An exception for continuing education requirements includes, but is not limited to, severe illness.

**AMENDATORY SECTION** (Amending WSR 97-04-043, filed 1/31/97, effective 1/31/97)

**WAC 246-828-990 Hearing aid fitter/dispenser ((fees)), audiologist and speech language pathologists fees and renewal cycle.** ~~((The following fees shall be charged by the health professions quality assurance division of the department of health.))~~ (1) Licenses and certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for fitter/dispensers:

Title of Fee	Fee
Fitter/dispenser:	
License application	\$125.00
Initial license	100.00
Renewal	200.00
Written Exam	100.00
Practical Exam	200.00
Apprentice permit	85.00
Inactive license	75.00
Late renewal penalty	100.00
<u>Expired license reissuance</u>	<u>100.00</u>
<u>Expired inactive license reissuance</u>	<u>50.00</u>
License verification	15.00
Wall certificate	15.00
Duplicate license	15.00

(3) The following nonrefundable fees will be charged for audiologists:

Certificate application	125.00
Initial certificate	100.00
Renewal	200.00
Written Examination	100.00
Practical Examination	200.00
Interim permit	100.00
Inactive certificate	75.00
Late renewal penalty	100.00
<u>Expired certificate reissuance</u>	<u>100.00</u>
<u>Expired inactive certificate reissuance</u>	<u>50.00</u>
Certificate verification	15.00
Wall certificate	15.00
Duplicate certificate	15.00

(4) The following nonrefundable fees will be charged for speech/language pathologist:

Certificate application	125.00
Initial certificate	100.00
Renewal	200.00

Written Examination	100.00
Practical Examination	200.00
Interim permit	100.00
Inactive certificate	75.00
Late renewal penalty	100.00
<u>Expired certificate reissuance</u>	<u>100.00</u>
<u>Expired inactive certificate reissuance</u>	<u>50.00</u>
Certificate verification	15.00
Wall certificate	15.00
Duplicate certificate	15.00

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 246-828-050	Refunds on examination fee.
WAC 246-828-520	Effective date of requirement.
WAC 246-828-540	Qualification of program for continuing education credit.
WAC 246-828-560	Certification of compliance.

**AMENDATORY SECTION** (Amending WSR 94-13-181, filed 6/21/94, effective 7/22/94)

**WAC 246-830-035 Licensing without examination.**

(1) A license to practice massage shall be issued without examination provided an individual holds a current license to practice massage in another jurisdiction that has examination and education requirements substantially equivalent to those in Washington.

(2) An individual applying for a license without examination shall submit to the department:

(a) A completed application on a form provided by the department;

(b) The required nonrefundable application fee;

(c) Documentation that the examination and education requirements of the other jurisdiction are substantially equivalent to those in Washington;

(d) Successful completion of an open book test provided by the department which demonstrates a working knowledge of Washington law as contained in chapters 18.108 and 18.130 RCW, and chapter 246-830 WAC;

~~(e) ((Proof of compliance with WAC 246-830-050 AIDS, prevention and information education requirements.))~~ Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8;

(f) Written certification from all jurisdictions in which the applicant has practiced massage verifying that the applicant has a record of good standing and has not been the subject of any disciplinary action.

(3) Restrictions:

(a) All applicants shall be subject to the grounds for denial or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130-160;

(b) An individual who has failed the Washington state licensing examination shall not be eligible for licensing without examination.

(4) If application for licensing without examination is denied, the applicant may apply for licensing as set forth in RCW 18.108.070.

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(5) A license issued without examination is subject to an original license fee and all other renewal requirements set forth in this chapter.

**AMENDATORY SECTION** (Amending WSR 94-13-181, filed 6/21/94, effective 7/22/94)

**WAC 246-830-460 Continuing education requirement—Amount.** ~~((The licensee shall demonstrate continued professional competency by completing sixteen hours of acceptable continuing education every two years.~~

~~(1) Hours for continuing education shall be measured in full academic hours (a fifty minute period equals one hour).~~

~~(2) Continuing education credit shall be granted for class hours only and not preparation time.)~~ Licensed massage therapists must complete sixteen hours of continuing education every two years as required in chapter 246-12 WAC, Part 7.

**AMENDATORY SECTION** (Amending WSR 95-11-108, filed 5/23/95, effective 6/23/95)

**WAC 246-830-990 Massage fees and renewal cycle.** ~~((The following fees shall be charged by the health professions quality assurance division of the department of health:))~~ (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Written examination and reexamination	\$ 65.00
Practical examination and reexamination	50.00
Initial license	55.00
Renewal	65.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Certification of license	15.00
Duplicate license	15.00

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 246-830-050 AIDS prevention and information education requirements.
- WAC 246-830-465 Effective date of requirement.
- WAC 246-830-470 Exemptions.
- WAC 246-830-480 Certification of compliance.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-834-060 Application for licensing examination.** (1) All applicants shall file a completed, notarized application, with the application fee specified in WAC 246-834-990, at least 45 days prior to the examination.

(2) Applicants shall request that the school of midwifery send an official transcript directly to the department of health ~~((professional licensing services)).~~

(3) Those who have properly applied to take the midwifery licensing examination and have met all qualifications will be notified of their eligibility to be examined. Upon

notification of eligibility, the examination fee specified in WAC 246-834-990 must be submitted. Only applicants so notified will be admitted to the examination.

~~(4) ((No fees submitted and processed by the department will be subject to refund.~~

~~(5)))~~ All applicants shall take the current state licensing examination for midwives.

~~((6)))~~ (5) The minimum passing score on the licensing examination is 75 percent.

(6) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-834-065 Application for examination—Out-of-state education.** (1) A midwife not licensed in the state of Washington may sit for the licensing examination without completing the required coursework or the midwife-in-training program provided the midwife meets the following requirements:

(a) Has completed a program preparing candidates to practice as a midwife provided such program is equivalent to the minimum course requirements of approved midwifery programs in Washington at the time of applicant's program completion. Proof of equivalency shall be submitted by the applicant with the application.

(b) The transcript of the applicant's completed midwifery program verifies that:

(i) All courses were completed with a grade of C (pass) or better; and

(ii) At least fifteen managed births were completed under the preceptorship of an experienced midwife approved by the candidate's educational program.

(c) If managed births completed under the preceptorship in ~~((4))~~ (b)(ii) of this subsection are less than fifty, then affidavits of births the applicant has managed must be submitted in a sufficient number to prove that the applicant has managed a total of at least fifty births.

(2) The applicant shall submit to the department:

(i) A complete notarized application with the required fee. ~~((The fee is nonrefundable.))~~

(ii) Notarized copies of educational preparation or an official transcript verifying educational preparation or an official transcript verifying educational preparation to practice midwifery.

(iii) ~~((Affidavits))~~ Declarations of managed births as required in subsection (1)(c) of this section.

(3) Applicants must demonstrate completion of seven clock hours of AIDS education as provided in chapter 246-12 WAC, Part 8.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-834-170 Reports to the ~~((director of))~~ department of ~~((licensing))~~ health by accredited midwifery educational programs.** (1) An annual report on the program and its progress for the period July 1 to June 30 shall be submitted to the department by each midwifery educational program on forms supplied by the department.

(2) Written notification shall be sent to the department regarding major changes relating to, but not limited to, the following:

- (a) Change in the administrator or academic director.
- (b) Organizational change.
- (c) Changes in extended learning sites.

The information submitted to the department of health shall include the reason for the proposed change.

(3) The secretary may require submission of additional reports.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-834-200 Appeal of department of ((licens- ing)) health decisions.** A school of midwifery aggrieved by a department decision affecting its accreditation may appeal the decision pursuant to chapter 18.50 RCW and the Administrative Procedure Act, chapter 34.05 RCW.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-834-260 General provisions.** (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of health, whose address is:

Department of Health  
 ((Professional Licensing Services))  
Midwifery Program  
 1300 S.E. Quince St.  
 P.O. Box ((4099)) 47864  
 Olympia, Washington 98504-7864

(5) "Midwife" means a person licensed pursuant to chapter 18.50 RCW.

(6) "Mentally or physically disabled midwife" means a midwife who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice midwifery with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

#### **NEW SECTION**

**WAC 246-834-400 Expired license.** (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, the practitioner must:

(a) Demonstrate competence to the standards established by the secretary;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

#### **REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 246-834-500 AIDS prevention and information education requirements.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-836-080 Continuing competency program.** (1) ~~((Naturopathic physicians))~~ Licensed ~~((under these rules shall complete))~~ naturopathic physicians must demonstrate completion of 20 hours of continuing education ~~((each year in courses approved by the director. Prior approval of courses shall be available by application to the secretary))~~ as provided in chapter 246-12 WAC, Part 7. Only courses in diagnosis and therapeutics as listed in RCW 18.36A.040 shall be eligible for credit.

~~((2))~~ In addition to the license renewal form and fee, the licensee shall submit an affidavit of compliance with the twenty-hour continuing education requirement on a form provided by the department. Failure to submit the sworn certification will result in nonrenewal of the license.

~~(3)~~ It is the responsibility of the licensee to maintain appropriate records or evidence of compliance with the continuing education requirement. The department may, in its discretion require any licensee to submit, in addition to the sworn certification, proof of completion of continuing education requirements.

~~(4)~~ A material false statement on the sworn certification, or failure to provide proof of completion of continuing education requirements when proof is required in the department's discretion, is grounds for disciplinary action, including but not limited to, suspension, revocation, or nonrenewal of the license.

~~(5)~~ Continuing education hours in excess of the required hours earned in any renewal period may not be carried forward to a subsequent renewal period.

~~(6))~~ (2) In emergency situations, such as personal or family illness, the department may in its discretion, for good cause shown, waive all or part of the continuing education requirement for a particular one year period for an individual licensee. The department may require such verification of the emergency as is necessary to prove its existence.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-836-410 AIDS prevention and information education requirements.** ~~((1))~~ Definitions:

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

~~(2)~~ Application for licensure. Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) The requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(c) Documentation. The applicant shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.)~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

WAC 246-836-990 Naturopathic physician licensing fees and renewal cycle. ((1) The following fees are payable to the department of health.) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Amount
Application	\$ 50.00
<del>((Prograduate basic science examination</del>	<del>175.00</del>
<del>Clinical examinations (initial/retake)</del>	<del>275.00</del>
<del>Basic science examination (initial/retake)</del>	<del>125.00</del>
<del>Add-on examinations (initial/retake)</del>	<del>75.00))</del>
State examination (initial/retake)	50.00
Initial license	50.00
License renewal	450.00
Late renewal penalty	225.00
<u>Expired license reissuance</u>	<u>225.00</u>
Duplicate license	15.00
Certification of license	15.00
Application for reciprocity	50.00

~~((2) Fees submitted to and processed by the department are nonrefundable.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-836-090 License reinstatement.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-010 Definitions. (1) ("Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illnesses as defined by the commission of health by rule.

~~(2))~~ "Auxiliary services" are all nursing services provided to patients by persons other than the licensed practical nurse, the registered nurse and the nursing student.

~~((3))~~ (2) "Beginning practitioner" means a newly licensed nurse beginning to function in the nurse role.

~~((4))~~ (3) "Behavioral objectives" means the measurable outcomes of specific content.

~~((5))~~ (4) "Client" means the person who receives the services of the practical nurse or registered nurse.

~~((6))~~ (5) "Client advocate" means a supporter of client rights and choices.

~~((7))~~ (6) "Commission" means the Washington state nursing care quality assurance commission.

~~((8))~~ (7) "Competencies" means the tasks necessary to perform the standards.

~~((9))~~ (8) "Conceptual framework" means the theoretical base around which the curriculum is developed.

~~((10))~~ (9) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the commission, and it specifies conditions that must be met within a designated time to rectify the failure.

~~((11))~~ (10) "Delegation" means the licensed practical nurse or registered nurse transfers the performance of selected nursing tasks to competent individuals in selected situations. The licensed practical nurse or registered nurse delegating the task retains the responsibility and accountability for the nursing care of the client. The licensed practical nurse or registered nurse delegating the task supervises the performance of the unlicensed person;

(a) Nursing acts delegated by the licensed practical nurse or registered nurse shall:

(i) Be within the area of responsibility of the licensed practical nurse or registered nurse delegating the act;

(ii) Be such that, in the opinion of the licensed practical nurse or registered nurse, it can be properly and safely performed by the person without jeopardizing the patient welfare;

(iii) Be acts that a reasonable and prudent licensed practical nurse or registered nurse would find are within the scope of sound nursing judgment.

(b) Nursing acts delegated by the licensed practical nurse or registered nurse shall not require the unlicensed person to exercise nursing judgment nor perform acts which must only be performed by a licensed practical nurse or registered nurse, except in an emergency situation (RCW 18.79.240 (1)(b) and (2)(b)).

(c) When delegating a nursing act to an unlicensed person it is the registered nurse who shall:

(i) Make an assessment of the patient's nursing care need before delegating the task;

(ii) Instruct the unlicensed person in the delegated task or verify competency to perform or be assured that the

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person is competent to perform the nursing task as a result of the systems in place by the health care agency;

(iii) Recognize that some nursing interventions require nursing knowledge, judgment, and skill and therefore may not lawfully be delegated to unlicensed persons.

~~((12))~~ (11) Direction and Supervision:

(a) "Supervision" of licensed or unlicensed nursing personnel means the provision of guidance and evaluation for the accomplishment of a nursing task or activity with the initial direction of the task or activity; periodic inspection of the actual act of accomplishing the task or activity; and the authority to require corrective action.

(b) "Consulting capacity" shall mean the recommendations to a professional entity, employed at that facility, which may be accepted, rejected, or modified. These recommendations shall not be held out as providing nursing services by the consulting nurse to the patient or public.

(c) "Direct supervision" shall mean the licensed registered nurse is on the premises, is quickly and easily available and the patient has been assessed by the licensed registered nurse prior to the delegation of the duties to any caregiver.

(d) "Immediate supervision" shall mean the registered nurse is on the premises and is within audible and visual range of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

(e) "Indirect supervision" shall mean the registered nurse is not on the premises but has given either written or oral instructions for the care and treatment of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

~~((13))~~ (12) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

~~((14))~~ (13) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

~~((15))~~ (14) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the commission.

~~((16))~~ (15) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

~~((17))~~ (16) "Minimum standards of competency" means the functions that are expected of the beginning level nurse.

~~((18))~~ (17) "Nurse administrator" is an individual who meets the qualifications contained in WAC 246-840-555 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

~~((19))~~ (18) The phrase "nursing aide" used in RCW 18.79.240 (1)(c) shall mean a "nursing technician." "Nursing technician" is a nursing student currently enrolled in a commission or state board of nursing approved nursing

education program and employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing. The nursing student shall use the title "nursing technician" while employed.

~~((20))~~ (19) "Nursing student" is a person currently enrolled in an approved school of nursing.

~~((21))~~ "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

~~((22))~~ (20) "Philosophy" means the beliefs and principles upon which the curriculum is based.

~~((23))~~ (21) "Program" means a division or department within a state supported educational institution, or other institution of higher learning charged with the responsibility of preparing persons to qualify for the licensing examination.

~~((24))~~ (22) "Provisional approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

~~((25))~~ (23) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.79.030(1).

~~((26))~~ (24) "School" means an educational unit charged with the responsibility of preparing persons to practice as practical nurses or registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

~~((27))~~ (25) "Standards" means the overall behavior which is the desired outcome.

~~((28))~~ (26) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

~~((29))~~ (27) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the commission or a school that has never been approved by the commission.

**AMENDATORY SECTION** (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-020 Documents which indicate authorization to practice nursing in Washington.** The following documents are the only documents that indicate legal authorization to practice as a licensed practical nurse or registered nurse in Washington.

(1) Active license. A license is issued upon completion of all requirements for licensure, confers the right to use the title licensed practical nurse or licensed registered nurse and the use of its abbreviation, L.P.N. or R.N., and to practice as a licensed practical nurse or registered nurse in the state of Washington.

A student who has graduated from a basic professional nursing course and who is pursuing a baccalaureate degree in nursing, an advanced degree in nursing or an advanced certification in nursing shall hold an active Washington RN license before participating in the practice of nursing as required to fulfill the learning objectives in a clinical course.

Exception to this requirement may be granted by the commission on an individual basis upon a petition submitted by the dean or director of a school of nursing, on a case-by-case basis.

(a) The exception allows the student to practice in a clinical setting only under the direct supervision of an RN faculty member. The commission requires that any RN faculty member supervising these students meet the requirements of direct supervision as defined in WAC 246-840-010 (13)(c)(ii) and, in addition, that supervising faculty document that all clients under the care of the student be assessed by the RN faculty each clinical day.

(b) The dean or director of the school of nursing shall ensure that each faculty member who supervises these students be provided a copy of these rules and be assigned in a manner that allows for direct supervision.

(c) Nursing students who participate in clinical courses under this section are not eligible for the nursing technician role.

(2) Inactive license. A license issued to a person previously holding an active license in this state (~~who desires to retire temporarily from the practice of nursing in this state. The holder of an inactive license shall not practice nursing in this state~~), is in good standing and does not practice in Washington state. Refer to chapter 246-12 WAC, Part 4.

(3) Limited educational license. A limited educational license may be issued to a person who has been on inactive or lapsed status for three years or more and who wishes to return to active status.

(4) Advanced registered nurse practitioner (ARNP) recognition document. An ARNP recognition document may be issued to any person who meets the requirements of the commission as contained in WAC 246-840-300. Only persons holding this recognition document shall have the right to use the title "advanced registered nurse practitioner" or the abbreviation "ARNP" or any title or abbreviation which may indicate that the person is entitled to practice at an advanced and specialized level as a nurse practitioner, a specialized nurse practitioner, a nurse midwife, or a nurse anesthetist. This document authorizes the ARNP to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

(5) ARNP interim permit. An interim permit may be issued following satisfactory completion of an advanced formal education program, registration for the first certification examination of an approved program following completion of the education and filing of an application, fee and requested documentation. If the applicant passes the examination the department shall grant advanced registered nurse practitioner status. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(6) ARNP prescriptive authorization. A notation of prescriptive authorization may be placed on the ARNP recognition document issued to any person who meets the requirements of the commission as contained in WAC 246-840-410. This authorizes the ARNP to prescribe drugs within his or her scope of practice and is valid only with a current registered nurse license.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-040 Filing of application for licensing examination.** (1) All applicants (~~shall~~) must file with the Washington state nursing commission a completed application, with the required fee sixty days prior to the anticipated date of examination. (~~The fee is not refundable.~~)

(2) Applicants (~~shall~~) must request the school of nursing to send an official transcript directly to the Washington state nursing commission. The transcript (~~shall~~) must contain adequate documentation to verify that statutory requirements are met and shall include course names and credits accepted from other programs.

(3) Applicants (~~shall~~) must also file an examination application, along with the required fee directly with the testing service.

(4) Applicants who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination.

(5) Applicants (~~shall~~) must submit with the application one recent U.S. passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(6) (~~Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the AIDS education requirements of WAC 246-840-100.~~) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-080 Licensure of graduates of foreign schools of nursing.** (1) Applicants for licensure educated in a country outside the United States or its territories (~~shall~~) must meet the following requirements for licensure:

(a) Satisfactory completion of a basic nursing education program approved in the country of original licensure.

(i) The nursing education program (~~shall~~) must be equivalent to the minimum standards prevailing for commission or state board approved schools of nursing in Washington at the time of graduation.

(ii) Any deficiencies in the nursing program (theory and clinical practice in medical, psychiatric, obstetric, surgical and pediatric nursing) (~~shall~~) must be satisfactorily completed in a state board approved school of nursing.

(b) Screening exams:

**FOR PRACTICAL NURSES:**

Satisfactory passage of the test of English as a foreign language (TOEFL). All applicants with nursing educations obtained in countries outside of the United States and never before licensed in another jurisdiction or territory of the United States, shall be required to take the TOEFL and attain a minimum score of fifty in each section. Once an applicant obtains a score of fifty in a section, the board will require reexamination and passage only in the section(s) failed. Passage of all sections of the TOEFL must be attained and the applicant must cause TOEFL services to forward directly to the board a copy of the official examinee's score record. These results must be timely received with the individual's application before the NCLEX

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can be taken. Exceptions may be made, in the commission's discretion and for good cause, to this requirement.

#### FOR REGISTERED NURSES:

Satisfactory passage of the screening examination for foreign nurses. As of May 1, 1981, all applicants from countries outside the United States, and never before licensed in one of the United States jurisdictions shall have passed the commission on graduates of foreign nursing schools (CGFNS) qualifying examination.

(c) Applicants licensed under the laws of a country outside the United States or its territories shall be required to take the current series of the National Council of State Boards of Nursing Licensing exam for Practical or Registered Nurse (NCLEX-PN or NCLEX-RN) as provided in WAC 246-840-050: Provided, That those persons meeting the requirements of WAC 246-840-090(7) are exempt from this requirement; or show evidence of having already successfully passed the state board licensing examination for practical or registered nurses in another jurisdiction or territory of the United States with the passing standard required in Washington.

(d) All other requirements of the statute and regulation ~~((shall))~~ must be met.

(2) Applicants for examination ~~((shall))~~ must:

(a) File with the nursing commission a completed license application with the required fee sixty days prior to the anticipated date of the examination. ~~((The fees are not refundable.))~~

(b) Request the school of nursing to submit an official transcript directly to the health professions quality assurance division of department of health. The transcript shall contain the date of graduation and the credential conferred, and shall be in English or accompanied by an official English translation notarized as a true and correct copy.

(c) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(d) ~~((Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 246-840-100.))~~ Applicants must demonstrate completion of seven clock hours of AIDS education as provided in chapter 246-12 WAC, Part 8.

(e) Request the licensing agency in the country of original license to submit evidence of licensure.

(f) Submit a notarized copy of the certificate issued by the CGFNS or results of TOEFL exam.

(g) If the applicant's original documents (education and licensing) are on file in another state or with the CGFNS, the applicant may request that the state board or the CGFNS send notarized copies in lieu of the originals.

(h) Submit one recent passport sized photograph of the applicant unmounted and signed by the applicant across the front.

**AMENDATORY SECTION** (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-090 Licensure by interstate endorsement.** A license to practice as a nurse in Washington may be issued without examination provided the applicant meets all of the following requirements:

#### FOR PRACTICAL NURSE PROGRAMS:

(1) The applicant has graduated and holds a credential from:

(a) A commission or state board approved program preparing candidates for licensure as a practical nurse; or

(b) Its equivalent as determined by the commission, which program must fulfill the minimum requirement for commission or state board approved practical nursing programs in Washington at the time of graduation.

(2) Applicants shall have passed a state board constructed test, the SBTPE (state board test pool examination), or NCLEX in their original state of licensure.

(3) The applicant held or currently holds a license to practice as a practical nurse in another state or territory. If the license is lapsed or inactive for three years or more, the applicant must successfully complete a commission approved refresher course before an active Washington license is issued.

(4) That grounds do not exist for denial under chapter 18.130 RCW.

(5) The applicant shall:

(a) Submit a completed application with the required fee. ~~((The fee is not refundable.))~~

(b) ~~((Submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 246-840-100.))~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

#### FOR REGISTERED NURSE PROGRAMS:

(6) The applicant has graduated and holds a degree/diploma from a commission or state board approved school of nursing preparing candidates for licensure as a registered nurse provided such nursing program is equivalent to the minimum nursing educational standards prevailing for commission or state board approved schools of nursing in Washington at the time of the applicant's graduation.

(a) Applicants who were licensed prior to January 1, 1953, ~~((shall))~~ must have scored at least seventy-five percent on the commission or state board examination in the state of original licensure.

(i) Applicants licensed after January 1, 1953, but before June 1, 1982, ~~((shall))~~ must have passed the state board test pool examination for registered nurse licensure with a minimum standard score of 350 in each test.

(ii) Applicants licensed after July 1, 1982, ~~((shall))~~ must have passed with a minimum standard score as established by contract with the National Council of State Boards of Nursing.

(b) The applicant holds a valid current license to practice as a registered nurse in another state or territory.

(c) ~~((The applicant complies with the education requirements of WAC 246-840-100.))~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(d) The application ~~((shall))~~ must be completed and notarized, the fee must be filed with the application. ~~((The fee is not refundable.))~~ A notarized copy of a valid current license shall be filed with the application.

(e) Verification of licensure by examination ~~((shall))~~ must be obtained from the state or territory of original

licensure. Any fee for verification required by the state or territory of original license (~~(shall)~~) must be paid by the applicant.

(7) Applicants from countries outside the United States who were granted a license in another United States jurisdiction or territory prior to December 31, 1971, and who were not required to pass the state board test pool examination (~~(shall)~~) must meet the following requirements:

(a) The nursing education program (~~(shall)~~) must meet the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(b) The applicant holds a valid current license to practice as a registered nurse in another United States jurisdiction or territory.

(c) The applicant (~~(shall)~~) must submit to the commission:

(i) A complete notarized application. The (~~nonrefundable~~) fee must be filed with the application.

(ii) Verification of original licensure obtained in the United States jurisdiction or territory.

(iii) Notarized copies of educational preparation and licensure by examination submitted directly from the country of original licensure or from the state commission or territory of original United States licensure.

(iv) Verification of current nursing practice for three years prior to application for Washington licensure.

(v) (~~Evidence to show compliance with the education requirements of WAC 246-840-100.~~) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(d) The applicant shall meet all requirements of chapter 18.79 RCW and regulations of the commission.

#### NEW SECTION

**WAC 246-840-111 Expired license.** (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for more than three years and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license has expired for more than three years and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

(a) Successfully complete a commission approved refresher course. The practitioner will be issued a limited educational license to enroll in the refresher course. The limited educational license is valid only while working under the direct supervision of a preceptor and is not valid for employment as a licensed practical or registered nurse;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-120 (~~Return to active status from~~) Inactive (~~or lapsed status~~) credential. (~~Persons on inactive and/or lapsed status for three years or more, who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall be issued a limited educational license to enroll in a commission approved refresher course. Upon successful completion of the course, the individual's license shall be returned to active status. The limited educational license is valid only while working under the direct supervision of a preceptor and is not valid for employment as a licensed practical or registered nurse. Upon successful completion of the course, the individual's license shall be returned to active status.~~)**

(1) A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

(2) Practitioners with an inactive credential for three years or less who wish to return to active status must meet the requirements of chapter 246-12 WAC, Part 4.

(3) Practitioners with an inactive credential for more than three years, who have been in active practice in another United States jurisdiction, and wish to return to active status must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 4.

(4) Practitioners with an inactive credential for more than three years, who have not been in active practice in another United States jurisdiction, and wish to return to active status must:

(a) Successfully complete a commission approved refresher course. The practitioner will be issued a limited educational license to enroll in the refresher course. The limited educational license is valid only while working under the direct supervision of a preceptor and is not valid for employment as a licensed practical or registered nurse;

(b) Meet the requirements of chapter 246-12 WAC, Part 4.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-340 Application requirements for ARNP.** A registered nurse applicant for licensure as an ARNP shall:

(1) Submit a completed application and (~~nonrefundable~~) fee as specified in WAC 246-840-990.

(2) Meet the requirements of WAC 246-840-300 and 246-840-305. The following documents (~~(shall)~~) must be submitted as evidence to these requirements:

(a) An official transcript received by the commission directly from the formal advanced nursing education program showing all courses, grades, degree or certificate granted, official seal and appropriate registrar or program director's signature.

(b) Program objectives and course descriptions.

(c) Documentation from program director or faculty specifying the area of specialty, unless such is clearly indicated on the official transcript.

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(3) Have graduated from an advanced nursing education program, as defined in WAC 246-840-300, within five years of application; if longer than five years have practiced a minimum of one thousand five hundred hours in an expanded specialty role within five years immediately preceding application.

(4) Submit evidence of certification by a certification program approved by the commission.

(5) Persons not meeting the educational requirements in subsection (2) of this section may be licensed if:

(a) Certified prior to December 31, 1994, by a national certifying organization recognized by the commission at the time certification was granted; and

(b) Recognized as an advanced registered nurse practitioner by another jurisdiction prior to December 31, 1994; and

(c) Completed an advanced registered nurse practitioner program equivalent to one academic year.

(6) Persons not meeting the requirements in subsection (3) of this section may be licensed following successful completion of five hundred hours of clinical practice supervised by an advanced registered nurse practitioner or a physician (licensed under chapter 18.71 or 18.57 RCW) in the same specialty area. Following completion of the supervised practice, the supervisor ~~((shall))~~ must submit an evaluation to the commission and verify that the applicant's knowledge and skills are at a safe and appropriate level.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-350 Application requirements for ARNP interim permit.** A registered nurse who has completed advanced formal education and registered for a commission approved national certification examination may be issued an interim permit to practice specialized and advanced nursing pending notification of the results of the first certification examination. The holder of an ARNP permit ~~((shall))~~ must use the title graduate registered nurse practitioner (GRNP).

(1) An applicant for ARNP interim permit ~~((shall))~~ must:

(a) Submit a completed application on a form provided by the commission accompanied by a ~~((nonrefundable))~~ fee as specified in WAC 246-840-990; and

(b) Submit documentation of completion of advanced formal education in the area of specialty; and

(c) Submit documentation of registration for the first certification examination administered by an approved certification program following completion of advanced formal education; and

(d) Hold a current license to practice as a registered nurse in Washington.

(2) The permit expires when advanced registered nurse practitioner status is granted. If the applicant fails the examination, the interim permit ~~((shall))~~ will expire upon notification and is not renewable.

(3) An applicant who does not write the examination on the date scheduled ~~((shall))~~ must immediately return the permit to the department of health.

(4) The interim permit authorizes the holder to perform the functions of advanced and specialized nursing practice as described in this section.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-360 Renewal of ARNP designation.** ~~((ARNP designation shall be renewed every two years on the ARNP's birthday.))~~ The applicant ~~((shall))~~ must:

(1) Maintain a current registered nurse license in Washington.

(2) Submit evidence of current certification by her/his certifying body.

(3) Provide documentation of thirty contact hours (a contact hour is fifty minutes) of continuing education during the renewal period in the area of certification derived from any combination of the following approved by the commission:

- (a) Formal academic study;
- (b) Continuing education offerings.

(4) Attest, on forms provided by the commission, to having a minimum of two hundred fifty hours of specialized and advanced nursing practice within the preceding biennium providing direct patient care services. ~~((The commission may perform random audits of licensee's attestations.))~~

(5) ~~((Submit a nonrefundable fee as specified. If the licensee fails to renew his or her ARNP designation prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 246-840-990.))~~ Comply with the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-365 Return to active ARNP status from inactive or ~~((lapsed))~~ expired status.** Persons on inactive or ~~((lapsed))~~ expired status who do not hold a current active license in any other United States jurisdiction and who wish to return to active status ~~((shall))~~ must apply for reinstatement of ARNP licensure. This requires:

- (1) Current RN license in the state of Washington.
- (2) Evidence of current certification by his/her certifying body.

(3) Documentation of thirty contact hours of continuing education in the area of specialty during the last two years.

(4) Two hundred fifty hours of precepted/supervised advanced clinical practice supervised by an ARNP or physician in the same specialty within the last year.

(5) If the license has been expired, meet the requirements of chapter 246-12 WAC, Part 2.

(6) If the licensee has been on inactive status, meet the requirements of chapter 246-12 WAC, Part 4.

During the time of the preceptorship, the nurse will be practicing under RN license and will not use the designation ARNP.

ARNP licensure must be reinstated before reapplying for prescriptive authority. At that time the CE requirement will be the same as if applying for prescriptive authority for the first time, as in WAC 246-840-410.

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**AMENDATORY SECTION** (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-410 Application requirements for ARNP with prescriptive authority.** An advanced registered nurse practitioner who applies for authorization to prescribe drugs ~~((shall))~~ must:

- (1) Be currently designated as an advanced registered nurse practitioner in Washington.
- (2) Be designated by their national certifying body as:
  - (a) A family nurse practitioner; or
  - (b) A women's health care nurse practitioner; or
  - (c) A pediatric nurse practitioner/associate; or
  - (d) An adult nurse practitioner; or
  - (e) A geriatric nurse practitioner; or
  - (f) A nurse midwife; or
  - (g) A nurse anesthetist; or
  - (h) A school nurse practitioner; or
  - (i) A clinical specialist in psychiatric and mental health nursing; or
  - (j) A neonatal nurse practitioner.

(3) Provide evidence of completion of thirty contact hours of education in pharmacotherapeutics related to the applicant's scope of specialized and advanced practice and:

- (a) Include pharmacokinetic principles and their clinical application and the use of pharmacological agents in the prevention of illness, restoration, and maintenance of health.
- (b) Are obtained within a two-year time period immediately prior to the date of application for prescriptive authority.

(c) Are obtained from the following:

- (i) Study within the advanced formal educational program; and/or
  - (ii) Continuing education programs.
- Exceptions shall be justified to and approved by the commission.

(4) Submit a completed, notarized application on a form provided by the commission accompanied by a ~~((nonrefundable))~~ fee as specified in WAC 246-840-990.

**AMENDATORY SECTION** (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-440 Prescriptive authorization period.**

(1) Prescriptive authorization shall be for a period of two years.

(2) Initial authorization ~~((shall))~~ will expire on the applicant's renewal date for ARNP designation.

(3) Authorization ~~((shall))~~ will be renewed after the applicant meets the requirements of WAC 246-840-450 and chapter 246-12 WAC, Part 2.

**AMENDATORY SECTION** (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-450 Renewal.** ARNP with prescriptive authorization ~~((shall))~~ must be renewed every two years. For renewal of ARNP with prescriptive authorization, the licensee ~~((shall))~~ must:

- (1) Meet the requirements of WAC 246-840-360 (1), (2), and (3).
- (2) Provide documentation of fifteen additional contact hours of continuing education during the renewal period in

pharmacotherapeutics related to licensee's scope of practice. This continuing education ~~((shall))~~ must meet the requirements of WAC 246-840-410 (3)(a) and chapter 246-12 WAC, Part 7.

(3) Submit a completed and notarized renewal application with a nonrefundable fee as specified in WAC 246-840-990. If the licensee fails to renew his or her prescriptive authorization prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 246-840-990 and chapter 246-12 WAC, Part 2.

**AMENDATORY SECTION** (Amending WSR 97-23-075, filed 11/19/97, effective 1/12/98)

**WAC 246-840-990 Fees and renewal cycle.** (1) Licenses for practical nurse and registered nurse must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) Licenses for advanced registered nurse must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(3) The following nonrefundable fees shall be charged by the health professions quality assurance division of the department of health. Persons who hold an RN and an LPN license shall be charged separate fees for each license. Persons who are licensed as an advanced registered nurse practitioner in more than one specialty ~~((shall))~~ will be charged a fee for each specialty:

RN/LPN fees:

Title of Fee	Fee
Application (initial or endorsement)	\$65.00
License renewal	50.00
Late renewal penalty	50.00
<u>Expired license reissuance</u>	<u>50.00</u>
Inactive renewal	20.00
<u>Expired inactive license reissuance</u>	<u>20.00</u>
Inactive late renewal penalty	10.00
Duplicate license	20.00
Verification of licensure/education (written)	25.00

Advanced registered nurse fees:

Title of Fee	Fee
ARNP application with or without prescriptive authority (per specialty)	\$65.00
ARNP renewal with or without prescriptive authority (per specialty)	50.00
ARNP late renewal penalty (per specialty)	50.00
ARNP duplicate license (per specialty)	20.00
ARNP written verification of license (per specialty)	25.00

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 246-840-100 AIDS education and training.
- WAC 246-840-110 Renewal of licenses.
- WAC 246-840-115 Responsibility for maintaining mailing address.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-841-610 AIDS prevention and information education requirements.** ~~((1) Definitions.~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for registration or certification. Effective January 1, 1989 persons applying for registration or certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Initial applicants may have a four month extension upon written application to the department.~~

~~(3) 1989 Renewal of registration. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for registration renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 registration expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.~~

~~(4) AIDS education and training.~~

~~(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Implementation. Effective January 1, 1989, the requirement for registration, certification, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).~~

~~(c) Documentation. The applicant shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.)) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

NEW SECTION

**WAC 246-841-520 Expired license.** (1) If the certificate has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the certificate has expired for over three years the practitioner must:

(a) Demonstrate competence to the standards established by the nursing care quality assurance commission;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 96-03-051, filed 1/12/96, effective 3/1/96)

**WAC 246-841-990 Nursing assistant—Fees and renewal cycle.** ~~((The following fees shall be charged by the professional licensing division of the department of health:))~~

(1) Certificates and registrations must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for registrations:

Title of Fee	Fee
Application - registration	\$ 10.00
Renewal of registration	20.00
Duplicate registration	10.00
Registration late penalty	20.00
<u>Expired registration reissuance</u>	<u>20.00</u>

(3) The following nonrefundable fees will be charged for certifications:

Application for certification	10.00
Certification renewal	20.00
Duplicate certification	10.00
Certification late penalty	20.00
<u>Expired certificate reissuance</u>	<u>20.00</u>

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

**WAC 246-843-150 Continuing education requirements to meet the conditions of reregistration for license.**

~~(1) ((A condition of reregistration for license shall be the requirement that the applicant has attended board approved courses in continuing education.)) Licensed nursing home administrators must demonstrate completion of fifty-four hours of continuing education every three years as provided in chapter 246-12 WAC, Part 7.~~

~~(2) ((The licensee shall present proof that fifty-four classroom hours in approved continuing education courses have been completed during each three year period of licensed tenure. The first three year period shall begin on the date of first renewal of the license, and shall conclude the day before the third anniversary of such renewal. Successive three year periods shall be computed in a similar fashion.~~

~~(3) There shall be no carry over of continuing education classroom hours from any three year period to the next three year period.~~

~~(4) Applicants for renewal)) Practitioners practicing only out of the state of Washington may petition the board for~~

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full recognition of the continuing education requirement through fulfillment of their state of practice's licensing and continuing education requirements with the condition that their state has equal hours of continuing education requirements.

**AMENDATORY SECTION** (Amending Order 217B, filed 11/27/91, effective 12/28/91)

**WAC 246-843-162 AIDS prevention and information education requirements.** ~~((1) Definitions.~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The secretary shall will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) The requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(c) Documentation. The applicant shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

**AMENDATORY SECTION** (Amending Order 371B, filed 6/3/93, effective 7/4/93)

**WAC 246-843-180 ((Registration of)) Expired licenses.** ~~((1) Every person who holds a valid nursing home administrator's license, active or inactive, shall reregister on dates specified by the secretary. Such relicensure shall be granted upon receipt of the annual fee, and upon fulfilling the continuing competency requirements by submitting proof of completing fifty four hours of continuing education as described in WAC 246-843-150.~~

~~(2) Any active or inactive license holder not relicensed will be charged a penalty fee as set forth in WAC 246-843-990 in addition to the annual fee and all delinquent fees that~~

~~are in arrears. In the event that the license of an individual is not relicensed within two years from the most recent date for relicensure, such license shall lapse and the individual must again apply for licensing and meet all the requirements for a new applicant.) (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.~~

~~(2) If the license has expired for over three years, the practitioner must:~~

~~(a) Reapply for licensing under current requirements;~~

~~(b) Meet the requirements of chapter 246-12 WAC, Part~~

~~2.~~

**AMENDATORY SECTION** (Amending Order 217B, filed 11/27/91, effective 12/28/91)

**WAC 246-843-230 Reciprocity.** ~~((1))~~ The board, at its discretion, and otherwise subject to the law pertaining to the licensing of nursing home administrators prescribing the qualifications for a nursing home administrator license may endorse a nursing home administrator license issued by the proper authorities of any other state, upon payment of the original license fee and the application fee, and upon submission of evidence satisfactory to the board:

~~((a)) (1) That such other state maintains a system and standard of qualification and examination for a nursing home administrator license, which are substantially equivalent to those required in this state;~~

~~((b)) (2) That such applicant for endorsement is examined and successfully passes the test related to Washington state local health and safety nursing home regulations; and~~

~~((c)) (3) That such applicant has not had a nursing home administrator license revoked or suspended in any state.~~

~~((2) After meeting the preceding requirements, the applicant shall submit the original license fee and is subject to annual renewals and late renewal penalty fees.)~~

**AMENDATORY SECTION** (Amending Order 217B, filed 11/27/91, effective 12/28/91)

**WAC 246-843-330 Inactive ((status)) credential.** ~~((A nursing home administrator in good standing may place his or her license on inactive status by giving written notice to the secretary. To maintain an inactive license status, the yearly inactive license fee shall be paid by the licensee. The secretary shall determine fees as provided in RCW 43.70.250. The licensee may resume active practice by submitting proof of maintenance of continuing education requirements and payment of current licensing fee. A person whose license is on inactive status shall not practice as a nursing home administrator until his or her license is activated.) A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.~~

**AMENDATORY SECTION** (Amending WSR 94-09-006, filed 4/11/94, effective 5/12/94)

**WAC 246-843-990 Nursing home administrator fees and renewal cycle.** ~~((The following fees shall be charged by the health professions quality assurance division of the department of health:)) (1) Licenses must be renewed every~~

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year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application (examination and original license)	(((\$)) \$325.00
Reexamination (partial)	125.00
Application - Reciprocity	295.00
Temporary permit	190.00
Renewal	295.00
Inactive license renewal	110.00
Late renewal penalty	145.00
<u>Expired license reissuance</u>	<u>147.50</u>
Late renewal penalty - inactive	55.00
<u>Expired inactive license reissuance</u>	<u>55.00</u>
Duplicate license	15.00
Certification of <u>license</u>	15.00
Administrator-in-training	100.00

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 246-843-155 Certification of compliance.
- WAC 246-843-160 Licenses.
- WAC 246-843-250 Duplicate licenses.
- WAC 246-843-320 Renewal of licenses.

**AMENDATORY SECTION** (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

**WAC 246-845-990 Nursing pool fees and renewal cycle.** ((The following fees shall be charged by the professional licensing division of the department of health.)) (1) Registrations must be renewed every year on the date of original issuance as provided in chapter 246-12 WAC, Part 3.

(2) The following nonrefundable fees will be charged:

Title	Fee
Registration application	\$175.00
Registration renewal	185.00
Late renewal penalty	185.00
Duplicate registration	25.00
Registration certification	25.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

- WAC 246-845-100 Renewal of registration.

**AMENDATORY SECTION** (Amending Order 394B, filed 9/1/93, effective 10/2/93)

**WAC 246-847-055 Initial application for individuals who have not practiced within the past four years.** (1) Any initial applicant who has not been actively engaged in the practice of occupational therapy within the past four years shall provide, in addition to the requirements for

licensure as specified in RCW 18.59.050 and WAC ((246-847-200)) 246-847-190:

(a) Evidence of having successfully completed an approved occupational therapy or occupational therapy assistant program within the past four years and documentation of thirty hours of continued competency as described in WAC 246-847-065 for the previous two-year period; or

(b) Evidence of having passed the examination as defined in WAC 246-847-080 within the previous two-year period and documentation of thirty hours of continued competency as described in WAC 246-847-065 for the previous two year-period; or

(c) Evidence of having successfully completed a board approved educational program specifically designed for occupational therapists or occupational therapy assistants preparing for re-entry into the field of occupational therapy.

(2) The applicant may be required to appear before the board for oral interview.

**AMENDATORY SECTION** (Amending Order 300B, filed 8/24/92, effective 9/24/92)

**WAC 246-847-065 Continued competency.** ((Beginning January 1, 1993, evidence of continued competency completed after January 1, 1991, for the practice of occupational therapy shall include a minimum of thirty contact hours of continuing education for each two year license renewal period. The thirty contact hours may be obtained through two or more of the following methods which have specified goals and objectives relating to the practice of occupational therapy as defined in RCW 18.59.020 and WAC 246-847-010; inservices, coursework, conferences, workshops, peer reviewed self study, presentations, or publications.)) Licensed occupational therapists must complete thirty hours of continuing education every two years as required in chapter 246-12 WAC, Part 7.

**AMENDATORY SECTION** (Amending WSR 94-20-036, filed 9/28/94, effective 10/29/94)

**WAC 246-847-068 ((Renewal of) Expired license.** (((1) The license of any occupational therapist or occupational therapy assistant who has neither placed his or her license on inactive status as described in WAC 246-847-070 nor been actively engaged in the practice of occupational therapy in another jurisdiction and fails to renew the license by the date set by the secretary for renewal shall automatically expire. The licensee may, within four years from the date of expiration, request the license be renewed upon payment of the renewal and late renewal fees determined by the secretary and completion of continued competency requirements as specified in WAC 246-847-065.

(2) If a license has expired for four years or more, the license may be renewed under the following conditions:

(a) Submission of a written application to the board on forms provided by the secretary together with:

(b) Evidence of having been employed as an occupational therapist or occupational therapy assistant in another jurisdiction during the period of lapse;

(c) Renewal and late fees; and

(d) Evidence of having passed the examination as defined in WAC 246-847-080 within the previous two year period and documentation of thirty hours of continued

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competency as described in WAC 246-847-065 for the previous two-year period; or

(e) Evidence of having successfully completed a board approved educational program specifically designed for occupational therapists or occupational therapy assistants preparing for reentry into the field of occupational therapy.

(3) The applicant may be required to appear before the board for oral interview. (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

(a) Either provide evidence of having passed the examination as defined in WAC 246-847-080 within the previous two-year period or provide evidence of successfully completing a board-approved educational program specifically designed for occupational therapists or occupational therapy assistants preparing for reentry into the field of occupational therapy;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending Order 394B, filed 9/1/93, effective 10/2/93)

WAC 246-847-070 Inactive ((status)) credential. ((An occupational therapist or occupational therapy assistant, in good standing, may place his or her license on inactive status by giving written notice to the secretary, and may within two years thereafter resume active practice upon payment of a late renewal fee and by completion of the continued competency requirements as specified in WAC 246-847-065. A license may be reinstated after a period of inactive status of up to four years, with proof of completion of continued competency within two years prior to reactivation and payment of a late renewal fee. A license may be reinstated after a period of inactive status of more than four years under such circumstances as the secretary determines with the advice of the board. A person whose license is on inactive status shall not practice as an occupational therapist or occupational therapy assistant until his or her license is activated.)) A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

AMENDATORY SECTION (Amending WSR 94-20-036, filed 9/28/94, effective 10/29/94)

WAC 246-847-190 AIDS education and training. ((1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department of health will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of six clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(4) Implementation. Effective February 1, 1989, the requirement for licensing application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.)) Applicants must complete six clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 94-22-055, filed 11/1/94, effective 1/1/95)

WAC 246-847-990 Occupational therapy fees and renewal cycle. ((The following fees shall be charged by the professional licensing division of the department of health:))

(1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for occupational therapist:

Title of Fee	Fee
((Occupational therapist:))	
Application fee ((nonrefundable))	\$ 90.00
Initial license	80.00
License renewal	125.00
Limited permit fee	40.00
Late renewal fee	60.00
<u>Expired license reissuance</u>	<u>62.50</u>
<u>Inactive license</u>	<u>5.00</u>
<u>Expired inactive license reissuance</u>	<u>5.00</u>
Duplicate	15.00
Certification of license	25.00

(3) The following nonrefundable fees will be charged for occupational therapy assistant:

Application fee ((nonrefundable))	90.00
Initial license	80.00
License renewal	95.00
Late renewal fee	60.00
<u>Expired license reissuance</u>	<u>50.00</u>
<u>Inactive license</u>	<u>5.00</u>
<u>Expired inactive license reissuance</u>	<u>5.00</u>

Limited permit fee	40.00
Duplicate	15.00
Certification of license	25.00

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 246-847-060	License renewal registration date and fee.
WAC 246-847-200	Application for licensure.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-849-110 AIDS prevention and information education requirements.** ~~((1) Definitions.~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(c) Documentation. The applicant shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.)~~ Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

**AMENDATORY SECTION** (Amending Order 355, filed 4/22/93, effective 5/23/93)

**WAC 246-849-210 Registration of apprentices.** (1) An applicant for apprenticeship may request registration as an apprentice by submitting to the department:

- (a) An application on a form provided by the secretary;

- (b) A registration fee as specified in WAC 246-849-990.
- (2) Training received from more than one supervisor shall require separate applications.

(3) Only the apprenticeship training received subsequent to the date that the apprentice was formally registered with the secretary will be considered towards the required ten thousand hours necessary to sit for the examination.

(4) A registered apprentice shall notify the department in writing whenever the apprenticeship training is terminated, unless such termination is concluded by reason of the apprentice becoming licensed as an ocularist in this state.

~~(5) ((A registered apprentice shall notify the secretary in writing within thirty days of any name or address change.~~

~~(6))~~ In order to facilitate comments on the apprentice's performance, the apprentice registration card along with the name, business address, and business telephone number of the apprentice's supervisor shall be posted in public view on the premises where the apprentice works.

~~((7) An apprentice registration shall be valid for one year from the date of registration. Each registration shall be renewed annually.)~~

**AMENDATORY SECTION** (Amending Order 355, filed 4/22/93, effective 5/23/93)

**WAC 246-849-220 Application for examination.** (1) An individual shall make application for examination, in accordance with RCW 18.55.040, on an application form prepared by and provided by the secretary.

(2) The apprenticeship training requirement shall be supported with certification by the licensed individual (or individuals) who provided such training.

(3) ~~((Examination fees are not refundable.))~~ If an applicant is unable to attend his or her scheduled examination, and so notifies the department in writing at least seven days prior to the scheduled examination date, the applicant will be rescheduled at no additional charge. A written request received less than seven days before the test shall be reviewed by the department to determine if the test may be rescheduled or the fee forfeited.

(4) If an applicant takes the examination and fails to obtain a satisfactory grade, he or she may be scheduled to retake the examination by submitting an application and paying the statutory examination fee.

(5) Applications and fees for examination and all documents required in support of the application must be submitted to the division of professional licensing, department of health, at least sixty days prior to the scheduled examination. Failure to meet the deadline will result in the applicant not being scheduled until the next scheduled examination.

(6) Apprenticeship training shall be completed prior to the application deadline.

**AMENDATORY SECTION** (Amending Order 355, filed 4/22/93, effective 5/23/93)

**WAC 246-849-260 ((Active retired license.)) Retired active credential.** ~~((1) A person holding a current Washington state ocularist license who wishes to practice only in emergency or intermittent circumstances may apply for a retired active license if that person:~~

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- ~~(a) Resides in another state and practices no more than sixty days each year in Washington state;~~
- ~~(b) Resides in this state but practices no more than sixty days each year;~~
- ~~(c) Does not wish to practice on an intermittent basis but is available to practice for an extended period of time for the purposes of providing his or her professional services in emergency circumstances such as times of declared war or other states of emergency.~~

~~(2) An individual requesting a retired active license status shall submit a letter notifying the department of his or her intent to practice only on an intermittent or emergency basis. Active retired licenses will not be retroactively issued for prior years.~~

~~(3) An active retired license is subject to annual renewal and penalty for late renewal as established in RCW 18.55.050 and WAC 246-849-980. Subsequent to being issued a retired active license, the licensee shall report, with the annual renewal, the dates and circumstances under which the licensee practiced during the previous year.~~

~~(4) To reinstate the license to an active license status the licensee shall notify the department in writing five days in advance of the change and pay a reinstatement fee as specified in WAC 246-849-990.~~

~~(5) Individuals on a retired active license status are subject to chapter 18.130 RCW to the same extent as individuals holding an active license.)) A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.~~

**AMENDATORY SECTION** (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

**WAC 246-849-990 Ocularist fees and renewal cycle.** ~~((The following fees shall be charged by the professional licensing division of the department of health:))~~ (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application and examination	\$250.00
Renewal	500.00
Late renewal penalty	175.00
Expired license reissuance	<u>250.00</u>
Duplicate license	25.00
Certification of license	25.00
Apprentice registration	25.00
Apprentice renewal	25.00
Temporary practice permit	25.00
<del>((Active))</del> <u>Retired active</u> license	100.00

**NEW SECTION**

**WAC 246-849-995 Conversion to a birthday renewal cycle.** (1) The annual license renewal date is changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion to a staggered system, practitioners will annually renew their license on their birthday at the current renewal rate.

**AMENDATORY SECTION** (Amending WSR 97-12-088, filed 6/4/97, effective 7/5/97)

**WAC 246-851-090 Continuing education requirement.** ~~(1) ((All optometrists licensed in Washington shall complete fifty hours of continuing education every two years beginning at the first license renewal following initial licensure, except:))~~ Licensed optometrists must complete fifty hours of continuing education every two years as required in chapter 246-12 WAC, Part 7.

~~(2) In lieu of this requirement, licensees practicing solely outside of Washington may meet the continuing education requirements of the state or territory in which they practice.~~

~~((2) Every two years, as part of the license renewal process, a licensee must certify that he or she have met the continuing education requirements and have documentation that will be furnished upon request.~~

~~(3) Licensees must maintain documentation of continuing education activities.~~

~~(4) When requested by the board, a licensee must submit documentation of completion of continuing education activities.))~~

**AMENDATORY SECTION** (Amending Order 210B, filed 11/1/91, effective 12/2/91)

**WAC 246-851-430 AIDS prevention and information education requirements.** ~~((1) Definitions.~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Effective July 1, 1989 persons who submit an application for licensure shall submit, prior to being granted a license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (3) of this section.~~

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The board will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Implementation. The requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(c) Documentation. The licensee or applicant for licensure shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.)~~ Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 96-20-088, filed 10/1/96, effective 11/1/96)

WAC 246-851-990 Optometry fees and renewal cycle. ((The following fees shall be charged by the professional licensing division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application( <del>—</del> Nonrefundable))	\$250.00
Out-of-state seminar	100.00
License renewal	160.00
Late renewal	45.00
<u>Expired license reissuance</u>	<u>80.00</u>
Duplicate license	15.00
Certification <u>of license</u>	25.00

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-851-020	Renewal of licenses.
WAC 246-851-100	Credit hour defined.
WAC 246-851-220	Surplus credit hours
WAC 246-851-240	Discretionary exception for emergency situation.
WAC 246-851-510	Reinstatement of lapsed license.

AMENDATORY SECTION (Amending Order 303B, filed 9/23/92, effective 10/24/92)

WAC 246-853-045 Inactive ((license and reactivation)) credential. ((A licensee may request his or her license be placed on inactive status. An inactive license does not authorize the licensee to practice in Washington.

~~A license shall be maintained on the inactive status by payment of the inactive renewal fee annually and verification of compliance with the continuing education requirements established by the board.~~

~~An inactive license may be reactivated by payment of fees determined by the secretary of health as provided in RCW 43.70.250. The licensee must provide verification that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the licensee's practice of osteopathic medicine and surgery and that he or she has not voluntarily given up any license or privilege or been restricted in the practice of osteopathic medicine and surgery in lieu of or to avoid formal action.)~~ A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

AMENDATORY SECTION (Amending Order 100B, filed 12/3/90, effective 1/31/91)

WAC 246-853-060 Continuing professional education required. (((1) The board requires one hundred fifty credit hours of continuing professional education every three years.

~~(2) In case licensees fail to meet the requirements because of illness, retirement (with no further provision of osteopathic medical services to consumers), or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time or a change in requirements. In the case of a permanent retirement or illness, the board may grant indefinite waiver of continuing education as a requirement for relicensure, provided an affidavit is received indicating that the osteopathic physician and surgeon is not providing osteopathic medical service to consumers. If such permanent retirement or illness status is changed or osteopathic medical services are resumed, it is incumbent upon the licensee to immediately notify the board and show proof of practice competency as determined necessary by the board.)~~

AMENDATORY SECTION (Amending Order 100B, filed 12/3/90, effective 1/31/91)

WAC 246-853-080 ((Certification of compliance)) Continuing education. (1) ((In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the one hundred fifty hour continuing professional education requirement on a form supplied by the board.

~~(2) The board reserves the right to require a licensee to submit evidence in addition to the affidavit to demonstrate compliance with the one hundred fifty hour continuing professional education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance.~~

~~(3)) Licensed osteopathic physicians and surgeons must complete one hundred fifty hours of continuing education every three years as required in chapter 246-12 WAC, Part 7.~~

~~(2) Certification of compliance with the requirement for continuing medical education of the American Osteopathic Association, or receipt of the AMA physicians recognitions award or a current certification of continuing medical education from medical practice academies shall be deemed sufficient to satisfy the requirements of these regulations.~~

~~((4)) (3) Original certification or recertification within the previous six years by a specialty board will be considered as evidence of equivalent compliance with these continuing professional education requirements.~~

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

WAC 246-853-210 Expired license ((reinstatement after lapse of licensure for failure to renew)). (((1) An active license that has been expired for less than one year may be brought current by payment of the renewal and penalty fees and completion of the continuing education, if due.

PROPOSED

~~(2) Any osteopathic physician and surgeon whose license has been expired for one year or more must pay the current fee for original application and apply for reinstatement on an application form provided by the board. The application will include an explanation for the license lapse and a chronology of the applicant's activities since first licensed. A statement outlining the continuing education acquired in the three years immediately preceding the request for reinstatement must be submitted for the board's review and approval.~~

~~(3) All applications for reinstatement will be reviewed and must be approved by the board. The board may require reexamination or a physical and/or mental evaluation of an applicant to confirm fitness for practice.)) (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.~~

~~(2) If the license has expired for over three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:~~

~~(a) Submit verification of active practice from any other United States jurisdiction;~~

~~(b) Meet the requirements of chapter 246-12 WAC, Part 2.~~

~~(3) If the license has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner:~~

~~(a) May be required to be reexamined as provided in RCW 18.57.080;~~

~~(b) Must meet the requirements of chapter 246-12 WAC, Part 2.~~

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

WAC 246-853-230 AIDS education and training.  
~~((1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(2) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(3) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(4) Implementation. Effective January 1, 1989, the requirement for licensure application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.~~

~~(5) Documentation. The license holder shall:~~

~~(a) Certify, on forms provided, that the minimum education and training has been completed after January 1,~~

~~1987, and before the renewal date or December 31, 1989, whichever date is earlier;~~

~~(b) Keep records for two years documenting attendance and description of the learning; and~~

~~(c) Be prepared to validate, through submission of these records, that learning has taken place.)) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

AMENDATORY SECTION (Amending WSR 94-22-055, filed 11/1/94, effective 1/1/95)

WAC 246-853-990 Osteopathic fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing division of the department of health.)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except postgraduate training licenses.~~

~~(2) Postgraduate training licenses must be renewed every year to correspond to program dates.~~

~~(3) The following nonrefundable fees will be charged for osteopath:~~

Title of Fee	Fee
<del>((Osteopath:))</del>	
Renewal	\$360.00
Certification of license	25.00

~~(4) The following nonrefundable fees will be charged for osteopathic physician:~~

Endorsement application	500.00
License renewal	360.00
Inactive license renewal	250.00
Late renewal penalty	50.00
Expired license reissuance	180.00
Inactive license reinstatement	360.00
Expired inactive license reissuance	125.00
Endorsement/state exam application	500.00
Reexam	100.00
Certification of license	25.00
Limited license application	250.00
Limited license renewal	205.00
Temporary permit application	50.00
Impaired program surcharge	15.00

~~(5) The following nonrefundable fees will be charged for osteopathic physician assistant:~~

Application	150.00
Renewal	50.00
Expired license reissuance	50.00
Certification of license	25.00
Practice plan	50.00
Impaired program surcharge	15.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-853-040 Renewal of licenses.
- WAC 246-853-240 Application for registration.
- WAC 246-853-270 Renewal expiration date.

WAC 246-853-275 Change of mailing address and notice of official documents.

**AMENDATORY SECTION** (Amending WSR 93-24-028, filed 11/22/93, effective 12/23/93)

**WAC 246-854-050 AIDS education and training.** ~~((1))~~ "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

~~(2)~~ "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

~~(3)~~ Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

~~(4)~~ Implementation. Effective January 1, 1989, the requirement for license application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

~~(5)~~ Documentation. The license holder shall:

~~(a)~~ Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

~~(b)~~ Keep records for two years documenting attendance and description of the learning; and

~~(c)~~ Be prepared to validate, through submission of these records, that learning has taken place.) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

**AMENDATORY SECTION** (Amending WSR 94-15-068, filed 7/19/94, effective 8/19/94)

**WAC 246-854-080 Osteopathic physician assistant licensure.** ~~((1))~~ Applications. All applications shall be made to the board on forms supplied by the board.

~~(2))~~ The application shall detail the education, training, and experience of the osteopathic physician assistant and provide such other information as may be required. The application shall be accompanied by a fee determined by the secretary as provided in RCW 43.70.250. Each applicant shall furnish proof satisfactory to the board of the following:

~~((a))~~ (1) That the applicant has completed an accredited physician assistant program approved by the board and is eligible to take the National Commission on Certification of Physician Assistants examination;

~~((b))~~ (2) That the applicant has not committed unprofessional conduct as defined in RCW 18.130.180; and

~~((e))~~ (3) That the applicant is physically and mentally capable of practicing as an osteopathic physician assistant with reasonable skill and safety.

~~((3))~~ The license shall be renewed on a periodic basis as determined by the secretary of the department of health under RCW 43.70.280. The renewal shall include a completed renewal application and payment of a fee, in addition to any late penalty fee, determined by the secretary as provided in RCW 43.70.250.

~~(4)~~ Effective with the July 1, 1995, renewal period, the annual license renewal date for osteopathic physician assistants will be changed to coincide with the licensee's birthdate. Conversion will be accomplished as follows:

~~(a)~~ Current licensees, as of June 30, 1995, desiring to renew their license will be required to pay the renewal fee plus one twelfth of that amount for each month, or fraction thereof, in order to extend their license renewal to expire on their next birth anniversary date following June 30, 1996.

~~(b)~~ On or after July 1, 1995, all new or initial osteopathic physician assistant licenses issued will expire on the applicant's next anniversary date.

~~(5)~~ After this conversion to a staggered renewal system, licensees may annually renew their license from birth anniversary date to the next birth anniversary date.)

**AMENDATORY SECTION** (Amending WSR 93-24-028, filed 11/22/93, effective 12/23/93)

**WAC 246-854-110 Osteopathic physician assistant continuing education required.** (1) ~~((The board requires fifty credit hours of continuing education every year.~~

~~(a)~~ In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the fifty hour continuing education requirement on a form supplied by the board. The continuing education requirement shall be completed prior to issuance of the renewal license.

~~(b)~~ The board reserves the right to require a licensee to submit evidence, in addition to the affidavit, to demonstrate compliance with the fifty hour continuing education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance.

~~(e))~~ Licensed osteopathic physician assistants must complete fifty hours of continuing education as required in chapter 246-12 WAC, Part 7.

~~(2)~~ Certification of compliance with the requirement for continuing education of the American Osteopathic Association, Washington State Osteopathic Association, National Commission on Certification of Physician Assistants, Washington Academy of Physician Assistants, American Academy of Physician's Assistants, and the American Medical Association, or a recognition award or a current certification of continuing education from medical practice academies shall be deemed sufficient to satisfy the requirements of these regulations.

~~((2))~~ In case licensees fail to meet the requirements because of illness, retirement (with no further provision of osteopathic medical services to consumers), or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time or a change in requirements.)

(3) In the case of a permanent retirement or illness, the board may grant indefinite waiver of continuing education as a requirement for licensure, provided an affidavit is received indicating that the osteopathic physician assistant is not providing osteopathic medical services to consumers. If such permanent retirement or illness status is changed or osteopathic medical services are resumed, it is incumbent upon the licensee to immediately notify the board and show proof of practice competency as determined necessary by the board.

~~((3))~~ (4) Prior approval not required.

(a) The Washington state board of osteopathic medicine and surgery does not approve credits for continuing education. The board will accept any continuing education that reasonably falls within these regulations and relies upon each individual osteopathic physician assistant's integrity in complying with this requirement.

(b) Continuing education program sponsors need not apply for nor expect to receive prior board approval for continuing education programs. The continuing education category will depend solely upon the determination of the accrediting organization or institution. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour.

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

**WAC 246-855-100 AIDS education and training.**

~~((1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(2) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(3) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(4) Implementation. Effective January 1, 1989, the requirement for registration application, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.~~

~~(5) Documentation. The registration holder shall:~~

~~(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;~~

~~(b) Keep records for two years documenting attendance and description of the learning; and~~

~~(c) Be prepared to validate, through submission of these records, that learning has taken place.)~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 95-08-019, filed 3/27/95, effective 4/27/95)

**WAC 246-861-010 Definitions.** (1) "Accredited programs/courses" means continuing education sponsored by providers which are approved by the American Council on Pharmaceutical Education (ACPE).

(2) "Board approved programs/courses" means continuing education which has been reviewed and approved by the board office.

(3) "Approved provider" means any person, corporation, or association approved either by the board or ACPE to conduct continuing professional education programs.

(4) "Continuing education" means accredited or approved post-licensure professional pharmaceutical education designed to maintain and improve competence in the practice of pharmacy, pharmacy skills, and preserve pharmaceutical standards for the purpose of protecting the public health, safety, and welfare.

~~((5) "Continuing education unit (CEU)" means one CEU is equivalent to ten contact hours of participation in accredited or board approved continuing education programs/courses.)~~

AMENDATORY SECTION (Amending WSR 95-08-019, filed 3/27/95, effective 4/27/95)

**WAC 246-861-020 Renewal requirements.** (1) ~~(No renewal certificate of licensure shall be issued by the board of pharmacy until the applicant submits satisfactory proof to the board that during the twelve months preceding his or her application for renewal he or she has participated in courses of continuing professional pharmaceutical education of the types and number of continuing education credits specified by the board. Such continuing education is hereby declared to be a mandatory requirement for license renewal, except that pharmacists applying for the first annual renewal of their license following graduation shall be exempt from the provisions of this regulation.~~

~~(2) Continuing education requirements must be submitted along with the license application and fee. If the continuing education requirements are not complete the license renewal application will be returned with an explanatory note. The license renewal will not be processed until complete.~~

~~(3) A pharmacist shall be required to retain all original certificates and other documented evidence of participation in an approved/accredited continuing education program for a period of at least two years. Upon request, such documentation shall be made available to the board for random audit and verification purposes. Since individual pharmacist audits will usually be retrospective, it is recognized that disallowed credit may work hardship on the pharmacist involved. In cases where a pharmacist is audited and some or all credit is disallowed, the continuing education requirement for the following year will be increased by the amount of hours disallowed. A pharmacist who is audited and has credit disallowed will be required to submit verification of continu-~~

~~ing education for the next two consecutive years by including continuing education certificates with the license renewal application.~~

~~(4) Failure to satisfy the continuing education requirement as a result of disallowed credit in two consecutive years or falsification of continuing education evidence and/or documentation will be considered in violation of these rules and will be sufficient cause for imposition of disciplinary action by the board.~~

~~(5)) A pharmacist who desires to reinstate his or her pharmacist license after having been unlicensed for over one year shall, as a condition for reinstatement, submit proof of fifteen hours of continuing education for each year unlicensed or complete such continuing education credits as may be specified by the board in each individual case.~~

~~((6)) (2) The board of pharmacy may accept comparable continuing education units which have been approved by other boards of pharmacy.~~

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-861-120 Waiver of the continuing education requirement.

AMENDATORY SECTION (Amending WSR 94-08-099, filed 4/6/94, effective 5/7/94)

**WAC 246-863-030 Applicants—Reciprocity applicants.** (1) Applicants for license by reciprocity whose applications have been approved shall be required to take and pass the jurisprudence examination given by the board prior to being issued his or her license. The jurisprudence examination shall be offered at least once in every two months. If the licensing process has not been completed within two years of the date of application, the application shall be considered abandoned.

~~((Refund of the state application fee shall not be made for any request not received within one year or for those applicants who have attempted the jurisprudence examination and have failed to achieve a passing score.))~~

(2) An applicant for license by reciprocity who has been out of the active practice of pharmacy for between three and five years must take and pass the jurisprudence examination and additionally must either serve an internship of 300 hours or take and pass such additional practical examinations as may be specified by the board in each individual case.

(3) An applicant for license by reciprocity who has been out of the active practice of pharmacy for over five years must take and pass the full board examination and serve an internship of 300 hours.

AMENDATORY SECTION (Amending Order 277B, filed 5/28/92, effective 6/28/92)

**WAC 246-863-070 Inactive ((pharmacist license)) credential.** ~~((Any pharmacist who desires to leave the active practice of pharmacy in the state of Washington may request an inactive license from the board. The request for an inactive license shall be submitted on a form provided by the department. It must be renewed in the same manner as~~

~~an active license upon payment of a fee as specified by the secretary.~~

~~The holder of an inactive license shall not practice pharmacy in the state of Washington. The holder of an inactive license need not comply with the continuing education requirements contained in chapter 246-861 WAC.~~

~~In order to reactivate an inactive license, the holder of the inactive license shall comply with the provisions of WAC 246-863-090.)~~ (1) A pharmacist may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

(2) Practitioners with an inactive credential for three years or less who wish to return to active status must meet the requirements of chapter 246-12 WAC, Part 4.

(3) Practitioners with an inactive credential for more than three years, who have been in active practice in another United States jurisdiction, and wish to return to active status must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Take and pass the jurisprudence examination given by the department;

(c) Meet the requirements of chapter 246-12 WAC, Part 4.

(4) Practitioners with an inactive credential for between three and five years, who have not been in active practice in another United States jurisdiction, and wish to return to active status must:

(a) Take and pass the jurisprudence examination given by the department;

(b) Either serve an internship of 300 hours or take and pass such further written practical examinations as specified by the board in each individual case;

(c) Meet the requirements of chapter 246-12 WAC, Part 4.

(5) Practitioners with an inactive credential for over five years, who have not been in active practice in another United States jurisdiction, and wish to return to active status must:

(a) Take and pass the full board examination;

(b) Serve an internship of 300 hours;

(c) Meet the requirements of chapter 246-12 WAC, Part 4.

AMENDATORY SECTION (Amending Order 277B, filed 5/28/92, effective 6/28/92)

**WAC 246-863-080 Retired pharmacist license.** (1) Any pharmacist who has been licensed in the state for twenty-five consecutive years, who wishes to retire from the practice of pharmacy, may apply for a retired pharmacist license by submitting to the board:

(a) An application on a form provided by the department; and

(b) A fee as specified in WAC 246-907-030.

(2) The holder of a retired pharmacist license shall not be authorized to practice pharmacy and need not comply with the continuing education requirements of chapter 246-861 WAC.

(3) A retired pharmacist license shall be granted to any qualified applicant and shall entitle such person to receive mailings from the board of pharmacy: *Provided*, That lawbook updates shall not be mailed without charge.

(4) In order to reactivate a retired pharmacist license, the holder must comply with the provision of WAC 246-863-090 and chapter 246-12 WAC, Part 2.

(5) The annual renewal fee for a retired pharmacist license is set by the secretary in WAC 246-907-030.

AMENDATORY SECTION (Amending Order 277B, filed 5/28/92, effective 6/28/92)

~~WAC 246-863-090 ((Pharmacists—Reinstatement or reactivation of))~~ Expired license. ~~((1) A pharmacist who desires to reinstate or reactivate his or her license after having been out of the active practice of pharmacy shall meet the following requirements, as applicable, in addition to paying the fee required by RCW 18.64.140.~~

~~(a) If the pharmacist has been unlicensed or the holder of an inactive license for three years or less, the pharmacist shall take and pass the jurisprudence examination given by the department.~~

~~(b) If the pharmacist has been unlicensed or the holder of an inactive license for between three and five years, the pharmacist shall take and pass the jurisprudence examination given by the department and either serve an internship of 300 hours or take and pass such further written practical examinations as are specified by the board in each individual case.~~

~~(c) If the pharmacist has been unlicensed or the holder of an inactive license for over five years, the pharmacist shall take and pass the full board examination and serve an internship of 300 hours.~~

~~(2) A pharmacist desiring to reinstate or reactivate his or her license shall complete such continuing education credits as the board may specify in each individual case.)~~

(1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for more than three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Take and pass the jurisprudence examination given by the department;

(c) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license has expired for between three and five years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

(a) Take and pass the jurisprudence examination given by the department;

(b) Either serve an internship of 300 hours or take and pass such further written practical examinations as specified by the board in each individual case;

(c) Meet the requirements of chapter 246-12 WAC, Part 2.

(4) If the license has expired for over five years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

(a) Take and pass the full board examination;

(b) Serve an internship of 300 hours;

(c) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-863-120 AIDS prevention and information education requirements. ~~((1) Definitions.~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of human immunodeficiency virus-related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the AIDS education requirements of subsection (4) of this section, or shall certify that they will comply with the AIDS education requirement no later than December 31, 1989.~~

~~(3) 1989 renewal of licensure. Effective with the renewal period beginning February 1, 1989, all persons making application for licensure renewal in 1989 shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section. Pharmacists may submit compliance documentation with their renewal or at any time prior to December 31, 1989. Approved AIDS education may be counted towards a pharmacist's continuing education requirement.~~

~~(4) AIDS education and training.~~

~~(a) Acceptable education and training. The board will accept education and training that covers the required subjects and otherwise qualifies for continuing education credit. Such education and training shall be a minimum of seven clock hours (.7 CE units) and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal economic and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Implementation. Effective February 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include the one-time requirement of completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(c) Documentation. The licensee shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.)~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

REPEALER

The following section of the Washington Administrative Code is repealed:

PROPOSED

WAC 246-863-050 Licensed pharmacists change of address.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-869-050 Pharmacy license renewal.

AMENDATORY SECTION (Amending Order 289B, filed 7/14/92, effective 8/14/92)

**WAC 246-879-070 Application for full line wholesaler license and over-the-counter only wholesaler license.**

(1) All applications for licensure of a new or relocated wholesaler shall be accompanied by the required fee as set forth in chapter 246-907 WAC.

(2) All license renewal applications shall be accompanied by the annual fee and contain the same information required in subsection ((5)) (6) of this section.

(3) A change of ownership or location requires a new license.

(4) The license is issued to a person or firm and is non-transferable. Additions or deletions of a partner/partners shall be considered as a change of ownership.

(5) The license fee cannot be prorated.

(6) Every wholesale distributor, wherever located, who engages in wholesale distribution into, out of, or within this state must be licensed by the board in accordance with the laws and regulations of this state before engaging in wholesale distribution of prescription drugs.

(a) Minimum required information for licensure. The board requires the following from each wholesale drug distributor as part of the initial licensing procedure and as part of any renewal of such license.

(i) The name, full business address, and telephone number of the licensee;

(ii) All trade or business names used by the licensee;

(iii) Addresses, telephone numbers, and the names of contact persons for the facility used by the licensee for the storage, handling, and distribution of prescription drugs;

(iv) The type of ownership or operation (i.e., partnership, corporation, or sole proprietorship); and

(v) The name(s) of the owner and/or operator of the licensee, including:

(A) If a person, the name of the person;

(B) If a partnership, the name of each partner, and the name of the partnership;

(C) If a corporation, the name and title of each corporate officer and director, the corporate names, and the name of the state of incorporation, and the name of the parent company, if any;

(D) If a sole proprietorship, the full name of the sole proprietor and the name of the business entity.

(vi) When operations are conducted at more than one location by a single wholesale distributor, each such location shall be licensed by the board.

(vii) Change in any information required by this section shall be submitted to the board within thirty days after such change.

(b) Minimum qualifications. The board shall consider, at a minimum, the following factors in reviewing the

qualifications of persons who engage in wholesale distribution of prescription drugs within the state:

(i) Any convictions of the applicant under any federal, state, or local laws relating to drug samples, wholesale, or retail drug distribution, or distribution of controlled substances;

(ii) Any felony convictions of the applicant under federal, state, or local laws;

(iii) The applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;

(iv) Any false or fraudulent material furnished by the applicant in any application made in connection with drug manufacturing or distribution;

(v) Suspension or revocation by federal, state, or local government of any license currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;

(vi) Compliance with licensing requirements under previously granted licenses, if any;

(vii) Compliance with requirements to maintain and/or make available to the board, federal, state, or local enforcement officials those records required to be maintained by wholesale drug distributors; and

(viii) Any other factors or qualifications the board considers relevant to and consistent with public health and safety.

(c) The board shall have the right to deny a license to an applicant if it determines that the granting of such a license would not be in the public interest. Public interest considerations shall be based on factors and qualifications that are directly related to the protection of the public health and safety.

(d) Personnel. As a condition for receiving and retaining a wholesale drug distributor license, the licensee shall require each person employed in any prescription drug wholesale distribution activity to have education, training, and experience, or any combination thereof, sufficient for that person to perform the assigned functions in such a manner as to provide assurance that the drug product quality, safety and security will at all times be maintained as required by law.

AMENDATORY SECTION (Amending Order 239B, filed 1/28/92, effective 2/29/92)

**WAC 246-887-020 Uniform Controlled Substances Act.**

(1) Consistent with the concept of uniformity where possible with the federal regulations for controlled substances (21 CFR), the federal regulations are specifically made applicable to registrants in this state by virtue of RCW 69.50.306. Although those regulations are automatically applicable to registrants in this state, the board is nevertheless adopting as its own regulations the existing regulations of the federal government published in the Code of Federal Regulations revised as of April 1, 1991, and all references made therein to the director or the secretary shall have reference to the board of pharmacy, and the following sections are not applicable: Section 1301.11-.13, section 1301.31, section 1301.43-.57, section 1303, section 1308.41-.48, and section 1316.31-.67. The following specific rules shall take precedence over the federal rules adopted herein

by reference, and therefore any inconsistencies shall be resolved in favor of the following specific rules.

~~((2))~~ ~~(Registrations under chapter 69.50 RCW shall be for an annual period with the registration period ending on a date to coincide with those license renewal dates as found in rules promulgated under chapter 18.64 RCW.~~

~~((3))~~ A separate registration is required for each place of business (as defined in section 1301.23) where controlled substances are manufactured, distributed or dispensed. Application for registration must be made on forms supplied by the pharmacy board, and all information called for thereon must be supplied unless the information is not applicable, in which case it must be indicated. An applicant for registration must hold the appropriate wholesaler, manufacturer or pharmacy license provided for in chapter 18.64 RCW.

~~((4))~~ (3) Every registrant shall be required to keep inventory records required by section 1304.04 (of the federal rules which have been adopted by reference by Rule 1) and must maintain said inventory records for a period of two years from the date of inventory. Such registrants are further required to keep a record of receipt and distribution of controlled substances. Such record shall include:

(a) Invoices, orders, receipts, etc. showing the date, supplier and quantity of drug received, and the name of the drug;

(b) Distribution records; i.e., invoices, etc. from wholesalers and manufacturers and prescriptions records for dispensers;

(c) In the event of a loss by theft or destruction, two copies of DEA 106 (report of theft or loss of controlled substances) must be transmitted to the federal authorities and a copy must be sent to the board;

(d) For transfers of controlled substances from one dispenser to another, a record of the transfer must be made at the time of transfer indicating the drug, quantity, date of transfer, who it was transferred to and from whom. Said record must be retained by both the transferee and the transferor. These transfers can only be made in emergencies pursuant to section 1307.11 (federal rules).

~~((5))~~ (4) The records must be maintained separately for Schedule II drugs. The records for Schedule III, IV and V drugs may be maintained either separately or in a form that is readily retrievable from the business records of the registrant. Prescription records will be deemed readily retrievable if the prescription has been stamped in red ink in the lower right hand corner with the letter "C" no less than one inch high, and said prescriptions are filed in a consecutively numbered prescription file which includes prescription and noncontrolled substances.

~~((6))~~ (5) A federal order form is required for each distribution of a Schedule I or II controlled substance, and said forms along with other records required to be kept must be made readily available to authorized employees of the board.

~~((7))~~ (6) Schedule II drugs require that a dispenser have a signed prescription in his possession prior to dispensing said drugs. An exception is permitted in an "emergency." An emergency exists when the immediate administration of the drug is necessary for proper treatment and no alternative treatment is available, and further, it is not possible for the physician to provide a written prescription

for the drug at that time. If a Schedule II drug is dispensed in an emergency, the practitioner must deliver a signed prescription to the dispenser within 72 hours, and further he must note on the prescription that it was filled on an emergency basis.

AMENDATORY SECTION (Amending Order 387B, filed 8/17/93, effective 9/17/93)

~~WAC 246-901-065 ((Reinstatement or reactivation of certificate.))~~ Expired license. ~~((A pharmacy assistant who desires to reinstate or reactivate his or her certificate shall meet the following requirements, as applicable, in addition to paying the fee required in WAC 246-907-030:~~

~~(1) If the pharmacy assistant has allowed his or her certificate to lapse for less than five years, the pharmacy assistant shall pay the renewal fee for the present year and the penalty fee equal to the current original certification fee.~~

~~(2) If the pharmacy assistant has allowed his or her certificate to lapse for five years or more, the pharmacy assistant shall, within one year of application to the board for certification, complete the current certification requirements and pay the original certification fee.~~

~~(3) If the pharmacy assistant has been working in a position in another state with duties that are substantially equivalent to a Level A pharmacy assistant in Washington state, his or her certificate may be reinstated according to subsection (1) of this section upon presenting evidence from his or her employer verifying their duties.))~~ (1) If the license has expired for five years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over five years, the practitioner must:

(a) Within one year of application to the board for certification, complete the certification requirements;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the practitioner has been in an active practice in another United States jurisdiction with duties that are substantially equivalent to a Level A pharmacy assistant in Washington state, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-901-120 Pharmacy assistant AIDS prevention and information education requirements. ~~((1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of human immunodeficiency virus-related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for certification. Effective October 1, 1989, persons applying for certification as a pharmacy assistant shall submit, in addition to the other requirements,~~

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PROPOSED

~~evidence to show compliance with the AIDS education requirements of subsection (4) of this section, or shall certify that they will comply with the AIDS education requirement no later than December 31, 1989.~~

~~(3) 1989 renewal of certification. Effective with the renewal period beginning October 1, 1989, all persons making application for certification renewal in 1989 shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section. Pharmacy assistants may submit compliance documentation with their renewal or at any time prior to December 31, 1989.~~

~~(4) AIDS education and training.~~

~~(a) Acceptable education and training. The board will accept education and training that covers the required subjects. Such education and training shall be a minimum of four clock hours and may include, but is not limited to, the following: Etiology and epidemiology; testing; infection control guidelines; clinical manifestations and treatment; legal economic and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Implementation. Effective October 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include the one-time requirement of completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(e) Documentation. The pharmacy assistant shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~  
~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.) Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

**AMENDATORY SECTION** (Amending WSR 97-06-019, filed 2/25/97, effective 3/28/97)

**WAC 246-907-030 Fees and renewal cycle.** ((The following fees shall be charged by the professional licensing division of the department of health:

~~(a) PHARMACY LOCATION))~~

(1) Pharmacist, pharmacy assistant, and pharmacy intern licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) Pharmacy location, controlled substance registration (pharmacy), pharmacy assistant utilization, and shopkeeper differential hours licenses will expire on June 1 of each year.

(3) All other licenses, including health care entity licenses, registrations, permits, or certifications will expire on October 1 of each year.

(4) The following nonrefundable fees will be charged for pharmacy location:

<u>Title of fee</u>	<u>Fee</u>
Original pharmacy fee	\$275.00
Original pharmacy assistant utilization fee	50.00
Renewal pharmacy fee	200.00
Renewal pharmacy assistant utilization fee	60.00
Penalty pharmacy fee	275.00

((b)) (5) The following nonrefundable fees will be charged for vendor:

Original fee	60.00
Renewal fee	60.00
Penalty fee	60.00

((e)) (6) The following nonrefundable fees will be charged for pharmacist:

Exam fee (full exam)	200.00
Reexamination fee (jurisprudence portion)	40.00
Original license fee	100.00
Renewal fee, active and inactive license	105.00
Renewal fee, retired license	20.00
Penalty fee	105.00
<u>Expired license reissuance (active and inactive)</u>	<u>52.50</u>
Reciprocity fee	250.00
Certification of license status to other states	20.00
Retired license	20.00
Temporary permit	50.00

((d)) (7) The following nonrefundable fees will be charged for shopkeeper:

Original fee	25.00
Renewal fee	25.00
Penalty fee	12.50
<u>Shopkeeper - with differential hours:</u>	
Original fee	25.00
Renewal fee	25.00
Penalty fee	12.50

((e)) (8) The following nonrefundable fees will be charged for drug manufacturer:

Original fee	450.00
Renewal fee	450.00
Penalty fee	450.00

((f)) (9) The following nonrefundable fees will be charged for drug wholesaler - full line:

Original fee	450.00
Renewal fee	450.00
Penalty fee	450.00

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~~((g))~~ (10) The following nonrefundable fees will be charged for drug wholesaler - OTC only:

Original fee	250.00
Renewal fee	250.00
Penalty fee	250.00

~~((h))~~ (11) The following nonrefundable fees will be charged for drug wholesaler - export:

Original fee	450.00
Renewal fee	450.00
Penalty	450.00

~~((i))~~ (12) The following nonrefundable fees will be charged for pharmacy assistant - Level "A":

Original fee	40.00
Renewal fee	30.00
Penalty fee	40.00
Expired license reissuance	30.00

~~((j))~~ (13) The following nonrefundable fees will be charged for pharmacy intern:

Original registration fee	15.00
Renewal registration fee	15.00

~~((k))~~ (14) The following nonrefundable fees will be charged for Controlled Substances Act (CSA):

<u>Registrations</u>	
Dispensing registration fee (i.e. pharmacies and health care entities)	65.00
Dispensing renewal fee (i.e. pharmacies and health care entities)	50.00
Distributors registration fee (i.e. wholesalers)	90.00
Distributors renewal fee (i.e. wholesalers)	90.00
Manufacturers registration fee	90.00
Manufacturers renewal fee	90.00
<del>((ARNP with prescriptive authorization registration fee</del>	<del>20.00</del>
<del>ARNP with prescriptive authorization renewal fee</del>	<del>20.00</del>
Sodium pentobarbital for animal euthanization registration fee	30.00
Sodium pentobarbital for animal euthanization renewal fee	30.00
Other CSA registrations	30.00

~~((l))~~ (15) The following nonrefundable fees will be charged for legend drug sample - distributor:

<u>Registration fees</u>	
Original fee	275.00
Renewal fee	200.00
Penalty fee	200.00

~~((m))~~ (16) The following nonrefundable fees will be charged for poison manufacturer/seller - license fees:

Original fee	30.00
Renewal fee	30.00

~~((n))~~ (17) The following nonrefundable fees will be charged for facility inspection fee:

	150.00
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~~((o))~~ (18) The following nonrefundable fees will be charged for precursor control permit:

Original fee	50.00
Renewal fee	50.00

~~((p))~~ (19) The following nonrefundable fees will be charged for license reissue:

Reissue fee	15.00
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~~((q))~~ (20) The following nonrefundable fees will be charged for health care entity:

Original fee	275.00
Renewal	200.00
Penalty	275.00

NEW SECTION

**WAC 246-907-995 Conversion to a birthday renewal cycle.** (1) Effective July 1, 1998, the annual pharmacist, pharmacy assistant, and pharmacy intern credential renewal dates are changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion to a staggered system, practitioners will annually renew their credential on their birthday at the current renewal rate.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-907-020 Licensing periods.

AMENDATORY SECTION (Amending Order 259B, filed 3/24/92, effective 4/24/92)

**WAC 246-915-010 Definitions.** For the purposes of administering chapter 18.74 RCW, the following terms are to be construed as set forth herein:

(1) The "performance of tests of neuromuscular function" includes the performance of electroneuromyographic examinations.

(2) "Consultation" means a communication regarding a patient's evaluation and proposed treatment plan with an authorized health care practitioner.

(3) "Supervisor" shall mean the licensed physical therapist.

(4) "Physical therapist assistant" shall mean a graduate of an approved school of physical therapy who is eligible for licensure but has not been licensed to practice physical therapy in Washington state, or an individual who has received an associate degree as a physical therapist assistant from an approved school.

(5) "Physical therapist aide" shall mean an individual who shall have received on-the-job training from a physical therapist.

(6) "Immediate supervision" shall mean the supervisor is in audible or visual range of the patient and the person treating the patient.

(7) "Direct supervision" shall mean the supervisor is on the premises, is quickly and easily available and the patient has been examined by the physical therapist at such time as acceptable physical therapy practice requires, consistent with the delegated health care task.

(8) "Indirect supervision" shall mean the supervisor is not on the premises, but has given either written or oral

instructions for treatment of the patient and the patient has been examined by the physical therapist at such time as acceptable health care practice requires, and consistent with the particular delegated health care task.

(9) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(10) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(11) "Spinal manipulation" or "manipulative mobilization" is defined as movement beyond the normal physiological range of motion.

~~((12) One "contact hour" shall mean fifty minutes of continuing education course participation.))~~

AMENDATORY SECTION (Amending Order 403B, filed 2/4/94, effective 3/7/94)

WAC 246-915-050 ((Reinstatement.)) Expired license. ~~((1) A license not renewed within thirty days of the date set by the secretary shall automatically lapse. The licensee may, within two years from the date of lapse and upon recommendation of the board, request the license be revived by paying all back fees and a penalty fee determined by the secretary.~~

~~(2) If a license has lapsed more than two years, the license may be revived under the following conditions:~~

~~(a) The board may require reexamination of an applicant who has not been continuously engaged in lawful practice in another state or territory, or~~

~~(b) Waive reexamination in favor of evidence of continuing competency satisfactory to the board.)) (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.~~

(2) If the license has expired for over three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

(a) Successfully pass the examination as provided in RCW 18.74.035. The board may waive reexamination in favor of evidence of continuing competency satisfactory to the board;

(b) Must meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending Order 403B, filed 2/4/94, effective 3/7/94)

WAC 246-915-085 Continuing competency. Evidence of continuing competency in the form of continuing education and employment related to physical therapy must be submitted every two years. Licensees born in even numbered years shall submit their continuing competency record form with license renewal every even numbered year ~~((beginning in 1996)).~~ Licensees born in odd numbered

years shall submit their continuing competency record form with license renewal every odd numbered year ~~((beginning in 1997)). ((Completion of this requirement each two year period shall be a prerequisite for license renewal.))~~

(1) Education - ((40 contact hours.)) Licensed physical therapists must complete 40 hours of continuing education every two years as required in chapter 246-12 WAC, Part 7.

(a) Continuing education specifically relating to the practice of physical therapy.

(i) Participation in a course with specific goals and objectives relating to the practice of physical therapy;

(ii) Cassette tape, video tape, and/or book review;

(iii) Correspondence coursework completed.

(2) Physical therapy employment - 200 hours specifically relating to physical therapy.

(3) Licensees shall maintain records of all activities relating to continuing education and professional experience for a period of seven years. Acceptable documentation shall mean:

(a) Continuing education. Certificates of completion, course sponsors, goals and objectives of the course, dates of attendance and total contact hours, for all continuing education being reported.

(b) Cassette tape, video tape, and/or book review. A two page synopsis of each item reviewed must be written by the licensee.

(c) Correspondence coursework completed. Course description and/or syllabus and copies of the completed and scored examination must be kept on file by the licensee.

(d) Physical therapy employment. Certified copies of employment records or proof acceptable to the board of physical therapy employment for the hours being reported.

~~((4) The board may audit continuing competency activities and the licensee's failure to maintain his or her own records and substantiate any continuing competency activities upon request by the board may result in the suspension or revocation of a license, or denial of a license renewal. Each licensee who has been selected for audit shall, within 30 days from the date of notification, submit acceptable documentation as evidence of having met the requirements of this section.~~

~~(5) Extensions or exceptions may be considered by the board on a case by case basis upon written request.))~~

AMENDATORY SECTION (Amending Order 144B, filed 2/20/91, effective 3/23/91)

WAC 246-915-110 AIDS education and training. ~~((1) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(2) Implementation. Effective January 1, 1989, the requirement for licensure application or reinstatement of any license on lapsed or disciplinary status shall include completion of AIDS education and training. All persons affected~~

by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section:

~~(3) Documentation. The applicant or licensee shall:~~

~~(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(b) Keep records for two years documenting attendance and description of the education; and~~

~~(c) Be prepared to validate, through submission of these records, that education has taken place.)~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending Order 173, filed 6/6/91, effective 7/7/91)

WAC 246-915-990 Physical therapy fees and renewal cycle. ((The following fees shall be charged by the professional licensing services division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application((—Nonrefundable))	\$150.00
License renewal	70.00
Late renewal penalty	70.00
<u>Expired license reissuance</u>	<u>50.00</u>
Duplicate license	15.00
Certification	25.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-915-060 Applications.

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-918-080 Physician assistant—Licensure.

(1) Application procedure. Applications may be made jointly by the physician and the physician assistant on forms supplied by the commission. Applications and supporting documents must be on file in the commission office prior to consideration for licensure.

(2) No physician assistant or physician assistant-surgical assistant shall begin practice without commission approval of the practice plan of that working relationship. Practice plans must be submitted on forms provided by the commission.

Change in supervision. In the event that a physician assistant or physician assistant-surgical assistant who is currently licensed desires to become associated with another physician, he or she must submit a new practice plan.

~~((3) Licensure expiration and renewal. The physician assistant's license shall be renewed annually. The date of renewal shall be the licensee's birth date.~~

An initial license shall expire on the licensee's next birth date. However, if the licensee's next birth date is

~~within three months of the initial date of licensure, the original license shall expire on his or her second birth date following original licensure. Before the expiration date of a license, a courtesy renewal notice will be mailed to the last address on file of every person holding a current license. The licensee is responsible for renewing his or her license prior to the expiration date regardless of whether the licensee receives the courtesy notice. If the licensee fails to renew his or her license within three years from expiration date thereof, such individual must apply for licensing under the statutory conditions then in force.)~~

NEW SECTION

WAC 246-918-081 Expired license. (1) If the license has expired for three years or less the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, the practitioner must:

- (a) Reapply for licensing under current requirements;
- (b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-918-170 Physician assistant and certified physician assistant AIDS prevention and information education requirements. ((1) Definitions:

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of human immunodeficiency virus (HIV-related) illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of health with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective July 1, 1989, persons who submit an application for licensure shall submit, prior to being granted a license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (4) of this section:

(3) AIDS education and training:

(a) Acceptable education and training. The commission will accept education and training that qualifies for continuing medical education credit. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Documentation. The licensee or applicant for licensure shall:

- (i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;
- (ii) Keep records for two years documenting education and training and description of the learning;
- (iii) Be prepared to validate, through submission of these records, that education and training has taken place.)

Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

**WAC 246-918-180 Continuing medical education requirements.** ~~(1) (Each licensee is required to have and attest to one hundred hours of continuing medical education every two years for renewal. A licensee shall be required to submit evidence of compliance upon request by the commission.)~~ Licensed physician assistants must complete one hundred hours of continuing education every two years as required in chapter 246-12 WAC, Part 7.

~~(2) In lieu of one hundred hours of continuing medical education the commission will accept a current certification with the National Commission for the Certification of Physician Assistants and will consider approval of other programs as they are developed.~~

~~(3) (If a licensee fails to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the commission or its designee on an individual basis.)~~

~~(4))~~ (4) The commission approves the following categories of creditable continuing medical education. A minimum of forty credit hours must be earned in Category I.

Category I Continuing medical education activities with accredited sponsorship

Category II Continuing medical education activities with nonaccredited sponsorship and other meritorious learning experience.

~~((5))~~ (4) The commission adopts the standards approved by the American Academy of Physician Assistants for the evaluation of continuing medical education requirements in determining the acceptance and category of any continuing medical education experience.

~~((6) One clock hour shall equal one credit hour for the purpose of satisfying the one hundred hour continuing medical education requirement.~~

~~(7))~~ (5) It will not be necessary to inquire into the prior approval of any continuing medical education. The commission will accept any continuing medical education that reasonably falls within these regulations and relies upon each licensee's integrity in complying with this requirement.

~~((8))~~ (6) Continuing medical education sponsors need not apply for nor expect to receive prior commission approval for a formal continuing medical education program. The continuing medical education category will depend solely upon the accredited status of the organization or institution. The number of hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The commission relies upon the integrity of the program sponsors to present continuing medical education for licensees that constitutes a meritorious learning experience.

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

**WAC 246-918-990 Fees and renewal cycle.** ~~((The following fees shall be charged by the health professions quality assurance division of the department of health.))~~ (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Physician's assistants, certified	
physician assistants, physician	
assistant-surgical assistants,	
acupuncture physician assistants:	
Application	\$50.00
Renewal	35.00
Expired license reissuance	35.00
Duplicate license	15.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-918-006 Refunds.
- WAC 246-918-085 License renewal form.

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

**WAC 246-919-380 AIDS prevention and information education requirements.** ~~((1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Applicants for licensure shall submit, prior to being granted a license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (3) of this section, certify that such requirements will be satisfied by the date of the applicant's first renewal.~~

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The commission will accept education and training that qualifies for continuing medical education credit. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Any reinstatement of a license that is lapsed, inactive, or revoked or actually suspended for a term during which the licensee did not obtain the required AIDS education shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(c) Documentation. The applicant for licensure shall certify that the minimum education and training has been completed after January 1, 1987. The documentation of education and training and description of learning shall be maintained for two years after issuance of license.)~~ Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

PROPOSED

**AMENDATORY SECTION** (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

**WAC 246-919-430 General requirements.** (1) ~~((The commission requires one hundred fifty credit hours of continuing education every three years.))~~ Licensed physicians must complete one hundred fifty hours of continuing education every three years as required in chapter 246-12 WAC, Part 7.

(2) In lieu of the one hundred fifty hours of continuing medical education, the commission will accept a current Physician's Recognition Award from the American Medical Association or a current certificate from any specialty board approved by the American Board of Medical Specialties (ABMS) which is considered by the specialty board as equivalent to the one hundred fifty hours of continuing medical education required under WAC 246-919-430(1). The commission will also accept certification or recertification by a specialty board as the equivalent of one hundred fifty hours of continuing medical education. A list of the approved specialty boards are designated in the 1995 *Official American Boards of Medical Specialty Director of Board Certified Medical Specialist* and will be maintained by the commission. The list shall be made available upon request. The certification or recertification must be obtained in the three years preceding application for renewal.

~~((3) In case licensees fail to meet the requirements because of illness or other extenuating circumstances, each case will be considered on an individual basis and when the circumstances justify it, the commission or its designee may grant an extension of time.))~~

**AMENDATORY SECTION** (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

**WAC 246-919-460 Continuing medical education requirement.** (1) The credits must be earned in the thirty-six-month period preceding application for renewal of licensure.

(2) ~~((One clock hour shall equal one credit hour for the purpose of satisfying the one hundred fifty hour continuing medical education requirement.))~~

~~((3(a)))~~ **Category I: Continuing medical education activities with accredited sponsorship.** A maximum of one hundred fifty credit hours may be earned in Category I. The commission has approved the standards adopted by the Accreditation Council for Continuing Medical Education or its designated interstate accrediting agency, the Washington State Medical Association, in accrediting organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions so recognized as credit towards the licensee's continuing medical education requirement for annual renewal of licensure.

~~((b)))~~ **(3) Category II: Continuing medical education activities with nonaccredited sponsorship.** A maximum of sixty credit hours may be earned by attendance at continuing medical education programs that are not approved in accordance with the provisions of Category I.

~~((e)))~~ **(4) Category III: Teaching medical physicians or the allied health services.** A maximum of sixty credit hours may be earned for serving as an instructor of medical students, house staff, other physicians or allied health professionals from a hospital or institution with a formal training program if the hospital or institution has approved the instruction.

~~((d)))~~ **(5) Category IV: Books, papers, publications, exhibits.**

~~((+)))~~ **(a)** A maximum of sixty credit hours may be earned under Category IV, with specific subcategories listed below. Credit may be earned only during the thirty-six-month period following presentations or publications.

~~((+)))~~ **(b)** Ten credit hours may be claimed for a paper, exhibit, publication, or for each chapter of a book that is authored and published. A paper must be published in a recognized medical journal. A paper that is presented at a meeting or an exhibit that is shown must be to physicians or allied health professionals. Credit may be claimed only once for the scientific materials presented. Credit should be claimed as of the date materials were presented or published.

Medical editing can not be accepted in this or any other category for credit.

~~((e)))~~ **(6) Category V: Nonsupervised.**

~~((+)))~~ **(a)** A maximum of sixty credit hours may be earned under Category V. Credit may be earned only for the thirty-six-month period following the year in which the study, preparation, care and/or review occurred.

~~((+)))~~ **(b)** Self-assessment: Credit hours may be earned for completion of a multimedia medical education program.

~~((+)))~~ **(c)** Self-instruction: Credit hours may be earned for the independent reading of scientific journals and books.

~~((+)))~~ **(d)** Specialty board examination preparation: Credit hours may be earned for preparation for specialty board certification or recertification examinations.

~~((+)))~~ **(e)** Quality care and/or utilization review: Credit hours may be earned for participation on a staff committee for quality of care and/or utilization review in a hospital or institution or government agency.

**AMENDATORY SECTION** (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

**WAC 246-919-480 Retired active ((physician license)) credential.** (1) ~~((RCW 18.130.250 provides for a retired active license status for individuals already licensed who wish to practice only in emergent or intermittent circumstances. For the purpose of implementing RCW 18.130.250, the licensee must hold a current active license and meet the following criteria:))~~

~~((a)))~~ A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.

~~((2))~~ The ~~((licensee's))~~ practitioner's practice is limited to providing health care services without compensation;

~~((b)))~~ **(3)** Services are provided in community clinics located in the state of Washington that are operated by public or private tax-exempt corporations; and

~~((e)))~~ **(4)** Services must be limited to primary care.

~~((2))~~ Individuals requesting a retired active license status must submit a letter to the department at the time of their renewal declaring their intent to practice only on an intermit-

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~~tent or emergency basis as defined in subsection (1) of this section. Physician retired active licenses will not be retroactively issued for prior years.~~

~~(3) A licensee wishing to return to a full active license must meet the current requirements for relicensure.~~

~~(4) Individuals practicing with a retired active license are subject to chapter 18.130 RCW to the same extent as individuals holding an active license.~~

~~(5) Retired active licensees must meet the continuing education requirements established in WAC 246-919-430 through 246-919-470.)~~

**AMENDATORY SECTION** (Amending WSR 97-15-100, filed 7/21/97, effective 8/21/97)

**WAC 246-919-990 Physician and surgeon fees and renewal cycle.** ~~((The following nonrefundable fees shall be charged by the health professional quality assurance division of the department of health:))~~ **(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except limited postgraduate training licenses.**

**(2) Limited postgraduate training licenses must be renewed every year to correspond to program date.**

**(3) The following nonrefundable fees will be charged:**

Title of Fee	Fee
Physician and surgeons: Chapter 18.71 RCW	
Application	\$300.00
Retired active physician license renewal	125.00
Renewal	200.00
Late renewal penalty	50.00
<u>Expired license reissuance</u>	<u>100.00</u>
Surcharge for impaired physician program	25.00
<del>((State))</del> <u>Certification of license</u>	50.00
Duplicate license	15.00
Temporary permit	50.00
Postgraduate limited license fees: RCW 18.71.095	
Limited license application	200.00
Limited license renewal	200.00
Surcharge-impaired physician	25.00
Limited duplicate license	15.00

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 246-919-030	Current address.
WAC 246-919-305	Refunds.
WAC 246-919-400	Scope.
WAC 246-919-410	License renewal.
WAC 246-919-420	License renewal form.
WAC 246-919-440	Certification of compliance.

**AMENDATORY SECTION** (Amending Order 158B, filed 4/25/91, effective 5/26/91)

**WAC 246-922-070 AIDS prevention and information education requirements.** ~~((1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Effective January 1, 1989, persons applying for licensure shall submit, in addition to other requirements, evidence to show compliance with the education requirements of subsection (4) of this section.~~

~~(3) Renewal of licenses. For the renewal on June 30, 1989, all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section.~~

~~(4) AIDS education and training.~~

~~(a) Acceptable education and training. The board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, suspended, or revoked status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(c) Documentation. The licensee shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.)~~ **Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.**

**NEW SECTION**

**WAC 246-922-285 Retired active credential.** A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.

**AMENDATORY SECTION** (Amending Order 158B, filed 4/25/91, effective 5/26/91)

**WAC 246-922-290 Inactive ((license and reactivation)) credential.** ~~((A licensee who is in active practice in another state may maintain a current license by requesting his or her license be placed on inactive status.~~

~~(1) A licensee practicing in another state whose Washington license to practice podiatric medicine and surgery became inactive on or after July 1, 1987, due to nonpayment of the renewal fees may request his or her license be placed on inactive license status. The request and inactive license fee must be submitted by September 1, 1991.~~

~~(2) A licensee who holds a current Washington podiatry license and is actively practicing in another state may request his or her license be placed on inactive status.~~

~~A license shall be maintained on the inactive status by payment of the inactive renewal fee annually and verification of compliance with the continuing education requirements established by the board.~~

~~An inactive license may be reactivated by payment of the current renewal fee and verification that the licensee has not had any action taken by a state or federal jurisdiction or hospital which would prevent or restrict the licensee's practice of podiatric medicine and surgery; or voluntarily given up any license or privilege or been restricted in the practice of podiatric medicine and surgery in lieu of or to avoid formal action.) A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.~~

AMENDATORY SECTION (Amending Order 158B, filed 4/25/91, effective 5/26/91)

~~WAC 246-922-295 ((Lapsed)) Expired license ((reinstatement)). ((A license that has not been renewed due to nonpayment of the annual renewal fee shall be considered to be a lapsed license. The license may be reinstated without examination if the board determines that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of podiatric medicine and surgery.~~

~~(1) A license that has lapsed less than one year shall be reinstated upon written request, including a practice chronology from the date of license lapse to the present, payment of the renewal penalty fee together with all delinquent annual renewal fees, and verification of compliance with the continuing education requirements established by the board.~~

~~(2) A person whose license has lapsed for longer than one year must:~~

~~(a) File an original application;~~

~~(b) Submit the original application fee and current renewal fee;~~

~~(c) Provide practice chronology of podiatric medicine from the date the license lapsed and evidence of having met the board's current continuing education requirements;~~

~~(d) Provide verification that the licensee has not had hospital privileges restricted or revoked;~~

~~(e) Provide verification of all state licenses and that the licensee has not been disciplined by a state regulatory board or agency;~~

~~(f) Provide documentation relative to any malpractice settlements or judgments within the past five years;~~

~~(g) Provide other documentation as the board may require.) (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.~~

~~(2) If the license has expired for over three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:~~

~~(a) Submit verification of active practice from any other United States jurisdiction;~~

~~(b) Provide documentation relative to any malpractice settlements or judgments within the past five years;~~

~~(c) Meet the requirements of chapter 246-12 WAC, Part 2.~~

~~(3) If the license has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner:~~

~~(a) May be required to be reexamined as provided in RCW 18.22.083;~~

~~(b) Provide documentation relative to any malpractice settlements or judgments within the past five years;~~

~~(c) Must meet the requirements of chapter 246-12 WAC, Part 2.~~

AMENDATORY SECTION (Amending WSR 94-05-051, filed 2/10/94, effective 3/13/94)

WAC 246-922-300 Podiatric continuing education required. The podiatric medical board encourages licensees to deliver high-quality patient care. The board recognizes that continuing education programs designed to inform practitioners of recent developments within podiatric medicine and relative fields and review of various aspects of basic professional education and podiatric practice are beneficial to professional growth. The board encourages participation in podiatric continuing education as a mechanism to maintain and enhance competence.

(1) Twenty-five contact hours of scientific podiatric continuing education shall be required annually to maintain a current license as provided in chapter 246-12 WAC, Part 7.

Five credit hours may be granted for one hour of course instruction. A maximum of five hours may be claimed per renewal period.

(2) Approved courses shall be scientific in nature designed to provide information and enhancement of current knowledge of the mechanisms of disease and treatment, which may include applicable clinical information.

(a) Serving as a resident in an approved post-graduate residency training program shall satisfy the continuing education credit for licensure renewal.

(b) Continuing education activities which do not affect the delivery of patient care, (e.g., marketing and billing), may not be claimed for continuing education credit.

~~((3) In case a licensee fails to meet the requirements due to illness, retirement (with no further provision of podiatric services being provided consumers), or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time or a change in requirements. In the case of permanent retirement or illness, the board may grant indefinite waiver of podiatric continuing education as a requirement for relicensure, provided an affidavit is received indicating the podiatric physician and surgeon is not providing podiatric services to consumers. If such permanent retirement or illness status is changed or podiatric services are resumed, it is incumbent upon the licensee to immediately notify the board and show proof of practice competency as determined necessary by the board.))~~

AMENDATORY SECTION (Amending WSR 94-22-055, filed 11/1/94, effective 1/1/95)

**WAC 246-922-990 Podiatry fees and renewal cycle.** ((The following fees shall be charged by the professional licensing division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except for post-graduate training licenses.

(2) Postgraduate training licenses must be renewed every year to correspond to program dates.

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application (examination and reexamination)	\$500.00
Reciprocity application	400.00
License renewal	625.00
Inactive license renewal	135.00
Late renewal penalty	100.00
Expired license reissuance	300.00
Expired inactive license renewal	67.50
Duplicate license	15.00
Certification of license	25.00
Retired active status	150.00
Temporary practice permit	50.00
Limited license application	150.00
Limited license renewal	200.00
Impaired program surcharge	25.00

NEW SECTION

**WAC 246-922-995 Conversion to a birthday renewal cycle.** (1) The annual license renewal date is changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion to a staggered system, practitioners will annually renew their license on their birthday at the current renewal rate.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-922-275 Address notification.
- WAC 246-922-280 Renewal expiration date.
- WAC 246-922-320 Certification of compliance.

AMENDATORY SECTION (Amending WSR 94-12-039, filed 5/25/94, effective 6/25/94)

**WAC 246-924-110 AIDS education and training.** ((1) Acceptable education and training. Such education and training shall be consistent with the model curriculum available from the office on AIDS and with the standards set forth in WAC 246-924-240(1), shall be a minimum of seven clock hours, and shall include, but not be limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality;

and psychosocial issues to include special population considerations.

(2) Implementation. Effective January 1, 1989, the requirement for licensure or certification application, renewal, or reinstatement of any license or certification on lapsed, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 94-12-039, filed 5/25/94, effective 6/25/94)

**WAC 246-924-230 Continuing education requirements.** (1) The Washington state board of psychology (hereafter referred to as the board) requires a minimum of sixty hours of continuing psychological education (hereafter referred to as CPE) every three years.

(2) ((One clock hour of instruction and/or training shall equal one credit hour for the purpose of satisfying the sixty hour CPE requirement.

(3) Credit hours in excess of the requirements set forth cannot be credited to CPE requirements for any succeeding three-year cycle.

(4)) A minimum of four hours credit in ethics must be included in the sixty hours required. Areas to be covered, depending on the licensee's primary area(s) of function are practice, consultation, research, teaching, and/or supervision.

((5)) (3) Faculty providing CPE offerings shall meet the training and the full qualifications of their respective professions. All faculty shall have demonstrated an expertise in the areas in which they are instructing.

AMENDATORY SECTION (Amending WSR 96-08-007, filed 3/22/96, effective 4/22/96)

**WAC 246-924-500 Retired active ((psychologist license)) credential.** ((1) Pursuant to RCW 18.130.250, the board authorizes a retired active license status for licensees who wish to practice only in emergent or intermittent circumstances and meet the following criteria:

(a) Hold a current Washington state license;

(b) The licensee's practice is limited to providing psychological services without compensation;

(c) Services are provided in clinics or organizations that are operated by public or private tax-exempt corporations or agencies.

(2) "Emergent or intermittent circumstances" means:

(a) Performing psychological services no more than thirty days each year in Washington state; or

(b) If not practicing on an intermittent basis, available to perform psychological services for an extended period of

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~~time for the purpose of providing such services in emergency circumstances such as earthquakes, floods, times of declared war, or other declared states of emergency.~~

~~(3) Licensees wishing to obtain retired active license status must submit a letter to the board with their renewal declaring their intent to practice only in emergent or intermittent circumstances. Subsequent to being issued a retired active license, the licensee must certify, with the renewal payments, the dates and circumstances under which he or she practiced during the previous year.~~

~~(4) A retired active licensee is subject to chapters 18.130 and 18.83 RCW and the applicable rules and regulations, including continuing education requirements, to the same degree as those with full active status.~~

~~(5) A retired active licensee who wishes to return to full active status must meet the requirements for relicensure. The retired active licensee must notify the board thirty days in advance of the change to reinstate the license to an active license status. Retired active license status will not be retroactively issued.)) A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.~~

AMENDATORY SECTION (Amending WSR 96-08-006, filed 3/22/96, effective 4/22/96)

WAC 246-924-990 Psychology fees and renewal cycle. ((The following fees shall be charged by the professional licensing division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application((—Nonrefundable))	\$250.00
Renewal	275.00
Renewal retired active	175.00
Late renewal penalty	100.00
<u>Expired license reissuance</u>	<u>137.50</u>
Duplicate license	25.00
Written examination administration	80.00
Oral examination	250.00
Certification of license	25.00
((Renewal	275.00
Renewal penalty	100.00))
Amendment of certificate of qualification	30.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-924-120 Psychologists—Renewal of licenses.
- WAC 246-924-290 Continuing education—Certification of compliance.
- WAC 246-924-320 Continuing education—Enforcement.
- WAC 246-924-490 Responsibility for maintaining mailing address on file with the board.

AMENDATORY SECTION (Amending Order 237, filed 2/7/92, effective 2/19/92)

WAC 246-926-170 ((Reinstatement.)) Expired license. (1) ((A certificate which has lapsed for less than two years may be reinstated by submitting the renewal and late fee.

(2) A certificate which has lapsed for two years but not more than three years may be reinstated by submitting a reinstatement application, application fee and late renewal penalty fee.

(3) A certificate which has lapsed for three years or more may be reinstated by demonstrating competence to the standards established by the secretary, submitting a reinstatement application, renewal fee and late penalty.)) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, the practitioner must:

(a) Demonstrate competence to the standards established by the secretary;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending Order 237, filed 2/7/92, effective 2/19/92)

WAC 246-926-200 AIDS prevention and information education requirements. ((4) Definitions:

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Persons applying for certification or registration shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.

(3) AIDS education and training:

(a) Acceptable education and training. The secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.)) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

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AMENDATORY SECTION (Amending Order 237, filed 2/7/92, effective 2/19/92)

WAC 246-926-990 Certification and registration fees and renewal cycle. ((The following fees shall be charged by the professional licensing division of the department of health:)) (1) Certificates and registrations must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application - certification	\$50.00
Exam fee - certification	30.00
Application - registration	35.00
Certification renewal	50.00
Registration renewal	35.00
Late renewal penalty	30.00
<u>Expired certificate reissuance</u>	<u>50.00</u>
<u>Expired registration reissuance</u>	<u>30.00</u>
((Verification)) <u>Certification of registration or certificate</u>	<u>15.00</u>
Duplicate registration of certificate	15.00

NEW SECTION

WAC 246-926-995 Conversion to a birthday renewal cycle. (1) The biennial certificate and registration renewal date is changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion to a staggered system, practitioners will renew their certificate or registration every other year on their birthday at the current renewal rate.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-926-160 Renewals.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-928-190 AIDS prevention and information education requirements. (((1) Definitions:

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.

(3) AIDS education and training.

(a) Acceptable education and training. The secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock

~~hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Implementation.~~ Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.

~~(c) Documentation.~~ The applicant shall:

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.)~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 95-18-019, filed 8/24/95, effective 9/24/95)

WAC 246-928-990 Respiratory care fees and renewal cycle. ((The following fees shall be charged by the professional licensing division of the department of health:))

(1) Certificates must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	\$ 85.00
Temporary practice permit	50.00
Examination application	110.00
Examination retake	25.00
Duplicate license	15.00
((Verification)) <u>Certification of certificate</u>	25.00
Renewal	80.00
Late renewal penalty	50.00
<u>Expired certificate reissuance</u>	<u>50.00</u>

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-928-090 Certification renewal registration date.

AMENDATORY SECTION (Amending WSR 94-13-179, filed 6/21/94, effective 7/22/94)

WAC 246-930-020 Underlying credential as a health professional required. (1) Under RCW 18.155.020(1), only credentialed health professionals may be certified as providers.

(2) A person who is credentialed as a health professional in a state or jurisdiction other than Washington may satisfy this requirement by submitting the following:

(a) A copy of the current nonexpired credential issued by the credentialing state;

(b) A copy of the statute, administrative regulation, or other official document of the issuing state which sets forth the minimum requirements for the credential;

(c) A statement from the issuing authority:

(i) That the credential is in good standing;

(ii) That there is no disciplinary action currently pending; and

(iii) Listing any formal discipline actions taken by the issuing authority with regard to the credential;

(d) A statement signed by the applicant, on a form provided by the department, submitting to the jurisdiction of the Washington state courts for the purpose of any litigation involving his or her practice as a sex offender treatment provider;

(e) A statement signed by the applicant on a form provided by the department, that the applicant does not intend to practice the health profession for which he or she is credentialed by another state within the state of Washington without first obtaining an appropriate credential to do so from the state of Washington, except as may be authorized by Washington state law; and

(f) ~~(Evidence to show compliance with the AIDS education requirement:~~

~~(i) Education and training shall be consistent with the model curriculum available from the office on AIDS within the department of health pursuant to chapter 70.24 RCW. Such education and training shall be a minimum of four clock hours and shall include, but not be limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(ii) Documentation. The applicant shall:~~

~~(A) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(B) Keep records for two years documenting attendance and description of the learning; and~~

~~(C) Be prepared to validate, through submission of these records, that attendance has taken place.)~~ Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(3) Underlying registration, certification, or licensure shall be maintained in good standing. If an underlying registration, certification, or licensure is not renewed or is revoked, certification as a sex offender treatment provider, affiliate sex offender treatment provider, or temporary or provisional treatment provider is revoked. If an underlying license is suspended, the sex offender treatment provider certification is suspended. If there is a stay of the suspension of an underlying license the sex offender treatment provider program must independently evaluate the reasonableness of a stay for the sex offender treatment provider.

AMENDATORY SECTION (Amending WSR 94-13-179, filed 6/21/94, effective 7/22/94)

**WAC 246-930-410 Continuing education requirements.** Certified sex offender treatment providers must complete forty hours of continuing education every two years as required in chapter 246-12 WAC, Part 7.

(1) **Purpose and scope.** The aim of continuing education for sex offender treatment providers is to ensure that professionals practicing in this specialty field are knowledgeable of current scientific and practice principles that affect the supervision and treatment of sex offenders in community-based treatment. Since the treatment of sex offenders in communities raises significant public safety concerns, continuing education is required to help sex offender treatment providers deliver the highest quality of professional service by being familiar with current developments in a rapidly changing profession. Certified sex offender treatment providers, regardless of certification status (e.g., full, affiliate, or provisional), shall meet the continuing education requirements set forth in this section as a prerequisite to license renewal.

~~(2) **General requirements.** Certified sex offender treatment providers shall complete forty credit hours of continuing education (hereafter referred to as CE) every two years. One clock hour of acceptable CE activity equals one credit hour. The number of creditable hours will be determined by counting the actual contact hours of instruction or, in the case of workshops or conferences, the formal hours of the workshop or conference. All certified sex offender treatment providers will have two years in which to accrue the required CE credit, and renewals of sex offender treatment provider certificates on alternate years will require documentation of forty credit hours of CE. This requirement will be implemented with the 1993 renewal year.~~

~~(3) **Specific requirements.**~~

(a) A minimum of thirty hours of the CE shall be earned through attendance at courses, workshops, institutes, and/or formal conference presentations with direct, specific relevance to the assessment and treatment of sex offenders.

(i) Consultative or supervisory training obtained from other certified sex offender treatment providers is not creditable under this CE definition.

(ii) Independent study of audio or video tapes of seminar presentations not actually attended are creditable under this definition, up to a maximum of ten hours in any two-year period. Credit for independent study will only be granted if accompanied by documentation of the learning activity, such as a written summary of the independent study activity.

(iii) CE credit for assessment and treatment of sex offender training courses presented to other professionals may be claimed by the certified provider who provides the training one time only (usually the first time it is taught, unless there is substantial revision), up to a maximum of ten hours in any two-year period.

(iv) Courses specifically oriented toward assessment or treatment of sex offenders may be claimed as CE. The following are examples of subjects that qualify under this definition:

(A) Ethics and professional standards;

(B) Relapse prevention with sex offenders;

- (C) Plethysmographic assessment;
- (D) Sexual arousal assessment and reconditioning;
- (E) Risk assessment with sex offenders;
- (F) Psychopharmacological therapy with sex offenders;
- (G) Family therapy with sex offenders;
- (H) Research concerning sexual deviancy;
- (I) Sexual addiction; and
- (J) Therapy/clinical methods specific to sex offenders.

(b) In addition to the thirty hours of CE with direct, specific relevance to the assessment and treatment of sex offenders, ten hours of the total requirement may be earned through participation in training courses with indirect relevance to the assessment and treatment of sex offenders. The following subjects qualify under this definition:

- (i) Victimology/victim therapy;
- (ii) General counseling methods;
- (iii) Psychological test interpretation;
- (iv) Addiction/substance abuse;
- (v) Family therapy;
- (vi) Group therapy; and
- (vii) Legal issues.

~~((4))~~ **(3) Program or course approval.** The department shall accept any CE that reasonably falls within the above categories and requirements. The department relies upon each individual provider's integrity with the intent and spirit of the CE requirements.

~~((5) Enforcement. Failure to meet the CE requirements within each two year time period will result in nonrenewal of the certificate.~~

~~(6) Exemptions. In the event a provider fails to meet requirements because of illness, retirement (with no further provision of sex offender treatment provider services to clients), failure to renew, or other extenuating circumstances, the department may grant a time extension. The department shall review each case on an individual basis.~~

~~(7) Proof of compliance. Every two years the sex offender treatment provider shall submit an affidavit and proof of compliance with the CE requirement with the annual renewal application. Documentation to prove compliance includes, but is not limited to, course or program certificates of training, transcripts, course or workshop brochure descriptions. It is the responsibility of the sex offender treatment provider to maintain such documentation. Year of collection is determined by year of birth, i.e., a provider born in an odd-numbered year shall submit proof of compliance each odd-numbered year; a provider born in an even-numbered year shall submit proof of compliance each even-numbered year.~~

~~((8))~~ **(4) CE requirement for newly certified providers.** Providers who are newly certified within six months of their renewal date shall not be required to submit proof of continuing education for the preceding twelve-month period. Providers who are newly certified from six to nine months prior to the renewal date shall be required to submit proof of ten hours of the annual CE requirement for the preceding twelve-month period. Providers who are newly certified from nine to twelve months prior to the renewal date shall be required to submit proof of the full twenty hour annual CE requirement at the renewal date. The above noted prorated CE requirements apply only to the first renewal following certification. If proof of CE is not required at the first renewal (dependent on birthdate), the prorated amount

shall be added to the full twenty hour annual requirement for the second year following certification.

AMENDATORY SECTION (Amending WSR 94-13-179, filed 6/21/94, effective 7/22/94)

**WAC 246-930-420 Inactive ((status)) credential.** ~~((Sex offender treatment providers, in good standing, may place their certification on inactive status by providing written notice in advance to the secretary, and may within five years thereafter resume active practice upon payment of a late renewal fee, accompanied by proof of completion of the continuing education requirements as specified in WAC 246-930-410, and proof of a current underlying certification/license. To resume active status after five years or longer of inactive status, a provider must submit an original application with appropriate fees and retake the examination. A person may not practice as a sex offender treatment provider while the certification is on inactive status.))~~ A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

NEW SECTION

**WAC 246-930-431 Expired license.** (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, the practitioner must:

- (a) Successfully pass the examination as provided in WAC 246-930-200;
- (b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 94-13-179, filed 6/21/94, effective 7/22/94)

**WAC 246-930-990 Sex offender treatment provider fees and renewal cycle.** ~~((The following fees shall be charged by the professional licensing services division of the department of health.))~~ (1) Certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for:

Title of Fee	Fee
Sex offender treatment provider:	
Application and examination	\$ 650.00
Reexamination	325.00
Initial certification	100.00
Renewal	1,175.00
Inactive status	585.00
Late renewal penalty	200.00
<u>Expired certificate reissuance</u>	<u>300.00</u>
<u>Expired inactive certificate reissuance</u>	<u>292.50</u>
Duplicate certificate	15.00
Extension fee	1,475.00

(3) The following nonrefundable fees will be charged for affiliate treatment provider:

Application and examination	300.00
Reexamination	150.00
Initial certification	50.00

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Renewal	600.00
Inactive status	300.00
Late renewal penalty	200.00
<u>Expired affiliate certificate reissuance</u>	<u>300.00</u>
<u>Expired inactive affiliate certificate reissuance</u>	<u>150.00</u>
Duplicate certificate	15.00
Extension fee	850.00

**NEW SECTION**

**WAC 246-930-995 Conversion to a birthday renewal cycle.** (1) The annual license renewal date is changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion to a staggered system, practitioners will annually renew their license on their birthday at the current renewal rate.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 246-930-400 Issuance and renewal of certification.
- WAC 246-930-430 Reinstatement.

**AMENDATORY SECTION** (Amending Order 235B, filed 1/14/92, effective 2/14/92)

**WAC 246-933-305 ((Veterinary)) Retired active (Heense) credential.** ~~((1) RCW 18.130.250 provides for a retired active license status for individuals already licensed who wish to practice only in emergent or intermittent circumstances. For the purposes of implementing RCW 18.130.250, "emergent or intermittent circumstances" is defined as follows:~~

~~(a) The licensee resides and practices in another state, and practices no more than thirty days each year in Washington state;~~

~~(b) The licensee resides and practices in this state, but practices no more than thirty days each year.~~

~~(c) The licensee does not normally practice or meet the criteria of (a) or (b) of this subsection, but is available to practice for an extended period of time for the purposes of providing veterinary care in emergency circumstances such as earthquakes, floods, times of declared war, or other declared states of emergency.~~

~~(2) Individuals requesting a retired active license status must submit a letter to the department with their renewal declaring their intent to practice only on an intermittent or emergent basis. Veterinary retired active licenses will not be retroactively issued for prior years. Subsequent to being issued a retired active license, the licensee must report with the renewal payments the dates and circumstances under which they practiced during the previous year. If the licensee wishes to practice on an active basis, the licensee must notify the department five days in advance of the change to reinstate the license to an active license status.~~

~~(3) Individuals on a retired active license status are subject to chapter 18.130 RCW to the same extent as individuals holding an active license.~~

~~(4) Retired active licensees must meet the continuing education requirement established in WAC 246-933-420 and submit an affidavit of compliance at the end of each three-year period as prescribed in WAC 246-933-470.) A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.~~

**AMENDATORY SECTION** (Amending Order 221B, filed 12/4/91, effective 1/4/92)

**WAC 246-933-420 Basic requirement—Amount.** ~~((In the three year period immediately preceding the annual renewal of the license to practice veterinary medicine, the applicant shall have completed 3 3/4 days or accumulated thirty hours of acceptable continuing education.~~

~~(1) Measurement is in full academic hours only (a 50-minute period equals one hour). A one day course shall constitute eight hours of credit.~~

~~(2) Credit shall be granted only for class hours, and not preparation hours.) Licensed veterinarians must complete thirty hours of continuing education every three years as required in chapter 246-12 WAC, Part 7.~~

**AMENDATORY SECTION** (Amending Order 221B, filed 12/4/91, effective 1/4/92)

**WAC 246-933-480 AIDS prevention and information education requirements.** ~~((1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Persons applying for licensure shall submit, prior to obtaining a license, and in addition to the other requirements for licensure, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education.~~

~~(a) Acceptable education. The board shall accept education that is consistent with the topical outline available from the office on AIDS. Alternatives to formal coursework may be in the form of video tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information. Such education shall include the subjects of prevention, transmission and treatment of AIDS, and may include the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) The requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education. All persons affected by this section shall show evidence of completion of education which meets the requirement of (a) of this subsection.~~

~~(c) Documentation. The licensee shall:~~

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- ~~(i) Certify, on forms provided, that the minimum education has been completed;~~
  - ~~(ii) Keep records for two years documenting attendance or description of the learning;~~
  - ~~(iii) Be prepared to validate, through submission of these records, that attendance or learning has taken place.))~~
- Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

WAC 246-933-990 Veterinarian fees and renewal cycle. ((The following fees shall be charged by the professional licensing services division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
<del>((VETERINARIAN:))</del>	
National board examination (NBE) (initial/retake)	\$130.00
Clinical competency test (CCT) (initial/retake)	130.00
State examination	125.00
Initial state license	95.00
State examination (retake)	125.00
Specialty licensure	95.00
Impaired veterinarian assessment	10.00
Temporary permit	95.00
State or specialty license renewal	95.00
Retired active and renewal	45.00
Late renewal penalty (state and specialty license)	31.00
<u>Expired license reissuance</u>	<u>50.00</u>
Late renewal penalty (retired active license)	15.00
Duplicate license	15.00
Certification <u>of license</u>	15.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-933-180 Responsibility for maintaining mailing address on file with the board.
- WAC 246-933-430 Effective date of requirement.
- WAC 246-933-470 Continuing education—Certification of compliance.

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-935-130 AIDS prevention and information education requirements. ((1) Definitions:

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for registration. Persons applying for registration shall submit prior to becoming registered and in addition to the other requirements for registration, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education.~~

~~(a) Acceptable education. The board shall accept education that is consistent with the topical outline available from the office on AIDS. Alternatives to formal coursework may be in the form of video tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information. Such education shall include the subjects of prevention, transmission and treatment of AIDS, and may include the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) The requirements for registration, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education. All persons affected by this section shall show evidence of completion of education which meets the requirement of (a) of this subsection.~~

~~(c) Documentation. The registrant shall:~~

- ~~(i) Certify, on forms provided, that the minimum education has been completed;~~
  - ~~(ii) Keep records for two years documenting attendance or description of the learning;~~
  - ~~(iii) Be prepared to validate, through submission of these records, that attendance or learning has taken place.))~~
- Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

WAC 246-935-990 Animal technician fees and renewal cycle. ((The following fees shall be charged by the professional licensing services division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
<del>((ANIMAL TECHNICIAN:))</del>	
National examination (initial/retake)	\$80.00
State examination (initial/retake)	80.00
Initial (( <del>registration</del> )) <u>license</u>	60.00
Renewal	51.00
Late renewal penalty	17.00
<u>Expired license reissuance</u>	<u>50.00</u>
Duplicate (( <del>registration</del> )) <u>license</u>	15.00
Certification <u>of license</u>	15.00

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**AMENDATORY SECTION** (Amending WSR 95-04-083, filed 1/31/95, effective 3/3/95)

**WAC 246-937-050 Applications.** ~~((Applications for registration as a certified veterinary medication clerk shall be on forms prepared by the secretary of the department of health and submitted to the department. The application, in addition to the required fee, shall be accompanied by evidence of completion of an on-the-job training program and completion of HIV/AIDS education as specified in WAC 246-937-080.~~

Said application shall be signed by the applicant and sworn before some person authorized to administer oaths. ~~Additionally))~~ In addition to the requirements of chapter 246-12 WAC, Part 2, the application will be signed by the sponsoring veterinarian attesting that the applicant is qualified to perform the responsibilities of a certified veterinary medication clerk and is familiar with the procedures and policies of the practice. Certification is valid only for employment at the veterinary practice identified in the application and/or pursuant to WAC 246-937-020.

**AMENDATORY SECTION** (Amending WSR 95-04-083, filed 1/31/95, effective 3/3/95)

**WAC 246-937-080 HIV/AIDS prevention and information education requirements.** ~~((1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for certification. Persons applying for certification shall submit, prior to becoming certified and in addition to the other requirements for certification, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education.~~

~~(a) Acceptable education. The board shall accept education that is consistent with the topical outline available from the office on AIDS. Alternatives to formal course work may be in the form of video tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information. Such education shall include the subjects of prevention, transmission and treatment of AIDS, and may include the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Documentation. The registrant shall:~~

~~(i) Certify, on forms provided, that the minimum education has been completed;~~

~~(ii) Keep records for two years documenting attendance or description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance or learning has taken place.))~~

Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

**AMENDATORY SECTION** (Amending WSR 94-19-098, filed 9/21/94, effective 10/22/94)

**WAC 246-937-990 Veterinary medication clerk fees and renewal cycle.** ~~((The following fees shall be charged by the professional licensing division of the department of health:))~~ (1) Certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Initial <del>((registration))</del> <u>certification</u>	\$24.00
Renewal	24.00
Late renewal penalty	11.00
<u>Expired certification reissuance</u>	24.00
Duplicate <del>((registration))</del> <u>certification</u>	10.00

**WSR 98-01-169**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed December 22, 1997, 4:21 p.m.]

Original Notice.

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

Title of Rule: WAC 388-250-1250 Standards of assistance—Need standards. The amount of money needed by a household to maintain a minimum standard of living.

Purpose: To update the need standard (the amount of money needed to meet basic, minimum needs) used to determine eligibility for various public assistance programs.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090.

Statute Being Implemented: RCW 74.04.200.

Summary: To update the need standard required by RCW 74.04.200.

Reasons Supporting Proposal: This information is needed by various public and private organizations to determine eligibility for various programs, services.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Medina, P.O. Box 45480, Olympia, WA 98503, (360) 413-3103.

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: Updates the need standards used to determine eligibility for various public assistance programs.

Proposal Changes the Following Existing Rules: Amends WAC 388-250-1250 by updating the need standards used to determine eligibility for various public assistance programs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This will not impact small business, it applies to public assistance recipients only.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to rules of the Department

of Social and Health Services relating to client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on January 27, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by January 16, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Paige Wall, Acting Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by January 27, 1998.

Date of Intended Adoption: No sooner than January 28, 1998.

December 22, 1997  
Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 97-01-001, filed 12/5/96, effective 1/5/97)

**WAC 388-250-1250 Standards of assistance—Need standards.** (1) ~~((Effective September 1, 1996, the department shall determine))~~ The statewide monthly need standard for a household with an obligation to pay shelter ((to be)) is:

Recipients in Household	Need Standard
1	\$ <del>((788))</del> <u>795</u>
2	<del>((996))</del> <u>1,005</u>
3	<del>((1,233))</del> <u>1,244</u>
4	<del>((1,450))</del> <u>1,463</u>
5	<del>((1,670))</del> <u>1,686</u>
6	<del>((1,896))</del> <u>1,914</u>
7	<del>((2,190))</del> <u>2,210</u>
8	<del>((2,424))</del> <u>2,446</u>
9	<del>((2,662))</del> <u>2,686</u>
10 or more	<del>((2,893))</del> <u>2,919</u>

(2) ~~((Effective September 1, 1996, the department shall determine))~~ The statewide monthly need standard for a household with shelter provided at no cost, except as described under WAC 388-250-1200, ((to be)) is:

Recipients in Household	Need Standard
1	\$ <del>((481))</del> <u>478</u>
2	<del>((608))</del> <u>605</u>
3	<del>((752))</del> <u>749</u>
4	<del>((884))</del> <u>880</u>
5	<del>((1,019))</del> <u>1,014</u>
6	<del>((1,157))</del> <u>1,152</u>
7	<del>((1,336))</del> <u>1,330</u>
8	<del>((1,478))</del> <u>1,472</u>
9	<del>((1,624))</del> <u>1,617</u>
10 or more	<del>((1,764))</del> <u>1,757</u>

**WSR 98-01-170**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed December 22, 1997, 4:24 p.m.]

Original Notice.

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

Title of Rule: WAC 388-14-200 Eligibility AFDC and FIP assignment of support rights—Cooperation with office of support enforcement—Effect of noncooperation, 388-14-201 Cooperation with division of child support, 388-14-202 Effects of noncooperation, and 388-14-270 Distribution of support payments.

Purpose: Changes rules to bring them into compliance with federal law, changing nature of assignment made by public assistance recipient as of October 1, 1997; follows requirements of federal law regarding distribution of child support payments and determination of noncooperation.

Statutory Authority for Adoption: RCW 74.20A.310, 26.23.035.

Statute Being Implemented: RCW 74.20.330, 26.23.035, 74.20.040(9), 74.20A.320, 74.20A.275, and 45 CFR 232.12.

Summary: Federal and state law require a change in the effect of the assignment made by a public assistance recipient, and a change in the distribution of child support payments, both effective October 1, 1997. Child support will now be distributed based on the date the payment was received by the Division of Child Support (formerly, it was based on the date the money was withheld from the payor). The public assistance assignment will now permanently assign arrears accruing while the family is on public assistance, but arrearages accrued prior to an assistance period will be temporarily assigned. Determination of noncooperation will now be made by Division of Child Support, instead of the Community Services Office.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, P.O. Box 9162, Mailstop 45860, Olympia, WA 98506, 586-3077.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These amendments must be effective sooner than thirty-one days after filing: The effective date will be January 28, 1998.

Rule is necessary because of federal law, 45 CFR 232.12.

Explanation of Rule, its Purpose, and Anticipated Effects: Federal and state law require a change in the effect of the assignment made by a public assistance recipient, and a change in the distribution of child support payments, both effective October 1, 1997. Child support will now be distributed based on the date the payment was received by the Division of Child Support (formerly, it was based on the date the money was withheld from the payor). The public assistance assignment will now permanently assign arrear accruing while the family is on public assistance, but arrearages accrued prior to an assistance period will be temporarily assigned. Determination of noncooperation will

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now be made by Division of Child Support, instead of the Community Services Office.

Proposal Changes the Following Existing Rules: Amends existing WAC 388-14-200, 388-14-201, 388-14-202, and 388-14-270 for clarity and readability.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not meet the requirements of an economic impact.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vii) exempts the Department of Social and Health Services rules that only to client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on January 27, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by January 16, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Paige Wall, Acting Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by January 27, 1998.

Date of Intended Adoption: January 28, 1998.

December 17, 1997

Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 92-13-026, filed 6/9/92, effective 7/10/92)

WAC 388-14-200 ((Eligibility—AFDC and FIP—Assignment of) Families accepting assistance must assign certain support rights((—Cooperation with office of support enforcement—Effect of noncooperation)) to the state. This section ((establishes the initial and continuing requirements of eligibility for aid to families with dependent children and for family independence program services)) applies to all applicants and recipients of cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

(1) ~~((Beginning August 1, 1975, as a condition of eligibility for assistance, each applicant/recipient shall make assignment to the office of support enforcement of any and all right, title, and interest in any support obligation the applicant/recipient may have. This includes support rights of any other family member for whom the applicant/recipient is applying for or receiving financial assistance. It also includes rights to support which have accrued at the time such assignment is executed. Through this assignment, the applicant/recipient authorizes the office of support enforcement to provide support enforcement services for the family, and to continue to provide services after the family stops receiving assistance, under the same conditions regarding the physical custodian's obligation to cooperate with OSE, as are in effect at the time assistance terminates, until services are terminated under this chapter.~~

~~(2) When the applicant/recipient satisfies subsection (1) of this section, the department may require further cooperation by the applicant/recipient as a continuing condition of eligibility for assistance unless the department determines the applicant/recipient has good cause not to cooperate under~~

~~WAC 388-24-111. The applicant/recipient's cooperation includes, but is not limited to, assisting the office of support enforcement in or by doing the following:~~

~~(a) Identifying and locating absent parents by providing:~~  
~~(i) Relevant information known to, possessed by, or reasonably obtainable by the applicant/recipient about the absent parent, such as the absent parent's:~~

~~(A) Name and known aliases;~~  
~~(B) Address;~~  
~~(C) Telephone number or numbers;~~  
~~(D) Social Security Number;~~  
~~(E) Employment history; and~~  
~~(F) Physical description.~~

~~(ii) Data regarding the date and place of marriage, separation, divorce, or dissolution, and copies of any documents, reasonably obtainable without fee, including any court orders establishing paternity and/or support obligations;~~

~~(iii) Information establishing the support debt amount accrued before the application. Applicants shall give information at the time of application and/or at a later time, if requested by the office of support enforcement, to supplement existing information.~~

~~(b) Notifying the office of support enforcement when there are changes in information concerning the absent parent;~~

~~(c) Establishing the paternity of a child the applicant shall:~~

~~(i) Take reasonable action requested by the office, the prosecuting attorneys, the attorney general, private attorneys compensated under RCW 74.20.350, courts, or other agencies in:~~

~~(A) Administrative hearings;~~  
~~(B) Actions to establish paternity; or~~  
~~(C) Investigations preparatory or supplementary to such hearings or actions.~~

~~(ii) Assist in the development of medical and anthropological evidence relating to the alleged father's paternity based on tests performed by experts on the mother and the child.~~

~~(d) Establishing and collecting support and/or obtaining support payments or other payments or property due the applicant/recipient or a dependent child. The applicant shall take reasonable action requested by the office of support enforcement, the prosecuting attorney, the attorney general, the private attorney compensated under RCW 74.20.350, courts or other agencies in:~~

~~(i) Administrative hearings; or~~  
~~(ii) Actions to establish or collect support obligations;~~  
~~or~~

~~(iii) Investigations preparatory or supplementary to such hearings or actions.~~

~~(e) Remitting support payments the applicant/recipient receives, from any person or agency, to the office of support enforcement within eight days of receipt of said payments;~~

~~(f) Executing a repayment agreement and repaying retained support moneys under the agreement.~~

~~(3) An applicant/recipient may attest to the lack of information, under penalty of perjury, if the applicant/recipient:~~

~~(a) Submits to an interview;~~

(i) Conducted by the office of support enforcement, a prosecuting attorney, the attorney general, or a private attorney compensated under RCW 74.20.350; and

(ii) Answers questions intended to obtain relevant information:

(b) Does not know, or possess, or cannot reasonably obtain the department's requested information.

(4) The department shall consider an applicant/recipient who attests to the lack of information to be cooperating, as required under this section, unless the:

(a) Applicant/recipient fails or refuses to submit to an interview and answer questions;

(b) Department produces credible evidence which shows that the applicant/recipient's attestation is false; or

(c) Applicant/recipient previously gave inconsistent information for which the applicant/recipient has no reasonable explanation.

(5) The department may not:

(a) Refuse to allow the applicant/recipient to sign an attestation; or

(b) Sanction the applicant/recipient for failure to cooperate merely because previous attempts to identify an absent parent resulted in blood test results excluding the person identified.

However, the applicant/recipient, must cooperate with any necessary retesting.

(6) If the office, the prosecuting attorney, the attorney general, or a private attorney compensated under RCW 74.20.350, believes the applicant/recipient is not cooperating, they shall send notice of the alleged noncooperation to the community services office and the applicant/recipient. The notice shall be evidence of noncooperation and shall include a statement:

(a) Explaining how the applicant/recipient failed to cooperate with that office, including what actions were required;

(b) Of the action that the office believes the applicant/recipient must take to resume cooperation;

(c) Informing the applicant/recipient that the:

(i) Same evidence is furnished to the community services office;

(ii) Applicant/recipient may contact the community services office immediately if the applicant/recipient disagrees with the evidence, needs assistance in order to cooperate, or believes the action required is unreasonable; and

(iii) Applicant/recipient's grant may be reduced or terminated if the IV-A agency determines, after a review of all of the evidence, that the applicant/recipient failed to cooperate.

(7) The department shall include in the notice of planned action either a:

(a) Copy of the evidence of noncooperation; or

(b) Statement of the evidence of noncooperation.

(8) If the applicant/recipient fails to cooperate by missing an interview without reasonable excuse, cooperation resumes when the applicant/recipient appears for a rescheduled interview and either provides information or attests to the lack of information. The office of support enforcement, prosecuting attorney, attorney general, or private attorney shall reschedule the interview within seven business days

from the date the applicant/recipient contacts them to reschedule an interview.

(9) Cooperation resumes when the applicant/recipient performs the required action. The department shall reinstate the grant effective on the date cooperation resumes.

(10) If the applicant/recipient does not remit support moneys within eight days of receipt as required under WAC 388-14-200 (2)(c) and the applicant/recipient is currently receiving an AFDC grant, or cash benefits under the family independence program, the office of support enforcement shall:

(a) Document that the applicant/recipient has, in fact, received and retained support money and the amount of said money;

(b) Issue a notice of debt as provided under WAC 388-13-020 to the applicant/recipient to recover the payments, and the department shall include in such notice the following information:

(i) An explanation of the applicant/recipient's responsibility to cooperate by turning over the support money as a condition of eligibility for public assistance, and the sanction for failure to cooperate;

(ii) A list of the support money retained, including the dates and amounts as well as copies of any documentary evidence, such as copies of checks, front and back, the office possesses;

(iii) A proposed repayment agreement that may include a provision for a voluntary grant deduction;

(iv) An explanation that repaying retained support money according to a repayment agreement is a condition of cooperation;

(v) A statement that the recipient may request an informal meeting with the office, within twenty days of the date of service of the notice of debt, to:

(A) Clarify the recipient's responsibilities for cooperation; and

(B) Resolve differences regarding the existence or amount of the claim for unremitted support money and/or the proposed repayment agreement.

(vi) A statement that the recipient has the right to request a hearing under WAC 388-13-060 to contest the:

(A) Department's claim of ownership of the support money identified in the notice; and

(B) Reasonableness of the proposed repayment agreement.

(vii) A statement that the office will notify the community services office that the recipient failed to cooperate unless the recipient, within twenty days of the date of service of the notice of debt, executes the proposed repayment agreement, requests an informal meeting, or requests an adjudicative proceeding.

(11) The department shall base the repayment agreement on the:

(a) Applicant/recipient's total income and resources including the AFDC grant or cash benefits under the family independence program; and

(b) Total amount of retained support money.

(12) The monthly amount of the repayment shall not exceed ten percent of the:

(a) Grant payment standard during any month the applicant/recipient remains in public assistance status, or

(b) Cash benefits paid under the family independence program.

(13) When an applicant/recipient retains support money but is no longer an active recipient of public assistance money, the office of support enforcement, or the office of financial recovery, shall proceed under RCW 74.20A.270 and chapter 388-13 WAC, without reference to the procedural requirements of WAC 388-14-200(10).

(14) The office of support enforcement, or the office of financial recovery, shall notify the community services office when the recipient fails to cooperate if the recipient:

(a) Fails to sign a repayment agreement for the amount of retained support money claimed by the office in the notice of debt or as determined by an administrative law judge if a hearing is requested under WAC 388-13-060;

(b) Enters into a repayment agreement but subsequently fails to make a payment under the terms of the agreement, or fails to comply with the decision of the administrative law judge.

(15) The office of support enforcement, or the office of financial recovery, shall promptly notify the community services office when a recipient who has:

(a) Failed to enter into a repayment agreement, consents to do so and signs a repayment agreement; or

(b) Defaulted on an agreement or an administrative decision, makes a regularly scheduled payment according to the agreement or decision.

(16) Nothing in WAC 388-14-200 allows the department to make an otherwise eligible child ineligible for public assistance because of the applicant/recipient's failure to cooperate as defined in this section.) For purposes of this section:

(a) **Family** means "assistance unit."

(b) **Family member** means the caretaker relative, the child(ren), and any other person whose needs are considered in determining eligibility for assistance.

(c) **Assistance** means assistance under the state program funded under Title IV-A of the federal Social Security Act.

(d) **Unreimbursed assistance** means the cumulative amount of assistance which was paid to the family and which has not been reimbursed by assigned support collections.

(e) **Permanently assigned arrearages** means those arrearages which shall be collected and retained by the state up to the amount of unreimbursed assistance. Permanently assigned arrearages accrue only under the following conditions:

(i) For those periods prior to the family receiving assistance, for assistance applications dated on or before September 30, 1997; and

(ii) For those periods while a family receives assistance, for assistance applications dated at any time.

(f) **Temporarily assigned arrearages** means those arrearages which accrue prior to the family receiving assistance, for assistance applications dated on or after October 1, 1997. Temporarily assigned arrearages are:

(i) Not permanently assigned to the state;

(ii) Collected and retained by the state up to the amount of unreimbursed assistance, if these arrearages are collected by federal income tax refund offset at any time; and

(iii) Collected and retained by the state by any means, up to the cumulative amount of unreimbursed assistance:

(A) Until October 1, 2000 or until the date the family terminates from assistance, whichever date is later; or

(B) Only while the family receives assistance, for assistance periods beginning October 1, 2000 or later.

(2) When a family accepts assistance, the family authorizes the division of child support (DCS) to provide support enforcement services to the family until the support enforcement case is closed pursuant to WAC 388-14-420.

(3) As a condition of eligibility for assistance, a family member must assign to the state the right to collect and keep any support owing to the family member or to any other person for whom the family member has applied for or is receiving assistance.

(4) Amounts assigned under this section may not exceed the lesser of the total amount of assistance paid to the family or the total amount of the assigned support obligation.

(5) While the family receives assistance, all support collected will be retained by the state to reimburse the total amount of assistance which has been paid to the family.

(6) After the family terminates from assistance, certain accrued arrearages remain assigned to the state in accordance with the following rules:

(a) For assistance applications dated prior to October 1, 1997, the applicant permanently assigns to the state all rights to support which accrued before the application date and which will accrue prior to the date the family terminates from assistance.

(b) For assistance applications dated on or after October 1, 1997, and before October 1, 2000:

(i) The applicant permanently assigns to the state all rights to support which accrue while the family receives assistance; and

(ii) The applicant temporarily assigns to the state all rights to support which accrued before the application date, until October 1, 2000, or such time that the family terminates from assistance, whichever date is later. After this date, if any such remaining arrearage is collected by federal income tax refund offset, the state shall retain such amounts, up to the amount of unreimbursed assistance.

(c) For assistance applications dated on or after October 1, 2000:

(i) The applicant permanently assigns to the state all right to support which accrue while the family receives assistance; and

(ii) The applicant temporarily assigns to the state all rights to support which accrued before the application date, until the date the family terminates from assistance. After this date, if any such remaining arrearage is collected by federal income tax refund offset, the state shall retain such amounts, up to the amount of unreimbursed assistance.

**AMENDATORY SECTION** (Amending WSR 97-13-092, filed 6/18/97, effective 7/19/97)

**WAC 388-14-270 Distribution of support payments.** The definitions contained in WAC 388-14-200 are incorporated into and made a part of this section.

(1) Under state and federal law, the ((IV-D agency)) division of child support (DCS) shall distribute support money it collects or receives((, in accordance with state and federal law and the provisions of this section;)) to the:

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(a) Department when the department provides or has provided public assistance payments for the support of the family (~~unit, household, or a member of the family unit or household~~);

(b) Payee under the order, or to the physical custodian of the child according to WAC 388-14-271;

(c) Child support enforcement agency in another state or foreign country which submitted a request for support enforcement services;

(d) Indian tribe which has a TANF program and/or a cooperative agreement regarding the delivery of child support services; or

(e) Person or entity making the payment when ~~((the IV-D agency))~~ DCS is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.

(2) If ~~((the IV-D agency))~~ DCS is unable to distribute support money because the location of the family or person is unknown, it shall exercise reasonable efforts to locate the family or person. When ~~((the IV-D agency does not locate the family or person, it))~~ the family or person cannot be located, DCS shall handle the money in accordance with chapter 458-65 WAC, the uniform unclaimed property act rules.

(3) ~~((The IV-D agency))~~ When distributing support money, DCS shall ((apply)) do the following ((rules when distributing support money)):

(a) Record payments in exact amounts without rounding;

(b) Distribute support money within eight days of the date ~~((the IV-D agency))~~ DCS receives the money, unless it is unable to distribute the payment for one or more of the following reasons:

(i) The location of the payee is unknown;

(ii) ~~((The IV-D agency))~~ DCS does not have sufficient information to identify the accounts against which or to which it should apply the money;

(iii) An action is pending before a court or agency which has jurisdiction over the issue to determine whether support money is owed or how ~~((the IV-D agency))~~ DCS should distribute the money.

(iv) ~~((The IV-D agency))~~ DCS receives prepaid support money which it is holding for distribution in future months under subsection ~~((4))~~ (5) of this section;

(v) ~~((The IV-D agency))~~ DCS mails a notice of intent to distribute support money to the physical custodian under WAC 388-14-271; or

(vi) Other circumstances exist which make a proper and timely distribution of the money impossible through no fault or lack of diligence of ~~((the IV-D agency))~~ DCS.

(c) Distribute support money based on the date ~~((of collection, except as provided under subsection (3)(f) of this section and WAC 388-14-275. The date of collection is the earliest of the following dates:~~

~~((i) The date the IV-D agency or a political subdivision actually making the collection))~~ DCS receives the money, except as provided under subsection (3)(g) of this section;

~~((ii) The date the support enforcement agency or other legal entity of another state or political subdivision, actually making the collection, receives the money; or~~

~~((iii) The date income, earnings, wages, labor and industries benefits, or employment security benefits were withheld.))~~

~~((Except as provided in subsection (3)(f) of this section, when the responsible parent has more than one case under Title IV-D or Title IV-E, the IV-D agency shall distribute))~~ Apply support money within each Title IV-D nonassistance case:

(i) First, to satisfy the current support obligation ((on each Title IV-D or foster care case, in proportion to the amount of the current support order on each case; and)) for the month DCS received the money;

(ii) Second, to the ~~((total of the support debts whether owed to the family or to the department for the reimbursement of public assistance on each Title IV-D or foster care case, in proportion to the amount of support debt owed by the))~~ responsible ((parent on each case; and)) parent's support debts owed to the family;

(iii) Third, ~~((after distribution under subsection (3)(d)(ii) of this section, within each Title IV-D or foster care case according to))~~ to prepaid support as provided for under subsection ~~((3)(e))~~ (5) of this section.

(e) Apply support money within each Title IV-D assistance case:

(i) First, to satisfy the current support obligation for the month ~~((the IV-D agency, or the support enforcement agency or other legal entity of another state or political subdivision, collected))~~ DCS received the money;

(ii) Second, to ~~((the responsible parent's))~~ satisfy support debts ((owed to the family)) which are permanently assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;

(iii) Third, to ~~((the responsible parent's))~~ satisfy support debts which are temporarily assigned to the department to reimburse ((public)) the cumulative amount of assistance ((payments)) paid to the family;

(iv) Fourth, to prepaid support as provided for under subsection ~~((4))~~ (5) of this section.

(f) Apply ~~((intercepted federal income tax refunds in accordance with 45 CFR 303.72(h), as follows))~~ support money within each Title IV-D former-assistance case:

(i) First, ~~((under federal law to the responsible parent's))~~ to satisfy the current support ((debts assigned to the department to reimburse public assistance payments; and)) obligation for the month DCS received the money;

(ii) Second, to ~~((support debts that are not assigned to the department; and~~

~~((iii) To support debts only, not to current and future support obligations. The IV-D agency shall refund any excess to the responsible parent))~~ satisfy support debts which accrued after the family's most recent period of assistance;

(iii) Third, to satisfy support debts which are permanently assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;

(iv) Fourth, to satisfy support debts which are temporarily assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;

(v) Fifth, to satisfy support debts which exceed the cumulative amount of unreimbursed assistance which has been paid to the family;

(vi) Sixth, to prepaid support as provided for under subsection (5) of this section.

(g) Apply intercepted federal income tax refunds in accordance with 42 U.S.C. Sec. 657, as follows:

(i) First, to support debts which are permanently assigned to the department to reimburse public assistance payments; and

(ii) Second, to support debts which are temporarily assigned to the department to reimburse public assistance payments; and

(iii) Third, to support debts that are not assigned to the department; and

(iv) To support debts only, not to current and future support obligations. DCS shall refund any excess to the responsible parent.

(h) Apply amounts to a support debt owed for one family or household and distribute the amounts accordingly, rather than make a proportionate distribution between support debts owed to different families, when:

(i) Proportionate distribution is administratively inefficient; or

(ii) The collection resulted from the sale or disposition of a specific piece of property against which a court awarded the physical custodian a judgment lien for child support; or

(iii) The collection resulted from a contempt order in a particular case.

~~((h))~~ (i) Report amounts distributed to a family, receiving public assistance, to the community services office. This requirement shall not relieve the recipient of the duty to report receipt of support money~~(, and~~

~~(i) Pay a family, receiving cash assistance under the aid to families with dependent children program, up to the first fifty dollars of each child support payment as provided under WAC 388-14-275).~~

(4) Except as provided in subsection (3)(g) of this section, when the responsible parent has more than one Title IV-D case, DCS shall distribute support money:

(a) First, to the current support obligation on each Title IV-D case, in proportion to the amount of the current support order on each case; and

(b) Second, to the total of the support debts whether owed to the family or to the department for the reimbursement of public assistance on each Title IV-D case, in proportion to the amount of support debt owed by the responsible parent on each case; and

(c) Third, after distribution under subsection (3)(d)(ii) of this section, within each Title IV-D case according to subsection (3)(e) of this section.

(5) If ((the IV-D agency)) DCS receives or collects support money representing payment on the required support obligation for future months, it shall:

(a) Apply the support money to future months when the support debt is paid in full;

(b) Distribute the support money on a monthly basis when payments become due in the future; and

(c) Mail a notice to the last known address of the person entitled to receive support money. The notice shall inform the person that:

(i) ((The IV-D agency)) DCS received prepaid support money;

(ii) ((The IV-D agency)) DCS will distribute the prepaid money as support payments become due in the future; and

(iii) ((If the support order is a court order, the person may petition the court that entered the support order for an order requiring the immediate distribution of the prepaid support money; or

~~(iv) If the support order is an administrative order,)) The person may request a conference board under WAC 388-14-385 to determine if the prepaid support money should be immediately distributed.~~

(d) ((The IV-D agency)) DCS shall not mail the notice referred to in ((4)) (5)(c) of this section if the prepaid support is equal to or less than one month's support obligation.

## NEW SECTION

**WAC 388-14-201 Cooperation with division of child support.** (1) An applicant/recipient (also called the "client") must cooperate with the division of child support (DCS), which is the state IV-D agency, unless the department determines there is good cause not to cooperate under WAC 388-215-1400 through 388-215-1490. For purposes of this section and WAC 388-14-202, DCS includes those acting on behalf of DCS (its "agents"), namely the prosecuting attorney, the attorney general, or a private attorney paid per RCW 74.20.350.

(2) Cooperation means giving information, attending interviews, attending hearings, or taking actions to help DCS establish and collect child support. This information and assistance is necessary for DCS to:

(a) Identify and locate the responsible parent;

(b) Establish the paternity of the child(ren) on assistance in the client's care; and

(c) Establish or collect support payments or resources such as property due the client or the child(ren).

(3) The client must also cooperate by sending to DCS any child support received by the client while on assistance, as required by RCW 74.20A.320. If the client keeps these payments, known as retained support, the client must sign an agreement to repay under RCW 74.20A.275.

(4) There may be penalties, called sanctions, for not cooperating with DCS. These sanctions and the noncooperation process are described in WAC 388-14-201. A client will be sanctioned if:

(a) The client does not go to scheduled interviews and answer questions;

(b) There is credible evidence showing that the client could have given the information but did not; or

(c) The client has been giving inconsistent or false information without a good reason.

(5) The client must be given the opportunity to swear he or she does not have the information.

(6) The client will not be sanctioned because he or she provided information on a possible parent who was then excluded by genetic testing. In this event the client must continue to cooperate in naming other possible parents and taking part in any resulting genetic testing.

(7) The client may not be able to help DCS if the client does not know, does not possess, or cannot reasonably obtain the requested information. To avoid a sanction, the client must, under penalty of perjury, swear to his or her lack of information in an interview held by DCS or its agent.

**NEW SECTION**

**WAC 388-14-202 Effects of noncooperation.** (1) When the division of child support (DCS) or its agents believe an applicant/recipient (also called "the client") is not cooperating as defined in WAC 388-14-201, a notice is sent to the client and to the community service office (CSO) of the alleged noncooperation and must explain to both the following:

(a) How the noncooperation was determined, including what actions were required;

(b) What actions must be taken to resume cooperation;

(c) That this notice was sent to the CSO;

(d) That the client may contact the CSO immediately if he or she disagrees with the notice, needs help in order to cooperate, or believes the actions required are unreasonable; and

(e) That the CSO may sanction the client by either reducing or terminating the grant.

(2) The CSO will send a notice of planned action to the client as provided by WAC 388-245-1700.

(3) Either the notice of alleged noncooperation or the CSO's notice of planned action may serve as the basis for a sanction.

(4) If the noncooperation was due to missing an interview without reasonable excuse, cooperation resumes when the client appears for a rescheduled interview and either provides information or attests to the lack of information. DCS or its agent must reschedule the interview within seven business days from the date the client contacts them to reschedule an interview.

(5) If the noncooperation was due to not taking a required action, cooperation resumes when the client takes that action.

**WSR 98-01-175**  
**PROPOSED RULES**  
**HUMAN RIGHTS COMMISSION**  
 [Filed December 23, 1997, 11:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-057.

Title of Rule: Chapter 162-22 WAC, Employment—Handicapped persons, chapter 162-26 WAC, Public accommodation—Handicapped persons, chapter 162-36 WAC, Real estate transactions, and chapter 162-38 WAC, Real estate transactions—Handicap discrimination.

Purpose: To adopt rules implementing SHB 1491, an act relating to dog guides and service animals.

Statutory Authority for Adoption: RCW 49.60.120(3).

Statute Being Implemented: Chapter 49.60 RCW, RCW 49.60.120, [49.60.]180, [49.60.]190, [49.60.]200, [49.60.]215, [49.60.]222, [49.60.]223, [49.60.]224, [49.60.]225.

Summary: Chapter 162-22 WAC, the title is amended to change "handicap" to "disability" consistent with current statutory language; WAC 162-22-010 Scope of chapter, this amendment restates the rule's language for readability and changes "handicap" to "disability"; WAC 162-22-020 Definitions, this amendment changes "handicap" to "disability" and adds the definitions of "dog guide" and "service

animal" from SHB 1491 (chapter 271, Laws of 1997); WAC 162-22-030 Affirmative action, this amendment changes "handicap" to "disability"; WAC 162-22-040 General approach to enforcement, this amendment changes "handicap" to "disability"; WAC 162-22-050 Unfair practice, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491 and changes "handicap" to "disability"; WAC 162-22-060 Preference for disabled is not an unfair practice, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491 and changes "handicap" to "disability"; WAC 162-22-070 Bona fide occupational qualification, this amendment changes "handicap" to "disability"; WAC 162-22-080 Accommodation to employees with disabilities, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491 and changes "handicap" to "disability"; WAC 162-22-090 Physician's opinions, this amendment changes "handicap" to "disability"; WAC 162-22-100 Behavior causing risk, this new rule addresses appropriate responses to dog guide or service animal behavior that causes an unreasonable risk to property or other persons; chapter 162-26 WAC, the title is amended to change "handicap" to "disability" consistent with current statutory language; WAC 162-26-010 Scope of chapter, this amendment changes "handicap" to "disability," and deletes redundant references to statutory language; WAC 162-26-020 Purpose of chapter, this amendment changes "handicap" to "disability," and deletes redundant references to statutory language; WAC 162-26-030 Related law, this amendment changes "handicap" to "disability," deletes redundant references to statutory language, and incorporates a reference to applicable federal law; WAC 162-26-040 Definitions, this amendment changes "handicap" to "disability" and adds the definitions of "dog guide" and "service animal" from SHB 1491 (chapter 271, Laws of 1997); WAC 162-26-050 Who is protected, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491 and changes "handicap" to "disability"; WAC 162-26-060 General principles, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491 and changes "handicap" to "disability"; WAC 162-26-070 General rules, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491, incorporates current language regarding extra charges for dog guides and service animals that is to be deleted from WAC 162-26-130, and changes "handicap" to "disability"; WAC 162-26-080 Reasonable accommodation, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491 and changes "handicap" to "disability"; WAC 162-26-090 Arranged service, this amendment changes "handicap" to "disability," updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491, and provides example language; WAC 162-26-100 Structural barriers to accessibility, this amendment changes "handicap" to "disability," and incorporates a reference to applicable federal law; WAC 162-26-110 Behavior causing risk, this amendment addresses appropriate responses to dog guide or service animal behavior that causes an unreasonable risk to property or other persons; WAC 162-26-120 Failure to meet require-

ments of other law, this amendment changes "handicap" to "disability"; WAC 162-26-130 Use of trained dog guide or service animal, this amendment changes "handicap" to "disability," deletes redundant or obsolete references to statutory language, and updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491; WAC 162-26-140 Unfair to request or require waiver of rights, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491, and changes "handicap" to "disability"; WAC 162-36-001 Definitions, this amendment adds the definitions of "dog guide" and "service animal" from SHB 1491 (chapter 271, Laws of 1997); WAC 162-36-005 Discrimination, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491 and updates language regarding housing for older persons consistent with SB 5741 (chapter 400, Laws of 1997); WAC 162-36-010 Soliciting buyers from neighbors of listed house, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491; WAC 162-26-020 Content and language of solicitation, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491; chapter 162-38 WAC, the title is amended to change "handicap" to "disability" consistent with current statutory language; WAC 162-38-010 Scope and purpose of chapter, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491; WAC 162-38-040 Definitions, this amendment adds the definitions of "dog guide" and "service animal" from SHB 1491 (chapter 271, Laws of 1997); WAC 162-38-050 Who is protected, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491; WAC 162-38-060 General rules, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491; WAC 162-38-100 Persons with dog guides or service animals, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491, and deletes redundant references to statutory language; WAC 162-38-120 Unfair to request or require waiver of rights, this amendment updates language regarding the use of "dog guides" and "service animals" consistent with SHB 1491; and WAC 162-38-130 Behavior causing risk, this new rule addresses appropriate responses to dog guide or service animal behavior that causes an unreasonable risk to property or other persons.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Idolina Reta and Marilyn Akita, Seattle, (206) 464-7590 and (206) 464-6655; Implementation and Enforcement: Susan J. Jordan, Olympia, (360) 753-2558.

Name of Proponent: Washington State Human Rights Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To adopt rules implementing SHB 1491. Please see Summary above.

Proposal Changes the Following Existing Rules: Please see Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not impose any new or additional requirements on small business than already exists under current commission rules and the law against discrimination (chapter 49.60 RCW).

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Seattle Central Community College, 1701 Broadway, Room 1110-1111, Seattle, WA, on January 29, 1998, at 7:00 - 9:00 p.m.

Assistance for Persons with Disabilities: Contact Tanya Callahan by January 20, 1998, TDD (360) 300-7525, or (360) 753-4876.

Submit Written Comments to: Marilyn Akita, 1511 Third Avenue, Suite 921, Seattle, WA 98101-1626, FAX (206) 464-7463, by January 29, 1998.

Date of Intended Adoption: February 20, 1998.

December 19, 1997

Susan J. Jordan

Executive Director

### **Chapter 162-22 WAC EMPLOYMENT—((HANDICAPPED)) PERSONS WITH DISABILITIES**

AMENDATORY SECTION (Amending Order 23, filed 7/21/75)

**WAC 162-22-010 Scope of chapter.** This chapter ~~((contains rules interpreting and implementing))~~ interprets and implements the ((handicap)) disability discrimination coverage of RCW 49.60.180 (unfair practices of employers), RCW 49.60.190 (unfair practices of labor unions), and RCW 49.60.200 (unfair practices of employment agencies).

AMENDATORY SECTION (Amending Order 23, filed 7/21/75)

**WAC 162-22-020 Definitions.** In this chapter the following words are used in the meaning given, unless the context clearly indicates another meaning:

((("Handicap")) "Disability" is short for the statutory term "the presence of any sensory, mental, or physical ((handicap)) disability," see WAC 162-04-010, except when it appears as part of the full term.

An "able ((handicapped)) worker with a disability" is a person whose ((handicap)) disability does not prevent the proper performance of the particular job in question.

"Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons."

"Service animal" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability."

AMENDATORY SECTION (Amending Order 22, filed 5/23/75)

**WAC 162-22-030 Affirmative action and reporting.**  
(1) The commission will recognize a different definition of ((handicap)) disability for purposes of affirmative action and reporting than for purposes of law enforcement. The emphasis in law enforcement is to leave no one out. The emphasis in affirmative action must be to avoid including in

so many persons that statistics become meaningless. None of us is a perfect sensory, mental, or physical specimen. Theoretically, every person faces the possibility of being discriminated against because of ((handicap)) disability—although some very remotely. It is therefore necessary to restrict the definition of ((handicap)) disability for purposes of affirmative action and reports on the use of ((handicapped)) workers with disabilities to ((handicaps)) disabilities that are significant and permanent.

(2) An appropriate definition of ((handicap)) disability for affirmative action and reporting purposes is the following, which is already in use by the Washington state department of personnel:

"((Handicapped)) Disabled: Persons with physical, mental, or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means."

AMENDATORY SECTION (Amending Order 23, filed 7/21/75)

**WAC 162-22-040 General approach to enforcement.**

(1) For the purpose of determining whether an unfair practice under RCW 49.60.180, 49.60.190, or 49.60.200 has occurred:

(a) A condition is a "sensory, mental, or physical ((handicap)) disability" if it is an abnormality and is a reason why the person having the condition did not get or keep the job in question, or was denied equal pay for equal work, or was discriminated against in other terms and conditions of employment, or was denied equal treatment in other areas covered by the statutes. In other words, for enforcement purposes a person will be considered to be ((handicapped)) disabled by a sensory, mental, or physical condition if he or she is *discriminated against because of the condition* and the condition is abnormal.

(b) "The presence of a sensory, mental, or physical ((handicap)) disability" includes, but is not limited to, circumstances where a sensory, mental, or physical condition:

- (i) Is medically cognizable or diagnosable;
- (ii) Exists as a record or history; or
- (iii) Is perceived to exist, whether or not it exists in fact.

(2) An example of subsection (1)(b)(ii) is a medical record showing that the worker had a heart attack five years ago. An example of subsection (1)(b)(iii) is rejection of a person for employment because he had a florid face and the employer thought that he had high blood pressure, but in fact he did not have high blood pressure.

AMENDATORY SECTION (Amending Order 23, filed 7/21/75)

**WAC 162-22-050 Unfair practice.** (1) RCW 49.60.180 says: "It is unfair practice for any employer:

"(1) To refuse to hire a person because of . . . the presence of any sensory, mental, or physical ((handicap)) disability or the use of a trained dog guide or service animal by a disabled person. . . : *Provided*, That the prohibition against discrimination because of such ((handicap)) disability

shall not apply if the particular disability prevents the proper performance of the particular worker involved."

(2) An unfair practice has been committed when both of the following have occurred:

(a) An employer, employment agency, or labor union has refused to hire or has otherwise discriminated against a person because the person has a ((handicap)) disability or because of the use of a trained dog guide or service animal by a person with a disability, and

(b) The ((handicap)) disability or the use of a trained dog guide or service animal by a person with a disability does not prevent the person from properly performing the particular job.

(3) While the proviso on ability to do the job appears only in paragraph (1) of RCW 49.60.180, it logically applies to all circumstances where ability to do the job is material. The rule of the proviso will therefore be applied when appropriate in cases arising under other paragraphs of RCW 49.60.180, and also in cases under RCW 49.60.190 (labor unions), and RCW 49.60.200 (employment agencies).

AMENDATORY SECTION (Amending Order 23, filed 7/21/75)

**WAC 162-22-060 Preference for ((handicapped)) disabled is not an unfair practice.** The law against discrimination says that it is an unfair practice to discriminate *against* a person because of the presence of any ((handicap)) disability or the use of a trained dog guide or service animal by a person with a disability. Discrimination *in favor of* a person because of the person's ((handicap)) disability is not an unfair practice. Stating the same thing inversely, discrimination *against* a person because the person is *not* ((handicapped)) disabled is not an unfair practice. This nonreciprocal operation is different from the operation of the statutes in all other areas, except for age discrimination. For example, it is an unfair practice for an employer to discriminate either for or against persons of any race or either sex.

AMENDATORY SECTION (Amending Order 23, filed 7/21/75)

**WAC 162-22-070 Bona fide occupational qualification.** (1) The special rules in this section supplement the general rules on bona fide occupational qualification in WAC 162-16-020, 162-16-030, and 162-16-040.

(2) No bona fide occupational qualification question is raised by preferential treatment of ((handicapped)) disabled persons, since such treatment is not an unfair practice. See WAC 162-22-060.

(3) A bona fide occupational qualification differs from the statutory requirement that the ((handicapped)) disabled individual be able to properly perform the job. The determination of ability to do the job is made on an individual basis, for each person for each job. A bona fide occupational qualification is a requirement that must be met by all persons whether or not they can do the job. Ability to do the job is part of the definition of ((handicap)) disability discrimination; a bona fide occupational qualification is an exception to the rule of nondiscrimination because of ((handicap)) disability.

(4) The following job requirements are bona fide occupational qualifications:

(a) Any specific requirement set out in a statute of the United States or the state of Washington, or an authorized regulation of an agency of the United States government.

(b) Any specific requirement set out in an authorized regulation of an agency of the state of Washington, or in an ordinance, authorized rule, or other official act of a unit of local government of the state of Washington, unless the human rights commission finds that the state or local requirement is not consistent with the law against discrimination.

(5) The following are not bona fide occupational qualifications:

(a) Preferences or objections of co-workers, the employer, clients, or customers.

(b) Physical obstacles or inadequacies at work facilities that reasonably can be corrected as provided in WAC 162-22-080.

**AMENDATORY SECTION** (Amending Order 23, filed 7/21/75)

**WAC 162-22-080 Accommodation to ((handi-capped)) employees with disabilities.** (1) It is an unfair practice for an employer to fail or refuse to make reasonable accommodations to the sensory, mental, or physical limitations of employees, or the use of a trained dog guide or service animal by a disabled person, unless the employer can demonstrate that such an accommodation would impose an undue hardship on the conduct of the employer's business.

(2) It is an unfair practice for an employer to refuse to hire or otherwise discriminate against an able ((handi-capped)) worker with a disability because the employer will be subject to the requirements of this section if the worker is hired, promoted, etc.

(3) The cost of accommodating an able ((handi-capped)) worker with a disability or the use of a trained dog guide or service animal by a disabled person will be considered to be an undue hardship on the conduct of the employer's business only if it is unreasonably high in view of the size of the employer's business, the value of the employee's work, whether the cost can be included in planned remodeling or maintenance, the requirements of other laws and contracts, and other appropriate considerations.

**AMENDATORY SECTION** (Amending Order 23, filed 7/21/75)

**WAC 162-22-090 Physician's opinions.** (1) A physician's opinion on whether a ((handicap)) disability prevents a person from properly performing a particular job will be given due weight in view of all the circumstances, including the extent of the physician's knowledge of the particular person and job, and the physician's relationship to the parties.

(2) A physician's conclusion will not be considered to be an opinion on whether the person can properly perform the particular job unless it:

(a) Is based on the individual capabilities of the particular person, and not on generalizations as to the capabilities of all persons with the same ((handicap)) disability, unless

the ((handicap)) disability is invariable in its disabling effect; and

(b) Is based on knowledge of the actual sensory, mental, and physical qualifications needed for proper performance of the particular job.

(3) Employers who choose to rely on a physician's opinion in determining that a person cannot properly perform the particular job are advised to provide the physician with the necessary information about the job and to inform the physician of the need for an individualized opinion.

**NEW SECTION**

**WAC 162-22-100 Behavior causing risk.** Behavior or actions of a dog guide or service animal that constitutes an unreasonable risk to property or other persons can be grounds to request that a dog guide or service animal be removed, and shall not constitute an unfair practice.

(1) **General rule.** It is not an unfair practice under RCW 49.60.180 to request that a dog guide or service animal be removed from the workplace because the behavior or actions of that dog guide or service animal constitutes an unreasonable risk to property or other persons.

(2) **Individual judgment required.** To come within this exception, the removal of a dog guide or service animal must be based on knowledge of the present behavior or actions of the dog guide or service animal. It is an unfair practice to exclude all of the particular dog guides or service animals unless the employer can show that all of the particular dog guides or service animals will present an unreasonable risk to persons or property.

(3) **Likelihood of injury.** Risk to property or other persons must be immediate and likely, not remote or speculative.

(4) **Degree of risk.** Risk of injury to persons may be given more weight than risk of injury to property. Risk of severe injury may be given more weight than risk of slight injury.

(5) **Annoyance to staff or other customers.** Annoyance on the part of staff or other customers of the workplace at the presence of the dog guide or service animal is not an unreasonable "risk to property or other persons" justifying the removal of the dog guide or service animal.

(6) **Least discriminatory solution required.** It is an unfair practice to remove a dog guide or service animal from the entire workplace because the dog guide or service animal presents a risk of injury when in part of the workplace. When risk justifies the removal of a dog guide or service animal from the workplace, efforts must be made to reasonably accommodate the person with the disability.

**Chapter 162-26 WAC  
PUBLIC ACCOMMODATIONS, ((HANDICAP))  
DISABILITY DISCRIMINATION**

**AMENDATORY SECTION** (Amending Order 41, filed 9/22/82)

**WAC 162-26-010 Scope of chapter.** (1) **Confined to unfair practice.** This chapter interprets and implements the ((handicap)) disability discrimination coverage of RCW 49.60.215, unfair practices of places of public resort, accommodation, assemblage, amusement. This chapter does

not define the scope of the civil right to be free from discrimination because of ((handicap)) disability declared in RCW 49.60.030 ((quoted below in WAC 162-26-030)) or interpret other statutes. This chapter applies to the unfair practices which the commission is empowered by RCW 49.60.120 to eliminate and prevent through the administrative process provided in RCW 49.60.230 through 49.60.270.

(2) **Language interpreted.** ((The language of RCW 49.60.215 that is interpreted and implemented by this chapter is:

~~"It shall be an unfair practice for any person or his agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of . . . the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person: *Provided*, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a handicapped person except as otherwise required by law: *Provided*, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice.")~~ This chapter interprets and implements RCW 49.60.215, Unfair practices of places of public resort, accommodation, assemblage, and amusement, as amended by chapter 271, Laws of 1997.

(3) **Related regulations.** Regulations of the commission on ((handicap)) disability discrimination in real estate transactions are in chapter 162-38 WAC. Commission regulations governing ((handicap)) disability discrimination in employment are in chapter 162-22 WAC and in other regulations governing employment. General regulations of the commission governing schools are in chapter 162-28 WAC.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

**WAC 162-26-020 Purpose of chapter.** (1) **Purpose.** The purpose of this chapter is to specify how the interpreted statute applies to specific circumstances and to established principles of interpretation that will guide in other circumstances.

(2) **Sources of policy.** The commission is guided by the policy of the legislature expressed in the statute being interpreted and in related statutes, particularly RCW 49.60.010, 49.60.030, and chapter 70.04 RCW, the "white cane law." The commission is also guided by the specialized knowledge and experience of its staff, particularly its disability specialists, and by the commissioners' own knowledge of the nature of ((handicap)) disability discrimination and the practical needs of the disabled. This includes the information gathered at hearings held in Spokane, Yakima, Lacey, and Seattle prior to the preparation of the first draft of these rules, and the written and oral comments received after circulation of proposed rules.

(3) **Legislative policy.** The principal expressions of legislative policy outside of the language being interpreted are the following:

~~((RCW 49.60.010: "The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of . . . the presence of any sensory, mental, or physical handicap are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in . . . places of public resort, accommodation, or amusement . . . because of . . . the presence of any sensory, mental, or physical handicap; and the board (human rights commission) established hereunder is hereby given general jurisdiction and power for such purposes."))~~

RCW 70.84.010: "The legislature declares:

"(1) It is the policy of this state to encourage and enable the blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled to participate fully in the social and economic life of the state, and to engage in remunerative employment.

"(2) As citizens, the blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled have the same rights as the able-bodied to the full and free use of the streets, highways, walkways, public buildings, public facilities, and other public places.

"(3) The blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges on common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, and all other public conveyances, as well as in hotels, lodging places, places of public resort, accommodation, assemblage or amusement, and all other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons."

RCW 28A.13.005: "It is the purpose of this chapter (certain education statutes) to ensure that all handicapped children . . . shall have the opportunity for an appropriate education at public expense as guaranteed to them by the constitution of this state."

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

**WAC 162-26-030 Related law.** (1) **General civil right.** RCW 49.60.030 provides:

"(1) The right to be free from discrimination because of . . . the presence of any sensory, mental, or physical ((handicap)) disability or the use of a trained dog guide or service animal by a disabled person is recognized as and declared to be a civil right. This right shall include, but not be limited to:

" . . .  
"(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;"

This right is enforceable through lawsuits in court (RCW 49.60.030(2)) but not through the administrative process of the human rights commission.

(2) ~~((The "white cane law," Chapter 70.84 RCW prohibits the refusal of service to or the exaction of an extra charge from any blind or hearing impaired person because the person is accompanied by a guide dog. RCW 70.84.030. The chapter imposes special duties on a driver who approaches a blind pedestrian with a white cane or a blind or hearing impaired pedestrian using a guide dog. RCW 70.84.040. Blind, partially blind, and hearing impaired pedestrians are declared to have all the rights and privileges conferred by law on other persons in any of the places, accommodations, or conveyances listed in RCW 70.84.010 (quoted above in WAC 162-26-020(2)). RCW 70.84.050.~~

(3) ~~Other laws.~~ Other state laws define rights of the ~~(handicapped)~~ persons with disabilities in particular circumstances. Some are referred to elsewhere in this chapter. Some accommodations are subject to United States law, particularly sections 503 and 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 793, 794, and the Americans with Disabilities Act of 1990, codified at 42 U.S.C. 12101, et seq.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

**WAC 162-26-040 Definitions.** (1) **Place of public accommodation.** RCW 49.60.040 gives the following definition:

"Any place of public resort, accommodation, assemblage, or amusement' includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: *Provided*, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution."

(2) **General definitions.** General definitions applicable throughout the commission's regulations are set out in WAC 162-04-010. These include the following:

"~~(Handicapped)~~ 'Disability' is short for the term 'the presence of any sensory, mental, or physical ~~(handicap)~~ disability' used in the law against discrimination, and means the full term."

(3) **Definitions special to this chapter.** The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

"Accessible" means usable or understandable by a person ~~(who is handicapped)~~ with a disability, with reasonable effort and in reasonable safety.

"Arranged service" means making the services or goods of a place of public accommodation available to a ~~(handicapped)~~ person with a disability at a place or in a way that is different from the place or way that the service is offered to the public in general in order to serve the person. See WAC 162-26-090.

"Dog guide" means a ~~((trained dog guide used by a blind or deaf person. See WAC 162-26-130))~~ dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons.

"Fair service" means the service required by RCW 49.60.215 for ~~(handicapped)~~ disabled persons in places of public accommodation. Depending on the circumstances, fair service may be in the form of (a) same service, (b) reasonable accommodation, or (c) arranged service. These terms are defined in this chapter. See also "service" and "fairly serve."

"Fairly serve" means to provide fair service.

"Place of public accommodation" is short for "place of public resort, accommodation, assemblage, or amusement" and means the full term.

"Reasonable accommodation" means action, reasonably possible in the circumstances, to make the regular services of a place of public accommodation accessible to persons who otherwise could not use or fully enjoy the services because of the person's sensory, mental, or physical limitations. See WAC 162-26-080.

"Same service" means service without regard to the existence of a ~~(handicap)~~ disability. See WAC 162-26-060.

"Service" means everything available to persons from a place of public accommodation.

"Service animal" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability.

"Structural" is defined in WAC 162-26-100(5).

"Unfair service" means service not in compliance with RCW 49.60.215. See "fair service."

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

**WAC 162-26-050 Who is protected.** (1) **Statute.** RCW 49.60.215 requires service in places of public accommodation "regardless of . . . the presence of any sensory, mental, or physical ~~(handicap)~~ disability, or the use of a trained dog guide ~~((by a blind or deaf person))~~ or service animal by a disabled person . . ."

(2) **What is a ~~((handicap))~~ disability.** A person's condition is a "sensory, mental, or physical ~~((handicap))~~ disability" if it is abnormal and is a reason why the person was not fairly served in a place of public accommodation. A person is ~~((handicapped))~~ disabled by a sensory, mental, or physical condition if she or he is not fairly served because of the condition. The law protects all persons from unfair service because of ~~((handicap))~~ disability, whether the ~~((handicap))~~ disability is severe or slight.

(3) **When ~~((handicap))~~ disability is present.** The presence of a sensory, mental, or physical ~~((handicap))~~ disability includes, but is not limited to, circumstances where a sensory, mental, or physical condition:

- (a) Is medically cognizable or diagnosable;
- (b) Exists as a record or history; or
- (c) Is perceived to exist, whether or not it exists in fact.

(4) **Person using a trained dog guide or service animal.** WAC 162-26-130 defines who is protected as a person using a trained dog guide or service animal.

(5) **~~((Nonhandicapped))~~ Nondisabled not protected.** The law protects against discrimination because of the "presence" of a ~~((handicap))~~ disability. It does not prohibit treating ~~((handicapped))~~ disabled persons more favorably than ~~((nonhandicapped))~~ nondisabled persons. Compare WAC 162-22-060 (employment).

**AMENDATORY SECTION** (Amending Order 41, filed 9/22/82)

**WAC 162-26-060 General principles.** (1) **Same service preferred.** The purposes of the law against discrimination are best achieved when ~~((handicapped))~~ disabled persons are treated the same as if they were not ~~((handicapped))~~ disabled. The legislature expresses this policy in RCW 49.60.215 with the words "regardless of." Persons should, if possible, be treated without regard to their ~~((handicap))~~ disability or use of a dog guide or service animal. This is called "same service" in this chapter.

(2) **Reasonable accommodation.** In some circumstances, however, treating ~~((handicapped))~~ disabled persons the same as ~~((nonhandicapped))~~ nondisabled persons (same service) will defeat the purposes of the law against discrimination. This would be true if persons in wheelchairs and ~~((nonhandicapped))~~ nondisabled persons are equally entitled to use the stairway to reach the second floor of a store. In such circumstances, the operator of the place of public accommodation should if possible use the next best solution: Reasonable accommodation. A reasonable accommodation would be to permit the shopper in the wheelchair to use an elevator to reach the second floor, even though the public in general is not permitted to use the elevator. Reasonable accommodation is explained in WAC 162-26-080.

(3) **Arranged service.** Where same service will not carry out the purposes of the law and where no accommodation is reasonable, the operator of a place of public accommodation should use the third best solution: Arranged service. In the example used in this section, arranged service would be having a store employee bring merchandise of the size and description requested by the wheelchair shopper from the second floor for examination by the customer on the first floor. This would be appropriate if there were no elevator and no other safe and dignified way

to transport the customer to the second floor. Arranged service is explained in WAC 162-26-090.

(4) **Overall objective.** In applying RCW 49.60.215, the commission seeks to assure that ~~((handicapped))~~ disabled persons will have the enjoyment of places of public accommodation to the greatest extent practical. The legislature in RCW 49.60.040 has defined "full enjoyment of" with respect to the civil right set out in places of public accommodation in RCW 49.60.030 as follows:

"Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons . . . with any sensory, mental, or physical ~~((handicap))~~ disability, or ~~((a-blind-or-deaf-person-using))~~ the use of a trained dog guide or service animal by a disabled person, to be treated as not welcome, accepted, desired, or solicited;"

**AMENDATORY SECTION** (Amending Order 41, filed 9/22/82)

**WAC 162-26-070 General rules.** (1) **Rules.** Except where exempted by RCW 49.60.215 or excepted by ruling of the commissioners under WAC 162-06-030, it is an unfair practice under RCW 49.60.215 for any person in the operation of a place of public accommodation, because of ~~((handicap))~~ disability or use of a trained dog guide or service animal:

- (a) To refuse to serve a person;
- (b) To charge for reasonably accommodating the special needs of a ~~((handicapped))~~ disabled person, or for arranged service as defined in this chapter;
- (c) To require a disabled person accompanied by a trained dog guide or service animal in any of the places listed in RCW 70.84.010(3) to pay an extra charge for the trained dog guide or service animal.
- (d) To treat a ~~((handicapped))~~ disabled person as not welcome, accepted, desired, or solicited the same as a ~~((nonhandicapped))~~ nondisabled person;
- ~~((d))~~ (e) To segregate or restrict a person or deny a person the use of facilities or services in connection with the place of public accommodation where same service is possible without regard to the ~~((handicap))~~ disability;
- ~~((e))~~ (f) To fail to reasonably accommodate the known physical, sensory, or mental limitations of a ~~((handicapped))~~ disabled person, when same service would prevent the person from fully enjoying the place of public accommodation, as provided in WAC 162-26-080; or
- ~~((f))~~ (g) To fail to arrange service under the rules in WAC 162-26-090 when reasonable accommodation is not possible and same service treatment would prevent the ~~((handicapped))~~ disabled person from fully enjoying the place of public accommodation.

(2) **Exceptions may be granted.** The commission will grant exceptions to the rules of this chapter under the standards set out in WAC 162-06-030.

AMENDATORY SECTION (Amending Order 43, filed 12/23/82)

**WAC 162-26-080 Reasonable accommodation.** (1) **Unfair to not accommodate.** It is an unfair practice for a person in the operation of a place of public accommodation to fail to make reasonable accommodation to the known physical, sensory, or mental limitations of a ~~((handicapped))~~ person with a disability or to the use of a trained dog guide or service animal by a disabled person, when same service would prevent the person from fully enjoying the place of public accommodation.

(2) **Defined.** "Reasonable accommodation" is action, reasonably possible in the circumstances, to make the regular services of a place of public accommodation accessible to persons who otherwise could not use or fully enjoy the services because of the person's sensory, mental, or physical limitations.

(3) **Reasonableness.** Whether a possible accommodation is reasonable or not depends on the cost of making the accommodation, the size of the place of public accommodation, the availability of staff to make the accommodation, the importance of the service to the ~~((handicapped))~~ person with a disability, and other factors bearing on reasonableness in the particular situation.

(4) **Carrying not favored.** Carrying a mobility-impaired person is not required by law and is not an acceptable accommodation, except in rare circumstances. Carrying should be done only when there is no other way for the mobility-impaired person to use the facility and when it is agreeable to the ~~((handicapped))~~ person with a disability.

(5) **Reference to employment standard.** The concept of reasonable accommodation is also used in the employment context. The commission will rely on its interpretations of WAC 162-22-080 and on *Holland v. Boeing Co.*, 90 Wn.2d 384, 583 P.2d 621 (1978) for guidance in applying this section.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

**WAC 162-26-090 Arranged service.** (1) **Unfair to deny.** No person shall be denied the enjoyment of a place of public accommodation because the facilities are not accessible to the person and cannot be made accessible with reasonable accommodation, when the desired service can be made available under the standards for arranged service that are specified in this section.

(2) **Defined.** "Arranged service" means making the services or goods of a place of public accommodation available to a ~~((handicapped))~~ person with a disability or a person with a disability using a trained dog guide or service animal at a place or in a way that is different from the place or way that the service is offered to the public in general, in order to serve the person.

(3) **Limitation on use.** Arranged service is fair only when neither same service nor reasonable accommodation is possible, and the choice is between arranged service and no service.

(4) **Choice of means of arranged service.** The operator of a place of public accommodation may choose the place and means of providing arranged service so long as the operator gives reasonable weight to the convenience, needs,

and dignity of the ~~((handicapped))~~ person with a disability or a person with a disability using a trained dog guide or service animal seeking service. Among available means or places, the one that most closely approximates service to the general public should be chosen. There is no need for the operator to deliver the services away from the place of public accommodation if the services can be made available somewhere at the place of public accommodation.

(5) **Examples.**

(a) In a retail setting, goods can be carried from an inaccessible location to an accessible location, as described in WAC 162-26-060(3).

(b) In an office setting, interviewers and forms could be brought to an accessible office or conference room in the building or at another place, although the particular business would ordinarily be done at an inaccessible location.

(c) In an office setting, arrange to interview a ~~((mentally handicapped))~~ person with a mental disability in place of requiring a written application or report.

(d) In an entertainment setting, seating areas made available for patrons in wheelchairs would be arranged service.

(e) In a hospital setting, during surgery, a person with a disability might be asked to leave their trained dog guide or service animal outside the operating room while the person with the disability is individually assisted by hospital staff through the surgical procedure.

AMENDATORY SECTION (Amending Order 43, filed 12/23/82)**WAC 162-26-100 Structural barriers to accessibility.**

(1) **Statute.** RCW 49.60.215 says that it "shall not be construed to require structural changes, modifications, or additions to make any place accessible to a ~~((handicapped))~~ disabled person except as otherwise required by law. . . ."

(2) **Laws requiring accessibility.** The principal laws requiring that places be made accessible are:

(a) The state building code, chapter 19.27 RCW, which includes the barrier free design standards adopted in chapter 51-10 WAC under authority of chapter 70.92 RCW. The barrier free design standards apply with some exceptions to "buildings, structures, or portions thereof, . . . which are constructed, substantially remodeled, or substantially rehabilitated after October 1, 1976." WAC 51-10-003.

(b) Chapter 219, Laws of 1971 ex. sess., in effect from August 9, 1971, through June 30, 1976. This statute required that plans and specifications for the erection or remodeling of any public accommodation must provide for access by ~~((physically handicapped))~~ persons with physical disabilities, for toilet facilities designed for use by the ~~((physically handicapped))~~ persons with physical disabilities, and for additional facilities specified in a national standard.

(c) Chapter 35, Laws of 1967, in effect from June 8, 1967, through June 30, 1976. This statute was substantially the same as the 1971 statute described in paragraph (b) of this subsection, but was limited in its coverage to public buildings.

(d) RCW 35.68.075, requiring curb ramps in sidewalks constructed or replaced after June 7, 1973.

(e) United States law; particularly 45 CFR § 84.23 implementing section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), which requires that facilities constructed after April 28, 1977 with federal assistance be readily accessible to and usable by ((handicapped)) disabled persons.

(f) The Americans with Disabilities Act of 1990, codified at 42 U.S.C. 12101 et seq.

(3) **Practices that are not unfair.** It is not an unfair practice under RCW 49.60.215 to operate a place of public accommodation with structural barriers to accessibility of the ((handicapped)) person with a disability when the structural barriers were lawful when constructed and are presently lawful under the state building code and other law outside of the law against discrimination. This exemption does not relieve the operator of a place of public accommodation of the duty to make reasonable accommodation to the needs of ((handicapped)) disabled persons as described in WAC 162-26-080, or to provide arranged service as described in WAC 162-26-090.

(4) **When required by law.** It is an unfair practice under RCW 49.60.215:

(a) To deny service to any person because of a barrier to accessibility when accessibility is required by law;

(b) To build or remodel in a way that does not comply with requirements of law on accessibility;

(c) To operate a place of public accommodation that is out of compliance with a law requiring accessibility;

(d) To fail to maintain or fail to continue the accessibility of a place of public accommodation that was required by law to be accessible when it was built, remodeled, or rehabilitated.

(5) **Nonstructural changes.** After January 1, 1983, it is an unfair practice under RCW 49.60.215 for a person who is making nonstructural changes in a place of public accommodation to fail to eliminate barriers to same service when this can be done without substantially changing the scope or cost of the project or requiring structural changes that are not otherwise required by law. Specifically, it is an unfair practice:

(a) When installing a nonstructural fixture or component, to choose and install one that is not accessible to the ((handicapped)) person with a disability or that makes the place of public accommodation less accessible to the ((handicapped)) person with a disability.

(b) When replacing a nonstructural fixture or component, to replace it with one that is not accessible to the handicapped or one that makes the place of public accommodation less accessible to the ((handicapped)) person with a disability.

(c) When relocating a nonstructural fixture or component, to relocate it to a place that is not accessible to the ((handicapped)) person with a disability, unless no suitable place is accessible.

(d) When modifying a nonstructural fixture or component, to do so in a way that does not eliminate barriers to the ((handicapped)) person with a disability, when possible.

(6) **What is "structural."** "Structural" for purposes of RCW 49.60.215 means the load-bearing members and essential structure or composition of a place, as distinguished from its finish, decorations, or fittings. Examples of structural components are floors, walls, stairs, door openings, sidewalks, elevators, and escalators. Examples of things that

are not structural are moveable walls, bathroom fixtures and partitions, fixtures such as water fountains (whether or not attached to a wall), doors and door hardware, cabinets, counters, handrails, signs (attached or painted), elevator controls, alarm systems, and carpeting or other floor covers.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

**WAC 162-26-110 Behavior causing risk.** (1) **Proviso interpreted.** This section interprets the following proviso of RCW 49.60.215:

"*Provided, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice.*"

(2) **General rule.** It is not an unfair practice under RCW 49.60.215 to deny a person service in a place of public accommodation because that person's behavior or actions constitute a risk to property or other persons. It is not an unfair practice to request that a trained dog guide or service animal be removed because the behavior or actions of that dog guide or service animal constitute an unreasonable risk to property or other persons.

(3) **Individual judgment required.** To come within this exception, the denial of service must be based on knowledge of the present behavior or actions of the individual who is not served. It is an unfair practice to exclude all persons who have a ((handicapped)) disability or who have a particular ((handicapped)) disability unless the operator of the place of public accommodation can show that all persons with the ((handicapped)) disability will present a risk to persons or property.

To come within this exception, the removal of a trained dog guide or service animal must be based on knowledge of the present behavior or actions of the dog guide or service animal. It is an unfair practice to exclude all of the particular dog guides or service animals unless the place of public accommodation can show that all of the particular dog guides or service animals will present an unreasonable risk to property or other persons.

(4) **Likelihood of injury.** Risk to property or other persons must be immediate and likely, not remote or speculative.

(5) **Degree of risk.** Risk of injury to persons may be given more weight than risk of injury to property. Risk of severe injury may be given more weight than risk of slight injury.

(6) **Risk to ((handicapped)) person with a disability or trained dog guide or service animal.** Risk to the ((handicapped)) person with a disability or trained dog guide or service animal is not a reason to deny service. Liability for injury to ((handicapped)) customers with a disability is governed by law other than the law against discrimination. The law against discrimination affects tort liability only insofar as it includes ((handicapped)) persons with a disability within the public for which public accommodations must be made safe.

(7) **Annoyance to staff or other customers.** Annoyance on the part of staff or customers of the place of public accommodation at the abnormal appearance or behavior of a ((handicapped)) person with a disability is not a "risk to property or other persons" justifying nonservice. Annoyance

on the part of staff or customers of the place of public accommodation at the presence of the dog guide or service animal is not an unreasonable "risk to property or other persons" justifying the removal of the dog guide or service animal.

(8) Least discriminatory solution required. It is an unfair practice to deny a ((handicapped)) person with a disability the enjoyment of an entire place of public accommodation because the person presents a risk of injury when using part of the place. When risk justifies not serving a ((handicapped)) person with a disability in the same way or same place as other customers, the person should be served through reasonable accommodation (WAC 162-26-060, 161-26-080 [162-26-080]) or arranged service (WAC 162-26-060, 162-260-090), if possible. When risk justifies removal of a dog guide or service animal from the place of public accommodation, efforts must be made to reasonably accommodate the person with a disability.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

**WAC 162-26-120 Failure to meet requirements of other law.** (1) **Unfair practice.** It is an unfair practice under RCW 49.60.215 for the operator of a place of public accommodation to refuse or fail to comply with any specific requirement of law for the benefit of ((handicapped)) persons with disabilities applicable to the place of public accommodation.

(2) **All sources of law covered.** This section applies to all requirements imposed by or authorized by any law of the United States, the state of Washington, or any ordinance of a unit of local government within the state of Washington.

(3) **References to selected laws.** Some of the laws to which this section applies are:

(a) Chapter 28A.13 RCW (education for handicapped children);

(b) Sections 503 and 504 of the United States Rehabilitation Act of 1973, 29 U.S.C. §§ 793 and 794, and all regulations of agencies of the United States government issued pursuant to them;

(c) Chapter 70.84 RCW, the "white cane law."

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

**WAC 162-26-130 Use of trained dog guide or service animal.** (1) **Coverage of statute.** RCW 49.60.215 requires fair service in a place of public accommodation "regardless of . . . the use of a trained dog guide or service animal by a ((blind or deaf)) disabled person . . ." as well as because of ((handicap)) disability itself.

(2) **Same rules apply.** All of the rules of this chapter with respect to ((handicap)) disability itself apply equally to service of a ((blind or deaf)) person with a disability who is using a trained dog guide or service animal. See particularly WAC 162-26-060 and 162-26-070.

~~((3) Standards of "white cane law" apply. It is an unfair practice under RCW 49.60.215 for the operator of a place of public accommodation to deny any person the following rights set out in the "white cane law," RCW 70.84.030:~~

~~"Every totally or partially blind or hearing-impaired person shall have the right to be accompanied by a guide dog in any of the places listed in RCW 70.84.010(3) without being required to pay an extra charge for the guide dog. It shall be unlawful to refuse service to a blind or hearing-impaired person in any such place solely because he is accompanied by a guide dog."~~

~~(4) "Dog guide" defined. For purposes of RCW 49.60.215 the term "dog guide" means a trained dog guide used by a blind or deaf person. It has the same meaning as "guide dog" in RCW 70.84.020:~~

~~" . . . the term 'guide dog' shall mean a dog which is in working harness and is trained or approved by an accredited school engaged in training dogs for the purpose of guiding blind persons or a dog which is trained or approved by an accredited school engaged in training dogs for the purpose of assisting hearing-impaired persons."~~

~~(5) Identification of trained dog guide. A trained dog guide used by a blind person is identified by the harness with rigid stirrup for the hand of the guided person that such dogs wear when in service. A trained dog guide used by a deaf person shall be identified by a credential presented by the deaf person on request, or by a tag or other identifying device that is adopted and promulgated so as to become generally known.)~~

AMENDATORY SECTION (Amending Order 43, filed 12/23/82)

**WAC 162-26-140 Unfair to request or require waiver of rights.** It is an unfair practice for any person to request or require another person to waive rights or hold anyone harmless as a condition of the use or enjoyment of a place of public accommodation by a ((handicapped)) disabled person. It is an unfair practice to request or require another person to waive rights or hold anyone harmless as a condition of the use or enjoyment of a place of public accommodation by a disabled person using a dog guide or service animal. This section is intended to prohibit waivers on the basis of ((handicap)) disability, but is not intended to preclude waivers required on a nondiscriminatory basis.

AMENDATORY SECTION (Amending WSR 96-13-045, filed 6/13/96, effective 7/14/96)

**WAC 162-36-001 Definitions.** (1) "Brokerage services" means access to or membership or participation in a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings;

(2) "Dwelling" means any building, structure or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;

(3) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any

person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

(4) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property; transacting or applying for a real estate loan; the provision of brokerage services; or the making or purchasing of loans secured by residential real estate;

(5) "Real property" includes buildings, structures, dwellings, real estate, land, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

(6) "Unfair practices on the basis of creed" or "discrimination on the basis of creed" includes, but is not limited to religious discrimination under the federal Fair Housing Amendments Act of 1988.

(7) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons.

(8) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability.

**AMENDATORY SECTION** (Amending WSR 96-13-045, filed 6/13/96, effective 7/14/96)

**WAC 162-36-005 Discrimination.** (1) It is an unfair practice for any person, whether acting for himself, herself, or another, because of sex, marital status, race, creed, color, national origin, families with children status, the presence of any sensory, mental, or physical disability, or the use of a trained (~~(guide dog or service dog)~~) dog guide or service animal by a disabled person:

(a) To refuse to engage in a real estate transaction with a person;

(b) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(c) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

(d) To refuse to negotiate for a real estate transaction with a person;

(e) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit the person to inspect real property;

(f) To discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling, to any person; or to a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or to any person associated with the person buying or renting;

(g) To make, print, publish, circulate, post, mail, or cause to be so made or published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;

(h) To offer, solicit, accept, use, or retain listing of real property with the understanding that a person may be

discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(i) To expel a person from occupancy of real property;

(j) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions;

(k) To attempt to do any of the unfair practices defined in this chapter or chapter 49.60 RCW.

(2) It is an unfair practice for any person, for profit, to induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color, sex, national origin, families with children status, or with any sensory, mental or physical disability and/or the use of a trained (~~(guide dog or service dog)~~) dog guide or service animal by a disabled person.

(3) It is an unfair practice to insert in a written instrument relating to real property a provision that is void under RCW 49.60.224(1) or to honor or attempt to honor such a provision in the chain of title.

(4) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, creed, national origin, sex, disability, the use of a trained dog guide or service animal by a disabled person, or families with children status.

(5) Nothing in this chapter limits the applicability of any reasonable federal, state or local restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(6) Nothing in this chapter prohibiting discrimination based on families with children status applies to housing for older persons as defined by the federal Fair Housing Amendments Act of 1988, 42 U.S.C. sec 3607 (b)(1) through (3), as amended by the Housing for Older Persons Act of 1995, P.L. 104-76, as enacted on December 28, 1995.

**AMENDATORY SECTION** (Amending WSR 96-13-045, filed 6/13/96, effective 7/14/96)

**WAC 162-36-010 Soliciting buyers from neighbors of listed house.** Some real estate firms have a practice of sending letters, post cards or printed circulars to residents of a neighborhood where they have a home listed for sale in order to obtain referrals of prospective buyers of the home. Such a practice does not necessarily discriminate against persons on the basis of race, creed, color, national origin, sex, marital status, families with children status, the presence of a sensory, mental or physical disability or the use of a trained (~~(guide dog or service dog)~~) dog guide or service animal by a disabled person. However, the practice can have a discriminatory effect, and thereby constitute an unfair practice in a real estate transaction within the meaning of this chapter, where:

(1) It is used only in neighborhoods occupied entirely or predominantly by persons of a single race, creed, color, national origin, sex, marital status, families with children status, have the presence of a sensory, mental or physical disability, or who use a trained (~~((guide dog or service dog))~~) dog guide or service animal as a disabled person, or

(2) Persons of a particular race, creed, color, national origin, sex, marital status, families with children status, have the presence of a sensory, mental or physical disability, or use a trained (~~((guide dog or service dog))~~) dog guide or service animal as a disabled person living in the same neighborhood are not sent solicitations, or

(3) The content or language of the solicitation invites, promotes or perpetuates residential segregation or discrimination on the basis of race, creed, color, national origin, sex, marital status, families with children status, the presence of a sensory, mental or physical disability, or the use of a trained (~~((guide dog or service dog))~~) dog guide or service animal by a disabled person.

**AMENDATORY SECTION** (Amending WSR 96-13-045, filed 6/13/96, effective 7/14/96)

**WAC 162-36-020 Content and language of solicitation.** Residential segregation on the basis of race, creed, national origin or other ethnic classification is rooted in the history of this country and fixed in the patterns of thought of many people. The content and language of a solicitation of names of prospective purchasers directed to neighbors of a house listed for sale, must be examined in this context in assessing whether the solicitation constitutes an unfair practice within the meaning of RCW 49.60.222 and WAC 162-36-010. A solicitation which indicates that the recipient of the solicitation can control the type of persons who will move into the neighborhood by referring appropriate prospective buyers, is likely to be understood as an invitation to discriminate on the basis of race, creed, color, national origin, sex, marital status, families with children status, the presence of a sensory, mental or physical disability, or the use of a trained (~~((guide dog or service dog))~~) dog guide or service animal by a disabled person. Phrases such as "uphold the standards of the community" (when the "standards" are unspecified) are likely to be understood the same way. Accordingly, it is an unfair practice under RCW 49.60.222 and WAC 162-36-010 for the content or language of a neighborhood solicitation to:

(1) Suggest in any way that the solicitor, buyer or seller has the power to control the type or character of the person or persons to whom the property involved may be sold;

(2) Invite or provoke discriminatory feelings, actions, or responses from the person or persons being solicited;

(3) Make reference to an assumed standard of the community which the solicitor, buyer or seller must or will uphold, unless the particular community standard is identified specifically, and the standard does not have the effect of excluding persons of a particular race, creed, color, national origin, sex, marital status, families with children status, the presence of a sensory, mental or physical disability, or the use of a trained (~~((guide dog or service dog))~~) dog guide or service animal by a disabled person.

**Chapter 162-38 WAC**  
**REAL ESTATE TRANSACTIONS, ((HANDICAP))**  
**DISABILITY DISCRIMINATION**

**AMENDATORY SECTION** (Amending WSR 96-13-045, filed 6/13/96, effective 7/14/96)

**WAC 162-38-010 Scope and purpose of chapter.** (1) **Confined to unfair practices.** This chapter interprets and implements the disability discrimination coverage provided by the law against discrimination regarding unfair practices in real estate transactions, RCW 49.60.222 through 49.60.340. This chapter applies to the unfair practices which the commission is empowered by RCW 49.60.120(4) to eliminate and prevent through the administrative process provided in RCW 49.60.230 through 49.60.270.

(2) **Principal statutes interpreted.** The statutes principally interpreted in this chapter are RCW 49.60.222 through 49.60.225. This chapter does not define the scope of the civil right to be free from discrimination because of a disability declared in RCW 49.60.030 or interpret other statutes.

(3) **Sources of policy guidance.** In applying and interpreting the provisions of the law against discrimination regarding discrimination in real estate transactions based upon the presence of a sensory, mental or physical disability or the use of a trained (~~((guide dog or service dog))~~) dog guide or service animal by a disabled person, the commission is guided by the following:

(a) Legislative policy statements found in RCW 49.60.010, 49.60.030, 70.84.010 and 70.92.100; and

(b) The federal Fair Housing Amendments Act of 1988, 42 U.S.C. 3601, et seq.

(4) **Related statutes and regulations.** Chapter 70.92 RCW (provisions in buildings for aged and disabled persons); chapter 70.84 RCW ("white cane law" for disabled persons); chapter 19.27 RCW (state building code); chapter 162-26 WAC (disability discrimination in public accommodations); chapter 162-22 WAC (disability discrimination in employment); chapter 162-40 WAC (disability discrimination in credit transactions); chapter 162-36 WAC (unfair practices in real estate transactions); and chapter 51-30 WAC (standards for barrier-free facilities).

**AMENDATORY SECTION** (Amending WSR 96-13-045, filed 6/13/96, effective 7/14/96)

**WAC 162-38-040 Definitions.** The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

"Accessible" means usable or understandable by a person who is disabled, with reasonable effort and in reasonable safety.

"Standards for barrier-free facilities" means standards for making building and facilities accessible to physically disabled persons, pursuant to chapter 51-30 WAC and chapter 70.92 RCW. See WAC 162-38-030(2), 162-38-070.

"Disability" is short for "the presence of a sensory, mental or physical disability."

"Landlord" means anyone other than the occupant of real property who attempts to control use of the property under claim of right arising out of an ownership interest in real property by that person or another person for whom that

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person acts. The term includes owners of rental property, trustees, receivers, persons controlling the common areas used in connection with condominiums, and agents or others acting in the interest of any such persons.

"Rental property" includes real property that is rented or leased, offered for rental or lease, or built or maintained for rental or lease.

"Structural" means the load-bearing members and essential structure or composition of a place, as distinguished from its finish, decorations or fittings. Examples of structural components are floors, walls, stairs, door openings, sidewalks, elevators, and escalators. Examples of things that are not structural are moveable walls, bathroom fixtures and partitions, fixtures such as water fountains (whether or not attached to a wall), doors and door hardware, cabinets, counters, handrails, signs (attached or painted), elevator controls, alarm systems, and carpeting and other floor covers.

"Tenant" is a person who rents or seeks to rent real property.

"Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons."

"Service animal" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability."

**AMENDATORY SECTION** (Amending WSR 96-13-045, filed 6/13/96, effective 7/14/96)

**WAC 162-38-050 Who is protected.** (1) **Scope.** RCW 49.60.222 defines practices in connection with real estate transactions that are unfair when done because of "the presence of any sensory, mental, or physical disability, or the use of a trained (~~(guide dog or service dog)~~) dog guide or service animal by a (~~(blind, deaf or physically)~~) disabled person." Nothing in this chapter or in chapter 49.60 RCW, however, prohibits treating disabled persons more favorably in a real estate transaction than persons who are not disabled.

(2) **Presence of disability.** The presence of a sensory, mental, or physical disability includes, but is not limited to, an abnormal condition that:

- (a) Is medically cognizable or diagnosable;
- (b) Exists as a record or history; or
- (c) Is perceived to exist, whether or not it exists in fact.

**AMENDATORY SECTION** (Amending WSR 96-13-045, filed 6/13/96, effective 7/14/96)

**WAC 162-38-060 General rules.** (1) **General principles apply.** The unfair practices in real estate transactions as defined in RCW 49.60.222 through 49.60.225 apply to claims of disability discrimination. This chapter deals with special questions as to the application of the law to disability discrimination. Where no special provision is made by the statute, by this chapter, or by exception by the commissioners under WAC 162-06-030, general principles of nondiscrimination apply.

(2) **Statutory rules.** It is an unfair practice for any person to do any of the acts enumerated in RCW 49.60.222 through 49.60.225 because of the presence of a sensory, mental or physical disability or the use of a trained (~~(guide~~

~~dog or service dog)~~ dog guide or service animal by a disabled person. For purposes of this chapter, an unfair practice in a real estate transaction on the basis of a disability includes discrimination because of a disability of the buyer or renter, a person residing in or intending to reside in that dwelling after it is so sold, rented or made available, or any person associated with that buyer or renter.

**AMENDATORY SECTION** (Amending Order 41, filed 9/22/82)

**WAC 162-38-100 Persons with dog guides or service animals.** (1) **Are protected.** RCW 49.60.222 protects (~~(blind or deaf)~~) persons with disabilities from discrimination because of their use of a trained dog guide or service animal the same as it protects them from discrimination directly because of (~~(handicap)~~) disability.

(2) **General rule.** The same rules that apply to the treatment of persons because of (~~(handicap)~~) disability under RCW 49.60.222 and this chapter apply to the treatment of (~~(blind or deaf)~~) persons with disabilities because they use a trained dog guide or service animal.

(3) **Landlord's duty.** It is an unfair practice for a landlord to refuse to rent to a (~~(blind or deaf)~~) person with a disability because the person uses a trained dog guide or service animal. A landlord's no-pet policy cannot be applied to the dog guide or service animal of a (~~(blind or deaf)~~) person with a disability.

(4) **Cleaning or damage deposits not unfair.** It is not an unfair practice for a landlord to enforce on a (~~(blind or deaf)~~) tenant with a disability its standard cleaning or damage deposit for dogs or other animals. It is not an unfair practice for a landlord who otherwise doesn't allow dogs or other animals in the rented property to require a reasonable cleaning or damage deposit for the dog or other animal when renting to a (~~(deaf or blind)~~) person with a disability using a trained dog guide or service animal.

~~((5) "Dog guide" defined. For purposes of RCW 49.60.222 the term "dog guide," means a trained dog guide used by a blind or deaf person. It has the same meaning as "guide dog" in RCW 70.84.020.~~

~~"The term 'guide dog' shall mean a dog which is in working harness and is trained or approved by an accredited school engaged in training dogs for the purpose of guiding blind person or a dog which is trained or approved by an accredited school engaged in training dogs for the purpose of assisting hearing impaired persons."~~

~~(6) Identification of trained dog guide. A trained dog guide used by a blind person is identified by the harness with rigid stirrup for the hand of the guided person that such dogs wear when in service. A trained dog guide used by a deaf person shall be identified by a credential presented by the deaf person on request, or by a tag or other identifying device that is adopted and promulgated so as to become generally known.)~~

**AMENDATORY SECTION** (Amending WSR 96-13-045, filed 6/13/96, effective 7/14/96)

**WAC 162-38-120 Unfair to request or require waiver of rights.** It is an unfair practice for any person as a condition of entering into or continuing a real estate

transaction to request or require another person to waive rights or hold anyone harmless because the real property will be occupied by a disabled person or by a person with a disability using a trained dog guide or service animal.

#### NEW SECTION

**WAC 162-38-130 Behavior causing risk.** Behavior or actions of a dog guide or service animal that constitutes an unreasonable risk to property or other persons can be grounds to request that a dog guide or service animal be removed, and shall not constitute an unfair practice.

(1) **General rule.** If a reasonable attempt to eliminate the behavior or actions of a dog guide or service animal that constitutes an unreasonable risk to property or other persons fails, it is not an unfair practice under RCW 49.60.222 to request that the dog guide or service animal be removed from a housing unit.

(2) **Individual judgment required.** To come within this exception, the removal of a dog guide or service animal must be based on knowledge of the present behavior or actions of the dog guide or service animal. It is an unfair practice to exclude all of the particular dog guides or service animals unless the property owner can show that all of the particular dog guides or service animals will present an unreasonable risk to persons or property.

(3) **Likelihood of injury.** Risk to property or other persons must be immediate and likely, not remote or speculative.

(4) **Degree of risk.** Risk of injury to persons may be given more weight than risk of injury to property. Risk of severe injury may be given more weight than risk of slight injury.

(5) **Annoyance to staff or other tenants.** Annoyance on the part of staff or other tenants of a rental property at the presence of the dog guide or service animal is not an unreasonable "risk to property or other persons" justifying the removal of the dog guide or service animal.

(6) **Least discriminatory solution required.** When risk justifies the removal of a dog guide or service animal from a rental property, efforts must be made to reasonably accommodate the person with the disability.

#### **WSR 98-01-186**

#### **PROPOSED RULES**

#### **EMPLOYMENT SECURITY DEPARTMENT**

[Filed December 23, 1997, 2:28 p.m.]

#### **Original Notice.**

Preproposal statement of inquiry was filed as WSR 97-16-010.

Title of Rule: Chapter 192-32 WAC, Timber retraining benefits and chapter 192-33 WAC, Workforce development.

Purpose: To amend sections in chapter 192-32 WAC to be consistent with the provisions of 2SHB 1201, passed by the 1997 legislature, and to address issues raised by stakeholders in the development process; to repeal sections no longer needed; and to rewrite other sections for purposes of clarity and readability consistent with Executive Order 97-02. Two sections are repealed and readopted in new chapter

192-33 WAC because they pertain to services for dislocated workers other than unemployment benefits.

Statutory Authority for Adoption: All sections: RCW 50.12.010 and 50.12.040; chapter 192-32 only: RCW 50.20.010 and 50.22.090; and WAC 192-33-005 only: RCW 50.70.010.

Statute Being Implemented: RCW 50.22.090, 50.70.010, and 50.12.270.

Summary: WAC 192-32-010, definitions of the terms "displaced worker" and "satisfactory progress" are added. Other terms no longer needed because of changes to RCW 50.22.090 contained in 2SHB 1201 are repealed.

WAC 192-32-035 is amended to eliminate the provision that an individual who did not meet the eligibility requirements when a new claim was filed may do so when filing an additional claim. This proposal is made at the request of stakeholders concerned that the provision broadens program eligibility beyond that intended by the legislature.

WAC 192-32-045 is amended to delete the provision that an individual determined to be a dislocated worker by the local JTPA authority is "unlikely to return to work." 2SHB 1201 requires that this determination now be made by department staff in consultation with its labor market and economic analysis (LMEA) branch.

WAC 192-32-065 is amended to require individuals to provide the department with proof of their enrollment in a training program. It also provides that the criteria set forth in WAC 192-12-180 and 192-12-182 will be used to evaluate whether an individual's training program will be approved. This proposal is made at the request of stakeholders concerned with the lack of training approval criteria.

WAC 192-32-075 is amended to provide that training for an occupation outside a claimant's local labor market will only be approved if the claimant's current skills are not already in demand outside that local labor market. This proposal is made at the request of stakeholders that, in situations where a claimant is willing to relocate to find work, employment opportunities should be explored prior to approving retraining, rather than afterwards.

WAC 192-32-095 is amended to require that the satisfactory progress report required of students be signed by the school registrar or an equivalent person. This proposal is made at the request of stakeholders concerned about potential misuse of the program.

A new rule, WAC 192-32-100, is adopted requiring individuals to notify the department immediately when they make a significant change to their training plan. It also provides that individuals can only change their major or withdraw from training and reenroll one time. This proposal is made to prevent potential misuse of the program.

A new rule, WAC 192-32-130, is adopted clarifying the circumstances under which the five weeks for work search after training will be paid. This proposal will replace department policy with a regulation.

A new rule, WAC 192-32-135, is adopted clarifying the conditions under which the 13 weeks of benefits for remedial training will be paid. This proposal will replace department policy with a regulation.

Changes to WAC 192-32-050, 192-32-055, 192-32-085, 192-32-105, and 192-32-115 are either technical in nature, to comply with the provisions of RCW 50.22.090 and amended

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December 22, 1997

Carver Gayton

Commissioner

by 2SHB 1201, or housekeeping in nature, proposed for purposes of clarity and readability.

WAC 192-32-001 is repealed as [it is] no longer necessary.

WAC 192-32-015 and 192-32-025 are repealed because the provisions of 2SHB 1201 have made them obsolete.

WAC 192-32-120 and 192-32-125 are repealed and readopted as WAC 192-33-005 and 192-33-006. The statutes under which these rules are adopted govern employment and training services to dislocated workers. It was determined that they would be more accessible to the regulated community if they were contained in a new chapter, workforce training, rather than in a chapter dealing with unemployment benefits.

Reasons Supporting Proposal: Many of the proposed changes are necessary to implement 2SHB 1201. Other changes have been requested by stakeholders during the rule development process. Housekeeping changes are to improve access by the regulated community.

Name of Agency Personnel Responsible for Drafting: Juanita Myers, 212 Maple Park, Olympia, (360) 902-9665; Implementation and Enforcement: Dale Ziegler, 212 Maple Park, Olympia, (360) 902-9303.

Name of Proponent: Employment Security Department, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes have no economic impact on businesses in general, or small business in particular. Most amendments are to comply with new provisions contained in 2SHB 1201. Other changes clarify the requirements of students enrolled in training, or limit the eligibility of certain claimants who may have been eligible under current rules. It is anticipated that the changes will eliminate several potential abuses of the program, thus reducing costs to business.

RCW 34.05.328 applies to this rule adoption. The proposed regulations constitute "significant legislative" rules because (a) they establish or alter the qualifications or standards for determining an individual's eligibility for the additional unemployment benefits provided under RCW 50.22.090, and (b) they make significant amendments to a policy or regulatory program.

Hearing Location: Employment Security Department, 212 Maple Park, Public Affairs Conference Room, 2nd Floor, Olympia, WA 98504, on January 29, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Karen LaFreniere, Affirmative Action by January 27, 1998, TDD (360) 902-9589, or (360) 902-9582.

Submit Written Comments to: Barney Hilliard, Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98504-9046, FAX (360) 438-3226, by January 29, 1998.

Date of Intended Adoption: January 30, 1998.

## CHAPTER 192-32 WAC

### TIMBER RETRAINING BENEFITS ((AND RELATED PROGRAMS))

AMENDATORY SECTION (Amending WSR 95-09-085, filed 4/19/95, effective 5/20/95)

**WAC 192-32-010 Definitions.** For the purpose of this chapter and RCW 50.22.090:

(1) ("~~Actual job loss~~" means the absolute loss of jobs in SIC codes 24 as compared to the previous year as calculated by the department.

(2) "~~Actual or projected job loss~~" means the greater of actual job loss or projected job loss. The value of actual or projected job loss is that value released by the commissioner and filed for publication in the state register.

(3) "~~Annual unemployment rate~~" means the total unemployment rate calculated according to the method defined by the U.S. Department of Labor, Bureau of Labor Statistics. The information is considered available when released to the public by the commissioner of the employment security department. The value of the annual unemployment rate is that value released by the commissioner and filed for publication in the state register.

(4)) "Commissioner" means commissioner of the employment security department.

((5)) (2) "Department" means the employment security department.

(3) "Displaced worker" means an individual who is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand within his or her labor market for his or her skills in the occupation or industry;

((6)) (4) "Labor market" means the area in which workers of specific occupation customarily have found work. Labor market is based on the worker's place of residence and occupation.

((7) "~~Lumber and wood products location quotient~~" is determined by dividing the percentage of the average covered employment in lumber and wood products (SIC code 24) in the county by the percentage of the average covered employment in lumber and wood products (SIC code 24) statewide. The information is considered available when released by the commissioner. The value of the location quotient is the value released by the commissioner and filed for publication in the state register.

(8) "~~Projected job loss~~" means the estimated job loss in SIC codes 24 in the current year, compared to the previous year, as calculated by the department from information provided by the department of natural resources.

(9) "~~Targeted county~~" means a county selected by the criteria of RCW 50.22.090(2).

(10)) (5) "Satisfactory progress" means maintaining a grade point average sufficient to graduate, and taking sufficient credit hours to complete the approved course of study within the time frame established under the approved training plan.

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(6) "Timber retraining benefits," abbreviated TRB, means the additional unemployment insurance ~~((additional))~~ benefits authorized by RCW 50.22.090(3).

~~((1))~~ (7) "Wages" means wages earned in employment as defined in chapter 50.04 RCW. This means that only wages in covered employment can be considered in determining if a worker has earned wages in employment in the forest products industry or in the fishing industry assigned Standard Industrial Code 0912.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

**WAC 192-32-035 Residence ~~((or employment))~~ in ~~((targeted county))~~ rural natural resources impact area at time of last separation from employment.** (1) ~~((A worker who has))~~ If you met the ~~((county of))~~ residence ~~((or county of last employment))~~ requirements at the time ~~((of filing an))~~ you filed your initial claim for benefits, you ~~((will be considered to))~~ have met those requirements until you establish a new benefit year ~~((is established))~~, regardless of subsequent employment or relocation to another ~~((county))~~ area.

(2) ~~((A worker who has))~~ If you met the ~~((county of))~~ residence ~~((or county of last employment))~~ requirements ~~((at the time of filing an))~~ when you filed your initial claim, you ~~((will be considered to))~~ have met those requirements until a new benefit year is established, even if ~~((the county))~~ your residence ceases to ~~((be))~~ fall within a ~~((targeted county))~~ designated rural natural resources impact area.

~~((3))~~ A worker who has not met the county of residence or county of last employment requirements at the time of filing a new claim, may meet those requirements at the time of filing an additional claim (reopened claim after subsequent employment) for benefits if, at that time, the worker worked or lived in a targeted county at time of last separation from employment.

~~((4))~~ A worker who performs services in more than one county will be considered to have worked in a targeted county if any bona fide work is performed in a targeted county.)

AMENDATORY SECTION (Amending WSR 95-09-085, filed 4/19/95, effective 5/21/95 [5/20/95])

**WAC 192-32-045 Unlikely to return to employment.**

(1) For the purposes of paying timber retraining benefits, ~~((a worker))~~ you will have met the unlikely to return to work requirement of RCW 50.22.090 (4)(b)(ii) if the tests in subsections (2) and (3) of this section are met.

(2) ~~((He or she has))~~ You have:

(a) Become unemployed due to a permanent plant closure;

(b) Received a federal WARN act notice; or

(c) Received a notice of indefinite layoff as a result of a permanent reduction of operations at ~~((the worker's))~~ your place of employment; and

(3) ~~((His or her))~~ Your skills are in diminishing demand within your labor market in ~~((his or her))~~ your principal occupation or previous industry.

(4) ~~((A worker))~~ You will not be considered unlikely to return to work if ~~((he or she))~~ you:

(a) ~~((Is))~~ Are on standby from the principal employer;

(b) ~~((Has))~~ Have a definite date of recall with the principal employer within six months; or

(c) ~~((Is))~~ Are unemployed due to a regular seasonal layoff.

~~((5))~~ A worker who has been determined to be a dislocated worker by the local JTPA authority will be considered to have met the requirements of subsections (2) and (3) of this section.)

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

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

**WAC 192-32-050 ~~((Training related))~~ Benefits payable only to workers enrolled in approved training.** ~~((No individual will be eligible))~~ To receive timber retraining benefits, you must be ~~((unless))~~ enrolled in and making satisfactory progress in an approved training program. ~~((Workers will be considered to be))~~ You are enrolled in training if:

(1) Preregistered for classes or on a waiting list; and

(2) Have a ~~((commitment from the educational institution for a))~~ starting date of training; and

(3) The starting date is not more than one ~~((regular school))~~ quarter or term ~~((, or equivalent period of time))~~ away.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

**WAC 192-32-055 ~~((Timeliness of))~~ Training program ~~((submission and commencement))~~ deadlines.** (1) ~~((The))~~ You have 60 days to submit a training plan ~~((submission requirement will be))~~ to the department for approval. The 60 days is counted from the ~~((filing of))~~ date you file a new or additional claim for unemployment insurance benefits. This means if ~~((a worker who is eligible for TRB))~~ you return(s) to work, and ~~((subsequently))~~ become ~~((s involuntarily))~~ unemployed, the 60 day period is counted from the ~~((most recent))~~ date your claim is ~~((reopening, even if the period had expired after the original filing of the new claim))~~ reopened.

(2) ~~((The))~~ You have 90 days to enroll in a training program. ~~((commencement requirement will be))~~ The 90 days is counted from your last separation from employment ~~((at the time of the filing of))~~ when you filed your new or additional claim for unemployment ~~((insurance))~~ benefits ~~((, whichever is latest))~~. This means if ~~((a worker who is eligible for TRB))~~ you return(s) to work, and ~~((subsequently))~~ become ~~((s involuntarily))~~ unemployed, the 90 day period is counted from ~~((the most recent))~~ your last separation from employment ~~((, even if the period has expired after the new claim))~~.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

**WAC 192-32-065 Training program application requirements.** ~~((Required elements for a training program submission include))~~ (1) The following information must be included in your training program application:

~~((1))~~ (a) Your name and Social Security account number ~~((of applicant))~~;

~~((2))~~ (b) Name of educational institution;

~~((3))~~ (c) Address of educational institution;

~~((4))~~ (d) Department of educational institution, if applicable;

~~((5))~~ (e) Name of training program;

~~((6))~~ (f) Description of training program, including remedial requirements if necessary;

~~((7))~~ (g) Duration of training program;

~~((8))~~ (h) Occupation(s) trained for;

~~((9))~~ (i) Beginning enrollment date or place on waiting list and expected enrollment date;

(j) Verification of enrollment provided by the educational institution;

~~((10))~~ (k) Release of information form authorizing the educational institution to release grades, attendance, and other measures of program progress to the department; and

~~((11))~~ (l) Your signature ~~((of applicant))~~.

(2) WAC 192-12-180 and WAC 192-12-182 will be used to evaluate your training program application and any modifications made to your training plan.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

**WAC 192-32-075 Occupation in demand outside labor market.** A training ~~((program))~~ plan may be approved in an occupation not in demand in the local labor market if:

(1) The occupation is in demand in another labor market; and

(2) ~~((The worker is))~~ You are willing and able to relocate to that labor market ~~((upon completion of))~~ when the training is completed; and

(3) There is not a current demand for workers with your skills in that labor market. The demand for workers in that labor market must be at wages comparable to those paid in your current labor market, based on any differences in the cost of living between the two areas.

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 91-20-012, filed 9/20/91, effective 10/21/91)

**WAC 192-32-085 Full-time** ~~((enrollment))~~ training. The educational institution providing the training will determine whether ~~((the worker is))~~ you are enrolled ~~((in training on a))~~ full-time ~~((basis)).~~

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

**WAC 192-32-095 Satisfactory progress.** ~~((A worker))~~ You will be determined to be making satisfactory progress in a training program if the educational institution certifies to the department that ~~((the worker is))~~ you are making satisfactory progress.

This certification must be signed by the registrar or an equivalent person designated by the educational institution.

## NEW SECTION

**WAC 192-32-100 Modifying a training plan.** (1) You must notify the department immediately upon making a significant modification to your approved training plan. A significant modification is one that impacts any of the approval criteria listed in WAC 192-12-182 and includes, but is not limited to, changes in your course of study or major, training institution, projected start and completion dates, and enrolled credit hours. The department will review these changes to determine whether approval of your training plan will be continued.

(2) You may change your course of study or major one time. Your new course of study must be for an occupation or skill for which there are reasonable employment opportunities in the labor market in which you intend to seek work. Subsequent changes in your course of study or major will not be approved except in unusual individual circumstances.

(3) You may withdraw from training and reenroll at a later date one time. Subsequent applications to reenroll in a training program will not be approved except in unusual individual circumstances.

(4) The restriction in subsection (2) does not apply while you are enrolled in remedial training.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

**WAC 192-32-105 Interstate claims.** The additional benefit period for targeted ~~((counties))~~ rural natural resources impact areas applies only to counties within the state of Washington. Individuals filing interstate claims (with Washington as the liable state) may qualify for timber retraining benefits based on employment in the forest products industry or in the fishing industry assigned SIC 0912.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

**WAC 192-32-115 Out-of-state training.** Out-of-state training ~~((programs))~~ may be approved at educational institutions ~~((outside the state of Washington))~~ equivalent to those described in RCW 28B.10.016 and 28C.04.410(3).

## NEW SECTION

**WAC 192-32-130 Five weeks for work search following training.** The five weeks of additional benefits provided by RCW 50.22.090 (3)(c) are available for work search activities following completion of or termination or withdrawal from training. Once you begin work, these additional benefits are not available during any subsequent period of unemployment.

## NEW SECTION

**WAC 192-32-135 Thirteen weeks for remedial education.** The thirteen weeks of additional benefits provided by RCW 50.22.090 (3)(d) are payable under the following conditions:

(1) The remedial education program deemed necessary by the educational institution delayed the start date, or

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extended the completion date, of your approved training program; and

- (2) The TRB benefits provided by RCW 50.22.090
- (3)(b) have been exhausted; and
- (3) You have not yet completed your approved training program.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 192-32-001 Scope of chapter.
- WAC 192-32-015 Interpretive rule—Effective date of RCW 50.22.090.
- WAC 192-32-025 Post training benefits.
- WAC 192-32-120 Forest products workers.
- WAC 192-32-125 Dislocated workers in timber impact areas.

**CHAPTER 192-33 WAC  
WORKFORCE DEVELOPMENT**

**NEW SECTION**

**WAC 192-33-005 Definitions—Dislocated workers.** For the purposes of RCW 50.70.010:

- (1) "Forest products worker" means an individual who has or had employment, either for wages or in self-employment, in the industries set forth in WAC 192-32-040.
- (2) "Salmon fishing worker" means an individual who has or had employment, either for wages or self-employment, in the salmon industry. This includes employment in at least one of the industry line items listed within the following Standard Industrial Coded industries:
  - (a) Commercial salmon fishing (found within SIC 0912);
  - (b) Preparation of canned or cured salmon food products, including smoked, salted, dried, and pickled salmon products (found within SIC 2091);
  - (c) Preparation of fresh or frozen salmon products, including fish fillets or fish sticks (found within SIC 2092);
  - (d) Operation of boats or party fishing, in relation to salmon fishing (found within SIC 7999).

**NEW SECTION**

**WAC 192-33-006 Dislocated workers in rural natural resources impact areas.** (1) For the purposes of RCW 50.12.270, the term "dislocated workers in rural natural resources impact areas" includes:

- (a) Dislocated forest products workers as defined in RCW 50.70.010(2) and WAC 192-33-005; and
  - (b) Dislocated salmon fishing workers as defined in RCW 50.70.010(4) and WAC 192-33-005.
- (2) These individuals are persons who at the time of last separation from work, for either wages or self-employment, resided in a rural natural resources impact area and who:
- (a) Have been terminated or received notices of termination from employment and are unlikely to return to employment as defined in WAC 192-32-045 in their principal

occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; or

- (b) Are self-employed and have been displaced from their business because of diminishing demand for the business's services or goods.

**WSR 98-01-192  
PROPOSED RULES  
STATE BOARD OF EDUCATION  
[Filed December 23, 1997, 4:30 p.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-09-116.

Title of Rule: WAC 180-33-025 Space eligible for state financial assistance in modernization.

Purpose: Space allowance and enrollment projection provision for state matching purposes.

Statutory Authority for Adoption: RCW 28A.525.0 [28A.525.020].

Summary: To eliminate nonapplicable WAC 180-33-025(3) referencing vocational-technical institutes and amend WAC 180-33-025(2) to eliminate interpretive conflicts in determining space eligibility for modernization projects.

Reasons Supporting Proposal: State financial assistance is no longer provided for vocational-technical institutes; therefore the need for project approval no longer applies. WAC 180-33-025(2) conflicts with administrative procedures and the calculation of cohort survival which is based on an entire district.

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.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes the requirements for determining eligibility for modernization projects. This change will eliminate the requirement for vocational-technical institutes to have enrollment data reviewed by the Superintendent of Public Instruction as the state no longer provides financial assistance for vocational-technical institutes through these rules. The change will also allow eligibility for modernization of a district's facilities to be based on eligibility calculated on the entire district's facilities as opposed to a single facility.

Proposal changes the following existing rules.

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: Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502, on January 28, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by January 14, 1998, 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 January 26, 1998.

Date of Intended Adoption: January 29, 1998.  
December 22, 1997  
Larry Davis  
Executive Director

AMENDATORY SECTION (Amending WSR 94-13-020, filed 6/3/94, effective 7/4/94)

**WAC 180-33-025 Space eligible for state financial assistance in modernization.** Space allowance and enrollment projection provision for state matching purposes.

(1) In planning for modernization in any school facility, under the provisions of WAC 180-33-015 (1)(a) and (b), a school district shall estimate capacity needs on the basis of a cohort survival enrollment as per WAC 180-27-045. Any space above and beyond a school district's estimated capacity needs as calculated on the basis of a five-year cohort survival or adjusted cohort survival enrollment shall not be eligible for state financial assistance in modernization with the exception as stated in subsection (2) below.

(2) In computing the amount of eligible space for modernization, the state will match the entire facility if 3/4 of the overall square footage of the ~~((facility))~~ school district's facilities is eligible for state financial assistance. If less than 3/4 of the overall square footage of the ~~((facility))~~ school district's facilities is eligible for state financial assistance, the district shall pay the entire cost of modernizing any additional space: *Provided*, That this subsection shall not be applicable to new construction in lieu of modernization facility projects authorized by this chapter.

(3) ~~((In determining the eligible space for modernizing vocational-technical institutes, enrollment data furnished by the school district will be reviewed by the superintendent of public instruction or his or her designee.~~

(4)) In planning for modernization in any combined facility as per WAC 180-33-015 (3)(c) a school district shall estimate enrollment in the district on the basis of a cohort survival enrollment as per WAC 180-27-045.

**WSR 98-01-193**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
[Filed December 23, 1997, 4:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-116.

Title of Rule: WAC 180-18-010 Authority.

Purpose: To make a technical adjustment to WAC 180-18-010.

Statutory Authority for Adoption: RCW 28A.305.140, 28A.630.945.

Summary: Deletes reference to RCW 28A.600.010 as an authorizing statute for the rules contained in chapter 180-18 WAC, Waivers for restructuring purposes.

Reasons Supporting Proposal: RCW 28A.600.010 pertains to student discipline. Chapter 180-18 WAC pertains to waivers for restructuring purposes.

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 does not change existing rules.

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: Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502, on January 28, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by January 14, 1998, 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 January 26, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 95-20-054, filed 10/2/95, effective 11/2/95)

**WAC 180-18-010 Authority.** The authority for this chapter is RCW 28A.305.140(~~(, 28A.600.010,)~~) and 28A.630.945 which authorizes the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements and such related requirements as may be established by the state board of education.

**WSR 98-01-194**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
[Filed December 23, 1997, 4:34 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-114.

Title of Rule: Chapter 180-34 WAC, Real property sales contracts.

Purpose: To clarify existing provisions, repeal unnecessary wording, and provide greater flexibility to school districts.

Statutory Authority for Adoption: RCW 28A.335.12-(7).

Summary: Provides greater autonomy and flexibility to local school boards regarding sales of school district surplus real property.

Reasons Supporting Proposal: See Summary above.

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: (1) Deletes language specifying type of legal counsel to be used for contract approval and replaces with less prescriptive language.

(2) Advises school districts of statutory requirements regarding gifts of public funds which should be considered when negotiating contracts.

(3) Repeals prescriptive rules regarding contract terms and conditions.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

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

Hearing Location: Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502, on January 28, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by January 14, 1998, 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 January 26, 1998.

Date of Intended Adoption: January 29, 1998.

December 22, 1997

Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-34-010 General conditions.** When in the judgment of the board of directors of a school district a greater amount may be received for surplus real property and the sale facilitated by selling pursuant to a real estate sales contract, the board of directors may do so ~~((consistent with the provisions of this chapter. Any school district that sells real property pursuant to a real estate sales contract shall have the proposed contract approved in advance by the county prosecuting attorney or a private attorney as to legal propriety and compliance with (1) the laws of the state of Washington including, but not limited to, RCW 28A.335.120 and (2) the provisions of this chapter))~~ on such terms and conditions as the directors judge in consultation with their legal counsel to be lawful and in the best interests of the school district. Note: The rental or lease value of the property, and state constitutional limitations on gifts (Article 8, subsections 5 and 7), may have a bearing on the minimum annual payment a district may agree to.

#### **REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 180-34-015	Payments—Interest—Duration.
WAC 180-34-020	Down payment.
WAC 180-34-025	Title to property—Transfer upon satisfaction of contract.

#### **WSR 98-01-195**

#### **PROPOSED RULES**

#### **STATE BOARD OF EDUCATION**

[Filed December 23, 1997, 4:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-117.

Title of Rule: WAC 180-22-150 Educational service districts—Criteria for organization.

Purpose: To make a technical adjustment to update terminology.

Statutory Authority for Adoption: RCW 28A.310.020.

Summary: Changes outdated reference from "intermediate" service district to "educational" service district.

Reasons Supporting Proposal: Technical editing needed to update rules.

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 does not change existing rules. Minor technical correction does not change content of rules.

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: Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502, on January 28, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by January 14, 1998, 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 January 26, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997

Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending Order 9-84, filed 10/4/84)

**WAC 180-22-150 Educational service districts—Criteria for organization.** The establishment of educational service districts shall be in accordance with the criteria hereinafter set forth. In making a determination of the boundaries of an educational service district, reasonable weight shall be given to each criterion individually and to all criteria collectively. Failure to meet any single criterion shall not necessarily prohibit the establishment of an educational service district if in the judgment of the state board of education the establishment of the educational service district is warranted by a collective consideration of all the criteria.

(1) Program and staff. An educational service district shall have the ability to support an administrative unit of

sufficient staff to provide a program of educational services including but not limited to leadership and consultant services in administration and finance, in-service education programs for teachers and administrators, special services for the handicapped and educationally talented, planning of school facilities, counseling and guidance, instructional materials, and development of projects and proposals under various federal acts.

(2) **Size.** An educational service district should have no more than a maximum area of 7,500 square miles, nor should an (~~intermediate~~) educational district have less than a minimum area of 1,700 square miles.

(3) **School enrollment.** An educational service district shall have a potential of 15,000 students within the clearly foreseeable future.

(4) **Topography and climate.** In establishing the boundaries of an educational service district, consideration shall be given to topography and climate as these factors may affect the educational services to be provided and the economic efficiency of the program.

#### WSR 98-01-196

##### PROPOSED RULES

#### STATE BOARD OF EDUCATION

[Filed December 23, 1997, 4:37 p.m.]

##### Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-115.

Title of Rule: New section WAC 180-36-007 Central purchasing by school districts.

Purpose: Provides clear notice to school districts about state constitutional limitations on gifts of public funds when districts are involved with central purchasing activities.

Statutory Authority for Adoption: RCW 28A.335.100.

Summary: Adds a new rule to provide notification to school districts of state constitutional limitations regarding gifts of public funds which may affect central purchasing of real and personal property by two or more school districts or a purchasing association formed by two or more school districts.

Reasons Supporting Proposal: See Summary above.

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 above.

Proposal does not change existing rules.

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: Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502, on January 28, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by January 14, 1998, 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 January 26, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997

Larry Davis

Executive Director

#### NEW SECTION

**WAC 180-36-007 Central purchasing by school districts.** Two or more school districts, or a purchasing association formed by two or more school districts, may centrally or collectively purchase real and personal property, on such terms and conditions as the board of directors or the association judge appropriate, so long as the districts or association comply with state constitutional limitations on gifts (Article 8, subsections 5 and 7).

#### WSR 98-01-197

##### PROPOSED RULES

#### STATE BOARD OF EDUCATION

[Filed December 23, 1997, 4:40 p.m.]

##### Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-118.

Title of Rule: Chapter 180-39 WAC, Pupils—Uniform entry qualifications.

Purpose: To make technical adjustments, repeal unnecessary wording, and provide greater flexibility to school districts.

Statutory Authority for Adoption: RCW 28A.225.160.

Summary: See Explanation of Rule below.

Reasons Supporting Proposal: Reduces unnecessary duplication of statutory language and provides school districts with the flexibility to make appropriate judgements, as a normal course of business, regarding option exceptions, fees, waivers, nondiscrimination, and appeals in accordance with the provisions of RCW 8A.225.160 [28A.225.160].

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: (1) Deletes exception provisos regarding entry into first grade.

(2) Allows school districts to determine the type of screening process and/or instrument(s) used to measure the ability or the need, or both, of an individual student to succeed in earlier entry.

(3) Eliminates redundant repeat of statutory language in rule, and replaces with reference to statute for ease of reference.

PROPOSED

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

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

Hearing Location: Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502, on January 28, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by January 14, 1998, 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 January 26, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997

Larry Davis

Executive Director

AMENDATORY SECTION (Amending Order 5-83, filed 6/2/83)

**WAC 180-39-025 Local option exceptions to uniform entry qualification.** School districts may adopt regulations that provide for individual exceptions to the uniform entry qualifications established by this chapter. Such regulations shall provide for a screening process and/or instrument(s) which measure the ability or the need, or both, of an individual student to succeed in earlier entry. ~~((Such process and/or instrument(s) shall include, but not be limited to, the following areas:~~

- ~~(1) Mental ability;~~
- ~~(2) Gross motor skills;~~
- ~~(3) Fine motor skills;~~
- ~~(4) Visual discrimination;~~
- ~~(5) Auditory discrimination; and~~
- ~~(6) Emotional/social development.))~~

Note: See also RCW 28A.225.160 for provisions relating to preadmission screening process fees and fee waivers.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-39-027 Fees.
- WAC 180-39-028 Fee waivers.
- WAC 180-39-030 Early entry nondiscrimination.
- WAC 180-39-035 Appeal process.

**WSR 98-01-198**

**PROPOSED RULES**

**STATE BOARD OF EDUCATION**

[Filed December 23, 1997, 4:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-119.

Title of Rule: WAC 180-56-003 Application of WAC 180-50-010 through 180-50-070 and 180-56-006 through 180-56-066—High school graduation requirements for

students who commenced the ninth grade prior to July 1, 1985.

Purpose: To repeal obsolete rule which is no longer necessary.

Statutory Authority for Adoption: RCW 28A.305.-130(7).

Summary: Repeals WAC 180-56-003, an unnecessary rule.

Reasons Supporting Proposal: The grandfather provision of this rule is no longer necessary since those students who commenced the ninth grade prior to July 1, 1985, have now graduated from high school or are older than age twenty-one.

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 does not change existing rules.

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: Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502, on January 28, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by January 14, 1998, 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 January 26, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997

Larry Davis

Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 180-56-003 Application of WAC 180-50-010 through 180-50-070 and 180-56-006 through 180-56-066—High school graduation requirements for students who commenced the ninth grade prior to July 1, 1985.

**WSR 98-01-199**

**PROPOSED RULES**

**STATE BOARD OF EDUCATION**

[Filed December 23, 1997, 4:44 p.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 97-21-120.

Title of Rule: Chapter 180-58 WAC, Vocational education.

Purpose: To repeal rules no longer supported by rule-making authority.

Summary: Repeals chapter 180-58 WAC, Vocational education.

Reasons Supporting Proposal: RCW 28C.04.230, the statutory authority for these rules, was repealed by the legislature (section 43, chapter 197, Laws of 1983) and effective June 30, 1987.

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: Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502, on January 28, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by January 14, 1998, 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 January 26, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997  
Larry Davis  
Executive Director

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 180-58-010 Vocational education programs—Regulatory provisions pursuant to chapter 285, Laws of 1971 ex. sess.
- WAC 180-58-015 General statement of purpose.
- WAC 180-58-020 Definitions.
- WAC 180-58-030 Appropriate advisory committee—Definition of.
- WAC 180-58-040 Elementary and middle school vocational education.
- WAC 180-58-045 Elementary and middle school vocational education—Occupational exploration programs—Operational requisites.

- WAC 180-58-055 Vocational education programs, secondary schools (grades 9 through 12)—Operational requisites.
- WAC 180-58-065 Vocational-technical institute programs—Operational requisites.
- WAC 180-58-075 Interdistrict cooperation vocational education programs—Operational requisites.
- WAC 180-58-085 Establishment of program, application for processing.
- WAC 180-58-090 Establishment of program, application for processing—Approval of programs—Conditions.

**WSR 98-01-200  
PROPOSED RULES  
STATE BOARD OF EDUCATION**  
[Filed December 23, 1997, 4:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-112.

Title of Rule: Chapter 180-59 WAC, Preschool accreditation.

Purpose: To repeal rules no longer supported by rule-making authority.

Summary: Repeals chapter 180-59 WAC, Preschool accreditation.

Reasons Supporting Proposal: RCW 28A.215.320, the statutory authority for these rules, was repealed by the legislature (section 307, chapter 335, Laws of 1995).

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: Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502, on January 28, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by January 14, 1998, 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 January 26, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997  
Larry Davis  
Executive Director

WAC 180-59-150 Annual statement of assurances form.  
WAC 180-59-155 Effective period of accreditation.  
WAC 180-59-160 Renewal of accreditation.  
WAC 180-59-165 Change of ownership or management.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 180-59-005 Authority.  
WAC 180-59-010 Purpose.  
WAC 180-59-015 Public policy purpose.  
WAC 180-59-020 Preschool—Definition.  
WAC 180-59-025 Accredited preschool—Definition.  
WAC 180-59-030 Readiness skills—Definition.  
WAC 180-59-032 Preschool age—Definition.  
WAC 180-59-035 Public schools—Definition.  
WAC 180-59-037 Nonpublic preschools—Definition.  
WAC 180-59-040 Instructional staff—Definition.  
WAC 180-59-045 General supervision—Definition.  
WAC 180-59-047 Validation—Definition.  
WAC 180-59-050 Basic standard—Health and safety.  
WAC 180-59-055 Basic standard—Instructional personnel.  
WAC 180-59-060 Basic standard—Special education—Nonpublic preschools.  
WAC 180-59-065 Basic standard—Instructional staff-child ratio.  
WAC 180-59-070 Basic standard—General staff qualifications.  
WAC 180-59-075 Basic standard—Noncertificated instructional staff training.  
WAC 180-59-080 Basic standard—Staff-parent communication.  
WAC 180-59-090 Basic standard—Activities and curriculum.  
WAC 180-59-095 Basic standard—Records.  
WAC 180-59-100 Basic standard—Validator qualifications.  
WAC 180-59-105 Accreditation procedures.  
WAC 180-59-110 Responsibility for on-site validation of preschool programs.  
WAC 180-59-115 Preparation for accreditation on-site validation.  
WAC 180-59-120 Alternate procedure for validation for accreditation.  
WAC 180-59-125 Issuance of accreditation by the state board of education.  
WAC 180-59-130 Annual statement of assurances.  
WAC 180-59-135 Loss of accreditation of a non-operating preschool.  
WAC 180-59-140 Accreditation—Annual statement of assurances and initial application—Exception.  
WAC 180-59-145 Appeals.

**WSR 98-01-201**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
[Filed December 23, 1997, 4:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-104.

Title of Rule: WAC 180-78A-165 Approval standard—Knowledge and skills.

Purpose: The amendments would align the knowledge and skills required for approval of administrator and educational staff associate preparation programs with the state learning goals and essential academic learning requirements.

Statutory Authority for Adoption: RCW 28A.305.130(1) and 28A.410.010.

Summary: See above.

Reasons Supporting Proposal: See above.

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 above.

Proposal Changes the Following Existing Rules: See 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: Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502, on January 28, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by January 14, 1998, 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 January 14, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997

Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 97-04-084, filed 2/5/97, effective 3/8/97)

**WAC 180-78A-165 Approval standard—Knowledge and skills.** Building on the mission to prepare educators who demonstrate a positive impact on student learning based

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on the Improvement of Student Achievement Act of 1993 (1209), the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-140(5):

(1) **Teacher** candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) The state goals and essential academic learning requirements.

(b) The subject matter content for the area(s) they teach, including the essential areas of study for each endorsement area for which the candidate is applying (chapter 180-79A WAC).

(c) The social, historical, and philosophical foundations of education, including an understanding of the moral, social, and political dimensions of classrooms, teaching, and schools.

(d) The impact of technological and societal changes on schools.

(e) Theories of human development and learning.

(f) Inquiry and research.

(g) School law and educational policy.

(h) Professional ethics.

(i) The responsibilities, structure, and activities of the profession.

(j) Research and experience-based principles of effective practice for encouraging the intellectual, social, and personal development of students.

(k) Different student approaches to learning for creating instructional opportunities adapted to learners from diverse cultural backgrounds and with exceptionalities.

(l) Instructional strategies for developing critical thinking problem solving, and performance skills.

(m) Classroom management and discipline, including:

(i) Individual and group motivation for encouraging positive social interaction, active engagement in learning, and self-motivation.

(ii) Effective verbal, nonverbal, and media communication for fostering active inquiry, collaboration, and supportive interactions in the classroom.

(n) Planning and management of instruction based on knowledge of the content area, the community, and curriculum goals.

(o) Formal and informal assessment strategies for evaluating and ensuring the continuous intellectual, social, and physical development of the learner.

(p) Collaboration with school colleagues, parents, and agencies in the larger community for supporting students' learning and well-being.

(q) Effective interactions with parents to support students' learning and well-being.

(r) The opportunity for candidates to reflect on their teaching and its effects on student growth and learning.

(s) Educational technology including the use of computer and other technologies in instruction, assessment and professional productivity.

(t) Issues related to abuse including the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the

victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(u) Strategies for effective participation in group decision making.

(v) The standards, criteria and other requirements for obtaining the professional certificate.

(2) Effective August 31, 1997, **principal and program administrator candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in an approved preparation program which shall include:**

(a) Specific performance domains. An approved preparation program shall require the candidate to demonstrate in course work and the internship the following:

(i) Leadership: Formulating goals with individuals or groups; initiating and maintaining direction with groups and guiding them to the accomplishment of tasks; setting priorities for one's school in the context of community and district priorities and student and staff needs; integrating own and others' ideas for task accomplishment; initiating and planning organizational change.

(ii) Information collection: Gathering data, facts, and impressions from a variety of sources about students, parents, staff members, administrators, and community members; seeking knowledge about policies, rules, laws, precedents, or practices; managing the data flow; classifying and organizing information for use in decision making and monitoring.

(iii) Problem analysis: Identifying the important elements of a problem situation by analyzing relevant information; framing problems; identifying possible causes; identifying additional needed information; framing and reframing possible solutions; exhibiting conceptual flexibility; assisting others to form reasoned opinions about problems and issues.

(iv) Judgment: Reaching logical conclusions and making high quality, timely decisions given the best available information.

(v) Organizational oversight: Planning and scheduling one's own and others' work so that resources are used appropriately, and short-term and long-term priorities and goals are met; monitoring projects to meet deadlines.

(vi) Implementation: Making things happen; putting programs and plans into action; applying management technologies; applying methods of organizational change including collaborative processes; facilitating tasks; establishing progress checkpoints; considering alternative approaches; providing "mid-course" corrections when actual outcomes start to diverge from intended outcomes; adapting to new conditions.

(vii) Delegation: Assigning projects or tasks together with clear authority to accomplish them and responsibility for their timely and acceptable completion.

(viii) Instructional program: Envisioning and enabling instructional and auxiliary programs for the improvement of teaching and learning; recognizing the developmental needs of students; insuring appropriate instructional methods; designing positive learning experiences; accommodating differences in cognition and achievement; mobilizing the participation of appropriate people or groups to develop

these programs and to establish a positive learning environment.

(ix) Curriculum design: Interpreting school district curricula; planning and implementing with staff a framework for instruction that shall include the implementation of the state learning goals and essential academic learning requirements; initiating needs analyses and monitoring social and technological developments as they affect curriculum; responding to international content levels; adjusting content as needs and conditions change.

(x) Student guidance and development: Providing for student guidance, counseling, and auxiliary services; utilizing community organizations; responding to family needs; enlisting the participation of appropriate people and groups to design and conduct these programs and to connect schooling with plans for adult life; planning for a comprehensive program of student activities.

(xi) Staff development: Identifying with participants the professional needs of individuals and groups; planning and organizing programs to improve staff effectiveness; supervising individuals and groups; engaging staff and others to plan and participate in recruitment and development; initiating self-development.

(xii) Measurement and evaluation: Determining what diagnostic information is needed about students, staff, and the school environment; examining the extent to which outcomes meet or exceed previously defined standards, goals, or priorities for individuals or groups; drawing inferences for program revisions; interpreting measurements or evaluations for others; relating programs to desired outcomes; developing equivalent measures of competence.

(xiii) Resource allocation: Planning and developing the budget with appropriate staff; seeking, allocating, and adjusting fiscal, human, and material resources; utilizing the physical plant; monitoring resource use and reporting results.

(xiv) Motivating others: Building commitment to a course of action; creating and channeling the energy of self and others; planning and encouraging participation; supporting innovation; recognizing and rewarding effective performance; providing coaching, guidance, or correction for performance that needs improvement; serving as a role model.

(xv) Sensitivity: Perceiving the needs and concerns of others; dealing with others tactfully; working with others in emotionally stressful situations or in conflict; managing conflict; obtaining feedback; recognizing multicultural sensibilities.

(xvi) Oral expression: Making oral presentations that are clear and easy to understand; clarifying and restating questions; responding, reviewing, and summarizing for groups; utilizing appropriate communicative aids; adapting for audiences.

(xvii) Written expression: Expressing ideas clearly in writing; writing appropriately for different audiences such as students, teachers, and parents; preparing brief memoranda.

(xviii) Philosophical and cultural values: Acting with a reasoned understanding of the role of education in a democratic society and in accord with accepted ethical standards; recognizing philosophical and historical influences in education; reflecting an understanding of American culture, including current social and economic issues related to

education; recognizing global influences on students and society.

(xix) Legal and regulatory applications: Acting in accordance with relevant federal and Washington state laws, rules, and policies; recognizing governmental influences on education; working within local rules, procedures, and directives; administering contracts.

(xx) Policy and political influences: Identifying relationships between public policy and education; recognizing policy issues; examining and affecting policies individually and through professional and public groups; relating policy initiatives to the welfare of students; addressing ethical issues.

(xxi) Public and media relationships: Developing common perceptions about school issues; interacting with parental and community opinion leaders; understanding and responding skillfully to the electronic and printed news media; initiating and reporting news through appropriate channels; enlisting public participation; recognizing and providing for market segments.

(b) Performance assessment. An approved preparation program for principals shall require that prior to the internship each candidate shall engage in a performance assessment through a process determined by each preparation program. The results of this assessment shall be utilized by the college/university supervisor, the cooperating principal, and the principal candidate to cooperatively design the internship plan.

(3) Superintendent candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in an approved preparation program for superintendents which shall include specific performance domains for superintendents. An approved preparation program for superintendents shall require the candidate to demonstrate in course work and the internship the following:

(a) Strategic leadership: The knowledge, skills and attributes to identify contexts, develop with others vision and purpose, utilize information, frame problems, exercise leadership processes to achieve common goals, and act ethically for educational communities. This includes:

- (i) Professional and ethical leadership.
- (ii) Information management and evaluation.

(b) Instructional leadership: The knowledge, skills and attributes to design with others appropriate curricula and instructional programs which implement the state learning goals and essential academic learning requirements, to develop learner centered school cultures, to assess outcomes, to provide student personnel services, and to plan with faculty professional development activities aimed at improving instruction. This includes:

(i) Curriculum, instruction, supervision, and learning environment.

- (ii) Professional development and human resources.
- (iii) Student personnel services.

(c) Organizational leadership: The knowledge, skills and attributes to understand and improve the organization, implement operational plans, manage financial resources, and apply decentralized management processes and procedures. This includes:

- (i) Organizational management.

- (ii) Interpersonal relationships.
- (iii) Financial management and resource allocation.
- (iv) Technology and information system.

(d) Political and community leadership: The knowledge, skills and attributes to act in accordance with legal provisions and statutory requirements, to apply regulatory standards, to develop and apply appropriate policies, to be conscious of ethical implications of policy initiatives and political actions, to relate public policy initiatives to student welfare, to understand schools as political systems, to involve citizens and service agencies, and to develop effective staff communications and public relations programs. This includes:

- (i) Community and media relations.

(ii) Federal and Washington state educational law, public policy and political systems.

(4) School counselor candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Human growth and development (studies that provide an understanding of the nature and needs of individuals at all developmental levels).

(b) Social and cultural foundations (studies that provide an understanding of issues and trends in a multicultural and diverse society).

(c) Helping relationships (studies that provide an understanding of counseling and consultation processes).

(d) Group work (studies that provide an understanding of group development, dynamics, counseling theories, group counseling methods and skills, and other group work approaches).

(e) Career and lifestyle development (studies that provide an understanding of career development and related life factors).

(f) Appraisal (studies that provide an understanding of individual and group approaches to assessment and evaluation), including assessment of the state learning goals and essential academic learning requirements.

(g) Research and program evaluation (studies that provide an understanding of types of research methods, basic statistics, and ethical and legal considerations in research).

(h) Professional orientation (studies that provide an understanding of all aspects of professional functioning including history, roles, organizational structures, ethics, standards, and credentialing).

- (i) Foundations of school counseling including:

- (i) History, philosophy, and trends in school counseling;

(ii) Role and function of the school counselor in conjunction with the roles of the professional and support personnel in the school;

(iii) Knowledge of the school setting and curriculum, including the state learning goals and essential academic learning requirements;

(iv) Ethical standards and guidelines of the American School Counselor Association (ASCA);

(v) State and federal policies, laws, and legislation relevant to school counseling; and

(vi) Implications of sociocultural, demographic, and lifestyle diversity relevant to school counseling.

(j) Studies that provide an understanding of the coordination of counseling program components as they relate to the total school community including:

(i) Referral of children and adolescents for specialized help;

(ii) Coordination efforts with resource persons, specialists, businesses, and agencies outside the school to promote program objectives;

(iii) Methods of integration of guidance curriculum in the total school curriculum;

(iv) Promotion of the use of counseling and guidance activities and programs by the total school community to enhance a positive school climate; and

(v) Methods of planning and presenting guidance-related educational programs for school personnel and parents.

(k) Theory, knowledge and skills for the practice of school counseling including:

(i) Program development, implementation and evaluation. Studies in this area include:

(A) Use of surveys, interviews, and needs assessments;

(B) Design, implementation and evaluation of a comprehensive, developmental school program;

(C) Implementation and evaluation of specific strategies designed to meet program goals and objectives;

(D) Preparation of a counseling schedule reflecting appropriate time commitments and priorities in a developmental school counseling program; and

(E) Use of appropriate technology and information systems.

(ii) Counseling and guidance. Studies in this area include:

(A) Individual and group counseling and guidance approaches appropriate for the developmental stage and needs of children and adolescents;

(B) Group guidance approaches that are systematically designed to assist children and adolescents with developmental tasks;

(C) Approaches to peer helper programs;

(D) Issues which may affect the development and function of children and adolescents (e.g., abuse, eating disorders, attention deficit hyperactivity disorder, exceptionality, substance abuse, violence, suicide, dropout);

(E) Developmental approaches to assist students and parents at points of educational transition (e.g., postsecondary education, vocational, and career options);

(F) Crisis intervention and referral; and

(G) System dynamics, including family, school, community, etc.

(iii) Consultation. Studies in this area shall include:

(A) Methods of enhancing teamwork within the school community; and

(B) Methods of involving parents, teachers, administrators, support staff and community agency personnel.

(5) School psychologist candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Knowledge of the field. The candidate has knowledge and skill in relevant fields of study, including:

- (i) Learning theory.

- (ii) Personality theory and development.

- (iii) Individual and group testing and assessment.
- (iv) Individual and group counseling and interviewing theory and techniques.
- (v) Basic statistics.
- (vi) Child development.
- (vii) Exceptional children.
- (viii) Social and cultural factors.
- (ix) Deviant personality.
- (x) Curriculum, including the state learning goals and essential academic learning requirements.
- (xi) Research design.
- (xii) Physiological and biological factors.
- (b) Assessment and diagnosis. The candidate has knowledge and skill necessary to select, administer, score, and interpret instruments and techniques in the following areas:
  - (i) Intellectual and cognitive assessment.
  - (ii) Individual and group academic skills: Standardized norm-referenced and criteria-referenced measurements and curriculum-based measurements.
  - (iii) Personality assessment.
  - (iv) Assessment of perceptual skills.
  - (v) Assessment of adaptive behavior; assessment of language skills.
- (c) Behavioral observation and analysis. The candidate has knowledge and skill in behavior observation, including:
  - (i) Data taking.
  - (ii) Frequency measures.
  - (iii) Qualitative and quantitative analysis of classroom behavior.
  - (iv) Developmental and personality analysis, including perceptual, cognitive, social, and affective and language development in children.
- (d) Counseling and interviewing. The candidate has the knowledge and skill necessary to:
  - (i) Provide individual and group counseling to students and parents.
  - (ii) Conduct interviews essential to information collecting from parents, teachers, and other professionals.
- (e) Program development. The candidate has the knowledge and skill to make educational prescriptions, including specification of remedial environmental changes, both curricular and behavioral, for a particular student.
- (f) Consultation. The candidate has the knowledge and skill to:
  - (i) Function on multidisciplinary teams in evaluating and placing students.
  - (ii) Confer with and make recommendations to parents, specialists, teachers, referral personnel, and others relative to student's characteristics and needs in the educational and home environments.
- (g) Program evaluation and recordkeeping. The candidate has the knowledge and skill necessary to develop and implement program evaluation and maintain required records.
- (h) Professionalism. The candidate has knowledge of professional standards regarding ethical and legal practices relevant to the practice of school psychology. The candidate demonstrates knowledge and skill in written and oral reporting of assessment and remedial recommendations which will meet ethical and legal standards.
- (i) Research. The candidate has knowledge and skill to:

- (i) Evaluate and perform research.
- (ii) Apply school-oriented research.
- (iii) Construct criterion-referenced instruments with reference to such educational decisions as:
  - (A) Retention in grade.
  - (B) Acceleration and early entrance.
  - (C) Early entrance.
- (6) School social worker candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:
  - (a) Knowledge for social work practice. The candidate has knowledge and skills in relevant fields of study including:
    - (i) Values.
      - (A) Knowledge of profession including values, skills, and ethics; and
      - (B) National Association of Social Workers (NASW) Code of Ethics and school social work guidelines for practice.
    - (ii) Human behavior and the social environment.
      - (A) Community theory and community change (e.g., community organization and development, social planning, networking, and case management);
      - (B) Systems and organizational theory (e.g., school as a bureaucracy);
      - (C) Social disorganization (e.g., poverty, family and community violence, unemployment, addictions, multiple losses), and context of family in a changing society;
      - (D) Family dynamics and theories of family therapy;
      - (E) Human/child growth and development;
      - (F) Diverse populations of: Race, culture, social class, life style, age, gender and the disabled;
      - (G) Theories of personality; and
      - (H) Use of computer technology for social work practice.
    - (b) Service delivery and program development. The candidate will have knowledge and skills in the following activities:
      - (i) Direct practice.
        - (A) Referring, developing, and coordinating resources and services in the local education agency and community;
        - (B) Knowledge and skills related to families;
        - (C) Case management;
        - (D) Working with vulnerable and "hard to reach" individuals and families, including those from diverse populations;
        - (E) Crisis intervention, conflict resolution, stress management and decision-making skills;
        - (F) Individual and group counseling to improve students' self-knowledge and interactional skills for personal empowerment;
        - (G) Interviewing and counseling students in relation to social-personal problems adjudged to be impairing student's ability to learn;
        - (H) Family interventions including parent education; referral to resources; family counseling;
        - (I) Teaching children communication and interpersonal relationship skills through individual/group/classroom interventions;

(J) Collaborating and consulting with parents and community to assure readiness to learn for all students;

(K) Multidimensional assessment of student's social-emotional adjustment, adaptive behaviors, individual strengths, and environmental assets;

(L) Intervention case planning processes; and

(M) Career and academic guidance to students in their school to work transitions.

(ii) Indirect practice.

(A) Liaison and facilitator between and among home, school and community;

(B) Collaborate and consult with other educational staff to assure student progress;

(C) Use computer technology for practice and efficiency;

(D) Develop strategies for increased parental and community involvement with the school;

(E) Develop programs of remediation for students and their families;

(F) Design, coordinate and facilitate programs such as suicide prevention, truancy and drop-out prevention, and prevention of teenage pregnancy;

(G) Provide staff development programs;

(H) Work collaboratively with educational staff to develop programs to address school-community identified needs; and

(I) Function as change agents.

(c) Research and evaluation. The candidate will have necessary skills and knowledge to:

(i) Collect and interpret data in order to evaluate student, school, and community needs;

(ii) Evaluate own practice;

(iii) Become consumer of research findings;

(iv) Understand use of program evaluation methods; and

(v) Utilize computer technology for research and evaluation.

(d) Context for educational system. The candidate will have necessary knowledge and skills to apply the following ((practice)):

(i) State learning goals and essential academic learning requirements;

((ii)) Theories of learning;

((iii)) School law and professional ethics;

((iv)) Computer technology in the workplace; and

((v)) Understanding of policies, laws, and procedures.

### WSR 98-01-202

#### PROPOSED RULES

#### STATE BOARD OF EDUCATION

[Filed December 23, 1997, 4:51 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-105.

Title of Rule: WAC 180-79A-117 Uniform expiration date and 180-85-100 Calculation of lapse dates.

Purpose: To change the uniform expiration date for educator certificates from August 31 to June 30.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: This amendment would change the uniform expiration date for educator certificates from August 31 to June 30.

Reasons Supporting Proposal: This would be less disruptive to the opening of the school year.

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 above.

Proposal Changes the Following Existing Rules: See 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: Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502, on January 28, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by January 14, 1998, 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 January 14, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997

Larry Davis

Executive Director

#### AMENDATORY SECTION (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

**WAC 180-79A-117 Uniform expiration date.** (1) All certificates issued for one or more stated years shall expire on ~~((August 31))~~ June 30 of the stated year and shall be calculated as follows:

((1)) (a) Certificates issued prior to ~~((October 1))~~ June 30 of a calendar year shall have the expiration date of the certificate calculated on the basis such certificate was issued on ~~((September 1))~~ June 30 of the same calendar year regardless of the date of issuance.

((2)) (b) Certificates issued ~~((October 1))~~ July 1 or later in the calendar year, other than limited certificates issued pursuant to WAC 180-79A-230, shall have the expiration date of the certificate calculated on the basis such certificate was issued on ~~((September 1))~~ June 30 of the next calendar year regardless of the date of issuance.

((3)) (c) All ~~((such))~~ valid existing certificates ~~((issued prior to the effective date of this section and))~~ scheduled to expire ~~((prior to))~~ on August 31 of a given year ~~((, regardless of such stated expiration date,))~~ shall be valid until ~~((August 31))~~ June 30 of the ~~((stated))~~ following year ~~((of expiration))~~.

(2) An applicant who holds a valid certificate, who submits an application for further certification prior to the expiration date of that certificate, and who meets all the requirements of WAC 180-79A-225, shall be granted a one

hundred eighty-day permit as provided in WAC 180-79A-225.

**AMENDATORY SECTION** (Amending WSR 90-12-076, filed 6/1/90, effective 7/2/90)

**WAC 180-85-100 Calculation of lapse dates.** The lapse dates of certificates affected by this chapter shall be calculated as follows:

(1) Certificates issued prior to ~~((October 1))~~ June 30 of a ((given)) calendar year shall have ((a)) the lapse date of ((August 31 of the subsequent fifth)) the certificate calculated on the basis such certificate was issued on June 30 of the same calendar year ((and of each fifth calendar year thereafter)) regardless of the date of issuance.

(2) Certificates issued ~~((on or after October 1 of a given))~~ July 1 or later in the calendar year shall have ((a)) the lapse date of ((August 31 of the subsequent sixth)) the certificate calculated on the basis that such certificate was issued on June 30 of the next calendar year ((and of each fifth calendar year thereafter)) regardless of the date of issuance.

(3) If a holder of an affected professional certificate qualifies for a different affected professional certificate—e.g., a holder of a continuing teaching certificate who subsequently qualifies for a continuing administrative certificate—the lapse dates of the new affected professional certificate shall be the same as provided on the first affected ~~((professional))~~ certificate.

(4) ~~((If a holder of a certificate, issued prior to the effective date of the 1990 amendments to this section, has a lapse date of June 30 the certificate is hereby extended to August 31 of the same year without reissuance of the certificate.))~~ All valid continuing certificates scheduled to lapse on August 31 of a given year shall be valid until June 30 of the following year.

**WSR 98-01-203**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
[Filed December 23, 1997, 4:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-04-069.

Title of Rule: WAC 180-79A-340 Early childhood education, regular—Subject area endorsement.

Purpose: The amendment is needed to ensure the endorsement more specifically addresses the field of early childhood.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

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 above.

Proposal Changes the Following Existing Rules: See 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: Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502, on January 28, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by January 14, 1998, 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 January 14, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

**WAC 180-79A-340 Early childhood education, regular—Subject area endorsement.** This endorsement can only be added to a certificate endorsed in elementary education or special education. In order to receive an endorsement in early childhood education, regular, the candidate shall have completed the minimum course work credit hours (twenty-four quarter credit hours or sixteen semester credit hours) in the subject area of early childhood education ((—e.g., preschool, early childhood, and)), elementary education, or special education: *Provided*, That no less than twelve quarter (eight semester) credit hours must specifically address the field of early childhood education, including, but not limited to, credit hours in each of the following essential areas of study:

(1) ~~((All essential areas of study for an endorsement in elementary education.))~~ Understanding the dynamics of family structure and involving parents in early childhood programs.

(2) Methods and curriculum development in early academic skill areas, including:

(a) Communication skills, emerging literacy, and language arts;

(b) Math and science concepts; and

(c) Social studies.

(3) Methods and curriculum development in the arts (art and music).

(4) Knowledge of typical and atypical growth and development for early childhood learning.

(5) Knowledge of requirements for promoting health, safety, nutrition, and social competence.

(6) Strategies for environmental design and management of physical space, equipment, and material to provide maximum opportunities for early childhood learning.

(7) Current issues and trends in early childhood education.

~~((3) Instructional methods in early childhood or preschool education.))~~

PROPOSED

**WSR 98-01-220**  
**PROPOSED RULES**  
**HEALTH CARE AUTHORITY**  
 (Basic Health Plan)

[Filed December 24, 1997, 10:37 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 97-18-033.

Title of Rule: Washington basic health plan.

Purpose: Updates basic health plan rules to incorporate legislative and administrative changes.

Statutory Authority for Adoption: RCW 70.47.050.

Statute Being Implemented: Chapter 70.47 RCW.

Summary: Revision of basic health plan rules regarding eligibility for institutionalized persons, the employer program, and the financial sponsor program. Also revises rules regarding the reservation list, payment of commissions to insurance brokers and agents, and suspension or disenrollment for nonpayment. Revises WAC 182-25-010, 182-25-020, 182-25-030, 182-25-040, 182-25-070, 182-25-080, 182-25-090, 182-25-100, and 182-25-105.

Name of Agency Personnel Responsible for Drafting: Rosanne Reynolds, Lacey, Washington, (360) 923-2948; Implementation and Enforcement: Linda Melton, Lacey, Washington, (360) 923-2996.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Revises eligibility rules to incorporate legislative changes regarding the financial sponsor program and basic health coverage for persons in institutions; updates reservation list rules to implement; revises requirements for payment of commissions to insurance agents and brokers; revises and adds definitions and revises other sections to clarify program requirements and basic health procedures for suspension and disenrollment.

Proposal Changes the Following Existing Rules: Existing rules are updated to reflect legislative changes and changes in administrative procedures.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. Costs to businesses will be negligible.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to rules of the Health Care Authority unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Hearing Location: Health Care Authority, 676 Woodland Square Loop S.E., Building B, 3rd Floor Conference Room, Lacey, WA, on January 27, 1998, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Nikki Woehl by January 20, 1998, TDD (360) 923-2701, or (360) 923-2805.

Submit Written Comments to: Rosanne Reynolds (L-3), P.O. Box 42683, Olympia, WA 98504-2683, FAX (360) 412-4276, by January 27, 1998.

Date of Intended Adoption: February 2, 1998.

December 24, 1997

Elin Meyer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-15-003, filed 7/3/97, effective 8/3/97)

**WAC 182-25-010 Definitions.** The following definitions apply throughout these rules.

(1) "Administrator" means the administrator of the Washington state health care authority (HCA) or designee.

(2) "Appeal procedure" means a formal written procedure for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction.

(3) "Basic health plan" (or BHP) means the system of enrollment and payment on a prepaid capitated basis for basic health care services administered by the administrator through managed health care systems.

(4) "BHP plus" means the program of expanded benefits available to children through coordination between the department of social and health services (DSHS) and basic health plan. Eligibility for BHP Plus is determined by the department of social and health services, based on Medicaid eligibility criteria. To be eligible for the program children must be under age nineteen, with a family income at or below two hundred percent of federal poverty level, as defined by the United States Department of Health and Human Services. They must be Washington state residents, not eligible for Medicare, and may be required to meet additional DSHS eligibility requirements.

(5) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a health care provider or to the MHCS.

(6) "Covered services" means those services and benefits in the BHP schedule of benefits (as outlined in the member handbook issued to the enrollee, or to a subscriber on behalf of the enrollee), which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments.

(7) "Disenrollment" means the termination of covered services in BHP for a subscriber and dependents, if any.

(8) "Effective date of enrollment" means the first date, as established by BHP, on which an enrollee is entitled to receive covered services from the enrollee's respective managed health care system.

(9) (~~"Dependent." The following are eligible as dependents under BHP:~~

~~(a) Lawful spouse of the subscriber, if not legally separated, who resides in the same residence.~~

~~(b) Dependent child who is an unmarried child and who is:~~

~~(i) Younger than age nineteen and is one of the following: A natural child, stepchild or legally adopted child of a subscriber; or a child who has been placed with a subscriber pending adoption or is under legal guardianship of a subscriber.~~

~~(ii) Younger than age twenty-three and is a registered student in full-time attendance at an accredited secondary school, college, university, technical college or school of nursing. Dependent student eligibility continues year round, including the quarter or semester following graduation, for those who attend full-time (except for school holidays and scheduled spring and summer breaks) provided the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.~~

PROPOSED

~~(e) Legal dependent of any age who is incapable of self-support due to disability.))~~ "Dependent" means:

(a) The subscriber's lawful spouse, not legally separated, who resides with the subscriber; or

(b) The unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, legal guardianship, or placement pending adoption, who is:

(i) Younger than age nineteen, and who has not been relinquished for adoption by the subscriber or the subscriber's dependent spouse; or

(ii) Younger than age twenty-three, and a registered student at an accredited secondary school, college, university, technical college, or school of nursing, attending full time, other than during holidays, summer and scheduled breaks; or

(c) A person of any age who is under legal guardianship of the subscriber or the subscriber's dependent spouse, and who is incapable of self-support due to disability.

(10) "Eligible full-time employee" means an employee who meets all eligibility requirements in WAC 182-25-030 and who is regularly scheduled to work thirty or more hours per week for an employer. The term includes a self-employed individual (including a sole proprietor or a partner of a partnership, and may include an independent contractor) if the individual:

(a) Is regularly scheduled to work thirty hours or more per week; and

(b) Derives at least seventy-five percent of his or her income from a trade or business that is licensed to do business in Washington.

Persons covered under a health benefit plan pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements.

(11) "Eligible part-time employee" means an employee who meets all the criteria in subsection (10) of this section, but who is regularly scheduled to work fewer than thirty hours per week for an employer.

(12) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

(13) "Employer" means an enterprise licensed to do business in Washington state, as defined by RCW 50.04.080, with employees in addition to the employer, whose wages or salaries are paid by the employer.

(14) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in BHP, and for whom applicable premium payments have been made.

(15) "Family" means an individual or an individual and spouse, if not legally separated, and dependents. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family.

(16) "Financial sponsor" means a person, organization or other entity, approved by the administrator, that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any dependents.

(17) "Gross family income" means total cash receipts, as defined in (a) of this subsection, before taxes, from all sources, for subscriber and dependents whether or not they are enrolled in BHP, with the exceptions noted in (b) of this subsection.

(a) Income includes:

(i) Money wages, tips and salaries before any deductions;

(ii) Net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses);

(iii) Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);

(iv) Regular payments from Social Security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance, alimony, child support, military family allotments, private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments;

(v) Work study or training stipends;

(vi) Dividends and interest accessible to the enrollee without a penalty;

(vii) Net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

(b) Income does not include the following types of money received:

(i) Capital gains;

(ii) Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;

(iii) Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation);

(iv) Noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance;

(v) Income earned by dependent children;

(vi) Income of a family member who resides in another household when such income is not available to the subscriber or dependents seeking enrollment in BHP;

(vii) College or university scholarships, grants, fellowships and assistantships;

(viii) Documented child care expenses for the care of a dependent child of a subscriber may be deducted (at a rate set by the administrator and consistent with Internal Revenue Service requirements) when calculating gross family income. To qualify for this deduction, the subscriber must be employed during the time the child care expenses were paid, and payment may not be paid to a parent or step parent of the child or to a dependent child of the subscriber or his/her spouse.

(18) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence, and is licensed by the department of social and health services (DSHS) as a home care agency. In order to qualify, the agency must be under contract with one of the following DSHS programs: Chore, Medicaid Personal Care, Community Options Program Entry System (COPES) or Respite Care (up to level three).

(19) "Institution" means a state, county, city or other government correctional or detention facility or government-funded facility where health care historically has been provided and funded through the budget of the operating agency, and includes, but is not limited to: Washington state department of corrections institutions; county and municipal government jail and detention institutions; Washington state department of veterans affairs soldiers' and veterans' homes; department of social and health services state hospitals and facilities and juvenile rehabilitation institutions and group homes. An institution does not include: Educational institutions; government-funded acute health care or mental health facilities except as provided above; chemical dependency facilities; and nursing homes.

(20) "Institutionalized" means to be confined, voluntarily or involuntarily, by court order or health status, in an institution, as defined in subsection (19) of this section. This does not include persons on work release or who are residents of higher education institutions, acute health care facilities, alcohol and chemical dependency facilities, or nursing homes.

(21) "Insurance broker" or "agent" means a person who is currently licensed as a disability insurance broker or agent, according to the laws administered by the office of the insurance commissioner under chapter 48.17 RCW.

~~((20))~~ (22) "Managed health care system" (or "MHCS") means any health care organization (including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof) which has entered into a contract with the HCA to provide basic health care services.

~~((21))~~ (23) "Maternity benefits through medical assistance," also known as S-Medical, means the coordinated program between BHP and DSHS for eligible pregnant women. This program includes all Medicaid benefits, including maternity coverage. Eligible members must be at or below one hundred eighty-five percent of the federal poverty level. Eligibility for this program is determined by DSHS, based on Medicaid eligibility criteria.

(24) "Medicaid" means the Title XIX Medicaid program administered by the department of social and health services, and includes the medical care programs provided to the "categorically needy" and the "medically needy" as defined in chapter 388-503 WAC.

~~((22))~~ (25) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."

~~((23))~~ (26) "Nonsubsidized enrollee" or "full premium enrollee" means an individual who enrolls in BHP, as the subscriber or dependent, and who pays or on whose behalf is paid the full costs for participation in BHP, without subsidy from the HCA.

~~((24))~~ (27) "Open enrollment" means a time period designated by the administrator during which enrollees may enroll additional dependents or apply to transfer their enrollment from one managed health care system to another. There shall be at least one annual open enrollment period of at least twenty consecutive days.

~~((25))~~ (28) "Participating employee" means an employee of a participating employer or home care agency who has met all the eligibility requirements and has been enrolled for coverage under BHP.

~~((26))~~ (29) "Participating employer" means an employer who has been approved for enrollment in BHP as an employer group.

~~((27))~~ (30) "Preexisting condition" means any illness, injury or condition for which, in the three months immediately preceding an enrollee's effective date of enrollment in BHP:

(a) Treatment, consultation or a diagnostic test was recommended for or received by the enrollee; or

(b) The enrollee was prescribed or recommended medication; or

(c) Symptoms existed which would ordinarily cause a reasonably prudent individual to seek medical diagnosis, care or treatment.

~~((28))~~ (31) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which an individual, their employer or a financial sponsor makes to BHP for subsidized or nonsubsidized enrollment in BHP.

~~((29))~~ (32) "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.

~~((30))~~ (33) "Rate" means the per capita amount, including administrative charges and any applicable premium and prepayment tax imposed under RCW 48.14.020, negotiated by the administrator with and paid to a managed health care system, to provide BHP health care benefits to enrollees.

~~((31))~~ (34) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments, as described in the member handbook.

~~((32))~~ (35) "Service area" means the geographic area served by a managed health care system as defined in its contract with HCA.

~~((33))~~ (36) "Subscriber" is a person who applies to BHP on his/her own behalf and/or on behalf of his/her dependents, if any, who meets all applicable eligibility requirements, is enrolled in BHP, and for whom the monthly premium has been paid. Notices to a subscriber and, if applicable, a financial sponsor or employer shall be considered notice to the subscriber and his/her enrolled dependents.

~~((34))~~ (37) "Subsidized enrollee" or "reduced premium enrollee" means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA.

~~((35))~~ (38) "Subsidy" means the difference between the amount of periodic payment the HCA makes to a managed health care system on behalf of a subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

**AMENDATORY SECTION** (Amending WSR 97-15-003, filed 7/3/97, effective 8/3/97)

**WAC 182-25-020 BHP benefits.** (1) The administrator shall design and from time to time may revise BHP benefits, according to the requirements of chapter 70.47 RCW, as amended. These benefits will include physician services, prescription drugs and medications, and inpatient and outpatient hospital services, limited mental health care services, limited chemical dependency services, limited organ transplant services, and all services necessary for prenatal, postnatal and well-child care, and will emphasize proven preventive and primary care services. The Medicaid scope of benefits may be provided by BHP as the BHP plus program through coordination with DSHS for children under the age of nineteen, who are found to be Medicaid eligible. BHP benefits may include co-payments, waiting periods, limitations and exclusions which the administrator determines are appropriate and consistent with the goals and objectives of the plan. BHP benefits will be subject to a three-month waiting period for preexisting conditions. Exceptions (for example, maternity, prescription drugs, services for a newborn or newly adopted child) are outlined in the schedule of benefits. Credit toward the waiting period will be given for any continuous period of time for which an enrollee was covered under similar health coverage if that coverage was in effect at any time during the three-month period immediately preceding the date of reservation or application for coverage under BHP. Similar coverage includes BHP; all DSHS medical assistance programs with the Medicaid scope of benefits, defined in chapter 388-503 WAC; the DSHS program for the Medically indigent; Indian health services; most coverages offered by health carriers; and most self-insured health plans. A list of BHP benefits, including co-payments, waiting periods, limitations and exclusions, will be provided to the subscriber.

(2) In designing and revising BHP benefits, the administrator will consider the effects of particular benefits, co-payments, limitations and exclusions on access to necessary health care services, as well as the cost to the enrollees and to the state, and will also consider generally accepted practices of the health insurance and managed health care industries.

(3) Prior to enrolling in BHP, each applicant will be given a written description of covered benefits, including all co-payments, waiting periods, limitations and exclusions, and be advised how to access information on the services, providers, facilities, hours of operation, and other information descriptive of the managed health care system(s) available to enrollees in a given service area.

(4) BHP will mail to all subscribers written notice of any changes in the amount and scope of benefits provided under BHP, or policy changes regarding premiums and co-payments at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect. The administrator may make available a separate schedule of benefits for children, eighteen years of age and younger, for those dependent children in the plan.

**AMENDATORY SECTION** (Amending WSR 97-15-003, filed 7/3/97, effective 8/3/97)

**WAC 182-25-030 Eligibility.** (1) To be eligible for enrollment in BHP, an individual must:

- (a) Reside within the state of Washington;
- (b) Not be eligible for Medicare; and
- ~~((b) Reside within the state of Washington.))~~ (c) Not be institutionalized at the time of enrollment.

Persons not meeting these criteria, as evidenced by information submitted on the application for enrollment or otherwise obtained by BHP, will not be enrolled. An enrollee who subsequently fails to meet ~~((these))~~ the criteria in (a) and (b) of this subsection, or who is later determined to have failed to meet ~~((the))~~ BHP's eligibility criteria at the time of enrollment, will be disenrolled from the plan as provided in WAC 182-25-090. An enrollee who was not confined to an institution at the time of enrollment, who is subsequently confined to an institution, will not be disenrolled, provided he or she remains otherwise eligible and continues to make all premium payments when due.

(2) Eligibility for DSHS-coordinated programs, such as BHP Plus and S-Medical, are determined by DSHS, based on Medicaid eligibility criteria.

(3) To be eligible for subsidized enrollment in BHP, an individual must have a gross family income that does not exceed two hundred percent of federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services, and must pay, or have paid on their behalf, the monthly BHP premium.

~~((3))~~ (4) To be eligible for nonsubsidized enrollment in BHP, an individual may have any income level and must pay, or have paid on their behalf, the full costs for participation in BHP, including the cost of administration, without subsidy from the HCA.

~~((4))~~ (5) An individual otherwise eligible for enrollment in BHP may be denied enrollment if the administrator has determined that acceptance of additional enrollment would exceed limits established by the legislature, would jeopardize the orderly development of BHP or would result in an overexpenditure of BHP funds. In the event that the administrator closes or limits enrollment and to the extent funding is available, BHP will continue to accept and process applications for enrollment from:

- (a) Applicants who will pay the full premium;
- (b) Children eligible for BHP Plus;
- (c) ~~((Pregnant women who, prior to April 1, 1997, apply to BHP, are referred and qualify for maternity benefits through DSHS;))~~

~~((d))~~ Children eligible for subsidized BHP, who were referred to DSHS for BHP Plus coverage, but were found ineligible for BHP Plus for reasons other than noncompliance;

~~((e))~~ (d) Employees of a home care agency group enrolled or applying for coverage under WAC 182-25-060;

~~((f))~~ (e) Eligible individual home care providers;

~~((g))~~ (f) Licensed foster care workers;

~~((h))~~ (g) Limited enrollment of new employer groups; and

~~((i))~~ (h) Subject to availability of funding, additional space for enrollment may be reserved for other applicants as determined by the administrator, in order to ensure continu-

ous coverage and service for current individual and group accounts. (For example: Within established guidelines, processing routine income changes that may affect subsidy eligibility for current enrollees; adding new family members to an existing account; transferring enrollees between group and individual accounts; restoring coverage for enrollees who are otherwise eligible for continued enrollment under WAC 182-25-090 after a limited suspension of coverage due to late payment or other health care coverage; adding newly hired employees to an existing employer group; or adding new or returning members of federally recognized native American tribes to that tribe's currently approved financial sponsor group.)

Applicants for subsidized BHP who are not in any of these categories may reserve space on a reservation list to be processed according to the date the reservation or application is received by BHP. In the event that enrollment is reopened by the administrator, applicants whose names appear on the reservation list will be notified by BHP of the opportunity to enroll. BHP may require new application forms and documentation from applicants on the reservation list, or may contact applicants to verify continued interest in applying, prior to determining their eligibility.

**AMENDATORY SECTION** (Amending WSR 97-15-003, filed 7/3/97, effective 8/3/97)

**WAC 182-25-040 Enrollment in the plan.** (1) Any individual applying for enrollment in BHP must submit a signed, completed BHP application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or legal guardian, who shall also be held responsible for payment of premiums due on behalf of the child. If an applicant is accepted for enrollment, the applicant's signature acknowledges the applicant's obligation to pay the monthly premium in accordance with the terms and conditions identified in the member handbook. Applications for subsidized enrollment on behalf of children under the age of nineteen shall be referred to the department of social and health services for Medicaid eligibility determination, unless the family chooses not to access this option.

(2) Each applicant shall list all eligible dependents to be enrolled and supply other information and documentation as required by BHP and, where applicable, DSHS medical assistance.

(a) Documentation will be required, showing the amount and sources of the applicant's gross family income. ~~((Acceptable))~~ Documentation will include a copy of the applicant's most recently filed federal income tax form, and/or other documentation that shows year-to-date income, or income for the most recent thirty days or complete calendar month as of the date of application. An average of documented income received over a period of several months may be ~~((used))~~ required for purposes of eligibility determination. Income documentation shall be required for the subscriber and dependents, with the exceptions listed under WAC 182-25-010 (17)(b).

(b) Documentation of Washington state residency shall also be required, displaying the applicant's name and address. Other documentation may be accepted if the applicant does not have a physical residence.

(c) BHP may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or managed health care system selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in BHP. Intentional submission of false information may result in disenrollment of the subscriber and all enrolled dependents.

(3) Each member may be enrolled in only one BHP account. Each family applying for enrollment must designate a managed health care system from which the applicant and all enrolled dependents will receive covered services. All applicants from the same family who are covered under the same account must receive covered services from the same managed health care system (with the exception of cases in which a subscriber who is paying ~~((child support))~~ for BHP coverage for his/her dependent~~((s))~~ who lives in a different service area). No applicant will be enrolled for whom designation of a managed health care system has not been made as part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) Managed health care systems may assist BHP applicants in the enrollment process, but must provide them with the toll-free number for BHP, information on all MHCS available within the applicant's county of residence and an estimate of the premium the applicant would pay for each available MHCS.

(5) If specific funding has been appropriated for that purpose, insurance brokers or agents who have met all statutory and regulatory requirements of the office of the insurance commissioner, are currently licensed through the office of the insurance commissioner, and who have completed BHP's training program, will be paid a commission for assisting eligible applicants to enroll in BHP.

(a) Individual policy commission: Subject to availability of funds, and as a pilot program, BHP will pay a one-time fee to any currently licensed insurance broker or agent who sells BHP to an eligible individual applicant if that applicant has ~~((never))~~ not been a BHP member ~~((in the past))~~ within the previous five years.

(b) Group policy commission: Subject to availability of funds, and as a pilot program, fees paid for the sale of BHP group coverage to an eligible employer will be based on the number of employees in the group for the first and second months of the group's enrollment.

(c) Insurance brokers or agents must provide the prospective applicant with the BHP toll-free information number and inform them of BHP benefits, limitations, exclusions, waiting periods, co-payments, all managed health care systems available to the applicant within his/her county of residence and the estimated premium for each of them.

(d) All statutes and regulations of the office of the insurance commissioner will apply to brokers or agents who sell BHP, except they will not be required to be appointed by the MHCS.

(e) BHP will not pay renewal commissions.

(6) Except as provided in WAC 182-25-030(4), applications for enrollment will be reviewed by BHP within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(7) Eligible applicants will be enrolled in BHP in the order in which their completed applications, including all required documentation, have been received by BHP, provided that the applicant also remits full payment of the first premium bill to BHP by the due date specified by BHP. In the event a reservation list is implemented, eligible applicants will be enrolled in accordance with WAC 182-25-030(4).

(8) Not all family members are required to apply for enrollment in BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply, may not subsequently enroll as a family member until the next open enrollment period, unless the subscriber has experienced a qualifying change in family status:

(a) The loss of other continuous health care coverage, for family members who have previously waived coverage, upon proof of continuous medical coverage from the date the subscriber enrolled;

(b) Marriage; or

(c) Birth, adoption or change in dependency or custody of a child or adult dependent. Eligible newborn or newly adopted children may be enrolled effective from the date of birth or physical placement for adoption provided that application for enrollment is submitted to BHP within sixty days of the date of birth or such placement for adoption.

(9) Any enrollee who voluntarily disenrolls from BHP for reasons other than ineligibility or enrollment in other health care coverage may not reenroll for a period of twelve months from the effective date of disenrollment. After the twelve-month period, or if the enrollee disenrolled for reasons of ineligibility or enrollment in other health care coverage, he/she may reenroll in BHP, subject to enrollment limits and portability and preexisting condition policies as referenced in WAC 182-25-020(1) and 182-25-030(4) and specified in the member handbook, provided he/she is determined by BHP to be otherwise eligible for enrollment as of the date of application. Enrollees who are not under group coverage, may not reenroll for a minimum of twelve months from the effective date of their last suspension if they are disenrolled from BHP for nonpayment under WAC 182-25-090 (2)(b) because:

(a) They failed to pay the premium within the billing cycle for the next coverage month following a suspension of coverage; or

(b) They have been suspended from coverage more than two times in a twelve-month period for failure to pay their premium by the due date.

If a reservation list has been implemented, an enrollee who was disenrolled in accordance with WAC 182-25-090(2) and is eligible to enroll from the reservation list prior to the end of the required twelve-month wait for reenrollment, will not be reenrolled until the end of the twelve-month period. If an enrollee who was disenrolled in accordance with WAC 182-25-090(2) satisfies the required twelve-month wait for reenrollment while on the reservation list, enrollment will not

be completed until funding is available to enroll him or her from the reservation list.

(10) On a schedule approved by the administrator, BHP will request verification of information from all or a subset of enrollees ("recertification"), requiring new documentation of income if the enrollee has had a change in income that would result in a different subsidy level. For good cause, BHP may require recertification on a more widespread or more frequent basis. Enrollees who fail to comply with a recertification request will be converted to nonsubsidized enrollment for at least one month, until new income documentation has been submitted and processed. Each enrollee is responsible for notifying BHP within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility. If, as a result of recertification, BHP determines that a subsidized enrollee's income exceeds twice the poverty level according to the federal income guidelines, and that the enrollee knowingly failed to inform BHP of such increase in income, BHP may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the poverty level.

**AMENDATORY SECTION** (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

**WAC 182-25-070 Financial sponsors.** (1) A third party may, with the approval of the administrator, become a financial sponsor to BHP enrollees. Financial sponsors may not be a state agency or a managed health care system.

(2) BHP may require a minimum financial contribution from financial sponsors who are paid to deliver BHP services. Sponsors who meet the following criteria will be exempt from the minimum contribution:

(a) Organizations that are not paid to perform any function related to the delivery of BHP services, and do not receive contributions from other organizations paid to deliver BHP services;

(b) Charitable, fraternal or government organizations (other than state agencies) that are not paid to perform any function related to the delivery of BHP services, who receive contributions from other individuals or organizations who may be paid to deliver BHP services, if the organization can demonstrate all of the following:

(i) Organizational autonomy (the organization's governance is separate and distinct from any organization that is paid to deliver BHP services);

(ii) Financial autonomy and control over the funds contributed (contributors relinquish control of the donated funds);

(iii) Sponsored enrollees are selected by the sponsoring organization from all persons within the geographic boundaries established by the sponsor organization who meet the selection criteria agreed upon by the sponsor organization and the HCA; and

(iv) There is no direct financial gain to the sponsoring entity.

(c) Charitable, fraternal, or government organizations (other than state agencies) that are paid to perform a health care function related to the delivery of BHP services, if the organization can demonstrate all of the following:

(i) The organization's primary purpose is not the provision of health care or health care insurance, including activities as a third-party administrator or holding company;

(ii) There is organizational and financial autonomy (the organization's governance and funding of sponsored enrollees is separate and distinct from the function that is paid to deliver BHP services);

(iii) The selection of sponsored enrollees is made by the organization separate and distinct from the function that is paid to deliver BHP services, and sponsored enrollees are selected from all eligible persons who meet the selection criteria agreed upon by the sponsor organization and the HCA, who live within the geographic boundaries established by the sponsor organization; and

(iv) There is no direct financial gain to the sponsoring entity.

(3) The financial sponsor will establish eligibility for participation in that particular financial sponsor group; however, sponsored enrollees must meet all BHP eligibility requirements as outlined in WAC 182-25-030.

~~((3))~~ (4) The financial sponsor will pay all or a designated portion of the premium on behalf of the sponsored enrollee. It is the financial sponsor's responsibility to collect the enrollee's portion of the premium, if any, and remit the entire payment to BHP and to notify BHP of any changes in the sponsored enrollee's account.

~~((4))~~ (5) A financial sponsor must inform sponsored enrollees and BHP of the minimum time period for which they will act as sponsor. At least sixty days before the end of that time period, it is the responsibility of the financial sponsor to notify sponsored enrollees and BHP if the sponsorship will or will not be extended.

~~((5))~~ (6) A financial sponsor must not discriminate for or against potential group members based on health status, race, color, creed, political beliefs, national origin, religion, age, sex or disability.

~~((6))~~ (7) A financial sponsor ~~((may choose the managed health care system available to sponsored enrollees who participate in that financial sponsor group; however, the sponsor))~~ must disclose to the sponsored enrollee all the managed health care systems within the enrollee's county of residence, the estimated premiums for each of them, and the BHP toll-free information number.

~~((7))~~ (8) BHP may periodically conduct a review of the financial sponsor group members to verify the eligibility of all enrollees.

**AMENDATORY SECTION** (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

**WAC 182-25-080 Premiums and co-payments.** (1) Subscribers or their employer or financial sponsor shall be responsible for paying the full monthly premium to BHP, on behalf of the subscriber and all enrolled dependents, according to the most current premium schedule. A third party may, with the approval of the administrator, become a financial sponsor and pay all or a designated portion of the premium on behalf of a subscriber and dependents, if any.

(2) The amount of premium due from or on behalf of a subscriber will be based upon the subscriber's gross family income, the managed health care system selected by the subscriber, rates payable to managed health care systems,

and the number and ages of individuals in the subscriber's family.

(3) Once BHP has determined that an applicant and his/her dependents (if any) are eligible for enrollment, the applicant or employer or financial sponsor will be informed of the amount of the first month's premium for the applicant and his/her enrolled dependents. New enrollees will not be eligible to receive covered services on the effective date of enrollment specified by BHP unless the premium has been paid. Thereafter, BHP will bill each subscriber or employer or financial sponsor monthly.

(4) Full payment for premiums due must be received by BHP by the date specified on the bill. If BHP does not receive full payment of a premium by the date specified on the bill, BHP shall issue a notice of delinquency to the subscriber, at the subscriber's last address on file with BHP or, in the case of group or financial sponsor coverage, to the employer or financial sponsor. If full payment is not received by the date specified in the delinquency notice, the subscriber and enrolled family members will be suspended from coverage for one month. If payment is not received by the due date on the notice of suspension, the subscriber and enrolled family members will be disenrolled effective the ~~((first day of the month following the last month for which full premium payment was received, as provided in))~~ date of the initial suspension. If an enrollee's coverage is suspended more than two times in a twelve-month period, the enrollee will be disenrolled for nonpayment under the provisions of WAC 182-25-090(2). Partial payment of premiums due or payment by check which is returned due to nonsufficient funds will be regarded as nonpayment.

(5) Enrollees shall be responsible for paying any required co-payment directly to the provider of a covered service at the time of service or directly to the MHCS. Repeated failure to pay co-payments in full on a timely basis may result in disenrollment, as provided in WAC 182-25-090(2).

**AMENDATORY SECTION** (Amending WSR 97-15-003, filed 7/3/97, effective 8/3/97)

**WAC 182-25-090 Disenrollment from BHP.** (1) An enrollee or employer group may disenroll effective the first day of any month by giving BHP at least ten days prior written notice of the intention to disenroll. Reenrollment in BHP shall be subject to the provisions of WAC 182-25-040(9). The administrator shall also establish procedures for notice by an enrollee of a disenrollment decision, including the date upon which disenrollment shall become effective. Nonpayment of premium by an enrollee shall be considered an indication of the enrollee's intention to disenroll from BHP.

(2) BHP may disenroll any enrollee or group from BHP for good cause, which shall include:

(a) Failure to meet the eligibility requirements set forth in WAC 182-25-030, 182-25-050, 182-25-060, and 182-25-070;

(b) Nonpayment of premium (BHP Plus or S-Medical coverage will not be affected if other enrolled family members are disenrolled for nonpayment of premium);

(c) Repeated failure to pay co-payments in full on a timely basis;

- (d) Fraud or knowingly providing false information;
- (e) Abuse or intentional misconduct;
- (f) Risk to the safety or property of MHCS staff, providers, patients or visitors; and
- (g) Refusal to accept or follow procedures or treatment determined by a MHCS to be essential to the health of the enrollee, where the managed health care system demonstrates to the satisfaction of BHP that no professionally acceptable alternative form of treatment is available from the managed health care system, and the enrollee has been so advised by the managed health care system.

In the event that an employer group, a home care agency group or a financial sponsor group is disenrolled under these provisions, the employer or sponsor and all members of that group will be notified of the disenrollment and the enrollees will be offered coverage under individual accounts. BHP will make every effort to transfer the enrollees to individual accounts without a break in coverage; however, the enrollee will be responsible for ensuring that payment is received by BHP prior to the final disenrollment date for that month.

(3) Enrollees who are disenrolled from BHP in accordance with subsection (2)(c), (d), (e), (f) or ((f)) (g) of this ((subsection)) section may not reenroll for a period of twelve months from the effective date of disenrollment. Enrollees ((who are not under group coverage,)) who fail to pay their premium by the due date on the delinquency notice will be suspended from coverage for one month. If payment is not received within the billing cycle for the next coverage month, the enrollee will be disenrolled from BHP for nonpayment, under subsection (2)(b) of this ((subsection)) section. If an enrollee's coverage is suspended more than two times in a twelve-month period, the enrollee will be disenrolled for nonpayment under subsection (2)(b) of this ((subsection)) section. In these cases, BHP will provide notice to the enrollee indicating intent to disenroll and the effective date of disenrollment, which will be at least ten days from the date of the notice, and informing the enrollee of his or her right to appeal. Enrollees who are disenrolled for nonpayment under subsection (2)(b) of this ((subsection)) section may not reenroll for a minimum of twelve months from the effective date of the last suspension. An exception to the twelve-month wait for reenrollment will be made for enrollees who:

- (a) Voluntarily disenrolled or were disenrolled from nonsubsidized BHP for nonpayment of premiums;
  - (b) Were on the reservation list for subsidized BHP on or before the date their nonsubsidized coverage began;
  - (c) Have been offered coverage from the reservation list;
  - and
  - (d) Are at that time enrolling in subsidized BHP.
- This exception will not be allowed if the member is applying to reenroll in nonsubsidized BHP.

(4) If a reservation list has been implemented, an enrollee who was disenrolled in accordance with WAC 182-25-090(2) and is eligible to enroll from the reservation list prior to the end of the required twelve-month wait for reenrollment, will not be reenrolled until the end of the twelve-month period. If an enrollee who was disenrolled in accordance with WAC 182-25-090(2) satisfies the required twelve-month wait for reenrollment while on the reservation

list, enrollment will not be completed until funding is available to enroll him or her from the reservation list.

BHP shall provide the enrollee or the parent, legal guardian or sponsor of an enrolled dependent with advance written notice of its intent to ((disenroll the enrollee)) suspend coverage. Such notice shall specify an effective date of ((disenrollment)) suspension, which shall be at least ten days from the date of the notice ((, and shall describe the procedures for disenrollment, including the enrollee's)). If an enrollee's coverage is suspended, BHP will also send final written notice of suspension to the subscriber, indicating an effective date of the suspension; establishing a final due date for payment to restore coverage; informing the enrollee of the intent to disenroll if payment is not received by the final due date; and of his or her right to appeal the suspension decision. If an enrollee is disenrolled, BHP will send final written notice of disenrollment to the subscriber, indicating the effective date of the disenrollment, describing the procedures for disenrollment, and informing the enrollee of his or her right to appeal the disenrollment decision as set forth in WAC 182-25-100 and 182-25-105. ((Prior to the effective date specified, if the enrollee submits an appeal to BHP contesting the disenrollment decision, as provided in WAC 182-25-105, disenrollment shall not become effective until the date, if any, established as a result of BHP's appeal procedure, provided that the enrollee otherwise remains eligible and continues to make all premium payments when due; and further provided that the enrollee does not create a risk of violent, aggressive or harassing behavior, assault or battery or purposeful damage to or theft of managed health care system property, or the property of staff or providers, patients or visitors while on the property of the managed health care system or one of its participating providers.

(3)) (5) Any enrollee who knowingly provides false information to BHP or to a participating managed health care system may be disenrolled by BHP and may be held financially responsible for any covered services fraudulently obtained through BHP.

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

**WAC 182-25-100 Appeals and mediation of grievances.** (1) HCA decisions regarding basic health plan eligibility, premium, enrollment, suspension, disenrollment or change of MHCS may be appealed pursuant to WAC 182-25-105.

(2) The HCA will not hear appeals of decisions regarding children covered under BHP plus. Those decisions must be appealed through the department of social and health services, according to the provisions of chapters 388-08 and 388-526 WAC, as amended.

(3) Decisions made by a MHCS, such as coverage disputes or benefits interpretation may be appealed pursuant to WAC 182-25-110.

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

**WAC 182-25-105 Appeals of HCA decisions regarding BHP.** (1) If a subscriber or applicant wishes to appeal a HCA decision regarding BHP eligibility, premium, enrollment, suspension, disenrollment or change of MHCS,

he/she must send a letter of appeal, signed by the appealing party, to the HCA appeals committee no more than thirty days after the date the HCA's decision was sent to the subscriber or applicant. The letter should include the name, address and BHP account number of the enrollee and subscriber or the applicant and a statement of:

- (a) The decision being appealed;
- (b) Why the enrollee considers the decision to be incorrect; and
- (c) The facts upon which the appeal is based, including any supporting documents.

(2) When the letter of appeal is received, the HCA appeals coordinator will contact the subscriber to explain his/her appeal rights and the appeal procedure used by the HCA appeals committee to conduct a brief adjudicative proceeding pursuant to RCW 34.05.482 through 34.05.494, as amended. Generally, the appeal will be limited to a review of submitted documents, but may also include a telephone or in-person conference. The HCA appeals committee will send its written initial decision to the subscriber or applicant within sixty days of receipt of the subscriber's or applicant's letter of appeal. The written initial decision will include reasons for the decision and information and instructions on further appeal rights. The appeals committee may also elect to convert the brief adjudicative proceeding to a formal adjudicative proceeding when it is more appropriate to resolve issues affecting the participants, and refer the appeal to the hearing officer.

(3) If the HCA appeals committee decision results in disenrollment, the enrollee may request a review hearing by the office of administrative hearings, pursuant to chapter 34.12 RCW and RCW 34.05.488 through 34.05.494, as amended. An enrollee or applicant may request review of all other initial decisions of the HCA appeals committee by a HCA hearings officer, pursuant to RCW 34.05.488 through 34.05.494, as amended. A request for review of the initial decision must be made in writing within twenty-one days after service of the written statement as required by RCW 34.05.485(3), as amended. Otherwise, the HCA appeals committee decision will be the final agency decision.

~~(4) ((If the HCA receives a timely appeal of a disenrollment decision, disenrollment shall not become effective pending the resolution of the appeal, provided that:~~

~~(a) The enrollee otherwise remains eligible and continues to make all premium payments when due (if the premium amount is the subject of the dispute, the premium will be billed at the rate the subscriber was paying prior to the dispute);~~

~~(b) The enrollee does not create a risk of violent, aggressive or harassing behavior, assault or battery or purposeful damage to or theft of MHCS property, or the property of staff or providers, patients or visitors while on the property of the MHCS or one of its participating providers-))~~ An enrollee who has appealed a disenrollment decision will remain disenrolled pending the appeal decision, with the exception of enrollees who have filed a timely appeal of a disenrollment decision that was due to an issue of eligibility. In appeals of a disenrollment for ineligibility, the disenrollment will not become effective pending the appeal decision, provided:

(a) The enrollee otherwise remains eligible and continues to make all premium payments when due; and

(b) The enrollee has not demonstrated a risk to the safety or property of MHCS or health care authority staff, providers, patients or visitors.

**WSR 98-01-224**  
**PROPOSED RULES**  
**BOARD OF ACCOUNTANCY**  
[Filed December 24, 1997, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-072.

Title of Rule: WAC 4-25-410 Definitions.

Purpose: To amend rule to add the definition of the term "attest services" as it applies to Washington state regulations.

Statutory Authority for Adoption: RCW 18.04.055(11).

Statute Being Implemented: RCW 18.04.055(11).

Summary: Defines terms used throughout the board's rules (chapter 4-25 WAC) for clarity. This amendment clearly defines the use of the term "attest services."

Reasons Supporting Proposal: The existing rule excludes the definition of "attest services." The term attest is used by the accounting profession and its standard setting bodies for different purposes and with differing meanings. Amendment to the rule will clearly define the use of the term as it applies to Washington state regulations. The goal of the amendment is to:

- Promote clarity.
- Ensure effective communication.
- Ensure fairness in interpretation and application of the rule.
- Promote efficiencies through minimizing gray areas.
- Address the need to protect the public through regulation of the practice of public accountancy and enhancing the reliability of information.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 4-25-410 defines terms used throughout the board's rules. This amendment adds the definition of the term "attest services" as it applies to Washington state regulations.

Proposal Changes the Following Existing Rules: Adds the definition of the term "attest services."

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will have negligible economic impact on the accounting profession.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Bank of California Building, 900 4th Avenue, 24th Floor, Attorney General Training Center, Seattle, WA, on Thursday, January 29, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by January 26, 1998, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, FAX (360) 664-9190, by January 28, 1998.

Date of Intended Adoption: January 29, 1998.

December 22, 1997

Dana M. McInturff, CPA  
Executive Director

**AMENDATORY SECTION** (Amending WSR 94-23-071, filed 11/15/94, effective 12/16/94)

**WAC 4-25-410 Definitions.** For purposes of these rules the following terms have the meanings indicated:

(1) "Act" means the Public Accountancy Act codified as chapter 18.04 RCW.

(2)(a) "Audit," "review," and "compilation" are terms reserved by the public accountancy profession to identify forms of reports on financial statements that express differing levels of assurance. Professional standards setting bodies, such as the American Institute of Certified Public Accountants (AICPA), specify form and content of these reports.

(b) "Attest services" include services performed in accordance with generally accepted auditing standards, standards for attestation engagements and standards for accounting and review services.

(3) "Board" means the board of accountancy created by RCW 18.04.035.

(4) "Certificate" means a certificate as a certified public accountant issued under this chapter, or a corresponding certificate issued by another state or foreign jurisdiction that is recognized in accordance with the reciprocity provisions of RCW 18.04.180 and 18.04.183. "Valid CPA certificate" means the holder has fully complied with continuing professional education requirements or the board has granted specific exemption from continuing professional education requirements, with or without restricting use of the CPA title.

(5) "Client" means the person or entity that retains a CPA, through other than an employer/employee relationship, for the performance of professional services.

(6) "CPE" means continuing professional education (see also "Interactive CPE").

(7) "Enterprise" means any person or entity, whether organized for profit or not, with respect to which a CPA performs professional services.

(8) "Firm" means a sole proprietorship, a corporation, a limited liability company, or a partnership.

(9) "Generally accepted accounting principles" (GAAP) is a technical accounting term that encompasses the conventions, rules, and procedures necessary to define accepted accounting practice at a particular time. It includes not only broad guidelines of general application, but also detailed practices and procedures. Those conventions, rules, and procedures provide a standard by which to measure financial presentations.

(10) "Generally accepted auditing standards" (GAAS) are broad conceptual guidelines, promulgated by the American Institute of Certified Public Accountants (AICPA), for

conducting individual audits of historical financial statements. They include general standards, standards of field work, and reporting standards.

(11) "Holding out" means any representation to the public by the use of restricted titles as set forth in RCW 18.04.345 by a person or firm that the person or firm is a certified public accountant and that the person or firm offers to perform any professional services to the public as a certified public accountant. "Holding out" shall not affect or limit a person not required to hold a certificate under this chapter or a person or firm not required to hold a license under this chapter from engaging in practices identified in RCW 18.04.350(6).

(12) "Interactive self-study program" means a CPE program designed to use interactive learning methodologies that simulate a classroom learning process by employing software or administrative systems that provide significant ongoing interactive feedback to learners regarding their learning progress.

(13) "Licensee" means the holder of a valid license issued under chapter 18.04 RCW.

(14) "Public practice" or the "practice of public accounting" means performing or offering to perform by a person or firm holding itself out to the public as a licensee, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," "compilation reports," or "attestation reports" on financial statements, or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax matters.

(15) "Quality assurance review" (QAR) means a process, established by and conducted at the direction of the board, of study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

(16) "Quality review" means a study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures but not including a "quality assurance review."

(17) "Reciprocity" means board recognition of certificates or other professional accounting credentials that the board will rely upon in full or partial satisfaction of CPA certification requirements. This board may grant reciprocity, by rule, to CPAs from other states or to certain professional accountants from countries whose credentials are recognized by this board. Board recognition of professional credentials issued by other state accountancy boards or foreign credentialing bodies is conditioned on those bodies' agreements to grant reciprocity to this board's licensees.

(18) "Reports on financial statements" means any reports or opinions prepared by certified public accountants, based on services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services, as to whether the presentation of information used for guidance in

financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting. The term does not include incidental financial data included in management advisory services reports to support recommendations to a client.

(19) "Rules of professional conduct" means principles and rules adopted by the board to govern CPAs' conduct while representing themselves to others as CPAs. The rules apply to CPAs whether engaged in public practice or otherwise engaged in providing professional services while using the CPA title.

(20) "Statements on standards for accounting and review services" (SSARS) are standards, promulgated by the American Institute of Certified Public Accountants (AICPA), to give guidance to CPAs who are associated with the financial statements of nonpublic companies and issue compilation or review reports.

(21) "Statements on standards for attestation engagements" are guidelines, promulgated by the American Institute of Certified Public Accountants (AICPA), for use by CPAs in attesting to assertions involving matters other than historical financial statements and for which no other standards exist.

**WSR 98-01-225**  
**PROPOSED RULES**  
**BOARD OF ACCOUNTANCY**  
[Filed December 24, 1997, 11:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-073.

Title of Rule: WAC 4-25-520 Index of public records available.

Purpose: To comply with the requirement of RCW 42.17.260 that each agency, for informational purposes, publish a listing of records that are available for public inspection and copying.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 42.17.260.

Summary: Lists the records maintained by the agency that are available for public inspection or copying and notifies the public of records (lists of individuals for commercial purposes) which are exempt from access.

Reasons Supporting Proposal: To comply with legislative directive.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Notifies the public of the records available for inspection and copying for informational purposes.

Proposal Changes the Following Existing Rules: The existing rule identifies tape recordings of board meetings for

the previous six months as a record the agency maintains. State statute does not require that the agency record board meetings; however, board staff records portions of board meetings as an aid to staff in preparing board meeting minutes. Staff currently records only the portions of meetings dealing with decisions rather than full discussions. As the rule is currently written, the public might construe that the entire meeting was recorded. Amendment of the rule will provide clarification to the public.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Bank of California Building, 900 4th Avenue, 24th Floor, Attorney General Training Center, Seattle, WA, on Thursday, January 29, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by January 26, 1998, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, FAX (360) 664-9190, by January 28, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997

Dana M. McInturff, CPA

Executive Director

AMENDATORY SECTION (Amending WSR 93-14-050, filed 6/29/93, effective 7/30/93)

~~WAC 4-25-520 ((Index of public records available.))~~

What public records does the board maintain? (((1)-The board maintains the following records:

~~(a) A data base file of every Washington certified public accountant. This file contains each certified public accountant's name, address, certificate type and number, certificate issue date, and certificate status;~~

~~(b) A data base file of certified public accountant examination candidates. This file contains each candidate's name, address, and candidate identification numbers;~~

~~(c) A data base file of certified public accountant firms. This file contains each firm's name, ownership, address, license status, and license number;~~

~~(d) A data base file of final orders, declaratory rulings, interpretations, and policy statements abstracted from board meeting minutes;~~

~~(e) Formal disciplinary orders of the board;~~

~~(f) Board meeting minutes;~~

~~(g) Tape recordings of board meetings for the previous six months;~~

~~(h) Board policy manual;~~

~~(i) Board rules files;~~

~~(j) Certified public accountants' continuing education reports and continuing education sponsor agreements; and~~

~~(k) Correspondence and materials dealing with regulatory, supervisory, and enforcement responsibilities of the board. The board does not maintain an index of correspondence files.~~

~~(2) Under the Public Records Act, chapter 42.17 RCW, the board may not give, sell, or provide access to lists of~~

~~individuals or firms requested for commercial purposes. The board will provide lists of certified public accountants and/or candidates to bona fide educational and professional organizations.)~~ The board maintains the following public records:

(1) A data base of every Washington CPA. This file contains: Each CPA's name and address, and their certificate type, number, issue date, and status;

(2) A data base of CPA examination candidates. This file contains: Each candidate's name, address, and identification numbers;

(3) A data base of CPA firms. This file contains each firm's name, ownership, address, license status, and license number;

(4) A data base of final orders, declaratory rulings, interpretations, and policy statements abstracted from board meeting minutes;

(5) Formal disciplinary orders of the board;

(6) Board meeting minutes;

(7) Board policy manual;

(8) Board rules files;

(9) CPA's continuing education reports and continuing education sponsor agreements; and

(10) Documents dealing with the regulatory, supervisory, and enforcement responsibilities of the board.

The board may not give, sell, or provide access to lists of individuals requested for commercial purposes. The board provides lists of CPAs and/or CPA examination candidates to bona fide educational and professional organizations.

**WSR 98-01-226**  
**PROPOSED RULES**  
**BOARD OF ACCOUNTANCY**  
[Filed December 24, 1997, 11:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-074.

Title of Rule: WAC 4-25-540 Brief adjudicative proceedings.

Purpose: To grant a person appealing to the courts for relief from an administrative review an objective unbiased hearing.

Statutory Authority for Adoption: RCW 18.044.055 [18.04.055](1).

Statute Being Implemented: RCW 34.05.482.

Summary: To provide a process for persons to appeal a staff action denying license or certificate application, good character rulings, agency ethics rulings, or a determination of default on federally or state-guaranteed student loans.

Reasons Supporting Proposal: (1) The existing rule allows persons aggrieved by a brief adjudicative proceedings order to appeal to the full board for administrative review. Under such a process, the board would not be able to grant a person appealing to the courts for relief from an administrative review an objective unbiased hearing because the full board had already heard the matter. Amendment of the rule will provide:

- A process for a person to appeal a brief adjudicative proceedings order to the board's vice-chair thus not compromising the entire board.

- Full due process to persons under the authority of the Board of Accountancy.

(2) RCW 18.04.420 (governing the license or certificate suspension for nonpayment or default on education loan or scholarship) requires that the board provide the person an opportunity for a brief adjudicative proceeding. Amendment of the rule will add student loan default to the list of matters for which the agency will use the brief adjudicative proceeding process as dictated by statute.

(3) Existing board policy requires petitioners appealing an action by board staff denying certification or licensure to make their appeal in writing within thirty days to preserve their right to review. The board seeks to place policy in the rule to ensure that petitioners are fully aware of board practices.

(4) The existing rule requires petitioners for administrative review to make their appeal orally or in writing, within twenty-one days after "receipt" of the brief adjudicative proceeding order. The board seeks to clarify that the appeal must be received by the board, orally or in writing, within twenty-one days after the brief adjudicative proceedings order is posted in the United States mail to be consistent with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 34.05 RCW (Administrative Procedure Act) requires agencies to adopt brief adjudicative proceedings to resolve some limited administrative issues. The board uses brief adjudicative proceedings to provide a process to persons to appeal staff actions denying certification or licensure.

Proposal Changes the Following Existing Rules: Amendment of the rule will:

(1) Provide a process for a person to appeal a brief adjudicative proceedings order to the board's vice-chair rather than the entire board.

(2) Add student loan default to the list of matters for which the agency will use the brief adjudicative proceeding process as dictated by statute.

(3) Add that an appeal of a staff denial must be received by the board, in writing, within thirty days after the decision by board staff is posted in the United States mail.

(4) Clarify that a petition for administrative review must be received by the board, orally or in writing, within twenty-one days after the brief adjudicative proceedings order is posted in the United States mail.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Bank of California Building, 900 4th Avenue, 24th Floor, Attorney General Training Center, Seattle, WA, on Thursday, January 29, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by January 26, 1998, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, FAX (360) 664-9190, by January 28, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997  
Dana M. McInturff, CPA  
Executive Director

**AMENDATORY SECTION** (Amending WSR 93-12-074, filed 5/27/93, effective 7/1/93)

**WAC 4-25-540** What are brief adjudicative proceedings(=)? ~~((The board adopts the brief adjudicative proceedings procedures permitted by RCW 34.05.482 through 34.05.494 to provide appeal from staff denials of license or certificate applications, good character rulings, agency ethics rulings, and such other matters as the board may decide to address in this manner. The presiding officer for such proceedings shall be the executive director who shall render findings and an order after consulting with one or more board members. Persons aggrieved by a brief adjudicative proceedings order may appeal to the full board for administrative review. Such appeal must be made, orally or in writing, within twenty one days after receipt of the brief adjudicative proceedings order.))~~ For certain types of decisions, the board has adopted an appeal process authorized by chapter 34.05 RCW which is called a brief adjudicative proceeding. Decisions to which this appeal process will be applied are:

- Denials of license or certificate application;
- Good character rulings;
- Agency ethics rulings; and
- A determination whether a licensee or certificate-holder 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.

To appeal a decision you must submit your request for a brief adjudicative proceeding, in writing, to the board within thirty days after the decision by board staff is posted in the U.S. mail. The residing officer for the brief adjudicative proceedings is the executive director. After consulting with a board member, the executive director renders a decision either upholding or overturning the decision by board staff. This decision, called an order, is mailed to you.

If you do not receive satisfaction from the brief adjudicative proceeding, you may appeal to the board's vice-chair. This appeal process is called an administrative review. Your appeal must be received by the board, orally or in writing, within twenty-one days after the brief adjudicative proceedings order is posted in the U.S. mail. The vice-chair considers your appeal and either upholds or overturns the brief adjudicative proceeding decision. The vice-chair decision, also called an order, is mailed to you.

## WSR 98-01-227

### PROPOSED RULES BOARD OF ACCOUNTANCY

[Filed December 24, 1997, 11:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-075.

Title of Rule: WAC 4-25-550 Address changes.

Purpose: To require certified public accountants (CPAs) and CPA firms regulated by the Board of Accountancy to notify the agency of any change in address.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055.

Summary: Requires certified public accountants (CPAs) and CPA firms to notify the agency of any change in address.

Reasons Supporting Proposal: To effectively regulate certified public accountants (CPAs) and CPA firms, the agency must be able to contact the CPAs; to do so the agency must have on record a CPA's most current address.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 4-25-550 requires certified public accountants (CPAs) and CPA firms to notify the agency of any change in address. With a current address on file, the agency will be able to contact the CPA and the CPA firm for regulatory purposes.

Proposal Changes the Following Existing Rules: The existing rule requires "licensees" to notify the board of address changes. RCW 18.04.025 defines a licensee as one who holds a valid license. Licensees represent approximately one-half of the total number of persons currently under the authority of the Board of Accountancy. RCW 18.04.295 allows the board to take action against a "certified public accountant" and a CPA firm for failure to report changes to the board. Under current board policy, the board requires all "certificate holders" (not just licensees) to notify the board of address changes. Amendment will clarify the rule to include all persons and firms under the authority of the Board of Accountancy.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Bank of California Building, 900 4th Avenue, 24th Floor, Attorney General Training Center, Seattle, WA, on Thursday, January 29, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by January 26, 1998, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, FAX (360) 664-9190, by January 28, 1998.

Date of Intended Adoption: January 29, 1998.

December 24, 1997  
Dana M. McInturff, CPA  
Executive Director

**AMENDATORY SECTION** [(Amending WSR 93-12-073, filed 5/27/93)]

**WAC 4-25-550** ~~((Address changes.))~~ Do I need to notify the Board if I change my address? ~~((Each licensee shall))~~ All CPA'S and CPA firms must notify the board in writing within thirty days of any change of address.

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

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

**WSR 98-01-228**  
**PROPOSED RULES**  
**BOARD OF ACCOUNTANCY**  
[Filed December 24, 1997, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-076.

Title of Rule: WAC 4-25-551 Duty to respond to board inquiry.

Purpose: To require certified public accountants (CPAs) and CPA firms regulated by the Board of Accountancy to respond in writing to an agency communication requiring a response.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055.

Summary: Requires certified public accountants (CPAs) and CPA firms to respond to an agency inquiry within twenty days.

Reasons Supporting Proposal: In order for the board to effectively administer chapter 18.04 RCW, Certified public accountants (CPAs) and CPA firms must cooperate with the agency by responding to inquiries of the agency within a reasonable time period.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 4-25-551 requires certified public accountants (CPAs) and CPA firms to respond to an agency inquiry in writing within twenty days of the date the inquiry is posted in the United States mail. With cooperation from the CPAs and CPA firms, the agency can effectively administer chapter 18.04 RCW.

Proposal Changes the Following Existing Rules: The existing rule requires "licensees" to respond to board inquiry. RCW 18.04 025 defines a licensee as one who holds a valid license. Licensees represent approximately one half of the total number of persons currently under the authority of the

Board of Accountancy. RCW 18.04.295 allows the board to take action against a "certified public accountant" and CPA firms for failure to cooperate with the board by not responding to board inquiry. Under current board policy, the board requires all "certificate holders" (not just licensees) to respond to board inquiry. Amendment will clarify the rule to include all persons and firms under the authority of the Board of Accountancy.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Bank of California Building, 900 4th Avenue, 24th Floor, Attorney General Training Center, Seattle, WA, on Thursday, January 29, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by January 26, 1998, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, FAX (360) 664-9190, by January 28, 1998.

Date of Intended Adoption: January 29, 1998.

December 24, 1997

Dana M. McInturff, CPA  
Executive Director

**AMENDATORY SECTION** [(Amending WSR 93-12-072, filed 5/27/93)]

**WAC 4-25-551** ~~((Duty to respond to board inquiry.))~~ Must I respond to inquiries from the board? ~~((A licensee shall respond in writing to any communication from the board requesting a response, within twenty days of the mailing of such communications by registered or certified mail, to the last address furnished to the board by the licensee.))~~ All CPA's and CPA firms must respond, in writing, to board communications requesting a response. Your response must be made within twenty days of the postmarked date on the board's communication to you. Communications from the board to you are directed to the last address you furnished the board.

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

**WSR 98-01-229**  
**PROPOSED RULES**  
**BOARD OF ACCOUNTANCY**  
[Filed December 24, 1997, 12:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-077.

Title of Rule: WAC 4-25-620 Integrity and objectivity.

Purpose: To amend rule to clarify that, where conflicts exist between a board rule and a professional standard, board rule prevails.

Statutory Authority for Adoption: RCW 18.04.055(2).  
Statute Being Implemented: RCW 18.04.055(2).

Summary: The rule requires Washington certified public accountants (CPAs) to remain free of conflicts of interest unless such conflicts are permitted by board rule or professional standards.

Reasons Supporting Proposal: The existing rule requires Washington certified public accountants to be free of conflicts of interest unless such conflicts are specifically permitted by board rule or professional standards. Board rules and professional standards conflict in some areas such as compensation. Amendment to the rule will clarify that, where conflicts exist between a board rule and a professional standard, board rule prevails. The goal of the amendment is to: Promote clarity, ensure effective communication, ensure fairness in interpretation and application of the rule, promote efficiencies through minimizing gray areas, and address the need to protect the public through regulation of the practice of public accountancy and enhancing the reliability of information.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 4-25-620 requires Washington certified public accountants (CPAs) to be free of conflicts of interest. This requirement is a rule of professional conduct necessary to establish and maintain high standards of ethics of certified public accountants (CPAs) to protect the public interest.

Proposal Changes the Following Existing Rules: Clarifies that, where conflicts exist between a board rule and a professional standard, board rule prevails.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Bank of California Building, 900 4th Avenue, 24th Floor, Attorney General Training Center, Seattle, WA, on Thursday, January 29, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by January 26, 1998, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, FAX (360) 664-9190, by January 28, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997  
Dana M. McInturff, CPA  
Executive Director

**AMENDATORY SECTION** (Amending WSR 93-22-046, filed 10/28/93, effective 11/28/93)

**WAC 4-25-620 ((Integrity and objectivity.)) When must I comply with the rules of conduct requiring integrity and objectivity? ((In the performance of professional services a person using the CPA title shall be honest, objective, free of conflicts of interest unless such conflicts**

~~are specifically permitted by board rule or professional standards, and shall not misrepresent facts or subordinate his or her judgment to others.))~~ If you use the title CPA when performing professional services you must remain honest and objective. You must not misrepresent facts or subordinate your judgment to others.

Also, you must remain free of conflicts of interest unless such conflicts are specifically permitted by board rule or professional standards. If professional standards differ from board rule, board rule prevails.

**WSR 98-01-230**  
**PROPOSED RULES**  
**BOARD OF ACCOUNTANCY**

[Filed December 24, 1997, 12:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-078.

Title of Rule: WAC 4-25-622 Independence.

Purpose: To amend the rule to expand the independence requirement to include all attestation services as identified by the board and the accounting profession and to eliminate ambiguities between the Washington state regulations and the accounting professions' recognized standards.

Statutory Authority for Adoption: RCW 18.04.055(2).

Statute Being Implemented: RCW 18.04.055(2).

Summary: To require Washington certified public accountants (CPAs) in public practice to be independent in the performance of certain activities including an examination of prospective financial information.

Reasons Supporting Proposal: The existing rule requires Washington certified public accountants (CPAs) in public practice to be independent in the performance of certain activities including an examination of prospective financial information. Attestation engagements require independence for more than just an examination of prospective financial information. Amendment to the rule will expand the independence requirement to include all attestation services as identified by the board and the accounting profession and eliminate ambiguities between the Washington state regulations and the accounting professions' recognized standards. The goal of the amendment is to:

- Promote clarity.
- Ensure effective communication.
- Ensure fairness in interpretation and application of the rule.
- Promote efficiencies through minimizing gray areas.
- Address the need to protect the public through regulation of the practice of public accountancy and enhancing the reliability of information.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Independence is a rule of professional conduct necessary to establish and maintain high standards of

competence and ethics of certified public accountants (CPAs) to protect the public interest.

Proposal Changes the Following Existing Rules: Expands the independence requirement to: (1) Include all attestation services as identified by the board and the accounting profession.

(2) Eliminate ambiguities between the Washington state regulations and the accounting professions' recognized standards.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Bank of California Building, 900 4th Avenue, 24th Floor, Attorney General Training Center, Seattle, WA, on Thursday, January 29, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by January 26, 1998, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, FAX (360) 664-9190, by January 28, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997

Dana M. McInturff, CPA  
Executive Director

**AMENDATORY SECTION** (Amending WSR 93-22-046, filed 10/28/93, effective 11/28/93)

**WAC 4-25-622 Independence.** (1) A CPA in public practice must be independent in the performance of the following:

(a) An audit or review of a financial statement; or

(b) A compilation of ~~((a))~~ historical or prospective financial statement when the CPA's report does not disclose a lack of independence; or

(c) ~~((An examination of prospective financial information.))~~ Other attest engagements when required by board rules or other professional standards such as the statements of standards for attestation engagements.

(2) ~~((Independence shall be considered to be impaired if, for example, there existed any of the following transactions, interests or relationships in connection with reporting on financial statements.))~~ The following specific acts are examples of impairment of independence. The board does not intend this listing to be all inclusive.

(a) During the period of a professional engagement, or at the time of expressing an opinion, a CPA or a CPA's firm:

(i) Had or was committed to acquire any direct or material indirect financial interest in the enterprise.

(ii) Was a trustee of any trust or executor or administrator of any estate if such trust or estate had or was committed to acquire any direct or material indirect financial interest in the enterprise.

(iii) Had any joint closely-held business investment with the enterprise or with any officer, director, or principal stockholder thereof which was material in relation to the CPA's net worth or the net worth of the CPA's firm.

(iv) Had any loan to or from the enterprise or any officer, director, or principal stockholder of the enterprise except under certain circumstances for home mortgages, other secured loans, loans not material to the CPA's net worth, and various personal loans.

(b) During the period covered by the financial statements, during the period of the professional engagement or at the time of expressing an opinion, the CPA or a CPA's firm:

(i) Was connected with the enterprise as a promoter, underwriter, or voting trustee, a director or officer or in any capacity equivalent to that of a member of management or of an employee; or

(ii) Was a trustee for any pension or profit-sharing trust of the enterprise.

~~((The foregoing examples are not intended to be all inclusive.))~~

### WSR 98-01-231

#### PROPOSED RULES

#### BOARD OF ACCOUNTANCY

[Filed December 24, 1997, 12:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-114.

Title of Rule: New section WAC 4-25-626 Compensation.

Purpose:

- To clarify the prohibition against certified public accountants (CPAs), engaged in the practice of public accounting, paying or receiving commissions, referral fees, and/or contingent fees except to allow CPAs, engaged in the practice of public accounting, to accept contingent fees in very restricted situations.
- To require CPAs, not in the practice of public accounting but using the CPA title, to make full disclosure when compensated by commission, referral fee, or contingent fee.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055(2).

Summary: Sets forth that certified public accountants (CPAs) may not be compensated in a manner which tends to bias or give the appearance of tending to bias the results of their services or report.

Reasons Supporting Proposal: The board has received questions from the public regarding the appropriateness of commissions, referral fees, and contingent fees for CPAs. Also, the board has tried several complaint cases over the years wherein certified public accountants (CPAs) have misled, defrauded, or otherwise abused clients' trust in investment sales transactions where the CPA was compensated by third parties for selling or referring a product to clients. The board believes it [is] in the public's best interest to continue the prohibition against CPAs paying or receiving commissions and referral fees and to allow contingent fees only in very restricted situations. The board considers this rule necessary to clarify its position on compensation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The board is proposing this rule to protect the public from certified public accountants (CPAs) who may wish to be compensated in a manner which tends to bias or give the appearance of tending to bias the results of their services or report. WAC 4-25-626 prohibits a CPA who is engaged in the practice of public accounting from paying or accepting a commission or referral fee: (1) To obtain a client; (2) for referral of a client; (3) for the sale or referral to a client of product or services of others. WAC 4-25-626 allows a CPA who is engaged in the practice of public accounting to accept a fee which is contingent on the findings or results except the CPA may not accept a contingent fee for: (1) Attest services; (2) other than attest services provided during an attest engagement or during the period covered by the attest period; (3) an arrangement that violates federal law, or the laws of Washington state or its municipalities; (4) preparation of an original tax return; (5) in situations involving adverse parties. WAC 4-25-626 requires that a CPA using the CPA title who is not engaged in the practice of public accounting and who is compensated by commission, referral fee, or contingent fee to fully disclose, in writing, the nature, source, and amount of compensation.

**Proposal Changes the Following Existing Rules:** New section combines current rules WAC 4-25-625 Commissions and referral fees and 4-25-627 Contingent fees into one rule with the following changes:

(1) Lists four situations involving compensation arrangements the board considers to be commissions or referral fees.

(2) Allows CPAs engaged in the practice of public accounting to accept fees which are contingent on the findings or results of such professional services in very restricted situations.

(3) Requires CPAs who are not engaged in the practice of public accounting (but using the CPA title) and who are compensated by commission, referral fee, or contingent fee to disclose, in writing, the nature, source, and amount of compensation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

**Hearing Location:** Bank of California Building, 900 4th Avenue, 24th Floor, Attorney General Training Center, Seattle, WA, on Thursday, January 29, 1998, at 9:30 a.m.

**Assistance for Persons with Disabilities:** Contact Cheryl Sexton by January 26, 1998, TDD (800) 833-6384, or (360) 664-9194.

**Submit Written Comments to:** Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, FAX (360) 664-9190, by January 28, 1998.

**Date of Intended Adoption:** January 29, 1998.

December 24, 1997  
Dana M. McInturff, CPA  
Executive Director

### NEW SECTION

**WAC 4-25-626 Compensation.** (1) A licensee shall not enter into compensation arrangements or accept payments for attest services that in any way tend to bias or give the appearance of tending to bias the results of attest services or the licensee's report.

(2) **Commissions and referral fees.** A licensee shall not, in the course of his or her practice of public accounting or with respect to any client for whom the licensee provides public accounting services, pay a commission or referral fee to obtain a client, receive a commission or referral fee for referral of a client, or accept a commission or referral fee for a sale or referral to a client of products or services of others. This rule does not prohibit payments for the purchase of all, or a material part of an accounting practice, or payments to an employee for referral of a client, or retirement payments to persons formerly engaged in the practice of public accounting, or payments to the heirs or estates of such persons.

Commissions and referral fees under this rule are those payments received or compensation arrangements with respect to a transaction involving a licensee in which:

(a) The primary contractual relationship for the product or service is not made directly between the client and licensee;

(b) The licensee is not the party primarily responsible to the client for the performance or reliability of the product or service;

(c) There is no significant value added or intended to be added to the product or service in the transaction by the licensee; or

(d) A third party instead of the client pays the licensee for the products or services.

(3) **Contingent fees.** A licensee may agree to perform or perform professional services for a fee which is contingent on the findings or results of such professional services, with the following restrictions:

A licensee shall not, in the course of his or her practice of public accounting:

(a) Accept a contingent fee for attest services;

(b) Accept a contingent fee for other than attest services:

(i) When such other services are, have been or are to be provided during the period of an attest engagement requiring independence; or

(ii) When such other services are, have been or are to be provided during the period covered by the independent licensee's attest report;

(c) Accept a contingent fee if the arrangement meets any of the definitions of "commissions and referral fees" in WAC 4-25-626(2);

(d) Accept a contingent fee for preparation of original tax returns, but may otherwise accept a contingent fee in situations where the licensee reasonably expects that the findings or results, on which the contingent fee is based, will receive substantive consideration by tax authorities;

(e) Accept a contingent fee in situations involving adverse party(ies) unless:

(i) The licensee obtains written agreement from the client that the client shall promptly provide to the licensee the name(s) and address(es) of the adverse party(ies) or the primary agent of adverse party(ies) to the transaction; and

(ii) The licensee provides prompt written notification to the adverse party(ies) of their agent of the licensee's role as advisor for his or her client in the transaction and recommends that the adverse party(ies) or their agent seek their own advisor; and

(iii) The licensee reasonably expects that the findings or results, on which the contingent fee is based, will receive substantive consideration by the adverse party(ies) or their agent;

(f) Accept a contingent fee if the arrangements would violate federal laws or the laws or regulations of Washington state or its municipalities;

Contingent fee arrangements must:

(i) Be in writing, including the method of calculating the fee;

(ii) Specify the licensee's role as advisor for his or her client; and

(iii) Be available to the board or other regulatory agencies upon request.

(4) A CPA who:

(a) Represents him/herself to a client or customer as a CPA; and

(b) Is not known by that client or customer to be engaged in the practice of public accountancy; and

(c) Is compensated by commission, referral fee or contingent fee shall fully disclose, in writing, the nature, course and amount of commission, referral fee or contingent fee to a client or customer.

(5) Compensation that is set by the courts, judicial proceedings, public authorities or governmental agencies is not prohibited under this rule.

standards, regulations, releases and rules promulgated by the "appropriate bodies" for each endeavor undertaken. Board rules and professional standards conflict in some areas such as compensation. Amendment to the rule will clarify that, where conflicts exist between a board rule and a professional standard, board rule prevails. The goal of the amendment is to:

- Promote clarity.
- Ensure effective communication.
- Ensure fairness in interpretation and application of the rule.
- Promote efficiencies through minimizing gray areas.
- Address the need to protect the public through regulation of the practice of public accountancy and enhancing the reliability of information.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Compliance with standards is a rule of professional conduct necessary to establish and maintain high standards of competence and ethics of certified public accountants (CPAs) to protect the public interest.

Proposal Changes the Following Existing Rules: Clarifies that, where conflicts exist between a board rule and a professional standard, board rule prevails.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Bank of California Building, 900 4th Avenue, 24th Floor, Attorney General Training Center, Seattle, WA, on Thursday, January 29, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by January 26, 1998, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, FAX (360) 664-9190, by January 28, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997

Dana M. McInturff, CPA

Executive Director

### WSR 98-01-232

#### PROPOSED RULES

#### BOARD OF ACCOUNTANCY

[Filed December 24, 1997, 12:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-079.

Title of Rule: WAC 4-25-631 Compliance with standards.

Purpose: Amend rule to clarify that, where conflicts exist between a board rule and a professional standard, board rule prevails.

Statutory Authority for Adoption: RCW 18.04.055(6).

Statute Being Implemented: RCW 18.04.055(6).

Summary: The rule requires Washington certified public accountants (CPAs) to comply with the pertinent accounting principles, professional standards, regulations, releases and rules promulgated by the "appropriate bodies" for each endeavor undertaken.

Reasons Supporting Proposal: The existing rule requires Washington certified public accountants (CPAs) to comply with the pertinent accounting principles, professional

**AMENDATORY SECTION** (Amending WSR 93-22-046, filed 10/28/93, effective 11/28/93)

**WAC 4-25-631 Compliance with standards.** A certified public accountant shall exercise due care and professional judgment in order to comply with the pertinent accounting principles, professional standards, regulations, releases and rules (hereinafter referred to as "standards") promulgated by the "appropriate bodies" for each endeavor undertaken. A certified public accountant shall be knowledgeable of federal, state and local law pertinent to the

endeavor. If professional standards differ from board rule, board rules prevail.

Such "appropriate bodies" include, but are not limited to, the Securities and Exchange Commission; the Financial Accounting Standards Board; the Governmental Accounting Standards Board; (~~the American Institute of Certified Public Accountants;~~) the Internal Revenue Service; federal, state, and local audit, regulatory and tax agencies; the American Institute of Certified Public Accountants; and recognized educational and industry institutions.

Such "standards" include, but are not limited to:

- (1) Regulation SX and the accounting series releases of the Securities and Exchange Commission;
- (2) Generally accepted accounting principles and other comprehensive bases of accounting;
- (3) Generally accepted auditing, review, compilation, attestation, consulting and peer review standards;
- (4) Generally accepted government accounting standards;
- (5) Consensus opinions of "appropriate bodies" such as Emerging Issues Task Forces;
- (6) Circular 230 of the IRS and "appropriate bodies" guidance with respect to responsibilities in tax practice;
- (7) Rules governing practice before regulatory agencies; and
- (8) Guidance found in industry publications and textbooks and articles published by recognized accounting professionals or societies.

### WSR 98-01-233

#### PROPOSED RULES

#### BOARD OF ACCOUNTANCY

[Filed December 24, 1997, 12:00 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-080.

Title of Rule: WAC 4-25-810 continuing professional education (CPE).

Purpose: To require certified public accountants (CPAs) to acquire eight hours of continuing professional education (CPE) in ethics related courses every six years.

Statutory Authority for Adoption: RCW 18.04.055(7).

Statute Being Implemented: RCW 18.04.215(4).

Summary: Requires continuing professional education to maintain or improve the professional competence of certificate and license holders as a condition to maintaining their certificate or license to practice public accounting.

Reasons Supporting Proposal: In fulfilling its obligation to investigate complaints from the public against certified public accountants (CPAs), the board has become aware that CPAs could benefit from a refresher on board rules and regulations on a regular basis. Many of the complaints received by the board could have been avoided by the CPA had the CPA been aware of the current board rules. The accounting profession is constantly changing and the board is required by executive order to systematically review its [its] rules on a regular basis. The board wishes to accomplish a heightened awareness of the board's rules, especially as they pertain to ethics, through required continuing professional education.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 4-25-810 requires continuing professional education to maintain or improve the professional competence of certificate and license holders as a condition to maintain their certificate or license to practice public accounting. With the completion of ethics related courses on a regular basis, certified public accountants (CPAs) will maintain an understanding and awareness of the board's rules and regulations in an ever-changing environment.

Proposal Changes the Following Existing Rules: Amendment to the rule will require certified public accountants to acquire eight hours (as part of the total requirement for continuing professional education) in ethics related courses every six years.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Bank of California Building, 900 4th Avenue, 24th Floor, Attorney General Training Center, Seattle, WA, on Thursday, January 29, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by January 26, 1998, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, FAX (360) 664-9190, by January 28, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997

Dana M. McInturff, CPA

Executive Director

AMENDATORY SECTION (Amending WSR 94-02-072, filed 1/4/94, effective 2/4/94)

**WAC 4-25-810 Continuing professional education (CPE)—Who must have CPE.** The following requirements of CPE apply to the biennial renewal, or initial issue if by reciprocity, of certificates and licenses to practice public accounting pursuant to RCW 18.04.105(8) and 18.04.215(4). Renewal of a license to practice means simultaneous renewal of the license and the certificate. Certificates issued to persons born in even-numbered years are subject to renewal on July 1 of even-numbered years. Certificates issued to persons born in odd-numbered years are subject to renewal on July 1 of odd-numbered years. Each certified public accountant (CPA) shall verify to the board completion of at least eighty hours of CPE during the last two-year period unless the CPA can demonstrate that the failure was due to reasonable cause. Persons who are retired, and persons who are certificate holders, but who do not make any public, professional, commercial, or occupational use of the title CPA shall be deemed to have met the reasonable cause

exception provided by RCW 18.04.105(8) and 18.04.215(4). The board may, in particular cases, make exceptions to these requirements for reasons of individual hardship including health, military service, foreign residence, or other reasonable cause.

**(1) Hours required.**

**(a) Public accounting license.** A CPA seeking regular biennial renewal of a license, which includes renewal of the certificate, shall show completion of the required hours of CPE during the two calendar-year period preceding renewal, of which no less than thirty-two hours shall be accounting and/or auditing subjects. In a reporting period during which the licensee was not involved at any time in reporting on financial statements, no less than sixteen hours of the eighty-hour requirement shall be accounting and/or auditing subjects. Tax practitioners whose sole relationship to financial statements is the review of the federal income tax provision, related balance sheet accounts and notes are not considered to be involved in reporting on financial statements for purposes of this provision. Of the total requirement of eighty hours, no more than sixteen hours may be in CPE course subjects deemed "nontechnical" by the board in WAC 4-25-811 (2)(b). Eight hours in the subject area of professional ethics including statutes and regulations governing the practice of public accounting in Washington state shall be required every six years. The hours of professional ethics shall be part of the total requirement for CPE.

**(b) Certificate only.** A CPA, who holds a certificate but whose activities do not require a license to practice public accounting, is required to show completion of not less than eighty hours of CPE to renew the certificate under RCW 18.04.105(8) which contribute to the CPA's professional competency, meet the criteria for courses set forth in WAC 4-25-811(1) and can be classified into one of the categories of WAC 4-25-811 (2)(a) or (b). The courses must include a minimum of eight hours of accounting and/or auditing subjects for each biennial reporting period. Eight hours in the subject area of professional ethics including statutes and regulations governing the practice of public accounting in Washington state shall be required every six years. The hours of professional ethics shall be part of the total requirement for CPE.

**(2) Renewal of lapsed certificates or licenses and reciprocity.** A CPA who has previously held a license and certificate who has failed to renew timely, shall satisfy the requirements of subsection (1)(a) of this section. A CPA who held a license under the reciprocity provisions of RCW 18.04.180, shall, for the purposes of satisfying the CPE requirements, make the same showing as prescribed in subsection (1)(a) of this section at the time of application. A CPA who holds a certificate and no license who has failed to renew timely, shall satisfy the requirements of subsection (1)(b) of this section.

**(3) Renewal of initial certificate or license and certificate.** A CPA seeking to renew an initial certificate or license and certificate issued less than two years but more than one year prior to the renewal must show completion of at least forty hours of such CPE during the calendar year preceding the application. A CPA seeking to renew an initial certificate or license and certificate issued less than one year prior to the renewal will not be required to demonstrate completion of any hours of CPE for the first renewal,

subject to the provisions of subsection (2) of this section as it pertains to certificates or licenses granted through reciprocity.

**WSR 98-01-234**  
**PROPOSED RULES**  
**BOARD OF ACCOUNTANCY**  
[Filed December 24, 1997, 12:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-114.

Title of Rule: Repeal of WAC 4-25-625 and 4-25-627.

Purpose: Repeal sections of chapter 4-25 WAC that are being consolidated and recodified (WAC 4-25-626 Compensation).

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055(2).

Summary: Repeal sections of chapter 4-25 WAC that are being consolidated and recodified (WAC 4-25-626 Compensation).

Reasons Supporting Proposal: Sections of chapter 4-25 WAC are being repealed (rather than amended) and recodified to provide a history of the rules of professional conduct regarding compensation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 4-25-625 and 4-25-627 repealed are recodified to new section (WAC 4-25-626).

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Bank of California Building, 900 4th Avenue, 24th Floor, Attorney General Training Center, Seattle, WA, on Thursday, January 29, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by January 26, 1998, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, FAX (360) 664-9190, by January 28, 1998.

Date of Intended Adoption: January 29, 1998.

December 23, 1997

Dana M. McInturff, CPA  
Executive Director

PROPOSED

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 4-25-625 Commissions and referral fees
- 4-25-627 Contingent fees

PROPOSED

**WSR 98-01-085**  
**EXPEDITED ADOPTION**  
**DEPARTMENT OF ECOLOGY**

[Order 97-43—Filed December 15, 1997, 8:22 a.m.]

Title of Rule: Chapter 197-11 WAC, State Environmental Policy Act rules.

Purpose: Rules that establish uniform requirements for compliance with the State Environmental Policy Act (SEPA), chapter 43.21C RCW.

Statutory Authority for Adoption: Chapter 43.21C RCW, chapter 347, Laws of 1995 (ESHB 1724), chapter 429, Laws of 1997 (ESB 6094).

Statute Being Implemented: Chapter 43.21C RCW.

Summary: Amend WAC 197-11-680 (3)(a)(iii) by deleting the last sentence. This is needed to correct an error in amendments filed with the code reviser on October 10, 1997.

Reasons Supporting Proposal: An error was made in failing to delete a proposed WAC provision previously included in CR-102 (WSR 97-08-085). The statutory provision requiring that change was deleted by the 1997 legislature in ESB 6094, but the proposed WAC provision was not deleted. An emergency rule was filed to delete the error, pending adoption of this permanent rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Neil Aaland, 300 Desmond Drive S.E., (360) 407-7045.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The subsection of the SEPA rules being amended by this procedure addresses a certain type of administrative appeal. A 1995 statute (ESHB 1724) required that an appeal of a determination of nonsignificance (DNS) held before an agency's final decision be heard at the same proceeding as a final recommendation or decision on the proposed underlying governmental action. The amendments to the SEPA rules included that requirement. A 1997 statute (ESB 6094) repealed that provision, based on testimony that it created an unworkable situation for those types of appeal.

However, this provision was inadvertently left in the rule amendments filed on October 10, effective November 10, 1997. The effect is that an administrative appeal procedure in the SEPA rules would conflict with the statute. An emergency rule was filed to delete the error pending permanent deletion. This current expedited adoption is intended to permanently delete the error.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

**NOTICE**

**THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY**

MUST BE SENT TO Jerry Thielen, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY February 21, 1998.

December 7, 1997  
 Daniel J. Silver  
 Deputy Director

AMENDATORY SECTION (Amending Order 95-16, filed 10/10/97, effective 11/10/97)

**WAC 197-11-680 Appeals.** (1) **Introduction.** Appeals provisions in SEPA are found in RCW 43.21C.060, 43.21C.075 and 43.21C.080. These rules attempt to construe and interpret the statutory provisions. In the event a court determines that these rules are inconsistent with statutory provisions, or with the framework and policy of SEPA, the statute will control. Persons considering either administrative or judicial appeal of any decision which involves SEPA at all are advised to read the statutory sections cited above.

(2) **Appeal to local legislative body.** RCW 43.21C.060 allows an appeal to a local legislative body of any decision by a local nonelected official conditioning or denying a proposal under authority of SEPA. Agencies may establish procedures for such an appeal, or may eliminate such appeals altogether, by rule, ordinance or resolution. Such appeals are subject to the restrictions in RCW 36.70B.050 and 36.70B.060 that local governments provide no more than one open record hearing and one closed record appeal for permit decisions.

(3) **Agency administrative appeal procedures.**

(a) Agencies may provide for an administrative appeal of determinations relating to SEPA in their agency SEPA procedures. If so, the procedures must comply with the following:

(i) The agency must specify by rule, ordinance, or resolution that the appeals procedure is available.

(ii) Appeal of the intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed.

(iii) Appeals on SEPA procedures shall be limited to review of a final threshold determination and final EIS. These appeals may occur prior to an agency's final decision on a proposed action. ~~((Any appeal of a DNS held before an agency's final decision must be heard at a proceeding where the hearing body or officer will render a final recommendation or decision on the proposed underlying governmental action.))~~

(iv) An agency shall provide for only one administrative appeal of a threshold determination or of the adequacy of an EIS; successive administrative appeals on these issues within the same agency are not allowed. This limitation does not apply to administrative appeals before another agency.

(v) Except as provided in (a)(vi) of this subsection, the appeal shall consolidate any allowed appeals of procedural and substantive determinations under SEPA with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before one hearing officer or body. The hearing or appeal shall be one at which the hearing officer or body will consider either the agency's decision or a recommendation on the proposed underlying governmental action. For example, an appeal of the adequacy of an EIS must be consolidated with a hearing or appeal on the

agency's decision or recommendation on the proposed action, if both proceedings are allowed in agency procedures. If an agency does not provide for a hearing or appeal on the underlying governmental action (either a hearing on the agency's recommendation or an agency appeal hearing after the decision is made), the agency may not hold a SEPA administrative appeal, except as allowed under (a)(vi) of this subsection.

(vi) The following appeals of SEPA procedural or substantive determinations need not be consolidated with a hearing or appeal on the underlying governmental action:

(A) An appeal of a determination of significance;

(B) An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under SEPA, including any appeals of its procedural determinations, prior to submitting an application for a project permit. Subsequent appeals of substantive determinations by an agency with jurisdiction over the proposed project shall be allowed under the SEPA appeal procedures of the agency with jurisdiction;

(C) An appeal of a procedural determination made by an agency on a nonproject action; and

(D) An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes.

(vii) If a county/city to which RCW 36.70B.110 applies provides for an administrative appeal, any such appeal of a procedural or substantive determination under SEPA issued at the same time as the decision on a project action shall be filed within fourteen days after a notice of decision under RCW 36.70B.130 or after other notice that the decision has been made and is appealable. In order to allow public comment on a DNS prior to requiring an administrative appeal to be filed, this appeal period shall be extended for an additional seven days if the appeal is of a DNS for which public comment is required under this chapter or under county/city rules adopted under SEPA. For threshold determinations issued prior to a decision on a project action, any administrative appeal allowed by a county/city shall be filed within fourteen days after notice that the determination has been made and is appealable. Nothing in this subsection alters the requirements of (a)(v) and (vi) of this subsection.

(viii) Agencies shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(b) Agencies providing for administrative appeals shall provide for a record as required by RCW 43.21C.075 (3)(c).

(c) If an agency provides an administrative appeal procedure, that procedure must be used before anyone may initiate judicial review of any SEPA issue that could have been reviewed under the agency procedures.

(4) Judicial appeals.

(a) SEPA authorizes judicial appeals of both procedural and substantive compliance with SEPA.

(b) When SEPA applies to a decision, any judicial appeal of that decision potentially involves both those issues pertaining to SEPA (SEPA issues) and those which do not (non-SEPA issues). RCW 43.21C.075 establishes time limits for raising SEPA issues, but says that existing statutes of limitations control the appeal of non-SEPA issues. The statute contemplates a single lawsuit.

(c) If there is a time limit established by statute or ordinance for appealing the underlying governmental action,

then appeals (or portions thereof) raising SEPA issues must be filed within such time period.

(d) The notice of action procedures of RCW 43.21C.080 may still be used. If this procedure is used, then the time limits for judicial appeal specified in RCW 43.21C.080 shall apply, unless there is a time limit established by statute or ordinance for appealing the underlying governmental action. If so, the time limit for appeal of SEPA issues shall be the time limit in the statute or ordinance for the underlying governmental action. If the proposal requires more than one governmental decision that will be supported by the same SEPA documents, then RCW 43.21C.080 still only allows one judicial appeal of procedural compliance with SEPA, which must be commenced within the applicable time to appeal the first governmental decision.

(e) If the time limit established by statute or ordinance for appealing the underlying governmental action is less than fifteen days, then the notice of action in RCW 43.21C.080(1) may be given by publishing once within that shorter time period, in a newspaper of general circulation in the area where the property that is the subject of the action is located, and meeting the other requirements of RCW 43.21C.080.

(f) If there is no time limit established by statute or ordinance for appeal, and the notice of action provisions are not used, then SEPA provides no time limit for judicial appeals. Appeal times may still be limited, however, by general statutes of limitation or the common law.

(g) For the purposes of this subsection, "a time limit established by statute or ordinance" does not include time limits established by the general statutes of limitation in chapter 4.16 RCW.

**(5) Official notice of the date and place for commencing a judicial appeal.**

(a) Official notice of the date and place for commencing an appeal must be given if there is a time limit established by statute or ordinance for commencing an appeal of the underlying governmental action. The notice shall include:

(i) The time limit for commencing appeal of the underlying governmental action and SEPA issues, and the statute or ordinance establishing the time limit; and

(ii) Where an appeal may be filed.

(b) Notice is given by:

(i) Delivery of written notice to the applicant, all parties to any administrative appeal, and all persons who have requested notice of decisions with respect to the particular proposal in question; and

(ii) Following the agency's normal methods of notice for the type of governmental action taken.

(c) Written notice containing the information required by subsection (5)(a) of this section may be appended to the permit, decision documents, or SEPA compliance documents or may be printed separately.

(d) Official notices required by this subparagraph shall not be given prior to final agency action.

**WSR 98-01-101**  
**EXPEDITED ADOPTION**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**

[Filed December 16, 1997, 3:12 p.m.]

Title of Rule: Chapter 250-18 WAC, Residency status for higher education.

Purpose: Revise chapter 250-18 WAC to reflect legislative changes.

Statutory Authority for Adoption: RCW 28B.15.015.

Statute Being Implemented: Revisions reflect RCW 28B.15.0131 (1994) and chapter 433, Laws of 1997.

Summary: For tuition and fee purposes, home tuition program participants and qualified members of specified American Indian tribes are classified as residents of Washington.

Reasons Supporting Proposal: This revision reflects statutory changes.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia Mosqueda, 917 Lakeridge Way, Olympia, (360) 753-7863.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 250-18 WAC establishes regulations for determining residency status of students attending public higher education in Washington - for tuition and fee purposes.

Proposal Changes the Following Existing Rules: This revision in chapter 250-18 WAC reflects two statutory changes related to (1) students participating in the "home tuition program"; and (2) certain members of specified American Indian tribes. Students in these two categories may be classified as residents for tuition and fee purposes.

**NOTICE**

**THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Patricia Mosqueda, Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, AND RECEIVED BY February 21, 1998.**

December 11, 1997  
 Patricia Mosqueda  
 Policy Associate

**AMENDATORY SECTION** (Amending WSR 93-20-004, filed 9/22/93, effective 10/23/93)

**WAC 250-18-020 Student classification.** (1) For a student to be classified as a "resident" for tuition and fee purposes, he or she shall:

(a)(i) Have established a bona fide domicile in the state of Washington primarily for purposes other than educational for the period of one year immediately prior to commencement of the first day of the semester or quarter for which he or she has registered at any institution; and

(ii) Be financially independent; or

(b) Be a dependent student, with one or both of whose parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution; or

(c) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high school in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; ((or))

(d) Be the spouse or dependent of an active duty military person stationed in the state of Washington; or

(e) Be a student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition program agreement under RCW 28B.15.725; or

(f) Be a student domiciled for one year in one or a combination of the following states: Idaho, Montana, Oregon, or Washington, and be a member of one of the following American Indian tribes:

(i) Colville Confederated Tribes;

(ii) Confederated Tribes of the Chehalis Reservation;

(iii) Hoh Indian Tribe;

(iv) Jamestown S'Klallam Tribe;

(v) Kalispel Tribe of Indians;

(vi) Lower Elwha Klallam Tribe;

(vii) Lummi Nation;

(viii) Makah Indian Tribe;

(ix) Muckleshoot Indian Tribe;

(x) Nisqually Indian Tribe;

(xi) Nooksack Indian Tribe;

(xii) Port Gamble S'Klallam Community;

(xiii) Puyallup Tribe of Indians;

(xiv) Quileute Tribe;

(xv) Quinault Indian Nation;

(xvi) Confederated Tribes of Salish Kootenai;

(xvii) Sauk Suiattle Indian Nation;

(xviii) Shoalwater Bay Indian Tribe;

(xix) Skokomish Indian Tribe;

(xx) Snoqualmie Tribe;

(xxi) Spokane Tribe of Indians;

(xxii) Squaxin Island Tribe;

(xxiii) Stillaguamish Tribe;

(xxiv) Suquamish Tribe of the Port Madison Reservation;

(xxv) Swinomish Indian Community;

(xxvi) Tulalip Tribes;

(xxvii) Upper Skagit Indian Tribe;

(xxviii) Yakama Indian Nation;

(xxix) Coeur d'Alene Tribe;

EXPEDITED ADOPTION

(xxx) Confederated Tribes of Umatilla Indian Reservation;

(xxxix) Confederated Tribes of Warm Springs;

(xxxii) Kootenai Tribe; and

(xxxiii) Nez Perce Tribe.

(2) A student shall be classified as a "nonresident" for tuition and fee purposes if he or she does not qualify as a resident student under the provisions of subsection 1 of this section. A nonresident student shall include a student if he or she:

(a) Will be financially dependent for the current year or was financially dependent for the calendar year prior to the year in which application is made and who does not have a parent or legally appointed guardian who has maintained a bona fide domicile in the state of Washington for one year immediately prior to the commencement of the semester or quarter for which the student has registered at an institution;

(b) Attends an institution with financial assistance provided by another state or governmental unit or agency thereof wherein residency in that state is a continuing qualification for such financial assistance, such nonresidency continuing for one year after the completion of the quarter or semester for which financial assistance is provided. Such financial assistance relates to that which is provided by another state, governmental unit[,] or agency thereof for direct or indirect educational purposes and does not include retirements, pensions, or other noneducational related income. A student loan guaranteed by another state or governmental unit or agency thereof on the basis of eligibility as a resident of that state is included within the term "financial assistance;"

(c) Is not a citizen of the United States of America, unless such person holds permanent or temporary resident immigration status, "refugee - parolee," or "conditional entrant" status or is not otherwise permanently residing in the United States under color of law and further meets and complies with all applicable requirements of WAC 250-18-030 and 250-18-035.

(3) A person does not lose a domicile in the state of Washington by reason of residency in any state or country while a member of the civil or military service of this state or of the United States, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas if that person returns to the state of Washington within one year of discharge from said service with the intent to be domiciled in the state of Washington.

(4) Any resident dependent student who remains in this state when such student's parents or legal guardians, having theretofore, been domiciled in this state for a period of one year immediately prior to commencement of the first day of the semester or quarter for which the student has registered at any institution, move from this state, shall be entitled to continued classification as a resident student so long as such student is continuously enrolled during the academic year.

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

**AMENDATORY SECTION** (Amending WSR 93-20-004, filed 9/22/93, effective 10/23/93)

**WAC 250-18-060 Exemptions from nonresident status.** In accordance with RCW 28B.15.014, certain nonresidents may be exempted from paying the nonresident tuition and fee differential. Exemption from the nonresident tuition and fee differential shall apply only during the term(s) such persons shall hold such appointments or be so employed. To be eligible for such an exemption, a nonresident student must provide documented evidence that he or she does reside in the state of Washington, and:

(1) Holds a graduate service appointment designated as such by an institution involving not less than twenty hours per week;

(2) Is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week;

(3) Is a faculty member, classified staff member, or administratively exempt employee who resides in the state of Washington and is holding not less than a half-time appointment, or the spouse or dependent child of such a person;

(4) Is an active duty military person stationed in the state of Washington;

(5) Is an immigrant having refugee classification from the U.S. Immigration and Naturalization Service or the spouse or dependent child of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship; or

(6) ~~(Is a domestic exchange student participating under 28B.15.725 RCW; or~~

~~(7))~~ Is a dependent of a member of the United States Congress representing the state of Washington.

#### WSR 98-01-135

##### EXPEDITED ADOPTION

#### INSURANCE COMMISSIONER'S OFFICE

[Filed December 19, 1997, 8:37 a.m.]

Title of Rule: WAC 284-17-135 Reexamination after failure to pass.

Purpose: This existing rule will be repealed. There is no longer any need for this rule.

Other Identifying Information: Insurance Commissioner Matter No. R 97-7.

Statutory Authority for Adoption: RCW 48.02.060, 48.17.130.

Statute Being Implemented: RCW 48.17.130.

Summary: This proposal is to repeal WAC 284-17-135. This would eliminate a one year waiting period for some prospective licensee applicants.

Reasons Supporting Proposal: The rule is no longer necessary, the benefits of this regulation do not outweigh the possible burdens upon certain licensee applicants.

Name of Agency Personnel Responsible for Drafting: Jon Hedegard, Lacey, Washington, (360) 407-0728; Implementation: Erika Taylor, Lacey, Washington, (360) 438-7707; and Enforcement: Bill Frandsen, Lacey, Washington, (360) 438-7697.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

EXPEDITED ADOPTION

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The proposal is to repeal WAC 284-84-135. The existing rule mandates a one year waiting period before taking an examination for a line or lines of insurance if the applicant for an insurance license has failed the test for that same line or lines three consecutive times. The original purpose for the rule was to prevent an examinee from benefitting from failure by learning a high percentage of the limited number of test questions. The computerization of the testing process has ensured that there is a sufficiently varied number of questions so that is no longer a concern. The elimination of this requirement will remove a possible barrier to licensing for which is no longer adequate justification. There will be no adverse impacts to the consumer but there will be benefits to prospective licensees, to their employers and to the commissioner.

**Proposal Changes the Following Existing Rules:** The proposal would repeal WAC 284-17-135 for the reasons stated above. There would not be an impact on any other existing rule.

**NOTICE**

**THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kacy Brandeberry, Office of the Insurance Commissioner, P.O. Box 40256, Olympia, WA 98504-0256, AND RECEIVED BY February 13, 1997 [1998].**

December 18, 1997  
Greg J. Scully  
Chief Deputy Commissioner

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 284-17-135      Reexamination after failure to pass.

**WSR 98-01-219**

**EXPEDITED ADOPTION**

**DEPARTMENT OF ECOLOGY**

[Order 97-41—Filed December 24, 1997, 10:30 a.m.]

**Title of Rule:** Certain parts of the forest practices rules, Title 222 WAC, are adopted by reference via forest practices rules and regulations to protect water quality, chapter 173-202 WAC.

**Purpose:** To make nonsubstantial, editorial corrections to chapter 173-202 WAC consistent with Title 222 WAC corrections proposed by the Forest Practices Board.

**Other Identifying Information:** The Department of Natural Resources, on behalf of the Forest Practices Board, adopted December 3, 1997, by expedited rule making to make changes in the sections listed in the left column below. The sections in the right column are ones ecology can adopt by reference under chapter 173-202 WAC.

Forest Practices Board	Department of Ecology
WAC 222-08-035	WAC 222-08-035
WAC 222-10-040	
WAC 222-12-040	WAC 222-12-040
WAC 222-12-046	
WAC 222-12-050	
WAC 222-12-090	WAC 222-12-090
WAC 222-16-010	WAC 222-16-010
WAC 222-16-030	WAC 222-16-030
WAC 222-16-035	
WAC 222-16-050	WAC 222-16-050
WAC 222-16-070	
WAC 222-16-080	
WAC 222-20-060	
WAC 222-22-020	
WAC 222-22-040	
WAC 222-22-050	
WAC 222-22-080	
WAC 222-22-090	
WAC 222-24-030	WAC 222-24-030 (2), (4), (5), (6), (8), (9), (10)
WAC 222-24-040	WAC 222-24-040 (1), (2), (3), (4)
WAC 222-24-050	WAC 222-24-050
WAC 222-30-020	WAC 222-30-020 (2), (3)(c), (3)(e), (4), (5), (6), (7)
WAC 222-30-050	WAC 222-30-050 (1), (2), (3), (4)
WAC 222-30-060	WAC 222-30-060 (1), (2), (3), (4)(c)
WAC 222-30-070	WAC 222-30-070 (1), (2), (4), (6), (7), (8)
WAC 222-30-100	WAC 222-30-100 (1)(c), (4), (5)
WAC 222-38-020	WAC 222-38-020
WAC 222-46-030	
WAC 222-50-020	

**Statutory Authority for Adoption:** RCW 90.48.420, 76.09.040, [76.09.]050 and chapter 34.05 RCW.

**Statute Being Implemented:** Chapter 90.48 RCW.

**Summary:** Adopt by reference certain corrections to Title 222 WAC including replacing references to the Department of Fisheries with references to the Department of Fish and Wildlife, removing redundant language, updating of references, correction of a document citation, reformatting a table, removing a section whose time line had elapsed.

**Reasons Supporting Proposal:** Clarifies and updates this regulation.

**Name of Agency Personnel Responsible for Drafting:** Doug Rushton, 300 Desmond Drive, Lacey, WA 98503, (360) 407-6180; **Implementation and Enforcement:** Dick Wallace, 300 Desmond Drive, Lacey, WA 98503, (360) 407-6489.

**Name of Proponent:** Department of Ecology, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** Adopt by reference nonsubstantial, editorial corrections to Title 222 WAC including replacing references to the Department of Fisheries with references to the Department of Fish and Wildlife, removing redundant language, updating of references, correction of a document citation, reformatting a table, removing a section that had an expiration date that had elapsed. Adoption of these changes

in late 1997 will allow them to be incorporated into the new edition of the Forest Practices Rule Book, which will be published in early 1998. This will provide an accurate, up-to-date publication to the public.

Proposal Changes the Following Existing Rules: See above explanation which lists the specific parts of the WAC affected.

#### NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600 AND RECEIVED BY February 21, 1998.

December 22, 1997

Daniel J. Silver  
Deputy Director

**AMENDATORY SECTION** (Amending WSR 94-17-011, filed 8/8/94, effective 9/8/94)

**WAC 173-202-020 Certain WAC sections adopted by reference.** The following sections of the Washington Administrative Code existing on ~~((September 15, 1994))~~ December 3, 1997, are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

- WAC 222-08-035—Continuing review of forest practices regulations.
- WAC 222-12-010—Authority.
- WAC 222-12-040—Alternate plans.
- WAC 222-12-045—Adaptive management.
- WAC 222-12-046—Cumulative effect
- WAC 222-12-070—Enforcement policy.
- WAC 222-12-090—Forest practices board manual.
- WAC 222-16-010—General definitions.
- WAC 222-16-030—Water typing system.
- WAC 222-16-035—Wetland typing system.
- WAC 222-16-050 (1)(a), (1)(e), (1)(h), (1)(i), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(n), (3)(o), (3)(p), (4)(c), (4)(d), (4)(e), (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(h), (5)(n)—Classes of forest practices.
- WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.
- WAC 222-22-010—Policy.
- WAC 222-22-020—Watershed administrative units.
- WAC 222-22-030—Qualification of watershed resource analysts, specialists, and field managers.
- WAC 222-22-040—Watershed prioritization.
- WAC 222-22-050—Level 1 watershed resource assessment.
- WAC 222-22-060—Level 2 watershed resource assessment.
- WAC 222-22-070—Prescription recommendation.
- WAC 222-22-080—Approval of watershed analysis.

- WAC 222-22-090—Use and review of watershed analysis.
- WAC 222-22-100—Application review prior to watershed analysis.
- WAC 222-24-010—Policy.
- WAC 222-24-020 (2), (3), (4), (6)—Road location.
- WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.
- WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road construction.
- WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—Landing location and construction.
- WAC 222-24-040 (1), (2), (3), (4)—Water crossing structures.
- WAC 222-24-050—Road maintenance.
- WAC 222-24-060 (1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.
- WAC 222-30-010—Policy—Timber harvesting.
- WAC 222-30-020 (2), (3), (4), (5), (7)(a), (7)(e), (7)(f), (8)(c)—Harvest unit planning and design.
- WAC 222-30-025—Green-up: Even-aged harvest size and timing.
- WAC 222-30-030—Stream bank integrity.
- WAC 222-30-040—Shade requirements to maintain stream temperature.
- WAC 222-30-050 (1), (2), (3)—Felling and bucking.
- WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.
- WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—Tractor and wheeled skidding systems.
- WAC 222-30-080 (1), (2)—Landing cleanup.
- WAC 222-30-100 (1)(a), (1)(c), (4), (5)—Slash disposal.
- WAC 222-34-040—Site preparation and rehabilitation.
- WAC 222-38-010—Policy—Forest chemicals.
- WAC 222-38-020—Handling, storage, and application of pesticides.
- WAC 222-38-030—Handling, storage, and application of fertilizers.
- WAC 222-38-040—Handling, storage, and application of other forest chemicals.

#### WSR 98-01-222

#### EXPEDITED ADOPTION FOREST PRACTICES BOARD [Filed December 24, 1997, 11:07 a.m.]

**Title of Rule:** Forest practices rules implementing the Gorge management plan in the special management areas of the Columbia River Gorge National Scenic Area.

**Purpose:** These rules provide a regulatory process for forest practices in the special management area of the Columbia River Gorge National Scenic Area.

**Other Identifying Information:** This is a negotiated rule-making proposal developed by key stakeholders interested in this issue. See Explanation of Rule below.

**Statutory Authority for Adoption:** Chapter 35.05 [34.05] RCW, RCW 76.09.040, [76.09.]050.

**Statute Being Implemented:** Chapter 76.09 RCW.

**Summary:** Amends WAC 222-16-010, 222-16-050, 222-20-010, and 222-20-040; new sections WAC 222-20-130 and 222-46-015.

**Reasons Supporting Proposal:** Recognizes intent of the Columbia River Gorge National Scenic Area compact and the Forest Practices Act by coordinating the process for evaluating forest practices and implementing the Gorge plan guidelines in the Special Management Areas.

**Name of Agency Personnel Responsible for Drafting:** Judith Holter, 1111 Washington Street S.E., Olympia, WA 98501-7012, (360) 902-1412; **Implementation and Enforcement:** John Edwards, 1111 Washington Street S.E., Olympia, WA 98501-7012, (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:** This negotiated proposal was developed by representatives of the following groups: Forest Practices Board, Department of Natural Resources, Columbia River Gorge Commission, United States Forest Service, Gorge area landowners (industrial and nonindustrial), Gorge area environmental groups, the Friends of the Columbia Gorge, and counties. As a result of this consensus proposal, the long-standing dispute as to which forest practices standards apply within the Special Management Area has been resolved.

Reclassifies certain Class I and II forest practices applications within the Special Management Area of the Columbia River Gorge National Scenic Area and requires prior review by the United States Forest Service for conformance to Gorge management guidelines. The Department of Natural Resources' role in administering and enforcing the permitting process for forest practices within the Columbia River Gorge National Scenic Area Special Management Area is clarified in two new sections.

**Proposal Changes the Following Existing Rules:** Amending WAC 222-16-010, Columbia River Gorge National Scenic Area (CRGNSA), CRGNSA Special Management Area, and CRGNSA Special Management Area Guidelines are defined.

WAC 222-16-050(3), selected Class I forest practices in the CRGNSA SMA are reclassified and subsection (4), selected Class II forest practices in the CRGNSA SMA are reclassified.

WAC 222-20-010(7), policy for forest practices applications is modified to include language requiring USFS review if the application is within the CRGNSA Special Management Area and WAC 222-20-040(5), this section outlines the coordinated efforts of federal and state regulatory agencies and seeks to foster cooperation among the various groups and individuals.

New sections WAC 222-20-130, The Department of Natural Resources shall administer the permitting process for all forest practices on forest land in the CRGNSA Special Management Area.

WAC 222-46-015, The Department of Natural Resources will administer and enforce these forest practices rules.

#### NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR

PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Judith Holter, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012 AND RECEIVED BY February 20, 1998.

December 19, 1997

Jennifer M. Belcher  
Commissioner of Public Lands

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**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.

**"Columbia River Gorge National Scenic Area or CRGNSA"** means the area established pursuant to the Columbia River Gorge National Scenic Area Act, 16 U.S.C. § 544b(a).

**"CRGNSA Special Management Area"** means the areas designated in the Columbia River Gorge National Scenic Area Act, 16 U.S.C. § 544b(b) or revised pursuant to

EXPEDITED ADOPTION

16 U.S.C. § 544b(c). For purposes of this rule, the Special Management Area shall not include any parcels excluded by 16 U.S.C. § 544f(o).

**"CRGNSA Special Management Area Guidelines"** means the guidelines and land use designations for forest practices developed pursuant to 16 U.S.C. § 544f contained in the CRGNSA Management Plan developed pursuant to 15 U.S.C. § 544d.

**"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 habitat enhancement agreement (CHEA)"** see WAC 222-16-105.

**"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 which is documented and recorded in the department of fish and wildlife data base. 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.

**"Marbled murrelet nesting platform"** means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

**"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) 1.5 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) 1.5 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) In determining the existence, location and status of occupied marbled murrelet sites, 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.

"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.

"Qualified surveyor" means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

"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 containing trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

(a) Within 50 miles of marine waters;

(b) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(c) Two or more nesting platforms per acre;

(d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with

similar forest stand characteristics (age, species composition, forest structure) to the forested area in which the nesting platforms occur.

**"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 fish and 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 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-16-050 Classes of forest practices.** There are 4 classes of forest practices created by the act. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "**Class IV - special.**" Application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

\*(a) Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070 or ground application of a pesticide within a Type A or B wetland.

(b) Specific forest practices listed in WAC 222-16-080 on lands designated as:

(i) Critical wildlife habitat (state) of threatened or endangered species; or

(ii) Critical habitat (federal) of threatened or endangered species except those excluded by the board under WAC 222-16-080(3).

(c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

\*(d) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on slide

prone areas as defined in WAC 222-24-020(6) and field verified by the department, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, when such slide prone areas occur on an uninterrupted slope above water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or capital improvement of the state or its political subdivisions where there is potential for a substantial debris flow or mass failure to cause significant impact to public resources.

\*(e) Timber harvest in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, on slide prone areas, field verified by the department, where soils, geologic structure, and local hydrology indicate that canopy removal has the potential for increasing slope instability, when such areas occur on an uninterrupted slope above any water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or a capital improvement of the state or its political subdivisions where there is a potential for a substantial debris flow or mass failure to cause significant impact to public resources.

(f) Timber harvest, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation, as high avalanche hazard.

(g) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves, or glyptic records, as provided for in chapters 27.44 and 27.53 RCW. The department shall consult with affected Indian tribes in identifying such sites.

\*(h) Forest practices subject to a watershed analysis conducted under chapter 222-22 WAC in an area of resource sensitivity identified in that analysis which deviates from the prescriptions (which may include an alternate plan) in the watershed analysis.

\*(i) Filling or draining of more than 0.5 acre of a wetland.

(2) "**Class IV - general.**" Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-16-060 and 222-34-050.)

(3) "Class I." Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

\*(b) Road maintenance except: (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters or Type A or B Wetlands.

\*(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or 3 Water, the ordinary high-water mark of a Type 4 Water, a wetland management zone (~~or within~~), a wetland, or the CRGNSA Special Management Area.

\*(d) Construction of less than 600 feet of road on a sideslope of 40 percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, the ordinary high-water mark of a Type 4 Water, a wetland management zone (~~or within~~), a wetland, or the CRGNSA Special Management Area.

\*(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

\*(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning, if not within the CRGNSA Special Management Area.

(j) Tree planting and seeding.

(k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period, if not within the CRGNSA Special Management Area.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

\*(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type 1 Water, the riparian management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water, a wetland management zone (~~or within~~), a wetland, or the CRGNSA Special Management Area.

\*(o) Ground application of chemicals, if not within the CRGNSA Special Management Area. (See WAC 222-38-020 and 222-38-030.)

\*(p) Aerial application of chemicals (except insecticides), outside of the CRGNSA Special Management Area when applied to not more than 40 contiguous acres if the

application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type 1 Water or the riparian management zone of a Type 2 or 3 Water, (~~or within~~) the ordinary high-water mark of a Type 4 Water or flowing Type 5 Water, or within the CRGNSA Special Management Area and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(s) Removal of beaver structures from culverts on active and inactive roads. A hydraulics project approval from the Washington department of fish and wildlife may be required.

(4) "Class II." Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: *Provided*, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification where no change in the nature and extent of the forest practices is required under rules effective at the time of renewal.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal.

\*(c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone (~~or~~), within a wetland, or within the CRGNSA Special Management Area:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

\* (d) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

Salvage of logging residue.

\* (e) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone ((~~or~~)), within a wetland, or within the CRGNSA Special Management Area, and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(iv) Any harvest on less than 40 acres.

(v) Construction of 600 or more feet of road, provided that the department shall be notified at least 2 business days before commencement of the construction.

(5) "Class III." Forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

\* (b) Those within the shorelines of the state other than those in a Class I forest practice.

\* (c) Aerial application of insecticides, except where classified as a Class IV forest practice.

\* (d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

\* (e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

\* (f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

\* (h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters or Type A or B Wetlands.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

\* (n) Any filling of wetlands, except where classified as Class IV forest practices.

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-20-010 Applications and notifications—Policy.** (1) **No Class II, III or IV forest practices** shall be commenced or continued unless the department has received a notification for Class II forest practices, or approved an application for Class III or IV forest practices pursuant to the act. Where the time limit for the department to act on the application has expired, and none of the conditions in WAC 222-20-020(1) exist, the operation may commence. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

(2) **The department shall** prescribe the form and contents of the notification and application, which shall specify what information is needed for a notification, and the information required for the department to approve or disapprove the application.

(3) **Applications and notifications** for operations not converting to another use shall be signed by the landowner, the timber owner and the operator, or the operator and accompanied by a consent form signed by the timber owner and the landowner. A consent form may be another document if it is signed by the landowner(s) and it contains a statement acknowledging that he/she is familiar with the Forest Practices Act, including the provisions dealing with conversion to another use (RCW 76.09.060(3)). Where the application is not signed by the landowner, the department shall, provided all the other requirements contained in chapter 222-20 WAC are met, approve the application without the signature of the landowner if:

(a) The operator or timber owner provides legal evidence of timber rights, ownership, or other legal rights;

(b) The timber owner or operator posts a bond, in an amount determined by and a form acceptable to the department, securing compliance with the requirements of the forest practices regulations; and

(c) The operator or timber owner provides evidence of reasonably advance notification to the landowner of the proposed forest practice and that the landowner has been requested to sign the application, a copy of which has been made available to the landowner: *Provided*, That in lieu of such evidence the applicant may submit a sworn statement indicating inability to locate the landowner after a reasonable good faith attempt to locate and notify the landowner of the proposed forest practice.

(4) **Where an application** for a conversion is not signed by the landowner or accompanied by a consent form, as outlined in subsection (3) of this section, the department shall not approve the application. Applications and notifica-

tions for the development or maintenance of utility rights of way shall not be considered to be conversions.

(5) **Transfer of the approved application or notification** to a new landowner, timber owner or operator requires written notice by the original landowner or applicant to the department and should include the original application or notification number. This written notice shall be in a form acceptable to the department and shall contain an affirmation signed by the new landowner, timber owner, or operator, as applicable, that he/she agrees to be bound by all conditions on the approved application or notification. In the case of a transfer of an application previously approved without the landowner's signature the new timber owner or operator must submit a bond securing compliance with the requirements of the forest practices regulations as determined necessary by the department. If an application or notification indicates that the landowner or timber owner is also the operator, or an operator signed the application, no notice need be given regarding any change in subcontractors or similar independent contractors working under the supervision of the operator of record.

(6) **Applications and notifications** must be delivered to the department at the appropriate region office. Delivery should be in person or by registered or certified mail.

(7) **Applications and notifications** shall be considered received on the date and time shown on any registered or certified mail receipt, or the written receipt given at the time of personal delivery, or at the time of receipt by general mail delivery. Applications or notifications that are not complete, or are inaccurate will not be considered officially received until the applicant furnishes the necessary information to complete the application. A review statement from the U.S. Forest Service that evaluates compliance of the forest practices with the CRGNSA Special Management Area Guidelines is necessary information for an application or notification within the CRGNSA Special Management Area. The review statement requirement shall be waived if the applicant can demonstrate the U.S. Forest Service received a complete plan application and failed to act within 45 days. An environmental checklist (WAC 197-11-315) is necessary information for all Class IV applications. A local government entity clearing and/or grading permit is necessary information for all Class IV applications on lands that will be converted to a use other than commercial timber production or on lands which have been platted after January 1, 1960, if the local government entity has jurisdiction and has an ordinance requiring such permit. If a notification or application is delivered in person to the department by the operator or the operator's authorized agent, the department shall immediately provide a dated receipt. In all other cases, the department shall immediately mail a dated receipt to the applicant.

**AMENDATORY SECTION** (Amending WSR 91-23-052, filed 11/15/91, effective 12/16/91)

**WAC 222-20-040 Approval conditions.** (1) **Whenever an approved application** authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved

application, notify the department 2 business days before the commencement of actual operations.

(2) **All approvals are** subject to any conditions stipulated on the approved application and to any subsequent additional requirements set forth in a stop work order or a notice to comply.

(3) **Local government entity conditions.**

(a) RCW 76.09.240(1) allows a local government entity to exercise limited land use planning or zoning authority on certain types of forest practices. This subsection is designed to ensure that local government entities exercise this authority consistent with chapter 76.09 RCW and the rules in Title 222 WAC. The system provided for in this subsection is optional.

(b) This subsection only applies to Class IV general applications on lands that will be converted to a use other than commercial timber production or to Class IV general applications on lands which have been platted after January 1, 1960.

(c) The department shall transmit the applications to the appropriate local government entity within two business days from the date the department receives the application.

(d) The department shall condition the application consistent with the request of the local government entity if:

(i) The local government entity has adopted a clearing and/or grading ordinance that addresses the items listed in (e) of this subsection and requires a permit;

(ii) The local government entity has issued a permit under the ordinance in (i) that contains the requested conditions; and

(iii) The local government entity has entered into an interagency agreement with the department consistent with WAC 222-50-030 addressing enforcement of forest practices.

(e) The local government entity conditions may only cover:

(i) The location and character of open space and/or vegetative buffers;

(ii) The location and design of roads;

(iii) The retention of trees for bank stabilization, erosion prevention, and/or storm water management; or

(iv) The protection of critical areas designated pursuant to chapter 36.70A RCW.

(f) Local government entity conditions shall be filed with the department within twenty-nine days of the filing of the application with the department or within fourteen business days of the transmittal of the application to the local government entity or one day before the department acts on the application, whichever is later.

(g) The department shall incorporate local government entity conditions consistent with this subsection as conditions of the forest practices approval.

(h) Any exercise of local government entity authority consistent with this subsection shall be considered consistent with the forest practices rules in this chapter.

(4) **Lead agency mitigation measures.**

(a) This subsection is designed to specify procedures for a mitigated DNS process that are consistent with chapters 76.09 and 43.21C RCW and the rules in Title 222 WAC and chapter 197-11 WAC.

(b) This subsection applies to all Class IV applications in which the department is not the lead agency under SEPA. (See WAC 197-11-758.)

(c) The department shall transmit the application to the lead agency within two business days from the date the department receives the application.

(d) The lead agency may specify mitigation measures pursuant to WAC 197-11-350.

(e) The lead agency threshold determination and any mitigation measures must be filed with the department within the later of (i) twenty-nine days of the receipt of the application by the department, (ii) fourteen business days of the transmittal of the application to the lead agency if the lead agency is a local government entity; or (iii) one day before the department acts on the application.

(f) Unless the applicant clarifies or changes the application to include mitigation measures specified by the lead agency, the department must deny the application or require an EIS. (See WAC 197-11-738.)

(g) If the department does not receive a threshold determination from the lead agency by the time it must act on the application, the department shall deny the application.

**(5) CRGNSA Special Management Area.**

**(a) Policy.** The states of Oregon and Washington have entered into a Compact preauthorized by Congress to implement the CRGNSA Act, 16 U.S.C. §§ 544, et seq. chapter 43.97 RCW, 16 U.S.C. § 544c. The purposes of the CRGNSA Act are:

(i) To establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and

(ii) To protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1). 16 U.S.C. § 544a.

The forest practices rules addressing forest practices in the CRGNSA Special Management Area recognize the intent of Congress and the states expressed in the CRGNSA Act and Compact and the intent of the Washington state legislature in the Forest Practices Act. These rules are designed to recognize the public interest in sound natural resource protection provided by the Act and the Compact, including the protection to public resources, recreation, and scenic beauty. These rules are designed to achieve a comprehensive system of laws and regulations for forest practices in the CRGNSA Special Management Area which avoids unnecessary duplication, provides for interagency input and intergovernmental and tribal coordination and cooperation, considers reasonable land use planning goals contained in the CRGNSA Management Plan, and fosters cooperation among public resources managers, forest landowners, tribes and the citizens.

**(b) The CRGNSA Special Management Area Guidelines shall apply to all forest practices within the CRGNSA Special Management Area. Other forest practices rules also apply to these forest practices. To the extent these other rules are inconsistent with the guidelines, the more restrictive requirement controls. To the extent there is an incompatibility between the guidelines and another rule, the guidelines control. Copies of the guidelines can be obtained from the department Southeast and Southwest regional offices and Olympia office, as well as from the Columbia River Gorge commission and the U.S. Forest Service.**

**(c) The department shall review and consider the U.S. Forest Service review statement and shall consult with the U.S. Forest Service and the Columbia River Gorge commission prior to making any determination on an application or notification within the CRGNSA Special Management Area.**

**NEW SECTION**

**WAC 222-20-130 Notice and administration in CRGNSA Special Management Area.** The department shall administer the permitting process for all forest practices on forest land in the CRGNSA Special Management Area. For all applications and notifications within the CRGNSA Special Management Area, the department shall send copies of a satisfactorily completed application or notification, including the U.S. Forest Service review statement, to the county in which the forest practices are to be commenced, the Columbia River Gorge commission, the U.S. Forest Service, the Yakama Indian Nation, and any interested parties that have requested to receive copies.

**NEW SECTION**

**WAC 222-46-015 Enforcement within the CRGNSA Special Management Area.** The department shall administer and enforce the forest practices regulations, including the requirement that the CRGNSA guidelines apply to all forest practices in the SMA, in cooperation with the U.S. Forest Service and the Columbia River Gorge commission.

EXPEDITED ADOPTION



**WSR 98-01-013**  
**PERMANENT RULES**  
**ATTORNEY GENERAL'S OFFICE**

[Filed December 5, 1997, 2:41 p.m.]

December 2, 1997  
 Christine O. Gregoire  
 Attorney General

Date of Adoption: December 2, 1997.

Purpose: The WAC 44-06-040 amendment changes the statutory reference to where exemptions are codified. The WAC 44-06-050 amendment will eliminate references to Attorney General opinions being indexed "by statute" since this is not done. This should have no effect on service delivery for those requesting opinions as retrieval capability is still maintained as indicated in the rule. The WAC 44-06-060 amendment will change the title of the position to which public records requests are directed and should aid the direction of such requests within the agency. The WAC 44-06-080 amendments clarify in subsection (1) that FAX or e-mail requests are allowed, and that requests other than on the prescribed form are allowed and in subsection (3) clarify that a requester may be asked to provide additional information to determine the applicability of an exemption. The WAC 44-06-085(1) amendment will add new language reflecting that portion of RCW 42.17.310(4) that requires the agency to give specific exemptions and reasons along with any denial of public records; this should also aid the public in understanding the agency's obligation. The WAC 44-06-085(4)(b) amendment will clarify the review process when a requester is dissatisfied with the estimate of time given to respond. The WAC 44-06-090 changes clarify any ambiguity existent in the current rule about the per page fee for copying; this should assure that the public does not inadvertently overpay for copies. Finally, the WAC 44-06-140 amendment updates the request form so that it is consistent with the form currently being used. There are also several address changes in WAC 44-06-030, 44-06-060, 44-06-140, and 44-06-150.

Citation of Existing Rules Affected by this Order: Amending WAC 44-06-030, 44-06-040, 44-06-050, 44-06-060, 44-06-080, 44-06-085, 44-06-090, 44-06-140, and 44-06-150.

Statutory Authority for Adoption: RCW 43.10.110, chapters 42.17, 34.05 RCW.

Adopted under notice filed as WSR 97-21-123 on October 21, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 9, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 9, 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.

**AMENDATORY SECTION** (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

**WAC 44-06-030 Function—Organization—Administrative offices.** The attorney general's office is charged by the constitution and statutes with the general obligation of advising and legally representing the state of Washington, its officials, departments, boards, commissions and agencies but not the local units of government. In response to requests from state officers, legislators and prosecuting attorneys, the attorney general's office issues attorney general opinions. The published opinions of the attorney general's office are numbered as AGO (year of issue and number; i.e., AGO 1974 No. 1). Inquiries and correspondence concerning a matter where a specific assistant attorney general is identified as representing a specific agency should be directed to the specifically named assistant attorney general, if known; or the appropriate section of the office, if known.

Consumer protection complaints should be directed to the Consumer Protection Division, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012 or to local division offices located in Tacoma, Olympia, or Spokane. Communication concerning the New Motor Vehicles Warranty Act (the lemon law) should be directed to the Lemon Law Administration, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012. Other inquiries, including requests for attorney general's opinions, should be directed to the Attorney General's Office, P.O. Box 40100, State of Washington, Olympia, Washington 98504-0100.

In addition to the areas mentioned above, the office is divided into several divisions which provide legal advice to state agencies in particular subject matter areas. Because regional office addresses may change from time to time, current division addresses and telephone numbers should be obtained from the local telephone directory or you may obtain an organizational chart and the addresses and telephone numbers of the regional offices of the attorney general by requesting it from the Attorney General's Office, P.O. Box 40100, State of Washington, Olympia, Washington 98504-0100, phone (206) 753-6200. Attorney general offices are located in other cities in the state and are denominated as regional offices.

**AMENDATORY SECTION** (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

**WAC 44-06-040 Public records available.** Public records are available for public inspection and copying pursuant to these rules except as otherwise provided by chapter 42.17 RCW ((42-17-310)), any other law and these rules.

**AMENDATORY SECTION** (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

**WAC 44-06-050 Index.** The attorney general's office has indexed by subject matter the published opinions of the attorney general. An index is maintained in the law library, Olympia, Washington, indexing all published attorney

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general opinions, as described in WAC 44-06-030, by subject matter (~~and by statute~~). Retrieval capability is maintained in the central office, Olympia, Washington, for cases which have been filed involving the state, giving the name, the county and the cause number.

The volume of correspondence received by the attorney general's office is such that it would be unduly burdensome to formulate and maintain an index for all such correspondence. In lieu of an index the following filing system is utilized.

(1) Consumer protection complaints received by the consumer protection division are filed by firm name of the subject of the complaint, or by the subject matter of the complaint if no specific firm is named.

(2) Records of the new motor vehicle arbitration board as well as the lemon law administration are filed in the Seattle office, Lemon Law Administrator, Office of the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012.

**AMENDATORY SECTION** (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

**WAC 44-06-060 Public records officer.** (1) The public records officer for the attorney general's office shall be (~~the office services manager who shall be~~) responsible for responses to requests for public records. Except as provided in subsections (2) and (3) of this section, all requests for public records shall be directed to (~~Office Services Manager~~) **Public Records Officer**, Office of the Attorney General, (~~1110 Capitol Way S.,~~) P.O. Box (~~40107~~) 40100, Olympia, Washington 98504-~~(0107)~~ 0100.

(2) For those records maintained for lemon law administration for the New Motor Vehicles Warranty Act (chapter 19.118 RCW) the disclosure coordinator shall be located at the Office of Lemon Law Administration, Office of the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012.

(3) For those records maintained by the "business and fair practices division" aka consumer protection division (chapter 19.86 RCW), the disclosure coordinator shall be located at the Office of the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012.

**AMENDATORY SECTION** (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

**WAC 44-06-080 Requests for public records.** In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing (or by FAX or electronic mail if desired) upon a form prescribed by the office which shall be available at the offices where records are maintained. A request that is made other than upon the form prescribed by the office is permissible, but must provide the information listed in (a) through (f) of this subsection. The form shall be presented to the public records officer; or to a member of the staff designated by

him or her, if the public records officer is not available, at the office during the office hours specified in WAC 44-06-070. The request shall include the following information:

(a) The name of the person requesting the record;  
(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within a current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to a current index maintained by the office, an appropriate description of the record requested.

(f) If the request is for a list of individuals, the requester shall certify that the request is not for commercial purposes except as provided in RCW 42.17.260(7).

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or designated staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

(3) (~~When a person's identity is relevant to an exemption, that person may be required to provide personal identification.~~) The requester may be required to provide additional information necessary to determine the application of an exemption or other law to the record(s) requested.

**AMENDATORY SECTION** (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

**WAC 44-06-085 Response to public records requests.** (1) The office shall respond promptly to requests for disclosure. Within five business days of receiving a public record request, the office will respond by:

(a) Providing the record;

(b) Acknowledging that the office has received the request and providing a reasonable estimate of the time the office will require to respond to the request; or

(c) Denying the public record request. Agency responses refusing in whole or in part the inspection of a public record shall include a statement of the specific exemption authorizing the withholding of the record (or any part) and a brief explanation of how the exemption applies to the record(s) withheld.

(2) Additional time for the office to respond to a request may be based upon the need to:

(a) Clarify the intent of the request;

(b) Locate and assemble the information requested;

(c) Notify third persons or agencies affected by the request; or

(d) Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(3) In acknowledging receipt of a public record request that is unclear, the office may ask the requester to clarify what information the requester is seeking. If the requester fails to clarify the request, the office need not respond to it.

(4)(a) If the office does not respond in writing within five working days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:

(i) Consider the request denied; and

(ii) Petition the public records officer under WAC 44-06-120.

(b) If the office responds within five working days acknowledging receipt of the request and providing an estimate of the time required to respond to the request, and the requester feels the amount of time stated is not reasonable, the person seeking disclosure shall be entitled to(±

~~(i) Consider the request denied; and~~  
~~(ii) petition the public records officer ((under)) for a review of the estimate of time. The procedures set out in WAC 44-06-120 shall apply to this review.~~

AMENDATORY SECTION (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

**WAC 44-06-090 Copying fees.** No fee shall be charged for the inspection of a public record. The office, however, will for requests under this chapter, charge ~~((one dollar for the first ten pages and))~~ ten cents per copy ~~((for additional pages))~~. The public records officer may waive the fee for copies when the expense of processing the payment exceeds the costs of providing the copies. These charges are necessary to reimburse the office for the costs of providing the copies of the public records and the use of the copying equipment. Payment should be made by check to the attorney general's office. The office may require that all charges be paid in advance of release of the copies of the records.

AMENDATORY SECTION (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

**WAC 44-06-140 Adoption of form.** The attorney general's office hereby adopts use by all persons requesting inspection and/or copies of records of the form set out below, entitled "Request for public records."

Return to:  
Public Records Officer  
Office of the Attorney General  
~~((1110 Capitol Way S-))~~  
P.O. Box ~~((40107))~~ 40100  
Olympia, Washington 98504-~~((0107))~~0100

OFFICE OF THE ATTORNEY GENERAL  
REQUEST FOR PUBLIC RECORDS

Date ..... Time .....  
Name .....  
Address .....  
.....  
Phone number where you can be reached during day .....  
Description of Records ~~((see index))~~:  
.....  
.....  
.....

If my request is for a list of individuals, I certify that the information obtained through this request will not be used for commercial purposes.

.....  
Signature  
Number of copies .....  
Number of pages .....  
Per page charge \$. .....  
Total charge \$. .....

AMENDATORY SECTION (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

**WAC 44-06-150 Availability of pamphlet.** The office has available a pamphlet, written in plain language, explaining the provisions of the Public Records Act. Requests for a copy of the pamphlet should be directed to the Public Records Officer, Office of the Attorney General, ~~((1110 Capitol Way S., Suite 120, PO Box 40107))~~ P.O. Box 40100, Olympia, Washington 98504-~~((0107))~~0100.

WSR 98-01-014  
PERMANENT RULES  
DEPARTMENT OF AGRICULTURE  
[Filed December 5, 1997, 3:02 p.m.]

Date of Adoption: December 5, 1997.  
Purpose: To correct the adopted national type evaluation program rule by adding the dates to WAC 16-664-040 (3), (4), (5), (6), and (7).

Citation of Existing Rules Affected by this Order: Amending WAC 16-664-040 (3), (4), (5), (6), and (7).

Statutory Authority for Adoption: RCW 19.94.190 and [19.94.]195.

Adopted under notice filed as WSR 97-20-127 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
December 5, 1997  
James M. Jesernig  
Director

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**AMENDATORY SECTION** (Amending WSR 97-12-076, filed 6/4/97, effective 7/5/97)

**WAC 16-664-040 Commercial and law enforcement equipment—Certificate of Conformance—Requirements—Exemptions—One-of-a-kind device—Repaired device—Remanufactured device—Device copy—Components.** (1) Except for a device exempted under subsection (6) of this section, no person shall sell a device, within the state of Washington, unless it is traceable to a Certificate of Conformance. Certificate of Conformance documentation must be provided as part of the sales transaction.

(2) No person shall use a device within the state of Washington, unless it is traceable to a Certificate of Conformance, except when the device is exempted by subsection (3), (4), or (5) of this section. Certificate of Conformance documentation must be maintained at the device location.

(3) A device in service in Washington prior to (~~1997~~, ~~1997~~) July 5, 1997, that meets the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44, is not required to be traceable to a Certificate of Conformance.

(4) A device in service in Washington prior to (~~1997~~, ~~1997~~) July 5, 1997, removed from service by the owner or on which the department has issued a removal order after (~~1997~~, ~~1997~~) July 5, 1997, and returned to service at a later date shall be modified to meet all specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 effective on the date of the return to service. Such a device is not required to be traceable to a Certificate of Conformance.

(5) A device in service in Washington prior to (~~1997~~, ~~1997~~) July 5, 1997, which is repaired after such date shall meet the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 is not required to be traceable to a Certificate of Conformance.

(6) A device in service in Washington prior to (~~1997~~, ~~1997~~) July 5, 1997, and sold after such date shall be modified by the seller to meet the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 on or before the date sold, unless the buyer and seller agree by written contract to exchange the modification responsibility in which case modification must be completed before further commercial application. Such commercial weighing or measuring device is not required to be traceable to a Certificate of Conformance.

(7) A device in service in another state prior to (~~1997~~, ~~1997~~) July 5, 1997, may be installed in Washington; however, the device shall meet the specifications, tolerances, and technical requirement for weighing and measuring devices in National Institute of Standards and Technology Handbook 44 and be traceable to a Certificate of Conformance.

(8) One-of-a-kind device — A "one-of-a-kind" device is not required to be traceable to a Certificate of Conformance. However, if the manufacturer decides to make an additional device or devices, the device will no longer be considered to be "one-of-a-kind" and it shall be

traceable to a Certificate of Conformance. For scales, the load cells and electronic indicators must be traceable to a Certificate of Conformance.

(9) Repaired device — If a person makes changes to a device to the extent that the metrological characteristics are changed, that specific device is no longer traceable to the Certificate of Conformance.

(10) Remanufactured device — If a person repairs or remanufactures a device, they are obligated to repair or remanufacture it consistent with the manufacturer's original design; otherwise, that specific device is no longer traceable to a Certificate of Conformance.

(11) Copy of a device — The manufacturer who copies the design of a device that is traceable to a Certificate of Conformance, but which is made by another company, must obtain a separate Certificate of Conformance for the device. The Certificate of Conformance for the original device shall not apply to the copy.

(12) Device components — If a person buys a load cell(s) and an indicating element that are traceable to Certificates of Conformance and then manufactures a device from the parts, that person shall obtain a Certificate of Conformance for the device.

#### WSR 98-01-020

#### PERMANENT RULES

#### DEPARTMENT OF LICENSING

[Filed December 8, 1997, 8:47 a.m.]

Date of Adoption: December 8, 1997.

Purpose: To repeal rules that are redundant or are no longer necessary.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-56A-400 and 308-96A-315.

Statutory Authority for Adoption: RCW 34.05.354.

Adopted under preproposal statement of inquiry filed as WSR 97-19-041 on September 10, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 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 2.

Effective Date of Rule: Thirty-one days after filing.

December 8, 1997

Walt Fahrer

Rules Coordinator

**WSR 98-01-021**  
**PERMANENT RULES**  
**WASHINGTON STATE PATROL**  
 [Filed December 8, 1997, 8:48 a.m.]

Date of Adoption: December 1, 1997.

Purpose: Amend sections to comply with SSB 5621, chapter 113, Laws of 1997.

Citation of Existing Rules Affected by this Order: Amending WAC 446-20-500, 446-20-510, and 446-20-525.

Statutory Authority for Adoption: RCW 4.24.550, 9A.44.130, [9A.44.]140, 10.02.200, 43.43.540, 70.48.470.

Adopted under notice filed as WSR 97-21-020 on October 7, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 4, 1997

Annette M. Sandberg  
 Chief

**AMENDATORY SECTION** (Amending WSR 97-05-048, filed 2/18/97, effective 3/21/97)

**WAC 446-20-500 Sex offender and kidnapping offender registration.** RCW 9A.44.130 requires any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense to register with the county sheriff for the county of that person's residence. The sheriff is required to forward the registration information to the Washington state patrol identification and criminal history section within five working days. The Washington state patrol is mandated to maintain a central registry of sex offenders and kidnapping offenders consistent with chapters 10.97, 10.98, and 43.43 RCW. ~~((The following regulations implement the provisions of this act.))~~

**AMENDATORY SECTION** (Amending WSR 97-05-048, filed 2/18/97, effective 3/21/97)

**WAC 446-20-510 History retention.** Sex and kidnapping offender registration information will be maintained in the offender's criminal history file according to retention periods outlined in RCW 9A.44.140. Once an offender is registered, a notation of "registered sex offender" or "registered kidnapping offender" shall be printed on the transcript of record for that individual.

**AMENDATORY SECTION** (Amending Order 90-003, filed 9/20/90, effective 10/21/90)

**WAC 446-20-525 Change of address form.** Registered sex and kidnapping offenders who change residence ((from one county to another are required to register with the sheriff in the county of their new residence and also notify the county sheriff where they were previously registered. A "change of address" form WSP-CRD-502 must be sent to the county sheriff of the former residence and the offender must then register with the county sheriff of the new residence.

Registered sex offenders are required to send written notice of a change of address to the sheriff within ten days of establishing a new residence within the same county.)) within the same county are required to send a "change of address" form WSP-CRD-502 to the county sheriff at least fourteen days before moving.

Registered sex and kidnapping offenders who change residence from one county to another are required to send written notice fourteen days before moving to the county sheriff in the new county residence and must register with that county sheriff within twenty-four hours of moving. The offender must send a "change of address" form within ten days of moving in the new county to the county sheriff with whom the offender last registered.

Registered sex and kidnapping offenders who move to another state or county must send a "change of address" form ten days before moving to the new state or county to the county sheriff with whom the offender last registered in Washington state.

County sheriffs must forward "change of address" forms ((must be forwarded)) to the Washington state patrol identification and criminal history section within five working days upon receipt.

**WSR 98-01-022**  
**PERMANENT RULES**  
**OFFICE OF FINANCIAL MANAGEMENT**  
 [Filed December 8, 1997, 9:20 a.m.]

Date of Adoption: December 5, 1997.

Purpose: Repeal chapter 82-16 WAC, repeal WAC 82-16-010, 82-16-020, 82-16-030, 82-16-040, 82-16-050, 82-16-060, 82-16-070, 82-16-080, 82-16-090, 82-16-100, 82-16-900, 82-16-9001.

Citation of Existing Rules Affected by this Order: Repealing chapter 82-16 WAC.

Adopted under preproposal statement of inquiry filed as WSR 97-20-059 on September 25, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 12.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 12.

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.  
December 8, 1997  
Douglas Mah  
Rules Coordinator

**WSR 98-01-023**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**  
[Filed December 8, 1997, 10:56 a.m.]

Date of Adoption: November 21, 1997.

Purpose: The amendment delays for one year the increase in the number of hours required for the internship for the principal's certificate.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-265.

Statutory Authority for Adoption: RCW 28.305.130 [28A.305.130].

Adopted under notice filed as WSR 97-20-149 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 97-04-084, filed 2/5/97, effective 3/8/97)

**WAC 180-78A-265 Program approval requirement—Field experience for all administrators.** An approved preparation program for administrators and, prior to August 31, ~~((1997))~~ 1998, for principals, shall require an internship of at least three hundred sixty hours: *Provided*, That ~~((effective August 31, 1997,))~~ an approved preparation program for principals shall require for those persons entering the program August 31, 1998, and after, an internship which requires practice as an intern during a full school year. A "full school year" shall mean seven hundred twenty hours of which at least one-half shall be during school hours, when students and/or staff are present and include the principal performance domains as stated in WAC 180-78A-165: *Provided further*, That for a candidate seeking the P-12

principal certificate, the internship shall include P-12 administrative experience. The internship shall take place in an education setting serving under the general supervision of a certificated practitioner who is performing in the role for which the endorsement is sought. Components of the required internship shall include demonstration by the candidate that he or she has the appropriate, specific skills pursuant to WAC 180-78A-165.

**WSR 98-01-024**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**  
[Filed December 8, 1997, 11:00 a.m.]

Date of Adoption: November 21, 1997.

Purpose: Amends the process for selecting the recipients of the award.

Citation of Existing Rules Affected by this Order: Amending WAC 180-97-015, 180-97-060, and 180-97-070.

Statutory Authority for Adoption: RCW 28A.625.380.

Adopted under notice filed as WSR 97-20-136 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

**WAC 180-97-015 Definition—Professional education advisory board.** As used in this chapter, the term "professional education advisory board" means: One of the professional education advisory boards approved by the state board of education as defined in WAC ~~((180-78-075))~~ 180-78A-075(1) (Professional education advisory board for teacher preparation programs).

**AMENDATORY SECTION** (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

**WAC 180-97-060 Selection of recipients—Review committee.** Recipients shall be selected as follows:

A committee composed of ~~((eight))~~ no fewer than five members of the professional education advisory committee shall be appointed by the chairperson of the professional education advisory committee as defined in WAC 180-78-

**015. Committee membership shall include individuals selected from no fewer than three of the following categories:**

- (1) ~~((Two))~~ **Teachers.**
- (2) ~~((Two))~~ **School administrators.**
- (3) ~~((Two))~~ **Higher education representatives.**
- (4) ~~((Two))~~ **Persons from the other groups represented on the professional education advisory committee.**

Provided, no person who represents a higher education teacher education institution from which a nomination has been received or is a member of that college or university's professional education advisory ~~((committee))~~ **board** shall be allowed to vote on that individual's nomination.

**AMENDATORY SECTION** (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

**WAC 180-97-070 Selection criteria.** The following criteria shall be considered by the selection committee in determining the person who shall receive the Washington award for excellence in teacher preparation: Provided, That consideration will be given to recent contributions to the field:

- (1) Communication with legislators, common school teachers, and administrators about the nominee's teacher preparation program.
- (2) Implementation of ~~((innovation))~~ **innovative developments** by the nominee's teacher preparation program.
- (3) Leadership among professional colleagues and with students or the community.
- (4) Contributions to the field such as education related curriculum, research, and/or field services activities.
- (5) Excellence in teaching.
- (6) ~~((Publication and dissemination of information about educational programs and practices.))~~ **Contributions to preparing teachers to implement the state learning goals.**

**WSR 98-01-025**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**

[Filed December 8, 1997, 11:03 a.m.]

Date of Adoption: November 21, 1997.

Purpose: Clarifies definition of "impact on student learning" for private schools.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-010.

Statutory Authority for Adoption: RCW 28A.410.010, 28A.305.130.

Adopted under notice filed as WSR 97-20-150 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 97-04-084, filed 2/5/97, effective 3/8/97)

**WAC 180-78A-010 Definition of terms.** The following definitions shall be used in this chapter:

(1) "College or university" means any regionally accredited baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops programs of preparation in education which are submitted to the state board of education for approval.

(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach.

(3) "Interstate compact" means the contractual agreement among several states authorized by RCW 28A.690.010 and 28A.690.020 which facilitates interstate reciprocity.

(4) "Program approval" means the approval by the state board of education of an educator preparation program within Washington state.

(5) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical or laboratory settings. Such learning experiences are related to specific program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

(6) "Regionally accredited institution of higher education" means a community college, college, or university which is fully accredited by one of the following regional accrediting bodies:

- (a) Middle States, Association of Colleges and Schools;
- (b) New England Association of Schools and Colleges;
- (c) North Central Association of Colleges and Schools;
- (d) Northwest Association of Schools and Colleges;
- (e) Southern Association of Colleges and Schools;
- (f) Western Association of Schools and Colleges; Accrediting Commission for Junior and Senior Colleges.

(7) "A performance-based approved educator preparation program" means a program that requires the candidate to demonstrate in multiple ways, over time, specific state board of education required standards, criteria, knowledge and skills, including, where appropriate, evidence related to positive impact on student learning.

(8) "A positive impact on student learning" means that a teacher through instruction and assessment has been able to document students' increased knowledge and/or demonstration of a skill or skills related to the state goals and/or essential academic learning requirements: Provided, That teachers employed by private schools who are candidates for the professional teaching certificate shall document students'

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increased knowledge and/or demonstration of a skill or skills related to either:

(a) The state goals or essential academic learning requirements; or

(b) Such alternative learning goals as the private school has established.

### WSR 98-01-026

#### PERMANENT RULES

#### STATE BOARD OF EDUCATION

[Filed December 8, 1997, 11:06 a.m.]

Date of Adoption: November 21, 1997.

Purpose: Editorial.

Citation of Existing Rules Affected by this Order:  
Amending WAC 180-77-003, 180-77-014, 180-77-025, 180-77-031, 180-77-041, and 180-77-120.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 97-20-134 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 6, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 6, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 97-04-085, filed 2/5/97, effective 3/8/97)

**WAC 180-77-003 Definitions.** The following definitions shall apply to terms used in this chapter:

(1) "Approved program for training vocational teachers and vocational counselors" shall be defined as any program approved by the state board of education which complies with chapter ~~((180-78))~~ 180-77A WAC.

(2) "Vocational educator training" shall mean those vocational programs, courses, seminars and workshops offered for the purpose of vocational certification in compliance with chapter 180-85 WAC.

(3) "General safety" shall mean course work approved by the state board of education and/or its designee that is designed to provide skill and knowledge common to all vocational instructors in safety.

(4) "Specific safety requirements" shall mean completion of course work approved by the state board of education and/or its designee which is designed to provide the voca-

tional instructor with the specific skill and knowledge of safety for the occupation he or she is to teach.

(5) "Learning period" shall mean the amount of time required prior to becoming gainfully employed at the journeyman or equivalent level in the occupation being taught. In any case, this shall be no less than one year.

(6) "Management experience" shall mean work as a supervisor, foreman or manager in the occupational area in which the person will instruct.

(7) "Occupational experience" shall mean paid or unpaid work experience in the career field to be taught.

(8) "One year of occupational experience" shall equal two thousand hours of employment.

(9) "Professional education" shall mean those programs, courses, seminars and workshops that are designed to improve teaching ability.

(10) "Professional experience" shall mean employment in vocational education in the discipline and/or specialty for which the application has been submitted.

(11) "Quarter hours or the equivalent" shall mean one quarter credit, two-thirds semester credit, ten clock hours or one hundred hours of occupational experience.

(12) "Technical education/upgrading" shall mean those vocational programs, courses, seminars and workshops which are designed to improve the skills and/or knowledge in the discipline in which the application is being made.

**AMENDATORY SECTION** (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

**WAC 180-77-014 Requirements for limited certification.** (1) Probationary certificate. The probationary certificate is valid for two years and is renewable one time for two additional years upon recommendation of the employing district if the individual has completed the procedures outlined for the first year in the professional growth plan and has made additional progress in meeting the requirements for the initial vocational certificate.

The candidate for a probationary certificate must have substantially completed requirements for the initial vocational certificate as set forth in WAC 180-77-031 or 180-77-041.

(a) Such a certificate may be issued upon recommendation by the employing school district.

(b) The ~~((vocational instructor))~~ candidate shall have developed a professional growth plan in cooperation with the vocational administrator ~~((and the candidate to be employed))~~. The plan must be approved by the local school district vocational program advisory committee, to which the candidate is assigned. The plan shall provide for orientation, prior to the commencement of the teaching assignment, in the following:

(i) Issues related to legal liability;

(ii) The responsibilities of professional vocational educators; and

(iii) The lines of authority in the employing school district and/or building.

Within the first sixty working days, the plan shall establish procedures for the vocational instructor to develop competencies in the following:

(iv) Vocational methods; and

(v) General and specific safety.

If the (~~vocational instructor~~) candidate does not have access to the required course work within the first ninety working days, the local school district vocational advisory committee responsible may authorize the completion of the course work at a later date. The required course work shall be completed prior to the second year of employment.

(vi) The plan shall develop procedures and timelines for the vocational instructor to meet the requirements for the initial vocational certificate.

(vii) *Provided*, That candidates for probationary certificates as a coordinator of work-based learning shall have completed a course in coordination techniques and either:

(A) Possess a valid initial or continuing vocational teacher certificate; or

(B) Have completed five hundred hours of occupational experience within the past six years.

(2) Conditional vocational certificate. Notwithstanding other requirements prescribed in this chapter for eligibility for vocational certification in the state of Washington, the one-year conditional vocational certificate may be issued under specific circumstances set forth below for limited service:

(a) The issuance of the conditional vocational certificate may be issued only under unique and special circumstances where no regularly certificated vocational instructor is available and is limited to:

(i) Persons highly qualified and experienced in the knowledge and occupational skills of the vocational program to be certified; or

(ii) Persons who meet the occupational experience requirements for vocational certification; or

(iii) Persons who will be employed in new and emerging occupations as identified by the state board of education and/or its designee.

(b) The certificate is issued to individuals who are screened by the local vocational administrator and school district superintendent or designee. The local vocational administrator or superintendent will verify that the following criteria have been met when requesting the conditional vocational certificate:

(i) No person with vocational certification in the field is available as verified by the local vocational administrator or superintendent;

(ii) The individual is being certified for a limited assignment and responsibility in a specified vocational program area;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority and the duration of the assignment;

(iv) The vocational administrator and local program advisory committee will indicate the basis on which he/she has determined that the individual is competent for the assignment;

(v) A written work and/or educational experience training plan as specified in WAC 180-77-014 (1)(b) is on file with the employing district.

(c) The certificate is valid for one year and only for the teaching area specified on the certificate. The certificate may be reissued on application and evidence that requirements continue to be met.

(3) Substitute vocational certificates. Substitute vocational certificates may be issued to candidates who meet the requirements in WAC (~~(180-79-230(2))~~) 180-79A-230(2).

**AMENDATORY SECTION** (Amending Order 11-78, filed 9/7/78)

**WAC 180-77-025 Personnel assignment.** Vocational teachers teaching other secondary school subjects and vocational counselors serving in addition as general counselors need to hold a valid certificate as provided for in chapter (~~(180-79 WAC, Professional preparation certification requirements)~~) 180-79A WAC, Standards for teacher, administrator, and educational staff associate certification.

**AMENDATORY SECTION** (Amending WSR 97-04-085, filed 2/5/97, effective 3/8/97)

**WAC 180-77-031 Requirements for candidates seeking vocational certification** (~~(of instructors who complete)~~) through completion of approved college/university programs. Candidates for certification through the completion of approved programs shall complete the following requirements in addition to those set forth in WAC (~~(180-75-081, 180-75-085 (1) and (2))~~) 180-79A-122, 180-79A-150 (1) and (2), and chapter ((180-78)) 180-78A WAC.

(1) Initial.

(a) Candidates for the initial certificate shall hold a baccalaureate degree from a regionally accredited college or university which includes a minimum of forty-five quarter hours of study in the specific vocational subject area for which certification is sought.

(b) Candidates for the initial certificate shall demonstrate competency in one or more of the major categories of WAC 180-77A-170, Program area standards.

(c) Candidates for the initial certificate shall complete a state approved vocational teacher training program through a regionally accredited college or university which shall include completion of student teaching in the relevant vocational subject area.

(d) Candidates for the initial certificate shall demonstrate competence in the general standards for all vocational-technical teacher certificate candidates pursuant to WAC 180-77A-165, which include but are not limited to knowledge and skills in the following areas:

(i) General and specific safety;

(ii) Vocational teaching methods;

(iii) Occupational analysis;

(iv) Course organization and curriculum design;

(v) Philosophy of vocational education;

(vi) Personal student development and leadership techniques.

(e) In addition, candidates for initial certification in diversified occupations or coordinator of work based learning shall demonstrate competency in knowledge and skills described in WAC 180-77A-180.

(f) Candidates for the initial certificate shall provide documentation of one year of paid occupational experience (two thousand hours) in the specific vocational field for which certification is sought. If all or part of the two thousand hours is more than six years old, candidates must complete an additional three hundred hours of recent (occurring in the last two years) occupational experience.

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(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of vocational educator training in the subject area certified to teach since the initial certificate was issued or renewed.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least nine quarter hours or ninety clock hours of vocational educator training in the vocational subject area to be certified completed subsequent to the conferral of the baccalaureate degree.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years of teaching/coordination in the vocational subject area certified to teach with an authorized employer—i.e., school district(s) or skills center(s).

(4) Continuing certificate renewal.

(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued one of the following:

(i) Six quarter hours or sixty clock hours of vocational educator training;

(ii) Three quarter hours or thirty clock hours of vocational educator training and three quarter hours or thirty clock hours of technical education/upgrading;

(iii) Three quarter hours or thirty clock hours of vocational educator training and three hundred hours of occupational experience.

**AMENDATORY SECTION** (Amending WSR 97-04-085, filed 2/5/97, effective 3/8/97)

**WAC 180-77-041 Requirements for candidates seeking vocational certification ((of instructors)) on the basis of business and industry work experience.** Candidates for certification who have not completed approved programs set forth in WAC 180-77A-028 shall complete the following requirements in addition to those set forth in WAC ~~((180-75-081 and 180-75-085 (1) and (2)))~~ 180-79A-122 and 180-79A-150 (1) and (2).

(1) Initial.

(a) Candidates for the initial certificate shall provide documentation of three years (six thousand hours) of paid occupational experience in the specific vocational subcategory for which certification is sought. One year (two thousand hours) must be within the past six years. If all or part of the two thousand hours is more than six years old, candidates must complete an additional three hundred hours of recent (occurring in the last two years) occupational experience.

(b) Candidates for the initial certificate shall demonstrate competence in the general standards for all vocational-technical teacher certificate candidates pursuant to WAC 180-77A-165, which include but are not limited to knowledge and skills in the following areas:

- (i) General and specific safety;
- (ii) Vocational teaching methods;
- (iii) Occupational analysis;
- (iv) Course organization and curriculum design;
- (v) Philosophy of vocational education;

(vi) Personal student development and leadership techniques.

(c) Provided, until such time as two or more programs are approved by the SBE under WAC 180-77A-029, candidates shall complete a minimum of twenty-five quarter hours or two hundred fifty hours of vocational educator training and/or technical education/upgrading of which a minimum of ten quarter hours or one hundred clock hours of competency-based course work must be in the above areas.

(d) Candidates for the initial certificate shall also demonstrate knowledge and skills in the following areas:

(i) School law;

(ii) Issues related to abuse as specified in WAC ~~((180-78-165(2)))~~ 180-78A-165 (1)(t).

(e) In addition, candidates for initial certification in diversified occupations or coordinator of work based learning shall demonstrate competency in knowledge and skills described in WAC 180-77A-180.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of vocational educator training in the subject matter certified to teach since the initial certificate was issued or renewed.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least nine quarter hours or ninety clock hours of vocational educator training in the vocational subject matter to be certified completed subsequent to the issuance of the initial certificate.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years of teaching/coordination in the vocational subject matter certified to teach with an authorized employer—i.e., school district(s) or skills center(s).

(4) Continuing certificate renewal.

(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued one of the following:

(i) Six quarter hours or sixty clock hours of vocational educator training;

(ii) Three quarter hours or thirty clock hours of vocational educator training and three quarter hours or thirty clock hours of technical education/upgrading;

(iii) Three quarter hours or thirty clock hours of vocational educator training and three hundred hours of occupational experience.

**AMENDATORY SECTION** (Amending WSR 97-04-085, filed 2/5/97, effective 3/8/97)

**WAC 180-77-120 Out-of-state candidates.** Out-of-state applicants shall be eligible for Washington vocational certificates if they meet the standards in chapter 180-77 WAC or as follows: *Provided*, That candidates who apply for a vocational certificate who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete such course work or in-service program as a condition of the issuance of a vocational certificate. The content of the course work or in-service

program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(1) Initial certificate. The initial certificate shall be issued by the superintendent of public instruction to a candidate who has two thousand hours of paid occupational experience and who meets one of the following:

(a) Qualifies under provisions of the interstate compact;  
 (b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state-approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC ((180-79-049)) 180-79A-150(4);

(c) Holds an appropriate vocational certificate issued by another state and has practiced at the P-12 level in that respective role outside the state of Washington for three years and has completed the ten quarter hours of academic study as specified in WAC 180-77-041 (1)(c).

(2) Continuing certificate. The continuing certificate shall be issued on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

**WSR 98-01-027**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**

[Filed December 8, 1997, 11:09 a.m.]

Date of Adoption: November 21, 1997.

Purpose: Editorial.

Citation of Existing Rules Affected by this Order:

Amending WAC 180-79A-170, 180-79A-300, 180-79A-302, 180-79A-405, and 180-79A-433.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 97-20-146 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 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 5, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

Larry Davis  
 Executive Director

AMENDATORY SECTION (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

**WAC 180-79A-170 Reinstatement of certificates.** Only a continuing certificate may be reinstated. A holder of a lapsed, surrendered, or revoked continuing professional certificate at the time of application for reinstatement of such certificate must submit the following:

(1) Character evidence as required by WAC 180-79A-150(2) for candidates for certification.

(2) In accordance with RCW 28A.410.110, a revoked certificate may not be reinstated within one calendar year from the date of revocation.

(3) *Provided*, That no certificate may be reinstated if more than five calendar years has passed since the date of (~~lapse~~,) surrender((-)) or revocation; however, such applicants may apply pursuant to WAC 180-79A-161 for a new certificate under requirements in effect at the time of application.

AMENDATORY SECTION (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

**WAC 180-79A-300 Certificate endorsement.** Teacher certificates shall be endorsed as follows:

(1) Teacher certificates shall specify endorsements in subject area(s) and grade level(s).

(2) In order to change or add an endorsement to any teaching certificate, the candidate must complete an application, pay the certification fee specified in WAC 180-79A-130, and submit verification of completion of the necessary requirements specified in this chapter: *Provided, That in order to change or add an endorsement to any teaching certificate in the vocational areas of agriculture education, business education, family and consumer sciences education, marketing education, and technology education after August 31, 1999, the candidate must also complete requirements under WAC 180-77-031.*

AMENDATORY SECTION (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

**WAC 180-79A-302 Authorized endorsement for teachers.** Endorsements for grade levels, and subject areas within such grade levels, for certificated teachers shall be limited to the following:

(1) Preschool through grade three endorsements shall be granted in the subject area of:

- (a) Early childhood special education;
- (b) Early childhood education.

(2) Grade kindergarten through grade eight endorsements shall be granted in the subject area of elementary education which shall include all subject areas taught in such grades.

(3) Grade kindergarten through grade twelve endorsements shall be granted in:

- (a) Art;
- (b) Music (broad subject area endorsement) and the specialized subject areas of:
  - (i) Choral music;
  - (ii) Instrumental music;
  - (c) Physical education;
  - (d) Reading;

- (e) Designated foreign language;
- (f) Special education;
- (g) Learning resources;
- (h) English as a second language;
- (i) Bilingual education.

(4) Grade four through grade twelve endorsements shall be granted in:

(a) English/language arts (broad subject area endorsement) and the specialized English/language arts subject areas of:

- (i) Drama;
- (ii) English;
- (iii) Journalism;
- (iv) Speech.

(b) Science (broad subject area endorsement) and the specialized science subject areas of:

- (i) Biology;
- (ii) Chemistry;
- (iii) Earth science;
- (iv) Physics.

(c) Social studies (broad subject area endorsement) and the specialized social studies subject areas of:

- (i) Anthropology;
- (ii) Economics;
- (iii) Geography;
- (iv) History;
- (v) Political science;
- (vi) Psychology;
- (vii) Sociology.

(d) The specialized subject areas of:

- (i) Comparative religion;
- (ii) Instructional technology (formerly computer science);

- (iii) Health;
- (iv) ~~Technology education (formerly industrial arts);~~
- ~~(v)~~ Mathematics;
- ~~(vi)~~ (v) Philosophy.

(e) The vocational areas of:

- (i) Agriculture education;
- (ii) Business education;
- (iii) Family and consumer sciences education;
- (iv) Marketing education;
- (v) Technology education (formerly industrial arts).

(5) Traffic safety endorsements may be noted on certificates issued under this chapter if the candidate meets the requirements of the regulations promulgated by the superintendent of public instruction pursuant to RCW 28A.220.020(3).

**AMENDATORY SECTION** (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

**WAC 180-79A-405 Initial and continuing certificates—Renewal requirements.** The following shall apply to initial and continuing certificates issued pursuant to this chapter:

(1) Initial certificate.

An initial teacher certificate may be renewed for an additional three-year period on application and verification that the individual has completed all course work requirements from a regionally accredited institution of higher education as defined in WAC 180-78A-010(6) for continuing

certification or has completed at least fifteen quarter hours (ten semester hours) of college credit course work (normally 100 level or higher) from a regionally accredited institution of higher education as defined in WAC 180-78A-010(6), since the certificate was issued or renewed. After August 31, 2000, provisions of WAC 180-79A-160 will apply.

(2) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987, and who applied for such certificates prior to July 1, 1988, or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 180-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall lapse if the holder does not complete the continuing education requirement specified in chapter 180-85 WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter 180-85 WAC.

**AMENDATORY SECTION** (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

**WAC 180-79A-433 Academic requirements for certification—School nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist.** Candidates for school nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist certification shall apply directly to the professional education and certification office. Such candidates shall complete the following requirements, in addition to those set forth in WAC 180-79A-150, except state approved college/university professional preparation program:

(1) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree in nursing from a National League of Nursing accredited program.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall ~~(, upon verification of employment in the role,)~~ be issued a temporary permit valid for one hundred ~~((twenty))~~ eighty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course

work during the one hundred (~~twenty-day~~) eighty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school nurse and have completed forty-five quarter hours (thirty semester hours) of post-baccalaureate course work in education, nursing, or other health sciences.

(2) School occupational therapist.

(a) Initial.

(i) The candidate shall hold a valid license as an occupational therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Occupational Therapy Association approved program in occupational therapy.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall(~~upon verification of employment in the role,~~) be issued a temporary permit valid for one hundred (~~twenty~~) eighty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred (~~twenty-day~~) eighty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school occupational therapist and have completed at least fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in occupational therapy, other health sciences or education.

(3) School physical therapist.

(a) Initial.

(i) The candidate shall hold a valid license as a physical therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Physical Therapy Association accredited program in physical therapy.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall(~~upon verification of employment in the role,~~) be issued a temporary permit valid for one hundred (~~twenty~~) eighty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred (~~twenty-day~~) eighty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school physical therapist and have completed fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate

degree in physical therapy, other health sciences or education.

(4) School speech-language pathologist or audiologist.

(a) Initial.

(i) The candidate shall have completed all course work (except special project or thesis) for a master's degree from a college or university program accredited by the American Speech and Hearing Association (ASHA) with a major in speech pathology or audiology. Such program shall include satisfactory completion of a written comprehensive examination: *Provided*, That if any candidate has not completed a written comprehensive examination, the candidate may present verification from ASHA of a passing score on the National Teacher's Examination in speech pathology or audiology as a condition for certification.

(ii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall(~~upon verification of employment in the role,~~) be issued a temporary permit valid for one hundred (~~twenty~~) eighty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred (~~twenty-day~~) eighty-day period.

(b) Continuing. The candidate shall hold a master's degree with a major in speech pathology or audiology.

#### WSR 98-01-028

#### PERMANENT RULES

#### STATE BOARD OF EDUCATION

[Filed December 8, 1997, 11:12 a.m.]

Date of Adoption: November 21, 1997.

Purpose: Increase the internship required in school psychologist preparation programs to 1200 hours.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-160.

Statutory Authority for Adoption: RCW 28A.410.010, 28A.305.130.

Adopted under notice filed as WSR 97-20-133 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making:

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New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 97-04-084, filed 2/5/97, effective 3/8/97)

**WAC 180-78A-160 Approval standard—Program design.** Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program design standard of WAC 180-78A-140(4):

(1) The curriculum is guided by a conceptual framework and is based on current research and best practice, is cohesive and integrated, is performance-based, and supports the state's student learning goals and for teacher preparation programs reflects the essential academic learning requirements.

(2) Candidates who demonstrate potential for acquiring the content and pedagogical knowledge and skills for success as educators in schools are recruited, admitted, and retained (see WAC 180-78A-135 Candidate admission policies). These candidates include members from underrepresented groups.

(3) Candidates attain/demonstrate academic competence in the educator role for which they are being prepared.

(4) A set of criteria/performances for program completion are established and published.

(5) Field experiences are integrated throughout the preparation program and include experience with diverse populations in a variety of settings.

(6) Candidates complete an internship in which they demonstrate the required knowledge and skills: *Provided*, That candidates for an administrator certificate shall complete an internship pursuant to WAC 180-78A-265, candidates for a school psychologist certificate shall complete an internship pursuant to WAC 180-78A-263, and candidates for a school counselor certificate shall complete an internship pursuant to WAC 180-78A-260.

(7) Programs reflect ongoing collaboration with P-12 schools.

(8) Candidates for a teacher certificate shall hold/obtain a baccalaureate degree from a regionally accredited college or university in any of the subject areas of the endorsement listed in WAC 180-79A-302. Such degrees shall require the completion of at least forty-five quarter hours (thirty semester hours) of course work in the subject area: *Provided*, That a candidate who holds a baccalaureate degree in another academic field will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed the required forty-five quarter or thirty semester hours of course work in one of the subject areas of the endorsements listed in WAC 180-79A-302.

## NEW SECTION

**WAC 180-78A-263 Program approval requirement—Field experience for school psychologists.** Approved school psychology preparation programs shall require all students to complete a supervised internship in the schools that include a minimum of twelve hundred hours of on-the-job professional service and one hour per week of individual supervision provided by the site supervisor. Site supervisors must be fully certificated school personnel and have a minimum of three years of professional experience in the role of school psychologist. Faculty supervision including on-site visits will be provided on an ongoing basis. Prior to the internship, the student will complete a faculty supervised practicum (a distinctly defined clinical experience intended to enable the student to develop basic school psychology skills and integrate professional knowledge).

## WSR 98-01-029

### PERMANENT RULES

### STATE BOARD OF EDUCATION

[Filed December 8, 1997, 11:14 a.m.]

Date of Adoption: November 21, 1997.

Purpose: These amendments change deadline dates for the establishment and duties of advisory councils for certification standards for administrators and educational staff associates.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-010, 180-79A-015, and 180-79A-022.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 97-20-144 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

**WAC 180-79A-010 State board of education performance-based certification system.** The state board of education establishes a performance-based certification system to be fully implemented for all teacher candidates applying for certification after August 31, 2000, and for all

educational staff associate and administrator candidates no later than August 31, 2004. The performance-based certification system shall include the issuance of a residency certificate, a professional certificate, and other certificates which the state board of education may add in the future.

**AMENDATORY SECTION** (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

**WAC 180-79A-015 Washington advisory council for professional certification standards—Purpose and selection.** The state board of education shall establish, no later than December 31, 1997, Washington advisory councils for professional (~~teaching~~) standards for teachers, and no later than August 31, 2000, for administrators, and educational staff associates. The purpose of the councils shall be to serve as working councils of the state board of education to advise the state board of education regarding the development and implementation of the certification system (~~to be implemented in the year 2000~~).

(1) A majority of the advisory councils' members shall be practitioners in their respective roles.

(2) The state board of education shall solicit recommendations from the appropriate professional organizations for persons to serve on the councils.

(3) The board of education shall appoint council members on the basis of the recommendations received with consideration being given to educator roles, geographic distribution, gender, race, and ethnicity.

**AMENDATORY SECTION** (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

**WAC 180-79A-022 Washington advisory councils for professional administrator standards and professional educational staff associates standards—Duties.** The Washington advisory councils for professional administrator standards and for educational staff associate standards shall present initial recommendations to the state board of education no later than September 30, (~~2000~~) 2001, in regard to the following:

(1) Standards to be used to obtain the professional certificates;

(2) Standards for renewing the professional certificate;

(3) Standards for obtaining the professional career certificate; and

(4) The policies for implementing these standards.

In addition, the councils shall submit recommendations for the future composition, term of membership and responsibilities of the councils.

#### WSR 98-01-030

#### PERMANENT RULES

#### STATE BOARD OF EDUCATION

[Filed December 8, 1997, 11:17 a.m.]

Date of Adoption: November 21, 1997.

Purpose: Allows individuals with vocational teacher certificates to meet the teachers' certificate requirement for the principal's certificate.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-150.

Statutory Authority for Adoption: RCW 28A.410.010. Adopted under notice filed as WSR 97-20-148 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

**WAC 180-79A-150 General requirements—Teachers, administrators, educational staff associates.** The following requirements are to be met by candidates for certification as teachers including vocational teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, educational staff associate's, or vocational certificate must give evidence of good moral character and personal fitness as specified in WAC 180-79A-122 and must complete a record check through the Washington state patrol criminal identification system and through the Federal Bureau of Investigation at the applicant's expense as required by RCW 28A.410.010; such record check shall include a fingerprint check using a Washington state patrol approved fingerprint card: *Provided*, That the superintendent of public instruction may waive the record check for an applicant who has had a record check within the two years prior to application.

(3) Degrees and course work. A candidate for certification shall hold appropriate degrees, licenses, and additional course work as prescribed in chapters 180-79A and 180-77 WAC or have qualified under WAC 180-79A-205.

(4) Approved preparation program. Applicants for certification as teachers, administrators, school counselors, school psychologists and school social workers, except as otherwise provided in WAC 180-79A-205, 180-79A-230, 180-79A-236, and 180-79A-241 and in chapter 180-77 WAC, in order to be certified within the state of Washington shall have completed a state approved college/university preparation program in the professional field for which certification is to be issued. In addition, candidates for principal's certificates must hold a valid teacher's certificate,

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excluding certificates issued under WAC 180-79A-230, 180-79A-236, or 180-79A-241 ((or chapter 180-77 WAC)), or comparable out-of-state certificates. Candidates for superintendent's certificates must hold a valid teacher, educational staff associate, or program administrator certificate; excluding certificates issued under WAC 180-79A-230, 180-79A-236, or 180-79A-241 ((or chapter 180-77 WAC)), or comparable out-of-state certificates.

**WSR 98-01-031**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**

[Filed December 8, 1997, 11:20 a.m.]

Date of Adoption: November 21, 1997.

Purpose: Editorial.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 180-16-002 and 180-16-221.

Statutory Authority for Adoption: RCW 28A.150.220(4), 28A.410.010.

Adopted under notice filed as WSR 97-20-142 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

Larry Davis  
 Executive Director

**AMENDATORY SECTION** (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-16-002 Authority.** The authority for this chapter is RCW 28A.150.220(((6))) (4) which authorizes the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements of RCW 28A.150.250, 28A.150.260, and 28A.150.220 and such related basic program of education requirements as may be established by the state board of education.

**AMENDATORY SECTION** (Amending WSR 97-04-083, filed 2/5/97, effective 3/8/97)

**WAC 180-16-221 Assignment of classroom teachers within districts.** In addition to holding teaching permits or certificates as required by WAC 180-16-220(2), the assignment of classroom teachers in the basic program of educa-

tion((, effective August 31, 1987,)) shall comply with the following:

(1) Classroom teachers with standard or unendorsed continuing teacher certificates may be assigned to any grade or subject areas for which certification is required.

(2) Classroom teachers with initial or endorsed continuing teacher certificates may be assigned only to the specified grades and specified subject areas stated as endorsements upon their respective certificates or permits.

(3) Classroom teachers with initial or endorsed continuing teacher certificates who have an elementary education endorsement may be assigned to teach any subject in grades K-8.

(4) Any certificated teacher who has completed twenty-four quarter hours (sixteen semester hours) of academic study in a content area that will be offered in grades four through nine may be assigned to that course even if the teacher does not hold an endorsement in that area.

(5) Any certificated teacher may be assigned to a middle school or junior high school block program, which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students, if the teacher has an endorsement in one of the subject areas and has completed or will complete within one year nine quarter hours in each of the other subject areas.

(6) Upon determination by school districts that teachers have the competencies to be effective teachers in alternative settings, individuals with initial or endorsed continuing teacher certificates who have completed provisional status with a school district under RCW 28A.405.220 may be assigned to teach in alternative schools.

(7) Any certificated teacher may be assigned to courses offered in basic education subject areas not included with the list of endorsements specified in WAC 180-79A-302.

(8) Any certificated teacher may be assigned to serve as a substitute classroom teacher at any grade level or in any subject area for a period not to exceed thirty consecutive school days in any one assignment.

(9) Any certificated person holding a limited certificate as specified in WAC 180-79A-230 or a vocational education certificate as specified in chapter 180-77 WAC may be assigned as per the provisions of such section or chapter.

(10) If a teacher is assigned to provide special education, then the district must also comply with WAC 392-172-200 and 392-172-202.

(11) For the purpose of this section, the term "specified grades" shall mean any grade preschool through twelve specified by the classroom teacher's endorsement. In the event the teacher is assigned to an ungraded classroom, the chronological age of such students shall be converted for the purpose of compliance with this section to the grade level such students would have been assigned but for the ungraded classroom assignment.

(12) For the purpose of this section, the term "specified subject areas" shall mean courses or classes with the same subject area title as specified by the classroom teachers endorsement and courses or classes which the board of directors of the district determines to substantially include the same subject area as the endorsement—e.g., a classroom teacher with a health endorsement may be assigned to any

course, regardless of course title, which substantially includes health as the subject area.

(13) Exceptions to the assignment requirements of subsection (1) of this section must comply with WAC 180-16-222.

(14) School district compliance with this section shall be subject to the state staff review process specified in WAC 180-16-195(2).

**WSR 98-01-032**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**  
[Filed December 8, 1997, 11:23 a.m.]

Date of Adoption: November 21, 1997.

Purpose: Editorial.

Citation of Existing Rules Affected by this Order:  
Amending WAC 180-78A-057 and 180-78A-150.

Statutory Authority for Adoption: RCW 28A.410.010, 28A.305.130.

Adopted under notice filed as WSR 97-20-143 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

Larry Davis  
Executive Director

AMENDATORY SECTION (Amending WSR 97-04-084, filed 2/5/97, effective 3/8/97)

**WAC 180-78A-057 Approval of preparation program offered by an out-of-state college or university within the state applicable to certification.** No out-of-state college or university shall offer a program of courses within Washington state for purposes of Washington state certification without meeting all program approval requirements set forth in this chapter and those set forth in the Degree Authorization Act, chapter ((28A-85)) 28B.85 RCW.

AMENDATORY SECTION (Amending WSR 97-04-084, filed 2/5/97, effective 3/8/97)

**WAC 180-78A-150 Approval standard—Accountability.** Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the

program approval standards of WAC 180-78A-140(2). Each college and university shall:

(1) Submit for initial approval to the state board of education a performance-based program for the preparation of teachers, administrators, and educational staff associates.

(2) Conduct follow-up studies of graduates, maintain placement records for all graduates and prepare annual placement and follow-up summaries.

(3) Submit annually the following to the state board of education for each approved program:

(a) The number of students enrolled in certificate programs during fall of the previous year;

(b) The number of students completing approved programs during the period from July 1 of the previous year to June 30 of the reporting year;

(c) Demographic characteristics, including gender((;)) and ethnicity, ((~~and citizenship~~)) of students completing approved programs during the period from July 1 of the previous year to June 30 of the reporting year;

(d) The number of full-time and part-time faculty and graduate teaching assistants teaching in approved programs during each term from summer through spring of the reporting year;

(e) Demographic characteristics of faculty teaching in approved programs including ethnicity and gender; and

(f) A brief narrative description of changes that occurred in certificate programs during the reporting year.

(4) Submit its program for review when requested by the state board of education to ensure that the program meets the state's program approval standards and to provide assessment data relative to the performance standards to the state board of education for the year prior to the site visit.

*Provided*, Institutions seeking National Council for the Accreditation of Teacher Education, Council for Accreditation of Counseling and Related Education Programs, and National Association of School Psychologist accreditation may request from the state board of education approval for concurrent site visits which would utilize the same documentation with the exception of material submitted by the institution to the state for the professional education advisory boards and the accountability standards.

**WSR 98-01-033**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**  
[Filed December 8, 1997, 11:25 a.m.]

Date of Adoption: November 21, 1997.

Purpose: Allows an individual who qualifies for certification in Washington under reciprocity based on certification and experience in another state to also qualify for a substitute certificate.

Citation of Existing Rules Affected by this Order:  
Amending WAC 180-79A-230.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 97-20-145 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

**WAC 180-79A-230 Limited certificates.** Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) Such certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons:

(i) Who meet the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2); and

(ii) Who are highly qualified and experienced in subject matter to be taught in the common or nonpublic schools; or

(iii) Who qualify to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(iv) Who are assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(v) Who possess a state of Washington license for a registered nurse: *Provided*, That the district will be responsible for orienting and preparing individuals for their assignment as described in (c)(ii) of this subsection; or

(vi) Who have completed a baccalaureate degree level school speech pathologist or audiologist certification preparation program, who were eligible for certification at the time of program completion and who have served in the role for three of the last seven years.

(b) The educational service district or local district superintendent or administrator of an approved private school will verify that the following criteria have been met when requesting the conditional certificate:

(i) No person with regular certification in the field is available as verified by the district or educational service district superintendent or approved private school administrator;

(ii) The district or educational service district superintendent or approved private school administrator will indicate the basis on which he/she has determined that the individual is competent for the assignment;

(iii) The individual is being certificated for a limited assignment and responsibility in a specified activity/field.

(c) When requesting the conditional certificate for persons who are highly qualified and experienced in fields of knowledge to be taught in the common or nonpublic schools, the educational service district superintendent or local district superintendent or approved private school administrator will verify that the following additional criteria will be met:

(i) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(ii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iii) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(d) The certificate is valid for two years or less, as evidenced by the expiration date which is printed on the certificate, and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate as approved by the employing school district or approved private school.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of regular Washington certificates have expired; or

(ii) Persons who have completed state approved preparation programs and baccalaureate degrees at regionally accredited colleges and universities for certificates; or

(iii) Persons applying as out-of-state applicants who qualify for certification pursuant to WAC 180-79A-205 (2)(c) and (d).

(b) The substitute certificate is valid for life:

(c) *Provided*, That if the district or approved private school has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under this subsection for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted. Such emergency substitute certificates shall be valid for three years or less, as

evidenced by the expiration date which is printed on the certificate.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents or approved private school administrators to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: *Provided*, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate: *Provided further*, That a candidate for emergency certification as a school counselor, school psychologist, or social worker shall be the best qualified of the candidates for the position as verified by the employing school district and shall have completed all course work for the required master's degree with the exception of the internship: *Provided further*, That a candidate for emergency certification as a school psychologist shall be enrolled in an approved school psychologist preparation program and shall be participating in the required internship.

(b) The emergency certificate is valid for one year or less, as evidenced by the expiration date which is printed on the certificate.

(4) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 180-79A-220 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

**WSR 98-01-034**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed December 8, 1997, 11:28 a.m.]

Date of Adoption: November 21, 1997.

Purpose: Allows the Superintendent of Public Instruction to audit documentation for maintaining a continuing certificate on a selective basis.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 180-85-109.

Statutory Authority for Adoption: RCW 28A.410.010.  
 Adopted under notice filed as WSR 97-20-135 on

October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making:

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

Larry Davis  
 Executive Director

**AMENDATORY SECTION** (Amending WSR 90-12-076, filed 6/1/90, effective 7/2/90)

**WAC 180-85-109 SPI audits of documentation.**  
 ((Each year the superintendent of public instruction shall audit at least five percent of the)) Continuing education compliance forms filed with the superintendent of public instruction shall be audited by the superintendent of public instruction on a selective basis, which may include responses to complaints or other evidence of possible noncompliance, with the number of actual audits per year left to the discretion of the superintendent of public instruction. Such audit may consist of requesting the affected certificate holder to supply the superintendent of public instruction copies of the documents which indicate compliance and/or may consist of any other audit procedure deemed necessary by the superintendent of public instruction in order to check compliance.

**WSR 98-01-037**  
**PERMANENT RULES**  
**SPOKANE COUNTY AIR**  
**POLLUTION CONTROL AUTHORITY**  
 [Filed December 8, 1997, 2:00 p.m.]

Date of Adoption: December 4, 1997.

Purpose: To implement federal emission guidelines for municipal solid waste combustors.

Citation of Existing Rules Affected by this Order:  
 Amending SCAPCA Regulation I, Article IV - Emissions, Prohibited.

Statutory Authority for Adoption: Chapter 70.94 RCW.  
 Adopted under notice filed as WSR 97-19-074 on September 16, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 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.

December 4, 1997  
 Kelle R. Vigeland  
 Air Quality Engineer I

PERMANENT

**NEW SECTION****SCAPCA REGULATION I, SECTION 6.17 STANDARDS FOR MUNICIPAL SOLID WASTE COMBUSTOR**

**A. Purpose.** This section implements the emission guidelines promulgated by the United States Environmental Protection Agency (EPA) in 40 CFR Part 60, Subpart Cb, establishing standards for the control of certain pollutants emitted from municipal solid waste combustors.

**B. Definitions.** The definitions in 40 CFR § 60.31b are adopted by reference except:

1. The references to § 60.52b(c) in the definitions of maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device temperature are hereby changed to § 60.33b (c)(1)(i) and (ii).

2. In sections 60.53b, 60.58b, and 60.59b, Administrator means both the administrator of EPA and the Spokane County Air Pollution Control Authority.

**C. Applicability.** This section applies to all facilities within Spokane County that are designated facilities as established in 40 CFR § 60.32b(a).

**D. Emission Standards.** The following emission standards are adopted by reference. All facilities designated in C. of this section shall comply with these standards in accordance with the compliance schedule given in J. below.

1. Particulate matter emissions shall not exceed the emission limit in 40 CFR § 60.33b (a)(1)(i).

2. Opacity shall not exceed the emission limit in 40 CFR § 60.33b (a)(1)(iii).

3. Cadmium emissions shall not exceed the emission limit in 40 CFR § 60.33b (a)(2)(i).

4. Lead emissions shall not exceed the emission limit in 40 CFR § 60.33b (a)(2)(iii).

5. Mercury emissions shall not exceed the emission limit in 40 CFR § 60.33b (a)(3).

6. Sulfur dioxide emissions shall not exceed the emission limit in 40 CFR § 60.33b (b)(1)(i).

7. Hydrogen chloride emissions shall not exceed the emission limit in 40 CFR § 60.33b (b)(2)(i).

8. Dioxins/furans emissions shall not exceed the emission limit in 40 CFR § 60.33b (c)(1)(i) or (ii).

9. Nitrogen oxide emissions shall not exceed the emission limits in Table 1 of 40 CFR § 60.33b(d) (24-hour daily arithmetic average).

10. Carbon monoxide emissions shall not exceed the emission levels specified in Table 3 of 40 CFR § 60.34b(a).

**E. Operating Practices.** The operating practices of 40 CFR § 60.53b(b) and (c) are adopted by reference. All facilities designated in C. of this section shall comply with these practices in accordance with the compliance schedule given in J. below.

**F. Operator Training and Certification.** . The operator training and certification requirements of 40 CFR § 60.54b(b) are adopted by reference with the following change:

1. A State certification program may only be used to meet the certification requirements if it has been demonstrated to EPA's satisfaction that the State program is equivalent to the American Society of Mechanical Engineers certification program.

All facilities designated in C. of this section shall comply with these requirements in accordance with the compliance schedule given in J. below.

**G. Fugitive Ash Emissions.** . The fugitive ash emission requirements of 40 CFR § 60.55b are adopted by reference. All facilities designated in C. of this section shall comply with these requirements in accordance with the compliance schedule given in J. below.

**H. Compliance and Performance Testing.** The compliance and performance testing requirements in 40 CFR § 60.58b are adopted by reference with the following changes:

1. In § 60.58b(c), the reference to § 60.52b (a)(1) and (a)(2) is hereby changed to § 60.33b (a)(1)(i) and (iii).

2. In § 60.58b(d), the reference to § 60.52b(a) is hereby changed to § 60.33b (a)(2)(i) and (iii) and (a)(3).

3. In § 60.58b(d)(1), the reference to § 60.52b(a)(3) and (4) is hereby changed to § 60.33b (a)(2)(i) and (iii).

4. All references to § 60.52b (a)(5) in § 60.58b are hereby changed to § 60.33b (a)(3).

5. In § 60.58b(e), the reference to § 60.52b (b)(1) is hereby changed to § 60.33b (b)(1)(i).

6. In § 60.58b(f), the reference to § 60.52b (b)(2) is hereby changed to § 60.33b (b)(2)(i).

7. All references to § 60.52b(c) in § 60.58b are hereby changed to § 60.33b (c)(1)(i) and (ii).

8. In § 60.58b (g)(5)(iii), the alternate testing schedule for dioxins/furans specified in § 60.58b (g)(5)(iii), as applicable, shall be available to facilities that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen.

9. In § 60.58b(h), the references to § 60.52b(d) are hereby changed to Table 1 of § 60.33b(d).

10. In § 60.58b(i), the reference to § 60.53b is hereby changed to Table 3 of § 60.34b(a) and § 60.53b (b) and (c).

11. In § 60.58b(i), the references to § 60.53b(a) are hereby changed to Table 3 of § 60.34b(a).

All facilities designated in C. of this section shall comply with the compliance and performance testing requirements of this section in accordance with the compliance schedule given in J. below.

**I. Reporting and Recordkeeping.** The reporting and recordkeeping requirements in 40 CFR § 60.59b are adopted by reference with the following changes:

1. § 60.59b (a), (b)(5), and (d)(11) are hereby deleted.

2. In § 60.59b(d), the reference to § 60.52b is hereby changed to § 60.33b.

3. In § 60.58b(d), the reference to § 60.53b is hereby changed to § 60.34b(a) and § 60.53b (b) and (c).

All facilities designated in C. of this section shall comply with the recordkeeping and reporting requirements of this section in accordance with the compliance schedule given in J. below.

**J. Compliance Schedule.** This section shall become effective one year after EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb except for the following:

1. The requirement specified in § 60.54b(d) does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers or a state certification plan on or before the date of EPA approval

of the State plan required under 40 CFR Part 60, Subparts B and Cb.

2. The owner or operator may request that SCAPCA waive the requirement specified in § 60.54b(d) for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers or a state certification plan on or before the date of EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb.

3. The initial training requirements specified in § 60.54b(f)(1) shall be completed no later than 12 months after EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb or the date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation whichever is later.

4. The initial performance evaluation/test shall be completed no later than 180 days after the effective date of section.

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

**WSR 98-01-047**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
[Filed December 8, 1997, 4:19 p.m.]

Date of Adoption: December 5, 1997.

Purpose: To cover a 3% cost-of-living salary increase and to provide for an increase in staff time needed to meet a growing workload, so that revenue will meet program costs.

Citation of Existing Rules Affected by this Order: Amending WAC 246-254-053 Radiation machine facility registration fees.

Statutory Authority for Adoption: RCW 43.70.110, 43.70.250, and chapter 70.98 RCW.

Adopted under notice filed as WSR 97-21-137 on October 22, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
December 8, 1997  
Bruce Miyahara  
Secretary

**AMENDATORY SECTION** (Amending WSR 96-11-043, filed 5/8/96, effective 6/28/96)

**WAC 246-254-053 Radiation machine facility registration fees.** (1) Persons owning and/or leasing and using radiation-producing machines shall submit ~~((an eighty-nine dollar))~~ a ninety dollar registration fee to the department at the time of application and every two years thereafter. In addition:

(a) For dentists, veterinarians, and podiatrists, add:

(i) Ninety dollars for the first tube; and

(ii) ~~((Forty-two dollars))~~ Forty-three dollars and fifty cents for each additional tube.

(b) For hospitals and medical or chiropractic facilities, add:

(i) Two hundred fifty dollars for the first tube; and

(ii) ~~((twenty dollars))~~ twenty-four dollars and fifty cents for each additional tube.

(c) For industrial, research, and other uses, add:

(i) One hundred forty dollars for the first tube; and

(ii) ~~((Forty-two dollars))~~ Forty-three dollars and fifty cents for each additional tube.

(2) The department shall charge a maximum total fee of five thousand five hundred dollars for any facility or group of facilities where an in-house, full-time staff of at least two or more is devoted entirely to in-house radiation safety.

(3) A penalty fee of ~~((eighty-nine))~~ ninety dollars shall be charged for late registration or late reregistration.

(4) A fee of ~~((eighty-nine))~~ ninety dollars shall be charged for review of medical x-ray shielding calculations and floor plans submitted under WAC 246-225-030. This fee shall be added to the registration fee described above.

(5) A penalty fee of ~~((eighty-nine))~~ ninety dollars shall be charged to a facility where submittal of medical x-ray shielding calculations and floor plans is not made before x-ray machine installation as required under WAC 246-225-030. This penalty fee shall be added to the registration fee described above.

(6) Facilities electing to consolidate x-ray machine registrations into a single registration shall be able to demonstrate and document that their businesses are under one business license.

(7) No additional tube fee shall be charged for electron microscopes, mammographic x-ray machines or airport baggage cabinet x-ray systems. Only the base registration fee described above is applicable.

**WSR 98-01-050**  
**PERMANENT RULES**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed December 8, 1997, 4:30 p.m., effective January 15, 1998]

Date of Adoption: December 5, 1997.

Purpose: To modify WAC 352-24-010 and to repeal the remainder of chapter 352-24 WAC. Deregulation of this chapter provides for more efficient management of concessions and leases and more effective partnerships between state parks and the concession business operators.

Citation of Existing Rules Affected by this Order: Repealing WAC 352-24-020 through 352-24-280; and amending WAC 352-24-010.

Statutory Authority for Adoption: RCW 43.51.040(5).

Adopted under notice filed as WSR 97-21-132 on October 21, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 27.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 27.

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: January 15, 1998.

December 9 [8], 1997

Jim French

Senior Policy Analyst

**AMENDATORY SECTION** (Amending Order 7, filed 4/1/70)

**WAC 352-24-010 Approval of concessions and leases—Concession policies.** The commission shall approve, or disapprove, all concessions and leases, and may, in its discretion, authorize the director to sign any lease or concession agreement on behalf of the commission, which authorization shall be incorporated into the minutes of the regular or special meeting at which it is granted. Specific policies concerning concessions and leases have been adopted by the commission and are available upon request.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 352-24-020 Preservation and use.
- WAC 352-24-030 Merchandising.
- WAC 352-24-040 Acquisition and ownership of facilities by the commission.
- WAC 352-24-050 Definitions.
- WAC 352-24-060 Abandonment or destruction of improvements.
- WAC 352-24-070 Compensation for concessionaire's possessory interest.
- WAC 352-24-080 Compensation to the state for improvements placed by the state.
- WAC 352-24-090 General provisions.
- WAC 352-24-100 Bidding procedures.
- WAC 352-24-110 Notification to bidder.
- WAC 352-24-120 The highest and best bid.
- WAC 352-24-130 Commission's acceptance.
- WAC 352-24-140 Bond requirement.

- WAC 352-24-150 Transactions involving interest of concessionaire.
- WAC 352-24-160 Advertising.
- WAC 352-24-170 Concessionaire's employees.
- WAC 352-24-180 Anti-discrimination.
- WAC 352-24-190 Representation of commission endorsement.
- WAC 352-24-200 Sale of majority stock interest in corporation.
- WAC 352-24-210 Approval of subconcession contracts.
- WAC 352-24-220 Violation of lease.
- WAC 352-24-230 Preferential right.
- WAC 352-24-240 Insurance requirement.
- WAC 352-24-250 Contract, franchise, or lease fees.
- WAC 352-24-260 Audits, accounting records and reports.
- WAC 352-24-270 Provision for arbitration.
- WAC 352-24-280 Temporary concession permits.

**WSR 98-01-053  
PERMANENT RULES  
POLLUTION LIABILITY  
INSURANCE AGENCY**  
[Filed December 10, 1997, 1:11 p.m.]

Date of Adoption: December 10, 1997.

Purpose: Chapter 374-50 WAC, expired on December 31, 1996. Rules no longer needed.

Citation of Existing Rules Affected by this Order: Repealing WAC 374-50-010 through 374-50-090.

Adopted under preproposal statement of inquiry filed as WSR 97-19-054 on September 15, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 10.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 10.

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.  
December 10, 1997

James M. Sims  
Director

PERMANENT

**WSR 98-01-056**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed December 11, 1997, 9:29 a.m.]

Date of Adoption: December 11, 1997.

Purpose: To establish an immediate quarantine on a serious infestation of yellow nutsedge (*Cyperus esculentus*) on a parcel of land located in Thurston County, Washington.

Citation of Existing Rules Affected by this Order: Amending WAC 16-752-300 and 16-752-305.

Statutory Authority for Adoption: Chapter 17.10 RCW, Noxious weeds—Control boards.

Adopted under notice filed as WSR 97-21-134 on October 22, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 6, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 6, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 December 11, 1997  
 James M. Jesernig  
 Director

**AMENDATORY SECTION** (Amending Order 2069, filed 1/11/91, effective 2/11/91)

**WAC 16-752-300 Establishing quarantine.** Yellow nutsedge (*Cyperus esculentus* L.) is a herbaceous perennial that is one of the most serious noxious weeds of agronomic crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. It is highly invasive and its unchecked spread would entail great economic loss to the agricultural industries of the state. It is a class B noxious weed designated for control in Cowlitz (~~County~~) and Thurston counties (WAC 16-750-011(~~(27)~~)) (33)(a). Yellow nutsedge infests a dredging spoil site at the Port of Kalama in Kalama, Washington and a plant nursery site at the Port of Olympia in Tumwater, Washington. Movement of material from ~~(these)~~ these sites ~~(has initiated)~~ initiates additional infestations. RCW 17.10.210 provides that either the director or the county noxious weed control board or a weed district may issue an order for quarantine and restriction or denial of access to land determined to be so seriously infested that control measures cannot be undertaken without quarantine of the land. The director has determined:

- (1) That the identified sites ~~(is)~~ are so seriously infested as to require quarantine; and
- (2) That the movement of contaminated materials from ~~(these)~~ these sites presents an immediate threat of infestation

to the rest of the county agricultural and nonagricultural areas; and

- (3) That the restriction of such spread is critical to control efforts.

**AMENDATORY SECTION** (Amending Order 2069, filed 1/11/91, effective 2/11/91)

**WAC 16-752-305 Quarantine area.** The quarantine area shall encompass the dredge spoil site at and owned by the Port of Kalama, located along Hendrickson Drive, Kalama, Washington, and the Port of Olympia, located at the Olympia Airport, Tumwater, Washington, and more particularly described (~~as follows:~~

~~The following described real estate, situated in the county of Cowlitz, state of Washington:))~~ in subsections (1) and (2) of this section.

**Real estate situation in the counties of Cowlitz and Thurston, state of Washington:**

(1) Cowlitz County parcel - containing twenty-three acres, more or less.

A tract of land in the Jacob Ahles D.L.C. No. 44 in Section 20, Township 6 north, Range 1 west of the Willamette Meridian, more particularly described as follows:

Beginning at a point on the north line of a tract of land leased to the North Pacific Grain Growers, Inc., said point being north 2374.49 feet, and north 88 degrees 46'22" west parallel with the south line of said Ahles D.L.C., 263.94 feet from the southeast corner of said Section 20; thence north 1 degree 12'00" west 612.50 feet; thence north 20 degrees 23'00" west 186.52 feet to a point 30.00 feet westerly when measured at right angles from the westerly line of the Northern Pacific Railway right of way; thence parallel with and 30.00 feet from said right of way north 37 degrees 24'37" west 1325.90 feet; thence south 61 degrees 05'28" west 344.47 feet to the inner harbor line as shown on the Plat of Kalama Tidelands; thence south 27 degrees 54'56" east along said inner harbor line 1045.78 feet to the one mile limit as shown on said plat; thence south 62 degrees 05'04" west 100 feet to the low water line of the Columbia River; thence south 22 degrees 48'46" east along said low water line 751.17 feet to said north line of the North Pacific Grain Growers, Inc. lease; thence south 88 degrees 46'22" east parallel with said south line of the Ahles D.L.C. 492.48 feet to the true point of beginning.

(2) County of Thurston, state of Washington:

Parcel number 12711230000 - a portion of this parcel containing twenty-two acres of nursery production, more or less and three access roads one of which begins at 85th Avenue SW, the other two begin at Old Highway 99 SW.

A tract of land in Section 11, Township 17 north, Range 2 west of the Willamette Meridian, more particularly described as follows:

A portion of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, Section 11, Township 17 North, Range 2 West, W.N., Thurston County, Washington.

Beginning at the South Quarter corner of Section 11; thence north 01°53'09"E along the center of the section line 77.6 feet to the southerly edge of the infestation, said point being 75 feet northerly of the center of taxiway 5 and the point of beginning; thence south 88°14'46"E parallel to and

75 feet northerly of taxiway 5, 1254.2 feet to coordinate pair N 604966 E 1043268 North American Datum 83/91, Washington State Lambert projection South Zone; thence north 01°32'43"E parallel to and 75 feet westerly of taxiway 5, 256.1 feet (N 605222 E 1043275); thence north 74°44'42" W, parallel to and 200 feet southerly of runway 8-26, 2031.7 feet (N 605757 E 1041315); thence south 12°53'58"W, parallel to and 75 feet easterly of taxiway 4, 744.6 feet (N 605031 E 1041148); thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 866.5 feet to the point of beginning. TOGETHER WITH: Two (2) 50 foot easements for ingress and egress described as follows: Beginning at the centerline of Old Highway 99 at coordinate pair N 605688 E 1044159; thence south 62°13'04"W, 337 feet (N 605531 E 1043861); thence south 37°34'07"W, 66 feet (N 605479 E 1043821); thence south 15°34'51"W, 432 feet (N 605063 E 1043705); thence south 56°50'31"W, 90 feet (N 605014 E 1043630); thence north 73°42'21"W, 135 feet (N 605052 E 1043500); thence south 73°31'23"W, 47 feet (N 605031 E 1043429).

Beginning at the coordinate pair N 605479 E 1043821; Thence north 10°18'17"W, 78 feet (N 605556 E 103807); Thence north 52°23'38"W, 93 feet (N 605613 E 1043733); Thence north 74°34'40"W, 331 feet (N 605701 E 1043414); Thence north 24°31'11"W, 63 feet (N 605758 E 1043388); Thence north 0°58'36"W, 352 feet (N 606110 E 1043382).

Beginning at the end of 85th Avenue SE; Thence north 14°36'57"W, 44 feet; Thence north 1°44'13"E, 103 feet; Thence north 1°44'13"E, 122 feet; Thence north 4°2'36"E, 103 feet; Thence north 1°44'13"E, 140 feet; Thence north 3°31'10"E, 134 feet; Thence north 1°44'13"E, 146 feet; Thence north 6°43'41"W, 141 feet; Thence north 6°3'35"W, 92 feet; Thence north 1°44'13"E, 128 feet; Thence north 15°58'50"W, 96 feet; Thence south 85°33'49"W, 113 feet; Thence north 88°15'39"W, 100 feet; Thence north 85°38'49"W, 133 feet; Thence north 88°15'36"W, 137 feet; Thence north 85°28'20"W, 125 feet; Thence south 89°35'45"W, 162 feet; Thence north 88°15'32"W, 129 feet; Thence north 88°15'30"W, 200 feet; Thence north 88°15'28"W, 150 feet; Thence north 85°43'23"W, 137 feet; Thence north 88°38'45"E, 113 feet; Thence north 83°56'12"W, 242 feet; Thence north 40°38'52"W, 25 feet; Thence north 40°6'3"W, 25 feet.

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

**WAC 16-752-310 Articles whose movement is restricted.** The movement of all plants and parts of plants of yellow nutsedge and soil contaminated with propagules (~~((nutlets or seeds))~~) of the plant, including soil in nursery pots, is covered by this quarantine. The movement of all balled and burlap nursery stock is covered by this quarantine.

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

**WAC 16-752-315 Regulations.** Use of the property identified in WAC 16-752-305 is restricted as follows:

(1) All removal of sand or soil, potted nursery plants and other plants from the quarantine site, except as provided in subsection (6) of this section, is prohibited without a permit from the Cowlitz or Thurston County noxious weed

control board that details the end use and exact geographic destination.

(2) All land disturbing operations including excavation, utilities work, and similar activities require a one time, no fee permit from the weed board that obligates the operator to thoroughly hose down all equipment before leaving the quarantine area and record the next two areas where the equipment is used after leaving the quarantine area.

(3) All off-road vehicles are banned in the quarantine area without the written permission of the Cowlitz or Thurston County noxious weed control board, except in designated parking areas.

(4) All weed control measures and irrigation practices in the quarantine area are to be (~~((undertaken in consultation with))~~) conducted at the direction of the Cowlitz or Thurston County noxious weed control board.

(5) Yellow nutsedge control shall take precedence over all other land uses in the quarantine area.

(6) The Cowlitz or Thurston County noxious weed control board may designate and clearly mark portions of the site as free from infestation and allow removal of sand or soil from these areas without specific permit to nonagricultural sites: *Provided*, That adequate precautions are taken to prevent commingling of infested and noninfested soils and equipment used in the infested area is thoroughly cleaned before use in the area designated as uninfested.

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

**WAC 16-752-320 Costs of quarantine.** The costs of serving the notice required by RCW 17.10.210(2) shall be borne by the department. The costs of control work shall be borne by the landowner unless otherwise determined by the Cowlitz or Thurston County noxious weed control board or the director in consultation with the Washington state noxious weed control board.

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

**WAC 16-752-330 Violation and penalty.** Any person who violates this quarantine shall have committed a civil infraction and shall be subject to the provisions of RCW 17.10.310 and 17.10.350 and WAC (~~((16-750-900(3)))~~) 16-750-020 which provides (~~((a))~~) monetary ((penalty)) penalties of up to one thousand dollars per infraction.

**WSR 98-01-060**  
**PERMANENT RULES**  
**WASHINGTON STATE PATROL**  
 [Filed December 11, 1997, 9:49 a.m.]

Date of Adoption: December 8, 1997.

Purpose: To repeal chapter 204-56 WAC, Procedures for measuring motor vehicle sound levels.

Citation of Existing Rules Affected by this Order: Repealing chapter 204-56 WAC, Procedures for measuring motor vehicle sound levels.

Adopted under preproposal statement of inquiry filed as WSR 97-20-072 on September 26, 1997.

PERMANENT

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 21.

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.  
 December 10, 1997  
 Annette M. Sandberg  
 Chief

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 204-56-015 Introduction.
- WAC 204-56-025 Definitions.
- WAC 204-56-035 Personnel and equipment.
- WAC 204-56-045 Ambient conditions and equipment preparation.
- WAC 204-56-055 Procedure for measuring in-use, on highway motor vehicle sound levels.
- WAC 204-56-065 Procedure for measuring stationary truck sound levels.
- WAC 204-56-075 Procedure for measuring in-use motor vehicle exhaust system sound levels.
- WAC 204-56-085 Procedures for measuring new motor vehicle sound levels.
- WAC 204-56-99001 Microphone height for measurement of in-use vehicles on the highway.
- WAC 204-56-99002 Patrol mounted microphone location.
- WAC 204-56-99003 In-use vehicle—Standard measuring site—Nonpatrol car mounted microphone.
- WAC 204-56-99004 In-use vehicle—Restricted measuring site.
- WAC 204-56-99005 Correction factors for measuring distance.
- WAC 204-56-99006 Narrow objects near the microphone.
- WAC 204-56-99007 Basically parallel surfaces with projections.
- WAC 204-56-99008 Basically parallel surfaces with perpendicular surfaces.
- WAC 204-56-99009 Measurement of distance to reflecting surface (embankment).

- WAC 204-56-99010 Distances "D" and "L."
- WAC 204-56-99011 Nomogram for reflecting surfaces.
- WAC 204-56-99012 Exhaust system measurement site.
- WAC 204-56-99013 Microphone locations for exhaust system measurements.

**WSR 98-01-062**  
**PERMANENT RULES**  
**PUBLIC DISCLOSURE COMMISSION**  
 [Filed December 11, 1997, 12:31 p.m.]

Date of Adoption: December 9, 1997.  
 Purpose: Adjust for inflation the dollar code values and the reporting threshold used for reporting compensation payments made by lobbyist employers on their L-3 reports and by persons required to file the C-7 form, a special political expenditures report.

Citation of Existing Rules Affected by this Order: Amending WAC 390-20-110 and 390-16-071.

Statutory Authority for Adoption: RCW 42.17.370(1) and 42.17.180 (1)(h).

Adopted under notice filed as WSR 97-21-148 on October 22, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

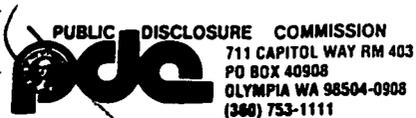
Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 December 11, 1997  
 Melissa Warheit  
 Executive Director

**AMENDATORY SECTION** (Amending WSR 96-01-103, filed 12/19/95)

**WAC 390-20-110 Forms for lobbyist employers report.** The official form for statement by employers of registered lobbyists as required by RCW 42.17.180 is designated "L-3," revised (~~11/95~~) 1/98. Copies of this form are available at the commission office 711 Capitol Way, Room 403, Evergreen Plaza Building, PO Box 40908, Olympia, Washington, 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.

PERMANENT



# EMPLOYER'S LOBBYING EXPENSES

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1. Employer's Name (Use complete company, association, union or entity name.)

Attention (Identify person to whom inquiries about the information below should be directed; NOT the lobbyist.)

Mailing Address

Telephone

City

State

Zip + 4

**THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY.** Include expenditures made and accrued during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.

2. Identify each of your lobbyists/lobbying firms below. In column 1, show the full amount of salary or fee each earned for lobbying. In column 2, show the full amount paid (plus obligated) for other lobbying related expenses that were made by or through the lobbyist and reported by the lobbyist on the monthly L-2 report (e.g., contributions to legislative candidates, reimbursement for entertainment expenses, etc.). Compute the subtotals across and down the columns; put the grand total of expenses incurred by or through lobbyists in the space designated.

Names of Registered Lobbyists (if payments were to lobbying firm, list firm name)	Col 1-Salary	Col 2-Other	Total Amount
<b>Total From Attached Page</b>			
<input type="checkbox"/> Information continued on attached pages			<b>Total Expenses By or Through Lobbyists</b>

**DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing items 3 through 7 below.**

3. Other expenditures made by the employer for lobbying purposes. Show total expenditures made/accrued:

- a. to vendors on behalf of or in support of registered lobbyists (e.g., entertainment credit card purchases); \_\_\_\_\_
  - b. to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort; \_\_\_\_\_
  - c. for entertainment, tickets, passes, travel expenses (e.g., transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families; (Also complete item 8.) \_\_\_\_\_
  - d. for composing, designing, producing and distributing informational materials for use primarily to influence legislation; and \_\_\_\_\_
  - e. for grass roots lobbying expenses, including those previously reported by employer on Form L-6, and payments for lobbying communications to clients/customers (other than to corporate stockholders and members of an organization or union). \_\_\_\_\_
4. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. (Also complete item 10.)
- a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c. \_\_\_\_\_
  - b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this L-3 report.)  
Name of PAC \_\_\_\_\_
5. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. (Also complete item 11.) \_\_\_\_\_
6. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. (Normal course of business payments are not reportable.) (Also complete item 14.) \_\_\_\_\_
7. Other lobbying-related expenditures, whether through or on behalf of a registered lobbyist. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not include payments accounted for above. \_\_\_\_\_

**Total Lobbying Expenses**  
(Items 2 thru 7)

8. This report must be certified by the president, secretary-treasurer or similar officer of lobbying employer.

Certification: I certify that this report is true, complete and correct to the best of my knowledge.

Signature of Employer Officer

Date

Printed Name and Title of Officer:

CONTINUED ON REVERSE

PDC-L3 \*\*\*

PERMANENT

9. Entertainment, tickets, passes, travel expenses (including transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.

Name and Title	Cost or Value	Date and Description of Expense
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Information continued on attached pages

10. Contributions (not reported by the lobbyist) totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure. Do not list employer-affiliated PAC contributions.

Name of Recipient	Amount	Date (and, if In-Kind, Description)
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Information continued on attached pages

11. Independent expenditures totaling \$500 or more in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot proposition. See instruction manual for definition of "independent expenditure" and correct way to determine if threshold has been met.

Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)
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Information continued on attached pages

12. Compensation of \$1,000 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family.

Name	Relationship to Candidate or Elected Official if Member of Family	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
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DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

Information continued on attached pages

13. Compensation of \$1,000 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family holds office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
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Information continued on attached pages

14. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name	Amount	Date and Purpose
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Information continued on attached pages

PERMANENT



# Employer's Lobbying Expenses

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1. Employer's Name (Use complete company, association, union or entity name.)

1/98

Attention (Identify person to whom inquiries about the information below should be directed; NOT the lobbyist.)

Mailing Address

Telephone

City

State

Zip + 4

THIS REPORT MUST BE FILED BY THE **LAST DAY OF FEBRUARY**. Include expenditures made and accrued during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.

2. Identify each of your lobbyists/lobbying firms below. In column 1, show the full amount of salary or fee each earned for lobbying. In column 2, show the full amount paid (plus obligated) for other lobbying related expenses that were made by or through the lobbyist and reported by the lobbyist on the monthly L-2 report (e.g., contributions to legislative candidates, reimbursement for entertainment expenses, etc.). Compute the subtotals across and down the columns; put the grand total of expenses incurred by or through lobbyists in the space designated.

Names of Registered Lobbyists (if payments were to lobbying firm, list firm name)	Col 1-Salary	Col 2-Other	Total Amount
Total From Attached Page			

Information continued on attached pages

Total Expenses By or Through Lobbyists

DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing Items 3 through 7 below.

3. Other expenditures made by the employer for lobbying purposes. Show total expenditures made/acrued:

- a. to vendors on behalf of or in support of registered lobbyists (e.g., entertainment credit card purchases); \_\_\_\_\_
- b. to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort; \_\_\_\_\_
- c. for entertainment, tickets, passes, travel expenses (e.g., transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families; (Also complete Item 9.) \_\_\_\_\_
- d. for composing, designing, producing and distributing informational materials for use primarily to influence legislation; and \_\_\_\_\_
- e. for grass roots lobbying expenses, including those previously reported by employer on Form L-6, and payments for lobbying communications to clients/customers (other than to corporate stockholders and members of an organization or union). \_\_\_\_\_

4. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. (Also complete Item 10.)

- a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c. \_\_\_\_\_
- b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this L-3 report.)  
Name of PAC \_\_\_\_\_

5. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. (Also complete Item 11.) \_\_\_\_\_

6. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. (Normal course of business payments are not reportable.) (Also complete Item 14.) \_\_\_\_\_

7. Other lobbying-related expenditures, whether through or on behalf of a registered lobbyist. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not include payments accounted for above. \_\_\_\_\_

Total Lobbying Expenses  
(Items 2 thru 7)

This report must be certified by the president, secretary-treasurer or similar officer of lobbying employer.

Certification: I certify that this report is true, complete and correct to the best of my knowledge.

Signature of Employer Officer

Date

Printed Name and Title of Officer:

CONTINUE ON REVERSE

PERMANENT

Entertainment, tickets, passes, travel expenses (including transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.

Name and Title	Cost or Value	Date and Description of Expense
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Information continued on attached pages

0. Contributions (not reported by the lobbyist) totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure. Do not list employer-affiliated PAC contributions.

Name of Recipient	Amount	Date (and, if In-Kind, Description)
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Information continued on attached pages

1. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot proposition. See instruction manual for definition of "Independent expenditure."

Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)
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Information continued on attached pages

2. Compensation of \$1,500 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family.

Name	Relationship to Candidate or Elected Official if Member of Family	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
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DOLLAR CODE		AMOUNT
A	- \$1 to \$2,999	
B	- \$3,000 to \$14,999	
C	- \$15,000 to \$29,999	
D	- \$30,000 to \$74,999	
E	- \$75,000 or more	

Information continued on attached pages

3. Compensation of \$1,500 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family holds office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
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Information continued on attached pages

Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name	Amount	Date and Purpose
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Information continued on attached pages

PERMANENT

AMENDATORY SECTION (Amending WSR 95-01-074A, filed 12/16/94)

**WAC 390-16-071 Annual report of major contributors and persons making independent expenditures.** (1) Any person, other than an individual (a) who made contributions to state office candidates and statewide ballot proposition committees totaling more than \$10,000 in the aggregate during the preceding calendar year, or (b) who made independent expenditures regarding state office candidates and statewide ballot propositions totaling more than \$500 in the aggregate during the preceding calendar year, shall file with the commission an annual report required pursuant to RCW 42.17.180. This report shall not be required of a lobbyist employer filing an annual L-3 report pursuant to RCW 42.17.180 or of a candidate's authorized committee or a political committee provided the information has been properly reported pursuant to RCW 42.17.080 and .090.

(2) The report is entitled "Special Political Expenditures" and is designated with PDC form number C-7 revised 1/98.



Special Political Expenditures

C7

PUBLIC DISCLOSURE COMMISSION

12/94

1. Name (Use complete company, association, union or entity name.)

Attention (Identify person to whom inquiries about the information below should be directed.)

Mailing Address

Telephone

( )

City

State

Zip + 4

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Disclose all payments or expenditures the reporting entity made or accrued during the previous calendar year for the types of activities described below. Complete each section. Use "none" or "0" when appropriate. Follow the directions on the attached instructions.

Summary of Expenditures

Amount

2. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates or committees supporting or opposing statewide ballot measures. Also complete Item 8.

a. Aggregate contributions made by the filer.

b. If contributions were made by a political committee associated, affiliated or sponsored by the filer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this report.)

Name of PAC

3. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. Show aggregate amount. Also complete Item 9.

4. Expenditures for entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families. Show aggregate amount. Also complete Item 10.

5. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. Show aggregate amount. Also complete Item 13.

6. Other expenditures related to lobbying state officials, whether payment is made to, through or on behalf of a registered lobbyist. Attach list itemizing each expense. Show date, recipient, purpose and amount.

7. Total Reportable Expenses (Items 2 thru 6)

Itemized Expenditures

8. Contributions totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure.

Name of Recipient

Amount

Date

Information continued on attached pages

CONTINUED ON REVERSE

PDC-C7-11

PERMANENT

PERMANENT

9. Independent expenditures totaling \$500 or more in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot measure. See instructions for definition of "independent expenditure" and correct way to determine if threshold has been met.

Candidate's Name, Office Sought & Party or Ballot Measure & Brief Description

Amount

Date and Description of Expense (Note if Support or Oppose)

Information continued on attached pages

10. Entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families.

Name and Title

Cost or Value

Date and Description of Entertainment, Gift or Travel

Information continued on attached pages

11. Compensation of \$1,000 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate families.

Name

Relationship to Candidate or Official, if Family Member

Amount (Code)

Description of Consideration or Services Exchanged for Compensation

Information continued on attached pages

12. Compensation of \$1,000 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family holds office, partnership, directorship or ownership interest of 10% or more.

Firm Name

Person's Name

Amount (Code)

Description of Consideration or Services Exchanged for Compensation

Information continued on attached pages

13. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of the immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name

Amount

Date and Description of Expense

Information continued on attached pages

14. This report must be certified by the president, secretary-treasurer or similar officer of reporting entity.

Certification: I certify that this report is true, complete and correct to the best of my knowledge.

Signature of Officer

Date

Printed Name and Title of Officer:



Special Political Expenditures

**C7**  
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1. Name (Use complete company, association, union or entity name.)

Attention (Identify person to whom inquiries about the information below should be directed.)

Mailing Address

Telephone

( )

City

State

Zip + 4

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Disclose all payments or expenditures the reporting entity made and accrued during the previous calendar year for the types of activities described below. Complete each section. Use "none" or "0" when appropriate. Follow the directions on the attached instructions.

Summary of Expenditures

Amount

- 2. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. Also complete Item 8.
  - a. Aggregate contributions made by the filer.
  - b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this report.)  
Name of PAC \_\_\_\_\_
- 3. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. Show aggregate amount. Also complete Item 9.
- 4. Expenditures for entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families. Show aggregate amount. Also complete Item 10.
- 5. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. Show aggregate amount. Also complete Item 13.
- 6. Other expenditures related to lobbying state officials, whether payment is made to, through or on behalf of a registered lobbyist. Attach list itemizing each expense. Show date, recipient, purpose and amount.

7. Total Reportable Expenses  
(Items 2 thru 6)

\_\_\_\_\_

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Itemized Expenditures

- 1. Contributions totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure.

Name of Recipient

Amount

Date

Name of Recipient	Amount	Date

Information continued on attached pages

CONTINUE ON REVERSE

PERMANENT

9. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot measure. See instructions for definition of "independent expenditure."

Candidate's Name, Office Sought & Party or Ballot Measure & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)
] Information continued on attached pages		

10. Entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families.

Name and Title	Cost or Value	Date and Description of Entertainment, Gift or Travel
] Information continued on attached pages		

1. Compensation of \$1,500 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate families.

Name	Relationship to Candidate or Official, if Family Member	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
] Information continued on attached pages			

2. Compensation of \$1,500 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family holds office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
] Information continued on attached pages			

3. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name	Amount	Date and Description of Expense
] Information continued on attached pages		

This report must be certified by the president, secretary-treasurer or similar officer of reporting entity.

Certification: I certify that this report is true, complete and correct to the best of my knowledge.	Signature of Officer	Date
Printed Name and Title of Officer:		

PERMANENT

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

**WSR 98-01-071**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
[Filed December 12, 1997, 11:12 a.m.]

Date of Adoption: December 10, 1997.

Purpose: Expedited repeal of WAC 460-40A-015 through 460-40A-040. These rules were preempted by the National Securities Markets Improvement Act of 1996 (NSMIA).

Citation of Existing Rules Affected by this Order: Repealing WAC 460-40A-015 through 460-40A-040.

Statutory Authority for Adoption: RCW 21.20.450.

Adopted under Preproposal Statement of Inquiry filed as WSR 97-20-073 on September 26, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 3; 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 3.

Effective Date of Rule: Thirty-one days after filing.

December 10, 1997

John L. Bley  
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 460-40A WAC (Investment companies).

**WSR 98-01-072**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
[Filed December 12, 1997, 11:15 a.m.]

Date of Adoption: December 12, 1997.

Purpose: To repeal the provisions of chapter 460-65A WAC, Regulations on procedures related to the entry of orders, to assure compliance with the requirements of the Administrative Procedure Act, chapter 34.05 RCW.

Citation of Existing Rules Affected by this Order: Repealing WAC 460-65A-010 through 460-65A-125.

Statutory Authority for Adoption: RCW 21.20.450.

Adopted under preproposal statement of inquiry filed as WSR 97-20-027 on September 22, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 9.

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 9.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Pursuant to RCW 21.20.450, no rule or order may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter.

Effective Date of Rule: Thirty-one days after filing.

December 12, 1997

John L. Bley  
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 460-65A WAC (Regulations on procedures related to the entry of orders).

**WSR 98-01-078**  
**PERMANENT RULES**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**  
[Filed December 12, 1997, 4:30 p.m.]

Date of Adoption: December 8, 1997.

Purpose: The amendment updates the location of the council's office and the source of the council's administrative support (including staff).

Citation of Existing Rules Affected by this Order: Amending WAC 463-06-020 and 463-06-030.

Statutory Authority for Adoption: RCW 80.50.040(1).

Other Authority: RCW 34.05.220 [(1)](b).

Adopted under notice filed as WSR 97-19-056 on September 15, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

PERMANENT

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 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.  
December 8, 1997  
C. Robert Wallis  
Acting Chair

**AMENDATORY SECTION** (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-06-020 Description of organization.** (1) The voting membership of the council consists of the authorized representatives of the member agencies listed in RCW 80.50.030. In addition, a voting county representative, a voting city representative, and a nonvoting port district representative may sit with the council under the circumstances described in RCW 80.50.030.

(2) The chair of the council is the person appointed by the governor with the advice and consent of the senate to a term coextensive with that of the governor pursuant to RCW 80.50.030. The ~~((chairman))~~ chair has a vote on all matters before the council and has an office at the ~~((Washington state energy office))~~ department of community, trade, and economic development.

(3) The ~~((Washington state energy office))~~ department of community, trade, and economic development provides administrative services and staff to the council.

**AMENDATORY SECTION** (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-06-030 Council office—Business hours.** The council office is located at the ~~((Washington State Energy Office, 809 Legion Way))~~ Department of Community, Trade, and Economic Development, 925 Plum Street S.E., Olympia, Washington. It is open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., Saturdays, Sundays, and legal holidays excepted. Notices, applications, business correspondence, or other communication should be sent to the council office.

**WSR 98-01-079  
PERMANENT RULES  
ENERGY FACILITY SITE  
EVALUATION COUNCIL**  
[Filed December 12, 1997, 4:32 p.m.]

Date of Adoption: December 8, 1997.

Purpose: The amendment updates the introductory section in chapter 463-06 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 463-06-010.

Statutory Authority for Adoption: RCW 80.50.040(1). Adopted under notice filed as WSR 97-19-061 on September 15, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 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.  
December 8, 1997  
C. Robert Wallis  
Acting Chair

**AMENDATORY SECTION** (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

**WAC 463-06-010 Organization of this title.** This title (Title 463 WAC) contains the regulations by which the energy facility site evaluation council (hereafter, the council) functions under state and federal law.

Chapter 463-06 WAC contains general informational provisions relating to agency operation and public records handling which are required by the state Administrative Procedure Act and state laws relating to public records.

Chapter 463-10 WAC contains definitions of terms used throughout this title.

Chapter 463-14 WAC sets forth a number of significant policy and interpretive provisions relating to the scope and application of chapter 80.50 RCW and these rules.

Chapter 463-18 WAC deals with procedures for the conduct of business at regular and special council meetings.

Chapter 463-22 WAC sets forth procedures to be followed when a request for a potential site study is submitted under RCW 80.50.175.

Chapter 463-26 WAC sets forth procedures governing the public hearings referred to in RCW 80.50.090 (1), (2), and (4).

Chapter 463-28 WAC sets forth the council's procedures in determining whether to recommend that the state preempt local land use plans or zoning ordinances for a site.

Chapter 463-30 WAC contains procedural provisions governing adjudicative proceedings held pursuant to RCW 80.50.090(3).

Chapter 463-34 WAC outlines procedures for rule making and for obtaining declaratory orders from the council.

Chapter 463-36 WAC sets forth the council's procedures in amending or terminating a site certification agreement.

PERMANENT

December 8, 1997  
C. Robert Wallis  
Acting Chair

Chapter 463-38 WAC contains procedure and guidelines relating to issuance of permits to discharge pollutants into Washington waters pursuant to federal law.

Chapter 463-39 WAC provides the basic framework for the conduct of the council's responsibilities for air pollution prevention and control.

Chapter 463-42 WAC embodies council procedures and guidelines governing preparation of applications for energy facility site certification.

~~((Chapter 463-46 WAC contains guidelines relating to information which may have to be included in an application for site certification pursuant to the State Environmental Policy Act.))~~

Chapter 463-43 WAC sets forth requirements for preparation and processing of applications which qualify for expedited processing.

Chapter 463-47 WAC implements the state-wide SEPA rules in chapter 197-11 WAC.

Chapter 463-50 WAC defines guidelines for the use of independent consultants pursuant to RCW 80.50.070 and 80.50.175.

Chapter 463-54 WAC sets forth procedures and guidelines for performance of surveillance monitoring by the council pursuant to RCW 80.50.040(11).

Chapter 463-58 WAC contains rules relating to independent consultant fees for potential site study, application processing, and compliance determination.

**WSR 98-01-080**

**PERMANENT RULES  
ENERGY FACILITY SITE  
EVALUATION COUNCIL**

[Filed December 12, 1997, 4:34 p.m.]

Date of Adoption: December 8, 1997.

Purpose: The amendment adds a definition of a term which has previously been used without definition.

Citation of Existing Rules Affected by this Order: Amending WAC 463-10-010.

Statutory Authority for Adoption: RCW 80.50.040(1).  
Adopted under notice filed as WSR 97-19-057 on September 15, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 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.

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

**WAC 463-10-010 Definitions.** Except where otherwise indicated in the following chapters, the following terms have the meaning shown:

(1) "Council" refers to the energy facility site evaluation council created pursuant to chapter 80.50 RCW and, where appropriate, to the staff of the council.

(2) "Applicant" means the person or entity making application for a certification or permit covered by this title.

(3) "Adjudicative proceeding" means a proceeding conducted pursuant to RCW 80.50.090(3) and the state Administrative Procedure Act.

(4) "Certificate holder" means a person or entity who is signatory to a site certification agreement, which has been approved by the council and signed by the governor, and who is bound by the terms therein.

**WSR 98-01-081**

**PERMANENT RULES  
ENERGY FACILITY SITE  
EVALUATION COUNCIL**

[Filed December 12, 1997, 4:35 p.m.]

Date of Adoption: December 8, 1997.

Purpose: The amendment updates the rule to cite the council's statute accurately.

Citation of Existing Rules Affected by this Order: Amending WAC 463-14-070.

Statutory Authority for Adoption: RCW 80.50.040(1).

Adopted under notice filed as WSR 97-19-058 on September 15, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 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.

December 8, 1997  
C. Robert Wallis  
Acting Chair

PERMANENT

**AMENDATORY SECTION** (Amending Order 104, filed 11/4/76)

**WAC 463-14-070 Integration of council activities with federal agency activities.** In consonance with RCW 80.50.040(((42))) (10), the council hereby adopts a policy of holding joint hearings, whenever practical and desirable, with federal agencies having jurisdiction over matters affecting certification under chapter 80.50 RCW.

**WSR 98-01-082  
PERMANENT RULES  
ENERGY FACILITY SITE  
EVALUATION COUNCIL**

[Filed December 12, 1997, 4:36 p.m.]

Date of Adoption: December 8, 1997.

Purpose: The amendments update the Energy Facility Site Evaluation Council rules, consistent with changes in the SEPA rules.

Citation of Existing Rules Affected by this Order: Amending WAC 463-47-020 and 463-47-120.

Statutory Authority for Adoption: RCW 80.50.040(1).

Other Authority: RCW 43.21C.120.

Adopted under notice filed as WSR 97-19-060 on September 15, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 8, 1997

C. Robert Wallis

Acting Chair

**AMENDATORY SECTION** (Amending Order 84-2, filed 9/14/84)

**WAC 463-47-020 Adoption by reference.** The energy facility site evaluation council adopts the following sections or subsections of chapter 197-11 WAC by reference.

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.

- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.
- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping. (Optional)
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.
- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-510 Public notice.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.
- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement—Procedures.
- 197-11-625 Addenda—Procedures.
- 197-11-630 Adoption—Procedures.
- 197-11-635 Incorporation by reference—Procedures.
- 197-11-640 Combining documents.
- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.
- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.
- 197-11-708 Adoption.
- 197-11-710 Affected tribe.
- 197-11-712 Affecting.
- 197-11-714 Agency.
- 197-11-716 Applicant.

PERMANENT

- 197-11-718 Built environment.  
 197-11-720 Categorical exemption.  
 197-11-722 Consolidated appeal.  
 197-11-724 Consulted agency.  
 197-11-726 Cost-benefit analysis.  
 197-11-728 County/city.  
 197-11-730 Decisionmaker.  
 197-11-732 Department.  
 197-11-734 Determination of nonsignificance (DNS).  
 197-11-736 Determination of significance (DS).  
 197-11-738 EIS.  
 197-11-740 Environment.  
 197-11-742 Environmental checklist.  
 197-11-744 Environmental document.  
 197-11-746 Environmental review.  
 ((197-11-748 — ~~Environmentally sensitive area.~~))  
 197-11-750 Expanded scoping.  
 197-11-752 Impacts.  
 197-11-754 Incorporation by reference.  
 197-11-756 Lands covered by water.  
 197-11-758 Lead agency.  
 197-11-760 License.  
 197-11-762 Local agency.  
 197-11-764 Major action.  
 197-11-766 Mitigated DNS.  
 197-11-768 Mitigation.  
 197-11-770 Natural environment.  
 197-11-772 NEPA.  
 197-11-774 Nonproject.  
 197-11-776 Phased review.  
 197-11-778 Preparation.  
 197-11-780 Private project.  
 197-11-782 Probable.  
 197-11-784 Proposal.  
 197-11-786 Reasonable alternative.  
 197-11-788 Responsible official.  
 197-11-790 SEPA.  
 197-11-792 Scope.  
 197-11-793 Scoping.  
 197-11-794 Significant.  
 197-11-796 State agency.  
 197-11-797 Threshold determination.  
 197-11-799 Underlying governmental action.  
 197-11-800 Categorical exemptions.  
 197-11-880 Emergencies.  
 197-11-890 Petitioning DOE to change exemptions.  
 197-11-900 Purpose of this part.  
 197-11-902 Agency SEPA policies.  
 197-11-904 Agency SEPA procedures.  
 197-11-906 Content and consistency of agency procedures.  
 197-11-910 Designation of responsible official.  
 197-11-912 Procedures on consulted agencies.  
 197-11-914 SEPA fees and costs.  
 197-11-916 Application to ongoing actions.  
 197-11-917 Relationship to chapter 197-10 WAC.  
 197-11-918 Lack of agency procedures.  
 197-11-920 Agencies with environmental expertise.  
 197-11-922 Lead agency rules.  
 197-11-924 Determining the lead agency.  
 197-11-926 Lead agency for governmental proposals.  
 197-11-928 Lead agency for public and private proposals.  
 197-11-930 Lead agency for private projects with one agency with jurisdiction.  
 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.  
 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.  
 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.  
 197-11-938 Lead agencies for specific proposals.  
 197-11-940 Transfer of lead agency status to a state agency.  
 197-11-942 Agreements on lead agency status.  
 197-11-944 Agreements on division of lead agency duties.  
 197-11-946 DOE resolution of lead agency disputes.  
 197-11-948 Assumption of lead agency status.  
 197-11-950 Severability.  
 197-11-955 Effective date.  
 197-11-960 Environmental checklist.  
 197-11-965 Adoption notice.  
 197-11-970 Determination of nonsignificance (DNS).  
 197-11-980 Determination of significance and scoping notice (DS).  
 197-11-985 Notice of assumption of lead agency status.  
 197-11-990 Notice of action.

**AMENDATORY SECTION** (Amending Order 84-2, filed 9/14/84)

**WAC 463-47-120** ((~~Environmentally sensitive~~)) **Critical areas.** In determining whether a proposal is exempt from SEPA, the council shall respect "((~~environmentally sensitive~~)) **critical area**" designations made by local governments under WAC 197-11-908.

**WSR 98-01-083**  
**PERMANENT RULES**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**  
 [Filed December 12, 1997, 4:37 p.m.]

Date of Adoption: December 8, 1997.

Purpose: The amendment adds PSD permits as a possible basis for scheduling a separate session of the council's adjudicative hearing.

Citation of Existing Rules Affected by this Order: Amending WAC 463-30-300.

Statutory Authority for Adoption: RCW 80.50.040(1).  
 Other Authority: RCW 34.05.250.

Adopted under notice filed as WSR 97-19-062 on September 15, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 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.  
December 8, 1997  
C. Robert Wallis  
Acting Chair

**AMENDATORY SECTION** (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-300 Hearing schedule guidelines.** In any adjudicative site certification proceeding the council shall, after consultation with the parties, schedule the hearing process so that the following general subject areas may be heard separately at specified times, to the extent they are in issue:

- (1) The description of the particular energy facility and the proposed site.
- (2) Consistency of the proposal with zoning and land use regulations.
- (3) Physical site suitability and related safety considerations.
- (4) NPDES (~~((permit or))~~), PSD, or other permits.
- (5) On-site and local impacts (physical): Such as aquatic, terrestrial and atmospheric.
- (6) On-site and local impacts (societal): Such as housing, services, recreation, economics, transportation, health, and tax base.
- (7) Peripheral area impacts (all categories).
- (8) Adverse impacts minimization and consideration of conditions of certification.

At the commencement of the hearing, the council shall publicly announce the proposed schedule by which the hearing is to be conducted. The council may alter the schedule.

**WSR 98-01-084**  
**PERMANENT RULES**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**  
[Filed December 12, 1997, 4:38 p.m.]

Date of Adoption: December 8, 1997.

Purpose: The amendments replace all references to the council's executive secretary with references to the Energy Facility Site Evaluation Council manager.

Citation of Existing Rules Affected by this Order: Amending WAC 463-18-050, 463-30-080, 463-30-120, 463-30-330, and 463-30-335.

Statutory Authority for Adoption: RCW 80.50.040(1).

Other Authority: RCW 34.05.250.

Adopted under notice filed as WSR 97-19-059 on September 15, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 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.  
December 8, 1997  
C. Robert Wallis  
Acting Chair

**AMENDATORY SECTION** (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-080 Commencement of adjudicative proceedings.** Adjudicative proceedings shall commence upon issuance of a formal notice of hearing or prehearing conference. The notice shall be served upon all parties at least twenty days in advance of the initial hearing date, unless the council finds that an emergency exists requiring the hearing or prehearing conference to be held upon less notice.

The time and place of continued hearing sessions may also be set:

- (1) Upon the record without further written notice to the parties; or
- (2) By letter from the (~~((executive secretary of the council))~~) EFSEC manager; or
- (3) By letter from the presiding officer.

In such instances, twenty days' prior notice is not required.

**AMENDATORY SECTION** (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-120 Filing and service.** (1) Filing. Filing of any document shall be deemed complete only upon receipt by the (~~((executive secretary))~~) EFSEC manager or other authorized agent of the council. Receipt in the council's telefax machine, or similar device, does not constitute filing. Unless in a particular case the council specifies a different number of copies, every pleading submitted to the council shall be filed with two copies. Filing a document with the council does not constitute service upon the office of the attorney general or any other party. Likewise, service on the office of the attorney general does not constitute a filing with the council.

(a) Applications. Applications for a site certificate shall be filed in the manner prescribed by the rules governing such applications.

(b) Other pleadings. All pleadings shall be legible and a copy shall be served upon each party to the proceeding.

(2) Service.

(a) Service by parties. Service of pleadings by parties shall be made by delivering one copy to each party in person, by mail, properly addressed with postage prepaid, by

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commercial parcel delivery company properly tendered with fees prepaid, or by telefacsimile transmission, where originals are mailed simultaneously. Except as otherwise provided, when any party has appeared by attorney or other authorized representative, service upon such attorney or representative will be deemed valid service upon the party of all future pleadings before the council. Service of pleadings by mail shall be complete when a true copy of the document is properly addressed and stamped and deposited in the United States mail. Service by commercial parcel delivery company shall be complete when accepted for delivery by the company.

(b) Service by the council. All notices, findings of fact, decisions, and orders required to be served by the council may be served in person, by mail, by commercial parcel delivery company, properly tendered with fees prepaid, or by telefacsimile transmission, when originals are mailed simultaneously. Service of documents shall be complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail with first class postage affixed, or accepted for delivery by the parcel delivery company.

(c) Certificate of service. There shall appear on the original of every pleading when filed with the council in accordance with this subsection, either an acknowledgment of service, or the following certificate:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by authorized method of service pursuant to WAC 463-30-120 (2)(a).  
Dated at . . . . . this . . . . day of . . . .  
(signature) . . . . .

**AMENDATORY SECTION** (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-330 Petition for review and replies.**

(1) Any party to an adjudicative proceeding may file a petition for review of an initial order.

(2) The petition for review shall be filed with the ~~((executive secretary of the council))~~ EFSEC manager within twenty days of the date of service of the initial order unless a different place and time limit for filing the petition are specified in the initial order in its statement describing available procedures for administrative relief. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.

(3) The petition for review shall specify the challenged portions of the initial order and shall refer to the evidence of record which is relied upon to support the petition.

(4) Any party may file an answer to a petition for review. The answer shall be filed with the ~~((executive secretary of the council))~~ EFSEC manager within fourteen days after the date of service of the petition and copies of the answer shall be served upon all other parties or their representatives at the time the answer is filed.

**AMENDATORY SECTION** (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-335 Reconsideration.** A petition for reconsideration of a final order under RCW 34.05.470 shall be filed with the ~~((executive secretary of the council))~~ EFSEC manager.

**AMENDATORY SECTION** (Amending Order 105, filed 11/4/76)

**WAC 463-18-050 Special meetings.** A special meeting may be called at any time by the ~~((chairman))~~ chair or by a majority of the members of the council by delivering personally or by mail written notice to each member; and to each local newspaper of general circulation and to each local radio or television station which has on file a written request to be notified of such special meetings of or all special meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the ~~((executive secretary))~~ EFSEC manager a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

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**WSR 98-01-107  
PERMANENT RULES  
DEPARTMENT OF LICENSING  
(Real Estate Commission)  
[Filed December 17, 1997, 9:49 a.m.]**

Date of Adoption: December 5, 1997.

Purpose: Amend WAC 308-124-021(2) Definitions, this rule adds WAC language recognizing real estate companies that operate as limited liability companies or partnerships which were made part of the real estate licensing law in 1997 with the passage of SSB 5267.

New WAC 308-124-025, 308-124-035, and 308-124-045, application of brief adjudicative proceedings, these rules create a brief administrative procedure for certain kinds of real estate licensing adjudicative matters, in particular, the suspension of a license for default on a student loan - pursuant to RCW 18.85.225.

Amend WAC 308-124A-120(3) Application for license—Interim license, 308-124A-200 (1), (2), (3), (4), (5) Corporate or copartnership applicants for licenses—Proof required, 308-124A-205 Corporate license renewal—Proof required, 308-124C-030 Accuracy and accessibility of records and 308-124D-061(1) Broker supervision of affiliated

licensees; adds language relating to limited liability companies and partnerships.

Repeal WAC 308-124F-040 Standards for professional associations and educational organizations, this rule is being repealed because it duplicates current statutory language regarding public records disclosure and parts are in conflict with public records law.

Citation of Existing Rules Affected by this Order: See Purpose above.

Statutory Authority for Adoption: RCW 18.85.040.

Adopted under notice filed as WSR 97-21-051 on October 13, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 3, amended 4, repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 4, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 3, amended 4, repealed 1; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 5, 1997

Evelyn P. Yenson  
Director

**AMENDATORY SECTION** (Amending WSR 90-23-039, filed 11/15/90, effective 12/16/90)

**WAC 308-124-021 Definitions.** (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.85 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Designated broker" is the natural person designated by a corporation, limited liability company, limited liability partnership or partnership to act as a broker on behalf of the corporation, limited liability company, limited liability partnership or partnership. The designated broker must be an officer of the corporation, manager or member of the limited liability company, partner of the limited liability partnership or a general partner of the partnership and must be separately qualified for licensure as a real estate broker.

(3) "Principal owner" is a person who owns or controls, directly or indirectly, ten percent or more of a real estate brokerage, regardless of whether such interest stands in the person's true name or in the name of a nominee.

(4) "Individual broker" is the natural person who owns a sole proprietorship brokerage company and is the licensed broker of the firm.

(5) "Incorporated associate broker" is the natural person qualified as a broker who works with a broker and who is licensed as a corporation and whose license states that he or she is associated with a broker.

(6) "Affiliated licensees" are the natural persons licensed as salespersons, associate brokers, incorporated associate brokers, and/or branch managers employed by a real estate broker and who are licensed to represent a broker in the performance of any of the acts specified in chapter 18.85 RCW.

#### NEW SECTION

**WAC 308-124-025 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a real estate broker or real estate salesperson in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether to deny or withdraw approval of any real estate clock hour courses, school approval, or instructor approval;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal;

(5) Whether a license holder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed education loan or service-conditional scholarship; and

(6) Whether a cease and desist order issued to an unlicensed person for acting as a real estate broker or salesperson was properly issued.

#### NEW SECTION

**WAC 308-124-035 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license, for approval of an education course or curriculum, or for the proper issuance of a cease and desist order shall consist of:

(a) The application for the license, renewal, or approval and all associated documents; or the cease and desist order and all associate documents;

(b) All documents relied upon by the program in proposing to deny the license, renewal, or approval; or all documents relied upon by the program in issuing a cease and desist order; and

(c) All correspondence between the applicant for license, renewal, or approval and the program regarding the application; or all correspondence between the respondent and the program regarding the issuance of the cease and desist order.

(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;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed education 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 education loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

#### NEW SECTION

**WAC 308-124-045 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(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 the 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 order.

**AMENDATORY SECTION** (Amending WSR 91-23-006, filed 11/7/91, effective 12/8/91)

**WAC 308-124A-120 Application for license—Interim license.** (1) A person who desires to be licensed as a real estate salesperson or associate broker, or broker shall make application on a form approved by the director and the real estate salesperson and associate broker application shall be signed by the broker or designated broker to whom the license will be issued. The branch manager may sign for the broker or designated broker for licenses to be issued to that branch office. All signatures must be original signatures of the signators, unless signed under authority of a written power of attorney.

(2) Upon receipt of notice of passage of the examination and the license application form, applicants for a real estate salesperson license may commence working upon the postmark date to the department or date of hand delivery to

the licensing division of the department of the signed, dated and completed license application form with the license fee. The completed license application form, if submitted with the license fee, shall serve as an interim license for a period up to forty-five days after the postmark date or date of hand delivery to the department, unless grounds exist to take disciplinary action against the license under RCW 18.85.230.

(3) There are no interim licenses for designated brokers for corporations, limited liability companies, limited liability partnerships or partnerships, individual real estate brokers or associate brokers. Upon notification of passage of the examination, applicants for associate broker licenses, individual broker licenses, or designated broker licenses for corporations, limited liability companies, limited liability partnerships or partnerships must submit a complete license application with the license fee to the department of licensing and qualify for the license under chapter 18.85 RCW and the rules.

**AMENDATORY SECTION** (Amending WSR 90-23-039, filed 11/15/90, effective 12/16/90)

**WAC 308-124A-200 Corporate or copartnership applicants for licenses—Proof required.** The minimum qualifications for a corporation, limited liability company, limited liability partnership or partnership to receive a broker's license are:

(1) An officer in the corporation, a manager or member in the limited liability company, a partner in the limited liability partnership or a general partner in the partnership, as the case may be, shall be designated as the broker and shall separately qualify for a valid broker's license. The corporation, limited liability company, limited liability partnership or partnership and the designated broker are required to pay only a single license and license renewal fee.

(2) The applicant shall furnish a character and credit rating of the designated broker, officers, managers or members and principal owners of the corporation or limited liability company directly involved in the company's Washington real estate activity and, in the case of a partnership or limited liability partnership, the general partners and all principal owners. A new credit rating is not required if one has been filed with the department within the preceding eighteen months.

(3) If the applicant is a partnership or limited liability partnership, it shall furnish a copy of its partnership or limited liability partnership agreement.

(4) Licenses issued to corporations, limited liability companies, limited liability partnerships and partnerships expire two years from the date of issuance which date will be the renewal date.

(5) If a corporation applies for licensure as an incorporated associate broker, the associate broker shall be the sole licensee of the corporation. The renewal period for the incorporated associated broker shall be the same as the renewal period for corporations, limited liability companies, limited liability partnerships or partnerships under this chapter.

**AMENDATORY SECTION** (Amending Order PM 683, filed 10/7/87)

**WAC 308-124A-205 Corporate license renewal—Proof required.** Applicants for renewal of a corporate, limited liability company or limited liability partnership license shall furnish proof of current master license renewed by authority of secretary of state.

**AMENDATORY SECTION** (Amending Order PM 683, filed 10/7/87)

**WAC 308-124C-030 Accuracy and accessibility of records.** All required real estate records shall be accurate, posted and kept up to date. All required real estate records shall be kept at an address where the real estate broker is licensed to maintain a real estate office. Such records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years. While RCW 18.85.230(20) requires the retention of records for three years, licensees should be aware that the applicable statute of limitations may vary from this three-year retention period.

In the case of a corporate, limited liability company, limited liability partnership or partnership brokerage firm, the responsibility imposed by this section shall apply to both the corporation, limited liability company, limited liability partnership or partnership and the natural person designated and licensed to act as broker for the corporation, limited liability company, limited liability partnership or partnership. Prior to issuing a new license indicating a change of designated broker for a corporate, limited liability company, limited liability partnership or partnership licensee, the licensee must submit evidence that the requirements have been satisfied.

A statement signed by both the outgoing designated broker and the incoming designated broker, listing all outstanding client trust liabilities, copies of trust account bank statements and the latest trust account reconciliations and certifying that funds in hand in the trust account maintained by the licensee are adequate to meet these client trust liabilities will satisfy this requirement. The incoming designated broker shall not be deemed responsible for any discrepancy identified in the statement, unless the incoming designated broker contracted to accept such responsibility.

**AMENDATORY SECTION** (Amending WSR 90-01-044, filed 12/14/89, effective 1/14/90)

**WAC 308-124D-061 Broker supervision of affiliated licensees.** (1) Individual and designated brokers shall be responsible for supervising the conduct of all associate brokers and salespersons licensed to them, whether in an individual capacity or through a corporate, limited liability company, limited liability partnership or partnership entity. A broker shall not be held responsible for inadequate supervision if:

(a) An associate broker or salesperson violates a provision of chapter 18.85 RCW, or the rules promulgated thereunder, in contravention of the supervising broker's specific written policies or instructions;

(b) Reasonable procedures had been established to verify that adequate supervision was being performed;

(c) Upon learning of the violation, the broker attempted to prevent or mitigate the damage;

(d) The broker did not participate in the violation;

(e) The broker did not ratify the violation; and

(f) The broker did not attempt to avoid learning of the violation.

(2) The existence of an independent contractor relationship or any other special compensation arrangement between the broker and affiliated licensees shall not release the broker and licensee of any duties, obligations, or responsibilities.

### **REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-124F-040 Standards for professional associations and educational organizations.

**WSR 98-01-109**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
[Filed December 17, 1997, 11:00 a.m.]

Date of Adoption: December 16, 1997.

Purpose: To adopt model rules promulgated by the state of Washington Executive Ethics Board regarding the duty of members of executive boards to recuse themselves in the event they have a beneficial interest in either a transaction before the board or in an entity involved in a transaction with the board.

Statutory Authority for Adoption: RCW 41.50.086.

Adopted under notice filed as WSR 97-21-154 on October 22, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 3, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, 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.

December 16, 1997

John Charles, Chair

Employee Retirement Benefits Board

**NEW SECTION****WAC 415-200-050 Recusal of board members—**

**Beneficial interest in transaction.** (1) When a member of the board is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase or grant that may be made by, through, or is under the supervision of the board, in whole or in part, or when the member accepts, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in such contract, sale, lease, purchase or grant, the member shall:

(a) Recuse him or herself from the board discussion regarding the specific contract, sale, lease, purchase or grant;

(b) Recuse him or herself from the board vote on the specific contract, sale, lease, purchase or grant; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific contract, sale, lease, purchase or grant.

(2) The prohibition against discussion set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3) Under subsection (1) of this section, "any other person" has a beneficial interest in a contract, sale, lease, purchase or grant when the other person bids or otherwise seeks to be awarded the contract, sale, lease, purchase or grant.

**Example:** The board is composed in part of individuals who are employed by companies which provide investment options to retirement plans. The board is in the process of selecting investment options for the defined contribution portion of the Teachers' Retirement System Plan 3. A company which employs one of the board members has bid on the contract. The board member who is employed by the bidding company may use his general expertise to educate and provide general information to the board regarding investments and defined contribution retirement plans in general. The member is prohibited from participating in the board discussion and analysis implementing the criteria for selecting an investment company, and is prohibited from participating in the board vote to select the company.

**Example:** The board has a contract with an investment company to provide investment options for the defined contribution portion of Teachers' Retirement System Plan 3 (TRS Plan 3). The board's contract with the investment company is almost expired, and the board must seek proposals from investment companies for the next contract period. The board issues a request for proposal to various investment companies, including Investment Company "A." Approximately one year ago, a board member worked for Investment Company "A" and received compensation from that company. The board member subsequently retired. The board member is not required to recuse herself from selecting the investment company for

TRS Plan 3. Investment Company "A" did not have a beneficial interest in the board's contract until it bid on the contract. Therefore, Investment Company "A" was not beneficially interested in the contract when the board member received the compensation. However, if the board member received compensation from Investment Company "A" after it bid on the contract, the board member would be required to disclose the fact that she received the compensation from the bidder, and to recuse herself from the board's specific discussion and the vote awarding the contract.

**NEW SECTION****WAC 415-200-060 Recusal of board members—**

**Beneficial interest in entity engaged in transaction with the board.** (1) When a member of the board either owns a beneficial interest in or is an officer, agent, employee or member of an entity or individual which is engaged in a transaction involving the board, the member shall:

(a) Recuse him or herself from the board discussion regarding the specific transaction;

(b) Recuse him or herself from the board vote on the specific transaction; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction involving the board" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question believes, or has reason to believe:

(i) Is, or will be, the subject of board action; or

(ii) Is one to which the board is or will be a party; or

(iii) Is one in which the board has a direct and substantial proprietary interest.

(b) "Transaction involving the board" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a "transaction involving the board."

(4) "Board action" means any action on the part of the board, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

**Example:** The board selects investment options for the deferred compensation program. The board currently has a contract with Investment Com-

pany "B" which allows program participants to purchase Company "B's" stock. The board is in the process of determining whether to renew Company "B's" contract. One of the board members owns fifty shares of Company "B" stock. That board member must recuse herself from the board's discussion and vote regarding whether to renew Company "B's" contract. The board member also must refrain from attempting to influence the remaining board members in their discussion and vote regarding the contract renewal.

Example: The board selects investment options for the deferred compensation program. The board is in the process of obtaining proposals from mutual fund companies to provide mutual fund options to program participants. Mutual Fund Company "C" bids on the contract. A board member owns one hundred shares of Mutual Fund "C," but does not have any management powers in the mutual fund company. The board member does not have a beneficial interest in Mutual Fund Company "C." RCW 42.52.010(4). The board member thus is not required to recuse himself from the board's discussion and vote on the mutual fund contract.

**NEW SECTION**

**WAC 415-200-070 Recusal of board members—Disclosure of reason for recusal.** If recusal occurs pursuant to WAC 415-200-050 or 415-200-060, the member of the board shall disclose to the public the reasons for his or her recusal from any board action whenever recusal occurs. The board staff shall record each recusal and the basis for the recusal.

**WSR 98-01-111  
PERMANENT RULES  
DEPARTMENT OF REVENUE  
[Filed December 18, 1997, 10:00 a.m.]**

Date of Adoption: December 18, 1997.

Purpose: To repeal two excise tax rules because: (1) The information addressed WAC 458-20-137 is also discussed in other rules adopted by the department, such as WAC 458-20-136 Manufacturing, processing for hire, fabricating and 458-20-19301 Multiple activities tax credits; and (2) the statutes on which WAC 458-20-253 was based have been repealed (RCW 82.08.065 and 59.22.060).

Citation of Existing Rules Affected by this Order: Repealing WAC 458-20-137 (Rule 137) Articles manufactured and installed and 458-20-253 (Rule 253) Mobile homes and mobile home park fee.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under preproposal statement of inquiry filed as WSR 97-21-003 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 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: Thirty-one days after filing.

December 18, 1997

Russell W. Brubaker

Assistant Director

**WSR 98-01-112  
PERMANENT RULES  
DEPARTMENT OF  
GENERAL ADMINISTRATION  
[Filed December 18, 1997, 11:36 a.m.]**

Date of Adoption: December 18, 1997.

Purpose: The purpose of this rule is to provide guidance for those proposing the placement of memorials or artwork on state capitol grounds, and establish a set of criteria and standards by which these proposals may be evaluated. The rule seeks to protect open space, conserve options for placement of memorials and works of art by future generations, and ensure that all major memorials and works of art are chosen and sited through a deliberate process.

Statutory Authority for Adoption: Chapters 43.34 and 43.19 RCW, and section 140(3), chapter 149, Laws of 1997.

Adopted under notice filed as WSR 97-21-124 on October 21, 1997.

Changes Other than Editing from Proposed to Adopted Version: The adopted version includes a distinction between works of art, which may be donated to the state in someone's memory, and major monuments to individuals, which are not acceptable on state capitol grounds. It clarifies restrictions on text and inscriptions. The adopted version encourages proposing entities to include an artist or other design professional on design selection committees, and clarifies that living memorials will not be permanently marked.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 10, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

PERMANENT

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.

December 18, 1997

Marsha Tadano Long

Director

**Chapter 236-18 WAC  
REQUIREMENTS FOR COMMEMORATIVE AND  
ART WORKS ON STATE CAPITOL GROUNDS**

**NEW SECTION**

**WAC 236-18-010 Purpose and authority.** Pursuant to the authority granted by section 140(3), chapter 149, Laws of 1997, the director of the department of general administration hereby establishes the following rules governing the design and placement of major and minor works, to include commemorative works and other works of art, on state capitol grounds. The purposes of this chapter are as follows:

(1) To ensure that major and minor works reflect subjects of lasting state-wide significance for the people of Washington.

(2) To protect and maintain open space and preserve the natural views and vistas to and from the capitol, as envisioned by the Olmsted Brothers in their 1928 plan for the Washington state capitol grounds, and to conserve options for placement of works by future generations.

(3) To ensure that proposals for commemorative works and works of art on state capitol grounds are evaluated using a deliberate process, acknowledging the unique state capitol environment in which they are to be placed.

**NEW SECTION**

**WAC 236-18-020 Roles, responsibilities, and definitions.** As used in this chapter, the following definitions and roles apply:

(1) "Proposing entity" - Any individual or group advancing a proposal for placement of major or minor works on state capitol grounds.

(2) "State capitol committee" (SCC) - As established in RCW 43.17.070. The state capitol committee grants final approval for all development plans for state capitol grounds including the master plan, and for the design and site of major works to be located on state capitol grounds.

(3) "Capitol campus design advisory committee" (CCDAC) - As established in RCW 43.34.080(1):

The capitol campus design advisory committee is established as an advisory group to the capitol committee and the director of general administration to review programs, planning, design, and landscaping of state capitol facilities and grounds and to make recommendations that will contribute to the attainment of architectural, aesthetic, functional, and environmental excellence in design and maintenance of capitol facilities on campus and located in neighboring communities.

The CCDAC is further directed in 43.34.080(4)(e) to: . . . review plans and designs affecting state capitol facilities as they are developed. The advisory

committee's review shall include . . . (e) Landscaping plans and designs, including planting proposals, street furniture, sculpture, monuments, and access to the capitol campus and buildings.

(4) "Director" - The director of the department of general administration. Under RCW 43.19.125 the director " . . . shall have custody and control of the capitol buildings and grounds." The director provides preliminary reviews, evaluates proposals for major and minor works, and provides technical assistance to those proposing placement of major or minor works on state capitol grounds. The director approves minor works proposals.

(5) "Department" - The department of general administration.

(6) "Washington state arts commission" (WSAC) - As established in RCW 43.46.005 through 43.46.095, and as specifically authorized in RCW 43.46.050:

The commission shall meet, study, plan, and advise the governor, the various departments of the state and the state legislature and shall make such recommendations as it deems proper for the cultural development of the state of Washington. WSAC may undertake major works on the state capitol grounds as part of its responsibilities under chapters 43.46, 43.17 and 43.19 RCW. The site selection and criteria for these works shall be developed in compliance with the provisions of this chapter.

(7) "State capitol grounds" - Those grounds as defined in WAC 236-12-015(5), as follows:

Those grounds owned by the state and otherwise designated as state capitol grounds, including the west capitol campus, the east capitol campus, Sylvester Park, the Old Capitol Building and Capitol Lake, ways open to the public and specified adjoining lands and roadways.

and including the north capitol campus, Centennial Park, the Tumwater campus and the Lacey campus.

(8) "West capitol campus" - Those state-owned grounds that constitute the state capitol grounds west of Capitol Way, including all of the grounds addressed in the 1928 Olmsted Brothers landscape plan for the state capitol grounds and the state capitol historic district, as designated in the National Register of Historic Places.

(9) "East capitol campus" - Those grounds described in RCW 79.24.500 which includes the campus area north of Maple Park (16th Avenue) and south of 11th Avenue, east of Capital Way and west of Interstate 5 and the Interstate 5 entrance to the state capitol.

(10) "North capitol campus" - Those state-owned grounds north of the west capitol campus and west of Columbia Street, south of 5th Avenue and east of the Deschutes Parkway around Capitol Lake to the Interstate 5 bridge.

(11) "Tumwater campus" - Those state-owned grounds in the city of Tumwater bounded on the west by Interstate 5, on the north by Israel Road, on the east by Linderson Way S.W., and on the south by Airdustrial Way S.W.

(12) "Lacey campus" - Those state-owned grounds in the city of Lacey, bounded on the north by Martin Way, on the west and south by Saint Martin's Park and Saint Martin's

Abbey, and on the east by the Woodland Creek protection zone.

(13) "Master plan" - The master plan for the capitol of the state of Washington. As used in this chapter, master plan includes any subcampus plans for state capitol grounds that describe in greater detail the planned development and use of the areas covered by the master plan.

(14) "Major work" - Any statue, monument, sculpture, work of art, memorial, or other structural or landscape feature, including a garden or memorial grove, of notable impact to viewers and to its surroundings. The impact of a work is defined by the combined effect of its subject matter, size, placement, and the degree to which it commands the environmental context into which it is set. Examples include the Winged Victory monument commemorating World War I, and the Tivoli Fountain. The term does not include any such item located within the interior of a structure.

(15) "Minor work" - As determined by the director, a work of moderate or minimal impact to viewers and to its surroundings, defined by the combined effect of its subject matter, size, placement, and ability to blend into or contribute to the planned character of its immediate environment. Examples include individual or small groupings of plants such as trees or shrubs, benches and other campus furnishings, historic event or site plaques, small sculptural elements and artistic works.

#### NEW SECTION

**WAC 236-18-030 Criteria for major and minor works on state capitol grounds.** Major and minor works placed on the state capitol grounds shall:

(1) Maintain the dignity of the state capitol grounds, its existing memorials, grounds, and buildings, and surrounding environment;

(2) Preserve views and vistas of the capitol buildings, Mount Rainier and the Olympic Mountains;

(3) Be consistent with the organizing principles and policies of the master plan, relevant subcampus plans, and any other subcampus plans reviewed by the department and the capitol campus design advisory committee and approved by the state capitol committee;

(4) Reflect the rich diversity of Washington's people, and be nonpartisan in nature;

(5) Provide an enriching experience which illuminates and celebrates common values, and broadens understanding of Washington's heritage and culture; and

(6) Honor individuals or events of lasting significance for the people of the state of Washington, as reflected by broad public consensus;

(a) Major commemorative works shall not serve solely to memorialize an individual. Major works of art may be gifted to the state or dedicated in memory of an individual so long as the nature and primary purpose of the work remains artistic or aesthetic, to serve as an object of public enjoyment rather than as a monument to an individual.

(b) Minor works shall honor individuals or groups of individuals only after the 10th anniversary of the individual's death or the death of the last surviving member of a group, when the enduring, historical, state-wide nature of their achievements has been demonstrated and broadly acknowledged;

(c) Major or minor works commemorating an event, including a military event or conflict, may be proposed during the lifetime of those who engaged in it, but not sooner than the 10th anniversary of the end of the event.

#### NEW SECTION

**WAC 236-18-040 Administrative requirements for major and minor works on state capitol grounds.** Proposing entities must address the following administrative requirements in proposals for major or minor works.

(1) All development and installation costs, including required modifications and improvements to campus roads, sidewalks and utilities, shall be provided by the proposing entity.

(2) The cost of new works shall be paid for by the proposing entity. Prior to construction or installation of an approved work, the director shall determine that the proposing entity has available sufficient funds to complete the project. The proposing entity shall also make provisions for coverage of all maintenance and repair costs throughout the existence of the work. This is commonly accomplished through an endowment fund estimated at ten percent of the original project cost, or may be set at an amount determined by the director. If a major or minor work is incorporated into a state-funded repair or improvement, an agreement will be negotiated between the proposing entity and the state specifying how the project costs including construction, maintenance and repairs will be shared.

(3) Complete conservation records that include specific information on materials and sources used in the execution, methods of fabrication, installation specifications, recommended method and frequency of maintenance, shall be provided to the state upon the completion of all new works.

Upon final placement and completion of a work that has been designed for or donated to the state for display on state capitol grounds, the state shall become sole owner of the work. The original artist or designer holds no rights to any work commissioned, donated, or purchased for display on state capitol grounds, including reproduction, access, modification, relocation, resale, etc., unless such rights are specifically allowed in formal written agreement between the director and the artist.

The state reserves the right to relocate or remove any works. Relocation planning will include consultation with the original artist and interested parties whenever practical.

Starting in 2030, following the centennial of the legislative building completion, and every fifty years thereafter, the state shall conduct a review of all monuments and memorials on state capitol grounds and recommend removal and appropriate disposition of those no longer meeting the criteria in WAC 236-18-030. The SCC shall approve all such actions.

#### NEW SECTION

**WAC 236-18-050 Site selection criteria—General.** Except for replacement trees, no major or minor works will be placed on state capitol grounds unless detailed subcampus plans for a given area have been approved. Subcampus plans have been fully implemented for the Olmsted portion of the west campus, also known as the state capitol historic district, Sylvester Park, and the Old Capitol Building block.

These areas of the state capitol grounds are considered complete. Subcampus plans are maintained by the department.

Because it was proposed prior to the effective date of section 140(3), chapter 149, Laws of 1997 (directing the adoption of this rule), and because the state legislature, through House Joint Memorial 1997-4000, clearly expressed support for a memorial to law enforcement officers on the state capitol campus, a major or minor work honoring law enforcement officers who have died in service to their communities and fellow Washington state citizens may be considered for placement on the west campus if it is designed in such a way as to minimally impact the current and planned uses of the site and to blend with and complement existing campus and landscape features, and the work meets all other applicable criteria of this chapter.

Works directly associated with the activities of a specific state agency shall be considered for installation in the facility that houses that agency's main or subordinate office.

No donated work shall be accepted by the state for placement on state capitol grounds until a suitable site for the work has been selected and approved.

#### NEW SECTION

**WAC 236-18-060 Guidelines for selecting sites for major works.** Proposing entities must address the following considerations in selecting a site for a proposed major work. Formal proposals prepared by proposing entities must include a description of how the proposal considers and responds to each of these guidelines. These guidelines will be used by the department, CCDAC and SCC to evaluate and recommend or approve a final site.

(1) **Setting.** The space surrounding a work shall provide a setting that is compatible and supportive. In turn, the work in its setting shall be supportive of the surrounding landscape design and public functions, including those intended in the master plan.

(2) **Size and scale.** There must be a match between the size and scale of the work and its setting.

(3) **Spatial envelopes.** Freestanding works, through their presence, affect the territory in which they stand. The size of the surrounding spatial envelope defined by surrounding buildings and growth shall be considered since it is directly related to the size and scale of the work.

(4) **Relationship to other existing works or features.** The work shall not be of such size, scale or material as to interfere with any existing campus feature.

(5) **Visual context.** Visual works are perceived in relationship to their context, which may include open sky, landscape, or building facade. Their design and placement shall consider such contextual issues as silhouette, directionality, orientation, and background.

(6) **Site significance.** The size, location, prominence and visibility of the site shall be appropriate to the subject matter of work in the context of other existing works and the surrounding state capitol grounds environment.

(7) **Relationship to master plan composition.** The work and the site shall be considered together in terms of the way they affect or establish relationships with existing axes, vistas, entry points, landmarks, buildings, and open space;

and the way they may affect sensitive natural and historic features of the campus or impact current or planned uses of the proposed site.

(8) Additional issues may become apparent in the process of site selection for a specific theme, subject matter, or work, and shall be considered.

#### NEW SECTION

**WAC 236-18-070 Guidelines for selecting designs for major works.** Proposing entities must address the following guidelines in proposing a design for a major work. Formal proposals prepared by proposing entities must include a description of how the design considers and responds to each of these guidelines. GA, CCDAC and SCC will use the following guidelines to evaluate and recommend or approve a final design selection.

(1) **Legibility and meaning.** The intended message of the work shall be clear and understandable, regardless of its type or style. The work shall convey meaning of enduring value that will continue its significance for future generations.

(2) **Approachability and accessibility.** Works shall be designed to permit people to engage with them: To have visual clues as to their location and to get close enough to be able to read them and examine details. Because major works often are gathering points, they shall be designed to meet Americans with Disability Act standards and, when necessary, provide such amenities as seating, paving, handrails, and ramps.

(3) **Materials.** Materials shall be chosen for their durability, sculptural qualities, visibility, and maintainability. Consideration shall also be given to rhythm and harmony with the existing setting.

(4) **Vulnerability.** The design of major and minor works shall be conscious of the potential for vandalism and minimize the opportunity for intentional defacement or destruction.

(5) **Climatic context.** The design shall consider issues of sunlight and shade, wind, rain and the variety of Washington seasons.

(6) **Evening illumination.** Major and minor works may be enhanced with night illumination integral to the work's design. Such illumination shall not conflict with other works, open space, buildings and their inhabitants, and the overall landscape.

(7) **Completion.** Works that by their nature are not complete at the time of installation, such as those to which names or dates are to be added over time, are strongly discouraged.

(8) **Text and inscriptions.** Lists of any kind are discouraged. Text and inscriptions shall be meaningful to the broadest possible audience.

#### NEW SECTION

**WAC 236-18-080 Procedure for development and review of major works proposals.** The department and the state capitol committee will follow a procedure for reviewing and evaluating major works proposed for placement on state capitol grounds, with the advice and assistance of the capitol campus design advisory committee and the Washington state arts commission. As appropriate, the department may also

consult with the office of archeological and historic preservation of the state department of community, trade and economic development, and with the department's state facilities accessibility advisory committee.

(1) The purpose of the procedure is to:

(a) Ensure that major works on state capitol grounds are carefully selected, designed, constructed and located to meet the criteria established in WAC 236-18-030 and address the guidelines provided in WAC 236-18-060 and 236-18-070;

(b) Preserve open space as a complete, precious and protected landscape feature of the state capitol grounds that invites public recreation and participation;

(c) Preserve options for placement of works on state capitol grounds for future generations. To further this purpose the department and the SCC shall:

(i) Encourage those proposing commemorative works to consider alternatives to monuments, such as groves, gardens, sculpture, fountains, and the naming of existing campus features;

(ii) Strongly encourage groups with related or similar interests to combine their proposals;

(iii) Encourage proposing entities to consider temporary works, or to consider temporary placement on state capitol grounds of works to be permanently located at other sites;

(iv) Cooperate with local authorities to develop opportunities for proposed works of significance to Washington state citizens which may be located outside the west campus of the state capitol grounds but within the capital community of Olympia, Tumwater and Lacey;

(d) Provide instructions to guide proposing entities in developing successful major works proposals.

(2) The procedure for development and review of major works proposals will follow the steps below.

1. Proposing entity.

a) Submits a preliminary proposal to the director for the development and placement of a major work on state capitol grounds. The preliminary proposal must describe:

- The concept and subject matter;
- How the proposal meets the criteria in WAC 236-18-030;

• Preconceived design and site considerations, if any, to include size of the work;

• A description of the kinds of activities the site and the work may need to accommodate (public gatherings or ceremonies, for example);

- Anticipated cost and planned source of funding.

b) Designates a single spokesperson for the proposing entity.

2. Department of general administration (GA).

a) Provides advice and assistance as needed in understanding and addressing the criteria in WAC 236-18-030 and makes available to proposing entities a copy of the master plan.

b) Reviews the preliminary proposal to determine if it meets the criteria in WAC 236-18-030 and should proceed to step three.

c) Informs the state capitol committee (SCC) of all proposals received and reviewed.

3. GA director and spokesperson for the proposing entity.

Provide an initial briefing to the members of the SCC on the preliminary proposal. The purpose of this briefing is

to identify threshold issues or concerns with the proposing entity's concept, subject, or siting considerations. Capitol campus design advisory committee (CCDAC) members shall also receive initial briefings at this time.

4. SCC.

a) Grants approval to proceed with site selection (step 5); or

b) Denies approval; or

c) Refers the proposal to the CCDAC for review and advice; and/or

d) Requests that the proposing entity reconsider aspects of their proposal.

5. Proposing entity.

Once preliminary proposal has been approved by the SCC, describes the conditions and characteristics of the proposed work that may affect its location, developing a set of criteria that describe a preferred setting and design. In the case of existing works, the criteria will relate only to the setting for the work.

6. GA.

a) Reviews appropriate subcampus plans to identify planned sites meeting the criteria developed by the proposing entity. GA will consult with the proposing entity, and may provide a campus tour, discuss possible locations, and point out any constraints or barriers to various locations.

b) Selects a short list of sites that best meet the criteria.

c) Establishes specific design and site development guidelines for each site. These specific guidelines describe in greater detail the opportunities or restrictions on design development that are unique to each site.

7. CCDAC and WSAC.

Review selected sites and the development guidelines established by GA. CCDAC and WSAC may meet together or separately. Either body may:

a) Recommend revisions to GA's site development guidelines; or

b) Recommend that the proposing entity reconsider aspects of their preliminary proposal; or

c) Offer recommendations for consideration by the SCC.

8. GA director and spokesperson for the proposing entity.

a) Brief the SCC on the sites and site development guidelines.

b) If the proposal is for a work yet to be selected or designed, the proposing entity also describes:

- The selection/design process to be used;
- Anticipated budget and source of funding; and
- Preconceived design considerations within the context of the proposed sites.

9. SCC.

a) Grants site approval and, if the proposal is for placement of an existing work, authorizes the department to acquire the work; or

b) Requests further consideration by GA and CCDAC.

10. Proposing entity.

a) Once the site has been approved by the SCC, begins a process to design or select the work if the proposed work is yet to be selected or designed. This step may take several forms: A design competition; selection from a list of appropriate available works; selection of an artist or team which might include an artist, architect, or landscape architect who will design and produce a custom work. GA

may provide assistance in this process. One representative of the department and one representative of the CCDAC shall be included in the proposing entity's selection process and final selection committee. The proposing entity is also encouraged to include a visual artist or other design professional as appropriate.

b) Selects final design proposal or proposes a completed work.

c) Submits a formal proposal to GA and the SCC that describes:

- How the proposal meets the criteria in WAC 236-18-030;
- How the proposal considers and responds to the guidelines provided in WAC 236-18-060 and 236-18-070;
- How the proposal addresses the administrative requirements of WAC 236-18-040; and
- Scale drawings or illustrations. A scale model may also be provided.

#### 11. CCDAC, WSAC.

Review the formal proposal, meeting together or separately, and make recommendations to the director and to the SCC.

12. GA director and spokesperson for the proposing entity.

Present the formal proposal to the SCC for approval.

#### 13. SCC.

a) Grants final approval; or

b) Requests that the CCDAC, WSAC, and GA director continue to work with the proposing entity to redevelop the proposal.

c) May require future check points.

### NEW SECTION

**WAC 236-18-090 Standards for minor works on state capitol grounds.** The requirements of WAC 236-18-040 and the guidelines established in WAC 236-18-060 and 236-18-070 shall apply for design and placement of minor works to the extent applicable, as determined by the director on a case-by-case basis. Minor works may include small artistic works and sculptural elements.

Plaques. Historic markers describing a memorialized person, historic place or event, or plaques describing a work or identifying significant natural features shall be fabricated to meet the following standards:

- (1) Material – cast bronze.
- (2) Letter style – bookman.
- (3) Border style – single line edge.
- (4) Background texture – pebble.
- (5) Finish – bronze satin face and edges, natural colored background, semi-gloss polyurethane finish.
- (6) Size – no larger than two hundred sixteen square inches (approximately 12" x 18"), no smaller than eighty square inches (approximately 8" x 10").
- (7) Mounting - plaques shall be mounted on a concrete or cut stone base with a tilted face 12" or less above grade, to be determined by location of the plaque.

Living memorials. Living memorials consist of trees, shrubs, gardens, or other plantings to commemorate an individual or event. When proposing the placement of a living memorial on state capitol grounds the life expectancy of the memorial and the cost of maintenance shall be

considered by the proposing entity. Selection of plant types shall be coordinated with the department for compatibility with landscape plans and existing plantings. The department shall encourage the replacement of existing, aging, or ill trees and shrubs in lieu of new plantings. When a living memorial dies, it will not be automatically replanted. Living memorials dedicated to individuals will not be permanently marked. The department will maintain records of all living memorial plantings.

Fixtures and furnishings. Benches and other campus furnishings shall comply with Washington state capitol campus exterior furnishings and fixtures design guidelines. These guidelines are available from the department.

### NEW SECTION

**WAC 236-18-100 Approval process for minor works on state capitol grounds.** Proposing entities must submit a proposal to the director for placement of a minor work on state capitol grounds. The proposal shall include:

- (1) A description of the work;
- (2) An explanation of why the proposing entity believes it fits the definition of a minor work;
- (3) A description of how the proposal meets the criteria in WAC 236-18-030 and the requirements of WAC 236-18-040, and considers and responds to the applicable guidelines under WAC 236-18-060 and 236-18-070.

The director will confirm that a proposed work is a "minor work" based on the definition provided in this rule, and may grant approval or request additional information. Review or approval by the capitol campus design advisory committee, the Washington state arts commission and the state capitol committee is not required; however, the director may seek their advice at his or her discretion.

The department will work with the proposing entity on design and siting considerations.

**WSR 98-01-113  
PERMANENT RULES  
DEPARTMENT OF  
GENERAL ADMINISTRATION**  
[Filed December 18, 1997, 11:39 a.m.]

Date of Adoption: December 19 [18], 1997.

Purpose: The rule is redundant, unnecessary, and can be repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 236-48-004 Procedure followed in the solicitation of bids.

Statutory Authority for Adoption: RCW 43.19.180 - [43.19.]1932.

Adopted under preproposal statement of inquiry filed as WSR 97-21-002 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
December 18, 1997  
Marygrace Jennings  
Rules Coordinator

**WSR 98-01-114**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**

[Filed December 18, 1997, 11:40 a.m.]

Date of Adoption: December 19 [18], 1997.

Purpose: The statute was subsequently repealed in 1977. There is no printing and duplicating committee in existence, and no longer any authorizing statute for this rule.

Citation of Existing Rules Affected by this Order: Repealing Title 380 WAC, Printing and duplicating committee.

Statutory Authority for Adoption: RCW 43.77.040 (repealed).

Adopted under preproposal statement of inquiry filed as WSR 97-21-001 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
December 18, 1997  
Marygrace Jennings  
Rules Coordinator

**WSR 98-01-115**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**

[Filed December 18, 1997, 11:42 a.m.]

Date of Adoption: December 19 [18], 1997.

Purpose: WAC 236-48-240 is redundant and unnecessary.

Citation of Existing Rules Affected by this Order: Repealing WAC 236-48-240 Late payments.

Statutory Authority for Adoption: RCW 43.19.180 - [43.19].1932.

Adopted under preproposal statement of inquiry filed as WSR 97-20-110 on September 30, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
December 18, 1997  
Marygrace Jennings  
Rules Coordinator

**WSR 98-01-116**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**

[Filed December 18, 1997, 11:43 a.m.]

Date of Adoption: December 19 [18], 1997.

Purpose: Chapter 236-10 WAC was superseded by chapter 236-11 WAC. Although replaced by revised rules, chapter 236-10 WAC was never repealed.

Citation of Existing Rules Affected by this Order: Repealing compliance with State Environmental Protection Act.

Statutory Authority for Adoption: RCW 43.21C.120.

Adopted under preproposal statement of inquiry filed as WSR 97-20-111 on September 30, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 12.

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.  
December 18, 1997  
Marygrace Jennings  
Rules Coordinator

**WSR 98-01-124**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed December 18, 1997, 1:10 p.m.]

Date of Adoption: December 18, 1997.

Purpose: To adopt rules describing the coverage, payment and payment methodology for hospital services.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.730, 74.04.050, 70.01.010.

Other Authority: RCW 74.09.200, [74.09.]500, [74.09.]530, [74.09.]730, 43.20B.020.

Adopted under notice filed as WSR 97-11-008 on May 8, 1997.

Changes Other than Editing from Proposed to Adopted Version: The department made numerous editorial revisions and clarifications since these rules were proposed. In addition, the department made the following changes:

1. WAC 388-550-5300 (1)(b) initially read: "Is a state-owned university or public corporation hospital (border area hospitals are included);" The Medical Assistance Administration revised WAC 388-550-5300 (1)(b) to read: "Is a state-owned university or public corporation hospital (border area hospitals are excluded);"

WAC 388-550-5400 (1)(b) initially read: "Is a public district hospital in Washington state including border area hospitals; and" The Medical Assistance Administration revised WAC 388-550-5400 (1)(b) to read: "Is a public district hospital in Washington state or a border area hospital owned by a public corporation; and"

Reason: These changes bring the WACs into agreement with the Medical Assistance Administration's Medicaid state plan. The department initially placed Oregon Health Sciences University Hospital (OHSU) in the state teaching hospital financing disproportionate share program (STFPDSH). However, in cooperation with the Washington State Hospital Association staff and attorney for OHSU, the department determined that the public hospital district disproportionate share program (PHDDSH) was a "better fit" for OHSU.

2. WAC 388-550-4800(6), changed the trauma severity factory from "sixteen" to "nine."

Reason: This change was made in response to information provided by the Department of Health and the Trauma Technical Advisory Group.

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 72, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 72, 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.  
December 18, 1997

Merry A. Kogut, Manager  
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 98-02 issue of the Register.

**WSR 98-01-125**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Management Services Administration)  
[Filed December 18, 1997, 1:15 p.m.]

Date of Adoption: December 18, 1997.

Purpose: To repeal rules that are obsolete, duplicative, outdated and/or are no longer needed for the operation of the department.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 275-30-020 Conditions of parole, 275-33-010 Purpose, 275-46-005 Purpose, 275-48-010 Purpose, 275-48-015 Definitions, 275-48-020 Release payment, 275-48-025 Weekly payment, 275-48-030 Eligibility, 275-48-035 Amount—Duration—Disbursement by institution and parole officer, 275-48-040 Termination, 275-48-045 Reinstatement—Reapplication, 275-48-050 Appeal, 275-76-005 Definitions, 275-76-010 Purposes of detainees, 275-76-020 Form of detainees, 275-76-030 Evaluation of detainer request, 275-76-040 Trial or pretrial detainees, 275-76-050 Commitment detainees, 275-76-060 Probation or parole revocation detainees, 275-76-070 Miscellaneous detainees, 275-76-080 Resident to be made available, 275-76-090 Reduced custody programs, 275-76-100 Requested resident on parole, 275-76-110 Transfer of resident to mental hospital, 275-76-120 Recommendation for withdrawal of detainer, 275-76-130 Identification of requesting authority's transferring agency, 275-76-140 Failure of requesting authority to take custody, 275-76-150 Detainer request by nonsignator of interstate agreement on detainees, 275-80-805 Definitions, 275-80-810 Visits—Purpose, 275-80-815 Visits—Registration, 275-80-840 Personal visits—General, 275-80-842 Personal visits—Who may not visit, 275-80-844 Personal visits—Approved visitor lists, 275-80-846 Personal visits—Alterations to visiting list, 275-80-848 Personal visits—Transfer of resident, 275-80-852 Personal visits—Visiting days and hours, 275-80-854 Personal visits—Hospitalized resident, 275-80-860 Professional visits, 275-80-870 Group visit—General, 275-80-872 Group visit—Arrangements, 275-80-876 Group visit—Conduct, 275-80-878 Group visit—Privacy of residents, 275-80-890 News media visits—General, 275-80-895 News media visits—Limitations, 275-80-900 Exchange of material or items, 275-

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80-905 Search of visitors, 275-80-910 Notice of search, 275-80-915 Refusal to be searched, 275-80-920 Search and discovery of illegal items, 275-80-925 Denial of visits, 275-80-930 Suspension of visiting rights—Duration, 275-80-935 Appeal of denial of visiting rights, 275-80-940 Exceptions, 275-80-995 Appendices, 275-150-010 Purpose, 275-150-020 Definitions, 275-150-030 Administration and allocation of Referendum 37 funds, 275-150-040 Regional needs assessment, 275-150-050 Preliminary proposals and final applications for Referendum 37 funding, 275-150-060 Submission of preliminary proposals, 275-150-070 Review process for preliminary proposals, 275-150-080 Review criteria for preliminary proposals, 275-150-090 Operation of approved Referendum 37 projects, 388-14-275 Fifty dollars disregard payment, 388-15-010 Service goals, 388-15-020 Eligible persons, 388-15-110 Information and referral sources, 388-15-340 Alcoholism treatment, 388-15-500 Redetermination of service eligibility, 388-15-550 Service delivery, 388-15-580 Support services, 388-21-005 Diversity initiative, 388-43-100 TRS advisory committee appointment, 388-43-120 Policies for transition, 388-52-150 Vocational rehabilitation services. (Last amended in 1974.) 388-52-155 Vocational rehabilitation services—Training expenses. (Last amended in 1974.) 388-52-160 Comprehensive employment and training program—Definitions, 388-52-163 Comprehensive employment and training program—Services provided, 388-52-166 Comprehensive employment and training program—Participation of recipient, 388-52-169 Treatment of recipient's income from CETA, 388-52-172 Release of information to prime sponsors of CETA program, 388-70-064 Payment for foster care to relative, 388-70-160 Guardianship of estate of child, 388-73-400 Day care providers, 388-73-402 Maximum hours—Rest periods, 388-73-403 Operating hours—Staff on premises, 388-73-404 Ill children, 388-73-406 Nap and sleep equipment, 388-73-408 Evening and nighttime care, 388-73-409 Off-grounds trips, 388-73-410 Information to parents—Day care facilities, 388-73-412 Toddlers and preschool children, 388-73-414 Attendance—Mini-day care centers, 388-73-430 Capacity—Limitations on ages and numbers—Mini-day care centers, 388-73-432 Staffing—Mini-day care program, 388-73-434 Qualifications of licensee—Mini-day care, 388-73-436 Qualifications of child care staff—Mini-day care, 388-73-438 Program and equipment—Mini-day care, 388-73-440 Play areas—Mini-day care, 388-78-005 General provisions, 388-78-010 Definitions, 388-78-015 Supportive social services, 388-78-020 Self-sufficiency plan, 388-78-100 FIP employment and training requirements, 388-78-120 Grievance procedure and administrative reviews and appeals, 388-78-205 FIP child care, 388-78-210 Standards for child care providers, 388-78-215 Payment standards for child care services, 388-78-220 Child day care co-payments, 388-86-050 Inpatient hospital care, 388-86-051 Selective contracting program, 388-86-075 Outpatient and emergency care, 388-87-013 Conditions of payment—Hospital care, 388-87-030 Responsibility of physician—Patient admitted to hospital, 388-87-032 Advanced registered nurse practitioners services (ARNP)—Payment, 388-87-070 Payment—Hospital inpatient services, 388-87-072 Payment—Hospital outpatient services, 388-87-115 Payment—Organ transplantation, 388-165-005 Purpose, 388-165-010 General provisions, 388-165-020 Application procedure, 388-165-030 Application form, 388-165-040

Assistance unit, 388-165-050 Eligibility conditions—Emergent need, 388-165-060 Eligibility conditions—Income and resource eligibility, 388-165-070 Eligibility conditions—Living with a relative of a specified degree, 388-165-080 Eligibility conditions—Job refusal, 388-165-090 Eligibility conditions—Residency and alien status, 388-165-100 Payment limitations, 388-320-400 Petition for rule making—Form, content, and filing, 388-320-410 Petition for rule making—Consideration and disposition, 388-320-470 Subscription to adjudicative orders involving nursing homes, and 388-320-500 Updating mailing lists.

Statutory Authority for Adoption: RCW 34.05.210 and 74.08.090.

Other Authority: Section 209, chapter 409, Laws of 1997 (E2SHB 1032).

Adopted under notice filed as WSR 97-19-102 on September 17, 1997.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-86-090 and 388-86-112 were withdrawn from the proposal.

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 134.

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.

December 18, 1997

Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

REPEALER

The following section of the Washington Administrative Code is repealed:

275-30-020 Conditions of parole.

REPEALER

The following section of the Washington Administrative Code is repealed:

275-33-010 Purpose.

REPEALER

The following section of the Washington Administrative Code is repealed:

275-46-005 Purpose.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 275-48-010 Purpose.
- 275-48-015 Definitions.
- 275-48-020 Release payment.
- 275-48-025 Weekly payment.
- 275-48-030 Eligibility.
- 275-48-035 Amount—Duration—Disbursement by institution and parol officer.
- 275-48-040 Termination.
- 275-48-045 Reinstatement-Reapplication.
- 275-48-050 Appeal.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 275-76-005 Definitions.
- 275-76-010 Purposes of detainees.
- 275-76-020 Form of detainees.
- 275-76-030 Evaluation of detainee request.
- 275-76-040 Trial or pretrial detainees.
- 275-76-050 Commitment detainees.
- 275-76-060 Probation or parole revocation detainees.
- 275-76-070 Miscellaneous detainees.
- 275-76-080 Resident to be made available.
- 275-76-090 Reduced custody programs.
- 275-76-100 Requested resident on parole.
- 275-76-110 Transfer of resident to mental hospital.
- 275-76-120 Recommendation for withdrawal of detainee.
- 275-76-130 Identification of requesting authority's transferring agency.
- 275-76-140 Failure of requesting authority to take custody.
- 275-76-150 Detainee request by nonsignator of interstate agreement on detainees.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 275-80-805 Definitions.
- 275-80-810 Visits—Purposes.
- 275-80-815 Visits—Registration.
- 275-80-840 Personal visits—General.
- 275-80-842 Personal visits—Who may not visit.
- 275-80-844 Personal visits—Approved visitor lists.
- 275-80-846 Personal visits—Alterations to visiting list.
- 275-80-848 Personal visits—Transfer of resident.
- 275-80-852 Personal visits—Visiting days and hours.
- 275-80-854 Personal visits—Hospitalized resident.
- 275-80-860 Professional visits.
- 275-80-870 Group visit—General.
- 275-80-872 Group visit—Arrangements.
- 275-80-876 Group visit—Conduct.
- 275-80-878 Group visit—Privacy of residents.
- 275-80-890 News media visits—General.

- 275-80-895 News media visits—Limitations.
- 275-80-900 Exchange of material or items.
- 275-80-905 Search of visitors.
- 275-80-910 Notice of search.
- 275-80-915 Refusal to be searched.
- 275-80-920 Search and discovery of illegal items.
- 275-80-925 Denial of visits.
- 275-80-930 Suspension of visiting rights—Duration.
- 275-80-935 Appeal of denial of visiting rights.
- 275-80-940 Exceptions.
- 275-80-995 Appendices.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 275-150-010 Purpose.
- 275-150-020 Definitions.
- 275-150-030 Administration and allocation of Referendum 37 funds.
- 275-150-040 Regional needs assessment.
- 275-150-050 Preliminary proposals and final applications for Referendum 37 funding.
- 275-150-060 Submission of preliminary proposals.
- 275-150-070 Review process for preliminary proposals.
- 275-150-080 Review criteria for preliminary proposals.
- 275-150-090 Operation of approved Referendum 37 projects.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

- 388-14-275 Fifty dollars disregard payment.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 388-15-010 Service goals.
- 388-15-020 Eligible persons.
- 388-15-110 Information and referral sources.
- 388-15-340 Alcoholism treatment.
- 388-15-500 Redetermination of service eligibility.
- 388-15-550 Service delivery.
- 388-15-580 Support services.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

- 388-21-005 Diversity initiative.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 388-43-100 TRS advisory committee appointment.
- 388-43-120 Policies for transition.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-52-150 Vocational rehabilitation services.
- 388-52-155 Vocational rehabilitation services—Training expenses.
- 388-52-160 Comprehensive employment and training program—Definitions.
- 388-52-163 Comprehensive employment and training program—Services provided.
- 388-52-166 Comprehensive employment and training program—Participation of recipient.
- 388-52-169 Treatment of recipient's income from CETA.
- 388-52-172 Release of information to prime sponsors of CETA program.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-70-064 Payment of foster care to relative.
- 388-70-160 Guardianship of estate of child.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-73-400 Day care providers.
- 388-73-402 Maximum hours—Rest periods.
- 388-73-403 Operating hours—Staff on premises
- 388-73-404 Ill children.
- 388-73-406 Nap and sleep equipment.
- 388-73-408 Evening and nighttime care.
- 388-73-409 Off-grounds trips.
- 388-73-410 Information to parents—Day care facilities.
- 388-73-412 Toddlers and preschool children.
- 388-73-414 Attendance—Mini-day care centers.
- 388-73-430 Capacity—Limitations on ages and numbers—Mini-day care centers.
- 388-73-432 Staffing—Mini-day care program.
- 388-73-434 Qualifications of licensee—Mini-day care.
- 388-73-436 Qualifications of child care staff—Mini-day care.
- 388-73-438 Program and equipment—Mini-day care.
- 388-73-440 Play areas—Mini-day care.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-78-005 General provisions.
- 388-78-010 Definitions.
- 388-78-015 Supportive social services.
- 388-78-020 Self-sufficiency plan.
- 388-78-100 FIP employment and training requirements.

- 388-78-120 Grievance procedure and administrative reviews and appeals.
- 388-78-205 FIP child care.
- 388-78-210 Standards for child care providers.
- 388-78-215 Payment standards for child care services.
- 388-78-220 Child day care co-payments.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-86-050 Inpatient hospital care.
- 388-86-051 Selective contracting program.
- 388-86-075 Outpatient and emergency care.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-87-013 Conditions of payment—Hospital care.
- 388-87-030 Responsibility of physician—Patient admitted to hospital.
- 388-87-032 Advanced registered nurse practitioners services (ARNP)—Payment.
- 388-87-070 Payment—Hospital inpatient services.
- 388-87-072 Payment—Hospital outpatient services.
- 388-87-115 Payment—Organ transplantation.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-165-005 Purpose.
- 388-165-010 General provisions.
- 388-165-020 Application procedure.
- 388-165-030 Application form.
- 388-165-040 Assistance unit.
- 388-165-050 Eligibility conditions—Emergent need.
- 388-165-060 Eligibility conditions—Income and resource eligibility.
- 388-165-070 Eligibility conditions—Living with a relative of a specified degree.
- 388-165-080 Eligibility conditions—Job refusal.
- 388-165-090 Eligibility conditions—Residency and alien status.
- 388-165-100 Payment limitations.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-320-400 Petition for rule making—Form, content, and filing.
- 388-320-410 Petition for rule making—Consideration and disposition.
- 388-320-470 Subscription to adjudicative orders involving nursing homes.
- 388-320-500 Updating mailing lists.

PERMANENT

**WSR 98-01-138**  
**PERMANENT RULES**  
**STATE INVESTMENT BOARD**

[Filed December 19, 1997, 9:40 a.m.]

Date of Adoption: December 18, 1997.

Purpose: The current State Investment Board rules of conduct are being amended to replace existing recusal language with model recusal language as set forth by the Executive Ethics Board. As well as including the new recusal language, the current State Investment Board WAC section covering the rules of conduct (WAC 287-04-031) is being restructured into seven distinct WAC sections under chapter 287-04 WAC, Conflict of interest, in order to improve clarity and readability.

Citation of Existing Rules Affected by this Order: Amending WAC 287-04-031.

Statutory Authority for Adoption: RCW 43.33A.110 and 42.52.200.

Adopted under notice filed as WSR 97-20-060 on September 25, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 6, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 19, 1997

Helen Small

Deputy Director for Operations

**NEW SECTION**

**WAC 287-04-029 Rules of conduct.** WAC 287-04-031 through 287-04-039 are promulgated pursuant to RCW 43.33A.110 and 42.52.200 to ensure compliance with chapter 42.52 RCW (Ethics in public service) and the code of conduct, as adopted by the board. All employees of the board and board members must comply with the code of conduct.

**AMENDATORY SECTION** (Amending WSR 95-15-081, filed 7/18/95, effective 8/18/95)

**WAC 287-04-031 ((Rules of conduct.)) Gifts.** ((This section is promulgated pursuant to RCW 43.33A.110 to ensure compliance with chapter [42.52] RCW and the code of conduct, as adopted by the board. All employees of the board and board members must comply with the code of conduct.))

(1) "Gifts" and "thing of economic value"

(a) No employee of the board or member of the board shall receive, accept, seek or solicit, directly or indirectly, any gift as defined in RCW 42.52.010(18) if such employee or member of the board has reason to believe that it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction.

(b) No employee of the board or member of the board shall accept gifts, except those specified in RCW 42.52.150 (2) and (5), with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources.

(c) Notwithstanding the above exception found in RCW 42.52.150 (2) and (5), a board member or an employee of the board who participates in the acquisition of goods and services cannot accept things of economic value from a person who seeks to provide goods or services to the board, except for those items specifically listed in RCW 42.52.150(4).

(2) No employee of the board or board member may accept honorarium under the circumstances set forth in RCW 42.52.130. An employee or board member may accept honorarium if all of the following are met:

(a) The employee or board member will not be carrying out their agency duties nor engaging in activity which focuses specifically on the board's responsibilities, policies or programs;

(b) The honorarium is not being offered because of the employee's or board member's official position in the board;

(c) The topic is such that it does not appear that the employee or board member could have used information acquired in the course of employment or membership on the board;

(d) The honorarium is not being offered by a person or entity which does business with or can reasonably be expected to seek business with the board; and

(e) No use of government time or resources was used by the employee or board member to produce the materials or prepare for the article, appearance, or item for which the honorarium is being given.

~~((3) Personal investments.~~

~~(a) "Permissible investment" means any mutual fund or deposit account, certificate of deposit or money market fund maintained with a bank, broker, or other financial institution, any security publicly traded in an organized market if the interest in the security at acquisition is ten thousand dollars or less or an interest in real estate unless such interest involves a related party transaction.~~

~~(b) "Other investment" means any investment not defined as a permissible investment in (a) of this subsection.~~

~~(c) "Immediate family" includes the spouse, dependent children, other dependent relatives if living in the household and any other household member, whether or not related.~~

~~(d) Board members and employees may purchase "permissible investments" without prior approval.~~

~~(e) No employee of the board shall or shall permit any member of his or her immediate family to, purchase any "other investment," without the written prior approval of the executive director or his or her designee. The executive director shall not purchase or permit any member of his or~~

~~her immediate family to purchase any "other investment," without the prior written approval of the chair or his or her designee who shall report to the board any approval granted or denied. No member of the board shall or shall permit any member of his or her immediate family to purchase any "other investment," without the prior written approval of the executive director or his or her designee, who shall report to the board any approval granted or denied.~~

~~(f) No employee of the board or board member shall participate in an LBO or venture capital IPO of which the board has an interest until such shares are available to the general public.~~

~~(4) No board member or employee shall participate in any discussion or shall vote in a matter before the board which involves a business, contract, property, or other substantial investment directly or indirectly held by such person if it is reasonably foreseeable that board action on the matter would confer a benefit to such person by or through the business, contract, property, or investment.~~

~~(5) No board member or employee shall participate in any discussion or shall vote in a matter before the board if such participation is motivated by something other than the best interests of the board, its members and beneficiaries, in violation of that person's duty of loyalty.~~

~~(6) No board member or employee shall borrow from investment managers, outside service providers, professional advisors or consultants, banks, or other financial institutions with which the board has a business relationship, except and unless such entities are normally engaged in such lending in the usual course of their business, and then only on terms offered to others under similar circumstances.~~

~~(7) Confidential information shall be used solely for the board's purposes and under no circumstances revealed to unauthorized persons, except as may be otherwise required to be disclosed as a public record pursuant to the requirements of chapter 42.17 RCW. If a document is subject to disclosure pursuant to chapter 42.17 RCW, there is an affirmative duty to properly release the document upon request.~~

~~(8) No board member or employee shall divulge state agency or board information or proprietary information in the board's possession, whether labeled confidential or not, to any unauthorized person or in advance of the time prescribed for its authorized issuance, or otherwise making use of, or permitting others to make use of, information not available to the general public.~~

~~(9) No board member or employee shall use his or her position or employment with the board, or use board facilities, equipment, or supplies, to obtain or attempt to obtain private gain or advantage, either for themselves or for other persons.~~

~~(10) No board member or employee shall use his or her position or employment with the board, or use board facilities, equipment, or supplies, to assist another in a transaction involving the board, or use his or her influence over the board to obtain or attempt to obtain gain or advantage for the person or entity seeking to transact business with the board.~~

~~(11) No member of the board or its staff shall accept employment or engage in business or professional activity which he or she might reasonably expect would require or induce him or her to disclose confidential information~~

~~acquired by him or her by reason of his or her official position:~~

~~(12) A board member or employee who is found by the board to have violated this code of conduct may be subject to official reprimand by vote of the board. In the event that the board determines a violation of the code to be so egregious or apparent as to constitute malfeasance, misfeasance, inefficiency, neglect of duty, incapacity, or unfitness to perform his or her fiduciary duties and responsibilities in the exclusive interest of the board and its beneficiaries, and if the offending person is:~~

~~(a) A voting board member: The board, in its sole discretion, may refer the matter to the proper appointing authority or the attorney general, as deemed appropriate; or if~~

~~(b) A nonvoting board member: The board, in its sole discretion, may take the appropriate steps necessary to and remove the offending member from the board; or if~~

~~(c) The executive director: The board, in its sole discretion, may take the appropriate steps to remove the director in compliance with RCW 43.33A.100; or if~~

~~(d) An employee of the board governed by the Merit Systems Rules: The executive director may take such disciplinary action as authorized under Title 356 WAC up to and including termination of employment; or if~~

~~(e) An exempt employee of the board: The executive director may take whatever disciplinary action deemed appropriate, up to and including termination of employment.~~

~~(13) The board may refer the alleged violation to the executive ethics board for further investigation as provided under RCW 42.52.360.)~~

#### NEW SECTION

**WAC 287-04-032 Personal investments.** (1) The following definitions apply to this section:

(a) "Permissible investment" means any mutual fund or deposit account, certificate of deposit or money market fund maintained with a bank, broker, or other financial institution, any security publicly traded in an organized market if the interest in the security at acquisition is ten thousand dollars or less or an interest in real estate unless such interest involves a related party transaction.

(b) "Other investment" means any investment not defined as a permissible investment in (a) of this subsection.

(c) "Immediate family" includes the spouse, dependent children, other dependent relatives if living in the household and any other household member, whether or not related.

(2) Board members and employees may purchase "permissible investments" without prior approval.

(3) No employee of the board shall or shall permit any member of his or her immediate family to, purchase any "other investment," without the written prior approval of the executive director or his or her designee. The executive director shall not purchase or permit any member of his or her immediate family to purchase any "other investment," without the prior written approval of the chair or his or her designee who shall report to the board any approval granted or denied. No member of the board shall or shall permit any member of his or her immediate family to purchase any "other investment," without the prior written approval of the

executive director or his or her designee, who shall report to the board any approval granted or denied.

(4) No employee of the board or board member shall participate in an LBO or venture capitol IPO of which the board has an interest until such shares are available to the general public.

#### NEW SECTION

**WAC 287-04-033 Additional prohibitions.** (1) No board member or employee shall borrow from investment managers, outside service providers, professional advisors or consultants, banks, or other financial institutions with which the board has a business relationship, except and unless such entities are normally engaged in such lending in the usual course of their business, and then only on terms offered to others under similar circumstances.

(2) Confidential information shall be used solely for the board's purposes and under no circumstances revealed to unauthorized persons, except as may be otherwise required to be disclosed as a public record pursuant to the requirements of chapter 42.17 RCW. If a document is subject to disclosure pursuant to chapter 42.17 RCW, there is an affirmative duty to properly release the document upon request.

(3) No board member or employee shall divulge state agency or board information or proprietary information in the board's possession, whether labeled confidential or not, to any unauthorized person or in advance of the time prescribed for its authorized issuance, or otherwise making use of, or permitting others to make use of, information not available to the general public.

(4) No board member or employee shall use his or her position or employment with the board, or use board facilities, equipment, or supplies, to obtain or attempt to obtain private gain or advantage, either for themselves or for other persons.

(5) No board member or employee shall use his or her position or employment with the board, or use board facilities, equipment, or supplies, to assist another in a transaction involving the board, or use his or her influence over the board to obtain or attempt to obtain gain or advantage for the person or entity seeking to transact business with the board.

(6) No member of the board or its staff shall accept employment or engage in business or professional activity which he or she might reasonably expect would require or induce him or her to disclose confidential information acquired by him or her by reason of his or her official position.

#### NEW SECTION

**WAC 287-04-034 Recusal.** (1) A member or employee of the state investment board shall comply with subsection (2) of this section when the following circumstances apply or it is reasonably foreseeable that they will apply:

(a) The member or employee is beneficially interested, directly or indirectly, in an investment decision, investment agreement, contract, sale, lease, purchase, or any other acquisition or disposal of an asset, goods or services made by, through, or under the supervision of the board, in whole or in part; or

(b) The member or employee either owns a beneficial interest in, or is an officer, agent, employee or member of, an entity which is engaged in a transaction involving the board; or

(c) A member or employee accepts, directly or indirectly, any compensation, gratuity or reward from any other person beneficially interested in such investment decision, investment agreement, contract, sale, lease, purchase, or any other acquisition or disposal of assets, goods or services; or

(d) A member or employee's participation in a board discussion or vote is motivated by something other than the best interests of the board, its members and beneficiaries, in violation of that person's duty of loyalty.

(2)(a) If required by subsection (1) of this section, the member or employee shall:

(i) Recuse him or herself from discussions by the board, or any committee of the board, regarding the specific investment decision or other transaction; and

(ii) Recuse him or herself from any vote by the board, or any committee of the board, upon the specific investment decision or other transaction; and

(iii) Refrain from attempting to influence any other board member or employee in any discussion or vote regarding the specific investment decision or transaction.

(b) If recusal by a member or employee occurs pursuant to this subsection, the member or employee shall disclose to the public the reasons for his or her recusal from any board discussion or action at or prior to the time recusal occurs. The board staff shall record each such recusal and basis for the recusal.

(c) The prohibitions contained in this subsection do not prohibit the member or employee from using his or her general expertise to educate and provide general information on the subject area to other members or employees.

#### NEW SECTION

**WAC 287-04-038 Definitions.** The following definitions apply to this chapter:

(1) "Transaction involving the board" means a proceeding, application, investment decision, investment agreement, contract, sale, lease, purchase or any other acquisition or disposal of any asset, goods or services, request for a ruling or other determination, claim, case or similar matter that the member or employee in question believes, or has reason to believe:

(a) Is, or will be the subject of board action; or

(b) Is one to which the board is or will be a party; or

(c) Is one in which the board has a direct and substantial proprietary interest.

"Transaction involving the board" does not include the following: Preparation, consideration or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member or employee; or a claim, case, lawsuit, or similar matter if the member or employee did not participate in the underlying transaction involving the board that is the basis for the claim, case or lawsuit. Rule making is not a "transaction involving the board."

(2) "Board action" means any action on the part of the board including, but not limited to:

(a) A decision, determination, finding, ruling, or board order; and

(b) An investment decision or approval of an investment decision, an investment contract or approval of an investment contract, any other contract or approval of such contract, or any other transaction or approval of such transaction, sanction, denial of a transaction or request, or failure to act with respect to a decision, determination, finding, ruling or order.

**NEW SECTION**

**WAC 287-04-039 Violation of code.** (1) A board member or employee who is found by the board to have violated the code of conduct set forth in WAC 287-04-031 through 287-04-034 may be subject to official reprimand by vote of the board. In the event that the board determines a violation of the code to be so egregious or apparent as to constitute malfeasance, misfeasance, inefficiency, neglect of duty, incapacity, or unfitness to perform his or her fiduciary duties and responsibilities in the exclusive interest of the board and its beneficiaries, and if the offending person is:

(a) A voting board member: The board, in its sole discretion, may refer the matter to the proper appointing authority or the attorney general, as deemed appropriate; or if

(b) A nonvoting board member: The board, in its sole discretion, may take the appropriate steps necessary to and remove the offending member from the board; or if

(c) The executive director: The board, in its sole discretion, may take the appropriate steps to remove the director in compliance with RCW 43.33A.100; or if

(d) An employee of the board governed by the merit systems rules: The executive director may take such disciplinary action as authorized under Title 356 WAC up to and including termination of employment; or if

(e) An exempt employee of the board: The executive director may take whatever disciplinary action deemed appropriate, up to and including termination of employment.

(2) The board may refer the alleged violation to the executive ethics board for further investigation as provided under RCW 42.52.360.

**WSR 98-01-144  
PERMANENT RULES  
GROWTH MANAGEMENT  
HEARINGS BOARDS**

[Filed December 19, 1997, 11:41 a.m., effective January 20, 1998]

Date of Adoption: December 16, 1997.

Purpose: To update the boards' rules of practice and procedure in order to reflect recent legislative changes and other technical and clarifying amendments.

Citation of Existing Rules Affected by this Order: Amending chapters 242-02 and 242-04 WAC.

1. The following sections of chapters 242-02 and 242-04 WAC are proposed for amendments to reflect necessary housekeeping changes. Typical changes include: Change of address, change of lead for joint board contacts, technical and editorial changes. (Eleven sections affected.)

- WAC 242-02-040.
  - WAC 242-02-052.
  - WAC 242-02-072.
  - WAC 242-02-110.
  - WAC 242-02-540.
  - WAC 242-02-640.
  - WAC 242-02-832.
  - WAC 242-02-880.
  - WAC 242-04-030.
  - WAC 242-04-050.
  - WAC 242-04-100.
2. The following sections of chapter 242-02 WAC are proposed for amendments to clarify that board procedures are consistent with or reference the Administrative Procedure Act (chapter 34.05 RCW). (Four sections affected.)
- WAC 242-02-130 Ex parte communication.
  - WAC 242-02-420 Subpoena—Issuance.
  - WAC 242-02-533 Motion to disqualify for cause.
  - WAC 242-02-670 Official notice—Material facts.
3. The following sections of chapter 242-02 WAC are proposed for amendments to reflect changes necessitated by the legislature during the 1997 session. (Ten sections affected: Nine due to ESB 6094, one due to SHB 1314.)
- WAC 242-02-020 Function—Local deference.
  - WAC 242-02-050 Rules.
  - WAC 242-02-510 Notice of hearing—Setting of time and place.
  - WAC 242-02-522 Presiding officer—Powers and duties.
  - WAC 242-02-560 Settlement extensions—Continuances.
  - WAC 242-02-632 Burden of proof.
  - WAC 242-02-634 Standard of proof.
  - WAC 242-02-830 Final decision and order—Basis.
  - WAC 242-02-890 Determination of noncompliance—Compliance schedule.
  - WAC 242-02-060 Computation of time. (SHB 1314.)
4. To implement the provisions of ESB 6094, chapter 429, Laws of 1997, the following sections are proposed as new sections to chapter 242-02 WAC. (Ten new sections.)
- WAC 242-02-290 Direct review by superior court—Procedures.
  - WAC 242-02-292 Direct review by superior court—Agreement of the parties.
  - WAC 242-02-295 Board filing with superior court—Certificate of agreement.
  - WAC 242-02-831 Final decision and order—Compliance, noncompliance, invalidity.
  - WAC 242-02-833 Invalidity—Hearing pursuant to motion to clarify, modify or rescind.
  - WAC 242-02-891 Compliance—Notice of hearing.
  - WAC 242-02-893 Compliance—Hearing.

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- WAC 242-02-894 Compliance—Hearing pursuant to motion—Rescinding invalidity.
- WAC 242-02-896 Continued noncompliance—Recommendation to the governor.
- WAC 242-02-898 Appeal of a board’s final decision.

5. The following sections of chapter 242-02 WAC are proposed for repeal. (Six sections affected.)

- WAC 242-02-430.
- WAC 242-02-440.
- WAC 242-02-450.
- WAC 242-02-460.
- WAC 242-02-470.
- WAC 242-02-892.

Statutory Authority for Adoption: RCW 36.70A.270(7).

Adopted under notice filed as WSR 97-22-070 on November 4, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 10, amended 10, 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 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 5, repealed 6.

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: January 20, 1998.

December 16, 1997  
Edward G. McGuire  
Board Member  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-04-030 Description of organization and public meetings.** (1) Each board is an independent agency of the state of Washington, composed of three members appointed by the governor. Each board elects an administrative chairperson from its members at least annually.

(2) The administrative chairpersons constitute the administrative committee of the joint boards. The administrative committee elects an administrative chairperson from its members at least annually.

(3) Regular meetings of each board will be held at its principal office or other designated location at the following times:

- (a) Eastern Washington board - ~~((every Tuesday at 10:30))~~ on the first Wednesday of each month at 10:00 a.m.
- (b) Western Washington board - ~~((every Wednesday at 10:30))~~ on the second Wednesday of each month at 11:00 a.m.

(c) Central Puget Sound board ~~((at 10:00 a.m.))~~ on the second Thursday of each month at 10:00 a.m.

(4) The joint boards shall meet at least annually at a time and location to be announced.

**AMENDATORY SECTION** (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-04-050 Communications with each board or the joint boards.** (1) All communications with a board, including but not limited to the submission of materials pertaining to its operations and/or administration or enforcement of chapter 42.17 RCW and these rules, requests for copies of each board’s decisions and other matters, shall be addressed to the appropriate board’s office as follows:

- (a) Eastern Washington Growth Management Hearings Board  
Suite 818 Larson Building  
6 South 2nd Street  
Yakima, Washington 98901  
(509) 454-7803  
(509) 454-7292 FAX
- (b) Western Washington Growth Management Hearings Board  
~~((111 West 21st Avenue, Suite 1))~~  
905 24th Way S.W. Suite B-2  
P.O. Box 40953  
Olympia, Washington 98504-0953  
(360) 664-8966  
(360) 664-8975 FAX
- (c) ~~((Central Puget Sound Growth Management Hearings Board  
2329 One Union Square  
600 University Street  
Seattle, Washington 98101-1129  
(206) 389-2625  
(206) 389-2588 FAX))~~  
Central Puget Sound Growth Management Hearings Board  
Financial Center  
1215 Fourth Avenue, Suite 322  
Seattle, Washington 98161-1001  
(206) 389-2625  
(206) 389-2588 FAX

(2) All communications with the joint boards ~~((, except a petition for rule making pursuant to WAC 242-02-052,))~~ shall be addressed in care of the Eastern Washington board.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-04-100 Copying.** No fee shall be charged for the inspection of public records. Each board shall charge a reasonable fee for providing copies of public records and for use of each board’s photocopy equipment. Each board may charge a reasonable fee for electronic facsimile transmissions (FAX). The charge is the amount necessary to reimburse each board for its actual costs incident to such copying or transmission.

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**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-020 Function—Local deference.** (1)

The function of a board is to make informed decisions on appeals arising from implementation of the Growth Management Act in a clear, consistent, timely, and impartial manner that recognizes regional diversity.

(2) The legislature requires growth management planning to occur in compliance with the goals and requirements of the act. The responsibility for managing local growth and shaping a county's or city's future rests with the local community. The boards will grant deference to counties and cities in how they plan for and manage growth.

**AMENDATORY SECTION** (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-040 Definitions.** As used in this title, the following terms shall have the following meaning:

(1) "Act" means chapter 36.70A RCW, and subsequent amendments.

(2) "Board" means the Eastern Washington, Western Washington or Central Puget Sound growth management hearings board.

(3) "Final decision" means:

(a) Any final order as provided in RCW 36.70A.300; or

(b) Any other written finding, determination or order of the board which finally determines a legal right, duty, or other legal interest of the parties in the case and which clearly states such written finding, determination or order that it is a final decision subject to appeal to superior court.

(4) "Hearing examiner" means an authorized agent of a board who has a demonstrated knowledge of land use planning and law, appointed to assist the board in the performance of its hearing function as delegated by the board as provided by the act.

~~((4))~~ (5) "Joint boards" means the three independent boards meeting or acting jointly.

~~((5))~~ (6) "Participant" means any person with standing to challenge a legislative action as set forth in RCW 36.70A.330(2).

(7) "Party" means any person named in the caption of a case before a board.

~~((6))~~ (8) "Person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit, or public or private organization or entity of any character.

~~((7))~~ (9) "Petitioner" means a person who appeals any matter or who brings a petition for rule making to the board. A petitioner is a party to a case before the board.

~~((8))~~ (10) "Presiding officer" means any member of a board, or a hearing examiner, who is assigned to conduct a conference or hearing as directed by a board. The presiding officer shall be designated pursuant to WAC 242-02-521 and have authority as provided by WAC 242-02-522.

~~((9))~~ (11) "Publication" means:

(a) For a city, the date the city publishes the ordinance or summary of the ordinance adopting a comprehensive plan, development regulations or subsequent amendment, as is required to be published, or the date the city publishes notice that the shoreline master program or amendment has been approved or disapproved by the department of ecology;

(b) For a county, the date the county publishes the notice that it has adopted a comprehensive plan, development regulations or other enactments, or subsequent amendments pursuant to RCW 36.70A.290(2), or the date the county publishes notice that the shoreline master program or amendment has been approved or disapproved by the department of ecology.

~~((10))~~ (12) "Respondent" means a person who is named as a responding party in any petition for review before a board.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-050 Rules.** These rules shall govern the joint boards' adoption or amendment of joint rules, and all practice and procedure for hearings before a board. Where a time frame is different in these rules from those in chapter 10-08 WAC, it is because a board is required ~~((by the act to issue a final order within one hundred eighty days of filing a petition for review))~~ to act pursuant to the time frames set forth in the act.

**AMENDATORY SECTION** (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

**WAC 242-02-052 Petition for rule making.** (1) Right to petition for rule making. Any person may petition the joint boards for the adoption, amendment, or repeal of any rule. Said petition shall be filed with the ~~((Central Puget Sound))~~ Eastern board's office in ~~((Seattle))~~ Yakima, Washington.

(2) Form of petition. The form of the petition for adoption, amendment, or repeal of any rule shall generally adhere to the following:

(a) A caption in the following form:

BEFORE THE JOINT GROWTH MANAGEMENT  
HEARINGS BOARDS  
STATE OF WASHINGTON

No.

In the matter of  
the Petition of                      PETITION FOR RULE MAKING  
(Name of Petitioner)  
for Rule Making

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether the petitioner seeks the adoption of a new rule or rules, or amendment or repeal of an existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by board rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interests of the petitioner and the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(c) The petition shall be dated and signed by the party named in the first paragraph or by the petitioner's attorney or other authorized representative. The original and nine copies shall be filed with the ((Central Puget Sound)) Eastern board at its office in ((Seattle)) Yakima, Washington.

**AMENDATORY SECTION** (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-060 Computation of time.** The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a legal holiday, pursuant to RCW 1.16.050, and then it is excluded and the next succeeding day which is neither a Saturday, Sunday nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

**AMENDATORY SECTION** (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

**WAC 242-02-072 Principal offices.** The principal offices of each board are as follows:

- (1) Eastern Washington Growth Management Hearings Board  
Suite 818 Larson Building  
6 South 2nd Street  
Yakima, Washington 98901  
(509) 454-7803  
(509) 454-7292 FAX
- (2) Western Washington Growth Management Hearings Board  
~~((11 West 21st Avenue, Suite 1))~~  
905 24th Way S.W. Suite B-2  
P.O. Box 40953  
Olympia, Washington 98504-0953  
(360) 664-8966  
(360) 664-8975 FAX
- (3) ~~((Central Puget Sound Growth Management Hearings Board  
2329 One Union Square  
600 University Street  
Seattle, Washington 98101-1129  
(206) 389-2625  
(206) 389-2588 FAX))~~  
Central Puget Sound Growth Management Hearings Board  
Financial Center  
1215 Fourth Avenue, Suite 322  
Seattle, Washington 98161-1001  
(206) 389-2625  
(206) 389-2588 FAX

**AMENDATORY SECTION** (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-110 Appearance and practice before a board—Who may appear.** Practice before a board ~~((in hearings))~~ shall be open to the following persons who have met the standing requirements of chapter 36.70A RCW:

(1) A party or participant to a case before the board may ~~((participate))~~ appear personally or, ~~((if the party is a corporation, organization, informal association, or other artificial person,))~~ by a duly authorized representative;

(2) ~~((Whether or not participating individually, any person may be advised and represented at one's own expense by an attorney or other representative;~~

~~((3))~~ Attorneys at law practicing before the board must be duly qualified and entitled to practice in the courts of the state of Washington; and

~~((4))~~ (3) Other persons permitted by law.

**AMENDATORY SECTION** (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-130 Ex parte communication.** No one in a board proceeding ~~((before a board))~~ shall make or attempt to make any improper ex parte communications with board members, hearing examiners, or presiding officers, regarding any issue in the proceeding that is prohibited by the Administrative Procedure Act, RCW 34.05.455. ~~((An ex parte communication is direct or indirect contact with board members or staff by only one party without notice and opportunity for all other parties to participate. To avoid the occurrence of any improper ex parte communications, written communication with the opposing parties copied or a telephone conference call to the board with all parties online are strongly suggested. Questions))~~ Communications on purely procedural matters such as scheduling and logistics are permitted on an ex parte basis. Attempts by anyone to make prohibited ex parte communications shall subject such person to the ~~((sanctions))~~ provisions of WAC 242-02-120 and 242-02-720.

**NEW SECTION**

**WAC 242-02-290 Direct review by superior court—Procedures.** RCW 36.70A.295 provides for direct review by superior court of a petition for review filed with a board if:

- (1) All parties to the board proceeding agree to direct review by superior court;
- (2) The parties file a direct review agreement, signed by all parties, or their designated representatives, with the appropriate board;
- (3) The direct review agreement includes agreement to proper venue; and
- (4) The direct review agreement is filed with the appropriate board within ten days after the petition for review is filed, or if multiple petitions have been filed and the board has consolidated the petitions, within ten days after the board serves notice of consolidation.

**NEW SECTION**

**WAC 242-02-292 Direct review by superior court—Agreement of the parties.** (1) A direct review agreement of the parties shall contain:

- (a) A caption in the following form:

PERMANENT

BEFORE THE . . . GROWTH MANAGEMENT  
HEARINGS BOARD  
STATE OF WASHINGTON

Petitioner, Case No.

v.

Respondent Agreement for Direct Review  
by . . . County Superior Court

(b) Numbered paragraphs stating:

(i) Petitioner's name, mailing address and telephone number and those of the attorney or other designated representative, if any;

(ii) Respondent's name, mailing address and telephone number and those of the attorney or other designated representative, if any;

(iii) Intervenor's name, mailing address and telephone number and those of the attorney or other designated representative, if any;

(iv) A statement indicating agreement to seek direct review by superior court of the petition for review filed with the board, citing case name and number as assigned by the board. The statement shall include agreement to proper venue, and may include other terms;

(v) Date the petition for review was filed, or if multiple petitions were filed and consolidated, the date the board served notice of consolidation;

(vi) A statement that all parties have read the agreement for direct review by superior court, and agree to its terms, followed by the signatures of all the parties or the signatures of the attorneys or other designated representatives, if any.

(2) One copy of the filed petition for review, with the case name, number and date stamp shall be filed with the agreement for direct review by superior court.

**NEW SECTION**

**WAC 242-02-295 Board filing with superior court—Certificate of agreement.** (1) Within ten days of receiving a timely, complete and signed agreement for direct review by superior court, the board shall file a certificate of agreement, signed by the presiding officer or the board, with the designated superior court and serve the parties with copies of the certificate of agreement.

(2) The following documents shall be filed with the certificate of agreement:

(a) The executed agreement for direct review by superior court;

(b) The petition for review;

(c) Any orders entered by the board;

(d) Any other documents filed with the board regarding the petition for review.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-420 Subpoena—Issuance.** (1) Subpoenas shall be issued and enforced, and witness fees paid, as provided in RCW 34.05.446 and court rules.

(2) Every subpoena shall identify the party causing its issuance. Subpoenas may be issued by a board or by an

attorney of record. The person issuing shall sign the subpoena. Parties desiring subpoenas to be signed by a board shall make a showing of relevance and reasonable scope of the testimony or evidence sought and shall prepare the subpoenas for issuance, send them to the board's office for signature, and, upon return, shall make arrangements for service.

**AMENDATORY SECTION** (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-510 Notice of hearing—Setting of time and place.** (1) Within ten days of the filing of a petition for review, unless a petition for review has been removed to superior court, pursuant to WAC 242-02-290 through 242-02-295, a board or presiding officer will schedule a hearing date and notify the parties of the date.

(2) The board or presiding officer will thereafter schedule a place for the hearing.

(3) A written notice of the date and location of the hearing shall be sent to all parties not less than twenty days prior to the hearing date.

(4) The notice shall identify the appeal to be heard, the names of the parties to the appeal and their attorneys or other authorized representatives, if any, and shall specify the time and place of hearing. The notice shall include the information specified in RCW 34.05.434 and if the hearing is to be conducted by teleconference call the notice shall so state.

(5) The notice shall state that if a limited-English-speaking or hearing impaired party or witness needs an interpreter, a qualified interpreter will be appointed and that there will be no cost to the party or witness. The notice shall include a form for a party to indicate if an interpreter is needed and identification of the primary language, or if a participant is hearing impaired.

(6) The notice may also include an order fixing the prehearing date and/or deadlines as provided in these rules.

(7) Defects in notice may be waived if the waiver is knowing and voluntary.

**AMENDATORY SECTION** (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-522 Presiding officer—Powers and duties.** It shall be the duty of the presiding officer to conduct conferences or hearings as directed by a board in an impartial and orderly manner. The presiding officer shall have the authority, subject to the other provisions of the act or these rules to:

(1) Inspect the petition for review to determine whether, on its face, compliance with the jurisdictional and standing requirements of the act is shown, and if compliance is not shown, to recommend an action or to refer the issue to the full board for resolution;

(2) Take appropriate action with respect to the qualifications of the parties or the parties' attorney(s) or other authorized representative(s) to appear before a board;

(3) Administer oaths and affirmations if witnesses are permitted to testify;

(4) Issue subpoenas as provided in RCW 34.05.446;

(5) Rule on all procedural matters, objections and motions unless a board determination is required;

(6) Rule on all evidentiary matters including offers of proof;

(7) When applicable, question witnesses called by the parties in an impartial manner as needed to develop any facts deemed necessary to fairly and adequately decide the issue;

(8) Issue orders joining other parties, on motion of any party, when it appears that such other parties may have an interest in, or may be affected by the case;

(9) Consolidate cases for hearing when such consolidation will expedite disposition and avoid duplication of testimony and when consolidation will not unduly prejudice the rights of any party;

(10) Hold conferences for the settlement or amplification of the issues;

(11) Regulate the course of the case (~~prior to, during and after the hearing~~);

(12) Encourage the parties to stipulate to the admissibility of documents in advance of a hearing and to rule on issues concerning the content of the record;

(13) Limit the length of a brief or impose format restrictions;

(14) Sign and file certificates of agreement acknowledging receipt of timely, complete, executed agreements for direct review by superior court;

(15) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver; and

~~((14))~~ (16) Take any other action necessary and authorized by these rules, the act, or the Administrative Procedure Act, chapter 34.05 RCW.

**AMENDATORY SECTION** (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-533 Motion to disqualify for cause.** (1)

A motion to disqualify a board member or hearing examiner acting as the presiding officer, (~~or any board member~~), for any reason provided under chapter 34.05 RCW, with supporting affidavit(s), must be filed at least seven days before the board holds a prehearing conference, or if facts establishing grounds for disqualification are subsequently discovered, promptly after discovery of such facts.

(2) The board shall promptly rule upon such a motion.

(3) If a motion for disqualification is granted and a presiding officer was disqualified as a result, the (~~remaining~~) board (~~(members)~~) shall promptly designate a new presiding officer.

**AMENDATORY SECTION** (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-540 New or supplemental evidence.**

Generally, a board will review only the record developed by the city, county, or state in taking the action that is the subject of review by the board. A party by motion may request that a board allow such additional evidence as would be necessary or of substantial assistance to the board in reaching its decision, and shall state its reasons. A board may order, at any time (~~prior to, during, or after the hearing order~~), that new or supplemental evidence be provided.

**AMENDATORY SECTION** (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-560 ((Hearing)) Settlement extensions—Continuances.** (~~Because of the provisions of RCW 36.70A.300,~~) (1) If additional time is necessary to achieve settlement of a dispute that is an issue in a petition before a board, a board may extend the one hundred eighty-day time limit for issuing a final decision and order, as provided in RCW 36.70A.300 (2)(b). A board may authorize one, or more, extensions of up to ninety days each.

(2) A request for a settlement extension must be filed with a board not later than seven days before the date scheduled for the hearing on the merits of the petition.

(3) A board may grant a request for a settlement extension if:

(a) The request was timely filed; and

(b)(i) All parties named in the caption of the petition, agree to and sign the request; or

(ii) A petitioner and respondent agree to and sign the request and the board determines that a negotiated settlement between the remaining parties could resolve significant issues in dispute.

(4) Continuances ((and extensions of time)) of hearings will be granted only on a board's initiative or upon timely request of a party setting forth in detail the reasons for such a request and a date by which such reason will no longer apply. The board will continue ((or extend)) the matter only upon a finding of good cause and in order to prevent manifest injustice. ((Unless specifically authorized by law, neither a board nor the parties before it may extend the one hundred eighty-day limit specified in RCW 36.70A.300 for issuing a final decision and order.))

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-632 Burden of proof.** (1) Except as provided in subsection (2) of this section, the burden of proof shall be on the petitioner to show that respondent's action or failure to act is not in compliance with the requirements of the act.

(2) A county or city subject to a determination of invalidity made under RCW 36.70A.302 has the burden of demonstrating that the legislation it has enacted in response to the determination of invalidity will no longer substantially interfere with the fulfillment of the goals of the act.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-634 Standard of proof.** Where a petition for review alleges a lack of compliance with the Growth Management Act, a board shall find compliance unless it ((finds by a preponderance of the evidence that the respondent erroneously interpreted or applied the act)) determines that the action by the state agency, county or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of the act.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-640 Hearing—Procedures at hearing.**

(1) Presiding officer. All hearings shall be conducted by a presiding officer who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections, and motions.

(2) Order of presentation ~~((of evidence))~~. The presiding officer shall determine the proper order of presentation ~~((of evidence))~~.

(3) Opening statements. Unless the presiding officer rules otherwise, parties may present oral opening statements setting out briefly a statement of the basic facts and issues of the case.

(4) Objections. Objection to the admission or exclusion of evidence shall state briefly the legal ground of objection.

(5) Rulings. The presiding officer, on objection or on his/her own motion, shall exclude all irrelevant or unduly repetitious evidence. All rulings upon objections to the admissibility of evidence shall be made in accordance with WAC 242-02-650.

(6) Time. The presiding officer, after consultation with the parties, shall determine the time allotted for presentation.

**AMENDATORY SECTION** (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-670 Official notice—Material facts.** In the absence of conflicting evidence, a board or presiding officer, upon request made before or during a hearing, may officially notice:

(1) Business customs. General customs and practices followed in the transaction of business.

(2) Notorious facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including, but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency.

(3) Technical or scientific facts. Technical or scientific facts within a board's specialized knowledge.

(4) Request. Any party may request, orally or in writing, that official notice be taken of a material fact. The board or presiding officer may take official notice of a material fact on its own initiative. ~~((If official notice of a material fact is taken, it shall be clearly and precisely stated and made part of the record.))~~

(5) Notice. Parties shall be notified either before or during a hearing of the material fact(s) proposed to be officially noticed, and shall be afforded the opportunity to contest such facts and materials.

(6) Statement.

(a) In determining whether to take official notice of material facts, the presiding officer may consult any source of pertinent information, whether or not furnished by any party and whether or not admissible under the rules of evidence.

(b) If official notice of a material fact is taken, it shall be clearly and precisely stated and made part of the record.

~~(c) Where a decision of a board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. ((In determining whether to take official notice of material facts, the presiding officer may consult any source of pertinent information, whether or not furnished by any party and whether or not admissible under the rules of evidence.~~

~~(6) Objection to taking of official notice. Any party may object to a request that official notice of a material fact be taken, when the request is made.))~~

**AMENDATORY SECTION** (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-830 ((Disposition of petition for review—))Final decision and order—Basis.** (1) When the hearing on the petition for review has been held and the record reviewed by a majority of a board, a written final decision and order ~~((containing))~~ shall be issued that contains appropriate findings and conclusions, ~~((shall be issued))~~ and articulates the basis for the final decision and order.

(2) The board will not issue advisory opinions on issues not presented to the board in the petition for review's statement of the issues, as modified by any prehearing order.

(3) Except as provided in RCW 36.70A.300 (2)(b) and WAC 242-02-560, the final decision and order shall be issued by a board within one hundred eighty days of receipt of the petition for review, or if multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated.

**NEW SECTION**

**WAC 242-02-831 Final decision and order—Compliance, noncompliance, invalidity.** (1) In its final decision and order, a board shall either:

(a) Find that the state agency, county or city is in compliance with the requirements of chapter 36.70A RCW, chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW; or

(b) Find that the state agency, county or city is not in compliance with the requirements of chapter 36.70A RCW, chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW, in which case the board shall remand the matter to the state agency, county or city and specify a time for compliance.

(2) In its final decision and order, a board may determine that part or all of a comprehensive plan or development regulations are invalid if the board:

(a) Makes a finding of noncompliance and issues an order of remand;

(b) Includes in its final decision and order a determination, supported by findings of fact and conclusions of law, that the continued validity of part or parts of the plan or regulation would substantially interfere with the fulfillment of the goals of the act; and

(c) Specifies the part or parts, if applicable, of the plan or regulation that are determined to be invalid and the reasons for invalidity.

(3) The effect of a determination of invalidity is as set forth in RCW 36.70A.302.

**AMENDATORY SECTION** (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-832 Reconsideration.** (1) After issuance of a final decision (~~(under this section,)~~) any party may file a (~~(petition)~~) motion for reconsideration with a board in accordance with subsection (2) of this section. Such (~~(petition)~~) motion must be filed within ten days of service of the final decision. The original and three copies of the (~~(petition)~~) motion for reconsideration shall be filed with the board. At the same time, copies shall be served on all parties of record. A board may require other parties to supply an answer which shall be served in a like manner.

(2) A (~~(petition)~~) motion for reconsideration shall be based on (~~(any)~~) at least one of the following grounds:

(a) Errors of procedure or misinterpretation of fact or law, material to the party seeking reconsideration;

(b) Irregularity in the hearing before the board by which such party was prevented from having a fair hearing; or

(c) Clerical mistakes in the final decision and order.

(3) In response to a petition for reconsideration, the board may deny the petition, modify its decision, or reopen the hearing. A petition is deemed denied unless the board takes action within twenty days of filing of the petition or answer where a board has required other parties to provide such an answer pursuant to subsection (1) of this section.

(4) A decision in response to the petition for reconsideration shall constitute a final decision and order for purposes of judicial review. Copies of the final decision and order shall be served by the board on each party or the party's attorney or other authorized representative of record.

#### NEW SECTION

**WAC 242-02-833 Invalidity—Hearing pursuant to motion to clarify, modify or rescind.** If a motion to clarify, modify or rescind a determination of invalidity order has been filed by a county or city subject to a determination of invalidity, pursuant to RCW 36.70A.302, and the jurisdiction has not enacted legislation in response to the board's remand order, a board shall schedule and conduct a hearing to address clarifying, modifying or rescinding the determination of invalidity. Within thirty days of the hearing the board shall continue, clarify, modify, or rescind the determination of invalidity. The board may rescind a determination of invalidity but find continuing noncompliance, in which case the board may establish a compliance schedule or new compliance date.

**AMENDATORY SECTION** (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-880 (~~(Disposition of petition for review—)~~)** Transcripts. The following shall be the policy of each board with regard to transcription of the record:

(1) A board, in its discretion, may at any time cause a transcript to be printed. Any person may obtain a copy upon payment of the reasonable costs thereof.

(2) In any case when a board shall not cause the transcript to be printed, it shall be the obligation of the party wishing a transcript, or portions of it, to assume the cost of producing it.

(3) When an appeal is taken from any final decision and order of a board to a reviewing court, the appealing party is responsible for ordering and paying for the transcript of the hearing.

**AMENDATORY SECTION** (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

**WAC 242-02-890 (~~(Postdecision hearing—)~~)** Determination of (~~(compliance or)~~) noncompliance (~~(with final order)~~)—Compliance schedule. (~~((+))~~) In those cases where a board finds that a state agency, county, or city is not in compliance with the requirements of the act, chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW, the board shall remand the matter to the affected state agency, county, or city (~~(—specifying)~~). The board's final decision and order shall specify a reasonable time not in excess of one hundred eighty days, or such longer time as determined by the board in cases of unusual scope or complexity, within which the state agency, county, or city shall comply. In its order the board may establish a compliance schedule and may require periodic reports on the progress the jurisdiction is making toward compliance.

~~((2) After the compliance deadline specified in subsection (1) of this section, a board, by issuing a notice, or on the motion of a party, shall schedule a hearing for the purpose of determining compliance. The time and place of the compliance hearing shall be at the discretion of a board but shall be given the highest priority of business.~~

~~(3) Once a motion for a compliance hearing has been filed, a board shall schedule and conduct the hearing and issue a finding of compliance or noncompliance within forty-five days of the filing of the motion under subsection (2) of this section.~~

~~(4) If the board finds that the respondent is not in compliance, the board shall transmit its finding to the governor. A board may recommend to the governor that sanctions authorized by the act be imposed.)~~

#### NEW SECTION

**WAC 242-02-891 Compliance—Notice of hearing.**

(1) After the compliance deadline specified in the final decision and order passes, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.302, a board shall issue a notice of compliance hearing setting a hearing date for the purpose of determining whether compliance has been achieved. The compliance hearing shall be given the highest priority of business.

(2) The presiding officer shall set the format of the compliance hearing in the notice of compliance hearing. At the compliance hearing the presumption of validity and

burden of proof are as set forth in WAC 242-02-630 and 242-02-632. The parties to the original case, and a person with standing to challenge the legislation enacted in response to a board's final decision and order, may participate in the compliance hearing. The notice of compliance hearing shall set the scope of, and procedures for participation.

**NEW SECTION**

**WAC 242-02-893 Compliance—Hearing.** Upon a motion of a party or participant, the board shall reconsider its final decision and order and decide, if no determination of invalidity had previously been made, whether one should now be made. The procedures at the compliance hearing shall be as set forth by the presiding officer, pursuant to WAC 242-02-891. After a compliance hearing, the board shall determine whether a state agency, county or city is in compliance with the requirements of the act as remanded in the final decision or order and any compliance schedule established by the board.

**NEW SECTION**

**WAC 242-02-894 Compliance—Hearing pursuant to motion—Rescinding invalidity.** If a motion for a compliance hearing has been filed by a county or city subject to a determination of invalidity, pursuant to RCW 36.70A.330(1), and the jurisdiction has enacted legislation amending the invalidated plan, regulation or part thereof, a board shall schedule and conduct a hearing to address rescinding the determination of invalidity. Within forty-five days of the filing of the motion the board shall issue an order continuing, modifying, or rescinding the determination of invalidity depending upon whether the jurisdiction's legislative action has removed the basis for invalidity so that it no longer substantially interferes with the goals of the act. The board may rescind a determination of invalidity but find continuing noncompliance, in which case the board may establish a compliance schedule or new compliance date.

**NEW SECTION**

**WAC 242-02-896 Continued noncompliance—Recommendation to the governor.** If the board finds that the county or city continues to be in noncompliance with the act, the board shall transmit its findings to the governor. A board may recommend that sanctions authorized by the act be imposed. A jurisdiction's efforts to meet a compliance schedule shall be considered by the board in making a recommendation on sanctions to the governor.

**NEW SECTION**

**WAC 242-02-898 Appeals of a board's final decision.** (1) Any party aggrieved by a final decision of a board may appeal the decision to superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of service of the final decision of the board.

(2) A board shall follow the procedures established in RCW 34.05.518 in the event that direct appellate review is sought.

**((DECLARATORY RULINGS))**

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 242-02-430 Subpoena—Form.
- WAC 242-02-440 Subpoena—Service.
- WAC 242-02-450 Subpoena—Proof of service.
- WAC 242-02-460 Subpoena—Quash or modification.
- WAC 242-02-470 Subpoena—Geographical scope.
- WAC 242-02-892 Appeals of a board's final decision.

**WSR 98-01-145  
PERMANENT RULES  
HORSE RACING COMMISSION  
[Filed December 19, 1997, 1:45 p.m.]**

Date of Adoption: December 17, 1997.

Purpose: Repeal existing WAC 260-24-010, 260-24-020 and 260-24-040 through 260-24-480 and replace with accepted model uniform rules beginning with WAC 260-24-500 through 260-24-700.

Citation of Existing Rules Affected by this Order: Repealing WAC 260-24-010, 260-24-020, and 260-24-040 through 260-24-480.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 97-21-092 on October 20, 1997.

Changes Other than Editing from Proposed to Adopted Version: Not repealing WAC 260-24-030. Also clarifying grammatical corrections.

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 21, amended 0, repealed 48.

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 21, amended 0, repealed 48.

Number of Sections Adopted using Negotiated Rule Making: New 21, amended 0, repealed 48; 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.

December 18, 1997

Bruce Batson  
Executive Secretary

PERMANENT

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 260-24-010 Officials enumerated.
- 260-24-020 Officials—Duties—Qualifications.
- 260-24-040 Disqualification for acting at unrecognized meeting.
- 260-24-050 Trafficking in horses, contracts, insurance, prohibited.
- 260-24-060 Wagering prohibited.
- 260-24-070 Duty to report violations of rules.
- 260-24-080 Clerk of the scales.
- 260-24-090 Handicapper.
- 260-24-100 Mutuel manager.
- 260-24-110 Paddock judge.
- 260-24-120 Patrol judges.
- 260-24-130 Placing judges.
- 260-24-140 Racing secretary—General duties.
- 260-24-150 Racing secretary—Official program for each racing day.
- 260-24-160 Racing secretary—To keep record of all races.
- 260-24-170 Racing secretary—Duties with regard to stabling.
- 260-24-180 Racing secretary—List of entries—Posting—Available to newspapers.
- 260-24-190 Starter—Duties at start of race.
- 260-24-200 Starter—Appointment of assistants—Misconduct toward jockeys.
- 260-24-210 Starter—Schooling of horses.
- 260-24-220 Starter—To approve entries of two year olds.
- 260-24-230 Starter—May fine and suspend jockeys.
- 260-24-240 Stewards—Responsibility to commission.
- 260-24-250 Stewards—Authority over personnel and grounds.
- 260-24-260 Stewards—Powers as to cases not covered by rules—Increased penalties.
- 260-24-270 Stewards—Supervision of entries and declarations.
- 260-24-280 Stewards—Authority to award punishment.
- 260-24-290 Stewards—Inspection of documents.
- 260-24-300 Stewards—Determining disqualifications in case of fouls.
- 260-24-310 Stewards—Duty hours—Sessions.
- 260-24-320 Stewards—Substitutes.
- 260-24-330 Stewards—Deputies.
- 260-24-340 Stewards—Stewards pro tem.
- 260-24-350 Stewards—Report of appointment of deputy.
- 260-24-360 Stewards—Number in stand during race.
- 260-24-370 Stewards—Duty to notice questionable conduct.
- 260-24-380 Stewards—Substitution of jockeys.
- 260-24-390 Stewards—Placing horse in the temporary charge of trainer.
- 260-24-400 Stewards—Getting horses to gate at post time.

- 260-24-410 Stewards—Accident before offtime—Excusing horse.
- 260-24-420 Stewards—Settlement of protests and complaints.
- 260-24-430 Stewards—Infractions—Reports to commission.
- 260-24-440 Stewards—Violation of rule other than a rule of the race—Procedure.
- 260-24-450 Timers.
- 260-24-460 Veterinarians.
- 260-24-465 Veterinarians—Disposal, sterilization of instruments.
- 260-24-470 Clocker-identifier.
- 260-24-480 Film analyst.

**NEW SECTION**

**WAC 260-24-500 Racing officials.** (1) Officials at a race meeting include the following:

- (a) Stewards;
- (b) Racing secretary;
- (c) Horsemen's bookkeeper;
- (d) Mutuel manager;
- (e) Official veterinarian(s);
- (f) Horse identifier;
- (g) Paddock judge;
- (h) Starter;
- (i) Security director, association;
- (j) Commission security inspector(s);
- (k) Commission auditor;
- (l) Clerk of scales;
- (m) Jockey room supervisor;
- (n) Film analyst;
- (o) Clocker(s);
- (p) Race timer;
- (q) Paddock plater;
- (r) Mutuel inspector;
- (s) Outrider(s);
- (t) Any other person designated by the commission.

(2) The commission officials of a race meeting shall be designated prior to each race meeting and those commission officials shall be compensated by the commission.

The association officials of a race meeting shall include but are not limited to: racing secretary, mutuel manager, starter, horsemen's bookkeeper, association security director, jockey room supervisor and outrider(s).

(3) Eligibility:

(a) To qualify as a racing official, the appointee shall be;

- (i) Of good character and reputation;
- (ii) Familiar with the duties of the position and with the commission's rules of racing;
- (iii) Mentally and physically able to perform the duties of the job; and
- (iv) In good standing and not under suspension or ineligible in any racing jurisdiction.

(b) To qualify for appointment as a steward the appointee shall be an Association of Racing Commissioners International-accredited steward and be in good standing with all Association of Racing Commissioners International member jurisdictions. The commission may waive this requirement for Class C race meetings.

(4) The commission, in its sole discretion, may determine the eligibility of a racing official and, in its sole discretion, may approve or disapprove any such official for licensing.

(5) While serving in an official capacity, racing officials and their assistants shall not:

(a) Participate in the sale or purchase, or ownership of any horse racing at the meeting; unless disclosed in advance and approved by the board of stewards;

(b) Sell or solicit horse insurance on any horse racing at the meeting;

(c) Be licensed in any other capacity without permission of the commission, or in case of an emergency, the permission of the stewards;

(d) Wager on the outcome of any race for which parimutuel wagering is conducted under the jurisdiction of the commission; or

(e) Consume or be under the influence of alcohol or any prohibited substances while performing official duties.

(6) Racing officials and their assistants shall immediately report to the stewards every observed violation of these rules.

(7) Complaints against officials:

(a) Complaints against any steward shall be made in writing to the commission and signed by the complainant;

(b) Any complaint against a racing official other than a steward shall be made to the stewards in writing and signed by the complainant. All such complaints shall be reported to the commission by the stewards, together with a report of the action taken or the recommendation of the stewards;

(c) A racing official may be held responsible by the stewards or the commission for the actions of their assistants;

(8) Appointment:

(a) A person shall not be appointed to more than one racing official position at a meeting unless specifically approved by the commission;

(b) The commission shall appoint or approve its officials for each race meeting, the officials shall perform the duties as outlined herein and such other duties as are necessary as determined by the commission or its executive secretary.

(9) Where an emergency vacancy exists among racing officials, the stewards or the association, with the stewards' approval, shall fill the vacancy immediately. Such appointment shall be reported to the commission and shall be effective until the vacancy is filled in accordance with these rules.

(10) Should any steward be absent at race time, and no approved alternate steward be available, the remaining stewards shall appoint a substitute for the absent steward. If a substitute steward is appointed, the commission and the association shall be notified by the stewards.

#### NEW SECTION

**WAC 260-24-510 Stewards.** (1) General authority:

(a) The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with these rules;

(b) The stewards shall enforce these rules and the racing laws of this jurisdiction;

(c) The stewards' authority includes supervision of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to insure compliance with these rules;

(d) All nominations, entries, declarations and scratches shall be conducted under the supervision of the stewards;

(e) The stewards shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules;

(f) The stewards shall take notice of any questionable conduct with or without complaint thereof;

(g) The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules;

(h) Should any case occur which may not be covered by these rules of racing, it shall be determined by the stewards of the race meeting in conformity with justice and in the best interest of racing; and the stewards of the meeting are hereby given authority to exercise their full power, recommending to the commission the impositions of more severe penalties, if in their judgment the penalty should be more drastic.

(2) The stewards' period of authority shall commence 10 days prior to the beginning, or at such other time as is necessary in the opinion of the commission, of each meeting and shall terminate with the completion of their business pertaining to the meeting. One of the three stewards shall be designated as the presiding steward by the commission.

(3) Disciplinary action:

(a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters;

(b) The stewards shall have authority to charge any licensee with a violation of these rules, to conduct hearings and to impose disciplinary action in accordance with these rules;

(c) The stewards may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing;

(d) The stewards may at any time inspect license documents, registration papers and other documents related to racing;

(e) The stewards shall have the power to administer oaths and examine witnesses;

(f) The stewards shall consult with the official veterinarian to determine the nature and seriousness of a laboratory finding or an alleged medication violation;

(g) The stewards may impose any of the following penalties on a licensee for a violation of these rules;

(i) Issue a reprimand;

(ii) Assess a fine;

(iii) Require forfeiture or redistribution of purse or award, when specified by applicable rules;

(iv) Place a licensee on probation;

(v) Suspend a license or racing privileges;

(vi) Revoke a license; or

(vii) Exclude from grounds under the jurisdiction of the commission.

(h) The stewards may suspend a license for not more than one year per violation; or they may impose a fine not to exceed \$2,500 per violation; or they may suspend and fine; or they may order that a person be ineligible for licensing. For violations covered by Chapter 260-70 WAC

Medication, the stewards shall follow the penalty guidelines as set forth in WAC 260-70-690;

(i) A stewards' ruling shall not prevent the commission from imposing a more severe penalty;

(j) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter;

(k) Purses, prizes, awards and trophies shall be redistributed if the stewards or commission order a change in the official order of finish;

(l) All fines imposed by the stewards shall be paid to the commission within 48 hours after the ruling is issued, unless otherwise ordered.

(4) Protests, objections and complaints. The stewards shall cause an investigation to be conducted and shall render a decision in every protest, objection and complaint made to them. They shall maintain a record of all protests, objections and complaints. The stewards shall file daily with the commission a copy of each protest, objection or complaint and any related ruling. The stewards are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(5) Stewards' presence:

(a) On each racing day at least one steward shall be on duty at the track from 3 hours prior to first race post time. The full board of stewards shall sit in regular session to exercise their authority and perform the duties imposed on them by the rules of racing;

(b) Three stewards shall be present in the stewards' stand during the running of each race. In case of emergency, the stewards may, during the meeting, appoint a substitute subject to the confirmation of the commission.

(6) Order of finish for parimutuel wagering:

(a) The stewards shall determine the official order of finish for each race in accordance with these rules of racing;

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, shall be final for purposes of distribution of the parimutuel wagering pool.

(7) The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a parimutuel pool for a race or races, if such action is necessary to protect the integrity of parimutuel wagering.

(8) Records and reports:

(a) The stewards shall prepare a daily report, detailing their actions and observations made during each day's race program. The report shall contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, objections and hearings and any unusual circumstances or conditions. The report shall be signed by each steward and be filed with the commission;

(b) Not later than seven days after the last day of a race meeting, the presiding steward shall submit to the commission a written report regarding the race meeting. The report shall contain:

(i) The stewards' observations and comments regarding the conduct of the race meeting, the overall conditions of the association grounds during the race meeting; and

(ii) Any recommendations for improvement by the association or action by the commission.

(9) Stewards' list:

(a) The stewards shall maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the racetrack that may endanger the health or safety of other participants in racing;

(b) The stewards may place a horse on the stewards' list when there exists a question as to the exact identification or ownership of said horse;

(c) A horse which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing;

(d) A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of said horse, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification and/or ownership has been established.

(10) When the stewards feel that a rule, other than a rule of the race, has been violated by any person, the procedure shall be as follows:

(a) He or she shall be summoned to a hearing before the stewards, called for that purpose;

(b) Adequate notice of said hearing shall be given to the summoned party. The stewards' decision as to what is adequate notice shall be final;

(c) No penalty shall be imposed until such hearing;

(d) Nonappearance of the summoned party after adequate notice shall be construed as a waiver of right to hearing before the stewards;

(e) No special announcement of the hearing or of the alleged infraction of rules shall be made until after said hearing. Immediately after a hearing, provided the matter is settled, the stewards shall transmit their findings in a stewards ruling to the commission and to the party in question. Thereafter, if a penalty is imposed for the infraction of the rules but only in the case of penalty, the commission may make a public statement.

(11) Nothing in this rule shall prohibit the stewards from taking necessary action to prevent or avoid the immediate danger to the public health, safety or welfare or the integrity of racing.

#### NEW SECTION

**WAC 260-24-520 Racing secretary.** (1) The racing secretary shall be responsible for the programming of races during the race meeting, compiling and publishing condition books, assigning weights for handicap races, and shall receive all entries, subscriptions, declarations and scratches. The racing secretary may employ one or more assistants who may assist in performing the following duties. An assistant racing secretary shall assume the duties of the racing secretary in that person's absence.

(2) Foal, health and other eligibility certificates:

(a) The racing secretary shall be responsible for receiving, inspecting and safeguarding the foal and health certificates, Equine Infectious Anemia (EIA) test certificates and other documents of eligibility for all horses competing at the track or stabled on the grounds;

(b) The racing secretary shall record the alteration of the sex of a horse on the horse's foal certificate and report such to the appropriate breed registry and past performance services;

(c) The racing secretary shall record on a horse's registration certificate when a posterior digital neurectomy (heel nerving) is performed on that horse.

(3) The racing secretary shall maintain a list of nerved horses which are on association grounds and shall make the list available for inspection by other licensees participating in the race meeting.

(4) The racing secretary shall maintain a list of all fillies or mares on association grounds who have been covered by a stallion. The list shall also contain the name of the stallion to which each filly or mare was bred and shall be made available for inspection by other licensees participating in the race meeting.

(5) It shall be the duty of the racing secretary to assign to applicants such stabling as he may deem proper to be occupied by horses in preparation for racing. He/she shall determine all conflicting claims of stable privileges and maintain a record of arrivals and departures of all horses stabled on association grounds.

(6) Conditions and eligibility:

(a) The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published to owners, trainers and the commission and be posted in the racing secretary's office:

(b) For the purpose of establishing conditions, winnings shall be considered to include all monies and prizes won up to the time of the start of a race;

(c) Winnings during the year shall be calculated by the racing secretary from the preceding January 1.

(7) Listing of horses, the racing secretary shall:

(a) Examine all entry blanks to verify information as set forth therein; and

(b) Select the horses to start and the also eligible horses from those entries received in accordance with these rules.

(8) Upon completion of the draw each day, the racing secretary shall post a list of entries in a conspicuous location in his/her office and make the list available.

(9) The racing secretary shall publish the official daily program, ensuring the accuracy therein of the following information:

(a) Sequence of races to be run and post time for the first race;

(b) Purse, conditions and distance for each race, and current track record for such distance;

(c) The name of licensed owners of each horse, indicated as leased, if applicable, and description of racing colors to be carried;

(d) The name of the trainer and the name of the jockey named for each horse together with the weight to be carried;

(e) The post position and saddle cloth number or designation for each horse if there is a variance with the saddle cloth designation;

(f) Identification of each horse by name, color, sex, age, sire and dam; and

(g) Such other information as may be requested by the association or the commission.

(10) The racing secretary shall examine nominations received for early closing events, late closing events and stakes events to verify the eligibility of all such nominations and compile lists thereof for publication.

(11) The racing secretary shall be caretaker of the permanent records of all stakes and shall verify that all entrance monies due are paid prior to entry for races conducted at the meeting.

#### NEW SECTION

**WAC 260-24-530 Horsemen's bookkeeper.** The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described herein and maintain such other records and accounts and perform such other duties as the association and commission may prescribe.

(1) Records:

(a) The records shall include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse owner, trainer or jockey participating at the race meeting who has funds due or on deposit in the horsemen's account;

(b) The records shall include a file of all required statements: of partnerships, syndicates, corporations, assignments of interest, lease agreements and registrations of authorized agents;

(c) All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the association;

(d) All records of the horsemen's bookkeeper including records of accounts and monies and funds kept on deposit are subject to inspection by the commission at any time;

(e) The association licensee is subject to disciplinary action by the commission for any violations of or non-compliance with the provisions of this rule.

(2) Monies and funds on account:

(a) All monies and funds on account with the horsemen's bookkeeper shall be maintained;

(i) Separate and apart from monies and funds of the association;

(ii) In an account designated as Horsemen's Account; and

(iii) In an account insured by the Federal Deposit and Insurance Corporation.

(b) The horsemen's bookkeeper shall be bonded in accordance with commission stipulations;

(c) The amount of purse money earned is credited in the currency of the jurisdiction in which the race was run. There shall be no appeal for any exchange rate loss at the time of transfer of funds from another jurisdiction.

(3) Payment of purses:

(a) The horsemen's bookkeeper shall receive, maintain and disburse the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, along with all applicable taxes and other monies that properly come into his/her possession in accordance with the provisions of commission rules;

(b) The horsemen's bookkeeper may accept monies due belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due;

(c) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no chemical substance has been administered, in violation of these rules, to the horse earning such purse money;

(d) The horsemen's bookkeeper shall disburse the purse of each race and all stakes, entrance money, jockey fees and purchase money in claiming races, along with all applicable taxes, upon request, within 48 hours of receipt of notification that all tests with respect to such races have cleared the drug testing;

(e) Absent a prior request, the horsemen's bookkeeper shall disburse monies to the persons entitled to receive same within 15 days after the last race day of the race meeting, including purses for official races, provided that all tests with respect to such races have cleared the drug testing laboratory and provided further that no protest or appeal has been filed with the stewards or the commission;

(f) In the event a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper shall disburse the purse within 48 hours of receipt of dismissal or a final non-appealable order disposing of such protest or appeal.

#### NEW SECTION

**WAC 260-24-540 Mutuel manager.** The mutuel manager is responsible for the operation of the parimutuel department and shall:

- (1) Be responsible for the correctness of all pay-off prices;
- (2) Maintain records of all wagers and provide information regarding betting patterns;
- (3) Employ licensed individuals to aid in the operation of the parimutuel department;
- (4) Make emergency decisions regarding the operation of the parimutuel department; and
- (5) Be responsible for the enforcement of the association policy and procedures relating to the mutuel department.

#### NEW SECTION

**WAC 260-24-550 Official veterinarian(s).** The official veterinarian(s) shall:

- (1) Be employed by the commission;
- (2) Be a graduate veterinarian and be licensed to practice in this jurisdiction;
- (3) Recommend to the stewards any horse deemed unsafe to be raced, or a horse that it would be inhumane to allow to race;
- (4) Place horses on the veterinarian's list and remove horses from the veterinarian's list;
- (5) Place horses on the bleeder list and remove horses from the bleeder list;
- (6) Supervise and control the test barn;
- (7) Supervise the taking of all specimens for testing according to procedures approved by the commission;

(8) Provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion or contamination;

(9) Provide the stewards with a written statement regarding the nature and seriousness of all laboratory reports of prohibited substances in equine samples;

(10) Have jurisdiction over the practicing licensed veterinarians within the enclosure for the purpose of these rules;

(11) Report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;

(12) Maintain all required records of postmortem examinations performed on horses which have died on association grounds;

(13) Be available to the stewards prior to scratch time each racing day at a time designated by the stewards to inspect any horses and report on their condition as may be requested by the stewards;

(14) Be present in the paddock during saddling, on the racetrack during the post parade and at the starting gate until the horses are dispatched from the gate for the race;

(15) Inspect any horse when there is a question as to the physical condition of such horse;

(16) Recommend scratching a horse to the stewards if, in his/her opinion the horse is physically incapable of exerting its best effort to win;

(17) Inspect any horse which appears in physical distress during the race or at the finish of the race; and shall report such horse together with his/her opinion as to the cause of the distress to the stewards;

(18) Refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission;

(19) Review and consult with the applicants and the stewards regarding commission license applications of practicing veterinarians;

(20) Cooperate with practicing veterinarians and other regulatory agencies to take measures to control communicable and/or reportable equine diseases;

(21) Periodically review all horse papers under the jurisdiction of the commission to ensure that all required test and health certificates are current and properly filed in accordance with these rules; and

(22) Be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of racing the horse to so act.

#### NEW SECTION

**WAC 260-24-560 Horse identifier.** The Horse identifier shall:

(1) When required, ensure the safekeeping of registration certificates and racing permits for horses stabled and/or racing on association grounds;

(2) Inspect documents of ownership, eligibility, registration or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting;

(3) Examine every starter in the paddock for sex, color, markings and lip tattoo or other identification method approved by the appropriate breed registry and the commis-

sion for comparison with its registration certificate to verify the horse's identity; and

(4) Supervise the tattooing, branding or other method of identification approved by the appropriate breed registry and the commission for identification of any horse located on association grounds.

(5) The horse identifier shall report to the stewards any horse not properly identified or whose registration certificate is not in conformity with these rules.

### NEW SECTION

**WAC 260-24-570 Paddock judge.** (1) The paddock judge shall:

(a) Supervise the assembly of horses in the paddock no later than fifteen (15) minutes before the scheduled post time for each race;

(b) Maintain a written record of all equipment, inspect all equipment of each horse saddled and report any change thereof to the stewards;

(c) Prohibit any change of equipment without the approval of the stewards;

(d) Ensure that the saddling of all horses is orderly, open to public view, free from public interference, and that horses are generally mounted at the same time, and leave the paddock for the post in proper sequence;

(e) Supervise paddock schooling of all horses approved for such by the stewards;

(f) Report to the stewards any observed cruelty to a horse;

(g) Ensure that only properly authorized persons are permitted in the paddock; and

(h) Report to the stewards any unusual or illegal activities.

(2) Paddock judge's list:

(a) The paddock judge shall maintain a list of horses which shall not be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing;

(b) At the end of each race day, the paddock judge shall provide a copy of the list to the stewards;

(c) To be removed from the paddock judge's list, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock.

### NEW SECTION

**WAC 260-24-580 Starter.** (1) The starter shall:

(a) Have complete jurisdiction over the starting gate, the starting of horses and the authority to give orders not in conflict with the rules as may be required to ensure all participants an equal opportunity to a fair start;

(b) Appoint and supervise assistant starters who have demonstrated they are adequately trained to safely handle horses in the starting gate. In emergency situations, the starter may appoint qualified individuals to act as substitute assistant starters;

(c) Ensure that a sufficient number of assistant starters are available for each race;

(d) Assign the starting gate stall positions to assistant starters and notify the assistant starters of their respective

stall positions more than 10 minutes before post time for the race;

(e) Assess the ability of each person applying for a jockey's license in breaking from the starting gate and working a horse in the company of other horses, and shall make said assessment known to the stewards; and

(f) Load horses into the gate in any order deemed necessary to ensure a safe and fair start.

(2) Assistant starters, with respect to an official race, shall not:

(a) Handle or take charge of any horse in the starting gate without the expressed permission of the starter;

(b) Impede the start of a race;

(c) Apply a whip or other device, with the exception of steward-approved twitches, to assist in loading a horse into the starting gate;

(d) Slap, boot or otherwise dispatch a horse from the starting gate;

(e) Strike or use abusive language to a jockey; or

(f) Accept or solicit any gratuity or payment other than his/her regular salary, directly or indirectly, for services in starting a race.

(3) No horse shall be permitted to start in a race unless approval is given by the starter. The starter shall maintain a starter's list of all horses which are ineligible to be entered in any race because of poor or inconsistent behavior or performance in the starting gate. Such horse shall be refused entry until it has demonstrated to the starter that it has been satisfactorily schooled in the gate and can be removed from the starter's list. Schooling shall be under the direct supervision of the starter.

(4) The starter and assistant starter shall report all unauthorized activities to the stewards.

### NEW SECTION

**WAC 260-24-590 Security director, association.** The security director shall be employed by the association and shall be directly responsible for maintaining the security and safety of the racing association's grounds. He/she shall issue daily reports to the commission security inspector outlining staffing and any incidents or occurrences which may constitute a violation of the "rules of racing". The security director will work closely with the board of stewards and commission security inspector(s) to facilitate the licensing, regulation and supervision of licensees and the racing association grounds. The security director may be requested to perform such other specific duties as are mutually agreed upon between the board of stewards and the racing association.

### NEW SECTION

**WAC 260-24-600 Commission security inspector(s).** The commission security inspector(s) shall be employed by the commission and report to the commission executive secretary and the stewards. His/her duties shall include investigation of allegations of wrongdoing and violations of the "rules of racing", presentation of cases before the stewards and other duties as set forth by the commission or the stewards.

NEW SECTION

**WAC 260-24-610 Commission auditor.** The commission auditor shall be responsible for:

- (1) Verifying the calculations of the parimutuel department;
- (2) Calculating and/or verify the monetary commissions due;
- (3) Maintaining the Washington Bred Owners Bonus Fund (including filing of tax information); and
- (4) Various accounting and auditing services as requested by the commission or the stewards.

NEW SECTION

**WAC 260-24-620 Clerk of scales.** The clerk of scales shall:

- (1) Verify the presence of all jockeys in the jockeys' room at the appointed time;
- (2) Verify that all such jockeys have a current jockey's license issued by the commission;
- (3) Verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the stewards immediately;
- (4) Oversee the security of the jockeys' room including the conduct of the jockeys and their attendants;
- (5) Promptly report to the stewards any infraction of the rules with respect to weight, weighing, riding equipment or conduct;
- (6) Record all required data on the scale sheet and submit that data to the horsemen's bookkeeper at the end of each race day;
- (7) Maintain the record of applicable winning races on all apprentice certificates at the meeting;
- (8) Release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet; and
- (9) Assume the duties of the jockey room supervisor in the absence of such employee.

NEW SECTION

**WAC 260-24-630 Jockey room supervisor.** The jockey room supervisor shall:

- (1) Supervise the conduct of the jockeys and their attendants while they are in the jockey room;
- (2) Keep the jockey room clean and safe for all jockeys;
- (3) Ensure all jockeys are in the correct colors before leaving the jockey room to prepare for mounting their horses;
- (4) Keep a daily video list as dictated by the stewards and have it displayed in plain view for all jockeys;
- (5) Keep a daily program displayed in plain view for the jockeys so they may have ready access to mounts that may become available;
- (6) Keep unauthorized persons out of the jockey room; and
- (7) Report to the stewards any unusual occurrences in the jockey room.

NEW SECTION

**WAC 260-24-640 Film analyst.** The film analyst, when utilized, shall be responsible for assisting the stewards and other commission officials in the interpretation of video coverage of each race. The analyst shall perform such other duties as are designated by the board of stewards.

NEW SECTION

**WAC 260-24-650 Clocker(s).** (1) The clocker(s) shall be present during training hours at each track on association grounds, which is open for training, to identify each horse working out and to accurately record the distances and times of each horse's workout.

(2) Each day, the clocker(s) shall prepare a list of workouts that describes the name of each horse which worked, along with the distance and time of each horse's workout.

(3) At the conclusion of training hours, the clocker shall deliver a copy of the list of workouts to the stewards and the racing secretary.

NEW SECTION

**WAC 260-24-660 Race timer.** (1) The timer shall accurately record the time elapsed between the start and finish of each race.

(2) The time shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line.

(3) At the end of a race, the timer shall post the official running time on the infield totalisator board.

(4) At a racetrack equipped with an appropriate infield totalisator board, the timer shall post the quarter times (splits) for races in fractions as a race is being run. For quarter horse races, the timer shall post the official times in hundredths of a second.

(5) For back-up purposes, the timer shall also use a stopwatch to time all races. In time trials, the timer shall ensure that at least three stopwatches are used by the stewards or their designees.

(6) The timer shall maintain a written record of fractional and finish times of each race and have same available for inspection by the stewards or the commission on request.

NEW SECTION

**WAC 260-24-670 Paddock plater.** The paddock plater shall be available during racing hours to perform emergency shoeing repairs on horses in either the receiving barn, the paddock or during the parade to post. When directed by the board of stewards, the paddock plater shall report horses which are wearing caulks and on which feet. With permission of the stewards the paddock plater may assume other duties as requested by the association.

NEW SECTION

**WAC 260-24-680 Mutuel inspector.** The mutuel inspector shall oversee parimutuel wagering activity, including but not limited to, testing of the totalisator system, working with the board of stewards, commission auditor and

mutuel manager as related to Chapter 260-48 WAC and shall perform other duties as directed by the commission.

#### NEW SECTION

**WAC 260-24-690 Outrider(s).** The duty of the outrider(s) shall be to maintain safety on the racetrack during training hours insuring that all persons entering onto the racetrack have the proper safety equipment. During racing hours, prior to each race, the outrider(s) shall be responsible for maintaining order during the post parade and insuring that the horses arrive at the starting gate at post time. The outrider(s) shall inform the stewards of any questionable conduct and shall perform other duties as directed by the stewards.

#### NEW SECTION

**WAC 260-24-700 Any other person designated by the commission.** The commission may create additional racing official positions, as needed. Persons selected for these positions shall be considered racing officials and shall be subject to the general eligibility requirements outlined in this chapter.

### WSR 98-01-146

#### PERMANENT RULES

### HORSE RACING COMMISSION

[Filed December 19, 1997, 1:47 p.m.]

Date of Adoption: December 17, 1997.

Purpose: Adopt model uniform rules that were approved by the national jockey's guild regarding rules relating to apprentice jockeys.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 97-21-093 on October 20, 1997.

Changes Other than Editing from Proposed to Adopted Version: In (2), line 2, added . . . or mixed breed . . . after quarter horse. Removed (7)(e).

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 1, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 1, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 18, 1997

Bruce Batson

Executive Secretary

#### NEW SECTION

**WAC 260-32-370 Apprentice jockeys.** (1) An applicant for an apprentice jockey license may be prohibited from riding until the stewards or the commission has sufficient opportunity (not to exceed 14 days) to verify the applicant's previous riding experience.

(2) The conditions of an apprentice jockey license do not apply to quarter horse or mixed breed racing. A jockey's performances in quarter horse or mixed breed racing do not apply to the conditions of an apprentice jockey.

(3) An applicant with an approved apprentice certificate may be licensed as an apprentice jockey.

(4) An apprentice certificate may be obtained from the stewards on a form provided by the commission. A person shall not receive more than one apprentice certificate. In case of emergencies, a copy of the original may be obtained from the commission where it was issued.

(5) The apprentice jockey shall be responsible to have his/her apprentice certificate with them at all times. Prior to riding, the apprentice certificate shall be submitted to the clerk of scales at each racing association in which the apprentice is licensed and riding.

(6) The apprentice jockey shall keep an accurate updated record of his/her first forty (40) winners, to be recorded on the certificate by the clerk of scales.

(7) An apprentice jockey may claim the following weight allowances in all overnight races except stakes and handicaps:

(a) Ten pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners;

(b) Seven pound allowance until the apprentice has ridden an additional thirty five (35) winners; and

(c) If an apprentice has ridden a total of forty (40) winners prior to the end of a period of one year from the date of riding their fifth winner, the apprentice jockey shall have an allowance of five pounds until the end of that year;

(d) If after one year from the date of the fifth winning mount, the apprentice jockey has not ridden forty (40) winners, the applicable weight allowance shall continue for one more year or until the 40th winner, whichever comes first. In no event may a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted.

(8) The commission may extend the weight allowance of an apprentice jockey when, at the discretion of the commission, an apprentice jockey is unable to continue riding due to:

(a) physical disablement or illness;

(b) military service;

(c) attendance in an institution of secondary or higher education;

(d) restriction on racing;

(e) other valid reasons.

(9) In order to qualify for an extension, an apprentice jockey shall have been rendered unable to ride for a period of not less than seven (7) consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances, total days lost collectively will be given consideration.

(10) The commission currently licensing the apprentice jockey shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced documentation verifying time lost as defined by this regulation.

(11) An apprentice may petition one of the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

(12) Apprentice jockeys shall be bound by all rules for jockeys, except insofar as said rules may be in conflict with WAC 260-32-400.

**WSR 98-01-148**  
**PERMANENT RULES**  
**HORSE RACING COMMISSION**  
 [Filed December 19, 1997, 1:52 p.m.]

Date of Adoption: December 17, 1997.

Purpose: Amend WAC 260-48-890 to allow only one instance of two horses having common ties in any trifecta race, stakes races excepted with permission of the stewards.

Citation of Existing Rules Affected by this Order: Amending WAC 260-48-890.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 97-21-094 on October 20, 1997.

Changes Other than Editing from Proposed to Adopted Version: Clarifying grammatical corrections.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 18, 1997

Bruce Batson  
Executive Secretary

**AMENDATORY SECTION** (Amending WSR 96-10-014, filed 4/19/96)

**WAC 260-48-890 Trifecta pools.** (1) The trifecta requires selection of the first three finishers, in their exact order, for a single race.

(2) The net trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire pool shall be refunded on trifecta wagers for that race.

(3) If less than three betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race shall be ignored.

(4) If there is a dead heat for first involving:

(a) Horses representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(b) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest shall share in a profit split.

(5) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.

~~((7) Coupled entries and mutual fields shall be prohibited in trifecta races.))~~

~~((8))~~ (7) There shall be only one instance of two horses having common ties ~~((through a trainer))~~ in any trifecta race, stakes races are excepted with permission of the stewards.

**WSR 98-01-149**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed December 19, 1997, 4:00 p.m.]

Date of Adoption: December 18, 1997.

Purpose: These rules are being repealed because they duplicate the language contained in the authorizing section, RCW 26.34.010. They are not necessary because the statute is specifically clear to provide direction to department staff and external parties in the implementation of the Interstate Compact on the Placement of Children.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-71-005, 388-71-010, 388-71-015, 388-71-020, 388-71-025, 388-71-030, 388-71-035, 388-71-040, 388-71-045, 388-71-050, and 388-71-055.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 97-22-093 on November 5, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 11.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 11.

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.

December 18, 1997

Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

## REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-71-005 Duty to provide.
- 388-71-010 Definitions.
- 388-71-015 Conditions for placement.
- 388-71-020 Condition under which compact applies.
- 388-71-025 Exemptions.
- 388-71-030 Child leaving Washington State.
- 388-71-035 Child entering Washington State.
- 388-71-040 Procedures for change in placement status.
- 388-71-045 Retention of jurisdiction.
- 388-71-050 Financial responsibility.
- 388-71-055 Penalty for illegal placement.

### **WSR 98-01-151**

#### **PERMANENT RULES**

#### **DEPARTMENT OF LICENSING**

[Filed December 22, 1997, 9:32 a.m.]

Date of Adoption: December 22, 1997.

Purpose: Implementation of SHB 1008, chapter 291, Laws of 1997. The proposed rule changes fees for certain special license plates, deletes centennial plate requirements and deletes the need for criteria for special license plates.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-96A-415 and 308-96A-420; and amending WAC 308-96A-072, 308-96A-550, and 308-96A-560.

Statutory Authority for Adoption: RCW 46.01.110.

Other Authority: Chapter 291, Laws of 1997.

Adopted under notice filed as WSR 97-21-055 on October 14, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 3, repealed 2.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 3, repealed 2; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 22, 1997

Evelyn P. Yenson

Director

AMENDATORY SECTION (Amending WSR 97-07-013, filed 3/11/97, effective 4/11/97)

**WAC 308-96A-072 Square dancer license plates.** (1) The registered owner or lessee of a vehicle may apply to the department and receive, in lieu of regular vehicle license plates, special square dancer license plates bearing a symbol of a dancer.

(2) Square dancer license plates may be issued (~~as provided in RCW 46.16.301 (1)(b))~~ pursuant to RCW 46.16.233 for vehicles required to display two license plates. Vehicles licensed under the provisions of chapter 46.87 RCW are not eligible for square dancer license plates.

(3) A special license plate fee of thirty-five dollars, in addition to all other appropriate fees and taxes, is collected for each set of square dancer license plates issued through December 31, 1997. The special license plate fee is forty dollars effective with square dancer license plates issued January 1, 1998, and thereafter.

AMENDATORY SECTION (Amending WSR 95-11-043, filed 5/10/95, effective 6/10/95)

**WAC 308-96A-550 Vehicle special collegiate license plates.** (1) The department shall approve an application for special collegiate license plate series pursuant to RCW 46.16.301 (1)(d), as it existed before amendment by section 5, chapter 291, Laws of 1997, from an institution of higher education after determining the following criteria is satisfied:

(a) The special collegiate license plate lettering and color scheme is compatible with the basic license plate design. The plates shall consist of numbers, letters, or figures or any combination thereof not exceeding seven positions that do not conflict with existing license plates. The plate design must provide at least four positions to accommodate serial numbering. A license plate shall not be approved that may carry connotations offensive to good taste or decency, which may be misleading, vulgar in nature, a racial, ethnic lifestyle or gender slur, related to illegal activities or substances, blasphemous, contrary to the department's mission to promote highway safety, or a duplication of other license plates provided in chapter 46.16 RCW.

(b) The special collegiate license plate is designed so that it can be readily recognized by law enforcement

personnel as an official Washington state issued license plate. A collegiate license plate design may not be issued in combination with any other license plate configuration or in lieu of any other special, personalized or exempt license plate.

(c) The special collegiate license plate may be issued to all applicants regardless of the applicant's age, gender, religion, race, color, creed, marital status, national origin, disability, or affiliation with an institution of higher education.

(2) The institution shall provide a design including color and dimension specifications of the requested special collegiate license plate series requested with their application. The department shall approve or disapprove the design based on compatibility with the basic license plate's design. A collegiate license plate series shall not be approved that may carry connotations offensive to good taste or decency or which may be misleading.

(3) ~~(The department may deduct an amount from the collegiate license plate fee sufficient to offset the department's plate production costs. The department's production costs are the difference between the costs to purchase a standard set of passenger vehicle license plates and the costs to purchase a set of collegiate license plates. All such amounts deducted shall be deposited with the state treasurer and credited to the motor vehicle fund.~~

(4)) When ownership of a vehicle, issued collegiate license plates, is sold, traded, or otherwise transferred, the owner may relinquish the plates to the new vehicle owner or remove the plates from the vehicle for transfer to a replacement vehicle. If the plates are removed from the vehicle a transfer fee to another vehicle shall be charged as provided in RCW 46.16.316(1). If the registration expiration date for the new vehicle exceeds the old vehicle registration expiration date, an abated fee for the collegiate plate shall be charged at the rate of one-twelfth of the annual collegiate plate fee for each exceeding month and partial month. If the new registration expiration date is sooner than the old expiration date, a refund shall not be made for the unexpended registration period.

~~((5))~~ (4) Upon the loss, defacement, or destruction of one or both collegiate license plates the owner shall make application for new collegiate or other license plate and pay the fees pursuant to RCW 46.16.270. New collegiate license plates shall be issued bearing the next available license plate number.

**AMENDATORY SECTION** (Amending WSR 95-11-043, filed 5/10/95, effective 6/10/95)

**WAC 308-96A-560 Special vehicle license plates—Criteria for continued issuance.** Except those license plates issued under RCW 46.16.301, 46.16.305 and 46.16.324 the department may ~~((approve applications for))~~ discontinue issuing special vehicle license plates ~~((pursuant to RCW 46.16.301 (1)(a), (b), or (c)))~~ after determining that ~~((all of the following criteria is satisfied:~~

(a) It is reasonable to expect a minimum of one thousand less than five hundred special license plates in the approved configuration ~~((will be))~~ are purchased ~~((by vehicle owners satisfying the qualifications set forth in the approved application.~~

~~(b) The applicant organization is a local chapter or equivalent of a nationally recognized organization.~~

~~(c) The special license plate is designed so that it can be readily recognized by law enforcement personnel as an official Washington state issued license plate.~~

~~(d) Qualifications for the special license plate do not discriminate between age, sex, religion, gender, race, color, creed, marital status, disability, or national origin. Qualifications may not include being a member of the applicant organization. Purchasers of plates that identify members of professions that are related to public safety, health, and/or welfare may require proof of professional standing.~~

~~(e) The special license plate lettering and color scheme is compatible with the basic license plate design. The plates shall consist of numbers, letters, or figures or any combination thereof not exceeding seven positions that do not conflict with existing license plates. The plate design must provide at least four positions to accommodate serial numbering. The plate may not advertise a product or service. A license plate shall not be approved that may carry connotations offensive to good taste or decency which may be misleading, vulgar in nature, a racial, ethnic lifestyle or gender slur, related to illegal activities or substances, blasphemous, contrary to the department's mission to promote highway safety, or a duplicate of other license plates provided in chapter 46.16 RCW.~~

~~(f) The applicant organization is recognized as a nonprofit entity by Washington state law and the Internal Revenue Service.~~

~~(g) The special license plate has state wide appeal and is not limited to a particular geographic area.~~

~~(h) The applicant organization will not use the special license plate to raise funds or as a qualification for gaining or retaining membership in an organization))~~ annually and no less than one thousand five hundred special license plates are purchased in any continuous three-year period.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-96A-415 Centennial plate issuance.  
WAC 308-96A-420 Centennial plate fee.

#### **WSR 98-01-165**

##### PERMANENT RULES

#### **DEPARTMENT OF HEALTH**

[Filed December 22, 1997, 4:04 p.m.]

Date of Adoption: December 12, 1997.

Purpose: Amendments will increase boarding home licensing fees from \$37.35 per bed to \$54.00 per bed.

Citation of Existing Rules Affected by this Order: Amending WAC 246-316-990.

Statutory Authority for Adoption: RCW 18.20.050, 43.70.110, and 43.70.250.

Adopted under notice filed as WSR 97-22-026 on October 29, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 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.

February [December] 22, 1997

Bruce Miyahara  
Secretary

**AMENDATORY SECTION** (Amending WSR 96-12-027, filed 5/30/96, effective 6/30/96)

**WAC 246-316-990 Fees.** The licensee or applicant shall:

(1) Submit an annual license fee of (~~thirty-seven dollars and thirty-five cents~~) fifty-four dollars per bed of the licensed resident bed capacity for initial and renewed licenses;

(2) Submit an additional one hundred fifty dollars when billed by the department for:

(a) A third on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies; and

(b) A complete on-site survey resulting from a substantiated complaint; and

(3) Submit an additional late fee in the amount of ten dollars per day from the license renewal date until the date of mailing the fee, as evidenced by the postmark.

#### WSR 98-01-176

##### PERMANENT RULES

#### DEPARTMENT OF REVENUE

[Filed December 23, 1997, 11:35 a.m., effective January 1, 1998]

Date of Adoption: December 23, 1997.

Purpose: This rule explains the two methods that are used when property tax refunds are issued under chapter 84.69 RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 458-18-210 Refunds—Procedure—Interest.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070.

Other Authority: RCW 84.69.030, 84.69.100, and 84.69.150.

Adopted under notice filed as WSR 97-21-095 on October 20, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Chapter 67, Laws of 1997 changed the date from which interest on property tax refunds accrues. On all claims for property tax refunds made after January 1, 1998, interest will begin to accrue on the date the taxes were paid. This rule needed to be amended as quickly as possible to reflect this statutory change.

Effective Date of Rule: January 1, 1998.

December 23, 1997

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

**AMENDATORY SECTION** (Amending Order PT 87-7, filed 9/23/87)

#### WAC 458-18-210 Refunds—Procedure—Interest.

(1) Refunds provided for by chapter 84.69 RCW are made by one of the following two methods:

(a) The county legislative authority acts upon its own motion and orders a refund; or

(b) The taxpayer files a claim for refund with the county. (~~Such~~) This claim shall (~~be~~):

(i) Be verified by the person who paid the tax, his guardian, executor or administrator; and

(ii) Be filed within three years after (~~making of~~) the payment sought to be refunded was made; and

(iii) (~~Stating~~) State the statutory ground upon which the refund is claimed.

(2) All claims for refunds must be certified as correct by the county assessor and treasurer and not be refunded until so ordered by the county legislative authority.

(3) For all refunds, the rate of interest (~~shall be as contained~~) is set out in WAC 458-18-220. The rate of interest is based upon the date the taxes were paid (~~or the claim for refund is filed, whichever is later~~).

(4) Except as provided in subsections (5) and (6) of this section, the interest shall accrue from the time the taxes were paid (~~or the claim for refund was filed, whichever is later~~) until the refund is made.

(5) Refunds on a state, county or district-wide basis shall not commence to accrue interest until six months following the date of the final order of the court.

(6) Refunds may be made without interest within sixty days after the date of payment if:

(a) Paid more than once; or

(b) The amount paid exceeds the amount due on the property as shown on the tax roll.

**WSR 98-01-177**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed December 23, 1997, 11:37 a.m., effective January 1, 1998]

Date of Adoption: December 23, 1997.

Purpose: To update the rule so it reflects the rate of interest for auction year 1997 that will be included when claims for property taxes refunds are made after January 1, 1998.

Citation of Existing Rules Affected by this Order: Amending WAC 458-18-220 Refunds—Rate of interest.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070.

Other Authority: RCW 84.69.100.

Adopted under notice filed as WSR 97-21-098 on October 20, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 84.69.100 requires the department to annually adopt a rate of interest by rule that will be added to property tax refunds. This rate must be in effect on January 1st each year and will be included when claims for property tax refunds are made after that date.

Effective Date of Rule: January 1, 1998.

December 23, 1997  
 Russell W. Brubaker  
 Assistant Director  
 Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 97-02-068, filed 12/31/96, effective 1/1/97)

**WAC 458-18-220 Refunds—Rate of interest.** The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid (~~or the claim for refund is filed, whichever is later~~). The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

Year tax paid (~~chapter 84.68 RCW~~); Year tax paid or claim filed (~~whichever is later~~) (~~chapter 84.69 RCW~~))

Year	Auction Year	Rate
1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%
1993	1992	3.42%
1994	1993	3.19%
1995	1994	4.92%
1996	1995	5.71%
1997	1996	5.22%
<u>1998</u>	<u>1997</u>	<u>5.14%</u>

**WSR 98-01-178**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed December 23, 1997, 11:38 a.m., effective January 1, 1998]

Date of Adoption: December 23, 1997.

Purpose: To provide county assessors with the rate of interest and property tax component that will be used in valuing farm and agricultural land classified under chapter 84.34 RCW during assessment year 1998.

Citation of Existing Rules Affected by this Order: Amending WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.

Statutory Authority for Adoption: RCW 84.34.065, 84.34.141.

Other Authority: RCW 84.08.010.

Adopted under notice filed as WSR 97-21-096 on October 20, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 84.34.065 directs the department to annually determine and publish a rate of interest prior to January 1st each year for use in that assessment year.

Effective Date of Rule: January 1, 1998.

PERMANENT

December 23, 1997  
 Russell W. Brubaker  
 Assistant Director  
 Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 97-02-066, filed 12/31/96, effective 1/1/97)

**WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.** For assessment year ~~((1997))~~ 1998, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is ~~((9.2))~~ 9.3 percent; and
- (2) The property tax component for each county is:

COUNTY	PERCENT	COUNTY	PERCENT
Adams	<del>((1.44))</del> <u>1.47</u>	Lewis	<del>((1.24))</del> <u>1.22</u>
Asotin	1.56	Lincoln	<del>((1.53))</del> <u>1.49</u>
Benton	<del>((1.38))</del> <u>1.50</u>	Mason	<del>((1.26))</del> <u>1.20</u>
Chelan	<del>((1.37))</del> <u>1.32</u>	Okanogan	<del>((1.38))</del> <u>1.39</u>
Clallam	<del>((1.17))</del> <u>1.24</u>	Pacific	1.28
Clark	1.39	Pend Oreille	<del>((1.34))</del> <u>1.28</u>
Columbia	<del>((1.36))</del> <u>1.49</u>	Pierce	1.59
Cowlitz	<del>((1.20))</del> <u>1.21</u>	San Juan	<del>((0.81))</del> <u>0.79</u>
Douglas	<del>((1.36))</del> <u>1.41</u>	Skagit	<del>((1.23))</del> <u>1.30</u>
Ferry	<del>((1.16))</del> <u>1.21</u>	Skamania	<del>((1.05))</del> <u>1.08</u>
Franklin	<del>((1.58))</del> <u>1.55</u>	Snohomish	<del>((1.33))</del> <u>1.39</u>
Garfield	<del>((1.52))</del> <u>1.46</u>	Spokane	<del>((1.54))</del> <u>1.55</u>
Grant	1.46	Stevens	<del>((1.18))</del> <u>1.12</u>
Grays Harbor	<del>((1.42))</del> <u>1.34</u>	Thurston	<del>((1.49))</del> <u>1.53</u>
Island	<del>((0.95))</del> <u>1.00</u>	Wahkiakum	1.17
Jefferson	1.17	Walla Walla	<del>((1.50))</del> <u>1.48</u>
King	1.38	Whatcom	<del>((1.26))</del> <u>1.28</u>
Kitsap	<del>((1.44))</del> <u>1.45</u>	Whitman	<del>((1.72))</del> <u>1.69</u>
Kittitas	<del>((1.12))</del> <u>1.16</u>	Yakima	<del>((1.40))</del> <u>1.38</u>
Klickitat	<del>((1.12))</del> <u>1.23</u>		

**WSR 98-01-179**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed December 23, 1997, 11:41 a.m., effective January 1, 1998]

Date of Adoption: December 23, 1997.

Purpose: To provide a rate of inflation used by county officials to calculate interest that will be added to deferred property taxes under certain circumstances.

Citation of Existing Rules Affected by this Order: Amending WAC 458-30-590 Rates of inflation.

Statutory Authority for Adoption: RCW 84.34.360.

Other Authority: RCW 84.34.310.

Adopted under notice filed as WSR 97-21-097 on October 20, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 84.34.310(6) directs the department to determine a rate of inflation and to publish this rate prior to January 1st each year.

Effective Date of Rule: January 1, 1998.

December 23, 1997  
 Russell W. Brubaker  
 Assistant Director  
 Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 97-02-067, filed 12/31/96, effective 1/1/97)

**WAC 458-30-590 Rates of inflation.** (1) **Introduction.** This section sets forth the rates of inflation discussed in WAC 458-30-550.

(2) **Rates of inflation.** The rates of inflation to be used for calculating the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1977	6.5
1978	7.6	1979	11.3
1980	13.5	1981	10.3
1982	6.2	1983	3.2
1984	4.3	1985	3.5
1986	1.9	1987	3.7
1988	4.1	1989	4.8
1990	5.4	1991	4.2
1992	3.3	1993	2.7
1994	2.2	1995	2.3
1996	2.2	1997	2.1

**WSR 98-01-183**  
**PERMANENT RULES**  
**DEPARTMENT OF ECOLOGY**

[Order 96-01—Filed December 23, 1997, 1:09 p.m.]

Date of Adoption: December 19, 1997.

Purpose: The purpose of the proposed amendments is to clarify and streamline the NSR process, and to comply with the legislative requirements as outlined in the 1996 changes to RCW 70.94.152.

Citation of Existing Rules Affected by this Order: Amending WAC 173-400-030 and 173-400-110.

Statutory Authority for Adoption: RCW 70.94.152, Clean Air Act, new source review.

Adopted under notice filed as WSR 97-15-071 on July 16, 1997.

Changes Other than Editing from Proposed to Adopted Version: Ecology made several clarifications between the adopted and proposed rule; these include (1) clarifying that in order for ecology's new source review rules to not apply in a local jurisdiction, that jurisdiction must have their own rules in the state implementation plan and must be implementing those rules; (2) those owners or operators installing storage tanks assumed to be exempt should contact ecology

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or the authority to confirm exemption status; (3) ecology will act within thirty days on project summaries; (4) a threshold for total suspended particulate (TSP) has been added to the de minimis pollutants list; (5) the public involvement process applies to change of conditions notices; and (6) best available control technology (BACT) must continue to be used on sources that request a change of conditions, but the BACT determination will be assumed to be contemporary with the order that established the original conditions.

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 2, 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 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.

December 19, 1997

Tom Fitzsimmons

Director

**AMENDATORY SECTION** (Amending Order 94-35, filed 9/13/96, effective 10/14/96)

**WAC 173-400-030 Definitions.** Except as provided elsewhere in this chapter, the following definitions apply throughout the chapter:

(1) "Actual emissions" means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. Ecology or an authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) Ecology or an authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and

time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(3) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(4) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

(5) "Allowable emissions" means the emission rate of a stationary source calculated using the maximum rated capacity of the stationary source (unless the stationary source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards as set forth in 40 CFR Part 60 or 61;

(b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or

(c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

(6) "Ambient air" means the surrounding outside air.

(7) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

(8) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(9) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emission unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(10) "Best available control technology (BACT)" means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "best available control technol-

ogy" result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61, as they exist on March 1, 1996, or their later enactments as adopted by reference by the director by rule. Emissions from any source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

~~((10))~~ (11) "Best available retrofit technology (BART)" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

~~((11))~~ (12) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155 and WAC 173-400-120.

~~((12))~~ (13) "Capacity factor" means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

~~((13))~~ (14) "Class I area" means any area designated pursuant to §§ 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

- Alpine Lakes Wilderness;
- Glacier Peak Wilderness;
- Goat Rocks Wilderness;
- Mount Adams Wilderness;
- Mount Rainier National Park;
- North Cascades National Park;
- Olympic National Park;
- Pasayten Wilderness;
- Spokane Indian Reservation.

~~((14))~~ (15) "Combustion and incineration sources" means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

~~((15))~~ (16) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

~~((16))~~ (17) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollut-

ant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

~~((17))~~ (18) "Director" means director of the Washington state department of ecology or duly authorized representative.

~~((18))~~ (19) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

~~((19))~~ (20) "Ecology" means the Washington state department of ecology.

~~((20))~~ (21) "Emission" means a release of air contaminants into the ambient air.

~~((21))~~ (22) "Emission reduction credit (ERC)" means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

~~((22))~~ (23) "Emission standard" and "emission limitation" means a requirement established under the FCAA or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment work practice, or operational standard promulgated under the FCAA or chapter 70.94 RCW.

~~((23))~~ (24) "Emissions unit" means any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the FCAA, chapter 70.94 or 70.98 RCW.

~~((24))~~ (25) "Excess emissions" means emissions of an air pollutant in excess of any applicable emission standard.

~~((25))~~ (26) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).

~~((26))~~ (27) "Existing stationary facility" means a stationary source of air pollutants which has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

~~((27))~~ (28) "Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

~~((28))~~ (29) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

~~((29))~~ (30) "Fossil fuel-fired steam generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

~~((30))~~ (31) "Fugitive dust" means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

~~((31))~~ (32) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

~~((32))~~ (33) "General process unit" means an emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

~~((33))~~ (34) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

~~((34))~~ (35) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

~~((35))~~ (36) "In operation" means engaged in activity related to the primary design function of the source.

~~((36))~~ (37) "Integral vista" means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.

~~((37))~~ (38) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

~~((38))~~ (39) "Mandatory Class I federal area" means any area defined in Section 162(a) of the FCAA. The mandatory Class I federal areas in Washington state are as follows:

Alpine Lakes Wilderness;  
Glacier Peak Wilderness;  
Goat Rocks Wilderness;  
Mount Adams Wilderness;  
Mount Rainier National Park;  
North Cascades National Park;  
Olympic National Park;  
Pasayten Wilderness.

~~((39))~~ (40) "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the FCAA. Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone. A physical change or change in the method of operation shall not include:

(a) Routine maintenance, repair, and replacement;  
(b) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply

and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;

(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(e) Use of an alternative fuel or raw material by a stationary source which:

(i) The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a prevention of significant deterioration permit or notice of construction approval; or

(ii) The stationary source is approved to use under any federally-enforceable notice of construction approval or a PSD permit issued by the environmental protection agency;

(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, in a prevention of significant deterioration permit or a notice of construction approval;

(g) Any change in ownership at a stationary source.

~~((40))~~ (41) "Major stationary source" means:

(a) Any stationary source which:

(i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the state or Federal Clean Air Acts; or

(ii) Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen.

(b) Any stationary source (or group of stationary sources) which:

(i) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or

(ii) Is located in a "serious" particulate matter (PM<sub>10</sub>) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM<sub>10</sub> emissions.

(c) Any physical change that would occur at a stationary source not qualifying under (a) or (b) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;

(d) A major stationary source that is major for VOCs or NO<sub>x</sub> shall be considered major for ozone;

(e) The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the source is a major stationary source due to (b) of this subsection:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cements plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and

(xxvii) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.

(f) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

((41)) (42) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

((42)) (43) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

((43)) (44) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

((44)) (45) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Parts 61 and 63.

((45)) (46) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

((46)) (47) "Net emissions increase" means:

(a) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular change or change in method of operation at a source; and

(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs.

(c) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

(ii) Ecology or the authority has not relied on it in issuing any permit or order of approval for the source under regulations approved pursuant to 40 CFR 51 Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, which order or permit is in effect when the increase in actual emissions from the particular change occurs.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(iv) Ecology or the authority has not relied on it in issuing any permit or order of approval under regulations approved pursuant to 40 CFR 51 Subpart I, the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, or ecology or the authority has not relied on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

((47)) (48) "New source" means:

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted; and

(b) Any other project that constitutes a new source under the Federal Clean Air Act.

~~((48))~~ (49) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

~~((49))~~ (50) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

~~((50))~~ (51) "Notice of construction application" means a written application to permit construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source.

~~((51))~~ (52) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

~~((52))~~ (53) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

~~((53))~~ (54) "Order" means any order issued by ecology or a local air authority pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153, and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

~~((54))~~ (55) "Order of approval" or "approval order" means a regulatory order issued by ecology or the authority to approve the notice of construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.

~~((55))~~ (56) "Particulate matter" or "particulates" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

~~((56))~~ (57) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

~~((57))~~ (58) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

~~((58))~~ (59) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

~~((59))~~ (60) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

~~((60))~~ (61) "PM-10 emissions" means finely divided solid or liquid material, including condensible particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the Washington state implementation plan.

~~((61))~~ (62) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

~~((62))~~ (63) "Prevention of significant deterioration (PSD)" means the program set forth in WAC 173-400-141.

~~((63))~~ (64) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

~~((64))~~ (65) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

~~((65))~~ (66) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

~~((66))~~ (67) "Regulatory order" means an order issued by ecology or an authority to an air contaminant source which applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted thereunder, or, for sources regulated by a local air authority, the regulations of that authority.

~~((67))~~ (68) "Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter (PM)	25
Fine particulate matter (PM <sub>10</sub> )	15
Volatile organic compounds (VOC)	40
Lead	0.6
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H <sub>2</sub> S)	10
Total reduced sulfur (including H <sub>2</sub> S)	10

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Municipal waste combustor organics . . . . .	0.0000035
(measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO <sub>2</sub> and hydrogen chloride) . . . . .	40

((68)) (69) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

((69)) (70) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

((70)) (71) "Source category" means all sources of the same type or classification.

((71)) (72) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

((72)) (73) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

((73)) (74) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

((74)) (75) "Stationary source" means any building, structure, facility, or installation which emits or may emit any contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the FCAA.

((75)) (76) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

((76)) (77) "Synthetic minor" means any source whose potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or permit condition.

((77)) (78) "Total reduced sulfur (TRS)" means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an approved equivalent method and expressed as hydrogen sulfide.

((78)) (79) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on October 17, 1996.

((79)) (80) "Toxic air pollutant (TAP)" or "toxic air contaminant" means any Class A or B toxic air pollutant listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

((80)) (81) "United States Environmental Protection Agency (USEPA)" shall be referred to as EPA.

((81)) (82) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

((82)) (83) "Visibility impairment of Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

((83)) (84) "Volatile organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes:

(a) Any such organic compound other than the following, which has been determined to have negligible photochemical reactivity: Methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); perchlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetones perchloroethylene (tetrachloroethylene); and perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear completely fluorinated alkanes;

(ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations; and

(iii) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by ecology or the authority.

(c) As a precondition to excluding these negligibly-reactive compounds as VOC or at any time thereafter ecology or the authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of ecology or the authority, the

amount of negligibly-reactive compounds in the source's emissions.

**AMENDATORY SECTION** (Amending Order 93-03, filed 8/20/93, effective 9/20/93)

**WAC 173-400-110 New source review (NSR).** (1) **Applicability.** This section, WAC 173-400-112 and 173-400-113 apply state-wide except where an authority has adopted and is implementing its own new source review regulation and those regulations are incorporated into the state implementation plan.

~~((a))~~ (2) **Projects subject to NSR.** A notice of construction application must be filed by the owner or operator and an order of approval issued by ecology or an authority prior to the establishment of any new source (~~or emission unit or modification which is listed in WAC 173-400-100 or required to obtain a permit under RCW 70.94.164~~), except for those sources exempt under subsection (4) or (5) of this section.

~~((b))~~ Ecology or the authority may require that a notice of construction application be filed by the owner or operator of a proposed new source or modification and an order of approval issued by ecology or an authority prior to the establishment of any new source or emission unit or modification, other than a single family or a duplex dwelling.

~~((c))~~ For purposes of this section "establishment" shall mean to begin actual construction, as that term is defined in WAC 173-400-030(9), and "new source" shall include any modification to an existing stationary source, as defined in WAC 173-400-030(44). Notwithstanding any other subsection of this section, a notice of construction application must be filed and an order of approval issued by ecology or an authority prior to establishment of any of the following new sources:

(a) Any project that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards) (except Part AAA, Wood stoves);

(b) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (except for asbestos demolition and renovation projects subject to 40 CFR 61.145);

(c) Any project that qualifies as a new source within the meaning of 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants);

(d) Any project that qualifies as a major stationary source, as defined in WAC 173-400-030(41), or a major modification, as defined in WAC 173-400-040(40);

(e) Any project that requires an increase in a plant-wide cap or unit specific emission limit.

(3) New source review of a modification shall be limited to the emission unit or units proposed to be added to an existing source or modified and the air contaminants whose emissions would increase as a result of the modification.

~~((2))~~ (4) **Emission unit and activity exemptions.**

Except as provided in subsection (2) of this section, establishment of a new emission unit that falls within one of the categories listed below is exempt from new source review. Modification of any emission unit listed below is exempt from new source review, provided that the modified

unit continues to fall within one of the listed categories. The installation or modification of a unit exempt under this subsection does not require the filing of a Notice of Construction Application.

(a) Maintenance/construction:

(i) Cleaning and sweeping of streets and paved surfaces;

(ii) Concrete application, and installation;

(iii) Dredging wet spoils handling and placement;

(iv) Paving application and maintenance, excluding asphalt plants;

(v) Plant maintenance and upkeep activities (grounds keeping, general repairs, routine house keeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);

(vi) Plumbing installation, plumbing protective coating application and maintenance activities;

(vii) Roofing application;

(viii) Insulation application and maintenance, excluding products for resale;

(ix) Janitorial services and consumer use of janitorial products.

(b) Storage tanks:

Note: It can be difficult to determine requirements for storage tanks. Ecology strongly recommends that an owner or operator contact ecology or the authority to determine the exemption status of storage tanks prior to their installation.

(i) Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;

(ii) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;

(iii) Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;

(iv) Process and white water storage tanks;

(v) Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than 260 gallon capacity (35 cft);

(vi) Operation, loading and unloading of storage tanks, ≤ 1100 gallon capacity, with lids or other appropriate closure, not for use with materials containing toxic air pollutants, as defined in chapter 173-460 WAC, max. VP 550 mm Hg @21°C;

(vii) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons;

(viii) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids.

(c) A project with combined aggregate heat inputs of combustion units, ≤ all of the following:

(i) ≤ 500,000 Btu/hr using coal with ≤ 0.5% sulfur or other fuels with ≤ 0.5% sulfur;

(ii) ≤ 500,000 Btu/hr used oil, per the requirements of RCW 70.94.610;

(iii) ≤ 400,000 Btu/hr wood waste or paper;

(iv) < 1,000,000 Btu/hr using kerosene, #1, or #2 fuel oil and with ≤ 0.05% sulfur;

(v) ≤ 4,000,000 Btu/hr using natural gas, propane, or LPG.

(d) Material handling:

(i) Continuous digester chip feeders;  
(ii) Grain elevators not licensed as warehouses or dealers by either the Washington state department of agriculture or the U.S. Department of Agriculture;  
(iii) Storage and handling of water based lubricants for metal working where organic content of the lubricant is ≤ 10%;  
(iv) Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallon, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.  
(e) Water treatment:  
(i) Septic sewer systems, not including active wastewater treatment facilities;  
(ii) NPDES permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease;  
(iii) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;  
(iv) Process water filtration system and demineralizer vents;  
(v) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;  
(vi) Demineralizer tanks;  
(vii) Alum tanks;  
(viii) Clean water condensate tanks.  
(f) Environmental chambers and laboratory equipment:  
(i) Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;  
(ii) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;  
(iii) Installation or modification of a single laboratory fume hood;  
(iv) Laboratory calibration and maintenance equipment.  
(g) Monitoring/quality assurance/testing:  
(i) Equipment and instrumentation used for quality control/assurance or inspection purpose;  
(ii) Hydraulic and hydrostatic testing equipment;  
(iii) Sample gathering, preparation and management;  
(iv) Vents from continuous emission monitors and other analyzers.  
(h) Miscellaneous:  
(i) Single-family residences and duplexes;  
(ii) Plastic pipe welding;  
(iii) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;  
(iv) Comfort air conditioning;  
(v) Flares used to indicate danger to the public;  
(vi) Natural and forced air vents and stacks for bathroom/toilet activities;  
(vii) Personal care activities;  
(viii) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;  
(ix) Tobacco smoking rooms and areas;  
(x) Noncommercial smokehouses;  
(xi) Blacksmith forges for single forges;  
(xii) Vehicle maintenance activities, not including vehicle surface coating;

(xiii) Vehicle or equipment washing (see (c) of this subsection for threshold for boilers);

(xiv) Wax application;

(xv) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;

(xvi) Ozone generators and ozonation equipment;

(xvii) Solar simulators;

(xviii) Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;

(xix) Electrical circuit breakers, transformers, or switching equipment installation or operation;

(xx) Pulse capacitors;

(xxi) Pneumatically operated equipment, including tools and hand held applicator equipment for hot melt adhesives;

(xxii) Fire suppression equipment;

(xxiii) Recovery boiler blow-down tank;

(xxiv) Screw press vents;

(xxv) Drop hammers or hydraulic presses for forging or metal working;

(xxvi) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;

(xxvii) Kraft lime mud storage tanks and process vessels;

(xxviii) Lime grits washers, filters and handling;

(xxix) Lime mud filtrate tanks;

(xxx) Lime mud water;

(xxxi) Stock cleaning and pressurized pulp washing down process of the brown stock washer;

(xxxii) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;

(xxxiii) Nontoxic air pollutant, as defined in chapter 173-460 WAC, solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm Hg @21°C;

(xxxiv) Surface coating, aqueous solution or suspension containing ≤ 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;

(xxxv) Cleaning and stripping activities and equipment using solutions having ≤ 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;

(xxxvi) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.

(5) Exemptions based on emissions thresholds.

(a) Except as provided in subsection (2) of this section and in this subsection:

(i) A new emissions unit that has a potential to emit below each of the threshold levels listed in the table contained in (d) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.

(ii) A modification to an existing emissions unit that increases the unit's actual emissions by less than each of the threshold levels listed in the table contained in (d) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.

(b) The owner or operator seeking to exempt a project from new source review under this section shall notify, and upon request, file a brief project summary with ecology or

the authority prior to beginning actual construction on the project. If ecology or the authority determine that the project will have more than a de Minimus impact on air quality, ecology or the authority may require the filing of a notice of construction application. Ecology or the authority may require the owner or operator to demonstrate that the emissions increase from the new emissions unit is smaller than all of the thresholds listed below.

(c) The owner/operator may begin actual construction on the project thirty-one days after ecology or the authority receive the summary, unless ecology or the authority notifies the owner/operator within thirty days that the proposed new source requires a notice of construction application.

**(d) Exemption threshold table:**

<u>POLLUTANT</u>	<u>THRESHOLD LEVEL (TONS PER YEAR)</u>
<u>(a) Total Suspended Particulates</u>	<u>1.25</u>
<u>(b) PM10</u>	<u>0.75</u>
<u>(c) Sulfur Oxides</u>	<u>2.0</u>
<u>(d) Nitrogen Oxides</u>	<u>2.0</u>
<u>(e) Volatile Organic Compounds, total</u>	<u>2.0</u>
<u>(f) Carbon Monoxide</u>	<u>5.0</u>
<u>(g) Lead</u>	<u>0.005</u>
<u>(h) Ozone Depleting Substances in Aggregate (the sum of Class I and/or Class II substances as defined in FCAA Title VI and 40 CFR Part 82)</u>	<u>1.0</u>
<u>(i) Toxic Air Pollutants</u>	<u>As specified in chapter 173-460 WAC.</u>

**(6) Completeness determination.** Within thirty days of receipt of a notice of construction application, ecology or the authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary, based upon review of information already supplied, to complete the application. For a project subject to PSD review under WAC 173-400-141 a completeness determination includes a determination that the application provides all information required to conduct PSD review.

**((3)) (7) Final determination.**

(a) Within sixty days of receipt of a complete application, ecology or the authority shall either issue a final decision on the application or, for those projects subject to public notice, initiate notice and comment procedures under WAC 173-400-171 on a proposed decision, followed as promptly as possible by a final decision.

(b) A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the notice of construction application required by this section. A notice of construction application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines.

((b)) (c) Every final determination on a notice of construction application shall be reviewed and signed prior to issuance by a professional engineer or staff under the

direct supervision of a professional engineer in the employ of ecology or the authority.

((e)) (d) If the new source is a major stationary source or the change is a major modification, ecology or the authority shall submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA.

((4)) (8) Appeals. An order of approval, any conditions contained in an order of approval, or the denial of a notice of construction application may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW. Ecology or the authority shall promptly mail copies of each order approving or denying a notice of construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising parties of their rights of appeal to the Pollution Control Hearings Board and, where applicable, to the EPA Environmental Appeals Board.

((5)) (9) Portable sources. For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction application, providing that the owner(s) or operator(s) notifies ecology or the authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable ecology or the authority to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time (one year or less) and ecology or the authority may set specific conditions for operation during that period. A temporary source shall be required to comply with all applicable emission standards.

((6)) (10) Construction time limitations. Approval to construct or modify a stationary source shall become invalid if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. Ecology or the authority may extend the eighteen-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commencement date.

**(11) Change of conditions.**

(a) The owner or operator may request, at any time, a change in conditions of an approval order and ecology or the authority may approve such a request provided ecology or the authority finds that:

(i) The change in conditions will not cause the air contaminant source to exceed an emissions standard;

(ii) No ambient air quality standard or PSD increment will be exceeded as a result of the change;

(iii) The change will not adversely impact the ability of ecology or the authority to determine compliance with an emissions standard; and

(iv) The revised order will continue to require BACT, as defined at the time of the original approval, for each new

PERMANENT

source approved by the order except where the Federal Clean Air Act requires LAER.

(b) Actions taken under this subsection are subject to the public involvement provisions of WAC 173-400-171.

(c) This rule does not prescribe the exact form such requests must take. However, if the request is filed as a notice of construction application, that application shall be acted upon using the timelines found in subsections (6) and (7) of this section. The fee schedule found in WAC 173-400-116 shall also apply to requests filed as notice of construction applications.

**WSR 98-01-184**

**PERMANENT RULES**

**DEPARTMENT OF ECOLOGY**

[Order 97-07—Filed December 23, 1997, 1:12 p.m.]

Date of Adoption: December 18, 1997.

Purpose: Amendment of emission standards and controls for sources emitting gasoline vapors.

Citation of Existing Rules Affected by this Order: Amending chapter 173-491 WAC.

Statutory Authority for Adoption: RCW 70.94.165.

Adopted under notice filed as WSR 97-21-139 on October 22, 1997.

Changes Other than Editing from Proposed to Adopted Version: Language was added to clarify that local air authorities must give approval before Stage 2 vapor controls can be removed.

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 2, 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 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Ecology met a requirement to determine, by December 31, 1997, whether and where retaining Stage 2 is important to achieving or maintaining the national ambient air quality standard for ozone.

Effective Date of Rule: Thirty-one days after filing.  
December 18, 1997  
Tom Fitzsimmons  
Director

AMENDATORY SECTION (Amending Order 90-63, filed 7/2/91, effective 8/2/91)

**WAC 173-491-015 Applicability.** This chapter shall apply to gasoline marketing operations, including the storage, transport, and transfer of gasoline, including the transfer from storage tanks into transport tanks, and from storage tanks into motor vehicles. ~~((The requirements of this chapter supersede any less restrictive requirements of chapter 173-490 WAC, Emission standards and controls for sources emitting volatile organic compounds (VOC).))~~

AMENDATORY SECTION (Amending Order 95-15, filed 1/27/97, effective 2/27/97)

**WAC 173-491-020 Definitions.** The definitions of terms contained in chapter 173-400 WAC are by this reference incorporated into this chapter. Unless a different meaning is clearly required by context, the following words and phrases, as used in this chapter, shall have the following meanings:

(1) "Bottom loading" means the filling of a tank through a line entering the bottom of the tank.

(2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.

(3) "Canister capture rate" means canister effectiveness times the percent of light duty vehicles that have onboard vapor recovery systems.

(4) "Canister effectiveness" means the percent of refueling vapors recovered by a representative onboard vapor recovery system.

(5) "Centroid" means the geometric center of a gas pump or a bank of gas pumps or, if a station has more than one bank of pumps, the geometric center of each bank of pumps.

(6) "Certified vapor recovery system" means a vapor recovery system which has been certified by the department of ecology. Only Stage II vapor recovery systems with a single coaxial hose can be certified. The department may certify vapor recovery systems certified by the California Air Resources Board as of the effective date of the regulation.

(7) "Eastern Washington county" means the following counties: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

(8) "Gasoline" means a petroleum distillate which is a liquid at standard conditions and has a true vapor pressure greater than four pounds per square inch absolute at twenty degrees C, and is used as a fuel for internal combustion engines. Also any liquid sold as a vehicle fuel with a true vapor pressure greater than four pounds per square inch absolute at twenty degrees C shall be considered "gasoline" for purpose of this regulation.

~~((8))~~ (9) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.

~~((9))~~ (10) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by

pipeline, ship or barge, and loads gasoline into transport tanks.

~~((10))~~ (11) "Leak free" means a liquid leak of less than four drops per minute.

~~((11))~~ (12) "Modified" means any physical change in, or change in the method of operation of, a gasoline dispensing facility that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted. The term modified shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section. Section 7411 exempts changes in gasoline throughput not resulting directly from a physical change.

~~((12))~~ (13) "NAAQS" means the National Ambient Air Quality Standard.

(14) "Ozone-contributing county" means a county in which the emissions have contributed to the formation of ozone in any county or area where violations of federal ozone standards have been measured, and includes: Cowlitz, Island, Kitsap, Lewis, Skagit, Thurston, Wahkiakum, and Whatcom counties.

~~((13))~~ (15) "Permanent residence" means a single-family or multi-family dwelling, or any other facility designed for use as permanent housing.

~~((14))~~ (16) "Stage I" means gasoline vapor recovery during all gasoline marketing transfer operations except motor vehicle refueling.

~~((15))~~ (17) "Stage II" means gasoline vapor recovery during motor vehicle refueling operations from stationary tanks.

~~((16))~~ (18) "Submerged fill line" means any discharge pipe or nozzle which meets either of the following conditions:

- Where the tank is filled from the top, the end of the discharge pipe or nozzle must be totally submerged when the liquid level is six inches from the bottom of the tank, or;
- Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is eighteen inches from the bottom of the tank.

~~((17))~~ (19) "Submerged loading" means the filling of a tank with a submerged fill line.

~~((18))~~ "Suitable cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve, or similar device that prevents the accidental spilling or emitting of gasoline. Pressure relief valves, aspirator vents, or other devices specifically required for safety and fire protection are not included.

~~(19))~~ (20) "Throughput" means the amount of material passing through a facility.

~~((20))~~ (21) "Top off" means to attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically.

~~((21))~~ (22) "Transport tank" means a container used for shipping gasoline over roadways.

~~((22))~~ (23) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined by methods described in American Petroleum Institute Bulletin 2517, 1980.

~~((23))~~ (24) "Vapor balance system" means a system consisting of the transport tank, gasoline vapor transfer lines, storage tank, and all tank vents designed to route displaced gasoline vapors from a tank being filled with liquid gasoline.

~~((24))~~ (25) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

~~((25))~~ (26) "Vapor control system" means a system designed and operated to reduce or limit the emission of gasoline vapors emission into the ambient air.

~~((26))~~ "Vapor mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.)

(27) "Vapor tight" means a leak of less than one hundred percent of the lower explosive limit on a combustible gas detector measured at a distance of one inch from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

AMENDATORY SECTION (Amending Order 95-15, filed 1/27/97, effective 2/27/97)

**WAC 173-491-040 Gasoline vapor control requirements.** (1) Fixed-roof gasoline storage tanks.

(a) All fixed-roof gasoline storage tanks having a nominal capacity greater than forty thousand gallons shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subparts K, KA and KB).

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in (a)(i) of this subsection or its equivalent.

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's equipment specifications in effect when it was installed.

(b) All seals used in (a)(ii) and (iii) of this subsection are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears, or other openings.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in subsection (3)(b) of this section shall be exempt from the requirements of subsection (1) of this section.

(2) Gasoline loading terminals.

(a) This chapter shall apply to all gasoline loading terminals with an average annual gasoline throughput greater than 7.2 million gallons.

(b) Loading facilities. Facilities for the purpose of loading gasoline into any transport tank shall be equipped with a vapor control system (VCS) as described in (c) of this subsection and comply with the following conditions:

(i) The loading facility shall employ submerged or bottom loading for all transport tanks.

(ii) The VCS shall be connected during the entire loading of all transport tanks.

(iii) The loading of all transport tanks shall be performed such that the transfer is at all times vapor tight. Emissions from pressure relief valves shall not be included

in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically when disconnected. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) Vapor control system (VCS). The VCS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VCS shall not allow organic vapors emitted to the ambient air to exceed thirty-five milligrams per liter (three hundred twenty-two milligrams per gallon) of gasoline loaded.

(ii) The VCS shall be equipped with a device to monitor the system while the VCS is in operation.

(iii) The back pressure in the VCS collection lines shall not exceed the transport tank's pressure relief settings.

(3) Bulk gasoline plants.

(a) This section shall apply to all bulk gasoline plants with an average annual gasoline throughput greater than 7.2 million gallons.

(b) Deliveries to bulk gasoline plant storage tanks.

(i) The owner or operator of a bulk gasoline plant shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated properly. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air. A vapor balance system that is designed, built, and operated according to accepted industrial practices will satisfy this requirement.

(ii) Storage tank requirements. All storage tanks with a nominal capacity greater than five hundred fifty gallons and used for the storage of gasoline shall comply with the following conditions:

(A) Each storage tank shall be equipped with a submerged fill line.

(B) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(C) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically when disconnected.

(D) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety but in no case greater than ninety percent of the tank's safe working pressure.

(iii) Transport tank requirements. All transport tanks transferring gasoline to storage tanks in a bulk gasoline plant shall comply with the following conditions:

(A) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(B) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically when disconnected.

(C) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Gasoline transfer operations.

(i) No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a stationary storage tank and a transport tank except when the following conditions exist:

(A) The transport tanks are being submerged filled or bottom loaded.

(B) The loading of all transport tanks, except those exempted under (c)(ii) of this subsection are being performed using a vapor balance system.

(C) The transport tanks are equipped to balance vapors and maintained in a leak tight condition in accordance with subsection (6) of this section.

(D) The vapor return lines are connected between the transport tank and the stationary storage tank and the vapor balance system is operated properly.

(ii) Transport tanks used for gasoline and meeting the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines if:

(A) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of subsection (4) of this section; and the transport tank has a total nominal capacity less than four thousand gallons and is constructed so that it would require the installation of four or more separate vapor balance fittings; or

(B) In eastern Washington counties, a transport tank with a total nominal capacity less than four thousand gallons shall be exempt from the requirement to be fitted with any attachment fitting for vapor balance lines if the transport tank was in use prior to July 1, 1993. Replacement transport tanks or new equipment put into use July 1, 1993, or later are exempt from vapor balance requirements only as specified in (c)(ii)(A) of this subsection.

(4) Gasoline dispensing facilities (Stage I).

(a) This section shall apply to the delivery of gasoline to gasoline dispensing facilities located in ozone nonattainment areas with an annual gasoline throughput greater than two hundred thousand gallons and total storage capacity greater than ten thousand gallons, and to gasoline dispensing facilities located in ozone attainment areas with an annual gasoline throughput greater than three hundred sixty thousand gallons and all new gasoline dispensing facilities with a total gasoline nominal storage capacity greater than ten thousand gallons.

(b) All gasoline storage tanks of the facilities defined in (a) of this subsection shall be equipped with submerged or bottom fill lines and fittings to vapor balance gasoline vapors with the delivery transport tank.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of (b) of this subsection if installed prior to January 1, 1979.

(d) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings from a transport tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

(5) Gasoline dispensing facilities (Stage II). **Determinations and requirements.** Ecology determines that **Stage II vapor recovery systems at gasoline dispensing facilities in Cowlitz and Thurston counties are important to achieving or**

maintaining the NAAQS for Ozone in Clark and Pierce counties, respectively.

(a) Gasoline dispensing facilities are required to have certified Stage II vapor recovery systems under the following conditions:

(i) ~~By December 31, 1998, all facilities ((that dispense in excess of six hundred thousand gallons of gasoline per year and are located in a county, any part of which is designated as nonattainment for ozone under the Federal Clean Air Act, 42 U.S.C. Sec. 7407;~~

~~(ii) By December 31, 1998, all facilities that dispense in excess of six hundred thousand gallons of gasoline per year and are located in a county where an ozone maintenance plan has been adopted by a local air pollution control authority or the department of ecology that includes gasoline vapor recovery systems as a control strategy;~~

~~(iii) Until December 31, 1998, all facilities that dispense in excess of one million two hundred thousand gallons of gasoline per year and are located in an ozone contributing county;~~

~~(iv) After December 31, 1998, all facilities that dispense in excess of eight hundred forty thousand gallons of gasoline per year and are located in any county, no part of which is designated as nonattainment for ozone under the Federal Clean Air Act, 42 U.S.C. Sec. 7407, provided that the department of ecology determines by December 31, 1997, that the use of gasoline vapor control systems in the county is important to achieving or maintaining attainment status in any other county or area.~~

~~(v) Until December 31, 1998, all facilities that dispense in excess of eight hundred forty thousand gallons of gasoline per year and had a Stage II vapor recovery system installed prior to March 30, 1996;~~

~~(b)) located in an ozone nonattainment or maintenance plan county dispensing greater than six hundred thousand gallons of gasoline annually, except in Kitsap County, all facilities dispensing greater than eight hundred forty thousand gallons annually; and~~

~~(ii) All facilities that dispense in excess of one million two hundred thousand gallons of gasoline annually and are located in Thurston or Cowlitz counties. This requirement will end on December 31, 2002, unless ecology determines that Stage II is important to achieving or maintaining the NAAQS for Ozone in a nonattainment or maintenance plan county.~~

~~(b) Upon approval of a notice of construction under subsection (4)(e) of this section, Stage II is not required and may be removed from any gasoline dispensing facilities located in Whatcom, Skagit, Island, Lewis, and Wahkiakum counties, and from any gasoline dispensing facility located in Thurston and Cowlitz counties dispensing less than one million two hundred thousand gallons annually.~~

(c) In addition to subsection (5)(a) of this section, all new and modified gasoline dispensing facilities with an annual gasoline throughput of 1.5 million gallons and above are required to have Stage II gasoline vapor recovery systems if a lot with a permanent residence is within the distance and throughput specifications of Table 1 of this subsection, and as explained in ((b)) (c)(i) and (ii) of this subsection.

Table 1

Gasoline Throughput (millions of gallons)	Allowable Distance to the Property Line (meters)
1.5	20
2.0	25
4.0	38
6.0	49
8.0	58
10.0	66

(i) When the throughput is not shown in the chart, interpolate to get the distance for that throughput.

(ii) The allowable distance shall be measured from the centroid of the pumps to the nearest point on the property line of the nearest lot on which a permanent residence is located. However, if the permanent residence is located at least twice the allowable distance from the centroid of the pumps, the requirements of ((b)) (c) of this subsection shall not apply.

((e)) (d)(i) Beginning on July 1, 2001, and each year thereafter, the department of ecology shall publish the canister capture rate.

(ii) When the canister capture rate reaches fifteen percent and there are no major exceptions, waivers, or other adjustments to the EPA onboard canister regulations or program implementation, the department of ecology shall revise ((b)) (c) of this subsection to incorporate the effect of canisters.

((d)) (e) The owner or operator of new or modified gasoline dispensing facilities subject to any of the requirements of (a) ((e)), (b) or (c) of this subsection shall file a notice of construction and obtain the approval of the local air authority prior to commencing construction or modification.

((e)) (f) The owner or operator of any gasoline dispensing facility may elect to submit a site-specific analysis of the requirement for a Stage II vapor recovery system under ((b)) (c) of this subsection and request the department of ecology to evaluate it subject to the fees described in ((f)) (l) of this subsection. The department of ecology will complete a second tier analysis described under WAC 173-460-090 within forty-five days of determining that the analysis submitted is complete and no additional information is needed. The requirements for gasoline vapor control shall be determined as a result of that process.

((f)) (g) Fees. The fee for new source review of a gasoline dispensing facility under this section shall be the same as the fee under WAC 173-400-116 (2)(d)(ii) except, if a site-specific review is elected under ((e)) (f) of this subsection, the fee shall be the same as the fee under WAC 173-400-116 (3)(c) for a tier two analysis.

((g)) (h) This section shall apply to the refueling of motor vehicles from stationary tanks at gasoline dispensing facilities located in Washington.

((h)) (i) All gasoline dispensing facilities subject to this section shall be equipped with a certified Stage II vapor recovery system.

((i)) (j) The owner or operator of a gasoline dispensing facility subject to this section shall not transfer or allow the transfer of gasoline from stationary tanks into motor vehicle

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fuel tanks unless a certified Stage II vapor recovery system is used.

((+)) (k) All Stage II vapor recovery equipment shall be installed in accordance with the system's certification requirements and shall be maintained to be leak free, vapor tight, and in good working order.

((+)) (l) Whenever a Stage II vapor recovery system component is determined to be defective, the owner or operator shall take the system out of service until it has been repaired, replaced, or adjusted, as necessary.

((+)) (m) The owner or operator of each gasoline dispensing facility utilizing a Stage II system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly using the vapor recovery nozzles and include a warning against topping off. Additionally, the instructions shall include a prominent display of ecology's toll free telephone number for complaints regarding the operation and condition of the vapor recovery nozzles.

(6) Equipment or systems failures.

(a) Specific applicability. This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, bulk gasoline plants, and gasoline dispensing facilities as described in subsections (2) through (5) of this section.

During the months of May, June, July, August, and September any failure of a vapor collection system at a bulk gasoline plant or gasoline loading terminal to comply with this section requires the discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used. The loading or unloading of the transport tank connected to the failed part of the vapor collection system may be completed during the other months of the year.

(b) Provisions for specific processes.

(i) The owner or operator of a gasoline loading terminal or bulk gasoline plant shall only allow the transfer of gasoline between the facility and a transport tank if a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle. Certification is required annually.

(ii) The owner or operator of a transport tank shall not make any connection to the tank for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank has successfully completed the annual certification testing requirements in (c) of this subsection, and such certification is confirmed either by:

(A) Have on file with each gasoline loading or unloading facility at which gasoline is transferred a current leak test certification for the transport tank; or

(B) Display a sticker near the department of transportation certification plate required by 49 CFR 178.340-10b which:

(I) Shows the date that the gasoline tank truck last passed the test required in (c) of this subsection;

(II) Shows the identification number of the gasoline tank truck tank; and

(III) Expires not more than one year from the date of the leak tight test.

(iii) The owner or operator of a vapor collection system shall:

(A) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks equipped for emission control such that:

(I) The tank pressure will not exceed a pressure of eighteen inches of water or a vacuum of six inches of water;

(II) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of one inch from potential leak sources; and

(III) There are no visible liquid leaks except for a liquid leak of less than four drops per minute at the product loading connection during delivery.

(IV) Upon disconnecting transfer fittings, liquid leaks do not exceed ten milliliters (0.34 fluid ounces) per disconnect averaged over three disconnects.

(B) Repair and retest a vapor collection system that exceeds the limits of (b)(iii)(A) of this subsection within fifteen days.

(iv) The department or local air authority may, at any time, monitor a gasoline transport tank and vapor collection system during loading or unloading operations by the procedure in (c) of this subsection to confirm continuing compliance with this section.

(c) Testing and monitoring.

(i) The owner or operator of a gasoline transport tank or vapor collection system shall, at his own expense, demonstrate compliance with (a) and (b) of this subsection, respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests and approved by the department.

(ii) Testing to determine compliance with this section shall use procedures approved by the department.

(iii) Monitoring to confirm continuing leak tight conditions shall use procedures approved by the department.

(d) Recordkeeping.

(i) The owner or operator of a gasoline transport tank or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(ii) The records of certification tests required by this section shall, as a minimum, contain:

(A) The transport tank identification number;

(B) The initial test pressure and the time of the reading;

(C) The final test pressure and the time of the reading;

(D) The initial test vacuum and the time of the reading;

(E) The final test vacuum and the time of the reading;

(F) At the top of each report page the company name, date, and location of the tests on that page; and

(G) Name and title of the person conducting the test.

(iii) The owner or operator of a gasoline transport tank shall annually certify that the transport tank passed the required tests.

(iv) Copies of all records required under this section shall immediately be made available to the department, upon written request, at any reasonable time.

(e) Preventing evaporation. All persons shall take reasonable measures to prevent the spilling, discarding in sewers, storing in open containers, or handling of gasoline in a manner that will result in evaporation to the ambient air.

**WSR 98-01-205  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 97-254—Filed December 23, 1997, 5:10 p.m.]

Date of Adoption: December 13, 1997.

Purpose: To amend WAC 232-28-240 1997-98, 1998-99, 1999-2000 Deer and bear hunting seasons and regulations.

Citation of Existing Rules Affected by this Order:  
Amending WAC 232-28-240.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 97-22-099 on November 5, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing,  
December 22, 1997  
Lisa Pelly, Chair  
Fish and Wildlife Commission

**AMENDATORY SECTION** [(Amending WSR 97-12-049, filed 6/2/97)]

**WAC 232-28-240 1997-98, 1998-99, 1999-2000 Deer and bear hunting seasons and regulations.**

**DEER**

**Bag Limit:** One (1) deer per hunter during an annual (July 1-March 31) hunting season. The Fish and Wildlife Commission may authorize two doe permits for damage areas. Any multiple doe permits will be identified by special permit.

**Hunting Method:** Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

**Buck Deer Seasons:** Open only to the taking of male deer with visible antlers (buck fawns illegal).

**Definition:** Visible antler is a horn-like growth projecting above the hairline.

**Branched Antler Restriction GMUs:** APPLIES TO ALL HUNTERS DURING ANY OPEN SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs

have 2 or 3 point minimum requirements on buck deer taken.

**2 Point GMUs:** 437, 478, 558, 574, 578, 582, 588, 636, 681, and GMU 485 (by permit only).

**3 Point GMUs:** Mule Deer and Blacktail Deer in all 100, 200, 300 units and GMU 450; Whitetail Deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, 186, 203, and 231.

**Modern Firearm Deer Seasons**

**Tag Required:** Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

**Hunting Method:** Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

**High Buck Hunt**

**Tag Required:** Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1997 Dates	1998 Dates	1999 Dates	Legal Deer
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.

**General Modern Firearm Deer Seasons**

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1997 Dates	1998 Dates	1999 Dates	Legal Deer
<b>Eastern</b>				
All of eastern Washington except closed in GMUs 157, 242, 290, 329, 330, 342, and 371.	Oct. 11-19	Oct. 17-25	Oct. 16-24	Mule Deer and Blacktail Deer 3 Pt. Min. in all open units in GMUs 100, 200, 300; except 3-Pt. Min. or Antlerless in GMU 281; Whitetail-any buck except GMUs 127-154, 162-186, 203 and 231 3-Pt. Min.
GMUs 101-142	Oct. 11-24	Oct. 17-30	Oct. 16-29	Whitetail buck only* except 3 pt. min. in GMUs 127-142.
<b>Western</b>				
407-684. Closed in GMU 522. Permit only in GMU 485.	Oct. 11-31	Oct. 17-31	Oct. 16-31	Buck only except either sex in GMUs 410, and 564; and 2 pt. min. in GMUs 437, 478, 558, 574, 578, 582, 588, 636, and 681; and 3 pt. min. in GMU 450.

\*Hunters meeting the requirements of disabled, senior or youth may hunt antlerless whitetail during the general buck season in GMUs 105-142.

**Late Buck Season**

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1997 Dates	1998 Dates	1999 Dates	Legal Deer
105-124	Nov. 3-23	Nov. 9-22	Nov. 8-21	Whitetail buck only
127-142	Nov. 3-23	Nov. 9-22	Nov. 8-21	Whitetail buck only, 3 pt. min.
All 400, 500, & 600 Except closed in: GMUs 418, 426, 437, 448, 450, 485, 522, 574, 578, 582, and 588.	Nov. 20-23	Nov. 19-22	Nov. 18-21	Buck only except 2 pt. min. in GMUs 478, 558, 636, and 681 and either sex in GMUs 410 and 564

**Archery Deer Seasons**

Tag Required: Deer hunter must have a current valid, unaltered, unnotched archery deer tag on his/her person.

Special Notes: Archery tag holders can only hunt with archery equipment during archery seasons.

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Early Archery

GMUs	1997 Dates	1998 Dates	1999 Dates	Legal Deer
All 100, 200, 300 GMUs except closed in GMUs 157, 203, 301, 302 and permit only in GMUs 242, 290, 329, 330, 342, and 371.	Sept. 1-5	Sept. 1-7	Sept. 1-6	Mule Deer and Blacktail Deer-3 pt. min. in all open units; Whitetail Deer-buck only except 3 pt. min. in GMUs 127-186, and 231.
All 100, 200, 300 GMUs except closed in GMUs 157, 203, 301, 302 and permit only in GMUs 242, 290, 329, 330, 342, and 371.	Sept. 6-15	Sept. 8-15	Sept. 7-15	Mule Deer and Blacktail Deer-3 pt. min. in all open 100, 200, and 300 units; except 3 pt. min. or antlerless in GMUs 130, 133, 136, 139, 142, 145, 149, 163, 178, 248, 254, 266, 269, 272, 284, 306 and 308; Whitetail Deer-either sex except 3 pt. min. or antlerless GMUs 127-186, and 231.
All 100, 200, 300 GMUs except closed in GMU 157 and permit only in GMUs 242, 290, 329, 330, 342, and 371.	Sept. 16-30	Sept. 16-30	Sept. 16-30	Whitetail only, either sex except 3 pt. min. or antlerless in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, 186, and 231.
All 400, 500, 600* GMUs except closed in GMUs 450, 485, and 522.	Sept. 1-30	Sept. 1-30	Sept. 1-30	Either sex, except 2 pt. min. or antlerless in GMUs 437, 478, 558, 574, 578, 582, 588, 636, and 681.
GMUs 203, 301, 302, 450, and Deer Areas 010, 040, 060	Sept. 15-30	Sept. 15-30	Sept. 15-30	3 pt. min. or antlerless
Bow Area 802	Sept. 2-30	Sept. 1-30	Sept. 1-30	Either sex

\* Bangor Submarine Base within GMU 627 is open for archers with disabilities by permit from the Navy. For information on this hunt, call Tom Jones at (360) 396-5097. Special Restrictions: Must be U.S. citizen, and hunting is open on weekends only.

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Late Archery

GMUs	1997 Dates	1998 Dates	1999 Dates	Legal Deer
101	Nov. 10-Dec. 15	Nov. 10-Dec. 15	Nov. 10-Dec. 15	Whitetail only, either sex
105, 117, 121, 124	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Whitetail only, either sex
127, 145, 178	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. min. or antlerless
209, 215, 233, 272, 300, 316, 346, 352, 364	Nov. 26-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Mule Deer and Blacktail Deer- 3 pt. min., except 3 pt. min. or antlerless in GMU 272; Whitetail Deer- either sex
558, 582, 588, 636, 681	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	2 pt. min or antlerless
460, 466, 510, 513, 516, 520, 524, 530, 556, 560, 572, 601, 607, 612, 615, 618, 638, 648, 673	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
450	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. min
Bow Areas	1997 Dates	1998 Dates	1999 Dates	Legal Deer
802	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
806, 807	Nov. 26-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Mule deer and Blacktail deer - 3 pt. min. or Antlerless

Extended Late Archery

GMUs	1997 Dates	1998 Dates	1999 Dates	Legal Deer
407, 410, 454, 484, 505, 506, 564, 568, 603, 624, 627, 642, 660, 663, 666, 667, 672	Nov. 26-Dec. 31	Nov. 25-Dec. 31	Nov. 24-Dec. 31	Either sex
437	Nov. 26-Dec. 31	Nov. 25-Dec. 31	Nov. 24-Dec. 31	2 pt. min. or antlerless

Muzzleloader Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched muzzleloader deer tag on his/her person.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment. Muzzleloader deer tag holders may apply for all either sex, antlerless only, and branched antler deer special hunting permits except on Private Lands Wildlife Management Area 201.

High Buck Hunt

GMUs	1997 Dates	1998 Dates	1999 Dates	Legal Deer
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.

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Deer Areas 010,  
040, 060

Sept. 15-25                      Sept. 15-25                      Sept. 15-25                      3 pt. min.

Early Muzzleloader

GMUs	1997 Dates	1998 Dates	1999 Dates	Legal Deer
109, 117, 209, 300, 304, 316, 336, 352, 360	Oct. 4-10	Oct. 10-16	Oct. 9-15	Mule Deer and Blacktail Deer- 3 pt. min.; Whitetail Deer- any buck
407, 410, 520, 530, 564, 568, 603, 612, 624, 672	Oct. 4-10	Oct. 10-16	Oct. 9-15	Buck only
454, 484 and 666	Oct. 4-10	Oct. 10-16	Oct. 9-15	Either sex

Late Muzzleloader

GMUs	1997 Dates	1998 Dates	1999 Dates	Legal Deer
113	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Whitetail, buck only
139, 172, 181	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Whitetail, 3 pt. min.
130, 136	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. min. or Antlerless
410, 501, 504, 564, 651, 666, 684	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
478	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	2 pt. min.
550, 582, 602, 633	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Buck only
578	Nov. 26-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	2 pt. min.

Muzzleloader Area

925	Dec. 1-31	Dec. 1-31	Dec. 1-31	Antlerless only
926	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 8	Either sex

Firearm Restricted Deer Hunts Open To All Deer Hunters

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm, archery or muzzleloader deer tag on his/her person.

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs.

GMUs	Weapon Permitted	1997 Dates	1998 Dates	1999 Dates	Legal Deer
410	Archery, Shotgun, Muzzleloader	Oct. 11-31	Oct. 17-31	Oct. 16-31	Either sex
564	Archery, Shotgun, Muzzleloader	Nov. 26-Dec. 31	Nov. 25-Dec. 31	Nov. 24-Dec. 31	Either sex
627*	Archery, Shotgun, Muzzleloader	Oct. 11-31	Oct. 17-31	Oct. 16-31	Either sex
Deer Area 062**	Archery, Shotgun,	Sept. 1-Dec. 31	Sept. 1-Dec. 31	Sept. 1-Dec. 31	Either sex

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Muzzleloader

\*Only that portion of GMU 627 (Kitsap) on Vashon and Maury Islands.

\*\*Restricted Access: Indian Island

~~((Private Lands Wildlife Management Opportunities~~

~~Champion (PLWMA 401) Kapowsin Tree Farm~~

<del>Hunting Method</del>	<del>1997 Dates</del>	<del>1998 Dates</del>	<del>1999 Dates</del>	<del>Special Restrictions</del>
<del>Archery</del>	<del>Sept. 1-12</del>	<del>Sept. 1-11</del>	<del>Sept. 1-10</del>	<del>either sex</del>
	<del>Sept. 28-Oct. 9</del>	<del>Sept. 28-Oct. 9</del>	<del>Sept. 28-Oct. 9</del>	<del>either sex</del>
<del>Modern Firearm</del>				
<del>General</del>	<del>Oct. 11-26</del>	<del>Oct. 10-25</del>	<del>Oct. 9-24</del>	<del>2 pt. min.</del>
<del>Muzzleloader</del>	<del>Nov. 26-Dec. 7</del>	<del>Nov. 25-Dec. 6</del>	<del>Nov. 24-Dec. 5</del>	<del>Antlerless only</del>

~~Merrill and Ring (PLWMA 600) Pysht Tree Farm~~

<del>Hunting Method</del>	<del>1997 Dates</del>	<del>1998 Dates</del>	<del>1999 Dates</del>	<del>Special Restrictions</del>
<del>Archery</del>	<del>Sept. 15-30</del>	<del>Sept. 15-30</del>	<del>Sept. 15-30</del>	<del>Antlerless only: North Unit 600A Either sex: South Unit 600B</del>
	<del>Nov. 26-Dec. 31</del>	<del>Nov. 25-Dec. 31</del>	<del>Nov. 24-Dec. 31</del>	<del>Antlerless only: North Unit 600A Either sex: South Unit 600B</del>
<del>Modern Firearm</del>	<del>Oct. 11-31</del>	<del>Oct. 17-31</del>	<del>Oct. 16-31</del>	<del>Buck only; South Unit 600B</del>
	<del>Nov. 20-23</del>	<del>Nov. 19-22</del>	<del>Nov. 18-21</del>	<del>Buck only; South Unit 600B</del>
<del>Muzzleloader</del>	<del>Oct. 1-9</del>	<del>Oct. 1-9</del>	<del>Oct. 1-9</del>	<del>Antlerless only: North Unit 600A Buck only: South Unit 600B))</del>

**BLACK BEAR**

**Bag Limit:** One (1) black bear. Except if a damage bear tag is purchased and a damage season is hunted, then two (2) black bear may be taken.

**License and Tag Requirements:** A valid hunting license and unaltered, unnotched bear tag(s) are required to hunt black bear.

**Bear Tag Information:** A hunter may purchase one (1) damage bear tag and one (1) general bear tag. A damage bear tag allows a hunter to take one (1) bear during the damage season in a damage area, but is not valid during the general season. A general bear tag may be used in a damage season and during the general season to take one (1) bear.

**Tag Sale Deadline:** Damage bear tags must be purchased, and are only valid prior to August 1, 1997. General bear tags must be purchased by midnight of the day preceding modern firearm deer season opener. Actual dates are: Oct. 10, 1997; Oct. 16, 1998; Oct. 15, 1999.

**Use of Bait and Hounds:** The use of bait and hounds for hunting black bear is prohibited state-wide.

**BLACK BEAR SEASONS**

**Damage:**

July 15-31, 1997; July 15-31, 1998; July 15-31, 1999 in PLWMA's 401 and 600, and in GMUs 454, 484, 501, 505, 506, 520, 530, 564, 568, 601, 603, 615, 627, 642, 648, and 667. Also in GMUs 558 and 572 except closed on the Gifford Pinchot National Forest and on Washington Department of Natural Resource lands.

**General:**

**Eastern Washington**

Aug. 1-Nov. 6, 1997; Aug. 1-Nov. 6, 1998; Aug. 1-Nov. 6, 1999.

**Western Washington**

Aug. 1-Nov. 13, 1997; Aug. 1-Nov. 12, 1998; Aug. 1-Nov. 11, 1999, EXCEPT Sept. 2-Nov. 13, 1997; Sept. 8-Nov. 12, 1998; and Sept. 7-Nov. 11, 1999 in Bow Area 802. CLOSED in GMUs 485 and 522.

PERMANENT

**TOOTH SUBMITTAL**

Bear: Each hunter who takes a bear must submit the small premolar tooth behind the canine tooth of upper or lower jaw for age determination. Tooth envelopes are available from Department of Fish and Wildlife regional offices.

**REPORT CARDS**

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Fish and Wildlife within ten days after taking a deer or bear.

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

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

**WSR 98-01-206  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 97-248—Filed December 23, 1997, 5:11 p.m.]

Date of Adoption: December 13, 1997.

Purpose: To adopt WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 97-22-101 on November 5, 1997.

Changes Other than Editing from Proposed to Adopted Version: The year 1998 was added to each table. On page 5 for the Champion (PLWMA 401) Raffle Quotas and Seasons, Kapowsin Bull Central and Kapowsin Bull South were changed from 3 to 2 Quota.

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: Thirty-one days after filing.  
December 22, 1997

Lisa Pelly, Chair  
Fish and Wildlife Commission

PERMANENT

**NEW SECTION**

**WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions  
DEER GENERAL SEASONS ON PRIVATE LANDS  
WILDLIFE MANAGEMENT AREAS**

<b>Champion (PLWMA 401) Kapowsin Tree Farm</b>			
<b>Hunting Method</b>	<b>1998 Dates</b>	<b>1999 Dates</b>	<b>Special Restrictions</b>
Archery	August 28-Sept. 10	August 27-Sept. 9	Any Deer
	October 1-9	October 1-9	Any Deer
Modern Firearm	October 10-25	October 9-24	2 Pt. Min.
Muzzleloader	November 23-Dec. 7	November 23-Dec. 7	Antlerless Only

<b>Merrill and Ring (PLWMA 600) Pysht Tree Farm</b>			
<b>Hunting Method</b>	<b>1998 Dates</b>	<b>1999 Dates</b>	<b>Special Restrictions</b>
Archery	September 15-30	September 15-30	Antlerless Only North Unit; Either Sex South Unit
	Nov. 25-Dec. 31	Nov. 24-Dec. 31	Antlerless Only North Unit; Either Sex South Unit
Modern Firearm	Oct. 17-31	Oct. 16-31	Buck Only South Unit
	Nov. 19-22	Nov. 18-21	Buck Only South Unit
Muzzleloader	Oct. 1-9	Oct. 1-9	Antlerless Only North Unit; Buck Only South Unit

**ELK GENERAL SEASONS ON PRIVATE LANDS  
WILDLIFE MANAGEMENT AREAS**

<b>Champion (PLWMA 401) Kapowsin Tree Farm</b>				
<b>Hunting Method</b>	<b>Elk Tag</b>	<b>1998 Dates</b>	<b>1999 Dates</b>	<b>Special Restrictions</b>
Archery	WA	Aug. 28-Sept. 10	Aug. 27-Sept. 9	Antlerless Only - Harvest Quota of 3
Modern Firearm	WG, WP	Closed	Closed	
Muzzleloader	WM	Nov. 23-Dec. 7	Nov. 23-Dec. 7	Antlerless Only - Harvest Quota of 3

PERMANENT

1998 DEER PERMIT SEASONS ON  
PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

**Wilson Permit Draw Permits. Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process. Only hunters possessing a modern firearm deer tag are eligible for Wilson draw hunts.**

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Wilson A	1	Oct. 1-Dec. 31	Buck Only, Youth Hunters Only*	PLWMA 201
Wilson B	29	Oct. 1-Dec. 31	Antlerless Only, Youth Hunters Only*	PLWMA 201
Wilson C	29	Oct. 1-Dec. 31	Antlerless Only, Persons of Disability Only	PLWMA 201
Wilson D	29	Oct. 1-Dec. 31	Antlerless Only, AHE Hunters Only	PLWMA 201
Wilson E	1	Oct. 1-Dec. 31	Buck Only, Persons of Disability Only	PLWMA 201
Wilson F	1	Oct. 1-Dec. 31	Buck Only, AHE Only	PLWMA 201

\*Applicants must be 16 years old or younger by opening date of the permit season and must be accompanied by an adult during the hunt.

Access for these hunts are for one day, scheduled by the manager. There are no access fees for these hunts. All hunters shall have a valid hunting license, deer tag, and written authorization from the manager to participate in these hunts. All other hunting regulations apply.

PERMANENT

<p><b>1998</b>  <b>Champion's Kapowsin Tree Farm -</b>  <b>Champion Permit Draw Deer Permits - Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process.</b></p>				
Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Kapowsin North	50	Dec. 11-15	Antlerless Only, Senior Hunters (Age 65+)	PLWMA 401 North
Kapowsin Central	100	Dec. 11-15	Antlerless Only	PLWMA 401 Central
Kapowsin South	100	Dec. 12, 13 19, 20	Antlerless Only, Youth or Persons of Disability Only	PLWMA 401 South

ACCESS QUOTAS AND RAFFLE SEASONS  
ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

<p><b>1998</b>  <b>Wilson Creek Area - Access Quotas and Seasons - Buck Deer</b>                  Only hunters possessing appropriate deer tags (modern firearm or archery) are eligible for access authorizations on PLWMA 201. You may contact the manager, Dave Stevens, at (509) 345-0121 for information on these hunts.</p>				
Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Wilson	30	Oct. 1-Dec. 31	Buck Only (Access Fee) Modern Firearm Deer Tag	PLWMA 201
Wilson	2	Sept. 1-30	Buck Only (Access Fee) Archery Deer Tag	PLWMA 201

PERMANENT

**1998**

**Champion's Kapowsin Tree Farm -- Raffle Quotas and Seasons**

**Hunter must contact Champion for auction/raffle permit opportunity.**

**Only hunters possessing a valid deer tag (any 1998 deer tag) are eligible for Champion buck permits. Persons interested in these deer permits should contact Champion Pacific Timberlands, Inc., 31716 Camp 1 Road, Orting, WA 98360. For more information, please call Champion at (360) 782-1493.**

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Kapowsin North/Buck	8	Nov. 7-22	Buck Only (Auction/Raffle)	PLWMA 401 North
Kapowsin Central/Buck	29	Nov. 7-22	Buck Only (Auction/Raffle)	PLWMA 401 Central
Kapowsin South/Buck	14	Nov. 7-22	Buck Only (Auction/Raffle)	PLWMA 401 South

**1998**

**Merrill and Ring's Pysht Tree Farm - Raffle Quotas and Seasons**

**An access fee will be charged by the landowner for hunting on the Pysht Tree Farm. Pysht North A is archery only, all other hunts are open to any legal weapon hunters. The following hunts are raffle hunts offered by Merrill and Ring. Only hunters possessing a valid deer tag (any 1998 deer tag) are eligible for Merrill and Ring hunts. Persons interested in these hunts should contact Merrill and Ring, 11 Pysht River Rd., Clallam Bay, WA 98326. For more information, please call Merrill and Ring at (360) 963-2378.**

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Pysht North A	15	Sept. 15-30	Raffle, Archery, Antlerless Only	PLWMA 600 North
Pysht North B	40	Oct. 19-31	Raffle, Antlerless Only	PLWMA 600 North
Pysht North C	30	Nov. 10-24	Raffle, 3 Pt. Min. or Antlerless	PLWMA 600 North
Pysht South A	40	Oct. 19-31	Raffle, Antlerless Only	PLWMA 600 South

PERMANENT

ELK RAFFLE SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

1998

**Champion (PLWMA 401) Kapowsin Tree Farm - Raffle Quotas and Seasons**

Only hunters possessing a valid elk tag (any 1998 elk tag) and meeting the special restrictions noted for each hunt are eligible for Champion access permits on PLWMA 401. Hunter must contact Champion for auction/raffle permit opportunity. Champion Pacific Timberland Inc., 31716 Camp 1 Road, Orting, Washington 98360. For more information, please call Champion at (360) 782-1493.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Kapowsin Bull North	2	Sept. 15-30	Auction/Raffle Any Bull, Any Tag	PLWMA 401 North
Kapowsin Bull Central	2	Sept. 15-30	Auction/Raffle Any Bull, Any Tag	PLWMA 401 Central
Kapowsin Bull South	2	Sept. 15-30	Auction/Raffle Any Bull, Any Tag	PLWMA 401C South

1998

**Merrill and Ring PLWMA 600 Pysht Tree Farm - Raffle Quota and Season**

Hunter must contact Merrill and Ring for raffle hunt opportunity. For more information please call Merrill and Ring at (360) 963-2378 or write to them at Merrill and Ring Tree Farm, 11 Pysht River Rd., Clallam Bay, WA 98326.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Pysht	2	Sept. 1-14	Raffle Any Bull, Any Tag	PLWMA 600

**AREA DESCRIPTIONS - PRIVATE LANDS WILDLIFE MANAGEMENT AREAS**

**PLWMA 201 - Wilson Creek (Grant County):** This area surrounds Billy Clapp Lake directly north of the town of Stratford and northwest of the town of Wilson Creek. The legal description is T22N, R29E; north 1/2 of Section 3, Section 4 except southeast 1/4 of southeast 1/4 and north 1/2 of northwest 1/4; Section 5; Section 6 north of State Highway 28; Sections 8 and 9. T23N, R29E, Sections 5, 6, 7, and 8; Sections 13, 14, 17, and 18; Section 19 except for northwest 1/4 of the southwest 1/4; Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; southeast 1/4 of Section 30; Section 31; Section 32 south 1/2 of northwest 1/4 and north 1/2 of southwest 1/4; Sections 33, 34, and 35. T23N, R28E, Sections 1 and 2, Section 3 except west 1/4; Section 4

except southwest 1/4 and east 1/2 of southeast 1/4; Section 5; Section 6 except west 1/4; Sections 7 and 8; Section 9 except south 1/2; north 1/2 of Section 10 except west 1/4; Section 11 except south 1/4; north 1/2 of Section 12; Section 15 except that part within Stratford Game Reserve; Section 16 except northeast 1/4; Sections 17, 18, 19, 20, 21, 22, and 23; Sections 26, 27, 28, 29, 30, and 33; north 1/2 and north 1/2 of south 1/2 of Section 34; Section 35 except that part in game reserve. T23N, R27E, Section 11, south 1/2 of southwest 1/4 and west 1/4 of southeast 1/4 of Section 12; Sections 13 and 14; Section 22 except west 1/2 of southwest 1/4; Sections 23, 24, 25, 26, and 27. T24N, R28E, Section 35. T24N, R29E, Section 31; west 1/2 of Section 32. Public lands with the external boundaries are not part of the PLWMA.

**PLWMA 401 - Champion (Pierce County):** Beginning at the intersection of Champion haul road (Champion 1 Rd.) and the Camp One Road near the town of Kapowsin; then southwest along Champion 1 Rd. to east side of Lake Kapowsin; then along east side of Lake Kapowsin to Ohop Creek; then up Ohop Creek to Champion ownership line; then along ownership line to N.W. corner Section 31, T17N, R5E; then south along section line to 1/4 corner Section 6, T16N, R5E; then easterly along Weyerhaeuser/Champion ownership line to intersection with Busy Wild Creek; then up Busy Wild Creek to intersection with Champion ownership on the section line between Sections 10 & 15, T15N, R6E; then west and south along DNR/Champion ownership line and Plum Creek Timber Co./Champion ownership line to most southerly point of Champion ownership (northwest of Ashford, WA); then easterly along Champion ownership line to DNR/Champion ownership line; then north and east to USFS/Champion ownership line; then north along USFS/Champion ownership line to S.W. corner Section 31, T16N, R7E; then east along USFS/Champion ownership line to S.E. corner Section 31, T16N, R7E; then north along USFS/Champion ownership line to N.W. corner Section 32, T16N, R7E; then east along Plum Creek Timber Co./USFS ownership line to N.E. corner Section 32, T16N, R7E; then south along USFS/Champion ownership line to S.E. corner Section 32, T16N, R7E; then east along USFS/Champion ownership line to Mount Rainier National Park Boundary; then north along Mount Rainier National Park Boundary to N.E. corner Section 33 T17N, R7E; then following north and west along USFS/Champion ownership line to intersection with SR 165 near the N.E. corner Section 24, T17N, R7E; then northwest along SR 165 to intersection with Carbon River; then down Carbon River to the BPA Transmission Line; then south and west along the powerline to the Fisk Road; then south along the Fisk Road to the King Creek Gate; then north and west along the Brooks Road BPA Transmission line; then southwest along BPA Transmission line to the Puyallup River (excluding all small, private ownership); then up Puyallup River to intersection with Champion haul road bridge; then south along Champion haul road to point of beginning. Another portion of PLWMA 401 Champion is the Buckley block (Kapowsin North described as follows: Beginning at the intersection of the BPA Transmission line and South Prairie Creek; then up South Prairie Creek to East Fork South Prairie Creek; then up East Fork South Prairie Creek to Plum Creek Timber Co./Champion ownership line (on south line of Section 33, T19N, R7E); then along Champion ownership line to center line of Section 34, T19N, R7E; then north and east along DNR/Champion ownership line to S.W. corner Section 27, T19N, R7E; then north along Weyerhaeuser/Champion ownership line to White River; then down White River to where it crosses west line Section 6, T19N, R7E; then south and west along Champion ownership line to intersection with South Prairie Creek; then up South Prairie Creek to point of beginning.

**PLWMA 401A - Kapowsin North (Buckley):** That portion of PLWMA 401 description which includes the Buckley block.

**PLWMA 401B - Kapowsin Central (King Creek):** That portion of PLWMA 401 description which lies to the north of the Puyallup River, excluding the Buckley block.

**PLWMA 401C - Kapowsin South (Kapowsin):** That portion of PLWMA 401 description which lies to the south of the Puyallup River.

**PLWMA 600 - Merrill and Ring (Clallam County):** Beginning at Clallam Bay, east along the Strait of Juan de Fuca to the mouth of Deep Creek, then south along Deep Creek to the township line between Townships 30 and 31, then west along said township line to Highway 113 (Burnt Mt. Road) and north along Burnt Mt. Road (Highway 112 and 113) to Clallam Bay and point of beginning, except the following described lands: T31N R10W: E 1/2 W 1/2, E 1/2 West of Deep Creek Section 19, Except SW 1/4 NW 1/4, SW 1/4, W 1/2 E 1/2 West of Deep Creek Section 30, Except North & West of Deep Creek Section 31: T31N R11W; Except the SW 1/4 SE 1/4 Section 7, Except that portion of NW 1/4 SE 1/4 which is County Park Section 10, Except the NE 1/4 NE 1/4 Section 14, Except W 1/2, W 1/2 E 1/2, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 16, Except SW 1/4 NE 1/4 Section 17, Except NW 1/4 NW 1/4, SE 1/4 NW 1/4, SE 1/4, NE 1/4, NW 1/4 SE 1/4 Section 18, Except W 1/2 SW 1/4, SW 1/4 NE 1/4 Section 19, Except W 1/2 SW 1/4 Section 27, Except S 1/2 S 1/2, N 1/2 SW 1/4 Section 28, Except E 1/2 SE 1/4, SW 1/4 SE 1/4, NE 1/4, SW 1/4 Section 29, Except SW 1/4 SE 1/4 Section 30, Except NE 1/4 Section 31, Except All Section 32, Except All Section 33, except SW 1/4 NE 1/4, S 1/2 Section 34, T31N R12W; Except SE 1/4 SE 1/4, W 1/2 SE 1/4 East of Highway 112 Section 4, Except All East of Highway 112 Section 9, Except E 1/2 NE 1/4, SW 1/4 NE 1/4, W 1/2, SW 1/4, NW 1/4 SE 1/4 Section 13, Except S 1/2 SE 1/4 Section 14, Except E 1/2 NW 1/4 East of Highway 112 Section 23, Except N 1/2 SW 1/4, SE 1/4 NW 1/4 Section 24, Except SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 26, Except N 1/2 N 1/2, NE 1/4 SW 1/4 Section 35, Except All Section 36: T32N R12W; Except W 1/2 SE 1/4 Section 21, Except All Section 22, Except NW 1/4 Section 27, Except NE 1/4, N 1/2 SE 1/4, E 1/2 W 1/2 East of Highway 112 Section 28, Except E 1/2 W 1/2 East of Highway 112 Section 33, Except S 1/2 Section 36.

**PLWMA 600A North - Merrill and Ring North:** That portion of PLWMA 600 north of Highway 112.

**PLWMA 600B South - Merrill and Ring South:** That portion of PLWMA 600 south of Highway 112.

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

**WSR 98-01-207  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 97-253—Filed December 23, 1997, 5:12 p.m., effective October 1, 1998]

Date of Adoption: December 13, 1997.

Purpose: To amend WAC 232-12-141 Wild animal trapping.

Citation of Existing Rules Affected by this Order:  
Amending WAC 232-12-141.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 97-22-098 on November 5, 1997.

Changes Other than Editing from Proposed to Adopted Version: Subsection (4)(c), last sentence. Delete proposed change . . . "spread exceeding seven and one-half inches is lawful when set with the pivot point of the springs beneath the water surface."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 1, 1998.

December 22, 1997

Lisa Pelly, Chair

Fish and Wildlife Commission

**AMENDATORY SECTION** [(Amending Order 563, filed 9/2/92)]

**WAC 232-12-141 Wild animal trapping.** (1) The trapping season authorizes the taking of furbearing animals for their hides and pelts only. Furbearers may not be taken from the wild and held alive for sale or personal use without a special permit pursuant to WAC 232-12-064.

(2) Any wildlife trapped for which the season is not open shall be released unharmed. Any wildlife that cannot be released unharmed must be left in the trap, and the department of fish and wildlife must be notified immediately.

(3) Lawfully trapped furbearers must be lethally dispatched or immediately released. A firearm may be used for this purpose.

(4) It is unlawful to trap for wild animals:

(a) By any means other than padded foot-hold traps having a minimum rubber pad thickness of one-eighth inch, unpadded foot-hold traps, cage (live) traps, ((instant-)) kill traps and snares.

(b) With an unpadded foot-hold trap, unless the trap has jaws with a minimum jaw face width of one-fourth inch, or the trap is set so that it completely submerses and drowns any trapped animal, except that unpadded foot-hold traps not meeting the one-fourth inch jaw face requirement may be used on non-drowning sets on private property with land-owner permission for the purpose of protecting livestock, domestic animals, private property, or public safety.

((b)) (c) With a steel trap having a jaw spread exceeding seven and one-half inches, except that a ((an instant)) kill trap having a jaw spread exceeding seven and one-half inches is lawful when set beneath the water surface.

((e)) (d) On dry land, with a non-drowning set ((W))with a No. 3 size or larger unpadded foot-hold ((steel)) trap if it does not have jaw spacing of at least three-sixteenth of one inch when the trap is sprung, ((and when the set is not capable of drowning the trapped animal.))

((d)) (e) With a ((No. 3 size or larger)) steel trap with teeth or serrated edges, ((when the set is not capable of drowning the trapped animal.))

(f) Unless kill traps, including foot-hold drowning sets, are checked and animals removed within seventy-two hours.

((e)) (g) Unless traps ((or devices)) not capable of killing the animal are checked and animals removed within ((seventy-two)) forty-eight hours, except within identified urban trapping areas, where ((the)) sets ((is)) not capable of ((drowning)) killing the animal, ((traps or devices)) must be checked and animals removed within ((forty-eight)) twenty-four hours.

((f)) (h) With a neck or body snare attached to a spring pole or any spring pole type of device.

((g)) (i) Within thirty feet of any exposed meat bait which is visible to flying raptors.

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

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

WSR 98-01-208

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 97-252—Filed December 23, 1997, 5:13 p.m.]

Date of Adoption: December 13, 1997.

Purpose: To adopt WAC 232-28-515 1997-98, 1998-99, 1999-2000 Trapping seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 97-22-098 on November 5, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 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.

December 22, 1997

Lisa Pelly, Chair

Fish and Wildlife Commission

**NEW SECTION**

**WAC 232-28-515 1997-98, 1998-99, 1999-2000**

**Trapping seasons and regulations Trapping Regulations**

To be issued your first Washington State trapping license an individual must pass the Washington State trapper education exam.

A trapping license will only be issued to a trapper that has returned the mandatory trapper report of catch postmarked on or before April 10 of the previous year. A trapper that fails to submit a report of catch must wait one year before purchasing another trapping license. False reports will be considered the same as failure to return the catch report.

It is unlawful to: Trap for wild animals before October 1, and after March 15, in western Washington, except that owners of, or persons legally controlling a property (or their designee) may trap unclassified wild animals that are causing damage or depredating on said property.

It is unlawful to: Place traps or establish drowning wires and weights prior to 7:00 a.m. on the opening date of the trapping season. All opening and closing season dates are inclusive.

**Trapping Seasons:**

General Western Washington Trapping Seasons (Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom counties):

SPECIES	OPENING DATE	CLOSING DATE
Bobcat	November 22, 1997 November 21, 1998 November 20, 1999	February 15, 1998 February 15, 1999 February 15, 2000
Red Fox	November 22, 1997 November 21, 1998 November 20, 1999	February 15, 1998 February 15, 1999 February 15, 2000
Weasel	November 22, 1997 November 21, 1998 November 20, 1999	February 15, 1998 February 15, 1999 February 15, 2000
Marten	November 22, 1997 November 21, 1998 November 20, 1999	January 31, 1998 January 31, 1999 January 31, 2000
Raccoon	November 22, 1997 November 21, 1998 November 20, 1999	January 31, 1998 January 31, 1999 January 31, 2000
Mink	November 22, 1997 November 21, 1998 November 20, 1999	January 31, 1998 January 31, 1999 January 31, 2000

PERMANENT

Muskrat	November 22, 1997	January 31, 1998
	November 21, 1998	January 31, 1999
	November 20, 1999	January 31, 2000
Beaver	December 13, 1997	January 31, 1998
	December 12, 1998	January 31, 1999
	December 11, 1999	January 31, 2000
River Otter	December 13, 1997	January 31, 1998
	December 12, 1998	January 31, 1999
	December 11, 1999	January 31, 2000

**Exceptions to General Western Washington Trapping Seasons:**

**Cowlitz County**

Game Management Unit 522 (Loo-wit) is closed to all trapping.

**Island County**

The red fox season is closed.

**Lewis County**

Green River, above the confluence of Elk Creek, is closed to all trapping except for bobcat, and coyote. Game Management Unit 522 (Loo-wit) is closed to all trapping.

**Skagit County**

The Ross Lake National Recreation Area is closed to all trapping. The red fox season is closed in Skagit County, except within the exterior boundaries of the Mount Baker-Snoqualmie National Forest. Raccoon, mink, and muskrat seasons are December 13, 1997 to January 31, 1998; December 12, 1998 to January 31, 1999; and December 11, 1999 to January 31, 2000.

**Skamania County**

Smith Creek, Bean Creek, and Clearwater Creek, above USFS 83 Road on Pine Creek, and above the confluence of Bean Creek on the Muddy River are closed to all trapping except for bobcat and coyote. Game Management Unit 522 (Loo-wit) is closed to all trapping.

**Whatcom County**

The Ross Lake National Recreation Area is closed to all trapping. The red fox season is closed in Whatcom County, except within the exterior boundaries of the Mount Baker-Snoqualmie, and Okanogan National Forests. Raccoon, mink, and muskrat seasons are December 13, 1997 to January 31, 1998; December 12, 1998 to January 31, 1999; and December 11, 1999 to January 31, 2000.

General Eastern Washington Trapping Seasons (Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties):

PERMANENT

SPECIES	OPENING DATE	CLOSING DATE
Badger	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Bobcat	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Red Fox	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Weasel	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Marten	December 15, 1997 December 15, 1998 December 15, 1999	January 31, 1998 January 31, 1999 January 31, 2000
Raccoon	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Mink	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Muskrat	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Beaver	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
River Otter (Season Bag Limit is 6 River Otter in Eastern Washington)	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000

PERMANENT

**Exceptions to General Eastern Washington Trapping Seasons:**

The river otter trapping season is closed in all Eastern Washington counties, except that it is open in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens and Yakima counties, as well as in the Snake and Walla Walla Rivers and their tributaries.

**Chelan County**

The beaver season is closed in Swakane and Mudd Creek.

**Kittitas County**

The beaver season is closed in the north fork of Tarpiscan Creek, and the Umtanum Creek drainage.

**Urban Trapping Areas: Special Regulations and Trap Restrictions**

The following described areas are closed to the taking of classified furbearing animals, and coyote, opossum, nutria, and skunk, by the use of foot-hold, kill, or snare traps except muskrat and mink may be taken with a number one and one-

half foot-hold drowning set or a 110 instant kill trap during lawful trapping seasons as established by the Fish and Wildlife Commission. In these areas all traps or devices, not capable of killing the animal must be checked and the animal removed within 24 hours.

Thurston County, within the established city limits (including county islands) of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties. Beginning at the confluence of the Snohomish River and the Puget Sound; then east up the Snohomish River to Interstate 5 (I-5); then south on I-5 to Interstate 405 (I-405); then south on I-405 to I-5; then south on I-5 to its junction with Pioneer Way; then east along Pioneer Way to Waller Road; then south along Waller Road to SR 512; then west along SR 512 to Highway 7; then south on Highway 7 to Highway 507 to the Pierce County line to Puget Sound; then north along the coast to the mouth of the Snohomish River and point of beginning.

**WSR 98-01-209**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 97-249—Filed December 23, 1997, 5:16 p.m.]

Date of Adoption: December 13, 1997.

Purpose: To amend WAC 232-28-260 Special hunting seasons.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-260.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 97-22-097 on November 5, 1997.

Changes Other than Editing from Proposed to Adopted Version: Page 2, subsection (6)(b), second and fourth lines - change the amended language reading "third Friday of June" to "second Friday of June"; and on page 4, subsection (e), do not accept suggested change and leave in original wording and, therefore, numbering.

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.

December 22, 1997

Lisa Pelly, Chair  
Fish and Wildlife Commission

**AMENDATORY SECTION** [(Amending WSR 97-12-054, filed 6/2/97)]

**WAC 232-28-260 Special hunting seasons** (1) The commission may establish special hunting seasons limited to species and/or weapon type.

(2) The commission establishes the following types of special hunting seasons, called permit hunts, for purposes of taking specified wildlife:

- (a) General permit hunts;
- (b) Persons of disability permit hunts;
- (c) Youth permit hunts;
- (d) Senior citizen permit hunts.
- (e) Advanced hunter education permit hunts.
- (f) Raffle and auction permit hunts.

(3) In addition to the requirements for general permit hunts, the following are hunt requirements for:

(a) Persons of Disability Permit Hunts: Only applicants with a Washington disabled hunter permit are eligible to apply for any persons of disability permit hunts.

(b) Youth Permit Hunts: Only applicants sixteen years old or younger on opening day of the permit hunt will be eligible to apply for the youth permit hunts.

(c) Senior Citizen Permit Hunts: Only applicants sixty-five years of age or older on opening day of the permit hunt will be eligible to apply for senior citizen permit hunts.

(d) Advanced Hunter Education Permit Hunts: Only applicants who have successfully completed the Washington department of fish and wildlife advanced hunter education (AHE) course will be eligible to apply for AHE permit hunts.

(4) Deer and elk special hunting seasons permit hunt application:

(a) To apply for permit hunts for deer, applicants must have a valid Washington hunting license and a valid deer transport tag. Each applicant must have the proper transport tag as identified in the current deer hunting permit tables.

(b) To apply for permit hunts for elk, applicants must have a valid Washington hunting license and a valid elk transport tag. Each applicant must have the proper transport tag as identified in the current elk hunting permit tables.

(c) No refunds or exchanges for deer or elk transport tags will be made for persons applying for permit hunts.

(d) Holders of deer or elk permit hunts may hunt only with a weapon in compliance with their transport tag during the permit hunts.

(5) Mountain goat, moose, mountain sheep, and cougar permit hunts applications:

(a) To apply for permit hunts for mountain goat, moose, mountain sheep, or cougar, applicants must have a valid Washington hunting license. Those who have previously drawn a Washington mountain sheep or moose permit are ineligible to apply for that species. This restriction on eligibility does not apply to permits awarded pursuant to a raffle or auction hunt.

(b) No refunds or exchanges for mountain goat, moose, mountain sheep, or cougar transport tags will be made for persons drawing for permit hunts.

(c) Permit hunting report: A hunter report will be sent to each mountain goat, moose, mountain sheep, and cougar permit holder and must be returned to the department of fish

and wildlife within ten days after the close of the permit hunt.

(6) General permit hunts application:

(a) Partnership applications will be accepted for any species. A partnership consists of two hunters. If a partnership application is drawn, both hunters will receive a permit and both hunters can take an animal.

(b) Application deadline: To qualify for the drawing all applications must be postmarked no later than the (~~first Friday of May~~) second Friday of June or received at a department of fish and wildlife office no later than 5:00 p.m. on the (~~first Friday of May~~) second Friday of June of the year of the drawing.

(c) An applicant's name may appear on only one single special permit hunt application or one partnership application for each species. If an applicant's name appears on more than one application for a species, the application will be made ineligible for the drawing and no points will be accrued for that year for that species.

(d) For partnership applications that are ineligible because one of the partners has his/her name on more than one application for that species, both applicants will be made ineligible for the drawing and no points will be accrued for that year for that species.

(e) Permits will be drawn by computer selection using a weighted point selection system.

(f) Incomplete applications:

(i) To be eligible for the deer or elk permit hunts drawing, each application must include a valid hunt number, complete name, correct mailing address, date of birth, a marked species check box, a valid Washington hunting license number, and a valid deer or elk transport tag number for each applicant.

(ii) To be eligible for the special mountain goat, moose, mountain sheep, or cougar permit hunts drawing, each application must include a valid hunt number, complete name, correct mailing address, date of birth, a marked species check box, and a valid Washington hunting license number for each applicant.

(iii) To be eligible to accrue points, each application must include either a valid social security number, driver's license number, or a state-issued identification number for each applicant. Applicants choosing not to submit one of the above-listed numbers will be eligible for the drawing, but will not accrue points. The same identification number must be used each year to accrue points. If a different number is used (i.e., driver's license number instead of social security number), point accrual will begin anew for the applicant while maintaining the point accrual under the former identification number.

(g) Inaccurate applications:

(i) If an applicant makes a mistake, applies for the wrong hunt, and is drawn, the permit can be returned to the department of fish and wildlife Olympia headquarters before the opening day of the hunt or the opening day of the general season, whichever comes first. The applicant's points will be restored to the condition they were in prior to the drawing.

(ii) If an applicant inaccurately submits his/her identification number on an application, no points will be accrued for that year for that species under the correct identification number.

(7) The commission establishes auction and raffle Private Lands Wildlife Management Areas (PLWMA) hunts:

(a) The commission may authorize, by agreement with PLWMA, the sale, auction, or raffle of hunts on PLWMAs.

(b) PLWMA auction/raffle hunts are awarded to hunt big game or wild turkey. The PLWMA manager will conduct the raffle drawing. Raffle tickets will be sold for not more than \$25.00 each.

(c) Any person may purchase PLWMA raffle tickets in addition to WDFW raffle tickets and participate in general permit hunt application drawing.

(d) An additional big game transport tag may be purchased for a deer or elk PLWMA raffle permit hunt.

(e) The PLWMA manager conducting an authorized big game auction or raffle will provide an annual report to the department of fish and wildlife prior to December 31. The report will include information on how the event was administered, where and when it occurred, who the winners are, the cost of tickets and numbers sold.

(8) The commission establishes auction and raffle hunts:

(a) The commission may establish big game and wild turkey auction and raffle permit hunts. The director may conduct the auction or raffle or may contract to a non-profit wildlife conservation organization (registered 5013c) for marketing. The organization may retain the vendor fee for each raffle ticket sold to cover expenses incurred or a percentage of the auction permit receipt.

(b) There is no limit on the number of raffle tickets a person may purchase. Raffle tickets cost no more than \$25.00 each with a 50 cent vendor fee included in the price.

(c) The organization interested in conducting an auction or raffle for an authorized permit hunt shall submit a proposal outlining its experience and plans to conduct an auction or raffle. The department of fish and wildlife shall solicit bids consistent with established state competitive bid rules. The proposal shall include:

(i) Name of the organization, articles of incorporation, and contact person.

(ii) The date, time and place of the proposed auction and raffle drawing.

(iii) The approximate number of people expected to attend the function.

(iv) Past experience in conducting auctions or raffles and special functions.

(v) Other marketing strategies to be used.

(vi) Portion of funds to be retained by the organization.

(d) The director will select an organization to conduct an auction or raffle.

(i) Revenue potential to the department will be a key criterion in applicant selection.

(ii) The department shall enter into a contract with the auctioning or raffling organization identifying specific terms of the contract.

(iii) The director may authorize a nonprofit wildlife conservation organization to sell raffle tickets for the department and retain a vending fee of 50 cents for each ticket sold.

(e) The department or organization conducting a raffle shall notify the public about the raffle hunt opportunity and offer raffle tickets for sale.

(i) The department or organization shall inform the public of date, time and place of the raffle and hold the drawing as specified.

(ii) Raffle tickets sales conducted through agency license vendors or the director authorized nonprofit wildlife conservation organization vendor must be received at the department's Olympia office headquarters on or before the last business day prior to the public drawing. Contracting organizations conducting hunting raffles must account for raffle tickets and funds received. A representative of the department will monitor the drawing.

(iii) Additional tickets may be purchased at the raffle site prior to the drawing.

(iv) One winner and two alternates shall be drawn at the drawing.

(v) The raffling organization shall notify the department of the name, address and phone number of the raffle permit winner and two alternates immediately (but no later than ten business days) after the drawing. The department will notify the winner and two alternates by mail. The winner must claim the raffle permit during the regular business hours within 30 days of the drawing or he/she shall be disqualified and the department will offer the raffle permit to the first alternate. The first alternate must claim the raffle permit within 10 business days of notification or he/she shall be disqualified and the department will notify the second alternate. The second alternate must claim the permit within 10 business days of notification or he/she shall be disqualified and the department will not offer the raffle permit.

(vi) The department's share of the auction or raffle revenue shall be returned to the department within 30 days of the drawing.

(f) Residents and nonresidents shall be eligible to purchase WDFW raffle tickets in addition to PLWMA raffle tickets and participate in the general permit hunt application drawing.

(g) There shall be no refunds for any raffle ticket purchases.

(h) The raffle winners must purchase a valid hunting license and species transport tag prior to issuance of the raffle permit. An additional big game transport tag may be purchased for a deer or elk auction or raffle permit hunt. Only one big game transport tag may be purchased for sheep or moose annually.

(i) The department will issue the permit to the person whose name appears on the winning raffle ticket. Raffle permits may not be resold or reassigned.

(j) All revenue to the department from a species permit auction or raffle shall be used for the management and benefit of that species.

(9) Citizen reward for reporting violations - bonus points:

A person who provides information which contributes substantially to the arrest of another person for illegally killing big game or an endangered species as defined by Title 77 RCW is eligible to receive ten bonus points toward the department drawing for deer and elk special permits.

(a) Ten bonus points may only be awarded to only one person providing information for each person charged regardless of the number of violations involved.

(b) Selection of bonus points is in lieu of application for a cash award which may be authorized by RCW 77.21.080.

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

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

**WSR 98-01-210**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 97-251—Filed December 23, 1997, 5:18 p.m.]

Date of Adoption: December 13, 1997.

Purpose: To amend WAC 232-12-275 Wildlife rehabilitation permits.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-275.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 97-22-096 on November 5, 1997.

Changes Other than Editing from Proposed to Adopted Version: 1996 was removed from subsection (3)(c) on page 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 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 22, 1997

Lisa Pelly, Chair

Fish and Wildlife Commission

**[AMENDATORY SECTION (Amending WSR 96-12-045, filed 5/31/96)]**

**WAC 232-12-275 Wildlife rehabilitation permits.**  
~~((2) It is unlawful to possess wildlife for the purpose of rehabilitation without first obtaining a valid Washington state "wildlife rehabilitation permit." Rehabilitation permits are valid for the calendar year issued.~~

~~(3) A wildlife rehabilitation permit may be issued to a person to treat or care for injured, diseased, or abandoned wildlife for the purpose of successful release to the wild.~~

~~(4) The director may issue a wildlife rehabilitation permit if the applicant complies with the following:~~

~~(4a) The applicant is either a licensed veterinarian or a person who can demonstrate 6 months of experience in wildlife rehabilitation, which must include 3 months during~~

the spring or summer and has a principal veterinarian. The director may consider education in wildlife rehabilitation as substitute for experience.

(4b) The applicant must successfully complete a wildlife rehabilitator's examination(s) as prescribed by the director.

(4c) The wildlife rehabilitation facility meets the wildlife rehabilitation care and facility standards in the Washington State Wildlife Rehabilitation Care and Facility Standards pamphlet.

(5) It is unlawful to hold wildlife for longer than 180 days except as authorized by the director.

(6) It is unlawful to publicly display wildlife while it is undergoing rehabilitation.

(7) It is unlawful to retain wildlife for the purpose of orphan imprinting or to retain feathers of protected or endangered wildlife for the purpose of "imping," except as provided by written permission from the director.

(8) It is unlawful for wildlife being held for rehabilitation to be used for propagation.

(9) A wildlife rehabilitator may receive from the department and possess at the wildlife rehabilitation facility dead wildlife for the purpose of feeding wildlife being rehabilitated.

(4d) The holder of a wildlife rehabilitation permit must submit to the department no later than January 31 of each year an annual report providing information as required by the director. The department will provide wildlife rehabilitators with a wildlife rehabilitation ledger which may also be submitted as the annual report.

(4e) It is unlawful for a wildlife rehabilitation permit holder to fail to enter required information in the wildlife rehabilitation ledger within 24 hours of the day wildlife is received and on the day of all subsequent activities as required in the ledger.

(4f) All permits and records held pursuant to statutes and rules dealing with wildlife rehabilitation will be kept on file at the wildlife rehabilitation facility. [These] [The] records will be maintained on a calendar year basis and will be retained for a period of five years. A copy of the valid wildlife rehabilitation permit must be in [the] possession of any person possessing or transporting wildlife for the wildlife rehabilitation facility.

(10) Wildlife agents may inspect at reasonable times and in a reasonable manner the wildlife, permits, records, and wildlife rehabilitation facility of any wildlife rehabilitator.

(11) Any permittee who fails to comply with individual permit conditions, the care and facility standards, reporting requirements, or records maintenance is in violation of the permit and the permit may be revoked or not renewed. Any permittee found in non-compliance may provide to the Department a plan for corrective action, within 10 days, to return to compliance. Any permittee with an acceptable plan for corrective action will be given a minimum of 30 days to correct a permit violation prior to revocation or non-renewal of the permit.

(12) All wildlife held by a wildlife rehabilitation permittee remains the property of the state and is subject to control by the state.

(1) For the purposes of this rule, the following definitions apply:

(1a) "Wildlife rehabilitation" means the care and treatment of injured, diseased, or abandoned wildlife,

including but not limited to capture, transporting, veterinary treatment, feeding, housing, exercise therapy, and any other treatment or training necessary for release back to the wild.

(1b) "Wildlife rehabilitation facility" means the authorized [site(s)] [(sites)] as shown on the wildlife rehabilitation permit where the treatment and rehabilitation takes place.

(1c) "Wildlife rehabilitator" means a person who cares for or treats injured, diseased, or abandoned wildlife for the purpose of releasing wildlife to the wild.

(1d) "Wildlife rehabilitation permit" means a permit issued by the director that authorizes a person to possess for treatment or care, injured, diseased, or abandoned wildlife for the purpose of successful release to the wild.

(1e) "Principal veterinarian" means a licensed veterinarian who provides in writing their willingness to assist the rehabilitator in the medical treatment of injured, diseased, or abandoned wildlife.

(1f) "Public display" means to place or locate wildlife so that it may be viewed by the public.

(1g) "Imping" means a method of repairing broken feathers.

(1h) "Orphan imprinting" means to use wildlife for the purpose of feeding, socializing, and teaching appropriate behavior to young wildlife.)

(1) For the purposes of this rule, the following definitions apply:

(a) "Wildlife rehabilitation" means the care and treatment of injured, diseased, or abandoned wildlife, including but not limited to capture, transporting, veterinary treatment, feeding, housing, exercise therapy, and any other treatment or training necessary for release back to the wild.

(b) "Wildlife rehabilitation facility" means the authorized sites as shown on the wildlife rehabilitation permit where the treatment and rehabilitation takes place.

(c) "Wildlife rehabilitator" means a person who conducts wildlife rehabilitation.

(d) "Wildlife rehabilitation permit" means a permit issued by the director that authorizes a person to conduct wildlife rehabilitation.

(e) "Principal veterinarian" means a licensed veterinarian who provides in writing their willingness to assist the rehabilitator in conducting wildlife rehabilitation.

(f) "Public display" means to place or locate wildlife so that it may be viewed by the public.

(g) "Imping" means a method of repairing broken feathers.

(h) "Orphan imprinting" means to use wildlife for the purpose of feeding, socializing, and teaching appropriate behavior to young wildlife.

(2) It is unlawful to possess wildlife for the purpose of rehabilitation without first obtaining a valid Washington state "wildlife rehabilitation permit". A wildlife rehabilitation permit may be issued to a person to conduct wildlife rehabilitation and is valid so long as the information in the permit remains current, the permit holder continues to meet the conditions and requirements of the permit, and provisions of this rule. Any change to the information on the permit must be reported in writing within 10 working days or the permit may be invalidated.

(3) The director may issue and condition a wildlife rehabilitation permit if the applicant complies with the following:

(a) The applicant is either a licensed veterinarian or can demonstrate 6 months of experience in wildlife rehabilitation, which must include 3 months during the spring or summer and has a principal veterinarian as a sponsor. The director may consider education in wildlife rehabilitation as a substitute for experience.

(b) The applicant must successfully complete a wildlife rehabilitator's examination(s) as prescribed by the director.

(c) The wildlife rehabilitation facility is inspected by the department and meets the wildlife rehabilitation care and facility standards in the Washington State Wildlife Rehabilitation Care and Facility Standards pamphlet.

(4) The wildlife rehabilitation permit holder must maintain and upon request make available to the department a wildlife rehabilitation daily ledger. The ledger must include the date the wildlife is received, the species and nature of the illness, the location where the wildlife was found, the date and disposition of the wildlife, the release location, and if any, tags and/or band numbers. It is unlawful for a wildlife rehabilitation permit holder to fail to enter required information in the wildlife rehabilitation ledger within 24 hours of the day wildlife is received and on the day of all subsequent activities as required in the ledger.

(5) The wildlife rehabilitation permit holder must submit to the department no later than January 31, of each year an annual report providing information as required by the director and a copy of the daily ledger.

(6) All permits and records held pursuant to statutes and rules dealing with wildlife rehabilitation will be kept on file at the wildlife rehabilitation facility. The records will be retained for a period of five years.

(7) A copy of the valid wildlife rehabilitation permit must be in possession of any person possessing or transporting wildlife for the wildlife rehabilitation facility.

(8) The wildlife rehabilitation permit holder will notify the department within 24 hours of receiving a state or federally endangered or threatened species; within 72 hours of receiving a state sensitive species or marked, tagged, or banded wildlife; and prior to release of threatened or endangered species.

(9) The wildlife rehabilitation permit holder will notify the department within 24 hours after the death of a state or federally endangered or threatened species; or as soon as an endangered or threatened species is determined to be non-releasable to the wild. Endangered or threatened species will not be disposed of or euthanized without prior department approval.

(10) Rehabilitated wildlife may be banded or otherwise identified by the department.

(11) The wildlife rehabilitation permit holder will notify the department, within five working days from the date of death, of any wildlife known to have died of the following diseases: avian cholera, avian pox, duck viral enteritis, environmental contaminants, ornithosis, Newcastle's disease, rabies, canine distemper or tuberculosis (in species other than birds).

(12) Rehabilitated wildlife will be released as soon as possible into its proper habitat in the same area as recovered, except as provided by written authorization from the director.

(13) It is unlawful to hold wildlife for longer than 180 days, except as provided by written authorization from the director.

(14) Dead wildlife will be disposed of through deposit at an approved Washington state university or college, a permitted research project or through burial, incineration, or a licensed rendering facility.

(15) It is unlawful to publicly display wildlife while it is undergoing rehabilitation.

(16) It is unlawful to retain wildlife for the purpose of orphan-imprinting or to retain feathers of protected or endangered wildlife for the purpose of "imping", except as provided by written authorization from the director.

(17) It is unlawful for wildlife being held for rehabilitation to be used for propagation.

(18) Wildlife being held for the purposes of rehabilitation must be kept separate from wildlife held under other licenses and domestic animals, except as provided by written authorization from the director.

(19) The wildlife rehabilitation permit holder may receive from the department and possess at the wildlife rehabilitation facility, dead wildlife for the purpose of feeding wildlife being rehabilitated.

(20) Fish and wildlife enforcement officers may inspect at reasonable times and in a reasonable manner the wildlife, permits, records, and wildlife rehabilitation facility of any wildlife rehabilitator.

(21) Any wildlife rehabilitation permit holder who fails to comply with with any condition within the holder's permit or any provision of this rule is in violation of the permit and the permit may be revoked. Any wildlife rehabilitation permit holder found in violation of the permit may provide to the department a plan for corrective action, within 10 days, to return to compliance. Any wildlife rehabilitation permit holder with an acceptable plan for corrective action will be given a minimum of 30 days to correct a permit violation prior to revocation.

(22) All wildlife held by a wildlife rehabilitation permit holder remains the property of the state, is subject to control by the state and will not be offered for sale or sold.

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.

**WSR 98-01-211**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 97-246—Filed December 23, 1997, 5:19 p.m.]

Date of Adoption: December 13, 1997.

Purpose: To amend WAC 232-28-242 1997-98, 1998-99, 1999-2000 Elk hunting seasons and regulations.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 232-28-242.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 97-22-095 on November 5, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 22, 1997

Lisa Pelly, Chair

Fish and Wildlife Commission

**AMENDATORY SECTION** [(Amending WSR 97-12-050, filed 6/2/97)]

**WAC 232-28-242 1997-98, 1998-99, 1999-2000 Elk hunting seasons and regulations.**

#### ELK SEASONS

**Bag Limit:** One (1) elk per hunter during the annual (July 1-March 31) hunting season.

**Hunting Method:** Elk hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

**Tag Required:** During the 1997-1998 season: Elk hunters must choose one of the four elk hunting areas (Blue Mountains, Yakima, Colockum or Western Washington) to hunt in and buy the appropriate tag for that area. During the 1998-1999 and 1999-2000 seasons, elk hunters must choose one of the five elk hunting areas (Blue Mountains, Northeastern Washington, Yakima, Colockum, or Western Washington) to hunt in and buy the appropriate tag for that area.

**Bull Elk Seasons:** Open only to the taking of male elk with visible antlers (bull calves are illegal). Spike bull only or 3-point minimum restrictions apply in most game management units.

**Definition:** Visible Antler is defined as a horn-like growth projecting above the hairline.

**Spike Bull Restriction GMUs:** Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branched antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

**Spike Only GMUs:** 145-154, 160-186, 302, 314-329, 335-371, 407, 410, 426-454, 484, 504, 505, 510, 516, 520, 550, 560, 658, 660, 663, 666, 667, 672, 673, and 684.

**Branched Antler Restriction GMUs:** Bull elk taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points may include eye guards but antler points on the lower half of either main beam must be at least four (4) inches long, measured from tip to nearest edge of beam. All other antler points must be at least one inch long.

Antler restrictions apply to all hunters during any open season.

3 Point GMUs: 460, 466, 478, 490, 506, 513, 530, 558, 572, 601, 603, 607, 612, 615, 624, 627, 633, 638, 642, 648, 651, 681; and GMUs 157, 472, 485, 524, 556, 602 and 621 by permit only.

**Special Permits:** Only hunters with elk tags identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

#### Elk Tag Areas

**Blue Mountains:** 100 series GMUs, GMUs 127 and 130 are permit only for modern firearm hunters; and GMU 157 limited by permit to all hunters.

BA - Blue Mountains Archery Tag

BG - Blue Mountains Modern General Bull Tag

BP - Blue Mountains Modern Permit Applicant Tag

BM - Blue Mountains Muzzleloader Tag

For 1998 and beyond, GMUs 101-142 will be designated Northeastern Elk Tag Area.

NA - Northeastern Archery Tag

NG - Northeastern Modern General Bull Tag

NP - Northeastern Modern Permit Applicant Tag

NM - Northeastern Muzzleloader Tag

**Colockum:** Chelan County portion of GMU 302, and GMUs 300, 301, 304, 306, 308, 314, 316, 328, 329, 330 (permit only in GMU 330), and the portion of GMU 334 north of I-90 (modern firearm restrictions in GMU 334).

CA - Colockum Archery Tag

CG - Colockum Modern General Bull Tag

CP - Colockum Modern Permit Applicant Tag

CM - Colockum Muzzleloader Tag

**Yakima:** Kittitas County portion of GMU 302, and the portion of GMU 334 south of I-90 (Modern Firearm restrictions in GMU 334), and GMUs 335, 336, 340, 342, 346, 352, 356, 360, 364, 368, 371, and 372.

YA - Yakima Archery Tag

YG - Yakima Modern General Bull Tag

YP - Yakima Modern Permit Applicant Tag

YM - Yakima Muzzleloader Tag

**Western Washington:** All 400, 500, and 600 GMUs except closed in GMU 418, 522, 636 and modern firearm restrictions in portion of GMU 660. GMUs 418 (Nooksack) and 636 (Skokomish) are closed to all elk hunting as Conservation Closures. Elk Area 064 in GMU 638 (Quinault) is open to AHE hunters only. The Cathlamet Big Game Closure in GMU 506 (Willapa Hills) is open to archery AHE permit hunters only. Permit only in GMUs 472, 485, 524, 554, 556, 602, 621 and PLWMA 600 (Pysht).

WA - Western Washington Archery Tag

WG - Western Washington Modern General Bull Tag

WP - Western Washington Modern Permit Applicant

#### Tag

WM - Western Washington Muzzleloader Tag

**Modern Firearm Elk Information**

Modern firearm elk hunters have early and late hunts in all elk areas. Those who buy the General tag have the first opportunity to hunt bulls. Only those who buy the Permit tag are able to apply for special elk permits.

**Tag Required:** Elk hunter must have a current, valid, unaltered, unnotched modern firearm elk tag as listed below on his/her person.

**Hunting Method:** May use rifle, bow and arrow, or muzzleloader, but only during modern firearm seasons.

**Modern Firearm Elk Seasons**

GMUs	Elk Tag			1997 Dates	1998 Dates	1999 Dates	Legal Elk
	97	98	99				
101-142	BG	NG	NG	Oct. 25-Nov. 2	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Any Bull
	BP	NP	NP	Oct. 27-Nov. 2	Nov. 2-8	Nov. 1-7	Any Bull
145-154, 162-186	BG	BG	BG	Oct. 25-Nov. 2	Oct. 31-Nov.8	Oct. 30-Nov. 7	Spike Bull Only
	BP	BP	BP	Oct. 27-Nov. 2	Nov. 2-8	Nov. 1-7	Spike Bull Only
300, 301, 304, 306, 308	CG	CG	CG	Oct. 25-Nov. 2	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Any Bull
	CP	CP	CP	Oct. 27-Nov. 2	Nov. 2-8	Nov. 1-7	Any Bull
314-329 and Chelan County portion of GMU 302	CG	CG	CG	Oct. 25-Nov. 2	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Spike Bull Only
	CP	CP	CP	Oct. 27-Nov. 2	Nov. 2-8	Nov. 1-7	Spike Bull Only
335-371 and Kittitas County portion of GMU 302	YG	YG	YG	Oct. 25-Nov. 2	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Spike Bull Only
	YP	YP	YP	Oct. 27-Nov. 2	Nov. 2-8	Nov. 1-7	Spike Bull Only
372	YG	YG	YG	Oct. 25-Nov. 2	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Any Bull
	YP	YP	YP	Oct. 27-Nov. 2	Nov. 2-8	Nov. 1-7	Any Bull
407, 410, 426-454, 484	WG	WG	WG	Nov. 8-16	Nov. 7-15	Nov. 6-14	Spike Bull Only
	WP	WP	WP	Nov. 10-16	Nov. 9-15	Nov. 8-14	Spike Bull Only
460, 466, 478, 490	WG	WG	WG	Nov. 8-16	Nov. 7-15	Nov. 6-14	3-Pt. Min.
	WP	WP	WP	Nov. 10-16	Nov. 9-15	Nov. 8-14	3-Pt. Min.
504, 505, 510, 516, 520, 550, 560	WG	WG	WG	Nov. 8-16	Nov. 7-15	Nov. 6-14	Spike Bull Only
	WP	WP	WP	Nov. 10-16	Nov. 9-15	Nov. 8-14	Spike Bull Only
501, 564, 568, 574, 578, 582, 588	WG	WG	WG	Nov. 8-16	Nov. 7-15	Nov. 6-14	Either Sex
	WP	WP	WP	Nov. 10-16	Nov. 9-15	Nov. 8-14	Either Sex
506, 513, 530, 558, 572	WG	WG	WG	Nov. 8-16	Nov. 7-15	Nov. 6-14	3-Pt. Min.
	WP	WP	WP	Nov. 10-16	Nov. 9-15	Nov. 8-14	3-Pt. Min.
658, 660, 663, 666, 667, 672, 673, 684	WG	WG	WG	Nov. 8-16	Nov. 7-15	Nov. 6-14	Spike Bull Only
	WP	WP	WP	Nov. 10-16	Nov. 9-15	Nov. 8-14	Spike Bull Only
601, 603, 607, 612, 615, 618, 624, 627, 633, 638, 642, 648, 651, 681	WG	WG	WG	Nov. 8-16	Nov. 7-15	Nov. 6-14	3-Pt. Min. except AHE hunters only in Elk Area 064 in GMU 638
	WP	WP	WP	Nov. 10-16	Nov. 9-15	Nov. 8-14	3-Pt. Min. except AHE hunters only in Elk Area 064 in GMU 638

**Archery Elk Seasons**

**Tag Required:** Elk hunter must have a current, valid, unaltered, unnotched archery elk tag as listed below on his/her person.

**Hunting Method:** Bow and arrow only.

**Special Notes:** Archery tag holders can hunt only during archery seasons. Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

**Early Archery Elk Seasons**

**Tag Required:** Elk hunter must have a current, valid, unaltered, unnotched archery elk tag as listed below on his/her person for the area hunted: Blue Mountains (BA), Northeastern (NA), Colockum (CA), Yakima (YA), or Western Washington (WA).

PERMANENT

GMUs	Elk Tag	1997 Dates	1998 Dates	1999 Dates	Legal Elk
	<u>97 98 99</u>				
101-142	BA NA NA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex
145-154, 162-169, 175, 178, 181, 186	BA BA BA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull only
300, 306, 308, 334 (North of I-90)	CA CA CA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex
328, 329	CA CA CA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull or antlerless
334 (South of I-90), 372	YA YA YA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex
335, 336, 340, 352, 356, 364, 371	YA YA YA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull or antlerless
407, 410, 426, 448, 450, 504, 505, 510, 516, 520, 550, 554, 560, 658, 660, 663, 667, 672, 673, 684	WA WA WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull or antlerless
437, 454, 484, 501, 564, 568, 574, 578, 582, 588	WA WA WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex
460, 466, 478, 490, 506, 513, 530, 558, 572, 681	WA WA WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min. or antlerless except permit only in Cathlamet Firearm Restriction Area in GMU 506
601, 603, 612, 615, 618, 624, 627, 633, 638, 642, 648, 651	WA WA WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min. and permit only on Pysht PLWMA 600 in GMU 603; AHE hunters only in Elk Area 064 in GMU 638
Bow Area 802	WA	Sept. 2-14	Sept. 1-14	Sept. 1-14	Spike bull or antlerless

Late Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery as listed below elk tag on his/her person for the area hunted.

GMUs	Elk Tag	1997 Dates	1998 Dates	1999 Dates	Legal Elk
	<u>97 98 99</u>				
101, 105, 117, 121, 124, 127	BA NA NA	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
Private lands within GMU 162 east of the North Touchet Road. GMU 178 on private lands only.	BA BA BA	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Spike bull or antlerless

PERMANENT

328	CA CA CA	Nov. 26-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Spike bull or antlerless
336, 346, 352	YA YA YA	Nov. 26-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Spike bull or antlerless
407, 437, 454, 484, 505, 520, 672	WA WA WA	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Spike bull or antlerless
564, 588	WA WA WA	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
603, 612, 615, 638, 648	WA WA WA	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. min. except CLOSED on Pysht PLWMA 600; AHE hunters only in Elk Area 064 in GMU 638
506, 530, 681*	WA WA WA	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. min. or antlerless and permit only in Cathlamet Firearm Restriction Area in Wahkiakum County

**Bow Areas**

802	WA WA WA	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Spike bull or antlerless
806, 807	YA YA YA	Nov. 26-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Spike bull or antlerless
841	WA WA WA	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Spike bull or antlerless

\* Except closed between U.S. Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallacut River.

**Muzzleloader Elk Seasons**

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as listed below on his/her person.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

**Early Muzzleloader Elk Seasons**

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	1997 Dates	1998 Dates	1999 Dates	Legal Elk
	<u>97 98 99</u>				
109	BM NM NM	Oct. 4-10	Oct. 10-16	Oct. 9-15	Any Bull
172	BM BM BM	Oct. 4-10	Oct. 10-16	Oct. 9-15	Spike bull only
178, 181	BM BM BM	Oct. 4-10	Oct. 10-16	Oct. 9-15	Spike bull or antlerless
314*, 316	CM, CM CM	Oct. 4-10	Oct. 10-16	Oct. 9-15	Spike bull only
304	CM CM CM	Oct. 4-10	Oct. 10-16	Oct. 9-15	Any Bull
342, 356, 368	YM YM YM	Oct. 4-10	Oct. 10-16	Oct. 9-15	Spike bull only
501, 564	WM WM WM	Oct. 4-10	Oct. 10-16	Oct. 9-15	Either sex
660	WM WM WM	Oct. 4-10	Oct. 10-16	Oct. 9-15	Spike Bull only

460, 478, 513, 530, 603, 607	WM WM WM	Oct. 4-10	Oct. 10-16	Oct. 9-15	3 pt. min.
37, 454, 484, 684	WM WM WM	Oct. 4-10	Oct. 10-16	Oct. 9-15	Spike bull or antlerless
Muzzleloader Area 910	YM YM YM	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull or antlerless

\* The portion of GMU 314 bordered by the Colockum Pass Road (Road 10), Naneum Ridge Road (Road 9), and Ingersol Road (Road 1) is closed. See Naneum Green Dot Map.

Late Muzzleloader Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	1997 Dates	1998 Dates	1999 Dates	Legal Elk
	<u>97 98 99</u>				
130, 133, 136, 139	BM NM NM	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
346	YM YM YM	Nov. 26-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Spike bull only
454, 484, 505	WM WM WM	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Spike bull or antlerless
437, 504, 550	WM WM WM	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Spike bull only
501, 564, 568, 578	WM WM WM	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
601	WM WM WM	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. bull min.
684	WM WM WM	Nov. 26-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Spike bull or antlerless
Muzzleloader Areas					
910	YM YM YM	Nov. 26-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Antlerless only
944	YM YM YM	Nov. 26-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Spike bull or antlerless

Special Elk Hunts Open to Specified Tag Holders

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below.

Damage Elk Hunts

GMUs	Elk Tag	1997 Dates	1998 Dates	1999 Dates	Legal Elk
	<u>97 98 99</u>				
101 105, 121, 124 west of SR 395, 133, 136, 139	BG, BP NG, NP NG, NP	Oct. 25-Nov. 2	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Either sex
127*, 130*	BA, BG, NA, NG, NA, NG, BP, BM NP, NM NP, NM	Oct. 20-Nov. 20	Oct. 20-Nov. 20	Oct. 20-Nov. 20	Either sex
372	Any Elk Tag Any Elk Tag Any Elk Tag	Nov. 1-15	Nov. 1-15	Nov. 1-15	Either sex
564**	WA, WM, WA, WM, WA, WM, WG, WP WG, WP WG, WP	Nov. 8-16	Nov. 7-15	Nov. 6-14	Either sex

PERMANENT

501, 568, 574, 578, 588	WG, WP	WG, WP	WG, WP	Nov. 8-16	Nov. 7-15	Nov. 6-14	Either sex
300, 301, 304, 306, 308,	CG, CP, CM	CG, CP, CM	CG, CP, CM	Dec. 8-21	Dec. 7-20	Dec. 6-19	Either sex
Elk Area 001	Any Elk Tag	Any Elk Tag	Any Elk Tag	Nov. 1-15	Nov. 1-15	Nov. 1-15	Either sex

\* Advanced Hunter Education hunters only.

\*\* Archery or Muzzleloader Equipment Only. Modern Firearm elk tag holders may hunt but must use primitive weapons.

(Private Lands Wildlife Management Opportunities

Champion (PLWMA 401) Kapowsin Tree Farm

Hunting Method	Elk Tag	1997 Dates	1998 Dates	1999 Dates	Special Restrictions
Archery	WA	Sept. 1-12	Sept. 1-11	Sept. 1-10	Antlerless only PLWMA 401 North PLWMA 401 Central PLWMA 401 South
Muzzleloader	WM	Nov. 24-Dec. 4	CLOSED	CLOSED	Spike only PLWMA 401 North
Modern Firearm	WG, WP	Nov. 1-7	CLOSED	CLOSED	Spike only PLWMA 401 North))

Report Cards

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Fish and Wildlife within 10 days after taking an elk.

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.

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 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 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.

December 22, 1997

Lisa Pelly, Chair

Fish and Wildlife Commission

**WSR 98-01-212  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 97-250—Filed December 23, 1997, 5:21 p.m.]

Date of Adoption: December 13, 1997.

Purpose: To repeal WAC 232-28-02290 Game management units (GMUs)—Special game areas—Boundary descriptions—Private lands wildlife management areas, 232-28-247 1995 Bighorn sheep auction permit, 232-28-257 Big game auction permits, and 232-28-256 Cougar permit quotas.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-02290, 232-28-247, 232-28-257, and 232-28-256.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 97-22-094 on November 5, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

WAC 232-28-247	1995 Bighorn sheep auction permit
WAC 232-28-257	Big game auction permits
WAC 232-28-02290	Game management units (GMUs)—Special game areas—Boundary descriptions—Private lands wildlife management areas
WAC 232-28-256	Cougar permit quotas

PERMANENT

**WSR 98-01-213**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 97-247—Filed December 23, 1997, 5:23 p.m.]

Date of Adoption: December 13, 1997.

Purpose: To adopt WAC 232-12-069 Transport tag fees for black bear and cougar.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 97-22-091 on November 5, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 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.

December 22, 1997

Lisa Pelly, Chair  
 Fish and Wildlife Commission

**NEW SECTION**

**WAC 232-12-069 Transport tag fees for black bear and cougar.** Fees for black bear and cougar transport tags shall be as follows:

(1) The fee for a resident black bear tag is fifteen dollars. The fee for a non-resident black bear tag is one hundred fifty dollars.

(2) The fee for a resident cougar tag is five dollars. The fee for a non-resident cougar tag is fifty dollars.

**WSR 98-01-221**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed December 24, 1997, 10:54 a.m.]

Date of Adoption: December 19, 1997.

Purpose: The purpose for the amendments to chapter 16-158 WAC is to clarify and strengthen the rules for the processing of organic food products, and provide a more equitable method of assessing certification fees.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-158-025 and 16-158-140; and amending WAC 16-158-010, 16-158-020, 16-158-027, 16-158-030, 16-158-040, 16-158-050, 16-158-060, 16-158-080, 16-158-090, 16-158-100, 16-158-120, and 16-158-130.

Statutory Authority for Adoption: Chapter 15.86 RCW.

Adopted under notice filed as WSR 97-22-102 on November 5, 1997.

Changes Other than Editing from Proposed to Adopted Version: The prohibition of irradiation and storing organic products with thiobenzadole treated foods has been removed from WAC 16-158-030.

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 1, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 2, amended 12, repealed 2.

Number of Sections Adopted on the Agency's own Initiative: New 2, amended 12, repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, amended 12, 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 2, amended 12, repealed 2.

Effective Date of Rule: Thirty-one days after filing.

December 19, 1997

Jim Jesernig  
 Director

**AMENDATORY SECTION** (Amending Order 5068, filed 6/20/95, effective 7/21/95)

**WAC 16-158-010 Purpose.** This chapter (~~is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to adopt rules establishing a certification program for processors of organic food~~) provides standards for the certification of processors of organic food, pursuant to RCW 15.86.060 and 15.86.070.

**AMENDATORY SECTION** (Amending Order 5068, filed 6/20/95, effective 7/21/95)

**WAC 16-158-020 Definitions.** As used in this chapter:

(1) "Approved" means any material or practice which meets the required criteria or standards for use in the processing or handling of organic agricultural products.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department of agriculture or his or her duly authorized representative.

(4) "Facility" includes, but is not limited to, any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food is prepared, handled, or processed in any manner for resale or distribution to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer.

(5) "Gross sales" means the total monetary value of processed organic food sold.

(6) "Ingredient list" means the list on a food label of each ingredient in descending order of predominance.

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

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

(b) Accompanying or representing such article.

(8) "Material" means any substance or mixture of substances that is used in the processing or handling of organic agricultural products, including packaging material.

~~((6))~~ (9) "New applicant" means any person that applies for organic certification for the first time, or when previous certification status has expired for at least one year.

(10) "Organic food product" means any food product, including fruit, vegetable, meat, dairy, beverage and grocery, that is marketed using the term organic or any derivative of the term organic in its labeling or advertising, including using the term organic on the principal display panel, ingredients list, or other locations on the label.

~~((7))~~ (11) "Package" means a container, box, bin, carton or other wrapping that contains or holds organic food products.

(12) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

~~((8))~~ (13) "Principal display panel" means that portion of the package label that is most likely seen by the consumer at the time of purchase.

(14) "Procedure" means an act, method, or manner of proceeding in some process or course of action.

~~((9))~~ (15) "Processed organic food" means food that in whole or in part is organically grown and which in its processing has not been treated with synthetically or artificially derived preservatives, colorings, flavorings, or any other artificial or synthetic additive, except as otherwise approved for use under WAC 16-158-060.

~~((10))~~ (16) "Processing aids" means materials used in processing that do not become an ingredient in the food product (e.g., enzymes, boiler water additives, pressing aids, and filtering aids).

(17) "Processor" means any person engaged in the canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, slaughtering or otherwise processing organic food.

~~((11))~~ (18) "Producer/processor applicant" means any person that is certified under chapter 16-156 WAC, processes organic food, and applies for certification under this chapter.

(19) "Product identity" means the name of the food as described on the principal display panel.

(20) "Prohibited" means any material or practice which ~~((is disallowed))~~ does not meet the required criteria or standards for use in the processing or handling of organic agricultural products.

~~((12))~~ (21) "Recognized organic certification agency" means any third-party organization that is accepted by the director as being one which verifies compliance with standards consistent with chapter 15.86 RCW or rules adopted thereunder.

(22) "Renewal applicant" means any person that has applied for organic certification in the previous year.

**AMENDATORY SECTION** (Amending Order 5068, filed 6/20/95, effective 7/21/95)

**WAC 16-158-027 Application for certification**~~((-- Expiration date))~~. ~~((Organic food processors must apply))~~

(1) All processors must be certified by the department or through a recognized organic certification agency.

(2) Applications to the department for organic food certification ~~((by March 1 of each year))~~ must be made on an annual basis at least thirty days prior to the processing of organic food. The application, accompanied by the appropriate fee ~~((shall))~~ must be submitted to the department on forms furnished by the department.

(3) All organic food processor certificates ~~((shall))~~ expire on March 31st of the year following their issuance. The deadline for submitting renewal applications ~~((made after the set deadline may be processed as the department can schedule the initial inspections, provided that the applicant pays a late fee of fifty dollars))~~ to the department is March 1st.

(4) When applicable, the application must include the following information:

List of organic and nonorganic ingredients and the percentage, by weight, of each ingredient in each organic food product;

Organic food product labels;

Schematic diagram of the processing method and a description of processing method;

List of all processing aids used in processing organic food.

(5) Organic labeling will be reviewed to insure that processors comply with WAC 16-158-040.

(6) Upon approval of the application by the director, an organic food processor certificate will be issued. New applicants must be inspected prior to issuance of an organic food processor certificate.

#### **NEW SECTION**

**WAC 16-158-028 Confidentiality.** Except for applications and laboratory analyses submitted for certification under this chapter, the department keeps confidential any business related information obtained under this chapter. All business related information submitted to the department under this chapter is exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310.

**AMENDATORY SECTION** (Amending Order 5068, filed 6/20/95, effective 7/21/95)

**WAC 16-158-030 Organic processing standards.** (1) **Ingredients for processed organic foods:**

(a) All organic ingredients used in processed organic food must be produced in compliance with organic food production standards as required by rules adopted under chapter 15.86 RCW. Processors must keep organic food producer or processor certificates for all organic ingredients used in processing ~~((must be kept))~~ on file ~~((by the processor))~~ and available to the department upon request. All organic producers or processors that supply ingredients to processor(s) must be certified by the department or a recognized organic certifying agent.

(b) All nonorganic ingredients which are used in product formulation and that are not specifically approved under WAC 16-158-060 must be approved by the director and their sources must be listed as part of the (audit) certification process.

(2) Identification and storage:

All organic food products must be clearly identified as organic at all times on all boxes, bins, bags, or other containers that contain organic food products. All organic food products must be stored so that there is no cross contamination from or confusion with nonorganic food products.

Insect and rodent control programs must be in place for organic product storage areas. Any materials used in the organic product storage areas must be approved for use in organic food production under chapter 16-154 WAC or this chapter.

In areas where entire facilities are periodically fumigated, the processor must demonstrate that any fumigants used will not contaminate organic products.

Compounds for cleaning storage areas must be used in a manner that does not contaminate organic food products.

Organic and nonorganic food products may be stored in the same storage room as long as there is adequate separation of products and product identification assures no mixing of products.

Storage techniques may be used to alter the nitrogen, oxygen, and carbon dioxide levels in the storage room atmosphere. Organic food products shall not be stored in controlled atmosphere storage with diphenylamine treated food products.

(3) Processing of organic food products:

(In addition to meeting all state and federal manufacturing standards, the processor of organic foods must submit a complete description of the processing method to the director. This description should detail how all ingredients are handled, changed, and ultimately packaged.

All packaging and products must be free of fungicides, preservatives, fumigants, and any other materials which are not approved for use on organic products under chapter 16-154 WAC or this chapter.) The processing of organic food must be done during a separate production run from the processing of nonorganic food. Prior to the processing of organic food, the processing line must be cleaned or cleared of nonorganic products.

(3) Water:

All water used in processing as an ingredient or as a processing aid must be potable and comply with all local, state, and federal guidelines for potable water.

(Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.) (4) Steam:

Volatile amines are prohibited as boiler water additives when steam comes into direct contact with organic food.

(5) Solvent extraction:

Solvent extraction with synthetic materials is prohibited in organic food processing.

(6) Ion exchange filters:

Ion exchange filters are prohibited in organic food processing.

(7) Processing aids:

Processing aids used in organic processing must be approved under WAC 16-158-060.

(8) Cleaning and sanitizing:

Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.

(9) Packages:

All packages must be free of fungicides, preservatives, fumigants, and any other materials which are not approved for use on organic products under chapter 16-154 WAC or this chapter.

(10) Identification:

All organic food products must be clearly identified as organic at all times on all boxes, bins, bags or other containers that contain organic food products.

(11) Storage:

All organic food products and organic ingredients must be stored so that there is no cross contamination or confusion with nonorganic food products. Organic and nonorganic food products may be stored in the same storage area as long as there is adequate separation of products and product identification assures no mixing of products.

(12) Controlled atmosphere storage:

Storage techniques may be used to alter the nitrogen, oxygen and carbon dioxide levels in the storage room atmosphere.

(13) Pest control:

The processor must demonstrate that materials used in pest control programs do not contaminate organic products.

AMENDATORY SECTION (Amending Order 5068, filed 6/20/95, effective 7/21/95)

**WAC 16-158-040 Labeling.** All processed organic foods processed or sold in Washington state must comply with the following labeling regulations.

(1) All organically processed foods must be labeled in accordance with Title 21, C.F.R., Part 101 (as adopted in WAC 16-167-050).

(2) No organic food product may be labeled "organic when available."

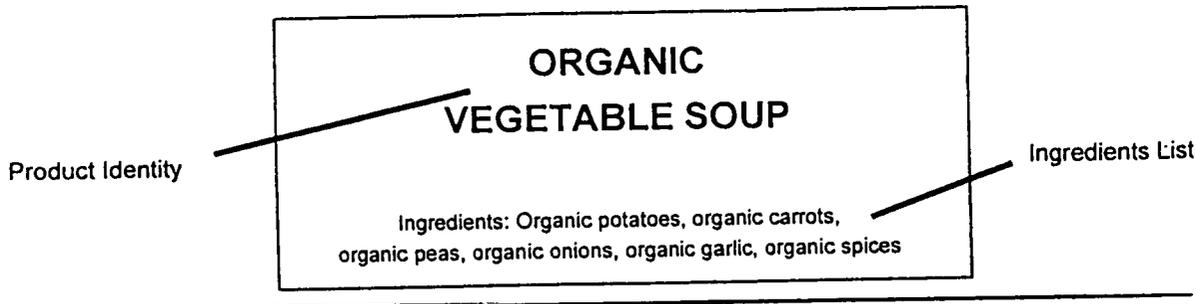
(3) ~~(For foods which are composed of one hundred percent organic ingredients: The terms "organic" or "organically grown" may be used without restriction on the principal display panel of a processed food product if that product is a single or multi-ingredient food where all ingredients, excluding water and salt, are organically grown.~~

~~(4) For foods which are composed of)~~ **Organic food products:**

~~(a) For processed food products which contain more than ninety-five percent organic ingredients:(- The terms "organic" or "organically grown" may be used in the product identity on the principal display panel when less than five percent) by weight ((of the total product contains minor ingredients or additives which are approved under WAC 16-158-060 or by the director.~~

~~(5) For foods which are composed of between fifty percent and ninety five percent organic ingredients: In))~~ excluding water, salt, and leavening agents, the term organic may be used without restriction on the principal display panel (see example illustration WAC 16-158-040 (3)(b)).

Up to five percent of the ingredients, by weight, may be minor ingredients or additives which are approved under WAC 16-158-060 or by the director.

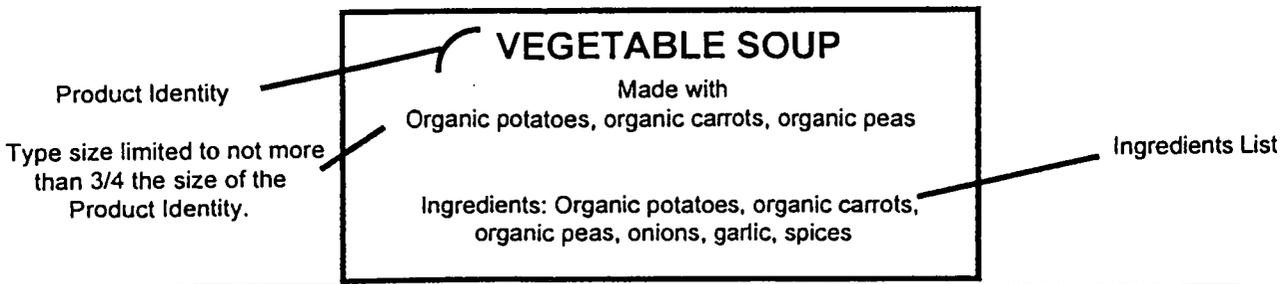


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**(4) Made with organic food products:**

(a) For multi-ingredient food products which contain ~~(some nonorganic ingredients, excluding water and salt, the use of)~~ more than fifty percent organic ingredients by weight, excluding water, salt and leavening agents, the term(s) "organic" ~~((or "organically grown"))~~ can only ~~((be~~

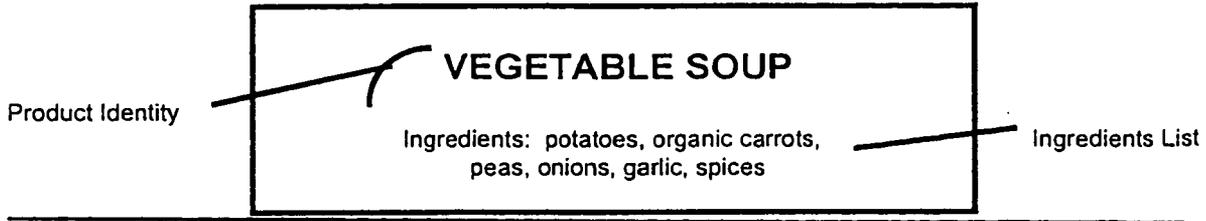
~~used to))~~ modify the organic ingredient(s) and ~~((must restrict))~~ the type size of the word ~~((s))~~ "organic" ~~((or organically grown etc.,))~~ is restricted to not larger than three-quarters type size of the product identity (see example illustration WAC 16-158-040 (4)(b)).



~~((6))~~ For foods which are composed of less than fifty percent organic ingredients: If organically grown ingredients comprise less than fifty percent)) **(5) Food products with organic ingredients:**

(a) For food products which contain less than fifty percent organic ingredients by weight, excluding water ~~((and)),~~ salt ~~((, of the ingredients in a multi-ingredient food the word organic or any derivative of the word organic can only be used on the ingredients list))~~ and leavening agents,

the term "organic" can only modify the organic ingredients on the ingredients panel (see example illustration WAC 16-158-040 (5)(b)).



(6) Ingredients list must identify each organic ingredient.

AMENDATORY SECTION (Amending Order 5068, filed 6/20/95, effective 7/21/95)

**WAC 16-158-050 Recordkeeping requirements.**

~~((1))~~ All organic food products must be clearly identified through appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products from the time of receiving through the sale of the final product. ~~Records must be maintained.~~ Processors must maintain records that track ingredients and organic food products from receiving through distribution or sale. Such records ~~((must))~~ may include ~~((when applicable,))~~ invoices, bills of lading, and ~~((grower))~~ producer certificates for incoming raw product; date and quantity of product processed; repack data and production run reports; and invoices and bills of lading of products shipped out. ~~((These records must be maintained.))~~ Processors must maintain these records for a minimum of five years from date of processing.

~~((2))~~ All processors ~~((shall))~~ must have available ~~((to the department the following documents and information for the organic ingredients used in processing:~~

~~(a) For raw ingredients a copy of the producer's organic food producer certificate.~~

~~(b) For ingredients from intermediate processors or copackers a copy of the processor's or copacker's organic food processor certificate.)~~ at all times, copies of organic food certificates for all organic ingredients. Organic food certificates must be current and correspond to the organic ingredients used in processing. All organic food producer and processor certificates ~~((shall))~~ must be from the department or recognized organic certification agencies.

~~((3))~~ Except for applications for organic certification or lab analysis pertaining to that certification, the department shall keep confidential any business-related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310 ~~(1)(dd).))~~

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

~~WAC 16-158-060 ((Permitted substances for organic food processing.))~~ **Minor ingredients and processing aids.** ~~((A list of permitted substances and good manufacturing practices will be made available by the department.))~~ In general, all ~~((substances))~~ minor ingredients that are agricultural ingredients used in organic food processing should be grown organically in accordance with chapter 15.86 RCW and rules adopted thereunder. The following minor ingredients and processing aids are approved for use in processed organic foods:

- (a) Acetic acid.
- (b) Agar.
- (c) Ascorbic acid.
- (d) Atmospheric gases including nitrogen, oxygen, and carbon dioxide.
- (e) Baker's yeast.
- (f) Baking powder, aluminum free.
- (g) Bentonite.
- (h) Brewer's yeast.
- (i) Calcium carbonate.
- (j) Calcium chloride.
- (k) Calcium citrate.
- (l) Calcium hydroxide.
- (m) Calcium phosphates.
- (n) Calcium sulfate.
- (o) Carrageenan.
- (p) Charcoal as a filtering aid.
- (q) Citric acid, must be produced by microbial fermentation of carbohydrate substances.
- (r) Cornstarch.
- (s) Dairy cultures, may not be a product of recombinant DNA technology.
- (t) Diatomaceous earth as a filtering aid.
- (u) Enzymes. No preservatives allowed, may not be a product of recombinant DNA technology.
- (v) Ferrous sulfate - when required for iron fortification of foods.
- (w) Glycerin, must be from hydrolysis of fats and oils.

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(x) Gums, plant-derived. Must be mechanically or water extracted.

(y) Kaolin.

(z) Lactic acid.

(aa) Lecithin.

(bb) Lignin sulfonates as a chelating agent, flotation agent and dust suppressant.

(cc) Magnesium carbonate.

(dd) Magnesium chloride, must be extracted from sea water.

(ee) Magnesium sulfate.

(ff) Malic acid.

(gg) Minerals when required by regulation.

(hh) Mono and diglycerides, for use in drum drying of food only.

(ii) Natural flavors. All flavor constituents must be from natural sources and have not been chemically modified. May not contain propylene glycol or any artificial preservatives and may not be hexane extracted.

(jj) Ozone.

(kk) Pectin.

(ll) Potassium chloride.

(mm) Potassium citrate.

(nn) Potassium iodide, natural.

(oo) Potassium tartrate.

(pp) Rice hulls for juice pressing.

(qq) Salt.

(rr) Sand, steamed.

(ss) Seaweed and seaweed extracts for example kelp, carrageenin, nori.

(tt) Silicon dioxide.

(uu) Sodium bicarbonate.

(vv) Sodium chloride.

(ww) Sodium citrate.

(xx) Sodium phosphate for dairy processing only.

(yy) Sulfur dioxide for use in organic wine processing only. May not be added to wine at levels greater than 100 ppm; the level of free sulfites may not exceed 35 ppm in the final product.

(zz) Tartaric acid.

(aaa) Vitamins when required by regulation.

(bbb) Water.

(ccc) Yeasts and other starter cultures. No synthetic preservatives or stabilizers allowed. May not be a product of recombinant DNA technology.

AMENDATORY SECTION (Amending Order 5068, filed 6/20/95, effective 7/21/95)

**WAC 16-158-080 Use of processed organic food certification logo.** (~~(Organic food)~~) (1) Processors certified under the Washington department of agriculture organic food program (~~(will be able to)~~) must use the words (~~("processed in accordance with")~~) certified organic by the Washington state department of agriculture (~~(organic food certification program)~~) in their labeling as long as their practices comply with this chapter, chapter 15.86 RCW, and chapter 16-154 WAC. (~~(Food processed and sold under this organic food processor certification program and which are composed of more than ninety-five percent organic ingredients may be identified by the use of one of the attached logos adopted in WAC 16-158-140.)~~)

(2) Processors certified under this chapter and handlers certified under chapter 16-164 WAC, Standards for the certification of handlers of organic food may use one of the attached logos adopted in WAC 16-158-150 on processed food which is composed of ninety-five percent or more organic ingredients, excluding water, salt and leavening agents.

AMENDATORY SECTION (Amending Order 5068, filed 6/20/95, effective 7/21/95)

**WAC 16-158-090 Inspection.** The director (~~(shall)~~) must make at least one visit and any additional visits deemed necessary to each facility each year for the purpose of inspection for compliance with this chapter (~~(and)~~), chapter 15.86 RCW and rules adopted (~~(pursuant to chapter 15.86 RCW.~~

~~This))~~ thereunder. Application and certification fees cover the cost of two inspections per year. The inspection may entail a survey of required records, examination of handling, processing and storage areas, and any other information deemed necessary to the requirements of this chapter.

AMENDATORY SECTION (Amending Order 5068, filed 6/20/95, effective 7/21/95)

**WAC 16-158-100 Sampling.** A representative sample of the product processed, packed, sold, or distributed may be tested for pesticide residues or other contaminants whenever the director deems it necessary for certification or maintenance of certification. Application and certification fees cover the cost of one sample analysis per year. It (~~(shall)~~) will be the processor's responsibility to arrange for and bear the costs for any additional testing (beyond the one sample analysis provided by application and certification fees) which is deemed necessary by the director.

AMENDATORY SECTION (Amending Order 5068, filed 6/20/95, effective 7/21/95)

**WAC 16-158-120 Decertification.** Whenever the director finds that a processor (~~(who has been certified under this program)~~) has:

(1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;

(2) (~~(Has filed an)~~) Filed a renewal application for (~~(certification)~~) recertification which is false or misleading in any particular;

(3) (~~(Has)~~) Violated any of the provisions of this chapter;

(4) (~~(Has)~~) Failed to provide records as required by WAC 16-158-050 or rules adopted under chapter 15.86 RCW; or

(5) Failed to allow inspection to take place.

The director may issue an order denying, suspending, or revoking that processor's certification under this program (~~(or he may issue an order directing the processor to take other appropriate action to correct the violation. If the appropriate action is taken, the processor will be returned to its previous status under the program).~~)

Any processor who has received notice that its certification may be denied, suspended, or revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

**AMENDATORY SECTION** (Amending Order 5068, filed 6/20/95, effective 7/21/95)

**WAC 16-158-130 Fees.** (1) ~~((The cost per application shall be))~~ **Renewal applicants - Application fees are one hundred fifty dollars per facility. In addition, ((an assessment fee based on the following fee schedule shall accompany the application. Gross value of production means the value of processed organic food produced during the previous calendar year. In the event that the current calendar year's production exceeds the previous year's production, the department may bill the processor for the additional fee. In the event that the current calendar year's production is less than the previous year's production, the processor may request a refund for the reduced fee. The appropriate fee shall accompany the application)) renewal applications postmarked after March 1, pay a late fee of fifty dollars.**

**((FEE SCHEDULE**

GROSS VALUE OF PRODUCTION	ASSESSMENT RATE
For up to one million dollars	0.25%
For over one million:	
1st one million dollars	0.25%
Value over one million dollars	0.10%

(2) ~~((Initial))~~ **New applicants - Application fees are one hundred fifty dollars per facility. In addition, new applicants pay a seventy-five dollar new applicant fee.**

**(3) Producer/processor applicants - Application fees for producer/processor applications are paid under chapter 16-156 WAC.**

**(4) Two inspections within the state of Washington are provided for under the ((above fee schedule)) application and certification fee. Additional inspections, (((in addition to two inspections provided for)),) or out-of-state inspections if necessary or requested, ((shall)) will be charged to the applicant at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management. ((Out-of-state inspections, if necessary or requested, shall be at the rate of thirty dollars per hour plus transportation costs.**

~~(3))~~ **One sample((s, (in addition to one sample provided for))) analysis is provided under the application and certification fee. Additional samples, if required for certification or maintenance of certification by the director, or requested by the applicant, ((shall)) will be charged to the applicant at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it shall be at the rate of thirty dollars per hour (\$30/hr.) plus mileage set at the rate established by the state office of financial management.**

**NEW SECTION**

**WAC 16-158-135 Certification fees.** A certification fee based on the following fee schedule must accompany the application and application fee, except for producer/processor applicants who pay fees under chapter 16-156 WAC.

Certification fees are assessments on the organic products in each category. Applicants may have food products in more than one category.

**CERTIFICATION FEE SCHEDULE**

**Category I - Organic food products:** Products labeled as "organic" that contain ninety-five percent or more organic ingredients as per WAC 16-158-040(3) are assessed at two hundred seventy-five thousandths of one percent (0.275%) of the previous calendar year's gross sales for the first million dollars and one-tenth of one percent (0.10%) for gross sales above one million dollars.

**Category II - Made with organic food products:** Products labeled as "made with organic ingredients" that contain more than fifty percent organic ingredients as per WAC 16-158-040(4) are assessed at one hundred seventy-five thousandths of one percent (0.175%) of the previous calendar year's gross sales for the first million dollars and six hundredths of one percent (0.06%) for gross sales above one million dollars.

**Category III - Food products with organic ingredients:** Products packaged for retail sales that limit their organic claims to the ingredients list as per WAC 16-158-040(5) are assessed at one-tenth of one percent (0.10%) of the previous calendar year's gross sales for the first million dollars and three-hundredths of one percent (0.03%) for gross sales above one million dollars.

**Category IV - Custom organic food products:** Products produced by processors who charge a service fee to organic manufacturers for processing organic food are assessed at thirty-five hundredths of one percent (0.35%) of the previous calendar year's service fees received for processing organic food for the first million dollars and one-tenth of one percent (0.10%) for service fees above one million dollars.

In the event that the current calendar year's gross sales (or service fees) exceeds the previous year's gross sales (or service fees), the department may bill the processor for the additional certification fee. In the event that the current calendar year's gross sales (or service fees) is less than the previous year's gross sales (or service fees), the processor may request a refund for the reduced certification fee.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 16-158-025 Organic certification of processors.
- WAC 16-158-140 Processed organic food logo.

PERMANENT



**WSR 97-24-034**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed November 25, 1997, 11:28 a.m.]

Date of Adoption: November 25, 1997.

Purpose: This rule implements state and federal legislation concerning welfare and immigration reform as it impacts eligibility for medical assistance programs. This emergency rule differs from the emergency rule now in effect. Changes include eligibility criteria for several categories of aliens, and methodology for calculating a client's income (by exempting diversion cash) to determine eligibility for medical services.

Citation of Existing Rules Affected by this Order: Amending WAC 388-500-0005, 388-503-0310, 388-505-0520, 388-507-0740, 388-510-1020, and 388-523-2305.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530.

Other Authority: RCW 74.04.005, 74.08.331, 74.08A.010, [74.08A.]100, [74.08A.]210, [74.08A.]230, 74.09.510, 74.12.255, Public Law 104-193 (1997), and the Federal Balanced Budget Act of 1997.

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: The department was required to implement, and comply with, state and federal welfare reform legislation by August 1, 1997. This emergency rule will replace the emergency rule now in effect because substantive changes were required by the Balanced Budget Act of 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, amended 6, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 6, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

November 25, 1997

Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3913, filed 10/25/95, effective 10/28/95)

**WAC 388-500-0005 Medical definitions.** Unless defined in this chapter or (~~specifically defined~~) in other chapters of the *Washington Administrative Code*, (~~the department shall~~) use definitions found in the *Webster's*

*New World Dictionary*. This section contains definitions of words and phrases the department uses in rules for medical programs. Definitions of words used for both medical and financial programs are defined under WAC 388-22-030.

"**Application**" for eligibility for medical programs means a written request to the department of social and health services (DSHS) on a department form, from the applicant, an authorized representative, or if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant.

"**Assignment Medicare**" means the method by which the provider receives payment for services under Part B of Medicare.

"**Assignment of rights**" means the client gives the state the right to payment and support for medical care from a third party.

"**Assistance unit**" means a person or members of a family unit who are eligible for medical care.

"**Authorization**" means official approval for department action.

"**Base period**" means the time period used in the limited casualty program which corresponds with the months considered for eligibility.

"**Beneficiary**" means an eligible person who receives:

- \* A federal cash Title XVI benefit; and/or
- \* State supplement under Title XVI; or
- \* Benefits under Title XVIII of the Social Security Act.

"**Benefit period**" means the time period used in determining whether Medicare can pay for covered Part A services. A benefit period begins the first day a beneficiary is furnished inpatient hospital or extended care services by a qualified provider. The benefit period ends when the beneficiary has not been an inpatient of a hospital or other facility primarily providing skilled nursing or rehabilitation services for sixty consecutive days. There is no limit to the number of benefit periods a beneficiary may receive. Benefit period also means a "spell of illness" for Medicare payments.

"**Cabulance**" means a for-hire vehicle designed and used to transport a person confined to a wheelchair or persons otherwise physically restricted.

"**Carrier**" means an organization contracting with the federal government to process claims under Part B of Medicare.

"**Categorical assistance unit (CAU)**" means one or more family members whose eligibility for medical care is determined separately or together based on categorical relatedness.

"**Categorically needy**" means the status of a person who is eligible for medical care under Title XIX of the Social Security Act and is:

- \* A client receiving or eligible to receive cash assistance under:

\* Temporary assistance for needy families (TANF). For the purpose of determining eligibility for a medical program, the department shall consider any reference to aid to families with dependent children ((AFDC)) as including TANF;

- \* Supplemental security income (SSI), including a grandfathered person and a person with an essential spouse;
- \* State supplement;

\* Continuing state-funded cash assistance who is blind or disabled under SSI criteria, as described under WAC 388-511-1105; or

\* Special categories.

\* A financially eligible person under twenty-one years of age who would be eligible for ~~((AFDC))~~ TANF but does not qualify as a dependent child and who is in:

\* Foster care;

\* Subsidized adoption;

\* A nursing facility or intermediate care facility for mentally retarded; or

\* An approved inpatient psychiatric facility.

\* A person who would be eligible for cash assistance except for the person's institutional status~~((:))~~;

\* A person who is SSI categorically related and would not be eligible for cash assistance if the person was not institutionalized and whose gross income does not exceed the three hundred percent SSI benefit cap~~((:))~~;

\* A qualified severely impaired disabled person under sixty-five years of age who works~~((:))~~;

\* A person ~~((during a temporary period))~~ who lost AFDC or TANF because of increased earnings, ~~((increased hours, loss of earned income disregards,))~~ or by receiving child or spousal support payments~~((:))~~;

\* A pregnant woman:

~~((Who meets AFDC financial eligibility standards;~~

~~Who would qualify for AFDC if the baby was already born;))~~

\* Whose family income does not exceed one hundred eighty-five percent of the federal poverty level; or

\* Who was eligible for and receiving Medicaid while pregnant continues to be eligible through a sixty-day postpartum period that extends through the month that contains the sixtieth day after birth.

\* An infant until the infant's first birthday when the infant lives with the mother and the mother was Medicaid eligible at the time the infant was born;

\* ~~((An infant))~~ A child under ~~((one year of))~~ age nineteen whose family income does not exceed ~~((one))~~ two hundred ~~((eighty-five))~~ percent of the federal poverty level;

~~((A child under six years of age or until the child is no longer an inpatient if the inpatient stay began before six years of age and whose family income does not exceed one hundred thirty-three percent of the federal poverty level.~~

\* ~~A child born after September 30, 1983, who has attained six years of age or until the child is no longer an inpatient if the inpatient stay began before eighteen years of age, but not attained eighteen years of age whose family income does not exceed one hundred percent of the federal poverty level.~~

\* ~~A child up to eighteen years of age or until the child is no longer an inpatient if the inpatient stay began before eighteen years of age, born before September 30, 1983, with income allowed by AFDC;))~~

\* A ~~((certain))~~ widow, widower, ~~((and))~~ or other qualified person who fails to meet SSI standards because of Social Security coverage or increase in Social Security coverage~~((:))~~;

\* A Medicare-eligible person whose income does not exceed one hundred percent of the federal poverty level and whose resources do not exceed twice the SSI resource eligibility level~~((:))~~;

\* A disabled working person entitled to enroll in Medicare Part A, whose income does not exceed two hundred percent of the federal poverty level and whose resources do not exceed twice the SSI resource eligibility level~~((:))~~;

\* An alien as defined under WAC 388-510-1020; or

\* A person whose categorical eligibility is protected by statute.

"**Children's health program**" means a state-funded medical program for children under age eighteen ~~((years of age))~~:

\* Whose family income does not exceed one hundred percent of the federal poverty level; and

\* Who are not otherwise eligible under Title XIX of the Social Security Act.

"**Client**" means an applicant for or recipient of DSHS medical care programs.

"**Coinsurance-Medicare**" means the portion of reimbursable hospital and medical expenses, after subtraction of any deductible, which Medicare does not pay. Under Part A, coinsurance is a per day dollar amount. Under Part B, coinsurance is twenty percent of reasonable charges.

"**Community services office (CSO)**" means an office of the department which administers social and health services at the community level.

"**Copayment**" means a fixed dollar amount that is the responsibility of the client.

"**Couple**" means, for the purposes of an SSI-related client, an SSI-related client living with a person of the opposite sex and both presenting themselves to the community as husband and wife. The department shall consider the income and resources of such couple as if the couple were married.

"**Deductible-Medicare**" means an initial specified amount that is the responsibility of the client.

\* "**Part A of Medicare-inpatient hospital deductible**" means an initial amount of the medical care cost in each benefit period which Medicare does not pay.

\* "**Part B of Medicare-physician deductible**" means an initial amount of Medicare Part B covered expenses in each calendar year which Medicare does not pay.

"**Delayed certification**" means ~~((a))~~ department approval of a person's eligibility for Medicaid made after the established application processing time limits.

"**Department**" means the state department of social and health services.

"**Early and periodic screening, diagnosis and treatment (EPSDT)**" also known as the "healthy kids" program, means a program providing early and periodic screening, diagnosis and treatment to persons under twenty-one years of age who are eligible for Medicaid or the children's health program.

"**Electronic fund transfers**" means automatic bank deposits to a client's account.

"**Emergency medical condition**" means the sudden onset of a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

\* Placing the patient's health in serious jeopardy;

\* Serious impairment to bodily functions; or

\* Serious dysfunction of any bodily organ or part.

**"Emergency medical expense requirement"** means a specified amount of expenses for ambulance, emergency room or hospital services, including physician services in a hospital, incurred for an emergency medical condition that a client must incur prior to certification for the medically indigent program.

**"Essential spouse"** see **"spouse."**

**"Extended care patient"** means a recently hospitalized Medicare patient needing relatively short-term skilled nursing and rehabilitative care in a skilled nursing facility.

**"Garnishment"** means withholding an amount from earned or unearned income to satisfy a debt or legal obligation.

**"Grandfathered client"** means:

\* A noninstitutionalized person who meets all current requirements for Medicaid eligibility except the criteria for blindness or disability; and

\* Was eligible for Medicaid in December 1973 as blind or disabled whether or not the person was receiving cash assistance in December 1973; and

\* Continues to meet the criteria for blindness or disability and other conditions of eligibility used under the Medicaid plan in December 1973; and

\* An institutionalized person who was eligible for Medicaid in December 1973 or any part of that month, as an inpatient of a medical institution or resident of an intermediate care facility that was participating in the Medicaid program and for each consecutive month after December 1973 who:

\* Continues to meet the requirements for Medicaid eligibility that were in effect under the state's plan in December 1973 for institutionalized persons; and

\* Remains institutionalized.

**"Health insuring organization (HIO)"** means an entity that arranges and pays for medical services provided to an eligible enrolled client in exchange for a premium or subscription charge paid by the department on a prepaid capitation risk basis.

**"Health maintenance organization (HMO)"** means an entity that provides comprehensive medical services directly to an eligible enrolled client in exchange for a premium paid by the department on a prepaid capitation risk basis.

**"Healthy kids,"** see **"EPSDT."**

**"Home health agency"** means an agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence.

**"Hospital"** means an institution licensed as a hospital by the official state licensing authority.

**"Income"** means, for an SSI-related client, the receipt by an individual of any property or service which the client can apply either directly, by sale, or conversion to meet the client's basic needs for food, clothing, and shelter.

\* **"Earned income"** means gross wages for services rendered and/or net earnings from self-employment. Earned income received at predictable intervals other than monthly or in unequal amounts will be converted to a monthly basis. If income is weekly, the amount is multiplied by 4.3 to arrive at a monthly figure.

\* **"Unearned income"** means all other income.

**"Institution"** means an establishment which furnishes food, shelter, medically-related services, and medical care to

four or more persons unrelated to the proprietor. This includes medical facilities, nursing facilities, and institutions for the mentally retarded (~~but does not include correctional institutions~~).

\* **"Institution-public"** means an institution, including correctional institutions that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

\* **"Institution for mental diseases"** means an institution primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases including medical attention, nursing care, and related services.

\* **"Institution for the mentally retarded or a person with related conditions"** means an institution that:

\* Is primarily for the diagnosis, treatment or rehabilitation of the mentally retarded or a person with related conditions; and

\* Provides, in a protected residential setting, on-going care, twenty-four hour supervision, evaluation, and planning to help each person function at the greatest ability.

\* **"Institution for tuberculosis"** means an institution for the diagnosis, treatment, and care of a person with tuberculosis.

\* **"Medical institution"** means an institution:

\* Organized to provide medical care, including nursing and convalescent care;

\* With the necessary professional personnel, equipment and facilities to manage the health needs of the patient on a continuing basis in accordance with acceptable standards;

\* Authorized under state law to provide medical care; and

\* Staffed by professional personnel. Services include adequate physician and nursing care.

**"Intermediary"** means an organization having an agreement with the federal government to process Medicare claims under Part A.

**"Legal dependent"** means a person whom another person is required by law to support.

**"Limited casualty program (LCP)"** means a medical care program for medically needy as defined under WAC 388-503-0320 and for medically indigent as defined under WAC 388-503-0370.

**"Medicaid"** means the federal aid Title XIX program under which medical care is provided to persons eligible for:

\* Categorically needy program as defined in WAC 388-503-0310 and (~~388-503-1105~~) 388-511-1105; or

\* Medically needy program as defined in WAC 388-503-0320.

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

**"Medical assistance administration (MAA)"** means the unit within the department of social and health services authorized to administer the Title XIX Medicaid and the state-funded medical care programs.

**"Medical assistance unit (MAU)"** means one or more family members whose eligibility for medical care is determined separately or together based on financial responsibility.

**"Medical care services"** means the limited scope of care financed by state funds and provided to general assistance (GAU) and ADATSA clients.

**"Medical consultant"** means a physician employed by the department.

**"Medical facility"** see **"Institution."**

**"Medically indigent (MI)"** means a state-funded medical program(~~(, part of the limited-casualty program,))~~ for a person (~~((with limited income and resources))~~) who has an emergency medical condition requiring hospital-based services.

**"Medically necessary"** is a term for describing requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent worsening of conditions in the client that endanger life, or cause suffering or pain, or result in an illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no other equally effective, more conservative or substantially less costly course of treatment available or suitable for the client requesting the service. For the purpose of this section, "course of treatment" may include mere observation or, where appropriate, no treatment at all.

**"Medically needy (MN)"** is the status of a person who is eligible for a federally matched medical program under Title XIX of the Social Security Act, who, but for income (~~(and/or resources above))~~) the categorically needy level, would be eligible as categorically needy. Effective January 1, 1996, an AFDC-related adult is not eligible for MN.

**"Medicare"** means the federal government health insurance program for certain aged or disabled clients under Titles II and XVIII of the Social Security Act. Medicare has two parts:

\* **"Part A"** covers the Medicare inpatient hospital, post-hospital skilled nursing facility care, home health services, and hospice care.

\* **"Part B"** is the supplementary medical insurance benefit (SMIB) covering the Medicare doctor's services, outpatient hospital care, outpatient physical therapy and speech pathology services, home health care, and other health services and supplies not covered under Part A of Medicare.

**"Month of application"** means the calendar month a person files the application for medical care unless the application is for the medically needy program, then, at the person's request and if the application is filed in the last ten days of that month, the month of application may be the following month.

**"Nursing facility"** means any institution or facility the department of health licenses as a nursing facility, or a nursing facility unit of a licensed hospital, that the:

\* Department certifies; and

\* Facility and the department agree the facility may provide skilled nursing facility care.

**"Outpatient"** means a nonhospitalized patient receiving care in a hospital outpatient or hospital emergency department, or away from a hospital such as in a physician's office, the patient's own home, or a nursing facility.

**"Patient transportation"** means client transportation to and from covered medical services under the federal Medicaid and state medical care programs.

**"Physician"** means a doctor of medicine, osteopathy, or podiatry who is legally authorized to perform the functions of the profession by the state in which the services are performed.

**"Professional activity study (PAS)"** means a compilation of inpatient hospital data by diagnosis and age, conducted by the commission of professional and hospital activities, to determine the average length of hospital stay for patients. These data were published in a book entitled, *Length of Stay in PAS Hospitals, Western*. The department has adopted this book as the basis for authorizing payment for the maximum number of inpatient hospital days for clients of state-funded programs, or where no memorandum of understanding with a professional review organization (PRO) exists.

**"Professional review organization for Washington (PRO-W)"** means the state level organization responsible for determining whether health care activities:

\* Are medically necessary;

\* Meet professionally acceptable standards of health care; and

\* Are appropriately provided in an outpatient or institutional setting for beneficiaries of Medicare and clients of Medicaid and maternal and child health.

**"Prosthetic devices"** mean replacement, corrective, or supportive devices prescribed by a physician or other licensed practitioner of the healing arts within the scope of his or her practice as defined by state law to:

\* Artificially replace a missing portion of the body;

\* Prevent or correct physical deformity or malfunction;

or

\* Support a weak or deformed portion of the body.

**"Provider"** or **"provider of service"** means an institution, agency, or person:

\* Having a signed agreement with the department to furnish medical care and goods and/or services to clients; and

\* Eligible to receive payment from the department.

**"Resources"** mean, for an SSI-related client, cash or other liquid assets or any real or personal property that an individual or spouse, if any, owns and could convert to cash to be used for support or maintenance.

\* If an individual can reduce a liquid asset to cash, it is a resource.

\* If an individual cannot reduce an asset to cash, it is not considered an available resource.

\* Liquid - Properties that are in cash or are financial instruments which are convertible to cash such as, but not limited to, cash in hand, stocks, savings, checking accounts, mutual fund shares, mortgage, promissory notes.

\* Nonliquid - All other property both real and personal shall be evaluated according to the price the item can reasonably be expected to sell for on the open market in the particular geographical area involved.

**"Retroactivity"** means the period of no more than three calendar months before the application month of an otherwise eligible person under the Federal aid Title XIX program.

**"Spell of illness"** see **"benefit period."**

**"Spendedown"** means the process by which a person uses incurred medical expenses to offset income and/or resources to meet the financial standards established by the department.

"Spouse" means:

\* "Community spouse" means a person living in the community and married to an institutionalized person or to a person receiving services from a home and community-based waived program.

\* "Eligible spouse" means an aged, blind or disabled husband or wife of an SSI-eligible person with whom such spouse lives.

\* "Essential spouse" means, ~~((for the purposes of SSI,))~~ a spouse whose needs were taken into account in determining the need of an old age assistance (OAA), aid to the blind (AB), or disability assistance (DA) client for December 1973, who continues to live in the home and to be the spouse of such client.

\* "Ineligible spouse" means the husband or wife of an SSI-eligible person, who lives with the SSI-eligible person and who has not applied or is not eligible to receive SSI.

\* "Institutionalized spouse" means a married person in an institution or receiving services from a home or community-based waived program.

\* "Nonapplying spouse" means the husband or wife, who has not applied for assistance, of an SSI-eligible person.

"SSI-related" means an aged, blind or disabled person.

"State office or SO" means the medical assistance administration of the department of social and health services.

"Supplemental security income (SSI) program, Title XVI" means the federal grant program for aged, blind, and disabled established by section 301 of the Social Security amendments of 1972, and subsequent amendments, and administered by the Social Security Administration (SSA).

"Supplementary payment (SSP)" means the state money payment to persons receiving benefits under Title XVI, or who would, but for the person's income, be eligible for such benefits, as assistance based on need in supplementation of SSI benefits. This payment includes:

\* "Mandatory state supplement" means the state money payment to a person who, for December 1973, was a client receiving cash assistance under the department's former programs of old age assistance, aid to the blind and disability assistance; and

\* "Optional state supplement" means the elective state money payment to a person eligible for SSI benefits or who, except for the level of the person's income, would be eligible for SSI benefits.

"Third party" means any entity that is or may be liable to pay all or part of the medical cost of care of a ~~((federal Medicaid or state))~~ medical ~~((care))~~ program client.

"Title XIX" is the portion of the federal Social Security Act that authorizes grants to states for medical assistance programs. Title XIX is also called Medicaid.

"Transfer" means any act or omission to act when title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person; including delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing an interest in property. Transfer of title to a resource occurs by:

\* An intentional act or transfer; or

\* Failure to act to preserve title to the resource.

"Value-fair market" means, for SSI-related medical eligibility, the current value of a resource at the going price

for which the resource can reasonably be expected to sell on the open market in the particular geographic area involved.

"Value of compensation received" means, for SSI-related medical eligibility, the gross amount paid or agreed to be paid by the purchaser.

"Value-uncompensated" means, for SSI-related medical eligibility, the fair market value of a resource minus the amount of compensation received in exchange for the resource.

AMENDATORY SECTION (Amending WSR 97-03-036, filed 1/9/97, effective 2/9/97)

**WAC 388-503-0310 Categorically needy eligible persons.** ~~((The department shall determine))~~ A person eligible for categorically needy medical assistance is a ~~((client))~~ person who is:

(1) Not eligible for or receiving temporary assistance for needy families (TANF) cash benefits but who meets the eligibility criteria for aid to families with dependent children (AFDC) that were in effect on July 16, 1996 except the person's:

(a) Earned income is treated as described under WAC 388-507-0740; and

(b) Resources are treated as described under WAC 388-505-0580.

This group shall include, but is not limited to, the special situations described under WAC 388-507-0740.

(2) Receiving or eligible to receive a cash assistance payment under:

(a) ~~((Aid to families with dependent children -))~~ TANF. For the purpose of determining eligibility for a medical program, the department shall consider any reference to AFDC~~((s))~~ as including TANF; or

(b) Supplemental security income (SSI) including a grandfathered person and a person with an essential spouse; or

(c) State supplemental payment (SSP) to a person as assistance based on need in supplementation of SSI benefits. This payment includes mandatory state supplement or optional state supplement as defined under WAC 388-500-0005. The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse is not eligible for noninstitutional categorically needy medical assistance.

~~((2))~~ (3) A person twenty years of age or younger who meets the:

(a) One-person ~~((AFDC))~~ TANF financial requirements and is in:

(i) Foster care; ~~((or))~~

(ii) Subsidized adoption; ~~((or))~~

(iii) A nursing facility or intermediate care facility for mentally retarded (ICF/MR); or

(iv) An approved inpatient psychiatric facility.

(b) Eligibility requirements under chapter 388-509 WAC.

~~((3))~~ (4) A current client of Title II, Social Security Administration (SSA) benefits who:

(a) Was a concurrent client of Title II and SSI benefits;

(b) Is ineligible for SSI benefits and/or state supplementary payments; and

(c) Would be eligible for SSI benefits if the department deducts the following from the current Title II benefit amount:

(i) All Title II cost-of-living benefit increases under P.L. 94-566, Section 503 received by the client since termination from SSI/SSP; and

(ii) All Title II cost-of-living benefit increases received during the time period in subsection (3)(c)(i) of this section by the client's spouse and/or other financially responsible family member living in the same household.

~~((4))~~ (5) An SSI client, after January 1, 1981, who continues to be eligible for medical assistance under P.L. 96-265 and 99-643;

~~((5))~~ (6) A currently disabled client receiving widow's or widower's benefits under Section 202 (e) or (f) of the Social Security Act if the disabled client:

(a) Was entitled to a monthly insurance benefit under Title II of the Social Security Act for December 1983; and

(b) Was entitled to and received a widow's or widower's benefit based on a disability under Section 202 (e) or (f) of the Social Security Act for January 1984;

(c) Became ineligible for SSI/SSP in the first month in which the increase provided under Section 134 of P.L. 98-21 was paid to the client;

(d) Has been continuously entitled to a widow's or widower's benefit under Section 202 (e) or (f) of the act;

(e) Would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent cost-of-living increases provided under Section 215(i) of the act, were disregarded;

(f) Is fifty through fifty-nine years of age; and

(g) Filed an application for Medicaid coverage before July 1, 1988.

~~((6) Effective January 1, 1991,))~~

(7) Any person receiving Title II disabled widow/widower benefits (DWB) under Section 202 (e) or (f) of the SSA, if the person:

(a) Is not eligible for the hospital insurance benefits under Medicare Part A of Title XVIII;

(b) Received SSI/SSP payments in the month before receiving such Title II benefits;

(c) Became ineligible for SSI/SSP due to receipt of or increase in such Title II benefits; and

(d) Would be eligible for SSI/SSP if the amount of such Title II benefits or increase in such Title II benefits under Section 202 (e) or (f) of the SSA, and any subsequent cost-of-living increases provided under Section 215(i) of the act were disregarded.

~~((7))~~ (8) A disabled or blind client receiving Title II Disabled Adult Childhood (DAC) benefits under Section 202(d) of the SSA if the client:

(a) Has attained eighteen years of age;

(b) Lost SSI/SSP on or after July 1, 1988, due to receipt of or increase in DAC benefits; and

(c) Would be eligible for SSI/SSP if the amount of the DAC benefits or increase under Section 202(d) of the SSA and any subsequent cost-of-living increases provided under Section 215(i) of the SSA Act were disregarded.

~~((8))~~ (9) A client who:

(a) In August 1972, received:

(i) Old age assistance (OAA);

(ii) Aid to blind (AB);

(iii) Aid to families with dependent children (AFDC); or

(iv) Aid to the permanently and totally disabled (APTD); and

(b) Was entitled to or received retirement, survivors, and disability insurance (RSDI) benefits; or

(c) Is ineligible for OAA, AB, AFDC, SSI or APTD solely because of the twenty percent increase in Social Security benefits under P.L. 92-336.

~~((9))~~ (10) A pregnant woman whose family income is at or below one hundred eighty-five percent of the Federal Poverty Level (FPL), or postpartum woman as described under WAC 388-508-0830;

~~((10))~~ (11) A child, born to a woman eligible for and receiving medical assistance on the date of the child's birth, from the date of birth for a period of one year when the child remains a member of the mother's household;

~~((11))~~ (12) A child eighteen years of age or younger meeting residence, citizenship, and Social Security number requirements whose countable family income is at or under two hundred percent of the FPL.

~~((12))~~ (13) In a family unit ineligible for ~~((AFDC))~~ TANF financial assistance ~~((as a result (wholly or in part)))~~ because of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of ineligibility, if the family unit received ~~((AFDC))~~ TANF financial assistance in at least three of the six months immediately preceding the month of ineligibility;

~~((13) In a family unit which becomes ineligible for AFDC before April 1, 1990, solely because of increased hours or increased income from employment shall remain categorically eligible for medical assistance for four calendar months beginning with the month of ineligibility, provided:~~

~~(a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility; and~~

~~(b) A member of such family continues to be employed; and~~

~~(c) The department considers earned income tax credits (EITC) as income for the purposes of this subsection.))~~

(14) Denied ~~((AFDC))~~ TANF cash payments solely because of a departmental recovery of an overpayment;

(15) In a medical facility and:

(a) Who would be eligible for cash assistance if the person was not institutionalized; or

(b) Is an SSI-related institutionalized person and has gross income above the cash assistance level but below three hundred percent of the Federal Benefit Rate.

(16) Sixty-five years of age or older, a patient in an institution for mental diseases (IMD), and is resource and income eligible as described under subsection (15)(a) or (b) of this section;

(17) A person eligible for and accepting hospice services as described under WAC 388-86-047 and who ~~((shall be))~~ is:

(a) SSI categorically related with gross income less than three hundred percent of the SSI Federal Benefit Rate; or

(b) AFDC or TANF categorically related.

(18) Blind or presumptively disabled under SSI criteria, as described under WAC 388-511-1105, and the person receives continuing general assistance (GA-X) cash assistance;

(19) An alien ineligible for ~~((AFDC))~~ TANF or SSI cash assistance because of deeming of income of the alien's sponsors;

(20) ~~((Not an inmate of a public institution;~~

~~(21) Not receiving cash assistance because of special situations as defined under WAC 388-507-0740));~~ or

~~(22))~~ A client who:

(a) Was entitled to RSDI benefits in August 1972; and

(b) Is ineligible for ~~((AFDC))~~ TANF or SSI solely because of the twenty percent increase in Social Security benefits under PL 92-336.

(21) Not an inmate of a public institution.

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

AMENDATORY SECTION (Amending Order 3983, filed 6/6/96, effective 7/7/96)

WAC 388-505-0520 Citizenship ~~((and alien status)).~~

~~(1) ((The department shall provide Medicaid to))~~ An otherwise eligible person ~~((who is))~~ may receive Medicaid when the person is:

(a) A citizen or national of the United States; or

(b) A North American Indian born in Canada claiming ~~((fifty percent))~~:

(i) Fifty percent Indian blood; or

(ii) ~~((Or))~~ Less than fifty percent Indian blood ~~((and who))~~ but the person has maintained United States residency since before December 25, 1952.

~~((c) An alien lawfully admitted for permanent residence or otherwise permanently residing under color of law (PRUCOL) in the United States; or~~

~~(d) An alien lawfully present in the United States according to sections 203 (a)(7), 207(e), 208, and 212 (d)(5) of the Immigration and Nationality Act (INA); or~~

~~(e) An alien granted lawful temporary residence, or permanent residence according to sections 245(a), 210, 210(f), and 210A of INA and sections 202 and 302 of the Immigration Reform and Control Act (IRCA), unless five years from the date Immigration and Naturalization Service (INS) grants lawful temporary resident status has not passed; or~~

~~(f) An alien approved by the INS under the family unity program, unless five years from the date INS grants lawful temporary resident status for the petitioning relative has not passed.~~

~~(2) When an alien as described under subsection (1)(e) or (f) of this section has not passed the five year disqualification period, the department shall provide Medicaid to an otherwise eligible person when the alien is:~~

(a) Aged, blind, or disabled; or

(b) Seventeen years of age or under; or

(c) Pregnant; or

~~(d) A Cuban/Haitian entrant as defined in sections 501 (e)(1) and (2)(A) of P.L. 96-422.~~

~~(3) When an alien as described under subsection (1)(e) or (f) of this section is still under the five year disqualification period, and is not described under subsection (2) of this section, the department shall provide medical care and services as necessary for treatment of the alien's emergency medical condition as defined under WAC 388-500-0005.~~

~~(4) For any other alien, when such alien meets the eligibility requirements of a Medicaid program other than citizenship or alien status requirements, the department shall provide Medicaid as follows:~~

~~(a) Full scope medical services for a pregnant woman; or~~

~~(b) Medical care and services as necessary for treatment of the alien's emergency medical condition as defined under WAC 388-500-0005.~~

~~(5) Medical care services and children's health programs do not require citizenship/alien status).~~

(2) A noncitizen who is otherwise eligible and who meets immigrant provisions as described under chapter 388-510 WAC may receive Medicaid.

AMENDATORY SECTION (Amending Order 3954, filed 3/13/96, effective 4/13/96)

WAC 388-507-0740 Special situations. (1) ((The department)) A client shall ~~((not allow the AFDC thirty dollars plus one third earned income exemption for clients applying solely for medical assistance, unless the conditions under subsection (2) of this section apply))~~ receive a fifty percent family earned-income exemption and the actual dependent care amount deduction described in WAC 388-505-0590 when the client:

(a) Applies for or receives temporary assistance for needy families (TANF) cash benefits;

(b) Applies for or receives TANF-related medical only benefits; or

(c) Is not eligible for or receiving TANF benefits but who meets the eligibility criteria for AFDC that were in effect on July 16, 1996.

This subsection does not apply to a client described in subsection (2) of this section.

~~(2) ((The department)) A client shall ~~((allow the exemption in subsection (1) of this section when the family has:~~~~

~~(a) Received AFDC cash assistance in one of the four preceding months; and~~

~~(b) Not already received the exemption for a maximum of four consecutive months; or~~

~~(c) Already received the exemption for the maximum period, but has subsequently not received AFDC cash assistance for at least twelve consecutive months))~~ receive a ninety dollar earned-income exemption and the actual dependent care amount deduction when a client applies for or receives noncash medical only benefits described under chapter 388-508 WAC, Pregnant women medical eligibility and chapter 388-509 WAC, Children's medical eligibility.

~~(3) The department shall consider ~~((an AFDC client terminated from cash assistance))~~ as eligible for Medicaid ~~((when termination was solely due to an AFDC client:~~~~

~~(a) Ceasing to attend school; or~~

~~(b) Refusing)) a person who:~~

(a) Would be eligible for, but chooses not to receive, TANF; or

(b) Is not eligible for or receiving TANF solely because the person:

(i) Has received sixty months of financial assistance or is a member of an assistance unit which has received sixty months of financial assistance;

(ii) Is not attending school;

(iii) Refuses to participate in ~~(the job opportunities and basic skills (JOBS) training program)~~ workfirst activities;

(iv) Is an unmarried minor parent and is not in a department-approved living situation as described under WAC 388-215-1660;

(v) Is a parent or caretaker relative who fails to notify the department within five days of the date the child leaves the home and the child's absence will exceed ninety days as described under WAC 388-215-1115;

(vi) Is a fleeing felon or fleeing to avoid prosecution for a felony charge, or a probation and parole violator;

(vii) Is convicted of a drug-related felony as described under WAC 388-215-1570;

(viii) Is convicted of receiving benefits unlawfully as described under WAC 388-46-110;

(ix) Is convicted of misrepresenting residence to obtain assistance in two or more states as described under WAC 388-46-120; or

(x) Has gross earnings exceeding the TANF gross income standard.

(4) ~~((The department shall not consider))~~ Diversion cash assistance issued under chapter 388-222 WAC is exempt income when determining eligibility for a medical program.

(5) The transfer of a resource ~~((when determining))~~ does not affect the medical program eligibility for a person who is not institutionalized. For an institutionalized client, refer to WAC 388-513-1365.

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

## NEW SECTION

**WAC 388-510-1005 Definitions—Aliens.** "Legal immigrant" means an alien residing in the United States who is lawfully present with intent to remain. A legal immigrant includes, but is not limited to, an alien meeting PRUCOL criteria.

"Nonimmigrant" means an alien legally residing in the country but without an intent to remain permanently or who is not lawfully present.

"Nonqualified alien" means any alien or noncitizen not meeting the definition of qualified alien as described under "qualified alien" of this section.

"PRUCOL" means a person residing under color of law.

"Qualified alien" means an alien:

- (1) Who is lawfully admitted for permanent residence under the Immigration and Nationality Act (8 U.S.C. 12);
- (2) Who is a refugee admitted to the United States under section 207 of such Act;
- (3) Who is granted asylum under section 208 of Act;
- (4) Whose deportation is being withheld under section 243(h) of such Act;
- (5) Who is paroled into the United States under section 212 (d)(5) of such Act for a period of at least one year;
- (6) Who is granted conditional entry under section 203 (a)(7) of such Act as in effect prior to April 1, 1980;

(7) Who is an immigrant that is a victim of domestic violence or an immigrant child that has been battered or subjected to extreme cruelty when:

(a) The immigrant petitions for legal status under the Illegal Immigration Reform and Immigrant Responsibility Act P.L. 104-208 section 501; and

(b) The person responsible for the battery no longer resides with the immigrant.

(8) Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980; or

(9) Amerasian immigrants as defined in the Balanced Budget Agreement of 1997.

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

**WAC 388-510-1020 Alien—Eligibility.** ~~((The department shall provide Medicaid to an otherwise eligible person who meets the criteria as described under WAC 388-505-0520.))~~ (1) For the purpose of determining eligibility for a medical program, the terms "qualified alien" or "nonqualified alien" indicates the Immigration and Naturalization Services (INS) status of the alien, not as an indication of eligibility status for medical programs.

(2) An alien receiving temporary assistance for needy families (TANF) or Supplemental Security Income (SSI) is eligible for Medicaid.

(3) A qualified alien is eligible for categorically needy (CN) Medicaid who:

(a) Arrived in the United States on or before August 21, 1996;

(b) Is otherwise eligible for or related to a Medicaid program; and

(c) Meets one of the qualified alien categories described under WAC 388-510-1005.

(4) A legal immigrant is eligible for state-funded CN scope of care who:

(a) Arrived in the United States on or before August 21, 1996;

(b) Is otherwise eligible for or related to a Medicaid program; and

(c) Does not meet qualified alien criteria.

(5) An alien is eligible for CN Medicaid who:

(a) Arrived in the United States on or after August 22, 1996;

(b) Is otherwise eligible for or related to a Medicaid program; and

(c) Meets at least one of the following alien categories:

(i) A refugee;

(ii) An asylee;

(iii) An alien who has had deportation withheld; or

(iv) An honorably discharged veteran of the United States Armed Forces, including the following who fought on behalf of the United States:

(A) Filipino soldiers in World War II;

(B) Hmong and Lao soldiers during the Vietnam conflict;

(C) The spouse or unmarried dependent child of these veteran's.

(d) Is a qualified alien who has resided in the United States for five years.

(6) A family with child(ren) is eligible for state-funded CN scope of care who:

(a) Arrived in the United States on or after August 22, 1996;

(b) Has resided in Washington for twelve-consecutive months as described under WAC 388-215-1210;

(c) Is determined eligible for or receiving state family assistance; and

(d) Is a legal immigrant not meeting the alien criteria described under subsection (5)(c) of this section.

(7) An alien is eligible for state-funded medical care services, as described under WAC 388-529-2930, who:

(a) Arrived in the United States on or after August 22, 1996;

(b) Is determined eligible for and is receiving financial assistance under the GA-U program; and

(c) Is a legal immigrant who does not meet the alien criteria described under subsection (5)(c) of this section.

(8) An alien pregnant woman is eligible for state-funded CN scope of care:

(a) Who is not eligible for coverage under a CN Medicaid program;

(b) Regardless of date of arrival into the United States; and

(c) Who would be eligible under chapter 388-508 WAC.

(9) An alien child is eligible for state-funded CN scope of care under the Children's Health Program:

(a) Who is not eligible for coverage under a CN Medicaid program;

(b) Regardless of date of arrival into the United States; and

(c) Who would be eligible under WAC 388-509-0920.

(10) The department shall provide emergency medical care and services:

(a) Regardless of date of arrival into the United States;

(b) For any alien meeting Medicaid eligibility requirements as described in WAC 388-503-0310 and 0320, other than citizenship; and

(c) Only for the necessary treatment of an alien's emergency medical condition as defined under WAC 388-500-0005, with the exception of:

(i) Organ transplants as described under WAC 388-87-115(2) and related medical care services; or

(ii) Routine prenatal or postpartum care.

(11) Refer to chapter 388-518 WAC, Limited casualty program—Medically indigent for an alien who:

(a) Is not eligible for or related to a Medicaid program;

(b) Has an emergency medical condition; or

(c) Requires an organ transplant.

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

**WAC 388-523-2305 Medical extensions.** (1) Refer to:

(a) WAC 388-508-0830 for extensions for a pregnant woman; and

(b) WAC 388-508-0835 for the family planning extension.

(2) A family unit ineligible for AFDC or temporary assistance for needy families (TANF) cash assistance because of the collection or increased collection of child or spousal support (~~shall be~~) is eligible for medical assistance

for four months beginning with the month of ineligibility provided the family unit:

(a) Is eligible for and received AFDC or TANF cash assistance in three or more of the six months immediately preceding the month of ineligibility; and

(b) Continues to meet all AFDC or TANF eligibility criteria except income.

(3) (~~The department shall find~~) An AFDC or TANF family unit is eligible for medical assistance, (~~an AFDC family unit which becomes~~) when the family is ineligible for or requests termination from cash assistance because of:

(a) Income from(~~;~~); or

(b) Hours of, employment of the caretaker relative; (~~or~~)

(~~b~~) The loss of the thirty dollars plus one-third earned income deduction; or

(~~e~~) The loss of the thirty dollar earned income deduction). Such (~~AFDC~~) family unit as described under (a)(~~;~~) and (b)(~~;~~ or (~~e~~)) of this subsection shall remain eligible for medical assistance for six calendar months when the family unit:

(i) Received AFDC or TANF in three or more of the six months immediately preceding the month of ineligibility; and

(ii) Includes a child.

(4) The (~~AFDC~~) family unit, under subsection (3) of this section, shall be:

(a) Eligible for six additional calendar months of medical assistance provided the family unit:

(i) Continues to include a child; and

(ii) Received medical assistance for the entire six-month extension under subsection (3) of this section; and

(iii) Reports any family earnings and child care costs related to the employment of the caretaker relative for the preceding three-month period. The client shall report by the twenty-first day of the fourth month of the initial extension, unless good cause is established.

(b) Terminated from the six additional calendar months of medical assistance when the:

(i) Family's average gross monthly earned income, less the cost of child care related to employment of the caretaker relative, exceeds one hundred eighty-five percent of the Federal Poverty Level when averaged over the immediately preceding three-month period; or

(ii) Caretaker relative has no earnings in one or more of the three previous months, unless lack of earnings is due to good cause.

(5) An AFDC or TANF family member shall not be eligible for the extensions in subsections (3) and (4) of this section when the department finds the person ineligible for AFDC or TANF in any of the last six months before the extension because of fraud.

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

**WSR 98-01-055**

**EMERGENCY RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed December 11, 1997, 8:30 a.m.]

Date of Adoption: December 9, 1997.

Purpose: To implement the state Supreme Court's ruling in *Senate Republican Campaign Committee v. PDC* and provide guidance to state officials and persons acting on their behalf regarding soliciting or accepting contributions during a legislative session freeze period.

Citation of Existing Rules Affected by this Order: Amending WAC 390-17-400.

Statutory Authority for Adoption: RCW 42.17.370(1).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A legislative session freeze period begins on Saturday, December 13, 1997. During a freeze period, legislators, other state officials, caucus political committees and others who act on behalf of state officials are prohibited from soliciting or accepting contributions for certain purposes. This matter was recently the subject of a state Supreme Court decision. This decision rendered some portions of WAC 390-17-400 void. It is necessary to rewrite the rule to conform with the court's ruling and give clear guidance to those affected by RCW 42.17.710 and WAC 390-17-400.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Immediately.

December 10, 1997

Melissa Warheit

Executive Director

**AMENDATORY SECTION** (Amending WSR 96-01-103, filed 12/19/95)

**WAC 390-17-400 Time limit to solicit or accept contributions.** For purposes of complying with RCW 42.17.710:

(1) "**Campaign debt**," as used in RCW 42.17.710, means any debt incurred by a candidate seeking election to a non-federal public office, including campaigns for state, county, city, town, school district, special district or other state political subdivision elective office.

(2) ("**Legislative caucus**" means the caucus of members of a major political party in the state house of representatives or in the state senate.) "**Known candidates**" means individuals who are, or who become, candidates for state or local office during a legislative session freeze period.

(3) "**Legislative session freeze period**" means the period of time in RCW 42.17.710 within which contributions shall not be solicited or accepted by a state official or a person employed by or acting on behalf of a state official.

(a) The freeze period begins at 12:01 a.m. on the thirtieth day before the start of the regular legislative session and ends at 11:59 p.m. on the thirtieth day following adjournment of the regular legislative session.

(b) If a special session is held immediately following the end of the regular legislative session, this period ends on the day the special session adjourns or at 11:59 p.m. on the thirtieth day following adjournment of the regular legislative session, whichever is later.

(c) If a special session is held other than within 30 days before or after a regular legislative session, the freeze period begins at 12:01 a.m. on the first day of the special session and ends at 11:59 p.m. on the final day of the special session.

(4) A successful candidate for state office who does not already hold a state office is not required to comply with RCW 42.17.710 until sworn into office.

(5) An unsuccessful incumbent state official must comply with RCW 42.17.710 until his or her term expires.

~~((6) A state official may solicit or accept contributions during the legislative session freeze period to assist his or her campaign for a federal office.~~

~~(7) A state official is not prohibited from accepting gifts and other items permitted under chapter 42.52 RCW during the legislative session freeze period so long as the gift or other item is not (a) used to defray non-reimbursed public office related expenses, (b) a contribution to a candidate or authorized committee, or (c) used to retire a campaign debt.~~

~~(8) During the legislative session freeze period, no person shall solicit or accept contributions on behalf of or for the benefit of a state official for the purpose of retiring a campaign debt of the state official or raising funds for a state official's future election to a non-federal public office.~~

~~(9) During the legislative session freeze period, a bona fide political party shall not solicit or accept contributions on behalf of or for the benefit of a state official for the purpose of retiring a campaign debt of the state official or raising funds for a state official's future election to a non-federal public office. However, a bona fide political party may solicit or accept contributions for its own fundraising purposes.~~

~~(10) During the legislative session freeze period, a state official may sponsor, speak at or attend a fundraising event held by or on behalf of a bona fide political party as long as no contributions raised in conjunction with the event are earmarked or otherwise designated for one or more candidates for non-federal office.~~

~~(11) During the legislative session freeze period, no person shall solicit or accept contributions to a caucus political committee or any other political committee financed, controlled or operated by the legislative caucus as a whole or the officers of the caucus political committee, unless the purpose of the other political committee is to support or oppose a ballot measure.~~

~~(12) RCW 42.17.710 does not apply to the solicitation or acceptance of a contribution from a member of a legislative caucus using his or her personal funds as defined in WAC 390-17-305 or surplus funds as defined in RCW~~

~~42.17.020(41) by a caucus political committee or any other political committee financed, controlled or operated by the legislative caucus as a whole or by the officers of the caucus political committee.~~

~~(13) RCW 42.17.710 does not apply to a candidate's acceptance or use of his or her personal funds as defined in WAC 390-17-305 or his or her surplus funds as defined in RCW 42.17.020(41).~~

~~(14) During the legislative session freeze period, a state official is not prohibited from soliciting or accepting contributions on behalf of a nonprofit charitable organization.)~~

~~(6) "Person employed by or acting on behalf of a state official" includes a caucus political committee or any political committee financed or controlled by a legislative caucus as a whole or by one or more officers of a caucus political committee.~~

~~(7) State Officials May Do the Following. During a legislative session freeze period, state officials may:~~

~~(a) solicit or accept contributions to assist a campaign for federal office;~~

~~(b) accept gifts or other items permitted under chapter 42.52 RCW, so long as the gift or other item is not~~

- ~~• a contribution to an incumbent state official or known candidate,~~
- ~~• used to pay a non-reimbursed public office related expense, or~~
- ~~• used to retire a campaign debt;~~

~~(c) attend and speak at a fund raising event held by or on behalf of a bona fide political party, so long as the contributions raised are not earmarked or otherwise designated for any incumbent state official or known candidate;~~

~~(d) transfer their own personal funds, as defined in WAC 390-17-305, or their own surplus funds, as defined in RCW 42.17.020, to their own campaign account, so long as the funds are properly reported;~~

~~(e) solicit or accept contributions on behalf of a non-profit charity; or~~

~~(f) solicit or accept contributions on behalf of any political committee, including a caucus political committee, a bona fide political party or a ballot measure committee, so long as the political committee does not spend the contributions for the benefit of incumbent state officials or known candidates.~~

~~(8) State Officials May Not Do the Following. During a legislative session freeze period, a state official may not solicit or accept contributions that:~~

~~(a) go to an incumbent state official or known candidate;~~

~~(b) are used to pay a non-reimbursed public office related expense;~~

~~(c) are used to retire a campaign debt;~~

~~(d) go to a caucus political committee if the committee spends the contributions for the benefit of incumbent state officials or known candidates; or~~

~~(e) go to a bona fide political party or a political committee if the political party or committee spends the contributions for the benefit of incumbent state officials or known candidates.~~

~~(9) Caucus Political Committees. During a legislative session freeze period, a caucus political committee~~

~~(a) may solicit or accept contributions from caucus members if the members make the contributions with their~~

own personal funds, as defined in WAC 390-17-305, or with their own surplus funds, as defined in RCW 42.17.020;

(b) may not solicit or accept contributions for any of the purposes specified in subsection (8) of this rule.

(10) Persons Acting on Behalf of State Officials. During a legislative session freeze period, a person employed by or acting on behalf of a state official may not solicit or accept contributions for any of the purposes specified in subsection (8) of this rule.

(11) Bona Fide Political Parties. During a legislative session freeze period, a bona fide political party may not solicit or accept contributions that are

- used for a state official's non-reimbursed public office related expenses,
- used for retiring a state official's campaign debt, or
- earmarked for contributions to specific incumbent state officials or known candidates.

However, a bona fide political party may solicit or accept contributions for its own fund raising purposes.

(12) Segregating Session Freeze Funds. During a legislative session freeze period, if a state official, a caucus political committee, or another person employed by or acting on behalf of a state official solicits or accepts contributions to

- a caucus political committee,
- a bona fide political party, or
- any political committee that supports or opposes state or local office candidates, the contributions are presumed to violate RCW 42.17.710, unless the contributions are
- deposited into a separate bank account and
- spent in a manner that does not benefit incumbent state officials or known candidates.

However, nothing in this subsection authorizes a state official, a caucus political committee or any person employed by or acting on behalf of a state official to take any of the actions prohibited by subsections (8) or (9)(b) of this rule.

(13) Session Freeze Solicitations. If a person is solicited for a contribution during the legislative session freeze period

- by a state official, a caucus political committee, or another person employed by or acting on behalf of a state official, and
- the contribution is to a caucus political committee, a bona fide political party, or a political committee that supports or opposes candidates for state or local office, and
- the person makes a contribution during or after the freeze period in response to this solicitation,

the contribution is subject RCW 42.17.710 and subsection (12) of this rule.

(14) Spending Contributions to Benefit Incumbents or Known Candidates. Contributions solicited or accepted during a legislative session freeze period are considered spent for the benefit of incumbent state officials or known candidates if the contributions are used at any time for:

(a) contributions to incumbent state officials or known candidates;

(b) independent expenditures supporting incumbent state officials or known candidates, or opposing their opponents,

whether or not the opponents are themselves known candidates during a legislative session freeze period;

(c) payments to staff, consultants or advisors for performing activities that assist or promote the election of incumbent state officials or known candidates;

(d) polls or surveys that relate to incumbent state officials, known candidates or their districts, or to voter attitudes or preferences that likely would have relevance to incumbent state officials or known candidates; or

(e) any other expenditure that directly benefits or promotes the election to state or local office of incumbent state officials or known candidates.

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

**WSR 98-01-057**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed December 11, 1997, 9:31 a.m.]

Purpose: To establish an immediate quarantine on a serious infestation of yellow nutsedge (*Cyperus esculentus*) on a parcel of land located in Thurston County, Washington.

Citation of Existing Rules Affected by this Order: Amending WAC 16-752-300 and 16-752-305.

Statutory Authority for Adoption: Chapter 17.10 RCW, Noxious weeds—Control boards.

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: Yellow nutsedge is a serious noxious weed of agronomic crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. Because yellow nutsedge is highly invasive, left unchecked the spread of this class B noxious weed would entail great economic loss to agricultural industries in the state of Washington. Immediate action is necessary to prevent seed set and nutlet formation this growing season, and to prevent movement of soil containing nutlets off-site.

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 6, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 6, repealed 0.

Effective Date of Rule: Immediately.

December 11, 1997

James M. Jesernig  
Director

**AMENDATORY SECTION** (Amending Order 2069, filed 1/11/91, effective 2/11/91)

**WAC 16-752-300 Establishing quarantine.** Yellow nutsedge (*Cyperus esculentus* L.) is a herbaceous perennial that is one of the most serious noxious weeds of agronomic crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. It is highly invasive and its unchecked spread would entail great economic loss to the agricultural industries of the state. It is a class B noxious weed designated for control in Cowlitz (~~(County)~~) and Thurston counties (WAC 16-750-011(~~(27)~~) (33)(a)). Yellow nutsedge infests a dredging spoil site at the Port of Kalama in Kalama, Washington and a plant nursery site at the Port of Olympia in Tumwater, Washington. Movement of material from ~~(this)~~ these sites ~~(has initiated)~~ initiates additional infestations. RCW 17.10.210 provides that either the director or the county noxious weed control board or a weed district may issue an order for quarantine and restriction or denial of access to land determined to be so seriously infested that control measures cannot be undertaken without quarantine of the land. The director has determined:

(1) That the identified sites ~~(is)~~ are so seriously infested as to require quarantine; and

(2) That the movement of contaminated materials from ~~(this)~~ these sites presents an immediate threat of infestation to the rest of the county agricultural and nonagricultural areas; and

(3) That the restriction of such spread is critical to control efforts.

**AMENDATORY SECTION** (Amending Order 2069, filed 1/11/91, effective 2/11/91)

**WAC 16-752-305 Quarantine area.** The quarantine area shall encompass the dredge spoil site at and owned by the Port of Kalama, located along Hendrickson Drive, Kalama, Washington, and the Port of Olympia, located at the Olympia Airport, Tumwater, Washington, and more particularly described ~~(as follows:~~

~~The following described real estate, situated in the county of Cowlitz, state of Washington:))~~ in subsections (1) and (2) of this section.

**Real estate situation in the counties of Cowlitz and Thurston, state of Washington:**

(1) Cowlitz County parcel - containing twenty-three acres, more or less.

A tract of land in the Jacob Ahles D.L.C. No. 44 in Section 20, Township 6 north, Range 1 west of the Willamette Meridian, more particularly described as follows:

Beginning at a point on the north line of a tract of land leased to the North Pacific Grain Growers, Inc., said point being north 2374.49 feet, and north 88 degrees 46'22" west parallel with the south line of said Ahles D.L.C., 263.94 feet from the southeast corner of said Section 20; thence north 1 degree 12'00" west 612.50 feet; thence north 20 degrees 23'00" west 186.52 feet to a point 30.00 feet westerly when

measured at right angles from the westerly line of the Northern Pacific Railway right of way; thence parallel with and 30.00 feet from said right of way north 37 degrees 24'37" west 1325.90 feet; thence south 61 degrees 05'28" west 344.47 feet to the inner harbor line as shown on the Plat of Kalama Tidelands; thence south 27 degrees 54'56" east along said inner harbor line 1045.78 feet to the one mile limit as shown on said plat; thence south 62 degrees 05'04" west 100 feet to the low water line of the Columbia River; thence south 22 degrees 48'46" east along said low water line 751.17 feet to said north line of the North Pacific Grain Growers, Inc. lease; thence south 88 degrees 46'22" east parallel with said south line of the Ahles D.L.C. 492.48 feet to the true point of beginning.

(2) County of Thurston, state of Washington:

Parcel number 12711230000 - a portion of this parcel containing twenty-two acres of nursery production, more or less and three access roads one of which begins at 85th Avenue SW, the other two begin at Old Highway 99 SW.

A tract of land in Section 11, Township 17 north, Range 2 west of the Willamette Meridian, more particularly described as follows:

A portion of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, Section 11, Township 17 North, Range 2 West, W.N., Thurston County, Washington.

Beginning at the South Quarter corner of Section 11; thence north 01°53'09"E, along the center of the section line 77.6 feet to the southerly edge of the infestation, said point being 75 feet northerly of the center of taxiway 5 and the point of beginning; thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 1254.2 feet to coordinate pair N 604966 E 1043268 North American Datum 83/91, Washington State Lambert projection South Zone; thence north 01°32'43"E parallel to and 75 feet westerly of taxiway 5, 256.1 feet (N 605222 E 1043275); thence north 74°44'42" W, parallel to and 200 feet southerly of runway 8-26, 2031.7 feet (N 605757 E 1041315); thence south 12°53'58"W, parallel to and 75 feet easterly of taxiway 4, 744.6 feet (N 605031 E 1041148); thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 866.5 feet to the point of beginning. TOGETHER WITH: Two (2) 50 foot easements for ingress and egress described as follows: Beginning at the centerline of Old Highway 99 at coordinate pair N 605688 E 1044159; thence south 62°13'04"W, 337 feet (N 605531 E 1043861); thence south 37°34'07"W, 66 feet (N 605479 E 1043821); thence south 15°34'51"W, 432 feet (N 605063 E 1043705); thence south 56°50'31"W, 90 feet (N 605014 E 1043630); thence north 73°42'21"W, 135 feet (N 605052 E 1043500); thence south 73°31'23"W, 47 feet (N 605031 E 1043429).

Beginning at the coordinate pair N 605479 E 1043821; Thence north 10°18'17"W, 78 feet (N 605556 E 103807); Thence north 52°23'38"W, 93 feet (N 605613 E 1043733); Thence north 74°34'40"W, 331 feet (N 605701 E 1043414); Thence north 24°31'11"W, 63 feet (N 605758 E 1043388); Thence north 0°58'36"W, 352 feet (N 606110 E 1043382).

Beginning at the end of 85th Avenue SE; Thence north 14°36'57"W, 44 feet; Thence north 1°44'13"E, 103 feet; Thence north 1°44'13"E, 122 feet; Thence north 4°2'36"E, 103 feet; Thence north 1°44'13"E, 140 feet; Thence north 3°31'10"E, 134 feet; Thence north 1°44'13"E, 146 feet;

Thence north 6°43'41"W, 141 feet; Thence north 6°3'35"W, 92 feet; Thence north 1°44'13"E, 128 feet; Thence north 15°58'50"W, 96 feet; Thence south 85°33'49"W, 113 feet; Thence north 88°15'39"W, 100 feet; Thence north 85°38'49"W, 133 feet; Thence north 88°15'36"W, 137 feet; Thence north 85°28'20"W, 125 feet; Thence south 89°35'45"W, 162 feet; Thence north 88°15'32"W, 129 feet; Thence north 88°15'30"W, 200 feet; Thence north 88°15'28"W, 150 feet; Thence north 85°43'23"W, 137 feet; Thence north 88°38'45"E, 113 feet; Thence north 83°56'12"W, 242 feet; Thence north 40°38'52"W, 25 feet; Thence north 40°6'3"W, 25 feet.

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

**WAC 16-752-310 Articles whose movement is restricted.** The movement of all plants and parts of plants of yellow nutsedge and soil contaminated with propagules (~~((nutlets or seeds))~~) of the plant, including soil in nursery pots, is covered by this quarantine. The movement of all balled and burlap nursery stock is covered by this quarantine.

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

**WAC 16-752-315 Regulations.** Use of the property identified in WAC 16-752-305 is restricted as follows:

(1) All removal of sand or soil, potted nursery plants and other plants from the quarantine site, except as provided in subsection (6) of this section, is prohibited without a permit from the Cowlitz or Thurston County noxious weed control board that details the end use and exact geographic destination.

(2) All land disturbing operations including excavation, utilities work, and similar activities require a one time, no fee permit from the weed board that obligates the operator to thoroughly hose down all equipment before leaving the quarantine area and record the next two areas where the equipment is used after leaving the quarantine area.

(3) All off-road vehicles are banned in the quarantine area without the written permission of the Cowlitz or Thurston County noxious weed control board, except in designated parking areas.

(4) All weed control measures and irrigation practices in the quarantine area are to be (~~((undertaken in consultation with))~~) conducted at the direction of the Cowlitz or Thurston County noxious weed control board.

(5) Yellow nutsedge control shall take precedence over all other land uses in the quarantine area.

(6) The Cowlitz or Thurston County noxious weed control board may designate and clearly mark portions of the site as free from infestation and allow removal of sand or soil from these areas without specific permit to nonagricultural sites: *Provided*, That adequate precautions are taken to prevent commingling of infested and noninfested soils and equipment used in the infested area is thoroughly cleaned before use in the area designated as uninfested.

**AMENDATORY SECTION** (Amending Order 2069, filed 1/11/91, effective 2/11/91)

**WAC 16-752-320 Costs of quarantine.** The costs of serving the notice required by RCW 17.10.210(2) shall be borne by the department. The costs of control work shall be borne by the landowner unless otherwise determined by the Cowlitz or Thurston County noxious weed control board or the director in consultation with the Washington state noxious weed control board.

**AMENDATORY SECTION** (Amending Order 2069, filed 1/11/91, effective 2/11/91)

**WAC 16-752-330 Violation and penalty.** Any person who violates this quarantine shall have committed a civil infraction and shall be subject to the provisions of RCW 17.10.310 and 17.10.350 and WAC ((16-750-900(3))) 16-750-020 which provides ((a)) monetary ((penalty)) penalties of up to one thousand dollars per infraction.

**WSR 98-01-066  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 97-237—Filed December 11, 1997, 2:50 p.m., effective December 9, 1997, 11:59 p.m.]

Date of Adoption: December 9, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-52-07300S; and amending WAC 220-52-073.

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 amounts of red and green sea urchins exist in the areas described. Prohibition of all diving within two days of scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 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: December 9, 1997, 11:59 p.m.  
December 9, 1997

Dirk Brazil  
for Bern Shanks  
Director

**NEW SECTION**

**WAC 220-52-07300T Sea urchins** Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Red sea urchins: Sea Urchin Districts 1, 2, 3, and 4 are open only on December 14, 15, and 16, 1997. It is unlawful to harvest red sea urchins larger or smaller than the following size (size in diameter exclusive of the spines):

(a) Districts 1 and 2 - 4.0 minimum to 5.5 maximum inches.

(b) Districts 3 and 4 - 3.25 minimum to 5.0 maximum inches.

(2) Green sea urchins: Sea Urchin Districts 1, 2, 3, 4, and Marine Fish/Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, are open only on December 14, 15, and 16, 1997. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(3) Sea Urchin Districts:

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island.

(b) Sea Urchin District 2 (Southern San Juans and Port Townsend) is defined as those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island, and Areas 21A, 21B, 22B, 23A, 23B, 25A, and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times.

(i) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: north of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, south of a line projected from Flat Point on Lopez Island true west to Shaw Island, west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island, and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

(4) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on December 12, and 13, 1997.

**REPEALER**

December 12, 1997

Dirk Brazil

for Bern Shanks

Director

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. December 9, 1997:

WAC 220-52-07300S Sea urchins. (97-232)

**WSR 98-01-073**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 97-238—Filed December 12, 1997, 12:54 p.m.]

Date of Adoption: December 12, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-010 [232-12-001] and 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to change the definition of searun trout when they are in landlocked lakes, and will allow surplus hatchery steelhead to be harvested in landlocked lakes without a steelhead license. This rule is necessary to harvest steelhead that will be planted in specific lakes.

This regulation modifies the trout daily bag limit for certain lakes in southwest Washington. Hatchery steelhead have been removed from streams after fisheries have taken place and these surplus hatchery steelhead are being planted in area landlocked lakes. This action will reduce the percentage of hatchery spawners competing with wild steelhead spawners in anadromous waters. All proposed lakes currently receive hatchery trout plants and do not support native salmonids. This proposal maintains hatchery steelhead harvest opportunity consistent with wild steelhead protection. The daily bag limit for trout remains the same, however this regulation only allows two fish over 20 inches, which will spread out the catch, and conforms with anadromous regulations for steelhead in nearby rivers. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 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: Immediately.

**NEW SECTION**

**WAC 232-12-00100B "Searun" definitions.** Notwithstanding the provisions of WAC 232-12-001, effective immediately until further notice, "searun" does not include any fish found in landlocked lakes.

**NEW SECTION**

**WAC 232-28-61900A Washington game fish seasons and catch limits Exceptions to statewide rules.** Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, the daily limit for trout in the following waters in Region 5, is five fish of which no more than two can be greater than 20 inches in length. Kline Pond, Kress Lake, Horseshoe Lake, Ice House Lake, Little Ash Lake, Tunnel Lake.

**WSR 98-01-074**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 97-239—Filed December 12, 1997, 12:55 p.m.]

Date of Adoption: December 11, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600W; 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: This rule is necessary to preserve fishing opportunity consistent with the Quinault state-tribal management plans (Quinault Indian Nation, Hoh, Quileute, and Makah tribes) for the 1997-98 coastal Dungeness crab season. The tribes have adopted a corresponding regulation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 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:

EMERGENCY

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

December 11, 1997  
Dirk Brazil  
for Bern Shanks  
Director

**NEW SECTION**

**WAC 220-52-04600X Crab fishery—Seasons, areas and gear restrictions** Notwithstanding the provisions of WAC 220-52-046, effective immediately until further further notice, it is unlawful for non-Indian commercial fishers to fish for or take crab for commercial purposes, or place gear, in the following areas during the periods indicated:

**(1) The following areas are closed through January 4, 1998:**

**Quinault**

Those waters bounded by lines projected between the following coordinates:

- NW corner: 47°09'00"N 124°23'80"W (LORAN 41885)
- NE corner: 47°09'00"N 124°16'30"W
- SW corner: 46°58'00"N 124°22'00"W (LORAN 41885)
- SE corner: 46°58'00"N 124°15'30"W

**Quinault and Hoh**

Those waters bounded by lines projected between the following coordinates:

- NW corner: 47°32'00"N 124°34'00"W (LORAN 41865)
- NE corner: 47°32'00"N 124°29'50"W (LORAN 41880)
- SW corner: 47°27'00"N 124°33'00"W (LORAN 41865)
- SE corner: 47°27'00"N 124°28'60"W (LORAN 41880)

**(2) The following area is closed through January 7, 1998, and after February 4, 1998, until further notice:**

**Quileute and Hoh**

Those Pacific Ocean waters inside and bounded by a line projected from the shore due west along 47°40'50"N (Destruction Island) to 47°40'50"N, 124°37'50"W, thence northerly to 48°00'00"N, 124°49'50"W, thence northerly to 48°02'25"N, 124°50'00"W, thence due east to shore.

**(3) The following area is closed after December 28, 1997, until further notice:**

**Makah**

Those Pacific Ocean waters inside and bounded by line projected due west from shore to 48°02'15"N, 124°50'00"W, thence to 48°07'36"N, 124°51'24"W, thence to 48°20'00"N, 124°50'00"W, thence to Cape Flattery.

**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:

WAC 220-52-04600W Crab fishery—Seasons, areas and gear restrictions. (97-230)

**WSR 98-01-108  
EMERGENCY RULES  
STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**  
[Filed December 17, 1997, 10:30 a.m., effective January 1, 1998]

Date of Adoption: December 11, 1997.

Purpose: Adoption of retirement plan rules to qualify the TIAA/CREF plan under Section 403(a) of the Internal Revenue Code with a Section 414 (h)(2) employer pick-up of contributions.

Citation of Existing Rules Affected by this Order: Amending WAC 131-16-010, 131-16-011, 131-16-021, 131-16-031, 131-16-045, 131-16-050, 131-16-055, 131-16-056, and 131-16-061.

Statutory Authority for Adoption: Chapter 28B.50 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: On January 1, 1997, the system TIAA/CREF retirement plan structure was converted to be a "mandatory plan" under the Internal Revenue Code. The January 1 changes were intended to enable greater voluntary tax-deferrals for participants; streamline administration; allow greater flexibility. Now the system would like to qualify the plan under Section 403(a) of the Internal Revenue Code, with a Section 414 (h)(2) employer pick-up of contributions.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 9, 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 9, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 9, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The State Board for Community and Technical Colleges would like to have the emergency rules take effect January 1, 1998, to have the qualified plan coincide with beginning of tax year.

Effective Date of Rule: January 1, 1998.

December 16, 1997  
Claire C. Krueger  
Executive Assistant  
Administrative Rules Coordinator

EMERGENCY

Proposed Rule Amendments  
For Qualified Retirement Plan:

Under Section 403(a) of the Internal Revenue Code

AMENDATORY SECTION (Amending WSR 97-10-069, filed 5/5/97)

**WAC 131-16-010 Designation of community and technical college system retirement plan.** There is hereby established for the eligible employees of the community and technical colleges of the state of Washington and the state board, a retirement plan which shall ~~((entitle))~~ provide such employees ~~((to purchase retirement annuities from))~~ with an employer-sponsored retirement plan through the teachers' insurance annuity association (TIAA) and the college retirement equities fund (CREF), hereafter called ~~((the))~~ TIAA/CREF ~~((plan))~~, subject to the provisions of WAC 131-16-011 through 131-16-066. On and after January 1, 1998, ((F))this retirement plan is intended to comply with the requirements of a qualified plan under Section 403((b))((a)) of the Internal Revenue Code of 1986, as amended and the provisions of the plan document filed with the Internal Revenue Service on October 29, 1997. Prior to January 1, 1998, the plan was intended to comply with the requirements of Section 403(b) of the Internal Revenue Code of 1986, as amended. ((Notwithstanding the previous sentence, the state board shall reserve the right to modify the plan to qualify under Section 403(a) of the Internal Revenue Code of 1986, as amended.))

AMENDATORY SECTION (Amending WSR 97-10-069, filed 5/5/97)

**WAC 131-16-011 Definitions.** For the purpose of WAC 131-16-010 through 131-16-066, the following definitions shall apply:

(1) "Participant" means any employee who is eligible to purchase retirement annuities through the TIAA/CREF plan who, as a condition of employment, on and after January 1, 1997, shall participate in the TIAA/CREF plan upon initial eligibility.

(2) "Supplemental retirement benefit" means payments, as calculated in accordance with WAC 131-16-061, made by the state board to an eligible retired participant or designated beneficiary whose retirement benefits provided by the TIAA/CREF plan do not attain the level of the retirement benefit goal established by WAC 131-16-015.

(3) "Year of full-time service" means retirement credit based on full-time employment or the equivalent thereof based on part-time employment in an eligible position for a period of not less than five months in any fiscal year during which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution or the state board or any year or fractional year of prior service in a Washington public retirement system while employed at a Washington public higher education institution: *Provided*, That the participant will receive a pension benefit from such other retirement system ~~((+ And provided further, That))~~ and that not more than one year of full-time service will be credited for service in any one fiscal year.

(4) "Fiscal year" means the period beginning on July 1 of any calendar year and ending on June 30 of the succeeding calendar year.

(5) "Average annual salary" means the amount derived when the salary received during the two consecutive highest salaried fiscal years of full-time service for which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution is divided by two.

(6) "TIAA/CREF retirement benefit" means the amount of annual retirement income derived from a participant's accumulated annuities including dividends at the time of retirement: *Provided*, That solely for the purpose of calculating a potential supplemental retirement benefit, such amount shall be adjusted to meet the assumptions set forth in WAC 131-16-061(2).

(7) "Salary" means all remuneration received by the participant from the employing college district or the state board, including summer quarter compensation, extra duty pay, leave stipends, and grants made by or through the college district or state board; but not including any severance pay, early retirement incentive payment, remuneration for unused sick or personal leave, or remuneration for unused annual or vacation leave in excess of the amount payable for thirty days or two hundred forty hours of service.

(8) "Designated beneficiary" means the surviving spouse of the retiree or, with the consent of such spouse, if any, such other person or persons as shall have an insurable interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's institution of higher education or the state board.

(9) "State board" means the state board for community ~~((college education))~~ and technical colleges as created in RCW 28B.50.050.

(10) "Appointing authority" means a college district board of trustees or the state board or the designees of such boards.

AMENDATORY SECTION (Amending WSR 97-10-069, filed 5/5/97)

**WAC 131-16-021 Employees eligible to participate in retirement annuity purchase plan.** (1) Eligibility to participate in the TIAA/CREF plan is limited to persons who hold appointments to college district or state board staff positions as full-time or part-time faculty members or administrators exempt from the provisions of chapter 28B.16 RCW and who are assigned a cumulative total of at least eighty percent of full-time workload as defined by the appointing authority at one or more college districts or the state board for at least two consecutive college quarters or ~~((who otherwise would be eligible for membership in))~~ whose employment meets the requirements for an "eligible position" as defined by the Washington state teachers retirement system.

(2) Participation in the plan is also permitted for current and former employees of college districts or the state board who are on leave of absence or who have terminated employment by reason of permanent disability and who are receiving a salary continuation insurance benefit through a plan made available by the state of Washington: *Provided*, That such noncontributory participation shall not be creditable toward the number of years of full-time service utilized

in calculating eligibility for supplemental retirement benefits pursuant to WAC 131-16-061.

(3) ~~((Participation in the plan without matching employer contributions is also permitted for any employee of a college district or the state board who desires to utilize the plan as a supplemental retirement savings vehicle to any state sponsored retirement plan in which the employee participates:))~~ Optional participation in tax-deferred annuities other than this qualified plan as offered by individual colleges is permitted consistent with the Internal Revenue Code: Provided, That the provisions of WAC 131-16-015, 131-16-050, and 131-16-061 shall not apply in such cases. Optional tax-deferred annuities are provided through a salary reduction agreement between the employee and the employer. There is no employer contribution for optional tax-deferred annuities.

(4) An employee who moves from an ineligible to an eligible position for the same appointing authority may become a participant by so electing in writing within six months following such move.

(5) A participant who moves from an eligible position to an ineligible position for the same appointing authority may continue to be a participant by so electing within six months following such move.

(6) Participants shall continue participation regardless of the proportion of full-time duties assigned, except as otherwise provided in this section, as long as continuously employed by the same appointing authority. For the purpose of this section, spring and fall quarters shall be considered as consecutive periods of employment.

(7) As a condition of employment, all employees who become eligible on and after January 1, 1997, shall participate ~~((pursuant to an irrevocable salary reduction agreement.))~~ in this plan ((Such participation shall commence)) upon initial eligibility. Notwithstanding this provision, all eligible new employees who at the time of employment are members of the Washington state teachers retirement system or the Washington public employees retirement system may participate as provided in WAC 131-16-031(1).

AMENDATORY SECTION (Amending WSR 91-13-048, filed 6/14/91)

**WAC 131-16-031 Participation in the plan.** (1) Participation in the TIAA/CREF plan is required of all otherwise eligible new employees: *Provided*, That any such new employee, who at the time of employment is a member of the Washington state teachers retirement system or the Washington public employees retirement system and whose college or state board employment meets the requirements of an "eligible position" as defined by such plan, may irrevocably elect to retain such membership or, if not vested in that system, retain membership until vesting occurs and then irrevocably elect to participate in the TIAA/CREF plan.

(2) ~~((College district or state board employees who are members of retirement plans other than the TIAA/CREF plan may participate in the TIAA/CREF plan, without a matching employer contribution, through tax-deferred annuity purchase agreements with the employing college district or the state board, to the extent allowed by the applicable United States Internal Revenue Code provisions:))~~

AMENDATORY SECTION (Amending WSR 93-22-008, filed 10/21/93)

**WAC 131-16-045 Transfers to and from plans other than TIAA/CREF.** (1) A participant employed in a Washington state community or technical college or the state board for community and technical colleges may directly transfer into his or her TIAA/CREF account any account balances from other employers' retirement plans: ~~((Provided, That such other plans are authorized under Section 403(b) of the Internal Revenue Code, and))~~ Provided ((further)), That such other employers' plans permit transfers out of their plans, and such other employers' plans are covered by the same Sections of the Internal Revenue Code as this plan.

(2) A participant who leaves the employment of all Washington state community and technical colleges and the state board for community and technical colleges, may choose to transfer his or her existing TIAA/CREF account balances, subject to the rules established by TIAA/CREF for transfers, to any other employer's retirement plan ~~((authorized under Section 403(b) of the Internal Revenue Code))~~: Provided, That such other employer's plans will accept the transferred balances, and such other employers' plans are covered by the same Sections of the Internal Revenue Code as this plan.

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.

AMENDATORY SECTION (Amending WSR 97-10-069, filed 5/5/97)

**WAC 131-16-050 Contribution rates established.** (1) ~~((Each participant in the TIAA/CREF plan shall contribute five percent of salary each pay period until attainment of age thirty five; seven and one half percent each pay period thereafter through and including age forty nine; and ten percent of salary each pay period after attaining age fifty. Employees who are participants on December 31, 1996, shall make a one-time, irrevocable election to contribute to the plan on a pretax or after tax basis, and such election shall not be changed during the remainder of the participant's eligibility at the district or state board. Required contributions made pursuant to an irrevocable salary reduction or deduction agreement are not subject to the elective deferral limits of Section 402 (g)(4) or (8) of the Internal Revenue Code of 1986, as amended. The employing district or state board shall contribute a sum equal to all required employee contributions under this plan. All employee and employer contributions to this plan shall be one hundred percent vested when made. The combined contributions may be allocated among the TIAA and CREF funds as directed by the participant:))~~ On and after January 1, 1998 the employing college or state board shall make employee contributions on behalf of participants in lieu of paying an equal amount of each participant's salary, and such contributions shall be treated as employer contributions pursuant to IRC Section

414(h)(2) in determining the tax treatment under the Code. Such contributions shall be made by the employer in lieu of employee contributions.

(2) Contributions made under subsection (1) of this section shall be paid from the same source of funds as used in paying salary for affected participants. Participants do not have the option to receive the amounts contributed under subsection (1) directly.

(3) The amounts of the contributions made under subsection (1) shall be limited as follows:

(a) Five percent of salary each pay period until the participant attains age thirty-five (35);

(b) Seven and one-half percent of salary for each pay period from age thirty-five (35) through and including age forty-nine (49); and

(c) Ten percent of salary for each pay period after attaining age fifty (50).

(4) The employing college or state board shall contribute an additional sum equal to the contributions required by subsection (3) above.

(5) During periods when participants are on leave of absence and are receiving partial compensation, the employer shall continue to make contributions on the same basis as herein provided if the participant agrees to contribute in a like manner.

~~((3) In addition to the required salary reduction or deduction agreement in subsection (1) of this section, an eligible employee may enter into a voluntary agreement with the college district or state board to reduce the employee's monthly salary by a supplemental amount, within the limits prescribed in the Internal Revenue Code.))~~

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 91-13-048, filed 6/14/91)

**WAC 131-16-055 Options for self-directed investment of retirement plan contributions and accumulations.** While actively employed, participants may exercise any or a combination of the following options for allocation of current premiums or transfer of accumulated TIAA or CREF fund accumulated balances.

(1) Current premiums may be allocated among the TIAA accounts and the CREF accounts in any whole percentage proportions.

(2) CREF ~~((fund))~~ account and TIAA Real Estate account accumulations resulting from previously contributed premiums may be transferred in whole or in part among any of the CREF ~~((subsidiary))~~ and TIAA Real Estate accounts or to the TIAA Traditional Annuity account subject to procedures established by TIAA/CREF.

(3) TIAA Traditional Annuity ~~((fund))~~ accumulations resulting from previously contributed premiums or from transfers from other ~~((CREF))~~ accounts may be transferred to any CREF accounts on the basis of an irrevocable ten-year schedule of payments, subject to procedures established by TIAA/CREF.

AMENDATORY SECTION (Amending WSR 95-13-069, filed 6/20/95)

**WAC 131-16-056 Hardship withdrawals.** (1) In the event of a financial hardship consistent with requirements of subsection (2) of this section and Section 403 (b)(11) of the Internal Revenue Code, a participant may withdraw all or part of the following plan funds: (a) pre-1998 employee contributions, ~~((and))~~ (b) any pre-~~((1988))~~ 1989 earnings on employee contributions), (c) any Section 414(h) employer pick-up contributions, and (d) any contributions transferred to this plan from another employer's plan. Such funds may be withdrawn from the participant's Washington community and technical college system TIAA/CREF retirement account while actively employed ~~((or after termination of employment))~~. Hardship withdrawals may not be larger than the amount necessary to meet the immediate and heavy financial need defined in subsection (2) of this section plus taxes on withdrawn funds and early withdrawal penalties. Employer contributions (other than Section 414(h) pick-up contributions) and earnings on the employer contributions may not be withdrawn as a hardship withdrawal.

(2) To enable hardship withdrawal of funds, the Internal Revenue Code (Section 1.401(k)-1(d)(2)) requires that the college president or designee shall verify that the participant has certified in writing that:

(a) The participant has an immediate and heavy financial need; and

(b) The participant has no other resources reasonably available to meet the need.

Withdrawals shall be deemed to be for "an immediate and heavy financial need" only if they are for:

(i) Payments to prevent eviction from or foreclosure on the principal residence of the participant;

(ii) Payments to prevent the participant's impending bankruptcy; and/or

(iii) Unreimbursable medical expenses incurred by the participant, spouse, dependent children, and/or dependent parents.

The participant shall be deemed to have "no other resources reasonably available to meet the need" if the participant certifies that he/she cannot meet the need through:

(A) Reimbursement or compensation by insurance or another source;

(B) Reasonable liquidation of assets;

(C) Borrowing from supplemental retirement accounts, life insurance values, or commercial sources; and/or

(D) Stopping any voluntary employee contributions to tax deferral or savings plans made available by the employer. ~~((Note:))~~ Contributions to the employer-sponsored retirement plan must continue while the employee remains eligible for the plan.

(3) Hardship withdrawals from the community and technical college TIAA/CREF plan are taxable income in the year received. Taxes, early withdrawal penalties, and any other consequences of hardship withdrawals shall be the sole responsibility of the participant. Withdrawals from ~~((the employer-sponsored))~~ this qualified TIAA/CREF plan may not be replaced at a later date.

**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.

**AMENDATORY SECTION** (Amending WSR 91-13-048, filed 6/14/91)

**WAC 131-16-061 Supplemental retirement benefits.**

(1) A participant is eligible to receive supplemental retirement benefit payments if at the time of retirement the participant is age sixty-two or over and has at least ten years of full-time service in the TIAA/CREF plan at a Washington public institution of higher education: *Provided*, That the amount of the supplemental retirement benefit, as calculated in accordance with the provisions of this section, is a positive amount.

(2) Subject to the provisions of subdivisions (c), (d), and (e) of this subsection, the annual amount of supplemental retirement benefit payable to a participant upon retirement is the excess, if any, when the value determined in subdivision (b) is subtracted from the value determined in subdivision (a), as follows:

(a) The lesser of fifty percent of the participant's average annual salary or two percent of the average annual salary multiplied by the number of years of full-time service; provided that if the participant did not elect to contribute ten percent of salary beginning July 1, 1974, or if later, after attainment of age fifty, service for such periods shall be calculated at the rate of one and one-half percent instead of two percent.

(b) The combined retirement benefit from the TIAA/CREF annuity and any other Washington state public retirement system as a result of service while employed by a Washington public higher education institution that the participant would receive in the first month of retirement multiplied by twelve: *Provided*, That the TIAA/CREF benefit shall be calculated on the following assumptions:

(i) After July 1, 1974, fifty percent of the combined contributions were made to the TIAA Traditional Annuity and fifty percent to the CREF ((\*)Stock ((fund)) Account during each year of full-time service: *Provided*, That benefit calculations related to contributions made prior to July 1, 1974, shall be computed on the basis of actual allocations between TIAA and CREF; and

(ii) The full TIAA/CREF annuity accumulations, including all dividends payable by TIAA and further including the amounts, if any, paid in a single sum under the retirement transition benefit option, were fully settled on a joint and two-thirds survivorship option with a ten-year guarantee, using actual ages of retiree and spouse, but not exceeding a five-year difference; except that for unmarried participants the TIAA accumulations, including dividends, were settled on an installment refund option and the CREF accumulations were settled on a life annuity with ten-year guarantee option, all to be based on TIAA/CREF estimates at the time of retirement; and

(iii) Annuity benefits purchased by premiums paid other than as a participant in a Washington public institution of

higher education TIAA/CREF retirement plan shall be excluded.

(iv) For the purposes of this calculation, the assumptions applied to the TIAA/CREF accumulation settlement shall also apply to settlement of the benefit from any other retirement plan.

(c) The amount of supplemental retirement benefit for a participant who has not attained age sixty-five at retirement is the amount calculated in subsection (2) of this section reduced by one-half of one percent for each calendar month remaining until age sixty-five: *Provided*, That the supplemental retirement benefit for an otherwise qualified participant retired for reason of health or permanent disability shall not be so reduced.

(d) Any portion of participant's TIAA and/or CREF annuity accumulation paid to a participant's spouse upon dissolution of a marriage shall be included in any subsequent calculation of supplemental retirement benefits just as if these funds had remained in the participant's TIAA and/or CREF annuity.

(e) The selection of a TIAA/CREF retirement option other than the joint and two-thirds survivorship with ten-year guarantee shall not alter the method of calculating the supplemental retirement benefit; however, if the participant's combined TIAA/CREF retirement benefit and calculated supplemental retirement benefit exceeds fifty percent of the participant's average annual salary, the supplemental retirement benefit shall be reduced so that the total combined benefits do not exceed fifty percent of average annual salary.

(3) The payment of supplemental retirement benefits shall be consistent with the following provisions:

(a) Supplemental retirement benefits shall be paid in equal monthly installments, except that if such monthly installments should be less than ten dollars, such benefit payments may be paid at longer intervals as determined by the state board.

(b) Supplemental retirement benefit payments will continue for the lifetime of the retired participant; however, prior to retirement, a participant may choose to provide for the continuation of supplemental retirement benefit payments, on an actuarially equivalent reduced basis, to his or her spouse or designated beneficiary after the retiree's death. Notification of such choice shall be filed in writing with the state board and shall be irrevocable after retirement. If such option is chosen, the supplemental retirement benefit payments shall be in the same proportion as any TIAA/CREF survivor annuity option potentially payable to and elected by the participant. If a designation of a survivor's option is not made and the participant dies after attaining age sixty-two but prior to retirement, any supplemental benefit payable shall be based on the two-thirds benefit to survivor option.

(c) Prior to making any supplemental benefit payments, the state board shall obtain a document signed by the participant and spouse, if any, or designated beneficiary acknowledging the supplemental retirement benefit option chosen by the participant.

(4) A retired participant who is reemployed shall continue to be eligible to receive retirement income benefits, except that the supplemental retirement benefit shall not continue during periods of employment for more than forty percent of full-time or seventy hours per month or five

months duration in any fiscal year. Retirement contributions shall not be made from the salary for such employment, unless the individual once again becomes eligible to participate under the provisions of WAC 131-16-021.

**WSR 98-01-110**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 97-240—Filed December 17, 1997, 3:50 p.m.]

Date of Adoption: December 16, 1997.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-48-01500D; and amending WAC 220-48-015 and 220-69-240.

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: The opening in Areas 20A, 20B, 21A, 22A and 22B are needed to comply with the Order Granting Stay, *Waters v. Dept. Fish and Wildlife*, Whatcom County Superior Court Cause No. 97-2-01911-3 (December 16, 1997). The sale reporting requirement is to allow the department to determine if the catch per unit effort reduction reflected in cod landings is the result of a lower population of cod or the result of sorting cod aboard catching vessels. By requiring sale of all cod taken, the question of at-sea discards will be resolved. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 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: Immediately.

December 16, 1997

Dirk Brazil  
for Bern Shanks  
Director

NEW SECTION

**WAC 220-48-01500E Bottom trawl seasons.** Notwithstanding the provisions of WAC 220-48-015, effective immediately until further notice in Marine Fish Management and Catch Reporting Areas 20A, 20B, 21A, 22A and 22B, it is unlawful to fish for or possess bottom fish taken with bottom trawl gear except that it is lawful to use such gear and retain bottom fish taken in waters forty fathoms and deeper. All Pacific cod taken in this fishery must be retained by the catching vessel and delivered to a licensed Washington wholesale dealer. It is unlawful to discard any Pacific cod taken in this fishery.

NEW SECTION

**WAC 220-69-24000H Duties of commercial purchasers.** Notwithstanding the provisions of WAC 220-69-240, effective immediately until further notice all wholesale dealers receiving Pacific cod from Marine Fish Management and Catch Reporting Areas 20A, 20B, 21A, 22A and 22B must record the entire amount of Pacific cod delivered by the harvesting vessel on a State of Washington fish receiving ticket. Adjustments for non-marketable Pacific cod may be reflected on the ticket, but the total number of fish and pounds is required for every delivery.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-48-01500D Bottom trawl seasons. (97-234)

**WSR 98-01-150**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 97-241—Filed December 19, 1997, 4:20 p.m.]

Date of Adoption: December 18, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-52-07300U [220-52-07300T]; and amending WAC 220-52-073.

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 amounts of red and green sea urchins exist in the areas described. Prohibition of all diving within on e day of scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 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.

December 18, 1997

Elyse Kane  
for Bern Shanks  
Director

### NEW SECTION

**WAC 220-52-07300U Sea urchins** Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Red sea urchins: Sea Urchin Districts 1, and 2 are open only on December 20, 21, 22, and 23, 1997. Sea Urchin District 4 is open only on December 20 and 21, 1997. It is unlawful to harvest red sea urchins larger or smaller than the following size (size in diameter exclusive of the spines):

(a) Districts 1 and 2 - 4.0 minimum to 5.5 maximum inches.

(b) District 4 - 3.25 minimum to 5.0 maximum inches.

(2) Green sea urchins: Sea Urchin Districts 1, 2, 3, 4, and Marine Fish/Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, are open only on December 20, 21, 22, and 23, 1997. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(3) Sea Urchin Districts:

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island.

(b) Sea Urchin District 2 (Southern San Juans and Port Townsend) is defined as those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island, and Areas 21A, 21B, 22B, 23A, 23B, 25A, and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times.

(i) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: north of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, south of a line projected from Flat Point on Lopez Island true west to Shaw Island, west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island, and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

(4) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on December 19, 1997.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07300T Sea urchin (97-237)

**WSR 98-01-190**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)

[Filed December 23, 1997, 4:00 p.m., effective January 1, 1998]

Date of Adoption: December 23, 1997.

Purpose: To adopt new one-person income standard for the medically needy program and increase the community spouse resource standard effective January 1, 1998.

Citation of Existing Rules Affected by this Order: Amending WAC 388-507-0710 and 388-513-1350.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500.

Other Authority: Section 1924 (42 U.S.C. 1396r-5).

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 federal increase in standards required to be effective January 1, 1998, in order to continue receiving federal funds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 2, 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: January 1, 1998.

December 23, 1997  
Edith M. Rice, Chief  
for Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 97-09-112, filed 4/23/97, effective 5/24/97)

**WAC 388-507-0710 ((AFDC)) TANF-related medical program income standards.** (1) ~~((The department shall determine income standards for AFDC-related clients as described under))~~ A TANF-related client's countable income is determined according to the provisions in WAC 388-505-0590 ((2) and (4)).

(2) Effective January 1, ~~((1997, the department shall set))~~ 1998, the medically needy income level (MNIL) ~~((at))~~ is:

(a) One person	\$ <del>((512))</del> <u>521</u>
(b) Two persons	\$ 592
(c) Three persons	\$ 667
(d) Four persons	\$ 742
(e) Five persons	\$ 858
(f) Six persons	\$ 975
(g) Seven persons	\$1,125
(h) Eight persons	\$1,242
(i) Nine persons	\$1,358
(j) Ten persons and above	\$1,483

**AMENDATORY SECTION** (Amending WSR 97-09-112, filed 4/23/97, effective 5/24/97)

**WAC 388-513-1350 Institutional—Available resources.** (1) Resources are defined under chapter 388-511 WAC for an SSI-related client and under WAC 388-22-030 for ~~((an AFDC))~~ a TANF-related client.

(2) The methodology and standards for determining and evaluating resources are under WAC 388-513-1310, ~~((388-513-1330, 388-513-1340))~~ 388-513-1350, and 388-513-1360. Transfers of resources are evaluated under WAC 388-513-1365.

(3) ~~((The department shall determine ownership of resources following Washington state community property principles))~~ For a person((:

- ~~((a))~~ whose most recent period of continuous institutionalization began on or before September 30, 1989((: and
- ~~((b))~~ Who remains continuously institutionalized.

~~((4))~~ For purposes of Medicaid eligibility, the department shall consider resources are)):

~~((a))~~ ((Community)) Countable resources ((when jointly)) are one-half of the total value of resources held in the:

- ~~((i))~~ Names of both the institutionalized spouse and the community spouse; or
- ~~((ii))~~ Name of the institutionalized spouse only.

~~((b))~~ ((The separate property of the community spouse when)) Exempt resources are:

~~((i))~~ The other half of the total value of resources determined under subsection (3)(a) of this section;

~~((ii))~~ Held solely in the ((separate)) name of the community spouse; or

~~((iii))~~ ((iii)) Transferred between spouses as described under ((WAC 388-513-1350(7))) subsection (4)(b) of this section.

~~((5))~~ The department shall:

~~((a))~~ Divide by two, the total value of the community resources the spouses own; and

~~((b))~~ Assign one half of the total value of the community resources to each spouse.

~~((6))~~ The department shall not consider a person continuously institutionalized if, for thirty consecutive days, the person:

~~((a))~~ Is absent from an institution; or

~~((b))~~ Does not receive home-based or community-based waived services.

~~((7))~~ (4) For ((the purpose of determining Medicaid eligibility of)) a person, whose most recent ((continuous)) period of continuous institutionalization starts on or after October 1, 1989, ((the department shall:

~~((a))~~ Exclude resources as described under WAC 388-511-1160; except, the department shall exempt one vehicle without regard to use or value when the institutionalized person has a community spouse;

~~((b))~~ Consider available to the community spouse,) countable resources include all resources in the name of either the community spouse or the institutionalized ((spouse, except resources exceeding the greater of)) spouse except;

(a) The following resources are exempt when the institutionalized person has a community spouse:

~~((i))~~ ((Seventy-nine)) One vehicle without regard to use or value; and

~~((ii))~~ Effective January 1, 1998, eighty thousand ((twenty)) seven hundred sixty dollars ((effective January 1, 1997;

~~((ii))~~ An amount); or

~~((b))~~ An amount greater than the amount in subsection (4)(a)(ii) of this section if:

~~((i))~~ Established by a fair hearing under chapter 388-08 WAC when the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or

~~((iii))~~ An amount ordered)) ((ii)) Transferred to the community spouse by ((the)) court order.

~~((e))~~ Ensure))

~~((5))~~ Resources ((available to the community spouse are in the name of the community spouse or)) of the institutional spouse must be transferred to the community spouse or to another person for the sole benefit of the community spouse:

~~((i))~~ Before the first regularly scheduled eligibility review; or

~~((ii))~~ As soon as ((practicable thereafter)) possible, taking into account ((such)) the time ((as may be)) necessary to obtain a court order for the support of the community spouse.

~~((d))~~ Consider resources greater than such resources described under subsection (7)(b) of this section available to the institutional spouse.

~~((8))~~ The department shall consider))

~~((6))~~ The resources of the community spouse are:

~~((a))~~ Unavailable to the institutionalized spouse:

~~((i))~~ The month after the institutionalized spouse is determined eligible for institutional benefits; and

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(ii) While the institutionalized spouse (~~remains in a continuous period of institutionalization~~) is continuously institutionalized.

(b) Available to the institutionalized spouse when the institutionalized spouse:

(i) Acquires resources which, when added to resources held by the institutionalized spouse, exceed the one-person resource maximum, if the most recent period of institutionalization began on or after October 1, 1989; or

(ii) (~~Has a break of thirty days or more in a period of institutionalization~~) Is not continuously institutionalized.

(7) A person is not continuously institutionalized if, for thirty consecutive days, the person:

(a) Is absent from an institution; or

(b) Does not receive home-based or community-based waived services.

**WSR 98-01-191**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)

[Filed December 23, 1997, 4:03 p.m., effective January 1, 1998]

Date of Adoption: December 23, 1997.

Purpose: To adopt new community spouse monthly needs allowance standard effective January 1, 1998.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1380.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500.

Other Authority: Section 1924 (42 U.S.C. 1396r-5).

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 of federal increase in standards required to be effective January 1, 1998, in order to continue receiving federal funds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 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 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: January 1, 1998.

December 23, 1997  
Edith M. Rice, Chief  
for Merry Kogut, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 97-16-008, filed 7/24/97, effective 7/24/97)

**WAC 388-513-1380 Institutional—Participation—Client share of monthly institutional payments.** A client's monthly income and resources which exceed the department's standards will be used to determine a client's share of monthly institutional cost of care as described under this section.

~~(1) (In reducing payment to the institution, the department shall consider the institutionalized client's:~~

~~(a) Income under WAC 388-513-1330 (3)(a), (b), (c), and (d); and~~

~~(b) Resources under WAC 388-513-1350, 388-513-1360, and 388-513-1365.~~

~~(2) In~~ When reducing payment to the institution, the ~~(department shall consider the eligible institutionalized)~~ client's excess resources are available to meet the cost of care after the following allocations in the following order:

(a) Health insurance and Medicare premiums, deductions, and co-insurance not paid by a third party; and

(b) Noncovered medical bills which are the liability of the client and not paid by a third party.

~~((3))~~ (2) The ~~(department shall not use)~~ allocations used to reduce excess resources under subsection ~~((2))~~ (1) of this section cannot be used to reduce income under subsection ~~((4))~~ (3) of this section.

~~((4) The department shall deduct the following amounts, in the following order;)~~

(3) From the ((institutionalized)) client's total income((including)) which includes the income amounts disregarded in determining eligibility, deduct the following amounts, in the following order:

(a) Specified personal needs allowance (PNA) as follows:

(i) One hundred sixty dollars for a veteran living in a Medicaid-certified state veteran's home nursing facility;

(ii) Ninety dollars for a single veteran, or widow or widower of a veteran receiving an improved veteran's pension; or

(iii) Forty-one dollars and sixty-two cents for all other clients in a medical ~~((institutions))~~ facility.

(b) Federal, state, or local income taxes:

(i) Mandatorily withheld from earned or unearned income for income tax purposes before receipt by the client; or

(ii) Not covered by withholding, but are owed or have been paid by the client; and

(iii) ~~((Does))~~ Which do not exceed the one-person medically needy income level (MNIL) less the client's ~~((personal needs allowance))~~ PNA.

(c) Wages not to exceed the one-person ~~((medically needy income level))~~ MNIL ~~((3))~~ less the client's ~~((personal needs allowance))~~ PNA for a client who:

(i) Is SSI-related; and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction~~((, the department shall))~~:

(A) ~~((Not allow a deduction for))~~ Employment expenses are not deducted; and

(B) ~~((Apply))~~ The client's wages not deducted under this subsection are applied to the client's cost of care.

(d) The total amounts deducted under subsection ~~((4))~~ (3)(a), (b), and (c) of this section shall not exceed the one-person MNIL.

(e) A monthly needs allowance for the community spouse not to exceed, effective January 1, ~~((1997, one thousand nine hundred seventy six))~~ 1998, two thousand nineteen dollars, unless specified in subsection ~~((6))~~ (5) of this section. ~~((The department shall ensure))~~ The monthly needs allowance is:

(i) An amount added to the community spouse's gross income to provide a total community spouse's income of one thousand three hundred twenty-seven dollars;

(ii) Excess shelter expenses as specified under subsection ~~((5))~~ (4) of this section; and

(iii) Allowed only to the extent income of the institutionalized spouse is made available to the community spouse.

(f) An amount for the maintenance needs of each dependent family member residing with the community spouse:

(i) Equal to one-third of the amount one thousand three hundred twenty-seven dollars exceeds the family member's income. Child support received from an absent parent is the child's income.

(ii) "Family member" means a:

(A) Dependent or minor child;

(B) Dependent parent; or

(C) Dependent sibling of the institutionalized or community spouse.

(g) When an institutional client does not have a community spouse, an amount for the maintenance needs of family members residing in the client's home equal to the ~~((medically needy income level))~~ MNIL for the number of ~~((legal dependents))~~ family members in the home less the income of the ~~((dependents))~~ family members.

(h) Amounts for incurred medical expenses not subject to third-party payment which are the current liability of the client including ~~((, but not limited to))~~:

(i) Health insurance premiums, coinsurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(i) Maintenance of the home of a single person or couple:

(i) Up to one hundred percent of the one-person federal poverty level per month;

(ii) Limited to a six-month period; ~~((and))~~

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and

(iv) When social service staff documents initial need for the income exemption and reviews the person's circumstances after ninety days.

~~((5))~~ (4) For the purposes of this section, ~~((the department shall))~~:

(a) ~~((Determine))~~ Shelter expenses ~~((to be))~~ are the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard utility allowance ~~((for utilities))~~, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) ~~((Consider))~~ The standard shelter allocation ~~((to be))~~ is three hundred ninety-nine dollars, effective April 1, 1997.

(c) ~~((Consider as))~~ "Excess shelter expenses" ~~((an amount))~~ equal ~~((to))~~ the actual expenses under subsection ~~((5))~~ (4)(a) of this section less the standard shelter allocation under subsection ~~((5))~~ (4)(b) of this section.

~~((6))~~ (5) The ~~((department shall determine the))~~ amount the institutional spouse may allocate ~~((s))~~ to the community spouse may ~~((only))~~ be greater than the amount in subsection ~~((4)(e)(i))~~ (3)(e) of this section only when:

(a) A court enters an order against the institutionalized client for the community spouse support; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

~~((7 The client shall use))~~ (6) The income remaining after allocations specified in ~~((subsection (4)))~~ subsections (3) and (5) of this section ~~((toward payment of))~~ is the client's participation in cost of care ~~((at the department rate))~~.

(8) SSI-related clients ~~((-~~

~~((a) SSI-related clients))~~ shall continue to receive total payment under 1611 (b)(1) of the Social Security Act for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility when the:

~~((i))~~ (a) Stay in the institution or facility is not expected to exceed three months; and

~~((ii) SSI-related))~~ (b) The client ~~((s))~~ plans to return to former living arrangements.

~~((b) The department shall not consider the SSI payment))~~

(9) When computing the client's participation amount ~~((-~~

~~((9))~~, the ~~((department shall not consider))~~ following income is not counted:  
(a) The SSI payment; or  
(b) Income from reparation payments made by the Federal Republic of Germany ~~((when computing the client's participation amount))~~.

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

WSR 98-01-204  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE

[Order 97-243—Filed December 23, 1997, 5:06 p.m., effective January 1, 1998, 12:01 a.m.]

Date of Adoption: December 23, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-56-235.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary for conservation of lingcod stocks. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 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: January 1, 1998, 12:01 a.m.  
December 23, 1997  
Dirk Brazil  
for Bern Shanks  
Director

#### NEW SECTION

**WAC 220-56-23500A Possession limits—Bottomfish.** Notwithstanding the provisions of WAC 220-56-235, effective 12:01 a.m. January 1, 1998, until further notice it is unlawful to take or possess lingcod less than 24 inches in length in Catch Record Areas 1 through 4.

EMERGENCY

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AGENCY RULES COORDINATORS

Designations as of 12/24/97

AGENCY	RULES COORDINATOR	PHONE	ADDRESS
Accountancy, Board of	Carey L. Rader	(360) 753-2585	P.O. Box 43110 Olympia, WA 98504-3110
Administrative Hearings, Office of	Art Wang	(360) 664-8717	P.O. Box 42488 Olympia, WA 98504-2488
Agriculture, Department of	Dannie M. McQueen	(360) 902-1809	P.O. Box 42560 Olympia, WA 98504-2560
Arts Commission	Karen Kamara Gose	(360) 753-3860	P.O. Box 42675 Olympia, WA 98504-2675
Asian Pacific American Affairs, Commission on	Patricia M. Lee	(206) 464-5820	P.O. Box 40925 Olympia, WA 98504-0925
Attorney General's Office	Jane Halligan	(360) 753-6207	P.O. Box 40115 Olympia, WA 98504-0115
Auditor, State	Chuck Pfeil	(360) 753-5273	P.O. Box 40021 Olympia, WA 98504-0021
Bates Technical College	John G. Thorpe		1101 South Yakima Avenue Tacoma, WA 98405
Bellevue Community College	Elise Erickson	(425) 641-2301	3000 Landerholm Circle S.E. Bellevue, WA 98007
Bellingham Technical College	Jody McBee	(360) 738-3105 ext. 334	3028 Lindbergh Avenue Bellingham, WA 98225
Big Bend Community College	Ken Turner	(509) 762-5351	7662 Chanute Street Moses Lake, WA 98837-3299
Blind, Department of Services for the	Bonnie Jindra	(360) 586-0275	P.O. Box 40933 Olympia, WA 98504-0933
Blind, Washington State School for the	Larry W. Drotz	(360) 254-9062	611 Grand Boulevard, S-26 Vancouver, WA 98661
Building Code Council	Tim Nogler	(360) 753-5927	P.O. Box 48300 Olympia, WA 98504-8300
Cascadia Community College	Margaret H. Flanagan	(425) 402-3870	c/o Northshore Center 22002 26th Avenue S.E., Suite 101 Bothell, WA 98021
Central Washington University	Jill M. Orcutt	(509) 963-2111	400 East 8th Avenue Ellensburg, WA 98926-7502
Centralia College	Stephen L. Ward	(360) 736-9391	600 West Locust Street Centralia, WA 98531
Clark College	Janelle K. Farley	(360) 992-2101	1800 East McLoughlin Boulevard Vancouver, WA 98663
Clover Park Technical College	Laurie Kaye Clary	(253) 589-5586	4500 Steilacoom Boulevard S.W. Lakewood, WA 98499-4098

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Code Reviser's Office	Kerry Radcliff	(360) 786-6697	P.O. Box 40551 Olympia, WA 98504-0551
Columbia Basin College	Louise Meyers	(509) 547-0511 ext. 202	2600 North 20th Avenue Pasco, WA 99301
Columbia River Gorge Commission	Jan Brending	(509) 493-3323	P.O. Box 730 White Salmon, WA 98672
Community and Technical Colleges, State Board for	Claire Krueger	(360) 753-7413	P.O. Box 42495 Olympia, WA 98504-2495
Community Economic Revitalization Board	Kate Engle	(360) 586-0657	P.O. Box 48300 Olympia, WA 98504-8300
Community, Trade and Economic Development, Department of	Erika Lim	(360) 753-2227	P.O. Box 48300 Olympia, WA 98504-8300
Conservation Commission	Robert P. Bottman	(360) 459-6229	P.O. Box 47721 Olympia, WA 98504-7721
Corrections, Department of	Kay Wilson-Kirby	(360) 753-5770	P.O. Box 41114 Olympia, WA 98504-1114
County Road Administration Board	Karen Pendleton	(360) 753-5989	P.O. Box 40913 Olympia, WA 98504-0913
Criminal Justice Training Commission	Darlene Tangedahl	(360) 459-6342	P.O. Box 40905 Olympia, WA 98504-0905
Deaf, Washington State School for the	Larry W. Drotz	(360) 696-6525 ext. 327	611 Grand Boulevard, S-26 Vancouver, WA 98661-4918
Deferred Compensation, Committee for	Anne Holdren	(360) 753-1829	P.O. Box 40931 Olympia, WA 98504-0931
Eastern Washington State Historical Society	Glenn Mason	(509) 456-3932	2316 West First Avenue Spokane, WA 99204
Eastern Washington University	Ann M. Kienholz	(509) 359-6299	MS-114, SHW 302 Cheney, WA 99004
Ecology, Department of	Jerry Thielen	(360) 407-7551	P.O. Box 47600 Olympia, WA 98504-7600
Edmonds Community College	Barbara Patterson	(425) 640-1535	20000 68th Avenue West Lynnwood, WA 98036
Education, State Board of	Larry Davis	(360) 753-6715	P.O. Box 47206 Olympia, WA 98504-7206
Employment Security Department	Barney Hilliard	(360) 438-4011	P.O. Box 9046 Olympia, WA 98507-9046
Energy Facility Site Evaluation Council	David W. Sjoding	(360) 956-2004	P.O. Box 43172 Olympia, WA 98504-3172
Environmental Hearings Office	Suzanne Skinner	(360) 459-6327	P.O. Box 40903 Olympia, WA 98504-0903

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Everett Community College	Juli Boyington	(425) 388-9202	801 Wetmore Avenue Everett, WA 98201-1327
Evergreen State College, The	Lee Hoemann	(360) 866-6000 ext. 6116	TA-00 Olympia, WA 98505
Executive Ethics Board	Barbara Cook	(360) 664-0871	P.O. Box 40100 Olympia, WA 98504-0100
Financial Institutions, Department of	Susan Putzier	(360) 664-3508	P.O. Box 41200 Olympia, WA 98504-1200
Financial Management, Office of	Douglas Mah	(360) 902-0531	P.O. Box 43113 Olympia, WA 98504-3113
Fish and Wildlife, Department of	Evan Jacoby	(360) 902-2930	P.O. Box 43147 Olympia, WA 98504-3147
Forensic Investigations Council	Darrell K. Russell	(360) 753-2175	206 10th Avenue S.E. Olympia, WA 98501
Forest Practices Board	Judith M. Holter	(360) 902-1412	P.O. Box 47012 Olympia, WA 98504-7012
Gambling Commission	David Shaw	(360) 438-7654 ext. 310	P.O. Box 42400 Olympia, WA 98504-2400
General Administration, Depart- ment of	Marygrace G. Jennings	(360) 902-7208	P.O. Box 41000 Olympia, WA 98504-1000
Grays Harbor College	Sandy Zelasko	(360) 538-4000	1620 Edward P. Smith Drive Aberdeen, WA 98520-7599
Green River Community College	Clark Townsend	(253) 833-9111 ext. 428	12401 S.E. 320th St. Auburn, WA 98002
Growth Management Hearings Boards	William Nielson	(360) 664-8966	P.O. Box 40953 Olympia, WA 98504-0953
Health Care Authority	Elin Meyer	(360) 923-2801	P.O. Box 42705 Olympia, WA 98504-2705
Health Care Policy Board	Duane Thurman	(360) 407-0039	P.O. Box 41185 Olympia, WA 98504-1185
Health, Department of	Michele Davis	(360) 586-0342	P.O. Box 47902 Olympia, WA 98504-7902
Higher Education Coordinating Board	Karen B. Moton-Tate	(360) 753-7811	P.O. Box 43430 Olympia, WA 98504-3430
Higher Education, Joint Center for	Terry L. Novak, Ph.D.	(509) 358-2000	665 N. Riverpoint Blvd. Spokane, WA 99202-1665
Highline Community College	President's Office	(206) 878-3710	P.O. Box 98000 Des Moines, WA 98198-9800
Hispanic Affairs, Commission on	Jaime E. Gallardo	(360) 753-3159	P.O. Box 40924 Olympia, WA 98504-0924
Horse Racing Commission	Patty Sorby	(360) 459-6462	P.O. Box 40906 Olympia, WA 98504-0906

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Human Rights Commission	Jean A. Ciallella	(360) 753-4876	P.O. Box 42490 Olympia, WA 98504-2490
Indeterminate Sentence Review Board	Dennis Marsh	(360) 493-9271	P.O. Box 40907 Olympia, WA 98504-0907
Industrial Insurance Appeals, Board of	Patricia B. Latsch	(360) 753-9646	P.O. Box 42401 Olympia, WA 98504-2401
Information Services, Department of	Susan Hettinger	(360) 902-3535	P.O. Box 42441 Olympia, WA 98504-2441
Insurance Commissioner's Office	Kacy Brandeberry	(360) 407-0729	P.O. Box 40256 Olympia, WA 98506
Investment Board, State	Helen Small	(360) 664-8907	P.O. Box 40916 Olympia, WA 98504-0916
Jail Industries Board	Jill Will	(360) 586-1534	P.O. Box 40952 Olympia, WA 98504-0952
Judicial Conduct, Commission on	David Akana	(360) 753-4585	P.O. Box 40928 Olympia, WA 98504-0928
Labor and Industries, Department of	Marie Myerchin-Redifer	(360) 902-4206	P.O. Box 44001 Olympia, WA 98504-4001
Lake Washington Technical College	Vice-President		11605 132nd Avenue N.E. Kirkland, WA 98034-8506
Library, Washington State	Gail Lincoln	(360) 753-2914	P.O. Box 42464 Olympia, WA 98504-2464
Licensing, Department of	Walt Fahrer	(360) 902-3640	P.O. Box 48016 Olympia, WA 98504-8016
Liquor Control Board	M. Carter Mitchell	(360) 753-6276	P.O. Box 43075 Olympia, WA 98504-3075
Lottery Commission	Mary Jane Ferguson	(360) 753-1947	P.O. Box 43025 Olympia, WA 98504-3025
Lower Columbia College	Virginia M. Koken	(360) 577-2322	P.O. Box 3010 Longview, WA 98632-0310
Marine Employees' Commission	Janis Lien	(360) 586-6354	P.O. Box 40902 Olympia, WA 98504-0902
Marine Safety, Office of	Jeff Fishel	(360) 664-9124	P.O. Box 42407 Olympia, WA 98504-2407
Military Department	Linda Burton-Ramsey	(360) 923-4501	P.O. Box 40955 Olympia, WA 98504-0955
Minority and Women's Business Enterprises, Office of	Juan Huey-Ray	(360) 586-1228	P.O. Box 41160 Olympia, WA 98504-1160
Natural Resources, Department of	Dave Dietzman	(360) 902-1600	P.O. Box 47015 Olympia, WA 98504-7015

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Olympic College	Donna M. Allen, Ed.D.	(360) 478-4544	1600 Chester Avenue Bremerton, WA 98310-1699
Outdoor Recreation, Interagency Committee for	Greg Lovelady	(360) 902-3008	P.O. Box 40917 Olympia, WA 98504-0917
Parks and Recreation Commission	Jim French	(360) 902-8615	P.O. Box 42650 Olympia, WA 98504-2650
Peninsula College	Bonnie Cauffman	(360) 452-9277 ext. 228	1502 East Lauridsen Boulevard Port Angeles, WA 98362
Personnel Appeals Board	Kenneth J. Latsch	(360) 664-0373	P.O. Box 40911 Olympia, WA 98504-0911
Personnel, Department of	Judy Montoure	(360) 586-1770	P.O. Box 47500 Olympia, WA 98504-7500
Pierce College	Debra Overby	(253) 964-6634	9401 Farwest Drive S.W. Lakewood, WA 98498-1999
Pilotage Commissioners	Peggy Larson	(206) 515-3904	801 Alaskan Way Pier 52 Seattle, WA 98104-1487
Pollution Liability Insurance Agency	Terry Taylor	(360) 586-5997	P.O. Box 40930 Olympia, WA 98504-0930
Productivity Board	Linda L. Mackintosh	(360) 586-8407	P.O. Box 40244 Olympia, WA 98504-0244
Public Disclosure Commission	Karen M. Copeland	(360) 753-1111	P.O. Box 40908 Olympia, WA 98504-0908
Public Employment Relations Commission	Mark S. Downing	(360) 753-2955	P.O. Box 40919 Olympia, WA 98504-0919
Public Instruction, Superintendent of	Richard M. Wilson	(360) 753-2298	P.O. Box 47200 Olympia, WA 98504-7200
Public Works Board	Pete A. Butkus	(360) 586-7186	P.O. Box 48319 Olympia, WA 98504-8319
Puget Sound Water Quality Au- thority	Duane Fagergren	(360) 407-7303	P.O. Box 40900 Olympia, WA 98504-0900
Renton Technical College	Gary Koppang	(425) 235-2352	3000 N.E. Fourth Street Renton, WA 98056-4195
Retirement Systems, Department of	Paul Neal	(360) 709-4747	P.O. Box 48380 Olympia, WA 98504-8380
Revenue, Department of	Alan Lynn	(360) 586-9040	P.O. Box 47467 Olympia, WA 98504-7467
Seattle Community Colleges	James E. Christiansen	(206) 587-4160	1500 Harvard Seattle, WA 98122
Shoreline Community College	Charles Whiteside	(206) 546-4694	16101 Greenwood Avenue North Seattle, WA 98133

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Skagit Valley College	Judi Knutzen	(360) 428-1183	Auxilliary Services 2405 College Way Mt. Vernon, WA 98273
Social and Health Services, Department of	Paige G. Wall	(360) 902-7540	P.O. Box 45850 Olympia, WA 98504-5850
South Puget Sound Community College	Patty Pynch	(360) 754-7711 ext. 202	2011 Mottman Road S.W. Olympia, WA 98502
Spokane, Community Colleges of	Geoffrey J. Eng	(509) 533-8667	North 2000 Greene Street MS 1001 Spokane, WA 99207-5499
Tacoma Community College	Irene Hardy	(253) 566-5101	5900 South 12th Street Building 13 Tacoma, WA 98465
Tax Appeals, Board of	Richard A. Virant	(360) 753-5446	P.O. Box 40915 Olympia, WA 98504-0915
Traffic Safety Commission	Angie Smith	(360) 753-6197	P.O. Box 40944 Olympia, WA 98504-0944
Transportation, Commission and Department of	Bill Richeson	(360) 705-7761	P.O. Box 47410 Olympia, WA 98504-7410
Transportation Improvement Board	Donna Laing	(360) 753-7198	P.O. Box 40901 Olympia, WA 98504-0901
Treasurer, Office of the	Kay L. King	(360) 586-4634	P.O. Box 40200 Olympia, WA 98504-0200
University of Washington	Rebecca Goodwin Deardorff	(206) 543-9199	4014 University Way N.E. Seattle, WA 98105-6203
Utilities and Transportation Commission	Robert Wallis	(360) 664-1142	P.O. Box 47250 Olympia, WA 98504-7250
Veterans Affairs, Department of	Sherri Madison	(253) 566-2533	P.O. Box 41150 Olympia, WA 98504-1150
Volunteer Firefighters, Board for	Joseph Faubion	(360) 753-7318	P.O. Box 40945 Olympia, WA 98504-0945
Walla Walla Community College	Irma Leonetti	(509) 527-4274	500 Tausick Way Walla Walla, WA 99362-9267
Washington State Patrol	Kendra L. Hensley	(360) 753-0678	P.O. Box 42602 Olympia, WA 98504-2602
Washington State University	Richard L. Hutchinson	(509) 335-5524	French 432 Pullman, WA 99164-1045
Wenatchee Valley College	Anna Pieratt	(509) 664-2553	1300 Fifth Street Wenatchee, WA 98801
Western Washington University	Gloria McDonald	(360) 676-2037	320 BNB 103 East Holly Bellingham, WA 98225-4728

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Whatcom Community College	Cliff Baacke	(360) 676-2170	237 West Kellogg Road Bellingham, WA 98226
Workforce Training and Education Coordinating Board	'cita Waller	(360) 753-5673	P.O. Box 43105 Olympia, WA 98504-3105
Yakima Valley Community College	Suzanne West	(509) 574-4635	P.O. Box 1647 Yakima, WA 98907-1647

**WSR 97-23-033**  
**RULES REVIEW PLAN**  
**INSURANCE COMMISSIONER'S OFFICE**  
 [Filed November 17, 1997, 9:49 a.m.]

**Reviser's note:** The following Rules Review Plan has been electronically generated directly from the agency and has not been through the usual editing and proofing processes.

**PROGRESS REPORT — REVIEW OF TITLE 284 WAC —**  
**INSURANCE COMMISSIONER DEBORAH SENN**

**Prepared by: Melodie Bankers**  
**Date: October 15, 1997**

**Preliminary Overview of Entire Title 284 WAC — staff recommendations:**

Insurance Commissioner Deborah Senn has completed the first step in reviewing all rules (sections) in Title 284 WAC. All members of her staff that deal with rules were invited to make recommendations for each section in the title.

**Rules:**

- \* 48 possible repeal
- \* 241 possible amendments (to clarify, up-date, or implement federal law)
- \* 496 no change
  - \* 785 total rules (sections)

**Bulletins:**

- \* 163 withdraw (old, out-of-date)
- \* 23 amend, rewrite, and re-issue (out-of-date, or could be more clear)
- \* 39 no change
  - \* 168 total Bulletins, Technical Assistance Advisories, and other documents

**Next Step — Review of Rates/Contracts Division Rules:**

- Beginning late October of 1997, an in-depth review of all rules concerning the filing and approval of rates and forms of insurance contracts will be undertaken.
- **The following chapters of Title 284 WAC will be reviewed: 10, 20, 21, 23, 34, 43, 44, 46, 49, 50, 51, 52, 53, 54, 55, 58, 60, 66, 74, 84, and 85.**
- After staff members have had an opportunity to evaluate each rule (section), those affected by the rules will be invited to make suggestions.
- Internal and external working groups will be established to review each section of these chapters.

- This part of the review is scheduled for completion by July 1, 1998.

**The Commissioner's Website:**

- The Commissioner's Plan for the review of Title 284 WAC is available on the website.
- The website also includes:
  - a list of WAC chapters under current active evaluation;
  - a list of WAC sections that have been reviewed and the final action taken for each; and
  - the name, phone number, and e-mail address of the person to whom questions should be addressed concerning each section of the title.
- A detailed inventory of the review of Title 284 WAC is incorporated as Attachment A to this annual progress report, in Excel or Access format. (At this time, the Commissioner's website cannot accommodate an Excel or Access chart; however, if any person wishes a hard copy of the entire chart, one can be provided upon request. A link to the Governor's website will access the charts on-line.)

**Involvement by Interested Persons:**

- Any person interested in providing comments on any rule in Title 284 WAC is urged to provide comments in writing or through the website. Forms for comment are available on the website; examples of several useful "templates" for comment are appended as Attachment B and will be available on the website.
- Interested persons may contact **Kacy Brandeberry** at: 360/664-3790 (phone), 360/586-3535 (fax), or by sending an e-mail to her at "kacyb@oic.wa.gov."

**ATTACHMENTS**

**Attachment A: Rules Review Plan Recommendations:**

- An inventory of all sections of Title 284 WAC and the current recommended action for each. This is a preliminary plan; recommendations may or may not result in the suggested action.

**Attachment B: Forms for Public Participation in the Rules Review Process:**

- "Templates" that may be used by interested persons to organize their thoughts or submit suggestions. (While it is not necessary to comment using these forms, interested persons may find filling out one of these forms is an easy way to make a meaningful contribution to the review process.)

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-02 WAC	284-02-010	Authority of insurance commissioner	Rule	48.02.060, 34.05.220(1)(b)	12/99	N	
284-02 WAC	284-02-020	Organization and operations	Rule	48.02.060, 34.05.220(1)(b)	12/99	N	
284-02 WAC	284-02-030	Obtaining service of process over foreign and alien insurers	Rule	48.02.060, 34.05.220(1)(b)	12/99	N	
284-02 WAC	284-02-040	Applying for a license as agent, adjuster, broker or solicitor	Rule	48.02.060, 34.05.220(1)(b)	12/99	N	
284-02 WAC	284-02-050	Application or admission as an authorized insurer, fraternal benefit society, health care service contractor, health maintenance organization, or viatical settlement provider	Rule	48.02.060, 34.05.220(1)(b)	12/99	N	
284-02 WAC	284-02-060	Filing a complaint against a company, agent, broker, solicitor, or adjuster.	Rule	48.02.060, 34.05.220(1)(b)	12/99	N	
284-02 WAC	284-02-070	Hearings of the insurance commissioner	Rule	48.02.060, 34.05.220(1)(b)	12/99	N	
284-02 WAC	284-02-080	Publications and information available	Rule	48.02.060, 34.05.220(1)(b)	12/99	N	
284-02 WAC	284-02-090	Public access to information and records	Rule	48.02.060, 34.05.220	12/99	N	
284-02 WAC	284-02-100	Petition for adoption, amendment, or repeal of rules	Rule	48.02.060, 34.05.220	12/99	N	
284-03 WAC	284-03-010	Purpose	Rule	48.02.060, 34.05.220	12/99	N	
284-03 WAC	284-03-020	Definitions	Rule	48.02.060, 34.05.220	12/99	N	
284-03 WAC	284-03-030	Functions-Organization-Administration	Rule	48.02.060, 34.05.220	12/99	N	
284-03 WAC	284-03-040	Public records available	Rule	48.02.060, 34.05.220	12/99	N	
284-03 WAC	284-03-050	Public records officer	Rule	48.02.060, 34.05.220	12/99	N	
284-03 WAC	284-03-060	Records index	Rule	48.02.060, 48.02.160, 42.17.200, 34.05.220	12/99	N	
284-03 WAC	284-03-070	Office hours	Rule	48.02.060, 34.05.220	12/99	N	
284-03 WAC	284-03-080	Requests for public records	Rule	48.02.060, 34.05.220	12/99	N	
284-03 WAC	284-03-090	Copying fees	Rule	42.17.250, 42.17.300	12/99	N	
284-03 WAC	284-03-100	Exemptions	Rule	48.02.060, 34.05.220	12/99	N	
284-03 WAC	284-03-110	Review of denials of public records requests	Rule	48.02.060, 34.05.220	12/99	N	
284-03 WAC	284-03-120	Protection of public records	Rule	48.02.060, 34.05.220	12/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-03 WAC	284-03-130	Consumer complaints and inquiries	Rule	48.02.060, 34.05.220	12/99	N	
284-03 WAC	284-03-140	Adoption of forms	Rule	48.02.060, 34.05.220	12/99	N	
284-03 WAC	284-03-990	Form 276-1-Request for inspection of records	Rule	48.02.060, 34.05.220	12/99	N	
284-03 WAC	284-03-991	Form 276-2-Request for photocopy of record(s)	Rule	48.02.060, 34.05.220	12/99	N	
284-05 WAC	284-05-010	Title	Rule	48.02.060	12/99	N	
284-05 WAC	284-05-020	Purpose	Rule	48.02.060	12/99	N	
284-05 WAC	284-05-030	Scope	Rule	48.02.060	12/99	N	
284-05 WAC	284-05-040	Restriction on signing as actuary	Rule	48.02.060	12/99	N	
284-05 WAC	284-05-050	Actuarial representation	Rule	48.02.060	12/99	N	
284-05 WAC	284-05-060	Qualified actuary defined	Rule	48.02.060	12/99	N	
284-05 WAC	284-05-070	Effective date	Rule	48.02.060	12/99	N	
284-07 WAC	284-07-010	Special liability insurance report required annually	Rule	48.02.060, 48.05.390	04/99	N	
284-07 WAC	284-07-050	Annual statement instructions	Rule	48.02, 48.44.050,	04/99	N	
284-07 WAC	284-07-060	Statement of actuarial opinion	Rule	48.02, 48.43.140, 48.44.050, 48.46.200	04/99	N	
284-07 WAC	284-07-070	Statements to be filed in electronic form	Rule	48.02, 48.44.050,	04/99	N	
284-07 WAC	284-07-100	Purpose and scope	Rule	48.02, 48.43.140, 48.44.050, 48.46.200	04/99	N	
284-07 WAC	284-07-110	Definitions	Rule	48.02, 48.43.140, 48.44.050, 48.46.200	04/99	N	
284-07 WAC	284-07-120	Filing and extensions for filing of annual audited financial reports	Rule	48.02.060	04/99	N	
284-07 WAC	284-07-130	Contents of annual audited financial report	Rule	48.02, 48.43.140, 48.44.050, 48.46.200	04/99	N	
284-07 WAC	284-07-140	Designation of independent certified public accountant	Rule	48.02, 48.43.140, 48.44.050, 48.46.200	04/99	N	
284-07 WAC	284-07-150	Qualifications of independent certified public accountant	Rule	48.02.060	04/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-07 WAC	284-07-160	Consolidated or combined audits	Rule	48.02.060	04/99	N	
284-07 WAC	284-07-170	Scope of examination and report of independent certified public accountant	Rule	48.02.060	04/99	N	
284-07 WAC	284-07-180	Notification of adverse financial condition	Rule	48.02, 48.43.140, 48.44.050, 48.46.200	04/99	N	
284-07 WAC	284-07-190	Report on significant deficiencies internal controls	Rule	48.02.060	04/99	N	
284-07 WAC	284-07-200	Accountant's letter of qualifications	Rule	48.02.060	04/99	N	
284-07 WAC	284-07-210	Definition, availability, and maintenance of CPA workpapers	Rule	48.02.060	04/99	N	
284-07 WAC	284-07-220	Exemptions and effective dates	Rule	48.02, 48.43.140, 48.44.050, 48.46.200	04/99	N	
284-07 WAC	284-07-230	Canadian and British companies	Rule	48.02.060	04/99	N	
284-07 WAC	284-07-310	Purpose	Rule	48.02.060, 48.74.025, 48.36A.250, 48.36A.260	04/99	N	
284-07 WAC	284-07-320	Authority	Rule	48.02.060, 48.74.025, 48.36A.250, 48.36A.260	04/99	N	
284-07 WAC	284-07-330	Scope	Rule	48.02.060, 48.74.025, 48.36A.250, 48.36A.260	04/99	N	
284-07 WAC	284-07-340	Definitions	Rule	48.02.060, 48.74.025, 48.36A.250, 48.36A.260	04/99	N	
284-07 WAC	284-07-350	General requirements	Rule	48.02.060, 48.74.025, 48.36A.250, 48.36A.260	04/99	N	
284-07 WAC	284-07-360	Required opinions	Rule	48.02.060, 48.74.025, 48.36A.250, 48.36A.260	04/99	N	
284-07 WAC	284-07-370	Statement of actuarial opinion not including an asset adequacy analysis	Rule	48.02.060, 48.74.025, 48.36A.250, 48.36A.260	04/99	N	
284-07 WAC	284-07-380	Statement of actuarial opinion based on an asset adequacy analysis	Rule	48.02.060, 48.74.025, 48.36A.250, 48.36A.260	04/99	N	
284-07 WAC	284-07-390	Description of actuarial memorandum including an asset adequacy analysis	Rule	48.02.060, 48.74.025, 48.36A.250, 48.36A.260	04/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-07 WAC	284-07-400	Additional considerations for analysis	Rule	48.02.060, 48.74.025, 48.36A.250, 48.36A.260	04/99	N	
284-10 WAC	284-10-010	Purpose, intent, and authority	Rule	repealed	10/97	N	
284-10 WAC	284-10-015	Scope and applicability	Rule	repealed	10/97	N	
284-10 WAC	284-10-020	Definitions	Rule	repealed	10/97	N	
284-10 WAC	284-10-030	Portability of health insurance benefits	Rule	repealed	10/97	N	
284-10 WAC	284-10-050	Restrictions on the denial, exclusion, or limitation of health benefits for preexisting conditions	Rule	repealed	10/97	N	
284-10 WAC	284-10-060	Guaranteed renewability-Health insurance. Purpose, intent, and authority	Rule	repealed	10/97	N	
284-10 WAC	284-10-070	Certification of withdrawal from the market and exemption from short-term reform rules	Rule	repealed	10/97	N	
284-10 WAC	284-10-090	Severability provision	Rule	repealed	10/97	N	
284-10 WAC	284-10-140	Recognizing the exercise of conscience by purchasers of basic health plan services and ensuring access for all enrollees to such services	Rule	repealed	10/97	N	
284-12 WAC	284-12-080	Requirements for separate accounts	Rule	48.02.060, 48.30.010, 48.17.480, 48.17.600	12/99	N	
284-12 WAC	284-12-090	When general agency may accept applications from nonappointed agents	Rule	48.02.060(3), 48.17.500(3)	12/99	N	
284-12 WAC	284-12-095	Unfair practice with respect to use of general agent defined	Rule	48.02.060, 48.05.310, 48.30.010, 48.15.080	12/99	N	
284-12 WAC	284-12-110	Identification of agent or solicitor to prospective insured	Rule	48.02.060	12/99	N	
284-12 WAC	284-12-200	Operating in this state	Rule	48.02.060	12/99	N	
284-12 WAC	284-12-210	Affiliates	Rule	48.02.060	12/99	N	
284-12 WAC	284-12-220	Licensed in this state	Rule	48.02.060	12/99	N	
284-12 WAC	284-12-230	Notification of appointment	Rule	48.02.060	12/99	N	
284-12 WAC	284-12-250	Employee	Rule	48.02.060	12/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-12 WAC	284-12-260	Form of financial statements	Rule	48.02.060	12/99	N	
284-12 WAC	284-12-270	Expiration and renewal of appointments	Rule	48.010.030, 48.02.060 (3), 48.17.500(3)	12/99	N	
284-12 WAC	284-12-280	Claim thresholds	Rule	48.02.060	12/99	N	
284-13 WAC	284-13-160	Definition of "earned surplus"	Rule	48.02.060, 48.05.250, 48.05.400	04/99	N	
284-13 WAC	284-13-210	Valuation of bonds	Rule	48.02.060, 48.12.180, 48.12.190, 48.12.200	04/99	N	
284-13 WAC	284-13-220	Valuation of other securities	Rule	48.02.060, 48.12.180, 48.12.190, 48.12.200	04/99	N	
284-13 WAC	284-13-280	Real estate appraisals	Rule	48.06.060	04/99	N	
284-13 WAC	284-13-500	Purpose	Rule	48.02.060, 48.12.160	04/99	N	
284-13 WAC	284-13-505	Actual reinsurance	Rule	48.02.060, 48.12.160	04/99	N	
284-13 WAC	284-13-510	Credit of reinsurance-Reinsurer holding certificate of authority in this state	Rule	48.02.060, 48.12.160	04/99	N	
284-13 WAC	284-13-515	Qualified United States financial institution	Rule	48.02.060, 48.12.160	04/99	N	
284-13 WAC	284-13-520	Credit for reinsurance-Certain reinsurers maintaining trust funds	Rule	48.02.060, 48.12.160	04/99	N	
284-13 WAC	284-13-530	Credit for reinsurance--Certain alien reinsurers maintaining trust funds	Rule	48.02.060, 48.12.160	04/99	N	
284-13 WAC	284-13-535	Trust fund requirements	Rule	48.02.060, 48.12.160	04/99	N	
284-13 WAC	284-13-540	Credit for reinsurance ceded to an assuming insurer that does not have a certificate of authority	Rule	48.02.060, 48.12.160	04/99	N	
284-13 WAC	284-13-550	Trust agreements qualified under WAC 284-13-540	Rule	48.02.060, 48.12.160	04/99	N	
284-13 WAC	284-13-560	Letters of credit qualified under WAC 284-13-540	Rule	48.02.060, 48.12.160	04/99	N	
284-13 WAC	284-13-570	Other security	Rule	48.02.060, 48.12.160	04/99	N	
284-13 WAC	284-13-580	Reinsurance contract	Rule	48.02.060, 48.12.160	04/99	N	
284-13 WAC	284-13-590	Contracts affected	Rule	48.02.060, 48.12.160	04/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-13 WAC	284-13-595	Form AR-1	Rule	48.02.060, 48.12.160	04/99	N	
284-13 WAC	284-13-700	Definitions	Rule	48.02.060	04/99	N	
284-13 WAC	284-13-710	Applications for license	Rule	48.02.060	04/99	N	
284-13 WAC	284-13-720	Financial statement for reinsurance intermediary-manager	Rule	48.02.060	04/99	N	
284-13 WAC	284-13-730	Submission and approval of contracts between reinsurers and reinsurance intermediary-Managers	Rule	48.02.060	04/99	N	
284-13 WAC	284-13-740	Reporting of claims	Rule	48.02.060	04/99	N	
284-13 WAC	284-13-850	Scope	Rule	48.02.060, 48.05.250, 48.05.400	04/99	N	
284-13 WAC	284-13-855	Accounting requirements	Rule	48.02.060, 48.05.250, 48.05.400	04/99	N	
284-13 WAC	284-13-860	Written agreements	Rule	48.02.060, 48.05.250, 48.05.400	04/99	N	
284-13 WAC	284-13-863	Existing agreements	Rule	48.02.060, 48.05.250, 48.05.400	04/99	N	
284-15 WAC	284-15-010	Brokers-Surplus line- Qualifications and examination	Rule	48.02.060	12/99	N	
284-15 WAC	284-15-020	Surplus line broker-Solvent insurer required	Rule	48.02.060	12/99	N	
284-15 WAC	284-15-030	Surplus line brokers' form to be filed-Contract stamp to be used	Rule	48.02.060	12/99	N	
284-15 WAC	284-15-040	Form for surplus line insurer to designate person to receive legal process	Rule	48.02.060	12/99	N	
284-15 WAC	284-15-050	Surplus line-Waiver of financial requirements	Rule	48.02.060	12/99	N	
284-15 WAC	284-15-080	Relationship between surplus line broker and insurance agent	Rule	48.02.060, 48.05.310, 48.30.010, 48.15.080	12/99	N	
284-15 WAC	284-15-090	Financial requirements for unauthorized foreign and alien insurers increased	Rule	48.02.060, 48.92.140	12/99	N	
284-15 WAC	284-15-100	Surplus lines limited broker	Rule	48.02.060, 48.92.140	12/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-16 WAC	284-16-030	Title insurers-Defining "complete set of tract indexes."	Rule	48.02.060	04/99	N	
284-16 WAC	284-16-100	Investments-Encumbrance-Interpretation of RCW 48.13.140	Rule	48.02.060	04/99	N	
284-16 WAC	284-16-110	F.H.A. mortgage loans and investments	Rule	48.02.060	04/99	N	
284-16 WAC	284-16-150	Purpose	Rule	48.02.060, 48.12.180	04/99	N	
284-16 WAC	284-16-160	Definitions	Rule	48.02.060, 48.12.180	04/99	N	
284-16 WAC	284-16-170	Usual valuation of stock of a subsidiary	Rule	48.02.060, 48.12.180	04/99	N	
284-16 WAC	284-16-180	Other methods of valuing stock of a subsidiary	Rule	48.02.060, 48.12.180	04/99	N	
284-16 WAC	284-16-190	Limitation on values	Rule	48.02.060, 48.12.180	04/99	N	
284-16 WAC	284-16-200	Additional provisions	Rule	48.02.060, 48.12.180	04/99	N	
284-16 WAC	284-16-210	Adjustment procedure	Rule	48.02.060, 48.12.180	04/99	N	
284-16 WAC	284-16-220	Cumulative limitations	Rule	48.02.060, 48.12.180	04/99	N	
284-16 WAC	284-16-300	Purpose	Rule	48.02.060, 48.03.030, 48.31.030	04/99	N	
284-16 WAC	284-16-310	Standards	Rule	48.02.060, 48.03.030, 48.31.030	04/99	N	
284-16 WAC	284-16-320	Manner in which commissioner will exercise authority	Rule	48.02.060, 48.03.030, 48.31.030	04/99	N	
284-16 WAC	284-16-400	Title and scope	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	
284-16 WAC	284-16-410	Definitions	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	
284-16 WAC	284-16-420	Reserves in excess of minimum reserve standards	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	
284-16 WAC	284-16-430	Prospective gross premium valuation	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	
284-16 WAC	284-16-440	General claim reserve requirements	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-16 WAC	284-16-450	Minimum standards for claim reserves	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	
284-16 WAC	284-16-460	Premium reserves	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	
284-16 WAC	284-16-470	Contract reserves	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	
284-16 WAC	284-16-480	Determination of adequacy	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	
284-16 WAC	284-16-490	Reinsurance	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	
284-16 WAC	284-16-500	Specific minimum morbidity standards for individual disability contracts	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	
284-16 WAC	284-16-510	Specific minimum morbidity standards for group disability contracts	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	
284-16 WAC	284-16-520	Specific standards for interest	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	
284-16 WAC	284-16-530	Specific standards for mortality	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	
284-16 WAC	284-16-540	Reserves for waiver of premium	Rule	48.02.060, 48.12.030, 48.12.060	04/99	N	
284-17 WAC	284-17-120	Examination procedures for agents, solicitors and adjusters	Rule	48.02.060(3), 48.17.150(2), 48.17.160(1)(5), 48.17.500(3)	12/99	N	
284-17 WAC	284-17-121	Qualifications of agents of insurers authorized to transact more than one line of insurance-Exceptions	Rule	48.02.060, 48.17.150(2), 48.17.500	12/99	N	
284-17 WAC	284-17-122	Nonresident agent, broker, or adjuster's licenses	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-123	Adjuster's licenses	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-125	Prohibited acts or practices by license examinees	Rule	48.02.060	12/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-17 WAC	284-17-130	Prerequisites to admittance to examination	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-135	Reexamination after failure to pass	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-175	Education referrals	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-200	Purpose	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-210	Definitions	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-220	Continuing education requirement	Rule	48.02.060, 48.17.150, 48.20.450, 48.85.030,	12/99	N	
284-17 WAC	284-17-230	Eligible courses-Advance approval required	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-235	Exception to the advanced approval requirement	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-240	Courses specifically approved	Rule	48.17.150	12/99	N	
284-17 WAC	284-17-250	Courses conducted by self-certifying organizations	Rule	48.02.060(3), 48.17.150(2), 48.17.160(1)(5), 48.17.500(3)	12/99	N	
284-17 WAC	284-17-260	Courses individually approved	Rule	48.02.060(3), 48.17.150(2), 48.17.160(1)(5), 48.17.500(3)	12/99	N	
284-17 WAC	284-17-270	Credit for courses	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-275	Courses not approved	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-280	Approved courses or self-certifying organizations-Loss of approval	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-290	Waiver of continuing education requirement	Rule	48.02.060(3), 48.17.150(2), 48.17.160(1)(5), 48.17.500(3)	12/99	N	
284-17 WAC	284-17-300	Continuing education advisory committee	Rule	48.17.150	12/99	N	
284-17 WAC	284-17-310	When continuing education requirement must be sent	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-320	License renewal requested-continuing education requirement not satisfied	Rule	48.02.060(3), 48.17.150(2), 48.17.500(3)	12/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-17 WAC	284-17-400	Renewal dates for agents, brokers, solicitors and adjusters	Rule	48.02.060(3), 48.17.150(2), 48.17.500(3)	12/99	N	
284-17 WAC	284-17-410	Appointment renewal and termination procedures for insurance agents	Rule	48.02.060(3), 48.17.150(2), 48.17.500(3)	12/99	N	
284-17 WAC	284-17-420	Appointment, affiliation and renewal procedures for licensed persons empowered to exercise the authority conferred to a corporate or firm licensee	Rule	48.02.060(3), 48.17.150(2), 48.17.500(3)	12/99	N	
284-17 WAC	284-17-505	Definitions	Rule	48.02.060, 48.47.070	12/99	N	
284-17 WAC	284-17-510	Prelicense education requirement	Rule	48.02.060, 48.47.070	12/99	N	
284-17 WAC	284-17-515	Waiver of the prelicense education requirement	Rule	48.02.060, 48.17.150	12/99	N	
284-17 WAC	284-17-520	When prelicense or education requirement must be met	Rule	48.02.060, 48.17.150	12/99	N	
284-17 WAC	284-17-530	Requirements applicable to all prelicense education providers	Rule	48.02.060, 48.17.060	12/99	N	
284-17 WAC	284-17-535	program director qualification and responsibilities	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-537	Instructor qualifications and responsibilities	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-539	Certificates of completion	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-540	Requirements applicable to independent prelicense education providers	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-545	Requirements applicable to insurer prelicense education providers	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-550	Course standards	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-551	Statutes and regulations curriculum	Rule	48.02.060, 48.17.150	12/99	N	
284-17 WAC	284-17-552	Life insurance curriculum	Rule	48.02.060, 48.17.150	12/99	N	
284-17 WAC	284-17-553	Disability insurance curriculum	Rule	48.02.060, 48.17.150	12/99	N	
284-17 WAC	284-17-554	Casualty insurance curriculum	Rule	48.02.060, 48.17.150	12/99	N	
284-17 WAC	284-17-555	Property insurance curriculum	Rule	48.02.060, 48.17.150	12/99	N	
284-17 WAC	284-17-560	Providers not approved	Rule	48.02.060, 48.17.020	12/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-17 WAC	284-17-565	Approved providers-Loss of approval	Rule	48.02.060, 48.17.020	12/99	N	
284-17 WAC	284-17-570	Implementation dates	Rule	48.02.060	12/99	N	
284-17 WAC	284-17-600	Licensing requirements for licensees who maintain more than one place of business in the state	Rule	48.02.060(3)(a), 48.17.060, 48.30.010	12/99	N	
284-18 WAC	284-18-300	Forms-Generally requirements	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-310	Forms-Incorporation by reference, summaries, and omissions	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-320	Forms-Information unknown unavailable and extension of time to furnish	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-330	Forms-Additional information and exhibits	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-340	Definitions	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-350	Subsidiaries of domestic insurers	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-360	Acquisition of control-Statement filing	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-370	Amendments of Form A	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-380	Acquisition of section 4(1), chapter 462, laws of 1993 insurers	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-390	Annual registration of insurers-Statement filing	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-400	Summary of registration-Statement filing	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-410	Amendments of Form B	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-420	Alternative and consolidated registrations	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-430	Disclaimers and termination of registration	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-440	Transactions subject to prior notice-Notice filing	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-450	Extraordinary dividends and other distributions	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-460	Adequacy of surplus	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-910	Form A	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-920	Form B	Rule	48.02.060	04/99	N	
284-18 WAC	284-18-930	Form C	Rule	48.02.060	04/99	N	

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284-18 WAC	284-18-940	Form D	Rule	48.02.060	04/99	N	
284-19 WAC	284-19-010	Title	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-020	Purpose of program	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-030	Effective date	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-040	Participation	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-050	Definitions	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-060	FAIR plan-Inspections and reports	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-070	FAIR plan business-Distribution and placement	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-080	Procedure after inspection and submission	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-090	Joint reinsurance association	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-100	Standard policy coverage-Coding	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-110	Cancellation under this program	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-120	Right of appeal	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-130	Commission	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-140	Administration	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-150	Annual and special meetings	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-160	Duties of the committee	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-165	Cooperation of producers	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-170	Public education and notices required	Rule	48.02.060	12/99	N	
284-19 WAC	284-19-180	Statistics, records and reports	Rule	48.02.060	12/99	N	
284-20 WAC	284-20-006	Washington Insurance Examining Bureau, Inc. Audits to test adherence to rate filings	Rule	48.02.060	07/98	N	
284-20 WAC	284-20-010	Standard fire policies	Rule	48.02.060, 48.18.120	07/98	N	
284-20 WAC	284-20-020	Time of inception and expiration	Rule	48.02.060, 48.27.020	07/98	N	
284-20 WAC	284-20-030	Purpose	Rule	48.02.060, 48.27.020	07/98	N	
284-20 WAC	284-20-040	Classification of risks and coverages	Rule	48.02.060, 48.27.020	07/98	N	
284-20 WAC	284-20-050	Excluded coverages	Rule	48.02.060, 48.27.020	07/98	N	
284-20 WAC	284-20-070	Catastrophe coverage	Rule	48.02.060	07/98	N	
284-20 WAC	284-20-100	Modification of form filing requirements	Rule	48.02.060	07/98	N	
284-20 WAC	284-20-200	Retention of policy forms	Rule	48.02.060, 48.30.010	07/98	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-21 WAC	284-21-010	Loss payable and mortgagee endorsements	Rule	48.02.060	07/98	N	
284-21 WAC	284-21-990	Appendix-form-Loss payable endorsement	Rule	48.02.060	07/98	N	
284-22 WAC	284-22-010	Title	Rule	48.02.060	12/99	N	
284-22 WAC	284-22-020	Purpose	Rule	48.02.060	12/99	N	
284-22 WAC	284-22-030	Effective date	Rule	48.02.060	12/99	N	
284-22 WAC	284-22-040	Territory	Rule	48.02.060	12/99	N	
284-22 WAC	284-22-050	Definitions	Rule	48.02.060	12/99	N	
284-22 WAC	284-22-060	Participation	Rule	48.02.060	12/99	N	
284-22 WAC	284-22-070	Administration	Rule	48.02.060	12/99	N	
284-22 WAC	284-22-080	Approval by commissioner	Rule	48.02.060	12/99	N	
284-22 WAC	284-22-090	Right of appeal	Rule	48.02.060	12/99	N	
284-23 WAC	284-23-010	Title and purpose	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-020	Definitions	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-030	Applicability	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-040	Form and content of advertisements	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-050	Disclosure requirements	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-060	Identity of insurer	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-070	Solicitation beyond license limits and status of insurer	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-080	Statements about the insurer	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-090	Advertising file to be maintained	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-100	Conflict with other rules	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-110	Violation defined as unfair practice	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-120	Severability provision	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-130	Effective date	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-200	Purpose	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-210	Scope	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-220	Definitions	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-230	Disclosure requirements	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-240	General rules	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-250	Failure to comply	Rule	48.02.060, 48.30.010	07/98	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-23 WAC	284-23-260	Effective date	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-270	Life insurance buyer's guide, form to be used	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-300	Background	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-310	Purpose	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-320	Scope	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-330	Contract summary, contents	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-340	Contract summary, requirements	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-350	Disclosure requirements	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-360	General rules	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-370	Failure to comply	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-380	Effective date	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-400	Purpose	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-410	Definition of replacement	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-420	Other definitions	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-430	Exemptions	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-440	Duties of agents and brokers	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-450	Duties of insurers	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-455	Duties of insurers that use agents or brokers	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-460	Duties of insurers with respect to direct-response sales	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-480	Penalties	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-485	Form to be used for notice regarding replacement	Rule	48.02.060	07/98	N	
284-23 WAC	284-23-550	Relationship of death benefits to premiums-Unfair practice defined	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-570	Deferred annuities with case surrender benefits-Clarification	Rule	48.02.060 (3)(e)	07/98	N	
284-23 WAC	284-23-600	Title	Rule	48.02.060 (3)(a), 48.30.010	07/98	N	
284-23 WAC	284-23-610	Authority, finding, purpose, and scope	Rule	48.02.060 (3)(a), 48.30.010	07/98	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-23 WAC	284-23-620	Definitions	Rule	48.02.060 (3)(a), 48.30.010	07/98	N	
284-23 WAC	284-23-630	Assignees and beneficiaries	Rule	48.02.060 (3)(a), 48.30.010	07/98	N	
284-23 WAC	284-23-640	Criteria for payment	Rule	48.02.060 (3)(a), 48.30.010	07/98	N	
284-23 WAC	284-23-650	Disclosure statement	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-660	Effective date of the accelerated benefit	Rule	48.02.060(3)(a), 48.30.010	07/98	N	
284-23 WAC	284-23-670	Waiver of premiums	Rule	48.02.060(3)(a), 48.30.010	07/98	N	
284-23 WAC	284-23-680	Unfair discrimination	Rule	48.02.060(3)(a), 48.30.010	07/98	N	
284-23 WAC	284-23-690	Actuarial standards, financing options, effect on cash value, and effect on policy loans	Rule	48.02.060, 48.30.010	07/98	N	
284-23 WAC	284-23-700	Actuarial disclosure and reserves	Rule	48.02.060(3)(a), 48.30.010	07/98	N	
284-23 WAC	284-23-710	Filing requirements	Rule	48.02.060(3)(a), 48.30.010	07/98	N	
284-23 WAC	284-23-720	Administrative expenses	Rule	48.02.060(3)(a), 48.30.010	07/98	N	
284-23 WAC	284-23-730	Resolution of disputes regarding occurrence of qualifying events	Rule	48.02.060(3)(a), 48.30.010	07/98	N	
284-24 WAC	284-24-015	Statistical plans and designation of statistical agents	Rule	48.02.060, 48.19.080, 48.19.370	07/98	N	
284-24 WAC	284-24-060	Modification of filing requirement	Rule	48.02.060, 48.19.080, 48.19.370	07/98	N	
284-24 WAC	284-24-065	Demonstration that rates satisfy the requirements of RCW 48.19.020	Rule	48.02.060, 48.19.080	07/98	N	
284-24 WAC	284-24-070	Suspension of filing requirements-"(A)" rating	Rule	48.02.060	07/98	N	
284-24 WAC	284-24-080	Rate filings required for certain inland marine risks	Rule	48.02.060(3)(3)	07/98	N	
284-24 WAC	284-24-100	Standards for schedule rating plans, noncomplying filings ineffective	Rule	48.02.060, 48.19.080, 48.19.370	07/98	N	
284-26 WAC	284-26-010	Definition of certain terms	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-020	Transactions exempted from the operation of RCW 48.08.120	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-030	Filing of statements	Rule	48.02.060	12/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-26 WAC	284-26-040	Ownership of more than ten percent of an equity security	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-050	Disclaimer of beneficial ownership	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-060	Exemptions from RCW 48.08.110 and 48.08.120	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-070	Exemption from the act of securities purchased or sold by odd-lot dealers	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-080	Certain transactions subject to RCW 48.08.110	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-090	Ownership of securities held in trust	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-100	Exemption for small transactions	Rule	48.02.060, 48.08.170	12/99	N	
284-26 WAC	284-26-110	Exemption from RCW 48.08.120 of transactions which need to be reported under RCW 48.08.110	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-120	Exemption from RCW 48.08.120 of certain transactions effected in connection with a distribution	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-130	Exemption from RCW 48.08.120 of acquisitions of shares of stock and stock options under certain stock bonus, stock option or similar plans	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-140	Exemption from RCW 48.08.120 of certain transactions in which securities are received by redeeming	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-150	Exemption of long-term profits incident to sales within six months of the exercise of an option	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-160	Exemption from RCW 48.08.120 of certain acquisitions and dispositions of securities pursuant to merger or consolidations	Rule	48.02.060	12/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-26 WAC	284-26-170	Exemption from RCW 48.08.120 of transactions involving the deposit or withdrawal of equity securities under a voting trust or deposit agreement	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-180	Exemption from RCW 48.08.120 of certain transactions involving the conversion of equity securities	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-190	Exemption from RCW 48.08.120 of certain transactions involving the sale of subscription rights	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-200	Exemption of certain securities from RCW 48.08.130	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-210	Exemption from RCW 48.08.130 of certain transactions effected in connection with a distribution	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-220	Exemption from RCW 48.08.130 of sales of securities to be acquired	Rule	48.02.060	12/99	N	
284-26 WAC	284-26-230	Arbitrage transactions under RCW 48.08.150	Rule	48.02.060	12/99	N	
284-28 WAC	284-28-001	Promulgation	Rule	48.02.060	12/99	N	
284-28 WAC	284-28-010	Application of Regulation	Rule	48.02.060	12/99	N	
284-28 WAC	284-28-020	Proxies, consents, and authorizations	Rule	48.02.060	12/99	N	
284-28 WAC	284-28-030	Disclosure of equivalent information	Rule	48.02.060	12/99	N	
284-28 WAC	284-28-040	Definitions	Rule	48.02.060	12/99	N	
284-28 WAC	284-28-050	Information to be furnished to stockholders	Rule	48.02.060	12/99	N	
284-28 WAC	284-28-060	Requirements as to proxy, and information statement	Rule	48.02.060	12/99	N	
284-28 WAC	284-28-070	Material required to be filed	Rule	48.02.060	12/99	N	
284-28 WAC	284-28-080	False or misleading statements	Rule	48.02.060	12/99	N	
284-28 WAC	284-28-090	Prohibition of certain solicitations	Rule	48.02.060	12/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-28 WAC	284-28-100	Special provisions applicable to election contests	Rule	48.02.060	12/99	N	
284-28 WAC	284-28-110	Effective date	Rule	48.02.060	12/99	N	
284-30 WAC	284-30-300	Authority and purpose	Rule	48.02.060, 48.30.310	04/99	N	
284-30 WAC	284-30-310	Scope	Rule	48.02.060, 48.30.310	04/99	N	
284-30 WAC	284-30-320	Definitions	Rule	48.02.060, 48.30.010	04/99	N	
284-30 WAC	284-30-330	Specific unfair claims settlement practices defined	Rule	48.02.060, 48.44.050 and 48.46.200	04/99	N	
284-30 WAC	284-30-340	File and record documentation	Rule	48.02.060, 48.44.050 and 48.46.200	04/99	N	
284-30 WAC	284-30-350	Misrepresentation of policy provisions	Rule	48.02.060, 48.30.010, 48.44.050, 48.46.200	04/99	N	
284-30 WAC	284-30-360	Failure to acknowledge pertinent communications	Rule	48.02.060, 48.30.010	04/99	N	
284-30 WAC	284-30-370	Standards for prompt investigation of claims	Rule	48.02.060, 48.30.010	04/99	N	
284-30 WAC	284-30-380	Standards for prompt, fair and equitable settlements applicable to all insurers	Rule	48.02.060, 48.30.010	04/99	N	
284-30 WAC	284-30-390	Standards for prompt, fair and equitable settlements applicable to automobile insurance	Rule	48.02.060, 48.30.010	04/99	N	
284-30 WAC	284-30-395	Standards for prompt, fair and equitable settlements applicable to automobile personal injury protection insurance	Rule	48.22.105, 48.02.060, 48.30.010	04/99	N	
284-30 WAC	284-30-400	Enforcement	Rule	48.02.060, 48.30.010	04/99	N	
284-30 WAC	284-30-410	Effective date	Rule	48.02.060, 48.30.010	04/99	N	
284-30 WAC	284-30-450	Insurance policies and contracts-Coverage for drugs	Rule	48.02.060, 48.30.010	04/99	N	
284-30 WAC	284-30-500	Unfair practices with respect to vehicle insurance	Rule	48.02.060	04/99	N	
284-30 WAC	284-30-550	Receipts to be given	Rule	48.02.060	04/99	N	
284-30 WAC	284-30-560	Applications and binders	Rule	48.02.060(3)(a)	04/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-30 WAC	284-30-570	Actual reason for canceling, denying or refusing to renew insurance to be disclosed	Rule	48.02.060(3)(a)	04/99	N	
284-30 WAC	284-30-572	Discrimination prohibited	Rule	48.02.060	04/99	N	
284-30 WAC	284-30-574	Insurer must make independent evaluation	Rule	48.02.060, 48.44.050, 48.46.200	04/99	N	
284-30 WAC	284-30-580	Policies to be delivered, not held by agents	Rule	48.02.060(3)(a)	04/99	N	
284-30 WAC	284-30-590	Unfair practices with respect to policy cancellations, renewals, and changes	Rule	48.92.060, 48.44.050, 48.46.200	04/99	N	
284-30 WAC	284-30-600	Unfair practices with respect to out-of-state group life and disability insurance	Rule	48.02.060(3)(a), 48.30.010	04/99	N	
284-30 WAC	284-30-610	Unfair practices with respect to the solicitation of coverage under out-of-state group policies	Rule	48.02.060(3)(a)	04/99	N	
284-30 WAC	284-30-620	Permissible time limit for benefits payable because of accidental injury or death	Rule	48.02.060, 48.44.050, 48.46.200	04/99	N	
284-30 WAC	284-30-630	Health questions in applications to be clear and precise	Rule	48.02.060, 48.44.050, 48.46.200	04/99	N	
284-30 WAC	284-30-650	Prompt responses required	Rule	48.02.060, 48.44.050, 48.46.200	04/99	N	
284-30 WAC	284-30-660	Deceptive use of quotation or evaluations prohibited	Rule	48.02.060	04/99	N	
284-30 WAC	284-30-700	Restrictions as to denial and termination of homeowners insurance affected by daycare operations	Rule	48.02.060	04/99	N	
284-30 WAC	284-30-750	Brokers' fees to be disclosed	Rule	48.02.060, 48.44.050, 48.46.200	04/99	N	
284-30 WAC	284-30-800	Unfair practices applicable to title insurers and their agents	Rule	48.02.060, 48.30.010	04/99	N	
284-30 WAC	284-30-900	Purpose	Rule	48.02.060, 48.30.010,	04/99	N	
284-30 WAC	284-30-905	Scope	Rule	48.02.060, 48.30.010,	04/99	N	
284-30 WAC	284-30-910	Definitions	Rule	48.02.060, 48.30.010,	04/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-30 WAC	284-30-920	Procedures for resolving lost policy disputes regarding environmental claims	Rule	48.02.060, 48.30.010,	04/99	N	
284-30 WAC	284-30-930	Specific unfair environmental claims settlement or trade practices defined	Rule	48.02.060, 48.30.010,	04/99	N	
284-30 WAC	284-30-940	Environmental claim mediation program	Rule	48.02.060, 48.30.010,	04/99	N	
284-34 WAC	284-34-010	Credit life insurance	Rule	48.02.060	12/99	N	
284-34 WAC	284-34-020	Credit accident and health insurance	Rule	48.02.060	12/99	N	
284-34 WAC	284-34-030	Collection and remittance of premiums	Rule	48.02.060	12/99	N	
284-34 WAC	284-34-040	Rate filings and deviations from prima facie rates	Rule	48.02.060	12/99	N	
284-34 WAC	284-34-050	Refunds	Rule	48.02.060	12/99	N	
284-34 WAC	284-34-060	Effective date-Implementation	Rule	48.02.060	12/99	N	
284-34 WAC	284-34-070	Prohibited transactions	Rule	48.30.010, 48.02.060	12/99	N	
284-36 WAC	284-36-010	Application	Rule	48.02.060	04/99	N	
284-36 WAC	284-36-020	Agent-directors permitted	Rule	48.02.060	04/99	N	
284-36 WAC	284-36-030	Election or service as director prohibited	Rule	48.02.060	04/99	N	
284-36 WAC	284-36-040	Fiduciary responsibilities not affected	Rule	48.02.060	04/99	N	
284-36A WAC	284-36A-005	Purpose and scope	Rule	48.02.060, 48.36A.100(7), 48.36A.290(4), 48.36A.100, 48.36A.290, 48.36A.310	04/99	N	
284-36A WAC	284-36A-010	Definitions	Rule	48.02.060, 48.36A.100(7), 48.36A.290(4), 48.36A.100, 48.36A.290, 48.36A.310	04/99	N	
284-36A WAC	284-36A-020	Report of RBS level--formula for determining level--inaccurate reports adjusted by commissioner	Rule	48.02.060, 48.36A.100(7), 48.36A.290(4), 48.36A.100, 48.36A.290, 48.36A.310	04/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-36A WAC	284-36A-025	Risk-based surplus (RBS) financial standard formula	Rule	48.02.060, 48.36A.100(7), 48.36A.290(4), 48.36A.100, 48.36A.290, 48.36A.310	04/99	N	
284-36A WAC	284-36A-030	RBS level--Commissioner's action	Rule	48.02.060, 48.36A.100(7), 48.36A.290(4), 48.36A.100, 48.36A.290, 48.36A.310	04/99	N	
284-36A WAC	284-36A-035	Confidentiality of RBS reports--Use of information for comparative purposes--Use of information to monitor solvency	Rule	48.02.060, 48.36A.100(7), 48.36A.290(4), 48.36A.100, 48.36A.290, 48.36A.310	04/99	N	
284-43 WAC	284-43-040	Review and approval of certified health plan provider selection, termination, and dispute resolution provisions	Rule	48.02.060, 48.43.140, 43.72.100(6)	07/98	N	
284-43 WAC	284-43-100	Health carrier standards for women's right to directly access certain health care practitioners for women's health care services	Rule	48.02.060, 48.18.120, 48.20.450, 48.20.460, 48.44.050, 48.46.200,	07/98	N	
284-44 WAC	284-44-010	Title and application	Rule	48.02.060	07/98	N	
284-44 WAC	284-44-030	Contract format required	Rule	48.02.060	07/98	N	
284-44 WAC	284-44-040	Contract standards required	Rule	48.02.060, 48.44.050, 48.46.200	07/98	N	
284-44 WAC	284-44-042	Temporarmandibular joint disorder-Specified offer of coverage required-Terms of specified offer defined-Proof of offer must be maintained-Discrimination prohibited-Terms defined	Rule	48.44.460, 48.02.060(3)(a), 48.44.050	07/98	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-44 WAC	284-44-043	Experimental and investigational prescriptions, treatments, procedures, or services-Definitions required-Standard for definition-Written notice of denial required-Appeal process required	Rule	48.02.060(3)(a), 48.44.050	07/98	N	
284-44 WAC	284-44-045	Benefits for registered nurses' services	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-046	Mammograms-Coverage requirements and exceptions	Rule	48.02.060(3)(a), 48.44.050	07/98	N	
284-44 WAC	284-44-050	Group certificates to be furnished	Rule	48.02.060	07/98	N	
284-44 WAC	284-44-070	Effective date	Rule	48.02.060	07/98	N	
284-44 WAC	284-44-100	Authority and purpose	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-110	Applicability and scope	Rule	48.02.060	07/98	N	
284-44 WAC	284-44-120	Definitions	Rule	48.02.060	07/98	N	
284-44 WAC	284-44-130	When filing is required	Rule	48.02.060	07/98	N	
284-44 WAC	284-44-140	General contents of all filings	Rule	48.02.060, 48.44.050, 48.46.200	07/98	N	
284-44 WAC	284-44-150	Experience records	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-160	Evaluating experience data	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-190	Unique contract forms	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-200	Effective date	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-210	"Filing document" form-Standard contract filing information	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-220	"Filing document" form-Nonstandard contract filing information	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-240	Participating provider contract	Rule	48.44.050, 48.02.060	07/98	N	
284-44 WAC	284-44-250	Accounting method	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-300	Purpose and applicability	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-310	Agreement underwritten by insurance	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-320	Agreement guaranteed by a surety company	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-330	Agreement guaranteed by a deposit of cash or securities	Rule	48.44.050	07/98	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-44 WAC	284-44-340	Modification of amount of reimbursement or indemnity	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-350	Records and reporting	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-360	Effective date	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-410	Form for reporting number of persons entitled to services	Rule	48.44.050	07/98	N	
284-44 WAC	284-44-450	PKU formula coverage requirements and exceptions	Rule	48.02.060(3)(a), 48.44.050, 48.46.200	07/98	N	
284-44 WAC	284-44-500	Alternative care-General rules as to minimum standards	Rule	48.41.030, 48.02.060, 48.44.050, 48.46.200, 48.46.060	07/98	N	
284-46 WAC	284-46-020	Form for reporting number of persons entitled to services	Rule	48.46.200	07/98	N	
284-46 WAC	284-46-025	General contents of all rate or forms of contract filings	Rule	48.02.060, 48.44.050, 48.46.200	07/98	N	
284-46 WAC	284-46-100	PKU formula coverage requirements	Rule	48.02.060(3)(a), 48.44.050, 48.46.200	07/98	N	
284-46 WAC	284-46-500	Alternative care-General rules as to minimum standards	Rule	48.02.060, 48.44.050,	07/98	N	
284-46 WAC	284-46-506	Temporomandibular joint disorders-Specified offer of coverage required-Terms of specified offer defined-Proof of offer must be maintained-Discrimination prohibited-Terms defined	Rule	48.46.530, 48.02.060(3)(a), 48.46.200	07/98	N	
284-46 WAC	284-46-507	Experimental and investigational prescriptions, treatments, procedures, or services-Definition required-Standard for definition-Written notice of denial required-Appeal process required	Rule	48.02.060(3)(a), 48.46.200	07/98	N	
284-46 WAC	284-46-575	Participating provider contracts	Rule	48.46.200, 48.02.060	07/98	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-48 WAC	284-48-010	License status of creditors under credit group policies-commissions	Rule	48.17.060	12/99	N	
284-49 WAC	284-49-010	Scope	Rule	48.02.060(3)(a), 48.46.200, 48.44.050, 48.46.200	07/98	N	
284-49 WAC	284-49-020	Supplanting or superseding of existing policies	Rule	48.02.060(3)(a), 48.46.200, 48.44.050, 48.46.200	07/98	N	
284-49 WAC	284-49-050	Definitions	Rule	48.02.060(3)(a), 48.46.200, 48.44.050, 48.46.200	07/98	N	
284-49 WAC	284-49-100	Forms-prior approval	Rule	48.02.060(3)(a), 48.46.200, 48.44.050, 48.46.200	07/98	N	
284-49 WAC	284-49-115	General contents of form and rate filings	Rule	48.02.060(3)(a), 48.46.200, 48.44.050, 48.46.200	07/98	N	
284-49 WAC	284-49-300	Minimum policy requirements	Rule	48.02.060(3)(a), 48.46.200, 48.44.050, 48.46.200	07/98	N	
284-49 WAC	284-49-330	Minimum coverage	Rule	48.02.060(3)(a), 48.46.200, 48.44.050, 48.46.200	07/98	N	
284-49 WAC	284-49-500	Standards for loss ratios	Rule	48.02.060(3)(a), 48.46.200, 48.44.050, 48.46.200	07/98	N	
284-49 WAC	284-49-510	Filing requirements	Rule	48.02.060(3)(a), 48.46.200, 48.44.050, 48.46.200	07/98	N	
284-49 WAC	284-49-520	Experience records	Rule	48.02.060(3)(a), 48.46.200, 48.44.050, 48.46.200	07/98	N	
284-49 WAC	284-49-900	Collection of data and reporting	Rule	48.02.060(3)(a), 48.46.200, 48.44.050, 48.46.200	07/98	N	
284-49 WAC	284-49-999	Separability	Rule	48.02.060(3)(a), 48.46.200, 48.44.050, 48.46.200	07/98	N	
284-50 WAC	284-50-010	Title and purpose	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-020	Applicability	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-030	Definitions	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-040	Method of disclosure of required information	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-050	Form and content of advertisements	Rule	48.02.060	07/98	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-50 WAC	284-50-060	Deceptive words, phrases, or illustrations prohibited	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-070	Exceptions, reductions, and limitations to be disclosed	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-080	Preexisting conditions	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-090	Disclosure of provisions relating to renewability, cancellability, and termination	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-100	Testimonials or endorsements by third parties	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-110	Use of statistics	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-120	Identification of plan or number of policies	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-130	Disparaging comparisons and statements	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-140	Jurisdictional licensing and status of insurer	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-150	Identity of insurer	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-160	Group or quasi-group implications	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-170	Introductory, initial, or special offers	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-180	Reduced initial premium rates	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-190	Statements about an insurer	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-200	Advertising file to be maintained	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-210	Violation defined as unfair practice	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-220	Severability provision	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-230	Effective date	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-260	PKU formula coverage requirements and exceptions	Rule	48.02.060(3)(a), 48.44.050, 48.46.200	07/98	N	
284-50 WAC	284-50-270	Mammograms-Coverage requirements and exceptions	Rule	48.02.060(3)(a)	07/98	N	
284-50 WAC	284-50-300	Purpose	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-305	Applicability and scope	Rule	48.02.060(3), 48.20.450, 48.20.460, 48.20.470	07/98	N	
284-50 WAC	284-50-310	Effective date	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-315	Policy definitions	Rule	48.02.060	07/98	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-50 WAC	284-50-320	Prohibited policy provisions	Rule	48.02.060, 48.44.050, 48.46.200	07/98	N	
284-50 WAC	284-50-325	Minimum standards for benefits	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-330	General rules as to minimum standards	Rule	48.02.060, 48.44.050, 48.46.200, 48.46.060	07/98	N	
284-50 WAC	284-50-335	Basic hospital expense coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-340	Basic medical-surgical expense coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-345	Hospital confinement indemnity coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-350	Major medical expense coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-355	Disability income protection coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-360	Accident only coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-365	Specified disease and specified accident coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-370	Limited benefit health insurance coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-375	Required disclosure provisions, general rules	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-377	Experimental and investigational prescriptions, treatments, procedures, or service-Definition required-Standard for definition-Written notice of denial required-Appeal process required	Rule	48.02.060(3)(a), 48.18.120	07/98	N	
284-50 WAC	284-50-380	Outline of coverage requirements for individual coverages	Rule	48.66.100, 48.20.470, 48.02.060, 48.44.050, 48.46.200	07/98	N	
284-50 WAC	284-50-385	Basic hospital expense coverage, outline of coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-390	Basic medical-surgical expense coverage, outline of coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-395	Basic hospital and medical surgical expense coverage, outline of coverage	Rule	48.02.060	07/98	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-50 WAC	284-50-400	Hospital confinement indemnity coverage, outline of coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-405	Major medical expense coverage outline of coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-410	Disability income protection coverage, outline of coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-415	Accident only coverage, outline coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-420	Specified disease or specified accident coverage, outline of coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-425	Limited benefit health coverage, outline of coverage	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-430	Requirements for replacement	Rule	48.02.060	07/98	N	
284-50 WAC	284-50-435	Separability	Rule	48.02.020	07/98	N	
284-51 WAC	284-51-010	Purpose and scope	Rule	48.21.200, 48.02.060(3)(a)	07/98	N	
284-51 WAC	284-51-015	Amount of reduction allowed	Rule	48.21.200, 48.02.060(3)(a)	07/98	N	
284-51 WAC	284-51-020	Required provisions for coordination of benefits	Rule	48.21.200, 48.02.060(3)(a)	07/98	N	
284-51 WAC	284-51-030	Benefits subject to coordination	Rule	48.21.200, 48.02.060(3)(a)	07/98	N	
284-51 WAC	284-51-040	"Plan" defined	Rule	48.21.200, 48.02.060(3)(a)	07/98	N	
284-51 WAC	284-51-045	"Preventive care" defined	Rule	48.21.200, 48.02.060(3)(a)	07/98	N	
284-51 WAC	284-51-050	Allowable expense	Rule	48.21.200, 48.02.060(3)(a)	07/98	N	
284-51 WAC	284-51-060	Claim determination period	Rule	48.21.200, 48.02.060(3)(a)	07/98	N	
284-51 WAC	284-51-075	Order of benefit determination	Rule	48.21.200, 48.02.060(3)(a)	07/98	N	
284-51 WAC	284-51-080	Determination of length of coverage	Rule	48.02.060, 48.44.050, 48.46.200	07/98	N	
284-51 WAC	284-51-090	Coordination procedures	Rule	48.02.060, 48.44.050, 48.46.200	07/98	N	
284-51 WAC	284-51-100	Time limit	Rule	48.02.060, 48.44.050, 48.46.200	07/98	N	
284-51 WAC	284-51-110	Small claim waivers	Rule	48.02.060, 48.44.050, 48.46.200	07/98	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-51 WAC	284-51-120	Facility of payment	Rule	48.21.200, 48.02.060(3)(a)	07/98	N	
284-51 WAC	284-51-130	Right of recovery	Rule	48.21.200, 48.02.060(3)(a)	07/98	N	
284-51 WAC	284-51-140	Right to receive and release necessary information	Rule	48.21.200, 48.02.060(3)(a)	07/98	N	
284-51 WAC	284-51-150	Disclosure of coordination	Rule	48.21.200, 48.02.060(3)(a)	07/98	N	
284-51 WAC	284-51-170	Effective date	Rule	48.02.060, 48.44.050, 48.46.200	07/98	N	
284-51 WAC	284-51-180	Appendix A, form for "effect on benefits" provision	Rule	48.02.060, 48.44.050, 48.46.200	07/98	N	
284-51 WAC	284-51-185	Appendix B, form for "effect on benefits" provision	Rule	48.02.060, 48.44.050, 48.46.200	07/98	N	
284-52 WAC	284-52-010	Purpose	Rule	48.02.060, 48.44.050, 487.46.200	07/98	N	
284-52 WAC	284-52-020	Mandated conversion plans minimum standards	Rule	48.02.060, 48.44.050, 487.46.200	07/98	N	
284-52 WAC	284-52-030	Other provisions applicable to mandated conversion plans	Rule	48.02.060, 48.44.050, 487.46.200	07/98	N	
284-52 WAC	284-52-040	Basic medical plan	Rule	48.02.060, 48.44.050, 487.46.200	07/98	N	
284-52 WAC	284-52-050	Major medical plan	Rule	48.02.060, 48.44.050, 487.46.200	07/98	N	
284-52 WAC	284-52-060	Comprehensive medical plan	Rule	48.02.060, 48.44.050, 487.46.200	07/98	N	
284-52 WAC	284-52-070	Exclusions	Rule	48.02.060, 48.44.050, 487.46.200	07/98	N	
284-53 WAC	284-53-010	Standards for coverage of chemical dependency	Rule	48.02.060, 48.44.050, 48.46.200	07/98	N	
284-54 WAC	284-54-010	Purpose and authority	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-54 WAC	284-54-015	Applicability and scope	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-54 WAC	284-54-020	Definitions of terms used in this chapter and chapter 48.84 RCW	Rule	48.02.060, 48.84.030, 48.84.050	07/98	N	
284-54 WAC	284-54-030	Standards for definitions applicable to long-term care contracts	Rule	48.02.060, 48.84.030, 48.84.050	07/98	N	
284-54 WAC	284-54-040	Minimum standards for benefit triggers-Physician certification, activities of daily living, and cognitive impairments	Rule	48.02.060, 48.84.030, 48.84.050	07/98	N	
284-54 WAC	284-54-050	Exclusions	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-54 WAC	284-54-100	Renewability	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-54 WAC	284-54-150	Minimum standards-General	Rule	48.02.060, 48.84.030,	07/98	N	
284-54 WAC	284-54-160	Minimum standards-Gatekeeping provisions	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-54 WAC	284-54-180	Reduction of coverage	Rule	48.02.060, 48.84.030, 48.84.050	07/98	N	
284-54 WAC	284-54-190	Nonduplication with state or national health care benefits	Rule	48.02.060, 48.84.030, 48.84.050	07/98	N	
284-54 WAC	284-54-200	Prohibition against preexisting conditions and probationary periods in replacement policies or certificates	Rule	48.02.060, 48.84.030, 48.84.030	07/98	N	
284-54 WAC	284-54-210	Minimum standards for community based care benefits in long-term care insurance policies	Rule	48.02.060, 48.84.030, 48.84.030	07/98	N	
284-54 WAC	284-54-250	Grace period	Rule	48.02.060(3), 48.30.310	07/98	N	
284-54 WAC	284-54-253	Unintentional lapse	Rule	48.02.060, 48.84.030, 48.84.050	07/98	N	
284-54 WAC	284-54-260	Extension of benefits	Rule	48.02.060, 48.84.030,	07/98	N	
284-54 WAC	284-54-270	Requirement to offer inflation protection	Rule	48.02.060, 48.84.030, 48.84.050	07/98	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-54 WAC	284-54-300	Information to be furnished, style	Rule	48.02.060, 48.84.030, 48.84.050	07/98	N	
284-54 WAC	284-54-350	Form to be used-Long-term care insurance disclosure form	Rule	48.02.060, 48.84.030, 48.84.050	07/98	N	
284-54 WAC	284-54-500	Format of long-term care contracts	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-54 WAC	284-54-600	Loss ratio requirements	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-54 WAC	284-54-610	Loss ratio definitions	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-54 WAC	284-54-620	Loss ratio-Grouping of contract forms	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-54 WAC	284-54-630	Loss ratio requirements-Individual contract forms	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-54 WAC	284-54-650	Loss ratio experience records	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-54 WAC	284-54-660	Evaluating loss ratio experience data	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-54 WAC	284-54-680	Loss ratio-Special circumstances	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-54 WAC	284-54-700	Advertising	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-54 WAC	284-54-750	Standards for education of licensees soliciting long-term care contracts	Rule	48.02.060	07/98	N	
284-54 WAC	284-54-800	Unfair or deceptive acts	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-54 WAC	284-54-900	Chapter not exclusive	Rule	48.02.060(3), 48.30.010, 48.84.910	07/98	N	
284-55 WAC	284-55-010	Limited purpose of this chapter	Rule	48.02.060, 48.66.041, 48.30.010, 48.66.100, 48.20.470	07/98	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-55 WAC	284-55-020	Applicability and scope	Rule	48.02.060, 48.66.041, 48.30.010(2), 48.44.050, 48.46.200	07/98	N	
284-55 WAC	284-55-030	Definitions	Rule	48.02.060, 48.66.041, 48.30.010(2), 48.44.050, 48.46.200	07/98	N	
284-55 WAC	284-55-035	Policy definitions and terms	Rule	48.02.060, 48.66.041, 48.30.010(2), 48.44.050, 48.46.200	07/98	N	
284-55 WAC	284-55-040	Prohibited policy provisions	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-045	Minimum benefit standards	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-050	Outline of coverage required	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-060	Form for "outline of coverage"	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-065	Buyer's guide	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-067	Notice regarding policies or subscriber contracts which are not Medicare supplement policies	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-070	Requirements for application forms, replacement	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-080	Form for "replacement notice"	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-090	Form for "replacement notice" by direct response insurer	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-095	Prohibited compensation for replacement with the same insurer	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-115	Standards for loss	Rule	48.02.060(3)(a), 48.66.050	07/98	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-55 WAC	284-55-120	Attained age rating prohibited	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-125	Riders and endorsements	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-150	Filing requirements and premium adjustments	Rule	48.02.060(3)(a), 48.66.050	07/98	N	
284-55 WAC	284-55-155	Filing requirements for out-of-state group policies	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-160	Annual adjustment notice to conform existing Medicare supplement policies to Medicare changes	Rule	48.02.060(3)(a), 48.66.050	07/98	N	
284-55 WAC	284-55-165	Form of annual adjustment notice-Policy changes effective January 1, 1989	Rule	48.02.060, 48.30.010(2)	07/98	N	
284-55 WAC	284-55-180	Requirements for advertising	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-185	Compliance with Omnibus Budget Reconciliation Act of 1987	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-190	Chapter not exclusive	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-55 WAC	284-55-205	Medicare supplement loss ratio experience form required	Rule	48.02.060(3)(a), 48.66.050	07/98	N	
284-55 WAC	284-55-210	Form of Medicare supplement loss ratio experience	Rule	48.02.060(3)(a), 48.30.010(2)	07/98	N	
284-58 WAC	284-58-010	Title and purpose	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-020	Scope and general contents	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-030	General contents of all life and disability form and disability rate filings	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-040	Life and disability filing report documents	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-050	Document to be used in filing life and disability forms	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-060	Document to be used in filing disability rates	Rule	48.02.060	07/98	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-58 WAC	284-58-070	General designation of life and disability forms which may not be filed by certification	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-080	Individual disability insurance forms, certifications not permitted	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-090	Group disability insurance forms, certification not permitted	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-100	Group disability insurance forms which may be filed by certification	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-110	Blanket disability insurance forms, certification not permitted	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-120	Blanket disability insurance forms which may be filed by certification	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-130	Individual life insurance and annuity forms, certification not permitted	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-140	Individual life insurance and annuity forms, which may be filed by certification	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-150	Group life insurance and annuity contract forms, certification not permitted	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-160	Group life insurance and annuity contract forms which may be filed by certification	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-170	Credit insurance forms, certification not permitted	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-180	Fraternal benefit society forms	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-190	Certification form to be used for disability insurance form filings	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-200	Form to be used for certification of disability insurance form or rate filings	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-210	Certification form to be used for certification of disability insurance form or rate filings	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-220	Form to be used for certification of life insurance or annuity form filings	Rule	48.02.060	07/98	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-58 WAC	284-58-250	General contents of a form filing for property and casualty insurance and kinds of insurance other than life and disability	Rule	48.02.060, 48.44.050, 48.46.200	07/98	N	
284-58 WAC	284-58-260	Designation of forms for insurance's other than life and disability which may not be filed by certification	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-270	Certification form to be used for property and casualty insurance	Rule	48.02.060	07/98	N	
284-58 WAC	284-58-280	Form to be used for certification of property and casualty insurance form filings	Rule	48.02.060	07/98	N	
284-60 WAC	284-60-010	Scope	Rule	48.02.060	07/98	N	
284-60 WAC	284-60-020	Purpose	Rule	48.02.060	07/98	N	
284-60 WAC	284-60-030	Definitions	Rule	48.02.060	07/98	N	
284-60 WAC	284-60-040	Grouping of policy forms for purposes of rate making and requests for rate increase	Rule	48.02.060	07/98	N	
284-60 WAC	284-60-050	Loss ratio requirements for individual disability insurance forms	Rule	48.02.060	07/98	N	
284-60 WAC	284-60-060	Loss ratio requirement for group and blanket disability insurance policy forms and manual rates	Rule	48.02.060	07/98	N	
284-60 WAC	284-60-070	Experience records	Rule	48.02.060	07/98	N	
284-60 WAC	284-60-080	Evaluating experience data	Rule	48.02.060	07/98	N	
284-60 WAC	284-60-090	Special circumstances	Rule	48.02.060	07/98	N	
284-60 WAC	284-60-100	Effective date	Rule	48.02.060	07/98	N	
284-66 WAC	284-66-010	Purpose	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-020	Applicability and scope	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-66 WAC	284-66-030	Definitions	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-040	Policy definitions and terms	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-050	Policy provisions	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-060	Minimum benefit standards	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-063	Benefit standards for policies or certificates issued or delivered on or after July 1, 1992	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-066	Standard Medicare supplement benefit plans	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-073	Medicare SELECT policies and certificates	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-077	Open enrollment	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-080	Outline of coverage required	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-092	Form of "outline of coverage"	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-66 WAC	284-66-110	Buyer's guide	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-120	Notice regarding policies which are not Medicare supplement policies	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-130	Requirements for application forms and replacement of Medicare supplement insurance coverage	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-135	Disclosure statements to be used with policies that are not Medicare supplement policies	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-142	Form of replacement notice	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-160	Adjustment notice to conform existing Medicare supplement policies to changes in Medicare	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-170	Prohibition against preexisting conditions, waiting periods, elimination periods, and probationary periods in replacement policies or certificates	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-200	Standards for loss ratios	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-203	Loss ratio and rating standards and refund or credit of premium	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-210	Policy reserves required	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-66 WAC	284-66-220	Medicare supplement refund calculation form required	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-232	Form for Medicare supplement refund calculation	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-240	Filing requirements and premium adjustments	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-243	Filing and approval of policies and certificates and premium rates	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-250	Filing requirements for out-of-state group policies	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-260	Riders and endorsements	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-270	Standards for claims payment: Compliance with Omnibus Budget Reconciliation Act of 1987	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-300	Requirements for advertising	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-310	Attained age rating prohibited	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-320	Reporting of multiple policies	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-66 WAC	284-66-323	Form for reporting multiple Medicare supplement policies and certificates	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-330	Standards for marketing	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-340	Appropriateness of recommended purchase and excessive insurance	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-350	Permitted compensation arrangements	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-66 WAC	284-66-400	Chapter not exclusive	Rule	48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050	07/98	N	
284-74 WAC	284-74-010	1983 Annuity tables	Rule	48.74.030	07/98	N	
284-74 WAC	284-74-100	Smoker/nonsmoker mortality tables	Rule	48.74.030	07/98	N	
284-74 WAC	284-74-200	Gender blended mortality tables for certain life insurance policies	Rule	48.02.060	07/98	N	
284-78 WAC	284-78-010	Purpose	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-020	Definitions	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-030	The association	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-040	Activation of association	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-050	Administration	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-060	General powers and duties of the board	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-070	Assessments	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-080	Statistics, records, and reports	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-090	Eligibility of licensees for coverage	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-100	Standard policy coverage-Premiums	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-110	Renewal of policies	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-120	Cancellation of policies	Rule	48.02.060(3)(a)	12/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-78 WAC	284-78-130	Right of appeal	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-140	Cooperation of producers	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-150	Commissions	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-160	Additional notice required	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-170	Termination of association	Rule	48.02.060(3)(a)	12/99	N	
284-78 WAC	284-78-180	Effective date	Rule	48.02.060	12/99	N	
284-84 WAC	284-84-010	Scope	Rule	48.30.010	07/98	N	
284-84 WAC	284-84-020	Definitions	Rule	48.30.010, 48.76.060	07/98	N	
284-84 WAC	284-84-030	Commissioner's reserve valuation method	Rule	48.02.060	07/98	N	
284-84 WAC	284-84-040	Alternate minimum reserves	Rule	48.02.060	07/98	N	
284-84 WAC	284-84-050	Reserves, adjusting and testing	Rule	48.02.060	07/98	N	
284-84 WAC	284-84-060	Minimum cash surrender values for fixed premium universal life insurance policies	Rule	48.02.060	07/98	N	
284-84 WAC	284-84-070	Mandatory policy provisions	Rule	48.02.060	07/98	N	
284-84 WAC	284-84-080	Disclosure requirements	Rule	48.02.060	07/98	N	
284-84 WAC	284-84-090	Periodic disclosure to policyowner	Rule	48.02.060	07/98	N	
284-84 WAC	284-84-100	Unfair practices	Rule	48.02.060	07/98	N	
284-84 WAC	284-84-110	Filing requirements	Rule	48.02.060	07/98	N	
284-85 WAC	284-85-005	Purpose and authority	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-010	Applicability and scope	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-015	Standards for definitions used in this chapter and chapters 48.85 RCW	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-030	Minimum standards for long-term care partnership policies	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-040	Standards related to rates	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-045	Conversion from group to individual coverage or replacement of coverage	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-85 WAC	284-85-050	Disclosure and suitability standards	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-055	Termination of participation in the Washington long-term care partnership program	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-060	Applications for long-term care partnership coverage	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-070	Advertising standards	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-075	Summary of insurance benefits	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-080	Consumer education program	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-085	Standards for education of agents soliciting long-term care partnership contracts	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-090	Standards for case management services	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-100	Recordkeeping	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-110	Records retention	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-85 WAC	284-85-900	Chapter not exclusive	Rule	48.02.060, 48.20.450, 48.85.030	07/98	N	
284-87 WAC	284-87-010	Purpose	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-020	Definitions	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-030	The association	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-040	Activation of association	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-050	Administration	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-060	General powers and duties of the board	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-070	Assessments	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-080	Statistics, records, and reports	Rule	48.02.060, 48.87.100	12/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-87 WAC	284-87-090	Eligibility of licensees for coverage	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-100	Standard policy coverage - Premiums	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-110	Renewal of policies	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-120	Cancellation of policies	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-130	Right of appeal	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-140	Cooperation of agents and brokers	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-150	Commissions	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-160	Additional notice required	Rule	48.02.060, 48.87.100	12/99	N	
284-87 WAC	284-87-170	Termination of association	Rule	48.02.060, 48.87.100	12/99	N	
284-90 WAC	284-90-010	Purpose	Rule	48.02.060, 48.44.050, and 48.46.200	12/99	N	
284-90 WAC	284-90-020	Insuring procedures relating to AIDS	Rule	48.02.060, 48.44.050, and 48.46.200	12/99	N	
284-90 WAC	284-90-030	Policy reserves-Annual financial statements	Rule	48.02.060, 48.44.050, and 48.46.200	12/99	N	
284-91 WAC	284-91-010	Board of directors	Rule	48.02.060, 48.44.050, 48.46.200	12/99	N	
284-91 WAC	284-91-020	Organizational meeting, duties of board of directors	Rule	48.02.060, 48.44.050, 48.46.200	12/99	N	
284-91 WAC	284-91-025	Plan of operation approved	Rule	48.02.060, 48.41.170	12/99	N	
284-91 WAC	284-91-027	Plan of operation	Rule	48.02.060	12/99	N	
284-91 WAC	284-91-030	Duties of administration	Rule	48.02.060, 48.44.050, 48.46.200	12/99	N	
284-91 WAC	284-91-040	Forms to be used by administrator	Rule	48.02.060, 48.44.050, 48.46.200	12/99	N	
284-91 WAC	284-91-050	Involuntary terminations for other than nonpayment of premiums	Rule	48.02.060, 48.41.120	12/99	N	
284-92 WAC	284-92-010	Definitions	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-020	Preexisting registrations	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-210	Registration required	Rule	48.02.060, 48.92.140	04/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-92 WAC	284-92-220	Registration effective upon notice by commissioner	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-230	Appointment for service of process	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-240	Suspension and revocation of registration	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-250	Insurers and agents	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-260	Forms	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-270	Disclosure that there is no guaranty association coverage and that some laws may not apply	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-280	Notice of changes	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-290	Domestic purchasing groups	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-410	Registration required	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-420	Registration effective upon notice by commissioner	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-430	Registration-Appointment for service of process	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-440	Suspension and revocation of registration	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-450	Agents	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-460	Tax	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-470	Notice of changes	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-480	Reports	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-490	Required disclosure "notice"	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-500	Domestic risk retention groups-Formation	Rule	48.02.060, 48.92.140	04/99	N	
284-92 WAC	284-92-510	Domestic risk retention groups-Reports	Rule	48.02.060, 48.92.140	04/99	N	
284-95 WAC	284-95-010	Title	Rule	48.02.060(3)(a), 48.30.010	04/99	N	
284-95 WAC	284-95-020	Purpose and scope	Rule	48.02.060(3)(a), 48.30.010	04/99	N	
284-95 WAC	284-95-030	Definitions, applications, and procedures	Rule	48.02.060(3)(a), 48.30.010	04/99	N	
284-95 WAC	284-95-040	Notice requirements	Rule	48.02.060(3)(a), 48.30.010	04/99	N	
284-95 WAC	284-95-050	Requirement of full disclosure	Rule	48.02.060(3)(a), 48.30.010	04/99	N	
284-95 WAC	284-95-060	Prohibited policy provisions	Rule	48.02.060(3)(a), 48.30.010	04/99	N	
284-95 WAC	284-95-070	Transfers to unauthorized insurers	Rule	48.02.060(3)(a), 48.30.010	04/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-95 WAC	284-95-080	Unfair or deceptive acts or practices	Rule	48.02.060(3)(a), 48.30.010, 48.44.050, 48.46.200	04/99	N	
284-96 WAC	284-96-010	Purpose	Rule	48.02.060, 48.18.120	12/99	N	
284-96 WAC	284-96-015	Experimental and investigational prescriptions, treatments, procedures, or services-Definition required-Standard for definition-Written notice of denial required-Appeal process required	Rule	48.02.060(3)(a), 48.18.120	12/99	N	
284-96 WAC	284-96-020	Temporomandibular joint disorders-Specified offer of coverage required-Terms of specified offer defined-proof of offer must be maintained-Discrimination prohibited-Terms defined	Rule	48.21.320(2), 48.02.060(3)(a) 48.18.120(3)(a)	12/99	N	
284-96 WAC	284-96-500	Alternative care-General rules as to minimum standards	Rule	48.02.060, 48.44.050, 48.46.200, 48.46.060	12/99	N	
284-97 WAC	284-97-010	Purpose, scope, and effective date	Rule	48.02.060, 48.30.010, 48.102.025, 48.102.050	12/99	N	
284-97 WAC	284-97-015	Definitions	Rule	48.02.060, 48.30.010, 48.102.025, 48.102.050	12/99	N	
284-97 WAC	284-97-020	Licensing requirements for viatical settlement providers	Rule	48.02.060, 48.30.010, 48.102.025, 48.102.050	12/99	N	
284-97 WAC	284-97-030	Licensing requirements for viatical settlement brokers	Rule	48.02.060, 48.30.010, 48.102.025, 48.102.050	12/99	N	
284-97 WAC	284-97-040	Contract and rate filing requirements for viatical settlement providers and viatical settlement brokers	Rule	48.02.060, 48.30.010, 48.102.025, 48.102.050	12/99	N	
284-97 WAC	284-97-050	Standards for evaluating reasonability of compensation	Rule	48.02.060, 48.30.010, 48.102.025, 48.102.050	12/99	N	
284-20 WAC	10/20/50	Washington Insurance Examining Bureau	Bulletin		09/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-34 WAC	11/1/67	Credit Life and Credit Accident and Health Insurance	Bulletin		09/99	N	
284-30 WAC	11/11/58	Anti-Discrimination	Bulletin		09/99	N	
284-23 WAC	2/3/69	Guidelines to be Followed by Companies Offering Life Insurance Plans to College Students under a Premium Financing Arrangement	Bulletin		09/99	N	
284-30 WAC	3/12/62	Fictitious Groupings-Third Party Liability Insurance	Bulletin		09/99	N	
284-30 WAC	3/14/58	Fictitious Groups	Bulletin		09/99	N	
284-20, 284-24 WAC	6/16/77	Insurers Writing Insurance for Washington School Districts	Bulletin		09/99	N	
284-44 WAC	6/4/69	New Laws Pertaining to Health Care Service Contractors	Bulletin		09/99	N	
284-50 WAC	66-1	Underwriting Practices of Individual Accident and Health Policies	Bulletin		09/99	N	
48.56 RCW	69-3	The Insurance Premium Act	Bulletin		09/99	N	
284-50 WAC	7/21/66	Adoption of the 1964 Commissioner's Disability Table	Bulletin		09/99	N	
Public Service Announcement	70-1	Reporting of Total Loss Vehicle Claims Under RCW 46.12.070	Bulletin		09/99	N	
284-20, 284-23, 284-24, 284-50, 284-58 WAC	71-1	Document Fee for Filing Forms under RCW 48.18.100 and RCW 48.18.110, and Rates under Ch. 48.19 RCW	Bulletin		09/99	N	
48.18, 48.19, 48.30 RCW	71-2	Certificates of Insurance	Bulletin		09/99	N	
48.19	71-3	Excess Rate Application (1) Uniform Excess Rate Application-Property Insurance (2) Uniform Excess Rate Application-Casualty Insurance	Bulletin		09/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-44 WAC	71-4	Filing Requirements and Penalties	Bulletin		09/99	N	
284-20 WAC	73-1	Adherence to Filing Requirements	Bulletin		09/99	N	
284-17 WAC	73-2	Issuance of Insurance Agents Licenses	Bulletin		09/99	N	
284-50 WAC	73-3	Items Relating to Disability Insurance	Bulletin		09/99	N	
284-30 WAC	73-4	Deceptive Advertising	Bulletin		09/99	N	
48.18, 48.22 RCW	73-5	Amended Non-Renewal Law (subject 1) Uninsured Motorists (Subject 2)	Bulletin		09/99	N	
284-30 WAC	73-6	Washington's Automobile PIP Endorsement	Bulletin		09/99	N	
284-17 WAC	73-7	Speed-up in Licensing Procedures	Bulletin		09/99	N	
284-24 WAC	74-1	Reductions in Automobile Insurance Rates During the Energy Crisis	Bulletin		09/99	N	
284-24, 284-58 WAC	74-2	Property Insurance Filings	Bulletin		09/99	N	
284-17 WAC	74-3 (part 1)	Extension of Credit by Agents and Brokers (subject 1)	Bulletin		09/99	N	
284-17 WAC	74-3 (part 2)	Brokers, Only, May Charge Fees	Bulletin		09/99	N	
284-24, 284-30 WAC	74-4	Automobile Insurers to Notify Policyholders and Agents of Availability of Reduced Premiums	Bulletin		09/99	N	
284-24 WAC	74-5	Acceptance of Experience or Schedule Rating for Property Insurance	Bulletin		09/99	N	
284-30 WAC	74-6	Improper Adjustment of Claims Under the Comparative Negligence Statute	Bulletin		09/99	N	
284-34 WAC	74-7	Minimum Credit Reserves: 1) Credit Life Insurance 2) Credit Disability Insurance	Bulletin		09/99	N	
284-30 WAC	75-1	Insurance Code Provision Affecting Title Insurance and Their Agents	Bulletin		09/99	N	
48.18.110 RCW	76-1	Citizen Band Radios as Excluded "Devices for the Reproduction of Sound" Under the Unscheduled Personal Property Provision of Homeowners Policies	Bulletin		09/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-15 WAC	76-2	Surplus Line Brokers and Applicants for License - Maintenance of an Office in the State of Washington	Bulletin		09/99	N	
284-30, 284-17 WAC	76-3	Discriminatory Practices with respect to Insureds Using Public Adjusters	Bulletin		09/99	N	
284-24, 284-30 WAC	76-4	Private Passenger Automobile Insurance Market	Bulletin		09/99	N	
284-30, 284-34 WAC	77-1	Unfair and Deceptive Practices with Respect to Credit Insurance	Bulletin		09/99	N	
284-50 WAC	77-2	Individual Disability Insurance Minimum Standards and Disclosure Requirements	Bulletin		09/99	N	
284-23, 284-50 WAC	77-3	Return of Policy for Refund of Premium	Bulletin		09/99	N	
284-30 WAC	77-4	Right of Debtor to Select Agent, Broker or Insurer	Bulletin		09/99	N	
284-50 WAC	77-5	Individual Disability Insurance Minimum Standards and Disclosure Requirements	Bulletin		09/99	N	
48.19 RCW	77-6	Acceptance of Experience or Schedule Rating for Property Insurance (Fire)	Bulletin		09/99	N	
284-30, 284-23 WAC	77-7	Coverages of Business Package Policies. Disclosure Requirements with Respect to Deposit-Term-Type Insurance	Bulletin		09/99	N	
284-50 WAC	77-8	Interpretation of the Individual Insurance Minimum Standards and Disclosure Requirements	Bulletin		09/99	N	
284-23 WAC	77-9	Replacements Involving Tax Sheltered Annuities	Bulletin		09/99	N	
284-50 WAC	78-1	Requirements to be Met if Individual Disability Insurance is to Replace Other Insurance	Bulletin		09/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-44, 284-46 WAC	78-10	Uniform Health Insurance Claims Forms	Bulletin		09/99	N	
48.18, 48.30 RCW	78-2	Minimum guidelines for Readable Automobile Insurance Policies	Bulletin		09/99	N	
284-30 WAC	78-3	Use of Binders in Furnishing Property Insurance In Connection With A Loan	Bulletin		09/99	N	
284-44, 284-46 WAC	78-4	Uniform Health Insurance Claims Forms	Bulletin		09/99	N	
284-66 WAC	78-5	Medicare Supplement Disclosure Forms	Bulletin		09/99	N	
284-34 WAC	78-6	Statutory Requirements to be Met in the Sale of Credit Insurance	Bulletin		09/99	N	
48.05.190 RCW	78-7	Conducting Business in Own Legal Name	Bulletin		09/99	N	
284-30 WAC	78-8	A Set of Facts Constituting a Violation of the Rebating and Illegal Inducement Statute	Bulletin		09/99	N	
284-44 WAC	78-9	Matters Affecting Health Care Service Contractors	Bulletin		09/99	N	
Public Service Announcement	79-1	President's Anti-Inflation Program	Bulletin		09/99	N	
284-17 WAC	79-2	Discontinuance of Temporary Life Insurance Agents Licenses	Bulletin		09/99	N	
284-30 WAC	79-3	Improper Use of Driving Records	Bulletin		09/99	N	
48.01 RCW	79-4	Subrogation Clauses, What is Acceptable	Bulletin		09/99	N	
284-15 WAC	79-5	Change of Law with Respect to Legal Process against Surplus Line Insurers	Bulletin		09/99	N	
Public Service Announcement	79-6	The Anti-Inflation Program	Bulletin		09/99	N	
284-30 WAC	79-7	Advancement of Funds by Title Insurance Companies and Agents as Rebating	Bulletin		09/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-30 WAC	8/20/62	Interpretation of Application of RCW 48.01.030 RCW 48.30.260 (Right of Debtor to Select Agent, Broker or Insurer)	Bulletin		09/99	N	
48.22 RCW	80-1	New Laws Affecting Automobile Insurance	Bulletin		09/99	N	
Public Service Announcement	80-2	Mount St. Helens Eruption Claims Advice	Bulletin		09/99	N	
48.22.030 RCW	80-3	Uninsured Motorist Forms - Prohibited Exclusions	Bulletin		09/99	N	
48.18 RCW	80-4	Volcano Coverage	Bulletin		09/99	N	
284-17 WAC	81-1	Agents' Licensing Violations	Bulletin		09/99	N	
284-17, 284-30 WAC	81-2	Charging of Fees by Licensees	Bulletin		09/99	N	
284-23 WAC	81-3	Regulations Applicable to Life Insurance and Annuities	Bulletin		09/99	N	
284-17 WAC	81-4	Licensing Requirements for Adjusters	Bulletin		09/99	N	
48.18, 48.22 RCW	81-5	New Laws Relating to Automobile Insurance	Bulletin		09/99	N	
284-44 WAC	82-1	Benefits for Registered Nurses Services	Bulletin		09/99	N	
284-30 WAC	82-2	Duty to Settle Auto Damage Claim Under the Comparative Negligence Statute	Bulletin		09/99	N	
Public Service Announcement	82-3	Woodburning Stoves and Fireplaces in Mobile Homes	Bulletin		09/99	N	
284-23 WAC	82-4	New Standard Nonforfeiture and Valuation Laws	Bulletin		09/99	N	
48.14 RCW	82-5	Premium Tax Changes-1982	Bulletin		09/99	N	
48.13.020 RCW	82-6	Investment in a Participation Loan Agreement by a Domestic Insurer	Bulletin		09/99	N	
284-24 WAC	82-7	Waiver of Small Premium Adjustments-Property and Casualty Insurance	Bulletin		09/99	N	
48.14 RCW	82-8	Cancellation of Previously Approved Tax Exemptions	Bulletin		09/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
48.18, 48.22 RCW	82-9	Motorcycle Policies - Liability Coverage with Respect to Passengers	Bulletin		09/99	N	
284-44, 284-46, 284-49, 284-50 WAC	83-1	Mandatory Coverage for Reconstructive Breast Surgery	Bulletin		09/99	N	
48.22 RCW	83-2	Underinsured Motor Vehicle Insurance -1983 Changes	Bulletin		09/99	N	
284-44, 284-46 WAC	83-3	Summary of 1983 Legislation Affecting Health Care Service Contractors and Health Maintenance Organizations	Bulletin		09/99	N	
284-34 WAC	83-4	Credit Insurance: 1) Prima Facie Acceptable Rates-Form Filings 2) Policy or Certificate Must be Given to Debtors	Bulletin		09/99	N	
284-44, 284-44, 284-96 WAC	83-5	Mandatory Offering of Certain Coverages (Supplemental coverage for Mental Health Treatment-Chiropractic-Home Health and Hospice Care)	Bulletin		09/99	N	
48.27 RCW	83-6	Overinsurance of Property	Bulletin		09/99	N	
48.112 RCW	83-7	Multiple Employer Trusts (METs)	Bulletin		09/99	N	
284-17 WAC	84-1	Multiple Employer Trusts (METs) - An Alert to Agents and Brokers	Bulletin		09/99	N	
284-74 WAC	84-2	Commissioner's Annuity Reserve Valuation Method - Single Premium Deferred Annuities & Related Insurance and Annuity Contracts	Bulletin		09/99	N	
284-44, 284-50, 284-96 WAC	84-3	Home Health Care and Hospice care	Bulletin		09/99	N	
284-44, 284-46, 284-96 WAC	84-4	Group Coverage for Mental Health Treatment	Bulletin		09/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-44, 284-46, 284-16 WAC	84-5	UB-82 Hospital Billing Form	Bulletin		09/99	N	
48.18, 48.22 RCW	85-1	Legislative Changes requiring Prompt Attention (1987) 1. General Cancellation and Nonrenewal Laws 2. Special Cancellation and Nonrenewal - Private Passenger Auto Risks 3. Underinsured Motorist Coverage	Bulletin		09/99	N	
284-23 WAC	85-2	Two Items of Importance to Life Insurers (1) Policy Settlements -Interest (2) Uniform Unclaimed Property Act-Beneficiary Forms	Bulletin		09/99	N	
284-44, 284-46, 284-46 WAC	85-3	Group Coverage for Mental Health Treatment	Bulletin		09/99	N	
284-07 WAC	85-4	Statement of Opinion on Loss and Loss Adjustment Expense Reserves	Bulletin		09/99	N	
Public Service Announcement	85-5	Market Availability	Bulletin		09/99	N	
284-17 WAC	86-1	Cancellation of Agency Appointments	Bulletin		09/99	N	
284-17 WAC	86-2	Separate Accounts	Bulletin		09/99	N	
284-30 WAC	86-3	Changes to the Cancellation and Nonrenewal Laws	Bulletin		09/99	N	
284-14 WAC	86-4	Insurance Premium Tax Rates, Regulatory Operating Fee, and Rates and Forms Filings	Bulletin		09/99	N	
284-44, 284-46, 284-96 WAC	86-5	Group Coverage for Mental Health Treatment	Bulletin		09/99	N	
284-30, 284-44, 284-46 WAC	86-6	Discrimination Against the Blind	Bulletin		09/99	N	

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WAC Chapters or Document.	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-54 WAC	86-7	Long-Term Care Insurance: (1) Prohibited Practices, (2) Forms	Bulletin		09/99	N	
284-30 WAC	86-8	Notices of Renewal or Changes in Rates or Policy Provisions	Bulletin		09/99	N	
284-51 WAC	86-9	Administrative Alternatives for Implementation of Changes to Coordination of Benefits Rules	Bulletin		09/99	N	
284-23 WAC	87-1	Group Annuity Policies Issued to Financial Institutions	Bulletin		09/99	N	
284-17 WAC	87-2	Insurance Education Regulation	Bulletin		09/99	N	
Public Service Announcement	87-3	Legislative Changes Requiring Prompt Attention (1987)	Bulletin		09/99	N	
284-30, 284-55, 284-66 WAC	87-4	Medigap and Other Health Insurance Matters (Item 1: Competing Medical Histories. Items 2&3: Telephone Solicitations. Item 4: Changes in Medicare)	Bulletin		09/99	N	
284-54 WAC	87-5	Long-Term Care or Nursing Home Coverage	Bulletin		09/99	N	
284-23, 284-50 WAC	87-6	Items relating to Advertising and Marketing of Life and Health (including Medicare Supplement Insurance)	Bulletin		09/99	N	
284-07 WAC	88-1	Liability Experience - 1987 Annual Reports WAC 284-07-010, WAC 284-07-014, and WAC 284-07-024	Bulletin		09/99	N	
284-44, 284-46 WAC	88-2	Health Insurance Pool, Washington State, Attn: Health Insurance Underwriting Managers	Bulletin		09/99	N	
284-17 WAC	88-3	Health Insurance Pool, Washington State, Attn: Agents and Brokers	Bulletin		09/99	N	
284-55, 284-66 WAC	88-4	Changes to Medicare Supplement Rates and Forms	Bulletin		09/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-30 WAC	88-5	Unfair Practices Applicable to Title Insurers and Their Agents	Bulletin		09/99	N	
284-30 WAC	89-3	Sales Tax and ACV Claims	Bulletin		09/99	N	
284-46 WAC	89-5	Notice- Washington Health Insurance Pool Board of Directors (Pos. Five)	Bulletin		09/99	N	
Public Service Announcement	89-6	Notice - Washington Health Insurance Pool Board of Directors (Pos. Six)	Bulletin		09/99	N	
284-23 WAC	9/11/50	Coupon, Accumulation and Bonus Policies	Bulletin		09/99	N	
284-96 WAC	9/24/54	Payment of Benefits	Bulletin		09/99	N	
284-17 WAC	90-1	Licensing Violations and Distinctions between Agents and Brokers	Bulletin		09/99	N	
284-17 WAC	90-2	Sale of Unauthorized Health Care - Agents Beware	Bulletin		09/99	N	
284-17 WAC	90-3	Public Adjusters - Loss of License for Violation of Law	Bulletin		09/99	N	
284-24 WAC	91-1	Operation Desert Storm -Reduced Automobile Insurance Costs to the Military Personnel Involved Therein	Bulletin		09/99	N	
284-44, 284-46, 284-50, 284-96 WAC	91-2	Non-Compliance with Mandated Offerings and Mandated Benefits including an Offering of Benefits for Temporomandibular Joint (TMJ) Disorder	Bulletin		09/99	N	
284-17 WAC	91-3	Licensing Requirements for Licensees who Maintain More than One Place of Business in the State	Bulletin		09/99	N	
284-23, 284-50, 284-54, 284-66 WAC	91-4	War Exclusions in Life and Disability Filings	Bulletin		09/99	N	
284-44, 284-46 WAC	91-5	Operation Desert Storm-Reinstatement of Health Insurance for Veterans	Bulletin		09/99	N	

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WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-22 WAC	91-6	United States Longshoremen's and Harbor Workers' Compensation Act Coverage	Bulletin		09/99	N	
284-17, 284-15 WAC	91-7	Procurement of Insurance Coverages from Unauthorized Insurers	Bulletin		09/99	N	
284-55, 284-66 WAC	91-8	Physician's Limiting Charge - Medicare Supplement	Bulletin		09/99	N	
48.11 RCW	91-9	Excess Stop/Loss Coverage Written by Life and Disability Insurers	Bulletin		09/99	N	
Public Service Announcement	92-1	Telephone Approvals and/or Disapprovals	Bulletin		09/99	N	
284-55, 284-66 WAC	92-2	Practices that Violate the Medicare Supplement Open Enrollment Requirements	Bulletin		09/99	N	
48.11, 48.21 RCW	92-3	Excess Stop/Loss Coverage Written by Life and Disability Insurers	Bulletin		09/99	N	
284-17 WAC	92-4	Laws and Rules Important to Agents (General Rules, Exceptions, Fees)	Bulletin		09/99	N	
Public Service Announcement	93-1	Windstorm Damage Settlements and Related Concerns	Bulletin		09/99	N	
284-34 WAC	93-2	Gross Credit Life Insurance-Order Withdrawing Certain Forms	Bulletin		09/99	N	
284-30 WAC	94-1	Mandatory Offering of PIP Coverage to All Automobile Insureds	Bulletin		09/99	N	
284-30 WAC	94-2	Mandatory Offering of PIP Coverage to All Automobile	Bulletin		09/99	N	
284-30 WAC	94-3	Mandatory Offering of PIP Coverage to All Automobile	Bulletin		09/99	N	
284-10 WAC	94-4	Guaranteed Continuity of Coverage-Cancellation or Non-Renewal of Coverage-Ceasing Sale of Contract-Rate Increases on Discontinued Forms	Bulletin		09/99	N	

WAC Chapters or Document	Section number or other unique identifier	Section Title	Document type	Statutory authority	Review completion date	Business report required	Final Action
284-44, 284-46 WAC	94-5	Required Filing of Forms - Definition of Forms	Bulletin		09/99	N	
284-51 WAC	94-6	Administrative Alternatives for Implementation of Changes to Coordination of Benefits	Bulletin		09/99	N	
284-10, 284-44 WAC	94-7	Published Policies	Bulletin		09/99	N	
284-10 WAC	94-8	Short-term Health Care reform	Bulletin		09/99	N	
48.14 RCW	94-9	Premium Tax - Application to Disability and Health Coverage	Bulletin		09/99	N	
284-43 WAC	95-1	Health Care Provider selection, Termination, and Dispute Resolution	Bulletin		09/99	N	
48.22.080 RCW	95-2	Risk-Management Training	Bulletin		09/99	N	
284-10, 284-44, 284-46, 284-50, 284-96 WAC	95-3	Denturism - Initiative 607	Bulletin		09/99	N	
284-24 WAC	95-4	Lifestyle Rating Factors	Bulletin		09/99	N	
48.30A RCW	95-5	Fraud Plans and Reports	Bulletin		09/99	N	
48.43.055 RCW	95-6	Complaints - Procedures for Review and Adjudication of Complaints by Covered Persons	Bulletin		09/99	N	
284-24 WAC	95-7	Lifestyle Rating Factors	Bulletin		09/99	N	
48.43.055 RCW	95-8	Complaints - Procedures for Review and Adjudication of Complaints by Health Care Providers	Bulletin		09/99	N	
48.43.0115 RCW	95-9	Every Category of Provider	Bulletin		09/99	N	
284-30 WAC	96-1	Betterment	Bulletin		09/99	N	

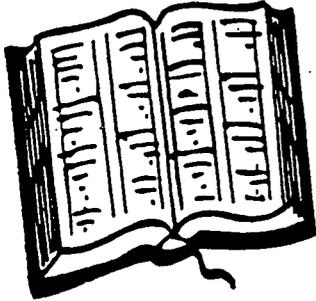
[ 61 ]

Miscellaneous

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*Rules Review*



***Templates for Reviewing Rules***  
*Office of the Insurance Commissioner*

MISC.

*Rules Review*

## *Reviewing the Fairness, Costs and Benefits of Rules*

*Office of the Insurance Commissioner*

*As part of the Commissioner's Rules Review process, OIC staff will review the fairness, cost impacts, and benefits of all rules. The fairness review should focus on the companies, businesses, and individuals that are being regulated. Specifically, we are to consider the following:*

1. *Does the rule result in equitable treatment of those required to comply with it?*
2. *Should this rule be modified to eliminate or minimize any disproportionate impacts on the regulated community?*

### **Complete the Following**

#### ***Part A -- Identifying Disproportionate Impacts***

Was a Small Business Economic Impact Statement (SBEIS) filed with this rule?

YES    NO

If your answer is "Yes," continue onto Part B of this worksheet.

If your answer is "No," complete the Modified Small Business Economic Impact Statement Worksheet<sup>1</sup> (you do not need to complete Part B) and continue onto Part C of this worksheet.

#### ***Part B -- Incorporating New Information and Minimizing Disproportionate Impacts.***

3. When the SBEIS was filed, were disproportionate impacts on the small business community identified? If so, review the information provided on the SBEIS, taking special note of mitigation used to lessen these impacts.
4. Since this rule has been adopted, have the actual (real life) impacts of this rule varied significantly from the impacts that were expected and described in the SBEIS? If so, how do they differ? Describe.
5. Have circumstances changed since the adoption of this rule that would significantly affect these costs and impacts on the regulated community in any way (e.g. modernization of facilities, consolidation of companies)? If so, describe these changes.
6. If disproportionate impacts on the regulated community exist, could they be mitigated and still achieve the desired outcome? Provide at least one scenario to mitigate costs.

<sup>1</sup> The Modified Small Business Economic Impact Statement is found in [P:\official\cheatshe\MSBEIS](http://P:\official\cheatshe\MSBEIS). It can also be acquired from Kacy or any member of the Rules Division.

## Part C -- Significant Legislative Rules

Is this a significant legislative rule<sup>2</sup>?

YES  NO

If your answer is "Yes," you will need to review the costs and benefits of the rule by completing Part D of this worksheet.

## Part D -- Reviewing the Costs and Benefits

*Have the costs of this rule been minimized subject to achieving the "desired result?" This "desired result" should be reviewed in terms of effectiveness, need, and legislative intent. The Review would follow these steps:*

1. Identify the desired outcome of the rule.
2. Is this outcome truly desirable? Answer by reviewing the following aspects of the rule:
  - Need of the rule
  - Effectiveness of rule
  - Intent and legislative authority of the rule
3. Once it has been determined that his role is necessary, effective, and continues to have sufficient statutory basis, the following questions should be considered:

*Have costs been minimized, subject to the "desired outcome" of the rule?*

To answer this question and evaluate the cost issues, the analyst should consider the following questions and exercises:

### Identifying Costs

- Were start-up or one-time-only costs associated with this rule?
- If so, have these costs been fully absorbed?
- Are there on-going costs associated with this rule?

---

<sup>2</sup> A "significant legislative rule," as defined in RCW 34.05.328(5)(iii), is a rule other than a procedural or interpretive rule that: (1) Adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (2) Establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (3) Adopts a new, or makes significant amendments to, a policy or regulatory program.

## *Part D -- Reviewing the Costs and Benefits (continued)*

### **Incorporating New Information**

- If an analysis was completed to evaluate the costs of this rule, do the actual costs significantly differ from the expected costs (the costs expected when the rule was first adopted)? If so, how are these costs different? Describe
- Have circumstances changed that would effect these costs in any way? (e.g. companies computerized, consolidated)

### **Minimizing Costs**

- Could these costs be mitigated and still achieve the desired outcome? Provide at least one scenario to mitigate costs.
- Ask yourself: What would become of this rule if it were modified such that cost impacts were zero? Now work back toward the "desired outcome." Is there a point where the marginal costs exceed marginal benefits? Describe and assess these areas.

Rules Review



# Reviewing the Clarity of Rules

Office of the Insurance Commissioner

## PART I -- Identifying the Audiences and Purpose

Answering the following questions may help you focus on the point of the rule and what (if any) changes need to be made to improve clarity.

Who is going to use the rule? \_\_\_\_\_

What do they need to do because of this rule? \_\_\_\_\_

Put yourself in the position of the person using this rule. Are they following questions easily answered?

- Does this apply to me (our company)?
- What parts apply to me?
- What decisions must I make?
- What choices do I have?
- How am I supposed to act?
- What will happen if I don't do what it says?

### Checklist

- \_\_\_\_\_ Does the rule say to whom it applies?
- \_\_\_\_\_ Has the writer thought about all the audiences who might need to use the rule?
- \_\_\_\_\_ Are the words that the writer has used to describe the audiences ones that they use to identify themselves?
- \_\_\_\_\_ Does the rule say what it is meant to accomplish?
- \_\_\_\_\_ Are the words in the purpose section ones that users will understand and relate to?
- \_\_\_\_\_ Is all of the content important to the audiences?
- \_\_\_\_\_ Review rule for words on the Code Reviser's "Avoid List" (See pages 52-55 of *Bill Drafting Guide*, produced by the Office of the Code Reviser. You should be using at least the 1994 version)
- \_\_\_\_\_ Check for gender neutrality (The pronoun, "his," is often used in the WACs in conjunction with the Commissioner. It is usually easy to make these phrases gender neutral.)

This guideline is adopted from Ginny Redish's Workshop on Developing Clear and Usable Regulation, 1996. Redish & Associates -- 8/27/97-1

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## PART II Organization

- \_\_\_\_\_ Does each heading adequately and clearly describe the contents of the section it covers?
- \_\_\_\_\_ Does each section begin by making clear what it is about?
- \_\_\_\_\_ Are the sections short enough so users will not get lost?
- \_\_\_\_\_ If some users might be here by mistake, does the section help them find out where they should go instead?
- \_\_\_\_\_ Are cross-references clear?
- \_\_\_\_\_ Are the sentences in each section in logical order?
- \_\_\_\_\_ Is it organized chronologically (if applicable)?

Exercise to improve organization if necessary:

What is the first decision the reader must make?

What information do readers already know when they come to this section of the rule?

Say out loud to a neighbor what the rule means?

Does the order of information in rule match the way you spoke?

\*\*\*\*\*After all clarity checks have been completed, review rule once more for legal accuracy and sufficiency\*\*\*\*\*

*Rules Review***Reviewing the Effectiveness of Rules**

Office of the Insurance Commissioner

*The purpose of the evaluation of effectiveness is to consider whether the rule is meeting the objectives it was designed for and if it is accomplishing those goals in a reasonable manner. A rule adopted in 1947 or 1967 or 1987 may have been designed to provide an answer to a problem that is simply not relevant today.*

**I. Is the Rule Effective**

A. What do you think is the goal(s) of this rule?

B. How would you measure if the goals are being achieved?

C. Using those criteria, do you believe the rule is effective? Is it working?

D. Have changed circumstances resulted in the rule becoming less effective?

Cite the changes and reasons why they have diminished or eliminated the effectiveness of the rule:

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***Reviewing the Effectiveness of Rules***  
*Office of the Insurance Commissioner*

- 2. Improving the Rule
  - A. Improvements to the Rule
  - B. Changing the Regulatory Method

**A. Improvements to the Rule**

Can you recommend any improvements to the existing rule and method of regulating the subject?

- (1) How would the improvements make the rule more effective?
  
- (2) Would the improvements to the rule offer equal or more protection to consumers?  
How?
  
- (3) Would the improvements make the rule be easier to comply with? Why?
  
- (4) Would the improvements make the rule easier to administer? Why?
  
- (5) Would the improvements make compliance with the rule less costly?

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## *Reviewing the Effectiveness of Rules*

*Office of the Insurance Commissioner*

### **B. Changing the Regulatory Method**

Is there a different, more effective method of regulating the subject of the rule?

- (1) How would the new method be more effective than the existing regulatory method?
  
- (2) Does the new method offer equal or more protection to consumers? How?
  
- (3) Is the new method easier to comply with? Why?
  
- (4) Is the new method easier to administer? Why?
  
- (5) Is the new method less costly?

*Reviewing the Effectiveness of Rules*

*Office of the Insurance Commissioner*

**3. Is the Rule Necessary**

Do you believe that the subject matter of this rule should be regulated by the OIC? Please explain why or why not:

**4. Coordination with other State and Federal Agencies**

Do we need to work with to resolve conflicts or regulatory gaps? If Yes, list the gap or conflict:

Cite the agency or agencies:

State: \_\_\_\_\_

Federal: \_\_\_\_\_

What is the conflicting outside rule, regulation, or policy?

RCW: \_\_\_\_\_

WAC: \_\_\_\_\_

State Policy: \_\_\_\_\_

Federal Statute: \_\_\_\_\_

Federal Policy: \_\_\_\_\_

How can this conflict be resolved?

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Rules Review



**Internal Rule Evaluation Form**  
Office of the Insurance Commissioner

**I. Rule you are Evaluating**

Chapter Number: \_\_\_\_\_

Title of Chapter: \_\_\_\_\_

Rule Number: \_\_\_\_\_

Title of Rule: \_\_\_\_\_

**II. Background Information**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

**III. Legislative Authority and Background for the Rule**

*Consider what statutes are being relied upon. Have the RCWs providing that authority been amended or repealed? Do they still provide the adequate authority for the rule?*

A. Cite the appropriate RCW sections that provide authority for the Rule:

RCW: \_\_\_\_\_

B. If the RCW(s) providing authority has been amended since adoption of the rule, when and how was the underlying authority changed:

C. Which OIC division/s or staff is/are affected by this rule?

D. Who is being regulated by the rule?

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**Internal Rule Evaluation Form**  
Office of the Insurance Commissioner

- E. Briefly summarize the background of the rule including the year the rule was adopted.
  
- F. Under what circumstances (politically, economically, socially) was this rule adopted?
  
- G. If changes to the rule are required or desired, would changes to the RCWs also be necessary?
  
- H. What sections of the RCW would need to be changed?

**IV. "Significance" of the Rule**

Please complete the following

	no	yes		
Does this rule involve licensing or permit issues?	<input type="checkbox"/>	<input type="checkbox"/>		
Does this rule alter a regulatory program?	<input type="checkbox"/>	<input type="checkbox"/>		
Does this rule impose penalties or sanctions?	no penalties <input type="checkbox"/>	light penalties <input type="checkbox"/>	strong penalties <input type="checkbox"/>	
Is this a controversial rule?	not at all <input type="checkbox"/>	not very <input type="checkbox"/>	yes <input type="checkbox"/>	very <input type="checkbox"/>
Is it costly to comply with this rule?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

MISC.

Rules Review



**Rule Evaluation Form**  
for Consumers  
Office of the Insurance Commissioner

**I. Rule you are Evaluating**

Rule Number (if known): \_\_\_\_\_

Subject of the Rule: \_\_\_\_\_

*Example:* You may choose to comment about the rule regarding settlements after a car accident. The rule number is WAC 284-30-390. Having the rule number helps us quickly identify the rule. If you do not know the rule number, please tell us the subject of the rule. In this case, perhaps, "Car Insurance Settlements" or "Procedures for Settlements after an Accident."

**II. Background Information**

A. Name of person: \_\_\_\_\_ Date: \_\_\_\_\_

Address (if desired) \_\_\_\_\_

Phone:( ) \_\_\_\_\_ Fax:( ) \_\_\_\_\_ E-mail: \_\_\_\_\_

B. Do you work for or are you affiliated with an organization that has an interest in this rule?

If Yes, Please state the name of the organization: \_\_\_\_\_

*Examples:* Insurance Company, Insurance Association, Consumer Group, Legal Association, Business Association, Government Agency.

C. Occupation: \_\_\_\_\_

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<p><i>Rule Evaluation Form</i> for Consumers</p>
--

III. Evaluation of the Rule

	<b>Yes</b>	<b>No</b>
1. Does the rule provide enough protection for the consumer? Please comment	<input type="checkbox"/>	<input type="checkbox"/>

	<b>Yes</b>	<b>No</b>
2. Should it be strengthened to provide additional protection? If yes, please describe how it might be strengthened	<input type="checkbox"/>	<input type="checkbox"/>

3. What do you believe are the positive features (if any) of the rule?

4. What do you believe are the negative features (if any) of the rule?

5. Is there a more effective way to regulate the subject of the rule? If yes, please describe.

Further Comments - Please attach any further comments to the forms

Additional Forms - May be obtained by contacting Kacy Brandeberry or at our website:<http://www.wa.gov/ins>

Return to: Kacy Brandeberry, Rules Review Project, Office of the Insurance Commissioner,

Insurance Bldg, P.O. Box 40225, Olympia, WA 98504-0225.

E-mail Address: [Inscomr@aol.com](mailto:Inscomr@aol.com). Fax Number: (360) 586-3535

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Rules Review



**Rule Evaluation Form**  
for the Business Community  
Office of the Insurance Commissioner

**I. Rule you are Evaluating**

Chapter Number: \_\_\_\_\_ Rule Number: \_\_\_\_\_

Subject of Rule: \_\_\_\_\_

*Example:* A comment might regard licensing of viatical settlement providers. The Chapter Number is 284-97, the rule number is 284-97-020, that chapter is titled "Viatical Settlement Regulation."

**II. Background Information**

A. Name of person: \_\_\_\_\_ Date: \_\_\_\_\_

Address (if desired) \_\_\_\_\_

Phone:( ) \_\_\_\_\_ Fax:( ) \_\_\_\_\_ E-mail: \_\_\_\_\_

B. Do you work for or are you affiliated with an organization that has an interest in this rule?

If Yes, State the name of the organization: \_\_\_\_\_

Type of Organization: \_\_\_\_\_

*Examples:* Insurance Company, Insurance Association, Consumer Group, Legal Association, Business Association, Government Agency.

C. Occupation (Circle one):

- 1. Insurance Industry Professional
- 2. Agent
- 3. Broker
- 4. Attorney
- 5. Health Care Professional
- 6. Lobbyist
- 7. Financial Planner
- 8. Other \_\_\_\_\_

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**WSR 98-01-001**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
[Memorandum—December 2, 1997]

EDMONDS COMMUNITY COLLEGE  
BOARD OF TRUSTEES  
NOTICE OF SPECIAL MEETINGS  
TO MEDIA/OTHER

December 10, 1997\* Edmonds Community College board of trustees study session: EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.

December 18, 1997 Edmonds Community College board of trustees study session: EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.

\*These events are being scheduled as special meetings, which are study sessions where no action will be taken.

**January 23, 1998**  
County Road Administration Board  
2404 Chandler Court S.W., Suite 240  
Olympia, WA 98504-0913  
8:00 a.m. to noon

\*Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact Karen Pendleton at (360) 753-5989.

**WSR 98-01-008**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
[Memorandum—November 25, 1997]

At the November 20, 1997, meeting of the Edmonds Community College board of trustees, Resolution No. 97-11-1, 1998 Schedule of board of trustees meetings, was passed by the board of trustees.

**1998 EdCC Board of Trustees Meeting Schedule**

January 15, 1998	4:00 p.m.	Thursday
February 12, 1998	4:00 p.m.	Thursday
March 12, 1998*	4:00 p.m.	Thursday
April 16, 1998	4:00 p.m.	Thursday
May 21, 1998**	4:00 p.m.	Thursday
June 18, 1998*—	4:00 p.m.	Thursday
July 16, 1998	4:00 p.m.	Thursday
August 20, 1998	4:00 p.m.	Thursday
September 17, 1998	4:00 p.m.	Thursday
October 15, 1998	4:00 p.m.	Thursday
November 19, 1998	4:00 p.m.	Thursday
December 17, 1998	4:00 p.m.	Thursday

Conflicts: NCSPOD\*, SBCTC Teleconference\*\*, BAC—

**WSR 98-01-002**  
**RULES COORDINATOR**  
**BELLINGHAM TECHNICAL COLLEGE**  
[Filed December 4, 1997, 9:51 a.m.]

The rules coordinator for Bellingham Technical College is Jody McBee, Executive Assistant to the President, Bellingham Technical College, 3028 Lindbergh Avenue, Bellingham, WA 98225, phone (360) 738-3105 ext. 334.

**WSR 98-01-003**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
[Memorandum—December 2, 1997]

Pursuant to RCW 42.30.075, the Bellingham Technical College board of trustees' regular meetings during 1998 will be held on the third Thursday of each month except July. Meetings will be held at 9 a.m. in the College Services Building, Bellingham Technical College, 3028 Lindbergh Avenue, Bellingham, WA 98225.

**WSR 98-01-004**  
**NOTICE OF PUBLIC MEETINGS**  
**COUNTY ROAD**  
**ADMINISTRATION BOARD**  
[Memorandum—December 2, 1997]

MEETING NOTICE: **January 22, 1998**  
County Road Administration Board  
2404 Chandler Court S.W., Suite 240  
Olympia, WA 98504-0913  
1:00 p.m. to 5:00 p.m.

**WSR 98-01-009**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**JUDICIAL CONDUCT**  
[Memorandum—December 4, 1997]

The Commission on Judicial Conduct will hold their business meetings at 11:00 a.m. (with the exception of the February 10, 1998, meeting) at the Sea-Tac Holiday Inn, 17338 Pacific Highway South, Sea-Tac, WA 98188, on the following dates:

- February 10, 1998 (12:00 noon)
- April 3, 1998
- June 5, 1998
- August 7, 1998
- October 2, 1998
- December 4, 1998

**WSR 98-01-010**  
**RULES COORDINATOR**  
**COUNTY ROAD**  
**ADMINISTRATION BOARD**  
[Filed December 5, 1997, 10:17 a.m.]

Following is the designated rules coordinator for our agency:  
Karen Pendleton, County Road Administration Board, 2404  
Chandler Court S.W., Suite 240, Olympia, WA 98504-0913.  
Eric Berger  
Director

**WSR 98-01-012**  
**NOTICE OF PUBLIC MEETINGS**  
**ELECTRICAL BOARD**  
[Memorandum—December 3, 1997]

**Governor's Advisory Electrical Board**  
**Meeting Schedule for 1998**

As noted in WAC 296-13-035 Dates of meetings, the  
Electrical Board meets quarterly on the last Thursday of  
January, April, July, and October.

The board meetings begin at 9:00 a.m. and will be held as  
follows for 1998:

Department of Labor and Industries  
Auditorium  
7273 Linderson Way S.W.  
Tumwater, WA 98501

January 29, 1997 [1998]  
April 30, 1997 [1998]  
July 30, 1997 [1998]  
October 29, 1997 [1998]

**WSR 98-01-015**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

(Factory Assembled Structures Advisory Board)  
[Memorandum—December 4, 1997]

In accordance with RCW 43.22.420, the Factory Assembled  
Structures Advisory Board meetings have been scheduled for  
1998 quarterly on the third Thursday of February, May, and  
August. The November meeting is scheduled for the third  
Thursday because of the Thanksgiving holiday. All meetings  
are scheduled to begin at 1:00 p.m. They will be held at the  
following location:

On February 19, May 21, August 20, and November 19,  
1998, at the Department of Labor and Industries, 1:00 - 5:00  
p.m., Room S-119, Tumwater, Washington.

**WSR 98-01-016**  
**NOTICE OF PUBLIC MEETINGS**  
**BOARD OF**  
**TAX APPEALS**  
[Memorandum—December 4, 1997]

The Board of Tax Appeals will hold its regular 1998  
meetings at 10 a.m. on March 12, June 11, September 10,  
and December 10, 1998. The meetings will be held at the  
board's offices, 910 5th Avenue S.E., Olympia, WA 98504-  
0915.

**WSR 98-01-017**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION IMPROVEMENT BOARD**  
[Memorandum—December 4, 1997]

The following is a schedule of the 1998 monthly meetings  
of the Transportation Improvement Board (TIB), as adopted  
by the board on November 21, 1998:

DATE	LOCATION
January 23, 1998	Lynnwood
March 27, 1998	Olympia
April 24, 1998	Vancouver
May 22, 1998	Chelan
June 26, 1998	Long Beach
July 24, 1998	Yakima
October 23, 1998	Spokane
*November 20, 1998	Bellevue

All meetings will be on the fourth Friday, except as noted  
above, and are scheduled to begin at 9:00 a.m. The exact  
location for each meeting will be included in the monthly  
meeting notice, which is mailed twenty days prior to the  
scheduled meeting.

**WSR 98-01-018**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
(Examining Board of Psychology)  
[Memorandum—December 4, 1997]

The Examining Board of Psychology has set their open  
public meeting dates for 1998. They are as follows:

January 10-11, 1998	oral exams - no meeting scheduled
February 13, 1998	Sea-Tac
March 13, 1998	Sea-Tac
April 17-18, 1998	Sea-Tac
May 8, 1998	Sea-Tac
June 12, 1998	Sea-Tac
July 10-11, 1998	oral exams - no meeting scheduled
August 1998	no meeting scheduled
September 10, 1998	Sea-Tac
October 13, 1998	Sea-Tac
November 13, 1998	Sea-Tac
December 11, 1998	Sea-Tac

If you have questions, please call (360) 753-3095.

MISC.

**WSR 98-01-019**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF HEALTH  
(Sex Offender Treatment Provider Program)  
[Memorandum—December 4, 1997]**

The sex offender treatment provider program will be meeting on an as-needed basis for the year 1998. There are no scheduled meetings.

If you have questions, please call (360) 753-3095.

**WSR 98-01-038**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF HEALTH  
(Mental Health Quality Assurance Council)  
[Memorandum—December 3, 1997]**

The Mental Health Quality Assurance Council has set their open public meeting dates for 1998. They are as follows:

April 24                      Lacey  
October 16                    Lacey

If you have questions, please call (360) 664-9098.

**WSR 98-01-039**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
LABOR AND INDUSTRIES  
(Elevator Section)  
[Memorandum—December 8, 1997]**

As noted in WAC 296-81-990, dates of meeting, the Elevator Board meets quarterly on the third Tuesday of February, May, August, and November.

The board meetings begin at 9:30 a.m. and will be held as follows for 1998:

Department of Labor and Industries  
12806 Gateway Drive  
Tukwila, WA 98168

February 17, 1998      Classroom  
May 19, 1998            Classroom  
August 18th              Training Room  
November 17, 1998    Training Room

**WSR 98-01-040**

**NOTICE OF PUBLIC MEETINGS  
YAKIMA VALLEY  
COMMUNITY COLLEGE  
[Memorandum—December 4, 1997]**

This serves as notice that the board of trustees for Yakima Valley Community College, District 16, shall continue to hold regular meetings the first Thursday of each month at 4:30 p.m. Meetings will be held in the Martin Luther King Room of the Hopf Union Building, unless otherwise posted.

**WSR 98-01-041**

**NOTICE OF PUBLIC MEETINGS  
CONVENTION AND TRADE  
CENTER  
[Memorandum—December 5, 1997]**

The Washington State Convention and Trade Center's (WSCTC) Marketing Committee will meet on Thursday, December 11, 1997, at 10:00 a.m. in Room 301 of the Convention Center, 800 Convention Place, Seattle.

The WSCTC Design Committee will meet on Wednesday, December 17, 1997, from 10:30 a.m. - 12:30 p.m. in Room 307 of the Convention Center.

A regular meeting of the WSCTC board of directors will be held on Wednesday, December 17, 1997, at 1:30 p.m. in Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call 694-5000.

**WSR 98-01-042**

**NOTICE OF PUBLIC MEETINGS  
TACOMA COMMUNITY COLLEGE  
[Memorandum—December 2, 1997]**

The 1998 meeting schedule for the board of trustees of Tacoma Community College District 22 is as follows:

January 8, 1998  
February 5, 1998  
March 5, 1998  
April 2, 1998  
May 7, 1998  
June 4, 1998  
July 2, 1998  
August 6, 1998  
September 3, 1998  
October 1, 1998  
November 5, 1998  
December 3, 1998

All meetings of the board of trustees will be held at Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466. The meeting time is 4:00 p.m.; meetings are held in Building 7, Baker Room.

**WSR 98-01-043**

**NOTICE OF PUBLIC MEETINGS  
SKAGIT VALLEY COLLEGE  
[Memorandum—December 5, 1997]**

**BOARD OF TRUSTEES  
COMMUNITY COLLEGE DISTRICT NO. 4  
SKAGIT VALLEY COLLEGE**

**RESOLUTION 97-3**

**RESOLUTION OF THE BOARD OF TRUSTEES OF  
COMMUNITY COLLEGE DISTRICT NO. 4  
SKAGIT VALLEY COLLEGE  
RELATING TO BOARD MEETING SCHEDULE FOR 1998**

**BE IT RESOLVED, that the board of trustees of Skagit Valley College, Community College District No. 4, will hold its**

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regular meetings at 5:15 p.m. on the second Monday of each month in 1998, except for the month of February, when the meeting will be held on the second Wednesday and for the month of August when there is no meeting. All of these meetings will be held in the Campus Center Annex Board Room on the Mount Vernon campus, except the April meeting which will be held at 7:00 p.m. at the Whidbey Campus, in Oak Harbor, Washington, and the June meeting which will be held at 3:00 p.m. at the San Juan Center, Friday Harbor, Washington.

The dates of the regular meetings are January 12, February 11, March 9, April 13, May 11, June 8, July 13, September 14, October 12, November 9, and December 14.

**WSR 98-01-044**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
[Memorandum—December 4, 1997]

December 4, 1997  
REVISION

EDMONDS COMMUNITY COLLEGE  
BOARD OF TRUSTEES  
NOTICE OF SPECIAL MEETINGS  
TO MEDIA/OTHER

December 10, 1997\* Edmonds Community College board of trustees study session: EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.

December 18, 1997 Edmonds Community College board of trustees regular meeting: EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.

\*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

**WSR 98-01-045**  
**RULES COORDINATOR**  
**OFFICE OF**  
**ADMINISTRATIVE HEARINGS**  
[Filed December 8, 1997, 2:08 p.m.]

Effective immediately, I am the agency rules coordinator for the Office of Administrative Hearings. Contact information is: Art Wang, Chief Administrative Law Judge, Office of Administrative Hearings, mailstop 42488, phone (360) 664-8717, FAX (360) 664-8721, e-mail awang@oah.wa.gov.

**WSR 98-01-046**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
(State Capitol Committee)  
[Memorandum—December 5, 1997]

Please record the following State Capitol Committee meeting date in the Washington State Register: Thursday, December 11, 1997.

The meeting is being held in the Legislative Building, Governor's Conference Room, from 10:30 a.m. to 12:00 p.m. Please contact Lenore Miller with any questions at 664-9212.

**WSR 98-01-048**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
[December 4, 1997]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENTS TO RAP 10.4, ) NO. 25700-A-614  
RAP 16.1, RAP 16.3, RAP 16.7, )  
RAP 16.15, RAP 16.19, NEW RAP )  
16.20, NEW RAP 16.21, NEW RAP )  
16.22, NEW RAP 16.23, NEW RAP )  
16.24, NEW RAP 16.25, NEW RAP )  
16.26, NEW RAP 16.27; NEW SPRC )  
1, NEW SPRC 2, NEW SPRC 3, NEW )  
SPRC 4, NEW SPRC 5, NEW SPRC )  
6, AND NEW SPRC 7 )

The Supreme Court Committee to Examine Indigent Appellate Defense in Capital Cases having recommended the adoption of the proposed amendments to RAP 10.4, RAP 16.1, RAP 16.3, RAP 16.7, RAP 16.15, RAP 16.19, New RAP 16.20, New RAP 16.21, New RAP 16.22, New RAP 16.23, New RAP 16.24, New RAP 16.25, New RAP 16.26, New RAP 16.27; New SPRC 1, New SPRC 2, New SPRC 3, New SPRC 4, New SPRC 5, New SPRC 6, and New SPRC 7, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 4th day of December, 1997.

Durham, C.J.

Dolliver, J.

Madsen, J.

Smith, J.

Talmadge, J.

Guy, J.

Alexander, J.

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Johnson, J.

Sanders, J.

## RAP 10.4

## PREPARATION AND FILING OF BRIEF BY PARTY

(a) **Typing or Printing Brief.** Briefs shall conform to the following requirements:

(1) One legible, clean, and reproducible copy of the brief must be filed with the appellate court. The brief should be printed or typed in black on 20-pound substance 8 1/2- by 11-inch white paper. Margins should be at least 2 inches on the left side and 1 1/2 inches on the right side and on the top and bottom of each page.

(2) The text of any brief typed or printed in a proportionally spaced typeface must appear in print as 12 point or larger type with no more than 10 characters per inch and 3 points or more leading between lines double spaced. The same typeface and print size should be standard throughout the brief, except that footnotes may appear in print as 10 point or larger type with 2 points or more leading between lines and be the equivalent of single spaced and quotations may be the equivalent of single spaced. Except for material in an appendix, the typewritten or printed material in the brief shall not be reduced or condensed by photographic or other means.

(3) The text of any brief typed or printed in a monospaced typeface shall be done in pica type or the equivalent at no more than 10 characters per inch. The lines must be double spaced, ~~that is, there may be at most 3 lines of type per inch.~~ Quotations and footnotes may be single spaced. Except for material in an appendix, the typewritten or printed material in the brief shall not be reduced or condensed by photographic or other means.

(b) **Length of Brief.** A brief of appellant, petitioner, or respondent, and a pro se brief in a criminal case should not exceed 50 pages. A reply brief should not exceed 25 pages. An amicus curiae brief, or answer thereto, should not exceed 20 pages. For the purpose of determining compliance with this rule appendices, the title sheet, table of contents, and table of authorities are not included. For compelling reasons the court may grant a motion to file an over-length brief.

(c) **Text of Statute, Rule, Jury Instruction, or the Like.** If a party presents an issue which requires study of a statute, rule, regulation, jury instruction, finding of fact, exhibit, or the like, the party should type the material portions of the text out verbatim or include them by copy in the text or in an appendix to the brief.

(d) **Motion in Brief.** A party may include in a brief only a motion which, if granted, would preclude hearing the case on the merits.

(e) **Reference to Party.** References to parties by such designations as "appellant" and "respondent" should be kept to a minimum. It promotes clarity to use the designations used in the lower court, the actual names of the parties, or descriptive terms such as "the employee," "the injured person," and "the taxpayer."

(f) **Reference to Record.** A reference to the record should designate the page and part of the record. Exhibits should be referred to by number. The clerk's papers should be abbreviated as "CP"; exhibits should be abbreviated as "Ex"; and the report of proceedings should be abbreviated as

"RP." Suitable abbreviations for other recurrent references may be used.

(g) **Citations.** Citations must be in conformity with the form used in current volumes of the Washington Reports. Decisions of the Supreme Court and of the Court of Appeals must be cited to the official report thereof and should include the national reporter citation and the year of the decision. The citation of other state court decisions should include both the state and national reporter citations. The citation of a United States Supreme Court decision should include the United States Reports, the United States Supreme Court Reports Lawyers' Edition, and the Supreme Court Reporter. The citation of a decision of any other federal court should include the federal reporter citation and the district of the district court or circuit of the court of appeals deciding the case. Any citation should include the year decided and a reference to and citation of any subsequent decision of the same case.

(h) **Unpublished Opinions.** A party may not cite as an authority an unpublished opinion of the Court of Appeals.

## RAP 16.1

## PROCEEDINGS TO WHICH TITLE APPLIES

(a) **Generally.** . . .

(b) **Original Actions in Supreme Court Against State Officers.** . . .

(c) **Original Actions in the Appellate Court—Personal Restraint Petition.** . . .

(d) **Questions Certified by Federal Court.** . . .

(e) **Review of Decision of the Court of Appeals.** . . .

(f) **Removal of Public Officer.** . . .

(g) **Review of Sentence.** . . .

(h) **Capital Cases.** Rules 16.19 through 16.27 define the procedure for appeals and original actions in which the death penalty has been decreed.

## RAP 16.3

## PERSONAL RESTRAINT PETITION—GENERALLY

(a) **Habeas Corpus and Postconviction Relief.** Rules 16.3 through 16.15 and rules 16.24 through 16.27 establish a single procedure for original proceedings in the appellate court to obtain relief formerly available by a petition for writ of habeas corpus or by an application for postconviction relief.

(b) **Former Procedure Superseded.** The procedure established by rules 16.3 through 16.15 and rules 16.24 through 16.27 for a personal restraint petition supersedes the appellant procedure formerly available for a petition for writ of habeas corpus and for an application for post-conviction relief, unless one of these rules specifically indicates to the contrary. These rules do not supersede and do not apply to habeas corpus proceedings initiated in the superior court.

(c) **Original Appellate Court Jurisdiction.** The Supreme Court and the Court of Appeals have original concurrent jurisdiction in personal restraint proceedings in which the death penalty has not been decreed. The Supreme Court will ordinarily exercise its jurisdiction by transferring the petition to the Court of Appeals. The Supreme Court has exclusive original jurisdiction in personal restraint proceedings in which the petitioner is under a sentence of death.

RAP 16.7

PERSONAL RESTRAINT PETITION—FORM OF PETITION

(a) Generally. Under the titles indicated, the petition should set forth:

(1) Status of Petitioner. The restraint on petitioner; the place where petitioner is held in custody, if confined; the judgment, sentence, or other order or authority upon which petitioner's restraint is based, identified by date of entry, court, and cause number; any appeals taken from that judgment, sentence or order; and a statement of each other petition filed with regard to the same allegedly unlawful restraint, identified by the date filed, the court, the disposition made by the court, and the date of disposition.

(2) Grounds for Relief. A statement of (i) the facts upon which the claim of unlawful restraint of petitioner is based and the evidence available to support the factual allegations, (ii) why other remedies are inadequate, and (iii) why the petitioner's restraint is unlawful for one or more of the reasons specified in rule 16.4(c). Legal argument and authorities may be included in the petition, or submitted in a separate brief as provided in rule 16.10(a).

(3) Statement of Finances. If petitioner is unable to pay the filing fee or fees of counsel, a request should be included for waiver of the filing fee and for the appointment of counsel at public expense. The request should be supported by a statement of petitioner's total assets and liabilities.

(4) Request for Relief. The relief petitioner wants.

(5) Oath. If a notary is available, the petition must be signed by the petitioner or his attorney and verified substantially as follows:

After being first duly sworn, on oath, I depose and say: That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

[or]

After being first duly sworn, on oath, I depose and say: That I am the attorney for the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

[Signature]

Subscribed and sworn to before me this \_\_\_ day of \_\_\_, 19\_\_.

Notary Public in and for the State of Washington, residing at \_\_\_\_\_.

If a notary is not available, the petition must be subscribed by the petitioner or his attorney substantially as follows:

I declare that I have examined this petition and to the best of my knowledge and belief it is true and correct. Dated this \_\_\_ day of \_\_\_\_\_, 19\_\_.

[Signature]

If a notary is available and a petition if filed which is not verified, the appellate court will return the petition for verified signature and advise the petitioner's custodian to make a notary available.

(6) Verification. In all cases where the restraint is the result of a criminal proceeding and the petition is prepared by the petitioner's attorney, the petitioner must file with the court no later than 30 days after the petition was received by the court a document that substantially complies with the following form:

I declare that I have received a copy of the petition prepared by my attorney and that I consent to the petition being filed on my behalf.

Dated this \_\_\_ day of \_\_\_\_\_, 19\_\_.

[Signature]

If the petitioner has been declared incompetent, the verification may be filed by the guardian ad litem. If a petition has been filed to determine competency, the verification procedure shall be tolled until competency is determined.

(b) Standard Form. The clerk of the appellate court will make the standard form of petition available to persons who are confined in state institutions and to others who may request the form.

RAP 16.15

PERSONAL RESTRAINT PETITION—SUPPLEMENTAL PROVISIONS

(a) Motion. The procedure for and form of a motion is as provided in Title 17, ~~except that a motion by the petitioner must be verified in the same manner as a petition.~~ Motions will ordinarily be considered without oral argument.

(b) Release by Appellate Court of Person in Custody. The appellate court may release a petitioner on bail or personal recognizance before deciding the petition, if release prevents further unlawful confinement and it is unjust to delay the petitioner's release until the petition is determined. The appellate court or the superior court in its decision on the merits, or by separate order after a decision on the merits, may release a petitioner on bail or on personal recognizance. The appellate court may direct the release of petitioner with the conditions of release to be determined by a trial court.

(c) Oral Argument. Except as otherwise provided in rule 16.11(c), the procedure for oral argument is governed by Title 11.

(d) Disposition of Petition. The petition will be determined by the appellate court by written opinion or order briefly stating the reasons for the determination.

(e) Certificate of Finality. A certificate of finality is the written notification of the clerk of the appellate court to the trial court and the parties that the proceedings in the appellate court have come to an end.

(1) When Certificate of Finality is Issued by the Court of Appeals. The clerk of the Court of Appeals issues the certificate of finality:

(a) Thirty days after the decision is filed, unless (i) a motion for reconsideration of the decision has been earlier filed, or (ii) a motion for discretionary review to the Supreme Court has been earlier filed.

(b) If a motion for reconsideration is timely filed and denied, 30 days after filing the order denying the motion for reconsideration, unless a motion for discretionary review by the Supreme Court has been earlier filed.

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(c) If a motion for discretionary review has been timely filed and denied by the Supreme Court, upon denial of the motion for discretionary review.

(2) When Certificate of Finality is Issued by the Supreme Court. The clerk of the Supreme Court issues the certificate of finality twenty days after the written opinion or order disposing of the petition is filed unless a motion for reconsideration of the decision is filed. If a motion for reconsideration is timely filed, the certificate of finality shall issue upon the entry of an order denying the motion for reconsideration.

**(ef) Costs.** Costs are awarded as provided in Title 14.

**(fg) Indigency — Superior Court Determination.** . . .

**(gh) Indigency — Appellate Court Proceeding.** . . .

RAP 16.19

[New Rule]

PREPARATION OF REPORT OF PROCEEDINGS IN CAPITAL CASES

(a) The clerk of the trial court shall prepare a list of all pre-trial hearings, trial proceedings, and post-trial hearings, including any in camera or ex parte proceedings, that specifies the date of the hearing and the name of the court reporter. This list shall be served by the clerk of the trial court on each court reporter, the prosecuting attorney, the defendant's trial counsel and appellate counsel, and the trial judge within 10 days of the entry of a judgment and sentence. If appellate counsel has not been appointed to represent the defendant when the list is first prepared, the clerk of the trial court shall send a copy of the list to each appellate counsel within 10 days of appointment.

(b) Any party may serve and file objections to, and propose amendments to the list within 10 days after receipt of the list prepared by the clerk of the trial court. If objections or amendments to the list are served and filed, any objections or proposed amendments must be heard by the trial court judge for settlement and approval. If the judge before whom the proceedings were held is for any reason unable to promptly settle questions, another judge may act in the place of the judge before whom the proceedings were held.

(c) Once the list of hearings is settled, the clerk of the trial court shall serve a copy on each court reporter and shall file a copy with the Supreme Court. The final list should indicate the date it was served on the court reporters and the financial arrangements which have been made for payment of transcription costs.

(d) The court reporter shall complete the report of proceedings within 90 days after the reporter receives the list of hearings. If the report of proceedings cannot be completed within this time, the court reporter shall, no later than 10 days before the due date, submit an affidavit to the prosecuting attorney, to the defense appellate attorney, and to the Supreme Court stating the reasons for the delay. Any party or any court reporter may move for an extension of time from the Supreme Court.

(e) The court reporter shall file the report of proceedings with the clerk of the trial court. The clerk of the trial court shall transmit the report of proceedings to the Supreme Court. The clerk of the Supreme Court shall provide one copy of the report of proceedings to the defendant, two

copies of the report of proceedings to the defendant's appellate attorney, and one copy of the report of proceedings to the prosecuting attorney.

(f) Objections or amendments to the report of proceedings may be served and filed within 30 days after the party receives a copy of the report of all proceedings. Copies of all objections shall be filed with the Supreme Court. The trial court shall settle the report of proceedings in accordance with RAP 9.5 (c) and (d). The briefing schedule shall be suspended until the record is settled.

(g) The record may be corrected or supplemented at any time in accordance with RAP 9.10.

RAP 16.20

[New Rule]

TRANSMITTAL OF JURY QUESTIONNAIRES AND CLERK'S PAPERS IN CAPITAL CASES

If questionnaires are used during jury selection, the clerk of the trial court shall seal and transmit a copy of all the questionnaires to the Supreme Court along with all of the clerk's papers, including copies of any clerk's minutes. The clerk will provide defendant's appellate counsel and the prosecuting attorney copies of all of the juror questionnaires. These copies shall remain in the possession of counsel and not be made available to the defendant.

The clerk of the Supreme Court shall copy and distribute the clerk's papers as follows: one copy to the defendant, two copies to the defendant's appellate attorneys, and one copy to the prosecuting attorney.

RAP 16.21

[New Rule]

CLERK'S CONFERENCE IN CAPITAL CASES

(a) **Application of Rule.** This rule applies only in direct appeals in criminal cases.

(b) **Clerk's Conference.** Upon receipt of the notice of appeal in a capital case by the Supreme Court, the clerk of the court shall set a clerk's conference. The clerk of the court shall give notice to the parties of the date, time, and place of the conference; the name of the commissioner or clerk who will conduct the conference; and the nature of the issues to be discussed at the conference. The convening of a clerk's conference shall not stay the requirements otherwise established by these rules. The clerk may continue a conference or convene another conference when necessary to establish procedures in the case.

(c) **Attendance at Clerk's Conference.** The attorneys for each party, if the notice requires it, shall attend the clerk's conference on the date, time, and place specified in the clerk's notice. Those in attendance should be ready to seriously consider the procedural issues attendant upon the case, including, but not limited to, settlement of the record, the briefing schedule, the page limitations for briefs, oral argument, and other matters which may promote the prompt and fair disposition of the appeal.

(d) **Clerk's Conference Order.** If, as a result of the clerk's conference, the parties agree to various matters to promote the prompt and fair disposition of the appeal, the Court may enter an order consistent with that agreement. If the parties fail to agree on any issue, the court will resolve

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the issues and enter an order. The order is binding on the parties during the review proceeding, unless the court otherwise directs on its own initiative or on motion of a party for good cause shown and on those terms the court deems appropriate.

## RAP 16.22

[New Rule]

## FILING OF BRIEFS IN CAPITAL CASES

(a) The brief of an appellant shall be filed in the Supreme Court within 120 days after the report of proceedings is settled or the last date for filing any objections pursuant to Rule 5(f). The brief of a respondent shall be filed within 120 days after service of the brief of appellant.

(b) The personal restraint petition shall be filed within 180 days after the appointment of counsel or the court's determination that counsel will not be appointed. The response to a personal restraint petition shall be filed within 120 days after service of the petition.

(c) A brief of appellant or respondent, or a brief in support of or opposition to a personal restraint petition, shall not exceed 250 pages. A reply brief, a pro se supplemental brief, or the response to a pro se supplemental brief, shall not exceed 75 pages.

(d) If legal arguments are included in a personal restraint petition or the response to a personal restraint petition, no separate brief may be filed. A petition or response that contains legal arguments may not exceed 300 pages. The petition or response shall comply with RAP 10.4(a).

(e) The clerk will retain but not formally file a brief, petition, or response that exceeds these page limits, except on prior order of the court. Such an order will only be granted for compelling reasons. The clerk will not file a brief, petition, or response that violates the format requirements of RAP 10.4(a), if a properly formatted brief would violate the page limits. The clerk shall direct the party whose document has been rejected for formal filing to correct the deficiencies within a specified time period.

(f) For the purpose of determining compliance with this rule, appendices, the title sheet, table of contents, and table of authorities are not included.

## RAP 16.23

[New Rule]

## ORAL ARGUMENT ON APPEAL IN CAPITAL CASES

(a) The parties may file a non-binding notice 14 days prior to oral argument that specifies the order in which issues will be presented and identifies which counsel will present the argument on each issue.

(b) At any time before receipt of such notice the clerk of the Supreme Court shall inform the parties if any member of the Court wants certain issues to be addressed during oral argument. After receipt of such notice, the clerk of the Supreme Court may notify the parties if any member of the Court wants additional issues to be addressed during oral argument.

(c) Each side is allowed 120 minutes for oral argument.

## RAP 16.24

[NEW RULE]

## STAY OF EXECUTION IN CAPITAL CASES

(a) A motion for stay of execution will be decided by the en banc court, except that the Clerk may decide an application for a stay of execution in connection with a first petition for relief from restraint. No stay will be granted until after a death warrant has been issued. When any stay is granted, the clerk will immediately notify, in addition to the parties, the Superintendent of the Washington State Penitentiary, and the Attorney General. A stay of execution will dissolve thirty (30) days after a certificate of finality is issued.

(b) The petitioner or his or her lawyer may file an application for a stay of execution in connection with a first petition for relief from restraint. This application shall be accompanied by a statement, describing one or more grounds for relief, which shall be deemed to be a petition for relief from restraint with leave granted ~~a priori~~ to amend the petition upon appointment of counsel.

(c) Upon the filing of this application and statement, the Supreme Court Clerk shall issue a stay of execution, if the statement identified any ground for relief that is not patently frivolous. The stay will remain in effect until the certificate of finality is issued.

(d) A stay of execution pending a final disposition of a second or subsequent petition shall not be granted unless the petitioner makes a substantial showing that the petition is not barred by RCW chapter 10.73 or RAP 16.4(d).

## Comment

The date the statement of grounds for relief that accompanies an application for a stay of execution in connection with a first petition for relief from restraint is filed shall be deemed under Washington law to be "the date on which the first petition for post-conviction review or other collateral relief is filed", 1996 Antiterrorism and Effective Death Penalty Act, Chapter 154, sec. 2263 (b)(2).

A stay will be granted "if the statement identifies any ground for relief that is not patently frivolous." In general, a claim could be considered "patently frivolous" only if (1) it was rejected on its merits on direct appeal, (2) it is clearly contrary to binding precedent, or (3) it is clearly contrary to the established record. A claim of ineffective assistance of counsel that was not raised on direct appeal will generally not be considered "patently frivolous".

## RAP 16.25

[New Rule]

## APPOINTMENT OF COUNSEL ON PERSONAL RESTRAINT PETITION IN CAPITAL CASES

Unless petitioner is proceeding pro se or is represented by retained counsel, upon a request by petitioner to the Clerk of the Supreme Court and upon a finding that the petitioner is indigent, the Supreme Court shall appoint counsel to assist in preparing and presenting a first personal restraint petition. Appointed counsel must have demonstrated the necessary proficiency and commitment which exemplifies the quality of representation appropriate to capital cases. At least one

attorney so appointed must have at least three years of experience in handling appeals or collateral reviews on criminal convictions and must be learned in the law of capital punishment by training or experience.

A list of attorneys qualified for appointment in death penalty personal restraint petitions will be recruited and maintained by a panel created by the Supreme Court. In appointing counsel, the Supreme Court will consider this list. However, the Supreme Court will have the final discretion in the appointment of counsel in personal restraint petitions in capital cases.

Counsel will not be appointed if the petitioner has clearly elected to proceed pro se and the court is satisfied that petitioner's election is knowing, intelligent, and voluntary. An attorney who represented the petitioner at trial will not be appointed. An attorney who represented petitioner on direct appeal will not be appointed unless petitioner and the attorney expressly request continued representation. Statutes providing for payment of expenses with public funds are not superseded by this rule.

The Supreme Court may appoint counsel to assist in a second or subsequent petition in accord with RCW 10.73.150

RAP 16.26

[NEW RULE]

PERSONAL RESTRAINT PETITIONS  
IN CAPITAL CASES—DISCOVERY

(1) (a) Before or after a person under sentence of death files a personal restraint petition, the Supreme Court, on motion of that person, may order discovery. To obtain such an order, the person under sentence of death must establish facts that give rise to a substantial reason to believe that the discovery will produce information that would support relief under RAP 16.4(c). Information in support of the request that the person under sentence of death believes is privileged may be separated into a second confidential affidavit which identifies the asserted privilege with specificity and the law supporting the assertion of the privilege. Any affidavit which does not contain confidential information and the motion must be served on the prosecutor. The procedure for and form of the motion is as provided in RAP Title 17. Motions will ordinarily be considered without oral argument. Prior to ruling on the motion, the Court will review the confidential affidavit to determine whether the contents therein are protected by the asserted privilege. If the asserted privilege does not apply, the court will serve the State with a copy of the confidential affidavit at least five ~~two~~ working days before the State's response to the motion is due.

(2) (b) After a person under sentence of death has filed a personal restraint petition, the Supreme Court, on motion of the State, may order discovery. To obtain such an order, the State must establish facts that give rise to a substantial reason to believe that the discovery will produce information that would support the denial of relief under RAP 16.4(c).

(3) (c) Discovery conducted pursuant to this rule shall be governed by the civil rules, unless otherwise ordered by the court.

(4) (d) In the event a remand hearing is ordered, discovery shall be governed by RAP 16.12.

(5) (e) Discovery may be allowed for preparation of a second or subsequent petition attacking the same judgment and sentence only upon a substantial showing that the petition is not barred by RCW ch. 10.73 or RAP 16.4(d).

RAP 16.27

[New Rule]

PERSONAL RESTRAINT PETITION IN CAPITAL CASES—  
INVESTIGATIVE, EXPERT, AND OTHER SERVICES

Before or after the filing of a personal restraint petition, a person under sentence of death may file a motion for investigative, expert, or other services. Such a motion shall be granted only if the person establishes facts that give rise to a substantial reason to believe that the services will produce information that would support relief under RAP 16.4(c), and if the legislature has authorized and approved funding for such services. The motion shall be directed to the Supreme Court and may be made ex parte. Upon a showing of good cause, the moving papers may be ordered sealed by the court and shall remain sealed until further order of the court. Services may be allowed for preparation of a second or subsequent petition attacking the same judgment and sentence only upon a substantial showing that the petition is not barred by RCW ch. 10.73 or RAP 16.4(d).

PROPOSED ADOPTIONS OF SPECIAL PROCEEDINGS  
RULES—CRIMINAL

Rule 1

[New Rule]

SCOPE OF RULES

(a) Except as otherwise stated, these rules apply to all stages of proceedings in criminal cases in which the death penalty has been or may be decreed. These rules do not apply in any case in which imposition of the death penalty is no longer possible.

(b) Except when inconsistent with these rules, the Superior Court Criminal Rules and the Rules of Appellate Procedure shall continue to apply in capital cases.

Rule 2

[New Rule]

APPOINTMENT OF COUNSEL

At least two lawyers shall be appointed for the trial and also for the direct appeal. The trial court shall retain responsibility for appointing counsel for trial. The Supreme Court shall appoint counsel for the direct appeal. Notwithstanding RAP 15.2 (f) and (h), the Supreme Court will determine all motions to withdraw as counsel on appeal.

All counsel for trial and appeal must have demonstrated the proficiency and commitment to quality representation which is appropriate to a capital case. At least one counsel at trial must have five years' experience in the practice of criminal law, be familiar with and experienced in the utilization of expert witnesses and evidence, and be learned in the law of capital punishment by virtue of training or experience. At least one counsel on appeal must have three years' experience in the field of criminal appellate law and be learned in the law of capital punishment by virtue of training or experience.

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A list of attorneys qualified for appointment in death penalty trials and for appeals will be recruited and maintained by a panel created by the Supreme Court. In appointing counsel for trial and on appeal, the trial court and the Supreme Court will consider this list. However, the courts will have the final discretion in the appointment of counsel in capital cases.

#### Comment

If the period for filing the death notice has passed, and the death notice has not been filed, the court may then reduce the number of attorneys to one to proceed with the murder trial.

### Rule 3

[New Rule]

#### COURT REPORTERS; FILING OF NOTES

(a) At the commencement of a capital case, the trial court will designate one or more court reporters for that case. To the extent practical, only designated reporters will report all hearings.

(b) As soon as possible after each hearing, the court reporter will transmit stenographic notes, any audio or video tapes, and any other electronic data medium containing notes of the hearing to the courtroom clerk.

(c) The courtroom clerk will index the notes on a records inventory, noting the date of the notes. The courtroom clerk will have the court reporter initial the inventory log as each set of notes is received by the courtroom clerk.

(d) The stenographic notes, any audio or video tapes, and any other electronic data medium containing notes of any hearing shall be stored by the clerk's office in an exhibit box labeled with the defendant's name and cause number to allow easy retrieval of notes. Sealed notes are to be marked "SEALED" in red ink and maintained in accordance with GR 15.

(e) Court reporter notes, any audio or video tapes, and any other electronic data medium containing notes of any hearing, sealed or unsealed, shall not be provided to anyone except the court reporter who produced the notes, unless a court order provides otherwise.

(f) A court reporter may withdraw the stenographic notes, any video or audio tapes, and any other electronic data medium containing notes of a hearing as required for transcription upon completing a request slip. The stenographic notes, any audio or video tapes, and any other electronic data medium containing notes shall be returned to the clerk's office at the same time the transcript is filed for transmission to an appellate court.

### RULE 4

[NEW RULE]

#### DISCOVERY - SPECIAL SENTENCING PROCEEDING

Before the guilt phase of the trial begins, pursuant to a schedule set by the court, both parties shall provide discovery, pursuant to CrR 4.7 (a) and (b) of evidence that they anticipate offering at the special sentencing proceeding. The trial court has discretion, in accordance with CrR 4.7 (h)(4), to defer disclosure of all or part of the defendant's penalty phase evidence until the guilt phase has been completed.

This discovery shall, if necessary, be supplemented pursuant to CrR 4.7 (h)(2).

### RULE 5

[NEW RULE]

#### MENTAL EXAMINATION OF DEFENDANT

~~(1)~~ (a) If the defendant may offer at the special sentencing proceeding expert testimony concerning his or her mental condition, the defendant shall notify the prosecuting attorney at least 30 days prior to the start of jury selection. This time may be extended by the court for good cause.

~~(2)~~ (b) If the defendant has provided such notification, the court, on motion of the prosecuting attorney, shall enter an order requiring the defendant to submit to examination by one or more experts designated by the prosecuting attorney. The court shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made. The defendant may have a representative present at the examination, who may observe the examination but not interfere with or otherwise obstruct the examination. Unless otherwise ordered by the court, the defendant or the defendant's representative may make an audiotape recording of the examination, which shall be made in an unobtrusive manner.

~~(3)~~ (c) By the date set by the court, the defendant or the defendant's attorney shall provide the State's experts with any reports generated by defense experts, all raw data relied on, and any test results. The information given to the experts shall be supplemented whenever new materials become available.

~~(4)~~ (d) If the State's expert believes that the material provided by the defendant is inadequate for a proper evaluation, the expert may request the court to require that further materials be provided. If the defendant fails to cooperate with the examination, the expert may request the court to require the defendant to answer specific questions or participate in specific tests. The court shall consider these requests at a closed hearing. The defendant and his or her attorneys shall be given an opportunity to be heard. The prosecuting attorney shall not be allowed to participate. The record of the hearing shall be sealed as provided in subsection ~~(6)~~ (f).

~~(5)~~ (e) On completing the examination, the prosecution expert shall submit a report setting out the tests performed and their results, the conclusions reached by the expert, and the basis for those conclusions. The report shall be provided to the defendant's attorney and filed with the court.

~~(6)~~ (f) The expert's report and materials connected with it shall be sealed. The expert shall not discuss his or her conclusions or any information connected with the examination with anyone, other than the defendant's attorneys or other experts whose participation is necessary for a proper examination. Any such experts shall be under the same restrictions.

~~(7)~~ (g) Within 24 hours after a jury returns a verdict finding a defendant guilty of aggravated murder in the first degree, the court will require the defendant to elect whether he or she may present expert testimony at the special sentencing proceeding concerning his or her mental condition. If the defendant elects not to present such testimony, the report shall remain permanently sealed, the restrictions

set out in subsection ~~(6)~~ (f) shall remain permanently in effect, and the State shall be permanently prohibited from direct or derivative use against the defendant of the report or of materials or information provided to the expert. If the defendant elects to present such testimony, the court shall provide a copy of the experts' reports to the prosecuting attorney and shall relieve the experts of the restrictions. The prosecuting attorney may use information obtained from the expert solely to rebut expert testimony offered by the defense at the special sentencing proceeding.

~~(8)~~ (h) If, in any subsequent proceeding related to the crimes for which the defendant was convicted, the defendant places his or her mental status in issue, the court may direct that relevant portions of the experts' reports be disclosed to the prosecuting attorney and that the experts shall discuss those portions with the prosecuting attorney.

## RULE 6

[NEW RULE]

### PROPORTIONALITY QUESTIONNAIRES

~~(1)~~ (a) Within 14 days after the entry of a judgment and sentence convicting a defendant of aggravated first degree murder, the prosecuting attorney and the defendant's attorney shall each complete a proposed questionnaire in the form specified in RCW 10.95.120. The proposed questionnaires shall be filed with the clerk of the trial court. Copies shall be provided to the court and served on the opposing attorney.

~~(2)~~ (b) The court shall consider the proposed questionnaires and all other information in the record. No hearing shall be held unless the court so directs. Within 30 days after the entry of the judgment and sentence, the court shall complete a final questionnaire. The questionnaire shall be submitted to the clerk of the Supreme Court, to the defendant or his or her attorney, and to the prosecuting attorney.

~~(3)~~ (c) Statements made by an attorney in a proposed questionnaire shall not be considered admissions. Statements made by the court in the final questionnaire shall not be considered findings of fact. The proposed questionnaires and the final questionnaire shall not be used by the parties or the courts for any purpose in connection with the case to which they pertain or any collateral proceeding involving the same defendant. They shall be used only in other cases, for the purpose of making the determination required by RCW 10.95.130(2).

~~(4)~~ (d) In any brief or memorandum, a questionnaire may be cited in the following format: first and last name of defendant, questionnaire number, county of conviction, year of sentencing. For example: "John Doe, no. 9 (Snohomish, 1982)."

## Rule 7

[NEW RULE]

### DESTRUCTION OF RECORDS, EXHIBITS, AND STENOGRAPHIC NOTES

No records, exhibits, or stenographic notes shall be considered for destruction in a case in which the death penalty has been imposed while the defendant is still alive ~~until at least 20 years have elapsed since the issuance of the Supreme Court mandate from the first appeal as a matter of~~

right. Before destroying any records, exhibits, or notes in a capital case, the clerk will provide 60 days notice by certified mail, return receipt requested, to the prosecuting attorney, to the defendant's last known attorney of record, and to the defendant. To allow this notice, an attorney who represents the defendant in any challenge to the conviction should notify the clerk of the trial court of the fact of representation and the attorney's current address. Such notification does not constitute an appearance for any purpose other than receiving notice under this rule.

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

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

## WSR 98-01-049

### ATTORNEY GENERAL OPINION

Cite as: AGO 1997 No. 8

[November 24, 1997]

**POLITICAL PARTIES - ELECTIONS -** Interpreting of laws concerning "major parties."

- Whenever a general election is conducted in an even-numbered year, any party with a candidate drawing five percent of the vote for any partisan statewide state or federal office qualifies as a "major party"; this designation holds until an election occurs in an even-numbered year in which one or more statewide partisan offices appear on the ballot and the party in question fails to gain five percent of the vote for any of its statewide candidates.
- For a newly qualified major political party, the first election of precinct committee officers will occur at the next general election occurring in an even-numbered year.
- If a party is not organized pursuant chapter 29.42 RCW, but is newly qualified as a major political party, it may designate the governing body or officers who will perform the functions assigned by law to the county or state committees of a major political party.
- The provisions of RCW 29.45.010(4) restrict membership on a three-person election board to members of the parties whose candidates polled the greatest and the next greatest number of votes in a particular county.
- If the county auditor appoints clerks to expand the size of a precinct election board pursuant to RCW 29.45.020, and there are three or more major parties, appointments should be made in such a way as to make the total membership of the election board as nearly equal among the parties as possible.
- The ballot pick-up and delivery teams mentioned in RCW 29.54.037 should consist of one representative of each major political party which designates a representative for that purpose.

MISC.

Requested by:

The Honorable Ralph Munro  
 Secretary of State  
 Elections Division  
 120 E. Union Avenue  
 P.O. Box 40232  
 Olympia, Washington 98504-0232

May 18, 1998 (Study)

Bellevue L&I Office  
 616 120th Ave. N.E.

May 19, 1998 (Public Meeting)

Bellevue L&I Office  
 616 120th Ave. N.E.

September 14, 1998 (Study)

Tumwater L&I Office  
 7273 Linderson Way S.W.

September 15, 1998 (Public Meeting)

Tumwater L&I Office  
 7273 Linderson Way S.W.

November 16, 1998 (Study)

Tukwila L&I Office  
 12806 Gateway Drive

November 17, 1998 (Public Meeting)

Tukwila L&I Office  
 12806 Gateway Drive

Note: Maps of the meeting locations will be mailed to those interested in attending. Please call (360) 902-5270 if more information is required.

**WSR 98-01-051**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Board of Boiler Rules)  
 [Memorandum—December 9, 1997]

AMENDED

As per chapter 42.30 RCW, Open Public Meetings Act, the time and place of regular meetings for the Board of Boiler Rules for 1998 will be held on the following dates in January, March, May, September and November 1998 commencing at 10:00 a.m. A study day, which is open to the public, is for board discussion only and will be held on the Monday preceding the board meeting.

Dates and locations are as follows:

January 12, 1998 (Study)	Bellevue L&I Office 616 120th Ave. N.E.
January 13, 1998 (Public Meeting)	Bellevue L&I Office 616 120th Ave. N.E.
March 16, 1998 (Study)	Tumwater L&I Office 7273 Linderson Way S.W.
March 17, 1998 (Public Meeting)	Tumwater L&I Office 7273 Linderson Way S.W.

**WSR 98-01-052**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
 (Real Estate Commission)  
 [Memorandum—December 8, 1997]

Please find listed below the dates and locations for the 1998 regularly scheduled meetings of the Washington Real Estate Commission.

Please contact 586-6102 if you have questions.

1998 WASHINGTON REAL ESTATE COMMISSION DATES	TENTATIVE MEETING LOCATION
March 17-18, 1998	Olympia, Washington
June 11, 1998	Vancouver, Washington
September 15, 1998	Yakima, Washington
December 4, 1998	Seattle area

**WSR 98-01-058**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC WORKS BOARD**  
 [Memorandum—December 2, 1997]

PUBLIC WORKS BOARD MEETING DATES FOR 1998

Date	Time	Event	Location
January 6, 1998	8:30 a.m.	Regular Meeting	SeaTac, Washington
February 3, 1998	8:30 a.m.	Regular Meeting	SeaTac, Washington
March 3, 1998	8:30 a.m.	Regular Meeting	SeaTac, Washington
April 7, 1998	9:00 a.m.	Regular Meeting	Wenatchee, Washington
May 5, 1998	8:30 a.m.	Regular Meeting	SeaTac, Washington
June 2, 1998	8:30 a.m.	Regular Meeting	SeaTac, Washington
July 1998		No Meeting	No Meeting
August 4, 1998	8:30 a.m.	Regular Meeting	SeaTac, Washington
August 18, 1998	8:30 a.m.	Regular Meeting	SeaTac, Washington
September 22, 1998	8:30 a.m.	Regular Meeting and Tour	To be announced
October 1998		No Meeting	No Meeting
November 3, 1998	8:30 a.m.	Regular Meeting	SeaTac, Washington
December 1, 1998	8:30 a.m.	Regular Meeting	SeaTac, Washington

MISC.

The above dates were adopted by the Public Works Board at the December 2, 1997, regular meeting. Changes to the schedule, if any, will be posted on the Website for the Public Works Board: [www.crab.wa.gov/pwtf](http://www.crab.wa.gov/pwtf). Board meeting agendas will be posted one week prior to meetings.

**WSR 98-01-059**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC WORKS BOARD**  
 [Memorandum—December 10, 1997]

January 29                      Olympia  
 March 9                        Richland  
 May 19                         Wenatchee

The Public Works Board meeting scheduled as a regular meeting on January 6, 1998, in the city of SeaTac, has been cancelled.

Proposed agenda items will be presented to the board at the regular meeting scheduled for February 3, 1998.

The commission accepts proposals requesting funding at any time throughout the year. Proposals should be submitted by the 15th of the month preceding the next meeting month in order to be considered at the next meeting. Examples of proposal format can be requested by contacting the number listed below, or by accessing the WSCPR Web page at <http://picol.cahe.wsu.edu>. All proposals must be sent either via e-mail ([cdaniels@beta.tricity.wsu.edu](mailto:cdaniels@beta.tricity.wsu.edu)) or both a hard copy and disk copy via surface mail to Catherine Daniels, WSU Tri-Cities, 2710 University Drive, Richland, WA 99352-1643.

**WSR 98-01-061**  
**NOTICE OF PUBLIC MEETINGS**  
**ARTS COMMISSION**  
 [Memorandum—December 11, 1997]

Interested parties may call the public documents officer for the Washington State Commission on Pesticide Registration at (509) 372-7492 for the time and site of each meeting.

1998  
 Washington State Arts Commission  
 Meeting Schedule

DATE	STARTING TIME	LOCATION
February 19, 1998	1:00 p.m.	Washington State Arts Commission
February 20, 1998	9:00 a.m.	234 East 8th Avenue Olympia, WA
May 28, 1998	1:00 p.m.	City of Spokane
May 29, 1998	9:00 a.m.	303 West Spokane Falls Boulevard Spokane, WA
June 26, 1998	2:00 p.m.	Washington State Arts Commission
Telephone Conference Call		234 East 8th Avenue Olympia, WA
August 27, 1998	1:00 p.m.	City of Leavenworth
August 28, 1998	9:00 a.m.	700 Highway 2 Leavenworth, WA
November 19, 1998	1:00 p.m.	City of Gig Harbor
November 20, 1998	9:00 a.m.	3105 Judson Gig Harbor, WA

**WSR 98-01-064**  
**MILITARY DEPARTMENT**  
 (Emergency Management Division)  
 [Filed December 11, 1997, 2:12 p.m.]

The legislature transferred the responsibility for the Enhanced 9-1-1 Program from the Department of Community, Trade and Economic Development (CTED) to the Military Department effective July 1, 1996. The regulations promulgated by CTED concerning Enhanced 9-1-1 funding are contained in chapter 365-300 WAC. The Military Department wishes to recodify these regulations into Title 118 WAC, Emergency management. CTED concurs with this recodification.

Effective January 1, 1998, chapter 365-300 WAC will be recodified as chapter 118-65 WAC.

If you have any questions, please call (360) 923-4501.  
 Linda Burton-Ramsey  
 Director

**WSR 98-01-063**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Commission on Pesticide Registration)  
 [Memorandum—December 8, 1997]

1998 Regular Meeting Dates for the Washington State Commission on Pesticide Registration

The Washington State Commission on Pesticide Registration has adopted a schedule for 1998 regular meetings. Per RCW 42.30.075 we are making this schedule available to the public through your office.

**WSR 98-01-065**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
 [EO 97-04]

RESCISSION OF EXECUTIVE ORDERS

**WHEREAS**, over 150 executive orders are currently in existence, some of which were issued 20 to 30 years ago.

**WHEREAS**, many of these executive orders are obsolete, unnecessary, confusing, or have been rendered ineffective because of more recent actions, such as the expiration of councils and committees, the issuance of superseding executive orders, or subsequently enacted law on the same subject.

MISC.

**WHEREAS**, the existence of many of these executive orders can create confusion among executive agencies and the public regarding the current administrative policies and direction of state government, and are an unnecessary regulatory burden.

**WHEREAS**, the Office of the Governor and executive agencies have reviewed each existing executive order and identified 75 orders that can be rescinded immediately without affecting the current policies and programs of state government.

**NOW THEREFORE**, I, Gary Locke, Governor of the State of Washington, in keeping with the principles of regulatory reform and improvement, declare my commitment to streamline and simplify the operations of state government by eliminating unnecessary, outdated, and conflicting policies and directives of the Office of the Governor. To accomplish that purpose, by virtue of the power vested in me, I hereby order and direct that the following executive orders are rescinded:

**EO 66-03**, relating to civil rights fair practices for state agencies

- Subsequent federal and state statutes render this Order obsolete.

**EO 75-05**, relating to area-wide planning districts for federal grant purposes

- The federal program which requires these designations no longer exists.

**EO 76-03**, relating to the State Developmental Disabilities Planning Council

- This Order was superseded by EO 90-06.

**EO 77-13**, relating to civil rights fair practices for state agencies

- Subsequent federal and state statutes render this Order obsolete.

**EO 79-09**, relating to the low-level nuclear waste site at Hanford

- The requirements of this Order were incorporated into current statutes and rules.

**EO 81-06**, relating to state agency disaster preparedness plans

- The mandated plans have been completed and the agency responsible for coordination has been eliminated.

**EO 81-07**, relating to the Regional Low-level Radioactive Waste Committee

- The Committee was superseded by the Northwest Interstate Compact Committee, as established by federal law.

**EO 81-14**, relating to the acquisition of office equipment

- The nature of office support equipment and purchasing requirements has changed significantly since 1981, rendering this Order obsolete.

**EO 81-20**, relating to state office remodeling

- The approval language in this Order is inconsistent with current statutes governing the Department of General Administration's authority to review and

consult agencies regarding alteration of office space.

**EO 81-22**, relating to the Advisory Committee on Education Program Consolidation

- This Order was superseded by EO 92-05.

**EO 81-23**, relating to the FTE reduction program for the 1981-83 biennium

- This Order applied only to the 1981-83 biennium and is therefore obsolete.

**EO 82-08**, relating to the Tourism Development Council

- The Council is no longer in existence and the directives are outdated.

**EO 82-09**, relating to the Committee on High Technology Training and Advancement

- This Order is obsolete by virtue of the fact that the Committee has been overtaken by technological developments, new agencies and new programs.

**EO 82-10**, relating to the Committee on Forest Products Market Development

- The Committee completed its work; its charge to identify international markets was assumed by the Evergreen Partnership, the Center for International Trade in Forest Products, and the Department of Community, Trade and Economic Development.

**EO 82-12**, relating to the Advisory Commission on Intergovernmental Relations

- The directives are outdated and funding is no longer available; agencies now coordinate at meetings of the Executive Cabinet.

**EO 82-17**, relating to high-level nuclear waste site committees

- A site in Nevada was selected as the preferred location of a national high-level nuclear waste repository; Hanford is no longer under consideration. Thus, this Order is obsolete.

**EO 82-19**, relating to review of agency personal service contracts

- This Order has been superseded by more detailed statutory requirements.

**EO 82-20**, relating to the Mt. St. Helens Coordinating Council

- For all hazard recoveries, these functions are now performed by the Emergency Management Division of the Military Department as part of its normal operations defined by statute.

**EO 82-23**, relating to the State Developmental Disabilities Planning Council

- This Order was superseded by EO 90-06.

**EO 83-01**, relating to minority and women's business contracting policies

- These functions have been delegated by statute to the Office of Minority and Women's Business Enterprises.

**EO 83-02**, relating to expanding membership of the high-level radioactive waste council

- A site in Nevada was selected as the preferred location of a national high-level nuclear waste repository; Hanford is no longer under consideration. Thus, this Order is obsolete.

**EO 83-04**, relating to the Recreation Resource Advisory Committee

- The Committee completed its work and expired in 1983.

**EO 83-05**, relating to a 1983 state government hiring freeze

- The effect of this Order had a prescribed ending date. Therefore, it is no longer operative.

**EO 83-06**, relating to a committee for the co-location of state laboratories

- This Order has been superseded by statutory requirements for co-location of state facilities whenever possible.

**EO 83-07**, relating to the Governor's Committee on Employment of the Handicapped

- This Order was superseded by EO 87-01.

**EO 83-10**, relating to the Citizens Utility and Telecommunications Advisory Committee

- The Committee ceased meeting and no longer functions.

**EO 83-11**, relating to the emergency commission to study prison overcrowding

- The commission submitted its report and has not been active since that time. Also, the recently created Washington State Law and Justice Advisory Council's mission and membership overlap with the commission.

**EO 83-13**, relating to the Interagency Economic Development Coordinating Council

- The Council was superseded by EO 84-21.

**EO 83-15**, relating to the Advisory Council on Food Assistance

- The Council was a temporary group and no longer functions.

**EO 83-17**, relating to an intergovernmental review process for federal programs

- Federal requirements no longer exist for this process.

**EO 83-18**, relating to the Advisory Council on Veterans' Business and Employment

- The Council ceased meeting and no longer functions.

**EO 83-19**, relating to state agency accessibility for disabled citizens

- The provisions of this Order were incorporated into the more comprehensive EO 96-04.

**EO 84-02**, relating to the Council of Financial Advisors

- The Council is no longer in existence. It has been replaced by the Governor's Council of Economic Advisors, which was created by EO 90-05.

**EO 84-03**, relating to the Tourism Development Commission

- The commission no longer exists and the Order contains outdated references.

**EO 84-04**, relating to the Advisory Council on International Trade and Development

- The Order expired in 1985 and is therefore outdated.

**EO 84-05**, relating to license fees for salmon troll and charter fisheries

- The license fee waivers issued by the Order applied only in 1984.

**EO 84-06**, relating to a state agency freeze on telephone system acquisitions

- The Order is outdated and obsolete, as the Department of Information Services now assumes telecommunications responsibilities.

**EO 84-08**, relating to the Advisory Council on International Trade and Development

- The Order expired in 1985 and is therefore outdated.

**EO 84-09**, relating to the Capitol Campus Design Advisory Committee

- This Order was replaced by a more specific statute.

**EO 84-14**, relating to the Puget Sound Management Directorate

- The Directorate was superseded by subsequent statutes creating the Puget Sound Water Quality Authority and the Puget Sound Water Quality Action team in the Office of the Governor.

**EO 85-01**, relating to expenditure reductions for 1983-85 biennium

- This Order applied only to the 1981-83 biennium and is therefore obsolete.

**EO 85-02**, relating to expenditure reductions for 1983-85 biennium

- This Order rescinded EO 85-01 and is therefore made obsolete by the rescission of that Order.

**EO 85-03**, relating to the State Developmental Disabilities Planning Council

- This Order was superseded by EO 90-06.

**EO 85-04**, relating to the Task Force on Support Enforcement

- The Task Force has expired and is no longer in existence.

**EO 85-05**, relating to the Task Force on Children's Day Care

- The Task Force completed its work in 1986. Currently, the Child Care Coordinating Council has responsibility in this area.

**EO 85-07**, relating to the Advisory Council on Education Funding

- The work of the Council was completed in 1986.

**EO 85-08**, relating to the transfer of fire protection functions

- This program has been incorporated into the Washington State Patrol and its provisions are outdated.

**EO 86-01**, relating to surcharge fees for out-of-region low-level nuclear waste

- The Order was rendered obsolete by the Northwest Compact's denial of access to out-of-region low-level nuclear waste.

**EO 86-02**, relating to fire protection services

- The Department of Community Development no longer exists and fire protection responsibilities have been transferred to the Washington State Patrol.

**EO 86-03**, relating to the Task Force on Hunger

- The Task Force has expired and is no longer in existence.

**EO 87-01**, relating to the Committee on Disability Issues in Employment

- This Order has been superseded and corrected by EO 87-08.

**EO 87-07**, relating to the Council on Vocational Education

- The Council was established by statute in 1991. Federal funding for the Council was eliminated in 1996.

**EO 87-10**, relating to allocation of federal low income housing tax credit

- This Order was superseded by EO 90-01.

**EO 88-02**, relating to license fees for salmon troll and charter fisheries

- The license fee waivers issued by the Order applied only in 1988.

**EO 88-03**, relating to a wetland study of the Department of Ecology

- The study has been completed.

**EO 88-04**, relating to the Motor Vehicle Advisory Committee

- This Order was superseded by specific statutory authority. The directives in the Order and statute have been met by the Department of General Administration.

**EO 88-07**, relating to operating guidelines for the State Board for Vocational Education

- The functions of the Board were superseded by statute, which replaced it with the Workforce Training and Education Coordinating Board.

**EO 88-08**, relating to the Advisory Council for Advanced Technology in Schools

- The Council expired in 1989 and is no longer in existence.

**EO 88-09**, relating to the Environment 2010 Advisory Committee

- The Committee was created to advise the Environment 2010 process, which is no longer operational.

**EO 89-04**, relating to the Task Force on Community Protection

- The Task Force has disbanded.

**EO 89-05**, relating to the Commission on African-American Affairs

- This Commission was later established in statute, rendering the Order obsolete.

**EO 89-06**, relating to the committee on rules for collection of DNA identification data

- Under the terms of the Order, the Committee has disbanded.

**EO 89-07**, relating to the 21st Century Institute for Advanced Technology in Schools

- The Institute was never funded by the Legislature, and expired automatically in 1992.

**EO 89-08**, relating to the State Growth Strategies Commission

- The Commission completed its work and terminated in 1990.

**EO 90-01**, relating to the allocation of federal low income housing tax credit

- This Order was superseded by EO 90-07.

**EO 90-02**, relating to the Workforce 2000 program

- The requirements of the Order have been met, and the interagency advisory group is no longer in existence.

**EO 90-03**, relating to the Office of Crime Victim's Advocacy

- The office was subsequently created under statute, rendering the Order obsolete.

**EO 90-07**, relating to the allocation of federal low income housing tax credit

- This Order was superseded by EO 91-07.

**EO 91-07**, relating to the allocation of federal low income housing tax credit

- This Order was superseded by EO 94-05.

**EO 92-05**, relating to the Committee on Elementary and Secondary Education Improvement

- Subsequent federal law removed the requirement for a Governor-appointed advisory committee.

**EO 92-07**, relating to the Office of Crime Victim's Advocacy

- The Order was superseded by statute.

**EO 93-01**, relating to the post-secondary education review required by federal law

- Federal law required that this action be repealed.

**EO 93-02**, relating to ethical conduct for executive branch employees

- Subsequent statutes eliminated the Governor's power to establish these standards and policies.

**EO 94-04**, relating to the Watershed Coordinating Council

- The Council expired in 1997 and many of its functions are expected to be carried out by the Joint Natural Resources Cabinet.

**EO 94-10**, relating to the Telecommunications Policy Coordination Task Force

- The Task Force completed its report and is no longer functional.

This order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this ninth day of December A.D., Nineteen hundred ninety-seven.

Gary Locke
Governor of Washington

BY THE GOVERNOR:

Gary McIntosh
Acting Deputy Secretary of State

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

WSR 98-01-075
NOTICE OF PUBLIC MEETINGS
BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND
SURVEYORS

[Memorandum—December 9, 1997]

Listed below are the dates and locations for the 1998 regularly scheduled meeting of the Washington Board of Registration for Professional Engineers and Land Surveyors.

Please contact 586-3363 if you have questions.

1998 WASHINGTON BOARD OF REGISTRATION MEETING
FOR PROFESSIONAL ENGINEERS AND LAND LOCATION
SURVEYORS

Table with 2 columns: Date, Location. Includes dates from January 22-23, 1998 to December 18, 1998 and locations like SeaTac, Washington and Olympia, Washington.

Administrative services provided by the Department of Licensing which has a policy of providing equal access to its services. If you need special accommodation, please call (360) 753-6966 or TDD (360) 586-2788.

WSR 98-01-076
NOTICE OF PUBLIC MEETINGS
CASCADIA COMMUNITY COLLEGE
[Memorandum—December 9, 1997]

1998 Board of Trustees - Meeting Dates

Table with 2 columns: Date, Location. Includes dates for January 12, 1998 and February 9, 1998, and locations Northshore Center and Bothell, WA 98021.

Table with 2 columns: Date, Location. Lists meeting dates from March 9, 1998 to December 14, 1998, all at Northshore Center, 22002 26th Avenue S.E., Bothell, WA 98021.

WSR 98-01-077
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
(Public Employees Benefits Board)
[Memorandum—December 11, 1997]

Public Employees Benefits Board
1998 Meeting Schedule

Table with 2 columns: Date, Location. Lists meeting dates from January 13, 1998 to December 1, 1998, and locations like Attorney General Conference Room, Lacey, Tyee Hotel, and Lacey/Woodland Community Center.

Time: All meetings will begin at 1:00 p.m.

TABLE

Locations: The following are the addresses for the above referenced meetings.

ATTORNEY GENERAL CONFERENCE ROOM  
AT ROWESIX  
4224 Sixth Avenue S.E., Building 1  
Lacey, WA 98504

LACEY COMMUNITY CENTER  
WOODLAND CREEK COMMUNITY PARK  
6729 Pacific Avenue S.E.  
Lacey, WA 98503

TYEE HOTEL  
500 Tyee Drive S.W.  
Tumwater, WA 98512

Please contact 923-2802, if you have any questions or need further information.

**WSR 98-01-086**  
**NOTICE OF PUBLIC MEETINGS**  
**CENTRALIA COLLEGE**  
[Memorandum—December 12, 1997]

BOARD OF TRUSTEES

**Meeting Schedule**  
**1998**

DATE	TIME	LOCATION
Thursday, January 8, 1998	4:30 p.m.	College Boardroom
Thursday, February 12, 1998	4:30 p.m.	College Boardroom
Thursday, March 12, 1998	4:30 p.m.	College Boardroom
Thursday, April 9, 1998	4:30 p.m.	East County Center Morton, Washington
Thursday, May 14, 1998	4:30 p.m.	College Boardroom
Thursday, June 11, 1998	4:30 p.m.	College Boardroom
Thursday, July 9, 1998	4:30 p.m.	College Boardroom
Thursday, August 13, 1998	4:30 p.m.	College Boardroom
Thursday, September 10, 1998	4:30 p.m.	College Boardroom
Thursday, October 8, 1998	4:30 p.m.	College Boardroom
Thursday, November 19, 1998	4:30 p.m.	College Boardroom
Thursday, December 10, 1998	4:30 p.m.	College Boardroom

**WSR 98-01-087**  
**NOTICE OF PUBLIC MEETINGS**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**  
[Memorandum—December 9, 1997]

A special meeting of Walla Walla Community College's board of trustees is scheduled on Tuesday, December 16, at 2:30 p.m. on the college campus. If you have any questions regarding this information, please call (509) 527-4274.

**WSR 98-01-088**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
(Asparagus Commission)  
[Memorandum—December 10, 1997]

As required by RCW 42.30.075, the Washington Asparagus Commission wishes to file for publication in the Washington State Register, the following schedule of meetings:

Tuesday, January 20, 1998 9:00 a.m.	DoubleTree Hotel 2525 North 20th Pasco, WA 99301
Tuesday, March 24, 1998 1:00 p.m.	Washington Asparagus Commission 2705 St. Andrews Loop Pasco, WA 99301
Tuesday, July 21, 1998 10:00 a.m.	Cascade Natural Gas Co. 324 West Rose Walla Walla, WA 99362
Tuesday, October 27, 1998 10:00 a.m.	Snipes Mt. Restaurant 108 East Blaine Sunnyside, WA 98944

**WSR 98-01-089**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE**  
**HISTORICAL SOCIETY**  
[Memorandum—December 11, 1997]

**Meeting Schedule for**  
**Washington State Historical Society**  
**Board of Trustees**

February 16, 1998	Olympia
May 15-16, 1998	Tacoma
August 21, 1998	Vancouver
November 20, 1998	Tacoma

Should the meeting schedule change, you will be notified in a timely manner. If you have any questions or require additional information, call (253) 798-5901.

**WSR 98-01-095**  
**NOTICE OF PUBLIC MEETINGS**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**  
[Memorandum—December 12, 1997]

This is to advise you of the following change made to Walla Walla Community College's board of trustees meeting schedule:

**Changed from:** December 17, 1997, 10:30 a.m., WWCC Main Campus

**Changed to:** December 17, 1997, 9:00 a.m., WWCC Main Campus

If you have any questions on this information, please call (509) 527-4274.

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**WSR 98-01-096**  
**NOTICE OF PUBLIC MEETINGS**  
**SOUTH PUGET SOUND**  
**COMMUNITY COLLEGE**  
 [Memorandum—December 12, 1997]

At their December 11, 1997, meeting, the board of trustees of Community College District 24 voted to relocate their February 12, 1998, meeting to Room 112, Hawks Prairie Center, South Puget Sound Community College satellite campus, beginning at 3:00 p.m.

If you have any questions, please contact 754-7711, ext. 202.

**WSR 98-01-097**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**ASIAN PACIFIC AMERICAN AFFAIRS**  
 [Memorandum—December 15, 1997]

Our board of commissioners' meeting dates, locations, and times for 1998, are as follows:

Day	Date	Time	Location
Saturday	January 24	10:00 a.m.	Snohomish
Wednesday	March 25	5:30 p.m.	Tacoma
Saturday	June 27	10:00 a.m.	Spokane
Friday	September 25	10:00 a.m.	Yakima
Saturday	November 21	10:00 a.m.	Vancouver

We do not anticipate any change(s) at this time, however, if any change(s) does occur your office will be notified twenty days in advance prior to the meeting date in question, as required. In the meantime, if you have any questions, please call at (360) 753-7053.

**WSR 98-01-098**  
**DEPARTMENT OF ECOLOGY**  
 [Filed December 16, 1997, 12:34 p.m.]

**Notice of Reissuance**  
**Of The General Permit For Boatyards**

**Introduction:** Ecology has issued the final general boatyard wastewater permit for Washington state boatyards on December 8, 1997. The original permit was issued November 4, 1992, and expired on November 4, 1997. Ecology has determined that the changes and modifications to the draft permit based on the public comment received do not constitute substantive changes. The final permit does not become effective until March 1, 1998. The purpose of the permit is to control the discharge of pollutants from boatyard[s] into waters of the state. The permit contains best management practices and monitoring requirements necessary to protect state water quality.

The new permit implements the Federal Clean Water Act and the State Water Pollution Control Act. Dischargers who require coverage under this permit include all public and private boatyards which fall under the standard industrial classification (SIC) codes 3731 and 3732, that are engaged in new construction or repair of small vessels sixty-five feet or less in length.

**Summary of Public Involvement Process:** Notice of the draft permit was published in the State Register on August 19, 1997. The notice was also published in eighteen newspapers of general circulation around the state. These notices opened the formal public comment period for the draft permit. Public workshops and hearings on the draft general boatyard permit were held on October 7-8, 1997. The purpose of the workshops was to explain the permit conditions, answer questions and facilitate meaningful testimony during the hearing. The purpose of the hearings was to provide interested parties an opportunity to give formal oral testimony and comment on the proposed general permit. The workshops and hearings were held at the following locations:

**October 7, 1997**  
 Everett Community College  
 Jackson Conference Room  
 801 Wetmore Avenue  
 Everett, WA

**October 8, 1997**  
 Tacoma Central WW Treatment Facility  
 Transmission Room  
 2201 Portland Avenue  
 Tacoma, WA

The formal public comment period closed on October 10, 1997.

**Small Business Economic Impact Statement:** Ecology has determined that the Small Business Economic Impact Statement, prepared for the initial issuance of the general boatyard permit, was remains valid and satisfies the requirements for an economic impact analysis under the provisions of WAC 173-226-120, for the reissuance of this permit.

**How to Request Copies of the Permit or Receive Additional Information:** Requests for copies of the permit, fact sheet, and the responsiveness summary or information on how to apply for coverage under the new permit may be made by contacting Paul Stasch through the address noted below.

**Paul Stasch**  
**Water Quality Program**  
**Washington Department of Ecology**  
**P.O. Box 47600**  
**Olympia, WA 98504-7600**  
**Telephone: (360) 407-6446**  
**FAX: (360) 407-6426**

**Appeal Procedures:** Pursuant to RCW 43.21B.310, the terms and conditions of the permit may be appealed on or before February 7, 1998. An appeal must be filed with the Pollution Control Hearings Board at:

**Pollution Control Hearings Board**  
**P.O. Box 40903**  
**Olympia, WA 98504-0903**

In addition, a copy of this appeal must be served on the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. The procedures and requirements for the appeals process are contained in RCW 43.21B.310.

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**WSR 98-01-100**  
**NOTICE OF PUBLIC MEETINGS**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**  
[Memorandum—December 16, 1997]

In accordance with RCW 28B.80.420, 42.30.075, and WAC 250-10-070, the Higher Education Coordinating Board established the following board meeting schedule for 1998, at its regular meeting held December 3, 1997. The meetings commence at 9 a.m. unless public notice is given prior to the meeting in question establishing a different commencement time.

If anyone wishes to request disability accommodations, notice should be given to the Higher Education Coordinating Board, at least ten days in advance of the meeting in question. Notice may be given by any of the following: (360) 753-7800 (voice); (360) 753-7809 (TDD); or (360) 753-7808 (FAX).

**1998 Board Meeting Schedule**

DAY/DATE	TYPE	TENTATIVE LOCATION
Jan. 28 (Wed)	Regular meeting	McChord Education Center
February	No meeting	
March	No meeting	
April 14 (Tues)	Regular meeting	UW Tacoma
May	No meeting	
June 4 (Thu)	Regular meeting	Central Washington University
July 15 (Wed)	Regular meeting	WSU Tri-Cities
August	No meeting	
Sept. 29 (Tues)	Work session/ regular meeting	Green River Community College
Oct. 28 (Tues)	Regular meeting	Olympia
November	No meeting	
Dec. 7 (Mon)	Regular meeting	Olympia

**WSR 98-01-103**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
(Capitol Campus Design Advisory Committee)  
[Memorandum—December 15, 1997]

Please record the following Capitol Campus Design Advisory Committee meeting date in the Washington State Register: Friday, January 9, 1998.

The meeting will begin at 1:30 p.m. in the General Administration Building, Room 207.

Please contact 664-9212 with any questions.

**WSR 98-01-104**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
(Board of Natural Resources)  
[Memorandum—December 16, 1997]

**Schedule of Board of Natural Resources**  
**Regular Meetings for 1998**

Date	Time	Location
January 6	9:00 a.m.	Natural Resources Building Room 172 Olympia, Washington
February 3	9:00 a.m.	Natural Resources Building Room 172 Olympia, Washington
March 3	9:00 a.m.	Natural Resources Building Room 172 Olympia, Washington
April 7	9:00 a.m.	Natural Resources Building Room 172 Olympia, Washington
May 5	9:00 a.m.	Natural Resources Building Room 172 Olympia, Washington
June 2	9:00 a.m.	Natural Resources Building Room 172 Olympia, Washington
July 7	9:00 a.m.	Natural Resources Building Room 172 Olympia, Washington
August	No August meeting	
September 1	9:00 a.m.	Natural Resources Building Room 172 Olympia, Washington
October 6	9:00 a.m.	Natural Resources Building Room 172 Olympia, Washington
November 3	9:00 a.m.	Natural Resources Building Room 172 Olympia, Washington
December 1	9:00 a.m.	Natural Resources Building Room 172 Olympia, Washington

**NOTE: Meeting locations are subject to change.** For confirmation of meeting details, call the Secretary to the Board of Natural Resources at (360) 902-1000.

**WSR 98-01-105**  
**NOTICE OF PUBLIC MEETINGS**  
**WENATCHEE VALLEY COLLEGE**  
[Memorandum—December 17, 1997]

**BOARD OF TRUSTEE MEETING DATES**  
1998

All meetings are held at 7 p.m. in Room 1033, Wells Hall, on the Wenatchee Valley College campus.

January 14, 1998  
February 11, 1998

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March 11, 1998  
 April, 1998  
 May, 1998  
 June 10, 1998  
 July 8, 1998  
 August 12, 1998  
 September 9, 1998  
 October 14, 1998  
 November 11, 1998  
 December 9, 1998

**WSR 98-01-106**  
**NOTICE OF PUBLIC MEETINGS**  
**HIGHLINE COMMUNITY COLLEGE**

[Memorandum—December 10, 1997]

Listed below is the meeting schedule for 1998 for the board of trustees of Community College District 9. All meetings are held in Building 25 and begin with a study session followed by the regular meeting. These meeting dates were approved by the board at their November 13, 1997, meeting.

DATE	STUDY SESSION	MEETING
January 15, 1998	7:00 a.m.	8:00 a.m.
February 12, 1998	7:00 a.m.	8:00 a.m.
March 12, 1998	8:00 a.m.	10:00 a.m.
April 9, 1998	7:00 a.m.	8:00 a.m.
May 14, 1998	8:00 a.m.	10:00 a.m.
June 11, 1998	8:00 a.m.	10:00 a.m.
July 9, 1998	7:00 a.m.	8:00 a.m.
August - No Meeting		
September 10, 1998	8:00 a.m.	10:00 a.m.
October 8, 1998	8:00 a.m.	10:00 a.m.
November 12, 1998	8:00 a.m.	10:00 a.m.
December 10, 1998	8:00 a.m.	10:00 a.m.

**WSR 98-01-119**  
**INSURANCE COMMISSIONER'S OFFICE**

[Filed December 18, 1997, 11:53 a.m.]

SEMI-ANNUAL RULES AGENDA  
 INSURANCE COMMISSIONER DEBORAH SENN  
 December 31, 1997

In accordance with section 206, chapter 409, Laws of 1997, Insurance Commissioner Deborah Senn states that the following rules are currently scheduled for consideration during the period January 1, 1998, through July 31, 1998:

1. Rules regarding rate filings for health insurance products — R97-2.
2. Rules to implement federal tax law ("Kennedy-Kassebaum" or "HIPAA"):
  - \* Accelerated Death Benefits R 96-13
  - \* Long-Term Care R 96-12 (on hold - awaiting federal rules from the U.S. Department of the Treasury, and model rules from the NAIC)
  - \* Viatical Settlement Companies R 96-14 (on hold)

3. Life insurance disclosure rules to implement new state law on life insurance illustrations (new rules) — R 97-4.
4. Annuity tables, arising out of a petition for rule-making initiated by the ACLI (amends current rules) — R 97-5.
5. Medicare supplement — rules to implement federal changes in the federal 1997 balanced budget bill (awaiting model rules from the NAIC).
6. Digital signature rules — to implement chapter 19.34 RCW — R 97-6.
7. Fraternal Benefit Society risk-based capital rules (amends current rules).

**WSR 98-01-122**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**

(Hop Commission)

[Memorandum—December 15, 1997]

1998 Regular Meetings  
 Washington Hop Commission

The Washington Hop Commission has adopted a schedule for 1998 regular and annual meetings. Per WAC 16-532-020 (11)(a) we are required to hold four regular and one annual meeting each year. We file the following information, as required by RCW 42.30.075:

February 17	Toppenish
April 7	Yakima
June 9	Prosser
October 15	Sunnyside
December 11	Yakima (annual meeting)

Interested parties may call the Washington Hop Commission at (509) 453-4749 for the time and site of each meeting.

**WSR 98-01-123**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Bulb Commission)

[Memorandum—December 10, 1997]

Washington State Bulb Commission  
 1998 Meetings

The Washington State Bulb Commission will meet on: May 13, 1998, at noon at the WSU Research Station in Mount Vernon; and on December 1, 1998, at noon at the Sea-Tac Marriott Hotel.

**WSR 98-01-129**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Memorandum—December 18, 1997]

The Department of Social and Health Services, Economic Services Administration (ESA), working in collaboration

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with the Department of Social and Health Services Medical Assistance Administration (MAA), has formed several teams to work toward a goal of simplifying requirements across the Department of Social and Health Services public assistance programs such as WorkFirst, Childcare, cash programs, food stamps, medical, general assistance and child support. As part of this effort, we are reviewing all related rules and manuals to eliminate redundant policies and make remaining documents easy to read, understand and use. All proposed rule changes will be mailed for review and comment to every name on our WAC mailing list.

In addition, ESA has tentatively scheduled three sets of meetings, one on each side of the mountains, to invite public comment on our planned approach, timelines and draft work products. To have your name added to the list of people who will be notified of the exact time and location of each meeting, contact Sydney Doré as follows: e-mail sdore@dshs.wa.gov, FAX (360) 413-3495, phone (360) 413-3290, mailing address Lacey Government Center, Olympia, Washington 98506-45400.

DATE	LOCATION	PROPOSED AGENDA
January 29, 1998	Westside	Introductions, update on Regulatory Reform Goals, activities and methods; build agenda for next meeting; collect mailing list names; questions and answers; open forum.
January 30, 1998	Eastside	
March 4, 1998	Westside	Introductions; updated Work Products; draft revised rules and manual chapters; responses to questions asked in first session; build agenda for next meeting; collect mailing list names; questions and answers; open forum.
March 5, 1998	Eastside	
April 8, 1998	Westside	Introductions; updated Work Products; final draft rules and manual chapters; responses to questions asked in previous session; collect mailing list names; questions and answers; open forum.
April 9, 1998	Eastside	

**WSR 98-01-130  
NOTICE OF PUBLIC MEETINGS  
PARKS AND RECREATION  
COMMISSION**

[Memorandum—December 17, 1997]

**1998 Schedule of Regular Meetings**

As required by RCW 42.30.075, Open Public Meetings Act, the following schedules are submitted for publishing in the Washington State Register. The Washington State Parks and Recreation Commission has adopted the following schedule of regular meetings for 1998:

Date	Location
January 16	Olympia
March 6	Olympia
April 24	Issaquah
June 12	Spokane
July 31	Oak Harbor
September 18	Vancouver
November 6	Olympia
December 18	Olympia

All commission meetings will begin at 9 a.m. A tour of nearby state parks or other recreation facilities may be held on the preceding or subsequent day of the meetings. The public is welcome to attend all meetings.

The locations of the meetings are yet to be determined and will be announced at the close of each regular meeting. The meeting locations may be obtained by writing to the director, Washington State Parks and Recreation Commission, P.O. Box 42650, Olympia, WA 98504-2650, or by calling (360) 902-8505.

The State Parks and Recreation Commissions' Snowmobile Advisory Committee has adopted the following schedule of regular meetings for 1998:

Date	Location
January 24 and 25	Lake Wenatchee
July 25 and 26	Wenatchee

The State Parks and Recreation Commissions' Winter Recreation (Sno-Park) Advisory Committee has adopted the following schedule of regular meetings for 1998:

Date	Location
February 7 and 8	Leavenworth
August 1 and 2	Wenatchee

All Snowmobile Advisory Committee and Winter Recreation Advisory Committee meetings will begin at 8 a.m. The meeting locations of the Snowmobile and the Winter Recreation Advisory Committees may be obtained by writing to Katie Gerard, Washington State Parks and Recreation Commission, P.O. Box 42662, Olympia, WA 98504-2662, or by calling (360) 902-8552.

The State Parks and Recreation Commissions' Water Trails Advisory Committee has adopted the following schedule of regular meetings for 1998:

Date	Location
February 27	Olympia
October 8	Seattle

All Water Trails Advisory Committee meetings will begin at 10 a.m. The meeting locations of the Water Trails Advisory Committee may be obtained by writing to Roxie Stancil, Washington State Parks and Recreation Commission, P.O. Box 42650, Olympia, WA 98504-2650, or by calling (360) 902-8519.

The public is welcome to attend all meetings. Meeting sites will be barrier free to the greatest extent feasible. Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments will be provided if a

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request is received at the address shown above at least ten working days in advance of the scheduled meeting date.

**WSR 98-01-131**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
 (Title and Registration Advisory Committee)  
 [Memorandum—December 10, 1997]

Please publish a public meeting notice for the Title and Registration Advisory Committee (TRAC) in the next publication of the State Register.

- Date: January 23, 1997
- Time: 1:30 p.m. to 3:30 p.m.
- Place: Department of Licensing  
 Highways-Licenses Building  
 Room 413 (Fourth Floor)  
 Olympia, Washington

**WSR 98-01-132**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Memorandum—December 17, 1997]

The following information is provided in compliance with the requirement for the Employee Retirement Benefits Board (ERBB) to submit a schedule of their regular meeting dates and locations for 1998.

The ERBB will conduct all of their regularly scheduled meetings on the fourth Tuesday of each month. Meetings will be conducted at the Washington State Investment Board Room located at 2424 Heritage Court S.W., in Olympia, and meetings will commence at 9:00 a.m.

- The meeting dates for 1998 are:
- January 27
  - February 24
  - March 24
  - April 28
  - May 26
  - June 23
  - July 28
  - August 25
  - September 22
  - October 27
  - November 24
  - December 22

Should you need additional information regarding the meetings of the ERBB, please contact 709-5331.

**WSR 98-01-136**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—December 16, 1997]

In accordance with RCW 42.30.075, 28B.20.105, 28B.20.130, and WAC 478-04-030, the board of regents of the University of Washington established the following meeting schedule for 1998 at its regular meeting held December 12, 1997.

DAY	DATE	LOCATION
Friday	January 16	
Friday	February 20	HUB 310
Friday	March 20	
Friday	April 17	The Commons, UW Bothell
Friday	May 15	
Friday	June 12	301 Gerberding Hall
Friday	July 17	301 Gerberding Hall
Friday	August 21	
Friday	September 18	301 Gerberding Hall
Friday	October 16	
Friday	November 20	The Spokane Club, Spokane
Friday	December 11	

The meetings will commence at 1:30 p.m. unless public notice is given to the contrary. The meetings will be held in the Walker-Ames Room of Kane Hall on the University of Washington main campus, Seattle, Washington, unless another location is established and public notice given in accordance with chapter 42.30 RCW.

To request disability accommodations, contact the Office of the ADA Coordinator, at least ten days in advance of the event at 543-6450 (voice), 543-6452 (TDD), 685-3885 (FAX), access@u.washington.edu (e-mail).

**WSR 98-01-137**  
**NOTICE OF PUBLIC MEETINGS**  
**GRAYS HARBOR COLLEGE**  
 [Memorandum—December 15, 1997]

Please be advised that the dates of the regular board of trustees' meetings for Grays Harbor College for 1998 are as follows:

- January 20, 1998
- February 17, 1998
- March 16, 1998
- April 20, 1998
- May 18, 1998
- June 15, 1998
- September 21, 1998
- October 19, 1998
- November 16, 1998

All regularly scheduled meetings of the board will begin at 3:30 p.m. in the boardroom in the Joseph A. Malik Administration Building at the college.

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**WSR 98-01-143**  
**RULES COORDINATOR**  
**DEPARTMENT OF COMMUNITY,**  
**TRADE AND ECONOMIC DEVELOPMENT**  
 [Filed December 19, 1997, 9:55 a.m.]

I have appointed Erika Lim, the Department of Community, Trade and Economic Development's director of government relations, as my designated rules coordinator. She has authority to represent the agency for all circumstances relating to the legislative rule-making process. This appointment is effective December 17, 1997, and supersedes all previous appointments.

Erika can be reached by dialing (360) 753-2227, facsimile (360) 586-3582 or e-mail erikal@cted.wa.gov.

Tim Douglas  
 Director

**WSR 98-01-153**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
 (Board of Nursing Home Administrators)  
 [Memorandum—December 5, 1997]

**1998 BOARD MEETING DATES**

Listed below are the dates and locations of the Board of Nursing Home Administrators' meetings for 1998. If board business is not concluded on the first day, the board will continue the meeting the next day.

- |                              |   |
|------------------------------|---|
| February 18, 19 and 20, 1998 | Wesley Gardens<br>815 South 216th Street<br>Des Moines, WA 98198              |
| May 7 and 8, 1998            | Federal Way Medical Center<br>301 South 320th Street<br>Federal Way, WA 98003 |
| August 20 and 21, 1998       | Judson Park<br>23600 Marine View Drive South<br>Des Moines, WA 98198          |
| November 5 and 6, 1998       | Stafford Suites<br>112 Kennebeck Avenue North<br>Kent, WA 98031               |

**WSR 98-01-171**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
 (State Capitol Campus Committee)  
 [Memorandum—December 19, 1997]

Please record the following State Capitol [Campus] Committee meeting date in the Washington State Register: Thursday, January 22, 1998.

The meeting is being held in the John A. Cherberg Building, Conference Room A, from 10:00 a.m. to 12:00 p.m. Please contact 664-9212 with any questions.

**WSR 98-01-172**  
**NOTICE OF PUBLIC MEETINGS**  
**CLARK COLLEGE**  
 [Memorandum—December 18, 1997]

The board of trustees of Clark College has adopted the 1998 meeting schedule shown below:

- January 28
- February 25
- March 18
- April 22
- May 27
- June 24
- July 22
- August 26
- September 23
- October 28
- November 18
- December 16

**WSR 98-01-173**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Red Raspberry Commission)  
 [Memorandum—December 18, 1997]

The Washington Red Raspberry Commission's 1998 schedule of board meetings is:

- |             |            |                        |
|-------------|------------|------------------------|
| January 8   | 4:00 p.m.  | Sea-Tac Marriott Hotel |
| April 22    | 10:00 a.m. | Bellingham             |
| October 21  | 10:00 a.m. | Bellingham             |
| December 10 | 10:00 a.m. | Bellingham             |

**WSR 98-01-180**  
**RULES COORDINATOR**  
**PARKS AND RECREATION**  
**COMMISSION**  
 [Filed December 23, 1997, 12:35 p.m.]

As required by RCW 34.05.312, Administrative Procedure Act, Jim French has been designated as the rules coordinator for the State Parks and Recreation Commission.

Jim French  
 Washington State Parks and Recreation Commission  
 P.O. Box 42650  
 Olympia, WA 98504-2650  
 Phone (360) 902-8615  
 FAX (360) 753-1594  
 TDD (360) 664-3133  
 E-mail jimf@parks.wa.gov

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**WSR 98-01-181**  
**DEPARTMENT OF ECOLOGY**  
[Filed December 23, 1997, 1:05 p.m.]

The Department of Ecology in compliance with Executive Order 97-02, hereby gives notice of the opportunity to comment on the following rules:

Chapter 173-314 WAC, Waste tire carrier and storage site licenses, chapter 173-330 WAC, Used oil recycling sign requirements for automobile oil sellers, and chapter 173-331 WAC, Vehicle battery recycling.

Comments should address:

**Need:** Is the rule necessary to comply with the statute that authorizes it? Is the rule obsolete, duplicative, or ambiguous to a degree that warrants repeal or revision?

**Effectiveness and Efficiency:** Is the rule achieving results that it was originally designed to achieve in a reasonable manner?

**Clarity:** Is the rule achieving results that it was originally designed to achieve in a reasonable manner?

**Intent and Statutory Authority:** Is the rule consistent with the legislative intent of the statutes that authorize it? Is the rule based on sufficient statutory authority?

**Coordination:** Could additional consultation and coordination with other governmental jurisdictions and state agencies with similar regulatory authority eliminate or reduce duplication and inconsistency?

**Cost:** Have qualitative and quantitative benefits of the rule been considered in relation to its cost?

**Fairness:** Does the rule result in equitable treatment of those required to comply with it? Should it be modified to eliminate or minimize any disproportionate impacts on the regulated community?

All comments should be addressed to: Randy Martin, Solid Waste and Financial Assistance Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, and received no later than February 6, 1998.

**WSR 98-01-214**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE PATROL**  
(Fire Protection Policy Board)  
[Memorandum—December 22, 1997]

Please publish the following meeting dates and locations of the Fire Protection Policy Board Fire Sprinkler Advisory Committee in the State Register:

- February 20, 1998    9 a.m.    Kent Fire Department Station #73  
26512 Military Road  
Kent, WA
- April 17, 1998    9 a.m.    Kent Fire Department Station #73  
26512 Military Road  
Kent, WA

- June 19, 1998    9 a.m.    Kent Fire Department Station #73  
26512 Military Road  
Kent, WA
- August 21, 1998    9 a.m.    Kent Fire Department Station #73  
26512 Military Road  
Kent, WA
- October 16, 1998    9 a.m.    Kent Fire Department Station #73  
26512 Military Road  
Kent, WA
- December 18, 1998    9 a.m.    Kent Fire Department Station #73  
26512 Military Road  
Kent, WA

**WSR 98-01-215**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**JUDICIAL CONDUCT**  
[Memorandum—December 23, 1997]

This memo will revise the Commission on Judicial Conduct meeting schedule submitted by memo dated December 4, 1997.

The Commission on Judicial Conduct will hold their February business meeting at **11:00 a.m. on February 11, 1998**, at the Embassy Suites Hotel, 15920 West Valley Highway, Tukwila, WA. The meeting was previously scheduled for the Sea-Tac Holiday Inn on February 10 at 12:00 noon.

**WSR 98-01-216**  
**NOTICE OF PUBLIC MEETINGS**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**  
[Memorandum—December 23, 1997]

MEETING NOTICE

WASHINGTON STATE  
WORKFORCE TRAINING AND  
EDUCATION COORDINATING BOARD  
MEETING NO. 58  
JANUARY 14, 1998

NEW MARKET VOCATIONAL SKILLS CENTER  
7299 NEW MARKET STREET  
TUMWATER, WA 98501  
(360) 586-9375

January 13, 1998, 3:00 p.m. - 5:00 p.m., the Workforce Training and Education Coordinating Board will hold a committee meeting on January 13, 1998, at the New Market Vocational Skills Center-Tumwater, Washington, to discuss agency goals, objectives, and measures. No action will be taken.

January 14, 1998, 8:00 a.m. - 4:00 p.m., the Workforce Training and Education Coordinating Board will hold a meeting on January 14, 1998, at the New Market Vocational Skills Center-Tumwater, Washington. Presentations will be

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made to the board on workforce training results, definitions for Carl Perkins federal vocational education priorities; and Graduation Requirements Committee of the State Board of Education. The board will take action on agency goals and objectives; board workplan for 1998; and recommendations to the legislature on agency supplemental budget requests.

The meeting site is barrier free. People needing special accommodations, please call Caroline Haggard at least ten days in advance at (360) 753-5677.

**WSR 98-01-217**

**HOUSING FINANCE COMMISSION**

[Filed December 24, 1997, 9:53 a.m.]

**NOTICE OF PUBLIC HEARING**

The Washington State Housing Finance Commission (the "commission") will hold an open public hearing for the purpose of accepting public comment on the biennial review of amendments to the commission's housing finance plan, as required by laws governing the commission. The public hearing will be held at 11 a.m., Tuesday, February 24, 1998, at the Spokane Public Library, Downtown Branch, 906 West Main Avenue, Spokane, WA.

The state housing finance plan provides the general policies of the commission and specific policies with regard to the programs of the commission. The plan outlines the manner in which the commission intends to issue bonds during the period in accordance with the goals and objectives of the plan.

The commission is encouraging public comment on the proposed housing finance plan. Interested parties and individuals are encouraged to send written comments to the commission at the address provided below or to attend the public hearing. A copy of the proposed document may be obtained by telephone or written request to the commission and will be available at the commission office as of February 10, 1998.

Written public comment is invited, but must be received by Tuesday, February 17, 1998, in the offices of the Washington State Housing Finance Commission, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046. Verbal testimony will be heard from all interested members of the public attending the hearing. The commission will consider the public testimony and written comments in potential changes made to its housing finance plan.

**WSR 98-01-218**

**HOUSING FINANCE COMMISSION**

[Filed December 24, 1997, 9:54 a.m.]

**NOTICE OF PUBLIC HEARING**

The Washington State Housing Finance Commission (the "commission") will hold an open public hearing for the purpose of accepting public comment on the biennial review of amendments to the commission's housing finance plan, as required by laws governing the commission. The public hearing will be held at 1 p.m., Thursday, February 26, 1998,

at the Commission Offices, 1000 Second Avenue, in its Board Room, 28th Floor, Seattle, WA.

The state housing finance plan provides the general policies of the commission and specific policies with regard to the programs of the commission. The plan outlines the manner in which the commission intends to issue bonds during the period in accordance with the goals and objectives of the plan.

The commission is encouraging public comment on the proposed housing finance plan. Interested parties and individuals are encouraged to send written comments to the commission at the address provided below or to attend the public hearing. A copy of the proposed document may be obtained by telephone or written request to the commission and will be available at the commission office as of February 10, 1998.

Written public comment is invited, but must be received by Tuesday, February 17, 1998, in the offices of the Washington State Housing Finance Commission, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046. Verbal testimony will be heard from all interested members of the public attending the hearing. The commission will consider the public testimony and written comments in potential changes made to its housing finance plan.

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**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
- XA = Expedited adoption
- XR = Expedited repeal

Note: These filings will appear in a special section of Issue 97-21

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 #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
1-21-010	AMD-P	97-12-068	16-46-001	REP	97-18-042	16-158-025	REP-P	97-22-102
1-21-010	AMD	97-15-035	16-46-005	PREP-X	97-14-048	16-158-025	REP	98-01-221
1-21-020	AMD-P	97-12-068	16-46-005	REP	97-18-042	16-158-027	AMD-P	97-22-102
1-21-020	AMD	97-15-035	16-46-020	PREP-X	97-14-048	16-158-027	AMD	98-01-221
1-21-070	AMD-P	97-12-068	16-46-020	REP	97-18-042	16-158-028	NEW-P	97-22-102
1-21-070	AMD	97-15-035	16-46-030	PREP-X	97-14-048	16-158-028	NEW	98-01-221
1-21-170	AMD-P	97-12-068	16-46-030	REP	97-18-042	16-158-030	AMD-P	97-22-102
1-21-170	AMD	97-15-035	16-46-035	PREP-X	97-14-048	16-158-030	AMD	98-01-221
1-21-180	AMD-P	97-12-068	16-46-035	REP	97-18-042	16-158-040	AMD-P	97-22-102
1-21-180	AMD	97-15-035	16-46-040	PREP-X	97-14-048	16-158-040	AMD	98-01-221
1-25-410	PREP	97-22-072	16-46-040	REP	97-18-042	16-158-050	AMD-P	97-22-102
4-25-410	AMD-P	98-01-224	16-46-045	PREP-X	97-14-048	16-158-050	AMD	98-01-221
4-25-520	PREP	97-22-073	16-46-045	REP	97-18-042	16-158-060	AMD-P	97-22-102
4-25-520	AMD-P	98-01-225	16-46-070	PREP-X	97-14-048	16-158-060	AMD	98-01-221
4-25-540	PREP	97-22-074	16-46-070	REP	97-18-042	16-158-080	AMD-P	97-22-102
4-25-540	AMD-P	98-01-226	16-50-001	PREP-X	97-14-048	16-158-080	AMD	98-01-221
4-25-550	PREP	97-22-075	16-50-001	REP	97-18-042	16-158-090	AMD-P	97-22-102
4-25-550	AMD-P	98-01-227	16-50-010	PREP-X	97-14-048	16-158-090	AMD	98-01-221
4-25-551	PREP	97-22-076	16-50-010	REP	97-18-042	16-158-100	AMD-P	97-22-102
4-25-551	AMD-P	98-01-228	16-50-020	PREP-X	97-14-048	16-158-100	AMD	98-01-221
4-25-620	PREP	97-22-077	16-50-020	REP	97-18-042	16-158-120	AMD-P	97-22-102
4-25-620	AMD-P	98-01-229	16-101-800	NEW-P	97-15-115	16-158-120	AMD	98-01-221
4-25-622	PREP	97-22-078	16-101-800	NEW	97-19-045	16-158-130	AMD-P	97-22-102
4-25-622	AMD-P	98-01-230	16-105-001	PREP-X	97-14-074	16-158-130	AMD	98-01-221
4-25-625	REP-P	98-01-234	16-105-001	REP	97-18-041	16-158-135	NEW-P	97-22-102
4-25-626	NEW-P	98-01-231	16-105-010	PREP-X	97-14-074	16-158-135	NEW	98-01-221
4-25-627	REP-P	98-01-234	16-105-010	REP	97-18-041	16-158-140	REP-P	97-22-102
4-25-631	PREP	97-22-079	16-105-020	PREP-X	97-14-074	16-158-140	REP	98-01-221
4-25-631	AMD-P	98-01-232	16-105-020	REP	97-18-041	16-162	PREP	97-04-065
4-25-810	PREP	97-22-080	16-105-030	PREP-X	97-14-074	16-162-010	AMD-P	97-20-078
4-25-810	AMD-P	98-01-233	16-105-030	REP	97-18-041	16-162-010	AMD	97-24-007
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16-08-031	AMD	97-14-050	16-139-005	NEW-P	97-22-031	16-162-025	AMD	97-24-007
16-08-141	AMD-P	97-08-086	16-139-010	NEW-P	97-22-031	16-162-030	AMD-P	97-20-078
16-08-141	AMD	97-14-050	16-139-020	NEW-P	97-22-031	16-162-030	AMD	97-24-007
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16-08-171	AMD	97-14-050	16-139-040	NEW-P	97-22-031	16-162-031	REP	97-24-007
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16-34-001	REP	97-18-042	16-139-060	NEW-P	97-22-031	16-162-032	REP	97-24-007
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16-34-010	REP	97-18-042	16-156	AMD-C	97-23-032	16-162-033	REP	97-24-007
16-34-020	PREP-X	97-14-048	16-156-060	AMD-P	97-20-077	16-162-034	NEW-P	97-20-078
16-34-020	REP	97-18-042	16-156-060	AMD	97-24-006	16-162-034	NEW	97-24-007
16-34-030	PREP-X	97-14-048	16-158	PREP	97-15-028	16-162-036	NEW-P	97-20-078
16-34-030	REP	97-18-042	16-158-010	AMD-P	97-22-102	16-162-036	NEW	97-24-007
16-34-040	PREP-X	97-14-048	16-158-010	AMD	98-01-221	16-162-037	NEW-P	97-20-078
16-34-040	REP	97-18-042	16-158-020	AMD-P	97-22-102	16-162-037	NEW	97-24-007
16-46-001	PREP-X	97-14-048	16-158-020	AMD	98-01-221	16-162-040	NEW-P	97-20-078

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
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16-162-045	NEW	97-24-007	16-324-420	AMD-P	97-07-075	16-473-025	NEW-W	97-05-058
16-162-050	AMD-P	97-20-078	16-324-420	AMD	97-11-028	16-473-025	NEW-P	97-05-059
16-162-050	AMD	97-24-007	16-324-430	REP-P	97-07-075	16-473-025	NEW	97-11-015
16-162-070	AMD-P	97-20-078	16-324-430	REP	97-11-028	16-497	PREP	97-24-099
16-162-070	AMD	97-24-007	16-324-431	NEW-P	97-07-075	16-532	PREP	97-05-067
16-162-100	AMD-P	97-20-078	16-324-431	NEW	97-11-028	16-532	PREP	97-19-100
16-162-100	AMD	97-24-007	16-324-435	REP-P	97-07-075	16-532-010	AMD-P	97-09-095
16-164	PREP	97-15-029	16-324-435	REP	97-11-028	16-532-010	AMD	97-17-096
16-168	PREP	97-16-009	16-324-445	REP-P	97-07-075	16-532-040	AMD-P	97-09-095
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16-168-020	AMD-P	97-24-073	16-324-446	NEW-P	97-07-075	16-532-110	AMD-P	97-09-095
16-168-030	AMD-P	97-24-073	16-324-446	NEW	97-11-028	16-532-110	AMD	97-17-096
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16-168-050	AMD-P	97-24-073	16-324-450	REP	97-11-028	16-532-120	AMD	97-17-096
16-168-060	AMD-P	97-24-073	16-324-460	REP-P	97-07-075	16-536-040	PREP	97-08-083
16-168-070	AMD-P	97-24-073	16-324-460	REP	97-11-028	16-536-040	AMD-P	97-11-085
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16-168-090	AMD-P	97-24-073	16-324-480	REP-P	97-07-075	16-573	NEW-C	97-17-063
16-168-100	AMD-P	97-24-073	16-324-480	REP	97-11-028	16-573-010	NEW-P	97-11-084
16-218-02001	AMD	97-05-003	16-324-490	REP-P	97-07-075	16-573-010	NEW-C	97-19-002
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16-316-474	AMD	97-16-026	16-324-520	REP-P	97-07-075	16-573-040	NEW-C	97-19-002
16-316-715	AMD-P	97-11-050	16-324-520	REP	97-11-028	16-573-041	NEW-P	97-11-084
16-316-715	AMD	97-16-026	16-324-530	REP-P	97-07-075	16-573-041	NEW-C	97-19-002
16-316-724	AMD-P	97-11-050	16-324-530	REP	97-11-028	16-573-050	NEW-P	97-11-084
16-316-724	AMD	97-16-026	16-324-540	REP-P	97-07-075	16-573-050	NEW-C	97-19-002
16-324-360	REP-P	97-07-075	16-324-540	REP	97-11-028	16-573-060	NEW-P	97-11-084
16-324-360	REP	97-11-028	16-324-600	REP-P	97-07-075	16-573-060	NEW-C	97-19-002
16-324-361	NEW-P	97-07-075	16-324-600	REP	97-11-028	16-573-070	NEW-P	97-11-084
16-324-361	NEW	97-11-028	16-324-605	REP-P	97-07-075	16-573-070	NEW-C	97-19-002
16-324-370	AMD-P	97-07-075	16-324-605	REP	97-11-028	16-573-080	NEW-P	97-11-084
16-324-370	AMD	97-11-028	16-324-610	REP-P	97-07-075	16-573-080	NEW-C	97-19-002
16-324-375	AMD-P	97-07-075	16-324-610	REP	97-11-028	16-580	PREP	97-10-098
16-324-375	AMD	97-11-028	16-324-620	REP-P	97-07-075	16-580	AMD-C	97-17-095
16-324-380	REP-P	97-07-075	16-324-620	REP	97-11-028	16-580-020	AMD-P	97-14-102
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16-324-390	REP-P	97-07-075	16-324-660	REP	97-11-028	16-602-045	NEW-P	97-20-152
16-324-390	REP	97-11-028	16-324-670	REP-P	97-07-075	16-602-045	NEW	97-24-066
16-324-391	NEW-P	97-07-075	16-324-670	REP	97-11-028	16-602-050	NEW-P	97-20-152
16-324-391	NEW	97-11-028	16-324-680	REP-P	97-07-075	16-602-050	NEW	97-24-066
16-324-392	NEW-P	97-07-075	16-324-680	REP	97-11-028	16-650-001	PREP-X	97-14-049
16-324-392	NEW	97-11-028	16-354	PREP	97-24-098	16-650-001	REP	97-18-040
16-324-393	NEW-P	97-07-075	16-409-020	AMD-S	97-02-098	16-654-030	PREP-X	97-14-049
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16-324-394	NEW	97-11-028	16-470-100	AMD-P	97-04-089	16-654-040	REP	97-18-040
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16-324-395	NEW	97-11-028	16-473-001	NEW-P	97-04-090	16-654-050	REP	97-18-040
16-324-396	NEW-P	97-07-075	16-473-001	NEW-W	97-05-058	16-654-060	PREP-X	97-14-049
16-324-396	NEW	97-11-028	16-473-001	NEW-P	97-05-059	16-654-060	REP	97-18-040
16-324-397	NEW-P	97-07-075	16-473-001	NEW	97-11-015	16-660-001	PREP-X	97-14-049
16-324-397	NEW	97-11-028	16-473-010	NEW-P	97-04-090	16-660-001	REP	97-18-040
16-324-398	NEW-P	97-07-075	16-473-010	NEW-W	97-05-058	16-660-010	PREP-X	97-14-049
16-324-398	NEW	97-11-028	16-473-010	NEW-P	97-05-059	16-660-010	REP	97-18-040
16-324-400	REP-P	97-07-075	16-473-010	NEW	97-11-015	16-662	AMD-P	97-09-080
16-324-400	REP	97-11-028	16-473-015	NEW-P	97-04-090	16-662	AMD	97-12-075
16-324-401	NEW-P	97-07-075	16-473-015	NEW-W	97-05-058	16-662-070	REP-P	97-09-080
16-324-401	NEW	97-11-028	16-473-015	NEW-P	97-05-059	16-662-070	REP	97-12-075
16-324-402	NEW-P	97-07-075	16-473-015	NEW	97-11-015	16-662-071	REP-P	97-09-080
16-324-402	NEW	97-11-028	16-473-020	NEW-P	97-04-090	16-662-071	REP	97-12-075
16-324-409	NEW-P	97-07-075	16-473-020	NEW-W	97-05-058	16-662-100	NEW-P	97-09-080
16-324-409	NEW	97-11-028	16-473-020	NEW-P	97-05-059	16-662-100	NEW	97-12-075

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-662-105	NEW-P	97-09-080	16-695-030	NEW-E	97-04-020	16-752-330	AMD-P	97-21-134
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16-662-110	NEW-P	97-09-080	16-695-030	NEW	97-23-059	16-752-330	AMD-E	98-01-057
16-662-110	NEW	97-12-075	16-695-035	NEW-E	97-04-020	25-18-010	PREP-XR	97-20-038
16-662-115	NEW-P	97-09-080	16-695-035	NEW-P	97-20-086	25-18-020	PREP-XR	97-20-038
16-662-115	NEW	97-12-075	16-695-035	NEW	97-23-059	25-18-030	PREP-XR	97-20-038
16-664-010	NEW-P	97-09-102	16-695-040	NEW-E	97-04-020	25-18-040	PREP-XR	97-20-038
16-664-010	NEW	97-12-076	16-695-040	NEW-P	97-20-086	25-18-050	PREP-XR	97-20-038
16-664-020	NEW-P	97-09-102	16-695-040	NEW	97-23-059	25-18-060	PREP-XR	97-20-038
16-664-020	NEW	97-12-076	16-695-045	NEW-E	97-04-020	25-18-070	PREP-XR	97-20-038
16-664-030	NEW-P	97-09-102	16-695-045	NEW-P	97-20-086	25-18-080	PREP-XR	97-20-038
16-664-030	NEW	97-12-076	16-695-045	NEW	97-23-059	25-18-090	PREP-XR	97-20-038
16-664-040	NEW-P	97-09-102	16-695-050	NEW-E	97-04-020	25-18-100	PREP-XR	97-20-038
16-664-040	NEW	97-12-076	16-695-050	NEW-P	97-20-086	25-18-110	PREP-XR	97-20-038
16-664-040	AMD-XA	97-20-127	16-695-050	NEW	97-23-059	25-18-120	PREP-XR	97-20-038
16-664-040	AMD	98-01-014	16-695-055	NEW-E	97-04-020	25-18-130	PREP-XR	97-20-038
16-664-050	NEW-P	97-09-102	16-695-055	NEW-P	97-20-086	25-30-010	PREP-X	97-14-010
16-664-050	NEW	97-12-076	16-695-055	NEW	97-23-059	25-30-010	REP	97-19-018
16-664-060	NEW-P	97-09-102	16-695-060	NEW-E	97-04-020	25-30-020	PREP-X	97-14-010
16-664-060	NEW	97-12-076	16-695-060	NEW-P	97-20-086	25-30-020	REP	97-19-018
16-666-002	PREP-X	97-14-049	16-695-065	NEW	97-23-059	25-30-030	PREP-X	97-14-010
16-666-002	REP	97-18-040	16-695-065	NEW-E	97-04-020	25-30-030	REP	97-19-018
16-666-003	PREP-X	97-14-049	16-695-065	NEW-P	97-20-086	25-30-040	PREP-X	97-14-010
16-666-003	REP	97-18-040	16-695-065	NEW	97-23-059	25-30-040	REP	97-19-018
16-666-030	PREP-X	97-14-049	16-695-070	NEW-E	97-04-020	25-30-050	PREP-X	97-14-010
16-666-030	REP	97-18-040	16-695-070	NEW-P	97-20-086	25-30-050	REP	97-19-018
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16-666-060	REP	97-18-040	16-695-080	NEW-P	97-20-086	25-36-060	PREP-XR	97-20-039
16-666-070	PREP-X	97-14-049	16-695-080	NEW	97-23-059	25-36-070	PREP-XR	97-20-039
16-666-070	REP	97-18-040	16-700-010	AMD	97-04-078	25-36-080	PREP-XR	97-20-039
16-666-080	PREP-X	97-14-049	16-700-021	AMD-S	97-04-077	25-36-090	PREP-XR	97-20-039
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16-666-110	PREP-X	97-14-049	16-700-060	AMD	97-04-078	44-06-030	AMD	98-01-013
16-666-110	REP	97-18-040	16-700-080	AMD	97-04-078	44-06-040	AMD-P	97-21-123
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51-11-1323	AMD-P	97-16-110	51-30-0204	REP-P	97-16-111	51-30-31201	REP-P	97-16-111
51-11-1331	AMD-P	97-16-110	51-30-0207	REP-P	97-16-111	51-30-31202	REP-P	97-16-111
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51-11-1412	AMD-P	97-16-110	51-30-0300	REP-P	97-16-111	51-30-31205	REP-P	97-16-111
51-11-1414	AMD-P	97-16-110	51-30-0302	REP-P	97-16-111	51-30-31206	REP-P	97-16-111
51-11-1421	AMD-P	97-16-110	51-30-0304	REP-P	97-16-111	51-30-31207	REP-P	97-16-111
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51-13-106	AMD-P	97-16-112	51-30-0900	REP-P	97-16-111	51-32-002	REP-P	97-16-115
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51-26-004	REP-P	97-16-114	51-30-1006	REP-P	97-16-111	51-32-0223	REP-P	97-16-115
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51-26-0300	REP-P	97-16-114	51-30-1009	REP-P	97-16-111	51-32-0327	REP-P	97-16-115
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51-26-1000	REP-P	97-16-114	51-30-1104	REP-P	97-16-111	51-32-1102	REP-P	97-16-115
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51-45-80400	NEW-P	97-16-113	51-46-1302	NEW-P	97-16-114	118-40-050	AMD-P	97-23-066
51-46-001	NEW-P	97-16-114	51-46-1303	NEW-P	97-16-114	118-40-060	AMD-P	97-23-066
51-46-002	NEW-P	97-16-114	51-46-1304	NEW-P	97-16-114	118-40-070	AMD-P	97-23-066
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51-46-0103	NEW-P	97-16-114	51-46-97122	NEW-P	97-16-114	118-40-180	AMD-P	97-23-066
51-46-0200	NEW-P	97-16-114	51-46-97123	NEW-P	97-16-114	118-40-190	REP-P	97-23-066
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51-46-0301	NEW-P	97-16-114	51-46-97128	NEW-P	97-16-114	118-65-030	RECOD	98-01-064
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51-46-0313	NEW-P	97-16-114	51-47-002	NEW-P	97-16-114	118-65-060	RECOD	98-01-064
51-46-0314	NEW-P	97-16-114	51-47-003	NEW-P	97-16-114	118-65-070	RECOD	98-01-064
51-46-0392	NEW-P	97-16-114	51-47-007	NEW-P	97-16-114	118-65-081	RECOD	98-01-064
51-46-0316	NEW-P	97-16-114	51-47-008	NEW-P	97-16-114	118-65-090	RECOD	98-01-064
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51-46-0412	NEW-P	97-16-114	82-16-020	PREP-XR	97-20-059	131-16-010	AMD-E	97-07-006
51-46-0413	NEW-P	97-16-114	82-16-020	REP	98-01-022	131-16-010	AMD	97-10-069
51-46-0500	NEW-P	97-16-114	82-16-030	PREP-XR	97-20-059	131-16-010	AMD-E	98-01-108
51-46-0501	NEW-P	97-16-114	82-16-030	REP	98-01-022	131-16-011	AMD-E	97-07-006
51-46-0502	NEW-P	97-16-114	82-16-040	PREP-XR	97-20-059	131-16-011	AMD	97-10-069
51-46-0505	NEW-P	97-16-114	82-16-040	REP	98-01-022	131-16-011	AMD-E	98-01-108
51-46-0507	NEW-P	97-16-114	82-16-050	PREP-XR	97-20-059	131-16-021	AMD-E	97-07-006
51-46-0509	NEW-P	97-16-114	82-16-050	REP	98-01-022	131-16-021	AMD	97-10-069
51-46-0512	NEW-P	97-16-114	82-16-060	PREP-XR	97-20-059	131-16-021	AMD-E	98-01-108
51-46-0513	NEW-P	97-16-114	82-16-060	REP	98-01-022	131-16-031	AMD-E	98-01-108
51-46-0514	NEW-P	97-16-114	82-16-070	PREP-XR	97-20-059	131-16-045	AMD-E	98-01-108
51-46-0515	NEW-P	97-16-114	82-16-070	REP	98-01-022	131-16-050	AMD-E	97-07-006
51-46-0516	NEW-P	97-16-114	82-16-080	PREP-XR	97-20-059	131-16-050	AMD	97-10-069
51-46-0517	NEW-P	97-16-114	82-16-080	REP	98-01-022	131-16-050	AMD-E	98-01-108
51-46-0518	NEW-P	97-16-114	82-16-090	PREP-XR	97-20-059	131-16-055	AMD-E	98-01-108
51-46-0519	NEW-P	97-16-114	82-16-090	REP	98-01-022	131-16-056	AMD-E	98-01-108
51-46-0520	NEW-P	97-16-114	82-16-100	PREP-XR	97-20-059	131-16-060	AMD-E	97-07-006
51-46-0521	NEW-P	97-16-114	82-16-100	REP	98-01-022	131-16-060	AMD	97-10-069
51-46-0522	NEW-P	97-16-114	82-16-900	PREP-XR	97-20-059	131-16-061	AMD-E	98-01-108
51-46-0523	NEW-P	97-16-114	82-16-900	REP	98-01-022	131-16-067	NEW-E	97-14-070
51-46-0524	NEW-P	97-16-114	82-16-9001	PREP-XR	97-20-059	131-16-067	NEW-P	97-16-089
51-46-0525	NEW-P	97-16-114	82-16-9001	REP	98-01-022	131-16-067	NEW	97-20-030
51-46-0600	NEW-P	97-16-114	82-50-021	AMD-P	97-10-079	131-16-068	NEW-E	97-14-070
51-46-0603	NEW-P	97-16-114	82-50-021	AMD	97-13-064	131-16-068	NEW-P	97-16-089
51-46-0604	NEW-P	97-16-114	98-70-010	AMD-P	97-20-058	131-16-068	NEW	97-20-030
51-46-0608	NEW-P	97-16-114	98-70-010	AMD	97-23-010	132E-111-010	PREP	97-08-080
51-46-0609	NEW-P	97-16-114	112-10-010	NEW-E	97-13-061	132E-121-010	PREP	97-08-080
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51-46-0701	NEW-P	97-16-114	112-10-020	NEW-E	97-13-061	132E-133-020	PREP	97-08-081
51-46-0704	NEW-P	97-16-114	112-10-020	NEW-P	97-15-145	132E-133-020	AMD-P	97-11-069
51-46-0710	NEW-P	97-16-114	112-10-020	NEW	97-21-066	132E-133-020	AMD	97-24-055
51-46-0713	NEW-P	97-16-114	112-10-030	NEW-E	97-13-061	132H-160-052	AMD-E	97-22-012
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51-46-0810	NEW-P	97-16-114	112-10-040	NEW-E	97-13-061	132K-04	AMD	97-12-071
51-46-0814	NEW-P	97-16-114	112-10-040	NEW-P	97-15-145	132K-04-001	AMD-P	97-07-018
51-46-0815	NEW-P	97-16-114	112-10-040	NEW	97-21-066	132K-04-001	AMD	97-12-071
51-46-0900	NEW-P	97-16-114	112-10-050	NEW-E	97-13-061	132K-04-010	AMD-P	97-07-018
51-46-0903	NEW-P	97-16-114	112-10-050	NEW-P	97-15-145	132K-04-010	AMD	97-12-071
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51-46-1300	NEW-P	97-16-114	112-10-060	NEW	97-21-066	132K-04-030	AMD	97-12-071
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132K-04-070	REP	97-12-071	132N-120-130	NEW	97-17-013	132P-116-080	AMD	97-19-026
132K-04-080	AMD-P	97-07-018	132N-120-140	NEW-P	97-10-018	132P-116-090	REP-P	97-14-101
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132N-20-070	REP-P	97-10-018	132N-156-320	AMD	97-23-018	132P-116-210	AMD	97-19-026
132N-20-070	REP	97-17-013	132N-156-330	AMD-P	97-19-077	132P-116-220	AMD-P	97-14-101
132N-20-080	REP-P	97-10-018	132N-156-330	AMD	97-23-018	132P-116-220	AMD	97-19-026
132N-20-080	REP	97-17-013	132N-156-400	AMD-P	97-19-077	132P-116-230	AMD-P	97-14-101
132N-20-090	REP-P	97-10-018	132N-156-400	AMD	97-23-018	132P-116-230	AMD	97-19-026
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132N-108-010	NEW	97-19-078	132N-156-450	AMD-P	97-19-077	132P-116-250	AMD-P	97-14-101
132N-108-020	NEW-P	97-15-078	132N-156-450	AMD	97-23-018	132P-116-250	AMD	97-19-026
132N-108-020	NEW	97-19-078	132N-156-460	AMD-P	97-19-077	132P-116-260	AMD-P	97-14-101
132N-108-030	NEW-P	97-15-078	132N-156-460	AMD	97-23-018	132P-116-260	AMD	97-19-026
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132N-108-040	NEW-P	97-15-078	132N-156-500	AMD	97-23-018	132P-116-270	AMD	97-19-026
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132N-108-060	NEW-P	97-15-078	132N-156-560	AMD	97-23-018	132P-116-290	AMD	97-19-026
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132N-108-070	NEW-P	97-15-078	132N-156-600	AMD	97-23-018	132P-116-300	NEW	97-19-026
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132N-120-020	NEW	97-17-013	132N-156-710	AMD-P	97-19-077	132V-12-003	REP	97-07-048
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132N-120-030	NEW	97-17-013	132N-156-720	AMD-P	97-19-077	132V-12-006	REP	97-07-048
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137-55-050	NEW	97-03-041	172-120-090	AMD	97-06-095	173-152-040	NEW-E	97-10-091
137-55-060	NEW	97-03-041	172-120-100	AMD	97-06-095	173-152-040	RESCIND	97-14-017
137-91-010	NEW	97-22-057	172-120-110	AMD	97-06-095	173-152-040	NEW-E	97-14-017
137-91-011	REP	97-22-057	172-120-120	AMD	97-06-095	173-152-040	NEW-P	97-17-081
137-91-020	NEW	97-22-057	172-120-130	AMD	97-06-095	173-152-040	NEW-E	97-21-073
137-91-021	REP	97-22-057	172-120-140	AMD	97-06-095	173-152-050	NEW-E	97-10-091
137-91-030	NEW	97-22-057	172-120-150	REP	97-06-095	173-152-050	RESCIND	97-14-017
137-91-040	NEW	97-22-057	173-20-640	AMD-P	97-23-026	173-152-050	NEW-E	97-14-017
137-91-050	AMD	97-22-057	173-22	AMD-C	97-03-129	173-152-050	NEW-P	97-17-081
137-91-060	REP	97-22-057	173-22	AMD	97-04-076	173-152-050	NEW-E	97-21-073
137-91-075	NEW	97-22-057	173-22-015	REP	97-04-076	173-152-060	NEW-P	97-17-081
137-91-080	AMD	97-22-057	173-22-030	AMD	97-04-076	173-160	PREP	97-10-093
137-91-090	NEW	97-22-057	173-22-035	NEW	97-04-076	173-160-010	AMD-P	97-19-081
137-91-100	NEW	97-22-057	173-22-040	AMD	97-04-076	173-160-020	AMD-P	97-19-081
137-100-001	NEW-E	97-22-028	173-22-070	AMD	97-04-076	173-160-030	AMD-P	97-19-081
137-100-001	NEW	97-24-052	173-22-080	NEW	97-04-076	173-160-040	AMD-P	97-19-081
137-100-010	NEW-E	97-22-028	173-32-010	PREP-X	97-13-042	173-160-050	AMD-P	97-19-081
137-100-010	NEW	97-24-052	173-32-010	REP	97-18-047	173-160-055	REP-P	97-19-081
137-100-020	NEW-E	97-22-028	173-32-020	PREP-X	97-13-042	173-160-061	NEW-P	97-19-081
137-100-020	NEW	97-24-052	173-32-020	REP	97-18-047	173-160-065	REP-P	97-19-081
137-100-030	NEW-E	97-22-028	173-32-030	PREP-X	97-13-042	173-160-071	NEW-P	97-19-081
137-100-030	NEW	97-24-052	173-32-030	REP	97-18-047	173-160-075	REP-P	97-19-081
162-04	PREP	97-21-057	173-32-040	PREP-X	97-13-042	173-160-085	REP-P	97-19-081
162-12	PREP	97-21-057	173-32-040	REP	97-18-047	173-160-095	REP-P	97-19-081
162-16	PREP	97-21-057	173-90-010	PREP-X	97-13-043	173-160-101	NEW-P	97-19-081
162-22	PREP	97-21-057	173-90-010	REP	97-17-082	173-160-105	REP-P	97-19-081
162-22-010	AMD-P	98-01-175	173-90-015	PREP-X	97-13-043	173-160-111	NEW-P	97-19-081
162-22-020	AMD-P	98-01-175	173-90-015	REP	97-17-082	173-160-115	REP-P	97-19-081
162-22-030	AMD-P	98-01-175	173-90-020	PREP-X	97-13-043	173-160-121	NEW-P	97-19-081
162-22-040	AMD-P	98-01-175	173-90-020	REP	97-17-082	173-160-125	REP-P	97-19-081
162-22-050	AMD-P	98-01-175	173-90-040	PREP-X	97-13-043	173-160-131	NEW-P	97-19-081
162-22-060	AMD-P	98-01-175	173-90-040	REP	97-17-082	173-160-135	REP-P	97-19-081
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173-160-225	REP-P	97-19-081	173-162-100	AMD-P	97-19-081	173-303-230	AMD-P	97-16-074
173-160-231	NEW-P	97-19-081	173-162-120	AMD-P	97-19-081	173-303-280	AMD-P	97-16-074
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173-160-241	NEW-P	97-19-081	173-162-130	AMD-P	97-19-081	173-303-300	AMD-P	97-16-074
173-160-245	REP-P	97-19-081	173-162-140	AMD-P	97-19-081	173-303-335	AMD-P	97-16-074
173-160-251	NEW-P	97-19-081	173-162-165	NEW-P	97-19-081	173-303-350	AMD-P	97-16-074
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173-160-261	NEW-P	97-19-081	173-162-190	AMD-P	97-19-081	173-303-395	AMD-P	97-16-074
173-160-265	REP-P	97-19-081	173-162-200	AMD-P	97-19-081	173-303-400	AMD-P	97-16-074
173-160-271	NEW-P	97-19-081	173-162-210	AMD-P	97-19-081	173-303-505	AMD-P	97-16-074
173-160-275	REP-P	97-19-081	173-201A-020	AMD-P	97-12-034	173-303-520	AMD-P	97-16-074
173-160-281	NEW-P	97-19-081	173-201A-020	AMD	97-23-064	173-303-522	NEW-P	97-16-074
173-160-285	REP-P	97-19-081	173-201A-030	AMD-P	97-12-034	173-303-573	NEW-P	97-16-074
173-160-291	NEW-P	97-19-081	173-201A-030	AMD	97-23-064	173-303-600	AMD-P	97-16-074
173-160-295	REP-P	97-19-081	173-201A-040	AMD-P	97-12-034	173-303-610	AMD-P	97-16-074
173-160-301	NEW-P	97-19-081	173-201A-040	AMD	97-23-064	173-303-620	AMD-P	97-16-074
173-160-305	REP-P	97-19-081	173-201A-050	AMD-P	97-12-034	173-303-655	AMD-P	97-16-074
173-160-311	NEW-P	97-19-081	173-201A-050	AMD	97-23-064	173-303-665	AMD-P	97-16-074
173-160-315	REP-P	97-19-081	173-201A-060	AMD-P	97-12-034	173-303-675	AMD-P	97-16-074
173-160-321	NEW-P	97-19-081	173-201A-060	AMD	97-23-064	173-303-800	AMD-P	97-16-074
173-160-325	REP-P	97-19-081	173-201A-110	AMD-P	97-12-034	173-303-802	AMD-P	97-16-074
173-160-331	NEW-P	97-19-081	173-201A-110	AMD	97-23-064	173-303-804	AMD-P	97-16-074
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173-160-341	NEW-P	97-19-081	173-201A-130	AMD	97-23-064	173-303-806	AMD-P	97-16-074
173-160-345	REP-P	97-19-081	173-201A-140	AMD-P	97-12-034	173-303-807	AMD-P	97-16-074
173-160-351	NEW-P	97-19-081	173-201A-140	AMD	97-23-064	173-303-810	AMD-P	97-16-074
173-160-355	REP-P	97-19-081	173-201A-160	AMD-P	97-12-034	173-303-815	AMD-P	97-16-074
173-160-361	NEW-P	97-19-081	173-201A-160	AMD	97-23-064	173-303-830	AMD-P	97-16-074
173-160-365	REP-P	97-19-081	173-202-020	AMD-E	97-05-039	173-303-840	AMD-P	97-16-074
173-160-371	NEW-P	97-19-081	173-202-020	PREP	97-08-038	173-303-900	AMD-P	97-16-074
173-160-375	REP-P	97-19-081	173-202-020	AMD-E	97-13-036	173-303-910	AMD-P	97-16-074
173-160-381	NEW-P	97-19-081	173-202-020	AMD-P	97-15-130	173-303-9903	AMD-P	97-16-074
173-160-385	REP-P	97-19-081	173-202-020	AMD-E	97-16-038	173-303-9904	AMD-P	97-16-074
173-160-390	NEW-P	97-19-081	173-202-020	AMD-C	97-23-062	173-303-9905	AMD-P	97-16-074
173-160-395	REP-P	97-19-081	173-202-020	AMD-E	97-23-063	173-308-010	NEW-P	97-22-044
173-160-400	NEW-P	97-19-081	173-202-020	AMD-XA	98-01-219	173-308-020	NEW-P	97-22-044
173-160-405	REP-P	97-19-081	173-223	PREP-X	97-14-076	173-308-030	NEW-P	97-22-044
173-160-410	NEW-P	97-19-081	173-223-015	REP	97-22-043	173-308-040	NEW-P	97-22-044
173-160-415	REP-P	97-19-081	173-223-020	REP	97-22-043	173-308-050	NEW-P	97-22-044
173-160-420	AMD-P	97-19-081	173-223-030	REP	97-22-043	173-308-060	NEW-P	97-22-044
173-160-425	REP-P	97-19-081	173-223-040	REP	97-22-043	173-308-070	NEW-P	97-22-044
173-160-430	NEW-P	97-19-081	173-223-050	REP	97-22-043	173-308-080	NEW-P	97-22-044
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173-160-445	REP-P	97-19-081	173-223-080	REP	97-22-043	173-308-110	NEW-P	97-22-044
173-160-450	NEW-P	97-19-081	173-223-090	REP	97-22-043	173-308-120	NEW-P	97-22-044
173-160-455	REP-P	97-19-081	173-223-100	REP	97-22-043	173-308-130	NEW-P	97-22-044
173-160-460	NEW-P	97-19-081	173-223-110	REP	97-22-043	173-308-140	NEW-P	97-22-044
173-160-465	REP-P	97-19-081	173-224	PREP	97-14-084	173-308-150	NEW-P	97-22-044
173-160-475	REP-P	97-19-081	173-224-030	AMD-P	97-20-048	173-308-160	NEW-P	97-22-044
173-160-500	REP-P	97-19-081	173-224-040	AMD-P	97-20-048	173-308-170	NEW-P	97-22-044
173-160-510	REP-P	97-19-081	173-224-050	AMD-P	97-20-048	173-308-180	NEW-P	97-22-044
173-160-520	REP-P	97-19-081	173-303	PREP	97-04-062	173-308-190	NEW-P	97-22-044
173-160-530	REP-P	97-19-081	173-303-017	AMD-P	97-16-074	173-308-200	NEW-P	97-22-044
173-160-540	REP-P	97-19-081	173-303-040	AMD-P	97-16-074	173-308-210	NEW-P	97-22-044
173-160-550	REP-P	97-19-081	173-303-045	AMD-P	97-16-074	173-308-220	NEW-P	97-22-044
173-160-560	REP-P	97-19-081	173-303-070	AMD-P	97-16-074	173-308-230	NEW-P	97-22-044
173-160-990	NEW-P	97-19-081	173-303-071	AMD-P	97-16-074	173-308-240	NEW-P	97-22-044
173-162	PREP	97-10-093	173-303-073	AMD-P	97-16-074	173-308-250	NEW-P	97-22-044
173-162-010	AMD-P	97-19-081	173-303-077	NEW-P	97-16-074	173-308-260	NEW-P	97-22-044
173-162-020	AMD-P	97-19-081	173-303-081	AMD-P	97-16-074	173-308-270	NEW-P	97-22-044
173-162-025	NEW-P	97-19-081	173-303-082	AMD-P	97-16-074	173-308-275	NEW-P	97-22-044
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173-308-300	NEW-P	97-22-044	173-319-060	REP	97-18-045	174-276-010	AMD	97-13-047
173-308-310	NEW-P	97-22-044	173-400-030	AMD-P	97-15-071	174-276-040	AMD-P	97-09-084
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173-308-900	NEW-P	97-22-044	173-400-110	AMD-P	97-15-071	174-276-050	AMD-P	97-09-084
173-309-010	PREP-X	97-13-041	173-400-110	AMD-C	97-20-123	174-276-050	AMD	97-13-047
173-309-010	REP	97-18-046	173-400-110	AMD-C	97-23-021	174-276-060	AMD-P	97-09-084
173-309-020	PREP-X	97-13-041	173-400-110	AMD	98-01-183	174-276-060	AMD	97-13-047
173-309-020	REP	97-18-046	173-401-735	AMD-P	97-04-061	174-276-080	AMD-P	97-09-084
173-309-030	PREP-X	97-13-041	173-401-735	AMD	97-08-084	174-276-080	AMD	97-13-047
173-309-030	REP	97-18-046	173-401-830	PREP-X	97-14-075	174-276-090	AMD-P	97-09-084
173-309-040	PREP-X	97-13-041	173-401-830	REP	97-21-140	174-276-090	AMD	97-13-047
173-309-040	REP	97-18-046	173-425	PREP	97-21-099	174-276-095	NEW-P	97-09-084
173-309-050	PREP-X	97-13-041	173-430-040	AMD	97-03-021	174-276-095	NEW	97-13-047
173-309-050	REP	97-18-046	173-460-060	AMD-P	97-21-039	180-16	PREP	97-10-014
173-309-060	PREP-X	97-13-041	173-490	PREP	97-09-018	180-16	PREP	98-01-099
173-309-060	REP	97-18-046	173-490-203	PREP-XR	97-20-046	180-16-002	AMD-P	97-20-142
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173-309-070	REP	97-18-046	173-491-015	AMD-P	97-21-139	180-16-221	AMD	97-04-083
173-309-080	PREP-X	97-13-041	173-491-015	AMD	98-01-184	180-16-221	AMD-P	97-20-142
173-309-080	REP	97-18-046	173-491-020	AMD	97-04-012	180-16-221	AMD	98-01-031
173-309-090	PREP-X	97-13-041	173-491-020	AMD-P	97-21-139	180-16-222	AMD	97-04-083
173-309-090	REP	97-18-046	173-491-020	AMD	98-01-184	180-16-223	REP	97-04-083
173-311-010	PREP-X	97-13-040	173-491-040	AMD	97-04-012	180-16-224	REP	97-04-083
173-311-010	REP	97-18-048	173-491-040	AMD-P	97-21-139	180-16-236	PREP	97-10-008
173-311-020	PREP-X	97-13-040	173-491-040	AMD	98-01-184	180-18	PREP	97-21-116
173-311-020	REP	97-18-048	173-491-050	AMD	97-04-012	180-18-010	AMD-P	98-01-193
173-311-030	PREP-X	97-13-040	173-500	PREP	97-13-074	180-22	PREP	97-21-117
173-311-030	REP	97-18-048	173-531A	PREP	97-12-092	180-22-150	AMD-P	98-01-195
173-311-040	PREP-X	97-13-040	173-531A-060	AMD-P	97-22-084	180-24	PREP	97-09-032
173-311-040	REP	97-18-048	173-563-015	REP-P	97-22-084	180-24-410	AMD-P	97-13-096
173-311-050	PREP-X	97-13-040	173-563-020	AMD-P	97-22-084	180-24-410	AMD-W	97-14-023
173-311-050	REP	97-18-048	173-563-090	PREP	97-12-092	180-24-410	AMD-P	97-16-071
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173-315-010	REP	97-18-043	174-122	PREP	97-05-044	180-24-415	AMD-P	97-13-096
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173-315-030	PREP-X	97-13-039	174-122-020	REP-P	97-09-084	180-24-415	AMD	97-21-069
173-315-030	REP	97-18-043	174-122-020	REP	97-13-047	180-27-056	PREP	97-09-115
173-315-040	PREP-X	97-13-039	174-122-030	REP-P	97-09-084	180-33-025	PREP	97-09-116
173-315-040	REP	97-18-043	174-122-030	REP	97-13-047	180-33-025	AMD-P	98-01-192
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173-315-050	REP	97-18-043	174-122-040	REP	97-13-047	180-34	PREP	97-21-114
173-315-060	PREP-X	97-13-039	174-130	PREP	97-05-044	180-34-010	AMD-P	98-01-194
173-315-060	REP	97-18-043	174-130-010	REP-P	97-09-084	180-34-015	REP-P	98-01-194
173-315-070	PREP-X	97-13-039	174-130-010	REP	97-13-047	180-34-020	REP-P	98-01-194
173-315-070	REP	97-18-043	174-130-020	REP-P	97-09-084	180-34-025	REP-P	98-01-194
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173-318-020	PREP-X	97-13-038	174-133-020	AMD-P	97-09-084	180-36-007	NEW-P	98-01-196
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173-318-030	REP	97-18-044	174-140-010	NEW-P	97-09-084	180-39-027	REP-P	98-01-197
173-318-040	PREP-X	97-13-038	174-140-010	NEW	97-13-047	180-39-028	REP-P	98-01-197
173-318-040	REP	97-18-044	174-140-180	REP-P	97-09-084	180-39-030	REP-P	98-01-197
173-318-050	PREP-X	97-13-038	174-140-180	REP	97-13-047	180-39-035	REP-P	98-01-197
173-318-050	REP	97-18-044	174-140-190	REP-P	97-09-084	180-40-260	AMD-P	97-04-067
173-318-060	PREP-X	97-13-038	174-140-190	REP	97-13-047	180-40-260	AMD	97-08-019
173-318-060	REP	97-18-044	174-140-200	REP-P	97-09-084	180-40-310	AMD-P	97-04-067
173-318-070	PREP-X	97-13-038	174-140-200	REP	97-13-047	180-40-310	AMD	97-08-019
173-318-070	REP	97-18-044	174-140-210	REP-P	97-09-084	180-51-050	AMD-P	97-04-066
173-318-080	PREP-X	97-13-038	174-140-210	REP	97-13-047	180-51-050	AMD	97-08-020
173-318-080	REP	97-18-044	174-140-220	REP-P	97-09-084	180-56	PREP	97-21-119
173-319-010	PREP-X	97-13-037	174-140-220	REP	97-13-047	180-56-003	REP-P	98-01-198
173-319-010	REP	97-18-045	174-140-230	REP-P	97-09-084	180-57	PREP	97-21-113
173-319-020	PREP-X	97-13-037	174-140-230	REP	97-13-047	180-58	PREP	97-21-120
173-319-020	REP	97-18-045	174-140-240	REP-P	97-09-084	180-58-010	REP-P	98-01-199
173-319-030	PREP-X	97-13-037	174-140-240	REP	97-13-047	180-58-015	REP-P	98-01-199
173-319-030	REP	97-18-045	174-276	PREP	97-05-044	180-58-020	REP-P	98-01-199
173-319-040	PREP-X	97-13-037	174-276	AMD-P	97-09-084	180-58-030	REP-P	98-01-199
173-319-040	REP	97-18-045	174-276	AMD	97-13-047	180-58-040	REP-P	98-01-199
173-319-050	PREP-X	97-13-037	174-276-005	NEW-P	97-09-084	180-58-045	REP-P	98-01-199

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-58-055	REP-P	98-01-199	180-77-025	AMD	98-01-026	180-78A-145	NEW	97-04-088
180-58-065	REP-P	98-01-199	180-77-031	AMD	97-04-085	180-78A-150	NEW	97-04-088
180-58-075	REP-P	98-01-199	180-77-031	AMD-P	97-20-134	180-78A-150	AMD-P	97-20-143
180-58-085	REP-P	98-01-199	180-77-031	AMD	98-01-026	180-78A-150	AMD	98-01-032
180-58-090	REP-P	98-01-199	180-77-041	AMD	97-04-085	180-78A-155	NEW	97-04-084
180-59	PREP	97-21-112	180-77-041	AMD-P	97-20-134	180-78A-160	NEW	97-04-084
180-59-005	REP-P	98-01-200	180-77-041	AMD	98-01-026	180-78A-160	AMD-P	97-20-133
180-59-010	REP-P	98-01-200	180-77-120	AMD	97-04-085	180-78A-160	AMD	98-01-028
180-59-015	REP-P	98-01-200	180-77-120	AMD-P	97-20-134	180-78A-165	NEW	97-04-084
180-59-020	REP-P	98-01-200	180-77-120	AMD	98-01-026	180-78A-165	PREP	97-22-104
180-59-025	REP-P	98-01-200	180-77A-003	NEW	97-04-087	180-78A-165	AMD-P	98-01-201
180-59-030	REP-P	98-01-200	180-77A-004	NEW	97-04-087	180-78A-195	NEW	97-04-084
180-59-032	REP-P	98-01-200	180-77A-006	NEW	97-04-087	180-78A-197	NEW	97-04-084
180-59-035	REP-P	98-01-200	180-77A-012	NEW	97-04-087	180-78A-201	NEW	97-04-084
180-59-037	REP-P	98-01-200	180-77A-014	NEW	97-04-087	180-78A-260	NEW	97-04-084
180-59-040	REP-P	98-01-200	180-77A-016	NEW	97-04-087	180-78A-263	NEW-P	97-20-133
180-59-045	REP-P	98-01-200	180-77A-018	NEW	97-04-087	180-78A-263	NEW	98-01-028
180-59-047	REP-P	98-01-200	180-77A-020	NEW	97-04-087	180-78A-265	NEW	97-04-084
180-59-050	REP-P	98-01-200	180-77A-025	NEW	97-04-087	180-78A-265	PREP	97-14-104
180-59-055	REP-P	98-01-200	180-77A-026	NEW	97-04-087	180-78A-265	AMD-P	97-20-149
180-59-060	REP-P	98-01-200	180-77A-028	NEW	97-04-087	180-78A-265	AMD	98-01-023
180-59-065	REP-P	98-01-200	180-77A-029	NEW	97-04-087	180-78A-266	NEW	97-04-084
180-59-070	REP-P	98-01-200	180-77A-030	NEW	97-04-087	180-78A-300	NEW	97-04-084
180-59-075	REP-P	98-01-200	180-77A-033	NEW	97-04-087	180-78A-301	NEW	97-04-084
180-59-080	REP-P	98-01-200	180-77A-037	NEW	97-04-087	180-78A-302	NEW	97-04-084
180-59-090	REP-P	98-01-200	180-77A-040	NEW	97-04-087	180-78A-303	NEW	97-04-084
180-59-095	REP-P	98-01-200	180-77A-057	NEW	97-04-087	180-78A-304	NEW	97-04-084
180-59-100	REP-P	98-01-200	180-77A-165	NEW	97-04-087	180-78A-305	NEW	97-04-084
180-59-105	REP-P	98-01-200	180-77A-170	NEW	97-04-087	180-78A-306	NEW	97-04-084
180-59-110	REP-P	98-01-200	180-77A-175	NEW	97-04-087	180-78A-320	NEW	97-04-084
180-59-115	REP-P	98-01-200	180-77A-180	NEW	97-04-087	180-78A-340	NEW	97-04-084
180-59-120	REP-P	98-01-200	180-77A-195	NEW	97-04-087	180-78A-345	NEW	97-04-084
180-59-125	REP-P	98-01-200	180-78-205	AMD	97-04-081	180-78A-350	NEW	97-04-084
180-59-130	REP-P	98-01-200	180-78-207	RECOD	97-04-081	180-78A-355	NEW	97-04-084
180-59-135	REP-P	98-01-200	180-78-215	AMD	97-04-081	180-78A-360	NEW	97-04-088
180-59-140	REP-P	98-01-200	180-78-217	RECOD	97-04-081	180-78A-365	NEW	97-04-088
180-59-145	REP-P	98-01-200	180-78-235	AMD	97-04-081	180-79-003	REP	97-04-088
180-59-150	REP-P	98-01-200	180-78-237	RECOD	97-04-081	180-79-005	REP	97-04-088
180-59-155	REP-P	98-01-200	180-78-285	AMD	97-04-081	180-79-010	REP	97-04-088
180-59-160	REP-P	98-01-200	180-78A	PREP	97-10-007	180-79-031	REP	97-04-088
180-59-165	REP-P	98-01-200	180-78A	PREP	97-10-013	180-79-032	REP	97-04-088
180-75-003	REP	97-04-088	180-78A-003	NEW	97-04-084	180-79-035	REP	97-04-088
180-75-005	REP	97-04-088	180-78A-004	NEW	97-04-084	180-79-041	REP	97-04-088
180-75-016	REP	97-04-088	180-78A-005	NEW	97-04-084	180-79-045	REP	97-04-088
180-75-017	REP	97-04-088	180-78A-006	NEW	97-04-084	180-79-047	REP	97-04-088
180-75-045	REP	97-04-088	180-78A-007	NEW	97-04-084	180-79-049	REP	97-04-088
180-75-047	REP	97-04-088	180-78A-010	NEW	97-04-084	180-79-060	REP	97-04-088
180-75-048	REP	97-04-088	180-78A-010	PREP	97-10-006	180-79-062	REP	97-04-088
180-75-050	REP	97-04-088	180-78A-010	AMD-P	97-20-150	180-79-063	REP	97-04-088
180-75-055	REP	97-04-088	180-78A-010	AMD	98-01-025	180-79-065	REP	97-04-088
180-75-060	REP	97-04-088	180-78A-012	NEW	97-04-084	180-79-075	REP	97-04-088
180-75-061	REP	97-04-088	180-78A-015	NEW	97-04-084	180-79-080	REP	97-04-088
180-75-065	REP	97-04-088	180-78A-025	NEW	97-04-084	180-79-086	REP	97-04-088
180-75-070	REP	97-04-088	180-78A-026	NEW	97-04-084	180-79-115	REP	97-04-088
180-75-081	DECOD	97-04-082	180-78A-028	NEW	97-04-084	180-79-117	REP	97-04-088
180-75-082	REP	97-04-088	180-78A-030	NEW	97-04-084	180-79-120	REP	97-04-088
180-75-083	DECOD	97-04-082	180-78A-033	NEW	97-04-084	180-79-121	REP	97-04-088
180-75-085	REP	97-04-088	180-78A-037	NEW	97-04-084	180-79-122	REP	97-04-088
180-75-087	REP	97-04-088	180-78A-047	NEW	97-04-084	180-79-123	REP	97-04-088
180-75-088	REP	97-04-088	180-78A-057	NEW	97-04-084	180-79-124	REP	97-04-088
180-75-089	REP	97-04-088	180-78A-057	AMD-P	97-20-143	180-79-125	REP	97-04-088
180-75-090	REP	97-04-088	180-78A-057	AMD	98-01-032	180-79-126	REP	97-04-088
180-75-091	REP	97-04-088	180-78A-060	NEW	97-04-084	180-79-127	REP	97-04-088
180-75-092	REP	97-04-088	180-78A-063	NEW	97-04-084	180-79-128	REP	97-04-088
180-75-100	REP	97-04-088	180-78A-065	NEW	97-04-084	180-79-131	DECOD	97-04-081
180-75-110	REP	97-04-088	180-78A-068	NEW	97-04-084	180-79-136	DECOD	97-04-081
180-77	PREP	97-10-016	180-78A-073	NEW	97-04-084	180-79-140	DECOD	97-04-081
180-77-003	AMD	97-04-085	180-78A-074	NEW	97-04-084	180-79-230	REP	97-04-088
180-77-003	AMD-P	97-20-134	180-78A-075	NEW	97-04-084	180-79-236	REP	97-04-088
180-77-003	AMD	98-01-026	180-78A-080	NEW	97-04-084	180-79-241	REP	97-04-088
180-77-014	AMD-P	97-20-134	180-78A-135	NEW	97-04-084	180-79-245	REP	97-04-088
180-77-014	AMD	98-01-026	180-78A-140	NEW	97-04-084	180-79-247	REP	97-04-088
180-77-025	AMD-P	97-20-134	180-78A-142	NEW	97-04-084	180-79-300	REP	97-04-088

TABLE

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-79-303	REP	97-04-088	180-79A-122	NEW	97-04-088	180-79A-376	NEW	97-04-088
180-79-305	REP	97-04-088	180-79A-125	NEW	97-04-088	180-79A-378	NEW	97-04-088
180-79-311	REP	97-04-088	180-79A-126	NEW	97-04-088	180-79A-379	NEW	97-04-088
180-79-312	REP	97-04-088	180-79A-130	NEW	97-04-088	180-79A-380	NEW	97-04-088
180-79-315	REP	97-04-088	180-79A-131	NEW	97-04-088	180-79A-382	NEW	97-04-088
180-79-317	REP	97-04-088	180-79A-140	NEW	97-04-088	180-79A-384	NEW	97-04-088
180-79-320	REP	97-04-088	180-79A-150	NEW	97-04-088	180-79A-386	NEW	97-04-088
180-79-322	REP	97-04-088	180-79A-150	PREP	97-14-105	180-79A-388	NEW	97-04-088
180-79-324	REP	97-04-088	180-79A-150	AMD-P	97-20-148	180-79A-390	NEW	97-04-088
180-79-326	REP	97-04-088	180-79A-150	AMD	98-01-030	180-79A-392	NEW	97-04-088
180-79-328	REP	97-04-088	180-79A-160	NEW	97-04-088	180-79A-394	NEW	97-04-088
180-79-330	REP	97-04-088	180-79A-161	NEW	97-04-088	180-79A-396	NEW	97-04-088
180-79-332	REP	97-04-088	180-79A-165	NEW	97-04-088	180-79A-398	NEW	97-04-088
180-79-333	REP	97-04-088	180-79A-170	NEW	97-04-088	180-79A-403	NEW	97-04-088
180-79-334	REP	97-04-088	180-79A-170	AMD-P	97-20-146	180-79A-405	NEW	97-04-088
180-79-336	REP	97-04-088	180-79A-170	AMD	98-01-027	180-79A-405	AMD-P	97-20-146
180-79-338	REP	97-04-088	180-79A-200	NEW	97-04-088	180-79A-405	AMD	98-01-027
180-79-340	REP	97-04-088	180-79A-205	NEW	97-04-088	180-79A-415	NEW	97-04-088
180-79-342	REP	97-04-088	180-79A-210	NEW	97-04-088	180-79A-417	NEW	97-04-088
180-79-344	REP	97-04-088	180-79A-215	NEW	97-04-088	180-79A-420	NEW	97-04-088
180-79-346	REP	97-04-088	180-79A-220	NEW	97-04-088	180-79A-422	NEW	97-04-088
180-79-348	REP	97-04-088	180-79A-220	PREP	97-24-108	180-79A-423	NEW	97-04-088
180-79-350	REP	97-04-088	180-79A-225	NEW	97-04-088	180-79A-424	NEW	97-04-088
180-79-352	REP	97-04-088	180-79A-230	NEW	97-04-088	180-79A-430	NEW	97-04-088
180-79-354	REP	97-04-088	180-79A-230	PREP	97-10-009	180-79A-433	NEW	97-04-088
180-79-356	REP	97-04-088	180-79A-230	AMD-P	97-20-145	180-79A-433	AMD-P	97-20-146
180-79-358	REP	97-04-088	180-79A-230	AMD	98-01-033	180-79A-433	PREP	97-22-104
180-79-360	REP	97-04-088	180-79A-236	NEW	97-04-088	180-79A-433	AMD	98-01-027
180-79-362	REP	97-04-088	180-79A-241	NEW	97-04-088	180-79A-435	NEW	97-04-088
180-79-364	REP	97-04-088	180-79A-300	NEW	97-04-088	180-79A-440	NEW	97-04-088
180-79-366	REP	97-04-088	180-79A-300	AMD-P	97-20-146	180-79A-445	NEW	97-04-088
180-79-368	REP	97-04-088	180-79A-300	AMD	98-01-027	180-79A-503	NEW	97-04-088
180-79-370	REP	97-04-088	180-79A-302	NEW	97-04-088	180-79A-510	NEW	97-04-088
180-79-372	REP	97-04-088	180-79A-302	AMD-P	97-20-146	180-79A-515	NEW	97-04-088
180-79-374	REP	97-04-088	180-79A-302	AMD	98-01-027	180-79A-517	NEW	97-04-088
180-79-376	REP	97-04-088	180-79A-304	NEW	97-04-088	180-79A-520	NEW	97-04-088
180-79-378	REP	97-04-088	180-79A-306	NEW	97-04-088	180-85	PREP	97-10-011
180-79-379	REP	97-04-088	180-79A-308	NEW	97-04-088	180-85-025	AMD	97-04-086
180-79-380	REP	97-04-088	180-79A-310	NEW	97-04-088	180-85-030	AMD	97-04-086
180-79-382	REP	97-04-088	180-79A-311	NEW	97-04-088	180-85-100	AMD-P	98-01-202
180-79-384	REP	97-04-088	180-79A-312	NEW	97-04-088	180-85-109	AMD-P	97-20-135
180-79-386	REP	97-04-088	180-79A-315	NEW	97-04-088	180-85-109	AMD	98-01-034
180-79-388	REP	97-04-088	180-79A-317	NEW	97-04-088	180-85-110	REP	97-04-086
180-79-390	REP	97-04-088	180-79A-320	NEW	97-04-088	180-85-115	REP	97-04-086
180-79-392	REP	97-04-088	180-79A-322	NEW	97-04-088	180-85-120	REP	97-04-086
180-79-394	REP	97-04-088	180-79A-324	NEW	97-04-088	180-85-135	REP	97-04-086
180-79-396	REP	97-04-088	180-79A-326	NEW	97-04-088	180-85-200	AMD	97-04-086
180-79-398	REP	97-04-088	180-79A-328	NEW	97-04-088	180-85-210	AMD	97-04-086
180-79A	PREP	97-09-015	180-79A-330	NEW	97-04-088	180-85-211	NEW	97-04-086
180-79A-003	NEW	97-04-088	180-79A-332	NEW	97-04-088	180-85-215	AMD	97-04-086
180-79A-005	NEW	97-04-088	180-79A-333	NEW	97-04-088	180-86-011	NEW	97-04-082
180-79A-010	NEW	97-04-088	180-79A-334	NEW	97-04-088	180-86-013	RECOD	97-04-082
180-79A-010	AMD-P	97-20-144	180-79A-336	NEW	97-04-088	180-86-014	RECOD	97-04-082
180-79A-010	AMD	98-01-029	180-79A-338	NEW	97-04-088	180-86-080	NEW	97-05-008
180-79A-012	NEW	97-04-088	180-79A-340	NEW	97-04-088	180-86-080	NEW-W	97-05-043
180-79A-013	NEW	97-04-088	180-79A-340	AMD-P	98-01-203	180-86-086	NEW-W	97-05-043
180-79A-015	NEW	97-04-088	180-79A-342	NEW	97-04-088	180-86-116	NEW	97-05-008
180-79A-015	AMD-P	97-20-144	180-79A-344	NEW	97-04-088	180-86-116	NEW-W	97-05-043
180-79A-015	AMD	98-01-029	180-79A-346	NEW	97-04-088	180-87-070	PREP	97-10-025
180-79A-020	NEW	97-04-088	180-79A-348	NEW	97-04-088	180-87-070	AMD-P	97-16-092
180-79A-022	NEW	97-04-088	180-79A-350	NEW	97-04-088	180-87-070	AMD	97-21-075
180-79A-022	AMD-P	97-20-144	180-79A-352	NEW	97-04-088	180-97	PREP	97-10-010
180-79A-022	AMD	98-01-029	180-79A-354	NEW	97-04-088	180-97-015	AMD-P	97-20-136
180-79A-025	NEW	97-04-088	180-79A-356	NEW	97-04-088	180-97-015	AMD	98-01-024
180-79A-101	NEW	97-04-088	180-79A-358	NEW	97-04-088	180-97-060	AMD-P	97-20-136
180-79A-105	NEW	97-04-088	180-79A-360	NEW	97-04-088	180-97-060	AMD	98-01-024
180-79A-105	PREP	97-21-111	180-79A-362	NEW	97-04-088	180-97-070	AMD-P	97-20-136
180-79A-110	NEW	97-04-088	180-79A-364	NEW	97-04-088	180-97-070	AMD	98-01-024
180-79A-115	NEW	97-04-088	180-79A-366	NEW	97-04-088	180-110	PREP	97-05-027
180-79A-117	NEW	97-04-088	180-79A-368	NEW	97-04-088	180-110-010	REP-P	97-13-017
180-79A-117	PREP	97-22-105	180-79A-370	NEW	97-04-088	180-110-010	REP	97-16-023
180-79A-117	AMD-P	98-01-202	180-79A-372	NEW	97-04-088	180-110-015	REP-P	97-13-017
180-79A-120	NEW	97-04-088	180-79A-374	NEW	97-04-088	180-110-015	REP	97-16-023

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180-110-017	REP-P	97-13-017	182-04-030	REP-P	97-17-107	182-18-130	REP-P	97-17-107
180-110-017	REP	97-16-023	182-04-030	REP	97-21-125	182-18-130	REP	97-21-125
180-110-020	REP-P	97-13-017	182-04-035	AMD-P	97-17-107	182-18-140	REP-P	97-17-108
180-110-020	REP	97-16-023	182-04-035	AMD	97-21-125	182-18-140	REP	97-21-129
180-110-030	REP-P	97-13-017	182-04-040	AMD-P	97-17-107	182-18-150	REP-P	97-17-108
180-110-030	REP	97-16-023	182-04-040	AMD	97-21-125	182-18-150	REP	97-21-129
180-110-035	REP-P	97-13-017	182-04-041	NEW-P	97-17-107	182-18-160	REP-P	97-17-108
180-110-035	REP	97-16-023	182-04-041	NEW	97-21-125	182-18-160	REP	97-21-129
180-110-040	REP-P	97-13-017	182-04-045	AMD-P	97-17-107	182-25-010	AMD-P	97-08-067
180-110-040	REP	97-16-023	182-04-045	AMD	97-21-125	182-25-010	AMD	97-15-003
180-110-045	REP-P	97-13-017	182-04-050	AMD-P	97-17-107	182-25-010	PREP	97-18-033
180-110-045	REP	97-16-023	182-04-050	AMD	97-21-125	182-25-010	AMD-P	98-01-220
180-110-050	REP-P	97-13-017	182-04-055	AMD-P	97-17-107	182-25-020	AMD-P	97-08-067
180-110-050	REP	97-16-023	182-04-055	AMD	97-21-125	182-25-020	AMD	97-15-003
180-110-052	REP-P	97-13-017	182-04-060	AMD-P	97-17-107	182-25-020	PREP	97-18-033
180-110-052	REP	97-16-023	182-04-060	AMD	97-21-125	182-25-020	AMD-P	98-01-220
180-110-053	REP-P	97-13-017	182-04-065	REP-P	97-17-107	182-25-030	AMD-E	97-06-069
180-110-053	REP	97-16-023	182-04-065	REP	97-21-125	182-25-030	AMD-P	97-08-067
180-110-055	REP-P	97-13-017	182-04-070	AMD-P	97-17-107	182-25-030	AMD-E	97-14-029
180-110-055	REP	97-16-023	182-04-070	AMD	97-21-125	182-25-030	AMD	97-15-003
180-110-060	REP-P	97-13-017	182-08-095	AMD-P	97-17-106	182-25-030	PREP	97-18-033
180-110-060	REP	97-16-023	182-08-095	AMD	97-21-126	182-25-030	AMD-P	98-01-220
180-110-065	REP-P	97-13-017	182-08-160	AMD-E	97-06-071	182-25-040	AMD-E	97-06-069
180-110-065	REP	97-16-023	182-08-160	AMD-E	97-14-031	182-25-040	AMD-P	97-08-067
180-115	PREP	97-05-026	182-08-160	AMD-P	97-17-106	182-25-040	AMD-E	97-14-029
180-115-005	REP-P	97-13-016	182-08-160	AMD	97-21-126	182-25-040	AMD	97-15-003
180-115-005	REP	97-16-024	182-08-175	AMD-E	97-06-071	182-25-040	PREP	97-18-033
180-115-010	REP-P	97-13-016	182-08-175	AMD-E	97-14-031	182-25-040	AMD-P	98-01-220
180-115-010	REP	97-16-024	182-08-175	AMD-P	97-17-106	182-25-070	PREP	97-18-033
180-115-015	REP-P	97-13-016	182-08-175	AMD	97-21-126	182-25-070	AMD-P	98-01-220
180-115-015	REP	97-16-024	182-12-111	AMD-P	97-17-110	182-25-080	PREP	97-18-033
180-115-020	REP-P	97-13-016	182-12-111	AMD	97-21-127	182-25-080	AMD-P	98-01-220
180-115-020	REP	97-16-024	182-12-111	AMD-E	97-06-070	182-25-090	AMD-E	97-06-069
180-115-025	REP-P	97-13-016	182-12-117	AMD-E	97-14-030	182-25-090	AMD-P	97-08-067
180-115-025	REP	97-16-024	182-12-117	AMD-P	97-17-110	182-25-090	AMD-E	97-14-029
180-115-030	REP-P	97-13-016	182-12-117	AMD	97-21-127	182-25-090	AMD	97-15-003
180-115-030	REP	97-16-024	182-12-119	AMD-P	97-17-110	182-25-090	PREP	97-18-033
180-115-035	REP-P	97-13-016	182-12-119	AMD	97-21-127	182-25-090	AMD-P	98-01-220
180-115-035	REP	97-16-024	182-12-132	AMD-P	97-17-110	182-25-100	PREP	97-18-033
180-115-040	REP-P	97-13-016	182-12-132	AMD	97-21-127	182-25-100	AMD-P	98-01-220
180-115-040	REP	97-16-024	182-12-200	AMD-P	97-17-110	182-25-105	PREP	97-18-033
180-115-045	REP-P	97-13-016	182-12-200	AMD	97-21-127	182-25-105	AMD-P	98-01-220
180-115-045	REP	97-16-024	182-16-030	AMD-P	97-17-109	192-12-030	PREP	97-21-131
180-115-050	REP-P	97-13-016	182-16-030	AMD	97-21-128	192-12-042	PREP	97-16-011
180-115-050	REP	97-16-024	182-16-040	AMD-P	97-17-109	192-12-072	PREP	97-16-012
180-115-055	REP-P	97-13-016	182-16-040	AMD	97-21-128	192-12-141	AMD-XA	97-19-087
180-115-055	REP	97-16-024	182-16-050	AMD-P	97-17-109	192-12-141	AMD-P	97-22-109
180-115-060	REP-P	97-13-016	182-16-050	AMD	97-21-128	192-16-070	PREP	97-21-130
180-115-060	REP	97-16-024	182-18-005	REP-P	97-17-108	192-23-018	AMD-XA	97-19-087
180-115-065	REP-P	97-13-016	182-18-005	REP	97-21-129	192-23-018	AMD-P	97-22-109
180-115-065	REP	97-16-024	182-18-010	REP-P	97-17-108	192-32	AMD-E	97-15-022
180-115-075	REP-P	97-13-016	182-18-010	REP	97-21-129	192-32	PREP	97-16-010
180-115-075	REP	97-16-024	182-18-020	REP-P	97-17-108	192-32	AMD-P	97-22-064
180-115-080	REP-P	97-13-016	182-18-020	REP	97-21-129	192-32	PREP	98-01-185
180-115-080	REP	97-16-024	182-18-030	REP-P	97-17-108	192-32	AMD-P	98-01-186
180-115-081	REP-P	97-13-016	182-18-030	REP	97-21-129	192-32-001	AMD-E	97-15-022
180-115-081	REP	97-16-024	182-18-040	REP-P	97-17-108	192-32-001	AMD-P	97-22-064
180-115-085	REP-P	97-13-016	182-18-040	REP	97-21-129	192-32-001	REP-P	98-01-186
180-115-085	REP	97-16-024	182-18-050	REP-P	97-17-108	192-32-010	AMD-E	97-15-022
180-115-090	REP-P	97-13-016	182-18-050	REP	97-21-129	192-32-010	AMD-P	97-22-064
180-115-090	REP	97-16-024	182-18-060	REP-P	97-17-108	192-32-010	AMD-P	98-01-186
180-115-095	REP-P	97-13-016	182-18-060	REP	97-21-129	192-32-015	REP-E	97-15-022
180-115-095	REP	97-16-024	182-18-070	REP	97-21-129	192-32-015	REP-P	97-22-064
180-115-100	REP-P	97-13-016	182-18-080	REP-P	97-17-108	192-32-015	REP-P	98-01-186
180-115-100	REP	97-16-024	182-18-080	REP	97-21-129	192-32-025	REP-E	97-15-022
180-115-105	REP-P	97-13-016	182-18-090	REP-P	97-17-108	192-32-025	REP-P	97-22-064
180-115-105	REP	97-16-024	182-18-090	REP	97-21-129	192-32-025	REP-P	98-01-186
182-04-010	AMD-P	97-17-107	182-18-100	REP-P	97-17-108	192-32-035	AMD-E	97-15-022
182-04-010	AMD	97-21-125	182-18-100	REP	97-21-129	192-32-035	AMD-P	97-22-064
182-04-015	AMD-P	97-17-107	182-18-110	REP-P	97-17-108	192-32-035	AMD-P	98-01-186
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182-04-025	AMD-P	97-17-107	182-18-120	REP-P	97-17-108	192-32-045	AMD-P	97-22-064
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192-32-065	AMD-E	97-15-022	197-11-168	NEW	97-21-030	204-10-100	PREP	97-19-050
192-32-065	AMD-P	97-22-064	197-11-172	NEW-P	97-08-085	204-10-100	REP-P	97-22-040
192-32-065	AMD-P	98-01-186	197-11-172	NEW	97-21-030	204-10-110	PREP	97-19-050
192-32-075	AMD-P	98-01-186	197-11-210	AMD-P	97-08-085	204-10-110	REP-P	97-22-040
192-32-085	AMD-P	98-01-186	197-11-210	AMD	97-21-030	204-10-130	PREP	97-19-050
192-32-095	AMD-E	97-15-022	197-11-238	NEW-P	97-08-085	204-10-130	REP-P	97-22-040
192-32-095	AMD-P	97-22-064	197-11-238	NEW	97-21-030	204-10-140	PREP	97-19-050
192-32-095	AMD-P	98-01-186	197-11-259	AMD-P	97-08-085	204-10-140	REP-P	97-22-040
192-32-100	NEW-E	97-15-022	197-11-259	AMD	97-21-030	204-10-150	PREP	97-19-050
192-32-100	NEW-P	97-22-064	197-11-300	AMD-P	97-08-085	204-10-150	REP-P	97-22-040
192-32-100	NEW-P	98-01-186	197-11-300	AMD	97-21-030	204-41-060	PREP	97-03-043
192-32-105	AMD-E	97-15-022	197-11-310	AMD-P	97-08-085	204-41-060	NEW-P	97-07-037
192-32-105	AMD-P	97-22-064	197-11-310	AMD	97-21-030	204-41-060	NEW	97-10-023
192-32-105	AMD-P	98-01-186	197-11-315	AMD-P	97-08-085	204-48-010	PREP-X	97-14-041
192-32-115	AMD-P	98-01-186	197-11-315	AMD	97-21-030	204-48-010	REP	97-17-061
192-32-120	REP-E	97-15-022	197-11-330	AMD-P	97-08-085	204-48-020	PREP-X	97-14-041
192-32-120	REP-P	97-22-064	197-11-330	AMD	97-21-030	204-48-020	REP	97-17-061
192-32-120	REP-P	98-01-186	197-11-340	AMD-P	97-08-085	204-48-030	PREP-X	97-14-041
192-32-125	REP-E	97-15-022	197-11-340	AMD	97-21-030	204-48-030	REP	97-17-061
192-32-125	REP-P	97-22-064	197-11-355	NEW-P	97-08-085	204-48-040	PREP-X	97-14-041
192-32-125	REP-P	98-01-186	197-11-355	NEW	97-21-030	204-48-040	REP	97-17-061
192-32-130	NEW-E	97-15-022	197-11-390	AMD-P	97-08-085	204-56-015	PREP-XR	97-20-072
192-32-130	NEW-P	97-22-064	197-11-390	AMD	97-21-030	204-56-015	REP	98-01-060
192-32-130	NEW-P	98-01-186	197-11-408	AMD-P	97-08-085	204-56-025	PREP-XR	97-20-072
192-32-135	NEW-E	97-15-022	197-11-408	AMD	97-21-030	204-56-025	REP	98-01-060
192-32-135	NEW-P	97-22-064	197-11-502	AMD-P	97-08-085	204-56-035	PREP-XR	97-20-072
192-32-135	NEW-P	98-01-186	197-11-502	AMD	97-21-030	204-56-035	REP	98-01-060
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192-33-005	NEW-E	97-14-022	197-11-508	AMD	97-21-030	204-56-045	REP	98-01-060
192-33-005	NEW-P	97-22-064	197-11-535	AMD-P	97-08-085	204-56-055	PREP-XR	97-20-072
192-33-005	NEW-P	98-01-186	197-11-535	AMD	97-21-030	204-56-055	REP	98-01-060
192-33-006	NEW-E	97-14-022	197-11-600	AMD-P	97-08-085	204-56-065	PREP-XR	97-20-072
192-33-006	NEW-P	97-22-064	197-11-600	AMD	97-21-030	204-56-065	REP	98-01-060
192-33-006	NEW-P	98-01-186	197-11-660	AMD-P	97-08-085	204-56-075	PREP-XR	97-20-072
194-10-010	PREP-XR	97-20-040	197-11-660	AMD	97-21-030	204-56-075	REP	98-01-060
194-10-020	PREP-XR	97-20-040	197-11-680	AMD-P	97-08-085	204-56-085	PREP-XR	97-20-072
194-10-030	PREP-XR	97-20-040	197-11-680	AMD	97-21-030	204-56-085	REP	98-01-060
194-10-040	PREP-XR	97-20-040	197-11-680	AMD-E	97-23-013	204-56-99001	PREP-XR	97-20-072
194-10-050	PREP-XR	97-20-040	197-11-680	AMD-XA	98-01-085	204-56-99001	REP	98-01-060
194-10-060	PREP-XR	97-20-040	197-11-702	AMD-P	97-08-085	204-56-99002	PREP-XR	97-20-072
194-10-070	PREP-XR	97-20-040	197-11-702	AMD	97-21-030	204-56-99002	REP	98-01-060
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194-10-090	PREP-XR	97-20-040	197-11-721	NEW	97-21-030	204-56-99003	REP	98-01-060
194-10-100	PREP-XR	97-20-040	197-11-728	AMD-P	97-08-085	204-56-99004	PREP-XR	97-20-072
194-10-110	PREP-XR	97-20-040	197-11-728	AMD	97-21-030	204-56-99004	REP	98-01-060
194-10-120	PREP-XR	97-20-040	197-11-775	NEW-P	97-08-085	204-56-99005	PREP-XR	97-20-072
194-10-130	PREP-XR	97-20-040	197-11-775	NEW	97-21-030	204-56-99005	REP	98-01-060
194-10-140	PREP-XR	97-20-040	197-11-790	AMD-P	97-08-085	204-56-99006	PREP-XR	97-20-072
196-08	PREP	97-19-038	197-11-790	AMD	97-21-030	204-56-99006	REP	98-01-060
196-12-010	PREP	97-03-029	197-11-800	AMD-P	97-08-085	204-56-99007	PREP-XR	97-20-072
196-12-020	PREP	97-03-029	197-11-800	AMD	97-21-030	204-56-99007	REP	98-01-060
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196-12-050	PREP	97-03-029	197-11-912	AMD	97-21-030	204-56-99008	REP	98-01-060
196-12-060	PREP	97-03-029	197-11-914	AMD-P	97-08-085	204-56-99009	PREP-XR	97-20-072
196-24-030	PREP	97-03-029	197-11-914	AMD	97-21-030	204-56-99009	REP	98-01-060
196-24-040	PREP	97-03-029	197-11-938	AMD-P	97-08-085	204-56-99010	PREP-XR	97-20-072
196-24-050	PREP	97-03-029	197-11-938	AMD	97-21-030	204-56-99010	REP	98-01-060
196-24-085	PREP	97-03-029	197-11-940	AMD-P	97-08-085	204-56-99011	PREP-XR	97-20-072
196-24-100	PREP	97-03-029	197-11-940	AMD	97-21-030	204-56-99011	REP	98-01-060
196-24-105	PREP	97-03-029	197-11-948	AMD-P	97-08-085	204-56-99012	PREP-XR	97-20-072
197-11	PREP	97-03-130	197-11-948	AMD	97-21-030	204-56-99012	REP	98-01-060
197-11	AMD-C	97-15-129	197-11-970	AMD-P	97-08-085	204-56-99013	PREP-XR	97-20-072
197-11-055	AMD-P	97-08-085	197-11-970	AMD	97-21-030	204-56-99013	REP	98-01-060
197-11-055	AMD	97-21-030	204-10-020	PREP	97-19-050	204-60	AMD	97-04-054
197-11-060	AMD-P	97-08-085	204-10-020	AMD-P	97-22-040	204-60-010	AMD	97-04-054
197-11-060	AMD	97-21-030	204-10-035	NEW	97-03-087	204-60-030	AMD	97-04-054
197-11-070	AMD-P	97-08-085	204-10-045	PREP	97-03-042	204-64-010	PREP-X	97-14-040
197-11-070	AMD	97-21-030	204-10-045	NEW-P	97-07-036	204-64-010	REP	97-17-060
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197-11-158	NEW	97-21-030	204-10-070	PREP	97-19-050	204-64-020	REP	97-17-060
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204-64-060	REP	97-17-060	212-17-203	RESCIND	97-14-019	220-16	PREP	98-01-007
204-64-080	PREP-X	97-14-040	212-17-203	REP-E	97-14-019	220-16-440	AMD-P	97-22-107
204-64-080	REP	97-17-060	212-17-205	REP-E	97-11-023	220-16-470	NEW-P	97-15-147
204-64-100	PREP-X	97-14-040	212-17-205	RESCIND	97-11-041	220-16-470	NEW	97-18-035
204-64-100	REP	97-17-060	212-17-205	REP-E	97-11-041	220-16-47000A	NEW-E	97-14-052
204-72-030	PREP	97-19-017	212-17-205	RESCIND	97-14-019	220-16-47000A	REP-E	97-14-052
204-72-030	AMD-P	97-22-039	212-17-205	REP-E	97-14-019	220-16-475	NEW-P	97-22-107
204-72-030	AMD-S	97-23-072	212-17-210	REP-E	97-11-023	220-16-480	NEW-P	97-22-107
204-72-040	PREP	97-06-100	212-17-210	RESCIND	97-11-041	220-16-490	NEW-P	97-22-107
204-72-040	AMD-P	97-09-069	212-17-210	REP-E	97-11-041	220-16-500	NEW-P	97-22-107
204-72-040	AMD	97-12-061	212-17-210	RESCIND	97-14-019	220-16-510	NEW-P	97-22-107
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204-72-040	AMD-P	97-22-039	212-17-215	REP-E	97-11-023	220-16-530	NEW-P	97-22-107
204-72-040	AMD-S	97-23-072	212-17-215	RESCIND	97-11-041	220-16-540	NEW-P	97-22-107
204-90	PREP	97-17-059	212-17-215	REP-E	97-11-041	220-16-550	NEW-P	97-22-107
204-90-030	AMD-P	97-21-021	212-17-215	RESCIND	97-14-019	220-16-560	NEW-P	97-22-107
204-90-040	AMD	97-04-055	212-17-215	REP-E	97-14-019	220-16-570	NEW-P	97-22-107
204-90-040	AMD-P	97-21-021	212-17-21503	NEW-E	97-11-023	220-16-580	NEW-P	97-22-107
204-90-070	AMD-P	97-21-021	212-17-21503	RESCIND	97-11-041	220-16-590	NEW-P	97-22-107
204-90-120	AMD-P	97-21-021	212-17-21503	NEW-E	97-11-041	220-16-600	NEW-P	97-22-107
204-90-140	AMD-P	97-21-021	212-17-21503	RESCIND	97-14-019	220-16-610	NEW-P	97-22-107
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204-91A-060	AMD-E	97-04-056	212-17-21503	NEW-P	97-16-120	220-16-630	NEW-P	97-22-107
204-91A-060	AMD	97-08-021	212-17-21505	NEW-E	97-11-023	220-16-640	NEW-P	97-22-107
204-91A-140	AMD-S	97-04-053	212-17-21505	RESCIND	97-11-041	220-16-650	NEW-P	97-22-107
204-91A-140	AMD-E	97-04-056	212-17-21505	NEW-E	97-11-041	220-16-660	NEW-P	97-22-107
204-91A-140	AMD	97-08-021	212-17-21505	RESCIND	97-14-019	220-16-670	NEW-P	97-22-107
204-95-030	NEW	97-03-127	212-17-21505	NEW-E	97-14-019	220-16-680	NEW-P	97-22-107
204-95-080	NEW	97-03-127	212-17-21505	NEW-P	97-16-120	220-16-690	NEW-P	97-22-107
208-440-030	AMD-W	97-03-074	212-17-21507	NEW-E	97-11-023	220-16-700	NEW-P	97-22-107
208-444-020	NEW-XA	97-19-006	212-17-21507	RESCIND	97-11-041	220-16-710	NEW-P	97-22-107
208-444-020	NEW	97-23-071	212-17-21507	NEW-E	97-11-041	220-16-720	NEW-P	97-22-107
208-444-030	NEW-XA	97-19-006	212-17-21507	RESCIND	97-14-019	220-20	PREP	98-01-011
208-444-030	NEW	97-23-071	212-17-21507	NEW-E	97-14-019	220-20-010	AMD-P	97-22-107
208-444-040	NEW-XA	97-19-006	212-17-21507	NEW-P	97-16-120	220-20-020	AMD-P	97-04-080
208-444-040	NEW	97-23-071	212-17-21509	NEW-E	97-11-023	220-20-020	AMD	97-07-043
208-444-050	NEW-XA	97-19-006	212-17-21509	RESCIND	97-11-041	220-20-021	AMD-P	97-04-080
208-444-050	NEW	97-23-071	212-17-21509	NEW-E	97-11-041	220-20-021	AMD	97-07-043
208-630-020	AMD-P	97-06-092	212-17-21509	RESCIND	97-14-019	220-20-038	AMD	97-08-078
208-630-020	AMD	97-09-035	212-17-21509	NEW-E	97-14-019	220-22-410	AMD-P	97-24-087
208-630-021	NEW-P	97-06-092	212-17-21509	NEW-P	97-16-120	220-22-41000A	NEW-E	97-24-049
208-630-021	NEW	97-09-035	212-17-21511	NEW-E	97-11-023	220-24-02000D	NEW-E	97-10-029
208-630-022	NEW-P	97-06-092	212-17-21511	RESCIND	97-11-041	220-24-02000D	REP-E	97-10-029
208-630-022	NEW	97-09-035	212-17-21511	NEW-E	97-11-041	220-32-05100A	NEW-E	97-18-060
208-630-023	NEW-P	97-06-092	212-17-21511	RESCIND	97-14-019	220-32-05100A	REP-E	97-18-060
208-630-023	NEW	97-09-035	212-17-21511	NEW-E	97-14-019	220-32-05100B	NEW-E	97-19-028
208-680D-050	AMD-W	97-04-071	212-17-21511	NEW-P	97-16-120	220-32-05100B	REP-E	97-19-028
212-17	PREP	97-05-028	212-17-21513	NEW-E	97-11-023	220-32-05100C	NEW-E	97-19-085
212-17	PREP	97-13-073	212-17-21513	RESCIND	97-14-019	220-32-05100C	REP-E	97-19-085
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212-17-185	RESCIND	97-11-041	212-17-21513	NEW-P	97-16-120	220-32-05100X	REP-E	97-04-046
212-17-185	AMD-E	97-11-041	212-17-21515	NEW-E	97-11-023	220-32-05100X	REP-E	97-07-044
212-17-185	RESCIND	97-14-019	212-17-21515	RESCIND	97-11-041	220-32-05100Y	NEW-E	97-07-044
212-17-185	AMD-E	97-14-019	212-17-21515	NEW-E	97-11-041	220-32-05100Z	NEW-E	97-17-073
212-17-185	AMD-P	97-16-120	212-17-21515	RESCIND	97-14-019	220-32-05100Z	REP-E	97-17-073
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212-17-190	RESCIND	97-11-041	212-17-21515	NEW-P	97-16-120	220-32-05500B	REP-E	97-08-007
212-17-190	REP-E	97-11-041	212-17-21517	NEW-E	97-11-041	220-32-05500C	NEW-E	97-12-036
212-17-190	RESCIND	97-14-019	212-17-21517	RESCIND	97-14-019	220-32-05500C	REP-E	97-12-036
212-17-190	REP-E	97-14-019	212-17-21517	NEW-E	97-14-019	220-32-05500C	REP-E	97-12-069
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212-17-195	RESCIND	97-11-041	212-17-21519	NEW-E	97-11-023	220-32-05500D	REP-E	97-12-069
212-17-195	REP-E	97-11-041	212-17-21519	RESCIND	97-11-041	220-32-05500D	REP-E	97-12-069
212-17-195	RESCIND	97-14-019	212-17-21519	NEW-E	97-11-041	220-32-05500E	REP-E	97-13-007
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222-16-010	AMD-XA	98-01-222	222-30-070	AMD-S	97-11-074	230-12-223	NEW	97-24-031
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230-20-242	AMD-P	97-09-076	230-30-300	AMD	97-14-012	232-28-02206	AMD	97-06-041
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230-30-080	AMD	97-14-012	232-12-207	REP-P	97-22-067	232-28-256	REP	98-01-212
230-30-080	AMD-P	97-21-101	232-12-227	AMD-P	97-17-071	232-28-257	REP-P	97-22-094
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230-30-105	REP	97-14-015	232-16-730	NEW	97-18-025	232-28-264	AMD-P	97-14-095
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232-28-267	NEW-P	97-06-123	236-10-015	REP	98-01-116	242-02-250	AMD	97-04-008
232-28-267	NEW	97-12-056	236-10-020	PREP-XR	97-20-111	242-02-260	AMD	97-04-008
232-28-268	NEW-P	97-06-124	236-10-020	REP	98-01-116	242-02-270	AMD	97-04-008
232-28-268	NEW	97-12-057	236-10-030	PREP-XR	97-20-111	242-02-290	NEW-P	97-22-070
232-28-268	AMD-P	97-14-098	236-10-030	REP	98-01-116	242-02-290	NEW	98-01-144
232-28-268	AMD	97-18-024	236-10-040	PREP-XR	97-20-111	242-02-292	NEW-P	97-22-070
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232-28-269	NEW	97-12-058	236-10-050	PREP-XR	97-20-111	242-02-295	NEW-P	97-22-070
232-28-270	NEW-P	97-06-126	236-10-050	REP	98-01-116	242-02-295	NEW	98-01-144
232-28-270	NEW	97-12-059	236-10-060	PREP-XR	97-20-111	242-02-310	AMD	97-04-008
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232-28-271	NEW	98-01-206	236-10-070	PREP-XR	97-20-111	242-02-420	AMD	98-01-144
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232-28-420	REP	97-18-027	236-10-080	PREP-XR	97-20-111	242-02-430	REP	98-01-144
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232-28-421	NEW	97-18-022	236-10-090	PREP-XR	97-20-111	242-02-440	REP	98-01-144
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232-28-514	REP-P	97-14-096	236-10-100	PREP-XR	97-20-111	242-02-450	REP	98-01-144
232-28-514	REP	97-18-027	236-10-100	REP	98-01-116	242-02-460	REP-P	97-22-070
232-28-515	NEW-P	97-14-099	236-10-110	PREP-XR	97-20-111	242-02-460	REP	98-01-144
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232-28-619	AMD	97-18-035	236-18-030	NEW	98-01-112	242-02-52001	NEW	97-04-008
232-28-619	AMD-P	97-22-107	236-18-040	NEW-P	97-21-124	242-02-52002	NEW	97-04-008
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232-28-61900M	REP-E	97-16-103	242-02-040	AMD-P	97-22-070	242-02-650	AMD	97-04-008
232-28-61900M	REP-E	97-20-067	242-02-040	AMD	98-01-144	242-02-660	AMD	97-04-008
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232-28-61900R	NEW-E	97-20-011	242-02-060	AMD-P	97-22-070	242-02-830	AMD	97-04-008
232-28-61900R	REP-E	97-22-021	242-02-060	AMD	98-01-144	242-02-830	AMD-P	97-22-070
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232-28-61900V	NEW-E	97-22-020	242-02-110	AMD	97-04-008	242-02-832	AMD-P	97-22-070
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232-28-61900X	NEW-E	97-22-053	242-02-130	AMD	97-04-008	242-02-833	NEW	98-01-144
232-28-61900Y	NEW-E	97-24-065	242-02-130	AMD-P	97-22-070	242-02-834	NEW	97-04-008
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242-02-870	REP	97-04-008	246-11-290	AMD-P	97-08-092	246-136-040	NEW-E	97-16-025
242-02-880	AMD	97-04-008	246-11-290	AMD	97-13-015	246-136-040	NEW-P	97-17-112
242-02-880	AMD-P	97-22-070	246-11-380	AMD-P	97-08-092	246-136-040	NEW	97-22-027
242-02-880	AMD	98-01-144	246-11-380	AMD	97-13-015	246-171-010	PREP-X	97-14-056
242-02-890	AMD-W	97-04-009	246-11-510	AMD-P	97-08-092	246-171-010	REP	97-20-101
242-02-890	AMD-P	97-22-070	246-11-510	AMD	97-13-015	246-171-020	PREP-X	97-14-056
242-02-890	AMD	98-01-144	246-11-540	AMD-P	97-08-092	246-171-020	REP	97-20-101
242-02-891	NEW-P	97-22-070	246-11-540	AMD	97-13-015	246-171-030	PREP-X	97-14-056
242-02-891	NEW	98-01-144	246-11-550	AMD-P	97-08-092	246-171-030	REP	97-20-101
242-02-892	AMD	97-04-008	246-11-550	AMD	97-13-015	246-171-040	PREP-X	97-14-056
242-02-892	REP-P	97-22-070	246-11-580	AMD-P	97-08-092	246-171-040	REP	97-20-101
242-02-892	REP	98-01-144	246-11-580	AMD	97-13-015	246-171-050	PREP-X	97-14-056
242-02-893	NEW-P	97-22-070	246-11-610	AMD-P	97-08-092	246-171-050	REP	97-20-101
242-02-893	NEW	98-01-144	246-11-610	AMD	97-13-015	246-171-060	PREP-X	97-14-056
242-02-894	NEW-P	97-22-070	246-12-001	NEW-P	98-01-166	246-171-060	REP	97-20-101
242-02-894	NEW	98-01-144	246-12-010	NEW-P	98-01-166	246-171-070	PREP-X	97-14-056
242-02-896	NEW-P	97-22-070	246-12-020	NEW-P	98-01-166	246-171-070	REP	97-20-101
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242-04-030	AMD	98-01-144	246-12-080	NEW-P	98-01-166	246-171-100	PREP-X	97-14-056
242-04-050	AMD	97-04-008	246-12-090	NEW-P	98-01-166	246-171-100	REP	97-20-101
242-04-050	AMD-P	97-22-070	246-12-100	NEW-P	98-01-166	246-171-110	PREP-X	97-14-056
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242-04-100	AMD-P	97-22-070	246-12-120	NEW-P	98-01-166	246-171-120	PREP-X	97-14-056
242-04-100	AMD	98-01-144	246-12-130	NEW-P	98-01-166	246-171-120	REP	97-20-101
246-05-001	PREP	97-24-100	246-12-140	NEW-P	98-01-166	246-171-130	PREP-X	97-14-056
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246-08-400	AMD-P	97-09-092	246-12-180	NEW-P	98-01-166	246-203-080	PREP-X	97-14-057
246-08-400	AMD	97-12-087	246-12-190	NEW-P	98-01-166	246-203-080	REP	97-20-100
246-10-102	AMD-P	97-08-092	246-12-200	NEW-P	98-01-166	246-203-090	PREP-X	97-14-057
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246-10-122	AMD-P	97-08-092	246-12-280	NEW-P	98-01-166	246-203-150	REP	97-20-100
246-10-122	AMD	97-12-089	246-12-290	NEW-P	98-01-166	246-203-160	PREP-X	97-14-057
246-10-203	AMD-P	97-08-092	246-12-300	NEW-P	98-01-166	246-203-170	PREP-X	97-14-057
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246-10-605	AMD-P	97-08-092	246-100-011	AMD	97-15-099	246-224-080	REP	97-20-101
246-10-605	AMD	97-12-089	246-100-036	AMD-P	97-06-110	246-225-99910	PREP-X	97-14-056
246-10-608	AMD-P	97-08-092	246-100-036	AMD	97-15-099	246-225-99910	REP	97-20-101
246-10-608	AMD	97-12-089	246-100-072	AMD-P	97-06-110	246-227-010	PREP-X	97-14-056
246-10-701	AMD-P	97-08-092	246-100-072	AMD	97-15-099	246-227-010	REP	97-20-101
246-10-701	AMD	97-12-089	246-100-206	AMD-P	97-06-110	246-227-170	PREP-X	97-14-056
246-10-704	AMD-P	97-08-092	246-100-206	AMD	97-15-099	246-229-010	PREP-X	97-14-056
246-10-704	AMD	97-12-089	246-100-207	AMD	97-04-041	246-229-010	REP	97-20-101
246-10-707	AMD-P	97-08-092	246-100-209	AMD-P	97-06-110	246-229-040	PREP-X	97-14-056
246-10-707	AMD	97-12-089	246-100-209	AMD	97-15-099	246-229-040	REP	97-20-101
246-11-010	AMD-P	97-08-092	246-136-001	NEW-E	97-16-025	246-232-060	AMD-P	97-03-126
246-11-010	AMD	97-13-015	246-136-001	NEW-P	97-17-112	246-232-060	AMD	97-08-095
246-11-070	AMD-P	97-08-092	246-136-001	NEW	97-22-027	246-235-075	AMD-P	97-03-126
246-11-070	AMD	97-13-015	246-136-010	NEW-E	97-16-025	246-235-075	AMD	97-08-095
246-11-080	AMD-P	97-08-092	246-136-010	NEW-P	97-17-112	246-252-010	AMD	97-13-055
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246-11-210	AMD-P	97-08-092	246-136-020	NEW	97-22-027	246-271-070	PREP-X	97-14-057
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246-271-110	PREP-X	97-14-057	246-318-435	REP	97-20-101	246-374-100	REP	97-20-100
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246-282-005	AMD-P	97-21-138	246-321-015	REP	97-03-080	246-376-100	PREP-X	97-14-057
246-282-990	AMD-P	97-08-025	246-321-017	REP	97-03-080	246-376-100	REP	97-20-100
246-282-990	AMD	97-12-031	246-321-018	REP	97-03-080	246-376-110	PREP-X	97-14-057
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246-290-500	PREP-X	97-14-057	246-321-025	REP	97-03-080	246-490-019	PREP-XR	97-20-157
246-290-680	PREP-X	97-14-057	246-321-030	REP	97-03-080	246-510-001	PREP-X	97-14-056
246-290-680	REP	97-20-100	246-321-035	REP	97-03-080	246-510-001	REP	97-20-101
246-290-990	AMD-P	97-07-073	246-321-040	REP	97-03-080	246-510-010	PREP-X	97-14-056
246-290-990	AMD	97-12-032	246-321-045	REP	97-03-080	246-510-010	REP	97-20-101
246-291-370	PREP-X	97-14-057	246-321-050	REP	97-03-080	246-510-100	PREP-X	97-14-056
246-293-310	PREP-X	97-14-056	246-321-055	REP	97-03-080	246-510-100	REP	97-20-101
246-293-310	REP	97-20-101	246-321-990	REP	97-03-080	246-510-130	PREP-X	97-14-056
246-310-040	PREP-X	97-14-056	246-322-001	PREP-X	97-14-056	246-510-130	REP	97-20-101
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246-310-060	PREP-X	97-14-056	246-324-001	REP	97-20-101	246-510-200	PREP-X	97-14-056
246-310-060	REP	97-20-101	246-325-001	PREP-X	97-14-056	246-510-200	REP	97-20-101
246-310-135	PREP-X	97-14-056	246-325-001	REP	97-20-101	246-510-300	PREP-X	97-14-056
246-310-135	REP	97-20-101	246-326-001	PREP-X	97-14-056	246-510-300	REP	97-20-101
246-310-630	PREP-X	97-14-056	246-326-001	REP	97-20-101	246-510-320	PREP-X	97-14-056
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246-312-010	NEW-P	97-18-090	246-327-990	AMD-P	97-11-087	246-510-400	REP	97-20-101
246-312-010	NEW	97-21-052	246-327-990	AMD	97-15-096	246-560-015	PREP-X	97-14-056
246-312-020	NEW-E	97-15-127	246-328-100	REP-P	98-01-166	246-560-015	REP	97-20-101
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246-312-990	NEW	97-21-052	246-328-150	REP	97-20-101	246-560-020	REP	97-20-101
246-316-001	PREP-X	97-14-056	246-328-200	AMD-P	98-01-166	246-560-030	PREP-X	97-14-056
246-316-001	REP	97-20-101	246-328-990	AMD-P	98-01-166	246-560-030	REP	97-20-101
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246-316-990	AMD-P	97-17-111	246-329-001	REP	97-20-101	246-560-080	REP	97-20-101
246-316-990	AMD-S	97-22-026	246-331-001	PREP-X	97-14-056	246-560-090	PREP-X	97-14-056
246-316-990	AMD	98-01-165	246-331-001	REP	97-20-101	246-560-090	REP	97-20-101
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246-318-018	REP	97-20-101	246-331-990	AMD	97-15-096	246-560-100	REP	97-20-101
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246-318-090	PREP-X	97-14-056	246-338-060	AMD-P	97-11-039	246-710-040	REP	97-20-100
246-318-090	REP	97-20-101	246-338-060	AMD	97-14-113	246-762-060	PREP-X	97-14-057
246-318-100	PREP-X	97-14-056	246-338-070	AMD-P	97-11-039	246-762-060	REP	97-20-100
246-318-100	REP	97-20-101	246-338-070	AMD	97-14-113	246-762-070	PREP-X	97-14-057
246-318-110	PREP-X	97-14-056	246-338-090	AMD-P	97-11-039	246-762-070	REP	97-20-100
246-318-110	REP	97-20-101	246-338-090	AMD	97-14-113	246-790-010	AMD-P	97-13-098
246-318-120	PREP-X	97-14-056	246-338-100	AMD-P	97-11-039	246-790-010	AMD	97-16-117
246-318-120	REP	97-20-101	246-338-100	AMD	97-14-113	246-790-050	AMD-P	97-13-098
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246-318-135	PREP-X	97-14-056	246-360-060	PREP-X	97-14-057	246-790-060	AMD	97-16-117
246-318-135	REP	97-20-101	246-360-060	REP	97-20-100	246-790-070	AMD-P	97-13-098
246-318-140	PREP-X	97-14-056	246-360-170	PREP-X	97-14-057	246-790-070	AMD	97-16-117
246-318-140	REP	97-20-101	246-360-170	REP	97-20-100	246-790-080	AMD-P	97-13-098
246-318-340	PREP-X	97-14-056	246-360-210	PREP-X	97-14-057	246-790-080	AMD	97-16-117
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246-318-410	REP	97-20-101	246-374-060	REP	97-20-100	246-790-100	AMD-P	97-13-098
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246-790-120	AMD-P	97-13-098	246-810-080	AMD	97-17-113	246-810-542	REP	97-17-113
246-790-120	AMD	97-16-117	246-810-080	AMD-P	98-01-166	246-810-545	NEW-P	97-13-099
246-790-130	AMD-P	97-13-098	246-810-110	NEW-P	97-13-099	246-810-545	NEW	97-17-113
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246-802-020	REP-P	98-01-166	246-810-120	NEW-P	97-13-099	246-810-548	NEW	97-17-113
246-802-025	AMD-P	98-01-166	246-810-120	NEW	97-17-113	246-810-550	REP-P	97-13-099
246-802-030	PREP	97-16-088	246-810-130	NEW-P	97-13-099	246-810-550	REP	97-17-113
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246-802-050	PREP	97-16-088	246-810-130	AMD-P	98-01-166	246-810-560	REP	97-17-113
246-802-060	PREP	97-16-088	246-810-140	NEW-P	97-13-099	246-810-561	REP-P	97-13-099
246-802-090	AMD-P	98-01-166	246-810-140	NEW	97-17-113	246-810-561	REP	97-17-113
246-802-250	AMD-P	98-01-166	246-810-140	REP-P	98-01-166	246-810-562	REP-P	97-13-099
246-802-990	AMD-P	98-01-166	246-810-150	NEW-P	97-13-099	246-810-562	REP	97-17-113
246-808-105	AMD-P	98-01-166	246-810-150	NEW-W	97-20-153	246-810-563	REP-P	97-13-099
246-808-106	REP-P	98-01-166	246-810-152	NEW-P	97-13-099	246-810-563	REP	97-17-113
246-808-150	AMD-P	98-01-166	246-810-152	NEW-W	97-20-153	246-810-564	REP-P	97-13-099
246-808-155	AMD-P	98-01-166	246-810-310	AMD-P	97-13-099	246-810-564	REP	97-17-113
246-808-160	REP-P	98-01-166	246-810-310	AMD	97-17-113	246-810-565	REP-P	97-13-099
246-808-165	AMD-P	98-01-166	246-810-320	AMD-P	97-13-099	246-810-565	REP	97-17-113
246-808-180	AMD-P	98-01-166	246-810-320	AMD	97-17-113	246-810-566	REP-P	97-13-099
246-808-181	NEW-P	98-01-166	246-810-321	AMD-P	97-13-099	246-810-566	REP	97-17-113
246-808-185	REP-P	98-01-166	246-810-321	AMD	97-17-113	246-810-570	REP-P	97-13-099
246-808-215	AMD-P	98-01-166	246-810-330	REP-P	97-13-099	246-810-570	REP	97-17-113
246-808-410	PREP-X	97-14-058	246-810-330	REP	97-17-113	246-810-580	REP-P	97-13-099
246-808-410	REP	97-20-163	246-810-331	REP-P	97-13-099	246-810-580	REP	97-17-113
246-808-525	PREP-X	97-14-058	246-810-331	REP	97-17-113	246-810-710	NEW-P	97-13-099
246-808-525	REP	97-20-163	246-810-332	AMD-P	97-13-099	246-810-710	NEW	97-17-113
246-808-530	PREP-X	97-14-058	246-810-332	AMD	97-17-113	246-810-720	AMD-P	97-13-099
246-808-530	REP	97-20-163	246-810-334	NEW-P	97-13-099	246-810-720	AMD	97-17-113
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246-808-710	REP	97-20-163	246-810-340	AMD-P	97-13-099	246-810-721	NEW	97-17-113
246-808-990	AMD-P	98-01-166	246-810-340	AMD	97-17-113	246-810-730	REP-P	97-13-099
246-810-010	AMD-P	97-13-099	246-810-345	NEW-P	97-13-099	246-810-730	REP	97-17-113
246-810-010	AMD	97-17-113	246-810-345	NEW	97-17-113	246-810-731	REP-P	97-13-099
246-810-020	AMD-P	97-13-099	246-810-348	NEW-P	97-13-099	246-810-731	REP	97-17-113
246-810-020	AMD	97-17-113	246-810-348	NEW	97-17-113	246-810-732	NEW-P	97-13-099
246-810-020	REP-P	98-01-166	246-810-350	REP-P	97-13-099	246-810-732	NEW	97-17-113
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246-810-022	NEW	97-17-113	246-810-360	REP-P	97-13-099	246-810-734	NEW	97-17-113
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246-810-030	AMD	97-17-113	246-810-361	REP	97-17-113	246-810-741	REP-P	97-13-099
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246-810-031	AMD	97-17-113	246-810-362	REP	97-17-113	246-810-745	NEW-P	97-13-099
246-810-032	AMD-P	97-13-099	246-810-363	REP-P	97-13-099	246-810-745	NEW	97-17-113
246-810-032	AMD	97-17-113	246-810-363	REP	97-17-113	246-810-748	NEW-P	97-13-099
246-810-035	NEW-P	97-13-099	246-810-364	REP-P	97-13-099	246-810-748	NEW	97-17-113
246-810-035	NEW	97-17-113	246-810-364	REP	97-17-113	246-810-750	REP-P	97-13-099
246-810-040	AMD-P	97-13-099	246-810-365	REP-P	97-13-099	246-810-750	REP	97-17-113
246-810-040	AMD	97-17-113	246-810-365	REP	97-17-113	246-810-760	REP-P	97-13-099
246-810-045	NEW-P	97-13-099	246-810-366	REP-P	97-13-099	246-810-760	REP	97-17-113
246-810-045	NEW	97-17-113	246-810-366	REP	97-17-113	246-810-761	REP-P	97-13-099
246-810-049	NEW-P	97-13-099	246-810-370	REP-P	97-13-099	246-810-761	REP	97-17-113
246-810-049	NEW	97-17-113	246-810-370	REP	97-17-113	246-810-762	REP-P	97-13-099
246-810-050	REP-P	97-13-099	246-810-380	REP-P	97-13-099	246-810-762	REP	97-17-113
246-810-050	REP	97-17-113	246-810-380	REP	97-17-113	246-810-763	REP-P	97-13-099
246-810-060	AMD-P	97-13-099	246-810-510	AMD-P	97-13-099	246-810-763	REP	97-17-113
246-810-060	AMD	97-17-113	246-810-510	AMD	97-17-113	246-810-764	REP-P	97-13-099
246-810-061	AMD-P	97-13-099	246-810-520	AMD-P	97-13-099	246-810-764	REP	97-17-113
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246-812-160	AMD-P	98-01-166	246-828-510	PREP	97-15-097	246-838-060	REP-P	97-07-074
246-812-161	NEW-P	98-01-166	246-828-510	AMD-P	98-01-166	246-838-060	REP	97-13-100
246-812-990	AMD-P	98-01-166	246-828-520	REP-P	98-01-166	246-838-070	REP-P	97-07-074
246-812-995	NEW-P	98-01-166	246-828-530	AMD-P	98-01-166	246-838-070	REP	97-13-100
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246-815-100	AMD-P	98-01-166	246-828-990	AMD	97-04-043	246-838-090	REP-P	97-07-074
246-815-140	AMD-P	98-01-166	246-828-990	AMD-P	98-01-166	246-838-090	REP	97-13-100
246-815-150	REP-P	98-01-166	246-830-035	AMD-P	98-01-166	246-838-100	REP-P	97-07-074
246-815-300	REP-P	98-01-166	246-830-050	REP-P	98-01-166	246-838-100	REP	97-13-100
246-815-990	AMD-P	98-01-166	246-830-220	PREP-X	97-14-056	246-838-110	REP-P	97-07-074
246-817-110	AMD-P	98-01-166	246-830-220	REP	97-20-101	246-838-110	REP	97-13-100
246-817-150	AMD-P	98-01-166	246-830-230	PREP-X	97-14-056	246-838-120	REP-P	97-07-074
246-817-201	REP-P	98-01-166	246-830-230	REP	97-20-101	246-838-120	REP	97-13-100
246-817-210	AMD-P	98-01-166	246-830-240	PREP-X	97-14-056	246-838-121	REP-P	97-07-074
246-817-990	AMD-P	98-01-166	246-830-240	REP	97-20-101	246-838-121	REP	97-13-100
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246-822-100	REP	97-20-101	246-830-250	REP	97-20-101	246-838-130	REP	97-13-100
246-822-110	REP-P	98-01-166	246-830-255	PREP-X	97-14-056	246-838-250	REP-P	97-07-074
246-822-120	AMD-P	98-01-166	246-830-255	REP	97-20-101	246-838-250	REP	97-13-100
246-822-140	PREP-X	97-14-056	246-830-260	PREP-X	97-14-056	246-838-260	REP-P	97-07-074
246-822-140	REP	97-20-101	246-830-260	REP	97-20-101	246-838-260	REP	97-13-100
246-822-990	AMD-P	98-01-166	246-830-270	PREP-X	97-14-056	246-838-270	REP-P	97-07-074
246-824-020	AMD-P	98-01-166	246-830-270	REP	97-20-101	246-838-270	REP	97-13-100
246-824-040	AMD-P	98-01-166	246-830-280	PREP-X	97-14-056	246-838-280	REP-P	97-07-074
246-824-071	AMD-P	98-01-166	246-830-280	REP	97-20-101	246-838-280	REP	97-13-100
246-824-073	AMD-P	98-01-166	246-830-460	AMD-P	98-01-166	246-838-290	REP-P	97-07-074
246-824-074	NEW-P	98-01-166	246-830-465	REP-P	98-01-166	246-838-290	REP	97-13-100
246-824-075	AMD-P	98-01-166	246-830-470	REP-P	98-01-166	246-838-300	REP-P	97-07-074
246-824-170	AMD-P	98-01-166	246-830-480	REP-P	98-01-166	246-838-300	REP	97-13-100
246-824-990	AMD-P	98-01-166	246-830-690	PREP-X	97-14-056	246-838-310	REP-P	97-07-074
246-824-995	NEW-P	98-01-166	246-830-690	REP	97-20-101	246-838-310	REP	97-13-100
246-826-050	AMD-P	98-01-166	246-830-990	AMD-P	98-01-166	246-838-330	REP-P	97-07-074
246-826-230	AMD-P	98-01-166	246-834-060	AMD-P	98-01-166	246-838-330	REP	97-13-100
246-826-990	AMD-P	98-01-166	246-834-065	AMD-P	98-01-166	246-838-340	REP-P	97-07-074
246-826-995	NEW-P	98-01-166	246-834-170	AMD-P	98-01-166	246-838-340	REP	97-13-100
246-828-005	AMD-XA	97-19-099	246-834-200	AMD-P	98-01-166	246-838-350	REP-P	97-07-074
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246-828-030	AMD-XA	97-19-099	246-834-230	PREP	97-22-024	246-838-360	REP-P	97-07-074
246-828-050	REP-P	98-01-166	246-834-240	PREP	97-22-024	246-838-360	REP	97-13-100
246-828-055	AMD-P	97-12-086	246-834-260	AMD-P	98-01-166	246-839	PREP-W	97-03-066
246-828-055	AMD	97-15-128	246-834-350	PREP-X	97-14-056	246-839	PREP-W	97-03-067
246-828-060	PREP-X	97-14-059	246-834-350	REP	97-20-101	246-839-010	REP-P	97-07-074
246-828-060	REP	97-20-102	246-834-400	NEW-P	98-01-166	246-839-010	REP	97-13-100
246-828-065	PREP-X	97-14-059	246-834-500	REP-P	98-01-166	246-839-020	REP-P	97-07-074
246-828-065	REP	97-20-102	246-834-990	PREP	97-22-023	246-839-020	REP	97-13-100
246-828-070	AMD-P	97-12-086	246-836-070	PREP-X	97-14-056	246-839-030	REP-P	97-08-093
246-828-070	AMD	97-15-128	246-836-070	REP	97-20-101	246-839-030	REP	97-17-015
246-828-075	AMD-XA	97-19-099	246-836-080	PREP-X	97-14-056	246-839-040	REP-P	97-07-074
246-828-080	AMD-XA	97-19-099	246-836-080	AMD-P	98-01-166	246-839-040	REP	97-13-100
246-828-090	AMD-XA	97-19-099	246-836-090	PREP-X	97-14-056	246-839-050	REP-P	97-07-074
246-828-100	AMD-XA	97-19-099	246-836-090	REP-P	98-01-166	246-839-050	REP	97-13-100
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246-828-280	AMD-XA	97-19-099	246-836-190	REP	97-20-101	246-839-060	REP	97-13-100
246-828-290	PREP	97-22-090	246-836-400	PREP-X	97-14-056	246-839-070	REP-P	97-07-074
246-828-295	AMD-XA	97-19-099	246-836-400	REP	97-20-101	246-839-070	REP	97-13-100
246-828-295	AMD-P	98-01-166	246-836-410	AMD-P	98-01-166	246-839-080	REP-P	97-07-074
246-828-300	AMD-XA	97-19-099	246-836-990	AMD-P	97-24-101	246-839-080	REP	97-13-100
246-828-300	AMD-P	98-01-166	246-836-990	AMD-P	98-01-166	246-839-090	REP-P	97-07-074
246-828-320	AMD-XA	97-19-099	246-838	PREP-W	97-03-066	246-839-090	REP	97-13-100
246-828-330	AMD-XA	97-19-099	246-838	PREP-W	97-03-067	246-839-100	REP-P	97-07-074
246-828-340	AMD-XA	97-19-099	246-838-010	REP-P	97-07-074	246-839-100	REP	97-13-100
246-828-350	AMD-XA	97-19-099	246-838-010	REP	97-13-100	246-839-105	REP-P	97-07-074
246-828-370	AMD-XA	97-19-099	246-838-020	REP-P	97-07-074	246-839-105	REP	97-13-100
246-828-370	AMD-P	98-01-166	246-838-020	REP	97-13-100	246-839-110	REP-P	97-07-074
246-828-400	PREP-X	97-14-060	246-838-026	REP-P	97-07-074	246-839-110	REP	97-13-100
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246-828-420	PREP-X	97-14-060	246-838-040	REP-P	97-07-074	246-839-120	REP	97-13-100
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246-839-300	REP	97-13-100	246-839-880	REP	97-13-100	246-840-365	NEW-P	97-07-074
246-839-305	REP-P	97-07-074	246-839-890	REP-P	97-07-074	246-840-365	NEW	97-13-100
246-839-305	REP	97-13-100	246-839-890	REP	97-13-100	246-840-365	AMD-P	98-01-166
246-839-310	REP-P	97-07-074	246-839-900	REP-P	97-07-074	246-840-370	NEW-P	97-07-074
246-839-310	REP	97-13-100	246-839-900	REP	97-13-100	246-840-370	NEW	97-13-100
246-839-315	REP-P	97-07-074	246-840-010	NEW-P	97-07-074	246-840-400	NEW-P	97-07-074
246-839-315	REP	97-13-100	246-840-010	NEW	97-13-100	246-840-400	NEW	97-13-100
246-839-320	REP-P	97-07-074	246-840-010	AMD-P	97-20-161	246-840-410	NEW-P	97-07-074
246-839-320	REP	97-13-100	246-840-010	AMD-P	98-01-166	246-840-410	NEW	97-13-100
246-839-330	REP-P	97-07-074	246-840-020	NEW-P	97-07-074	246-840-410	AMD-P	98-01-166
246-839-330	REP	97-13-100	246-840-020	NEW	97-13-100	246-840-420	NEW-P	97-07-074
246-839-340	REP-P	97-07-074	246-840-020	AMD-P	98-01-166	246-840-420	NEW	97-13-100
246-839-340	REP	97-13-100	246-840-030	NEW-P	97-07-074	246-840-430	NEW-P	97-07-074
246-839-345	REP-P	97-07-074	246-840-030	NEW-P	97-08-093	246-840-430	NEW	97-13-100
246-839-345	REP	97-13-100	246-840-030	NEW-W	97-09-061	246-840-440	NEW-P	97-07-074
246-839-350	REP-P	97-07-074	246-840-030	NEW	97-17-015	246-840-440	NEW	97-13-100
246-839-350	REP	97-13-100	246-840-040	NEW-P	97-07-074	246-840-440	AMD-P	98-01-166
246-839-360	REP-P	97-07-074	246-840-040	NEW	97-13-100	246-840-450	NEW-P	97-07-074
246-839-360	REP	97-13-100	246-840-040	AMD-P	98-01-166	246-840-450	NEW	97-13-100
246-839-365	REP-P	97-07-074	246-840-050	NEW-P	97-07-074	246-840-450	AMD-P	98-01-166
246-839-365	REP	97-13-100	246-840-050	NEW	97-13-100	246-840-540	AMD-P	97-07-074
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246-839-400	REP-P	97-07-074	246-840-070	NEW-P	97-07-074	246-840-565	AMD	97-13-100
246-839-400	REP	97-13-100	246-840-070	NEW	97-13-100	246-840-700	NEW-P	97-07-074
246-839-410	REP-P	97-07-074	246-840-080	NEW-P	97-07-074	246-840-700	NEW	97-13-100
246-839-410	REP	97-13-100	246-840-080	NEW	97-13-100	246-840-705	NEW-P	97-07-074
246-839-420	REP-P	97-07-074	246-840-080	AMD-P	98-01-166	246-840-705	NEW	97-13-100
246-839-420	REP	97-13-100	246-840-090	NEW-P	97-07-074	246-840-710	NEW-P	97-07-074
246-839-430	REP-P	97-07-074	246-840-090	NEW	97-13-100	246-840-710	NEW	97-13-100
246-839-430	REP	97-13-100	246-840-090	AMD-P	98-01-166	246-840-715	NEW-P	97-07-074
246-839-440	REP-P	97-07-074	246-840-100	NEW-P	97-07-074	246-840-715	NEW	97-13-100
246-839-440	REP	97-13-100	246-840-100	NEW	97-13-100	246-840-720	NEW-P	97-07-074
246-839-450	REP-P	97-07-074	246-840-100	REP-P	98-01-166	246-840-720	NEW	97-13-100
246-839-450	REP	97-13-100	246-840-105	NEW-P	97-07-074	246-840-730	NEW-P	97-07-074
246-839-700	REP-P	97-07-074	246-840-105	NEW	97-13-100	246-840-730	NEW	97-13-100
246-839-700	REP	97-13-100	246-840-110	NEW-P	97-07-074	246-840-745	NEW-P	97-07-074
246-839-710	REP-P	97-07-074	246-840-110	NEW	97-13-100	246-840-745	NEW	97-13-100
246-839-710	REP	97-13-100	246-840-110	REP-P	98-01-166	246-840-747	NEW-P	97-07-074
246-839-720	REP-P	97-07-074	246-840-111	NEW-P	98-01-166	246-840-747	NEW	97-13-100
246-839-720	REP	97-13-100	246-840-113	NEW-P	97-07-074	246-840-750	NEW-P	97-07-074
246-839-730	REP-P	97-07-074	246-840-113	NEW	97-13-100	246-840-750	NEW	97-13-100
246-839-730	REP	97-13-100	246-840-115	NEW-P	97-07-074	246-840-760	NEW-P	97-07-074
246-839-740	REP-P	97-07-074	246-840-115	NEW	97-13-100	246-840-760	NEW	97-13-100
246-839-740	REP	97-13-100	246-840-115	REP-P	98-01-166	246-840-770	NEW-P	97-07-074
246-839-745	REP-P	97-07-074	246-840-120	NEW-P	97-07-074	246-840-770	NEW	97-13-100
246-839-745	REP	97-13-100	246-840-120	NEW	97-13-100	246-840-780	NEW-P	97-07-074
246-839-750	REP-P	97-07-074	246-840-120	AMD-P	98-01-166	246-840-780	NEW	97-13-100
246-839-750	REP	97-13-100	246-840-130	NEW-P	97-07-074	246-840-800	NEW-P	97-07-074
246-839-760	REP-P	97-07-074	246-840-130	NEW	97-13-100	246-840-800	NEW	97-13-100
246-839-760	REP	97-13-100	246-840-300	NEW-P	97-07-074	246-840-810	NEW-P	97-07-074
246-839-770	REP-P	97-07-074	246-840-300	NEW	97-13-100	246-840-810	NEW	97-13-100
246-839-770	REP	97-13-100	246-840-305	NEW-P	97-07-074	246-840-820	NEW-P	97-07-074
246-839-780	REP-P	97-07-074	246-840-305	NEW	97-13-100	246-840-820	NEW	97-13-100
246-839-780	REP	97-13-100	246-840-310	NEW-P	97-07-074	246-840-830	NEW-P	97-07-074
246-839-800	REP-P	97-07-074	246-840-310	NEW	97-13-100	246-840-830	NEW	97-13-100
246-839-800	REP	97-13-100	246-840-315	NEW-P	97-07-074	246-840-840	NEW-P	97-07-074
246-839-810	REP-P	97-07-074	246-840-315	NEW	97-13-100	246-840-840	NEW	97-13-100
246-839-810	REP	97-13-100	246-840-320	NEW-P	97-07-074	246-840-850	NEW-P	97-07-074
246-839-820	REP-P	97-07-074	246-840-320	NEW	97-13-100	246-840-850	NEW	97-13-100
246-839-820	REP	97-13-100	246-840-330	NEW-P	97-07-074	246-840-860	NEW-P	97-07-074
246-839-830	REP-P	97-07-074	246-840-330	NEW	97-13-100	246-840-860	NEW-S	97-12-030
246-839-830	REP	97-13-100	246-840-340	NEW-P	97-07-074	246-840-860	NEW	97-17-049
246-839-840	REP-P	97-07-074	246-840-340	NEW	97-13-100	246-840-870	NEW-P	97-07-074
246-839-840	REP	97-13-100	246-840-340	AMD-P	98-01-166	246-840-870	NEW	97-13-100
246-839-850	REP-P	97-07-074	246-840-345	NEW-P	97-07-074	246-840-880	NEW-P	97-07-074
246-839-850	REP	97-13-100	246-840-345	NEW	97-13-100	246-840-880	NEW	97-13-100
246-839-860	REP-P	97-07-074	246-840-350	NEW-P	97-07-074	246-840-890	NEW-P	97-07-074
246-839-860	REP-S	97-12-030	246-840-350	NEW	97-13-100	246-840-890	NEW	97-13-100
246-839-860	REP	97-17-049	246-840-350	AMD-P	98-01-166	246-840-900	NEW-P	97-07-074
246-839-870	REP-P	97-07-074	246-840-360	NEW-P	97-07-074	246-840-900	NEW	97-13-100

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246-840-930	AMD-P	97-07-074	246-851-090	AMD-P	97-08-094	246-893	PREP-X	97-14-066
246-840-930	AMD	97-13-100	246-851-090	AMD	97-12-088	246-893-001	REP	97-20-167
246-840-940	AMD-P	97-07-074	246-851-090	AMD-P	98-01-166	246-893-010	REP	97-20-167
246-840-940	AMD	97-13-100	246-851-100	AMD-P	97-08-094	246-893-020	REP	97-20-167
246-840-985	NEW-P	97-20-161	246-851-100	AMD	97-12-088	246-893-030	REP	97-20-167
246-840-990	AMD-P	97-20-162	246-851-100	REP-P	98-01-166	246-893-040	REP	97-20-167
246-840-990	AMD	97-23-075	246-851-110	AMD-P	97-08-094	246-893-050	REP	97-20-167
246-840-990	AMD-P	98-01-166	246-851-110	AMD	97-12-088	246-893-060	REP	97-20-167
246-841-520	NEW-P	98-01-166	246-851-120	AMD-P	97-08-094	246-893-070	REP	97-20-167
246-841-610	AMD-P	98-01-166	246-851-120	AMD	97-12-088	246-893-080	REP	97-20-167
246-841-710	PREP-X	97-14-061	246-851-140	AMD-P	97-08-094	246-893-090	REP	97-20-167
246-841-710	REP	97-20-101	246-851-140	AMD	97-12-088	246-893-100	REP	97-20-167
246-841-730	PREP-X	97-14-061	246-851-150	AMD-P	97-08-094	246-893-110	REP	97-20-167
246-841-730	REP	97-20-101	246-851-150	AMD	97-12-088	246-893-120	REP	97-20-167
246-841-740	PREP-X	97-14-061	246-851-160	AMD-P	97-08-094	246-893-130	REP	97-20-167
246-841-740	REP	97-20-101	246-851-160	AMD	97-12-088	246-893-140	REP	97-20-167
246-841-750	PREP-X	97-14-061	246-851-170	AMD-P	97-08-094	246-893-998	REP	97-20-167
246-841-750	REP	97-20-101	246-851-170	AMD	97-12-088	246-897-030	PREP-X	97-14-066
246-841-990	AMD-P	98-01-166	246-851-180	AMD-P	97-08-094	246-897-030	REP	97-20-168
246-843-001	PREP	98-01-156	246-851-180	AMD	97-12-088	246-897-040	PREP-X	97-14-066
246-843-010	PREP	98-01-157	246-851-190	AMD-P	97-08-094	246-897-040	REP	97-20-168
246-843-030	PREP	98-01-156	246-851-190	AMD	97-12-088	246-897-050	PREP-X	97-14-066
246-843-040	PREP	98-01-156	246-851-200	AMD-P	97-08-094	246-897-050	REP	97-20-168
246-843-050	PREP	98-01-156	246-851-200	AMD	97-12-088	246-897-120	PREP-X	97-14-066
246-843-070	PREP	98-01-158	246-851-210	REP-P	97-08-094	246-897-120	REP	97-20-168
246-843-080	PREP	98-01-158	246-851-210	REP	97-12-088	246-897-130	PREP-X	97-14-066
246-843-090	PREP	98-01-159	246-851-220	AMD-P	97-08-094	246-897-130	REP	97-20-168
246-843-095	PREP	98-01-159	246-851-220	AMD	97-12-088	246-897-140	PREP-X	97-14-066
246-843-100	PREP	98-01-158	246-851-220	REP-P	98-01-166	246-897-140	REP	97-20-168
246-843-110	PREP	98-01-158	246-851-230	AMD-P	97-08-094	246-897-150	PREP-X	97-14-066
246-843-115	PREP	98-01-158	246-851-230	AMD	97-12-088	246-897-150	REP	97-20-168
246-843-120	PREP	98-01-158	246-851-240	AMD-P	97-08-094	246-897-160	PREP-X	97-14-066
246-843-122	PREP	98-01-158	246-851-240	AMD	97-12-088	246-897-160	REP	97-20-168
246-843-125	PREP	98-01-160	246-851-240	REP-P	98-01-166	246-897-170	PREP-X	97-14-066
246-843-130	PREP	98-01-160	246-851-430	AMD-P	98-01-166	246-897-170	REP	97-20-168
246-843-150	PREP	98-01-160	246-851-510	REP-P	98-01-166	246-897-180	PREP-X	97-14-066
246-843-150	AMD-P	98-01-166	246-851-990	AMD-P	98-01-166	246-897-180	REP	97-20-168
246-843-155	PREP	98-01-160	246-853-040	REP-P	98-01-166	246-897-190	PREP-X	97-14-066
246-843-155	REP-P	98-01-166	246-853-045	AMD-P	98-01-166	246-897-190	REP	97-20-168
246-843-158	PREP-X	97-14-056	246-853-060	AMD-P	98-01-166	246-901	PREP	97-16-087
246-843-158	REP	97-20-101	246-853-080	AMD-P	98-01-166	246-901-065	AMD-P	98-01-166
246-843-160	REP-P	98-01-166	246-853-210	AMD-P	98-01-166	246-901-120	AMD-P	98-01-166
246-843-162	AMD-P	98-01-166	246-853-230	AMD-P	98-01-166	246-907	PREP	98-01-163
246-843-170	PREP	98-01-158	246-853-240	REP-P	98-01-166	246-907-020	AMD	97-06-019
246-843-180	AMD-P	98-01-166	246-853-270	REP-P	98-01-166	246-907-020	REP-P	98-01-166
246-843-200	PREP	98-01-161	246-853-275	REP-P	98-01-166	246-907-030	AMD	97-06-019
246-843-205	PREP	98-01-161	246-853-990	AMD-P	98-01-166	246-907-030	AMD-P	98-01-166
246-843-220	PREP	98-01-162	246-854-050	AMD-P	98-01-166	246-907-995	NEW-P	98-01-166
246-843-225	PREP	98-01-162	246-854-080	AMD-P	98-01-166	246-915-010	AMD-P	98-01-166
246-843-230	PREP	98-01-158	246-854-110	AMD-P	98-01-166	246-915-050	AMD-P	98-01-166
246-843-230	AMD-P	98-01-166	246-855-100	AMD-P	98-01-166	246-915-060	REP-P	98-01-166
246-843-250	REP-P	98-01-166	246-861-010	AMD-P	98-01-166	246-915-080	PREP-X	97-14-067
246-843-320	REP-P	98-01-166	246-861-020	AMD-P	98-01-166	246-915-080	REP	97-20-103
246-843-330	AMD-P	98-01-166	246-861-030	PREP-X	97-14-062	246-915-085	AMD-P	98-01-166
246-843-340	PREP	98-01-162	246-861-030	REP	97-20-164	246-915-090	PREP-X	97-14-067
246-843-990	AMD-P	98-01-166	246-861-120	REP-P	98-01-166	246-915-090	REP	97-20-103
246-845-100	REP-P	98-01-166	246-863-030	AMD-P	98-01-166	246-915-110	AMD-P	98-01-166
246-845-990	AMD-P	98-01-166	246-863-050	REP-P	98-01-166	246-915-990	AMD-P	98-01-166
246-847-055	AMD-P	98-01-166	246-863-070	AMD-P	98-01-166	246-918-006	REP-P	98-01-166
246-847-060	REP-P	98-01-166	246-863-080	AMD-P	98-01-166	246-918-008	PREP-XR	97-20-159
246-847-065	AMD-P	98-01-166	246-863-090	AMD-P	98-01-166	246-918-009	PREP-XR	97-20-159
246-847-068	AMD-P	98-01-166	246-863-120	AMD-P	98-01-166	246-918-080	AMD-P	98-01-166
246-847-070	AMD-P	98-01-166	246-865	PREP	97-11-038	246-918-081	NEW-P	98-01-166
246-847-190	AMD-P	98-01-166	246-869-050	REP-P	98-01-166	246-918-085	REP-P	98-01-166
246-847-200	REP-P	98-01-166	246-869-260	PREP-X	97-14-069	246-918-160	PREP-XR	97-20-160
246-847-990	AMD-P	98-01-166	246-869-260	REP	97-20-165	246-918-170	AMD-P	98-01-166
246-849-110	AMD-P	98-01-166	246-877-030	PREP-X	97-14-064	246-918-180	AMD-P	98-01-166
246-849-210	AMD-P	98-01-166	246-877-030	REP	97-20-166	246-918-990	AMD-P	98-01-166
246-849-220	AMD-P	98-01-166	246-879-070	AMD-P	98-01-166	246-919-030	REP-P	98-01-166
246-849-260	AMD-P	98-01-166	246-887-020	AMD-P	98-01-166	246-919-305	REP-P	98-01-166
246-849-990	AMD-P	98-01-166	246-887-140	AMD-P	97-09-063	246-919-380	AMD-P	98-01-166
246-849-995	NEW-P	98-01-166	246-887-140	AMD	97-21-054	246-919-400	REP-P	98-01-166
246-851-020	REP-P	98-01-166	246-887-170	AMD-P	97-23-076	246-919-410	REP-P	98-01-166

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246-919-420	REP-P	98-01-166	246-976-485	NEW-P	97-24-102	250-10-050	PREP-XR	97-20-089
246-919-430	AMD-P	98-01-166	246-976-490	NEW-P	97-24-102	250-10-060	PREP-XR	97-20-089
246-919-440	REP-P	98-01-166	246-976-500	AMD-P	97-24-102	250-10-070	PREP-XR	97-20-089
246-919-460	AMD-P	98-01-166	246-976-510	AMD-P	97-24-102	250-10-080	PREP-XR	97-20-089
246-919-480	AMD-P	98-01-166	246-976-520	AMD-P	97-24-102	250-10-090	PREP-XR	97-20-089
246-919-500	PREP-XR	97-20-159	246-976-550	AMD-P	97-24-102	250-10-100	PREP-XR	97-20-089
246-919-510	PREP-XR	97-20-159	246-976-560	AMD-P	97-24-102	250-10-110	PREP-XR	97-20-089
246-919-520	NEW-P	97-15-126	246-976-570	AMD-P	97-24-102	250-10-120	PREP-XR	97-20-089
246-919-520	NEW	97-21-053	246-976-600	AMD-P	97-24-102	250-10-130	PREP-XR	97-20-089
246-919-990	AMD-P	97-12-085	246-976-610	AMD-P	97-24-102	250-10-140	PREP-XR	97-20-089
246-919-990	AMD	97-15-100	246-976-615	NEW-P	97-24-102	250-10-150	PREP-XR	97-20-089
246-919-990	AMD-P	98-01-166	246-976-620	NEW-P	97-24-102	250-10-160	PREP-XR	97-20-089
246-922-070	AMD-P	98-01-166	246-976-640	AMD-P	97-24-102	250-10-170	PREP-XR	97-20-089
246-922-275	REP-P	98-01-166	246-976-650	AMD-P	97-24-102	250-12-010	PREP-XR	97-20-091
246-922-280	REP-P	98-01-166	246-976-680	AMD-P	97-24-102	250-12-020	PREP-XR	97-20-091
246-922-285	NEW-P	98-01-166	246-976-690	AMD-P	97-24-102	250-12-030	PREP-XR	97-20-091
246-922-290	AMD-P	98-01-166	246-976-720	AMD-P	97-24-102	250-12-040	PREP-XR	97-20-091
246-922-295	AMD-P	98-01-166	246-976-730	AMD-P	97-24-102	250-12-050	PREP-XR	97-20-091
246-922-300	AMD-P	98-01-166	246-976-740	AMD-P	97-24-102	250-12-060	PREP-XR	97-20-091
246-922-320	REP-P	98-01-166	246-976-770	AMD-P	97-24-102	250-12-070	PREP-XR	97-20-091
246-922-990	AMD-P	98-01-166	246-976-780	AMD-P	97-24-102	250-16-001	PREP-XR	97-20-090
246-922-995	NEW-P	98-01-166	246-976-790	AMD-P	97-24-102	250-16-010	PREP-XR	97-20-090
246-924-110	AMD-P	98-01-166	246-976-810	AMD-P	97-24-102	250-16-020	PREP-XR	97-20-090
246-924-120	REP-P	98-01-166	246-976-820	AMD-P	97-24-102	250-16-030	PREP-XR	97-20-090
246-924-230	AMD-P	98-01-166	246-976-822	NEW-P	97-24-102	250-16-040	PREP-XR	97-20-090
246-924-290	REP-P	98-01-166	246-976-830	AMD-P	97-24-102	250-16-050	PREP-XR	97-20-090
246-924-320	REP-P	98-01-166	246-976-840	AMD-P	97-24-102	250-16-060	PREP-XR	97-20-090
246-924-490	REP-P	98-01-166	246-976-850	AMD-P	97-24-102	250-18-020	AMD-XA	98-01-101
246-924-500	AMD-P	98-01-166	246-976-860	AMD-P	97-24-102	250-18-060	AMD-XA	98-01-101
246-924-990	AMD-P	98-01-166	246-976-870	NEW-P	97-24-102	250-55-010	PREP-XR	97-20-092
246-926-160	REP-P	98-01-166	246-976-880	REP-P	97-24-102	250-55-020	PREP-XR	97-20-092
246-926-170	AMD-P	98-01-166	246-976-881	NEW-P	97-24-102	250-55-030	PREP-XR	97-20-092
246-926-200	AMD-P	98-01-166	246-976-885	AMD-P	97-24-102	250-55-040	PREP-XR	97-20-092
246-926-990	AMD-P	98-01-166	246-976-890	AMD-P	97-24-102	250-55-050	PREP-XR	97-20-092
246-926-995	NEW-P	98-01-166	246-976-935	NEW-P	98-01-164	250-55-060	PREP-XR	97-20-092
246-928-090	REP-P	98-01-166	249A-02-010	NEW-W	97-09-043	250-55-070	PREP-XR	97-20-092
246-928-190	AMD-P	98-01-166	249A-02-020	NEW-W	97-09-043	250-55-080	PREP-XR	97-20-092
246-928-990	AMD-P	98-01-166	249A-02-030	NEW-W	97-09-043	250-55-090	PREP-XR	97-20-092
246-930-020	AMD-P	98-01-166	249A-02-040	NEW-W	97-09-043	250-55-100	PREP-XR	97-20-092
246-930-400	REP-P	98-01-166	249A-02-050	NEW-W	97-09-043	250-55-110	PREP-XR	97-20-092
246-930-410	AMD-P	98-01-166	249A-02-060	NEW-W	97-09-043	250-55-120	PREP-XR	97-20-092
246-930-420	AMD-P	98-01-166	249A-02-080	NEW-W	97-09-043	250-55-130	PREP-XR	97-20-092
246-930-430	REP-P	98-01-166	249A-02-100	NEW-W	97-09-043	250-55-140	PREP-XR	97-20-092
246-930-431	NEW-P	98-01-166	249A-02-200	NEW-W	97-09-043	250-55-150	PREP-XR	97-20-092
246-930-990	AMD-P	98-01-166	249A-02-210	NEW-W	97-09-043	250-55-160	PREP-XR	97-20-092
246-930-995	NEW-P	98-01-166	249A-02-220	NEW-W	97-09-043	250-55-170	PREP-XR	97-20-092
246-933-170	PREP-X	97-14-056	249A-02-250	NEW-W	97-09-043	250-55-180	PREP-XR	97-20-092
246-933-170	REP	97-20-101	249A-02-300	NEW-W	97-09-043	250-55-190	PREP-XR	97-20-092
246-933-180	REP-P	98-01-166	249A-02-350	NEW-W	97-09-043	250-55-200	PREP-XR	97-20-092
246-933-305	AMD-P	98-01-166	249A-02-360	NEW-W	97-09-043	250-55-210	PREP-XR	97-20-092
246-933-420	AMD-P	98-01-166	249A-02-410	NEW-W	97-09-043	250-55-220	PREP-XR	97-20-092
246-933-430	REP-P	98-01-166	249A-02-420	NEW-W	97-09-043	250-61-150	PREP-XR	97-20-088
246-933-470	REP-P	98-01-166	249A-02-430	NEW-W	97-09-043	250-71-050	AMD-XA	97-22-068
246-933-480	AMD-P	98-01-166	249A-02-440	NEW-W	97-09-043	251-01-045	AMD-P	97-08-090
246-933-980	PREP-X	97-14-056	249A-02-450	NEW-W	97-09-043	251-01-045	AMD-W	97-10-088
246-933-980	REP	97-20-101	249A-02-460	NEW-W	97-09-043	251-01-110	AMD-P	97-08-090
246-933-990	AMD-P	98-01-166	249A-02-470	NEW-W	97-09-043	251-01-110	AMD-W	97-10-088
246-935-125	PREP-X	97-14-056	249A-02-510	NEW-W	97-09-043	251-04-040	AMD-P	97-08-090
246-935-125	REP	97-20-101	249A-02-520	NEW-W	97-09-043	251-04-040	AMD-W	97-10-088
246-935-130	AMD-P	98-01-166	249A-02-540	NEW-W	97-09-043	251-04-050	AMD-P	97-08-090
246-935-990	AMD-P	98-01-166	249A-02-560	NEW-W	97-09-043	251-04-050	AMD-W	97-10-088
246-937-050	AMD-P	98-01-166	249A-02-600	NEW-W	97-09-043	251-04-170	NEW-P	97-24-037
246-937-080	AMD-P	98-01-166	249A-02-650	NEW-W	97-09-043	251-04-170	NEW-C	98-01-141
246-937-100	PREP-X	97-14-056	249A-02-810	NEW-W	97-09-043	251-10-030	AMD-P	97-08-090
246-937-100	REP	97-20-101	249A-02-830	NEW-W	97-09-043	251-10-030	AMD-W	97-10-088
246-937-990	AMD-P	98-01-166	249A-02-860	NEW-W	97-09-043	251-10-030	AMD-P	97-20-063
246-976-090	PREP-X	97-14-056	250-10-010	PREP-XR	97-20-089	251-10-030	AMD-C	97-22-059
246-976-090	REP	97-20-101	250-10-020	PREP-XR	97-20-089	251-10-030	AMD-C	97-24-039
246-976-115	PREP-X	97-14-056	250-10-022	PREP-XR	97-20-089	251-12-270	REP-P	97-08-090
246-976-115	REP	97-20-101	250-10-026	PREP-XR	97-20-089	251-12-270	REP-W	97-10-088
246-976-470	REP-P	97-24-102	250-10-028	PREP-XR	97-20-089	251-12-270	REP-P	97-10-089
246-976-475	REP-P	97-24-102	250-10-030	PREP-XR	97-20-089	251-12-270	REP	97-13-045
246-976-480	REP-P	97-24-102	250-10-040	PREP-XR	97-20-089	251-12-600	AMD-P	97-08-090

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
251-12-600	AMD-W	97-10-088	260-24-150	REP-P	97-21-092	260-24-330	REP	98-01-145
251-12-600	AMD-P	97-10-089	260-24-150	REP	98-01-145	260-24-340	REP-P	97-04-060
251-12-600	AMD	97-13-045	260-24-160	REP-P	97-04-060	260-24-340	REP-W	97-17-043
251-14-060	AMD	97-06-012	260-24-160	REP-W	97-17-043	260-24-340	REP-P	97-21-092
251-14-120	AMD	97-06-012	260-24-160	REP-P	97-21-092	260-24-340	REP	98-01-145
251-19-100	AMD-P	97-22-061	260-24-160	REP	98-01-145	260-24-350	REP-P	97-04-060
251-19-100	AMD-C	97-24-041	260-24-170	REP-P	97-04-060	260-24-350	REP-W	97-17-043
251-19-100	AMD-C	98-01-140	260-24-170	REP-W	97-17-043	260-24-350	REP-P	97-21-092
251-19-105	AMD-P	97-22-060	260-24-170	REP-P	97-21-092	260-24-350	REP	98-01-145
251-19-105	AMD-C	97-24-040	260-24-170	REP	98-01-145	260-24-360	REP-P	97-04-060
251-19-105	AMD-C	98-01-142	260-24-180	REP-P	97-04-060	260-24-360	REP-W	97-17-043
251-20-020	AMD-P	97-08-090	260-24-180	REP-W	97-17-043	260-24-360	REP-P	97-21-092
251-20-020	AMD-W	97-10-088	260-24-180	REP-P	97-21-092	260-24-360	REP	98-01-145
251-20-020	AMD-P	97-10-089	260-24-180	REP	98-01-145	260-24-370	REP-P	97-04-060
251-20-020	AMD	97-13-045	260-24-190	REP-P	97-04-060	260-24-370	REP-W	97-17-043
260-20	PREP	97-24-008	260-24-190	REP-W	97-17-043	260-24-370	REP-P	97-21-092
260-24-010	REP-P	97-04-060	260-24-190	REP-P	97-21-092	260-24-370	REP	98-01-145
260-24-010	REP-W	97-17-043	260-24-190	REP	98-01-145	260-24-380	REP-P	97-04-060
260-24-010	REP-P	97-21-092	260-24-200	REP-P	97-04-060	260-24-380	REP-W	97-17-043
260-24-010	REP	98-01-145	260-24-200	REP-W	97-17-043	260-24-380	REP-P	97-21-092
260-24-020	REP-P	97-04-060	260-24-200	REP-P	97-21-092	260-24-380	REP	98-01-145
260-24-020	REP-W	97-17-043	260-24-200	REP	98-01-145	260-24-390	REP-P	97-04-060
260-24-020	REP-P	97-21-092	260-24-210	REP-P	97-04-060	260-24-390	REP-W	97-17-043
260-24-020	REP	98-01-145	260-24-210	REP-W	97-17-043	260-24-390	REP-P	97-21-092
260-24-030	REP-P	97-04-060	260-24-210	REP-P	97-21-092	260-24-390	REP	98-01-145
260-24-030	REP-W	97-17-043	260-24-210	REP	98-01-145	260-24-400	REP-P	97-04-060
260-24-030	REP-P	97-21-092	260-24-220	REP-P	97-04-060	260-24-400	REP-W	97-17-043
260-24-040	REP-P	97-04-060	260-24-220	REP-W	97-17-043	260-24-400	REP-P	97-21-092
260-24-040	REP-W	97-17-043	260-24-220	REP-P	97-21-092	260-24-400	REP	98-01-145
260-24-040	REP-P	97-21-092	260-24-220	REP	98-01-145	260-24-410	REP-P	97-04-060
260-24-040	REP	98-01-145	260-24-230	REP-P	97-04-060	260-24-410	REP-W	97-17-043
260-24-050	REP-P	97-04-060	260-24-230	REP-W	97-17-043	260-24-410	REP-P	97-21-092
260-24-050	REP-W	97-17-043	260-24-230	REP-P	97-21-092	260-24-410	REP	98-01-145
260-24-050	REP-P	97-21-092	260-24-230	REP	98-01-145	260-24-420	REP-P	97-04-060
260-24-050	REP	98-01-145	260-24-240	REP-P	97-04-060	260-24-420	REP-W	97-17-043
260-24-060	REP-P	97-04-060	260-24-240	REP-W	97-17-043	260-24-420	REP-P	97-21-092
260-24-060	REP-W	97-17-043	260-24-240	REP-P	97-21-092	260-24-420	REP	98-01-145
260-24-060	REP-P	97-21-092	260-24-240	REP	98-01-145	260-24-430	REP-P	97-04-060
260-24-060	REP	98-01-145	260-24-250	REP-P	97-04-060	260-24-430	REP-W	97-17-043
260-24-070	REP-P	97-04-060	260-24-250	REP-W	97-17-043	260-24-430	REP-P	97-21-092
260-24-070	REP-W	97-17-043	260-24-250	REP-P	97-21-092	260-24-430	REP	98-01-145
260-24-070	REP-P	97-21-092	260-24-250	REP	98-01-145	260-24-440	REP-P	97-04-060
260-24-070	REP	98-01-145	260-24-260	REP-P	97-04-060	260-24-440	REP-W	97-17-043
260-24-080	REP-P	97-04-060	260-24-260	REP-W	97-17-043	260-24-440	REP-P	97-21-092
260-24-080	REP-W	97-17-043	260-24-260	REP-P	97-21-092	260-24-440	REP	98-01-145
260-24-080	REP-P	97-21-092	260-24-260	REP	98-01-145	260-24-450	REP-P	97-04-060
260-24-080	REP	98-01-145	260-24-270	REP-P	97-04-060	260-24-450	REP-W	97-17-043
260-24-090	REP-P	97-04-060	260-24-270	REP-W	97-17-043	260-24-450	REP-P	97-21-092
260-24-090	REP-W	97-17-043	260-24-270	REP-P	97-21-092	260-24-450	REP	98-01-145
260-24-090	REP-P	97-21-092	260-24-270	REP	98-01-145	260-24-460	REP-P	97-04-060
260-24-090	REP	98-01-145	260-24-280	REP-P	97-04-060	260-24-460	REP-W	97-17-043
260-24-100	REP-P	97-04-060	260-24-280	REP-W	97-17-043	260-24-460	REP-P	97-21-092
260-24-100	REP-W	97-17-043	260-24-280	REP-P	97-21-092	260-24-460	REP	98-01-145
260-24-100	REP-P	97-21-092	260-24-280	REP	98-01-145	260-24-465	REP-P	97-04-060
260-24-100	REP	98-01-145	260-24-290	REP-P	97-04-060	260-24-465	REP-W	97-17-043
260-24-110	REP-P	97-04-060	260-24-290	REP-W	97-17-043	260-24-465	REP-P	97-21-092
260-24-110	REP-W	97-17-043	260-24-290	REP-P	97-21-092	260-24-465	REP	98-01-145
260-24-110	REP-P	97-21-092	260-24-290	REP	98-01-145	260-24-470	REP-P	97-04-060
260-24-110	REP	98-01-145	260-24-300	REP-P	97-04-060	260-24-470	REP-W	97-17-043
260-24-120	REP-P	97-04-060	260-24-300	REP-W	97-17-043	260-24-470	REP-P	97-21-092
260-24-120	REP-W	97-17-043	260-24-300	REP-P	97-21-092	260-24-470	REP	98-01-145
260-24-120	REP-P	97-21-092	260-24-300	REP	98-01-145	260-24-480	REP-P	97-04-060
260-24-120	REP	98-01-145	260-24-310	REP-P	97-04-060	260-24-480	REP-W	97-17-043
260-24-130	REP-P	97-04-060	260-24-310	REP-W	97-17-043	260-24-480	REP-P	97-21-092
260-24-130	REP-W	97-17-043	260-24-310	REP-P	97-21-092	260-24-480	REP	98-01-145
260-24-130	REP-P	97-21-092	260-24-310	REP	98-01-145	260-24-500	NEW-P	97-04-060
260-24-130	REP	98-01-145	260-24-320	REP-P	97-04-060	260-24-500	NEW-W	97-17-043
260-24-140	REP-P	97-04-060	260-24-320	REP-W	97-17-043	260-24-500	NEW-P	97-21-092
260-24-140	REP-W	97-17-043	260-24-320	REP-P	97-21-092	260-24-500	NEW	98-01-145
260-24-140	REP-P	97-21-092	260-24-320	REP	98-01-145	260-24-510	NEW-P	97-04-060
260-24-140	REP	98-01-145	260-24-330	REP-P	97-04-060	260-24-510	NEW-W	97-17-043
260-24-150	REP-P	97-04-060	260-24-330	REP-W	97-17-043	260-24-510	NEW-P	97-21-092
260-24-150	REP-W	97-17-043	260-24-330	REP-P	97-21-092	260-24-510	NEW	98-01-145

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
260-24-520	NEW-P	97-04-060	260-24-700	NEW-W	97-17-043	275-27-400	AMD-E	97-11-009
260-24-520	NEW-W	97-17-043	260-24-700	NEW-P	97-21-092	275-27-400	AMD	97-13-051
260-24-520	NEW-P	97-21-092	260-24-700	NEW	98-01-145	275-30	PREP	97-19-103
260-24-520	NEW	98-01-145	260-28	PREP	97-24-009	275-30-020	REP-P	97-19-102
260-24-530	NEW-P	97-04-060	260-32	PREP	97-04-059	275-30-020	REP	98-01-125
260-24-530	NEW-W	97-17-043	260-32-180	AMD-P	98-01-147	275-33-010	REP-P	97-19-102
260-24-530	NEW-P	97-21-092	260-32-360	REP-P	98-01-147	275-33-010	REP	98-01-125
260-24-530	NEW	98-01-145	260-32-370	NEW-P	97-21-093	275-46-005	REP-P	97-19-102
260-24-540	NEW-P	97-04-060	260-32-370	NEW	98-01-146	275-46-005	REP	98-01-125
260-24-540	NEW-W	97-17-043	260-36	PREP	97-24-010	275-48-010	PREP	97-15-131
260-24-540	NEW-P	97-21-092	260-48	PREP	97-04-058	275-48-010	REP-P	97-19-102
260-24-540	NEW	98-01-145	260-48-890	AMD-P	97-21-094	275-48-010	REP	98-01-125
260-24-550	NEW-P	97-04-060	260-48-890	AMD	98-01-148	275-48-015	PREP	97-15-131
260-24-550	NEW-W	97-17-043	260-52	PREP	97-24-011	275-48-015	REP-P	97-19-102
260-24-550	NEW-P	97-21-092	260-56	PREP	97-24-012	275-48-015	REP	98-01-125
260-24-550	NEW	98-01-145	262-01-030	PREP	97-06-112	275-48-020	PREP	97-15-131
260-24-560	NEW-P	97-04-060	262-01-030	AMD-P	97-09-091	275-48-020	REP-P	97-19-102
260-24-560	NEW-W	97-17-043	262-01-030	AMD-W	97-10-060	275-48-020	REP	98-01-125
260-24-560	NEW-P	97-21-092	262-01-030	AMD-P	97-11-065	275-48-025	PREP	97-15-131
260-24-560	NEW	98-01-145	262-01-030	AMD	97-16-021	275-48-025	REP-P	97-19-102
260-24-570	NEW-P	97-04-060	262-01-130	NEW-P	97-17-078	275-48-025	REP	98-01-125
260-24-570	NEW-W	97-17-043	262-01-130	NEW	97-20-086	275-48-030	PREP	97-15-131
260-24-570	NEW-P	97-21-092	262-02-020	PREP	97-06-112	275-48-030	REP-P	97-19-102
260-24-570	NEW	98-01-145	262-02-020	AMD-P	97-09-090	275-48-030	REP	98-01-125
260-24-580	NEW-P	97-04-060	262-02-020	AMD-W	97-10-060	275-48-035	PREP	97-15-131
260-24-580	NEW-W	97-17-043	262-02-020	AMD-P	97-11-064	275-48-035	REP-P	97-19-102
260-24-580	NEW-P	97-21-092	262-02-020	AMD	97-16-020	275-48-035	REP	98-01-125
260-24-580	NEW	98-01-145	262-02-030	PREP	97-06-112	275-48-040	PREP	97-15-131
260-24-590	NEW-P	97-04-060	262-02-030	AMD-P	97-09-090	275-48-040	REP-P	97-19-102
260-24-590	NEW-W	97-17-043	262-02-030	AMD-W	97-10-060	275-48-040	REP	98-01-125
260-24-590	NEW-P	97-21-092	262-02-030	AMD-P	97-11-064	275-48-045	PREP	97-15-131
260-24-590	NEW	98-01-145	262-02-030	AMD	97-16-020	275-48-045	REP-P	97-19-102
260-24-600	NEW-P	97-04-060	262-03	PREP	97-07-068	275-48-045	REP	98-01-125
260-24-600	NEW-W	97-17-043	262-03-010	NEW-P	97-11-063	275-48-050	PREP	97-15-131
260-24-600	NEW-P	97-21-092	262-03-010	NEW	97-16-019	275-48-050	REP-P	97-19-102
260-24-600	NEW	98-01-145	262-03-020	NEW-P	97-11-063	275-48-050	REP	98-01-125
260-24-610	NEW-P	97-04-060	262-03-020	NEW	97-16-019	275-60-010	PREP-X	97-14-071
260-24-610	NEW-W	97-17-043	262-03-030	NEW-P	97-11-063	275-60-010	REP	97-18-052
260-24-610	NEW-P	97-21-092	262-03-030	NEW	97-16-019	275-60-020	PREP-X	97-14-071
260-24-610	NEW	98-01-145	262-03-040	NEW-P	97-11-063	275-60-020	REP	97-18-052
260-24-620	NEW-P	97-04-060	262-03-040	NEW	97-16-019	275-60-030	PREP-X	97-14-071
260-24-620	NEW-W	97-17-043	262-03-050	NEW-P	97-11-063	275-60-030	REP	97-18-052
260-24-620	NEW-P	97-21-092	262-03-050	NEW	97-16-019	275-60-040	PREP-X	97-14-071
260-24-620	NEW	98-01-145	262-03-060	NEW-P	97-11-063	275-60-040	REP	97-18-052
260-24-630	NEW-P	97-04-060	262-03-060	NEW	97-16-019	275-60-050	PREP-X	97-14-071
260-24-630	NEW-W	97-17-043	262-03-070	NEW-P	97-11-063	275-60-050	REP	97-18-052
260-24-630	NEW-P	97-21-092	262-03-070	NEW	97-16-019	275-60-060	PREP-X	97-14-071
260-24-630	NEW	98-01-145	262-03-080	NEW-P	97-11-063	275-60-060	REP	97-18-052
260-24-640	NEW-P	97-04-060	262-03-080	NEW	97-16-019	275-60-070	PREP-X	97-14-071
260-24-640	NEW-W	97-17-043	262-03-090	NEW-P	97-11-063	275-60-070	REP	97-18-052
260-24-640	NEW-P	97-21-092	262-03-090	NEW	97-16-019	275-60-200	PREP-X	97-14-071
260-24-640	NEW	98-01-145	262-04	PREP	97-14-025	275-60-200	REP	97-18-052
260-24-650	NEW-P	97-04-060	275-27-023	AMD-E	97-03-033	275-60-300	PREP-X	97-14-071
260-24-650	NEW-W	97-17-043	275-27-023	AMD-P	97-08-007	275-60-300	REP	97-18-052
260-24-650	NEW-P	97-21-092	275-27-023	AMD-E	97-11-009	275-60-400	PREP-X	97-14-071
260-24-650	NEW	98-01-145	275-27-023	AMD	97-13-051	275-60-400	REP	97-18-052
260-24-660	NEW-P	97-04-060	275-27-220	AMD-E	97-03-033	275-60-500	PREP-X	97-14-071
260-24-660	NEW-W	97-17-043	275-27-220	AMD-P	97-08-007	275-60-500	REP	97-18-052
260-24-660	NEW-P	97-21-092	275-27-220	AMD-E	97-11-009	275-60-510	PREP-X	97-14-071
260-24-660	NEW	98-01-145	275-27-220	AMD	97-13-051	275-60-510	REP	97-18-052
260-24-670	NEW-P	97-04-060	275-27-221	REP-E	97-03-033	275-60-520	PREP-X	97-14-071
260-24-670	NEW-W	97-17-043	275-27-221	REP-P	97-08-007	275-60-520	REP	97-18-052
260-24-670	NEW-P	97-21-092	275-27-221	REP-E	97-11-009	275-76-005	PREP	97-15-131
260-24-670	NEW	98-01-145	275-27-221	REP	97-13-051	275-76-005	REP-P	97-19-102
260-24-680	NEW-P	97-04-060	275-27-222	NEW-P	97-08-007	275-76-005	REP	98-01-125
260-24-680	NEW-W	97-17-043	275-27-222	NEW-E	97-11-009	275-76-010	PREP	97-15-131
260-24-680	NEW-P	97-21-092	275-27-222	NEW	97-13-051	275-76-010	REP-P	97-19-102
260-24-680	NEW	98-01-145	275-27-223	AMD-E	97-03-033	275-76-010	REP	98-01-125
260-24-690	NEW-P	97-04-060	275-27-223	AMD-P	97-08-007	275-76-020	PREP	97-15-131
260-24-690	NEW-W	97-17-043	275-27-223	AMD-E	97-11-009	275-76-020	REP-P	97-19-102
260-24-690	NEW-P	97-21-092	275-27-223	AMD	97-13-051	275-76-020	REP	98-01-125
260-24-690	NEW	98-01-145	275-27-400	AMD-E	97-03-033	275-76-030	PREP	97-15-131
260-24-700	NEW-P	97-04-060	275-27-400	AMD-P	97-08-007	275-76-030	REP-P	97-19-102

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
275-76-030	REP	98-01-125	275-80-872	PREP	97-15-131	275-150-060	REP-P	97-19-102
275-76-040	PREP	97-15-131	275-80-872	REP-P	97-19-102	275-150-060	REP	98-01-125
275-76-040	REP-P	97-19-102	275-80-872	REP	98-01-125	275-150-070	PREP	97-15-131
275-76-040	REP	98-01-125	275-80-876	PREP	97-15-131	275-150-070	REP-P	97-19-102
275-76-050	PREP	97-15-131	275-80-876	REP-P	97-19-102	275-150-070	REP	98-01-125
275-76-050	REP-P	97-19-102	275-80-876	REP	98-01-125	275-150-080	PREP	97-15-131
275-76-050	REP	98-01-125	275-80-878	PREP	97-15-131	275-150-080	REP-P	97-19-102
275-76-060	PREP	97-15-131	275-80-878	REP-P	97-19-102	275-150-080	REP	98-01-125
275-76-060	REP-P	97-19-102	275-80-878	REP	98-01-125	275-150-090	PREP	97-15-131
275-76-060	REP	98-01-125	275-80-890	PREP	97-15-131	275-150-090	REP-P	97-19-102
275-76-070	PREP	97-15-131	275-80-890	REP-P	97-19-102	275-150-090	REP	98-01-125
275-76-070	REP-P	97-19-102	275-80-890	REP	98-01-125	275-155	AMD-P	97-11-044
275-76-070	REP	98-01-125	275-80-895	PREP	97-15-131	275-155	AMD	97-24-054
275-76-080	PREP	97-15-131	275-80-895	REP-P	97-19-102	275-155-005	AMD-P	97-11-044
275-76-080	REP-P	97-19-102	275-80-895	REP	98-01-125	275-155-005	AMD	97-24-054
275-76-080	REP	98-01-125	275-80-900	PREP	97-15-131	275-155-010	AMD-P	97-11-044
275-76-090	PREP	97-15-131	275-80-900	REP-P	97-19-102	275-155-010	AMD	97-24-054
275-76-090	REP-P	97-19-102	275-80-900	REP	98-01-125	275-155-070	NEW-P	97-11-044
275-76-090	REP	98-01-125	275-80-905	PREP	97-15-131	275-155-070	NEW	97-24-054
275-76-100	PREP	97-15-131	275-80-905	REP-P	97-19-102	275-155-080	NEW-P	97-11-044
275-76-100	REP-P	97-19-102	275-80-905	REP	98-01-125	275-155-080	NEW	97-24-054
275-76-100	REP	98-01-125	275-80-910	PREP	97-15-131	275-155-090	NEW-P	97-11-044
275-76-110	PREP	97-15-131	275-80-910	REP-P	97-19-102	275-155-090	NEW	97-24-054
275-76-110	REP-P	97-19-102	275-80-910	REP	98-01-125	275-155-100	NEW-P	97-11-044
275-76-110	REP	98-01-125	275-80-915	PREP	97-15-131	275-155-100	NEW	97-24-054
275-76-120	PREP	97-15-131	275-80-915	REP-P	97-19-102	275-155-110	NEW-P	97-11-044
275-76-120	REP-P	97-19-102	275-80-915	REP	98-01-125	275-155-110	NEW	97-24-054
275-76-120	REP	98-01-125	275-80-920	PREP	97-15-131	275-155-120	NEW-P	97-11-044
275-76-130	PREP	97-15-131	275-80-920	REP-P	97-19-102	275-155-120	NEW	97-24-054
275-76-130	REP-P	97-19-102	275-80-920	REP	98-01-125	275-155-130	NEW-P	97-11-044
275-76-130	REP	98-01-125	275-80-925	PREP	97-15-131	275-155-130	NEW	97-24-054
275-76-140	PREP	97-15-131	275-80-925	REP-P	97-19-102	275-155-140	NEW-P	97-11-044
275-76-140	REP-P	97-19-102	275-80-925	REP	98-01-125	275-155-140	NEW	97-24-054
275-76-140	REP	98-01-125	275-80-930	PREP	97-15-131	284-01-050	NEW-P	98-01-118
275-76-150	PREP	97-15-131	275-80-930	REP-P	97-19-102	284-04	NEW-C	97-03-023
275-76-150	REP-P	97-19-102	275-80-930	REP	98-01-125	284-04	NEW-C	97-03-120
275-76-150	REP	98-01-125	275-80-935	PREP	97-15-131	284-04	NEW-C	97-08-091
275-80-805	PREP	97-15-131	275-80-935	REP-P	97-19-102	284-04	NEW-W	97-10-072
275-80-805	REP-P	97-19-102	275-80-935	REP	98-01-125	284-10-010	REP-P	97-21-155
275-80-805	REP	98-01-125	275-80-940	PREP	97-15-131	284-10-015	REP-P	97-21-155
275-80-810	PREP	97-15-131	275-80-940	REP-P	97-19-102	284-10-020	REP-P	97-21-155
275-80-810	REP-P	97-19-102	275-80-940	REP	98-01-125	284-10-030	REP-P	97-21-155
275-80-810	REP	98-01-125	275-80-940	REP	98-01-125	284-10-050	REP-P	97-21-155
275-80-815	PREP	97-15-131	275-80-995	PREP	97-15-131	284-10-060	REP-P	97-21-155
275-80-815	REP-P	97-19-102	275-80-995	REP-P	97-19-102	284-10-070	REP-P	97-21-155
275-80-815	REP	98-01-125	275-80-995	REP	98-01-125	284-10-090	REP-P	97-21-155
275-80-840	PREP	97-15-131	275-110-010	PREP	97-15-131	284-10-140	REP-P	97-21-155
275-80-840	REP-P	97-19-102	275-110-020	PREP	97-15-131	284-13-505	NEW	97-05-012
275-80-840	REP	98-01-125	275-110-030	PREP	97-15-131	284-13-515	NEW	97-05-012
275-80-842	PREP	97-15-131	275-110-040	PREP	97-15-131	284-13-520	AMD	97-05-012
275-80-842	REP-P	97-19-102	275-110-050	PREP	97-15-131	284-13-530	NEW	97-05-012
275-80-842	REP	98-01-125	275-110-060	PREP	97-15-131	284-13-535	NEW	97-05-012
275-80-844	PREP	97-15-131	275-110-070	PREP	97-15-131	284-13-540	AMD	97-05-012
275-80-844	REP-P	97-19-102	275-110-080	PREP	97-15-131	284-13-550	AMD	97-05-012
275-80-844	REP	98-01-125	275-110-090	PREP	97-15-131	284-13-560	AMD	97-05-012
275-80-846	PREP	97-15-131	275-110-100	PREP	97-15-131	284-13-570	AMD	97-05-012
275-80-846	REP-P	97-19-102	275-110-110	PREP	97-15-131	284-13-590	AMD	97-05-012
275-80-846	REP	98-01-125	275-110-120	PREP	97-15-131	284-13-595	NEW	97-05-012
275-80-848	PREP	97-15-131	275-150-010	PREP	97-15-131	284-17-135	REP-XA	98-01-135
275-80-848	REP-P	97-19-102	275-150-010	REP-P	97-19-102	284-17-220	AMD-P	97-15-150
275-80-848	REP	98-01-125	275-150-010	REP	98-01-125	284-17-220	AMD	97-19-007
275-80-852	PREP	97-15-131	275-150-020	PREP	97-15-131	284-23	PREP	97-20-140
275-80-852	REP-P	97-19-102	275-150-020	REP-P	97-19-102	284-23	AMD-C	98-01-134
275-80-852	REP	98-01-125	275-150-020	REP	98-01-125	284-23-610	AMD-P	97-22-108
275-80-854	PREP	97-15-131	275-150-030	PREP	97-15-131	284-23-620	AMD-P	97-22-108
275-80-854	REP-P	97-19-102	275-150-030	REP-P	97-19-102	284-23-640	AMD-P	97-22-108
275-80-854	REP	98-01-125	275-150-030	REP	98-01-125	284-23-645	NEW-P	97-22-108
275-80-860	PREP	97-15-131	275-150-040	PREP	97-15-131	284-23-650	AMD-P	97-22-108
275-80-860	REP-P	97-19-102	275-150-040	REP-P	97-19-102	284-23-660	AMD-P	97-22-108
275-80-860	REP	98-01-125	275-150-040	REP	98-01-125	284-23-690	AMD-P	97-22-108
275-80-870	PREP	97-15-131	275-150-050	PREP	97-15-131	284-23-710	AMD-P	97-22-108
275-80-870	REP-P	97-19-102	275-150-050	REP-P	97-19-102	284-23-730	AMD-P	97-22-108
275-80-870	REP	98-01-125	275-150-060	REP	98-01-125	284-30-395	NEW-S	97-03-090
				PREP	97-15-131			

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
284-30-395	NEW-C	97-08-045	284-43-925	NEW-P	97-20-139	286-13-110	AMD	97-17-004
284-30-395	NEW-C	97-11-010	284-43-925	NEW-C	97-21-151	286-13-115	PREP	97-08-079
284-30-395	NEW	97-13-005	284-43-930	NEW-P	97-20-139	286-13-115	AMD-P	97-12-027
284-43	AMD-P	97-21-155	284-43-930	NEW-C	97-21-151	286-13-115	AMD	97-17-004
284-43	AMD-C	98-01-120	284-43-935	NEW-P	97-20-139	286-26-060	PREP	97-24-118
284-43-040	REP-P	97-21-155	284-43-935	NEW-C	97-21-151	286-26-080	AMD-P	97-04-006
284-43-100	REP-P	97-21-155	284-43-940	NEW-P	97-20-139	286-26-080	AMD	97-08-003
284-43-110	NEW-W	97-08-044	284-43-940	NEW-C	97-21-151	286-26-110	PREP	97-24-118
284-43-110	NEW-P	97-21-155	284-43-945	NEW-P	97-20-139	286-27-040	AMD-P	97-04-006
284-43-120	NEW-W	97-08-044	284-43-945	NEW-C	97-21-151	286-27-040	AMD	97-08-003
284-43-120	NEW-P	97-21-155	284-43-950	NEW-P	97-20-139	286-27-040	PREP	97-24-118
284-43-130	NEW-W	97-08-044	284-43-950	NEW-C	97-21-151	286-27-050	REP-P	97-04-006
284-43-130	NEW-P	97-21-155	284-43-955	NEW-P	97-20-139	286-27-050	REP	97-08-003
284-43-200	NEW-W	97-08-044	284-43-955	NEW-C	97-21-151	286-27-055	PREP	97-24-118
284-43-200	NEW-P	97-21-155	284-44	REP-C	98-01-121	286-27-065	PREP	97-24-118
284-43-210	NEW-W	97-08-044	284-44-100	REP-P	97-20-139	286-30	PREP	97-24-118
284-43-210	NEW-P	97-21-155	284-44-100	REP-C	97-21-151	286-35-030	AMD-P	97-04-006
284-43-220	NEW-P	97-21-155	284-44-110	REP-P	97-20-139	286-35-030	AMD	97-08-003
284-43-250	NEW-P	97-21-155	284-44-110	REP-C	97-21-151	286-35-040	REP-P	97-04-006
284-43-300	NEW-W	97-08-044	284-44-120	REP-P	97-20-139	286-35-040	REP	97-08-003
284-43-300	NEW-P	97-21-155	284-44-120	REP-C	97-21-151	286-40-020	AMD-P	97-04-006
284-43-310	NEW-W	97-08-044	284-44-130	REP-P	97-20-139	286-40-020	AMD	97-08-003
284-43-310	NEW-P	97-21-155	284-44-130	REP-C	97-21-151	286-40-050	PREP	97-24-118
284-43-320	NEW-W	97-08-044	284-44-140	REP-P	97-20-139	287-04-029	NEW-XA	97-20-060
284-43-320	NEW-P	97-21-155	284-44-140	REP-C	97-21-151	287-04-029	NEW	98-01-138
284-43-330	NEW-W	97-08-044	284-44-150	REP-P	97-20-139	287-04-031	AMD-XA	97-20-060
284-43-330	NEW-P	97-21-155	284-44-150	REP-C	97-21-151	287-04-031	AMD	98-01-138
284-43-340	NEW-W	97-08-044	284-44-160	REP-P	97-20-139	287-04-032	NEW-XA	97-20-060
284-43-340	NEW-P	97-21-155	284-44-160	REP-C	97-21-151	287-04-032	NEW	98-01-138
284-43-350	NEW-W	97-08-044	284-44-190	REP-P	97-20-139	287-04-033	NEW-XA	97-20-060
284-43-360	NEW-W	97-08-044	284-44-190	REP-C	97-21-151	287-04-033	NEW	98-01-138
284-43-400	NEW-W	97-08-044	284-44-200	REP-P	97-20-139	287-04-034	NEW-XA	97-20-060
284-43-400	NEW-P	97-21-155	284-44-200	REP-C	97-21-151	287-04-034	NEW	98-01-138
284-43-410	NEW-W	97-08-044	284-44-210	REP-P	97-20-139	287-04-038	NEW-XA	97-20-060
284-43-410	NEW-P	97-21-155	284-44-210	REP-C	97-21-151	287-04-038	NEW	98-01-138
284-43-420	NEW-W	97-08-044	284-44-220	REP-P	97-20-139	287-04-039	NEW-XA	97-20-060
284-43-420	NEW-P	97-21-155	284-44-220	REP-C	97-21-151	287-04-039	NEW	98-01-138
284-43-500	NEW-W	97-08-044	284-44-240	REP-W	97-08-044	292-09-010	AMD-P	97-05-022
284-43-510	NEW-W	97-08-044	284-44-240	REP-P	97-21-155	292-09-010	AMD	97-13-069
284-43-520	NEW-W	97-08-044	284-44-410	REP-W	97-08-044	292-11-010	NEW-S	97-05-023
284-43-530	NEW-W	97-08-044	284-44-410	REP-P	97-21-155	292-11-010	NEW	97-13-075
284-43-540	NEW-W	97-08-044	284-46-020	REP-P	97-21-155	292-11-020	NEW-S	97-05-023
284-43-550	NEW-W	97-08-044	284-46-575	REP-W	97-08-044	292-11-020	NEW	97-13-075
284-43-560	NEW-W	97-08-044	284-46-575	REP-P	97-21-155	292-11-030	NEW-W	97-09-057
284-43-600	NEW-W	97-08-044	284-51-050	PREP	97-04-074	292-110-010	PREP	97-13-006
284-43-610	NEW-W	97-08-044	284-53-010	PREP	98-01-117	292-110-010	AMD-P	97-21-076
284-43-610	NEW-P	97-21-155	284-54-750	NEW-P	97-15-150	292-110-050	NEW-P	97-20-098
284-43-620	NEW-W	97-08-044	284-54-750	NEW	97-19-007	292-110-060	NEW-P	97-20-099
284-43-620	NEW-P	97-21-155	284-74-010	PREP	97-20-141	292-120-010	NEW-P	97-03-133
284-43-630	NEW-W	97-08-044	284-74-010	AMD-P	98-01-121	292-120-010	NEW	97-07-058
284-43-630	NEW-P	97-21-155	284-74-020	NEW-P	98-01-121	292-120-020	NEW-P	97-03-133
284-43-640	NEW-W	97-08-044	284-85-085	AMD-P	97-15-150	292-120-020	NEW	97-07-058
284-43-640	NEW-P	97-21-155	284-85-085	AMD	97-19-007	292-120-030	NEW-P	97-03-133
284-43-650	NEW-W	97-08-044	286-04-010	PREP	97-24-118	292-120-030	NEW	97-07-058
284-43-650	NEW-P	97-21-155	286-04-060	PREP	97-24-118	292-120-040	NEW-P	97-03-133
284-43-700	NEW-C	97-05-006	286-06-065	PREP	97-24-118	292-120-040	NEW	97-07-058
284-43-700	NEW-C	97-08-046	286-13-030	PREP	97-24-118	296-04-001	REP-P	97-23-088
284-43-700	NEW-W	97-11-001	286-13-040	PREP	97-08-079	296-04-005	REP-P	97-23-088
284-43-700	NEW-P	97-21-155	286-13-040	AMD-P	97-12-027	296-04-010	REP-P	97-23-088
284-43-710	NEW-P	97-21-155	286-13-040	AMD	97-17-004	296-04-015	REP-P	97-23-088
284-43-720	NEW-P	97-21-155	286-13-040	PREP	97-24-118	296-04-040	REP-P	97-23-088
284-43-730	NEW-P	97-21-155	286-13-045	AMD-P	97-04-006	296-04-042	REP-P	97-23-088
284-43-800	NEW-P	97-21-155	286-13-045	AMD	97-08-003	296-04-045	REP-P	97-23-088
284-43-900	NEW-P	97-20-139	286-13-045	PREP	97-24-118	296-04-05001	REP-P	97-23-088
284-43-900	NEW-C	97-21-151	286-13-070	PREP	97-24-118	296-04-060	REP-P	97-23-088
284-43-905	NEW-P	97-20-139	286-13-085	AMD-P	97-04-006	296-04-090	REP-P	97-23-088
284-43-905	NEW-C	97-21-151	286-13-085	AMD	97-08-003	296-04-105	REP-P	97-23-088
284-43-910	NEW-P	97-20-139	286-13-085	PREP	97-24-118	296-04-115	REP-P	97-23-088
284-43-910	NEW-C	97-21-151	286-13-100	PREP	97-24-118	296-04-125	REP-P	97-23-088
284-43-915	NEW-P	97-20-139	286-13-110	AMD-P	97-04-006	296-04-160	REP-P	97-23-088
284-43-915	NEW-C	97-21-151	286-13-110	AMD	97-08-003	296-04-165	REP-P	97-23-088
284-43-920	NEW-P	97-20-139	286-13-110	PREP	97-08-079	296-04-260	REP-P	97-23-088
284-43-920	NEW-C	97-21-151	286-13-110	AMD-P	97-12-027	296-04-270	REP-P	97-23-088



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296-17	PREP	97-15-142	296-17-91902	AMD-P	97-19-095	296-23A-0520	NEW	97-06-066
296-17-45003	AMD	97-06-007	296-17-91902	AMD	97-24-062	296-23A-0530	NEW	97-06-066
296-17-45003	AMD-E	97-08-043	296-17-91903	AMD-P	97-19-095	296-23A-0540	NEW	97-06-066
296-17-45003	AMD-P	97-08-051	296-17-91903	AMD	97-24-062	296-23A-0550	NEW	97-06-066
296-17-45003	AMD	97-12-011	296-17-91904	AMD-P	97-19-095	296-23A-0560	NEW	97-06-066
296-17-45006	NEW	97-06-007	296-17-91904	AMD	97-24-062	296-23A-0570	NEW	97-06-066
296-17-45006	AMD-E	97-08-043	296-17-91905	AMD-P	97-19-095	296-23A-0575	NEW	97-06-066
296-17-45006	AMD-P	97-08-051	296-17-91905	AMD	97-24-062	296-23A-0580	NEW	97-06-066
296-17-45006	AMD	97-12-011	296-17-920	AMD-P	97-19-095	296-23A-0600	NEW	97-06-066
296-17-52107	REP	97-06-007	296-17-920	AMD	97-24-062	296-23A-0610	NEW	97-06-066
296-17-52112	REP	97-06-007	296-20	PREP	97-02-096	296-23A-0620	NEW	97-06-066
296-17-52114	NEW	97-06-007	296-20-125	PREP	97-02-097	296-23A-100	REP	97-06-066
296-17-52114	REP-E	97-08-043	296-20-135	PREP	97-02-097	296-23A-105	REP	97-06-066
296-17-52114	REP-P	97-08-051	296-20-135	AMD-P	97-05-076	296-23A-106	REP	97-06-066
296-17-52114	REP	97-12-011	296-20-135	AMD	97-10-017	296-23A-110	REP	97-06-066
296-17-52115	NEW	97-06-007	296-20-135	PREP	98-01-223	296-23A-115	REP	97-06-066
296-17-52115	REP-E	97-08-043	296-20-200	AMD	97-09-036	296-23A-120	REP	97-06-066
296-17-52115	REP-P	97-08-051	296-20-210	AMD	97-09-036	296-23A-125	REP	97-06-066
296-17-52115	REP	97-12-011	296-20-220	AMD	97-09-036	296-23A-130	REP	97-06-066
296-17-52116	NEW	97-06-007	296-23	PREP	97-02-096	296-23A-135	REP	97-06-066
296-17-52117	NEW	97-06-007	296-23-190	REP-P	97-19-090	296-23A-140	REP	97-06-066
296-17-52117	REP-E	97-08-043	296-23-190	REP	97-24-044	296-23A-145	REP	97-06-066
296-17-52117	REP-P	97-08-051	296-23-210	REP-P	97-19-090	296-23A-150	REP	97-06-066
296-17-52117	REP	97-12-011	296-23-210	REP	97-24-044	296-23A-155	REP	97-06-066
296-17-52118	NEW-E	97-08-043	296-23-220	PREP	97-02-097	296-23A-160	REP	97-06-066
296-17-52118	NEW-P	97-08-051	296-23-220	AMD-P	97-05-076	296-23A-165	REP	97-06-066
296-17-52118	NEW	97-12-011	296-23-220	AMD	97-10-017	296-23A-170	REP	97-06-066
296-17-52119	NEW-E	97-08-043	296-23-220	PREP	98-01-223	296-23A-175	REP	97-06-066
296-17-52119	NEW-P	97-08-051	296-23-230	PREP	97-02-097	296-23A-180	REP	97-06-066
296-17-52119	NEW	97-12-011	296-23-230	AMD-P	97-05-076	296-23A-185	REP	97-06-066
296-17-52120	NEW-E	97-08-043	296-23-230	AMD	97-10-017	296-23A-190	REP	97-06-066
296-17-52120	NEW-P	97-08-051	296-23-230	PREP	98-01-223	296-23A-200	REP	97-06-066
296-17-52120	NEW	97-12-011	296-23-265	AMD	97-09-036	296-23A-205	REP	97-06-066
296-17-52121	NEW-E	97-08-043	296-23-26501	NEW	97-09-036	296-23A-210	REP	97-06-066
296-17-52121	NEW-P	97-08-051	296-23-26502	NEW	97-09-036	296-23A-215	REP	97-06-066
296-17-52121	NEW	97-12-011	296-23-26503	NEW	97-09-036	296-23A-220	REP	97-06-066
296-17-52122	NEW-E	97-08-043	296-23-26504	NEW	97-09-036	296-23A-225	REP	97-06-066
296-17-52122	NEW-P	97-08-051	296-23-26505	NEW	97-09-036	296-23A-230	REP	97-06-066
296-17-52122	NEW	97-12-011	296-23-26506	NEW	97-09-036	296-23A-235	REP	97-06-066
296-17-52123	NEW-E	97-08-043	296-23-267	NEW	97-09-036	296-23A-300	REP	97-06-066
296-17-52123	NEW-P	97-08-051	296-23A	PREP	97-02-097	296-23A-310	REP	97-06-066
296-17-52123	NEW	97-12-011	296-23A-0100	NEW	97-06-066	296-23A-315	REP	97-06-066
296-17-52124	NEW-E	97-08-043	296-23A-0110	NEW	97-06-066	296-23A-320	REP	97-06-066
296-17-52124	NEW-P	97-08-051	296-23A-0120	NEW	97-06-066	296-23A-400	REP	97-06-066
296-17-52124	NEW	97-12-011	296-23A-0130	NEW	97-06-066	296-23A-430	REP	97-06-066
296-17-52125	NEW-E	97-08-043	296-23A-0140	NEW	97-06-066	296-24	PREP	97-11-051
296-17-52125	NEW-P	97-08-051	296-23A-0150	NEW	97-06-066	296-24-07801	AMD-P	97-03-085
296-17-52125	NEW	97-12-011	296-23A-0160	NEW	97-06-066	296-24-07801	AMD	97-11-055
296-17-52126	NEW-E	97-08-043	296-23A-0170	NEW	97-06-066	296-24-084	AMD-P	97-03-085
296-17-52126	NEW-P	97-08-051	296-23A-0180	NEW	97-06-066	296-24-084	AMD	97-11-055
296-17-52126	NEW	97-12-011	296-23A-0190	NEW	97-06-066	296-24-088	AMD-P	97-03-085
296-17-855	AMD-P	97-19-095	296-23A-0195	NEW	97-06-066	296-24-088	AMD	97-11-055
296-17-855	AMD	97-24-062	296-23A-0200	NEW	97-06-066	296-24-060	REP-P	97-17-079
296-17-875	AMD-P	97-19-095	296-23A-0210	NEW	97-06-066	296-24-061	NEW-P	97-17-079
296-17-875	AMD	97-24-062	296-23A-0220	NEW	97-06-066	296-24-06105	NEW-P	97-17-079
296-17-880	AMD-P	97-19-095	296-23A-0230	NEW	97-06-066	296-24-06110	NEW-P	97-17-079
296-17-880	AMD	97-24-062	296-23A-0240	NEW	97-06-066	296-24-06115	NEW-P	97-17-079
296-17-885	AMD-P	97-19-095	296-23A-0250	NEW	97-06-066	296-24-06120	NEW-P	97-17-079
296-17-885	AMD	97-24-062	296-23A-0300	NEW	97-06-066	296-24-06125	NEW-P	97-17-079
296-17-890	AMD-P	97-19-095	296-23A-0310	NEW	97-06-066	296-24-06130	NEW-P	97-17-079
296-17-890	AMD	97-24-062	296-23A-0350	NEW	97-06-066	296-24-06135	NEW-P	97-17-079
296-17-895	AMD-P	97-19-095	296-23A-0360	NEW	97-06-066	296-24-06140	NEW-P	97-17-079
296-17-895	AMD	97-24-062	296-23A-0400	NEW	97-06-066	296-24-06145	NEW-P	97-17-079
296-17-89502	NEW	97-06-007	296-23A-0410	NEW	97-06-066	296-24-06150	NEW-P	97-17-079
296-17-89502	AMD-E	97-08-043	296-23A-0420	NEW	97-06-066	296-24-06155	NEW-P	97-17-079
296-17-89502	AMD-P	97-08-051	296-23A-0430	NEW	97-06-066	296-24-06160	NEW-P	97-17-079
296-17-89502	AMD	97-12-011	296-23A-0440	NEW	97-06-066	296-24-065	REP-P	97-17-079
296-17-89502	AMD-P	97-19-095	296-23A-0450	NEW	97-06-066	296-24-067	REP-P	97-17-079
296-17-89502	AMD	97-24-062	296-23A-0460	NEW	97-06-066	296-24-070	REP-P	97-17-079
296-17-919	AMD-P	97-19-095	296-23A-0470	NEW	97-06-066	296-24-18005	AMD-P	97-21-041
296-17-919	AMD	97-24-062	296-23A-0480	NEW	97-06-066	296-24-205	AMD-P	97-21-146
296-17-91901	AMD-P	97-19-095	296-23A-0490	NEW	97-06-066	296-24-20501	AMD-P	97-21-146
296-17-91901	AMD	97-24-062	296-23A-0500	NEW	97-06-066	296-24-20503	AMD-P	97-21-146



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296-44-855	REP-P	97-21-071	296-45-465	NEW-P	97-21-147	296-46-090	AMD-P	97-14-111
296-44-860	REP-P	97-21-071	296-45-475	NEW-P	97-21-147	296-46-090	AMD	97-24-033
296-44-865	REP-P	97-21-071	296-45-485	NEW-P	97-21-147	296-46-130	AMD-P	97-03-083
296-44-870	REP-P	97-21-071	296-45-48505	NEW-P	97-21-147	296-46-130	AMD	97-12-016
296-44-875	REP-P	97-21-071	296-45-48510	NEW-P	97-21-147	296-46-140	AMD-P	97-03-083
296-44-880	REP-P	97-21-071	296-45-48515	NEW-P	97-21-147	296-46-140	AMD	97-12-016
296-44-88001	REP-P	97-21-071	296-45-48520	NEW-P	97-21-147	296-46-150	REP-P	97-03-083
296-44-88002	REP-P	97-21-071	296-45-48525	NEW-P	97-21-147	296-46-150	REP	97-12-016
296-44-88003	REP-P	97-21-071	296-45-48530	NEW-P	97-21-147	296-46-21008	AMD-P	97-03-083
296-44-88004	REP-P	97-21-071	296-45-48535	NEW-P	97-21-147	296-46-21008	AMD	97-12-016
296-44-88005	REP-P	97-21-071	296-45-48540	NEW-P	97-21-147	296-46-21052	AMD-P	97-03-083
296-44-88006	REP-P	97-21-071	296-45-48545	NEW-P	97-21-147	296-46-21052	AMD	97-12-016
296-44-88007	REP-P	97-21-071	296-45-48550	NEW-P	97-21-147	296-46-21052	AMD-P	97-14-111
296-44-88008	REP-P	97-21-071	296-45-48555	NEW-P	97-21-147	296-46-21052	AMD	97-24-033
296-44-88009	REP-P	97-21-071	296-45-48560	NEW-P	97-21-147	296-46-225	AMD-P	97-03-083
296-44-88010	REP-P	97-21-071	296-45-525	NEW-P	97-21-147	296-46-225	AMD	97-12-016
296-44-88011	REP-P	97-21-071	296-45-52505	NEW-P	97-21-147	296-46-23028	AMD-P	97-03-083
296-45	PREP	97-16-119	296-45-52510	NEW-P	97-21-147	296-46-23028	AMD	97-12-016
296-45	AMD-P	97-21-147	296-45-52515	NEW-P	97-21-147	296-46-23062	AMD-P	97-03-083
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296-45-015	NEW-P	97-21-147	296-45-52525	NEW-P	97-21-147	296-46-30001	AMD-P	97-03-083
296-45-025	NEW-P	97-21-147	296-45-52530	NEW-P	97-21-147	296-46-30001	AMD	97-12-016
296-45-035	NEW-P	97-21-147	296-45-52535	NEW-P	97-21-147	296-46-360	AMD-P	97-03-083
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296-45-055	NEW-P	97-21-147	296-45-52545	NEW-P	97-21-147	296-46-370	AMD-P	97-03-083
296-45-065	NEW-P	97-21-147	296-45-52550	NEW-P	97-21-147	296-46-370	AMD	97-12-016
296-45-075	NEW-P	97-21-147	296-45-545	NEW-P	97-21-147	296-46-514	AMD-P	97-03-083
296-45-085	NEW-P	97-21-147	296-45-60013	REP-P	97-21-147	296-46-514	AMD	97-12-016
296-45-095	NEW-P	97-21-147	296-45-650	REP-P	97-21-147	296-46-553	NEW-P	97-03-083
296-45-105	NEW-P	97-21-147	296-45-65003	REP-P	97-21-147	296-46-553	NEW	97-12-016
296-45-115	NEW-P	97-21-147	296-45-65005	REP-P	97-21-147	296-46-700	AMD-P	97-03-083
296-45-125	NEW-P	97-21-147	296-45-65009	REP-P	97-21-147	296-46-700	AMD	97-12-016
296-45-135	NEW-P	97-21-147	296-45-65011	REP-P	97-21-147	296-46-725	AMD-P	97-03-083
296-45-175	NEW-P	97-21-147	296-45-65013	REP-P	97-21-147	296-46-725	AMD	97-12-016
296-45-17505	NEW-P	97-21-147	296-45-65015	REP-P	97-21-147	296-46-910	AMD-P	97-03-083
296-45-17510	NEW-P	97-21-147	296-45-65017	REP-P	97-21-147	296-46-910	AMD-E	97-10-064
296-45-17515	NEW-P	97-21-147	296-45-65019	REP-P	97-21-147	296-46-910	AMD	97-12-016
296-45-17520	NEW-P	97-21-147	296-45-65021	REP-P	97-21-147	296-46-910	AMD-P	97-14-111
296-45-17525	NEW-P	97-21-147	296-45-65023	REP-P	97-21-147	296-46-910	AMD-E	97-16-070
296-45-17530	NEW-P	97-21-147	296-45-65026	REP-P	97-21-147	296-46-910	AMD	97-24-033
296-45-17535	NEW-P	97-21-147	296-45-65027	REP-P	97-21-147	296-46-915	AMD-P	97-03-083
296-45-17540	NEW-P	97-21-147	296-45-65029	REP-P	97-21-147	296-46-915	AMD	97-12-016
296-45-17545	NEW-P	97-21-147	296-45-65031	REP-P	97-21-147	296-46-915	AMD-P	97-14-111
296-45-17550	NEW-P	97-21-147	296-45-65033	REP-P	97-21-147	296-46-915	AMD	97-24-033
296-45-17555	NEW-P	97-21-147	296-45-65035	REP-P	97-21-147	296-46-920	AMD-P	97-03-083
296-45-17560	NEW-P	97-21-147	296-45-65037	REP-P	97-21-147	296-46-920	AMD	97-12-016
296-45-17565	NEW-P	97-21-147	296-45-65038	REP-P	97-21-147	296-46-930	AMD-P	97-14-111
296-45-195	NEW-P	97-21-147	296-45-65039	REP-P	97-21-147	296-46-930	AMD	97-24-033
296-45-205	NEW-P	97-21-147	296-45-65041	REP-P	97-21-147	296-46-950	AMD-P	97-14-111
296-45-215	NEW-P	97-21-147	296-45-65043	REP-P	97-21-147	296-46-950	AMD	97-24-033
296-45-225	NEW-P	97-21-147	296-45-65045	REP-P	97-21-147	296-46-960	NEW-P	97-14-111
296-45-255	NEW-P	97-21-147	296-45-65047	REP-P	97-21-147	296-46-960	NEW	97-24-033
296-45-25505	NEW-P	97-21-147	296-45-660	REP-P	97-21-147	296-49	PREP	97-03-082
296-45-25510	NEW-P	97-21-147	296-45-66001	REP-P	97-21-147	296-49-005	REP-P	97-09-039
296-45-275	NEW-P	97-21-147	296-45-66003	REP-P	97-21-147	296-49-005	REP	97-16-043
296-45-285	NEW-P	97-21-147	296-45-66005	REP-P	97-21-147	296-49-010	REP-P	97-09-039
296-45-295	NEW-P	97-21-147	296-45-66007	REP-P	97-21-147	296-49-010	REP	97-16-043
296-45-305	NEW-P	97-21-147	296-45-66009	REP-P	97-21-147	296-49-015	REP-P	97-09-039
296-45-315	NEW-P	97-21-147	296-45-66011	REP-P	97-21-147	296-49-015	REP	97-16-043
296-45-325	NEW-P	97-21-147	296-45-67543	AMD-P	97-21-147	296-49-020	REP-P	97-09-039
296-45-335	NEW-P	97-21-147	296-45-680	REP-P	97-21-147	296-49-020	REP	97-16-043
296-45-345	NEW-P	97-21-147	296-45-690	REP-P	97-21-147	296-49-025	REP-P	97-09-039
296-45-355	NEW-P	97-21-147	296-45-695	REP-P	97-21-147	296-49-025	REP	97-16-043
296-45-365	NEW-P	97-21-147	296-45-700	REP-P	97-21-147	296-49-030	REP-P	97-09-039
296-45-375	NEW-P	97-21-147	296-45-900	NEW-P	97-21-147	296-49-030	REP	97-16-043
296-45-385	NEW-P	97-21-147	296-45-901	NEW-P	97-21-147	296-49-035	REP-P	97-09-039
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296-45-45520	NEW-P	97-21-147	296-46	PREP	97-21-142	296-49-045	REP	97-16-043
296-45-45525	NEW-P	97-21-147	296-46-090	AMD-P	97-03-083	296-49-050	REP-P	97-09-039
296-45-45530	NEW-P	97-21-147	296-46-090	AMD	97-12-016	296-49-050	REP	97-16-043

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296-49-055	REP	97-16-043	296-62-20017	AMD-P	97-21-040	296-93-280	REP	97-22-069
296-49-060	REP-P	97-09-039	296-62-20027	AMD-P	97-21-040	296-93-290	REP-P	97-14-110
296-49-060	REP	97-16-043	296-62-20029	AMD-P	97-21-040	296-93-290	REP	97-22-069
296-49-065	REP-P	97-09-039	296-63-009	AMD-P	97-21-042	296-93-300	AMD-P	97-03-132
296-49-065	REP	97-16-043	296-65-001	AMD-P	97-09-079	296-93-300	AMD	97-11-053
296-49A-010	NEW-P	97-09-039	296-65-001	AMD	97-19-014	296-93-300	REP-P	97-14-110
296-49A-010	NEW	97-16-043	296-65-030	AMD-P	97-09-079	296-93-300	REP	97-22-069
296-49A-020	NEW-P	97-09-039	296-65-030	AMD	97-19-014	296-93-320	REP-P	97-03-132
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296-49A-030	NEW-P	97-09-039	296-86	PREP	97-21-144	296-93-320	REP-P	97-14-110
296-49A-030	NEW	97-16-043	296-86-020	AMD-P	97-03-132	296-93-330	AMD-P	97-03-132
296-49A-040	NEW-P	97-09-039	296-86-020	AMD	97-11-053	296-93-330	AMD	97-11-053
296-49A-040	NEW	97-16-043	296-86-030	AMD-P	97-03-132	296-93-330	REP-P	97-14-110
296-49A-050	NEW-P	97-09-039	296-86-030	AMD	97-11-053	296-93-330	REP	97-22-069
296-49A-050	NEW	97-16-043	296-86-050	AMD-P	97-03-132	296-93A-010	NEW-P	97-14-110
296-49A-060	NEW-P	97-09-039	296-86-050	AMD	97-11-053	296-93A-010	NEW	97-22-069
296-49A-060	NEW	97-16-043	296-86-060	AMD-P	97-03-132	296-93A-020	NEW-P	97-14-110
296-49A-070	NEW-P	97-09-039	296-86-060	AMD	97-11-053	296-93A-020	NEW	97-22-069
296-49A-070	NEW	97-16-043	296-86-070	AMD-P	97-03-132	296-93A-030	NEW-P	97-14-110
296-49A-080	NEW-P	97-09-039	296-86-070	AMD	97-11-053	296-93A-030	NEW	97-22-069
296-49A-080	NEW	97-16-043	296-86-075	AMD-P	97-03-132	296-93A-040	NEW-P	97-14-110
296-49A-090	NEW-P	97-09-039	296-86-075	AMD	97-11-053	296-93A-040	NEW	97-22-069
296-49A-090	NEW	97-16-043	296-86-080	AMD-P	97-03-132	296-93A-050	NEW-P	97-14-110
296-49A-100	NEW-P	97-09-039	296-86-080	AMD	97-11-053	296-93A-050	NEW	97-22-069
296-49A-100	NEW	97-16-043	296-86-090	NEW-P	97-03-132	296-93A-070	NEW-P	97-14-110
296-49A-110	NEW-P	97-09-039	296-86-090	NEW	97-11-053	296-93A-070	NEW	97-22-069
296-49A-110	NEW	97-16-043	296-93-010	REP-P	97-14-110	296-93A-080	NEW-P	97-14-110
296-54	PREP	97-10-071	296-93-010	REP	97-22-069	296-93A-080	NEW	97-22-069
296-62	PREP	97-05-047	296-93-020	REP-P	97-14-110	296-93A-090	NEW-P	97-14-110
296-62	PREP	97-06-101	296-93-020	REP	97-22-069	296-93A-090	NEW	97-22-069
296-62	PREP	97-09-078	296-93-030	REP-P	97-14-110	296-93A-100	NEW-P	97-14-110
296-62	PREP	97-24-070	296-93-030	REP	97-22-069	296-93A-100	NEW	97-22-069
296-62-05413	AMD-P	97-03-085	296-93-040	REP-P	97-14-110	296-93A-120	NEW-P	97-14-110
296-62-05413	AMD	97-11-055	296-93-040	REP	97-22-069	296-93A-120	NEW	97-22-069
296-62-07113	AMD-P	97-09-079	296-93-050	REP-P	97-14-110	296-93A-140	NEW-P	97-14-110
296-62-07113	AMD	97-19-014	296-93-050	REP	97-22-069	296-93A-140	NEW	97-22-069
296-62-07347	AMD-P	97-21-040	296-93-070	REP-P	97-14-110	296-93A-150	NEW-P	97-14-110
296-62-07354	AMD-P	97-21-040	296-93-070	REP	97-22-069	296-93A-150	NEW	97-22-069
296-62-07460	NEW-P	97-09-079	296-93-080	REP-P	97-14-110	296-93A-160	NEW-P	97-14-110
296-62-07460	NEW	97-19-014	296-93-080	REP	97-22-069	296-93A-160	NEW	97-22-069
296-62-07470	NEW-P	97-13-063	296-93-090	REP-P	97-14-110	296-93A-170	NEW-P	97-14-110
296-62-07470	NEW	97-18-062	296-93-090	REP	97-22-069	296-93A-170	NEW	97-22-069
296-62-07473	NEW-P	97-13-063	296-93-100	REP-P	97-14-110	296-93A-190	NEW-P	97-14-110
296-62-07473	NEW	97-18-062	296-93-100	REP	97-22-069	296-93A-190	NEW	97-22-069
296-62-07475	NEW-P	97-13-063	296-93-120	REP-P	97-14-110	296-93A-200	NEW-P	97-14-110
296-62-07475	NEW	97-18-062	296-93-120	REP	97-22-069	296-93A-200	NEW	97-22-069
296-62-07477	NEW-P	97-13-063	296-93-140	REP-P	97-14-110	296-93A-210	NEW-P	97-14-110
296-62-07477	NEW	97-18-062	296-93-140	REP	97-22-069	296-93A-210	NEW	97-22-069
296-62-075	AMD-P	97-09-079	296-93-150	REP-P	97-14-110	296-93A-220	NEW-P	97-14-110
296-62-075	AMD	97-19-014	296-93-150	REP	97-22-069	296-93A-220	NEW	97-22-069
296-62-07501	AMD-P	97-09-079	296-93-160	REP-P	97-14-110	296-93A-230	NEW-P	97-14-110
296-62-07501	AMD	97-19-014	296-93-160	REP	97-22-069	296-93A-230	NEW	97-22-069
296-62-07510	AMD-P	97-09-079	296-93-170	REP-P	97-14-110	296-93A-240	NEW-P	97-14-110
296-62-07510	AMD	97-19-014	296-93-170	REP	97-22-069	296-93A-240	NEW	97-22-069
296-62-07515	AMD-P	97-09-079	296-93-190	REP-P	97-14-110	296-93A-250	NEW-P	97-14-110
296-62-07515	AMD	97-19-014	296-93-190	REP	97-22-069	296-93A-250	NEW	97-22-069
296-62-07711	AMD-P	97-09-079	296-93-200	REP-P	97-14-110	296-93A-260	NEW-P	97-14-110
296-62-07711	AMD	97-19-014	296-93-200	REP	97-22-069	296-93A-260	NEW	97-22-069
296-62-07712	AMD-P	97-09-079	296-93-210	REP-P	97-14-110	296-93A-270	NEW-P	97-14-110
296-62-07712	AMD	97-19-014	296-93-210	REP	97-22-069	296-93A-270	NEW	97-22-069
296-62-07715	AMD-P	97-09-079	296-93-220	REP-P	97-14-110	296-93A-280	NEW-P	97-14-110
296-62-07715	AMD	97-19-014	296-93-220	REP	97-22-069	296-93A-280	NEW	97-22-069
296-62-07717	AMD-P	97-09-079	296-93-230	REP-P	97-14-110	296-93A-290	NEW-P	97-14-110
296-62-07717	AMD	97-19-014	296-93-230	REP	97-22-069	296-93A-290	NEW	97-22-069
296-62-07721	AMD-P	97-09-079	296-93-240	REP-P	97-14-110	296-93A-300	NEW-P	97-14-110
296-62-07721	AMD	97-19-014	296-93-240	REP	97-22-069	296-93A-300	NEW	97-22-069
296-62-07725	AMD-P	97-09-079	296-93-250	REP-P	97-14-110	296-93A-330	NEW-P	97-14-110
296-62-07725	AMD	97-19-014	296-93-250	REP	97-22-069	296-93A-330	NEW	97-22-069
296-62-07728	AMD-P	97-09-079	296-93-260	REP-P	97-14-110	296-99-010	AMD-P	97-09-079
296-62-07728	AMD	97-19-014	296-93-260	REP	97-22-069	296-99-010	AMD	97-22-065
296-62-07761	REP-P	97-09-079	296-93-270	REP-P	97-14-110	296-99-015	AMD-P	97-09-079
296-62-07761	REP	97-19-014	296-93-270	REP	97-22-069	296-99-015	AMD	97-22-065

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-99-020	AMD-P	97-09-079	296-116-075	DECOD	97-08-042	296-150P-0010	NEW	97-16-043
296-99-020	AMD	97-22-065	296-116-080	DECOD	97-08-042	296-150P-0020	NEW-P	97-09-039
296-99-025	AMD-P	97-09-079	296-116-081	DECOD	97-08-042	296-150P-0020	NEW	97-16-043
296-99-025	AMD	97-22-065	296-116-082	PREP	97-06-102	296-150P-0030	NEW-P	97-09-039
296-99-030	AMD-P	97-09-079	296-116-082	AMD-E	97-08-040	296-150P-0030	NEW	97-16-043
296-99-030	AMD	97-22-065	296-116-082	DECOD	97-08-042	296-150P-0040	NEW-P	97-09-039
296-99-035	AMD-P	97-09-079	296-116-083	DECOD	97-08-042	296-150P-0040	NEW	97-16-043
296-99-035	AMD	97-22-065	296-116-085	DECOD	97-08-042	296-150P-0060	NEW-P	97-09-039
296-99-040	AMD-P	97-09-079	296-116-110	DECOD	97-08-042	296-150P-0060	NEW	97-16-043
296-99-040	AMD	97-22-065	296-116-115	DECOD	97-08-042	296-150P-0100	NEW-P	97-09-039
296-99-045	AMD-P	97-09-079	296-116-120	DECOD	97-08-042	296-150P-0100	NEW	97-16-043
296-99-045	AMD	97-22-065	296-116-140	DECOD	97-08-042	296-150P-0110	NEW-P	97-09-039
296-99-050	AMD-P	97-09-079	296-116-150	DECOD	97-08-042	296-150P-0110	NEW	97-16-043
296-99-050	AMD	97-22-065	296-116-170	DECOD	97-08-042	296-150P-0120	NEW-P	97-09-039
296-99-055	AMD-P	97-09-079	296-116-175	DECOD	97-08-042	296-150P-0120	NEW	97-16-043
296-99-055	AMD	97-22-065	296-116-185	DECOD	97-08-042	296-150P-0130	NEW-P	97-09-039
296-99-060	AMD-P	97-09-079	296-116-200	AMD	97-06-106	296-150P-0130	NEW	97-16-043
296-99-060	AMD	97-22-065	296-116-200	DECOD	97-08-042	296-150P-0200	NEW-P	97-09-039
296-99-065	AMD-P	97-09-079	296-116-205	DECOD	97-08-042	296-150P-0200	NEW	97-16-043
296-99-065	AMD	97-22-065	296-116-2051	DECOD	97-08-042	296-150P-0210	NEW-P	97-09-039
296-99-070	AMD-P	97-09-079	296-116-300	AMD-P	97-08-041	296-150P-0210	NEW	97-16-043
296-99-070	AMD	97-22-065	296-116-300	DECOD	97-08-042	296-150P-0220	NEW-P	97-09-039
296-99-075	AMD-P	97-09-079	296-116-315	DECOD	97-08-042	296-150P-0220	NEW	97-16-043
296-99-075	AMD	97-22-065	296-116-35001	DECOD	97-08-042	296-150P-0250	NEW-P	97-09-039
296-99-080	AMD-P	97-09-079	296-116-360	AMD-P	97-06-103	296-150P-0250	NEW	97-16-043
296-99-080	AMD	97-22-065	296-116-360	AMD-E	97-06-104	296-150P-0280	NEW-P	97-09-039
296-99-085	AMD-P	97-09-079	296-116-360	DECOD	97-08-042	296-150P-0280	NEW	97-16-043
296-99-085	AMD	97-22-065	296-116-370	DECOD	97-08-042	296-150P-0290	NEW-P	97-09-039
296-99-090	AMD-P	97-09-079	296-116-400	DECOD	97-08-042	296-150P-0290	NEW	97-16-043
296-99-090	AMD	97-22-065	296-116-410	DECOD	97-08-042	296-150P-0300	NEW-P	97-09-039
296-99-093	AMD-P	97-09-079	296-116-420	DECOD	97-08-042	296-150P-0300	NEW	97-16-043
296-99-093	AMD	97-22-065	296-116-500	DECOD	97-08-042	296-150P-0310	NEW-P	97-09-039
296-99-095	AMD-P	97-09-079	296-126-098	PREP	97-18-078	296-150P-0310	NEW	97-16-043
296-99-095	AMD	97-22-065	296-126-140	PREP-X	97-13-034	296-150P-0320	NEW-P	97-09-039
296-104	PREP	97-11-004	296-126-140	REP	97-17-064	296-150P-0320	NEW	97-16-043
296-104-107	NEW-P	97-15-138	296-128-013	NEW-W	97-03-073	296-150P-0330	NEW-P	97-09-039
296-104-107	NEW	97-20-109	296-128-530	PREP	97-18-079	296-150P-0330	NEW	97-16-043
296-104-200	AMD-P	97-15-138	296-128-535	NEW-P	97-21-145	296-150P-0340	NEW-P	97-09-039
296-104-200	AMD	97-20-109	296-129-020	PREP-X	97-13-034	296-150P-0340	NEW	97-16-043
296-104-215	AMD-P	97-15-138	296-129-020	REP	97-17-064	296-150P-0350	NEW-P	97-09-039
296-104-215	AMD	97-20-109	296-129-030	PREP-X	97-13-034	296-150P-0350	NEW	97-16-043
296-104-265	AMD-P	97-15-138	296-129-030	REP	97-17-064	296-150P-0400	NEW-P	97-09-039
296-104-265	AMD	97-20-109	296-129-040	PREP-X	97-13-034	296-150P-0400	NEW	97-16-043
296-104-270	AMD-P	97-15-138	296-129-040	REP	97-17-064	296-150P-0410	NEW-P	97-09-039
296-104-270	AMD	97-20-109	296-150C	PREP	97-21-141	296-150P-0410	NEW	97-16-043
296-104-300	AMD-P	97-15-138	296-150C	PREP	97-21-143	296-150P-0420	NEW-P	97-09-039
296-104-300	AMD	97-20-109	296-150C-0040	AMD-P	97-09-039	296-150P-0420	NEW	97-16-043
296-104-305	AMD-P	97-15-138	296-150C-0040	AMD	97-16-043	296-150P-0440	NEW-P	97-09-039
296-104-305	AMD	97-20-109	296-150C-0090	NEW-W	97-04-070	296-150P-0440	NEW	97-16-043
296-104-310	AMD-P	97-15-138	296-150C-0100	AMD-P	97-09-039	296-150P-0450	NEW-P	97-09-039
296-104-310	AMD	97-20-109	296-150C-0100	AMD	97-16-043	296-150P-0450	NEW	97-16-043
296-104-320	AMD-P	97-15-138	296-150C-1010	NEW-W	97-04-070	296-150P-0600	NEW-P	97-09-039
296-104-320	AMD	97-20-109	296-150C-3000	AMD-P	97-03-132	296-150P-0600	NEW	97-16-043
296-104-325	AMD-P	97-15-138	296-150C-3000	AMD	97-11-053	296-150P-0610	NEW-P	97-09-039
296-104-325	AMD	97-20-109	296-150F	PREP	97-21-141	296-150P-0610	NEW	97-16-043
296-104-330	AMD-P	97-15-138	296-150F	PREP	97-21-143	296-150P-0620	NEW-P	97-09-039
296-104-330	AMD	97-20-109	296-150F-0040	AMD-P	97-09-039	296-150P-0620	NEW	97-16-043
296-104-400	REP-P	97-15-138	296-150F-0040	AMD	97-16-043	296-150P-0630	NEW-P	97-09-039
296-104-400	REP	97-20-109	296-150F-0100	AMD-P	97-09-039	296-150P-0630	NEW	97-16-043
296-104-405	AMD-P	97-15-138	296-150F-0100	AMD	97-16-043	296-150P-0640	NEW-P	97-09-039
296-104-405	AMD	97-20-109	296-150F-3000	AMD-P	97-03-132	296-150P-0640	NEW	97-16-043
296-104-410	REP-P	97-15-138	296-150F-3000	AMD	97-11-053	296-150P-0700	NEW-P	97-09-039
296-104-410	REP	97-20-109	296-150M	PREP	97-21-141	296-150P-0700	NEW	97-16-043
296-104-415	REP-P	97-15-138	296-150M	PREP	97-21-143	296-150P-0710	NEW-P	97-09-039
296-104-415	REP	97-20-109	296-150M-0040	AMD-P	97-09-039	296-150P-0710	NEW	97-16-043
296-104-700	PREP	97-24-092	296-150M-0040	AMD	97-16-043	296-150P-0720	NEW-P	97-09-039
296-116-010	DECOD	97-08-042	296-150M-0100	AMD-P	97-09-039	296-150P-0720	NEW	97-16-043
296-116-020	DECOD	97-08-042	296-150M-0100	AMD	97-16-043	296-150P-1000	NEW-P	97-09-039
296-116-030	DECOD	97-08-042	296-150M-3000	AMD-P	97-03-132	296-150P-1000	NEW	97-16-043
296-116-050	DECOD	97-08-042	296-150M-3000	AMD	97-11-053	296-150P-1010	NEW-P	97-09-039
296-116-060	DECOD	97-08-042	296-150P	PREP	97-21-141	296-150P-1010	NEW	97-16-043
296-116-070	AMD	97-06-105	296-150P	PREP	97-21-143	296-150P-1020	NEW-P	97-09-039
296-116-070	DECOD	97-08-042	296-150P-0010	NEW-P	97-09-039	296-150P-1020	NEW	97-16-043

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296-150P-2000	NEW	97-16-043	296-155-48515	REP-P	97-16-091	296-200-340	REP	97-24-07
296-150P-2010	NEW-P	97-09-039	296-155-48516	REP-P	97-16-091	296-200-350	REP-P	97-16-090
296-150P-2010	NEW	97-16-043	296-155-48517	REP-P	97-16-091	296-200-350	REP	97-24-071
296-150P-2020	NEW-P	97-09-039	296-155-48518	REP-P	97-16-091	296-200-360	REP-P	97-16-090
296-150P-2020	NEW	97-16-043	296-155-48519	REP-P	97-16-091	296-200-360	REP	97-24-071
296-150P-2030	NEW-P	97-09-039	296-155-48523	REP-P	97-16-091	296-200-370	REP-P	97-16-090
296-150P-2030	NEW	97-16-043	296-155-48525	REP-P	97-16-091	296-200-370	REP	97-24-071
296-150P-3000	NEW-P	97-09-039	296-155-48527	REP-P	97-16-091	296-200-380	REP-P	97-16-090
296-150P-3000	NEW	97-16-043	296-155-48529	REP-P	97-16-091	296-200-380	REP	97-24-071
296-150R	PREP	97-03-082	296-155-48531	REP-P	97-16-091	296-200-390	REP-P	97-16-090
296-150R	AMD-P	97-09-039	296-155-48533	REP-P	97-16-091	296-200-390	REP	97-24-071
296-150R	AMD	97-16-043	296-155-48536	REP-P	97-16-091	296-200-400	REP-P	97-16-090
296-150R	PREP	97-21-141	296-155-487	NEW-P	97-16-091	296-200-400	REP	97-24-071
296-150R	PREP	97-21-143	296-155-488	NEW-P	97-16-091	296-200-410	REP-P	97-16-090
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296-150R-0020	AMD	97-16-043	296-155-494	NEW-P	97-16-091	296-200-900	REP-P	97-16-090
296-150R-0030	AMD-P	97-09-039	296-155-496	NEW-P	97-16-091	296-200-900	REP	97-24-071
296-150R-0030	AMD	97-16-043	296-155-497	NEW-P	97-16-091	296-200A	PREP	97-21-143
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296-150R-0040	AMD	97-16-043	296-155-527	AMD-P	97-03-085	296-200A-005	NEW	97-24-071
296-150R-0060	AMD-P	97-09-039	296-155-527	AMD	97-11-055	296-200A-015	NEW-P	97-16-090
296-150R-0060	AMD	97-16-043	296-155-528	NEW-P	97-16-091	296-200A-015	NEW	97-24-071
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296-150R-0100	AMD	97-16-043	296-155-615	AMD-P	97-16-091	296-200A-025	NEW	97-24-071
296-150R-0110	AMD-P	97-09-039	296-155-683	AMD-P	97-16-091	296-200A-035	NEW-P	97-16-090
296-150R-0110	AMD	97-16-043	296-155-688	AMD-P	97-16-091	296-200A-035	NEW	97-24-071
296-150R-0120	AMD-P	97-09-039	296-155-689	AMD-P	97-16-091	296-200A-040	NEW-P	97-16-090
296-150R-0120	AMD	97-16-043	296-155-700	AMD-P	97-16-091	296-200A-040	NEW	97-24-071
296-150R-0130	AMD-P	97-09-039	296-155-730	AMD-P	97-16-091	296-200A-050	NEW-P	97-16-090
296-150R-0130	AMD	97-16-043	296-200	PREP	97-03-081	296-200A-050	NEW	97-24-071
296-150R-0200	AMD-P	97-09-039	296-200-005	REP-P	97-16-090	296-200A-060	NEW-P	97-16-090
296-150R-0200	AMD	97-16-043	296-200-005	REP	97-24-071	296-200A-060	NEW	97-24-071
296-150R-0250	AMD-P	97-09-039	296-200-015	REP-P	97-16-090	296-200A-070	NEW-P	97-16-090
296-150R-0250	AMD	97-16-043	296-200-015	REP	97-24-071	296-200A-070	NEW	97-24-071
296-150R-0280	AMD-P	97-09-039	296-200-025	AMD-P	97-03-132	296-200A-080	NEW-P	97-16-090
296-150R-0280	AMD	97-16-043	296-200-025	AMD	97-11-053	296-200A-080	NEW	97-24-071
296-150R-0400	AMD-P	97-09-039	296-200-025	REP-P	97-16-090	296-200A-090	NEW-P	97-16-090
296-150R-0400	AMD	97-16-043	296-200-025	REP	97-24-071	296-200A-090	NEW	97-24-071
296-150R-0640	AMD-P	97-09-039	296-200-035	REP-P	97-16-090	296-200A-110	NEW-P	97-16-090
296-150R-0640	AMD	97-16-043	296-200-035	REP	97-24-071	296-200A-110	NEW	97-24-071
296-150R-0850	AMD-P	97-09-039	296-200-040	REP-P	97-16-090	296-200A-111	NEW-P	97-16-090
296-150R-0850	AMD	97-16-043	296-200-040	REP	97-24-071	296-200A-111	NEW	97-24-071
296-150R-1000	AMD-P	97-09-039	296-200-050	AMD-P	97-03-132	296-200A-112	NEW-P	97-16-090
296-150R-1000	AMD	97-16-043	296-200-050	AMD	97-11-053	296-200A-112	NEW	97-24-071
296-150R-2000	AMD-P	97-09-039	296-200-050	REP-P	97-16-090	296-200A-300	NEW-P	97-16-090
296-150R-2000	AMD	97-16-043	296-200-050	REP	97-24-071	296-200A-300	NEW	97-24-071
296-150R-2020	AMD-P	97-09-039	296-200-060	REP-P	97-16-090	296-200A-305	NEW-P	97-16-090
296-150R-2020	AMD	97-16-043	296-200-060	REP	97-24-071	296-200A-305	NEW	97-24-071
296-150R-3000	AMD-P	97-03-132	296-200-070	REP-P	97-16-090	296-200A-310	NEW-P	97-16-090
296-150R-3000	AMD-P	97-09-039	296-200-070	REP	97-24-071	296-200A-310	NEW	97-24-071
296-150R-3000	AMD	97-11-053	296-200-080	REP-P	97-16-090	296-200A-320	NEW-P	97-16-090
296-150R-3000	AMD	97-16-043	296-200-080	REP	97-24-071	296-200A-320	NEW	97-24-071
296-155	PREP	97-10-095	296-200-090	REP-P	97-16-090	296-200A-330	NEW-P	97-16-090
296-155-24525	AMD-P	97-16-091	296-200-090	REP	97-24-071	296-200A-330	NEW	97-24-071
296-155-481	AMD-P	97-16-091	296-200-100	REP-P	97-16-090	296-200A-340	NEW-P	97-16-090
296-155-482	NEW-P	97-16-091	296-200-100	REP	97-24-071	296-200A-340	NEW	97-24-071
296-155-483	AMD-P	97-16-091	296-200-110	REP-P	97-16-090	296-200A-350	NEW-P	97-16-090
296-155-484	NEW-P	97-16-091	296-200-110	REP	97-24-071	296-200A-350	NEW	97-24-071
296-155-485	AMD-P	97-16-091	296-200-111	REP-P	97-16-090	296-200A-360	NEW-P	97-16-090
296-155-48503	REP-P	97-16-091	296-200-111	REP	97-24-071	296-200A-360	NEW	97-24-071
296-155-48504	REP-P	97-16-091	296-200-112	REP-P	97-16-090	296-200A-370	NEW-P	97-16-090
296-155-48505	REP-P	97-16-091	296-200-112	REP	97-24-071	296-200A-370	NEW	97-24-071
296-155-48506	REP-P	97-16-091	296-200-300	REP-P	97-16-090	296-200A-380	NEW-P	97-16-090
296-155-48507	REP-P	97-16-091	296-200-300	REP	97-24-071	296-200A-380	NEW	97-24-071
296-155-48508	REP-P	97-16-091	296-200-310	REP-P	97-16-090	296-200A-390	NEW-P	97-16-090
296-155-48509	REP-P	97-16-091	296-200-310	REP	97-24-071	296-200A-390	NEW	97-24-071
296-155-48510	REP-P	97-16-091	296-200-320	REP-P	97-16-090	296-200A-400	NEW-P	97-16-090
296-155-48511	REP-P	97-16-091	296-200-320	REP	97-24-071	296-200A-400	NEW	97-24-071
296-155-48512	REP-P	97-16-091	296-200-330	REP-P	97-16-090	296-200A-405	NEW-P	97-16-090
296-155-48513	REP-P	97-16-091	296-200-330	REP	97-24-071	296-200A-405	NEW	97-24-071

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-200A-500	NEW-P	97-16-090	296-306A-061	DECOD	97-09-013	296-306A-15009	DECOD	97-09-013
296-200A-500	NEW	97-24-071	296-306A-065	DECOD	97-09-013	296-306A-15012	DECOD	97-09-013
296-200A-510	NEW-P	97-16-090	296-306A-070	DECOD	97-09-013	296-306A-160	DECOD	97-09-013
296-200A-510	NEW	97-24-071	296-306A-07001	DECOD	97-09-013	296-306A-16001	DECOD	97-09-013
296-200A-900	NEW-P	97-16-090	296-306A-07003	DECOD	97-09-013	296-306A-16003	AMD-P	97-03-131
296-200A-900	NEW	97-24-071	296-306A-07005	DECOD	97-09-013	296-306A-16003	AMD-E	97-06-040
296-301-020	AMD-P	97-21-146	296-306A-07007	DECOD	97-09-013	296-306A-16003	AMD	97-08-051A
296-304-010	AMD-P	97-13-062	296-306A-07009	DECOD	97-09-013	296-306A-16003	DECOD	97-09-013
296-304-01001	AMD-P	97-13-062	296-306A-07011	DECOD	97-09-013	296-306A-16005	DECOD	97-09-013
296-304-03001	AMD-P	97-13-062	296-306A-07013	DECOD	97-09-013	296-306A-16007	DECOD	97-09-013
296-304-03003	AMD-P	97-13-062	296-306A-073	DECOD	97-09-013	296-306A-16009	DECOD	97-09-013
296-304-03005	AMD-P	97-13-062	296-306A-076	DECOD	97-09-013	296-306A-16011	DECOD	97-09-013
296-304-03007	AMD-P	97-13-062	296-306A-080	DECOD	97-09-013	296-306A-16013	AMD-P	97-03-131
296-304-05007	AMD-P	97-13-062	296-306A-08003	DECOD	97-09-013	296-306A-16013	AMD-E	97-04-048
296-304-05013	AMD-P	97-13-062	296-306A-08006	DECOD	97-09-013	296-306A-16013	AMD	97-08-051A
296-304-06013	AMD-P	97-13-062	296-306A-08009	DECOD	97-09-013	296-306A-16013	DECOD	97-09-013
296-304-07013	AMD-P	97-13-062	296-306A-08012	DECOD	97-09-013	296-306A-16015	DECOD	97-09-013
296-304-08007	AMD-P	97-13-062	296-306A-08015	DECOD	97-09-013	296-306A-16017	DECOD	97-09-013
296-304-08009	AMD-P	97-13-062	296-306A-08018	AMD-P	97-03-131	296-306A-16019	DECOD	97-09-013
296-304-090	AMD-P	97-13-062	296-306A-08018	AMD	97-08-051A	296-306A-16021	DECOD	97-09-013
296-304-09001	AMD-P	97-13-062	296-306A-08018	DECOD	97-09-013	296-306A-16023	DECOD	97-09-013
296-304-09003	AMD-P	97-13-062	296-306A-08021	DECOD	97-09-013	296-306A-185	DECOD	97-09-013
296-304-09005	AMD-P	97-13-062	296-306A-085	DECOD	97-09-013	296-306A-18503	DECOD	97-09-013
296-304-09007	AMD-P	97-13-062	296-306A-090	DECOD	97-09-013	296-306A-18506	DECOD	97-09-013
296-304-09009	NEW-P	97-13-062	296-306A-095	DECOD	97-09-013	296-306A-18509	DECOD	97-09-013
296-304-09011	NEW-P	97-13-062	296-306A-09503	DECOD	97-09-013	296-306A-18512	DECOD	97-09-013
296-304-09013	NEW-P	97-13-062	296-306A-09506	DECOD	97-09-013	296-306A-18515	DECOD	97-09-013
296-304-09015	NEW-P	97-13-062	296-306A-09509	DECOD	97-09-013	296-306A-190	DECOD	97-09-013
296-304-09017	NEW-P	97-13-062	296-306A-09512	DECOD	97-09-013	296-306A-19003	DECOD	97-09-013
296-304-09019	NEW-P	97-13-062	296-306A-09515	DECOD	97-09-013	296-306A-19006	DECOD	97-09-013
296-304-09021	NEW-P	97-13-062	296-306A-09518	DECOD	97-09-013	296-306A-19009	DECOD	97-09-013
296-304-09023	NEW-P	97-13-062	296-306A-100	DECOD	97-09-013	296-306A-19012	DECOD	97-09-013
296-306-060	REP-P	97-03-131	296-306A-10005	DECOD	97-09-013	296-306A-19015	DECOD	97-09-013
296-306-060	REP-E	97-06-040	296-306A-10010	DECOD	97-09-013	296-306A-19018	DECOD	97-09-013
296-306-060	REP-W	97-12-063	296-306A-10015	DECOD	97-09-013	296-306A-195	DECOD	97-09-013
296-306-330	REP-P	97-03-131	296-306A-10020	DECOD	97-09-013	296-306A-200	DECOD	97-09-013
296-306-330	REP-E	97-06-040	296-306A-10025	DECOD	97-09-013	296-306A-20005	DECOD	97-09-013
296-306-330	REP	97-08-051A	296-306A-107	DECOD	97-09-013	296-306A-20010	DECOD	97-09-013
296-306-330	REP-W	97-12-063	296-306A-110	DECOD	97-09-013	296-306A-205	DECOD	97-09-013
296-306-400	REP-P	97-03-131	296-306A-11005	DECOD	97-09-013	296-306A-20505	DECOD	97-09-013
296-306-400	REP-E	97-06-040	296-306A-11010	DECOD	97-09-013	296-306A-20510	DECOD	97-09-013
296-306-400	REP	97-08-051A	296-306A-11015	DECOD	97-09-013	296-306A-20515	DECOD	97-09-013
296-306-400	REP-W	97-12-063	296-306A-120	DECOD	97-09-013	296-306A-220	DECOD	97-09-013
296-306-40007	REP-P	97-03-131	296-306A-12005	DECOD	97-09-013	296-306A-22003	DECOD	97-09-013
296-306-40007	REP-E	97-06-040	296-306A-12010	DECOD	97-09-013	296-306A-22006	DECOD	97-09-013
296-306-40007	REP	97-08-051A	296-306A-12015	DECOD	97-09-013	296-306A-22009	DECOD	97-09-013
296-306-40007	REP-W	97-12-063	296-306A-12020	DECOD	97-09-013	296-306A-22012	DECOD	97-09-013
296-306-40009	REP-P	97-03-131	296-306A-12025	DECOD	97-09-013	296-306A-22015	DECOD	97-09-013
296-306-40009	REP-E	97-06-040	296-306A-12030	DECOD	97-09-013	296-306A-225	DECOD	97-09-013
296-306-40009	REP	97-08-051A	296-306A-12035	DECOD	97-09-013	296-306A-22503	DECOD	97-09-013
296-306-40009	REP-W	97-12-063	296-306A-12040	DECOD	97-09-013	296-306A-22506	DECOD	97-09-013
296-306A-003	DECOD	97-09-013	296-306A-12045	DECOD	97-09-013	296-306A-22509	DECOD	97-09-013
296-306A-006	DECOD	97-09-013	296-306A-12050	DECOD	97-09-013	296-306A-230	DECOD	97-09-013
296-306A-009	DECOD	97-09-013	296-306A-12055	DECOD	97-09-013	296-306A-232	DECOD	97-09-013
296-306A-012	DECOD	97-09-013	296-306A-130	DECOD	97-09-013	296-306A-240	DECOD	97-09-013
296-306A-015	DECOD	97-09-013	296-306A-13005	DECOD	97-09-013	296-306A-24001	DECOD	97-09-013
296-306A-018	DECOD	97-09-013	296-306A-13010	DECOD	97-09-013	296-306A-24003	DECOD	97-09-013
296-306A-021	DECOD	97-09-013	296-306A-13015	DECOD	97-09-013	296-306A-24006	DECOD	97-09-013
296-306A-024	DECOD	97-09-013	296-306A-13020	DECOD	97-09-013	296-306A-24009	DECOD	97-09-013
296-306A-030	DECOD	97-09-013	296-306A-13025	DECOD	97-09-013	296-306A-24012	DECOD	97-09-013
296-306A-033	DECOD	97-09-013	296-306A-13030	DECOD	97-09-013	296-306A-24015	DECOD	97-09-013
296-306A-036	DECOD	97-09-013	296-306A-13035	DECOD	97-09-013	296-306A-24018	DECOD	97-09-013
296-306A-039	DECOD	97-09-013	296-306A-13040	DECOD	97-09-013	296-306A-24021	DECOD	97-09-013
296-306A-042	DECOD	97-09-013	296-306A-13045	DECOD	97-09-013	296-306A-24024	DECOD	97-09-013
296-306A-045	DECOD	97-09-013	296-306A-13050	DECOD	97-09-013	296-306A-24027	DECOD	97-09-013
296-306A-050	DECOD	97-09-013	296-306A-13055	DECOD	97-09-013	296-306A-24030	DECOD	97-09-013
296-306A-055	DECOD	97-09-013	296-306A-145	DECOD	97-09-013	296-306A-24033	DECOD	97-09-013
296-306A-05501	DECOD	97-09-013	296-306A-14505	DECOD	97-09-013	296-306A-24036	DECOD	97-09-013
296-306A-05503	DECOD	97-09-013	296-306A-14510	DECOD	97-09-013	296-306A-250	DECOD	97-09-013
296-306A-05505	DECOD	97-09-013	296-306A-14520	DECOD	97-09-013	296-306A-25003	DECOD	97-09-013
296-306A-05507	DECOD	97-09-013	296-306A-150	DECOD	97-09-013	296-306A-25006	DECOD	97-09-013
296-306A-060	DECOD	97-09-013	296-306A-15003	DECOD	97-09-013	296-306A-25009	DECOD	97-09-013
			296-306A-15006	DECOD	97-09-013	296-306A-25012	DECOD	97-09-013











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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-400-035	REP-P	97-03-084	296-401-120	AMD	97-12-016	308-17-150	AMD-P	97-13-080
296-400-035	REP	97-11-052	296-401-163	AMD-P	97-14-111	308-17-150	AMD	97-17-051
296-400-045	REP-P	97-03-084	296-401-163	AMD	97-24-033	308-17-160	AMD-P	97-13-080
296-400-045	REP	97-11-052	296-401-165	AMD-P	97-03-083	308-17-160	AMD	97-17-051
296-400-050	REP-P	97-03-084	296-401-165	AMD	97-12-016	308-17-165	AMD-P	97-13-080
296-400-050	REP	97-11-052	296-401-165	AMD-P	97-14-111	308-17-165	AMD	97-17-051
296-400-070	REP-P	97-03-084	296-401-165	AMD	97-24-033	308-17-170	AMD-P	97-13-080
296-400-070	REP	97-11-052	296-401-170	AMD-P	97-14-111	308-17-170	AMD	97-17-051
296-400-100	REP-P	97-03-084	296-401-170	AMD	97-24-033	308-17-180	NEW-P	97-13-080
296-400-100	REP	97-11-052	296-401-175	AMD-P	97-03-083	308-17-180	NEW	97-17-051
296-400-110	REP-P	97-03-084	296-401-175	AMD	97-12-016	308-17-185	NEW-P	97-13-080
296-400-110	REP	97-11-052	296-401-175	AMD-P	97-14-111	308-17-185	NEW	97-17-051
296-400-120	REP-P	97-03-084	296-401-175	AMD	97-24-033	308-17-190	NEW-P	97-13-080
296-400-120	REP	97-11-052	308-10-050	AMD-P	97-14-103	308-17-190	NEW	97-17-051
296-400-130	REP-P	97-03-084	308-10-050	AMD	97-17-009	308-17-205	AMD-P	97-13-080
296-400-130	REP	97-11-052	308-11-140	NEW-P	97-07-035	308-17-205	AMD	97-17-051
296-400-140	REP-P	97-03-084	308-11-140	NEW	97-10-046	308-17-210	AMD-P	97-13-080
296-400-140	REP	97-11-052	308-11-150	NEW-P	97-07-035	308-17-210	AMD	97-17-051
296-400-300	REP-P	97-03-084	308-11-150	NEW	97-10-046	308-17-230	AMD-P	97-13-080
296-400-300	REP	97-11-052	308-11-160	NEW-P	97-07-035	308-17-230	AMD	97-17-051
296-400A	PREP	97-21-143	308-11-160	NEW	97-10-046	308-17-240	AMD-P	97-13-080
296-400A-005	NEW-P	97-03-085	308-12-025	AMD	97-03-121	308-17-240	AMD	97-17-051
296-400A-005	NEW	97-11-052	308-12-031	AMD	97-03-121	308-17-300	AMD-P	97-13-080
296-400A-020	NEW-P	97-03-085	308-12-040	AMD	97-03-121	308-17-300	AMD	97-17-051
296-400A-020	NEW	97-11-052	308-12-050	AMD	97-03-121	308-17-310	AMD-P	97-13-080
296-400A-030	NEW-P	97-03-085	308-12-140	REP	97-03-121	308-17-310	AMD	97-17-051
296-400A-030	NEW	97-11-052	308-12-145	REP	97-03-121	308-17-320	AMD-P	97-13-080
296-400A-031	NEW-P	97-03-085	308-12-210	NEW	97-03-121	308-17-320	AMD	97-17-051
296-400A-031	NEW	97-11-052	308-12-220	NEW	97-03-121	308-18-020	AMD-P	97-13-081
296-400A-032	NEW-P	97-03-085	308-12-230	NEW	97-03-121	308-18-020	AMD	97-17-050
296-400A-032	NEW	97-11-052	308-12-240	NEW-W	97-03-065	308-18-030	AMD-P	97-13-081
296-400A-033	NEW-P	97-03-085	308-12-240	NEW	97-03-121	308-18-030	AMD	97-17-050
296-400A-033	NEW	97-11-052	308-12-250	NEW-W	97-03-065	308-18-100	AMD-P	97-13-081
296-400A-035	NEW-P	97-03-085	308-12-260	NEW-W	97-03-065	308-18-100	AMD	97-17-050
296-400A-035	NEW	97-11-052	308-12-320	AMD	97-06-064	308-18-110	AMD-P	97-13-081
296-400A-045	NEW-P	97-03-085	308-12-324	AMD	97-03-121	308-18-110	AMD	97-17-050
296-400A-045	NEW	97-11-052	308-12-326	AMD	97-06-064	308-18-120	AMD-P	97-13-081
296-400A-050	NEW-P	97-03-085	308-12-326	AMD-P	97-10-080	308-18-120	AMD	97-17-050
296-400A-050	NEW	97-11-052	308-12-326	AMD	97-13-095	308-18-140	AMD-P	97-13-081
296-400A-070	NEW-P	97-03-085	308-13-045	NEW-P	97-03-022	308-18-140	AMD	97-17-050
296-400A-070	NEW	97-11-052	308-13-045	NEW	97-06-065	308-18-150	AMD-P	97-13-081
296-400A-100	NEW-P	97-03-085	308-13-160	AMD-P	97-03-022	308-18-150	AMD	97-17-050
296-400A-100	NEW	97-11-052	308-13-160	AMD	97-06-065	308-18-170	AMD-P	97-13-081
296-400A-110	NEW-P	97-03-085	308-13-210	NEW	97-10-026	308-18-170	AMD	97-17-050
296-400A-110	NEW	97-11-052	308-13-220	NEW	97-10-026	308-18-180	NEW-P	97-13-081
296-400A-120	NEW-P	97-03-085	308-13-230	NEW	97-10-026	308-18-180	NEW	97-17-050
296-400A-120	NEW	97-11-052	308-13-240	NEW	97-10-026	308-18-185	NEW-P	97-13-081
296-400A-121	NEW-P	97-03-085	308-14-210	NEW-P	97-07-031	308-18-185	NEW	97-17-050
296-400A-121	NEW	97-11-052	308-14-210	NEW	97-10-053	308-18-190	NEW-P	97-13-081
296-400A-130	NEW-P	97-03-085	308-14-220	NEW-P	97-07-031	308-18-190	NEW	97-17-050
296-400A-130	NEW	97-11-052	308-14-220	NEW	97-10-053	308-18-240	AMD-P	97-13-081
296-400A-140	NEW-P	97-03-085	308-14-230	NEW-P	97-07-031	308-18-240	AMD	97-17-050
296-400A-140	NEW	97-11-052	308-14-230	NEW	97-10-053	308-18-300	AMD-P	97-13-081
296-400A-300	NEW-P	97-03-085	308-17	AMD-P	97-13-080	308-18-300	AMD	97-17-050
296-400A-300	NEW	97-11-052	308-17	AMD	97-17-051	308-19-400	NEW-P	97-07-026
296-400A-400	NEW-P	97-03-085	308-17-010	AMD-P	97-13-080	308-19-400	NEW	97-10-047
296-400A-400	NEW	97-11-052	308-17-010	AMD	97-17-051	308-19-410	NEW-P	97-07-026
296-400A-425	NEW-P	97-03-085	308-17-020	AMD-P	97-13-080	308-19-410	NEW	97-10-047
296-400A-425	NEW	97-11-052	308-17-020	AMD	97-17-051	308-19-420	NEW-P	97-07-026
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315-11A-101	REP	97-20-051	315-11A-187	NEW-P	97-03-123	315-32-020	REP	97-20-051
315-11A-102	PREP-X	97-14-016	315-11A-187	NEW	97-07-063	315-32-030	PREP-X	97-14-016
315-11A-102	REP	97-20-051	315-11A-188	NEW-P	97-03-123	315-32-030	REP	97-20-051
315-11A-103	PREP-X	97-14-016	315-11A-188	NEW	97-07-063	315-32-040	PREP-X	97-14-016
315-11A-103	REP	97-20-051	315-11A-189	NEW-P	97-03-123	315-32-040	REP	97-20-051
315-11A-104	PREP-X	97-14-016	315-11A-189	NEW	97-07-063	315-32-050	PREP-X	97-14-016
315-11A-104	REP	97-20-051	315-11A-190	NEW-P	97-03-123	315-32-050	REP	97-20-051
315-11A-105	PREP-X	97-14-016	315-11A-190	NEW	97-07-063	315-32-060	PREP-X	97-14-016
315-11A-105	REP	97-20-051	315-11A-191	NEW-P	97-03-123	315-32-060	REP	97-20-051
315-11A-106	PREP-X	97-14-016	315-11A-191	NEW	97-07-063	315-33-010	PREP-X	97-14-016
315-11A-106	REP	97-20-051	315-11A-192	NEW-P	97-07-062	315-33-010	REP	97-20-051
315-11A-107	PREP-X	97-14-016	315-11A-192	NEW	97-11-003	315-33-020	PREP-X	97-14-016
315-11A-107	REP	97-20-051	315-11A-193	NEW-P	97-07-062	315-33-020	REP	97-20-051
315-11A-108	PREP-X	97-14-016	315-11A-193	NEW	97-11-003	315-33-030	PREP-X	97-14-016
315-11A-108	REP	97-20-051	315-11A-194	NEW-P	97-07-062	315-33-030	REP	97-20-051
315-11A-109	PREP-X	97-14-016	315-11A-194	NEW	97-11-003	315-33-040	PREP-X	97-14-016
315-11A-109	REP	97-20-051	315-11A-195	NEW-P	97-07-062	315-33-040	REP	97-20-051
315-11A-110	PREP-X	97-14-016	315-11A-195	NEW	97-11-003	315-33-050	PREP-X	97-14-016
315-11A-110	REP	97-20-051	315-11A-196	NEW-P	97-11-058	315-33-050	REP	97-20-051
315-11A-111	PREP-X	97-14-016	315-11A-196	NEW	97-15-122	315-33-060	PREP-X	97-14-016
315-11A-111	REP	97-20-051	315-11A-197	NEW-P	97-11-058	315-33-060	REP	97-20-051
315-11A-112	PREP-X	97-14-016	315-11A-197	NEW	97-15-122	315-33-070	PREP-X	97-14-016
315-11A-112	REP	97-20-051	315-11A-198	NEW-P	97-11-058	315-33-070	REP	97-20-051
315-11A-113	PREP-X	97-14-016	315-11A-198	NEW	97-15-122	315-33B-010	PREP-X	97-14-016
315-11A-113	REP	97-20-051	315-11A-199	NEW-P	97-11-058	315-33B-010	REP	97-20-051
315-11A-114	PREP-X	97-14-016	315-11A-199	NEW	97-15-122	315-33B-020	PREP-X	97-14-016
315-11A-114	REP	97-20-051	315-11A-200	NEW-P	97-11-058	315-33B-020	REP	97-20-051
315-11A-115	PREP-X	97-14-016	315-11A-200	NEW	97-15-122	315-33B-030	PREP-X	97-14-016
315-11A-115	REP	97-20-051	315-11A-201	NEW-P	97-11-058	315-33B-030	REP	97-20-051
315-11A-116	PREP-X	97-14-016	315-11A-201	NEW	97-15-122	315-33B-040	PREP-X	97-14-016
315-11A-116	REP	97-20-051	315-11A-202	NEW-P	97-11-058	315-33B-040	REP	97-20-051
315-11A-117	PREP-X	97-14-016	315-11A-202	NEW	97-15-122	315-33B-050	PREP-X	97-14-016
315-11A-117	REP	97-20-051	315-11A-203	NEW-P	97-11-058	315-33B-050	REP	97-20-051
315-11A-118	PREP-X	97-14-016	315-11A-203	NEW	97-15-122	315-33B-060	PREP-X	97-14-016
315-11A-118	REP	97-20-051	315-11A-204	NEW-P	97-15-123	315-33B-060	REP	97-20-051
315-11A-119	PREP-X	97-14-016	315-11A-204	NEW	97-20-052	315-33B-070	PREP-X	97-14-016
315-11A-119	REP	97-20-051	315-11A-205	NEW-P	97-15-123	315-33B-070	REP	97-20-051
315-11A-120	PREP-X	97-14-016	315-11A-205	NEW	97-20-052	315-34	PREP	97-11-057
315-11A-120	REP	97-20-051	315-11A-206	NEW-P	97-15-123	315-34	PREP	97-16-116
315-11A-121	PREP-X	97-14-016	315-11A-206	NEW	97-20-052	315-34-040	AMD-P	97-15-123
315-11A-121	REP	97-20-051	315-11A-207	NEW-P	97-15-123	315-34-040	AMD-P	97-20-054
315-11A-122	PREP-X	97-14-016	315-11A-207	NEW	97-20-052	315-34-040	AMD-P	97-20-131
315-11A-122	REP	97-20-051	315-11A-207	NEW-P	97-24-074	315-34-040	AMD	97-24-076
315-11A-123	PREP-X	97-14-016	315-11A-207	NEW-E	97-24-075	315-34-050	AMD-P	97-20-131
315-11A-123	REP	97-20-051	315-11A-208	NEW-P	97-20-131	315-34-050	AMD	97-24-076
315-11A-124	PREP-X	97-14-016	315-11A-208	NEW	97-24-076	315-34-055	NEW-P	97-20-131
315-11A-124	REP	97-20-051	315-11A-209	NEW-P	97-20-131	315-34-055	NEW	97-24-076
315-11A-125	PREP-X	97-14-016	315-11A-209	NEW	97-24-076	315-40-010	PREP-X	97-14-016
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315-11A-126	REP	97-20-051	315-11A-211	NEW-P	97-20-131	315-40-020	REP	97-20-051
315-11A-127	PREP-X	97-14-016	315-11A-211	NEW	97-24-076	315-40-030	PREP-X	97-14-016
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315-11A-128	PREP-X	97-14-016	315-11A-212	NEW	97-24-076	315-40-040	PREP-X	97-14-016
315-11A-128	REP	97-20-051	315-11A-213	NEW-P	97-20-131	315-40-040	REP	97-20-051
315-11A-129	PREP-X	97-14-016	315-11A-213	NEW	97-24-076	315-40-050	PREP-X	97-14-016
315-11A-129	REP	97-20-051	315-11A-214	NEW-P	97-20-131	315-40-050	REP	97-20-051
315-11A-130	PREP-X	97-14-016	315-11A-214	NEW	97-24-076	315-40-060	PREP-X	97-14-016
315-11A-130	REP	97-20-051	315-11A-215	NEW-P	97-24-074	315-40-060	REP	97-20-051
315-11A-131	PREP-X	97-14-016	315-11A-216	NEW-P	97-24-074	315-40-070	PREP-X	97-14-016
315-11A-131	REP	97-20-051	315-11A-217	NEW-P	97-24-074	315-40-070	REP	97-20-051
315-11A-132	PREP-X	97-14-016	315-12-020	AMD-P	97-03-123	315-40-080	PREP-X	97-14-016
315-11A-132	REP	97-20-051	315-12-020	AMD	97-07-063	315-40-080	REP	97-20-051
315-11A-133	PREP-X	97-14-016	315-12-030	PREP	97-07-061	315-41-50100	PREP-X	97-14-016
315-11A-133	REP	97-20-051	315-12-030	AMD-P	97-11-058	315-41-50100	REP	97-20-051
315-11A-134	PREP-X	97-14-016	315-12-030	AMD	97-15-122	315-41-50110	PREP-X	97-14-016
315-11A-134	REP	97-20-051	315-12-080	AMD-P	97-03-123	315-41-50110	REP	97-20-051
315-11A-135	PREP-X	97-14-016	315-12-080	AMD	97-07-063	315-41-50120	PREP-X	97-14-016
315-11A-135	REP	97-20-051	315-12-090	AMD-P	97-03-123	315-41-50120	REP	97-20-051
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315-41-50210	REP	97-20-051	326-30-041	PREP	97-09-093	352-32-01001	NEW-P	97-23-089
315-41-50220	PREP-X	97-14-016	326-30-041	AMD-P	97-13-067	352-32-030	AMD-P	97-23-089
315-41-50220	REP	97-20-051	326-30-041	AMD	97-16-073	352-32-037	AMD-P	97-23-089
315-41-50300	PREP-X	97-14-016	332-24-205	AMD-XA	97-22-018	352-32-045	AMD-P	97-23-089
315-41-50300	REP	97-20-051	332-24-221	AMD-P	97-09-065	352-32-047	AMD-P	97-23-089
315-41-50310	PREP-X	97-14-016	332-24-221	AMD	97-12-033	352-32-075	AMD-P	97-23-089
315-41-50310	REP	97-20-051	332-24-720	AMD	97-05-066	352-32-080	AMD-P	97-23-089
315-41-50320	PREP-X	97-14-016	332-24-730	AMD	97-05-066	352-32-085	AMD-P	97-23-089
315-41-50320	REP	97-20-051	332-26-040	NEW-E	97-14-044	352-32-120	AMD-P	97-23-089
315-41-50400	PREP-X	97-14-016	332-26-050	NEW-E	97-14-044	352-32-130	AMD-P	97-23-089
315-41-50400	REP	97-20-051	352-12	PREP	97-18-071	352-32-140	AMD-P	97-23-089
315-41-50410	PREP-X	97-14-016	352-24	PREP	97-18-069	352-32-150	AMD-P	97-23-089
315-41-50410	REP	97-20-051	352-24-010	AMD-P	97-21-132	352-32-165	AMD-P	97-23-089
315-41-50420	PREP-X	97-14-016	352-24-010	AMD	98-01-050	352-32-170	AMD-P	97-23-089
315-41-50420	REP	97-20-051	352-24-020	REP-P	97-21-132	352-32-195	AMD-P	97-23-089
315-41-50500	PREP-X	97-14-016	352-24-020	REP	98-01-050	352-32-200	AMD-P	97-23-089
315-41-50500	REP	97-20-051	352-24-030	REP-P	97-21-132	352-32-210	PREP	97-15-152
315-41-50510	PREP-X	97-14-016	352-24-030	REP	98-01-050	352-32-210	AMD-P	97-18-080
315-41-50510	REP	97-20-051	352-24-040	REP-P	97-21-132	352-32-210	AMD	97-21-133
315-41-50520	PREP-X	97-14-016	352-24-040	REP	98-01-050	352-32-210	AMD-P	97-23-089
315-41-50520	REP	97-20-051	352-24-050	REP-P	97-21-132	352-32-215	NEW-P	97-23-089
315-41-50600	PREP-X	97-14-016	352-24-050	REP	98-01-050	352-32-235	PREP	97-06-063
315-41-50600	REP	97-20-051	352-24-060	REP-P	97-21-132	352-32-235	AMD-P	97-09-081
315-41-50610	PREP-X	97-14-016	352-24-060	REP	98-01-050	352-32-235	AMD-W	97-09-113
315-41-50610	REP	97-20-051	352-24-070	REP-P	97-21-132	352-32-235	AMD-P	97-09-114
315-41-50620	PREP-X	97-14-016	352-24-070	REP	98-01-050	352-32-235	AMD	97-12-042
315-41-50620	REP	97-20-051	352-24-080	REP-P	97-21-132	352-32-250	PREP	97-15-152
317-01-010	PREP-XR	97-20-047	352-24-080	REP	98-01-050	352-32-250	AMD-P	97-18-080
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317-01-030	PREP-XR	97-20-047	352-24-090	REP	98-01-050	352-32-25001	AMD-P	97-23-089
317-02-010	PREP-XR	97-20-047	352-24-100	REP-P	97-21-132	352-32-25002	AMD-P	97-23-089
317-02-020	PREP-XR	97-20-047	352-24-100	REP	98-01-050	352-32-251	AMD-P	97-18-080
317-02-030	PREP-XR	97-20-047	352-24-110	REP-P	97-21-132	352-32-251	AMD	97-21-133
317-02-040	PREP-XR	97-20-047	352-24-110	REP	98-01-050	352-32-251	AMD-P	97-23-089
317-02-050	PREP-XR	97-20-047	352-24-120	REP-P	97-21-132	352-32-252	PREP	97-15-152
317-02-060	PREP-XR	97-20-047	352-24-120	REP	98-01-050	352-32-252	AMD-P	97-23-089
317-02-070	PREP-XR	97-20-047	352-24-130	REP-P	97-21-132	352-32-270	PREP	97-15-113
317-02-080	PREP-XR	97-20-047	352-24-130	REP	98-01-050	352-32-270	AMD-P	97-18-080
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317-02-100	PREP-XR	97-20-047	352-24-140	REP	98-01-050	352-32-300	AMD-P	97-23-089
317-02-110	PREP-XR	97-20-047	352-24-150	REP-P	97-21-132	352-32-330	AMD-P	97-23-089
317-02-120	PREP-XR	97-20-047	352-24-150	REP	98-01-050	352-60	PREP	97-24-111
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317-31-200	AMD-P	97-07-065	352-24-170	REP-P	97-21-132	352-76	PREP	97-20-080
317-31-200	AMD	97-10-097	352-24-170	REP	98-01-050	356-05-055	AMD-P	97-08-089
317-31-220	AMD-P	97-07-065	352-24-180	REP-P	97-21-132	356-05-055	AMD-W	97-10-088
317-31-220	AMD	97-10-097	352-24-180	REP	98-01-050	356-05-075	AMD-P	97-12-079
317-31-230	AMD-P	97-07-065	352-24-190	REP-P	97-21-132	356-05-075	AMD-C	97-16-015
317-31-230	AMD	97-10-097	352-24-190	REP	98-01-050	356-05-075	AMD-W	97-22-062
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317-50-010	NEW-P	97-07-064	352-24-200	REP	98-01-050	356-05-390	AMD-W	97-24-036
317-50-010	NEW	97-10-096	352-24-210	REP-P	97-21-132	356-05-390	AMD-P	98-01-139
317-50-020	NEW-P	97-07-064	352-24-210	REP	98-01-050	356-05-422	NEW-P	97-12-079
317-50-020	NEW	97-10-096	352-24-220	REP-P	97-21-132	356-05-422	NEW-C	97-16-015
317-50-030	NEW-P	97-07-064	352-24-220	REP	98-01-050	356-05-422	NEW-W	97-22-062
317-50-030	NEW	97-10-096	352-24-230	REP-P	97-21-132	356-06-020	AMD-P	97-08-089
317-50-040	NEW-P	97-07-064	352-24-230	REP	98-01-050	356-06-020	AMD-W	97-10-088
317-50-040	NEW	97-10-096	352-24-240	REP-P	97-21-132	356-06-060	AMD-P	97-08-089
317-50-050	NEW-P	97-07-064	352-24-240	REP	98-01-050	356-06-060	AMD-W	97-10-088
317-50-050	NEW	97-10-096	352-24-250	REP-P	97-21-132	356-06-070	REP-P	97-08-089
317-50-060	NEW-P	97-07-064	352-24-250	REP	98-01-050	356-06-070	REP-W	97-10-088
317-50-060	NEW	97-10-096	352-24-260	REP-P	97-21-132	356-06-080	REP-P	97-08-089
317-50-070	NEW-P	97-07-064	352-24-260	REP	98-01-050	356-06-080	REP-W	97-10-088
317-50-070	NEW	97-10-096	352-24-270	REP-P	97-21-132	356-06-090	REP-P	97-08-089
317-50-080	NEW-P	97-07-064	352-24-270	REP	98-01-050	356-06-090	REP-W	97-10-088
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317-50-900	NEW-P	97-07-064	352-24-280	REP	98-01-050	356-06-120	NEW-C	98-01-141
317-50-900	NEW	97-10-096	352-32	PREP	97-18-070	356-10-030	AMD-P	97-08-089
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356-14-010	AMD-W	97-22-062	363-11-140	RECOD	97-08-042	363-116-2051	RECOD	97-08-042
356-14-069	NEW-P	97-12-079	363-11-150	RECOD	97-08-042	363-116-300	RECOD	97-08-042
356-14-069	NEW-C	97-16-015	363-11-160	RECOD	97-08-042	363-116-300	AMD	97-12-017
356-14-069	NEW-W	97-22-062	363-11-170	RECOD	97-08-042	363-116-315	RECOD	97-08-042
356-14-110	AMD-P	97-12-079	363-11-180	RECOD	97-08-042	363-116-35001	RECOD	97-08-042
356-14-110	AMD-C	97-16-015	363-11-190	RECOD	97-08-042	363-116-360	RECOD	97-08-042
356-14-110	AMD-W	97-22-062	363-11-200	RECOD	97-08-042	363-116-360	AMD	97-12-018
356-14-120	AMD-P	97-12-079	363-11-210	RECOD	97-08-042	363-116-370	RECOD	97-08-042
356-14-120	AMD-C	97-16-015	363-11-220	RECOD	97-08-042	363-116-400	RECOD	97-08-042
356-14-120	AMD-W	97-22-062	363-11-230	RECOD	97-08-042	363-116-410	RECOD	97-08-042
356-14-140	AMD-P	97-12-079	363-11-240	RECOD	97-08-042	363-116-420	RECOD	97-08-042
356-14-140	AMD-C	97-16-015	363-11-250	RECOD	97-08-042	363-116-500	RECOD	97-08-042
356-14-140	AMD-W	97-22-062	363-11-260	RECOD	97-08-042	365	PREP	98-01-133
356-14-160	AMD-P	97-12-079	363-11-270	RECOD	97-08-042	365-06-010	PREP-XR	97-20-036
356-14-160	AMD-C	97-16-015	363-11-280	RECOD	97-08-042	365-06-020	PREP-XR	97-20-036
356-14-160	AMD-W	97-22-062	363-11-290	RECOD	97-08-042	365-40-010	AMD-P	97-15-106
356-15-060	AMD-P	97-20-061	363-11-300	RECOD	97-08-042	365-40-010	AMD	97-21-005
356-15-060	AMD-C	97-24-042	363-11-310	RECOD	97-08-042	365-40-020	AMD-P	97-15-106
356-15-090	AMD-P	97-20-061	363-11-320	RECOD	97-08-042	365-40-020	AMD	97-21-005
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356-15-130	AMD-P	97-20-061	363-11-340	RECOD	97-08-042	365-40-041	AMD	97-21-005
356-15-130	AMD-P	97-20-062	363-11-350	RECOD	97-08-042	365-40-051	AMD-P	97-15-106
356-15-130	AMD-W	97-22-062	363-11-360	RECOD	97-08-042	365-40-051	AMD	97-21-005
356-15-130	AMD	97-24-038	363-11-370	RECOD	97-08-042	365-40-071	AMD-P	97-15-106
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356-26-030	AMD-W	97-22-062	363-11-390	RECOD	97-08-042	365-60-010	PREP-XR	97-20-037
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356-30-065	AMD-P	97-10-090	363-11-410	RECOD	97-08-042	365-90-010	REP-P	97-15-107
356-30-065	AMD-W	97-13-044	363-11-420	RECOD	97-08-042	365-90-010	REP	97-21-006
356-30-065	AMD-P	97-16-013	363-11-430	RECOD	97-08-042	365-90-020	REP-P	97-15-107
356-30-065	AMD	97-19-044	363-11-440	RECOD	97-08-042	365-90-020	REP	97-21-006
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356-30-067	AMD-P	97-10-090	363-11-460	RECOD	97-08-042	365-90-040	REP	97-21-006
356-30-067	AMD-W	97-13-044	363-11-470	RECOD	97-08-042	365-90-080	REP-P	97-15-107
356-30-067	AMD-P	97-16-013	363-11-480	RECOD	97-08-042	365-90-080	REP	97-21-006
356-30-067	AMD	97-19-044	363-11-490	RECOD	97-08-042	365-90-090	REP-P	97-15-107
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356-56-550	AMD-P	97-14-100	363-116-030	RECOD	97-08-042	365-300-050	DECOD	98-01-064
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359-07	AMD-P	97-20-064	363-116-060	RECOD	97-08-042	365-300-070	DECOD	98-01-064
359-07	AMD	97-24-043	363-116-070	RECOD	97-08-042	365-300-081	DECOD	98-01-064
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388-49-310	AMD-E	97-18-057	388-61-010	NEW-P	97-17-089	388-76-085	REP-P	97-18-087
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388-49-366	NEW	97-09-012	388-71-025	REP	98-01-149	388-76-260	REP-P	97-18-087
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388-49-369	NEW	97-09-012	388-71-040	REP	98-01-149	388-76-325	REP-P	97-18-087
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388-49-510	AMD-P	97-24-079	388-73-406	REP-P	97-19-102	388-76-450	REP-P	97-18-087
388-49-550	AMD-E	97-20-113	388-73-406	REP	98-01-125	388-76-460	REP-P	97-18-087
388-49-560	REP-E	97-20-113	388-73-408	REP-P	97-19-102	388-76-465	REP-P	97-18-087
388-49-570	REP-E	97-20-113	388-73-408	REP	98-01-125	388-76-470	REP-P	97-18-087
388-49-580	REP-E	97-20-113	388-73-409	REP-P	97-19-102	388-76-475	REP-P	97-18-087
388-49-640	AMD	97-04-024	388-73-409	REP	98-01-125	388-76-480	REP-P	97-18-087
388-49-670	AMD	97-04-023	388-73-410	REP-P	97-19-102	388-76-490	REP-P	97-18-087
388-50-010	NEW-P	97-17-098	388-73-410	REP	98-01-125	388-76-500	REP-P	97-18-087
388-52-150	PREP	97-15-131	388-73-412	REP-P	97-19-102	388-76-520	REP-P	97-18-087
388-52-150	REP-P	97-19-102	388-73-412	REP	98-01-125	388-76-530	REP-P	97-18-087
388-52-150	REP	98-01-125	388-73-414	REP-P	97-19-102	388-76-540	AMD-P	97-18-087
388-52-155	PREP	97-15-131	388-73-414	REP	98-01-125	388-76-550	AMD-P	97-18-087
388-52-155	REP-P	97-19-102	388-73-430	REP-P	97-19-102	388-76-560	AMD-P	97-18-087
388-52-155	REP	98-01-125	388-73-430	REP	98-01-125	388-76-561	NEW-P	97-20-114
388-52-160	PREP	97-15-131	388-73-432	REP-P	97-19-102	388-76-570	AMD-P	97-18-087
388-52-160	REP-P	97-19-102	388-73-432	REP	98-01-125	388-76-590	AMD-P	97-18-087
388-52-160	REP	98-01-125	388-73-434	REP-P	97-19-102	388-76-590	AMD-P	97-20-114
388-52-163	PREP	97-15-131	388-73-434	REP	98-01-125	388-76-595	AMD-P	97-18-087
388-52-163	REP-P	97-19-102	388-73-436	REP-P	97-19-102	388-76-600	AMD-P	97-20-114
388-52-163	REP	98-01-125	388-73-436	REP	98-01-125	388-76-605	AMD-P	97-18-087
388-52-166	PREP	97-15-131	388-73-438	REP-P	97-19-102	388-76-610	AMD-P	97-18-087
388-52-166	REP-P	97-19-102	388-73-438	REP	98-01-125	388-76-610	AMD-P	97-20-114
388-52-166	REP	98-01-125	388-73-440	REP-P	97-19-102	388-76-615	AMD-P	97-20-114
388-52-169	PREP	97-15-131	388-73-440	REP	98-01-125	388-76-620	AMD-P	97-18-087
388-52-169	REP-P	97-19-102	388-76	PREP	97-12-047	388-76-635	AMD-P	97-18-087
388-52-169	REP	98-01-125	388-76	AMD-C	97-21-107	388-76-640	AMD-P	97-18-087
388-52-172	PREP	97-15-131	388-76-010	REP-P	97-18-087	388-76-655	AMD-P	97-18-087
388-52-172	REP-P	97-19-102	388-76-020	REP-P	97-18-087	388-76-660	AMD-P	97-18-087
388-52-172	REP	98-01-125	388-76-030	REP-P	97-18-087	388-76-665	AMD-P	97-18-087
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388-76-685	AMD-P	97-18-087	388-96-010	AMD-P	97-12-082	388-155-150	PREP	97-14-073
388-76-690	AMD-P	97-18-087	388-96-010	AMD	97-17-040	388-155-160	PREP	97-14-073
388-76-695	AMD-P	97-18-087	388-96-220	PREP	97-06-072	388-155-165	PREP	97-14-073
388-76-705	AMD-P	97-18-087	388-96-221	PREP	97-06-072	388-155-170	PREP	97-14-073
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388-76-9970	NEW-P	97-15-132	388-96-224	AMD-P	97-12-082	388-155-190	PREP	97-14-073
388-76-9970	NEW	97-18-089	388-96-224	AMD	97-17-040	388-155-200	PREP	97-14-073
388-76-9972	NEW-P	97-15-132	388-96-505	PREP	97-06-072	388-155-210	PREP	97-14-073
388-76-9972	NEW	97-18-089	388-96-505	AMD-P	97-12-082	388-155-220	PREP	97-14-073
388-76-9974	NEW-P	97-15-132	388-96-505	AMD	97-17-040	388-155-230	PREP	97-14-073
388-76-9974	NEW	97-18-089	388-96-534	PREP	97-06-072	388-155-240	PREP	97-14-073
388-76-9976	NEW-P	97-15-132	388-96-534	AMD-P	97-12-082	388-155-250	PREP	97-14-073
388-76-9976	NEW	97-18-089	388-96-534	AMD	97-17-040	388-155-260	PREP	97-14-073
388-76-9978	NEW-P	97-15-132	388-96-534	AMD	97-17-040	388-155-270	PREP	97-14-073
388-76-9978	NEW	97-18-089	388-96-553	PREP	97-06-072	388-155-280	PREP	97-14-073
388-76-9980	NEW-P	97-15-132	388-96-553	AMD	97-17-040	388-155-290	PREP	97-14-073
388-76-9980	NEW	97-18-089	388-96-553	AMD	97-17-040	388-155-295	PREP	97-14-073
388-78-005	PREP	97-15-131	388-96-554	AMD-P	97-12-082	388-155-310	PREP	97-14-073
388-78-005	REP-P	97-19-102	388-96-554	AMD	97-17-040	388-155-320	PREP	97-14-073
388-78-005	REP	98-01-125	388-96-559	PREP	97-06-072	388-155-330	PREP	97-14-073
388-78-010	PREP	97-15-131	388-96-559	AMD-P	97-12-082	388-155-340	PREP	97-14-073
388-78-010	REP-P	97-19-102	388-96-559	AMD	97-17-040	388-155-350	PREP	97-14-073
388-78-010	REP	98-01-125	388-96-565	PREP	97-06-072	388-155-360	PREP	97-14-073
388-78-015	PREP	97-15-131	388-96-565	AMD-P	97-12-082	388-155-370	PREP	97-14-073
388-78-015	REP-P	97-19-102	388-96-565	AMD	97-17-040	388-155-380	PREP	97-14-073
388-78-015	REP	98-01-125	388-96-585	PREP	97-06-072	388-155-390	PREP	97-14-073
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388-78-020	REP-P	97-19-102	388-96-585	AMD	97-17-040	388-155-410	PREP	97-14-073
388-78-020	REP	98-01-125	388-96-709	PREP	97-06-072	388-155-420	PREP	97-14-073
388-78-100	PREP	97-15-131	388-96-709	AMD-P	97-12-082	388-155-430	PREP	97-14-073
388-78-100	REP-P	97-19-102	388-96-709	AMD	97-17-040	388-155-440	PREP	97-14-073
388-78-100	REP	98-01-125	388-96-719	AMD-P	97-12-082	388-155-450	PREP	97-14-073
388-78-120	PREP	97-15-131	388-96-719	AMD	97-17-040	388-155-460	PREP	97-14-073
388-78-120	REP-P	97-19-102	388-96-735	AMD-P	97-12-082	388-155-470	PREP	97-14-073
388-78-120	REP	98-01-125	388-96-735	AMD	97-17-040	388-155-480	PREP	97-14-073
388-78-205	PREP	97-15-131	388-96-745	PREP	97-06-072	388-155-490	PREP	97-14-073
388-78-205	REP-P	97-19-102	388-96-745	AMD-P	97-12-082	388-155-500	PREP	97-14-073
388-78-205	REP	98-01-125	388-96-745	AMD	97-17-040	388-155-600	PREP	97-14-073
388-78-210	PREP	97-15-131	388-96-754	AMD-P	97-12-082	388-155-605	PREP	97-14-073
388-78-210	REP-P	97-19-102	388-96-754	AMD	97-17-040	388-155-610	PREP	97-14-073
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388-78-215	PREP	97-15-131	388-96-774	AMD	97-17-040	388-155-630	PREP	97-14-073
388-78-215	REP-P	97-19-102	388-96-776	PREP	97-06-072	388-155-640	PREP	97-14-073
388-78-215	REP	98-01-125	388-96-776	AMD-P	97-12-082	388-155-650	PREP	97-14-073
388-78-220	PREP	97-15-131	388-96-776	AMD	97-17-040	388-155-660	PREP	97-14-073
388-78-220	REP-P	97-19-102	388-97-027	PREP	97-06-131	388-155-670	PREP	97-14-073
388-78-220	REP	98-01-125	388-97-235	PREP	97-20-121	388-155-680	PREP	97-14-073
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388-86-047	PREP	98-01-189	388-110-110	PREP	97-11-043	388-165-005	REP	98-01-125
388-86-050	REP-P	97-19-102	388-110-110	AMD-P	97-15-134	388-165-010	REP-P	97-19-102
388-86-050	REP	98-01-125	388-110-110	AMD	97-19-020	388-165-010	REP	98-01-125
388-86-051	REP-P	97-19-102	388-155-005	PREP	97-14-073	388-165-020	REP-P	97-19-102
388-86-051	REP	98-01-125	388-155-010	PREP	97-14-073	388-165-020	REP	98-01-125
388-86-075	REP-P	97-19-102	388-155-020	PREP	97-14-073	388-165-030	REP-P	97-19-102
388-86-075	REP	98-01-125	388-155-040	PREP	97-14-073	388-165-030	REP	98-01-125
388-86-090	REP-P	97-19-102	388-155-050	PREP	97-14-073	388-165-040	REP-P	97-19-102
388-86-090	REP-W	97-21-081	388-155-060	PREP	97-14-073	388-165-040	REP	98-01-125
388-86-112	REP-P	97-19-102	388-155-070	PREP	97-14-073	388-165-050	REP-P	97-19-102
388-86-112	REP-W	97-22-092	388-155-080	PREP	97-14-073	388-165-050	REP	98-01-125
388-87-013	REP-P	97-19-102	388-155-085	PREP	97-14-073	388-165-060	REP-P	97-19-102
388-87-013	REP	98-01-125	388-155-090	PREP	97-14-073	388-165-060	REP	98-01-125
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388-87-030	REP-P	97-19-102	388-155-093	PREP	97-14-073	388-165-070	REP	98-01-125
388-87-030	REP	98-01-125	388-155-094	PREP	97-14-073	388-165-080	REP-P	97-19-102
388-87-032	REP-P	97-19-102	388-155-095	PREP	97-14-073	388-165-080	REP	98-01-125
388-87-032	REP	98-01-125	388-155-096	PREP	97-14-073	388-165-090	REP-P	97-19-102
388-87-070	REP-P	97-19-102	388-155-097	PREP	97-14-073	388-165-090	REP	98-01-125
388-87-070	REP	98-01-125	388-155-098	PREP	97-14-073	388-165-100	REP-P	97-19-102
388-87-072	REP-P	97-19-102	388-155-100	PREP	97-14-073	388-165-100	REP	98-01-125
388-87-072	REP	98-01-125	388-155-110	PREP	97-14-073	388-200-1400	NEW-E	97-03-046
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388-201-100	REP-E	97-15-043	388-215-1570	NEW-P	97-05-069	388-218-1420	REP	97-18-073
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388-201-100	REP	97-20-056	388-215-1570	NEW	97-10-040	388-218-1430	AMD-E	97-15-087
388-201-200	REP-P	97-15-031	388-215-1570	AMD-P	97-15-032	388-218-1430	AMD-P	97-15-088
388-201-200	REP-E	97-15-043	388-215-1570	AMD-E	97-15-044	388-218-1430	AMD	97-18-073
388-201-200	PREP	97-15-131	388-215-1570	AMD	97-18-074	388-218-1440	PREP	97-11-079
388-201-200	REP	97-20-056	388-215-1620	AMD-E	97-16-052	388-218-1440	AMD-E	97-15-087
388-201-300	REP-P	97-15-031	388-215-1620	AMD-P	97-17-069	388-218-1440	AMD-P	97-15-088
388-201-300	REP-E	97-15-043	388-215-1620	AMD	97-20-128	388-218-1440	AMD	97-18-073
388-201-300	PREP	97-15-131	388-215-1630	NEW-P	97-17-068	388-218-1450	PREP	97-11-079
388-201-300	REP	97-20-056	388-215-1630	NEW	97-20-124	388-218-1450	REP-E	97-15-087
388-201-400	REP-P	97-15-031	388-215-1650	AMD-E	97-03-054	388-218-1450	REP-P	97-15-088
388-201-400	REP-E	97-15-043	388-215-1650	AMD-P	97-03-055	388-218-1450	REP	97-18-073
388-201-400	PREP	97-15-131	388-215-1650	AMD	97-06-076	388-218-1460	PREP	97-11-079
388-201-400	REP	97-20-056	388-215-1650	AMD-E	97-16-052	388-218-1460	REP-E	97-15-087
388-201-410	REP-P	97-15-031	388-215-1650	AMD-P	97-17-069	388-218-1460	REP-P	97-15-088
388-201-410	REP-E	97-15-043	388-215-1650	AMD	97-20-128	388-218-1460	REP	97-18-073
388-201-410	PREP	97-15-131	388-215-1660	NEW-P	97-05-072	388-218-1470	PREP	97-11-079
388-201-410	REP	97-20-056	388-215-1660	NEW-E	97-06-026	388-218-1470	AMD-E	97-15-087
388-201-420	REP-P	97-15-031	388-215-1660	NEW-S	97-06-073	388-218-1470	AMD-P	97-15-088
388-201-420	REP-E	97-15-043	388-215-1660	NEW	97-09-029	388-218-1470	AMD	97-18-073
388-201-420	PREP	97-15-131	388-215-1660	AMD-E	97-16-052	388-218-1480	PREP	97-11-079
388-201-420	REP	97-20-056	388-215-1660	AMD-P	97-17-069	388-218-1480	REP-E	97-15-087
388-201-430	REP-P	97-15-031	388-215-1660	AMD	97-20-128	388-218-1480	REP-P	97-15-088
388-201-430	REP-E	97-15-043	388-215-1670	NEW-E	97-16-052	388-218-1480	REP	97-18-073
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388-201-430	REP	97-20-056	388-215-1670	NEW	97-20-124	388-218-1530	AMD-P	97-03-051
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388-201-440	REP-E	97-15-043	388-216-2450	AMD-P	97-15-089	388-218-1630	PREP	97-11-079
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388-201-450	REP	97-20-056	388-216-2500	PREP	97-11-077	388-218-1710	PREP	97-11-079
388-201-460	REP-P	97-15-031	388-216-2500	AMD-P	97-15-089	388-218-1710	AMD-E	97-15-087
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388-201-470	REP-E	97-15-043	388-216-2650	AMD-E	97-15-090	388-218-1720	AMD	97-18-073
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388-201-470	REP	97-20-056	388-216-2800	PREP	97-11-077	388-218-1730	REP-E	97-15-087
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388-201-480	REP-E	97-15-043	388-216-2800	AMD-E	97-15-090	388-218-1730	REP	97-18-073
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388-215-1000	AMD-P	97-04-051	388-216-3000	NEW	97-20-124	388-218-1740	AMD	97-18-073
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388-215-1115	NEW	97-10-041	388-218-1300	AMD-E	97-15-087	388-220-0001	NEW	97-20-124
388-215-1200	AMD-P	97-17-087	388-218-1300	AMD-P	97-15-088	388-220-0010	NEW-P	97-17-088
388-215-1200	REP	97-20-125	388-218-1300	AMD	97-18-073	388-220-0010	NEW-W	97-20-132
388-215-1210	NEW-E	97-16-055	388-218-1350	PREP	97-11-079	388-220-0020	NEW-P	97-17-088
388-215-1210	NEW-P	97-17-100	388-218-1350	AMD-E	97-15-087	388-220-0020	NEW-W	97-20-132
388-215-1210	NEW-W	97-21-152	388-218-1350	AMD-P	97-15-088	388-220-0030	NEW-P	97-17-088
388-215-1375	AMD-P	97-09-108	388-218-1350	AMD	97-18-073	388-220-0030	NEW	97-20-124
388-215-1375	AMD	97-14-082	388-218-1410	PREP	97-11-079	388-220-0040	NEW-P	97-17-088
388-215-1400	AMD-P	97-05-071	388-218-1410	AMD-E	97-15-087	388-220-0040	NEW-W	97-20-132
388-215-1400	AMD	97-08-033	388-218-1410	AMD-P	97-15-088	388-220-0050	NEW-S	97-21-106
388-215-1400	AMD	97-10-042	388-218-1410	AMD	97-18-073	388-222-001	NEW-P	97-17-103
388-215-1550	NEW-E	97-03-049	388-218-1420	PREP	97-11-079	388-222-001	NEW	97-20-124

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-222-010	NEW-P	97-17-103	388-290-010	AMD-E	97-22-041	388-300-0800	REP-P	97-16-04
388-222-010	NEW	97-20-124	388-290-020	AMD-P	97-17-104	388-300-0800	REP	97-20-12
388-222-020	NEW-P	97-17-103	388-290-020	AMD	97-20-130	388-300-0900	REP-P	97-16-054
388-222-020	NEW	97-20-124	388-290-025	NEW-P	97-17-104	388-300-0900	REP	97-20-126
388-222-030	NEW-P	97-17-103	388-290-025	NEW	97-20-130	388-300-1000	REP-P	97-16-054
388-222-030	NEW-W	97-20-132	388-290-030	NEW-P	97-17-104	388-300-1000	REP	97-20-126
388-222-040	NEW-P	97-17-103	388-290-030	NEW	97-20-130	388-300-1100	REP-P	97-16-054
388-222-040	NEW-W	97-20-132	388-290-035	NEW-P	97-17-104	388-300-1100	REP	97-20-126
388-222-050	NEW-P	97-17-103	388-290-035	NEW	97-20-130	388-300-1200	REP-P	97-16-054
388-222-050	NEW-W	97-20-132	388-290-040	REP-P	97-17-104	388-300-1200	REP	97-20-126
388-222-060	NEW-P	97-17-103	388-290-040	REP	97-20-130	388-300-1300	REP-P	97-16-054
388-222-060	NEW-W	97-20-132	388-290-045	NEW-P	97-17-104	388-300-1300	REP	97-20-126
388-230	PREP	97-13-085	388-290-045	NEW-W	97-20-132	388-300-1400	REP-P	97-16-054
388-230-0010	AMD-E	97-14-107	388-290-050	NEW-P	97-17-104	388-300-1400	REP	97-20-126
388-230-0010	AMD-P	97-17-102	388-290-050	NEW	97-20-130	388-300-1500	REP-P	97-16-054
388-230-0010	AMD	97-20-128	388-290-055	NEW-P	97-17-104	388-300-1500	REP	97-20-126
388-230-0040	AMD-E	97-14-107	388-290-055	NEW	97-20-130	388-300-1600	REP-P	97-16-054
388-230-0040	AMD-P	97-17-102	388-290-060	NEW-P	97-17-104	388-300-1600	REP	97-20-126
388-230-0040	REP	97-20-125	388-290-060	NEW	97-20-130	388-300-1700	REP-P	97-16-054
388-230-0060	AMD-E	97-14-107	388-290-070	NEW-P	97-17-104	388-300-1700	REP	97-20-126
388-230-0060	AMD-P	97-17-102	388-290-070	NEW	97-20-130	388-300-1800	REP-P	97-16-054
388-230-0060	AMD	97-20-128	388-290-080	NEW-P	97-17-104	388-300-1800	REP	97-20-126
388-230-0090	AMD-E	97-14-107	388-290-080	NEW	97-20-130	388-300-1900	REP-P	97-16-054
388-230-0090	AMD-P	97-17-102	388-290-090	NEW-P	97-17-104	388-300-1900	REP	97-20-126
388-230-0090	AMD-W	97-20-132	388-290-090	NEW	97-20-130	388-300-2000	REP-P	97-16-054
388-230-0110	AMD-E	97-14-107	388-290-090	AMD-E	97-23-014	388-300-2000	REP	97-20-126
388-230-0110	AMD-P	97-17-102	388-290-100	NEW-P	97-17-104	388-300-2100	REP-P	97-16-054
388-230-0110	AMD-W	97-20-132	388-290-100	NEW-W	97-20-132	388-300-2100	REP	97-20-126
388-230-0120	AMD-E	97-14-107	388-290-105	NEW-P	97-17-104	388-300-2200	REP-P	97-16-054
388-230-0120	AMD-P	97-17-102	388-290-105	NEW	97-20-130	388-300-2200	REP	97-20-126
388-230-0120	AMD-W	97-20-132	388-290-110	REP-P	97-17-104	388-300-2300	REP-P	97-16-054
388-230-0140	AMD-E	97-14-107	388-290-110	REP	97-20-130	388-300-2300	REP	97-20-126
388-230-0140	AMD-P	97-17-102	388-290-115	REP-P	97-17-104	388-300-2400	REP-P	97-16-054
388-230-0140	AMD-W	97-20-132	388-290-115	REP	97-20-130	388-300-2400	REP	97-20-126
388-233	PREP	97-13-083	388-290-120	REP-P	97-17-104	388-300-2500	REP-P	97-16-054
388-235	PREP	97-14-081	388-290-120	REP	97-20-130	388-300-2500	REP	97-20-126
388-235-2000	AMD-P	97-17-090	388-290-123	REP-P	97-17-104	388-300-2600	REP-P	97-16-054
388-235-2000	AMD	97-20-128	388-290-123	REP	97-20-130	388-300-2600	REP	97-20-126
388-245-1150	AMD-E	97-14-109	388-290-130	REP-P	97-17-104	388-300-2700	REP-P	97-16-054
388-245-1150	AMD-E	97-22-051	388-290-130	REP	97-20-130	388-300-2700	REP	97-20-126
388-245-1150	AMD-P	97-22-052	388-290-135	REP-P	97-17-104	388-300-2800	REP-P	97-16-054
388-245-1510	AMD-E	97-15-011	388-290-135	REP	97-20-130	388-300-2800	REP	97-20-126
388-245-1510	AMD-E	97-22-049	388-290-140	REP-P	97-17-104	388-300-2900	REP-P	97-16-054
388-245-1510	AMD-P	97-22-050	388-290-140	REP	97-20-130	388-300-2900	REP	97-20-126
388-250-1225	NEW-P	97-17-099	388-290-155	REP-P	97-17-104	388-300-3000	REP-P	97-16-054
388-250-1225	NEW	97-20-124	388-290-155	REP	97-20-130	388-300-3000	REP	97-20-126
388-250-1250	AMD-P	98-01-169	388-290-160	REP-P	97-17-104	388-300-3100	REP-P	97-16-054
388-250-1310	NEW-P	97-17-101	388-290-160	REP	97-20-130	388-300-3100	REP	97-20-126
388-250-1310	NEW	97-20-124	388-290-170	REP-P	97-17-104	388-300-3200	REP-P	97-16-054
388-250-1700	AMD-P	97-10-035	388-290-170	REP	97-20-130	388-300-3200	REP	97-20-126
388-250-1700	AMD-E	97-10-036	388-290-180	REP-P	97-17-104	388-300-3300	REP-P	97-16-054
388-250-1700	AMD	97-14-011	388-290-180	REP	97-20-130	388-300-3300	REP	97-20-126
388-250-1700	AMD-E	97-24-035	388-290-210	REP-P	97-17-104	388-300-3400	REP-P	97-16-054
388-250-1700	AMD-P	98-01-126	388-290-210	REP	97-20-130	388-300-3400	REP	97-20-126
388-265	PREP	97-13-084	388-290-250	REP-P	97-17-104	388-300-3500	REP-P	97-16-054
388-265-1010	AMD-E	97-14-108	388-290-250	REP	97-20-130	388-300-3500	REP	97-20-126
388-265-1010	AMD-P	97-17-097	388-290-260	REP-P	97-17-104	388-300-3600	REP-P	97-16-054
388-265-1010	AMD-W	97-20-132	388-290-260	REP	97-20-130	388-300-3600	REP	97-20-126
388-265-1275	AMD-E	97-14-108	388-300	PREP	97-14-046	388-300-3700	REP-P	97-16-054
388-265-1275	AMD-P	97-17-097	388-300-0100	REP-P	97-16-054	388-300-3700	REP	97-20-126
388-265-1275	AMD	97-20-128	388-300-0100	REP	97-20-126	388-300-3800	REP-P	97-16-054
388-265-1350	REP-P	97-05-071	388-300-0200	REP-P	97-16-054	388-300-3800	REP	97-20-126
388-265-1350	REP	97-08-033	388-300-0200	REP	97-20-126	388-300-3900	REP-P	97-16-054
388-265-1350	REP	97-10-042	388-300-0300	REP-P	97-16-054	388-300-3900	REP	97-20-126
388-265-1750	PREP	97-06-132	388-300-0300	REP	97-20-126	388-310-0100	NEW-P	97-17-070
388-265-1750	AMD-E	97-06-133	388-300-0400	REP-P	97-16-054	388-310-0100	NEW	97-20-129
388-265-1750	AMD-P	97-10-039	388-300-0400	REP	97-20-126	388-310-0200	NEW-P	97-17-070
388-265-1750	AMD	97-13-091	388-300-0500	REP-P	97-16-054	388-310-0200	NEW	97-20-129
388-290	PREP	97-14-047	388-300-0500	REP	97-20-126	388-310-0300	NEW-P	97-17-070
388-290	AMD-P	97-17-104	388-300-0600	REP-P	97-16-054	388-310-0300	NEW	97-20-129
388-290	AMD	97-20-130	388-300-0600	REP	97-20-126	388-310-0400	NEW-P	97-17-070
388-290-010	AMD-P	97-17-104	388-300-0700	REP-P	97-16-054	388-310-0400	NEW	97-20-129
388-290-010	AMD	97-20-130	388-300-0700	REP	97-20-126	388-310-0500	NEW-P	97-17-070

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-310-0500	NEW	97-20-129	388-509-0920	AMD-E	97-08-031	388-550-1300	NEW-P	97-11-008
388-310-0600	NEW-P	97-17-070	388-509-0920	AMD-P	97-13-057	388-550-1300	NEW	98-01-124
388-310-0600	NEW	97-20-129	388-509-0920	AMD	97-16-008	388-550-1400	NEW-P	97-11-008
388-310-0700	NEW-P	97-17-070	388-509-0960	AMD-E	97-08-031	388-550-1400	NEW	98-01-124
388-310-0700	NEW	97-20-129	388-509-0960	AMD-P	97-13-057	388-550-1500	NEW-P	97-11-008
388-310-0800	NEW-P	97-17-070	388-509-0960	AMD	97-16-008	388-550-1500	NEW	98-01-124
388-310-0800	NEW	97-20-129	388-510	PREP	97-11-075	388-550-1600	NEW-P	97-11-008
388-310-0900	NEW-P	97-17-070	388-510-1005	NEW-E	97-16-053	388-550-1600	NEW	98-01-124
388-310-0900	NEW	97-20-129	388-510-1005	NEW-E	97-24-034	388-550-1700	NEW-P	97-11-008
388-310-1000	NEW-P	97-17-070	388-510-1020	AMD-E	97-16-053	388-550-1700	NEW	98-01-124
388-310-1000	NEW	97-20-129	388-510-1020	AMD-E	97-24-034	388-550-1750	NEW-P	97-11-008
388-310-1100	NEW-P	97-17-070	388-510-1030	PREP	97-23-037	388-550-1750	NEW	98-01-124
388-310-1100	NEW	97-20-129	388-511-1105	AMD	97-03-036	388-550-1800	NEW-P	97-11-008
388-310-1200	NEW-P	97-17-070	388-511-1130	AMD	97-10-022	388-550-1800	NEW	98-01-124
388-310-1200	NEW	97-20-129	388-511-1140	AMD	97-10-022	388-550-1900	NEW-P	97-11-008
388-310-1300	NEW-P	97-17-070	388-511-1160	AMD	97-03-034	388-550-1900	NEW	98-01-124
388-310-1300	NEW-W	97-20-132	388-511-1160	PREP	97-08-035	388-550-2000	NEW-P	97-11-008
388-310-1300	NEW-P	97-23-085	388-511-1160	AMD-P	98-01-127	388-550-2000	NEW	98-01-124
388-310-1400	NEW-P	97-17-070	388-512-1275	AMD-P	97-23-084	388-550-2100	NEW-P	97-11-008
388-310-1400	NEW	97-20-129	388-512-1280	REP-P	97-23-084	388-550-2100	NEW	98-01-124
388-310-1500	NEW-P	97-17-070	388-513-1315	PREP	97-12-023	388-550-2200	NEW-P	97-11-008
388-310-1500	NEW	97-20-129	388-513-1315	AMD-P	97-23-083	388-550-2200	NEW	98-01-124
388-310-1600	NEW-P	97-17-070	388-513-1320	AMD-P	97-11-082	388-550-2300	NEW-P	97-11-008
388-310-1600	NEW	97-20-129	388-513-1320	AMD	97-15-025	388-550-2300	NEW	98-01-124
388-310-1700	NEW-P	97-17-070	388-513-1330	AMD	97-10-022	388-550-2400	NEW-P	97-11-008
388-310-1700	NEW	97-20-129	388-513-1350	AMD-P	97-07-023	388-550-2400	NEW	98-01-124
388-310-1800	NEW-P	97-17-070	388-513-1350	AMD	97-09-112	388-550-2500	NEW-P	97-11-008
388-310-1800	NEW	97-20-129	388-513-1350	PREP	98-01-068	388-550-2500	NEW	98-01-124
388-310-1900	NEW-P	97-17-070	388-513-1350	AMD-P	98-01-190	388-550-2600	NEW-P	97-11-008
388-310-1900	NEW	97-20-129	388-513-1365	AMD	97-05-040	388-550-2600	NEW	98-01-124
388-320-225	AMD-E	97-03-046	388-513-1380	AMD-E	97-08-031	388-550-2700	NEW-P	97-11-008
388-320-225	AMD-P	97-03-053	388-513-1380	AMD-W	97-12-062	388-550-2700	NEW	98-01-124
388-320-225	AMD	97-07-008	388-513-1380	AMD-P	97-13-057	388-550-2750	NEW-P	97-11-008
388-320-400	PREP	97-15-131	388-513-1380	AMD	97-16-008	388-550-2750	NEW	98-01-124
388-320-400	REP-P	97-19-102	388-513-1380	AMD-E	98-01-191	388-550-2800	NEW-P	97-11-008
388-320-400	REP	98-01-125	388-517-1720	AMD-E	97-08-031	388-550-2800	NEW	98-01-124
388-320-410	PREP	97-15-131	388-517-1720	AMD-P	97-13-057	388-550-2900	NEW-P	97-11-008
388-320-410	REP-P	97-19-102	388-517-1720	AMD	97-16-008	388-550-2900	NEW	98-01-124
388-320-410	REP	98-01-125	388-517-1740	AMD-E	97-08-031	388-550-3000	NEW-P	97-11-008
388-320-470	PREP	97-15-131	388-517-1740	AMD-P	97-13-057	388-550-3000	NEW	98-01-124
388-320-470	REP-P	97-19-102	388-517-1740	AMD	97-16-008	388-550-3100	NEW-P	97-11-008
388-320-470	REP	98-01-125	388-517-1740	PREP	97-23-039	388-550-3100	NEW	98-01-124
388-320-500	PREP	97-15-131	388-517-1760	AMD-E	97-08-031	388-550-3150	NEW-P	97-11-008
388-320-500	REP-P	97-19-102	388-517-1760	AMD-P	97-13-057	388-550-3150	NEW	98-01-124
388-320-500	REP	98-01-125	388-517-1760	AMD	97-16-008	388-550-3200	NEW-P	97-11-008
388-330-035	AMD-P	97-09-106	388-521-2160	PREP	98-01-067	388-550-3200	NEW	98-01-124
388-330-035	AMD	97-13-002	388-522-2205	AMD-E	97-08-030	388-550-3250	NEW-P	97-11-008
388-500-0005	PREP	97-11-075	388-522-2205	AMD-P	97-12-081	388-550-3250	NEW	98-01-124
388-500-0005	AMD-E	97-16-053	388-522-2205	AMD	97-15-084	388-550-3300	NEW-P	97-11-008
388-500-0005	AMD-E	97-24-034	388-523-2305	AMD-E	97-16-053	388-550-3300	NEW	98-01-124
388-501-0135	AMD	97-03-038	388-523-2305	AMD-E	97-24-034	388-550-3350	NEW-P	97-11-008
388-503-0310	AMD	97-03-036	388-524-2405	AMD-E	97-08-030	388-550-3350	NEW	98-01-124
388-503-0310	PREP	97-11-075	388-524-2405	AMD-P	97-12-081	388-550-3400	NEW-P	97-11-008
388-503-0310	AMD-E	97-16-053	388-524-2405	AMD	97-15-084	388-550-3400	NEW	98-01-124
388-503-0310	AMD-E	97-24-034	388-527	PREP	97-20-014	388-550-3450	NEW-P	97-11-008
388-505-0510	AMD-P	97-11-082	388-528-2810	REP	97-03-037	388-550-3450	NEW	98-01-124
388-505-0510	AMD	97-15-025	388-529-2960	AMD-P	97-23-084	388-550-3500	NEW-P	97-11-008
388-505-0520	AMD-E	97-08-074	388-530-1600	PREP	97-24-013	388-550-3500	NEW	98-01-124
388-505-0520	PREP	97-11-075	388-538-070	PREP	97-11-076	388-550-3600	NEW-P	97-11-008
388-505-0520	AMD-E	97-16-053	388-538-073	NEW-W	97-10-073	388-550-3600	NEW	98-01-124
388-505-0520	AMD-E	97-24-034	388-538-074	NEW-W	97-10-073	388-550-3700	NEW-P	97-11-008
388-505-0540	AMD	97-04-005	388-538-110	AMD	97-04-004	388-550-3700	NEW	98-01-124
388-506-0630	AMD	97-10-022	388-540-005	PREP	97-11-081	388-550-3800	NEW-P	97-11-008
388-507-0710	AMD-P	97-07-023	388-540-030	PREP	97-11-081	388-550-3800	NEW	98-01-124
388-507-0710	AMD	97-09-112	388-540-060	PREP	97-11-081	388-550-3900	NEW-P	97-11-008
388-507-0710	PREP	98-01-068	388-550-1000	NEW-P	97-11-008	388-550-3900	NEW	98-01-124
388-507-0710	AMD-E	98-01-190	388-550-1000	NEW	98-01-124	388-550-4000	NEW-P	97-11-008
388-507-0740	PREP	97-10-034	388-550-1050	NEW-P	97-11-008	388-550-4000	NEW	98-01-124
388-507-0740	AMD-E	97-16-053	388-550-1050	NEW	98-01-124	388-550-4100	NEW-P	97-11-008
388-507-0740	AMD-E	97-24-034	388-550-1100	NEW-P	97-11-008	388-550-4100	NEW	98-01-124
388-508-0805	AMD-E	97-08-031	388-550-1100	NEW	98-01-124	388-550-4200	NEW-P	97-11-008
388-508-0805	AMD-P	97-13-057	388-550-1200	NEW-P	97-11-008	388-550-4200	NEW	98-01-124
388-508-0805	AMD	97-16-008	388-550-1200	NEW	98-01-124	388-550-4300	NEW-P	97-11-008

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388-550-4300	NEW	98-01-124	388-555-1200	NEW-E	97-23-023	392-121-136	AMD-P	97-15-000
388-550-4400	NEW-P	97-11-008	388-555-1250	NEW-E	97-15-058	392-121-136	AMD	97-22-000
388-550-4400	NEW	98-01-124	388-555-1250	NEW-E	97-23-023	392-121-137	AMD-P	97-15-073
388-550-4500	NEW-P	97-11-008	388-555-1300	NEW-E	97-15-058	392-121-137	AMD	97-22-013
388-550-4500	NEW	98-01-124	388-555-1300	NEW-E	97-23-023	392-121-182	AMD-P	97-15-073
388-550-4600	NEW-P	97-11-008	388-555-1350	NEW-E	97-15-058	392-121-245	AMD-P	97-19-055
388-550-4600	NEW	98-01-124	388-555-1350	NEW-E	97-23-023	392-121-245	AMD	97-22-106
388-550-4700	NEW-P	97-11-008	388-555-1400	NEW-E	97-15-058	392-121-257	AMD-P	97-19-055
388-550-4700	NEW	98-01-124	388-555-1400	NEW-E	97-23-023	392-121-257	AMD	97-22-106
388-550-4800	NEW-P	97-11-008	388-555-1450	NEW-E	97-15-058	392-121-259	AMD-P	97-19-055
388-550-4800	NEW	98-01-124	388-555-1450	NEW-E	97-23-023	392-121-259	AMD	97-22-106
388-550-4900	NEW-P	97-11-008	390-05-400	PREP	98-01-187	392-121-262	AMD-P	97-19-055
388-550-4900	NEW	98-01-124	390-16-041	AMD-P	97-03-117	392-121-262	AMD	97-22-106
388-550-5000	NEW-P	97-11-008	390-16-041	AMD	97-06-085	392-121-280	AMD-P	97-19-055
388-550-5000	NEW	98-01-124	390-16-071	AMD-P	97-21-148	392-121-280	AMD	97-22-106
388-550-5100	NEW-P	97-11-008	390-16-071	AMD	98-01-062	392-122	PREP	97-16-097
388-550-5100	NEW	98-01-124	390-16-313	AMD-P	97-06-086	392-123-047	PREP	97-04-035
388-550-5150	NEW-P	97-11-008	390-16-313	AMD	97-10-055	392-127	PREP	97-17-023
388-550-5150	NEW	98-01-124	390-17-400	AMD-E	98-01-055	392-130-005	REP-P	97-16-001
388-550-5200	NEW-P	97-11-008	390-20-110	AMD-P	97-21-148	392-130-005	REP	97-19-075
388-550-5200	NEW	98-01-124	390-20-110	AMD	98-01-062	392-130-010	REP-P	97-16-001
388-550-5250	NEW-P	97-11-008	390-24-010	AMD-P	97-19-051	392-130-010	REP	97-19-075
388-550-5250	NEW	98-01-124	390-24-010	AMD	97-23-020	392-130-015	REP-P	97-16-001
388-550-5300	NEW-P	97-11-008	390-24-020	AMD-P	97-19-051	392-130-015	REP	97-19-075
388-550-5300	NEW	98-01-124	390-24-020	AMD	97-23-020	392-130-020	REP-P	97-16-001
388-550-5350	NEW-P	97-11-008	390-24-300	NEW-P	97-19-051	392-130-020	REP	97-19-075
388-550-5350	NEW	98-01-124	390-24-301	NEW	97-23-020	392-130-025	REP-P	97-16-001
388-550-5400	NEW-P	97-11-008	392-115	PREP	97-18-010	392-130-025	REP	97-19-075
388-550-5400	NEW	98-01-124	392-115-005	AMD-P	97-24-061	392-130-030	REP-P	97-16-001
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388-550-5500	NEW	98-01-124	392-115-015	AMD-P	97-24-061	392-130-035	REP-P	97-16-001
388-550-5600	NEW-P	97-11-008	392-115-020	AMD-P	97-24-061	392-130-035	REP	97-19-075
388-550-5600	NEW	98-01-124	392-115-025	AMD-P	97-24-061	392-130-040	REP-P	97-16-001
388-550-5700	NEW-P	97-11-008	392-115-045	AMD-P	97-24-061	392-130-040	REP	97-19-075
388-550-5700	NEW	98-01-124	392-115-050	AMD-P	97-24-061	392-130-045	REP-P	97-16-001
388-550-5800	NEW-P	97-11-008	392-115-055	AMD-P	97-24-061	392-130-045	REP	97-19-075
388-550-5800	NEW	98-01-124	392-115-060	AMD-P	97-24-061	392-130-045	REP	97-19-075
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388-550-5900	NEW	98-01-124	392-115-085	AMD-P	97-24-061	392-130-050	REP	97-19-075
388-550-6000	NEW-P	97-11-008	392-115-090	AMD-P	97-24-061	392-130-055	REP-P	97-16-001
388-550-6000	NEW	98-01-124	392-115-110	AMD-P	97-24-061	392-130-055	REP	97-19-075
388-550-6100	NEW-P	97-11-008	392-115-115	AMD-P	97-24-061	392-130-060	REP-P	97-16-001
388-550-6100	NEW	98-01-124	392-115-120	AMD-P	97-24-061	392-130-060	REP	97-19-075
388-550-6150	NEW-P	97-11-008	392-115-125	AMD-P	97-24-061	392-130-065	REP-P	97-16-001
388-550-6150	NEW	98-01-124	392-115-130	AMD-P	97-24-061	392-130-065	REP	97-19-075
388-550-6200	NEW-P	97-11-008	392-115-151	AMD-P	97-24-061	392-130-070	REP-P	97-16-001
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388-550-6300	NEW	98-01-124	392-120-027	NEW	97-20-002	392-130-080	REP	97-19-075
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388-550-6350	NEW	98-01-124	392-120-028	NEW	97-20-002	392-130-085	REP	97-19-075
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388-550-6400	NEW	98-01-124	392-120-030	AMD	97-20-002	392-130-090	REP	97-19-075
388-550-6450	NEW-P	97-11-008	392-120-055	AMD-P	97-15-072	392-130-095	REP-P	97-16-001
388-550-6450	NEW	98-01-124	392-120-055	AMD	97-20-002	392-130-095	REP	97-19-075
388-550-6500	NEW-P	97-11-008	392-120-065	AMD-P	97-15-072	392-130-100	REP-P	97-16-001
388-550-6500	NEW	98-01-124	392-120-065	AMD	97-20-002	392-130-100	REP	97-19-075
388-550-6600	NEW-P	97-11-008	392-121	PREP	97-09-010	392-130-105	REP-P	97-16-001
388-550-6600	NEW	98-01-124	392-121	PREP	97-16-095	392-130-105	REP	97-19-075
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388-555-1000	NEW-E	97-15-058	392-121-107	AMD	97-22-013	392-130-115	REP	97-19-075
388-555-1000	NEW-E	97-23-023	392-121-108	AMD-P	97-15-073	392-130-120	REP-P	97-16-001
388-555-1050	NEW-E	97-15-058	392-121-108	AMD	97-22-013	392-130-120	REP	97-19-075
388-555-1050	NEW-E	97-23-023	392-121-119	NEW-P	97-15-073	392-130-125	REP-P	97-16-001
388-555-1100	NEW-E	97-15-058	392-121-119	NEW	97-22-013	392-130-125	REP	97-19-075
388-555-1100	NEW-E	97-23-023	392-121-122	AMD-P	97-15-073	392-130-130	REP-P	97-16-001
388-555-1150	NEW-E	97-15-058	392-121-122	AMD	97-22-013	392-130-130	REP	97-19-075
388-555-1150	NEW-E	97-23-023	392-121-133	AMD-P	97-15-073	392-130-135	REP-P	97-16-001
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392-130-145	REP	97-19-075	392-140-743	NEW-E	97-18-036	392-165-135	AMD-P	97-16-118
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392-130-160	REP	97-19-075	392-140-802	NEW-P	97-20-093	392-165-170	AMD-P	97-16-118
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392-130-165	REP	97-19-075	392-140-806	NEW-P	97-20-093	392-165-180	AMD-P	97-16-118
392-130-170	REP-P	97-16-001	392-140-808	NEW-P	97-20-093	392-165-180	AMD	97-23-011
392-130-170	REP	97-19-075	392-140-810	NEW-P	97-20-093	392-165-210	AMD-P	97-16-118
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392-130-175	REP	97-19-075	392-140-814	NEW-P	97-20-093	392-165-245	AMD-P	97-16-118
392-130-180	REP-P	97-16-001	392-140-816	NEW-P	97-20-093	392-165-245	AMD	97-23-011
392-130-180	REP	97-19-075	392-140-818	NEW-P	97-20-093	392-165-260	AMD-P	97-16-118
392-130-185	REP-P	97-16-001	392-140-820	NEW-P	97-20-093	392-165-260	AMD	97-23-011
392-130-185	REP	97-19-075	392-140-822	NEW-P	97-20-093	392-165-302	AMD-P	97-16-118
392-130-190	REP-P	97-16-001	392-140-824	NEW-P	97-20-093	392-165-302	AMD	97-23-011
392-130-190	REP	97-19-075	392-140-826	NEW-P	97-20-093	392-165-304	AMD-P	97-16-118
392-130-195	REP-P	97-16-001	392-140-828	NEW-P	97-20-093	392-165-304	AMD	97-23-011
392-130-195	REP	97-19-075	392-140-830	NEW-P	97-20-093	392-165-310	AMD-P	97-16-118
392-130-200	REP-P	97-16-001	392-140-832	NEW-P	97-20-093	392-165-310	AMD	97-23-011
392-130-200	REP	97-19-075	392-140-834	NEW-P	97-20-093	392-165-315	AMD-P	97-16-118
392-130-205	REP-P	97-16-001	392-140-836	NEW-P	97-20-093	392-165-315	AMD	97-23-011
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392-137-160	AMD-P	97-15-075	392-160-015	AMD-W	98-01-054	392-165-345	AMD-P	97-16-118
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392-140-702	NEW-E	97-18-036	392-160-040	AMD-C	97-14-077	392-165-425	AMD	97-23-011
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392-140-711	NEW-E	97-18-036	392-160-045	REP-C	97-14-077	392-165-430	AMD	97-23-011
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392-140-713	NEW-E	97-18-036	392-160-050	NEW-C	97-14-077	392-165-440	AMD	97-23-011
392-140-714	NEW-E	97-18-036	392-160-050	NEW-W	98-01-054	392-165-450	AMD-P	97-16-118
392-140-715	NEW-E	97-18-036	392-160-060	NEW-C	97-14-077	392-165-450	AMD	97-23-011
392-140-716	NEW-E	97-18-036	392-160-060	NEW-W	98-01-054	392-165-455	AMD-P	97-16-118
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392-140-722	NEW-E	97-18-036	392-160-080	NEW-C	97-14-077	392-165-460	AMD	97-23-011
392-140-723	NEW-E	97-18-036	392-160-080	NEW-W	98-01-054	392-165-490	NEW-P	97-16-118
392-140-724	NEW-E	97-18-036	392-160-090	NEW-C	97-14-077	392-165-490	NEW	97-23-011
392-140-725	NEW-E	97-18-036	392-160-090	NEW-W	98-01-054	392-165-500	AMD-P	97-16-118
392-140-726	NEW-E	97-18-036	392-160-091	NEW-C	97-14-077	392-165-500	AMD	97-23-011
392-140-727	NEW-E	97-18-036	392-160-091	NEW-W	98-01-054	392-165-510	AMD-P	97-16-118
392-140-728	NEW-E	97-18-036	392-165	AMD-P	97-16-118	392-165-510	AMD	97-23-011
392-140-730	NEW-E	97-18-036	392-165	AMD	97-23-011	392-170	PREP	97-21-013
392-140-731	NEW-E	97-18-036	392-165-105	AMD-P	97-16-118	392-170-035	AMD-P	97-23-012
392-140-732	NEW-E	97-18-036	392-165-105	AMD	97-23-011	392-170-036	NEW-P	97-23-012
392-140-733	NEW-E	97-18-036	392-165-115	AMD-P	97-16-118	392-170-037	NEW-P	97-23-012
392-140-735	NEW-E	97-18-036	392-165-115	AMD	97-23-011	392-170-038	NEW-P	97-23-012
392-140-736	NEW-E	97-18-036	392-165-120	AMD-P	97-16-118	392-170-042	NEW-P	97-23-012
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392-170-080	AMD-P	97-23-012	415-112-330	AMD	97-09-037	434-09-060	DECOD	97-21-045
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399-30-032	PREP	97-22-016	415-112-420	PREP-XR	97-20-028	434-09-080	DECOD-P	97-14-106
399-30-033	NEW-E	97-12-077	415-112-444	NEW	97-03-016	434-09-080	AMD	97-21-045
399-30-033	PREP	97-22-016	415-112-445	NEW	97-03-016	434-09-080	DECOD	97-21-045
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415-108-0111	NEW-P	98-01-069	415-112-4601	NEW	97-03-016	434-09-090	DECOD	97-21-045
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415-108-190	PREP-XR	97-20-028	415-112-4607	NEW	97-03-016	434-20-020	REP	97-21-045
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415-108-195	PREP-XR	97-20-028	415-112-4608	AMD-P	98-01-069	434-20-030	REP	97-21-045
415-108-200	PREP-XR	97-20-028	415-112-4609	NEW	97-03-016	434-20-040	REP-P	97-14-106
415-108-210	PREP-XR	97-20-028	415-112-4609	AMD-P	98-01-069	434-20-040	REP	97-21-045
415-108-220	PREP-XR	97-20-028	415-112-470	NEW	97-03-016	434-20-050	REP-P	97-14-106
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415-108-240	PREP-XR	97-20-028	415-112-473	NEW	97-03-016	434-24-010	AMD-P	97-14-106
415-108-250	PREP-XR	97-20-028	415-112-475	NEW	97-03-016	434-24-010	DECOD-P	97-14-106
415-108-260	PREP-XR	97-20-028	415-112-477	NEW	97-03-016	434-24-010	AMD	97-21-045
415-108-270	PREP-XR	97-20-028	415-112-480	NEW	97-03-016	434-24-010	DECOD	97-21-045
415-108-280	PREP-XR	97-20-028	415-112-482	NEW	97-03-016	434-24-015	AMD-P	97-14-106
415-108-290	PREP-XR	97-20-028	415-112-483	NEW	97-03-016	434-24-015	DECOD-P	97-14-106
415-108-300	DECOD	97-19-035	415-112-485	NEW	97-03-016	434-24-015	AMD	97-21-045
415-108-441	NEW-P	98-01-069	415-112-487	NEW	97-03-016	434-24-015	DECOD	97-21-045
415-108-443	NEW-P	98-01-069	415-112-489	NEW	97-03-016	434-24-020	AMD-P	97-14-106
415-108-445	NEW-P	98-01-069	415-112-490	NEW	97-03-016	434-24-020	DECOD-P	97-14-106
415-108-450	REP-P	98-01-069	415-112-491	NEW	97-03-016	434-24-020	AMD	97-21-045
415-108-451	NEW-P	98-01-069	415-116-010	PREP-XR	97-20-028	434-24-020	DECOD	97-21-045
415-108-453	NEW-P	98-01-069	415-116-020	PREP-XR	97-20-028	434-24-025	DECOD-P	97-14-106
415-108-455	NEW-P	98-01-069	415-116-030	PREP-XR	97-20-028	434-24-025	DECOD	97-21-045
415-108-456	NEW-P	98-01-069	415-116-040	PREP-XR	97-20-028	434-24-030	DECOD-P	97-14-106
415-108-457	NEW-P	98-01-069	415-116-050	PREP-XR	97-20-028	434-24-030	DECOD	97-21-045
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415-108-459	NEW-P	98-01-069	415-200-030	NEW-P	97-13-058	434-24-035	DECOD-P	97-14-106
415-108-460	REP-P	98-01-069	415-200-030	NEW	97-16-039	434-24-035	DECOD	97-21-045
415-108-463	NEW-P	98-01-069	415-200-040	NEW-E	97-08-053	434-24-035	AMD-S	97-21-046
415-108-464	NEW-P	98-01-069	415-200-040	NEW-P	97-13-058	434-24-040	REP-P	97-14-106
415-108-465	NEW-P	98-01-069	415-200-040	NEW	97-16-039	434-24-040	REP	97-21-045
415-108-466	NEW-P	98-01-069	415-200-050	NEW-P	97-21-154	434-24-050	AMD-P	97-14-106
415-108-467	NEW-P	98-01-069	415-200-050	NEW	98-01-109	434-24-050	DECOD-P	97-14-106
415-108-468	NEW-P	98-01-069	415-200-060	NEW-P	97-21-154	434-24-050	DECOD	97-21-045
415-108-469	NEW-P	98-01-069	415-200-060	NEW	98-01-109	434-24-050	AMD-S	97-21-046
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415-108-477	NEW-P	98-01-069	415-200-070	NEW	98-01-109	434-24-055	REP	97-21-045
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415-108-482	NEW-P	98-01-069	434-09-010	DECOD-P	97-14-106	434-24-060	DECOD-P	97-14-106
415-108-483	NEW-P	98-01-069	434-09-010	DECOD	97-21-045	434-24-060	DECOD	97-21-045
415-108-484	NEW-P	98-01-069	434-09-020	AMD-P	97-14-106	434-24-060	AMD-S	97-21-046
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415-108-488	NEW-P	98-01-069	434-09-020	AMD	97-21-045	434-24-065	NEW-E	97-12-039
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415-108-491	NEW-P	98-01-069	434-09-030	AMD-P	97-14-106	434-24-070	REP-P	97-14-106
415-108-500	DECOD	97-19-035	434-09-030	DECOD-P	97-14-106	434-24-070	REP	97-21-045
415-108-530	DECOD	97-19-035	434-09-030	AMD	97-21-045	434-24-080	REP-P	97-14-106
415-108-540	DECOD	97-19-035	434-09-030	DECOD	97-21-045	434-24-080	REP	97-21-045
415-108-580	DECOD	97-19-035	434-09-040	AMD-P	97-14-106	434-24-085	AMD-P	97-14-106
415-108-730	RECOD	97-19-035	434-09-040	DECOD-P	97-14-106	434-24-085	DECOD-P	97-14-106
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415-108-820	RECOD	97-19-035	434-09-040	DECOD	97-21-045	434-24-085	AMD-S	97-21-046
415-108-830	RECOD	97-19-035	434-09-050	AMD-P	97-14-106	434-24-090	REP-P	97-14-106
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415-112-0152	PREP-XR	97-20-028	434-09-050	AMD	97-21-045	434-24-095	AMD-P	97-14-106
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434-24-100	REP	97-21-045	434-30-120	REP	97-21-045	434-34-110	AMD	97-21-045
434-24-105	AMD-P	97-14-106	434-30-130	REP-P	97-14-106	434-34-110	DECOD	97-21-045
434-24-105	DECOD-P	97-14-106	434-30-130	REP	97-21-045	434-34-115	DECOD-P	97-14-106
434-24-105	DECOD	97-21-045	434-30-140	REP-P	97-14-106	434-34-115	DECOD	97-21-045
434-24-105	AMD-S	97-21-046	434-30-140	REP	97-21-045	434-36-010	DECOD-P	97-14-106
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434-24-120	DECOD	97-21-045	434-30-180	DECOD-P	97-14-106	434-36-040	AMD	97-21-045
434-24-120	AMD-S	97-21-046	434-30-180	AMD	97-21-045	434-36-040	DECOD	97-21-045
434-24-130	AMD-P	97-14-106	434-30-180	DECOD	97-21-045	434-36-050	AMD-P	97-14-106
434-24-130	DECOD-P	97-14-106	434-30-190	DECOD-P	97-14-106	434-36-050	DECOD-P	97-14-106
434-24-130	DECOD	97-21-045	434-30-190	DECOD	97-21-045	434-36-050	AMD	97-21-045
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434-24-140	DECOD-P	97-14-106	434-30-210	AMD-P	97-14-106	434-36-060	DECOD-P	97-14-106
434-24-140	AMD	97-21-045	434-30-210	DECOD-P	97-14-106	434-36-060	AMD	97-21-045
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434-24-155	REP-P	97-14-106	434-30-220	REP	97-21-045	434-36-070	AMD	97-21-045
434-24-155	REP	97-21-045	434-34-010	DECOD-P	97-14-106	434-36-070	DECOD	97-21-045
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434-24-160	DECOD-P	97-14-106	434-34-015	DECOD-P	97-14-106	434-36-080	DECOD-P	97-14-106
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434-24-160	DECOD	97-21-045	434-34-020	DECOD-P	97-14-106	434-36-080	DECOD	97-21-045
434-24-170	REP-P	97-14-106	434-34-020	DECOD	97-21-045	434-36-090	AMD-P	97-14-106
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434-28-050	DECOD-P	97-14-106	434-34-040	DECOD	97-21-045	434-36-110	AMD-P	97-14-106
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434-28-060	DECOD-P	97-14-106	434-34-045	DECOD	97-21-045	434-36-110	AMD	97-21-045
434-28-060	DECOD	97-21-045	434-34-050	DECOD-P	97-14-106	434-36-110	DECOD	97-21-045
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434-30-020	DECOD-P	97-14-106	434-34-060	DECOD	97-21-045	434-36-120	DECOD	97-21-045
434-30-020	DECOD	97-21-045	434-34-065	DECOD-P	97-14-106	434-36-130	REP-P	97-14-106
434-30-030	AMD-P	97-14-106	434-34-065	DECOD	97-21-045	434-36-130	REP	97-21-045
434-30-030	DECOD-P	97-14-106	434-34-070	DECOD-P	97-14-106	434-36-140	AMD-P	97-14-106
434-30-030	DECOD	97-21-045	434-34-070	DECOD	97-21-045	434-36-140	DECOD-P	97-14-106
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434-30-040	DECOD	97-21-045	434-34-080	DECOD-P	97-14-106	434-36-150	REP-P	97-14-106
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434-30-050	DECOD	97-21-045	434-34-085	DECOD-P	97-14-106	434-36-160	DECOD-P	97-14-106
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434-30-060	DECOD	97-21-045	434-34-090	AMD-P	97-14-106	434-36-170	AMD-P	97-14-106
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434-30-080	DECOD	97-21-045	434-34-095	DECOD-P	97-14-106	434-36-180	AMD-E	97-13-003
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434-30-090	DECOD	97-21-045	434-34-100	DECOD-P	97-14-106	434-36-180	DECOD-P	97-14-106
434-30-100	REP-P	97-14-106	434-34-100	DECOD	97-21-045	434-36-180	AMD	97-21-045
434-30-100	REP	97-21-045	434-34-105	DECOD-P	97-14-106	434-36-180	DECOD	97-21-045
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434-36-210	DECOD-P	97-14-106	434-40-230	AMD-E	97-21-044	434-53-130	DECOD-P	97-14-106
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434-40-050	DECOD-P	97-14-106	434-40-280	REP	97-21-045	434-53-190	DECOD	97-21-045
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434-61-020	DECOD-P	97-14-106	434-120-130	AMD	97-16-035	434-200-320	NEW-P	97-20-151
434-61-020	AMD	97-21-045	434-120-210	AMD-P	97-13-093	434-200-330	NEW-P	97-20-151
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434-334-035	RECOD-P	97-14-106	440-22-325	AMD-S	97-08-073	458-20-174	AMD	97-11-022
434-334-035	RECOD	97-21-045	440-22-325	AMD	97-13-050	458-20-17401	AMD-P	97-07-079
434-334-040	RECOD-P	97-14-106	440-22-335	AMD-S	97-08-073	458-20-17401	AMD	97-11-022
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458-20-253	REP	98-01-111	463-06-030	AMD	98-01-078	466-08-030	REP-P	97-12-074
458-20-263	NEW	97-03-027	463-10-010	AMD-XA	97-19-057	466-08-030	REP	97-15-110
458-30-262	AMD-XA	97-21-096	463-10-010	AMD	98-01-080	466-08-040	REP-P	97-12-074
458-30-262	AMD	98-01-178	463-14-070	AMD-XA	97-19-058	466-08-040	REP	97-15-110
458-30-590	AMD-XA	97-21-097	463-14-070	AMD	98-01-081	466-08-050	REP-P	97-12-074
458-30-590	AMD	98-01-179	463-18-050	AMD-XA	97-19-059	466-08-050	REP	97-15-110
458-40-540	AMD	97-07-041	463-18-050	AMD	98-01-084	466-08-060	REP-P	97-12-074
458-40-540	AMD-W	97-11-060	463-30-080	AMD-XA	97-19-059	466-08-060	REP	97-15-110
458-40-540	PREP	97-19-030	463-30-080	AMD	98-01-084	466-08-070	REP-P	97-12-074
458-40-540	AMD-P	97-22-035	463-30-120	AMD-XA	97-19-059	466-08-070	REP	97-15-110
458-40-650	PREP	97-19-029	463-30-120	AMD	98-01-084	466-08-080	REP-P	97-12-074
458-40-660	PREP	97-06-111	463-30-300	AMD-XA	97-19-062	466-08-080	REP	97-15-110
458-40-660	AMD-P	97-10-027	463-30-300	AMD	98-01-083	466-08-090	REP-P	97-12-074
458-40-660	AMD	97-14-068	463-30-330	AMD-XA	97-19-059	466-08-090	REP	97-15-110
458-40-660	PREP	97-19-031	463-30-330	AMD	98-01-084	468-16-030	AMD-P	97-05-007
458-40-660	AMD-P	97-22-034	463-30-335	AMD-XA	97-19-059	468-16-030	AMD	97-09-045
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460-21B-080	REP	97-03-122	463-47-020	AMD-XA	97-19-060	468-16-080	AMD	97-09-045
460-22B-070	REP	97-03-122	463-47-020	AMD	98-01-082	468-16-090	AMD-P	97-05-007
460-22B-080	REP	97-03-122	463-47-120	AMD-XA	97-19-060	468-16-090	AMD	97-09-045
460-22B-090	AMD-P	97-13-076	463-47-120	AMD	98-01-082	468-16-100	AMD-P	97-05-007
460-22B-090	AMD	97-16-050	463-54-070	AMD-XA	97-19-058	468-16-100	AMD	97-09-045
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460-24A-040	AMD-P	97-13-076	466-02-010	REP	97-15-110	468-16-120	AMD	97-09-045
460-24A-040	AMD	97-16-050	466-03-010	REP-P	97-12-074	468-16-130	AMD-P	97-05-007
460-24A-045	AMD-P	97-13-076	466-03-010	REP	97-15-110	468-16-130	AMD	97-09-045
460-24A-045	AMD	97-16-050	466-03-020	REP-P	97-12-074	468-16-140	AMD-P	97-05-007
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460-24A-050	AMD-P	97-13-076	466-03-030	REP-P	97-12-074	468-16-150	AMD-P	97-05-007
460-24A-050	AMD	97-16-050	466-03-030	REP	97-15-110	468-16-150	AMD	97-09-045
460-24A-170	AMD-P	97-13-076	466-03-040	REP-P	97-12-074	468-16-160	AMD-P	97-05-007
460-24A-170	AMD	97-16-050	466-03-040	REP	97-15-110	468-16-160	AMD	97-09-045
460-40A-015	PREP-XR	97-20-073	466-03-050	REP-P	97-12-074	468-16-170	AMD-P	97-05-007
460-40A-015	REP	98-01-071	466-03-050	REP	97-15-110	468-16-170	AMD	97-09-045
460-40A-020	PREP-XR	97-20-073	466-03-060	REP-P	97-12-074	468-16-180	AMD-P	97-05-007
460-40A-020	REP	98-01-071	466-03-060	REP	97-15-110	468-16-180	AMD	97-09-045
460-40A-040	PREP-XR	97-20-073	466-03-070	REP-P	97-12-074	468-34-010	PREP	97-21-028
460-40A-040	REP	98-01-071	466-03-070	REP	97-15-110	468-34-020	PREP	97-21-028
460-42A-082	NEW-P	97-13-077	466-03-080	REP-P	97-12-074	468-34-120	PREP	97-21-028
460-42A-082	NEW	97-16-051	466-03-080	REP	97-15-110	468-34-150	PREP	97-21-028
460-44A-300	NEW-P	97-08-061	466-03-090	REP-P	97-12-074	468-34-210	PREP	97-21-028
460-44A-300	NEW	97-16-121	466-03-090	REP	97-15-110	468-34-330	PREP	97-21-028
460-44A-506	PREP	97-08-057	466-03-100	REP-P	97-12-074	468-66	PREP	97-09-070
460-65A-010	PREP-XR	97-20-027	466-03-100	REP	97-15-110	468-66-010	AMD-P	97-13-028
460-65A-010	REP	98-01-072	466-03-110	REP-P	97-12-074	468-66-010	AMD	97-17-010
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460-65A-040	PREP-XR	97-20-027	466-03-130	REP	97-15-110	468-86-010	NEW-P	97-06-005
460-65A-040	REP	98-01-072	466-03-900	REP-P	97-12-074	468-86-010	NEW	97-09-046
460-65A-100	PREP-XR	97-20-027	466-03-900	REP	97-15-110	468-86-020	NEW-P	97-06-005
460-65A-100	REP	98-01-072	466-04-010	REP-P	97-12-074	468-86-020	NEW	97-09-046
460-65A-105	PREP-XR	97-20-027	466-04-010	REP	97-15-110	468-86-030	NEW-P	97-06-005
460-65A-105	REP	98-01-072	466-04-020	REP-P	97-12-074	468-86-030	NEW	97-09-046
460-65A-110	PREP-XR	97-20-027	466-04-020	REP	97-15-110	468-86-040	NEW-P	97-06-005
460-65A-110	REP	98-01-072	466-04-030	REP-P	97-12-074	468-86-040	NEW	97-09-046
460-65A-115	PREP-XR	97-20-027	466-04-030	REP	97-15-110	468-86-050	NEW-P	97-06-005
460-65A-115	REP	98-01-072	466-04-040	REP-P	97-12-074	468-86-050	NEW	97-09-046
460-65A-125	PREP-XR	97-20-027	466-04-040	REP	97-15-110	468-86-060	NEW-P	97-06-005
460-65A-125	REP	98-01-072	466-04-050	REP-P	97-12-074	468-86-060	NEW	97-09-046
461-08-310	AMD-E	97-12-004	466-04-050	REP	97-15-110	468-86-070	NEW-P	97-06-005
461-08-310	AMD-P	97-15-057	466-04-060	REP-P	97-12-074	468-86-070	NEW	97-09-046
461-08-310	AMD	97-19-063	466-04-060	REP	97-15-110	468-86-080	NEW-P	97-06-005
461-08-560	AMD-P	97-15-057	466-04-070	REP-P	97-12-074	468-86-080	NEW	97-09-046
461-08-560	AMD	97-19-063	466-04-070	REP	97-15-110	468-86-090	NEW-P	97-06-005
461-08-570	AMD-P	97-15-057	466-07-010	REP-P	97-12-074	468-86-090	NEW	97-09-046
461-08-570	AMD	97-19-063	466-07-010	REP-E	97-15-109	468-86-100	NEW-P	97-06-005
463-06-010	AMD-XA	97-19-061	466-07-010	REP	97-15-110	468-86-100	NEW	97-09-046
463-06-010	AMD	98-01-079	466-08-010	REP-P	97-12-074	468-86-110	NEW-P	97-06-005
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468-86-130	NEW	97-09-046	478-116-095	REP	97-14-005	478-116-225	NEW-P	97-09-071
468-86-140	NEW-P	97-06-005	478-116-100	REP-P	97-09-071	478-116-225	NEW	97-14-005
468-86-140	NEW	97-09-046	478-116-100	REP	97-14-005	478-116-227	NEW-P	97-09-071
468-86-150	NEW-P	97-06-005	478-116-101	NEW-P	97-09-071	478-116-227	NEW	97-14-005
468-86-150	NEW	97-09-046	478-116-101	NEW	97-14-005	478-116-230	REP-P	97-09-071
468-86-160	NEW-P	97-06-005	478-116-110	REP-P	97-09-071	478-116-230	REP	97-14-005
468-86-160	NEW	97-09-046	478-116-110	REP	97-14-005	478-116-231	NEW-P	97-09-071
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468-105-020	AMD-P	97-11-040	478-116-111	NEW	97-14-005	478-116-240	REP-P	97-09-071
468-105-020	AMD	97-14-037	478-116-114	NEW-P	97-09-071	478-116-240	REP	97-14-005
468-105-040	AMD-P	97-11-040	478-116-114	NEW	97-14-005	478-116-241	NEW-P	97-09-071
468-105-040	AMD	97-14-037	478-116-116	NEW-P	97-09-071	478-116-241	NEW	97-14-005
468-105-050	AMD-P	97-11-040	478-116-116	NEW	97-14-005	478-116-245	NEW-P	97-09-071
468-105-050	AMD	97-14-037	478-116-120	REP-P	97-09-071	478-116-245	NEW	97-14-005
468-105-060	AMD-P	97-11-040	478-116-120	REP	97-14-005	478-116-250	REP-P	97-09-071
468-105-060	AMD	97-14-037	478-116-121	NEW-P	97-09-071	478-116-250	REP	97-14-005
468-105-070	AMD-P	97-11-040	478-116-121	NEW	97-14-005	478-116-251	NEW-P	97-09-071
468-105-070	AMD	97-14-037	478-116-125	NEW-P	97-09-071	478-116-251	NEW	97-14-005
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468-105-080	AMD	97-14-037	478-116-130	REP-P	97-09-071	478-116-253	NEW	97-14-005
468-200-080	AMD	97-03-064	478-116-130	REP	97-14-005	478-116-255	NEW-P	97-09-071
468-200-160	AMD	97-03-064	478-116-131	NEW-P	97-09-071	478-116-255	NEW	97-14-005
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468-300-020	PREP	97-24-063	478-116-140	REP	97-14-005	478-116-261	NEW-P	97-09-071
468-300-040	PREP	97-24-063	478-116-141	NEW-P	97-09-071	478-116-261	NEW	97-14-005
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468-300-210	REP-E	97-15-109	478-116-145	NEW	97-14-005	478-116-271	NEW-P	97-09-071
468-300-210	REP	97-15-110	478-116-147	NEW-P	97-09-071	478-116-271	NEW	97-14-005
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468-300-220	NEW-E	97-15-109	478-116-151	NEW-P	97-09-071	478-116-280	REP	97-14-005
468-300-220	NEW	97-15-110	478-116-151	NEW	97-14-005	478-116-281	NEW-P	97-09-071
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468-400-020	PREP	97-23-002	478-116-160	REP	97-14-005	478-116-290	REP-P	97-09-071
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468-400-040	PREP	97-23-002	478-116-161	NEW	97-14-005	478-116-291	NEW-P	97-09-071
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478-116-010	AMD	97-14-005	478-116-170	REP-P	97-09-071	478-116-310	REP	97-14-005
478-116-020	AMD-P	97-09-071	478-116-170	REP	97-14-005	478-116-311	NEW-P	97-09-071
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478-116-044	NEW	97-14-005	478-116-181	NEW-P	97-09-071	478-116-330	REP	97-14-005
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478-116-046	NEW	97-14-005	478-116-184	NEW-P	97-09-071	478-116-340	REP	97-14-005
478-116-050	REP-P	97-09-071	478-116-184	NEW	97-14-005	478-116-345	REP-P	97-09-071
478-116-050	REP	97-14-005	478-116-186	NEW-P	97-09-071	478-116-345	REP	97-14-005
478-116-051	NEW-P	97-09-071	478-116-186	NEW	97-14-005	478-116-350	REP-P	97-09-071
478-116-051	NEW	97-14-005	478-116-190	REP-P	97-09-071	478-116-350	REP	97-14-005
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478-116-060	REP	97-14-005	478-116-200	REP-P	97-09-071	478-116-360	REP	97-14-005
478-116-061	NEW-P	97-09-071	478-116-200	REP	97-14-005	478-116-370	REP-P	97-09-071
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478-116-540	REP-P	97-09-071	478-156-014	AMD	97-24-048	478-276-140	AMD	97-14-004
478-116-540	REP	97-14-005	478-156-015	AMD-P	97-20-085	480-04	PREP	97-17-047
478-116-541	NEW-P	97-09-071	478-156-015	AMD	97-24-048	480-04-020	AMD-P	97-22-081
478-116-541	NEW	97-14-005	478-156-016	AMD-P	97-20-085	480-04-030	AMD-P	97-22-081
478-116-550	REP-P	97-09-071	478-156-016	AMD	97-24-048	480-04-050	AMD-P	97-22-081
478-116-550	REP	97-14-005	478-156-017	AMD-P	97-20-085	480-04-060	AMD-P	97-22-081
478-116-551	NEW-P	97-09-071	478-156-017	AMD	97-24-048	480-04-065	AMD-P	97-22-081
478-116-551	NEW	97-14-005	478-156-018	AMD-P	97-20-085	480-04-070	AMD-P	97-22-081
478-116-561	NEW-P	97-09-071	478-156-018	AMD	97-24-048	480-04-090	AMD-P	97-22-081
478-116-561	NEW	97-14-005	478-160	PREP	97-20-084	480-04-095	AMD-P	97-22-081
478-116-570	REP-P	97-09-071	478-160-035	AMD-P	97-08-062	480-04-100	AMD-P	97-22-081
478-116-570	REP	97-14-005	478-160-035	AMD	97-14-004	480-04-110	AMD-P	97-22-081
478-116-580	REP-P	97-09-071	478-160-040	AMD-P	97-08-062	480-04-120	AMD-P	97-22-081
478-116-580	REP	97-14-005	478-160-040	AMD	97-14-004	480-04-130	AMD-P	97-22-081
478-116-582	REP-P	97-09-071	478-160-050	AMD-P	97-08-062	480-09	PREP	97-17-047
478-116-582	REP	97-14-005	478-160-050	AMD	97-14-004	480-11	PREP	97-17-047
478-116-584	REP-P	97-09-071	478-160-060	AMD-P	97-08-062	480-11-010	AMD-P	97-22-081
478-116-584	REP	97-14-005	478-160-060	AMD	97-14-004	480-11-020	AMD-P	97-22-081
478-116-586	REP-P	97-09-071	478-160-065	AMD-P	97-08-062	480-11-030	AMD-P	97-22-081
478-116-586	REP	97-14-005	478-160-065	AMD	97-14-004	480-12	PREP	97-22-082
478-116-588	REP-P	97-09-071	478-160-085	AMD-P	97-08-062	480-31-010	NEW	97-08-037
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478-116-589	REP-P	97-09-071	478-160-105	AMD-P	97-08-062	480-31-030	NEW	97-08-037
478-116-589	REP	97-14-005	478-160-105	AMD	97-14-004	480-31-040	NEW	97-08-037
478-116-590	REP-P	97-09-071	478-160-110	AMD-P	97-08-062	480-31-050	NEW	97-08-037
478-116-590	REP	97-14-005	478-160-110	AMD	97-14-004	480-31-060	NEW	97-08-037
478-116-601	REP-P	97-09-071	478-160-120	AMD-P	97-08-062	480-31-070	NEW	97-08-037
478-116-601	REP	97-14-005	478-160-120	AMD	97-14-004	480-31-080	NEW	97-08-037
478-116-605	NEW-P	97-09-071	478-160-125	AMD-P	97-08-062	480-31-090	NEW	97-08-037
478-116-605	NEW	97-14-005	478-160-125	AMD	97-14-004	480-31-100	NEW	97-08-037
478-116-610	REP-P	97-09-071	478-160-130	AMD-P	97-08-062	480-31-110	NEW	97-08-037
478-116-610	REP	97-14-005	478-160-130	AMD	97-14-004	480-31-120	NEW	97-08-037
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478-116-611	NEW	97-14-005	478-160-140	AMD	97-14-004	480-31-140	NEW	97-08-037
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478-116-630	NEW-P	97-09-071	478-160-162	AMD-P	97-08-062	480-35-020	REP-P	97-22-083
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478-116-640	NEW-P	97-09-071	478-160-175	AMD-P	97-08-062	480-35-040	REP-P	97-22-083
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478-136-010	AMD	97-24-047	478-160-295	AMD-P	97-08-062	480-69-010	REP-P	97-22-083
478-136-012	AMD-P	97-18-064	478-160-295	AMD	97-14-004	480-69-020	REP-P	97-22-083
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480-120-027	AMD-E	97-23-029	495A-141-130	NEW-P	97-07-002			
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480-120-138	PREP	97-08-036	495A-141-165	NEW-P	97-07-002			
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480-150-020	REP-P	97-22-083	504-12-020	REP	97-20-020			
480-150-030	REP-P	97-22-083	504-12-030	PREP-X	97-14-038			
480-150-060	REP-P	97-22-083	504-12-030	REP	97-20-020			
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495A-141-012	NEW-P	97-07-002	516-12-460	AMD-P	97-11-025			
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(Citation in bold type refer to material in this issue)

<b>PUBLIC DISCLOSURE COMMISSION</b>				<b>SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY</b>		
Contributions				Asbestos program	<b>PROP</b>	<b>98-01-036</b>
limits increase or decrease	<b>PREP</b>	<b>98-01-187</b>		Municipal solid waste combustors emission guidelines	<b>PERM</b>	<b>98-01-037</b>
solicitation or acceptance during legislative session freeze period	<b>EMER</b>	<b>98-01-055</b>				
Lobbyist employer reports	<b>PERM</b>	<b>98-01-062</b>		<b>SUPREME COURT, STATE</b>		
				Capital cases, indigent appellate defense	<b>MISC</b>	<b>98-01-048</b>
<b>PUBLIC INSTRUCTION, SUPERINTENDENT OF</b>				<b>TACOMA COMMUNITY COLLEGE</b>		
Transitional bilingual instruction program	<b>PROP</b>	<b>98-01-054</b>		Meetings	<b>MISC</b>	<b>98-01-042</b>
<b>PUBLIC WORKS BOARD</b>				<b>TAX APPEALS, BOARD OF</b>		
(See <b>COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF</b> )				Meetings	<b>MISC</b>	<b>98-01-016</b>
<b>RETIREMENT SYSTEMS, DEPARTMENT OF</b>				<b>TRANSPORTATION IMPROVEMENT BOARD</b>		
Board members, recusal	<b>PERM</b>	<b>98-01-109</b>		Meetings	<b>MISC</b>	<b>98-01-017</b>
Employee retirement benefits board meetings	<b>MISC</b>	<b>98-01-132</b>		<b>UNIVERSITY OF WASHINGTON</b>		
Public employees' retirement system (PERS) earnable compensation	<b>PROP</b>	<b>98-01-069</b>		Meetings	<b>MISC</b>	<b>98-01-136</b>
Teachers' retirement system (TRS) earnable compensation	<b>PROP</b>	<b>98-01-069</b>		<b>USURY RATES</b>		
				(See inside front cover)		
<b>REVENUE, DEPARTMENT OF</b>				<b>WALLA WALLA COMMUNITY COLLEGE</b>		
Excise taxes				Meetings	<b>MISC</b>	<b>98-01-087</b>
articles manufactured and installed	<b>PERM</b>	<b>98-01-111</b>			<b>MISC</b>	<b>98-01-095</b>
mobile homes and mobile home park fee	<b>PERM</b>	<b>98-01-111</b>		<b>WASHINGTON STATE PATROL</b>		
Property tax				Fire protection policy board meetings	<b>MISC</b>	<b>98-01-214</b>
agricultural land valuation	<b>PERM</b>	<b>98-01-178</b>		Kidnapping offender registration	<b>PERM</b>	<b>98-01-021</b>
inflation rate	<b>PERM</b>	<b>98-01-179</b>		Motor vehicles		
refunds				sound level measurement	<b>PERM</b>	<b>98-01-060</b>
procedures and interest	<b>PERM</b>	<b>98-01-176</b>				
	<b>PERM</b>	<b>98-01-177</b>		<b>WENATCHEE VALLEY COLLEGE</b>		
				Meetings	<b>MISC</b>	<b>98-01-105</b>
<b>RULES COORDINATORS</b>				<b>WESTERN WASHINGTON UNIVERSITY</b>		
(See Issue 98-01 for a complete list of rules coordinators designated as of 12/24/97)				Housing and dining	<b>PREP</b>	<b>98-01-011</b>
Administrative hearings, office of	<b>MISC</b>	<b>98-01-045</b>		<b>WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD</b>		
Bellingham Technical College	<b>MISC</b>	<b>98-01-002</b>		Meetings	<b>MISC</b>	<b>98-01-216</b>
Community, trade and economic development, department of	<b>MISC</b>	<b>98-01-143</b>		<b>YAKIMA VALLEY COMMUNITY COLLEGE</b>		
County road administration board	<b>MISC</b>	<b>98-01-010</b>		Meetings	<b>MISC</b>	<b>98-01-040</b>
Parks and recreation commission	<b>MISC</b>	<b>98-01-180</b>				
<b>SKAGIT VALLEY COLLEGE</b>						
Meetings	<b>MISC</b>	<b>98-01-043</b>				
<b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b>						
Children's administration						
child care programs	<b>PREP</b>	<b>98-01-128</b>				
interstate compact on placement of children	<b>PERM</b>	<b>98-01-149</b>				
Economic services administration						
child support payments distribution	<b>PROP</b>	<b>98-01-170</b>				
meetings	<b>MISC</b>	<b>98-01-129</b>				
need standards	<b>PROP</b>	<b>98-01-169</b>				
program services review	<b>PREP</b>	<b>98-01-168</b>				
SSI state supplement						
standards of assistance	<b>PROP</b>	<b>98-01-126</b>				
Medical assistance administration						
hospice services	<b>PREP</b>	<b>98-01-189</b>				
hospital services	<b>PERM</b>	<b>98-01-124</b>				
income standards	<b>EMER</b>	<b>98-01-190</b>				
institutional care	<b>EMER</b>	<b>98-01-191</b>				
interpreter services	<b>PREP</b>	<b>98-01-188</b>				
medically needy, eligibility	<b>PREP</b>	<b>98-01-068</b>				
Medicare beneficiary program						
eligibility	<b>PREP</b>	<b>98-01-067</b>				
resource exemptions	<b>PROP</b>	<b>98-01-127</b>				
vision care	<b>PREP</b>	<b>98-01-167</b>				
Rules						
repeal of obsolete, duplicative, or ambiguous rules	<b>PERM</b>	<b>98-01-125</b>				
<b>SOUTH PUGET SOUND COMMUNITY COLLEGE</b>						
Meetings	<b>MISC</b>	<b>98-01-096</b>				