

October 7, 1998

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ISSUE 98-19



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This issue contains documents officially
filed not later than September 23, 1998

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

STATE MAXIMUM INTEREST RATE

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

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

Mary F. Gallagher Dilley
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following nine sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **EXPEDITED ADOPTION**-includes the full text of rules being changed using the expedited adoption process. Expedited adoptions are not consistently filed and may not appear in every issue of the Register.
- (e) **PERMANENT**-includes the full text of permanently adopted rules.
- (f) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (g) **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.
- (h) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (i) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. 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].

1998 - 1999

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
98 - 16	Jul 7, 98	Jul 21, 98	Aug 5, 98	Aug 18, 98	Sep 7, 98	Oct 2, 98
98 - 17	Jul 22, 98	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 22, 98	Oct 17, 98
98 - 18	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 16, 98	Oct 6, 98	Oct 31, 98
98 - 19	Aug 26, 98	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 27, 98	Nov 21, 98
98 - 20	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 10, 98	Dec 5, 98
98 - 21	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 24, 98	Dec 19, 98
98 - 22	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 8, 98	Jan 2, 99
98 - 23	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 22, 98	Jan 16, 99
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99 - 01	Nov 25, 98	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 26, 99	Feb 20, 99
99 - 02	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 9, 99	Mar 6, 99
99 - 03	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 23, 99	Mar 20, 99
99 - 04	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 17, 99	Mar 9, 99	Apr 3, 99
99 - 05	Jan 20, 99	Feb 3, 99	Feb 17, 99	Mar 3, 99	Mar 23, 99	Apr 17, 99
99 - 06	Feb 3, 99	Feb 17, 99	Mar 3, 99	Mar 17, 99	Apr 6, 99	May 1, 99
99 - 07	Feb 24, 99	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 27, 99	May 22, 99
99 - 08	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 11, 99	Jun 5, 99
99 - 09	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 5, 99	May 25, 99	Jun 19, 99
99 - 10	Apr 7, 99	Apr 21, 99	May 5, 99	May 19, 99	Jun 8, 99	Jul 3, 99
99 - 11	Apr 21, 99	May 5, 99	May 19, 99	Jun 2, 99	Jun 22, 99	Jul 17, 99
99 - 12	May 5, 99	May 19, 99	Jun 2, 99	Jun 16, 99	Jul 6, 99	Jul 31, 99
99 - 13	May 26, 99	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 27, 99	Aug 21, 99
99 - 14	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 10, 99	Sep 4, 99
99 - 15	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 24, 99	Sep 18, 99
99 - 16	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 7, 99	Oct 2, 99
99 - 17	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 21, 99	Oct 16, 99
99 - 18	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 15, 99	Oct 5, 99	Oct 30, 99
99 - 19	Aug 25, 99	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 26, 99	Nov 20, 99
99 - 20	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 9, 99	Dec 4, 99
99 - 21	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 23, 99	Dec 18, 99
99 - 22	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 7, 99	Jan 1, 00
99 - 23	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 21, 99	Jan 15, 00
99 - 24	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 15, 99	Jan 4, 00	Jan 29, 00

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

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

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

⁴A 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. No hearing 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;

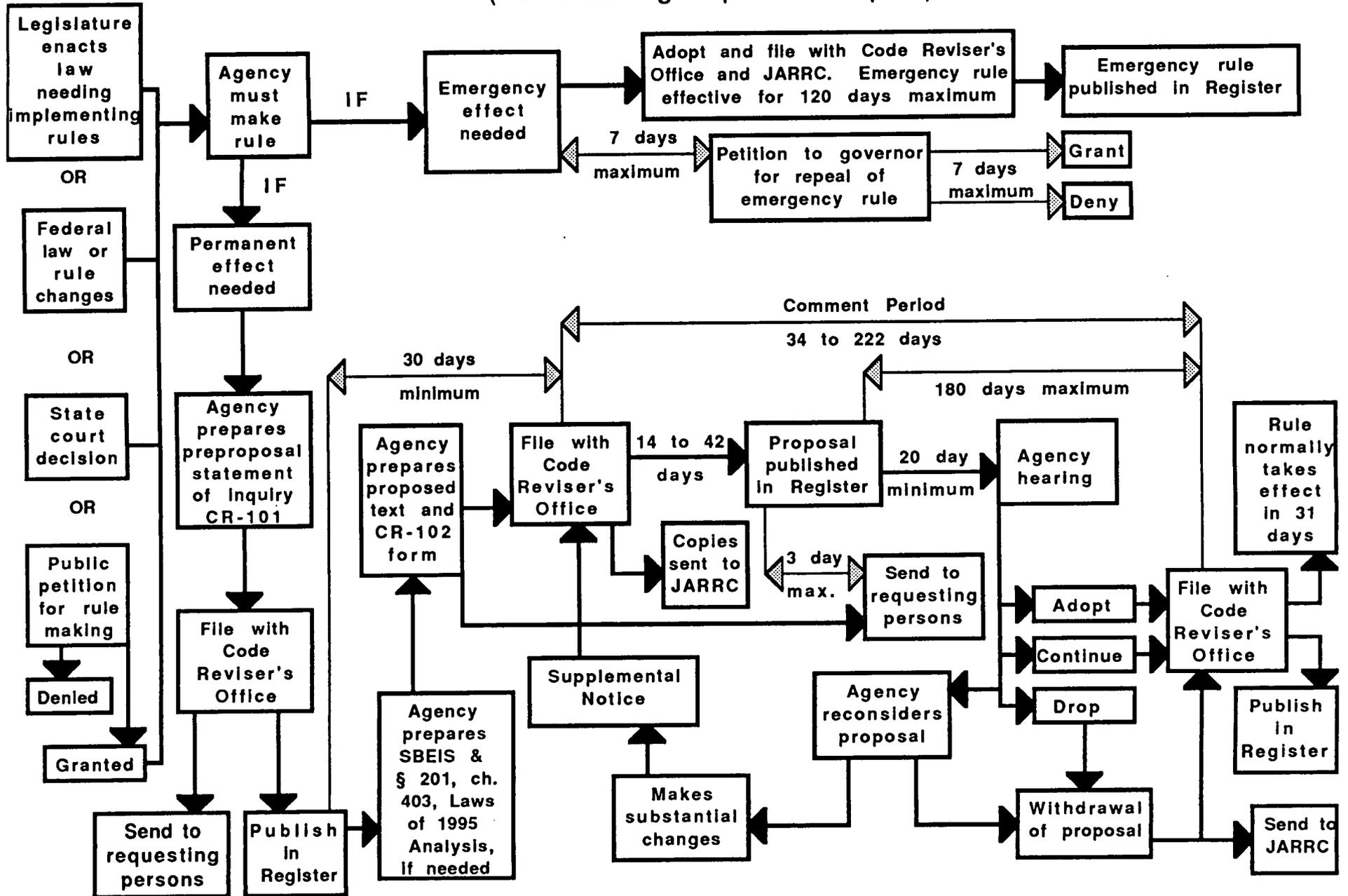
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 98-19-007**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed September 4, 1998, 8:40 a.m.]

Subject of Possible Rule Making: Amending WAC 468-38-230 Days on which permit movements are prohibited.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring WAC 468-38-230 into a more compatible form with other western states, and to accommodate moves necessary to avoid established weekday curfews.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The WAC is enforced by the Washington State Patrol.

Process for Developing New Rule: Agency study, proposed rule change is the result of a process review team recommendation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, fax (360) 664-9440.

September 2, 1998

Gerald E. Smith

Deputy Secretary, Operations

WSR 98-19-013**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed September 4, 1998, 3:04 p.m.]

Subject of Possible Rule Making: Sections of chapter 388-550 WAC, Hospital services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 42 USC 1395x(v), 42 CFR 447.271, .11303, and .2652.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This chapter describes what inpatient hospital services the department pays for, and how it sets rates for the same.

This rewrite is to comply with the Governor's Executive Order 97-02, which mandates: Fairness, clarity, readability, foundation in law, and concision in all rules. The department must also ensure that ongoing changes in payment methodologies are adequately described in rule.

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

Process for Developing New Rule: 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, WA 98504-5530, phone (360) 586-1008, fax (360) 753-7315, TTY 1-800-848-5429, e-mail richaa@dshs.wa.gov.

September 4, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit**WSR 98-19-021****PREPROPOSAL STATEMENT OF INQUIRY
LOTTERY COMMISSION**

[Filed September 9, 1998, 10:19 a.m.]

Subject of Possible Rule Making: Prohibiting game "sell-outs"—Requiring playslips for on-line games to be filled out by hand and prohibiting sale of any ticket or combination of tickets which would guarantee a jackpot or grand prize.

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 adding new sections to chapter 315-06 WAC to prohibit the sale of any on-line ticket or combination of tickets which would guarantee a jackpot or grand prize. The lottery is also considering adding new sections to chapter 315-06 WAC to require that playslips for on-line games be filled out by hand. This would prohibit persons from making multiple, machine-generated entries.

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.

September 4, 1998

Mary Jane Ferguson
Rules Coordinator**WSR 98-19-027****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed September 10, 1998, 9:21 a.m.]

Subject of Possible Rule Making: Chapter 16-104 WAC, Shell eggs—Standards, grades and weight classes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 69.25 RCW, Washington Wholesome Eggs and Egg Products Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has conducted a review of the above-mentioned rule(s) under the provisions of the Governor's Executive Order 97-02 and has determined that the rules are necessary and should be retained. These rules provide for the means under which adulterated or unwholesome eggs or egg products are prevented from being sold in the marketplace. They are necessary to address standards of quality and facility requirements for eggs processed and sold to protect the consuming public. The shell egg industry is in favor of these rules in that a marketing environment is created where all can compete equally and their reputation is protected.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture has authority regarding eggs and egg products through the United States Egg Products Inspection Act. Their requirements mainly apply to eggs graded under the Voluntary Grading Program on a fee-for-service basis. State rules apply to all egg graders. Additionally, they administer with the use of state inspection personnel the Shell Egg Surveillance Program which provides for quarterly inspection of all shell egg graders. State shell egg standards are the same as United States standards and grades. They encourage states to have rules that apply to those egg grading facilities not having grading service. State rules do not duplicate federal rules due to the different criteria under which they apply.

Process for Developing New Rule: A rules review was conducted in accordance with the Governor's Executive Order 97-02. Results of this review will be shared with representatives of the rule(s) stakeholders for input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department is seeking input on its decision to retain the rule(s). You may comment by writing to Washington State Department of Agriculture, Egg Inspection Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1830, fax (360) 902-2087. Written comments should be made by December 7, 1998.

The Egg Inspection Program Advisory Board has participated in the review of chapter 16-104 WAC.

August 17, 1998

Dr. Candace Jacobs

Assistant Director, FSAH

WSR 98-19-038

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE PATROL

[Filed September 11, 1998, 11:25 a.m.]

Subject of Possible Rule Making: Amendment to WAC 204-80-020 Scope. Standards for headlamp flashing systems.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005, 46.37.280, and 46.37.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendment adds "licensed ambulances" to the list of authorized emergency vehicles covered by this chapter.

Process for Developing New Rule: Received information that some ambulances use flashing headlamp systems and should be included in the definition.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Carol Morton, Washington State Patrol, P.O. Box 42635, Olympia, WA 98504-2635, phone (360) 412-8934, fax (360) 493-9090.

September 10, 1998

Annette M. Sandberg

Chief

AMENDATORY SECTION (Amending Order 81-08-02, filed 8/21/81)

WAC 204-80-020 Scope. This standard applies to headlamp flashing systems for authorized emergency vehicles owned and operated by law enforcement agencies (~~and~~), licensed ambulances, and fire departments.

WSR 98-19-045

PREPROPOSAL STATEMENT OF INQUIRY

BOARD OF ACCOUNTANCY

[Filed September 11, 1998, 3:44 p.m.]

Subject of Possible Rule Making: WAC 4-25-530 Fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board contracted in December 1995 with a private entity, CPA Examination Services (CPAES), to provide the Uniform CPA Examination to Washington candidates. The contract with CPAES expires on May 1, 1999. CPAES has stated the current fees are insufficient and CPAES will not continue to contract with Washington state at the current rates. The board recognizes the need to adjust the rates due to inflation and increased examination administration costs.

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 writing to Dana M. McInturff, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 664-9194, fax (360) 664-9190.

September 11, 1998

Dana M. McInturff

Executive Director

WSR 98-19-046

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed September 11, 1998, 4:11 p.m.]

Subject of Possible Rule Making: WAC 458-40-660
Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 82.32.330 and 84.33.096.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: The law (RCW 84.33.091)
requires that the stumpage value tables be revised twice each
year. The stumpage values are established by the department
so that timber harvesters are apprised of the timber values on
which the timber excise tax is calculated.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: Although the United States Forest Service and the
Washington State Department of Natural Resources both regu-
late forest practices, they are not involved in valuation for
purposes of taxation. The nontax processes and definitions
are coordinated with these agencies to avoid conflict, but
there should be no need to involve them in the valuation revi-
sions provided in this rule.

Process for Developing New Rule: Modified negotiated
rule making.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication. Written comments should be submitted by the pub-
lic meeting date to ensure full consideration, but will be
accepted if they are received two weeks before the date of
adoption. Written comments may be submitted by mail, fax,
or at the public meeting. Oral comments will be accepted at
the public meeting or later public hearing. A draft of the
amended rule may be obtained after October 15, 1998, upon
request. Written comments or requests for the draft rule may
be directed to Ed Ratcliffe, Legislation and Policy, P.O. Box
47467, Olympia, WA 98504-7467, phone (360) 586-3505,
fax (360) 664-0693.

Location and Date of Public Meeting: Department of
Revenue Conference Room, Target Place Building No. 4,
2735 Harrison Avenue N.W., Olympia, WA, on October 27,
1998, at 10 a.m.

September 11, 1998

Russell W. Brubaker

Assistant Director

Legislation and Policy

WSR 98-19-076

PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL

[Filed September 21, 1998, 1:07 p.m.]

Subject of Possible Rule Making: Amend chapter
204-50 WAC Ignition interlock breath alcohol devices.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 46.20.730 and 46.37.005.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: Amendment is necessary to
ensure all manufacturers of these devices are in compliance
to [with] federal standards and have appropriate insurance
and providers to ensure the safety of persons ordered by the
courts to install these devices. This amendment will also
ensure the WAC is updated to comply with new technology.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: National Highway Traffic Safety Administration
(NHTSA) sets standards for the testing and lab certification
of these devices. The State Patrol is responsible for setting
the state rules governing insurance, provider data and other
pertinent standards.

Process for Developing New Rule: Manufacturers of
these devices were consulted and NHTSA was contacted to
ensure amendments are accurate.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting Ms. Carol Morton, P.O. Box 42635,
Olympia, WA 98504-2635, phone (360) 412-8934, fax (360)
493-9090.

September 16, 1998

Annette M. Sandberg

Chief

AMENDATORY SECTION (Amending Order 87-05-ESR,
filed 12/9/87)

WAC 204-50-010 Authority. This chapter is promul-
gated pursuant to RCW 46.37.005 and ((chapter 247, Laws of
1987)) 46.20.730.

AMENDATORY SECTION (Amending Order 87-05-ESR,
filed 12/9/87)

WAC 204-50-020 Purpose. The purpose of this chapter
is to establish guidelines for certification, installation, repair,
and removal of ignition interlock breath alcohol devices, as
required by ((chapter 247, Laws of 1987)) RCW 46.20.730.

AMENDATORY SECTION (Amending Order 87-05-ESR,
filed 12/9/87)

**WAC 204-50-030 Definitions for words or terms
used in this chapter.** Alcohol - The generic class of organic
compounds known as alcohols and, specifically the chemical
compound ethyl alcohol. For the purpose of ignition interlock
devices, there is no requirement expressed or implied that the
device be specifically for ethyl alcohol.

Approved service provider - The person or company
who is approved by equipment and standards review section
to service, install, monitor, calibrate, and provide information
on a manufacturer's devices based on certification to equip-
ment and standards review section by the manufacturer that
the person or company is qualified and is properly trained to
provide these services.

Breath or blood alcohol concentration (BAC) - ((The
weight)) In this chapter means the amount of alcohol ((con-

tained in a unit volume of breath, measured in grams Ethanol/210 liters of breath and expressed as %, grams % and % BAC. ~~Breath alcohol concentration shall be expressed as "% BAC.")~~ in a person's blood or breath determined by chemical analysis, which shall be measured by grams of alcohol per:

- (a) 100 milliliters of blood; or
- (b) 210 liters of breath.

Court (or originating court) - The particular Washington state court that has required the use of an ignition interlock breath alcohol device by a particular individual.

Certification - The testing and approval process required by ~~(chapter 247, Laws of 1987)~~ RCW 46.20.730.

Chief - The chief of the Washington state patrol.

Device - An ignition interlock breath alcohol device.

ESR - The equipment and standards review section of the Washington state patrol.

Interlock - The state in which a motor vehicle is prevented from starting by a device.

Lessee - ~~((The person ordered by a court to drive only vehicles which have certified devices installed))~~ A person who has entered into an agreement with a manufacturer or approved service provider to lease a device.

Manufacturer - The person, company, or corporation who produces the device, ~~((or a recognized representative.~~

~~OAC - The office of administrator for the courts))~~ and who certifies to ESR that a service provider is qualified to become approved by ESR to service, install, monitor, calibrate, and provide information on devices.

Restricted operator - A person whose operating privilege is restricted to operating only motor vehicles equipped with an approved, functioning ignition interlock device or other approved, functioning biological or technical device.

Violation reset - The condition caused by the failure of the operator of the vehicles to perform a retest as required, or by the operator's inability to achieve such retest results at a level lower than the maximum allowable alcohol concentration as set by the originating court, the device and the vehicle in which it is installed must be returned to the manufacturer or approved service provider to be reset.

AMENDATORY SECTION (Amending Order 88-04-ESR, filed 7/18/88)

WAC 204-50-040 Testing and certification process.

To be certified, a device must meet or exceed the minimum test standards ~~((listed in this chapter))~~ in sections one and two of the model specifications for breath alcohol ignition interlock devices (BAIID) as published in the Federal Register, Volume 57, Number 67, Tuesday, April 7, 1992, on pages 11774 - 11787. Only a notarized statement, from a laboratory capable of performing the tests specified, will be accepted as proof of meeting or exceeding the standards. The notarized statement shall include the name and signature of the person in charge of the tests under the following sentence:

Two samples of (model name), manufactured by (manufacturer) were tested by (laboratory). They do meet or exceed all specifications listed in ~~((chapter 204-50~~

~~WAC))~~ the Federal Register, Volume 57, Number 67, pages 11774 - 11787.

Signed _____

A list of laboratories performing the required tests shall be maintained by the ESR.

Upon receipt of a statement from a testing laboratory that two samples of a device have successfully passed the test procedures listed in this chapter, and confirmation that all other requirements of this chapter have been met, the chief shall issue a letter of certification for the device. ~~((A copy of each certification letter will be forwarded to OAC.))~~ The letter of certification shall be valid until voluntarily surrendered by the manufacturer or until revoked by the chief for cause. Reasons for revocation include but are not limited to:

(1) Evidence of repeated device failures due to gross defects in design, materials, and/or workmanship during manufacture, installation, monitoring, or calibration of the device such that the standards for accuracy and reliability of the devices for which the devices were tested are not being met (as determined by ESR);

(2) Evidence that the features and functionality of a manufacturer's devices are not being programmed properly by approved service provider(s) or are being circumvented by lessees such that the standards for anticircumvention for which the devices were tested are not being met;

(3) Any violation on the part of the manufacturer(s) or approved service provider(s) of any of the laws or regulations related to the installation, servicing, monitoring, and calibration of devices, including, but not limited to, "other provisions" listed in WAC 204-50-120;

(4) Notice of cancellation of manufacturer's and/or approved service provider's required liability insurance is received; ((and

~~(3))~~ (5) Notification that the manufacturer is no longer in business.

Unless necessary for the immediate good and welfare of the public, revocation shall be effective ten days after manufacturer's receipt of notice, which shall be sent via certified mail, return receipt requested. A copy of each notice of revocation shall be provided to ~~((OAC and lessees utilizing the revoked device with notice to contact the manufacturer for a replacement))~~ the organizing court.

(6) Upon voluntary surrender, or revocation of a letter of certification for a manufacturer's device, all like devices shall be removed and replaced by a certified device, not later than the end of the current calibration period. ((Manufacturers may request a review of revocation. Such request shall be submitted to the chief, in writing, within twenty days of revocation.))

(7) A manufacturer whose letter of certification has been revoked may request a review of revocation by submitting the request in writing to the chief within twenty days of receipt of notice of revocation.

(8) The ESR shall maintain a file of all ((existing)) current, revoked, and voluntarily surrendered letters of certification.

AMENDATORY SECTION (Amending Order 88-04-ESR, filed 7/18/88)

WAC 204-50-050 ((Test specifications)) Modifications to a certified device. ((The purpose of these test specifications is to establish the accuracy and reliability of ignition interlock breath alcohol devices only. This shall be accomplished by performing no less than twenty tests utilizing simulators containing the alcohol solutions of known concentrations:

Equipment and solutions

Equipment and procedures list:

(1) Simulators:

(a) The simulator will be clean.

(b) The simulator will be in good working order.

(i) To check motor, heater, and thermometer, fill glass jar with 500 ml deionized or distilled water and reassemble.

(ii) Plug into 115 V line and after thirty minutes check temperature: $34^{\circ}\text{C} \pm 0.2$. (Make sure mercury column in thermometer is intact.) Check to make sure the stirrer is stirring smoothly.

(iii) The simulator must be leakproof.

(c) Rinse simulator with appropriate alcohol reference solution, then fill with 500 ml of the alcohol reference solution and reassemble.

(d) Attach a one inch piece of Tygon or FDA vinyl tubing to the simulator outlet and affix a saliva trap mouthpiece. Attach an eight inch piece of tubing to the inlet.

(e) Live breath or regulated, filtered, dried compressed air will be introduced in the simulator according to the manufacturer's specifications.

(f) Each simulator is labeled with the BAC value to three decimal places, the batch number of the alcohol reference solution and the date filled.

(g) A log will be kept of the test results.

(h) The solution in the simulator may be used for ten tests and must be discarded after the tenth test.

(i) All simulator testing shall be conducted by using live breath or regulated, filtered, dried, compressed air as the source of air.

(2) Environmental chamber:

(a) Capacity to place complete units inside chamber to run tests.

(b) Ability to maintain temperature during test at -20°C , 0°C , $+40^{\circ}\text{C}$ and $+70^{\circ}\text{C}$.

(c) $20-25^{\circ}\text{C}$ tests can be run at room temperature outside chamber.

(3) Standard alcohol reference solutions:

(a) Stock solution: Mix absolute ethanol with distilled or deionized water at a ratio of 77.0 ml of ethanol diluted up to one liter of water.

(b) Stock solution is stored in a well stoppered flask labeled "stock solution" and "contains 77.0 ml (60.5 gm) ethanol/L." The date prepared and initials of preparer.

(c) Standard alcohol reference solutions: Prepared from stock solution by pipetting the requisite amount of the stock solution into a volumetric flask and fill with distilled or deionized water to the mark as given below:

(i) For 0.020% dilute at ratio of 2.0 ml, stock solution to 500 ml.

(ii) For 0.030% dilute at ratio of 3.0 ml, stock solution to 500 ml.

(iii) For 0.040% dilute at ratio of 4.0 ml, stock solution to 500 ml.

(iv) The solution is thoroughly mixed by capping the container securely and inverting at least twenty times.

(d) The exact concentration of the standard alcohol reference solution shall be determined by titration using Potassium Dichromate (NBS primary standard grade). This standardized alcohol reference solution may then be used to calibrate a gas chromatograph.

(e) The standard reference solution is stored in a glass bottle with a tight fitting ground glass stopper or a teflon coated screw cap.

(f) The container is labeled with batch number, solution concentration in BAC, date prepared and the initials of the preparer. This data shall be recorded and filed.

(g) The manufacturer may request aliquot samples of the solutions for independent testing.

(4) Test procedures:

(a) Set up simulators with standard alcohol reference solutions:

(i) Standard alcohol reference solution 0.020 % BAC, allow to reach $34^{\circ}\text{C} \pm 0.2^{\circ}\text{C}$.

(ii) Standard alcohol reference solution 0.030 % BAC, allow to reach $34^{\circ}\text{C} \pm 0.2^{\circ}\text{C}$.

(iii) Standard alcohol reference solution 0.040 % BAC, allow to reach $34^{\circ}\text{C} \pm 0.2^{\circ}\text{C}$.

(b) Test set up:

(i) Alcohol devices shall not be modified.

(ii) Use one inch of tubing between simulator and saliva trap mouthpiece. Attach the mouthpiece to the breath sampling inlet.

(iii) Operate the device according to the manufacturer's instructions.

(iv) Use new mouth piece and tubing after each sequence of ten tests.

(v) Wait at least five minutes between each test to avoid overloading sensors.

(vi) For the purposes of laboratory testing, the device may give a "pass/fail" response when installed in a subject's vehicle.

(5) Tests:

(a) Temperatures:

(i) $20-25^{\circ}\text{C}$ (room temperature)

(ii) 0°C

(iii) 20°C

(iv) 40°C

(v) 70°C

(b) Alcohol solutions:

(i) 0.000% BAC (distilled or deionized water)

(ii) 0.020% BAC $\pm .005\%$

(iii) 0.030% BAC $\pm .005\%$

(iv) 0.040% BAC $\pm .005\%$

(e) Number of tests:

(i) Accuracy: Five tests at each temperature and at each concentration of alcohol solutions including 0.000% BAC.

(ii) Repeatability: Ten tests at 0.030% BAC ± .005% repeated at least forty-eight hours later.

(iii) Ten breath tests on each of two interlock devices at room temperature using a minimum of three human subjects having a BAC in the range of 0.020% BAC and 0.040% BAC as measured in a near simultaneous fashion using suitable evidentiary instrument (e.g., Intoxilyzer, Model 5000).

(iv) Ten breath tests on each of two interlock devices at room temperature using a minimum of three alcohol free human subjects registering (blank) BAC values on a suitable evidentiary instrument (e.g., Intoxilyzer, Model 5000).

(d) Criteria:

(i) 0.020% BAC, nineteen of twenty tests give "pass" i.e., allow car to start.

(ii) 0.030% BAC, nineteen of twenty tests will give "fail," i.e., not allow car to start.

(iii) 0.040% BAC, twenty of twenty tests give "fail," i.e., will not allow car to start.

(f) Nonalcoholic "bogus breath samples" for test purposes shall be generated by the testing laboratory using three or more of the following:

(i) Air compressor powered by a 12 v DC automobile battery.

(ii) Portable car vacuum cleaner.

(iii) Mylar plastic bag.

(iv) Rubber balloon.

The methods of interface to the device under test shall be determined by the testing laboratory. At least three tests will be run with each source of "bogus breath."

(g) Tests shall be conducted at room temperature to determine whether the use of filters can remove alcohol from breath sample thus circumventing the device. Cigarette filters from "Carlton" or "Lark" cigarettes packed into a paper tube shall be used for these tests.

(h) Test units shall meet performance of specifications at room temperature after being subjected to a vibration of 10 g's at 250 Hz for thirty minutes.

(i) Test devices shall meet performance specifications at 0°C at an altitude equivalent to eight thousand feet.

(j) The device must allow the driver to "re-start" the vehicle for a period of one minute after the ignition has been shut off without requiring further testing of the driver.

(k) The device must purge any residual alcohol before subsequent use.) The manufacturer shall notify ESR, in writing, of any material modification or alteration in the components and/or the design of the certified device. Such modifications shall warrant retesting of the device to ensure the modifications or alterations do not adversely affect the ability of the device to meet the specifications adopted in WAC 204-50-040.

when the breath sample provided is at any level from .02 through .09% BAC (plus or minus .003% BAC). The actual setting of each device shall be determined by the originating court. The capability to change this setting shall be made secure, by the manufacturer, ~~((to prevent unauthorized adjustment of the device))~~ or by an approved service provider. As guidance for the courts, the federal specifications referred to in WAC 204-50-040 recommends an interlock level of .025 BAC for the initial test and a fail level of up to .02% higher for subsequent random retests.

AMENDATORY SECTION (Amending Order 87-05-ESR, filed 12/9/87)

WAC 204-50-080 Device maintenance and reports.

(1) Each lessee shall have the device examined by ((a factory representative)) the manufacturer or by an approved service provider for correct calibration and evidence of tampering (every ninety)) at intervals not to exceed sixty-five days, or more often as may be ordered by the originating court.

((A report on the results of each check shall be provided to the originating court. The report shall reflect what adjustments, if any, were necessary in the calibration of the device, any evidence of tampering, and any other available information the originating court may order.

An additional report shall be provided to OAC on a quarterly basis summarizing all complaints received by the manufacturer for each model or type of certified device. These reports shall be categorized by:

(1) Customer error of operation.

(2) Faulty automotive equipment other than the device.

(3) Apparent misuse of attempts to circumvent the device causing damage.

(4) Device failure due to material defect, design defect, workmanship errors in construction, installation, or calibration.

Note: Complaints in this category shall be accompanied by a statement of the actions taken to correct the problem(s).)

(2) Examination shall include a physical inspection of the device, and its wiring, and the vehicle and its wiring for evidence of tampering or circumvention. Notation shall also be made of the vehicle's odometer reading.

(3) The device must be calibrated for accuracy according to the manufacturer's procedures. All data contained in the device's memory must be downloaded into a format from which the required reports can be generated.

(4) The manufacturer and/or approved service provider shall make a hard copy or electronic equivalent of the client data and the results of each examination. Any evidence of noncompliance, violations, or signs of tampering or circumvention shall be reported to the originating court in a format acceptable to the originating court. All information obtained as a result of each inspection shall be retained by the manufacturer or approved service provider for two years from the date the device is removed from the vehicle.

(5) The manufacturer and/or approved service provider must provide, upon request of the originating court, additional reports which may include, but are not limited to, the following: Proof of installation, removal, transfer of vehicle,

AMENDATORY SECTION (Amending Order 87-05-ESR, filed 12/9/87)

WAC 204-50-070 Variable calibration. To be certified, a device must be capable of being preset, by the manufacturer or by an approved service provider, to interlock

vehicle information, compliance reporting, statements of charges and payments, service calls, lessee error of operation, device failure, faulty automotive equipment, and lessee demographic information. Such reports must be supplied in a format acceptable to the originating court, and at no cost to the originating court.

AMENDATORY SECTION (Amending Order 87-05-ESR, filed 12/9/87)

WAC 204-50-090 Device security. The manufacturer and its approved service provider(s) shall take all reasonable steps necessary to prevent tampering or physical circumvention of the device. These steps shall include special locks, seals, and installation procedures that prevent or record evidence of tampering and/or circumvention attempts. In addition, the approved service provider will affix to the device a label containing the following notation: "Warning - This device has been installed under court order. Attempts to disconnect, tamper with, or circumvent this device may subject you to criminal prosecution."

AMENDATORY SECTION (Amending Order 87-05-ESR, filed 12/9/87)

WAC 204-50-110 Mandatory operational features. Notwithstanding other provisions of this chapter, a certified device must comply with the following:

(1) The device shall be designed to permit a "restart" within ~~((three))~~ two minutes ~~((without additional test))~~ of a stall or when the ignition has been turned off.

(2) The device shall automatically and completely purge residual alcohol before allowing subsequent tests.

(3) The device shall be installed in such a manner that it will not interfere with the normal operation of the vehicle after it has been started.

(4) Each device shall be provided with ~~((a))~~ an ample supply of disposable mouth pieces ~~((with saliva traps. The manufacturer will ensure availability of additional mouth pieces))~~ designed to minimize the introduction of saliva into the device.

(5) Each device shall be uniquely serial numbered. Along with any other information requested by an originating court, all reports to an originating court~~((, OAC, and/or ESR))~~ concerning a particular device shall include the name ~~((and)),~~ address, and driver's license number of the lessee, the name of the originating court, and the unique number of the device. The name, address, telephone number (toll free, if not a local call from the originating court), and contact person of the manufacturer or approved service provider furnishing such report shall also be included as part of the report.

(6) Each device shall record each time the vehicle is started, the results of the test, how long the vehicle was operated, and any indication of bypassing or tempering with the device.

(7) Each device shall require the operator of the vehicle to submit to a retest within ten minutes of starting the vehicle. Retesting shall continue at intervals not to exceed sixty minutes after the first retest. The device shall be equipped with a method of immediately notifying peace officers if the retest

above is not performed, or if the result of the retest exceeds the alcohol concentration as prescribed by the originating court. Examples of acceptable forms of notification are repeated honking of the vehicle's horn, repeated flashing of the vehicle's headlamps, or the wailing of a small siren. Such notification may be disabled only by switching the vehicles' engine off, or by the achievement of a retest at a level lower than the maximum allowable alcohol concentration as set by the originating court.

(8) In addition, if a retest is not performed when called for by the device, or if the operator is unable to achieve a retest at a level lower than the a maximum allowable alcohol concentration as set by the originating court, the device shall automatically enter a violation reset condition. A device which enters a violation reset condition and the vehicle in which it is installed, must be returned to the manufacturer or approved service provider to be serviced within five days or the device shall render the vehicle inoperable. The manufacturer or approved service provider shall notify the originating court of such violation reset conditions in a format acceptable to the originating court within five days of servicing the device.

AMENDATORY SECTION (Amending Order 87-05-ESR, filed 12/9/87)

WAC 204-50-120 Other provisions. Notwithstanding other provisions of this chapter, each manufacturer of a certified device, either on its own or through its approved service provider(s):

(1) Shall guarantee repair or replacement of a defective device within the state of Washington within a maximum of forty-eight hours of receipt of a complaint.

(2) Shall demonstrate to the satisfaction of ESR, a service delivery plan under which any restricted operator may obtain installation and routine service of that manufacturer's device within a seventy-five mile radius of his or her place of residence. Further, shall provide ESR, a map of the state of Washington showing the area covered by each approved service provider, and the name, address, and telephone number of each approved service provider. The manufacturer shall notify ESR of any changes to its service provider network within ten days of such change.

(3) Shall maintain a twenty-four hour, three hundred sixty-five days a year toll-free telephone number for lessees to call if they have problems with the device they have leased from the manufacturer or approved service provider. Calls must either be answered by a technician qualified to service the manufacturer's devices, or the call must be returned by a qualified technician within thirty minutes of the original call.

(4) Shall provide the originating court and the lessee a statement of charges clearly specifying warranty details, monthly lease amount, any additional charges anticipated for routine calibration and service checks and what items, if any, are provided without charge. To ensure equal accessibility of the benefits of this technology to all citizens of the state of Washington, such pricing shall be uniform stat-wide, whether in urban or rural portions of the state.

~~((3))~~ Upon installation of each device, the manufacturer will provide ESR with a copy of the statement of charges

referred to above. The statement shall include the name, address, and telephone number of the lessee and the originating court.

~~(4))~~ (5) Shall provide the lessee written notice of any changes in the statement of charges regardless of what person or agency requested the change, prior to the implementation of such changes.

~~((5))~~ Shall provide to all lessees at the time of installation:

(a) A list of all calibration/service locations in the continental United States. The list shall include the business name, address, and telephone number of all such locations.

(b) A twenty four hour telephone number to call for service support for those who may be traveling outside service areas.))

(6) Shall provide to ~~((OAC and))~~ ESR proof ~~((ef))~~ that the manufacturer has products liability insurance coverage with minimum liability limits of one million dollars per occurrence, ~~((with))~~ and three million dollar aggregate ~~((total))~~. ~~((The))~~ Liability covered shall include, but not limited to: Defects in product design and materials, as well as workmanship during manufacture, calibration, installation, ~~((and))~~ removal, and all completed operations. ~~((The proof of insurance shall include a statement from the insurance carrier that forty five days notice shall be given to ESR prior to cancellation.))~~ Such insurance must be provided by a company licensed to offer such coverage in the state, and such company shall include the state of Washington as an additional insured, and shall agree to notify ESR not less than thirty days before the expiration or termination of such coverage.

(7) Shall provide ESR proof that each and every approved service provider has garage keepers liability insurance coverage with minimum liability limits of fifty thousand dollars. Liability covered shall include, but not be limited to, damage to lessee's vehicle and personal property while in the care and/or custody of the approved service provider. Further shall provide ESR proof that each and every approved service provider has completed operations insurance coverage with minimum liability limits of one million dollars per occurrence, and two million dollars aggregate. Liability covered shall include, but not be limited to, defects in materials and workmanship during installation, removal, service, calibration, and monitoring. All such insurance must be provided by a company licensed to offer such coverage in the state, and such company shall include the state of Washington as an additional insured, and shall agree to notify ESR not less than thirty days before expiration or termination of such coverage.

(8) Shall ~~((report to))~~ advise the originating court ~~((and ESR any requests to disconnect or circumvent without court order any device of their own or another manufacturer. Manufacturer shall not comply with any such request.~~

~~((8))~~ Shall advise the originating court prior to removing the device under circumstances other than:

(a) Completion of sentence, or other terms of a court order.

(b) Immediate device repair needs.

Note: Whenever a device is removed for repair and cannot immediately be reinstalled, a substitute device shall be utilized. Under no circumstances shall a lessee's vehicle be permitted to be driven without a required device.))

prior to removing the device under circumstances other than:

(a) Completion of sentence or other terms of a court order.

(b) Immediate device repair needs. NOTE: Whenever a device is removed for repair, and cannot be immediately reinstalled, a substitute device shall be utilized. Under no circumstances shall a restricted operator's vehicle be permitted to be driven without a required device.

(c) Removal of the device in order to switch it to a replacement vehicle to be operated by the restricted operator. Report of such a vehicle switch must be transmitted to the originating court within two business days of such a switch.

AMENDATORY SECTION (Amending Order 87-05-ESR, filed 12/9/87)

WAC 204-50-130 Removal procedures. When so notified in writing by the originating court, the manufacturer or its approved service provider shall remove the device and return the vehicle in normal operating condition. ~~((A))~~ The manufacturer or its approved service provider shall provide any final report ~~((see WAC 204-50-080))~~ shall be forwarded to) requested by the originating court ~~((that includes a summary of all fees paid by the lessee over the life of the contract)).~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 204-50-060 Device accuracy and reliability.

WSR 98-19-079

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed September 21, 1998, 4:07 p.m.]

Subject of Possible Rule Making: WAC 458-20-261 Exemptions and credits for ride sharing, public transportation, and nonmotorized commuting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, 82.04.4453, and 82.16.048.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule explains the circumstances under which persons may claim tax exemptions and credits related to ride sharing. This is a new rule promulgated in accordance with RCW 82.04.4453 and 82.16.048 which provide that the Department of Revenue will adopt rules explaining how ride-sharing credits may be claimed.

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

Process for Developing New Rule: Modified negotiated rule making.

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

lication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Greg Potegal, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 753-1971, fax (360) 664-0693, e-mail gregp@dor.wa.gov.

Location and Date of Public Meeting: On November 4, 1998, at 10:00 a.m., at the Evergreen Plaza Building, 711 Capitol Way, Second Floor Conference Room, Olympia, WA.

Assistance for Persons with Disabilities: Contact Arturo Haro by October 23, 1998, TDD 1-800-451-7985 or (360) 586-0721.

September 21, 1998
Claire Hesselholt
Rules Manager

WSR 98-19-082

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed September 22, 1998, 9:27 a.m.]

Subject of Possible Rule Making: Closing the card room enhancement test program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change would close the card room enhancement test program. This will allow staff time to develop rules, for the regulation of the activities offered in the test program, for submission to the commission in 1999.

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; Sherri Winslow, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 301; or Susan Arland, Public Information Officer, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 374.

Meetings on October 8-9, 1998, at the Silverdale on the Bay Hotel, 3037 Bucklin Hill Road, Silverdale, WA 98310, (360) 698-1000; on November 12-13, 1998, at the Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; and on January 1-15, 1999, at the LaConner Country Inn, 107 South Second, LaConner, WA 98257, (360) 466-3101.

September 22, 1998
Susan Arland
Public Information Officer

WSR 98-19-085

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed September 22, 1998, 10:37 a.m.]

Subject of Possible Rule Making: Increase real estate appraiser application, certification, and renewal fees to defray costs of administering the real estate appraiser program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.140.050, 43.24.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under provision of RCW 43.24.086, the cost of each professional licensing program shall be borne by the members of that profession. The director of the Department of Licensing is charged with setting fees at a level sufficient to defray the costs of administering the program.

Projected revenue for the 1997-99 biennium from licensing fees is not sufficient to cover projected operating costs for the real estate appraiser program. An increase in original license applications anticipated as a result of mandatory licensing legislation has not been realized. In addition, many licensees have opted not to renew due to market conditions and perceptions regarding the value of certification or licensing.

Current resources are needed, at a minimum, to maintain program effectiveness. Program workload has shifted from primarily an application review process to include an emphasis on the enforcement of practice standards. Consumer complaints are technical in nature, related enforcement involves increased staff training, investigation and legal support costs.

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 Cleotis Borner, Jr., Real Estate Appraiser Program, Department of Licensing, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 753-1062, fax (360) 586-0998.

September 22, 1998
Cleotis Borner, Jr.
Program Manager

WSR 98-19-089

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed September 23, 1998, 8:08 a.m.]

Subject of Possible Rule Making: Reporting of HIV infection by health care providers and laboratories.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.24.125 and 70.24.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With therapy that delays the progression of AIDS-related illnesses and death, HIV infection is becoming a complex clinical disease that does not lend itself to monitoring or disease control based only on the report of end-stage illnesses (AIDS). A system of HIV sur-

veillance would improve understanding of the epidemic, help target prevention and public health services, provide a link to health and social services, and result in better allocation of resources. To develop a set of rules that promotes the protection of both public health and individual citizens.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies regulate this subject. The federal Centers for Disease Control and Prevention (CDC) provides guidance, recommendations, standards and funding for AIDS and HIV infection reporting. Recommendations and standards issued by the CDC will be considered in the proposed rules.

Process for Developing New Rule: Public input on rules for HIV infection reporting has been received through public meetings of the Governor's Advisory Council on HIV/AIDS (GACHA), through staff meeting with community advocates, and meetings with local public health officials. GACHA and the regional AIDSNETS have prepared recommendations regarding the form of HIV reporting. With an eye to beginning initial development of a State Board of Health position, the board has and will be receiving briefings on the need for an HIV reporting system. The board will seek proposals, data and science from all interested parties. From this, the board will select the sound and best information and formulate a scientifically and socially coherent solution.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John F. Peppert, Acting Director, Infectious Disease and Reproductive Health, P.O. Box 47844, Olympia, WA 98504-7844, (360) 236-3427 (voice), (360) 236-3400 (fax), jfp0303@doh.wa.gov (e-mail), or Mark Charonis, HIV/AIDS Surveillance Coordinator, P.O. Box 47838, Olympia, WA 98504-7838, (360) 236-3419 (voice), (360) 586-5440 (fax), mjc1303@doh.wa.gov (e-mail). On October 14, 1998, the State Board of Health invites presentations on HIV reporting; on December 9, 1998, the State Board of Health briefing regarding proposed rule; and on January 13, 1999, public hearing/State Board of Health meeting.

September 22, 1998

Sylvia I. Beck
Executive Director

WSR 98-19-090

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed September 23, 1998, 8:09 a.m.]

Subject of Possible Rule Making: In 1997, SHB 1875 added the following exemption to licensure under the massage therapy law, RCW 18.108.050: "Individuals who have completed a somatic education training program approved by the secretary." Rules need to be developed addressing the approval of somatic education training programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.108 RCW, Massage therapy.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To develop criteria for the approval of somatic education programs ensuring practitioners have training required to practice in Washington.

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

Process for Developing New Rule: Collaborative rule making, public forums will be conducted throughout the state soliciting input and recommended language from somatic educators.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gail Zimmerman, Executive Director, Health Unit Three, P.O. Box 47868, Olympia, WA 98504-7867, phone (360) 753-2461, fax (360) 753-0657, or Kirby Putscher, Program Manager, Board of Massage, P.O. Box 47868, Olympia, WA 98504-7868, (360) 664-8091, fax (360) 664-9077.

September 21, 1998

Patty Hayes
for Kris Van Gorkom
Deputy Secretary

WSR 98-19-091

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed September 23, 1998, 8:10 a.m.]

Subject of Possible Rule Making: WAC 246-840-050 Licensing examination, 246-840-070 Failures—Repeat examination, and 246-840-090 Licensure by interstate endorsement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110, 18.79.160(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These three rules exist to define to candidates which examination is currently being used for licensure, the procedures for repeating an examination and the procedures for a person who wishes to obtain their licensure by the endorsement process. The proposed amendments would clarify in WAC 246-840-050 the appropriate number of times an applicant can take the examination; WAC 246-840-070 includes an amendment to make it clear that the candidate can take examinations for two years following completion of the nursing program; and WAC 246-840-090 includes an amendment to make it clear that endorsement candidates may take the examination within four attempts or two years following completion of the nursing program.

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

Process for Developing New Rule: These rules were identified during the mandatory rules review process as needing amendments to make them more clear. Copies of the rules were mailed to all persons on the interested persons

mailing list and an open public meeting was held to solicit input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry J. West, Program Manager, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, phone (360) 664-4207, fax (360) 586-2165.

August 27, 1998

Paula R. Meyer
Executive Director

WSR 98-19-092

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Examining Board of Psychology)

[Filed September 23, 1998, 8:12 a.m.]

Subject of Possible Rule Making: WAC 246-924-180, 246-924-230, 246-924-240, 246-924-250, 246-924-300, 246-924-330, and 246-924-340, these rules relate to the psychology continuing education requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.83.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Examining Board of Psychology will consider a petition made by the Washington State Psychological Association that would make minor housekeeping changes to the existing continuing education rules, add a provision that would allow continuing education credit to be granted for psychologists teaching a continuing education course. The board may also consider subjects required and providers approved to offer continuing education.

Process for Developing New Rule: Collaborative rule making, the program will work closely with the public in developing rules. Input will be requested from individuals, and from licensees and other interested individuals. The proposed language from the Washington Psychological Association will be shared for on-going direction from interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janice K. Boden, Examining Board of Psychology, 1300 Quince Street, P.O. Box 47869, Olympia, WA 98504-7869, (360) 53-2147 [753-2147], fax (360) 664-9484.

August 28, 1998

Janice K. Boden
Program Manager

WSR 98-19-122

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Child Support)

[Filed September 23, 1998, 10:21 a.m.]

Subject of Possible Rule Making: The Division of Child Support (DCS) seeks to revise its procedures for preparing and serving and support establishment notice under RCW 74.20A.055 or 74.20A.056.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: After the Division of Child Support enacted changes to the WAC regarding procedures for preparing and serving support establishment notices so as to give the physical custodian of the child full party status, DCS staff requested that the procedures be revised. DCS commissioned a quality improvement team to look at the process and the QIT has come up with suggestions on how the preparation and service of the support establishment notice can be streamlined, revised and improved. DCS believes the new method will be more efficient and easier to understand, and will result in better customer service for both custodial and noncustodial parents.

Process for Developing New Rule: The Division of Child Support (DCS) plans to use a modified form of collaborative rule making utilizing quality principles. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur, DCS rules coordinator, at the DSHS Division of Child Support (DCS) headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs/csdc.html, or on the DSHS Economic Services Administration's Regulatory Improvement web site, which can be found at www.wa.gov/dshs/esarules/dcs.htm. DCS intends to utilize public meetings and/or focus groups to achieve stakeholder input and participation. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, fax (360) 664-5055, TTY/TDD (360) 664-5011, e-mail nkoptur@dshs.wa.gov.

September 22, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-19-123

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

(Division of Child Support)

[Filed September 23, 1998, 10:23 a.m.]

Subject of Possible Rule Making: Amendment of WAC 388-11-315 Temporary orders.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.20A.055, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Division of Child Support (DCS) seeks to establish two grounds for the entry of a temporary support order, in order to get current support to the family pending a final order when: (1) The support establishment hearing has been continued; or (2) one or more parties have filed a petition for review of the initial administrative decision. The current version of the rule allows temporary orders only during the first circumstance. It can take six months or more to obtain a review decision. Because of the length of the appeal process, a family goes without support, and the noncustodial parent accrues substantial arrears waiting for a final order. DCS seeks to provide better customer service by getting current support to the family as soon as possible.

Process for Developing New Rule: Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS Division of Child Support (DCS) headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs/csdc.html, or on the DSHS Economic Services Administration's regulatory improvement web site, which can be found at www.wa.gov/dshs/esarules/dcs.htm. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, fax (360) 664-5055, TTY/TDD (360) 664-5011, e-mail nkoptur@dshs.wa.gov.

September 22, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-19-124

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed September 23, 1998, 10:24 a.m.]

Subject of Possible Rule Making: Chapter 388-310 WAC, Washington State WorkFirst Program and related sections if needed or new sections.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This revision will include:

1. New sections on post-employment services; self-employment; and employer incentive (wage subsidy);
2. Revisions on support services/direct component costs; adult basic education/English as a second language; participation requirements; sanctions; community jobs; and other sections as necessary.

It will also bring chapter 388-310 WAC into conformance with Governor Locke's Executive Order 97-02 by changing the format of the entire chapter.

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

Process for Developing New Rule: A letter will be sent to interested parties informing them of the upcoming changes and inviting them to attend a series of public meetings. The first public meeting will be held at Lacey Government Center beginning on October 22, 1998.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. There will be a series of public meetings held on these revisions beginning with a meeting on Thursday, October 22, 1998, from 1-3 p.m. at the Lacey Government Center (LGC), 1009 College Street (behind the Tokyo O'Bento Restaurant), Lacey, WA. Additional meetings will be held at LGC on November 19 from 1-4 p.m.; December 17, from 1-4 p.m. and January 21, 1999, from 1-4 p.m. For information, please contact Linda Rae Alvarado, (360) 413-3244 (desk), (360) 413-3482 (fax), e-mail ALVARLR@DSHS.WA.GOV.

September 18, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-19-044
EXPEDITED REPEAL
BOARD OF ACCOUNTANCY

[Filed September 11, 1998, 3:43 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 4-25-511 Confidential information and 4-25-920 Hearings by the board.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Dana M. McInturff, Executive Director, Washington State Board of Accountancy, 210 East Union, Suite A, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, phone (360) 664-9194, e-mail 103124.2013@compuserve.com.

Reason the Expedited Repeal of the Rule is Appropriate: The Attorney General's Office identified these two rules as repetitive and unnecessary. WAC 4-25-511 is a duplication of statute. WAC 4-25-920 is a duplication of statutorily defined administrative procedures the agency is required to follow.

September 11, 1998
 Dana M. McInturff
 Executive Director

WSR 98-19-057
EXPEDITED REPEAL
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed September 15, 1998, 2:49 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 296-61 WAC, Safety standards for metal and nonmetallic mines, quarries, pits, and crushing operations in its entirety. The repealer below lists the individual sections proposed for repeal.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Selwyn Walters, Rules Coordinator, Department of Labor and Industries, Legislative Office, P.O. Box 4001, Olympia, WA 98504-4001.

Reason the Expedited Repeal of the Rule is Appropriate: WISHA has not had jurisdiction over mines, pits, and quarries workplace safety and health since 1979. Under a Memorandum of Agreement, dated March 29, 1979, between the Mine Safety Health Administration (MSHA) and the Occupational Safety and Health Administration (OSHA), MSHA

assumed jurisdiction for the development and enforcement of safety requirements for this industry

OSHA, MSHA, labor representatives and business representatives, were contacted regarding this proposed code repeal. All were in agreement that the standards were no longer needed and serve no purpose.

September 15, 1998

Gary Moore
 Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- | | |
|----------------|--|
| WAC 296-61-010 | Scope and application. |
| WAC 296-61-020 | Definitions. |
| WAC 296-61-030 | Safety education and first-aid requirements—General, surface, and underground. |
| WAC 296-61-040 | Personal protective equipment and clothing—General, surface and underground. |
| WAC 296-61-050 | General requirements. |
| WAC 296-61-060 | Illumination. |
| WAC 296-61-070 | Guards and guarding. |
| WAC 296-61-080 | Fire prevention and control—General. |
| WAC 296-61-090 | Travelways and escape-ways—Surface and underground. |
| WAC 296-61-100 | Air quality, ventilation and radiation. |
| WAC 296-61-110 | Regulations pertaining to use of diesel equipment underground. |
| WAC 296-61-120 | Electricity—Surface and underground. |
| WAC 296-61-130 | Deenergizing and lock-out or tag-out procedures. |
| WAC 296-61-140 | Vessel or confined area requirements. |
| WAC 296-61-150 | Compressed air, boilers, hoses and fittings, surface and underground—General. |
| WAC 296-61-160 | Materials storage and handling—General, surface and underground. |
| WAC 296-61-170 | Crane rail stops, bumpers and fenders. |

EXPEDITED REPEAL

EXPEDITED REPEAL

- WAC 296-61-180 Crane platforms and foot-walks.
- WAC 296-61-190 Pit and quarry operations—Ground control—Surface.
- WAC 296-61-200 Ground control—Underground.
- WAC 296-61-210 Drilling.
- WAC 296-61-220 Rotary jet piercing—Surface only.
- WAC 296-61-230 Man hoisting—Hoists.
- WAC 296-61-240 Conveyances.
- WAC 296-61-250 Hoisting procedures.
- WAC 296-61-260 Signaling.
- WAC 296-61-270 Shafts.
- WAC 296-61-280 Explosives.
- WAC 296-61-290 Loading, hauling, dumping—General, surface and underground.
- WAC 296-61-300 Aerial tramways.
- WAC 296-61-310 Crushing and milling operations.
- WAC 296-61-320 Gassy mines.

WSR 98-19-093
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 (Board of Nursing Home Administrators)
 [Filed September 23, 1998, 8:13 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-843-060 Program manager—Hiring and duties.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Barbara Hayes, Program Manager, Department of Health, Board of Nursing Home Administrators, P.O. Box 47869, Olympia, WA 98504, fax (360) 664-0412.

Reason the Expedited Repeal of the Rule is Appropriate: Washington state merit system rules and department policies and procedure govern the hiring and duties of program manager.

July 29, 1998
 Barbara A. Hayes
 Program Manager

WSR 98-19-094
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 (Board of Nursing Home Administrators)
 [Filed September 23, 1998, 8:14 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-843-200 Standards of suitability and character.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Barbara Hayes, Program Manager, Department of Health, Board of Nursing Home Administrators, P.O. Box 47869, Olympia, WA 98504, fax (360) 664-0412.

Reason the Expedited Repeal of the Rule is Appropriate: Possible violation of Americans with Disabilities Act and intent of WAC is covered by uniform application policy, G07.01 adopted by Department of Health, October 9, 1996.

July 29, 1998
 Barbara A. Hayes
 Program Manager

WSR 98-19-095
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 (Board of Nursing Home Administrators)
 [Filed September 23, 1998, 8:15 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-843-220 Complaints and hearing procedures and 246-843-225 Issuance of subpoenas—Administering oaths and affirmations—Ruling when board or hearing panels not in session.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Barbara Hayes, Program Manager, Department of Health, Board of Nursing Home Administrators, P.O. Box 47869, Olympia, WA 98504, fax (360) 664-0412.

Reason the Expedited Repeal of the Rule is Appropriate: Administrative Procedure Act, chapter 34.05 RCW, Uniform Disciplinary Act, chapter 18.130 RCW, and Model procedural rules for boards, chapter 246-11 WAC, govern this subject.

July 29, 1998
 Barbara A. Hayes
 Program Manager

WSR 98-19-014
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed September 4, 1998, 3:07 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-07-042.

Title of Rule: Chapter 388-543 WAC, Medical equipment, prosthetics, orthotics, and medical supplies (new), WAC 388-86-100 Durable medical equipment, prosthetic devices, and disposable/nonreusable medical supplies (amend), WAC 388-86-200 Limits on scope of medical program services (amend), and WAC 388-86-110 X-ray services (repeal).

Purpose: To add payment methodology to Medical Assistance Administration rules regarding durable medical equipment.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Statute Being Implemented: Chapters 74.08, 74.09 RCW.

Reasons Supporting Proposal: To comply with ruling in *Failor's Pharmacy v. Department of Social and Health Services/lawsuit*.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ann Myers, Medical Assistance Administration, 617 8th Avenue S.E., Olympia, WA 98504, (360) 586-2337.

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

Rule is necessary because of state court decision, citation: *Failor's Pharmacy v. Department of Social and Health Services*, 125 Wn.2d 488, 886 P.2d 147(1994).

Explanation of Rule, its Purpose, and Anticipated Effects: This rule adds payment methodology for durable medical equipment to Medical Assistance Administration rules. The purpose is to codify the payment methodology that is currently contained in billing instructions and numbered memos.

Proposal Changes the Following Existing Rules: The new WAC codifies the payment methodology that is currently reflected in billing instructions and numbered memos.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal does not affect businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule does not change policy, it codifies existing policy. A cost-benefit analysis has been prepared. To obtain a copy, contact Ann Myers, Medical Assistance Administration, 617 8th Avenue S.E., Olympia, WA 98504.

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

Assistance for Persons with Disabilities: Contact Paige Wall by October 15, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: 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 October 27, 1998.

Date of Intended Adoption: November 1, 1998.

September 2, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Chapter 388-543 WAC

MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND MEDICAL SUPPLIES

NEW SECTION

WAC 388-543-1000 Definitions. "Artificial limb" - See "prosthetic device."

"Augmentative communication device (ACD)" means a medical device that transmits or produces messages or symbols, either by voice output or in writing, in a manner that compensates for the impairment or disability of a client with severe expressive or language communication and comprehension disorders. The communication device may use mechanical or electrical impulses to produce messages or symbols that supplement or replace speech.

"Bed-confined" means being in bed twenty hours or more per day, as required by a medical condition.

"By Report (BR)" means a method of reimbursement for covered items, procedures, and services for which the department has no set maximum allowable fees.

"Chronic intractable pain" means pain that is of long duration and has been difficult to ease, remedy, or cure.

"Date of delivery" means the date the client actually took physical possession of an item or equipment.

"Disposable supplies" means supplies which may be used once, or more than once, but are time limited.

"Durable medical equipment (DME)" means equipment that:

- (1) Can withstand repeated use;
- (2) Is primarily and customarily used to serve a medical purpose;
- (3) Generally is not useful to a person in the absence of illness or injury; and
- (4) Is appropriate for use in the client's place of residence.

"Duration of therapy" means the estimated span of time that a client will need a particular type of therapy for a specific medical problem.

"Expedited prior authorization" means the request process for selected durable medical equipment in which providers use a set of defined criteria acceptable for a particular DME request in lieu of calling or writing MAA for prior authorization.

"Fleet wheelchair" means a wheelchair that comes standard from the manufacturer and does not require structural frame modification to meet a client's unique medical needs. These wheelchairs can be used by other nursing facility residents. It may be appropriate to add equipment such as

solid seats, solid backs, wedge cushions, legrests, or armrests to a standard wheelchair in order to meet the needs of a particular resident. These types of additions generally do not change the basic structure; therefore, these wheelchairs are considered fleet wheelchairs and are included in the nursing facility's per-patient-day rate under chapter 74.46 RCW and chapter 388-96 WAC.

"Nonreusable supplies" are disposable supplies which are used once and discarded.

"Orthotic device" means a corrective or supportive device that:

- (1) Prevents or corrects physical deformity or malfunction; or
- (2) Supports a weak or deformed portion of the body.

"Personal or comfort item" means an item or service which primarily serves the comfort or convenience of the client. These items or services do not contribute meaningfully to the treatment of an illness or injury or the functioning of a malformed body member.

"Positioning equipment" means equipment that promotes fixed, corrected body alignment and is tailored to a specific client's physical needs.

"Prosthetic device" means a replacement, corrective, or supportive device 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:

- (1) Artificially replace a missing portion of the body;
 - (2) Prevent or correct physical deformity or malfunction;
- or
- (3) Support a weak or deformed portion of the body.

"Reusable supplies" are supplies which are to be used more than once.

"Scooter" means a federally-approved, motor-powered vehicle that:

- (1) Has a seat on a long platform;
- (2) Moves on either three or four wheels;
- (3) Is controlled by a steering handle; and
- (4) Can be independently driven by a client.

"Specialty bed" means a pressure reducing support surface, such as foam, air, water, and gel mattress or overlay.

"Structurally modified wheelchair" means a wheelchair that requires structural frame modifications from the manufacturer, resulting in an additional cost that would be passed on to the vendor. Such structural frame modifications would result in the wheelchair meeting the unique medical needs of a client, and would not be usable by most other clients without additional structural frame modifications.

"Three- or four-wheeled scooter" means a three- or four-wheeled vehicle meeting the definition of scooter (see "scooter") and which has the following minimum features:

- (1) Rear drive;
- (2) A twenty-four volt system;
- (3) Electronic or dynamic braking;
- (4) A high to low speed setting; and
- (5) Pneumatic rear tires.

"Trendelenburg position" means a position in which the patient is lying on his or her back on a plane inclined thirty to forty degrees. This position would make the pelvis

higher than the head, with the knees flexed and the legs and feet hanging down over the edge of the plane.

"Usual and customary charge" means the amount the provider typically charges to fifty percent or more of his or her non-Medicaid clients, including clients with other third-party coverage.

"Warranty-wheelchair" means a warranty according to manufacturers guidelines of not less than one year from the date of purchase.

"Wheelchair - manual" means a federally-approved, nonmotorized wheelchair that can be independently propelled by a client using his or her upper extremities and fits one of the following categories:

- (1) Standard:
 - (a) Usually is not capable of being modified;
 - (b) Accommodates a person weighing up to two hundred fifty pounds; and
 - (c) Has a warranty period of at least one year.
- (2) Lightweight:
 - (a) Composed of lightweight materials;
 - (b) Capable of being modified;
 - (c) Accommodates a person weighing up to two hundred fifty pounds; and
 - (d) Usually has a warranty period of at least three years.
- (3) High strength lightweight:
 - (a) Is usually made of a composite material;
 - (b) Is capable of being modified;
 - (c) Accommodates a person weighing up to two hundred fifty pounds;
 - (d) Has an extended warranty period of over three years; and
 - (e) Accommodates the very active person.
- (4) Hemi:
 - (a) Has a seat-to-floor height lower than eighteen inches to enable an adult to propel the wheelchair with one or both feet; and
 - (b) Is identified by its manufacturer as "hemi" type with specific model numbers that include the "hemi" description.
- (5) Pediatric: Has a narrower seat and shorter depth more suited to pediatric patients, usually adaptable to modifications for a growing child.
- (6) Recliner: Has an adjustable, reclining back to facilitate weight shifts and provide support to the upper body and head.
- (7) Tilt-in-space: Has a positioning system which allows both the seat and back to tilt to a specified angle to reduce shear or allow for unassisted pressure releases.
- (8) Heavy Duty:
 - (a) Specifically manufactured to support a person weighing up to three hundred pounds; or
 - (b) Accommodating a seat width of up to twenty-two inches wide (not to be confused with custom manufactured wheelchairs).
- (9) Rigid: Is of ultra-lightweight material with a rigid (nonfolding) frame.
- (10) Custom heavy duty:
 - (a) Specifically manufactured to support a person weighing over three hundred pounds; or

(b) Accommodates a seat width of over twenty-two inches wide (not to be confused with custom manufactured wheelchairs).

(11) Custom manufactured specially built:

(a) Ordered for a specific client from custom measurements; and

(b) Is assembled primarily at the manufacturer's factory.

"Wheelchair - power" means a federally-approved, motorized wheelchair that can be independently driven by a client and fits one of the following categories:

(1) Custom power adaptable to:

(a) Alternative driving controls; and

(b) Power recline and tilt-in-space systems.

(2) Noncustom power, does not need special positioning or controls and has a standard frame.

(3) Pediatric: Has a narrower seat and shorter depth that is more suited to pediatric patients. Pediatric wheelchairs are usually adaptable to modifications for a growing child.

NEW SECTION

WAC 388-543-1100 Scope of coverage and coverage limitations. The federal government deems medical equipment and related supplies, prosthetics, orthotics; and medical supplies as optional services under the Medicaid program, except when prescribed as an integral part of an approved plan of treatment under the home health program. The department may reduce or eliminate coverage for optional services, consistent with legislative appropriations.

(1) Medical equipment and related supplies, prosthetics, orthotics, medical supplies, related services, repairs and labor charges are covered when they are:

(a) Within the scope of an eligible client's medical care program;

(b) Determined by the medical assistance administration (MAA) to be medically necessary; and

(c) Within accepted medical or physical medicine practice standards defined by the MAA and consistent with the client's medical diagnosis.

(2) Medical equipment and related supplies, prosthetics, orthotics, medical supplies, related services, repairs and labor charges are not reimbursed under fee-for-service when the client is:

(a) An inpatient hospital client;

(b) Eligible for both Medicare and Medicaid, and is staying in a nursing facility in lieu of hospitalization;

(c) Terminally ill and receiving hospice care; or

(d) Enrolled in a risk-based managed care plan that includes coverage for such items and/or services.

(3) Only those medical equipment and related supplies, prosthetics, orthotics, medical supplies and related services, repairs and labor charges, listed in MAA's billing instructions and numbered memoranda, are covered unless prior authorized as described in WAC 388-543-1700 and 388-543-1800.

(4) The decision to purchase or rent medical equipment for a client, or pay for repairs to client-owned equipment is made by MAA based on the least costly and/or equally effective alternative.

(5) Replacement batteries for purchased DME equipment are covered only when medically necessary for:

(a) Wheelchairs;

(b) Transcutaneous electrical nerve stimulator units (TENS); and

(c) Augmentative communication devices.

(6) The following categories of medical equipment and supplies are covered only when they are medically necessary; prescribed by a physician or other licensed practitioner of the healing arts; are within the scope of his or her practice as defined by state law, and are subject to the provisions of this chapter and related WACs:

(a) Equipment and supplies prescribed in accordance with an approved plan of treatment under the home health program;

(b) Wheelchairs and other durable medical equipment;

(c) Prosthetic/orthotic devices;

(d) Surgical/ostomy appliances and urological supplies;

(e) Bandages, dressings, and tapes;

(f) Equipment and supplies for the management of diabetes; and

(g) Other medical equipment and supplies, as listed in MAA published issuances.

(7) A "by report" item, procedure or service is evaluated for its medical appropriateness and reimbursement value on a case-by-case basis.

(8) Nursing facilities are responsible for providing their residents with medically necessary equipment, such as wheelchairs, specialty beds, augmentative communication devices, lifts, and positioning equipment in accordance with chapters 388-96 and 388-97 WAC.

NEW SECTION

WAC 388-543-1200 Eligible providers. (1) A provider of medical equipment and related supplies, prosthetics, orthotics, medical supplies and related services to a MAA client must:

(a) Have the proper business license;

(b) Have appropriately trained qualified staff;

(c) Obtain an annual surety bond in the amount of fifty thousand dollars, as required by the federal government, and

(d) Be certified, licensed and/or bonded if required, to perform the services billed to the department.

(2) Fee-for-service reimbursements may be made by MAA for medical equipment and related supplies, prosthetics, orthotics, repairs, medical supplies, and related services to qualified participating medical care providers as follows:

(a) Durable medical equipment providers for durable medical equipment and related repair services.

(b) Medical equipment dealers, pharmacies, and home health agencies under their medical vendor provider number for medical supplies, unless otherwise prohibited in any subsection of this section.

(c) Licensed prosthetics and orthotics providers, who are accredited by the American Board for Certification in prosthetics and orthotics, except for medical equipment dealers and pharmacies for selected orthotics that do not require specialized skills to provide.

(d) A physician may be paid separately for medical equipment and supplies provided in a physician's office, sub-

ject to the provisions in the department's resource based relative value scale (RBRVS) fee schedule.

(3) A provider found in violation of program regulations and policies will be terminated from Medicaid participation, as described in WAC 388-87-0005(3) and 388-87-007(7).

NEW SECTION

WAC 388-543-1300 Noncovered medical equipment and related supplies, prosthetics, orthotics, medical supplies and related services. Unless required under the early and periodic screening, diagnosis and treatment (EPSDT)/healthy kids program, included as part of a managed care plan service package, included in a waived program, or part of one of the Medicare programs for qualified Medicare beneficiaries, services and equipment which are specifically excluded from the fee-for-service scope of coverage include:

(1) Services, procedures, treatment, devices, drugs, or application of associated services which the department or the Food and Drug Administration (FDA) and/or the Health Care Financing Administration (HCFA) consider investigative or experimental on the date the services are provided;

(2) More costly services or equipment when less costly, equally effective services or equipment, as determined by the department, are available;

(3) Any service specifically excluded by statute;

(4) Wheelchair features and options not considered by the department to be medically necessary or essential for wheelchair use. These features and options include, but are not limited to:

(a) Speed conversion kits;

(b) Tie-down restraints;

(c) Lighting systems;

(d) Warning devices, such as horns and backup signals;

(e) Canopies, including those for strollers and other equipment;

(f) Clothing guards to keep clothes from getting muddy (similar to mud flaps for cars);

(g) Identification devices (such as labels, license plates, name plates); and

(h) Attendant controls (remote control devices).

(5) Nonmedical equipment and supplies and related services including, but not limited to:

(a) Environmental control devices, such as air conditioners, air cleaners/purifiers, dehumidifiers, portable room heaters or fans, heating or cooling pads;

(b) Exercise classes or equipment such as therapy mats, bicycles, tricycles, stair steppers, weights, trampolines;

(c) Muscle stimulators;

(d) Ergonomic equipment;

(e) Racing strollers/wheelchairs and recreational equipment;

(f) Wheeled positioning, lounge or reclining chairs, and/or lift chairs;

(g) Enuresis (bed wetting) training equipment;

(h) Beds, other than hospital, bed boards/conversion kits, and bed lifters;

(i) Inflatable bed baths, sitz bath, paraffin bath units, and shampoo rings;

(j) Communication equipment and services including, but not limited to:

(i) Two-way radios;

(ii) Emergency response system services;

(iii) Devices intended to amplify or reduce background noise; and

(iv) Rental of related equipment or services;

(k) Computers, computer software, computer accessories (such as anti-glare shields, backup memory cards), and computer equipment other than specified in WAC 388-543-2300;

(l) Diathermy and diaphase machines;

(m) Vacuum cleaners, carpet cleaners/deodorizers, and/or pesticides/insecticides;

(n) Room fresheners/deodorizers;

(o) Cleaning brushes and supplies, except for ostomy-related cleaners/supplies;

(p) Identification bracelets;

(q) Car seats for children under five, except for positioning car seats that are prior authorized, as provided under WAC 388-543-1700(13);

(r) Generators;

(s) Instructional materials, such as pamphlets and videotapes; and

(t) Pouches, bags, baskets or other carrying containers for use with aids to mobility.

(6) Personal and comfort items, including but not limited to:

(a) Radio and television;

(b) Telephones, telephone arms, cellular phones, electronic beepers, and other telephone messaging services;

(c) Bedding items, such as sheets, pillows, blankets, mattress covers/bags, and bed pads;

(d) Toothettes and toothbrushes, waterpics, or periodontal devices whether manual, battery-operated or electric;

(e) Bedside items such as carafes, bed trays, or over-the-bed tables;

(f) Eating/feeding utensils;

(g) Hot or cold temperature food and drink containers/holders;

(h) Emesis basins, enema bags, and diaper wipes;

(i) Impotence devices;

(j) Hot water bottles and cold/hot packs or pads;

(k) Diverter valves for bathtub;

(l) Bathroom items such as weight scales, towels, shower curtains, shower cap, shampoo, conditioner, soap, bath gel, moisturizer, astringent, toothpaste, deodorant, antiperspirant, mouthwash, shaving cream, powder;

(m) Cosmetics, including corrective formulations, skin bleaching, tanning, hair depilatories, and sun screen products;

(n) Insect repellents;

(o) Medicine cabinet and first aid items such as thermometers, bandaids, tongue depressors, medicine cups, cotton-tipped swabs, and cotton balls;

(p) Medication dispensers, such as med-collators and count-a-dose, except as obtained under the compliance packaging program. Refer to the pharmacy chapter 388-530 WAC.

(q) Page turners;

- (r) Reachers;
 - (s) Massage equipment;
 - (t) Health club memberships;
 - (u) Clothing and accessories such as coats, hats, scarves, gloves (including wheelchair gloves), socks, and slippers; and
 - (v) Clothing protectors and other protective coverings against incontinence.
- (7) Home improvements such as:
- (a) Security systems, burglar alarms, call buttons, lights, light dimmers, motion detectors, and similar devices;
 - (b) Automatic door openers for the house or garage;
 - (c) Timers or electronic devices to turn things on or off;
 - (d) Whirlpool systems such as jacuzzies, hot tubs, or spas;
 - (e) Swimming pools;
 - (f) Saunas;
 - (g) Wheelchair lifts or ramps for the home;
 - (h) Elevator systems, stair lifts; ceiling lifts and ceiling tracks;
 - (i) Electrical rewiring for any reason; and
 - (j) Any structural modifications to a client's house.
- (8) Bilirubin lights, except as rentals, for at-home newborns with jaundice;
- (9) Supplies and equipment used during a physician office visit, such as tongue depressors and surgical gloves;
- (10) Supplies and equipment obtainable from, or provided free by community service organizations;
- (11) Materials or services covered under manufacturers' warranties;
- (12) Replacement batteries for other equipment, except as stated in WAC 388-543-1100(5);
- (13) Procedures, prosthetics, or supplies related to gender dysphoria surgery;
- (14) Temporary prostheses or prosthetic devices dispensed for cosmetic reasons;
- (15) Shoe lifts less than one inch, arch supports, and non-orthopedic shoes;
- (16) Hair pieces, wigs, or hair transplantations;
- (17) Homemaker services and meals delivered to the home; and
- (18) A client's utility bills, even if the operation or maintenance of a medical equipment purchased or rented by MAA for the client contributes to an increased utility bill.

NEW SECTION

WAC 388-543-1400 General reimbursement—Medical equipment and related services. (1) A qualified provider who serves a client, who is not enrolled in a department-contracted managed care plan, will be reimbursed only when:

- (a) The requirements of WAC 388-87-010 are met; and
- (b) The item requested is not included with other reimbursement methodologies. Other reimbursement methodologies include, but are not limited to:
 - (i) Hospitals' diagnosis related group (DRG) reimbursement;
 - (ii) Nursing facilities' per diem rate;
 - (iii) Hospice providers' per diem reimbursement; or

- (iv) Managed care plans' capitation rate.
- (2) The maximum allowable fees will be set by MAA using available published information, such as:
- (a) Medicare fee schedules;
 - (b) Manufacturers' catalogs;
 - (c) Commercial databases for price comparisons; and
 - (d) Wholesale prices.
- (3) MAA may adopt policies, procedure codes and/or rates inconsistent with Medicare's, when MAA determines that it is in the best interest of its clients.
- (4) Maximum allowable fees will be updated for medical equipment and supplies and prosthetic devices no more than once per year. Rates may be updated for different categories of medical equipment and supplies and prosthetic/orthotic devices at different times during the year according to a schedule set by the MAA.
- (5) A provider must not bill MAA for the rental or purchase of equipment supplied to the provider at no cost by suppliers/manufacturers.
- (6) MAA's maximum payment for medical equipment and supplies will be the lesser of:
- (a) Usual and customary charges; or
 - (b) Established rates, except as provided in subsection (7) of this section.
- (7) If the service provided is covered by Medicare and Medicaid and is for a client, who is eligible for both Medicare and Medicaid, MAA will pay:
- (a) The deductible and coinsurance up to Medicare's allowed amount; or
 - (b) For services that are not covered by Medicare but are covered, by MAA; if medically necessary.
- (8) Medical goods and/or services that are provided to a client who is enrolled in a department-contracted managed care plan, but who failed to use the plan's participating provider, are not covered by MAA.

NEW SECTION

WAC 388-543-1500 Purchasing medical equipment and related supplies, prosthetics and orthotics. Medical equipment and related supplies, prosthetics, and orthotics purchased by MAA for a client is the client's property.

- (1) Reimbursement for covered medical equipment and related supplies, prosthetics, and orthotics includes:
- (a) The manufacturer's warranty;
 - (b) Fitting and set-up;
 - (c) Any adjustments or modifications to the equipment required within three months of the date of purchase, except those occasioned by changes in the client's medical condition; and
 - (d) Instruction to the client or client's caregiver in the appropriate use of the equipment or device.
- (2) Only new equipment that includes full manufacturer's and dealer's warranties must be provided to a MAA client.
- (3) A dispensing provider must include a warranty for a period of one year after the date the rented equipment is deemed purchased as provided under WAC 388-543-1600(3).

(4) The dispensing provider's account will be charged for any costs incurred by MAA to have another provider repair equipment if:

(a) Medical equipment, which is deemed purchased by MAA under WAC 388-543-1600(3), requires repair during the applicable warranty period;

(b) The dispensing provider is unwilling or unable to make good on the warranty; and

(c) The client still has a need for the equipment.

(5) If rental equipment must be replaced during the warranty period, MAA will deduct from the dispensing provider's account fifty percent of the total amount MAA paid toward rental and eventual purchase of the first equipment.

(6) A purchase order for a prescribed item will be rescinded if the equipment was not delivered to the client, before the client:

(a) Dies; or

(b) Loses his or her medical eligibility.

(7) For rescinded purchase orders discussed in subsection (6) of this section, the provider may be paid an amount deemed appropriate by MAA to help defray the costs incurred for customized equipment, for which the provider may have already spent considerable resources, and which may not be easily resold. The provider must submit to MAA sufficient justification to support such claims.

(8) If a client becomes a managed care plan client before purchase of a prescribed medical equipment is completed, MAA will rescind the purchase order until the client has been evaluated by his or her primary care provider (PCP) in the managed care plan.

(a) The managed care PCP must write a new prescription if he or she determines the equipment or item is still medically necessary as defined in WAC 388-500-0005.

(b) The purchase or rental of the item is subject to the managed care plan's applicable reimbursement policies.

NEW SECTION

WAC 388-543-1600 Medical equipment rentals by the medical assistance administration. (1) The reimbursement amount for rented medical equipment includes:

(a) Delivery to the client;

(b) Fitting, set-up and adjustments;

(c) Maintenance, repair and/or replacement of the equipment; and

(d) Return pickup by the provider.

(2) A dispensing provider must ensure that durable medical equipment rented to a medical care client is:

(a) In good working order; and

(b) Comparable to equipment rented out by the provider to clients with similar medical equipment needs who are either private pay clients or have other third-party coverage.

(3) Rented equipment is deemed purchased after twelve months' rental, unless:

(a) Restricted as rental only; or

(b) Otherwise stated in MAA's published billing instructions.

(4) Medically necessary equipment, which may be rented, but will not be purchased for clients by MAA, includes, but is not limited to:

(a) Bilirubin lights for newborns at home with jaundice; and

(b) Electric breast pumps.

(5) The minimum rental period for medical equipment is one day.

(6) If a client becomes ineligible before the end of the month, the rental payment will cease the day, the client becomes ineligible.

(7) If a client becomes a managed care plan client, the rental payment will cease on the last day of the month preceding the month in which the client becomes enrolled in the managed care plan. The plan will determine the client's continuing need for the item or equipment and will be responsible for reimbursing the provider.

(8) Reimbursement for rental payment will cease on the date of the client's death. Monthly rentals will be prorated as appropriate.

(9) For a client who is eligible for both Medicaid and Medicare

(a) MAA will pay only the client's coinsurance and deductibles.

(b) Payment for rental or coinsurance and deductibles for equipment will be discontinued when:

(i) The reimbursement reaches Medicare's reimbursement cap for the equipment; or

(ii) Medicare deems the equipment purchased.

(10) The department does not obtain or pay for insurance coverage against liability, loss and/or damage to rental equipment that a provider supplies to a MAA client.

NEW SECTION

WAC 388-543-1700 Items and services which require prior authorization. Items and services which require prior authorization include, but are not limited to:

(1) Wheelchairs, wheelchair accessories, wheelchair modifications, cushions, and repairs;

(2) Orthopedic shoes and selected orthotics;

(3) Augmentative communication devices;

(4) Osteogenic stimulator, noninvasive, if expedited authorization criteria are not met;

(5) Transcutaneous electrical nerve stimulators, if expedited authorization criteria are not met;

(6) Wheelchair-style shower/commode chairs;

(7) Hospital beds, if expedited authorization criteria are not met;

(8) Blood glucose monitors requiring special features;

(9) Air and gel cushions;

(10) Low air loss flotation system, if expedited authorization criteria are not met;

(11) Decubitus care mattress, including flotation or gel mattress, if expedited authorization criteria are not met;

(12) Decubitus care products and supplies;

(13) Positioning car seats for children under five years of age;

(14) Certain medical equipment and supplies listed as reimbursed "by report (BR)";

(15) Certain equipment rentals and certain prosthetic limbs, as specified in MAA's fee schedules and billing instructions;

(16) Equipment parts and labor charges for repairs or modifications and related services; and

(17) Other medical equipment not specifically listed in the department's billing instructions and is submitted as a miscellaneous procedure code.

NEW SECTION

WAC 388-543-1800 Prior authorization—General policies. (1) The purchase of durable medical equipment and related supplies, prosthetic/orthotic devices, and other disposable/nonreusable medical supplies, and the rental of durable medical equipment will be authorized only if:

(a) A qualified provider, acting within his or her scope of practice, prescribes the item, and the prescription states the diagnosis, prognosis, and estimated length of need (weeks, months, or years);

(b) The items are medically necessary and sufficient objective evidence is submitted by the provider or client to establish medical necessity. Information used to establish medical necessity includes:

(i) A physiological description of the client's disease, injury, impairment, or other ailment, and any changes in the client's condition written by the prescribing physician, physical therapist, occupational therapist, or speech therapist;

(ii) Video and/or photograph(s) of the client demonstrating his/her impairments as well as the client's ability to use the requested equipment, when applicable.

(c) The department is the payor of last resort;

(d) The provider/vendor obtains prior authorization, if required, as specified in WAC 388-543-1700 and 388-543-1800.

(2) The prescribing provider must provide patient-specific justification for the base equipment and each line item accessory or modification requested. General standards of care or industry standards for generalized equipment use is not acceptable justification.

(3) MAA will not consider prescriptions for items or services, which are older than three months at the time the initial request for authorization is received.

(4) Items requiring prior authorization listed, as "BR," in MAA's billing instructions will be authorized only if medical necessity is established and the provider gives the following information:

(a) A detailed description of the item or service to be provided;

(b) The procedure code that most closely describes the "by report" item and how the existing code description differs from the item to be provided;

(c) The cost or charge for the item; and

(d) A copy of the manufacturer's invoice, price-list or catalog with product description for the item to be provided.

(5) Requests for authorization of equipment purchase or rental must include, but not be limited to, the following information:

(a) The manufacturer's name;

(b) The equipment model and serial number;

(c) A detailed description of the item; and

(d) Any modifications required, including the product or accessory number as shown in the manufacturer's catalog.

(6) Payment for repair and modification of client-owned equipment will be authorized only when the criteria in subsection (1) of this section are met. Requests for repairs must include the information listed in subsection (4) of this section.

(7) Reimbursement for purchase, rental or repair of medical equipment which duplicates equipment the client already owns or rents will not be authorized. If the client has similar or like-use equipment, the requesting provider must explain to MAA:

(a) Why the existing equipment no longer meets the client's medical needs; or

(b) Why it could not be repaired or modified to meet those medical needs.

(8) Medical equipment or services regarded by the medical profession as experimental in nature or as unacceptable treatment will not be authorized, unless the provider demonstrates through sufficient objective clinical evidence that the client exhibits particular circumstances rendering the requested service medically necessary.

(9) A request for an item will be denied, when a less costly, equally effective alternative is available that will meet the client's medical needs. MAA will inform the provider and/or the client of a less costly alternative from MAA's manufacturers' literature on file.

(10) When resubmitting a request for an item or service that has been denied, the provider must include new documentation relevant to the request.

(11) Rental equipment will be authorized for a specific period of time. The provider must request authorization from MAA for any extension of the rental period. Medical equipment is deemed purchased, after one year's rental, unless otherwise specified.

NEW SECTION

WAC 388-543-1900 Wheelchairs. (1) MAA will consider a wheelchair purchase when the provider:

(a) Provides specific medical justification for the make and model of wheelchair requested;

(b) Defines the degree and extent of the client's impairment (such as stage of decubitus, severity of spasticity or flaccidity, degree of kyphosis or scoliosis); and

(c) Identifies and documents outcomes of less expensive alternatives (aids to mobility) that have been tried by the client.

(2) Wheelchair modifications will be considered when the provider indicates:

(a) The make/model and serial number of the wheelchair to be modified;

(b) The modification requested; and

(c) Specific information, regarding the client's medical condition, that necessitates the modification.

(3) Wheelchair accessories or modifications, which are specifically identified by the manufacturer as a separate line item charge, in addition to the basic wheelchair, may be considered when the provider submits to MAA specific medical justification for each line item.

(4) Wheelchair repairs may be considered when the provider indicates the make, model and serial number of the wheelchair for which repairs are being requested.

(5) For a client living at home, MAA will consider rental or purchase of:

(a) A manual wheelchair if the client is nonambulatory or has limited mobility and requires a wheelchair to participate in normal daily activities.

(b) A standard wheelchair if the client's medical condition requires the client to have a wheelchair to participate in normal daily activities.

(c) A standard lightweight wheelchair if the client's medical condition is such that he or she:

(i) Cannot self-propel a standard weight wheelchair; or

(ii) Requires custom modifications that cannot be provided on a standard weight wheelchair; and

(d) A high-strength lightweight wheelchair for a client:

(i) Whose medical condition is such that he or she cannot self-propel a lightweight or standard weight wheelchair; or

(ii) Requires custom modifications that cannot be provided on a standard weight or lightweight wheelchair.

(e) A heavy duty wheelchair for a client who requires a specifically manufactured wheelchair designed to:

(i) Support a person weighing up to three hundred pounds; or

(ii) Accommodate a seat width up to twenty-two inches wide (not to be confused with custom heavy duty wheelchairs).

(f) A custom heavy duty wheelchair for a client who requires a specifically manufactured wheelchair designed to:

(i) Support a person weighing over three hundred pounds; or

(ii) Accommodate a seat width over twenty-two inches wide.

(g) A rigid wheelchair for a client:

(i) With a medical condition that involves severe upper extremity weakness;

(ii) Who has a high level of activity; and

(iii) Who is unable to self-propel any of the above categories of wheelchair.

(h) A custom manufactured wheelchair for a client with a medical condition requiring wheelchair customization that cannot be obtained on any of the above categories of wheelchairs.

(i) A power-drive wheelchair only if the client's medical needs cannot be met by a less costly means of mobility. The prescribing physician must certify that the client can safely and effectively operate a power-drive wheelchair and that the client meets all of the following conditions:

(i) The client has severe abnormal upper extremity weakness and the extent of impairment is documented;

(ii) The client's medical condition negates his or her ability to self-propel any of the wheelchairs listed in the manual wheelchair category; and

(iii) A power-drive wheelchair will provide the client his/her only means of independent mobility; or

(iv) A power-drive wheelchair will enable a child to achieve age-appropriate independence and developmental milestones.

(j) A three or four-wheeled power-drive scooter/cart when the prescribing physician certifies:

(i) The client's condition is stable; and

(ii) The client is unlikely to require a standard power wheelchair within the next two years.

(6) The power wheelchair is considered to be the client's primary chair when the client has both a power wheelchair and a manual wheelchair.

(7) A second manual wheelchair, in addition to a power wheelchair, allowing a noninstitutionalized client to have dual wheelchairs, may be allowed when:

(a) The architecture of a client's home bathroom is such that power wheelchair access is not possible, and a manual wheelchair is needed to allow for safe and successful completion of bathroom activities and the maintenance of personal cleanliness;

(b) The architecture of the client's home is completely unsuitable for a power wheelchair, such as, narrow hallways, narrow doorways, steps at entryway, and insufficient turning radii;

(c) A client has a manual wheelchair providing sufficient independent mobility in the home but which is insufficient for independent mobility in the community, workplace or school environments; or

(d) A client has a power wheelchair but requires a manual wheelchair in addition to the power wheelchair because the client's community, workplace or educational activities cannot be met via transport of the power wheelchair. The manual wheelchair allows the client to be transported (with caregiver assistance) in a standard automobile or van. In these cases, two additional conditions must be met for the second wheelchair to be authorized:

(i) The activities necessitating the second wheelchair for the client must be located farther than one-fourth of a mile distance from the client's home; and

(ii) Cabulance, public buses or personal transit are neither available, practical, nor possible for financial or other reasons.

(8) Refer to WAC 388-543-1950 for MAA covered nursing facility wheelchair and associated accessories.

NEW SECTION

WAC 388-543-2000 Reimbursement methodology for wheelchairs. (1) Reimbursement to a durable medical equipment provider for wheelchairs is based on the specific brand and model of wheelchair dispensed. Brands and/or models of wheelchairs are eligible for reimbursement based on:

(a) The client's medical needs;

(b) Product quality;

(c) Cost; and

(d) Available alternatives.

(2) The maximum allowable reimbursement for basic standard wheelchairs is set at sixty-five percent of manufacturers' list prices in effect on January 31 of the base year.

(3) The maximum allowable reimbursement for add-on accessories and parts is set at eighty-four percent, and upgrade modifications to standard wheelchairs at eighty per-

cent of manufacturers' list prices and/or invoice for the specific items in effect on January 31 of the base year.

(4) The maximum allowable reimbursement for all other manual wheelchairs and power wheelchairs is set at eighty-five percent of manufacturers' list prices in effect on January 31 of the base year.

(5) The wheelchair rental reimbursement is set based on average market rental rates for standard wheelchair models. The rental reimbursement is determined for the most common/average market rates for categories of manual and power-driven wheelchairs or from Medicare rates.

(6) The wheelchair fee schedule is evaluated and updated once a year. Wheelchair rate changes, in the aggregate, must not exceed the lesser of three percent annually or the applicable vendor rate increase, authorized by the legislature.

(7) The wheelchair rate changes will be implemented April 1 of the base year. Rate changes will be effective through the next rate determination cycle.

NEW SECTION

WAC 388-543-2100 Hospital beds. (1) MAA will authorize hospital bed purchase or rental, if the following criteria are met:

(a) The client is bed-confined; and

(b) The client's medical need requires positioning that cannot be obtained in his/her regular bed, or that cannot be attained through less costly alternatives (such as use of bed-side rails, a trapeze, pillows, bolsters, rolled up towels or blankets, or similar aids).

(2) The decision to rent or purchase a hospital bed will be based on the length of time the client needs the bed.

(a) If the need is for more than six months, MAA will consider a purchase.

(b) If the need is short term, MAA will initially authorize a maximum of two months rental, and allow extensions as medically necessary, upon request.

(c) If the client's prognosis is poor, rental will be determined on a month-to-month basis.

(d) If, after six months' rental, the client's medical need for the hospital bed still exists, the rental may be approved for up to an additional six months. The equipment will be considered purchased after a total of twelve months' rental.

(3) When the client has full-time caregivers, a manual hospital bed will be considered the primary option.

(4) A semi-electric hospital bed will be considered when the client meets all the criteria for a manual hospital bed, plus the following:

(a) The client requires the ability to change his or her position immediately; and

(b) The client is able to operate the controls independently.

(5) A full electric hospital bed will be considered only if the client meets all of the criteria for a manual hospital bed and the client needs to be in the trendelenburg position.

NEW SECTION

WAC 388-543-2200 Bathroom/shower equipment.

(1) A caster style shower commode chair will be considered as the primary option for clients.

(2) A wheelchair style shower commode chair will be considered only if the client:

(a) Is able to propel the equipment; or

(b) Has special positioning needs that cannot be met by a caster style chair.

NEW SECTION

WAC 388-543-2300 Augmentative communication devices (ACD). (1) All requests for ACDs will be considered on a case-by-case basis.

(2) A provider must submit prior authorization requests for ACDs in writing to MAA with the following information:

(a) An assessment of the client's verbal capabilities by the prescribing physician or a licensed speech pathologist, who is well versed in the selection of ACDs;

(b) An assessment of the client's physical capabilities by the prescribing physician, licensed occupational therapist or physical therapist, if there is a physical disability, condition or impairment that requires the device or other equipment, such as wheelchairs, be specially adapted to accommodate the ACD;

(c) A detailed description of the client's therapeutic history including the nature, frequency, and duration of physical and occupational therapy and speech-language pathology;

(d) Documented trials of each ACD, that have been tried by the client, including less costly types or models, and the effectiveness of each device in promoting the client's ability to communicate with his or her health care providers and caregivers; and

(e) A plan of care indicating who will:

(i) Initially train the client in the use of the requested device;

(ii) Program the device;

(iii) Assess the efficacy of the equipment in meeting the client's stated needs; and

(iv) Monitor and re-evaluate the client on a periodic basis.

(3) Required assessments of the client's verbal and physical capabilities include, but are not limited to, the following:

(a) Hearing or visual loss;

(b) Muscular disorder;

(c) Motor weakness, including motor speech problems, which inhibit the ability to utilize the equipment;

(d) Significant surgeries related to the disability or need for the ACD;

(e) Missing limbs;

(f) Aphasia, apraxia, or dysarthria;

(g) The client's medical diagnosis and prognosis; and

(h) The client's cognitive abilities.

(4) The provider or client must prove that:

(a) The client has reliable and consistent motor response, which can be used to communicate with the help of an ACD;

(b) The client has the cognitive ability to effectively and independently utilize the equipment; and

(c) With the ACD, the client will be able to:

(i) Communicate his or her medical condition, complaint, ailment or symptoms with his or her personal physician;

(ii) Communicate with his or her personal caregiver about both urgent medical needs and routine personal care needs;

(iii) Communicate with medical personnel engaged in providing emergency services, rehabilitative care, and other therapeutic treatment;

(iv) Improve expressive communications skills, vocabulary and understanding; and

(v) Attain specific speech therapy goals and objectives in the speech treatment or training plan.

(5) An ACD will be covered no more frequently than once every two years for a client who meets the criteria in subsection (4) of this section. A new or updated component, modification or replacement model will not be approved for a client whose ACD is less than two years old.

(6) Exceptions to subsection (5) of this section will be based strictly on a finding of unforeseeable and significant changes to the client's medical condition. The prescribing physician is responsible for justifying why the changes in the client's medical condition were unforeseeable.

NEW SECTION

WAC 388-543-2400 Expedited authorization criteria for other durable medical equipment. Payment will be allowed by MAA, during a twelve-month period, for certain DME procedure codes through a process called expedited prior authorization process, if all specified criteria are satisfied. If all specified criteria are not met, or if the requested rental exceeds the limited rental period indicated, a normal prior authorization must be obtained. Compliance with the specific criteria must be documented in client files and presented to MAA upon request for post-pay review. Expedited criteria is defined for the following:

(1) Transcutaneous electrical nerve stimulators (TENS): An initial two-months rental for a TENS will be allowed if all the following expedited authorization criteria are met:

(a) The client has a condition that is causing chronic intractable pain;

(b) The client's pain level has been documented as six on a scale of one to ten, with one being low and ten being high;

(c) Onset of the pain was six months ago or more;

(d) The client has had no surgery within the last three months;

(e) The client is on continual pain and/or anti-inflammatory medications;

(f) The client has had significant physical therapy of five or more visits within the last six months with no relief of pain or increased activity level; and

(g) The goal of the treatment is to decrease/discontinue medications and increase level of activity.

(2) Electric breast pumps: MAA will not purchase electric breast pumps. Rentals of electric breast pumps will be reimbursed, based on expedited authorization criteria if:

(a) A two-week rental for a client with engorged breasts;

(b) A three-week rental if the client is taking antibiotics for treatment of a breast infection; or

(c) Up to two months rental, if all of the following criteria are met:

(i) The client's newborn is premature and is being kept in the hospital;

(ii) The mother has been discharged from the hospital; and

(iii) The mother is taking the breast milk to the hospital to be fed to the newborn.

(3) Continuous passive motion machine: Ten-day rental will be allowed upon hospital discharge, if the following criteria are met:

(a) Frozen joints;

(b) Intra-articular tibia plateau fracture;

(c) Anterior cruciate ligament injury; or

(d) Total knee replacement.

(4) Osteogenesis stimulator: up to six months' rental will be allowed, if the following criteria are met:

(a) Nonunion of a bone fracture;

(b) At least six months have past since the date of injury or last procedure; and

(c) Documented evidence reflecting efficacy of treatment every two months will be required for continuation of rental.

(5) Sonic accelerated fracture system: Up to four months' rental will be allowed, if all of the following criteria are met:

(a) Client has a closed, fresh posteriorly displaced distal radius (Colles') fracture, or

(b) For closed or Grade 1 tibial diaphysis fractures in skeletally mature individuals when these fractures are being managed by closed reduction and case immobilization, and

(c) Documented evidence of reflecting efficacy of treatment every two months will be required for continuation of rental.

(6) Extremity pump: A two-months' rental will be allowed for treatment of severe edema.

NEW SECTION

WAC 388-543-2500 Reimbursement methodology for other durable medical equipment. (1) For each "other durable medical equipment" category or procedure, which excludes wheelchairs and wheelchair accessories, the pricing cluster will include as many brands and/or models which MAA obtains pricing information. Pricing information is obtained through manufacturers' catalogs or commercial databases. However the number of brands and/or models included in a pricing cluster may be limited by MAA, if doing so is in the best interest of its clients. Consideration will be given to:

(a) A client's medical needs;

(b) Product quality;

(c) Cost; and

(d) Available alternatives.

(2) The rates for other DME are established by taking the lesser of 79.5 percent of the manufacturers' list prices or 134.5 percent of the dealers cost in effect on July 31 of the base year. If the list price is available for an item the appro-

appropriate discount is applied. If acquisition cost is available the appropriate mark-up is applied. If both are available, the lesser of the appropriate discounted list price list or the appropriate marked-up acquisition cost is used. Otherwise it is whichever is available, the lesser prices calculated are rank ordered in descending order and the seventieth percentile is taken. Where fewer than six items are available, an average is calculated instead of the seventieth percentile.

(3) In cases where there is only one manufacturer for a covered item, and the manufacturer publishes only the dealers' acquisition cost for the item, MAA will reimburse providers the published dealers' acquisition cost plus up to a 34.5 percent mark-up.

(4) Monthly rental rates are set by the MAA for other DME at one-tenth of the maximum allowable purchase price for the item.

(5) Daily rental rates for other durable medical equipment are set at one-three hundredth of the maximum allowable purchase price for the item. Rates for other durable medical equipment are evaluated and updated once a year.

(6) Rate changes will be implemented by MAA on October 1 of the base year and will be effective through the next rate determination cycle.

(7) Changes in other durable medical equipment rates, in the aggregate, will not exceed the lesser of three percent annually or the applicable vendor rate increase authorized by the legislature for other fee for service providers.

NEW SECTION

WAC 388-543-2600 Prosthetics and orthotics. (1) Except for selected prosthetics and orthotics that do not require specialized skills to provide, prosthetics and orthotics will be reimbursed only to licensed prosthetic and orthotic providers accredited by the American Board for Certification in prosthetics and orthotics.

(2) Prosthetics dispensed for purely cosmetic reasons are not covered.

(3) A replacement prosthesis is covered only when purchase of a replacement prosthesis is a less costly alternative to repairing or modifying a client's current prosthesis.

(4) The client must take responsibility for routine maintenance of a prosthetic or orthotic. If the client does not have the physical or mental ability to perform the task, the client's caregiver must be responsible. MAA will consider authorizing extensive maintenance recommended by the manufacturer to be performed by an authorized dealer.

NEW SECTION

WAC 388-543-2700 Reimbursement methodology for prosthetics and orthotics. (1) Prosthetics and orthotics reimbursement will be determined according to a set fee schedule. The maximum allowable fees will be aligned with Medicare's fee schedule as of January 1 of the base year.

(2) Reimbursement includes the cost of necessary molds of the prosthetic or orthotic.

(3) Prosthetics and orthotics placed during inpatient hospital stays are included in the hospital reimbursement rate.

(4) The maximum allowable fees for prosthetics and orthotics will be reviewed and updated once a year, independent of scheduled legislatively authorized vendor rate increases.

(5) The fee schedule changes for prosthetics and orthotics will be implemented July 1 of each year. Rates will be effective through the next rate determination cycle.

NEW SECTION

WAC 388-543-2800 Reusable and disposable medical supplies and reimbursement. (1) Reusable and disposable medical supplies must be prescribed by a physician. The physician must state the pertinent diagnosis on the prescription form and clearly document it in the client's file.

(2) Medical supplies and nondurable medical equipment are categorized as follows:

- (a) Syringes and needles;
- (b) Blood monitoring supplies;
- (c) Pregnancy-related testing kits and nursing equipment;
- (d) Antiseptics and germicides;
- (e) Bandages, dressings and tapes;
- (f) Ostomy supplies;
- (g) Urological supplies;
- (h) Braces, belts, and supportive devices;
- (i) Decubitus care products;
- (j) Supplies associated with transcutaneous electrical nerve stimulators (TENS);
- (k) Supplies associated with osteogenesis stimulators; and
- (l) Miscellaneous supplies.

NEW SECTION

WAC 388-543-2900 Reimbursement methodology for medical supplies and nondurable medical equipment.

(1) Rates will be determined for each category using either the:

- (a) Medicare fee schedule; or
- (b) Manufacturers' catalogs; and
- (c) Commercial databases for price comparisons.

(2) The procedure codes and rates for the following categories will be aligned with Medicare's fee schedule:

- (a) Bandages and dressings,
- (b) Urological supplies (except diapers), and
- (c) Ostomy supplies.

The maximum allowable fees for these categories must be updated July 1 of each year, independent of scheduled legislatively authorized vendor rate increases.

(3) The maximum allowable fees for new products and/or supplies and equipment with Medicare's fee schedule are set by MAA using pricing information obtained through manufacturer's catalogs and or commercial databases. These rates are established by taking the lesser of eighty-five percent of manufacturers' list prices or one hundred twenty-five percent of dealers' acquisition cost for products in the pricing cluster, and averaging the cost.

(4) The maximum allowable fees for these other supplies and equipment in subsection (3) will be updated, when the

legislature authorizes a vendor rate increase or decrease. Rate increases in the aggregate will not exceed legislatively authorized levels. Rate reductions mandated by the legislature may be applied to Medicare aligned codes.

(5) Reusable and disposable medical supplies required for a nursing facility client are paid through the nursing facility per diem rate. The following medical supplies may be paid separately for a client in a nursing facility:

(a) Medical supplies or services replacing all or parts of the function of a permanently impaired or malfunctioning internal body organ, such as colostomy (and other ostomy) bags and necessary supplies, and urinary retention catheters, tubes, and bags, excluding irrigation supplies;

(b) Supplies for intermittent catheterization programs, for the purpose of long term treatment of atonic bladder with a large capacity, and for short term management for temporary bladder atony; and

(c) Surgical dressings required as a result of a surgical procedure up to six weeks after surgery.

(6) Decubitus care products are included in the nursing facility per-diem rate and will not be reimbursed separately.

NEW SECTION

WAC 388-543-3000 Medical equipment and supplies provided in physician's office. A durable medical equipment provider will be not paid for medical supplies used in conjunction with a physician office visit. The office physician will be paid for such supplies when appropriate.

AMENDATORY SECTION (Amending Order 2783, filed 3/31/89)

WAC 388-86-100 Durable medical equipment, prosthetic devices, and disposable/nonreusable medical supplies. (1) ~~((The division of))~~ Medical assistance administration (MAA) shall purchase ~~((and/or rent))~~ medically necessary medical equipment, prosthetic devices, and other disposable/nonreusable medical supplies when ~~((: (a) The division is the payor of last resort; and (b) F))~~ the item requested is not included with other reimbursement methodologies, such as ~~((, but not limited to, diagnosis-related group (DRG) for hospital inpatients, or))~~ a nursing home's per diem reimbursement.

(2) ~~((The division of medical assistance))~~ MAA shall authorize payment for a requested item only when the item is medically necessary as defined under WAC 388-80-005(45) and is covered by the medical assistance program.

(3) ~~((The division of medical assistance))~~ MAA shall purchase ~~((and/or rent))~~ a wheelchair for a permanently disabled nursing ~~((home recipient))~~ facility client when the chair is for the exclusive full-time use of the recipient and is not included in the nursing home's per diem reimbursement.

(4) Medical equipment and supplies purchased or reissued by the ~~((division of medical assistance))~~ MAA become the property of the ~~((recipient))~~ nursing facility client for whom they are purchased/reissued.

(5) ~~((The division of medical assistance shall normally authorize the purchase and/or repair of only one wheelchair, manual or power drive, per recipient. However, another~~

~~wheelchair shall be provided and/or repaired when medically necessary.~~

~~((6) Durable medical equipment, prosthetic devices, and disposable/nonreusable supplies that require approval by the division of medical assistance prior to delivery of service include:~~

~~((a) Prosthetic limbs;~~

~~((b) Orthopedic shoes;~~

~~((c) Osteogenic stimulator, noninvasive;~~

~~((d) Communication devices;~~

~~((e) Transcutaneous nerve stimulators;~~

~~((f) Wheeled shower chairs;~~

~~((g) Blood pressure kits;~~

~~((h) Blood glucose monitors;~~

~~((i) Air and gel cushions;~~

~~((j) Fluidized air flotation system;~~

~~((k) Decubitus care mattress, including flotation or gel mattress;~~

~~((l) Complete patient lift, except for sling or wall mount;~~

~~((m) Wheelchairs;~~

~~((i) Accessories;~~

~~((ii) Fitting fees; and~~

~~((iii) Freight charges.~~

~~((n) Hospital bed and replacement mattress;~~

~~((o) Replacement parts, repairs, and labor charges;~~

~~((p) Bath accessories, decubitus care products (nonformulary), and patient equipment not listed in the division of medical assistance "durable medical equipment and supplies" billing instructions; and~~

~~((q) All rentals.~~

~~((7) The division of medical assistance))~~ MAA shall not authorize the purchase of vehicle driving controls, a vehicle wheelchair lift conversion, or purchase or repair of a vehicle wheelchair lift, unless:

(a) Medical transportation provided under WAC 388-86-085 cannot meet the recipient's need for transportation to and from medically necessary covered services at a lower cost to the department; and

(b) Prior approval is obtained.

AMENDATORY SECTION (Amending Order 3599, filed 7/28/93, effective 8/28/93)

WAC 388-86-200 Limits on scope of medical program services. (1) The medical assistance administration (MAA) shall pay only for equipment, supplies, and services that are listed as covered in MAA published issuances, including Washington Administrative Code (WAC), billing instructions, numbered memoranda, and bulletins, and when the items or services are:

(a) Within the scope of an eligible client's medical care program;

(b) Medically necessary;

(c) Within accepted medical, dental, or psychiatric practice standards and are:

(i) Consistent with a diagnosis; and

(ii) Reasonable in amount and duration of care, treatment, or service.

(d) Not listed under subsection (2) of this section; and

(e) Billed according to the conditions of payment under WAC 388-87-010.

(2) Unless required under EPSDT/healthy kids program; included as part of a managed care plan service package; included in a waived program; or part of one of the Medicare programs for the qualified Medicare beneficiaries, the MAA shall specifically exclude from the scope of covered services:

- (a) ~~((Nonmedical equipment, supplies, personal or comfort items and/or services, including, but not limited to:~~
- ~~(i) Air conditioners or air cleaner devices, dehumidifiers, other environmental control devices, heating pads;~~
 - ~~(ii) Enuresis (bed wetting) training equipment;~~
 - ~~(iii) Recliner and/or geri-chairs;~~
 - ~~(iv) Exercise equipment;~~
 - ~~(v) Whirlpool baths;~~
 - ~~(vi) Telephones, radio, television;~~
 - ~~(vii) Any services connected to the telephone, television, or radio;~~
 - ~~(viii) Homemaker services;~~
 - ~~(ix) Utility bills; or~~
 - ~~(x) Meals delivered to the home.~~
- (b) Services, procedures, treatment, devices, drugs, or application of associated services which the department or HCFA consider investigative or experimental on the date the services are provided;
- (c) Physical examinations or routine checkups;
- (d) Cosmetic treatment or surgery, except for medically necessary reconstructive surgery to correct defects attributable to an accident, birth defect, or illness;
- (e) Routine foot care that includes, but not limited to:
- (i) Medically unnecessary treatment of mycotic disease;
 - (ii) Removal of warts, corns, or calluses;
 - (iii) Trimming of nails and other hygiene care; or
 - (iv) Treatment of asymptomatic flat feet.
- (f) More costly services when less costly equally effective services as determined by the department are available;
- (g) Procedures ~~((;))~~ or treatment ~~((-prosthetics, or supplies))~~ related to gender dysphoria surgery ~~((except when recommended after a multidisciplinary evaluation including but not limited to urology, endocrinology, and psychiatry));~~
- (h) Care, testing, or treatment of infertility, frigidity, or impotency. This includes procedures for sterilization reversals and donor ovum, sperm, or womb;
- (i) Acupuncture, massage, or massage therapy;
 - (j) Orthoptic eye training therapy;
 - (k) Weight reduction and control services not provided in conjunction with a MAA medically approved program. This includes food supplements and educational products;
 - (l) Parts of the body, including organs tissues, bones, and blood;
 - (m) Blood and eye bank charges;
 - (n) Domiciliary or custodial care, excluding nursing facility care;
 - (o) ~~((Hair pieces, wigs, or hair transplantation;~~
 - ~~((p)) Biofeedback or other self-help care;~~
 - ~~((q)) (p) Home births;~~
 - ~~((r)) (q) Marital counseling or sex therapy; and~~
 - ~~((s)) (r) Any service specifically excluded by statute.~~

(3) Clients shall be responsible for payment as described under WAC 388-87-010 for services not covered under the client's medical care program.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-86-110 X-ray services.

WSR 98-19-016
PROPOSED RULES
DEPARTMENT OF
SERVICES FOR THE BLIND
 [Filed September 8, 1998, 8:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-048.

Title of Rule: WAC 67-25-005 Definitions, 67-25-255 Comprehensive assessment, 67-25-260 Individualized written rehabilitation program, 67-25-270 Individualized written rehabilitation program—Participation of the individual, 67-25-288 Individualized written rehabilitation program—Termination—Notification of rights, 67-25-350 Vocational rehabilitation—Services provided, 67-25-384 Vocational rehabilitation services—Physical and mental restoration services, 67-25-540 Individualized written rehabilitation program—Successful rehabilitation, and 67-25-550 Confidential information—Protection, use and release.

Statutory Authority for Adoption: Chapter 74.18 RCW. Statute Being Implemented: Chapter 67-25 WAC.

Summary: Revisions due to changes in the federal law. Reasons Supporting Proposal: Federal compliance.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: LouOma Durand, Seattle, Washington, (206) 721-4422.

Name of Proponent: Department of Services for the Blind, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: As proposed.

Rule is necessary because of federal law, Rehabilitation Act of 1973, P.L. 95-602; CFR Parts 361, 365, and 370.

Explanation of Rule, its Purpose, and Anticipated Effects: To implement changes in the federal regulations for the Rehabilitation Act.

Proposal Changes the Following Existing Rules: Makes current language consistent with the new federal regulations.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Services for the Blind, 1400 South Evergreen Park Drive S.W., Suite 100, Olympia, WA 98504-0933, on November 11, 1998.

Assistance for Persons with Disabilities: Contact Bonnie Jindra by November 1, 1998, TDD (360) 586-0275.

Submit Written Comments to: Shirley Smith, fax (360) 586-7627, by November 10, 1998.

Date of Intended Adoption: November 11, 1998.

September 5, 1998

Bonnie Jindra

Assistant Director

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-005 Definitions. (1) "Act" or "the law," except when context indicates otherwise, means the Rehabilitation Act of 1973 (29 U.S.C. Section 701 et seq.), as amended.

(2) "Applicant" means an individual who has submitted to the department an application or letter requesting vocational rehabilitation services in accordance with WAC 67-25-010.

(3) "Assessment" means one or more of the following as appropriate in each case:

(a) A preliminary assessment to determine eligibility of an individual with a disability for vocational rehabilitation services;

(b) A comprehensive vocational assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and needs, including the need for supported employment services, in the most integrated setting possible, consistent with the individual's informed choice. The assessment will be used to determine, with the individual, the employment objective to be achieved, and a detailed plan of services needed to attain an employment outcome;

(c) An extended evaluation, for a total period not exceeding eighteen months, if there is a question about the applicant's ability to benefit in terms of an employment outcome from vocational rehabilitation services due to severity of the disability.

(4) "Client assistance program (CAP)" means a program, authorized under Section 112 of the act, which assists individuals with disabilities to receive vocational rehabilitation services by providing information and advocacy.

(5) "Community rehabilitation program" means a program that provides directly or facilitates the provision of one or more vocational rehabilitation services which enable individuals with disabilities to maximize opportunities for employment, including career advancement. Services include:

(a) Medical, psychiatric, psychological, social, and vocational services provided under one management;

(b) Testing, fitting, or training in the use of prosthetic and orthotic devices;

(c) Recreational therapy;

(d) Physical and occupational therapy;

(e) Speech, language and hearing therapy;

(f) Psychiatric, psychological and social services, including positive behavior management;

(g) Assessment for determining eligibility and vocational rehabilitation needs;

(h) Rehabilitation technology;

(i) Job development, placement, and retention services;

(j) Evaluation or control of specific disabilities;

(k) Assessment and training in adaptive skills of blindness;

(l) Extended employment;

(m) Psychosocial rehabilitation services;

(n) Supported employment services and extended services;

(o) Services to family members when necessary for the vocational rehabilitation of the participant;

(p) Personal assistance services; or

(q) Services similar to those described in (a) through (p) of this subsection.

(6) "Competitive employment" means work that:

(a) In the competitive labor market is performed on a full-time or part-time basis in an integrated setting; and

(b) For which an individual is compensated at or above the minimum wage, but not less than the customary or usual wage paid by the employer for the same or similar work performed by individuals who are not disabled.

~~(7)~~ "Department of services for the blind" means the legal authority in its entirety;

(a) "Advisory council" means the members appointed by the governor as the vocational rehabilitation advisory council.

(b) "Department" means the agency which carries out the operations of the Washington department of services for the blind.

~~((7))~~ (8) "Director," except when the context indicates otherwise, means the director of the department of services for the blind.

~~((8))~~ (9) "Eligible" or "eligibility certification," when used in relation to an individual's qualification for vocational rehabilitation services, means a certification that:

(a) The individual is legally blind or has a visual impairment which alone or combined with other disabilities results in a substantial impediment to employment; and

(b) Vocational rehabilitation services are required for the individual to prepare for, enter, engage in, or retain gainful employment.

~~((9))~~ (10) "Employment outcome" means entering or retaining:

(a) Full-time or, if appropriate, part-time competitive employment (including supported employment) in the integrated labor market;

(b) Self-employment;

(c) Business enterprises;

(d) Homemaking;

(e) Farm or family work (including work for which payment is in kind rather than in cash);

(f) Extended employment; or

(g) Other employment consistent with the participant's abilities, capabilities, interests, and informed choice, as supported by an assessment for determining vocational rehabilitation needs in accordance with WAC 67-25-255 and 67-25-257.

~~((10))~~ (11) "Individual with a disability" for purposes of this chapter means an individual who:

(a) Has a physical or mental impairment which results in a substantial impediment to employment; and

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(b) Can benefit in terms of an employment outcome from vocational rehabilitation services.

~~((11))~~ (12) "Individual with a severe disability" means an individual:

(a) Who has a severe physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(c) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle-cell anemia, specific learning disabilities, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs.

~~((12))~~ (13) "Individual's representative" means a parent, guardian, family member, advocate, or other representative authorized by the participant.

~~((13) "Integrated setting" means a setting in which the majority of people, excluding service providers, with whom a participant interacts are individuals who are not disabled.)~~

(14) "Integrated setting" means a setting typically found in the community in which an individual with a disability, including those with the most severe disabilities, interacts with nondisabled individuals, other than service providers, to the same extent that nondisabled individuals in comparable settings interact with other persons.

(15) "Legal blindness" means a physical impairment defined as:

(a) Central visual acuity of 20/200 or less in the better eye with correcting lenses; or

(b) A field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance of no greater than 20°.

~~((15))~~ (16) "Medical consultant" means a physician, licensed pursuant to chapters 18.57 and 18.71 RCW, employed by the department to provide consultation to vocational rehabilitation counselors and rehabilitation teachers concerning the medical aspects of rehabilitation, usually reviewing and discussing medical problems of individual participants.

~~((16))~~ (17) ~~"(Ophthalmological)"~~ Ophthalmic consultant means a physician, licensed pursuant to chapters 18.57 and 18.71 RCW specializing in diseases of the eye, employed by the department to provide consultation to vocational rehabilitation counselors and rehabilitation teachers regarding procedures and prognosis relating to eye conditions.

~~((17))~~ (18) "Participant" means any individual with a disability:

(a) Who has applied for vocational rehabilitation services from the department; and

(b) For whom services have not been denied or terminated by the department.

~~((18))~~ (19) "Physical or mental impairment" means an injury, disease, or other disorder that materially reduces, or if not treated will probably result in materially reducing, mental or physical functioning. The term "physical impairment" includes legal blindness and/or visual impairment.

~~((19))~~ (20) "Rehabilitation teacher" (RT) means an employee of the department who has responsibility to:

(a) Provide or supervise the provision of all vocational rehabilitation services to participants with a vocational objective of homemaker; and

(b) Provide adaptive skills of blindness assessment and training to all vocational rehabilitation participants as needed.

~~((20))~~ (21) "Rehabilitation technology" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

(22) "Residence" or "residency" means, for purposes of this chapter, voluntarily living in the state for other than temporary reasons at the time of application.

~~((21))~~ (23) "Special modes of communication" means specialized media systems for individuals with disabilities including:

(a) Interpreters, open and closed captioned videos, and use of specialized services such as telecommunication devices and relay services for individuals who are deaf or hearing impaired;

(b) Materials in Braille, large print, or audio recordings for individuals who are blind; and

(c) Special materials for individuals who are deaf-blind.

~~((22))~~ (24) "Substantial impediment to employment" means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) which impedes an individual's occupational performance, by hindering or by preventing him or her from obtaining, retaining, or preparing for employment consistent with his or her capacities and abilities.

~~((23))~~ (25) "Visual impairment" for purposes of this chapter, means a physical condition defined as follows:

(a) Visual acuity in the best eye between 20/200 and 20/70 with correction; or

(b) Angle of vision subtends between 20° and 30°; or

(c) Severe functional visual problem; or

(d) A progressive condition which ultimately will lead to a visual impairment or to legal blindness.

~~((24))~~ (26) "Vocational rehabilitation counselor" (VRC) means an employee of the department who has direct responsibility for providing or supervising the provision of all vocational rehabilitation services to a participant.

~~((25))~~ (27) "Vocational rehabilitation services" means any goods or services necessary for a participant to achieve

an employment outcome. (See WAC 67-25-350 for description and limitations.)

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-255 Comprehensive assessment. (1) To the extent necessary, there shall be a comprehensive assessment of the unique strengths, resources, priorities, interests, and needs of the participant conducted in the most integrated setting possible, consistent with the informed choice of the individual.

(2) The comprehensive assessment must be limited to information necessary to identify the rehabilitation needs and develop the rehabilitation program with the individual, and may, if necessary, include:

(a) A comprehensive analysis of pertinent medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors affecting the employment and rehabilitation needs of the individual;

(b) An analysis of the individual's personality, interests, interpersonal skills, intelligence and related functions, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities;

(c) An appraisal of the individual's patterns of work behavior and services needed to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance;

(d) ~~((An assessment of the individual's capacities))~~ Assessment of the need for the provision of rehabilitation technology services to an individual with a disability to develop the capacities of the individual to perform in a work environment, including in an integrated setting, to the maximum extent feasible ~~((and))~~; consistent with the individual's informed choice.

(3) The comprehensive assessment shall, to the maximum extent possible and appropriate, be based on existing information provided by the individual and by the individual's family in accordance with confidentiality requirements.

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-260 Individualized written rehabilitation program. (1) The individualized written rehabilitation program shall be designed to achieve the employment objective of the participant consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual. To the extent possible, consistent with the informed choice of the individual, the program shall include placement in an integrated setting.

(2) The program shall include:

(a) The individual's long-term vocational goal based on the assessment for determining vocational rehabilitation needs and the career interests of the individual;

(b) Specific and measurable intermediate rehabilitation objectives to achieve the vocational goal, based on the assessment for determining vocational rehabilitation needs;

(c) Specific vocational rehabilitation services to be provided to achieve the intermediate rehabilitation objectives;

(d) Projected initiation dates and the anticipated duration of each service;

(e) Objective criteria, and an evaluation procedure and schedule to determine whether goals and objectives are being achieved;

(f) The views of the individual, in the words of the individual, or, as appropriate, in the words of the individual's representative, describing how he or she was informed about and involved in choosing among alternative goals, objectives, services, providers, and methods used to procure or provide services, including alternatives in integrated settings;

(g) How, to the maximum extent possible, information will be provided to the individual, or if appropriate, to the individual's representative, in his or her native language or using special modes of communication;

(h) Terms and conditions for provision of vocational rehabilitation services, including:

(i) Responsibilities of the individual in implementing the program;

(ii) The extent to which goods and services shall be provided in integrated settings, consistent with the informed choices of the individual;

(iii) The extent to which comparable services and benefits are available to the individual under any other program;

(iv) The entity or entities that will provide services and the process used to provide or procure services;

(i) Assessment of the expected need for post-employment services and, if appropriate, extended services, including provision for reassessment of these needs prior to the individual's successful rehabilitation;

(j) Information regarding the right to appeal any decision made on behalf of the individual by the department including the procedure for administrative review, fair hearing, and judicial review; ~~((and))~~

(k) A description of client assistance program services; and

(l) The basis on which the individual is determined to have achieved an employment outcome.

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-270 Individualized written rehabilitation program—Participation of the individual. (1) The individualized written rehabilitation program (IWRP) shall be jointly developed, agreed upon, and signed by:

(a) The participant, or as appropriate, the participant's representative; and

(b) The vocational rehabilitation counselor or other appropriate staff members ~~((and the participant, or as appropriate, the individual's representative))~~.

(2) Participants must take an active role in their own rehabilitation programs, including making meaningful and informed choices about the selection of vocational goals, intermediate objectives, ~~((and))~~ the vocational rehabilitation

services they receive, service providers, and methods of procuring services.

(3) Substantive changes to the TWRP must also be jointly made and agreed upon by the participant and staff members.

(4) A copy of the individualized written rehabilitation program and copies of any revisions and addendums shall be provided in appropriate alternative format, in the individual's native language, to the participant or, as appropriate, to the individual's representative ~~(, in the individual's native language using special modes of communication as necessary).~~

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-288 Individualized written rehabilitation program—Termination—Notification of rights. ~~((The department shall provide written notification, in the individual's native language or using special modes of communication if appropriate, to every individual who has applied for services when a determination is made to terminate services to the individual. The written notice shall specify in detail the reasons for the department's decision to terminate services and shall clearly inform the participant of his or her right to an administrative review in accordance with WAC 67-25-560, a fair hearing in accordance with WAC 67-25-570, and judicial review of the decision. A description of client assistance program services shall also be provided.)) Upon termination, the individual will be informed in writing and in the appropriate format of his/her rights and the means by which he/she may express and seek remedy for his/her dissatisfactions, including recourse to the client assistance program, the opportunity for an administrative review in accordance with WAC 67-25-560 and a fair hearing in accordance with WAC 67-25-570.~~

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-350 Vocational rehabilitation—Services provided. Each eligible participant shall be provided vocational rehabilitation services, identified during the preliminary and comprehensive vocational assessments, consistent with the individual's informed choice, necessary for the individual to achieve an appropriate employment outcome. Services may include:

(1) Assessment to determine ~~((vocational rehabilitation needs))~~ the individual's skills, abilities, interests, priorities, needs, and how these relate to selection of meaningful employment in accordance with WAC 67-25-255 and 67-25-257;

(2) Vocational rehabilitation counseling and guidance in accordance with WAC 67-25-380;

(3) Referral and related services to help participants secure needed services from other agencies, including referral to the client assistance program;

(4) Physical and mental restoration services in accordance with WAC 67-25-384;

(5) Vocational and other training in accordance with WAC 67-25-388, 67-25-390, 67-25-394, 67-25-396, and 67-25-398, subject to limitations in WAC 67-25-360;

(6) Maintenance in accordance with WAC 67-25-400;
(7) Transportation in connection with the provision of vocational rehabilitation services in accordance with WAC 67-25-404;

(8) Services to family members in accordance with WAC 67-25-408;

(9) Interpreter and note-taking services for individuals who are deaf and tactile interpreting services for individuals who are deaf-blind in accordance with WAC 67-25-412;

(10) Reader/driver services in accordance with WAC 67-25-408;

(11) Assessment and training in adaptive skills of blindness in accordance with WAC 67-25-257 and 67-25-398;

(12) Recruitment and training services to develop new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other public service employment in accordance with WAC 67-25-440;

(13) Job search and placement assistance, and job retention services in accordance with WAC 67-25-440;

(14) Supported employment services in accordance with WAC 67-25-436;

(15) Personal assistance services, including training in managing, supervising, and directing these services in accordance with WAC 67-25-418;

(16) Post-employment services in accordance with WAC 67-25-444;

(17) Occupational licenses, tools, equipment, initial stocks, and supplies in accordance with WAC 67-25-448;

(18) Rehabilitation technology and telecommunications services in accordance with WAC 67-25-448;

(19) Transition services for students in accordance with WAC 67-25-399;

(20) Other goods and services necessary for the participant to achieve an employment outcome in accordance with WAC 67-25-452.

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-384 Vocational rehabilitation services—Physical and mental restoration services. (1) Physical and mental restoration services shall be provided to a participant under an individualized written rehabilitation program when the vocational rehabilitation counselor or rehabilitation teacher, in consultation with the medical or ~~((ophthalmologist))~~ ophthalmic consultant as appropriate, determines that such services are likely, within a reasonable period of time, to substantially correct or modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment for the participant.

(2) All authorized physical and mental restoration services shall be provided by qualified physicians, dentists, or other health professionals licensed in the state.

(3) When receiving physical and mental restoration services, the participant may choose the physician or other health professional and appropriate facilities from those licensed in the state. Service providers and facilities ~~((must be willing to))~~ may, but are not required to, accept reimbursement in accordance with the *Washington State Department of*

Social and Health Services Schedule of Maximum Allowances and Program Descriptions.

(4) Physical and mental restoration services may be provided to a participant during extended evaluation if it is necessary to stabilize or halt progression of a chronic illness for purposes of determining eligibility.

(5) Physical and mental restoration services include but are not limited to:

- (a) Surgical and therapeutic treatment;
 - (b) Diagnosis and treatment for mental or emotional disorders;
 - (c) Dental treatment;
 - (d) Nursing services;
 - (e) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;
 - (f) Convalescent or nursing home care;
 - (g) Drugs and supplies;
 - (h) Prosthetic, orthoptic or other assistive devices;
 - (i) Eyeglasses and ~~((vision-related))~~ visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by qualified medical practitioners;
 - (j) Podiatry;
 - (k) Physical therapy;
 - (l) Occupational therapy;
 - (m) Medical or medically-related social work services;
 - (n) Speech or hearing therapy;
 - (o) Special services ~~((t))~~ for the treatment of individuals with end-stage renal disease, including transplantation and dialysis~~((s))~~, artificial kidneys, and supplies ~~((necessary for treatment of individuals with end-stage renal disease))~~;
 - (p) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services, or that are inherent in the condition under treatment.
- (6) Physical and mental restoration services shall be provided only after consideration of comparable services and benefits except as specified in WAC 67-25-360.

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-540 Individualized written rehabilitation program—Successful rehabilitation. (1) An individual shall be considered successfully rehabilitated when he or she has maintained an employment outcome for at least ~~((sixty))~~ ninety days that is:

- (a) The result of services provided under an individualized written rehabilitation program;
- (b) Commensurate with the individual's abilities, capabilities, interests, and informed choice; and
- (c) As often as possible, employment achieved is competitive as defined by being compensated at or above the minimum wage and that the individual's wage and level of benefits are not less than that paid by the employer for the same or similar work performed by nondisabled individuals;

(d) In the most integrated setting possible, consistent with the individual's informed choice; and

(e) Considered to be a satisfactory employment outcome by both the participant and counselor, who also agree that the participant is performing satisfactory on the job.

(2) The individual shall be notified of the termination decision and appeal procedures in accordance with WAC 67-25-288.

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-550 Confidential information—Protection, use and release. (1) Confidential information refers to all documented and undocumented personal information, including lists of names and photographs, about any past or present participant in the vocational rehabilitation program, given or made available to the department, its representatives, or its agents in the course of the administration of the program.

(2) Participants, their representatives as appropriate, service providers, cooperating agencies, and interested persons shall be informed of the confidentiality of personal information and policies governing its use. This information shall be provided to the participant or to the individual's representative in the individual's native language ~~((or)),~~ in the appropriate alternative format, or using special modes of communication if appropriate and shall include:

- (a) Identification of the authority under which information is collected;
- (b) Explanation of the principal purposes for which the department intends to use or release information;
- (c) Explanation of whether providing requested information is mandatory or voluntary and the effects of not providing requested information;
- (d) Identification of those situations where the department requires or does not require informed written consent of the individual before information may be released; and
- (e) Identification of other agencies to which information is routinely released.

(3) All personal information must be used only for purposes directly connected with the administration of the vocational rehabilitation program. Personal information shall not be shared with ~~((advisory or other bodies))~~ an organization, agency or individual not having official responsibility for administration of the program, except as provided for in subsection (6) of this section.

(4) Except as provided in (a) and (b) of this subsection, the department shall, upon receipt of a written request by a participant, release all information in that individual's record, to the individual or the individual's representative within fifteen working days.

(a) Medical, psychological, or other information that the department determines may be harmful to the individual may not be released directly to the individual, but must be provided to the individual's representative or ~~((released through a qualified medical or psychological professional))~~ to a qualified medical or psychological professional or to a person appointed by the court to act as that individual's representative.

(b) Personal information obtained from service providers and cooperating agencies under assurances that the information shall not be further divulged may be released only under conditions established by the other agency or organization except as provided in subsections (5) and (6) of this section.

(5) The participant may request that misleading or inaccurate information in the individual's record of services be amended and to have the request documented in the individual's file.

(6) Personal information may be released to an organization, agency, or individual ~~((the))~~ for purposes of audit, evaluation, or research directly connected with administration of the vocational rehabilitation program, such as the department's advisory council or for purposes that would significantly improve the quality of life for participants, and only if the organization, agency, or individual assures that:

(a) Information shall be used only for the purposes for which it is being provided;

(b) Information shall be released only to persons officially connected with the audit, evaluation, or research;

(c) Information shall not be released to the participant;

(d) Information shall be managed in a manner to safeguard confidentiality; and

(e) The final product shall not reveal any personal identifying information without the informed written consent of the participant or the individual's representative.

~~((6))~~ (7) The department may release personal information to other agencies and programs under the following conditions:

(a) Upon receiving the informed written consent of the participant, or, the individual's representative if appropriate, the department may release personal information to another agency or organization only to the extent that the information may be released to the participant, and only to the extent that the agency or organization demonstrates that the information requested is necessary for its program.

However, medical or psychological information that the department determines may be harmful to the individual may be released if the agency or organization assures the department that information shall be used only for the purpose for which it is being provided and shall not be released to the participant.

(b) The department shall release personal information if required by federal law or regulation.

(c) The department shall release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by federal or state laws or regulations, ~~((and))~~ or in response to judicial order.

(d) The department may release personal information to protect the participant or others if the individual poses a threat to his or her safety or to the safety of others.

**WSR 98-19-018
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed September 8, 1998, 3:25 p.m.]

Continuance of WSR 98-18-043.

Title of Rule: Proposed livestock identification rules to implement changes in the livestock inspection procedures.

Purpose: To extend adoption date to September 10, 1998.

Date of Intended Adoption: September 10, 1998.

September 8, 1998

Julie C. Sandberg

Assistant Director

**WSR 98-19-025
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed September 9, 1998, 3:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-14-089.

Purpose: Amend WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished, by adding two species to the state's list of sensitive species. In addition, attending to code reviser's remarks from past edits and amend WAC 232-12-014 Wildlife classified as endangered species.

Statutory Authority for Adoption: RCW 77.12.020.

Statute Being Implemented: RCW 77.12.020.

Summary: Adds the margined sculpin and the pygmy whitefish to protected wildlife designated as sensitive species in Washington.

Adds the fisher to endangered species classification in Washington.

Reasons Supporting Proposal: The margined sculpin is found only in the Blue Mountains of Oregon and Washington. In Washington it is found only in parts of the Tucannon and Walla Walla drainages. Most of the waters inhabited by the margined sculpin have degraded habitat. Problems are caused by development, logging, agriculture, grazing, and channelization. Because of its small range and degraded habitat conditions, it is vulnerable and likely to become threatened or endangered without cooperative management.

Pygmy whitefish are most commonly found in cool lakes and streams of mountainous regions. Historically, they resided in at least fifteen lakes in Washington. Currently, they inhabit only nine. Their demise in six lakes is attributed to rotenone, introduction of exotic fish species and/or declining water quality. Pygmy whitefish, particularly in smaller lakes, are vulnerable to exotic fish species introductions and declining water quality, both of which may constrict their habitat. Because of their very limited range in Washington and their vulnerability to exotic fish species introductions and declining water quality, pygmy whitefish are likely to become endangered or threatened in a significant portion of their remaining range without cooperative management.

PROPOSED

Fisher historically occurred throughout much of the forested areas of Washington. They were overtrapped in the late 1800s and early 1900s. Trapping, predator and pest control programs, and loss and alteration of habitat combined to push the fisher to near extirpation. Despite being protected from legal harvest for 65 years, the fisher has not recovered. The fisher population was likely kept from recovering by a combination of factors: A reduction in quality and quantity of habitat due to development and logging; past predator and pest control programs; low inherent reproductive capacity of the species; and demographic and genetic effects of small population size. The fisher will require special management considerations and development of a recovery plan in order to restore them to viable levels.

Name of Agency Personnel Responsible for Drafting and Implementation: Mike Kuttel, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife 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: WAC 232-12-011 identifies species of wild animals to be managed by the Department of Fish and Wildlife as protected species in one of three categories: Threatened, sensitive, and other protected wildlife. This amendment adds margined sculpin and pygmy whitefish to protected wildlife designated as sensitive species. Sensitive species are in need of special management consideration to keep them from becoming threatened or endangered. Land managing agencies and local, state and federal governments may use these lists to consider the needs of species of special concern in land management decisions.

WAC 232-12-014 identifies species of wild animals to be managed by the Department of Fish and Wildlife as endangered species. This amendment adds fisher as a state endangered species. Endangered species are in need of special management consideration to recover populations to healthy levels and to keep them from becoming extirpated from Washington. Land managing agencies and local, state and federal governments may use these lists to consider the needs of species of special concern in land management decisions.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules are not related to the hydraulics code.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street Southeast, Olympia, WA, on October 27, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by October 20, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Mike Kuttel, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by October 20, 1998.

Date of Intended Adoption: October 27, 1998.

September 9, 1998

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 98-71, filed 4/22/98, effective 5/23/98)

WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished. Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
Steller (northern) sea lion	<i>Eumetopias jubatus</i>
North American lynx	<i>Lynx canadensis</i>
Aleutian Canada goose	<i>Branta Canadensis leucopareia</i>
bald eagle	<i>Haliaeetus leucocephalus</i>
ferruginous hawk	<i>Buteo regalis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
green sea turtle	<i>Chelonia mydas</i>
loggerhead sea turtle	<i>Caretta caretta</i>
sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<i>Phasianus columbianus</i>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
Gray whale	<i>Eschrichtius gibbosus</i>
Larch Mountain salamander	<i>Plethodon larselli</i>
<u>Pygmy whitefish</u>	<u><i>Prosopium coulteri</i></u>
<u>Margined sculpin</u>	<u><i>Cottus marginatus</i></u>

PROPOSED

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamias minimus</i>
yellow-pine chipmunk	<i>Tamias amoenus</i>
Townsend's chipmunk	<i>Tamias townsendii</i>
red-tailed chipmunk	<i>Tamias ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
fisher	<i>Martes pennanti</i>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata</i>

Common Name	Scientific Name
sea otter	<i>Enhydra lutris</i>
sei whale	<i>Balaenoptera borealis</i>
fin whale	<i>Balaenoptera physalus</i>
blue whale	<i>Balaenoptera musculus</i>
humpback whale	<i>Megaptera novaeangliae</i>
black right whale	<i>Balaena glacialis</i>
sperm whale	<i>Physeter macrocephalus</i>
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</i>
woodland caribou	<i>Rangifer tarandus caribou</i>
American white pelican	<i>Pelecanus erythrorhynchos</i>
brown pelican	<i>Pelecanus occidentalis</i>
peregrine falcon	<i>Falco peregrinus</i>
sandhill crane	<i>Grus canadensis</i>
snowy plover	<i>charadrius alexandrinus</i>
upland sandpiper	<i>Bartramia longicauda</i>
spotted owl	<i>Strix occidentalis</i>
western pond turtle	<i>Clemmys marmorata</i>
leatherback sea turtle	<i>Dermochelys coriacea</i>
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>
Oregon spotted frog	<i>Rana pretiosa</i>

PROPOSED

All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; (~~all wildlife within Titlow Beach Marine Preserve Area and the conservation areas defined in chapter 220-16 WAC;~~) all wildlife within Titlow Beach Marine Preserve Area and the conservation areas defined in chapter 220-16 WAC; mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

AMENDATORY SECTION (Amending Order 97-167, filed 8/25/97, effective 9/25/97)

WAC 232-12-014 Wildlife classified as endangered species. Endangered species include:

Common Name	Scientific Name
pygmy rabbit	<i>Brachylagus idahoensis</i>
fisher	<i>Martes pennanti</i>
gray wolf	<i>Canis lupus</i>
grizzly bear	<i>Ursus arctos</i>

WSR 98-19-030
WITHDRAWAL OF PROPOSED RULES
PERSONNEL RESOURCES BOARD
 [Filed September 10, 1998, 1:50 p.m.]

The Washington Personnel Resources Board hereby withdraws the proposed amendments to WAC 356-26-110, originally filed as WSR 98-10-122 on May 6, 1998, and continued as WSR 98-13-059 on June 11, 1998.

If you have any questions, please contact Rhonda Skinner at 753-2701.

WSR 98-19-032
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed September 10, 1998, 3:22 p.m.]

Continuance of WSR 98-19-018.
 Title of Rule: Proposed livestock identification rules to implement changes in the livestock identification procedures.
 Purpose: To extend adoption date to September 11, 1998.

Date of Intended Adoption: September 11, 1998.
 September 10, 1998
 Julie C. Sandberg
 Assistant Director

WSR 98-19-033
PROPOSED RULES
NORTHWEST AIR
POLLUTION AUTHORITY

[Filed September 10, 1998, 3:40 p.m.]

Original Notice.

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

Title of Rule: Northwest Air Pollution Authority Regulation (NWAPA).

Purpose: To repeal, add, and amend sections of the NWAPA Regulation to provide more clarity for users, to modify fee structures for new source review, registration, and asbestos, and to make the registration and new source review programs more consistent with the Department of Ecology.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: Amendatory Sections: 104.1 and 2 Update adoption by reference of current state and federal laws and rules.

- 133.1 Adjust civil penalty to account for inflation.
- 200 Add definitions for clarity.
- 480.3 Change emission performance standards for certified wood stoves.
- 480.6 Change threshold for ambient concentration of fine particles as to when to issue a curtailment period.
- 504 Change the amounts of fees collected for agricultural burning when using mobile field burning equipment.
- 580.3 Streamline and coordinate NWAPA requirement for petroleum liquid storage tanks. New language brings rule in line with federal New Source Performance Standards and Maximum Achievable Control Technology.
- 580.6 Lowers throughput threshold from 360,000 gallons per year to 200,000 gallons per year for Stage I requirements at gasoline stations.

New Sections: 300 Complete rewrite of new source review program for clarity and consistency with other local and state new source review programs.

- 301 Rewrites rules for issuance of a "Notice of Construction" approval order.
- 302 Notice of Completion requirements are clarified.
- 303 Identifies penalties for establishing an air contaminant source without a "Notice of Construction Order of Approval."
- 320 Complete rewrite of registration program for clarity and consistency with other state and local registration programs.
- 321 Establishes source exemptions from the registration program.
- 322 Rewrite air operating permit rule. Retains current fee calculation method.
- 324 Establishes new registration fees and new source review fees.

- 570 Rewrite asbestos programs rules and requirements for clarity and consistency with other local asbestos programs.

Repealed Sections: 300 Notice of Construction When Required.

- 301 Information Required for Notice of Construction.
- 302 Issuance of Approval or Order.
- 303 Notice of Completion-Notice of Violation.
- 320 Registration Required.
- 321 General Requirements for Registration.
- 322 Exemptions from Registration.
- 323 Classes of Registration.
- 324 Fees.
- 325 Transfer.
- 326 Operating Permits.
- 570 Asbestos Control Standards.
- 580.9 High Vapor Pressure Volatile Organic Compound Storage in External Floating Roof Tanks.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: James Randles, 1600 South Second Street, Mount Vernon, WA 98273-5202, (360) 428-1617 ext. 208.

Name of Proponent: Northwest Air Pollution Authority, 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. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: NWAPA Hearing Room, 1600 South Second Street, Mount Vernon, WA 98273-5202, on November 12, 1998, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Susan Cosby by October 28, 1998, (360) 428-1617 ext. 200.

Submit Written Comments to: James Randles, 1600 South Second Street, Mount Vernon, WA 98273, fax (360) 428-1620, by November 11, 1998.

Date of Intended Adoption: November 12, 1998.

September 9, 1998

James B. Randles

Assistant Control Officer

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 98-20 issue of the Register.

WSR 98-19-058
WITHDRAWAL OF PROPOSED RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

(By the Code Reviser's Office)
 [Filed September 15, 1998, 3:26 p.m.]

WAC 131-28-005, 131-28-02501, 131-28-025, 131-28-026, 131-28-027, 131-28-045, 131-28-080, 131-28-085, and 131-28-090, proposed by the State Board for Community and Technical Colleges in WSR 98-06-072 appearing in issue 98-06 of the State Register, which was distributed on March 18, 1998, 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 98-19-060
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. TV-971477—Filed September 16, 1998, 10:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-082.

Title of Rule: Motor carriers of household goods.

Purpose: To promote competition within the household goods industry and provide consumers with more choices by easing entry requirements, eliminating barriers to areas of operations, and providing rate flexibility. To strengthen consumer protection elements, and to review rules in accordance with Executive Order 97-02.

Other Identifying Information: Repeal all rules in chapter 480-12 WAC, except WAC 480-12-100 and 480-12-370, and establish a new chapter 480-15 WAC, governing carriers of household goods.

Statutory Authority for Adoption: RCW 80.01.040 and 81.04.160

Summary: Federal preemption of most areas of transportation economic regulation has left household goods carriers, a group of approximately 250 regulated carriers, under the rules, policies, and procedures designed to regulate almost 4,000 carriers. Many of the current rules are ill-suited for the smaller group. In addition, chapter 480-12 WAC is scheduled for agency review in compliance with Executive Order 97-02. The proposed rules are drafted to apply only to the smaller transportation subset of household goods carriers. The proposed rules ease entry requirements, eliminate barriers to areas of operations, allow pricing flexibility, strengthen consumer protection elements, and clarify commission policy regarding the household goods definition.

Reasons Supporting Proposal: Changes are necessary to allow more carriers to provide household goods moving services and allow carriers to expand their operations. Changes are also necessary to protect consumers. It is expected these

changes will promote competition within the industry, increase consumer choice, and provide stronger consumer protection elements.

Name of Agency Personnel Responsible for Drafting: Kim Dobyms, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1242; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal would make several changes to existing rules. It would ease entry requirements by changing the application process and interpreting the standards of public interest and public convenience and necessity to address the concerns of the consumer. The proposed rules allow carriers greater opportunities to operate in the state by eliminating rules which require carriers to obtain specific operating authority (local cartage and commercial zones) to provide services in specific cities and metropolitan areas of the state. These changes are necessary to allow more carriers to provide household goods moving services and allow carriers to expand their operations. It is expected these changes will increase competition and consumer choice.

Additionally, the proposed rules provide for pricing flexibility through the use of an interim rule which allows carriers to price their services within a range of the current tariff rates. This policy change is necessary to allow for service expansion in the industry and will also increase consumer choice where pricing is a determining factor.

The proposed rules strengthen consumer protection by capping the amount a carrier can charge a consumer above its estimate, providing carriers the option to issue binding estimates, clarifying credit options, reducing carrier complaint response time, and providing a more complete range of valuation options.

The proposed rules also clarify commission policy and authority in the areas of compliance, complaint resolution, and what constitutes household goods.

Finally, the proposed rules are drafted in clear language, as directed by Executive Order 97-02.

Proposal Changes the Following Existing Rules: It provides a new chapter of rules specifically for household goods carriers. The proposed rules provide a new process for new entrants to follow when seeking to enter the household goods industry and a new process for existing carriers wishing to change their operating areas.

It provides for a tariff band of rates and charges of 15% above and 35% below the existing tariff rates in effect on the effective date of the proposed rules. It puts a cap of 25% for local moves and 15% for long distance moves on the amount a carrier may charge a customer above its written estimate. It provides carriers with an option of offering customers a binding estimate.

It provides a revised set of consumer disclosure information. The proposed rules are written in language that is more clear and concise than the existing rules.

PROPOSED

Finally, the proposed rules eliminate and/or revise unnecessary or burdensome requirements such as eliminating rules that applied to other transportation sectors and reducing certain recordkeeping requirements.

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

Small Business Economic Impact Statement

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 98-20 issue of the Register.

A copy of the statement may be obtained by writing to Washington Utilities and Transportation Commission, Records Center, Docket No. TV-971477, P.O. Box 47250, Olympia, WA 98504-7250, phone (360) 664-1234, fax (360) 586-1150.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.005.328 [34.05.328] applies and this rule is not a significant legislative rule as defined in this statute.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on November 16, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Pat Valentine by November 14, 1998, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504, or e-mail to records@wutc.wa.gov, fax (360) 586-1150, by October 14, 1998. Please include Docket No. TV-971477 in your communication.

Date of Intended Adoption: November 16, 1998.
 September 16, 1998
 Terrence Stapleton
 for Carole J. Washburn
 Secretary

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 480-12-001 Supersession of this chapter.
- WAC 480-12-003 Procedure.
- WAC 480-12-005 Communications.
- WAC 480-12-010 Rule book must be in main office—Rule book fee—Updates—Notification of pending and adopted rule changes—Compliance with rules.
- WAC 480-12-015 Documents—When filed.
- WAC 480-12-020 Remittances.
- WAC 480-12-022 Procedures for contest of fees.

- WAC 480-12-025 Address, change of.
- WAC 480-12-030 Applications.
- WAC 480-12-031 Petition to amend permit to incorporate commercial zone authority.
- WAC 480-12-033 Temporary permits.
- WAC 480-12-045 Application for authority, docketing—Protests—Hearings.
- WAC 480-12-050 Transfer of permit rights.
- WAC 480-12-065 Permits, canceled—New application.
- WAC 480-12-070 Permit rights defined—Classification of carriers.
- WAC 480-12-080 "Local cartage" defined, and restrictions.
- WAC 480-12-081 Commercial zones defined.
- WAC 480-12-083 Adoption by reference defined.
- WAC 480-12-084 Federal Regulations, 49 C.F.R., Part 390—Adoption by reference.
- WAC 480-12-100 Forwarders and brokers.
- WAC 480-12-115 Revision of permit.
- WAC 480-12-120 Permits, location of.
- WAC 480-12-121 Operating authority on vehicles.
- WAC 480-12-125 Lost permits.
- WAC 480-12-126 Interstate operations; requirements; definitions.
- WAC 480-12-127 Registered carriers.
- WAC 480-12-130 Interstate exempt carriers.
- WAC 480-12-135 Permits and receipts—Return required—Loss improper use of cards or stamps.
- WAC 480-12-150 Equipment—Identification.
- WAC 480-12-165 Equipment—Inspection—Ordered for repairs.
- WAC 480-12-170 Equipment of carrier suspended.
- WAC 480-12-180 Equipment—Drivers—Safety.
- WAC 480-12-185 Equipment, lawful operation of.

PROPOSED

WAC 480-12-190	Hours of service—On duty—Adoption of federal safety regulations.	WAC 480-12-400	Definitions.
WAC 480-12-200	Accidents, reporting of.	WAC 480-12-405	Determination of weights.
WAC 480-12-210	Leasing.	WAC 480-12-410	Discounts prohibited—Rates based on prepayment charges prohibited.
WAC 480-12-215	Pseudo leasing.	WAC 480-12-415	Prohibition against carrier acting as agent for another carrier.
WAC 480-12-220	Unfair or destructive competitive practices by carrier operating under permit.	WAC 480-12-420	Acting as agent for compensation for insurance company prohibited.
WAC 480-12-235	Claims for loss or damage.	WAC 480-12-425	Issuance of receipt or bill of lading for transportation prior to receiving household goods prohibited.
WAC 480-12-250	Accounts—Uniform system adopted—Reports.	WAC 480-12-430	Liability of carriers.
WAC 480-12-255	Contracts.	WAC 480-12-435	Estimates of charges.
WAC 480-12-265	Tariffs.	WAC 480-12-440	Absorption or advancement of dock charges.
WAC 480-12-270	Tariffs shall be issued, posted and filed.	WAC 480-12-445	Information to shipper.
WAC 480-12-275	Freight classifications.	WAC 480-12-450	Minimum weight shipments.
WAC 480-12-280	Tariffs, must have.	WAC 480-12-455	Underestimates.
WAC 480-12-285	Tariffs, distribution and fees.	WAC 480-12-460	Complaint procedures.
WAC 480-12-290	Rules of distribution.	WAC 480-12-465	Charge card plans.
WAC 480-12-295	Tariffs, proposed changes in—How made.	WAC 480-12-600	Regulatory fee.
WAC 480-12-300	Tariff rules.	WAC 480-12-990	Appendix A—Classification of brokers, forwarders and motor carriers of property.
WAC 480-12-320	Routing of freight.		
WAC 480-12-325	Freight charges paid in any manner other than cash.		
WAC 480-12-330	Tariffs, observance of.		
WAC 480-12-335	Rebating and other violations—Hearing.		
WAC 480-12-340	Credit, extension of, by common carriers.		
WAC 480-12-345	Credit, extension of, by contract carriers.		
WAC 480-12-350	Insurance.		
WAC 480-12-355	Insurance, continuance of.		
WAC 480-12-360	Insurance endorsement.		
WAC 480-12-365	Insurance termination.		
WAC 480-12-370	Insurance, carrier shall not misrepresent.		
WAC 480-12-375	Bond required—Broker—Forwarder.		
WAC 480-12-385	Inactive status of permits during military service.		
WAC 480-12-395	Rules—How changed.		

Chapter 480-15 WAC

INTRASTATE HOUSEHOLD GOODS CARRIERS

Part 1 - GENERAL

Part 1.1 - GENERAL INFORMATION

NEW SECTION

WAC 480-15-010 Purpose and application. (1) The legislature has declared that operating as a motor carrier of freight, including household goods, for compensation over the highways of this state is a business affected with a public interest and should be regulated. The purpose of these rules is to carry out the policies set forth in RCW 81.80.020 as they apply to household goods carriers, by establishing standards for public safety, fair competitive practices, just and reasonable charges, nondiscriminatory application of rates, adequate and dependable service, consumer protection, and compliance with statutes, rules and commission orders.

(2) This chapter applies to all intrastate household goods carriers.

NEW SECTION

WAC 480-15-020 Definitions. For the purpose of this chapter, the words, terms, and phrases in this section have the following meaning:

(1) **"Accessorial services"** means any services provided by a household goods carrier that supplement, or are secondary to, the transportation of household goods, including, but not limited to, packing and unpacking, wrapping or protecting a portion of the shipment, and providing special handling of household goods.

(2) **"Agent"** means a permitted carrier, who, under the provisions of a formal written agreement, performs services on behalf of another permitted carrier.

(3) **"Application docket"** means a commission publication listing applications requesting operating authority, and commission action taken on applications for temporary authority.

(4) **"Authority"** means the rights granted to a common carrier to transport household goods.

(5) **"Cancellation"** means an act by the commission to terminate a household goods carrier's authority.

(6) **"Commission"** means the Washington utilities and transportation commission.

(7) **"Common carrier"** means any person who undertakes to transport property, including household goods, for the general public by motor vehicle, for compensation over the public highways. This term also includes transportation under special and individual contracts or agreements.

(8) **"Constructive weight"** means a weight based on a formula of seven pounds per cubic foot of properly loaded van space occupied by the shipper's goods.

(9) **"Consumer"** means a person or entity that hires a household goods carrier.

(10) **"Customer"** means a person or entity that hires a household goods carrier.

(11) **"Exempt carrier"** means any person operating a motor vehicle exempt from certain provisions of Title 81 RCW pursuant to RCW 81.80.040.

(12) **"Filing"** means any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

(13) **"Household goods carrier"** means a common carrier transporting household goods within the state of Washington.

(14) **"Household goods"** when the term is used in connection with transportation, means personal effects and property used or to be used in a residence when it is a part of the equipment or supply of such residence, and is transported between residences or between a residence and a storage facility, with the intent to later transport to a residence. This term excludes transportation of customer packed and sealed self-storage type containers when no accessorial services are provided by a motor carrier in connection with the transportation of the container.

(15) **"I"** means a household goods carrier or shipper, depending upon the context of the rule.

(16) **"Loaded weight"** means the weight of a motor vehicle obtained when:

(a) The shipper's goods are loaded into the vehicle;

(b) The vehicle's fuel tank is full;

(c) All pads, chains, dollies, hand trucks, and other equipment needed in the transportation of the shipment are on board the vehicle;

(d) The vehicle's crew is not on board the vehicle.

(17) **"Local move"** means all moves taking place within the limits of a city or town or moves specifically defined as local in the commission tariff.

(18) **"Long distance move"** means any move not meeting the definition of a local move.

(19) **"May"** means an option. You may do something but it is not a requirement.

(20) **"Motor carrier"** means "common carrier," "exempt carrier," and "private carrier," as defined in this chapter.

(21) **"Motor vehicle"** means any vehicle, machine, tractor, trailer, or semi-trailer, propelled or drawn by mechanical power, or any combination of such vehicles, used upon the highways in the transportation of property, including household goods.

(22) **"Must"** means a legal obligation. You are required to do something.

(23) **"Net weight"** means the weight of the goods shipped by the consumer. It is determined by subtracting the tare weight of a motor vehicle from the loaded weight.

(24) **"Permit"** means a document issued by the commission describing the authority granted to a household goods carrier under the provisions of chapter 81.80 RCW, as amended. A permit may be temporary or permanent in duration, and may allow a household goods carrier to transport household goods throughout the state of Washington or limit the household goods carrier to transportation of household goods in designated areas of the state.

(25) **"Person"** includes any individual, firm, corporation, company, or partnership.

(26) **"Private carrier"** means persons who transport their own household goods, household goods being bought or sold by them in good faith, or transport household goods purely as an incidental adjunct to some established business owned or operated in good faith.

(27) **"Registered carriers"** means motor carriers operating in interstate or foreign commerce under authority issued by the Interstate Commerce Commission, the U.S. Department of Transportation, or a successor agency.

(28) **"Registered exempt carriers"** means motor carriers operating in interstate or foreign commerce under the exemptions of the Federal Motor Carrier Act without interstate authority issued by the Interstate Commerce Commission, the U.S. Department of Transportation, or a successor agency.

(29) **"Shipper"** means a person or entity that hires a household goods carrier.

(30) **"Small business"** means 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.

(31) **"State"** means the state of Washington.

(32) "**Suspension**" means an act by the commission to temporarily withhold a household goods carrier's authority.

(33) "**Tare weight**" means the weight of an empty motor vehicle obtained when:

(a) The vehicle's fuel tank is full;

(b) All pads, chains, dollies, hand trucks, and other equipment needed in the transportation of the shipment are on board the vehicle; and

(c) The crew is not on board the vehicle.

(34) "**Tariff**" means a publication containing the rates and charges that must be assessed on shipments of household goods and the rules that govern how rates and charges are assessed.

(35) "**Transportation of household goods**" means the for hire movement of household goods by motor vehicle over the public highways of the state. This includes providing estimates, arranging for receipt, delivery, storage in transit, handling, and providing any accessorial services in connection with that movement.

(36) "**Us**" means the Washington utilities and transportation commission.

(37) "**We**" means the Washington utilities and transportation commission.

(38) "**You**" means a household goods carrier, shipper, insurance company, or other person or entity, depending on the context of the rule.

NEW SECTION

WAC 480-15-030 Waiver of rules. (1) We may grant a waiver of any rule in this chapter, when doing so is consistent with the public interest, the purposes underlying regulation, and sound public policy, and is consistent with applicable statutes.

(2) To request a rule waiver, a person must file with the commission a written request identifying the rule for which a waiver is sought, and giving a full explanation of the reason(s) the waiver is requested. The commission will notify you in writing when your request is granted or denied.

NEW SECTION

WAC 480-15-040 Adoption by reference. We have adopted by reference the following publications:

(1) "*North American Uniform Out-of-Service Criteria*" published by The Commercial Vehicle Safety Alliance, in effect on April 1, 1998.

(2) The sections of "Title 49 Code of Federal Regulations," cited as 49 CFR, listed below, including all regulations and appendices and amendments to those sections in effect on October 1, 1998:

(a) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing;

(b) 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties;

(c) 49 CFR Part 390: Safety Regulations, General;

(d) 49 CFR Part 391: Qualification of Drivers;

(e) 49 CFR Part 392: Driving of Motor Vehicles;

(f) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operations;

(g) 49 CFR Part 395: Hours of Service of Drivers;

(h) 49 CFR Part 396: Inspection, Repair, and Maintenance; and

(i) 49 CFR Part 397: Transportation of Hazardous Materials; Driving and Parking

NEW SECTION

WAC 480-15-050 Where may I get copies of documents adopted by reference? (1) The *North American Uniform Out-of-Service Criteria* may be viewed at the branch of the Washington state library housed at the commission's headquarters and is available for a fee from the Commercial Vehicle Safety Alliance and third-party vendors.

(2) Title 49 of the Code of Federal Regulations may be viewed at the branch of the Washington state library housed at the commission's headquarters and is available for a fee from the GPO (Government Printing Office) and third-party vendors.

Part 1.2 - CONTACTING THE COMMISSION

NEW SECTION

WAC 480-15-060 How may I contact the commission? You may contact the commission in writing, in person, by telephone, by e-mail, or by FAX. If you are a permit holder, you should provide your permit name and number for proper identification.

(1) Mailing address:

The Secretary

Washington Utilities and Transportation Commission (or, WUTC)

P.O. Box 47250

Olympia, WA 98504-7250

(2) E-mail address: transinfo@wutc.wa.gov

(3) FAX number: (360) 586-1150

(4) Telephone number: (360) 664-1222

NEW SECTION

WAC 480-15-070 Where is the commission located? The Washington utilities and transportation commission is located at 1300 S Evergreen Park Drive SW, Olympia, Washington.

NEW SECTION

WAC 480-15-080 How do I file documents with the commission? You may file documents by mailing them to the address listed in WAC 480-15-060, or by hand delivering them to the commission's records management section. Your documents are officially received when date stamped by the commission's records management section. You may file certain documents electronically, as provided in WAC 480-09-120.

NEW SECTION

WAC 480-15-090 May I submit information to the commission confidentially? Yes, you may submit information confidentially under the following conditions:

(1) **Information other than complaints.** The commission will limit access to information that is identified as confidential and is submitted under the provisions of WAC 480-09-015. Copies of this rule are available upon request.

(2) **Complaints and rule violations.** If you fear for your safety when reporting a complaint for rule violation then, at your request, we will keep your name and address confidential. We require that you sign and submit a form specifying that you fear for your safety if your name and address are made public. Please note, however, that it is difficult to investigate complaints regarding a specific shipment if we are unable to release the name of the shipper, as carrier records are often kept by shipper name and address.

NEW SECTION

WAC 480-15-100 What form of payment does the commission accept? You may pay by money order, check, or certified check payable to the Washington utilities and transportation commission. You may also pay with cash if you make your payment in person. We accept only U.S. funds.

NEW SECTION

WAC 480-15-110 If I change my business address or telephone number, must I notify the commission? Yes, if you change your physical or mailing business address or your business telephone number, you must immediately notify the commission in writing at the addresses listed in WAC 480-15-060.

NEW SECTION

WAC 480-15-120 What rules apply to commission proceedings? The commission's rules governing administrative practices and procedures are in chapter 480-09 WAC. When a rule in this chapter is different than a rule in chapter 480-09 WAC, the rule in this chapter applies to household goods carriers.

Part 1.3 - COMPLIANCE WITH THIS CHAPTERNEW SECTION

WAC 480-15-130 What is the commission's compliance policy? (1) In enforcing the law, the commission encourages voluntary compliance with statutes, rules and commission orders, through the following:

(a) A program emphasizing education and technical assistance; and

(b) A compliance program including:

(i) Investigation and informal dispute resolution of customer complaints;

(ii) Investigation of informal and formal company complaints;

(iii) Driver and equipment safety compliance reviews;

(iv) Economic compliance audits (i.e., concerning rates, charges, and billing practices);

(v) Coordinated roadside enforcement; and

(vi) Cooperative agreements with other agencies to enable effective enforcement and appropriate use of resources.

(2) Where necessary to ensure compliance with statutes, rules and commission orders, the commission will pursue:

(a) Administrative actions, including, but not limited to, warnings, sanctions, penalty assessments, suspension or cancellation of permits, and hearings to show cause and classify motor carriers; and

(b) Proceedings in district and superior court.

(3) The commission is authorized to administer and enforce the laws and rules relating to household goods carriers by:

(a) Inspecting equipment, drivers, accounts, books, and documents, including, but not limited to:

(i) Vehicles, drivers, and vehicle and driver records and files;

(ii) Business and financial records;

(iii) Insurance certificates;

(iv) Compliance records;

(v) Billing documents;

(vi) Shipment records; and

(b) Prosecuting violations of statutes, rules and commission orders.

NEW SECTION

WAC 480-15-140 How will the commission enforce this chapter? The commission authorizes staff to inspect the equipment, accounts, books, papers and documents of household goods carriers and to conduct inspections and investigations on its behalf. The commission will institute appropriate enforcement action against violators based on information collected by its staff. The commission has delegated authority to its staff to place vehicles and drivers out-of-service if they do not meet minimum safety standards. In addition, the commission has delegated authority to its staff to issue citations or arrest without warrant any person found violating this chapter in the presence of staff.

NEW SECTION

WAC 480-15-150 Why would the commission take administrative action? The commission will take administrative action for violations in a manner that it believes will best assure future compliance by the violating household goods carrier and other household goods carriers. The commission may:

(1) Assess monetary penalties under the provisions in chapter 81.04 RCW as a tool of enforcement and remediation; or

(2) Suspend or cancel the permit of a household goods carrier under circumstances in which the commission believes education and penalties have not been, or will not be,

effective to secure compliance; for serious actions including fraud or misrepresentation; and for willful violation of legal requirements.

NEW SECTION

WAC 480-15-160 What sanctions apply to carriers operating without valid permits? (1) Operating while suspended. Household goods carriers who continue to operate after their permits have been suspended are subject to:

- (a) Misdemeanor or gross misdemeanor citations, for which they must appear in district court; and/or
- (b) Monetary penalty assessments or other administrative actions; and/or
- (c) Proceedings to cancel their permit.

(2) Operating after cancellation. Household goods carriers who continue to operate after their permits have been canceled are subject to:

- (a) Misdemeanor or gross misdemeanor citations, for which they must appear in district court; and/or
- (b) Enforcement proceedings in superior court.
- (3) **Operating with no permit.**

(a) Motor carriers who transport household goods entirely within the state of Washington without first obtaining a permit from the commission to do so are subject to citation if observed or contacted by a representative of the commission, or other law enforcement agency, while transporting household goods over the public roads of the state of Washington.

(b) If we receive information that a motor carrier is transporting household goods without a household goods permit, we may issue a citation and/or contact the motor carrier and provide education and technical assistance concerning the applicable rules and regulations. We will supply the motor carrier with a copy of the applicable laws and rules, as well as forms with which to apply for a permit.

(c) If the motor carrier continues to operate without a permit after the commission provides the motor carrier with an opportunity to apply for a permit and the motor carrier does not do so, the commission may institute an administrative proceeding to classify the motor carrier. If, after the hearing, the commission determines the motor carrier is operating as a household goods carrier without the required permit, the commission will issue a cease and desist order to the party(s) involved in the operations pursuant to RCW 81.04.510.

(d) If the motor carrier continues to operate without a permit after applying for a permit and before the commission has acted in that application, the commission may consider those operations in determining whether the carrier is fit to provide the proposed service.

(e) The commission may institute legal action in the appropriate court if it obtains sufficient information that a motor carrier continues to operate in violation of a commission order.

Part 2 - PERMITS

Part 2.1 - GENERAL PERMIT INFORMATION

NEW SECTION

WAC 480-15-170 What is a household goods permit?

A household goods permit is a document issued by the commission describing the transportation services a common carrier is authorized to provide, and the territory the common carrier is authorized to serve. It includes at least the following information:

- (1) The permit number issued by the commission;
- (2) The official name of the permit holder;
- (3) The registered trade or business name(s);
- (4) The address of record;
- (5) The date the permit is issued;
- (6) The operating authority granted by the commission; and
- (7) Any conditions imposed by the commission upon on the permit.

NEW SECTION

WAC 480-15-180 When must I have a household goods permit? (1) Unless you are operating in the territory described in WAC 480-15-200, you must receive a permit from us before you transport household goods:

- (a) By motor vehicle;
- (b) Over the public highways;
- (c) Between points in Washington state; and
- (d) For compensation.

(2) If you transport household goods without first obtaining a permit you will be subject to the enforcement actions described in WAC 480-15-160(3).

NEW SECTION

WAC 480-15-190 Where may I operate with a household goods permit? (1) Household goods permits authorize state-wide operations unless:

- (a) You elect to limit your service territory to specific counties; or
- (b) The commission, by order, limits your service territory.

(2) If you choose to limit your service territory to specific counties, you must notify us in writing at the address shown in WAC 480-15-060. Your written request must include your household goods permit number and name.

NEW SECTION

WAC 480-15-195 When will my existing household goods permit be reissued? If you hold a household goods permit that is valid on the effective date of these rules, it will be recognized as authorizing state-wide operations until a new household goods permit is issued, or until January 31, 1999, whichever occurs first.

(1) If you choose to limit your service territory to specific counties, you must notify us in writing at the address

shown in WAC 480-15-060. Your written request must include your household goods permit number and name.

(2) For the purpose of this rule, a valid household goods permit does not include temporary permits, suspended permits, canceled permits, or permits that are held by carriers that have not filed required annual reports, paid regulatory fees, or satisfied penalty assessments, or whose checks have been returned because of insufficient funds or closed bank accounts.

NEW SECTION

WAC 480-15-200 Are there areas I may operate without a permit? Pursuant to RCW 81.80.040(1), you do not need a permit to transport household goods exclusively between points within the limits of a city or town with a population of less than ten thousand, unless the city borders a city or town with a population of greater than ten thousand.

Pursuant to RCW 81.80.040(2), you do not need a permit to transport household goods exclusively between points within a city with a population between ten thousand and thirty thousand, if the commission has issued an order exempting transportation within that city from regulation.

NEW SECTION

WAC 480-15-210 Are there different kinds of household goods permits? We issue household goods permits for emergency temporary, temporary, and permanent authority. We may grant:

(1) Emergency temporary authority for a period of thirty days or less when there is an urgent need for service and time or circumstances do not reasonably allow for filing and processing of an application for temporary authority;

(2) Temporary authority for up to one hundred eighty days to meet a short-term public need or until a decision is made on a pending application for permanent authority. The applicant must be fit, willing, and able, and the proposed service must be in the public interest; and

(3) Permanent authority with no expiration date or renewal requirement when the applicant is fit, willing, and able to provide service, when granting that service is in the public interest, and when the proposed service is needed to meet the current or future public convenience and necessity.

NEW SECTION

WAC 480-15-220 How do I apply for a permit? (1) You may file an application for a permit on forms furnished by the commission. You may file your application in person or by mail. (See WAC 480-15-060 for the commission's address.)

(2) You must include all requested information, attachments, complete signed statements, and fees when you file your application. (See WAC 480-15-230 for the appropriate application fees.) We will not accept your application until all required information is supplied and any outstanding fees or penalties are paid.

(3) We may reject or dismiss your application if you include false, misleading, or incomplete information.

NEW SECTION

WAC 480-15-230 What is the application fee? The maximum application fee, under RCW 81.80.090, is five hundred fifty dollars. After reviewing the actual costs of processing applications, we may set fees at less than the legal maximum. Each application form will clearly state the fee you must submit when filing an application.

The following table lists the application fees in place on the effective date of these rules:

Type of Permit Application:	Fee:
Emergency temporary authority	\$ 50.00
Temporary authority	\$250.00
Permanent authority	\$550.00
Permanent authority (under the exceptions named in WAC 480-15-260)	\$250.00
Permit reinstatement (under provisions of WAC 480-15-460)	\$250.00
Name change only	\$ 35.00

NEW SECTION

WAC 180-15-240 How may a new entrant obtain authority? You must file both a temporary and a permanent authority application if you do not hold an existing permit that allows you to transport household goods within the state of Washington.

The following table describes the application process for new entrants seeking to obtain permanent authority:

PROPOSED

If you file an application for:	You must also file an application for:	We will:	We will grant an application when:
PERMANENT authority Refer to WAC 480-15-330	TEMPORARY authority Refer to WAC 480-15-280	Publish your application on an application docket subject to public comment.	The applicant is fit, willing, and able to provide the proposed service; The proposed services is in the public interest; and For applications for permanent authority, the proposed service is required to meet the current or future public convenience and necessity.

NEW SECTION

WAC 480-15-250 What is the process to expand the authority in an existing permit? You must file only a permanent authority application if you want to expand the authority included in your existing household goods permit.

The following table describes the filing process for existing household goods carriers seeking to obtain additional permanent authority:

If you file an application for:	We will:	We will grant an application when:
PERMANENT authority Refer to WAC 480-15-330	Publish your application on an application docket subject to public comment.	The applicant is fit, willing, and able to provide the proposed service; The proposed service is in the public interest; and The proposed service is needed to meet the current or future public convenience and necessity.

NEW SECTION

WAC 480-15-260 Are there exceptions to the application process? We will grant an application for permanent authority without public notice or comment if:

- (1) The applicant is fit, willing, and able to provide service; and
- (2) The application is filed to transfer or acquire control of permanent authority for the following reasons:
 - (a) A partnership has dissolved due to the death, bankruptcy, or withdrawal of a partner, and that partner's interest is being transferred to one or more remaining partners or a spouse;
 - (b) A shareholder in a corporation has died and that shareholder's interest is being transferred to a surviving spouse or one or more surviving shareholders;
 - (c) A sole proprietor has died and the interest is being transferred as property of the estate;
 - (d) An individual has incorporated, and the same individual remains the majority shareholder;
 - (e) An individual has added a partner, but the same individual remains the majority partner;
 - (f) A corporation has dissolved and the interest is being transferred to the majority shareholder;
 - (g) A partnership has dissolved and the interest is being transferred to the majority partner;
 - (h) A partnership has incorporated, and the partners are the majority shareholders; or

(i) Ownership is being transferred from one corporation to another corporation when both are wholly owned by the same shareholders.

Part 2.2 - EMERGENCY TEMPORARY AND TEMPORARY AUTHORITY

NEW SECTION

WAC 480-15-270 When will the commission grant emergency temporary authority? We will grant an application for emergency temporary authority to meet an urgent need when time or circumstances do not reasonably allow for the filing and processing of a temporary permit application. We may grant emergency temporary authority for up to thirty days when a qualified applicant:

- (1) Provides a certified statement of support identifying the need;
- (2) Pays the application fee;
- (3) Furnishes a list of vehicles to be used under emergency temporary authority; and
- (4) Furnishes proof of public liability and property damage insurance.

NEW SECTION

WAC 480-15-280 When must I apply for temporary authority? (1) You must apply for temporary authority if you are a new entrant, or to provide service to meet a short-

PROPOSED

term need. If you are a new entrant, and the commission grants your application, the temporary authority will allow you to provide service as a household goods carrier on a provisional basis for at least six months. During this time, the commission will evaluate whether you have met the criteria in WAC 480-15-330 to obtain permanent authority.

(2) We will grant or deny an application for temporary authority after we have conducted a complete review of your application, any supporting statements, reports or other information necessary to determine your fitness, and determine whether granting the application is in the public interest.

(3) When determining if an applicant is fit, willing, and able to provide the proposed service we will consider any information provided by the applicant and other members of the public regarding:

(a) The applicant's experience in the industry; knowledge of safety regulations; financial resources and equipment; compliance with tax, labor, employment, business, and vehicle licensing laws and rules; and

(b) Whether the applicant has been cited for violation of state law or commission rules, has been convicted of a Class A or Class B Felony, or has previously been denied authority on the basis of fitness; or has had permit authority canceled.

(4) When determining if the proposed service is in the public interest we will consider any information provided by the applicant, shippers and other members of the public supporting the proposed service, and whether granting the temporary authority will:

(a) Enhance choices available to consumers, promote a viable yet competitive household goods industry, or fill an unmet need for service; and

(b) Allow us to more efficiently regulate the household goods industry, and provide increased consumer protection through regulation.

(5) Statements and reports from the applicant, shippers, and other members of the public, must include their full name, address, phone number, and state that the information submitted is true and accurate. They must be signed and show the place and date where/when they were signed.

NEW SECTION

WAC 480-15-285 Are there times when the commission will reject my application for temporary authority? We will reject your application for temporary authority if you file within six months of a denial of a previous application submitted by you. We will reject your application if filed within one year of cancellation of a permit, held by you, under WAC 480-15-320 or 480-15-450 (3), (4), (5), or (6).

NEW SECTION

WAC 480-15-290 How will I know what the commission has decided? After reviewing your application, and all supporting statements and reports, the commission will issue an order to you granting or denying your application for temporary authority. An order granting temporary authority may include specific terms and conditions that you must satisfy before you begin or while operating under authority. We

publish an application docket listing temporary authority we have granted or denied.

NEW SECTION

WAC 480-15-300 What conditions may be attached to my temporary authority? Based on a review of your application and supporting statements, we may impose any of the following conditions when granting temporary authority:

(1) Driver and equipment safety training;

(2) Rates and billing practices training;

(3) Surety bond, or other means to ensure compliance;

(4) Special compliance audits;

(5) Special customer notices and comment forms which evaluate your services;

(6) Other reporting as the commission may require, such as customer lists, and financial reporting;

(7) Vehicles must pass inspection and be issued a valid Commercial Vehicle Safety Alliance (CVSA) inspection decal; and

(8) Other conditions depending on the circumstances surrounding the application.

NEW SECTION

WAC 480-15-310 May I comment on a decision to grant or deny temporary authority? (1) We publish an application docket listing temporary authority we have granted or denied. We mail the docket to each applicant and, upon written request, to any other person interested in application proceedings.

(2) Anyone having an interest in an application appearing on the docket may file written comments within ten days following publication. Comments may be in the form of statements supporting or protesting the grant of authority or application. Comments must include your full name, address, telephone number, FAX number, and permit number, if applicable. Comments must state the nature of your support or protest and address the following issues: Fitness, public interest, levels of service, business practices, safety, and/or operation of equipment.

(3) We may grant or deny a protest without a hearing. We may, at our own discretion, hold a brief adjudicative proceeding on a protest. Rules governing applications and procedures for brief adjudicative proceedings are in chapter 480-09 WAC.

NEW SECTION

WAC 480-15-320 May the commission cancel a temporary permit? Yes, we may cancel a temporary permit at any time if we determine that:

(1) The permit was not issued in the public interest;

(2) The grant of temporary authority was based on fraud, misrepresentation, or erroneous information from the applicant; or

(3) We find cause to cancel the permit under the circumstances described in WAC 480-15-450.

Part 2.3 - PERMANENT AUTHORITY**NEW SECTION**

WAC 480-15-330 When must I apply for permanent authority? (1) You must apply for permanent authority if you are requesting:

- (a) New original authority;
- (b) Transfer of existing authority;
- (c) Acquisition of control of existing authority;
- (d) Additional authority for an existing household goods permit; or
- (e) Household goods authority for an existing general commodities permit granted under the provisions of chapter 480-14 WAC.

(2) We will grant or deny an application for permanent authority after we have conducted a complete review of your application, supporting statements, reports, or other information necessary to determine fitness, public interest, and current or future public convenience and necessity.

(3) Some transfers of existing permanent authority are not subject to the requirements in this rule. The exceptions are listed in WAC 480-15-260.

(4) When determining if an applicant is fit, willing and able to provide the proposed service, we will consider statements and reports including any information provided by the applicant and other members of the public regarding:

(a) The applicant's experience in the industry; knowledge of safety regulations; financial resources and equipment; compliance with tax, labor, employment, business, and vehicle licensing laws;

(b) Whether the applicant has been cited for violation of state law or commission rules, has been convicted of a Class A or Class B Felony, or previously has been denied authority on the basis of fitness; and

(c) The results of any compliance reviews, audits, inspection reports, and consumer complaints filed against the applicant.

(5) When determining if the proposed service is in the public interest we will consider statements and reports, including any information provided by the applicant, and other members of the public supporting the proposed service, and whether granting the permanent authority will:

(a) Enhance choices available to consumers, promote a viable yet competitive household goods industry, or fill an unmet need for service; and

(b) Allow us to more efficiently regulate the household goods industry, and provide increased consumer protection through regulation.

(6) When determining if the proposed service is needed to satisfy the current or future public convenience and necessity, we will consider any information provided by the applicant, shippers, and other members of the public supporting the proposed service, and any reports relating to the operations you conducted under temporary authority, including, but not limited to, the following:

- (a) The number of customers you served;
- (b) The nature of the service you provided;
- (c) Your customers' satisfaction; and
- (d) Statements regarding future need for your services.

NEW SECTION

WAC 480-15-340 May I comment on an application for permanent authority? (1) We publish applications for permanent authority on the application docket which we mail to each applicant and, upon written request, to any other person interested in application proceedings.

(2) Anyone having an interest in an application appearing on the docket may file written comments within thirty days following publication, unless the application is published in conjunction with a grant of temporary authority. If the permanent authority application is published in conjunction with a grant of temporary authority, then comments will be accepted for one hundred eighty days or the full term of the temporary permits.

(3) Comments may be in the form of statements supporting or protesting the application. Comments must include the commenter's full name, address, telephone number, and should also include a FAX number and permit number, if available. Comments should be signed and indicate the place and date when they were signed. Comments must state the nature of your support or protest and address the following issues: Fitness, public interest, levels of service, business practices, safety, operation of equipment, and current or future public need for service.

(4) A comment protesting an application may not cause the application to be set for a hearing.

NEW SECTION

WAC 480-15-350 Will my application be set for a hearing? We may hold a hearing or brief adjudicative proceeding on any application for permanent authority if it is necessary to resolve outstanding issues or concerns related to fitness, public interest, public convenience and necessity, or any other issue resulting from a compliance review, audit, inspection report, complaint, or public comment. Rules governing hearings and brief adjudicative proceedings are contained in chapter 480-09 WAC.

Part 2.4 - USING YOUR PERMIT**NEW SECTION**

WAC 480-15-360 Where must I keep my permit? You must keep your original permit in your main office, and also carry a copy of your permit in each vehicle used to transport household goods. You must show a copy of your permit to any law enforcement or compliance officer who asks to see it.

NEW SECTION

WAC 480-15-370 What should I do if my permit is lost or destroyed? You may write to us and request replacement of a lost or destroyed permit. We will issue a replacement permit at no charge.

NEW SECTION

WAC 480-15-380 May I allow others to use my permit authority? You must not allow others to transport household goods under your permit authority. All operations under a household goods permit must be conducted by the lawful permit holder. While you may not lease your permit authority, you may lease vehicles for use in your own operations pursuant to the leasing rules in WAC 480-15-590 and 480-15-600.

NEW SECTION

WAC 480-15-390 What name may I use? (1) You must conduct operations under the name shown on your household goods permit. If you do business under a trade or assumed name, that name must also appear on your permit.

(2) You may not operate under a name that is similar to that of another carrier unless:

- (a) The carrier whose name is similar has given you written permission to use the name; or
- (b) The commission authorizes use of the similar name. Before authorizing use of a similar name, the commission must first determine that the use of the similar name will not:
 - (i) Mislead the shipping public; or
 - (ii) Result in unfair or destructive competitive practices.

NEW SECTION

WAC 480-15-400 How do I change my permit name?

(1) You must file a name change application if you want to change your permit name, corporate name, trade name, or add a trade name to your permit.

(2) Your name change application must include the application fee (as shown in WAC 480-15-230), copies of any corporate minutes authorizing the name change, and proof that you have properly registered your new name with the department of licensing, office of the secretary of state, or other agencies, as may be required.

(3) You must file an application to transfer or acquire control of permanent authority if your name change is the result of a change in ownership or controlling interest.

(4) You may not advertise or operate under the changed name until the commission approves your request.

NEW SECTION

WAC 480-15-410 What should I do if I cannot use my permit? (1) If you are unable to use your permit due to medical reasons or because you have been called into active military service, you may request that your authority be voluntarily suspended.

(2) You must send your request to us in writing and include the following information:

- (a) Your name, address, and permit number;
- (b) The reason for the request (e.g., medical statement, military orders);
- (c) The date you would like the voluntary suspension to begin;

(d) The length of time you will be unable to use your permit; and

(e) A statement that no household goods transportation will occur under your permit while it is suspended.

(3) We will issue an order suspending your permit. The order will set the length of time and the terms of your permit suspension.

(4) To activate your suspended permit you must send us a letter advising that you are ready to resume household goods service and agree to conduct operations in compliance with all laws and rules. You must satisfy any outstanding filing requirements before we will issue an order lifting the suspension.

(5) If you do not activate your permit before the suspension period expires, your permit may be canceled.

NEW SECTION

WAC 480-15-420 What should I do if I no longer want to use my permit? If you no longer want to use your permit, you may send the original permit to us with a written request that it be canceled. Your cancellation request must include your name, address, and permit number. We will issue an order canceling your permit. Cancellation will be effective on the date of that order.

Part 2.5 - SUSPENDED AND CANCELED PERMITSNEW SECTION

WAC 480-15-430 Why would the commission suspend my permit? (1) The commission may suspend your permit under the provisions of WAC 480-15-410 or for good cause. Good cause includes, but is not limited to:

- (a) Failure to maintain evidence of required cargo and/or liability insurance coverage for all areas of your operations;
- (b) Failure to maintain your tariff and/or comply with the rates and rules contained in the tariff;
- (c) Failure or refusal to comply with operating standards that protect the public health and/or safety;
- (d) Allowing others to transport goods under your permit authority. See WAC 480-15-380.

(e) Operating in a manner which harms the rights of the shipping public or which constitutes unfair or deceptive business practices. For example: Investigation by the commission's staff representatives upholds numerous consumer complaints related to loss and damage, packing, loading and/or unloading, estimating or billing.

(2) The commission may suspend a permit without an opportunity for hearing if there is imminent danger to the public health, safety or welfare, or there is insufficient time to conduct a hearing.

NEW SECTION

WAC 480-15-440 What happens if my permit is suspended for cause? (1) **Notification.** The commission will send you notice of its action to suspend your permit. The suspension is effective upon the service date of the notice.

(2) **Contest of suspension.** You may contest the suspension of your permit by requesting a hearing or brief adjudicative proceeding. The procedures for such hearings are contained in chapter 480-09 WAC.

(3) **Reinstatement of permit.** We will lift the suspension of your permit after you correct all conditions leading to the suspension.

NEW SECTION

WAC 480-15-450 Why would the commission cancel my permit? The commission may cancel your permit under the provisions of WAC 480-15-410, 480-15-420 or for good cause. Good cause includes, but is not limited to:

- (1) Failure to file an annual report or pay required regulatory fees;
- (2) Failure to correct, within the time frame specified in the suspension order, all conditions that led to the suspension of your permit;
- (3) Continued violations of applicable laws and rules affecting the public health, safety or welfare when the commission has reason to believe you would not comply with those laws and rules following a specified period of suspension;
- (4) Repeated failure or refusal to comply with applicable laws and rules pertaining to operations of household goods carriers;
- (5) Failure to supply information necessary to the commission for the performance of its regulatory functions when requested by the commission to provide such information;
- (6) Submission of false, misleading or inaccurate information. The commission will hold a hearing prior to cancelling your permit unless your permit is subject to cancellation because you failed, within the time frame specified by a suspension order, to correct the causes of the suspension;
- (7) Allowing others to transport goods under your permit authority in violation of WAC 480-15-380.

NEW SECTION

WAC 480-15-460 What happens if my permit is canceled for cause? (1) **Notification.** The commission will send you notice of its action to cancel your permit. The cancellation is effective upon the service date of the notice.

(2) **Contest of cancellation.** You may contest the cancellation of your permit by requesting a hearing or brief adjudicative proceeding. The procedures for such hearings are contained in chapter 480-09 WAC.

(3) **Reinstatement of permit.** If you correct all conditions that led to the cancellation of your permit, you may apply for reinstatement of your permit.

(a) To reinstate your permit within thirty days of cancellation, you must file an application for reinstatement and pay the applicable reinstatement fees.

(b) If you file an application for reinstatement after thirty days of cancellation, your application will be considered in all aspects to be an application for new authority, and will be subject to all terms and conditions specified in WAC 480-15-240 for new entrants.

(4) **Small business, reinstatement of permit.** If you are a small business as defined in WAC 480-15-020, and you correct all conditions that led to the cancellation of your permit, you may apply for reinstatement of your permit.

(a) To reinstate your permit within sixty days of cancellation, you must file an application for reinstatement and pay the applicable reinstatement fees.

(b) If you file an application for reinstatement after sixty days of cancellation, your application will be considered in all aspects to be an application for new authority, and will be subject to all terms and conditions specified in WAC 480-15-240 for new entrants.

Part 3 - ADMINISTRATIVE, TARIFF, AND RATE REQUIREMENTS TO TRANSPORT HOUSEHOLD GOODS, FOR HIRE, WITHIN THE STATE OF WASHINGTON

Part 3.1 - RULE BOOKS

NEW SECTION

WAC 480-15-470 Rule books. (1) **What is a rule book?** A rule book is a reprint of the complete set of Washington Administrative Code (WAC) rules governing the operations of household goods carriers.

(2) **How do I get a rule book?** You may request a rule book by contacting the commission. The first copy of the rule book is free. However, we may charge a fee for multiple copy requests. We will automatically send a rule book to anyone who applies for a household goods permit.

(3) **How do I get a rule book update?** If changes occur, we will automatically send annual rule book updates to everyone who has a household goods permit. Any person may request a current rule book by contacting us at the address listed in WAC 480-15-060.

(4) **Is the rule book copyrighted?** The rule book is not copyrighted. You may copy or reproduce it without our permission.

Part 3.2 - ANNUAL REPORTS AND REGULATORY FEES

NEW SECTION

WAC 480-15-480 Annual reports and regulatory fees. (1) **What is an annual report?** An annual report is a year end statement that discloses to the commission financial, equipment, operating, and management information about you and the operations you conducted under your household goods permit. Your signed report includes a statement certifying that the information in your report is true and accurate.

(a) You must report your financial information according to the Uniform System of Accounts established by the commission for household goods carriers.

(b) The commission will mail annual report forms and instructions to each household goods permit holder at their address of record. If you do not receive an annual report

form, it is your responsibility to contact the commission and request the form.

(2) **What is a regulatory fee?** A regulatory fee is an annual assessment paid by each household goods carrier to cover the costs of regulating the household goods industry. The maximum regulatory fee is set by law at one-fourth of one percent of the gross operating revenue generated from your intrastate transportation of household goods. We may reduce the fee by general order. Each year we review the costs of regulating the household goods industry and set the next year's fee accordingly.

(3) **How do I calculate my regulatory fee?** Your regulatory fee is calculated as a percentage of your intrastate gross operating revenues generated from the transportation of household goods during the prior calendar year.

For example: Gross Operating Revenue	\$100,000.00	x	
Regulatory Fee Percentage		.0025	=
		<hr/>	
Regulatory Fee Due	\$	250.00	

(4) **When are my annual report and regulatory fees due?** You must file your annual report and pay your regulatory fees by May 1st of the year following the calendar year for which you are reporting.

(a) If you pay your regulatory fee late, we will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month after that.

(b) If you do not file your annual report and/or do not pay your regulatory fee, we may issue penalty assessments or cancel your permit under the provisions of WAC 480-15-450.

Part 3.3 - TARIFF AND RATES

NEW SECTION

WAC 480-15-490 Tariff and rates, general. (1) **What is a tariff?** A tariff is a publication containing the rates and charges that household goods carriers must assess on shipments of household goods, including rules that govern how rates and charges are assessed.

(2) **How are tariff rates and charges established?**

(a) Pursuant to RCW 81.80.130 and 81.80.150, the commission publishes tariffs to be used by all household goods carriers, or allows household goods carriers to file individual tariffs if the commission finds it is impractical to publish tariffs for certain commodities or services. The commission determines the rates and charges contained in the tariffs by commission order following notice and hearing. Under RCW 81.80.130, the commission must set fair, just, reasonable, and sufficient rates and charges. We will do this by setting minimum and maximum rates.

(b) Upon the effective date of these rules, and continuing until such time as the commission, after notice and hearing, determines a different rate level, household goods carriers may charge no more than fifteen percent above the current tariff rates and charges and no less than thirty-five percent below the current tariff rates and charges contained in the

commission's household goods tariff on the effective date of these rules.

(3) **Who must have tariffs?** Each person holding household goods permit authority must purchase and display at least one copy of the current tariff, and pay applicable tariff maintenance fees. Any interested person may purchase a copy by paying the applicable fees in advance.

(4) **Where must I display my tariffs?** You must display a current copy of the tariff in your main office, and in each billing office.

(5) **Who must charge rates contained in the tariff?** All household goods carriers must charge the rates and charges, and comply with the rules contained, in the tariff unless we have approved, in writing, deviations from the tariff.

(6) **Is the tariff the only publication I need to use to determine rates?** We may adopt other publications that will be used to assess rates. If we do, we will notify tariff subscribers of the change.

(7) **Where may the public view tariffs?** Tariffs are public documents and you must make them available for the public by posting copies at your main office and any billing office. Tariffs are also available for review at our headquarters office.

(8) **How much does a tariff cost?** The cost of tariffs may change periodically depending on our costs for compiling, printing, distributing, and maintaining them. To find out the current cost, you may contact the commission as described in WAC 480-15-060.

(9) **Are copies of current or expired tariff pages available?** We will supply you with current or expired single tariff pages upon request. Copies of entire expired tariffs, or entire tariffs applicable on a specific date in the past, generally are not available.

NEW SECTION

WAC 480-15-500 Tariff maintenance and fees. (1) **What is a tariff maintenance fee?** A tariff maintenance fee compensates us for compiling, printing, and distributing amended tariff pages.

(2) **Do I always have to pay full maintenance fees?** The annual maintenance fee is payable in advance on a prorated basis depending upon the month in which you purchase a tariff. See the table below:

Month in which maintenance service is purchased	Percentage of total maintenance fee payable
January, February, March	100%
April, May, June	75%
July, August, September	50%
October, November, December	25%

(3) **How am I billed for my annual tariff maintenance fees?** By December 1 of each year, we send a bill to each tariff subscriber for the next year's annual tariff maintenance service. Tariff subscribers must pay maintenance fees by December 31.

PROPOSED

(4) What happens if a tariff subscriber fails to pay the annual maintenance fees by December 31?

(a) If a tariff subscriber does not have a permit, and fails to pay the maintenance fee by December 31, we will cancel the tariff subscription. To reinstate a subscription, the tariff subscriber must purchase a new original copy of the tariff and pay all applicable maintenance fees.

(b) If a tariff subscriber has a permit and fails to pay tariff fees by December 31, we may take administrative action against the household goods carrier to suspend or cancel the permit, or to assess penalties.

(5) Am I entitled to a refund if I cancel my tariff subscription? If you cancel your tariff subscription and send us a written request we will refund your prepaid tariff maintenance fees. We base refunds on a prorated formula of one-twelfth the amount of the fee prepaid, times the number of whole months remaining in the calendar year.

NEW SECTION

WAC 480-15-510 Changing commission-published tariffs. (1) Who may propose changes to the tariff? Companies holding temporary or permanent household goods authority may propose changes to the tariff. We may, on our own motion, propose tariff changes.

(2) How do I propose changes to the tariff? All proposed changes must be sent to the commission's mailing address and must:

- (a) Be in writing;
- (b) Identify the rates, rules, or classifications to be changed;
- (c) Fully describe the proposed change;
- (d) State clearly the reason(s) for the proposed change;
- (e) Include any information or documents that justify the proposed change (the person proposing the change must prove the change is just and reasonable); and
- (f) Identify the name, address, title, telephone number, permit number and FAX number (if any) of the person we should contact regarding the proposal.

(3) How does the commission consider proposals for tariff changes? When we receive a proposed tariff change we:

- (a) Assign a docket number;
- (b) Schedule each docketed proposal for tariff change for consideration at one of our regularly scheduled open public meetings. The commission may approve the proposed changes, or suspend them and set them for hearing;
- (c) Notify you and other interested persons of the date when we will consider the tariff change; and
- (d) Process each application for tariff change under the procedures set forth in chapter 480-09 WAC.

(4) When do approved changes become effective? Changes we approve are not effective until we publish and distribute a revised tariff page. We will identify the effective date of the change on the revised page.

NEW SECTION

WAC 480-15-520 Procedure for filing individual carrier tariffs. (1) What must be filed? You must submit to us:

(a) A cover letter requesting permission from us to publish and file an individual tariff. The letter must describe the reasons you believe permission should be granted. Your letter should state the reasons you believe it is impractical for us to publish a tariff for the commodities or services contained in your proposed tariff.

(b) Two copies of your proposed tariff. Your proposed tariff must comply with the tariff drafting standards in chapter 480-149 WAC (Tariff Circular No. 6). You may request a copy of chapter 480-149 WAC from our records management section. The proposed tariff must contain all rates, charges, and rules you will be using if we grant you permission to publish and file an individual tariff.

(c) Data showing that the rates and charges contained in the proposed tariff are fair, just, reasonable, and sufficient.

(2) How are individual carrier filed tariffs processed?

- (a) We review individual carrier filed tariffs:
 - (i) For compliance with laws and rules relating to content and format;
 - (ii) To ensure rates are fair, just, reasonable, and sufficient; and
 - (iii) For reasonableness and accuracy.

(b) If tariffs are incomplete or do not comply with laws and rules, staff will discuss the issues with the carrier and require that corrected tariffs be filed.

(c) When an individual carrier filed tariff is approved, the commission will issue an order stating the date on which the rates become effective. One copy of the tariff marked "approved" will be returned with the order.

(3) How does the commission consider proposals to amend individual carrier filed tariffs? When we receive your proposed tariff amendment we will:

- (a) Assign a docket number;
- (b) Schedule each proposed tariff amendment for consideration at one of our regularly scheduled open public meetings. The commission may approve the proposed amendment, or suspend them and set them for hearing;
- (c) Notify you and other interested persons of the date when we will consider the tariff proposed amendment;
- (d) Process your proposed tariff amendment under the procedures established in chapter 480-09 WAC; and
- (e) Notify you of the disposition of your proposed tariff amendment. If the filing is approved, we will notify you of the date upon which the tariff amendment becomes effective.

(4) What happens if I don't charge the rates and charges in my tariff? You are subject to administrative action (see WAC 480-15-130(3)) if you charge rates or charges different from those contained in your tariff.

Part 3.4 - INSURANCE

NEW SECTION

WAC 480-15-530 Public liability and property damage insurance. (1) What insurance am I required to obtain? Before operating under a household goods permit,

PROPOSED

you must have public liability and property damage insurance covering each motor vehicle that you use, or that you will use, to transport household goods in the state of Washington.

(a) Your policy must be written by an insurance company authorized to write insurance in Washington state.

(b) Your policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement, Form F.

(c) If you operate motor vehicles without the required insurance coverage you will be subject to immediate compliance action as described in WAC 480-15-430.

(2) **What are the minimum insurance limits?** The minimum limits of required public liability and property damage insurance for motor vehicles operated by household goods carriers are as follows:

(a) Motor vehicles with a gross vehicle weight rating of less than ten thousand pounds must have at least three hundred thousand dollars in combined single limit coverage.

(b) Motor vehicles with a gross vehicle weight rating of ten thousand pounds or more must have at least seven hundred fifty thousand dollars in combined single limit coverage.

(3) **Am I required to file proof of insurance?** Yes, you must file a Uniform Motor Carrier Property Damage and Public Liability Certificate of Insurance (Form E) as a condition of maintaining your household goods permit.

(a) The Form E is a standard motor carrier insurance form recognized by the insurance industry. In most cases your insurance agent must request that the insurance company file the Form E with us.

(b) Your Form E filing must be issued in exactly the same name as your permit.

(c) Your Form E filing must be continuous, until canceled by a Notice of Cancellation (Form K) filed with us no less than thirty days before the cancellation effective date.

(d) You may file a Uniform Motor Carrier Property Damage and Public Liability Surety Bond (Form G) instead of the Form E.

(4) **May I file an insurance binder?** We will accept an insurance certificate or binder for up to sixty days. A certificate or binder may be canceled by filing written notice with us at least ten days before the cancellation effective date. A certificate or binder must be replaced by a Form E within sixty days of filing, or before the expiration date, whichever occurs first.

(a) Certificates or binders must show:

(i) The commission as the named certificate holder;

(ii) Your name, exactly as it appears on your permit or application, as the insured;

(iii) The insurance company name;

(iv) The insurance policy number;

(v) The effective and expiration dates; and

(vi) The insurance limits of coverage.

NEW SECTION

WAC 480-15-540 What happens if my insurance filing is canceled? If your insurance filing is canceled, and a new filing which provides continuous coverage is not filed with us, we may:

(1) Dismiss your application for a permit; and/or

(2) Suspend your permit under the provisions of WAC 480-15-430 and/or 480-15-450.

NEW SECTION

WAC 480-15-550 Cargo insurance. (1) **What are the cargo insurance requirements?** You must have cargo insurance coverage sufficient to protect all household goods that you transport under your permit. If you transport household goods under your permit without the required cargo insurance coverage you will be subject to immediate compliance action as described in WAC 480-15-430.

(2) **What are the minimum cargo insurance limits?** The minimum limits of required cargo insurance are:

(a) Ten thousand dollars for household goods transported in motor vehicles with a gross vehicle weight rating of less than ten thousand pounds.

(b) Twenty thousand dollars for household goods transported in motor vehicles with a gross vehicle weight rating of ten thousand pounds or more.

(3) **Am I required to file proof of cargo insurance?** No, you are not required to file proof of your cargo insurance with us. You must have proof of cargo insurance at your main office available for inspection by commission representatives.

Part 4 - EQUIPMENT AND SAFETY REQUIREMENTS

Part 4.1 - EQUIPMENT

NEW SECTION

WAC 480-15-560 Equipment safety requirements. (1) **What is the commission's equipment safety policy?** All motor vehicles operated under the provisions of this chapter must be at all times:

(a) Maintained in a safe and sanitary condition;

(b) Free of defects likely to result in an accident or breakdown; and

(c) Made available for inspection by commission representatives.

All motor vehicles having safety defects likely to result in an accident or breakdown will be placed out-of-service and taken off the road until such time as all out-of-service defects have been repaired and the motor vehicle is safe to operate.

(2) **How does the commission enforce this policy?** Commission representatives conduct inspections of motor vehicles and safety operations. These representatives may place out-of-service any motor vehicle having a defect defined in the *North American Uniform Out-Of-Service Criteria*. No motor vehicle which has been placed out-of-service may be operated until all out-of-service defects are repaired and the motor vehicle is safe to operate.

(3) **How must I identify my motor vehicles?** You must display your permit name and number, as registered with the commission, on both the driver and passenger doors of all power units.

(a) All markings on the power unit must be:

- (i) Clearly legible;
- (ii) No less than three inches high;
- (iii) In a color that contrasts with the background color;

and
(iv) Permanent. *Exception:* You may use temporary markings on vehicles you are operating under lease.

(b) If you have both intrastate and interstate authority, you must display either your commission permit number, federal permit number, or both, on the power unit.

(4) What vehicle safety laws and rules must I follow?

(a) You must comply with:

- (i) All state and local motor vehicle safety laws and rules including, but not limited to, those contained in this chapter;
- (ii) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter:

(A) 49 CFR Part 390: Safety Regulations, General; except:

(I) The terms "exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" have the meanings assigned to them in this chapter;

(II) The term "commercial motor vehicle" means any motor vehicle used by a household goods carrier to transport household goods;

(III) Whenever the term "director" is used, it shall mean the commission.

(B) 49 CFR Part 392: Driving of Motor Vehicles;

(C) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operation;

(D) 49 CFR Part 396: Inspection, Repair, and Maintenance; and

(E) 49 CFR Part 397: Transportation of Hazardous Materials; Driving and Parking Rules.

(b) If you fail to comply with these laws and rules, we may issue a citation to you, place your vehicle out-of-service, and/or initiate an administrative proceeding against you. See WAC 480-15-130(3).

(5) Am I required to equip my motor vehicles with anti-spray devices (mud flaps)?

(a) Yes, all motor vehicles must be equipped with mud flaps which effectively reduce the spray or splash of water from the road.

(b) Mud flaps must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.

Part 4.2 - DRIVERS' REQUIREMENTS

NEW SECTION

WAC 480-15-570 Driver safety requirements. (1) What is the commission's policy for driver safety requirements? No household goods carrier shall employ or allow any driver to operate a motor vehicle who fails to meet minimum criteria related to:

- (a) Driver's licensing;
- (b) Background and character;
- (c) Physical qualifications;
- (d) Hours of service; and
- (e) Controlled substances and alcohol use testing.

(2) How does the commission enforce those requirements? Commission representatives inspect driver and company safety records and documents to determine compliance with these rules. Additionally, the representatives may contact drivers during the course of investigations, inspections, or other routine commission business. The representatives may order out-of-service any driver meeting the conditions defined in the *North American Uniform Out-Of-Service Criteria*. No driver who has been placed out-of-service may operate a commercial motor vehicle until all conditions which caused the driver to be placed out-of-service are corrected.

(3) With which driver qualification laws and regulations must I comply?

(a) You must comply with:

(i) All state and local laws and rules governing driver safety, including, but not limited to, the rules in this chapter;

(ii) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter:

(A) 49 CFR Part 390: Safety Regulations, General; except:

(I) The terms "exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" have the meanings assigned to them in this chapter;

(II) The term "commercial motor vehicle" means any motor vehicle used by a household goods carrier to transport household goods;

(III) Whenever the term "director" is used, it shall mean the commission.

(B) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing;

(C) 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties;

(D) 49 CFR Part 391: Qualification of Drivers; and

(E) 49 CFR Part 395: Hours of Service of Drivers.

(b) If you, or your driver, fail to comply with any driver safety law or rule, we may issue a citation to you or your driver, place your driver out-of-service, and/or initiate an administrative proceeding against you. See WAC 480-15-130(3).

(4) Are there any exceptions? Yes, the following exceptions apply:

(a) If your operations are exclusively in intrastate commerce, you are not subject to the following provisions:

(i) 49 CFR Part 391.11 (b)(1): Minimum age requirements. The minimum age for drivers of motor carriers operating solely intrastate is eighteen years of age rather than the twenty-one years of age required to operate in interstate commerce.

(ii) 49 CFR Part 391.49: Waiver of certain physical defects. This part does not apply if the driver has obtained from the Washington department of licensing a driver's license with endorsements and/or restrictions allowing operation of the motor vehicle they are driving.

(b) If you are a single vehicle owner-operator and your operations are solely intrastate, you are not subject to the following provisions:

(i) 49 CFR Part 391.21: Application for Employment;

- (ii) 49 CFR Part 391.23: Investigation and Inquiries;
- (iii) 49 CFR Part 391.25: Annual Review of Driving Record;
- (iv) 49 CFR Part 391.27: Record of Violations;
- (v) 49 CFR Part 391.31: Road Test; and
- (vi) 49 CFR Part 391.33: Equivalent of Road Test.

Part 4.3 - Accidents

NEW SECTION

WAC 480-15-580 Accident reporting. (1) **When must I report a vehicle accident to the commission?** You must report to the commission, within twenty-four hours, any accident occurring within the state of Washington which:

(a) Results in bodily injury to any person who as a result of the injury requires immediate medical treatment away from the scene of the accident;

(b) Results in the death of any person;

(c) Results in damage to any motor vehicle which is severe enough to require the motor vehicle to be transported from the scene by a tow truck or other motor vehicle;

(2) **How do I report accidents?** You may report accidents to the commission by providing your name or company name, your permit number; the date, time and location of the accident; and the nature of the accident by:

(a) Telephoning 1-800-562-6150 (if calling from within Washington) or 360-664-1222 (if calling from outside Washington); or

(b) Sending a FAX to 360-586-1150.

(3) **What accident records must I keep?** You must retain copies of all written accident reports for the period of one year from the date of the accident. You must keep the copies in your main office, subject to inspection by commission representatives.

Part 4.4 - EQUIPMENT LEASING

NEW SECTION

WAC 480-15-590 What is the procedure for leasing vehicles? (1) You must receive commission approval before you may operate a leased motor vehicle. To request approval you must submit a completed lease agreement on a form supplied by the commission, or an alternate form as long as it contains substantially the same information as that on the commission form. The form must be:

(a) Completed in its entirety (we will reject and return incomplete forms);

(b) Signed by both parties;

(c) Submitted in duplicate (we will return one approved copy to you);

(d) Clearly marked "master lease" if you intend it to be used as such in lieu of submitting individual leases; and

(e) Submitted through any means identified in WAC 480-15-060.

(2) We may institute administrative action as described in WAC 480-15-130(3) against any household goods carrier who operates leased motor vehicles without first having obtained commission approval.

(3) You are not required to file a lease for approval on an emergency substitution of a disabled vehicle.

NEW SECTION

WAC 480-15-600 What are my responsibilities when entering into a lease? When entering into a lease agreement, it is your responsibility to ensure that:

(1) A copy of the approved lease is carried in all leased motor vehicles;

(2) Copies of all approved leases are kept in your permanent files for at least one year after the lease expires;

(3) You give a copy of the approved lease to the owner of the leased motor vehicle;

(4) You have complete possession, control and use of the motor vehicle during the period of the lease agreement;

(5) You provide insurance on the leased motor vehicle as specified in WAC 480-15-530 and/or 480-15-550;

(6) You properly identify the motor vehicle as specified in WAC 480-15-560(3);

(7) The appropriate tariff rates and charges are billed and collected;

(8) The driver of the leased motor vehicle is on your payroll during the leased period;

(9) You comply with all safety rules;

(10) You and the owner of the leased motor vehicle specify on the lease form who is responsible for all expenses relating to the leased motor vehicles; and

(11) You comply with the terms of the approved lease.

Part 5 - CARRIER'S RESPONSIBILITIES TO SHIPPERS

Part 5.1 - GENERAL RESPONSIBILITIES

NEW SECTION

WAC 480-15-610 What are my responsibilities regarding advertising? (1) You must include your permit number in any advertising of your household goods moving services. Advertising includes, but is not limited to, reference to your services on your vehicles, equipment, and in telephone books, Internet, contracts, correspondence, cards, signs, posters, newspapers, and documents which show your name and address.

(2) You may only advertise services authorized by your permit.

(3) You may advertise services you provide as an agent of, or connecting carrier to, another household goods carrier if you include the name and permit number of the other household goods carrier in your advertising.

(4) You must not advertise services or rates and charges that conflict with those in the tariff.

(5) If you violate these advertising rules we may assess a penalty of up to five hundred dollars for each violation, or initiate other administrative action. See WAC 480-15-130(3).

NEW SECTION

WAC 480-15-620 What information must I provide to each shipper? (1) You must give each shipper a copy of the commission brochure, *"Your Rights and Responsibilities as a Moving Company Customer"*:

- (a) At the time you issue a written nonbinding estimate;
- (b) At the time you issue a written binding estimate;
- (c) If you issue neither a written estimate or a written nonbinding estimate, prior to loading the shipment; or
- (d) Upon request, by the shipper.

(2) The brochure is available from the commission and contains the text shown below. The commission may choose to: Add information, present information in a different format than shown below, or present information in different formats for various media (printed materials, on-line materials, fact sheets, brochures, etc.).

**YOUR RIGHTS AND RESPONSIBILITIES
AS A MOVING COMPANY CUSTOMER**

Important information: As a shipper of household goods in the state of Washington, the Washington utilities and transportation commission requires that your mover provide you with the following important information. Please take the time necessary to read it thoroughly.

Make sure you know the full name, address and phone number of the mover: Some movers perform the transportation themselves. Others act as agents for other movers who do the actual hauling. In other instances, the transportation is arranged by brokers. You should be sure to obtain the complete and correct name, business address, and telephone number of the mover who is to transport your shipment, and keep that mover informed as to how and where you may be reached at all times until the shipment is delivered.

1. Estimates. Your mover will provide you with a written estimate if you request one. Commission rules require that all estimates must be written — oral or telephone estimates are not permitted.

A. The accuracy of the estimate you receive depends upon cooperation between you, as the shipper, and the mover. The mover cannot provide an accurate estimate unless you provide the mover with sufficient information upon which to base the estimate. This includes, but is not limited to:

- Accurately describing all articles to be included in the shipment: This requires you to carefully consider what articles, if any, you will pack or transport yourself. Be realistic in this assessment. Many shippers believe they will be able to pack most of their own goods, only to find that when moving day arrives they have been unable to attend to all of the items they were going to pack, sell, give away, or ship themselves.

- Accurately describing any problems the household goods mover may encounter at the pickup point: Are there large pieces of furniture that were moved into your current residence with a hoist, or that had to be disassembled before they could be moved into the residence?
- Accurately describing special services you wish to be performed during your move: For example: Picking up part of the load from another residence or storage facility, or disconnecting appliances.
- Accurately describing conditions at the delivery point: Will delivery involve the use of stairs, elevators, or hoisting goods using special equipment? Are there narrow roads, streets or alleys that will require the mover to transfer the shipment to smaller trucks to accomplish delivery? Are there ordinances or covenants that limit parking to unload or that restrict the hours of the day during which delivery may be done? Is there a narrow driveway that will hamper unloading?

B. Supplemental estimates. The mover must provide to you an additional (supplemental) estimate if there are additional items and services to be performed which were not covered by the original estimate. For example: Services and items you may have intended to take care of yourself but were unable to accomplish. Before the mover performs the additional services, those services must be listed on a supplemental estimate and you must, by signature, accept the supplemental estimate.

C. Types of estimates.

1. Binding estimates of total cost. Binding estimates are provided at the option of the mover. Some movers may not offer binding estimates. When you receive a binding estimate, you cannot be required to pay any more than the amount shown in the binding estimate. *However:* If you request the mover to provide more or different services than those included on the estimate, the mover must provide you with a supplemental estimate. You will then be expected to pay the total of the original binding estimate, plus the amount shown on the supplemental estimate, at the time of delivery.

If you agree to a binding estimate, you are responsible for paying the total charges due. If you are unable to pay at the time the shipment is delivered, the mover may place your shipment in storage, at your expense, until the charges are paid.

2. Nonbinding estimates of approximate costs. A nonbinding estimate is not a bid or a contract. It is provided by the mover to give you a general idea of the cost of the move, but does not bind the mover to the estimated cost. It does not guarantee that the final cost of your move will be the same amount as the estimate.

You must pay the transportation and other charges computed in accordance with the tariff published by the Washington

utilities and transportation commission. However, in no instance will you be required to pay more than:

(a) On hourly-rated shipments:

(i) One hundred twenty-five percent of the amount of the estimate (and any supplemental estimates) for your move; and

(ii) One hundred fifteen percent of the amount of the estimate (and any supplemental estimates) for accessorial services provided during your move.

(b) On distance-rated shipments: One hundred fifteen percent of the amount of the estimate (and any supplemental estimates) for your move.

If the charges at the destination exceed the amount of the original estimate plus any supplemental estimate, the mover must, at your request, deliver the shipment to you upon payment of one hundred ten percent of the estimate. The mover will defer payment of the balance of the amount due for thirty days.

3. Paying for your move.

Most carriers insist that you pay in cash, by money order, or by certified check. However, you may arrange in advance for the carrier to extend you credit. If the carrier will accept payment by credit card or personal check, be sure this arrangement is noted on the agreement. If a carrier accepts credit arrangements at the beginning of your move, the carrier must accept the same credit arrangements for the final bill.

4. Tariffs. The tariff is published by the commission. It contains rates, charges, and rules governing the transportation of household goods. The tariff is available for public inspection at the mover's office. The tariff includes special provisions governing shipments to be picked up or delivered at more than one place, overtime charges, packing and marking, furnishing of boxes, and carrying goods up and down steps.

5. Preparing articles for shipment. Some articles, such as large appliances and stereo sets, may require special servicing to prepare them for being moved, such as disconnection. If the mover provides these services there may be an extra charge. If you wish to avoid extra per-hour charges, you should consider taking down drapes, blinds, mirrors, and any other articles attached to the walls.

Movers are not responsible for articles of extraordinary value. You should never pack the following items with your other belongings:

- jewelry
- money
- valuable papers
- valuable collections
- coins
- inflammables
- dangerous articles

6. Valuation protection for loss and damage. All movers are required to assume liability for the value of the goods which they transport. However, there are different levels of valuation protection, and consumers should be aware of the amount of protection provided and the charges for each option.

The dollar amount of responsibility your mover assumes for loss or damage to your household articles is up to you. You choose the dollar amount. What the mover is or is not responsible for is printed on the mover's standard bill of lading. Ask your mover for a sample bill of lading and read it before you move.

Most movers offer four different levels of liability. Generally, your choices are:

Option 1: Basic value protection.

This is the most economical protection option available. This option provides minimal protection at no additional cost, but may be inadequate in case of a major or total loss (as in the case of the moving truck being involved in an accident). Under this option, the mover assumes liability for only sixty cents per pound per article. Loss or damage claims are settled based on the pound weight of the article multiplied by sixty cents. For example: If a ten-pound stereo, valued at one thousand dollars were lost or destroyed, the mover would be liable for six dollars. You should think carefully before selecting this level of protection. There is no charge for this minimal protection, but you must sign a specific statement on the bill of lading agreeing to it.

Option 2: Depreciated value protection.

Under this option, the valuation of your shipment is based on the total weight of the shipment times two dollars per pound. For example, a four thousand-pound shipment would have a maximum liability of eight thousand dollars. Any loss or damage claim under this option is settled based on the depreciated value of the lost or damaged item(s) up to the maximum liability value based on the weight of the entire shipment. Under this option, if you shipped a ten-pound stereo that originally cost one thousand dollars, the mover would be liable for up to one thousand dollars, based on the depreciated value of the item. There is a charge for this type of protection.

Option 3: Replacement cost coverage, with a deductible, and

Option 4: Replacement cost coverage, with no deductible.

Coverage under these plans is also referred to as "full value protection" or "full replacement value." If you choose to purchase full value protection, articles that are lost, damaged or destroyed will either be repaired, replaced with like items, or a cash settlement will be made for the current market replacement value regardless of the age of the lost or damaged item. Unlike the other options, depreciation of the lost or damaged item is not a factor in determining replacement value. The prices for these types of coverage are set in the tariff and are based on a charge per one hundred dollars of declared value. Declared value is the amount which you, the shipper, state in writing on the bill of lading. It must be equal to or exceed the figure determined by multiplying the weight of your shipment times three dollars and fifty cents. For example: If your shipment weighs five thousand pounds, the minimum declared value upon which you will be required to pay valua-

tion charges must be at least seventeen thousand five hundred dollars.

Normally, replacement cost protection will not apply to antiques, fine art, paintings, statuary or other similar articles which, by their inherent nature, cannot be replaced with new articles. Shippers should arrange for third party insurance on these items.

Replacement cost protection does not normally cover memorabilia, souvenirs and collector's items, or other articles when the age of the item or its history contribute substantially to the value of the article. The valuation for these articles reverts to the depreciated or fair market value basis.

7. Weights. For distance-rated moves, the transportation charge you will be assessed depends on the weight of the goods you ship. To determine the net weight of your shipment, the mover weighs the empty vehicle then reweighs it after loading your goods into the truck. If you request it, the mover will:

- Notify you of the weight and charges as soon as the net weight of your shipment is established.
- Reweigh the shipment before delivery, if it is practical to do so. You are responsible for the cost of reweighing the shipment. The charges that apply in the tariff.

8. Expedited service. Movers must offer reasonable dispatch, but do not have to make delivery at any definite time. However, at your request, a shipment will be delivered on or before the date specified. You may have to pay an extra charge for delivery by a specified date.

9. Small shipments. The minimum weight for shipments in distance moves is five hundred pounds. If your shipment weighs less than five hundred pounds, you should consider using other means of transportation (a freight carrier, small package carrier, etc.) even if you have to pay for crating and packing. Movers frequently find it difficult to deliver small shipments in a reasonable time.

10. Temporary storage. You may ask the mover to place your goods in temporary storage for a period not to exceed one hundred eighty days. You will be charged an additional amount for this service. If you do not remove the shipment from temporary storage within one hundred eighty days, then the shipment will revert to permanent storage and the mover ceases to have responsibility as a mover. The mover's responsibility becomes that of a warehouseman and the commission has no further jurisdiction over the shipment.

11. Bill of lading contract. The bill of lading is a receipt for goods, and is also a contract between you and the mover. You should obtain a copy of this document before your shipment leaves the point of origin. It is your responsibility to read the bill of lading and understand it. If you do not understand something on the bill of lading, ask the mover to explain it to your satisfaction. You should sign the bill of lading before transportation begins, and sign it again as a receipt upon delivery of the goods at your destination.

The bill of lading is an important document: Do not lose or misplace your copy. Have it available until your shipment is delivered, all charges are paid, and all claims are settled.

12. Payment of charges - freight bill. Movers do not ordinarily deliver or relinquish possession of property until all tariff rates and charges have been paid in cash, by certified check, or by traveler's check. Some movers may accept bank cards or personal checks. You should clarify with the individual mover what forms of payment are acceptable, and be prepared to pay payment for the move when the shipment is delivered.

13. Bills of lading on long distance moves. Because long distance moves are charged on the basis of weight and distance, your receipt for the charges should show:

- The gross (loaded) and tare (empty) weights of the vehicle;
- The net weight of your shipment (loaded weight minus empty weight);
- The mileage;
- The rate per one hundred pounds for the transportation;
- The cost for valuation protection; and
- Rates or charges for any accessorial services.

14. Bills of lading on local moves. Because local moves are charged on an hourly basis, the receipt should show:

- The time the vehicle left the mover's place of business, and the time of return to that place of business;
- The rate per hour;
- The cost for valuation protection; and
- Rates or charges for any accessorial services.

15. Loss and damage. In the event of loss or damage to your shipment, ask the driver to acknowledge the facts on the bill of lading. If the driver refuses, you should have a disinterested party inspect the damage in the driver's presence, and report it in writing to the mover.

16. Loss or damage claims. All claims for loss or damage must be filed with the mover in writing. Ask the mover for a claim form.

Claims must be filed within nine months from date of delivery. It is preferable to do so as soon as possible — while memories are fresh. While the commission can sometimes act informally to facilitate negotiation between parties, we cannot require you or the mover to settle claims for loss and damage. If the mover will not voluntarily settle a claim to your satisfaction, the recourses available to you are:

- Submitting the claim to arbitration or mediation through a third party (including services provided by a local government agency); or
- Filing suit in a court of law (depending upon the amount contested, you may be able to use small claims courts).

17. Complaints, other than loss and damage claims. If you have a complaint about your household goods move, you must first contact your mover and attempt to resolve the dispute. If you are unable to resolve the dispute with the mover, then you may file an informal complaint with the commission.

An **informal complaint** is an unresolved dispute between the shipper and the mover, brought to the attention of the commission staff by the shipper. The shipper is generally requesting assistance in resolving the complaint.

The complaint is handled informally by commission staff working directly with the carrier in an attempt to resolve the complaint without the need for a formal hearing process or legal arbitration. The conclusion (finding) of the informal complaint is not binding on the company or the shipper, but is included in a permanent file subject to public review.

You may file an informal complaint with the commission: In writing, in person, by telephone, by e-mail or by FAX. We do have forms available with which you may file an informal complaint, and will provide them to you upon request. No matter which method you choose to file, you must include at least the following information:

- Your name, current address and telephone number;
- The date of your move;
- The bill of lading number for your move;
- The name and address of the company who performed the move;
- The origin and destination cities of the move;
- The details of your dispute; and
- The resolution you seek.

It is also helpful to us in resolving your dispute if you attach a copy of the bill of lading and/or other documents related to the dispute.

You may file a **formal complaint** with the commission at any time. A formal complaint is a quasi-judicial proceeding, much like going to court. A formal complaint must state a situation in which the moving company is in violation or claimed to be in violation of a provision of law, order, or rule of the commission, or the provisions of the company's approved tariff. You are responsible for proving the violation occurred.

Part 5.2 - ESTIMATES

NEW SECTION

WAC 480-15-630 Estimates. An **estimate** is a written approximation of the probable cost of a move prepared in compliance with the provisions of the household goods tariff. Estimates are based on factors such as the van space required, the weight of the household goods, the amount of time needed to complete the move, and the type of special services provided. You may provide your customer with either of two basic types of estimates:

(1) A **nonbinding estimate** which is based on an inventory of the customer's goods and provides the customer with a pricing guideline. There is no contractual commitment to this estimate, and the final charges the customer must pay could be higher or lower than the estimated cost, depending on the actual weight of the shipment, the total time consumed, or physical location at the origin and destination, or other conditions of the move; or

(2) A **binding estimate** which allows the customer to know in advance what the move will cost, regardless of differences in the actual weight or time to complete the move.

(a) The basis (such as inventory sheets, tally sheets, special instructions, etc.) used to provide a binding estimate must be attached to the bill of lading.

(b) Any change to the move, by the customer, that results in an increase in cost must be documented on a supplemental estimate form which also must be attached to the bill of lading.

NEW SECTION

WAC 480-15-640 Verbal estimates. (1) **May I give verbal estimates to prospective shippers?** Verbal estimates are not allowed. Household goods carriers must provide all estimates to prospective shippers in writing.

(2) **What if the shipper requests a verbal estimate?** You must tell the shipper that verbal estimates are prohibited. However, you may inform the shipper of the applicable legal rates. For example, you may say:

(a) The hourly rate for a van and one person is (state the dollar amount you charge within the tariff range); or

(b) The rate per one hundred pounds from (origin) to (destination) is (state the dollar amount you charge within the tariff range).

NEW SECTION

WAC 480-15-650 Form of estimates. (1) **When must I provide a written estimate?** If a shipper requests an estimate, you must provide a written estimate only after you, or your representative, have visually inspected the goods to be shipped.

(2) **What must I include on a written estimate?** Your written estimate must include the following information:

(a) The name, address and telephone number of the household goods carrier who will perform the service;

(b) The name, company affiliation, title and telephone number of the person preparing the estimate;

(c) The name of the shipper and the receiver of the goods;

(d) The complete physical address of the origin, destination and any intermediate stops of the proposed movement;

(e) The total mileage between the origin and destination, including any intermediate stops;

(f) The applicable rates;

(g) A list of the articles upon which the estimate is based (inventory);

(h) The estimated cubic footage for each article;

(i) The estimated total weight of the shipment, based upon a formula of not less than seven pounds per cubic foot

(example: A box one foot by one foot by one foot = seven pounds);

(j) An itemized statement of all known accessorial services to be performed, articles supplied, and their charges;

(k) An estimate of the total charges, including transportation and accessorial charges;

(l) A printed statement on the first page of a nonbinding estimate, in contrasting lettering, and not less than eight-point bold or full-faced type, as follows:

IMPORTANT NOTICE

This nonbinding estimate covers only the articles and services listed. It is not a warranty or representation that the actual charges will not exceed the amount of the estimate. If you request additional services to complete the move or add articles to the inventory attached to this estimate, the household goods mover must prepare a supplemental estimate which will change the amount of the original estimate.

Household goods carriers are required by law to collect transportation and other incidental charges computed on the basis of rates shown in their lawfully published tariffs, except as provided below:

(1) A household goods carrier may not charge more than twenty-five percent more than its written nonbinding estimate for time charges for a local hourly rated move nor can the household goods carrier charge more than fifteen percent more than the written nonbinding estimate for accessorial and other services not related to time, unless the household goods carrier prepares and the shipper signs a supplemental estimate.

(2) A household goods carrier may not charge more than fifteen percent above your written nonbinding estimate for a long-distance-rated move, unless the household goods carrier prepares and the shipper signs a supplemental estimate.

(3) **Am I required to have the shipper sign the estimate?** Yes, shippers must sign the written estimate.

(4) **How long must I keep written estimates?** You must keep written estimates in your files for at least two years, including estimates you provided but for which you did not perform any services.

(5) **What if I am unable to provide a written estimate?** If a customer requests a written estimate and you refuse to provide one, you may not conduct that move by agreeing to meet or beat another company's estimate.

NEW SECTION

WAC 480-15-660 Supplemental estimates. (1) **When must I prepare a written supplemental estimate?** You must provide a written supplemental estimate if you have given the shipper a written estimate and the circumstances surrounding the move change in any way to cause the estimated charges to increase.

(2) **Must the shipper sign the supplemental estimate?** Yes, the shipper must sign the supplemental estimate or the additional work cannot be performed.

NEW SECTION

WAC 480-15-670 Exceptions for nonbinding estimates. (1) **What must I do if the actual charges exceed the estimated charges?** If the actual charges exceed the estimated charges, you must:

(a) Inform the shipper of this rule as soon as possible; and

(b) Release the shipment when the shipper pays you one hundred ten percent of the estimated charges.

(2) **How long must I allow the shipper to pay the remaining balance?** If the actual charges exceed the estimated charges and the shipper has paid you one hundred ten percent of the estimated charges, you must allow the shipper at least thirty days to pay the remaining balance. Credit and payment schedules for shipments delivered into storage are in the commission tariff.

Part 5.3 - UNDERESTIMATES

NEW SECTION

WAC 480-15-680 Am I required to provide an accurate estimate? It is your responsibility to issue an accurate estimate to the shipper. Shippers must be able to base their moving decisions on accurate information. This cannot occur unless you provide an accurate estimate.

NEW SECTION

WAC 480-15-690 What will happen if I underestimate a household goods move? (1) You may not charge more than twenty-five percent above your written nonbinding estimate for time charges for a local hourly rated move nor can you charge more than fifteen percent above your written nonbinding estimate for accessorial and other services not related to time, unless the shipper signs a supplemental estimate.

(2) You may not charge more than fifteen percent above your written nonbinding estimate for a long distance-rated move, unless you obtain a shipper signed supplemental estimate.

(3) We may take administrative action against household goods carriers who fail to provide accurate estimates. Administrative actions may include, but are not limited to:

(a) Assessing penalties of up to one thousand dollars, per incident, under RCW 81.80.132;

(b) Suspending your permit;

(c) Initiating a proceeding to cancel your permit;

(d) Denying permanent authority if you are operating under temporary authority; or

(e) Limiting collection of excess charges.

NEW SECTION

WAC 480-15-700 What are the commission's guidelines in deciding to assess monetary penalties for underestimating? The commission may assess monetary penalties against you for underestimating a move when:

(1) On long distance-rated moves, the actual total charges exceed the estimated and supplemental estimated charges by fifteen percent;

(2) On local (hourly) rated moves:

(a) The actual time charges exceed the estimated and supplemental estimated time charges by twenty-five percent; or

(b) The actual charges for accessorial and other services not related to time charges exceed the estimated charges for those services by fifteen percent.

Part 5.4 - BILLS OF LADING

NEW SECTION

WAC 480-15-710 What is a bill of lading? A bill of lading is a shipping document issued by the household goods carrier, signed by both the shipper and the household goods carrier, that establishes the legal contract terms and conditions for a shipment of household goods.

NEW SECTION

WAC 480-15-720 Who must issue bills of lading? You must issue a bill of lading for each shipment of household goods you transport.

NEW SECTION

WAC 480-15-730 What is the format for bills of lading? You must use the bill of lading format shown in our published tariff.

NEW SECTION

WAC 480-15-740 What information must I include on a bill of lading? You must list on the bill of lading all information necessary to determine tariff rates and charges. Any element that you use in determining transportation charges must be clearly shown on the bill of lading. This information includes, but is not limited to:

- (1) The date the shipment was packed, loaded, transported, delivered, unloaded and unpacked;
(2) The number and size of each type of carton, crate, or container used in packing the shipper's goods;
(3) The exact address at which the shipment, or any part of that shipment, was loaded or unloaded;
(4) The nature of any special services performed on behalf of the shipper;
(5) The name, address, and total charges of any third party services incurred on behalf of the shipper;
(6) Any special circumstances that entered into the determination of transportation charges (for example: Detours or road conditions that required you to take a circuitous route, thus incurring additional mileage charges);
(7) The start time, stop time, and any interruptions for each person involved in or on a shipment rated under hourly rates;
(8) On any shipments where the shipper did not receive a written estimate, you must make a notation on the bill of lading

ing that the shipper was given a copy of the brochure "Your Rights and Responsibilities as a Moving Company Customer." The shipper must initial on or near your notation on the bill of lading, acknowledging receipt of the information.

Part 5.5 - SHIPMENT WEIGHTS

NEW SECTION

WAC 480-15-750 How do I verify the weight of distance-rated shipments of household goods? (1) You must obtain all tare and loaded weights by having your motor vehicles weighed by a certified weighmaster or on a certified scale;

(2) You must obtain a certified tare weight prior to loading the shipper's goods;

(3) You must obtain a certified loaded weight at the point of origin, or:

(a) If no certified scale is available at the point of origin, you may obtain the loaded weight at the first certified scale located along the route of travel to the destination point; or

(b) If no certified scale is available at the point of origin, at a point along the route to the destination, or at the destination point, you may use the constructive weight of the shipment;

(4) You must obtain a weight or scale ticket from the weighmaster or scale for the tare and loaded weights, and you must maintain a copy of those tickets with the bill of lading for the shipment. The weight ticket must include substantially the same information shown below:

Household Goods Uniform Weight Ticket

Date: _____

Name of carrier: _____

Vehicle identification: _____

Name of shipper: _____

Origin of shipment: _____

Destination of shipment: _____

LOADED WEIGHT of vehicle without the crew _____ #

TARE WEIGHT of vehicle (without the crew on board, including full fuel tank and all necessary pads, chains, hand trucks, and other equipment) _____ #

NET WEIGHT of shipment _____ #

The above loaded weight was obtained at

Name of scales: _____

Location of scales: _____

The above tare weight was obtained at

Name of scales: _____

Location of scales: _____

PROPOSED

As shown by attached weight ticket(s) prepared by weigh-master(s). List of shipments, if any, on vehicle at time above weights were obtained:

Shipper: _____	Net weight _____
Shipper: _____	Net weight _____
Shipper: _____	Net weight _____

I certify the above entries are true and correct:

(Driver's signature)

NEW SECTION

WAC 480-15-760 What are my responsibilities to notify the shipper of the actual weight and charges for the shipment? If the shipper requests notice of the actual weight and charges of the shipment following pick-up, you must notify the shipper by whatever means you and the shipper agree upon, immediately after weighing the shipment. You are responsible for the cost of notifying the shipper.

NEW SECTION

WAC 480-15-770 Must I reweigh the shipment at the point of delivery if the shipper requests it? Yes, upon shipper request, you must reweigh the shipment at the point of delivery. The shipper is responsible for the cost of reweighing the shipment. Prior to reweighing the shipment, you must notify the shipper of the cost of reweighing.

Part 5.6 - REFUSAL OF SERVICE

NEW SECTION

WAC 480-15-780 When may I refuse to provide service to a shipper? You may refuse to provide service to a shipper if:

- (1) The move will cause you to travel outside of the service territory listed on your permit;
- (2) Service to a shipper will adversely affect service to other shippers, subject to review by the commission;
- (3) The shipper fails to provide accurate and verifiable information necessary to establish the shipper's identity;
- (4) The shipper uses an alias or false name with intent to deceive;
- (5) The service is hazardous, or where, because of the condition of the streets, alleys or roads, it is impracticable or dangerous to persons or property to operate a motor vehicle;
- (6) When driving onto private property, in your judgment, driveways or roads are improperly constructed or maintained, or without adequate space to turn around, or have other unsafe conditions;
- (7) Satisfactory service cannot be given, or providing service would adversely affect the health or safety of your employees.

NEW SECTION

WAC 480-15-790 When must I not refuse service?

You must not refuse service due to discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation, age, or the presence of any sensory, mental or physical handicap.

NEW SECTION

WAC 480-15-795 Payment options. You may accept payment for a move by cash, money order, or certified check. You may also extend credit to your customer, at your option, by accepting a personal check or credit card. However, if you agree to accept credit terms at the beginning of the move, you must accept the same credit terms for payment of any monies due to you during any part of the move and at the end of the move for the final payment.

Part 5.7 - COMPLAINT AND CLAIM PROCEDURES

NEW SECTION

WAC 480-15-800 What must I do if a shipper is not satisfied with my service? If a shipper is not satisfied with your service, you must allow the shipper to speak with you, or a representative of your company, and you must provide the shipper with all information and forms necessary to file a complaint or claim. The shipper has nine months to file a claim for loss and damage. The shipper must pay all proper charges for the move prior to filing a claim for loss or damage.

NEW SECTION

WAC 480-15-810 What must I do when I receive a complaint or claim? If your shipper files a complaint or claim concerning loss or damage, or your general service operations, or rates and charges, you must:

- (1) Notify the customer, in writing, within ten working days that you have received the claim or complaint;
- (2) Investigate the claim or complaint quickly;
- (3) Advise the shipper of your resolution; and
- (4) If it is a loss or damage claim, pay the claim, refuse the claim, or make a compromise offer within one hundred twenty days.

NEW SECTION

WAC 480-15-820 What must I do if I cannot resolve a claim within one hundred twenty days? If you cannot resolve a loss or damage claim with your shipper within one hundred twenty days, you must, for each sixty-day period until the claim is settled, inform your shipper, in writing, of the reason for your failure to resolve the claim or clearly state your final offer or denial and close the claim.

PROPOSED

NEW SECTION

WAC 480-15-830 How long must I keep complaint and claim records? (1) You must keep all papers relating to claim records for loss or damage, concealed or otherwise, for six years.

(2) You must keep all records of complaints in your office for not less than three years after the date of the shipment, or date of resolution, whichever is later.

NEW SECTION

WAC 480-15-840 Are complaint or claim records subject to commission review and in what order must I keep the records? Yes, complaint or claim records are subject to commission review. You must number all complaints and claims consecutively and maintain a complaints and claims register.

NEW SECTION

WAC 480-15-850 What additional requirements exist if a claim involves more than one carrier? If more than one household goods carrier is involved in a damage claim, each household goods carrier must keep all paperwork relating to the claim, and each must show the percentage and amount of the total claim paid by each.

NEW SECTION

WAC 480-15-860 What information must be included in the claim or complaint record? You must include, at a minimum, the following information in a claim or complaint record:

- (1) The date the claim or complaint was received;
- (2) The name, address and telephone number of the shipper;
- (3) Detailed information about the dispute;
- (4) Details of any action you have taken in response to the claim or complaint; and
- (5) The date the claim or complaint was resolved and a description of the final disposition.

NEW SECTION

WAC 480-15-870 What must I do if, after review, the shipper is still dissatisfied with the resolution of the complaint or claim? If you are unable to satisfy the shipper's dispute, you must advise the shipper of the availability of the commission for further review. You must provide the shipper with the commission's toll-free number and mailing address: 1-800-562-6150; P.O. Box 47250, Olympia, Washington 98504-7250.

NEW SECTION

WAC 480-15-880 Must I respond to all written correspondence, complaints and claims? You must acknowledge and consider all written correspondence, complaints and claims.

NEW SECTION

WAC 480-15-890 What must I do if the commission refers a complaint to me? You must:

(1) Respond with complete investigation results within five business days. However, small businesses, as defined in WAC 480-15-020, must respond within ten business days. In addition, any person may request and commission staff may grant, if warranted, an extension of time for a specific number of days;

(2) Respond to commission staff inquiries regarding the complaint; and

(3) Keep the commission currently informed of any progress made in resolving the complaint.

Part 6 - INTERSTATE OPERATIONSNEW SECTION

WAC 480-15-900 General requirements for interstate operations. (1) **General requirements:** No household goods carrier may operate any motor vehicle or combination of motor vehicles over the public highways of this state in interstate commerce unless the household goods carrier has:

(a) Obtained the appropriate operating authority from the U.S. Department of Transportation (USDOT) or its successor agency, if operating as a registered carrier;

(b) Obtained valid insurance as required by USDOT;

(c)(i) Registered with a base state as required by 49 C.F.R. part 1023, if operating as a registered carrier; or

(ii) Registered with the commission if operating as a registered exempt carrier; and

(d) Paid the annual Washington state registration fee for the vehicle.

(2) **Applicable laws and rules:**

(a) When conducting interstate operations, registered and registered exempt carriers and the motor vehicles they operate must comply with the laws and rules that apply to interstate operations.

(b) When conducting Washington intrastate operations, registered and registered exempt carriers and the motor vehicles they operate must comply with the laws and rules that apply to intrastate operations.

NEW SECTION

WAC 480-15-910 How do I register as a registered carrier? (1) Washington participates in the base state insurance registration program established in 49 USC § 11506 and 49 CFR part 1023. To register as a registered carrier in interstate commerce within the state of Washington, you must register with a base state, pay the appropriate fee for any motor vehicles operated within Washington state, and show proof of insurance.

(2) **Motor carriers based outside of Washington state.** Any motor carrier whose base state, as defined in federal regulation, is a state other than the state of Washington must register with that state and carry a legible receipt in each motor vehicle operated within the state of Washington showing

base state registration, payment of the appropriate per vehicle fee, and proof of insurance.

(3) **Washington-based motor carriers.** Any motor carrier whose base state, as defined in federal regulation, is Washington state must register for interstate operations as follows:

(a) Between August 1 and November 30 of each year, each Washington-based interstate motor carrier must apply to the commission to register for the following year, on forms provided by the commission.

(b) The registering motor carrier must state the number of motor vehicles to be operated in each participating state, provide other required information, such as proof of insurance, and submit the registration fee established by that state for each motor vehicle.

(c) Within thirty days after receiving the registration fee and application, the commission will provide to the carrier a receipt or receipts showing, at a minimum, the carrier's name and address, its USDOT permit number, and the names of the states for which it is registered.

(d) The motor carrier must place a receipt or an authorized copy in each motor vehicle for which it has paid the required fee.

(e) Any Washington-based motor carrier that begins interstate operations in a state for which it has not registered may register for that state at any time, stating the number of motor vehicles to be operated in each state and submitting the required information and registration fee for each motor vehicle. The commission will provide a new receipt, if the motor carrier has not previously registered, or supplemental receipt, if it has registered, showing the states for which the motor carrier has registered.

NEW SECTION

WAC 480-15-920 How do I register as a registered exempt carrier? (1) If you are operating under the exemptions of the Federal Motor Carrier Act, with no authority issued by the USDOT or its successor agency, you may not operate over the public highways of the state of Washington unless you register with the commission between August 1 and November 30 of each year, or at any time after November 30 when you begin interstate exempt operations, or when you will operate additional motor vehicles within the state.

(2) To register with the commission as a registered exempt carrier, you must:

(a) Complete a registration application on a form provided by the commission;

(b) Identify the number of motor vehicles you will operate within the state;

(c) Pay the registration fee for each motor vehicle; and

(d) Provide proof of insurance.

NEW SECTION

WAC 480-15-930 Registration fee and receipts. (1) **Registration fee.** The annual registration fee for registered and registered exempt carriers in Washington state is ten dollars for each motor vehicle operated in interstate commerce over the public highways of the state.

(2) **Registration receipts.**

(a) A legible receipt showing registration with a base state or the commission as a registered or registered exempt carrier must be present in each motor vehicle and the receipt is subject to inspection at all times by law enforcement agents and commission representatives. No person or firm may use a registration receipt issued by the commission other than the registered or registered exempt carrier to whom it was issued.

(b) All receipts issued for a calendar year expire on December 31 of that year.

NEW SECTION

WAC 480-15-940 Insurance requirements for interstate operations. Registered and registered exempt carriers conducting interstate operations must provide evidence of insurance in the amount prescribed by the USDOT or its successor agency written by a company authorized to write insurance in any state.

WSR 98-19-067

PROPOSED RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed September 18, 1998, 9:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-082.

Title of Rule: Parking and traffic regulations.

Purpose: Accurately reflect the increased rates approved by the board of trustees, eliminate unnecessary language, and clarification and simplification of rules.

Statutory Authority for Adoption: RCW 28B.35.120(12) and 28B.10.528.

Summary: Update rule to reflect increased rates, and eliminate, clarify, and simplify text of rule.

Reasons Supporting Proposal: Central Washington University board of trustees approved rate increases. Parking and traffic regulations will be more easily understood by the consumer.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rich Corona, Mitchell Hall, Second Floor, (509) 963-2323.

Name of Proponent: Rich Corona, Associate Vice President for Business and Financial Affairs, Central Washington University, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule defines Central Washington University's parking and traffic regulations. The proposed change will accurately reflect the increased rates approved by the board of trustees, eliminate unnecessary language, and reflect clarification and simplification of the rule.

Proposal Changes the Following Existing Rules: The proposal accurately reflects the increased rates approved by the board of trustees. The proposal eliminates language and clarifies and simplifies the rules.

PROPOSED

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is an existing rule with proposed changes to reflect an increase in rates approved by the board of trustees.

RCW 34.05.328 applies to this rule adoption. Under section [RCW 34.05.328] (5)(b)(iv) the effect of the rule is changed.

Hearing Location: Central Washington University, Barge 304, on October 28, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Pam Wilson by October 24, 1998, TDD (110) [(509)] 963-2143.

Submit Written Comments to: Jill M. Orcutt, Rules Coordinator, fax (509) 963-3206.

Date of Intended Adoption: October 28, 1998.

September 16, 1998

Ivory V. Nelson

President

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-042 Infractions. (1) ~~((The entire campus, including parking and traffic areas, is patrolled by the public safety and police services department with authority to issue infractions for on-campus violations. This authority is further shown in WAC 106-116-040 of this policy.~~

(2)) The public safety and police services department and its duly sworn officers have authority to issue infractions for violations of Washington Administrative Codes and ordinances and laws of the city of Ellensburg, county of Kittitas, and state of Washington, when violations occur ~~((on university-owned property)).~~

AMENDATORY SECTION (Amending Order 46, filed 3/23/81)

WAC 106-116-102 ~~((Faculty staff and students.))~~ **Permit required.** (1) ~~((Faculty, staff and students shall obtain))~~ A permit is required for all motor vehicles ~~((they))~~ that park on posted university grounds at specified times. Fees may be charged and parking permits issued, which will allow vehicles to be parked in specific areas.

(2) A faculty, staff, or student owner, operator, and/or permit holder for a motor vehicle shall be held responsible for any violation involving that vehicle.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-201 Permitted parking areas. University-owned parking areas are ~~((marked with signs reading, "Parking by university permit only." Vehicles parked without valid parking permits will be ticketed from 7:30 a.m. to 4:30 p.m. Monday through Friday, except:~~

(1) ~~No parking permitted daily in J-8, Q-14, S-10 and O-5 lots from 4:00 a.m. to 6:00 a.m. except as posted in designated areas of those lots.~~

(2) ~~Enforcement shall be in effect twenty-four hours a day in "limited time zones" and "disabled persons areas.")~~

posted with permitting requirements. Permit requirements will be enforced Monday through Friday, 7:30 a.m. to 4:30 p.m., unless otherwise posted. No parking is permitted from 4:00 a.m. to 6:00 a.m. where posted.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-205 Apartment residents. ~~((+))~~ Residents of Brooklane Village, Roy P. Wahle Complex, Student Village Apartments, and Getz Short Apartments ~~((do not need parking))~~ may be required to display resident parking identification permits to park in the parking area adjacent to their respective apartments but must register their vehicles with the housing office.

~~((2) Apartment residents may purchase a commuter parking permit.~~

(3) Residents of Student Village may park in lots T-22, U-22, V-22, and X-22 without a permit.)

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-207 Faculty-staff parking. Faculty and staff parking zones are posted ~~((with signs reading, "faculty and staff parking only." Student parking is not permitted in any designated faculty and staff parking zone Monday through Friday from 7:30 a.m. to 4:30 p.m.))~~ and require faculty-staff permits.

AMENDATORY SECTION (Amending WSR 90-01-006, filed 12/7/89, effective 1/7/90)

WAC 106-116-210 Parking within designated spaces. All vehicles shall be parked ~~((perpendicular to the bumper blocks and/or within the painted lines. In J-8 and Q-14 lots the front of the vehicle shall be facing toward and against the bumper blocks))~~ between designated lines or spaces otherwise designated.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-303 Display of permits. (1) Parking permits shall be conspicuously hung from the inside rearview mirror, or other location specified at time of issuance.

(2) Special permits must be displayed in the manner described at time of issuance.

~~((3) Motorcycle parking permits are to be placed in a conspicuous location on the front fork, handlebar, or fender of the motorcycle.))~~

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-304 Disability parking permit. Any university employee, student, or visitor who can show physical disability may apply ~~((to))~~ at the student affairs ADA ((affairs and student assistance)) office for a disability parking permit. Certification by a physician may be required. Dis-

ability permits issued by the state of Washington in all forms and disability permits issued by other state agencies or institutions shall be honored. Additionally, a CWU parking permit or daily permit is necessary in parking lots normally requiring permits.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-305 (~~(Daily parking)~~) **General permits.** (1) Daily parking permits are available from the automatic ticket dispensers and cashier's office. These permits must be displayed in clear view on the dash of the vehicle(;) or as instructed on the permit, readable from outside the vehicle.

(2) Thirty-minute "load/unload permits" are available for loading and unloading. Load/unload permits are available to vendors conducting business on campus, service vehicles, and student vehicles. Load/unload permits are available at the public safety and police services department.

(3) No permits are available for inoperative or disabled vehicles. Public safety and police services should be contacted if your vehicle becomes disabled in a university-owned parking lot.

(4) Quarterly, academic year, and calendar year permits are available to faculty, staff, students, and alumni through the cashiers' office.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-308 Replacement of parking permit. Lost or stolen parking permits must be reported to the public safety and police services department. Upon verification, the permit (~~(with)~~) may be replaced ((at no cost)) for a \$5.00 processing fee.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-311 Parking fee refunds. (1) Application for parking permit fee refunds are to be made at the (~~(auxiliary services))~~) parking office(~~(, Barge Hall)~~). The parking permit must be surrendered upon application for a refund.

(2) A full parking fee refund is obtainable only within the first seven calendar days of any academic quarter in which the permit is issued.

(3) Refunds are permitted of a prorated basis only under the following conditions:

- (a) Student teaching, or other off-campus program;
- (b) Withdrawal from the university;
- (c) Termination of employment.
- (4) Refunds will not be made for daily permits.

(5) Prorated refunds will be measured upward to the nearest 1/3, 2/3, and full cost increments.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-410 Continuous parking. Vehicles receiving an infraction notice for violating parking and traffic regulations and which have not been moved within twenty-four hours following the issuance of the original infraction notice, shall be in violation of this section, and may be subject to removal at owner's expense.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-513 Procedure—Infractions and service thereof. Upon probable cause to believe that a violation of these regulations has occurred, an appropriate notice of infraction may be issued setting forth the date, the approximate time, the locality, and the nature of the violation. Such notice may be served by delivering or attaching a copy thereof to the alleged violator, or by placing a copy thereof in some prominent place within or upon the vehicle. Service by mail shall be accomplished by placing a copy of the notice in the mail addressed to the alleged violator (~~((at the address shown on the records of the office of the registrar or the personnel services office for that person or any other last known address of that person))~~).

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-514 Election to forfeit or contest. The notice of infraction issued pursuant to WAC 106-116-513 of these regulations shall inform the alleged violator that he/she may elect either to forfeit the monetary penalty to the infraction(s) charged or to contest the matter(s).

(1) If the alleged violator chooses to forfeit the penalty, he/she may do so by paying the appropriate amount to the cashier's office, Barge Hall. Payment will be in cash, check, certified check, or by money order. Such payment may also be made by mail. Such forfeiture shall constitute a waiver of a right to a hearing.

(2) If the alleged violator chooses to contest, he/she may do so by contacting the (~~(auxiliary services))~~) parking office, Barge Hall, where parking infraction appeal forms are available upon request. The completed form stating the reasons for challenging the validity of the assessed obligation must be filed in the (~~(auxiliary services))~~) parking office within fifteen days of the date of the infraction notice. The appeal must be reviewed by the university parking appeal board(~~(, consisting of three student members, one faculty member, one staff member, the chief of public safety and police services (ex officio) and the director of student activities (ex officio))~~). The parking appeal board will render a decision in good faith.

(3) A person charged with a parking infraction who deems himself or herself aggrieved by the final decision of the university parking appeal board may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the public safety and police services department or the (~~(auxiliary services))~~) parking office. Documents relating to the appeal shall immediately be for-

warded to the lower Kittitas County district court which shall have jurisdiction over such offense and such appeal shall be heard de novo.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-515 Procedure—Complaint and information. (1) An infraction notice served in accordance with the provisions of WAC 106-116-513 of these regulations shall constitute the complaint or information against the person to whom delivered or mailed. The person to whom the vehicle permit was issued shall be held liable, or if no permit has been issued, the owner of the vehicle shall be held liable.

(2) The complaint or information may be amended at any time, either in writing (delivered or mailed to the alleged violator) or upon motion at ~~((trial))~~ a judicial hearing in his or her presence, to include new charges of violations of these regulations.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-521 Monetary penalties. (1) The monetary penalties to be assessed for violations of these regulations shall be those detailed in WAC 106-116-603.

(2) The chief of public safety and police services will cause:

(a) These regulations or a reasonable condensation thereof to be prominently displayed in the public safety and police services department.

(b) The amount of the monetary penalty to be written on the parking-violation notices served on alleged violators.

(c) Removal of vehicles at owner's expense when infractions remain unpaid.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-601 Traffic regulation signs, markings, barricades, etc. (1) The director of the public safety and police services department and the ((auxiliary services)) director of business services and contracts office are authorized to erect signs, barricades, and other structures and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of Central Washington University. Such signs, barricades, structures, markings, and directions shall be so made and placed as to, in the opinion of the chief of public safety and police services and the director of ~~((auxiliary services))~~ business services and contracts, best effectuate the objectives stated in WAC 106-116-020 of these regulations.

(2) No sign, barricade, structure, marking, or direction for the purpose of regulating traffic or parking shall be moved, defaced, or in any way changed by any person without authorization from the chief of public safety and police services.

AMENDATORY SECTION (Amending Order CWU AO 74, filed 10/3/94, effective 11/3/94)

WAC 106-116-603 Monetary penalty schedule.

Offense	Penalty
(1) Improper display of permit	\$ 5.00
(2) Parking faculty-staff area	((12.00)) 15.00
(3) Parking yellow stripe or curb	((7.00)) 15.00
(4) Parking outside designated parking area	((7.00)) 15.00
(5) Obstructing traffic	25.00
(6) Parking at improper angle or using more than one stall ((or backing into parking stall))	7.00
(7) Violation of the bicycle parking rules in WAC 106-116-901	7.00
(8) Reserved parking area	((12.00)) 15.00
(9) No parking area	((10.00)) 15.00
(10) Overtime parking	((7.00)) 10.00
(11) Using counterfeit, falsely made, or altered permit	100.00
(12) Illegal use of permit	100.00
(13) No current permit	((7.00)) 12.00
(14) Parking service drive	((12.00)) 15.00
(15) Parking/driving sidewalks, malls	15.00
(16) Parking/driving lawns	20.00
(17) Parking fire lane	25.00
(18) Parking fire hydrant	25.00
(19) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	12.00
(20) Other violations of the objectives of the CWU parking and traffic regulations	7.00 to 12.00
(21) Parking in a space marked "disabled person permit only"	((30.00)) by statute
(22) Continuous parking	20.00

Parking infraction notices shall qualify for a ~~((3.00))~~ reduction in monetary penalty if paid to the cashier's office in Barge Hall before close of business on the succeeding work day following issuance of the notice. Parking infraction notices received on the last business day of a week must be paid the first business day of the following week to qualify for a ~~((3.00))~~ reduction in the monetary penalty. The cash-

PROPOSED

ier's office is open Monday through Friday, 8:00 a.m. to 5:00 p.m.

Failure to respond within fifteen days will result in the issuance of an overdue notice and an administrative charge of \$2.00 will be added. If payment has not been received within ten days after issuance of the overdue notice, the original monetary penalty will be doubled except that, in accordance with RCW 46.63.110(3), the penalty for failure to respond shall not exceed \$25.00 for any single infraction. Further failure to respond may result in one or more of the following sanctions:

- (a) Withholding of transcripts;
- (b) Deduction from payroll checks; and/or
- (c) Withholding of parking permits.

AMENDATORY SECTION (Amending Order 63, filed 5/18/88)

WAC 106-116-850 ((~~Purpose.~~) **Skateboard regulations.** The purposes of WAC 106-116-850 through 106-116-859 are:

- (1) To protect and control pedestrian traffic and traffic of persons using skateboards.
- (2) To protect wooden and concrete benches, ramps for the disabled, brick and paved walkways, stairs, steps, loading ramps, and plazas from physical damage and more than ordinary wear caused by use of skateboards.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-901 Bicycle parking and traffic regulations. (1) The primary aim of the bicycle control program is safety, and this aim will be achieved by keeping bicycles out of buildings, away from building exits, and parking them off paths and sidewalks. Bicycles must never be parked in stairwells, hallways, or any place which will be a safety hazard or hinder exit from buildings.

(2) Bicycles must be parked in racks. At times, rack space may not be available and parking near the racks is permitted provided the parked bicycles do not interfere with pedestrian traffic.

(3) The following specific regulations must be observed while operating bicycles on campus:

- (a) Do not ride bicycles inside buildings at any time.
- (b) Do not lean or park bicycles near or against windows.
- (c) Pedestrians have the right of way on all malls and sidewalk areas of the university. At all times and places of congested pedestrian traffic, the bicycle rider must go slowly and yield to pedestrians. A violation of this provision shall constitute a moving violation and shall be referred directly to the court of the judge of the Lower Kittitas County district court.

(d) Bicyclists must observe the 10 m.p.h. speed limits on malls and service drives.

(e) Bicyclists must ride in designated lanes where they exist.

(4) Impoundment policy:

(a) Bicycles parked on paths, sidewalks, in buildings, or near building exits may be impounded, except in areas adja-

cent to residence halls, or as otherwise permitted and designated by the director of ((~~housing~~) **residential services**) as bike storage rooms. Bicycles left over 72 hours may be impounded.

(b) Impounded bicycles will be stored in a location determined by the chief of public safety and police services. Bicycles will be released at specific times and upon presentation of proof of ownership. Owners of impounded bicycles, if identifiable, will be notified immediately upon impoundment and must reclaim the bicycle within seven days.

(c) Abandoned, lost, or found bicycles that have been impounded shall be subject to sale in accordance with the laws of the state of Washington.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 106-116-040	Authority of campus police officers.
WAC 106-116-204	Commuter students.
WAC 106-116-301	Purchasing parking permits.
WAC 106-116-302	Purchaser's responsibility.
WAC 106-116-306	Temporary parking permits.
WAC 106-116-307	Parking fees.
WAC 106-116-401	Definition of a visitor.
WAC 106-116-402	Responsibility of visitor.
WAC 106-116-403	Visitor parking permits.
WAC 106-116-404	Visitor parking areas.

WSR 98-19-068
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD
 [Filed September 18, 1998, 1:51 p.m.]

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

Title of Rule: Title 136 WAC.

Purpose: Repeal sections of chapters 136-32, 136-110, 136-120, 136-190, 136-200, 136-220, 136-310, 136-320, 136-325, 136-330, 136-340, and 136-350 WAC.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Summary: Repealing sections placed into existing sections.

Name of Agency Personnel Responsible for Drafting: Chris Mudgett, Olympia, (360) 753-5989; Implementation: Karen Pendleton, Olympia, (360) 753-5989; and Enforcement: Eric Berger, Olympia, (360) 753-5989.

Name of Proponent: County Road Administration Board, governmental.

PROPOSED

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repealed sections have been moved to existing sections.

Proposal does not change existing rules. Repeals sections of Title 136 WAC.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, on October 29, 1998, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Karen Pendleton by October 15, 1998, TDD (800) 833-6384, or (360) 753-5989.

Submit Written Comments to: Karen Pendleton, fax (360) 586-0386, by October 15, 1998.

Date of Intended Adoption: October 29, 1998.

September 10, 1998

Eric Berger

Executive Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 136-32-010 Purpose.
- WAC 136-32-020 Procedure—Public agencies.
- WAC 136-32-030 Procedure—Interdepartmental.
- WAC 136-32-040 Records.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 136-110-010 Purpose.
- WAC 136-110-020 Computation of land area ratio.
- WAC 136-110-030 Computation of road mileage ratio.
- WAC 136-110-040 Apportionment percentages established.
- WAC 136-110-050 Apportionment to regions.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 136-120-010 Purpose.
- WAC 136-120-020 Six-year program adoption.

WAC 136-120-030

RAP projects in six-year program.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 136-190-010 Purpose.
- WAC 136-190-020 Audit requirements.
- WAC 136-190-030 Scope of audits.
- WAC 136-190-040 Noncompliance and questioned costs.
- WAC 136-190-050 Post audit penalty.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 136-200-010 Purpose.
- WAC 136-200-020 Functional classification.
- WAC 136-200-030 Functional classification changes.
- WAC 136-200-040 Functional classification verification.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 136-220-010 Purpose.
- WAC 136-220-020 Establishment of matching requirements.
- WAC 136-220-030 Use of other funds to match RATA funds.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 136-310-010 Certification of county arterial mileage.
- WAC 136-310-020 Establishment of allocation percentages.
- WAC 136-310-030 Notice to counties.
- WAC 136-310-040 Distribution to counties.
- WAC 136-310-050 Eligibility.

PROPOSED

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 136-320-010 Definition.
- WAC 136-320-020 Application.
- WAC 136-320-030 Pavement management system requirements.
- WAC 136-320-040 Alternative pavement management system requirements.
- WAC 136-320-050 State-wide pavement condition data file.
- WAC 136-320-060 Annual review.
- WAC 136-320-070 CRAB assistance.
- WAC 136-320-080 Use of pavement management system data for distribution of county arterial preservation account funds.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 136-325-010 Coordination with annual road program.
- WAC 136-325-020 Contents.
- WAC 136-325-030 Submittal to CRAB.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 136-330-010 Pavement management system development.
- WAC 136-330-020 Allowable activities.
- WAC 136-330-030 Minimum road widths.
- WAC 136-330-040 Participation with other funds.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 136-340-010 Accounting requirements.
- WAC 136-340-020 Audit provisions.
- WAC 136-340-030 Scope of audits.
- WAC 136-340-040 Noncompliance and questioned costs.

WAC 136-340-050 Post-audit penalty.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 136-350-010 Annual report form.
- WAC 136-350-020 Submittal of annual report.

**WSR 98-19-069
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD**
[Filed September 18, 1998, 2:34 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-023.

Title of Rule: Graduate fellowship program.

Purpose: To implement the matching grant program authorized by legislation.

Statutory Authority for Adoption: RCW 28B.10.883.

Statute Being Implemented: RCW 28B.10.880 through 28B.10.887.

Summary: This WAC implements legislative requirements for the Higher Education Coordinating Board's administration of this matching grant program. It includes allocation of available funds, and procedures for disbursement of funds to higher education institutions.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Patty Mosqueda, Olympia, WA, (360) 753-7863.

Name of Proponent: Higher Education Coordinating Board, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule implements disbursement of funds from the trust account to institutions of higher education, consistent with statutory requirements.

Proposal Changes the Following Existing Rules: This revised rule slightly alters the distribution criteria for available funds. The distribution is consistent with statutory requirements, and has been approved by the affected higher education institutions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not have a small business economic impact.

RCW 34.05.328 does not apply to this rule adoption. This rule does not represent a material change in the earlier WAC. It makes a slight modification in distribution of funds.

Hearing Location: Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98502, on October 27, 1998, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Front Desk Receptionist by October 23, 1998, TDD (360) 753-7809.

PROPOSED

Submit Written Comments to: Patty Mosqueda, fax
(360) 753-7808, by October 23, 1998.

Date of Intended Adoption: October 27, 1998.

September 18, 1998

Patricia Mosqueda

Policy Associate

AMENDATORY SECTION (Amending WSR 90-16-029,
filed 7/23/90, effective 8/23/90)

WAC 250-73-015 Definitions. (1) "Board" means the higher education coordinating board.

(2) "Institution" means a public four-year college or university within the state of Washington.

(3) "Graduate fellowship program" means the program established by the legislature as provided by RCW 28B.10.880 through 28B.10.887.

(4) "Trust fund" means the graduate fellowship trust fund established by the legislature as provided by RCW 28B.10.882.

(5) "Private donation" means funds made specifically to the graduate fellowship program from nonpublic fund sources.

(6) "Pledge" means an agreement between an institution and a private donor(s) establishing terms for a private donation to be made within a period of ~~((time))~~ two years as provided by RCW 28B.10.884.

(7) "Allocate" means to assign a share of the available fellowships to specific institutions until a date certain.

(8) "Designate" means to set aside or reserve trust funds as a potential match to a pledged private donation upon notification to the board.

(9) "Release funds" means the transfer of trust funds to an institution after notification to the board that the full amount of a pledged and designated private donation has been received.

AMENDATORY SECTION (Amending WSR 90-16-029,
filed 7/23/90, effective 8/23/90)

WAC 250-73-020 Allocation system. ~~((1) Until July 1, 1991, the board shall allocate trust funds consistent with the allocation system as provided in chapter 16, Laws of 1990 1st ex. sess.~~

~~(2) The board shall allocate available trust funds according to WAC 250-73-025 when no legislative directive provides for the allocation of available trust funds.~~

~~(3) The six fellowships allocated under chapter 16, Laws of 1990 1st ex. sess. to be divided equally among Central Washington University, Eastern Washington University, Western Washington University and The Evergreen State College shall be allocated as follows:~~

~~(a) One fellowship will be reserved for each of the four institutions until June 30, 1991.~~

~~(b) Two fellowships will be made available on a first come, first served basis to any of the four institutions that has fully funded the reserved fellowship allocated to it. No institution shall be eligible for more than one of the fellowships allocated in this subsection.~~

~~(c) First come, first served shall be determined by the date and time of receipt of notification of a pledge at the office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on August 24, 1990. If the board receives written notification from more than two institutions at 8 a.m. on August 24, 1990, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.~~

~~(4) After June 30, 1991, any funds allocated under chapter 16, Laws of 1990 1st ex. sess., that have not been designated shall be available for the board to allocate under WAC 250-73-025 unless otherwise directed by the legislature.)~~ (1) The board shall allocate available trust funds among institutions according to WAC 250-73-025 when no legislative directive provides for the allocation of available trust funds.

(2) Any funds balance in the trust account on June 11, 1998, and not designated to a particular institution, will be distributed according to provisions of WAC 250-73-025 as revised.

(3) Trust funds must be distributed in increments of \$25,000 for the state matching grant portion for each graduate fellowship. Therefore, individual subaccount balances for each institution will be maintained in the trust fund when the amount allocated for each institution is not sufficient to provide for a full fellowship.

AMENDATORY SECTION (Amending WSR 90-16-029,
filed 7/23/90, effective 8/23/90)

WAC 250-73-025 Allocation system effective ((July 1, 1991)) June 11, 1998. ~~((The board shall notify all institutions by July 1, 1991, of the availability of matching funds under WAC 250-73-020, 250-73-030, and 250-73-040 and of the total number of fellowships available. The board shall allocate the available fellowships as follows:~~

~~(1) University of Washington—the first, fourth, and sixth available fellowships.~~

~~(2) Washington State University—the second and fifth available fellowships.~~

~~(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University—the third available fellowship.~~

~~(a) Fellowships available under this section shall be designated on a first come first served basis to any of the four institutions that has fully funded the designated fellowships already allocated.~~

~~(b) First come, first served shall be determined by the date and time of receipt of written notification of a pledge at the office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on July 1, 1991. If the board receives written notification from more than one institution on the same date and time, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.~~

~~(4) At the beginning of each fiscal year, the board shall reallocate available matching funds continuing the numerical sequence initiated July 1, 1991.~~

~~(5) An institution shall not be eligible for funds from reallocation if it has forfeited allocated or designated funds in the preceding fiscal year.)~~ At the time funds become available, the board shall notify all institutions of the amount of funding and the number of graduate fellowships available to each institution or group of institutions. The board shall allocate available funding for graduate fellowships as follows:

(1) University of Washington - Forty-seven percent of total available funds (stipulating the number of fellowships which can be fully funded).

(2) Washington State University - Thirty-two percent of total available funds (stipulating the number of fellowships which can be fully funded).

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University - Twenty-one percent of total available funds (stipulating the number of fellowships which can be fully funded).

Graduate fellowships available under this subsection (3) shall be allocated to individual institutions according to an agreement to be prepared by the four institutions and submitted each year to the higher education coordinating board, prior to allocation of funds by the board.

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-035 Designation ~~(of trust)~~ to an institution of allocated funds. ~~((1) An institution shall make written notification of a pledge to the board which shall include a copy of the agreement entered into with the private donor(s) concerning the terms of the donation.~~

~~(2) The board may designate twenty five thousand dollars from available trust funds for an institution's pledged fellowship when the institution provides notification according to subsection (1) that a private donation of twenty five thousand dollars has been pledged for a graduate fellowship.~~

~~(3) The board shall designate trust funds consistent with the allocation system as provided in WAC 250-73-025.~~

~~(4) If a pledged private donation is not received within two years from the date of designation, the board shall make the designated funds available for another pledged fellowship.)~~ (1) Within one year of notification by the board that an institution has been allocated one or more graduate fellowships, the institution shall:

(a) Make written notification to the board that pledge(s) for private donation(s) have been secured; and

(b) Provide a copy to the board of the agreement(s)/pledge(s) entered into with the private donor(s) concerning terms of the donation(s).

(2) Upon notification pursuant to subsection (1) of this section, the board shall designate funds for that institution. Funds will be designated for a period of up to two years.

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-040 Reallocation of previously allocated or designated funds. (1) The board shall reallocate previously ~~((designated))~~ allocated funds when(~~:~~

~~(a)) an institution has not ((received a full private donation for designated matching trust funds within the required period of time under WAC 250-73-035.~~

~~(2) The board shall reallocate any previously designated matching trust fund available under this section by July 1 of each year)) secured a pledge within one year of notification that funds were available to that institution.~~

~~(2) The board shall reallocate previously designated funds when an institution has not received the full amount in private donations within two years from the time that state matching funds have been designated for that institution (based on a pledge for private funding).~~

~~(3) An institution shall not be eligible for reallocated funds if it has forfeited allocated or designated funds in the preceding twelve-month period.~~

~~(4) The following reallocation guidelines will be utilized by the board:~~

~~(a) If the University of Washington forfeits allocated/designated funds, reallocation will be made to Washington State University;~~

~~(b) If Washington State University forfeits allocated/designated funds, reallocation will be made to the University of Washington;~~

~~(c) If Central Washington University, Eastern Washington University, The Evergreen State College, or Western Washington University forfeits allocated/designated funds, reallocation will be made consistent with the annual distribution agreement developed by these four institutions. If no reallocation provision has been included in the agreement, the board will reallocate to an eligible institution (of the four institutions cited in this subsection). If more than one eligible institution requests a reallocation, the reallocation will be based on a drawing among the eligible institutions requesting participation in the drawing.~~

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-045 Release of funds. Upon written notification that the full amount of a pledged ~~and designated~~ private donation has been received, the board shall request a warrant for the release of matching trust funds within five working days.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 250-73-030	Allocation of earnings from investments.
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WSR 98-19-070
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed September 18, 1998, 2:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-024.

Title of Rule: Distinguished professorship program.

Purpose: To implement the matching grant program authorized by legislation.

Statutory Authority for Adoption: RCW 28B.10.869.

Statute Being Implemented: RCW 28B.10.859 through 28B.10.878.

Summary: This WAC implements legislative requirements for the Higher Education Coordinating Board's administration of this matching grant program. It includes allocation of available funds, and procedures for disbursement of funds to higher education institutions.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Patty Mosqueda, Olympia, Washington, (360) 753-7863.

Name of Proponent: Higher Education Coordinating Board, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule implements disbursement of funds from the trust account to institutions of higher education, consistent with statutory requirements.

Proposal Changes the Following Existing Rules: This proposed rule slightly alters the distribution criteria for available funds. The distribution is consistent with statutory requirements, and has been approved by the affected higher education institutions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not have a small business [economic] impact.

RCW 34.05.328 does not apply to this rule adoption. This rule does not represent a material change in the earlier WAC. It makes a slight modification in distribution of funds.

Hearing Location: Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504-3430, on October 27, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Front Desk Receptionist by October 23, 1998, TDD (360) 753-7809.

Submit Written Comments to: Patty Mosqueda, fax (360) 753-7808, by October 23, 1998.

Date of Intended Adoption: October 27, 1998.

September 18, 1998

Patricia Mosqueda

Policy Associate

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-015 Definitions. (1) "Board" means the higher education coordinating board.

(2) "Institution" means a public four-year college or university within the state of Washington.

(3) "Distinguished professorship program" means the program established by the legislature as provided by RCW 28B.10.866 through 28B.10.872.

(4) "Trust fund" means the distinguished professorship trust fund established by the legislature as provided by RCW 28B.10.868.

(5) "Private donation" means funds made specifically to the distinguished professorship program from nonpublic fund sources, including assessments by commodity commissions authorized to conduct research activities including but not limited to research studies authorized by RCW 15.66.030 and 15.65.040.

(6) "Pledge" means an agreement between an institution and a private donor(s) establishing terms for a private donation to be made within a period of ~~((time))~~ three years as provided by RCW 28B.10.870.

(7) "Allocate" means to assign a share of the available professorships to specific institutions until a date certain.

(8) "Designate" means to set aside or reserve trust funds as a potential match to a pledged private donation upon notification to the board.

(9) "Release funds" means the transfer of trust funds to an institution after notification to the board that the full amount of a pledged and designated private donation has been received.

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-020 Allocation system. ~~((1) Until July 1, 1991, the board shall allocate trust funds consistent with allocation systems as provided in RCW 28B.15.866 [28B.10.866] and chapter 16, Laws of 1990 1st ex. sess.~~

~~(2) The board shall allocate available trust funds according to WAC 250-72-025 when no legislative directive provides for the allocation of available trust funds.~~

~~(3) An institution is not eligible for any funds under chapter 16, Laws of 1990 1st ex. sess., until the institution has provided notification requesting designation of the funds allocated to it under RCW 28B.15.866 [28B.10.866].~~

~~(4) After June 30, 1991, any funds allocated under chapter 16, Laws of 1990 1st ex. sess., that have not been designated shall be available for the board to allocate under WAC 250-72-025 unless otherwise directed by the legislature.)~~ (1)

The board shall allocate available funds among institutions according to WAC 250-72-025 when no legislative directive provides for the allocation of available trust funds.

(2) Any funds balance in the trust account on June 11, 1998, and not designated to a particular institution, will be distributed according to provisions of WAC 250-72-025 as revised.

(3) Any trust fund designated prior to June 11, 1998, and forfeited subsequent to that date, will be reallocated according to revised WAC 250-72-040.

(4) Trust funds must be distributed in increments of \$250,000 for the state matching grant portion for each distinguished professorship. Therefore, individual subaccount balances for each institution will be maintained in the trust fund

when the amount allocated for each institution is not sufficient to provide for a full professorship.

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-025 Allocation system effective ((July 1, 1991)) June 11, 1998. ((The board shall notify all institutions by July 1, 1991, of the availability of matching funds under WAC 250-72-020, 250-72-030, and 250-72-040 and of the total number of professorships available. The board shall allocate the available professorships as follows:

(1) University of Washington—the first, fourth, and sixth available professorships.

(2) Washington State University—the second and fifth available professorships.

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University—the third available professorship.

(a) Professorships available under this section shall be designated on a first come, first served basis to any of the four institutions that has requested designation of the professorships already allocated.

(b) First come, first served shall be determined by the date and time of receipt of written notification of a pledge at the office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on July 1, 1991, or the first working day thereafter. If the board receives written notification from more than one institution on the same date and time, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.

(4) At the beginning of each fiscal year, the board shall reallocate available matching funds continuing the numerical sequence initiated July 1, 1991.

(5) An institution shall not be eligible for funds from reallocation if it has forfeited allocated or designated funds in the preceding fiscal year. At the time funds become available, the board shall notify all institutions of the amount of funding and the number of distinguished professorships available to each institution or group of institutions. The board shall allocate available funding for distinguished professorships as follows:

(1) University of Washington - Forty-seven percent of total available funds (stipulating the number of professorships which can be fully funded).

(2) Washington State University - Thirty-two percent of total available funds (stipulating the number of professorships which can be fully funded).

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University - Twenty-one percent of total available funds (stipulating the number of professorships which can be fully funded).

Distinguished professorships available under this subsection (3) shall be allocated to individual institutions according to an agreement to be prepared by the four institutions and submitted each year to the higher education coordinating board, prior to allocation of funds by the board.

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-035 Designation ((of trust)) to an institution of allocated funds. ((1) An institution shall make written notification of a pledge to the board which shall include a copy of the agreement entered into with the private donor(s) concerning the terms of the donation.

(2) The board may designate two hundred fifty thousand dollars from available trust funds for an institution's pledged professorship when the institution provides notification according to subsection (1) that a private donation of two hundred fifty thousand dollars has been pledged for a distinguished professorship.

(3) The board shall designate trust funds consistent with the allocation system as provided in WAC 250-72-025.

(4) If a pledged private donation is not received within three years from the date of designation, the board shall make the designated funds available for another pledged professorship. (1) Within one year of notification by the board that an institution has been allocated one or more distinguished professorships, the institution shall:

(a) Make written notification to the board that pledge(s) for private donation(s) have been secured; and

(b) Provide a copy to the board of the agreement(s)/pledge(s) entered into with the private donor(s) concerning terms of the donation(s).

(2) Upon notification pursuant to the above, the board shall designate funds for that institution. Funds will be designated for a period of up to three years.

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-040 Reallocation of previously allocated or designated funds. (1) The board shall reallocate previously ((designated)) allocated funds when((:

(a)) an institution has not ((received a full private donation for designated matching trust funds within the required period of time under WAC 250-72-035.

(2) The board shall reallocate any previously designated matching trust fund available under this section by July 1 of each year)) secured a pledge within one year of notification that funds were available to that institution.

(2) The board shall reallocate previously designated funds when an institution has not received the full amount in private donations within three years from the time that state matching funds have been designated for that institution (based on a pledge for private funding).

(3) An institution shall not be eligible for reallocated funds if it has forfeited allocated or designated funds in the preceding twelve-month period.

(4) The following reallocation guidelines will be utilized by the board:

(a) If the University of Washington forfeits allocated/designated funds, reallocation will be made to Washington State University;

(b) If Washington State University forfeits allocated/designated funds, reallocation will be made to the University of Washington;

PROPOSED

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(c) If Central Washington University, Eastern Washington University, The Evergreen State College, or Western Washington University forfeits allocated/designated funds, reallocation will be made consistent with the annual distribution agreement developed by these four institutions. If no reallocation provision has been included in the agreement, the board will reallocate to an eligible institution (of the four institutions cited in this subsection). If more than one eligible institution requests a reallocation, the reallocation will be based on a drawing among the eligible institutions requesting participation in the drawing.

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-045 Release of funds. Upon written notification that the full amount of a pledged and designated private donation has been received, the board shall request a warrant for the release of matching trust funds within five working days.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 250-72-030 Allocation of earnings from investments.

WSR 98-19-083
PROPOSED RULES
GAMBLING COMMISSION
 [Filed September 22, 1998, 9:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-17-102, on August 19, 1998, with a published date of September 2, 1998.

Title of Rule: Pull-tab series with carry-over jackpots—Definitions—Requirements, WAC 230-30-045.

Purpose: This rule would allow certain bingo halls to accrue a carry-over jackpot prize before it is awarded.

Statements Against Rule Change: None.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above.

Reasons Supporting Proposal: Bingo halls would like to be able to accrue the contribution amounts for carry-over jackpots. Currently, prizes are not recorded until they are paid out. Because this is a more complex system of recording pull-tab prizes which has not been allowed before, this system will be limited to Class F and above bingo licensees only.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 438-7654 ext. 374; Implementation: Ben Bishop, Lacey, (360) 438-7640; and Enforcement: Sherri Wmslow, Lacey, (360) 438-7654 ext. 301.

Name of Proponent: Staff, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

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

Hearing Location: Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on November 13, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by November 6, 1998, TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submit Written Comments to: Susan Arland, Mailstop 42400, Olympia, Washington 98504-2400, fax (360) 438-8652, by November 6, 1998.

Date of Intended Adoption: November 13, 1998.

September 22, 1998

Susan Arland

Public Information Officer

AMENDATORY SECTION (Amending Order 359, filed 7/15/98, effective 1/1/99)

WAC 230-30-045 Pull-tab series with carry-over jackpots—Definitions—Requirements. Operators may utilize pull-tab series that are specifically designed to include carry-over jackpots. The following definitions and requirements shall apply to these series:

(1) Definitions which apply to pull-tab series with carry-over jackpots:

(a) "Carry-over jackpot" means a prize pool that is composed of accumulated contribution amounts from pull-tab series which, if not won, are carried over to other pull-tab series;

(b) "Contribution amount" means the amount from each series which is added to the carry-over jackpot; and

(c) "Guaranteed prizes" means all prizes available to be won, excluding the contribution amount or carry-over jackpot;

(2) The following requirements apply to carry-over jackpot prizes and prize payout calculations:

(a) Guaranteed prizes must be 60% or more of gross receipts available from the pull-tab series;

(b) The contribution amount for each series may not be more than five hundred dollars;

(c) The contribution amount and the method of play shall be determined by the manufacturer and disclosed on the flare;

(d) At no time shall an accumulated carry-over jackpot exceed two thousand dollars. Once it reaches this amount, the two thousand dollars accumulated carry-over jackpot shall be carried over to subsequent series until won; and

(e) The carry-over jackpot must be awarded. Failure to have sufficient funds available, or any attempt by an operator to utilize carry-over jackpots for personal or organizational purposes, shall be *prima facie* evidence of defrauding the players in violation of RCW 9.46.190;

(f) If the jackpot is awarded, the sum of the advance-level prize and the jackpot prize shall not exceed two thousand dollars. If the jackpot is not awarded, the sum of the advance-level prize and the consolation prize shall not exceed five hundred dollars;

(3) The following additional requirements apply to pull-tab series with carry-over jackpots:

(a) If bonus pull-tab series are used:

(i) The odds of winning the carry-over jackpot shall not exceed one winner out of ten chances, or the probability of winning the carry-over jackpot shall be .10 or higher, at the jackpot level;

(ii) There may only be one advance level on the flare;

(iii) There shall be at least one guaranteed chance to win the carry-over jackpot;

(iv) All chances that are included on the flare shall be covered in a manner that prevents determination of the concealed numbers or symbols prior to being opened by the player. If perforated windows are used, the numbers or symbols must be covered by latex, foil, or other approved means; and

(v) Standards for bonus pull-tab flares, as set forth in WAC 230-30-106, shall apply;

(b) The maximum ticket count for pull-tab series with carry-over jackpots shall be six thousand tickets; and

(c) The secondary win codes on pull-tab series with carry-over jackpots must not repeat within a three-year period;

(4) The following operating and recordkeeping requirements apply to pull-tab series with carry-over jackpots:

(a) If the chances of winning the carry-over jackpot are obtained and the carry-over jackpot is not won, the series shall be removed from play within seven operating days;

(b) If a carry-over jackpot is not won prior to removing a series from play, it shall be carried over to a new series within one operating day from when the series was removed from play. The accrued contribution amounts from all previous series shall be added to the contribution amount from the new series, up to two thousand dollars;

(c) The following additional records must be maintained for pull-tab series with carry-over jackpots:

(i) For carry-over jackpots six hundred dollars and over, the winner's full name, address, and Social Security number shall be recorded on a separate form for income tax purposes;

(ii) Each pull-tab series contributing to a specific carry-over jackpot must be retained as one series. The retention period for these series shall be as required by WAC 230-30-072(3): *Provided*, That the retention period shall start on the last day of the month in which the carry-over jackpot was awarded rather than when the series was removed from play; and

(iii) Operators are required to maintain a separate record documenting the flow of carry-over jackpots from one game to another in a format prescribed by the commission;

(d) For the purposes of monthly records set forth in WAC 230-08-010, all operators shall record carry-over jackpots on a cash basis. This means that carry-over jackpot contribution amounts shall not be recorded on monthly records until the prize is awarded. *Provided*, That punch board/pull-tab licensees who also hold a Class F or above bingo license may accrue carry-over jackpot contribution amounts on their monthly records if the following conditions are met:

(i) Prior approval is received from the director;

(ii) The contribution amounts, up to the point where the jackpot reaches the maximum, shall be recorded as prizes paid on the monthly records;

(iii) When the jackpot is awarded, only amounts not previously accrued, if any, shall be recorded as a prize paid;

(iv) No more than five carry-over jackpot series shall be in play at once; and

(v) If the contribution amount is not deposited with the net receipts (required by WAC 230-12-020), a proper audit trail and adequate security over the funds must be maintained; and

(5) The director shall approve the following aspects of all pull-tab games with carry-over jackpots prior to sale in Washington state:

(a) The design, payout, method of play, and flare for each pull-tab series;

(b) The manufacturing process for the pull-tab series and flares; and

(c) The secondary win code system for the pull-tab series.

WSR 98-19-087

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed September 22, 1998, 3:28 p.m.]

Supplemental Notice to WSR 98-15-157.

Title of Rule: Livestock inspection and identification.

Purpose: To clarify livestock identification rules regarding public livestock market inspection procedures and certification of veterinarians as livestock inspectors.

Other Identifying Information: These changes are supplementary to a major rewrite of the rules adopted September 11, 1998.

Statutory Authority for Adoption: RCW 16.57.160, 16.57.240, 16.57.350, 16.65.050.

Statute Being Implemented: Chapters 16.57, 16.65 RCW.

Summary: These supplementary rules clarify the exemption of youth livestock shows from the definition of "farmers cooperative association"; delete a redundant section regarding public market inspection procedures; clarify the department's role in investigations; clarify the use of purchaser's invoice as an inspection clearance; and further clarify the certification process for veterinarians to perform livestock inspections.

Reasons Supporting Proposal: These changes further update the department's procedures to reduce the cost of man-

datory inspections for the livestock industry due to a legislative mandated reduction in fees.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Julie C. Sandberg, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1850.

Name of Proponent: Washington State Veterinary Medical Association, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These updates will clarify the definition of "farmers cooperative association" so that youth livestock shows are not bound by public market inspection requirements and can utilize less costly means in meeting mandatory inspections; delete a redundant section which restates language already existing for inspections at public livestock markets; allow for veterinary hospitals with more than three veterinarians wishing to be certified a less costly means of participating in the program; reduce duplication of paperwork for livestock producers when purchasing animals at public livestock markets; and provide more cost-effective means of providing for inspection by the department.

Proposal Changes the Following Existing Rules: Updates chapter 16-607 WAC which was adopted September 11, 1998, in that it:

- Deletes WAC 16-607-040 to avoid redundancy;
- Clarifies WAC 16-607-055 to ensure language is consistent with statute;
- Clarifies WAC 16-607-060 regarding cost for veterinary hospitals to certify more than three employees and makes inspection language consistent with private treaty language, WAC 16-607-050;
- Adds WAC 16-607-120 from existing and updated WAC 16-604-010 to clarify inspection procedures at public livestock markets; and
- Clarifies WAC 16-607-005(8) definition.

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

Small Business Economic Impact Statement

SUPPLEMENTAL Chapter 16-607 WAC Livestock Inspection and Identification

Rule Summary: These five changes are supplementary to an earlier draft of proposed changes to five livestock identification rules which have been consolidated into a new chapter 16-607 WAC. These supplementary rule changes add further clarification to rules that were proposed July 22, 1998.

These supplementary rules clarify the exemption of youth livestock shows from the definition of "farmers cooperative association"; delete a redundant section regarding public market inspection procedures; clarify the department's role in investigations; further updates the certification process for veterinarians to perform livestock inspections and clarify the use of the purchaser's invoice as an inspection

clearance for livestock removed from public livestock markets.

These changes resulted from ongoing review of the proposed rules which were filed July 22, 1998 and from continuing input from livestock industry groups and neighboring states' livestock identification programs. These changes will not impose more than minor costs on any business and the department has determined that the changes will, in fact, under certain circumstances, reduce costs to industry. Revenue reductions occurred when a legislatively mandated 20% reduction in fees became effective July 1, 1998.

Affected Groups: The following groups will be affected: Groups sponsoring youth livestock sales activities such as agricultural fairs, 4-H or FFA organizations, fourteen public livestock markets (SIC Code 42252); any individual involved in a private livestock sale (SIC Code 11299) as well as up to four hundred veterinarians if they wish to become certified by the Department of Agriculture to issue livestock inspections. Most of these types of activities would involve businesses with less than fifty employees.

Cost: The livestock identification program receives no general fund tax dollars and is supported by inspection, licensing and brand recording fees paid by the livestock industry. Over seventy percent of the program's expenditures are in staff salaries/benefits because of the current requirements for mandatory inspection by the department at various points. When expenses must be reduced, service delivery in the field through staff reduction is the category that is affected.

The cost to youth livestock shows will be reduced from the current time/mileage charges to have a department inspector travel to the activity and perform inspection to simplify the cost of self-inspection certificates which include current cattle inspection fees (\$.60/head) plus the \$1.00 Beef Commission assessment which is passed on to the Washington State Beef Commission.

If a veterinarian wishes to become certified to perform livestock inspections he/she must pay a three-year \$35.00 fee. This rule change provides for veterinary hospitals with more than three veterinarians wishing to become certified to pay a maximum of \$100.00.

Use of the purchase invoice as the inspection clearance from livestock markets reduces duplicative paperwork. Currently, staff completes separate inspection certificates for all purchasers when many buyers of unbranded animals do not pick up the inspection certificates. Under the proposed system, the purchaser's invoice will become the inspection clearance to remove livestock from the market. For out-of-state movement, department inspectors will stamp the invoice once they have marked any brands. Buyers can request that a separate inspection certificate be written at no additional charge. There will be no additional recordkeeping required for the public livestock markets. The use of the purchaser invoice will reduce the paperwork which livestock buyers receive at markets.

Current System: Youth livestock activity sponsors currently submit a special sale application and an inspector is assigned to the sale to inspect livestock and prepare inspection certificates. The charge is the higher of the cost per head of cattle (\$.60) or time/mileage. Current time and mileage

fees are \$15.00 per hour and \$.315 per mile and include travel time to and from the inspection location and time spent performing the inspection.

At the present time, when a producer moves livestock out of state, they must incur the cost of a veterinarian to issue a health certificate. In addition, the producer must also pay for a state brand inspector to make a trip to inspect the livestock and issue the livestock inspection certificate.

At livestock markets, purchasers are provided an invoice that serves as the weigh ticket and provides information on the animal(s) purchased. The buyer then may pick up the inspection certificate that has the same information from the brand inspector. Many purchasers of unbranded animals have no need for the separate inspection certificates and don't pick them up. The preparation of unneeded inspection certificates is not a good use of staff time.

Proposed System: Youth livestock activity sponsors will purchase self-inspection certificates in advance of a sale when they apply for their special sale permit. They will complete the paperwork documenting the sales transaction and provide the purchaser with required records.

These proposed rules will establish a certification program for veterinarians to perform inspections when they are already at a producer's facility to issue a health certificate for the livestock to move out of state.

Hospitals wishing to certify more than three veterinarians to perform livestock inspections and issue certificates will pay a maximum of \$100.00 for the certification of specified veterinarians.

Department brand inspectors will maintain the current level of inspection for all cattle and horses entering the public livestock market. The purchaser's invoice, issued by the market will become the inspection clearance to remove livestock from the market since an impound notice would have been written for animals not authorized to be removed. Department inspectors will stamp the invoice once they have marked any brands for out-of-state movement. Buyers can request that a separate inspection certificate be written at no additional charge.

Industry Outreach: The agency discussed the issue of exempting youth livestock activities from department inspection at previous Livestock Identification Advisory Board meetings after receiving comments from the organizers of these shows that the costs of time/mileage were becoming prohibitive to the youth and the show sponsors. Agency staff worked with a subcommittee of the Washington State Veterinary Medical Association in drafting language to implement the statutory language authorizing a certification program and to mitigate the participation fees.

Mailings regarding the proposed rule changes were sent to Livestock Identification Advisory Board members, Public Livestock Markets, Certified Feed Lots and USDA Slaughter Plants, Western State's Livestock Identification Programs as well as all Livestock Identification program staff. Additionally, notice of these changes was provided to all participants at hearings conducted in Moses Lake on August 25 and in Olympia on August 26 as well as being discussed at those hearings. Due to the change in some of this language from the original language filed on July 22, 1998, it was decided to

conduct a supplemental hearing to ensure that all interested persons had the opportunity to review the proposed changes.

Benefits and Mitigation: The following is a list of mitigation efforts developed for these rules although costs are determined to be minor:

(1) The cost of compliance with the proposed rules will not cause livestock producers to lose sales or revenue—these rules make it easier to obtain necessary paperwork at less cost than paying for time/mileage for in-state sales; for youth livestock activities the inspection fees will be reduced since time/mileage will no longer be necessary.

(2) The fee veterinarians pay for certification was set for a three-year period to coincide with their accreditation rather than a usual annual fee; this reduces the level of annual renewal activity for the agency as well. The \$100.00 per veterinary hospital maximum was set to encourage more participation in the program and to mitigate costs.

(3) No additional recordkeeping is required for public livestock markets; in fact the use of the purchaser's invoice reduces the paperwork by 50% required for buyers to receive at markets. If separate inspection certificates are requested, department staff can provide those documents at no cost to the requestor.

(4) Veterinarians certified to issue brand certificates can issue them simultaneously when issuing health certificates for out-of-state movement. This procedure should make it easier for producers to schedule necessary inspections when a department inspector is not readily available and reduce the cost for the producer in not having two farm calls from separate inspections.

(5) Technical assistance and oversight will continue to be provided by the department. Inspection staff will focus their efforts on inspection/identification of livestock prior to movement out-of-state and when consigning to public livestock markets.

(6) The department will continue to review verified complaints and assist with disputes as time and staffing allow.

A copy of the statement may be obtained by writing to Julie C. Sandberg, Assistant Director, Washington State Department of Agriculture, Consumer and Producer Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1850, fax (360) 902-2086.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Fine Arts Building, Kittitas County Fairgrounds, Ellensburg, Washington, on October 28, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by October 21, 1998, TDD (360) 902-1996.

Submit Written Comments to: Dannie McQueen, Washington State Department of Agriculture, Administrative Regulations, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2092, by 5:00 p.m., October 28, 1998.

Date of Intended Adoption: October 30, 1998.

September 22, 1998

Julie C. Sandberg
Assistant Director

PROPOSED

AMENDATORY SECTION (Amending WSR 98-19-037, filed 9/11/98, effective 10/12/98)

WAC 16-607-005 Definitions. (1) "Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders.

(2) "Brand" means a permanent fire brand, or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.

(3) "Brand inspection" or "livestock inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides including the examination of documents providing evidence of ownership.

(4) "Certificate of permit" or "transportation permit" means a form prescribed by and obtained from the director that is completed by the owner or a person authorized to act on behalf of the owner to show the ownership of livestock. It does not evidence inspection of livestock.

(5) "Collecting point" means livestock inspection points designated by the Washington state beef commission to collect beef commission assessment payments directly from cattle producers and remit to the Washington state beef commission.

(6) "Department" means the department of agriculture of the state of Washington.

(7) "Director" means the director of the department or his/her duly authorized representative.

(8) "Farmers Cooperative Association" means any properly incorporated cooperative association whose membership is made up of livestock producers. This does not include livestock youth organizations such as 4-H, FFA, or other junior livestock groups.

(9) "Individual identification symbol" means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.

(10) "Inspection certificate" means a certificate issued by the director or a veterinarian certified by the director documenting the ownership of an animal based on an inspection of the animal. It includes an individual identification certificate.

(11) "Licensee" means any person licensed to operate a market under chapter 16.65 RCW.

(12) "Livestock" means all cattle, horses, burros, and mules of whatever species, breed or age.

(13) "Lot" means livestock of one ownership.

(14) "Market" means public livestock market as defined in RCW 16.65.010(1).

(15) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(16) "Production record brand" means a number brand that is used for production identification purposes only.

(17) "Purchase invoice" means the invoice issued by a public livestock market to the purchaser of cattle or horses consigned to the market.

(18) "Self-inspection certificate" means a form prescribed by and obtained from the director that is used for self-

inspection of cattle or horses and is signed by the buyer and seller of the cattle or horses.

NEW SECTION

WAC 16-607-055 Review of complaints and procedures. (1) The department may review or investigate verified complaints filed regarding ownership disputes.

(2) The department will regularly evaluate inspection procedures and recordkeeping at established livestock inspection points through unscheduled visits during normal business hours.

AMENDATORY SECTION (Amending WSR 98-19-037, filed 9/11/98, effective 10/12/98)

WAC 16-607-060 Certification of veterinarians to issue inspection certificates. The director may certify veterinarians licensed and accredited in Washington state to issue inspection certificates for livestock.

(1) No veterinarian may issue an inspection certificate unless that individual has met the certification requirements and paid the certification fee.

(2) Application for certification is on a form prescribed by the director. The application will include the following information:

(a) The full name and principal business address of the individual applying for certification.

(b) The applicant's Washington state veterinary license number.

(c) The geographic area in which the applicant will provide service.

(d) A statement regarding the applicant's experience with large animals, especially cattle and horses.

(e) Whether the applicant is requesting certification to issue inspection certificates for cattle or horses or both.

(f) The signature of the veterinarian requesting certification.

(g) Any other reasonable information the department finds necessary to carry out the purpose of this chapter.

(3) The fee for certification is thirty-five dollars. If more than three applicants are employed by the same veterinary hospital there shall be a maximum certification fee of one hundred dollars for all veterinarians employed by that facility. Each hospital will submit a list of veterinarians to be certified. The certification expires on the third December 31st following the date of issuance.

(4) All veterinarians applying for certification must complete training provided by the department. Training will include but not be limited to the reading of printed brands and brands or other marks on live animals, completion of official documents and review of satisfactory ownership documents. The department will provide a copy of the most current brand book and any supplements issued to date to each person certified.

(5) The department will maintain a list of veterinarians certified to perform livestock inspection. The list is available upon request to interested persons.

(6) Inspections by veterinarians certified by the department are conducted upon request and provided at the discretion of the veterinarian.

~~((6))~~ (7) Certified veterinarians must submit required inspection fees to the department with copies of each certificate issued. An additional fee may be charged that is separate from fees collected under RCW 16.57.220 and WAC 16-607-065.

~~((7))~~ (8) The department may withdraw or deny approval of certified veterinarians to perform livestock inspection under the following circumstances:

(a) For knowingly making false or inaccurate statements regarding qualifications on an application.

(b) For knowingly making or acquiescing in false or inaccurate statements on livestock inspection certificates as to the date or location of the inspection, marks or brands on the livestock inspected, owner's name or any other statement material to the livestock inspected.

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

NEW SECTION

WAC 16-607-120 Livestock inspection procedures—

Public livestock markets. (1) It is the responsibility of the licensee to identify each head of cattle and horses consigned to a market by placing a numbered tag or other method of identification as approved by the director on each animal before the animals are inspected. The director may exempt from individual identification requirements certain lots of one-brand or no-brand cattle. The licensee or any consignor shall, at the request of the director, make visible any brand on any animal. The licensee is responsible for the moving and yarding of livestock necessary for inspection.

(2) No person shall remove any cattle or horses from the premises of any market without first obtaining a release from the licensee. The licensee or any agent or employee of the licensee shall not allow the removal of any cattle or horses from the premises of the market without first obtaining a livestock inspection clearance for the cattle or horses to be removed. The purchase invoice serves as the inspection clearance. The purchaser may request that the director issue an inspection certificate at no additional cost.

(3) Whenever any cattle or horses are offered for sale at a market and not sold, the identical animals may be offered for sale at the same market within eight days of the original inspection date without being required to pay a second livestock inspection fee, upon presentation of satisfactory proof that inspection fees previously were paid. The unsold cattle or horses must be presented for inspection without any animals having been taken from, or other animals having been added to, such lot or group of livestock and must be retained on the premises where first offered for sale within the time limit specified above.

WSR 98-19-108
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES

[Order 98-640—Filed September 23, 1998, 8:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-155.

Title of Rule: Aquatic tideland and shoreland exchange.

Purpose: To establish criteria for determining when to exchange aquatic tidelands and shorelands, and to implement the requirements of RCW 79.90.457.

Statutory Authority for Adoption: RCW 79.90.457, 43.30.150(2).

Statute Being Implemented: RCW 79.90.457.

Summary: In 1995, the legislature enacted RCW 79.90.457 which gives the department authority to exchange state-owned tidelands and shorelands with private and other public landowners if the exchange is in the public interest and will actively contribute to the benefits established in RCW 79.90.455.

Reasons Supporting Proposal: The statute requires the Board of Natural Resources to establish criteria in rule for determining when an exchange is in the public interest and actively contributes to the benefits established in RCW 79.90.455.

Name of Agency Personnel Responsible for Drafting: Lee Stilson, Natural Resources Building, Olympia, Washington 98504, (360) 902-1786; Implementation and Enforcement: Maria Victoria Peeler, Natural Resources Building, Olympia, Washington 98504, (360) 902-1100.

Name of Proponent: Department of Natural Resources, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule on the exchange of state-owned tidelands and shorelands with private and other public landowners states that the Department of Natural Resources may consider the parcel to be conveyed into state-ownership to be eligible if:

(1) The economic value is greater than or equal to the parcel passing out of state ownership. The economic value must be determined by a qualified independent appraiser and/or economist and must include Environmental Cost Analysis and Environmental Cost Accounting; and

(2) It abuts navigable water; and

(3) It meets one or more of the following conditions. It must:

(a) Abut an upland parcel with a formalized agreement allowing direct public access to the water;

(b) Be or abut parcel(s) actively used for water-dependent uses or would allow such use;

(c) Be or abut a GMA critical area.

(d) Be or abut a critical and/or an essential habitat and/or actively contribute to critical or essential habitat functions (including sediment transport) as identified by the National Marine Fisheries Service, state natural resource management

agency(s), and/or state approved watershed natural resource management group(s);

(e) Contain an historic or archaeological property listed on or eligible to be listed on the National Register of Historic Places.

(f) Abut a state or national wildlife refuge;

(g) Be actively used or abut a parcel used in the commercial production of food or fibre or other renewable resource production (for example, commercial grade beds of shellfish and aquaculture facilities); or

(h) Generate or have the potential to generate higher revenues than the parcel being transferred out of state ownership in a manner consistent with the benefits listed in RCW 79.90.455.

An eligible property will then be evaluated according to the following criteria:

(a) The proposed uses of the exchanged lands and the impact of those uses on:

(i) Navigation;

(ii) The diversity and health of the local economy;

(iii) The diversity and health of the local environment including the production and utilization of renewable resources;

(iv) The quantity and quality of public access to the waterfront; and

(v) Treaty rights of federally recognized tribes;

(b) The cumulative impacts of similar exchanges or proposed uses on water dependent uses, and natural resources;

(c) The precedent setting effect on other areas;

(d) Consistency with plans and development guidelines of public ports, counties, cities, and other local, state, and federal agencies;

(e) The manageability of the land, i.e., if the exchange would result in greatly increased management costs due to sediments liability issues, lack of upland access, lack of proximity to other state-owned shorelands or tidelands, or other factors;

(f) Hazardous waste and contaminated sediments liability issues; and

(g) The cumulative impacts of similar exchanges on water dependent uses, nonrenewable and renewable natural resources, and total aquatic lands acreage managed by the department.

An exchange would only be approved when, in the department's best judgment, the public benefits associated with the exchange clearly outweighs the negative impacts or other diminution in public benefits.

Land exchanges carried out under these rules are to: (1) Be in the public interest; (2) actively ensure environmental protection, foster water dependent uses, encourage direct public access to state-owned aquatic lands, promote utilization of renewable resources, and generate revenue if consistent with the other benefits.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not require small businesses to comply with it and imposes no direct costs to them. The proposed rule establishes criteria that the Department of Natural Resources must follow in exchanging state-owned tidelands and shorelands.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The department considers this rule as a significant legislative rule under the guidelines of chapter 34.05 RCW, Administrative Procedure Act.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on November 3, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Linda Heckel, Board Secretary, (360) 902-1020, TDD (360) 902-1125.

Submit Written Comments to: Lee Stilson, P.O. Box 47027, Olympia, WA 98504-7027, fax (360) 902-1796, by November 3, 1998.

Date of Intended Adoption: December 1, 1998.

September 22, 1998

Paul A. Silver

Deputy Supervisor

NEW SECTION

WAC 332-30-170 Tideland and shoreland exchange.

The department will use this rule when it considers exchanging tidelands and shorelands with private individuals or public entities. The department of natural resources may exchange state-owned tidelands and shorelands with private and other public landowners if the exchange is in the public interest and will actively contribute to the public benefits established in RCW 79.90.455. Those benefits are: Encouraging direct public use and access; fostering water-dependent uses; ensuring environmental protection; utilizing renewable resources; and generating revenue in a manner consistent with these benefits.

The department may exchange tidelands and shorelands if the parcel to be conveyed into state ownership meets the eligibility criteria in subsection (1) of this section. The department may not exchange state-owned harbor areas or waterways.

(1) **Eligibility criteria.** The department may exchange ownership of tidelands or shorelands with private and other public landowners.

(a) The economic values of the parcels must be equal or the exchange must result in a net economic gain to the state. The economic value must be determined by a qualified independent appraiser and/or economist and must include environmental cost analysis and environmental cost accounting accomplished through a methodology accepted by the department.

(b) The parcel to be conveyed into state ownership must abut navigable water.

(c) The parcel to be conveyed into state ownership must meet one or more of the following conditions. It must:

(i) Abut an upland parcel with public upland ownership, easements, or other formalized agreement that would allow direct public use of and access to the water;

(ii) Be actively used or abut parcel(s) actively used for water-dependent uses or would allow such use;

(iii) Be or abut a critical area identified by jurisdictions under chapter 36.70A RCW;

(iv) Be or abut a critical and/or an essential habitat identified by the National Marine Fisheries Service, state natural resource management agency(s), and/or state approved watershed natural resource management planning group(s);

(v) Be an area beneficial to sediment transport and/or nearshore habitat function identified by the National Marine Fisheries Service, state natural resource management agency(s), and/or state approved watershed natural resource management planning group(s);

(vi) Contain a historic or archaeological property listed on or eligible to be listed on the National Register of Historic Places;

(vii) Abut a state or national wildlife refuge;

(viii) Be actively used or abut a parcel used in the commercial production of food or fibre or other renewable resource production (for example, commercial grade beds of shellfish and aquaculture facilities); or

(ix) Generate or have the potential to generate higher revenues than the parcel being transferred out of state ownership in a manner consistent with the benefits listed in RCW 79.90.455.

(2) **Evaluation criteria.** The department will evaluate eligible proposed exchanges according to the following criteria. When making recommendations on land exchanges to the board of natural resources the department must consider:

(a) The proposed uses of the exchanged lands and the impact of those uses on:

(i) Navigation;

(ii) The diversity and health of the local economy;

(iii) The diversity and health of the local environment including the production and utilization of renewable resources;

(iv) The quantity and quality of public access to the waterfront; and

(v) Treaty rights of federally recognized tribes;

(b) The cumulative impacts of similar exchanges or proposed uses on water dependent uses, and natural resources;

(c) The precedent setting effect on other areas;

(d) Consistency with plans and development guidelines of public ports, counties, cities, and other local, state, and federal agencies;

(e) The manageability of the land, i.e., if the exchange would result in greatly increased management costs due to sediments liability issues, lack of upland access, lack of proximity to other state-owned shorelands or tidelands, or other factors;

(f) Hazardous waste and contaminated sediments liability issues; and

(g) The cumulative impacts of similar exchanges on water dependent uses, nonrenewable and renewable natural resources, and total aquatic lands acreage managed by the department.

(3) **Conflicts among public benefits.** In addition to considering the enhanced public benefits that may be associated with a proposed exchange, the department must also consider any associated negative impacts to public benefits and resources, including impacts affecting the management of state resources. In general, an exchange should only be approved when, in the department's best judgment, the public

benefits associated with the exchange outweigh the negative impacts or other diminution in public benefits.

WSR 98-19-109

PROPOSED RULES

DEPARTMENT OF LICENSING

(Vehicle Services)

[Filed September 23, 1998, 9:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-18-002.

Title of Rule: WAC 308-66-190 Transfer of certificate of title by dealer and 308-56A-420 Delivery of vehicle on dealer temporary permit.

Purpose: Review of current rules to define what the department considers to be the commencing date for purposes of title transfer by vehicle dealers. For purposes of title transfer, the date that triggers the start of the forty-five day vehicle dealer title transfer period is the date the vehicle is delivered to the purchaser.

Statutory Authority for Adoption: RCW 46.70.160 and 46.01.110.

Summary: The proposal is to amend the two related WACs to define the date that the vehicle dealer title transfer period commences.

Reasons Supporting Proposal: The Washington State Auto Dealers Association (WSADA), our stakeholder, has requested this promulgation, which describes the commencing date for vehicle title transfers to retail purchasers.

Name of Agency Personnel Responsible for Drafting: Cal Sanders, Highways-Licenses Building, Olympia, (360) 902-3708; Implementation and Enforcement: Robert Smith, Highways-Licenses Building, Olympia, (360) 902-3703.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendments described that delivery of a vehicle commences the forty-five day title transfer period.

Proposal Changes the Following Existing Rules: The changes to these existing rules will more clearly define the commencing date for purposes of the vehicle dealer title transfer period.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal does not impose additional duties on the industry. There is no discernable impact.

RCW 34.05.328 does not apply to this rule adoption. This agency is not named in RCW 34.05.328 (5)(a)(i), this section is not being applied voluntarily by the agency and the proposed language clarifies the rule without a measurable effect.

Hearing Location: Department of Licensing, Conference Room 211, 2nd Floor, 1125 S.E. Washington Street, Olympia, WA, on October 27, 1998, at 9:00 a.m. - 11:00 a.m.

Assistance for Persons with Disabilities: Contact Linda Mason by October 20, 1998, TDD (360) 664-8885, or (360) 902-3710.

PROPOSED

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

Date of Intended Adoption: November 5, 1998.

September 23, 1998

Evelyn P. Yenson

Director

AMENDATORY SECTION (Amending WSR 96-19-025, filed 9/9/96, effective 10/10/96)

WAC 308-66-190 Transfer of certificate of title by dealer. (1) When a vehicle displaying current Washington plates is sold or disposed of by a dealer, the dealer shall make an application for a certificate of title in the purchaser's name within forty-five calendar days (~~(following)~~) commencing with the sale or disposal of the vehicle. The date on which the selling dealer physically delivers the vehicle to the customer/purchaser shall commence the forty-five day interval in which the selling dealer must make an application for a certificate of title in the purchaser's name.

(2) The dealer shall in every case sign or type his/her name on the dealer's report of sale on the title application accompanying the transfer. If an authorized agent signs for the dealer, he/she shall give his/her title.

(3) The name and address of the previous registered owner shall be shown on the application for transfer of title.

(4) The dealer shall provide a vehicle odometer disclosure statement with the title application as required by RCW 46.12.124.

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

WAC 308-56A-420 Delivery of vehicle on dealer temporary permit. (1) A vehicle dealer properly licensed pursuant to chapter 46.70 RCW may deliver a vehicle not currently registered or that does not bear valid Washington state license plates or tabs by utilizing a dealer temporary license permit.

(2) The application for title portion of the permit form must be properly and completely filled out by the selling dealer, (~~(detailing all fees collected,)~~) including the dealer's report of sale and the date ((of sale)) on which the vehicle is physically delivered to the customer/purchaser. If license based on gross weight is required, the amount of gross weight purchased must be clearly shown. The application must be signed by the registered owner.

(3) The dealer shall collect all fees required for titling and registration of a vehicle.

(4) The dealer shall detach the hard copy of the dealer permit and shall record the date of expiration in dark, bold letters and numbers on the permit side of that copy. Date of expiration will be forty-five calendar days after date (~~(of sale of the vehicle))~~) on which the vehicle is physically delivered to the customer/purchaser.

(5) The application copies shall be used by the dealer to apply for title application and to complete licensing of the vehicle. The selling dealer must submit the application and

all title/licensing fees to the department of licensing or an authorized licensing agent within forty-five calendar days from the date (~~(of sale of the vehicle))~~) on which the vehicle is physically delivered to the customer/purchaser. The date on which the selling dealer physically delivers the vehicle to the customer/purchaser shall commence the forty-five day interval in which the selling dealer must make an application for a certificate of title in the purchaser's name.

(6) The hard copy of the permit and a purchase order identifying the vehicle (~~(and)~~), date of sale, and the date on which the vehicle is physically delivered to the customer/purchaser must be carried in the vehicle or the towing vehicle at all times the vehicle is operated on the temporary permit.

(7) The hard copy of the dealer temporary license permit shall be displayed on the inside of the rear window in the lower left corner, or enclosed in a moisture proof protective case securely attached in the rear license plate holder, with the expiration date visible to one standing or following at the rear of the vehicle.

(8) The dealer temporary license permit is valid for not more than forty-five calendar days (~~(following)~~) commencing with the date ((of vehicle sale)) on which the vehicle is physically delivered to the customer/purchaser.

(9) The dealer temporary license permit shall not:

- (a) Be issued for a dealer inventoried or a dealer or dealer-employee operated vehicle;
- (b) Be issued as a demonstration permit;
- (c) Be issued for a vehicle processed as a courtesy delivery.

(10) Fees paid for dealer temporary license permit application forms are not refundable unless the dealer ceases doing business as a vehicle dealer. A credit, in the amount of the permit form fee, will be provided when the permit is used by the vehicle dealer to make application for a vehicle title.

(11) The dealer shall maintain a record of each dealer temporary permit form acquisition and distribution including the following:

- (a) Vehicle purchaser's names;
- (b) Vehicle identification;
- (c) Dates of vehicle sales and deliveries; and
- (d) Date and location of purchase of each permit form and the permit number.

WSR 98-19-111

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed September 23, 1998, 9:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-054.

Title of Rule: Time limit to solicit or accept contributions (moratorium on contributions during the legislative session freeze period).

Purpose: To implement RCW 42.17.710, the statutory provision that prohibits state officials and persons acting on their behalf from soliciting or accepting contributions during a legislative session freeze period.

PROPOSED

Statutory Authority for Adoption: RCW 42.17.370(1).
Statute Being Implemented: RCW 42.17.710.

Summary: The proposed amendment to WAC 390-17-400 effectuates the decision rendered by the Washington State Supreme Court in *Senate Republican Campaign Committee v. The Public Disclosure Commission* and rewrites and reorganizes the rule so that it is clearer and easier to understand.

Reasons Supporting Proposal: The proposed amendment provides needed guidance to state officials, caucus political committees, political parties and others who are affected by the prohibition contained in RCW 42.17.710.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is necessary because of state court decision, 943 P.2d. 1358 (Wash. 1997).

Explanation of Rule, its Purpose, and Anticipated Effects: During a legislative session freeze period, RCW 42.17.710 prohibits state officials and anyone acting on behalf of state officials from soliciting or accepting contributions to a candidate, to retire a campaign debt or to a public office fund.

The State Supreme Court has said that the statutory language prohibiting the solicitation or acceptance of contributions to candidates means that caucus political committees may solicit or accept contributions during a freeze period so long as those contributions are not used for the benefit of incumbent state officials or known candidates. Prior to this decision, the commission had prohibited caucus committees from soliciting or accepting all contributions (on the premise that caucus committees act on behalf of state officials and exist for the purpose of electing candidates to state office).

The proposed rule implements the Supreme Court's decision regarding caucus political committees. It also applies the court's findings to situations where, during a legislative freeze period, a state official or someone acting on behalf of a state official solicits or accepts contributions on behalf of other types of political committees, including political parties, PACs and ballot measure committees.

Proposal Changes the Following Existing Rules: The changes clarify how RCW 42.17.710 impacts caucus political committees, political parties, PACs and other political committees during the legislative session, the thirty days before and after session and during any special session of the legislature in light of the decision by the Washington State Supreme Court.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendment does not have an impact on small businesses unless those businesses choose to make political contributions in response to a solicitation from a state official or a person employed by or acting on behalf of a state official.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is

not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: John A. Cherberg Building, First Floor, Senate Hearing Room #2, 304 15th Avenue, Olympia, WA, on October 27, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Allo-way, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, by October 16, 1998.

Date of Intended Adoption: October 27, 1998.

September 22, 1998

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~~) The purpose of this rule is to clarify and implement RCW 42.17.710.

(1) (~~"Campaign debt,"~~) **"Campaign debt,"** as used in RCW 42.17.710 and this rule, 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"~~) **"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~~) the freeze 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~~) Δ state official must comply with RCW 42.17.710 until ((his or her term expires)) he or she no longer holds state office.

(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.)~~
"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, the activities in which state officials may engage include, but are not limited to:

(a) soliciting or accepting contributions to assist his or her own campaign for federal office;

(b) accepting 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,
- a contribution to a public office fund,
- used to pay a non-reimbursed public office related expense, or
- used to retire a campaign debt;

(c) attending and speaking 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) transferring 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) soliciting or accepting contributions on behalf of a nonprofit charity; or

(f) soliciting or accepting 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, or a person employed by or acting on behalf of a state official, may not solicit or accept contributions that:

- (a) go to an incumbent state official or known candidate;
- (b) go to a public office fund;
- (c) are used to pay a non-reimbursed public office related expense;

(d) are used to retire a campaign debt;

(e) go to a caucus political committee if the committee spends the contributions for the benefit of incumbent state officials or known candidates; or

(f) 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 public office fund,
- used for a state official's non-reimbursed public office related expenses,
- used for retiring a state official's campaign debt, or

- earmarked 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
- not spent for the benefit of 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. For purposes of complying with subsections (7)(f), (8)(e) and (f), and (12) of this rule, contributions are considered spent for the benefit of incumbent state officials or known candidates if the contributions are used at any time for one or more of the following purposes.

(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 directly 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 general voter attitudes or preferences, unless

- a poll or survey is produced, conducted, tabulated and analyzed according to the terms of a written confidentiality agreement and, if the agreement is breached, all reasonable steps are taken to enforce it, and
- the results of a poll or survey are not provided by the spender, or with the spender's permission or prior

knowledge, to incumbent state officials, known candidates or their agents.

However, candidate recruitment poll or survey results may be provided to an individual who later becomes a known candidate without the expenditure being considered as benefiting a known candidate so long as the poll or survey does not constitute a contribution to the individual or does not otherwise support or promote his or her election to state or local office.

(e) Any other expenditure that directly benefits or promotes the election to state or local office of incumbent state officials or known candidates.

[Note: Possible additional language. If the Commission determines that the proposed language of WAC 390-17-400(14)(d) would be enhanced by including a definition of "candidate recruitment poll or survey," the following language, or text substantially similar to the following language, may be added to the end of proposed subsection (14)(d).]

For purposes of this subsection, a "candidate recruitment poll or survey" is a poll or survey that is conducted for the sole purpose of recruiting candidates to run for public office and only determines

- the respondent's party preference.
- the level of support the incumbent currently has and how strong that support is, but not why he or she has that support.
- whether respondents recognize the names of individuals who may decide to seek that elective office.
- whether respondents currently hold a favorable opinion about these individuals, their abilities or fitness for elective office, but not why such opinions are held.
- whether respondents would likely vote for one or more of these individuals were they to seek office, but not why respondents would vote in the manner they indicated or whether they could be persuaded to change their vote, and
- the validity of the poll or survey results.

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

WSR 98-19-112
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed September 23, 1998, 9:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-068.

Title of Rule: Chapter 352-37 WAC, Wind/sand sailing on ocean beaches.

Purpose: To amend WAC 352-37-020 Definitions, to update language consistent with changes in recreational activities. To amend WAC 352-37-190 Excluded/limited recreational activities, to establish limitations and permit wind/sand sailing previously prohibited.

Statutory Authority for Adoption: RCW 43.51.040(2).

Summary: This activity is currently prohibited in state parks except under special permit.

Reasons Supporting Proposal: State parks would like the opportunity to allow this recreational activity under certain circumstances.

Name of Agency Personnel Responsible for Drafting: Kathryn J. Smith, 7150 Cleanwater Lane, Olympia, (360) 902-8594; and Enforcement: Washington state parks staff state-wide.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current rule prohibits wind/sand sailing except under special permit in specific parks. State parks would like the opportunity to allow this recreational activity in specific parks and under certain circumstances.

Proposal Changes the Following Existing Rules: This change would eliminate the prohibition and/or the special activity permit currently required for wind/sand sailing on the ocean beaches in specific areas.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This WAC amendment does not regulate or have economic impact through regulations on small businesses. There are no compliance costs to small businesses.

RCW 34.05.328 does not apply to this rule adoption. Significant legislative rule-making requirements are not imposed on the state Parks and Recreation Commission nor has the commission voluntarily applied these requirements.

Hearing Location: Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98509, on November 6, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Gus Gustafson by October 27, TDD (360) 753-2036, or (360) 753-7143.

Submit Written Comments to: Pam McConkey, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, fax (360) 586-5875, by October 22.

Date of Intended Adoption: November 6, 1998.

September 22, 1998

Jim French

Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-020 Definitions. Whenever used in this chapter the following terms shall have the meanings herein defined unless the context clearly indicates otherwise:

(1) "Commission" shall mean the Washington state parks and recreation commission.

(2) "Director" shall mean the director of the Washington state parks and recreation commission or his/her designee.

(3) "Persons" shall mean all natural persons, firms, partnerships, or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

(4) "Ocean beaches" shall mean all lands fronting on the Pacific Ocean between Cape Disappointment and Leadbetter

Point; between Toke Point and the south jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation, and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located, and, where applicable, between the Seashore Conservation Line, as established by survey of the Washington state parks and recreation commission and the line of extreme low tide, as these lines now are or may hereafter be located, or as defined in RCW 43.51.655, provided, that the ocean beaches shall not include any lands within the established boundaries of any Indian reservation.

(5) "Long Beach Peninsula" shall mean that area of the ocean beaches as defined in subsection (4) of this section lying between Cape Disappointment on the south and Leadbetter Point on the north.

(6) "South Beach" shall mean that area of the ocean beaches as defined in subsection (4) of this section lying between Toke Point on the south and the south jetty on Point Chehalis on the north.

(7) "North Beach" shall mean that area of the ocean beaches as defined in subsection (4) of this section lying between Damon Point on the south and Cape Flattery on the north.

(8) "Hard sand area" shall mean that area over which the tide ebbs and flows on a daily basis; and which is sufficiently hard or firm to support the weight of, and to provide un hindered traction for, an ordinary passenger vehicle.

(9) "Dry sand area" shall mean that area lying above and to the landward side of the hard sand area as defined in subsection (8) of this section.

(10) "Driveable beach" shall mean that area of the ocean beaches lying between the upper or landward limit of the hard sand area and the clam beds.

(11) "Motor vehicle" shall mean any self-propelled device capable of being moved upon a public highway, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor bikes, motor scooters, mopeds, jeeps, or similar type four-wheel drive vehicles, buses, camper trucks, motor homes, and other self-propelled recreational vehicles. A motor vehicle must have a means of propulsion associated or attached directly to the device, and not receive motive power from a source independent or outside of the device. A motor vehicle must be certificated and licensed according to the provisions of chapter 46.12 RCW (Certificates of ownership and registration), and chapter 46.16 RCW (Vehicle licenses).

(12) "Wind/sand sailer" and "kite buggy" shall mean a wheeled, wind-driven recreational conveyance.

(13) "Parasail" shall mean a parachute-type device attached to a rope pulled by a motor vehicle, resulting in the participant being lifted from the ground by the force of the wind.

(14) "Hovercraft" shall mean a powered vehicle supported by a cushion of air capable of transporting persons.

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-190 Excluded/limited recreation activities. The following forms of public outdoor recreation activities or devices are prohibited on the ocean beaches unless specifically authorized by the director as a special recreation event.

- (1) Vehicles not licensed and certificated pursuant to chapters 46.12 and 46.16 RCW.
- (2) Wind/sand sailers.
- (3) Parasails.
- (4) Hovercraft;

Provided, however, That wind/sand sailers and kite buggies may be permitted from April 15 to the day following Labor Day in the following designated areas: Ocean City State Park - North Beach Area, Description: From Ocean City Beach Road north for 1.8 miles to the mouth of Conner Creek; Twin Harbors State Park - South Beach Area, Description: From Warrenton Cannery Road south for 2.0 miles to the boundary with Willapa National Wildlife Refuge, Fort Canby State Park - Long Beach Peninsula Area, Description: From Oysterville Gap Road north for 2.7 miles to the boundary of Leadbetter Point State Park and from Bolstad Avenue south for 1.4 miles to Seaview Gap Road.

This recreational activity will be closed April 15 through the day following Labor Day during recreational razor clam season(s) in the above named areas.

cation programs. Places approval of grant authority with the director or designee. Will streamline program to be more effective in granting funds.

Proposal Changes the Following Existing Rules: Delegates authority to director to approve grants.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposed rule will reduce costs for potential grantees by streamlining the process of awarding grants. The proposed rule does not impose compliance costs on small businesses.

RCW 34.05.328 does not apply to this rule adoption. Per RCW 34.05.328 (5)(b)(iii) and (iv). Significant legislative rule-making requirements are not imposed on the commission's administration rules.

Hearing Location: Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98509, on November 6, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Gus Gustafson by October 27, TDD (360) 753-2036, or (360) 753-7143.

Submit Written Comments to: James Horan, Washington State Parks and Recreation Commission, P.O. Box 42650, Olympia, WA 98504-2650, fax (360) 753-1594, by October 16, 1998.

Date of Intended Adoption: November 6, 1998.

September 23, 1998

Jim French

Senior Policy Analyst

WSR 98-19-113

PROPOSED RULES

PARKS AND RECREATION

COMMISSION

[Filed September 23, 1998, 9:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-035.

Title of Rule: Chapter 352-64 WAC, The state recreational boating safety funding program.

Purpose: Provides information on applying for funding for recreational boating safety education, information, and enforcement programs.

Statutory Authority for Adoption: RCW 43.51.400.

Summary: To rewrite rule for clarity and streamline process of awarding funds.

Reasons Supporting Proposal: Complies with Governor's Executive Order 97-02 Regulatory Improvement.

Name of Agency Personnel Responsible for Drafting and Implementation: James Horan, Olympia, (360) 902-8580.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Describes process for state parks to grant funds for recreational boating safety education, enforcement, and edu-

Chapter 352-64 WAC

THE STATE RECREATIONAL BOATING

SAFETY ((~~GRANT AND CONTRACT~~)) FUNDING PROGRAM

AMENDATORY SECTION (Amending Order 87, filed 1/21/85)

WAC 352-64-010 ((~~Purpose:~~)) What is the purpose of the recreational boating safety funding program? ((~~The state boating safety grant and contract program was established to provide local and state agencies and private organizations with a comprehensive biennial plan for boating safety programs and to establish procedures by which the Washington state parks and recreation commission would allocate moneys to boating safety programs and projects of local and state agencies and private organizations in accordance with RCW 43.51.400.~~)) The purpose of this program is to provide funds for recreational boating safety information, education, and law enforcement programs of local and state agencies and private nonprofit organizations. Funding for this program will come from federal and state funds. This chapter establishes the procedures and the conditions related to the use of the funds.

PROPOSED

AMENDATORY SECTION (Amending WSR 90-04-064, filed 2/5/90, effective 3/8/90)

WAC 352-64-020 ((Definitions)) How are the words and phrases used in this chapter? ((When used in this chapter, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise:

"Commission" means the seven member Washington state parks and recreation commission policy making body created pursuant to RCW 43.51.020.

"State parks" means the operating arm of the Washington state parks and recreation commission, which is responsible for implementation of commission programs established pursuant to statute or policy.

"Director" means the director of the Washington state parks and recreation commission, pursuant to RCW 43.51.060(8).

"Boating safety council" means the volunteer advisory body created by the commission to advise on matters related to the state boating program, and composed of representatives of Washington's boating community and other concerned interests:)) (1) "Boater" means any person on a recreational vessel on waters of the state of Washington.

(2) "Boating safety council" means the volunteer advisory body created by the commission to advise on matters related to the state boating program, and composed of representatives of Washington's recreational boating community.

(3) "Commission" means the seven-member Washington state parks and recreation commission.

(4) "Director" means the director of the Washington state parks and recreation commission or designee.

(5) "Recreational vessel" means a watercraft manufactured for operation, or operated, primarily for pleasure including watercraft leased, rented, or chartered to another for the latter's pleasure.

(6) "State parks" means the operating arm of the Washington state parks and recreation commission, which is responsible for implementation of commission programs established pursuant to statute or policy.

AMENDATORY SECTION (Amending WSR 90-04-064, filed 2/5/90, effective 3/8/90)

WAC 352-64-030 ((Boating safety grant and contract program)) What activities are eligible for recreational boating safety program funding? ((The boating safety grant and contract program is composed of the biennial boating safety plan and the disbursement of boating safety funds.

The biennial boating safety plan will be developed by state parks in cooperation with local and state agencies to provide comprehensive guidelines for the uniform implementation and operation of boating safety efforts statewide.

Boating safety funds will be disbursed to local and state agencies and private organizations by the commission to initiate or supplement boating safety activities and to promote uniformity in boating safety services in accordance with the Federal Boating Safety Act of 1971. The funds may be used for programs which include planning, development, and

operation of programs for boating safety, safety education, and enforcement of boating laws, rules and regulations. Program elements may include: Dissemination of information related to safe boat operation; training of boating safety professionals; purchase of boats and related equipment for boating safety programs; program administration; and, the maintenance of a safe boating environment.

The boating safety grant and contract program will be administered to initiate or enhance programs for boating safety, safety education and enforcement of boating laws, rules and regulations, and will not be used to supplant existing contributions and efforts toward safe boating:)) The funds may be used for programs which include planning, development, and operation of programs for recreational boating safety, safety education, and enforcement of boating laws, rules, and regulations. Program elements may include: Dissemination of information related to safe boat operation; training of boating safety professionals; purchase of boats and related equipment for boating safety programs; program administration; and the maintenance of a safe boating environment.

AMENDATORY SECTION (Amending WSR 90-04-064, filed 2/5/90, effective 3/8/90)

WAC 352-64-040 ((Grant eligibility)) Who is eligible for recreational boating safety program funding? ((Any state or local public agency or private, nonprofit organization is eligible to apply for grants for boating safety or safety education. A state or local public agency having jurisdiction over waters used for recreational boating and possessing the authority to enforce the Revised Code of Washington and the Washington Administrative Code is eligible to apply for grants for programs of enforcement of boating laws, rules, and regulations:

Each successful applicant must provide a minimum of fifty percent match through program expenditures, in-kind services, and/or volunteer contributions to the program. The matching requirement may be reduced to not less than twenty five percent by state parks when necessary to enable the applicant to initiate and continue for a second year a program of boating safety, safety education, or enforcement:)) (1) Any state or local public agency or private nonprofit organization is eligible to apply for grants for recreational boating safety information or education programs.

(2) Any state or local public agency having jurisdiction over waters used for recreational boating and possessing the authority to enforce the Revised Code of Washington and the Washington Administrative Code is eligible to apply for grants for programs of enforcement of recreational boating safety laws, rules, and regulations.

NEW SECTION

WAC 352-64-045 Are there any limitations on the availability and use of the funds? (1) The director may establish limitations on the availability and use of recreational boating safety program funding only after considering the following:

(a) Availability of funds.

(b) Recommendations of the boating safety council and state parks staff on program needs.

(2) The director may determine that applicants be required to make a matching contribution to be eligible for funding.

(3) The director may limit the amount of funding available for any element(s) of a project.

(4) The director may determine that the funds shall not be used to supplant existing contributions and efforts toward safe boating.

AMENDATORY SECTION (Amending WSR 90-04-064, filed 2/5/90, effective 3/8/90)

WAC 352-64-050 (~~(Application process.)~~) **How does one apply for funding?** ((In order to be considered by the commission for receipt of boating safety funds an eligible agency or organization must:

(1) Complete an application on a form prescribed by state parks and file the application on or before the filing date set by state parks in the application form.

(2) Provide a statement of intent from the governing body of the requesting agency or organization that the necessary matching funds or in-kind contributions will be made available for the program as described in the application.

(3) Agree to:

(a) File an annual report and other reports, as may be specified in the agreement, on a form provided by state parks. Include accomplishments, all activities, a summary of in-kind contributions, and total expenses incurred by the program or project.

(b) Refund to the commission any unexpended funds received from the commission which remain at the completion or termination of the agreement and reimburse the commission for any unauthorized expenditures.) In order to be considered for receipt of recreational boating safety information, education, or law enforcement funding, an eligible applicant must complete and submit an application form provided by state parks following the instructions provided in the form.

AMENDATORY SECTION (Amending WSR 90-04-064, filed 2/5/90, effective 3/8/90)

WAC 352-64-060 (~~(Funding guidelines.)~~) **What criteria will be used to evaluate my application?** ((Following is a list of the funding guidelines which will be considered in determining the allocation of available boating safety funds.

(1) Assist programs which are designed to prevent boating accidents through education and/or enforcement of safe boating laws.

(2) Assist in the training of personnel and in the operation of boater assistance and rescue programs.

(3) Assist development of state-wide boater safety information programs.

(4) Assist development of other programs which promote or enhance safe boating opportunities in Washington state.) State parks will review and evaluate applications based on the applicants ability to achieve any or all of the following criteria. Programs which are designed to:

(1) Focus on recreational boating accident and fatality prevention through education and/or enforcement of safe boating laws.

(2) Assist in the training of personnel in recreational boating safety education and law enforcement program areas.

(3) Assist in the development of state-wide recreational boater safety education and information programs including the uniform state waterway marking system.

(4) Assist in the development of other programs which promote or enhance safe boating opportunities in Washington state.

AMENDATORY SECTION (Amending WSR 90-04-064, filed 2/5/90, effective 3/8/90)

WAC 352-64-070 (~~(Procedures for review and disbursement of grants.)~~) **How will projects be selected for funding?** ((Following is a description of procedures which will be used by the commission in the review and disbursement of boating safety grants.

(1) Applications will be reviewed by state parks staff and scored by the boating safety council to determine consistency with the funding guidelines and the biennial boating safety plan.

(2) The director will receive and consider the recommendations of the boating safety council for the disbursement of boating safety grants in developing final recommendations for presentation to the commission.

(3) Applications will be subject to approval by the commission. No grant expenditures may be made until such approval is received.

(4) The successful applicant will receive funds:

(a) As reimbursement for approved expenditures following receipt of documentation by state parks which indicates satisfactory compliance with the agreement; or

(b) Through an advance payment upon written approval by the director.

(5) The applicant and state parks will execute an agreement which specifies the duties and obligations of each party and requires the applicant's compliance with specified policies and procedures.

(6) The program will be subject to review at predetermined intervals to insure compliance with program policies and procedures.) (1) Applications will be reviewed by state parks staff and will be evaluated against the criteria in this chapter.

(2) Staff will consult with and consider the recommendations of the boating safety council and will present final recommendations to the director. The director shall make the final decision on funding a project.

(3) No grant expenditures may be made until such approval is received and a contract is signed by the state parks and funding recipient authorized representatives.

(4) Applicants for recreational boating safety program funds whose requests are approved by the director may receive funds (a) on a reimbursement basis after a billing which indicates satisfactory compliance with a contract that has been filed with state parks or (b) through an advance payment upon a written request to and approval by the director.

AMENDATORY SECTION (Amending WSR 90-04-064, filed 2/5/90, effective 3/8/90)

WAC 352-64-080 ((Accountability)) What conditions are placed on the use of the funds? ((Recipients of boating safety funds shall maintain accurate accounting records on the expenditure of funds, provide the director with these records consistent with the agreement or upon request, and permit state parks to audit the use of the funds in accordance with generally accepted audit practices and standards.

The commission reserves the right to terminate its participation in any program for failure to perform according to the requirements of the agreement.)) The following conditions apply to the use of the funds:

(1) Project contract. For every funded project, a contract must be executed by the director and by the funding recipient's authorized representative.

(2) Matching contribution. Should a matching contribution be required, recipients of boating safety funds shall meet this requirement through program expenditures, in-kind services, and/or volunteer contributions to the program.

(3) Accountability. Recipients of boating safety funds shall maintain accurate accounting records on the expenditure of funds including any matching contribution if such matching contribution is required, provide the director with these records consistent with the agreement or upon request, and permit a state parks representative to audit the use of the funds in accordance with generally accepted audit practices and standards.

(4) State parks reserves the right to terminate its participation in any program for failure of the funding recipient to perform according to the requirements of the agreement.

(5) Reporting requirements. The funding recipient shall submit reports required by state parks as provided in the project contract.

WSR 98-19-114

PROPOSED RULES

PARKS AND RECREATION COMMISSION

[Filed September 23, 1998, 9:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-069.

Title of Rule: Chapter 352-32 WAC.

Purpose: To amend WAC 352-32-010 Definitions, 352-32-250 Fees, and 352-32-130 Aircraft, to update language consistent with changes in recreational activities. To amend WAC 352-32-130 excluded/limited recreational activities, to establish limitations and permit flying of remote controlled aircraft previously prohibited.

Statutory Authority for Adoption: RCW 43.51.040(2).

Summary: Staff are requesting that this chapter be amended to reflect proposed changes allowing the flying of remote controlled aircraft and to make editorial corrections in other areas.

Name of Agency Personnel Responsible for Drafting: Kathryn J. Smith, 7150 Cleanwater Lane, Olympia, 902-8594.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Currently the flying of remote controlled aircraft is prohibited in state parks. State parks would like the opportunity to allow this recreational activity under certain circumstances and in specific parks. This change would allow state parks to proceed with remote controlled aircraft activities. Other changes being requested in this section are being made for clarification and editorial purposes.

Proposal Changes the Following Existing Rules: These changes will eliminate the prohibition of flying remote controlled aircraft in specific state park areas.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This WAC amendment does not regulate or have economic impact through regulations on small businesses. There are not compliance costs to small businesses.

RCW 34.05.328 does not apply to this rule adoption. Significant legislative rule-making requirements are not imposed on the State Parks and Recreation Commission nor has the commission voluntarily applied these requirements.

Hearing Location: Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98509, on November 6, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Gus Gustafson by October 27, TDD (360) 753-2036, or (360) 753-7143.

Submit Written Comments to: Pam McConkey, 7150 Cleanwater Lane, Olympia, WA 98504-2650, fax (360) 586-5875, by October 22.

Date of Intended Adoption: November 6, 1998.

September 22, 1998

Jim French

Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping party" shall mean an individual or a group of people (two or more persons) that is organized, equipped and capable of sustaining its own camping activity. A "camping party" is a "camping unit" for purposes of RCW 43.51.055.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

PROPOSED

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

"Commission" shall mean the Washington state parks and recreation commission.

"Day area parking space" shall mean any designated parking space within any state park area designated for day-time vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity on Friday or Saturday night during the high use season.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Remote controlled aircraft" shall mean nonpeopled model aircraft that are flown by using internal combustion, electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a hand held radio control transmitter. A typical radio controlled model aircraft weighs from five to ten pounds and has a wingspan of five to six feet, with the maximum size being approximately fifty pounds and a wingspan of ten feet.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than thirty days within a forty-day time period April 1 through September 30; or forty days within a sixty-day time period October 1 through March 31. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping party shall be limited to ten consecutive nights April 1 through September 30. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights October 1 through March 31 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, and flush comfort station.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-37 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Watercraft launch site" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 43.51.456.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-130 Aircraft. (1) No aircraft shall land on or take off from any body of water or land area in a state park area not specifically designated for landing aircraft. This provision does not apply to official aircraft used in the performance of search and rescue missions, medical emergencies, law enforcement activities, emergency evacuations or fire fighting activities. It also does not apply in cases where the director or designee specifically authorizes such landings or take offs, in writing, associated with the operational, or administrative needs of the agency or state.

(2) Individuals who have complied with the registration process provided or who have obtained a special recreation event permit pursuant to WAC 352-32-047 may launch and land paragliders in state park areas specifically designated by

the director as available for paragliding. Prior to any such designation, the director or designee shall advertise and conduct a public meeting in the region where the park is located. The director shall consider the potential impacts of paragliding in the proposed area, including but not limited to the following factors: The degree of conflict paragliding may have with other park uses, public safety issues, and any potential damage to park resources/facilities. Any park designated for paragliding shall be conspicuously posted as such by the director.

(3) Individuals paragliding in state parks must:

(a) Comply with the registration process provided for such purposes;

(b) Observe all applicable laws and regulations;

(c) Never destroy or disturb park facilities, natural features, or historical or archeological resources;

(d) Conduct themselves with thoughtfulness, courtesy and consideration for others, and not interfere with other recreational activities;

(e) Conduct themselves in compliance with the following basic safety regulations:

(i) Comply with specific site operational rules that are posted;

(ii) Fly in a manner consistent with the pilot rating held;

(iii) Preplanned landings should be made in areas no smaller than forty feet wide by one hundred feet long;

(iv) Make preflight checks of weather, equipment and site conditions;

(v) Observe all published traffic and right of way flight guidelines, including yielding right of way to all aircraft;

(vi) Wear protective clothing, headgear, Coast Guard approved flotation gear, reserve parachute, supplemental oxygen and communication equipment as appropriate for conditions;

(vii) Fly in a manner that does not create a hazard for other persons or property;

(viii) Fly only during daylight hours, or hours otherwise specified by posting at the site;

(ix) Do not fly over congested areas of parks or open air assembly of persons;

(x) Fly only in designated areas of parks;

(xi) Fly with visual reference to the ground surface at all times.

(xii) Do not tether paraglider to the ground or other stable nonmovable object.

(f) Not fly while under the influence of alcohol or drugs.

(4) Individuals flying remote controlled aircraft and helicopters must do so within the designated flying area and only when following the remote controlled aircraft management plan approved by the director or designee and posted for that designated area.

(a) The director or designee may permanently, or for a specified period or periods of time, close any state park area to remote controlled aircraft flying if the director or designee concludes that a remote controlled aircraft flying closure is necessary for the protection of the health, safety, and welfare of the public, park visitors or staff, or park resources. Prior to closing any park or park area to remote controlled aircraft flying, the director or designee shall hold a public meeting near the state park area to be closed to remote controlled aircraft

flying. Prior notice of the meeting shall be published in a newspaper of general circulation in the area and at the park at least thirty days prior to the meeting. In the event that the director or designee or park manager determines that it is necessary to close a remote controlled aircraft flying area immediately to protect against an imminent and substantial threat to the health, safety, and welfare of the public, park visitors or staff, or park resources, the director or designee or park manager may take emergency action to close a state park area to remote controlled aircraft flying without first complying with the publication and meeting requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and meeting requirements of this subsection. The director or designee shall ensure that any designated remote controlled aircraft flying area closed to remote controlled aircraft flying is conspicuously posted as such at the entrance of the affected park area.

(b) The director or designee shall establish a committee of remote controlled aircraft flying to advise park staff on park management issues related to remote controlled aircraft flying for each state park area designated as a remote controlled aircraft flying site. The director or designee shall receive all appeals on denial of flying areas being created in specific parks.

(c) Each state park area with an established advisory committee of remote controlled aircraft flyers will have an approved management plan which will specify remote controlled aircraft flying rules concerning types of aircraft, flying hours, identified approved flying zones, identified runways for take-offs and landings, engine muffler requirements, use of and posting of radio frequency, fuel spills and clean-up. The director or designee shall ensure that any remote controlled aircraft flying rules contained in the remote controlled aircraft flying management plan are conspicuously posted at the entrance of the affected park area.

(d) Except as provided in WAC 352-32-310, any violation of this section or failure to abide by a conspicuously posted remote controlled aircraft flying rule is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 97-21-133, filed 10/21/97, effective 1/1/98)

WAC 352-32-250 Standard fees charged. Fees shall be charged in parks operated by the commission for use of lands, facilities, programs, services, and materials as published by state parks: *Provided, however,* That the director or designee has the authority to discount fees to a maximum of 50% below the published fee amounts in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time less than one year in duration. The director may consider the following factors in temporarily establishing or discounting fees:

- Prevailing rates for comparable facilities;
- Day of the week;
- Season of the year;
- Amenities of the park area and site;
- Demand for facilities; and

Such other considerations as the director deems appropriate. The director may also waive fees for marketing or promotional purposes or to redress visitor complaints, provided, however, that annual fees may not be waived. The director may also establish temporary fees for a maximum of one year for new facilities or services.

(1) The director may authorize reciprocity with other state or federal agencies for the use of annual permits of like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit;

(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; primitive campsite for nonmotorized vehicle; primitive campsite for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger;

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(4) Group camping area - certain parks: Individual camping units using these facilities must pay ~~((the primitive))~~ campsite fees ~~((or other appropriate fee based on facilities available))~~ as published by state parks;

(5) Environmental interpretation:

(a) Service fees will be established by the director in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 43.51.052.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

(6) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided;

(7) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: *Provided,* An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(8) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

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(9) Watercraft launch site permit fee - charged according to facilities provided. ~~((Boat))~~ Watercraft launch permit shall not be required for:

(a) Vehicles, other than those registered as extra overnight parking vehicles, registered for camping or overnight mooring in the park containing the watercraft launch site;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual watercraft launch site permit;

(10) Annual watercraft launch site permit valid January 1 - December 31 at any launch site designated by the commission. Permit must be displayed as instructed on permit backing;

(11) Trailer dump station fee - Fee shall not be required for:

(a) Registered camping vehicles in the park containing the dump station;

(b) Vehicles of persons holding limited-income senior citizen, disability or disabled veterans passes;

(12) Popular destination park - a surcharge will apply for use of standard or utility campsite located in a popular destination park during such periods as the director may specify;

(13) Water trail site permits -

(a) Unlimited use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$1.00 per site available for public use at the start of the calendar year;

(b) One day/night use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$.35 per site available for public use at the start of the calendar year;

(c) For children under 13 years of age the permits shall be issued at no cost;

(d) Water trail permits issued to persons by another state or Canadian province will be honored provided that a similar reciprocal provision for Washington water trail permit holders is issued by that state or province;

(e) Water trail permits will be issued to holders of Washington state parks passes (WAC 352-32-251) for the applicable discounts;

(14) A surcharge per collection shall be assessed for any staff collected fee at a self-registration overnight facility;

(15) Group day use facilities - a minimum daily permit fee will be charged for groups of 20 or more;

(16) Reservation transaction - fee will be charged as published by state parks;

(17) Moorage facilities - fee will be charged as published by state parks;

(18) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended;

(19) Commercial recreation provider permit registration - a fee shall be charged, as published by state parks for registration as a commercial recreation provider;

(20) Commercial recreation provider permit - effective January 1, 1998, a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

(21) Sno-park permit - seasonal and daily permit fees will be charged as published by state parks.

(22) Special groomed trail permit - a state-wide special groomed trail permit will be required for use of special groomed trail areas. The fee charged will be as published by state parks.

(23) Wood debris collection permit - fee will be charged for collection and removal of wood debris from a state park area pursuant to RCW 4.24.210. The fee may be waived for volunteers assisting with emergency salvage and storm clean-up in the parks.

(24) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

(25) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

(26) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

(27) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

**WSR 98-19-115
PROPOSED RULES
PARKS AND RECREATION
COMMISSION**

[Filed September 23, 1998, 9:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-033.

Title of Rule: Chapter 352-65 WAC, Boating safety program approval.

Purpose: Identifies the process used to review and approve local boating safety programs.

Statutory Authority for Adoption: RCW 88.12.385, 88.02.040, and 43.51.400.

Summary: To rewrite rule for clarity.

Reasons Supporting Proposal: Complies with Governor's Executive Order 97-02 Regulatory Improvement.

Name of Agency Personnel Responsible for Drafting and Implementation: James Horan, Olympia, (360) 902-8580.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Identifies the process used by state parks to review

and approve local boating safety programs. Allows state parks to distribute unallocated vessel registration funds either by survey of out of county boater use, or, by distributing such funds evenly to all counties with an approved boating safety program.

Proposal Changes the Following Existing Rules: Allows state parks to consider distributing unallocated vessel registration funds to all counties with an approved boating safety program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not impose compliance costs on small businesses.

RCW 34.05.328 does not apply to this rule adoption. Per RCW 34.05.328 (5)(b)(iii) and (iv), significant legislative rule-making requirements are not imposed on the commission's administration rules.

Hearing Location: Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98509, on November 6, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Gus Gustafson by October 27, TDD (360) 753-2036, or (360) 753-7143.

Submit Written Comments to: James Horan, Washington State Parks and Recreation Commission, P.O. Box 42650, Olympia, WA 98504-2650, fax (360) 753-1594; by October 16, 1998.

Date of Intended Adoption: November 6, 1998.

September 23, 1998

Jim French

Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 94-04-076, filed 1/31/94, effective 3/3/94)

WAC 352-65-010 ((Declaration of purpose and authority.)) What is the purpose of boating safety program approval? ((This chapter is adopted to implement RCW 88.02.040 wherein the Washington state parks and recreation commission has been directed to establish a process to review and approve local boating safety programs and to make funds available to local jurisdictions to offset out-of-county boater impacts. These rules pursue the legislature's intention to provide funding to counties and local governments for boater education about safe and responsible boating and to encourage boating safety education in the primary and secondary school system, to increase the level and visibility of the enforcement of boating laws, to purchase equipment including vessel noise measurement equipment, and to stimulate local efforts toward safe boating.

The chapter is promulgated and published pursuant to the authority granted to the parks and recreation commission in RCW 88.12.385. These rules identify the necessary elements of a county boating safety program, specify the approval process, and establish a time frame for approval and distribution of available funds.)) The purpose of boating safety program approval is to establish a process to review and approve local boating safety programs and to make funds available to local governments to support their boating safety

education, information, and law enforcement activities and to offset out-of-county boater impacts.

AMENDATORY SECTION (Amending WSR 94-04-076, filed 1/31/94, effective 3/3/94)

WAC 352-65-020 ((Program description and assurances.)) How are the words and phrases used in this chapter? ((Each county or local jurisdiction requesting approval of its boating safety program must:

(1) Complete a description of its program on the forms provided by state parks identifying each required program element as specified in WAC 352-65-040;

(2) Provide assurance that the boating safety program will be operated throughout its scheduled season in compliance with program requirements and that the funds allocated will be deposited into an account dedicated solely for supporting the jurisdiction's boating safety program activities as specified in WAC 352-65-040.

(3) Agree to submit to state parks a copy of any audit which discloses disallowed or questioned costs pertaining to funds provided through RCW 88.02.040 and this chapter and agree to resolve to the satisfaction of state parks findings pertaining to these funds.

(4) Enforce boating safety equipment, vessel operation, noise level, and registration laws as specified in Title 88 RCW, navigation and harbor improvements, or as specified in local rules or ordinances.)) (1) "Boating safety program approval" means that the county or local jurisdiction has entered into an agreement with state parks to develop and maintain a boating safety program meeting minimum requirements established by state parks.

(2) "Commission" means the seven-member Washington state parks and recreation commission.

(3) "Director" means the director of the Washington state parks and recreation commission or designee.

(4) "State parks" means the operating arm of the Washington state parks and recreation commission, which is responsible for implementation of commission programs established pursuant to statute or policy.

AMENDATORY SECTION (Amending WSR 94-04-076, filed 1/31/94, effective 3/3/94)

WAC 352-65-030 ((Equitable local distribution.)) Who is eligible to apply for boating safety program approval? ((The legislative authority of each county with an approved boating safety program will be responsible for equitably distributing the funds allocated by the state treasurer to local jurisdictions within the county which comply with the requirements of this chapter. The county shall make the equitable distribution to all eligible jurisdictions within

seventy five days of the allocation from the state treasurer and shall notify state parks of the amount distributed to each eligible jurisdiction. Local jurisdictions offering boating safety services and desiring to receive a distribution of funds must enter into a cooperative agreement with the county and receive and maintain state parks approval for their boating safety program.)) Any county or local public agency having jurisdiction over waters used for recreational boating and

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possessing the authority to enforce the Revised Code of Washington and the Washington Administrative Code is eligible to apply for state parks boating safety program approval.

AMENDATORY SECTION (Amending WSR 94-04-076, filed 1/31/94, effective 3/3/94)

WAC 352-65-040 (~~(Minimum program requirements.)~~) What are the minimum requirements necessary to obtain boating safety program approval? ((A boating safety program must provide the necessary services and support to allow the recreational boater the opportunity to enjoy safe and clean waters. State parks, as the state's boating safety program coordinator, has established the following minimum requirements for approval of boating safety programs:

(1) Boating accident reporting and investigation.

(a) Each county or local jurisdiction must provide an assurance that all serious or fatal accidents will be thoroughly investigated to the maximum extent possible, and that copies of the investigative reports will be submitted to state parks in a timely manner as specified in RCW 88.12.175.

(b) The approved county or local jurisdiction must support the state-wide boating accident reporting system by:

(i) Providing recreational boaters with copies of the state required boating accident report (BAR) form and informing recreational boaters of their responsibility to submit the completed BAR in a timely fashion as specified in RCW 88.12.155; and

(ii) Submitting to state parks a completed boating accident report (BAR) form which includes all available information about the accident or casualty as specified in chapter 352-70 WAC.

(2) Boater assistance. The county or local jurisdiction will have the ability to respond or coordinate response to boating emergencies which occur within its jurisdiction. Such emergencies may include swift water response, open water rescue, ice rescue, vessel fire, overdue boater search, or other boating related emergencies or distress calls.

(3) Training. The county or local jurisdiction will be responsible for acquiring the training for its assigned boating safety program personnel. The training will include basic boating safety officer training as provided by the United States Coast Guard, Washington state parks, or any county or local jurisdiction whose training program is approved by Washington state parks.

Such training must be acquired within one year of initiating a new boating safety program, and within one year for each newly assigned boating safety officer.

(4) Rules and regulations. When the county or local jurisdiction adopts ordinances governing recreational boating, the ordinances must be as restrictive, but may be more restrictive than Washington state boating laws and regulations.

(5) Enforcement. The county or local jurisdiction must provide:

(a) Boating safety officers with law enforcement commissions which empower such officers to enforce all boating laws and regulations;

(b) A patrol schedule which insures the waterways are patrolled during peak recreational periods;

(c) Response to on-water complaints, accidents, or emergencies;

(d) The necessary boating safety patrol equipment, including vessel(s) capable of serving the minimum requirements of this section. The patrol vessel must be properly marked and properly equipped as provided in chapter 88.02 RCW and chapter 352-60 WAC.

(6) Boating education. The county or local jurisdiction must have a boating education and information program satisfactory to state parks:

(a) A satisfactory boating education program may include any of the following: Presentations in primary and secondary schools, to boating organizations, to youth groups or a course of instruction to the boating public using lessons and materials from state parks education curriculum, or other state or nationally recognized curriculum approved by state parks.

(b) The county or local jurisdiction boating education and information program must:

(i) Have an officer trained by state parks as a boating education instructor;

(ii) Have a designated officer to coordinate the activities of state parks trained volunteer boating education instructors and to act as liaison to boating education organizations; and

(iii) Distribute boating safety information and materials, including materials provided by state parks, to boating and outdoor recreation organizations, the boating public, public agencies and the local media.

(7) Waterway marking. The county or local jurisdiction will use only those waterway markers which conform to the Uniform State Waterway Marking System found in chapter 352-66 WAC.

(8) Boating safety inspections.

The county or local jurisdiction will complete written boating safety inspections during enforcement and informational contacts when considered safe and appropriate to document boater compliance with state boating laws. State parks will provide boating safety inspection forms. A copy of the completed inspection will be submitted to state parks for statistical purposes.

(9) Reports. The county or local jurisdiction agrees to submit an annual report of activities performed through the boating safety program and to submit an annual report of all program expenditures. The county or local jurisdiction agrees to participate in state-wide boating surveys coordinated by state parks. Forms will be provided by state parks.

(10) Limitations on use of funds. These funds are intended to increase education and enforcement efforts and to stimulate greater local participation in boating safety and are not to supplant existing local funds used for boating safety programs. The county or local jurisdiction agrees to deposit boat registration fees allocated by the state treasurer under RCW 88.02.040, into an account dedicated solely for boating safety purposes which include all activities or expenditures identified in this section.) The minimum requirements necessary to obtain boating safety program approval are as follows:

(1) Boating accident reporting and investigation.

(a) Each county or local jurisdiction must provide an assurance that all serious or fatal recreational boating accidents will be thoroughly investigated to the maximum extent possible, and that copies of the investigative reports will be submitted to state parks as specified in RCW 88.12.175.

(b) The approved county or local jurisdiction must support the state-wide boating accident reporting system by:

(i) Providing recreational boaters with copies of the state required boating accident report (BAR) form and informing recreational boaters of their responsibility to submit the completed BAR as specified in RCW 88.12.155; and

(ii) Submitting to state parks a completed BAR form which includes all available information about the accident or casualty as specified in chapter 352-70 WAC.

(2) Boater assistance. The county or local jurisdiction will have the ability to respond or coordinate response to recreational boating emergencies which occur within its jurisdiction. Such emergencies may include swift water response, open water rescue, ice rescue, vessel fire, overdue boater search, or other boating-related emergencies or distress calls.

(3) Training. The county or local jurisdiction will be responsible for acquiring the training for its assigned boating safety program personnel. The training will include basic boating safety officer training as provided by the United States Coast Guard, state parks, or any county or local jurisdiction whose training program is approved by state parks.

Such training must be acquired within one year of initiating a new boating safety program, and within one year for each newly assigned boating safety officer.

(4) Rules and regulations. When the county or local jurisdiction adopts ordinances governing recreational boating, the ordinances must be as restrictive, but may be more restrictive than Washington state boating laws and regulations.

(5) Enforcement. The county or local jurisdiction must:
(a) Provide:

(i) Officers with law enforcement commissions from the criminal justice training commission which authorizes such officers to enforce all boating laws and regulations;

(ii) A patrol schedule that ensures such officers patrol the waterways during peak recreational boating periods;

(iii) The necessary boating safety patrol equipment, including vessel(s) capable of serving the minimum requirements of this section. The patrol vessel must be properly marked and properly equipped as provided in chapter 88.02 RCW and chapter 352-60 WAC;

(b) Respond to on-water complaints, accidents, and emergencies;

(c) Enforce safety equipment, vessel operation, noise level, navigation and harbor improvements, and registration laws as specified in Title 88 RCW, and as specified in local codes or ordinances.

(6) Boating safety education and information. The county or local jurisdiction must have a boating safety education and information program as follows: Have a designated officer, trained by state parks, to coordinate the activities of boating safety education instructors, act as liaison to boating safety education organizations, and to coordinate:

(a) Boating safety presentations which may include any of the following: Presentations in primary and secondary schools, to boating organizations, and youth groups.

(b) Boating safety instruction. A public course of instruction using lessons and materials from state parks education curriculum, or other state or nationally recognized curriculum approved by state parks.

(c) Boating safety information. Distribute boating safety information and materials, including materials provided by state parks, to boating and outdoor recreation organizations, the boating public, public agencies, and the local media.

(7) Waterway marking. The county or local jurisdiction will use only those waterway markers which conform to the uniform state waterway marking system found in chapter 352-66 WAC.

(8) Boating safety inspections. The county or local jurisdiction will complete written boating safety inspections during enforcement and informational contacts when considered safe and appropriate to document boater compliance with state boating laws. State parks will provide boating safety inspection forms. A copy of the completed inspection will be submitted to state parks for statistical purposes.

(9) Reports. The county or local jurisdiction agrees to submit an annual report of activities performed through the boating safety program and to submit an annual report of all program expenditures. The county or local jurisdiction agrees to participate in state-wide boating surveys coordinated by state parks.

(10) Limitations on use of funds. These funds are intended to increase education and enforcement efforts and to stimulate greater local participation in boating safety and are not to supplant existing local funds used for boating safety programs. The county or local jurisdiction agrees to deposit boat registration fees allocated by the state treasurer under RCW 88.02.040, into an account dedicated solely for boating safety purposes which include all activities or expenditures identified in this section.

NEW SECTION

WAC 352-65-045 How does a county or city apply for approval of a boating safety program? In order to be considered by state parks for approval of a county or local jurisdiction boating safety program, an applicant must complete and submit an application form provided by state parks.

AMENDATORY SECTION (Amending WSR 90-13-008, filed 6/7/90, effective 7/7/90)

WAC 352-65-050 ((Distribution of funds.)) What funds are available and how are they distributed to approved boating safety programs? ~~((1) Funds available under RCW 88.02.040, which are to be distributed by the state treasurer based on the number of registered vessels by county of moorage, shall be released upon notification to the state treasurer:~~

~~(a) By state parks that the county has an approved program; and~~

~~(b) By the department of licensing of:~~

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(i) ~~The amount of registration fees collected by each county through June 30 of that calendar year; and~~

(ii) ~~The total vessels registered by each county through June 30 of that calendar year.~~

~~(2) State parks will award those remaining funds not distributed in subsection (1) of this section to help offset out-of-county boater law enforcement and boating safety impacts. The following information will be considered when awarding unallocated funds:~~

~~(a) State-wide surveys of vessel use;~~

~~(b) Estimates of out-of-county use made by county or local officials supported by locally conducted surveys; and~~

~~(c) Other available professionally conducted surveys, studies, or research.)~~ Vessel registration fees are available under RCW 88.02.040 and are distributed as follows:

(1) State treasurer distribution to counties:

(a) Vessel registration fees will be distributed to counties upon notification to the state treasurer:

(i) By state parks that the county has an approved program; and

(ii) By the department of licensing of:

(A) The amount of registration fees collected in each county through June 30 of that calendar year; and

(B) The total vessels registered in each county through June 30 of that calendar year.

(b) State parks will award those remaining funds not distributed in this subsection to help offset out-of-county boater law enforcement and boating safety impacts. State parks may consider the following information when awarding unallocated funds:

(i) State-wide surveys of vessel use;

(ii) Estimates of out-of-county use made by county or local officials supported by locally conducted surveys;

(iii) Other available professionally conducted surveys, studies, or research; or

(iv) Subject to and based upon the availability of unallocated funds, counties with an approved program and identified as receiving the least amount of funds may be awarded additional funds to meet a minimum dollar amount set by state parks.

Any remaining funds not distributed as the result of (b)(i) through (iv) of this subsection will be distributed evenly to all counties with an approved boating safety program.

(2) Counties distribution to local jurisdictions with approved boating safety programs:

(a) Local jurisdiction program approval. Local jurisdictions offering boating safety services and desiring to receive a distribution of funds must enter into a cooperative agreement with the county and receive and maintain state parks' approval for their boating safety program.

(b) County distribution of the funds. The legislative authority of each county with an approved local jurisdiction boating safety program will be responsible for equitably distributing the funds allocated by the state treasurer to local jurisdictions within the county which comply with the requirements of this chapter. The county shall make the equitable distribution to all eligible jurisdictions within seventy-five days of the allocation from the state treasurer and shall

notify state parks of the amount distributed to each eligible jurisdiction.

NEW SECTION

WAC 352-65-055 **What conditions apply to approval of a boating safety program?** The following conditions apply to approval of a boating safety program:

(1) Program agreement. For each approved program, an agreement must be executed by the director and by the applicant.

(2) Accountability. Counties and local jurisdictions with state parks approved boating safety programs must maintain accurate annual records of activities and expenditures of their boating safety programs, provide state parks with these records consistent with the agreement or upon request, and permit state parks to audit the use of funds in accordance with generally accepted audit practices and standards.

(3) Reporting requirements. Counties and local jurisdictions with state parks approved boating safety programs shall submit reports required by state parks.

AMENDATORY SECTION (Amending WSR 94-04-076, filed 1/31/94, effective 3/3/94)

WAC 352-65-060 ~~((Annual program assessment and report.))~~ **What criteria will be used to evaluate continuation of approval of a boating safety program?** ~~((An annual assessment and report of activities of each approved county or local jurisdiction boating safety program will be made by state parks in order to insure the integrity of the program approval.~~

~~(1) The annual assessment will be based on program requirements as specified in this chapter. Counties and local jurisdictions meeting the requirements will maintain approval; those counties or local jurisdictions unable to demonstrate compliance with minimum approval requirements will have forty-five days to submit a plan satisfactory to state parks to remedy the deficiencies. If, after forty-five days, a county or local jurisdiction is unable to demonstrate its ability to meet minimum requirements, state parks may revoke the program approval after the county or local jurisdiction has had an opportunity for a hearing under chapter 34.05 RCW, Administrative Procedure Act.~~

~~(2) When boating safety program approval requirements change or when deemed appropriate to document changes to an approved program, state parks may require a revised program description be submitted to state parks as specified in WAC 352-65-020.~~

~~(3) State parks will publish an annual report of the program activities and the expenditures of state vessel registration fees for all approved boating safety programs.)~~ The following criteria will be used to evaluate continuation of program approval:

(1) Assessment. State parks will conduct an assessment of the activities and expenditures of each approved boating safety program. The assessment will be based on approved program requirements as specified in this chapter and in the approved program agreement.

(2) Continuation of approval. Counties and local jurisdictions meeting the minimum program approval requirements will maintain approval.

(3) Revocation of approval. Those counties or local jurisdictions unable to demonstrate compliance with minimum approval requirements will have forty-five days to submit a plan satisfactory to state parks to remedy the deficiencies. If, after forty-five days, a county or local jurisdiction is unable to demonstrate its ability to meet minimum requirements, state parks may revoke the program approval after the county or local jurisdiction has had an opportunity for a hearing under chapter 34.05 RCW, the Administrative Procedure Act.

(4) Program changes. When state parks boating safety program approval requirements change, state parks may require a revised program description be submitted as specified in this chapter.

WSR 98-19-118
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed September 23, 1998, 9:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-098.

Title of Rule: Chapter 16-545 WAC, Turfgrass Seed Commission.

Purpose: The rule will establish an agricultural commodity commission representing turfgrass seed growers. The commission will enable growers of turfgrass seed to help themselves economically by funding research activities in the development of better and more effective production practices.

Statutory Authority for Adoption: RCW 15.65.050.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: The new rule will create the Washington Turfgrass Seed Commission consisting of seven board members given the authority to assess turfgrass seed growers (Kentucky bluegrass, perennial ryegrass, tall fescue, fine fescue, slender fescue and creeping red fescue). The assessments will be used to fund research programs in the development of better and more effective production practices.

Reasons Supporting Proposal: The order to create a turfgrass seed commission, if approved by the growers in a referendum vote, will enable producers of turfgrass seed to help themselves economically by collectively funding programs in research. Each grower will benefit in proportion to his/her level of production.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, 1111 Washington Street, Olympia, WA, (360) 902-1928; Implementation and Enforcement: Commission Board, office location to be established after adoption of rule.

Name of Proponent: Ten turfgrass seed growers representing the turfgrass seed industry petitioned the director of agriculture to issue a marketing order for turfgrass seed in

compliance with the Agricultural Enabling Act of 1961, chapter 15.65 RCW, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Affected producers must approve the rule in a referendum vote conducted by the Department of Agriculture (RCW 15.65.160).

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will establish an agricultural commodity commission representing turfgrass seed producers. The commissions will have the authority to assess a fee on turfgrass seed grown in the state of Washington to fund programs in the following areas: (1) Research in the production, processing and distribution of turfgrass seed; (2) collection and dissemination of information pertaining to turfgrass seed and turfgrass seed by-products; and (3) establish and conduct programs to develop markets for turfgrass seed byproducts. The issuance of a marketing order to create the commission will insure a constant source of funding for long range research activities that will improve the efficiency of production and proper use of agricultural resources. Agricultural commodity commissions in the state are in the public interest by enabling producers of agricultural commodities to develop more efficient methods of production and marketing of products and preventing economic waste.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared under the Regulatory Fairness Act (RFA), chapter 19.85 RCW. Adoption of the rule will require approval by a majority of the turfgrass seed growers voting in a referendum conducted by the Department of Agriculture. If the growers assent to the proposed rule, each producer will be assessed a fee based on production. There will be no disproportional costs to small businesses because costs, as well as economic benefit, provided in the rule will be in proportion to the level of production of each producer. The rule will not increase cost in equipment, supplies, labor, or administrative expenses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Franklin County PUD #1, 1411 West Clark, Pasco, WA, on October 29, 1998, at 10:00 a.m.; and at the WSU Cooperative Extension, 222 North Havana, Spokane, WA, on October 29, 1998, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by October 26, 1998, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Walter Swenson, Agricultural Programs Administrator, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2092, by October 29, 1998.

Date of Intended Adoption: January 5, 1999.

September 23, 1998
William E. Brookreson
Assistant Director

PROPOSED

Chapter 16-545 WAC

Turfgrass Seed Commission

NEW SECTION

WAC 16-545-010 Definitions of terms. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or the director's duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agriculture Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

(5) "Affected producer" means any person who produces, or causes to be produced, in commercial quantities, turfgrass seed in the state of Washington.

(6) "Commercial quantity" means all the turfgrass seed produced for sale in any calendar year by any producer.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing or distributing turfgrass seed not produced by the handler and shall include any lending agencies for a commodity credit corporation loan to producers.

(8) "Turfgrass seed commodity board" referred to as "board" means the turfgrass seed commodity board formed under WAC 16-545-020.

(9) "Turfgrass seed" means Kentucky bluegrass, perennial ryegrass, tall fescue, fine fescue, slender fescue, and creeping red fescue. Forage fescue and reclamation grass seed are excluded from this order.

(10) "Turfgrass seed by-products" means turfgrass seed straw and screenings.

(11) "Marketing season" or "fiscal year" means the twelve-month period beginning on June 1 of any year and ending with the last day of May, both dates being inclusive.

(12) "Producer-handler" is both a "producer" and a "handler" with respect to turfgrass seed and is covered by this order as a producer when engaged in the business of producing turfgrass seed or a handler when engaged in processing, selling, marketing or distributing turfgrass seed.

(13) "Affected area" or "production area" means that portion of the state of Washington located east of the summit of the Cascade Mountains.

(14) "Sell" includes offer for sale, expose for sale, and have in possession for sale, exchange, barter or trade.

(15) "Affected unit" means one pound net pay weight of turfgrass seed.

NEW SECTION

WAC 16-545-015 Turfgrass seed districts. (1) District 1 consists of Chelan, Douglas, Ferry, Okanogan, Pend Orielle, Spokane and Stevens counties.

(2) District 2 consists of Asotin, Columbia, Garfield, Walla Walla, and Whitman counties.

(3) District 3 consists of Adams, Franklin, Grant, and Lincoln counties.

(4) District 4 consists of Benton, Kittitas, Klickitat, and Yakima counties.

NEW SECTION

WAC 16-545-020 Turfgrass seed board. (1) Administration. The provisions of this order and the applicable provisions of the act is administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board consists of seven members. Five members are affected producers elected under provisions of this order. One member is an affected handler appointed by the elected producers. The director appoints one member of the board who is neither an affected producer nor an affected handler to represent the department and the public.

(b) Each district has one board member.

(i) Positions one through four represent each of the numbered districts.

(ii) Position five represents the district with the highest reported production of turfgrass seed the previous three years.

(iii) Position six is a handler appointed by the elected producers.

(iv) Position seven is the member appointed by the director.

(3) Board membership qualifications.

(a) The affected producer members of the board must be practical producers of turfgrass seed in the district in and for which they are nominated and elected and must be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing turfgrass seed within the state of Washington for a period of three years and has during that time derived a substantial portion of his or her income therefrom and who is not engaged in business as a handler or other dealer.

(b) The affected handler member of the board must be a practical handler of turfgrass seed and must be a citizen and resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling turfgrass seed within the state of Washington for a period of five years and has during that period derived a substantial portion of his or her income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) Term of office.

(a) The term of office for members of the board is three years. One-third of the membership as nearly as possible must be elected each year.

(b) Membership positions on the board are designated numerically; affected producers will have positions one through five, the affected handler will have position six and the member appointed by the director will have position seven.

PROPOSED

(c) The term of office for the initial board members must be as follows:

Positions one and three - three years, ending on January 31, 2002.

Positions two and five - two years, ending on January 31, 2001.

Positions four and six - one year, ending on January 31, 2000.

(d) No member of the board can serve more than two full consecutive three-year terms.

(5) Nomination and election of board members.

(a) Each year the director shall call for nomination meetings in those districts whose board members term is about to expire. The meetings must be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every meeting must be published in a newspaper of general circulation within the affected district at least ten days in advance of the date of the meeting and in addition, written notice of every meeting must be given to all affected producers within the affected district according to the list maintained by the director under RCW 15.65.200 of the act. Nonreceipt of notice by any interested person will not invalidate the proceedings at the nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at the nomination meetings. Nominations may also be made within five days after the meeting by written petition filed with the director, signed by at least five affected producers. At the inception of this order, nominations may be made at the issuance hearing.

(b) If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers. Nominating petitions for producers must be signed by at least five affected producers of the district from which the candidate will be elected. The final date for filing nominations must be at least twenty days after the notice was mailed.

(6) Election of board members.

(a) Members of the board must be elected by secret mail ballot within the month of January under the supervision of the director. Affected producer members of the board must be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer is entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a runoff election must be held by mail in a similar manner between the two candidates for the position receiving the largest number of votes.

(c) Notice of every election for board membership must be published in a newspaper of general circulation within the affected district at least ten days in advance of the date of the election. At least ten days before every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of the affected producers maintained by the director in accordance with RCW 15.65.200 of the act. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing their qualifications. Nonreceipt of a ballot by an affected producer will not invalidate the election of any board member.

(d) The appointed handler member of the initial board shall be elected by a majority of the elected members at the first meeting.

(7) **Removal of board members.** A board member may be removed by a vote of the board if that member fails to attend any three consecutive meetings of the board, duly noticed.

(8) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(9) **Quorum.** A majority of the members is a quorum for the transaction of all business and to execute the duties of the board.

(10) **Board compensation.** No member of the board will receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(11) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and other officers as the board deems advisable.

(c) To employ and discharge at its discretion the personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to execute the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. The expenses and costs may be paid by check; draft or voucher in the form and the manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director to defray the costs of formulating the order.

(f) To establish a "turfgrass seed board marketing revolving fund" and to deposit the fund in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done under this order. The records, books and accounts must be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. The books and accounts must be closed as of the last day of each fiscal year of the commission. A copy of the audit shall be delivered within thirty days after completion to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board may deem necessary. The board must pay the premium for the bond or bonds from assessments collected. The bond may not be necessary if any blanket bond covering officials or employees of the state of Washington covers any board member or employee.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution a headquarters, which shall continue unless, changed by the board. All records, books and minutes of board meetings must be kept at the headquarters.

(k) To adopt rules of a technical or administrative nature, under chapter 34.05 RCW (Administrative Procedure Act).

(l) To execute RCW 15.65.510 covering the obtaining of information necessary to effectuate the order and the act, along with the necessary authority and procedure for obtaining the information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States to obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To execute any other grant of authority or duty provided designees and not specifically set forth in this section.

(p) To sue or be sued.

(12) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date fixed by resolution of the board and held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget must be presented for discussion at the meeting. Notice of the annual meeting must be filed in accordance with chapter 42.30 RCW (Open Public Meetings Act). Notice of the annual meeting must be given at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution the time, place, and manner of calling special meetings of the board with twenty-four hours written notice to the members. A board member may waive in writing his or her notice of any special meeting.

NEW SECTION

WAC 16-545-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of turfgrass seed to help themselves establish orderly, fair, sound, efficient, unhampered marketing, grading and standardization of turfgrass seed. To execute the purposes of the order, the board shall provide for a program in one or more of the following areas:

(1) Provide for research in the production, processing or distribution of turfgrass seed and expend the necessary funds for the purposes. Insofar as practicable, the research must be carried out by experiment stations of Washington State University, but if in the judgment of the board that the experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(2) Provide for collection and dissemination of information pertaining to turfgrass seed and turfgrass seed by-products.

(3) Establish and conduct programs to develop markets for turfgrass seed by-products.

(4) Under no circumstances are any sections of this marketing order to be construed as authorizing or permitting any programs pertaining to marketing or promotion of turfgrass seed.

NEW SECTION

WAC 16-545-040 Assessments and collections. (1) **Assessments.** (a) The assessment on all varieties of turfgrass seed subject to this marketing order shall be 0.3 percent (three tenths of one percent) of the net receipts at the first point of sale and shall be deducted by the first purchaser from the price paid to the grower. The assessment shall be remitted to the commission board in accordance with procedures adopted by the commission board.

(b) The assessments shall not be payable on any turfgrass seed used by the affected producer on their premises for feed, seed and personal consumption.

(2) **Collections.** Excess moneys collected by the board under the order during the fiscal year may be carried over and used during the next successive fiscal year. The board may also recommend that excess moneys at the close of a fiscal year be refunded on a pro rata basis to the affected producers from whom the moneys were collected.

(3) **Penalties.** Any due and payable assessment levied in the specified amount as may be determined by the board under the act and the order, is a personal debt of the person assessed or who owes the debt, and it is due and payable to the board when payment is called for by the board. If a person fails to pay the board the full amount of the assessment by the date due, the board may add to the unpaid assessment or sum an amount not exceeding ten percent of the amount to defray the cost of enforcing the collecting the assessment. In the event of failure of the person or persons to pay the full amount due, the board may bring a civil action against the person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

NEW SECTION

WAC 16-545-041 Time—Place—Method for payment and collection of assessments. Effective with the growing season of 1999, the following procedure is estab-

lished for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-545-040:

(1) All first handlers of turfgrass seed grown in the state of Washington, or the person acting on behalf of a first buyer, shall withhold the amount of assessment from their remittance to growers of turfgrass seed and transmit it to the commission.

(2) All assessments will be due and payable to the commission within thirty days of collection. With the submission of the assessments, a report listing the name, address, volume handled or purchased and amount deducted or collected for each producer must be submitted to the commission on forms provided by or approved by the commission.

(3) Any assessments paid after the above deadlines shall be accompanied by an administrative fee of 10% in accordance with RCW 15.65.440 of the act.

NEW SECTION

WAC 16-545-050 Obligations of the board. Obligations incurred by the board or employee or agent pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent) established under this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

NEW SECTION

WAC 16-545-080 Separability. If any provisions of the order are declared invalid, or the applicability to any person, circumstances or thing is held invalid, the validity of the remainder provisions or of the applicability to any other person, circumstances or thing shall not be affected.

WSR 98-19-119

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 98-10—Filed September 23, 1998, 9:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-12-044.

Title of Rule: Chapter 173-98 WAC, Uses and limitations of the water pollution control revolving fund.

Purpose: Update and modify rule to reflect changed conditions, provide greater detail, and improve service to local governments and Indian tribes.

Statutory Authority for Adoption: Chapter 90.50A RCW.

Statute Being Implemented: Chapter 90.50A RCW.

Summary: The rule became effective in 1989 and needs to be updated in order to improve ecology's flexibility in providing effective and efficient financial assistance to local governments and Indian tribes. Changes relate to an ongoing effort to achieve a high level of consistency between the SRF and the state-funded centennial clean water fund, and to insure the perpetuity of the fund. Other changes are simply "housekeeping" or are intended to clarify the existing rule or put existing policy into rule form.

Reasons Supporting Proposal: Clarifies issues, simplifies procedures for recipients of assistance, and updates rule to reflect current situation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Brian Howard, Lacey, (360) 407-6510.

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 rule outlines management of Washington state water pollution control revolving fund, which provides low-interest loans to local governments and Indian tribes for water pollution control facilities and activities. The rule, with proposed amendments, covers funding cycles, how the state manages federal funds, interest rates, security, hardship determination, eligible and ineligible projects and project elements, and other aspects of managing the fund.

Proposal Changes the Following Existing Rules: Adds loan security provisions, increases flexibility for local governments and Indian tribes in loan negotiation, clarifies eligibility of specific proposed projects and project elements, removes outdated sections including design allocation and 55% benefit limitations, updates language to reflect organizational changes.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Review by agency economist and financial assistance staff showed no relationship to small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule does not subject a violator to a penalty or sanction; does not establish, alter or revoke a qualification or standard for the issuance, suspension or revocation of a license or permit; and does not make a new or significant amendment to a policy or regulatory program. This rule is entirely related to financial assistance to local governmental entities.

Hearing Location: Department of Ecology Building, Room 1-S-17, 300 Desmond Drive, Lacey, WA, on October 29, 1998, at 10 a.m. to 12 a.m. [p.m.].

PROPOSED

Assistance for Persons with Disabilities: Contact Brian Howard by October 23, 1998, TDD (360) 407-6006, or voice (360) 407-6510.

Submit Written Comments to: Brian Howard, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, fax (360) 407-6426, by November 6, 1998.

Date of Intended Adoption: November 24, 1998.

September 22, 1998

Dan Silver

Deputy Director

AMENDATORY SECTION (Amending Order 89-34, filed 8/29/89, effective 9/29/89)

WAC 173-98-010 What is the purpose of this chapter? The purpose of this chapter is to set forth limitations on the allocation and uses of moneys administered by the department of ecology from a special fund within the state treasury known as the state water pollution control revolving fund (SRF), as authorized by chapter 90.50A RCW. This fund provides financial assistance to applicants throughout the state of Washington who need such assistance to meet high priority water quality management needs.

AMENDATORY SECTION (Amending Order 89-34, filed 8/29/89, effective 9/29/89)

WAC 173-98-020 What are the definitions of key terms? Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Act" means the Federal Water Pollution Control Act (33 U.S.C. 4661 et seq.).

(2) ~~("Allowance" means a specific portion of the financial assistance agreement for the purpose of defraying the costs of planning, design, or both.~~

(3) "Applicant" means a public body requesting financial assistance for water pollution control facilities projects authorized in section 212 of the act. "Applicant" can also mean an entity other than a public body which requests financial assistance authorized by sections 319 and 320 of the act. An entity must be financially stable and clearly have the capacity to repay their loans.

(3) "Approvable" means:

- All major department comments on the draft document (i.e., facilities plan or plans and specifications) have been addressed.
- Preliminary State Environmental Policy Act (SEPA) review checklists have been prepared for the project or the project is in compliance with SEPA.
- The SRF State Environmental Review Process (SERP) review checklists have been prepared for the project or the project is in compliance with SERP. Only the final written department approval remains.

(4) "Construction" means the erection, installation, expansion, or improvement of ~~(a))~~ water pollution control ~~(facility))~~ facilities or ~~(activity))~~ activities.

(5) "Cost-effective alternative" means that alternative with the lowest present worth or equivalent annual value that achieves the requirements of the project while recognizing the environmental and other nonmonetary considerations.

(6) "Coverage requirement" means annual net revenue, together with utility local improvement district assessments (if applicable), at least equal to one hundred twenty-five percent of annual debt service on all senior lien obligations plus annual debt service on the loan.

(7) "Defeasance" means the setting aside in escrow or other special fund or account of sufficient investments and money dedicated to pay all principal of and interest on all or a portion of an obligation as it comes due.

(8) "Department" means the Washington state department of ecology.

~~((7))~~ (9) "Design" means the plans and specifications for ~~(a))~~ water pollution control ~~(facility))~~ facilities or ~~(activity))~~ activities.

~~((8))~~ (10) "Director" means the director of the Washington state department of ecology or his ~~(/))~~ or her authorized designee.

~~((9))~~ (11) "The effective date of the loan agreement" means the date the loan agreement is signed by the department's water quality program manager.

(12) "EPA" means the United States Environmental Protection Agency.

~~((10))~~ (13) "Existing residential need" means work required on the recipient's water pollution control facilities for the existing residential population in order to meet the recipient's National Pollution Discharge Elimination System or state waste discharge permit.

(14) "Facilities plan(s)" means ~~(those necessary))~~ plans and studies necessary for treatment works ~~((needed))~~ to comply with enforceable requirements of the act and with state statutes. Facilities plans must include a systematic evaluation of alternatives that are feasible in light of the unique demographic, environmental or ecological, topographic, hydrologic and institutional characteristics of the area ~~((; and))~~. Facilities plans must also demonstrate that the selected alternative is cost-effective.

~~((11))~~ (15) "Federal capitalization grant" means a federal grant awarded by ~~((the Environmental Protection Agency-))~~ EPA ~~((;))~~ to the state as seed money to help establish the state water pollution control revolving fund.

~~((12))~~ (16) "Financial assistance" means each of the four types of assistance specified in WAC 173-98-030 (1)(b) through ~~((e))~~ (f) and other assistance authorized by Title VI of the act and chapter 90.50A RCW.

~~((13))~~ (17) ~~((Financial assistance))~~ SRF loan agreement means a legal contract between a recipient and the state, enforceable under state law, and specifying the terms and schedules under which assistance is provided. ~~((Financial assistance agreements" are referred to as "binding commitments" by EPA.~~

~~((14))~~ (18) "Fund" means the state water pollution control revolving fund.

~~((15))~~ (19) "General obligation debt" means an obligation of the recipient secured by annual ad valorem taxes levied by the recipient and by the full faith, credit, and resources of the recipient.

(20) "Initiation of operation" means the actual date the ~~((facility))~~ water pollution control facilities initiates operation and ~~((is being used))~~ the entity begins using the facilities for its intended purpose. This date may occur prior to final inspection and will be determined by the department after consultation with the recipient. This date may be the same or earlier than the date of project completion.

~~((16))~~ (21) "Intended use plan (IUP)" means a plan identifying the intended uses by the department of the amount of funds available for financial assistance from the state water pollution control revolving fund (SRF) for that fiscal year as described in section 606(c) of the act. The projects on the IUP will be ranked by environmental and financial need.

~~((17))~~ (22) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to~~((;))~~;

(a) Atmospheric deposition, surface water runoff from agricultural lands, urban areas, forest lands, subsurface or underground sources~~((;))~~; and

(b) Discharges from boats or other marine vessels.

~~((18))~~ (23) "Plans and specifications" means the construction contract documents and supporting engineering documents prepared in sufficient detail to allow contractors to bid on and construct water pollution control facilities. "Plans and specifications" and "design" may be used interchangeably.

~~((19))~~ (24) "Project" means the scope of work for which financial assistance is issued.

~~((20))~~ (25) "Project completion" means the date the project is ~~((certified))~~ determined by the department as being complete ~~((after the final inspection))~~.

~~(21)~~ "Project priority list" means a list of projects required by section 216 of the act. The project priority list will be the intended use plan for funds issued in fiscal year 1990 and thereafter).

~~((22))~~ (26) "Public body" means the state of Washington or any agency, county, city or town, other political subdivision, municipal corporation or quasi-municipal corporation, and those Indian tribes ~~((now or hereafter))~~ recognized as such by the federal government at the time the SRF loan agreement is signed.

~~((23))~~ (27) "Public health emergency" means a situation declared by the Washington state department of ~~((social and))~~ health ~~((services))~~ in which illness or exposure known to cause illness is occurring or is imminent.

~~((24))~~ (28) "Recipient" means an applicant for financial assistance which has signed ~~((a financial assistance))~~ an SRF loan agreement.

~~((25))~~ (29) "Revenue-secured debt" means an obligation of the recipient secured by a pledge of the revenue of a utility and one not of a general obligation of the recipient.

(30) "Senior lien obligations" means all revenue bonds and other obligations of the recipient outstanding on the date of execution of this agreement (or subsequently issued on a

parity therewith, including refunding obligations) or issued after the date of execution of this agreement having a claim or lien on the gross revenue of the utility prior and superior to the claim or lien of the loan, subject only to maintenance and operation expense.

(31) "Severe public health hazard" means a situation declared by the state department of ~~((social and))~~ health ~~((services))~~ and the department in which the potential for illness exists, ~~((but))~~ even if the illness is not currently occurring or imminent. For the purposes of this chapter there must be contamination of drinking water or contamination must be present on the surface of the ground in such quantities and locations to create a potential for public contact. The problem must generally involve a serviceable area including, but not limited to, a subdivision, town, city, or county. Also, the problem must be one which cannot be corrected through more efficient operation and maintenance of the wastewater disposal system(s).

~~((26))~~ (32) "State water pollution control revolving fund (SRF)" means the water pollution control revolving fund established by RCW 90.50A.020.

~~((27))~~ (33) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including, but not limited to, change in;

(a) Temperature~~((;))~~;

(b) Taste~~((;))~~;

(c) Color~~((;))~~;

(d) Turbidity~~((;))~~; or

(e) Odor ~~((of the waters, or such))~~.

It also means a discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state ~~((as))~~ that will or is likely to create a nuisance or render ~~((such))~~ those waters harmful, detrimental, or injurious to the public health, safety, or welfare, or injurious to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

~~((28))~~ (34) "Water pollution control activities" means actions ~~((for))~~ taken by a public body to achieve the following purposes:

(a) To control nonpoint sources of water pollution;

(b) To develop and implement a comprehensive conservation and management plan for estuaries; and

(c) To maintain, improve, or protect water quality through the use of water pollution control facilities, management programs, or other means.

~~((29))~~ (35) "Water pollution control ~~((facility or water pollution control))~~ facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater ~~((, including))~~. Wastewater includes, but is not limited to, sanitary sewage, storm water, combined sewer overflows, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property integral to the treatment process, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include

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~~((such))~~ facilities, equipment, and collection systems ~~((as))~~ which are necessary to protect federally designated sole source aquifers.

AMENDATORY SECTION (Amending Order 89-34, filed 8/29/89, effective 9/29/89)

~~WAC 173-98-030 ((Uses of the money and policies for establishing terms of assistance.))~~ How, and under what conditions, can money from the state water pollution control revolving fund be used? (1) Uses of the money. The state water pollution control revolving fund (SRF) may be used for the following purposes:

(a) To accept and retain funds from capitalization grants provided by the federal government, state matching funds appropriated in accordance with chapter 90.50A RCW, payments of principal and interest, and any other funds earned or deposited;

(b) To make loans ~~((at or below market interest rates))~~ to applicants in order to finance the planning, design, and/or the construction of water pollution control facilities, make loans to applicants for the implementation of nonpoint source pollution control management programs (which includes planning and implementing elements of the nonpoint source pollution assessment and management program), and make loans to applicants for the development and implementation of a comprehensive estuary conservation and management plan, subject to the requirements of the act;

(c) To provide loans for up to twenty years reserve capacity for water pollution control facilities;

~~((d))~~ (d) To buy or refinance ~~((, at or below market interest rates,))~~ the debt obligations incurred by applicants after March 7, 1985, for the construction of water pollution control facilities. (March 7, 1985, was the date that the amendments adding Title VI to the act were first considered by Congress. Any refinancing agreements must be for construction initiated after that date according to federal and state law);

~~((e))~~ (e) To guarantee or purchase insurance for local obligations where such an action would improve credit market access or reduce interest rates;

~~((f))~~ (f) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state, if the proceeds of ~~((such))~~ those bonds will be deposited in the fund; and

~~((g))~~ (g) To finance the reasonable costs incurred by the department in the administration of the account as authorized by the act and chapter 90.50A RCW.

(2) Policies for establishing the terms of financial assistance. ~~((Loans may be made at or below market interest rates and may include zero percent interest loans. The specific terms established in the program guidelines will receive complete public review. These terms shall not be changed without full public review and opportunity for public comment, and any such changes shall not affect existing financial assistance agreements. Terms shall be established in the guidelines based on the needs to provide substantive financial assistance to projects, to consider unique individual economic circumstances such as financial hardship conditions, to award loans in a timely manner and to maintain a financially sound revolving loan fund in perpetuity. Loan repayments shall be~~

~~in accordance with WAC 173-98-110.))~~ Recipients' interest rates will be based on the average market interest rate. The average market interest rate will be based on the daily market rate published in the Bond Buyer's Index for tax exempt municipal bonds. The average market rate will be calculated three months before the SRF funding cycle begins using the daily market interest rate for those months. The average market interest rate will be recalculated three months before the Draft IUP is issued, based on the daily market interest rate for those months. If that interest rate is at least 0.1 percent below the previously calculated average market interest rate, recipients' interest rates will be based on the lower average market interest rate rounded to the nearest 0.1 percent. Recipients will not receive an interest rate higher than the interest rate established at the beginning of the funding cycle.

Loan terms and interest rates are as follows:

<u>Repayment Period</u>	<u>Project Duration</u>	<u>Interest Rate</u>
<u>Up to five years:</u>	<u>Projects must be completed in less than two years from the effective date of the SRF loan agreement to project completion.</u>	<u>Zero percent interest rate.</u>
<u>Up to five years:</u>	<u>Projects that take two years or more to complete from the effective date of the SRF loan agreement to project completion.</u>	<u>Forty percent of the average market rate.</u>
<u>More than 5 but less than 15 years:</u>	<u>Not applicable.</u>	<u>Sixty percent of the average market rate.</u>
<u>15 to 20 years:</u>	<u>Not applicable.</u>	<u>Seventy-five percent of the average market rate.</u>

(3) Financial hardship assistance for facilities construction.

(a) Financial hardship assistance may be available to loan recipients for the existing residential need portion of a water pollution control facilities construction project if the project will cause a residential sewer user charge in excess of 1.5 percent of the median household income. Median household income is based on census data. Median household income data is updated yearly based on inflation. If median household income data is not available for a community the department will allow a local government to conduct a scientific survey to determine the median household income.

(b) The need for hardship assistance is calculated on water pollution control facilities construction costs associated with existing residential need at the time an application for funding is received by the department. The analysis does

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not include costs for growth. For example, if an applicant applies for ten million dollars to finance facilities construction costs, where six million dollars is for existing residential need and the remaining four million dollars is for growth, the hardship analysis would be based on the six million dollars for existing residential need.

(c) If the department determines that financial hardship exists, it may structure loan agreements with terms to help keep residential user charges below the financial hardship level for the existing residential need, if possible. Hardship terms may include lengthening the repayment period to a maximum of twenty years, lowering the interest rate, or a combination of a lower interest rate and an extended term.

(d) For some facilities projects, financial hardship cannot be established using residential user fees as a percent of median household income. In these situations, financial hardship determinations will be made on a case-by-case basis.

(e) If an applicant is requesting financial hardship assistance, it should submit a completed financial hardship analysis form with its application for financial assistance.

AMENDATORY SECTION (Amending Order 89-34, filed 8/29/89, effective 9/29/89)

WAC 173-98-040 ((Provisions of guidelines.)) **Where can I obtain more detail about the application, review, and issuance processes for funds from state water pollution control revolving fund?** The department ((will publish)) publishes guidelines which ((will)) describe in greater detail the financial assistance application, review and issuance processes, the terms of assistance, and other elements of this program.

AMENDATORY SECTION (Amending Order 89-34, filed 8/29/89, effective 9/29/89)

WAC 173-98-050 **What are the limitations on the use of funds and ((establishment of categories.)) how are the funds categorized?** (1) The fund may be used to provide financial assistance to applicants for the construction of water pollution control facilities which are identified in the intended use plan((/project priority list)) and activities eligible for assistance under sections 319 and 320 of the act.

(2) Unless the demand for funding is limited((/financial assistance agreements (binding commitments) which are signed within one hundred twenty days of the award of the federal capitalization grant or issuance of the final intended use plan when federal capitalization grants are not awarded.)) **SRF loan agreements** are subject to the following funding category limitations:

(a) Not more than eighty percent of the fund will be available for the construction of facilities as established under section 212 of the act((,)) and subject to the requirements of ((the)) that act. ((These)) Those projects will be under the water pollution control facilities category.

(b) Not more than ten percent of the fund will be available for the implementation of a program established under section 319 of the act for the management of nonpoint

sources of pollution, and subject to the requirements of that act. ((These)) Those projects will be under the nonpoint source category.

(c) Not more than ten percent of the fund will be available for the development and implementation of a comprehensive conservation and management plan under section 320 of the act relating to the National Estuary Program, and subject to the requirements of that act. ((These)) Those projects will be under the comprehensive estuary conservation and management category (estuary category).

(d) Not more than fifty percent of the fund in each category will be available to any one applicant.

(3) ((After the one hundred twenty day limitation period established in subsection (2) of this section, the department may make financial assistance agreements with any applicant as necessary to utilize available funds. The director may exercise prerogative to ensure that the fund is equitably distributed state wide, consider the intent of category limitations above, and is self-sustaining in perpetuity. Such projects must comply with all applicable requirements of the act.)) In accordance with federal law, loan offers identified on the final IUP will be effective for up to one year from the date of the offer or until the issuance of the next year's final IUP. All SRF loan offers that do not result in a signed SRF loan agreement within the effective offer period are automatically terminated. Funds reserved for SRF loan agreements that are not signed within the effective period may be carried over and made available for the next year's funding cycle.

(4) The fund ((cannot)) may not be used for activities primarily directed toward water resources or water pollution control activities or facilities or portions ((thereof)) of those facilities that are primarily intended to control, transport, treat, dispose, or otherwise manage commercial, institutional, or industrial wastewater or other water pollution control needs from ((industrial)) those sites. Costs associated with commercial, institutional, or industrial pretreatment are not eligible for funding. However, commercial, institutional, or industrial ((or commercial)) wastewater flows attributable to a public body's water pollution control ((facility)) facilities which are determined by the department to be "small" may be allowed. Small flows are commercial, institutional, or industrial flows that comprise less than five percent individually or thirty percent collectively of the total flow.

(5) The fund ((cannot)) may not be used to make direct loans to applicants to support the nonfederal share of eligible portions of projects receiving assistance under Title II of the act. The fund ((can)) may be used to finance portions of such projects which were determined to be ineligible for federal assistance but which are eligible under ((this)) the SRF program.

(6) ((If state grants authorized by chapter 70.146 RCW are combined with SRF financial assistance, these combinations will generally be structured to approximately equal a fifty-five percent grant for the eligible project costs except for hardship cases and base grants that exceed fifty percent, as determined by the department according to the criteria of the grant program administered by the department. For recipients of a grant/loan combination, requirements will be consistent, insofar as possible, and will not result in duplication of effort,

but will be no less stringent than is allowed by federal and state laws, regulations, and guidance.

To ensure that federal funds are obligated in a timely manner, equitably in the department's programs, and the fund is maintained in perpetuity, the director may exercise prerogative in establishing department grant percentages, loan interest rates, and terms of loans.

(7) Applicants must submit an approvable facilities plan for projects funded according to the water pollution control facilities category. Other planning level documents including, but not limited to, engineering reports (chapter 173-240 WAC), may be approvable for financial assistance issued under the nonpoint and estuary categories. Facilities plans must be approved before the financial assistance agreements can be signed for those agreements signed on or after January 1, 1991.) Noneligible project costs include, but are not limited to, the following:

(a) Acts of nature: Projects related to acts of nature that alter the natural environment, thereby causing water quality problems;

(b) Aquatic plant control for aesthetic reasons, navigational improvements, or other purposes unrelated to water quality;

(c) Engineering reports;

(d) Facilities that propose to meet or maintain primary treatment of domestic sewage;

(e) Flood control: Projects primarily designed to provide flood control;

(f) Lake implementation projects where there is no public access;

(g) Reclamation of abandoned mines or if used in the mining process;

(h) State and federal agency water pollution control programs that are part of the agency's mission, goals, or statutory responsibilities;

(i) Scientific research unrelated to a specific project;

(j) Sewers: Side sewer laterals or individual pump stations on private residential property, or other appurtenances where the facilities are not owned and maintained by a public body;

(k) Solid and hazardous waste facilities;

(l) Storm water activities and facilities associated exclusively with flood control.

(7) Noneligible project component costs include, but are not limited to, the following:

(a) Bond costs for debt issuance;

(b) Employee training not related to or identified in an SRF loan agreement;

(c) Equipment required for site and building maintenance;

(d) Facilities components:

(i) Abandonment of existing structures;

(ii) Bonus or acceleration payments to contractors to meet contractual completion dates for construction;

(iii) Capacity in excess of twenty years;

(iv) Construction claims and associated costs determined to be nonmeritorious;

(v) Construction claims, meritorious, in excess of the maximum allowable loan amount;

(vi) Corrective action plans for the one-year performance certification program;

(vii) Cost-plus-a-percentage-of-cost contracts (also know as multiplier contracts);

(viii) Demolition of structures that are not interfering with proposed construction;

(ix) Replacement parts, for an initial set of spare parts for equipment that is critical for facilities to operate in compliance with discharge permit requirements;

(e) Fines and penalties due to violations of or failures to comply with federal, state, or local laws;

(f) Interest on bonds, interim financing, and associated costs to finance projects;

(g) Lake implementation projects where there is no public access;

(h) Land acquisition for siting of wastewater treatment plants, sewer rights of way, and easements, and associated costs;

(i) Landscaping for aesthetic reasons;

(j) Legal expenses other than those associated with development of local ordinances for water quality protection and improvement or associated with the use of a bond counsel in developing a loan agreement;

(k) Lobbying or expenses associated with lobbying;

(l) Monitoring equipment used by an industry for sampling and analyzing industrial discharges to municipal water pollution control facilities;

(m) Office equipment;

(n) Operating expenses of local government, such as the salaries and expenses of a mayor, city council member, and/or city attorney;

(o) Overtime differential paid to employees of local government to complete administrative or force account work;

(p) Personal injury compensation or damages arising out of the project, whether determined by adjudication, arbitration, negotiation, or other means;

(q) Preparation of SRF loan applications;

(r) Previously funded objectives financed with an SRF loan;

(s) Rework costs;

(t) Routine or ongoing operation and maintenance costs;

(u) Seminar and conference fees not identified in an SRF loan agreement;

(v) Vehicle purchase or lease except those vehicles that are integral to a treatment process e.g., sludge truck.

AMENDATORY SECTION (Amending Order 89-34, filed 8/29/89, effective 9/29/89)

WAC 173-98-060 ((Allowance provisions for planning and design for facilities.)) **What is the step process for planning facilities and activities projects?** (1) ((An established allowance of financial assistance shall be provided for planning and design for water pollution control facilities. The allowance shall be based on total construction costs when the bids are received. If the project is in the design phase, the allowance shall be based on approvable facilities planning estimates, and the allowance will be adjusted when the bids are received. The allowance is determined in accordance with the tables provided in the program guidelines.

(2) The allowance is not intended to necessarily cover one hundred percent of all planning and design engineering costs incurred. Accordingly, the allowance tables are not recommended to be used to determine the cost for planning or design services provided by the consulting engineer. This actual cost must be negotiated between the applicant and its consulting engineer based upon the nature, scope, and complexity of the project.

(3) The allowance will be paid to the recipient according to the following schedule and conditions:

(a) A recipient may request payment of thirty percent of the estimated planning and design allowance immediately after the financial assistance agreement is signed.

(b) Half the remaining estimated planning and design allowance may be requested when the design of the project is at least fifty percent complete.

(c) Adjustment and final payment of the allowance will occur when the lowest, responsible, responsive bid(s) are accepted and approved by the department.

(d) If a project receives grant assistance administered by the department, the allowance will be adjusted so that only the nongrant share is provided. These combinations will generally be structured to approximately equal a fifty-five percent grant for eligible project costs.)) The step process for facilities. To be eligible for an SRF loan, facilities projects must proceed according to a systematic method known as the "step process." Before a public body with a facilities project is eligible to apply for funds, all previous steps must be approved or approvable by the department in order to help ensure that funds are well spent on projects proceeding towards a successful and viable outcome. Funding for site-specific facilities planning (Step 1) or design (Step 2) does not guarantee the awarding of future loans for construction (Step 3). The loan agreement will not be signed until all previous steps have been completed and approved by the department.

(a) Planning (Step 1). Step 1 involves the preparation of a site-specific facilities plan that identifies and prioritizes the cost-effective alternatives for addressing a water pollution control problem with or without state and federal funding. If there is an existing engineering report, prepared with or without department funding, it must be upgraded for SRF eligibility if it does not meet the definition of a facilities plan.

(b) Design (Step 2). Step 2 includes the preparation of plans and specifications for use in construction. These must be based on the preferred cost-effective alternative identified in the facilities plan.

(i) Facilities plan must be approved or deemed approvable by the department before an application for design can be considered for funding. Site-specific facilities planning documents not funded by a department grant or loan must also be approved or approvable by the department before an application for design can be considered.

(ii) Applications for Step 2 loans will be accepted and considered for funding if it can be documented by the applicant that Step 1 planning is approved within ninety days after the close of the application period.

(iii) Due to specific loan review criteria, a facilities plan approved by the department for purposes other than securing a loan will not be accepted for design purposes.

(iv) A facilities plan approved by the department more than two years prior to the close of the SRF application period must contain evidence of department review to ensure the document reflects current conditions.

(c) Construction (Step 3). Step 3 includes the actual building of facilities based on the approved design.

(i) Design must be approved or deemed approvable by the department before an application for construction can be considered for funding.

(ii) Applications for Step 3 loans will be accepted and considered for funding if it can be documented by the applicant that Step 2 design is approved within ninety days after the close of the application period.

(d) Design and construction (Step 4). In some cases, design and construction may be combined into one loan award. Applications for Step 4 loans will be accepted and considered for funding if it can be demonstrated that Step 2 design can be completed and approved by the department within one year of the date the final IUP is made public. The SRF loan share of the total eligible project under Step 4 cannot exceed fifty percent of the amount available in the appropriate funding category, or one million dollars, whichever is less.

(e) Step compliance and step deviations. There is one situation in which a deviation from the step process can be allowed:

(i) If the Washington state department of health has declared a public health emergency and if the proposed project would remedy this situation.

(ii) In this situation, the department will accept applications for funding consideration that do not follow the step process. However, no loan agreement will be signed until all previous steps have been completed and approved by the department. This deviation from the step process will only allow an application to be considered for funding. It does not allow a loan to be awarded until all step requirements have been satisfied.

(iii) If a deviation is approved, the applicant may deviate by only one step. For instance, the department could accept an application for design if planning was not completed and approved, or an application for construction if design was not completed and approved. However, the department may not accept an application for construction if planning was not completed and approved.

(2) The step process for activities. In most cases, the step process for activities is not required. However, those applications proposing to implement a specific project identified in a completed comprehensive plan are given additional consideration in the evaluation process. Agricultural best management practices that involve improvements on private property, or lake projects, must follow the step process.

(a) Planning (Step 1) involves the identification of problems and evaluation of cost-effective alternatives, based on environmental and economic considerations, for correcting and preventing water quality problems. Specific activities may include planning for watershed management, ground water management areas, lake restoration, and water quality assessment and other related activities.

(b) Implementation (Step 2) includes the actual implementation of the project based on the approved planning document.

AMENDATORY SECTION (Amending Order 89-34, filed 8/29/89, effective 9/29/89)

WAC 173-98-070 ((Compliance with applicable))
What other laws, regulations, ((and other)) or requirements((r)) must recipients comply with? (1)(a) All recipients shall comply with all applicable federal, state, and local laws, orders, regulations, and permits. Applications must not be inconsistent with pertinent adopted water quality plans including, but not limited to, plans under sections 208, 303(e), 319, and 320 of the act.

(b) The Puget Sound water quality management plan constitutes the comprehensive conservation and management plan required in section 320 (b)(4) of the act. Plans must not be inconsistent with shoreline master programs, ground water management programs and storm water plans, combined sewer overflow (CSO) reduction plans and county or city comprehensive sewer plans.

(c) In accordance with the ((financial assistance)) SRF loan agreement, the applicant shall provide assurances that the necessary permits required by authorities having jurisdiction over the project have been secured((, and make)), Copies must be available to the department, ((if requested)) upon request.

(2) Recipients shall fully comply with all federal, state, and local laws and regulations related to procurement, discrimination, labor, job safety, and drug-free environments. The recipient shall also comply with the state and federal minority-and-women-owned businesses regulations.

(3) If ((financial assistance)) an SRF loan is provided for water pollution control facilities, recipients shall submit a declaration of construction of water pollution control facilities to the department within thirty days of project, phase, or segment completion.

(4) Recipients must maintain accounting records in accordance with "generally accepted government accounting standards." These standards are defined as, but not limited to, those contained in the United States General Accounting Office (GAO) publication "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions." For example, charges must be properly supported, related to eligible costs, and documented by appropriate records. These accounts must be maintained as separate accounts.

(5) ((Recipients must demonstrate their legal ability to provide a dedicated source of revenue and guarantee the repayment of their obligations to the fund from that dedicated source. Dedicated sources of revenue could be special assessments, general taxes, or general obligation bonds, revenue bonds, user charges, rates, fees, or other sources.

(6)) Accounting irregularities may result in an immediate stoppage of payment until irregularities are resolved. The director may require immediate repayment of misused loan funds.

((7)) (6) According to RCW 90.50A.060, in the event of loan default, the state of Washington may withhold any amounts otherwise due to the recipient from the state and

direct that such moneys be applied to the indebtedness and deposited into the SRF.

((8)) (7) Appeals of ((financial assistance)) SRF loan agreement((s)) decisions will be processed in accordance with the water quality financial assistance appeals procedure. The only decisions which can be appealed are written decisions by the department made during the effective ((financial assistance)) SRF loan agreement period ((will be appealable)). Appeals must be filed ((with the financial assistance program disputes decision coordinator)) in writing to the department within forty-five days from the date of the disputed decision. Following the final decision of a dispute, the department and the recipient shall proceed with the project in accordance with the decision rendered. Administrative or legal costs and other expenses incurred as part of an appeal will not be eligible for reimbursement.

((9)) (8) The department, or at the department's discretion another authorized auditor, will audit the ((financial assistance)) SRF loan agreement and records.

((10)) (9) Recipients shall maintain comprehensive insurance coverage on the project for an amount equal to the funds disbursed.

AMENDATORY SECTION (Amending Order 89-34, filed 8/29/89, effective 9/29/89)

WAC 173-98-080 Indemnification. (1) The department shall in no way be held responsible for payment of salaries, consultant's fees, and other overhead costs related to ((a financial assistance)) an SRF loan agreement issued to ((an applicant)) a recipient.

(2) To the extent that the Constitution and laws of the state of Washington permit, the ((applicant)) recipient shall indemnify and hold the department harmless from and against any liability for any or all injuries to persons or property arising out of ((a financial assistance)) an SRF loan agreement except for such damage, claim, or liability resulting from the negligent act or omission of the department.

AMENDATORY SECTION (Amending Order 89-34, filed 8/29/89, effective 9/29/89)

WAC 173-98-090 ((Project priority list and)) How do I make sure my project is included in the intended use plan ((process))? (1) ((The project priority list required by section 216 of the act will be the intended use plan (IUP) beginning in fiscal year 1990 and thereafter.)) Applicants must apply for SRF financial assistance in order for their projects to be included on the IUP. Projects must be on the IUP in order to receive SRF financial assistance.

(2) Projects in all three categories will be ranked according to environmental and financial need. Projects in each category which have the highest environmental and financial need will be given priority for assistance under the SRF program. Because funds must be used in a timely manner to ensure that all available federal funding is received by the state, readiness to proceed ((may)) is also ((be)) used in establishing the priority of projects.

(3) Applications for financial assistance ((according to)) in the water pollution control facilities category (WAC 173-

98-050 (2)(a) must address problems such as public health emergencies, severe public health hazards, the need to provide secondary or advanced treatment, the need to improve and protect water quality, reduction of combined sewer overflows, and other environmental needs.

(4) Applications for financial assistance in the nonpoint source category (WAC 173-98-050 (2)(b)) must address the remedies and prevention of water quality degradation associated with nonpoint source water pollution and must not be inconsistent with needs identified in the department's nonpoint source pollution assessment and management program.

(5) Applications for financial assistance in the comprehensive estuary conservation and management category (estuary category) (WAC 173-98-050 (2)(c)) must meet applicable environmental needs outlined above and must meet needs identified in the Puget Sound water quality management plan or the respective plans for other federally designated estuaries in the state of Washington.

(6) Financial need would normally focus on the need to maintain user charges and fees at affordable levels. Both the priority process and the terms of the ~~((financial assistance))~~ SRF loan will be directed toward this objective. Unless the provisions of water pollution control facilities or activities has caused a financial hardship, refinancing of completed projects or segments would generally be low priority.

(7) Applicants must fully describe the environmental and the financial need for the project ~~((and they must submit a completed financial capability assessment form and a schedule for signing the financial assistance agreement and completing their project. These documents will be used to prepare a draft intended use plan (IUP) for public review and comment. Public participation will be used in the preparation of the draft and final intended use plan))~~.

(8) The department will prepare the draft IUP prior to the award of each federal capitalization grant from EPA or in the absence of a federal capitalization grant before principal and interest repayments to the SRF are offered. The ~~((plan))~~ IUP will generally list projects in the order that projects may be offered financial assistance.

AMENDATORY SECTION (Amending Order 89-34, filed 8/29/89, effective 9/29/89)

WAC 173-98-100 How do recipients comply with the state environmental review process((?))? (1) All ~~((projects))~~ recipients which receive ~~((financial assistance from the SRF program))~~ SRF loans must meet the provisions of the State Environmental Policy Act (SEPA), chapter 43.21C RCW, and the SEPA rules, chapter 197-11 WAC. Additional provisions are currently needed by federal law under Title VI of the act to satisfy the state's responsibility to help ensure that recipients comply with the National Environmental Policy Act (NEPA) and other applicable environmental laws, regulations, and executive orders. The lead agency (WAC 197-11-050(2)) responsible for SEPA compliance for each project under the SRF program shall also comply with the following additional provisions. When a categorical exclusion, finding of no significant impact, or a record of decision has been issued ~~((by EPA))~~ under NEPA for the same project scope of work, no additional environmental

documentation is required. ~~((The))~~ Applicants will need to adopt the federal environmental documentation to meet their responsibilities as required by SEPA rules WAC 197-11-600, 197-11-610, and 197-11-630. If federal environmental documentation has not been submitted for approval to ~~((EPA))~~ the appropriate federal agency, applicants and designated lead agencies must:

(a) Consult with the department ~~((prior to))~~ before determining that the project is categorically exempt from SEPA and obtain concurrence that the project meets the criteria for a categorical exemption (WAC 197-11-305) and give public notice of the categorical exemption by publishing a notice in a newspaper of area-wide circulation. This notice shall include the locations where the public may review the facilities plan and other environmental information.

(b) Consult with the department prior to issuing a threshold determination (WAC 197-11-330), and submit a copy of the environmental checklist (WAC 197-11-315) and a recommended threshold determination to the department.

(c) Obtain written concurrence from the director with the recommended threshold determination as to whether a determination of nonsignificance (DNS) (WAC 197-11-340) or an environmental impact statement (EIS) is to be issued prior to issuing the actual document.

(d) Issue the threshold determination, determination of nonsignificance (DNS) or determination of significance (DS) (WAC 197-11-360) and submit copies to the department; two copies shall be sent to ~~((both))~~ the department's environmental review section ~~((of central programs))~~ and one copy to the regional water quality ~~((financial assistance))~~ program ~~((WQFAP))~~ WQ of the department. The director must concur in writing with the findings of the checklist and DNS if a DNS is issued.

(e) Give public notice of the threshold determination by publishing a notice in a newspaper of area-wide circulation. This notice shall include the locations where the public may review the threshold determination, facilities plan, and other environmental information.

(f) Distribute copies of the threshold determination and supporting documents to other affected local, state, and federal agencies, Indian tribes, and the public.

(g) When a DS is issued, the lead agency will develop the final scope of elements to be addressed in the environmental impact statement (EIS) and obtain written concurrence from the director. The department shall be consulted throughout the EIS process.

(h) Distribute copies of the draft and final EIS~~((s))~~ to the department; two copies shall be sent to both the environmental review section ~~((of central programs))~~ and the ~~((WQFAP))~~ department's water quality program.

(i) Give public notice of the draft and final EIS~~((s))~~ by publishing notices in a newspaper of area-wide circulation. Notices shall include the locations where the public may review the draft and final EIS~~((s))~~ or obtain copies.

(j) Distribute copies of the draft and final EIS~~((s))~~ to other affected local, state, and federal agencies, Indian tribes, and the public.

(k) The director must concur in writing with the finding of the final EIS.

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(2) The lead agency shall issue a notice of action for the final EIS regarding the preferred alternative in accordance with RCW 43.21C.080, WAC 197-11-680, and 197-11-990.

(3) A cost-effectiveness analysis will be required for all SRF projects. Planning must include a comparison of the total cost, i.e., capital, operation and maintenance, and replacement costs of the project with other alternatives, including the no action alternative ((, i.e., capital, operation and maintenance, and replacement costs)). The comparison of the total costs, e.g., total present worth or annual equivalent costs of projects for the planning period, must be included. (Cost-effectiveness) Cost-effective analyses must also include nonmonetary cost of the project, i.e., the environmental impact, resource utilization, implementability, etc. This analysis must be included in the planning document and must be summarized in the EIS or DNS. Financial assistance under the SRF program will be offered to the cost-effective solution to the water pollution control problem.

(4) All mitigation measures ((recommended or)) committed to in the environmental checklist or state EIS, or in the finding of no significance impact/environmental assessment or record of decision/federal EIS (for federally approved projects) will become ((financial assistance)) SRF loan agreement conditions. Applicants must complete all mitigation measures required. Failure to abide by these conditions will result in withholding of payments and may result in immediate repayment of the loan.

(5) The applicant ((is responsible for compliance)) must comply with the requirements of applicable environmental laws, regulations, and executive orders. Concurrence from the director will be based on best available information provided by the applicant. The department is not responsible for concurrence based on erroneous information.

AMENDATORY SECTION (Amending Order 89-34, filed 8/29/89, effective 9/29/89)

WAC 173-98-110 ((Repayments of loans)) What are the repayment options and schedules? (1) General provisions.

When the scope of work identified in the ((financial assistance)) SRF loan agreement ((for a loan)) has been fully ((performed)) completed and/or the initiation of operation date has been determined:

(a) The department and recipient will execute a final ((financial assistance)) SRF loan agreement amendment which details the final loan amount. This amount will include the principal from disbursements made to recipients and accrued interest. Interest will accrue on each disbursement as it is paid to the recipient.

(b) The department will prepare according to the SRF loan agreement, a repayment schedule ((according to the financial assistance agreement)) which ((will)) fully amortize the final loan amount within twenty years of project completion. The first repayment of principal and interest will be due no later than one year after the initiation of operation date. Equal payments will be due every six months after this first payment. Loan balances may be repaid or additional principal payments may be ((repaid)) made at any time without penalty.

(c) If any amount of the final loan amount or any other amounts owed to the department remains unpaid after it becomes due and payable, the department may assess a late charge. The late charge shall be additional interest at the rate of one percent per month, or fraction thereof, starting on the date the debt becomes past due and until it is paid in full.

(d) If the due date for any semiannual payment falls on a Saturday, Sunday, or designated holiday for Washington state agencies, the payment shall be due on the next business day for Washington state agencies.

(2) Phased or segmented project. Where a project has been phased or segmented, the general provisions for repayment shall apply to the completion of individual phases or segments.

(3) More than five years to complete project. When ((the)) a project approved by the department takes longer than five years to complete, loan repayment ((of the loan)) must begin within five years of the first disbursement ((on)) for the project, unless the director determines that the fund is fiscally sound without this repayment schedule. Repayments for these loans must follow the general provisions as outlined in subsection (1)(b) of this section.

(4) Security for loan repayment. Loans shall be secured by a general obligation pledge or a revenue pledge of the recipient. The obligation of the recipient to make loan repayments from the sources identified in its SRF loan agreement shall be absolute and unconditional, and shall not be subject to diminution by setoff, counterclaim, or abatement of any kind.

(a) General obligation. When repayment of a loan is secured by a general obligation pledge, the recipient shall pledge for so long as the loan is outstanding, to include in its budget and levy taxes annually within the constitutional and statutory tax limitations provided by law without a vote of its electors, on all of the taxable property within its boundaries in an amount sufficient, together with other money legally available and to be used for loan repayment, to pay when due the principal of and interest on the loan, and the full faith, credit, and resources of the recipient shall be pledged irrevocably for the annual levy and collection of those taxes and the prompt payment of the principal of and interest on the loan.

(b) Revenue obligation. Repayment of a loan may be secured by an irrevocable pledge of the net revenues of the recipient's utility and, in appropriate cases, utility local improvement district assessments. In such cases:

(i) Lien position. Repayment of a loan shall constitute a lien and charge (A) upon the net revenues of the recipient's utility prior and superior to any other charges whatsoever, except that the lien and charge shall be junior and subordinate to the lien and charge of any senior lien obligations and, (B) if applicable, upon utility local improvement district assessments prior and superior to any other charges whatsoever.

(ii) Coverage requirement. For as long as a loan is outstanding, the recipient must establish, maintain, and collect utility rates and charges that produce net revenues which (together with utility local improvement district assessments deposited in the loan fund) are at least equal to one hundred twenty-five percent of annual debt service on all senior lien obligations plus annual debt service on the loan.

(iii) Reserve requirement. For loans with a term greater than five years secured by a pledge of utility revenues, the recipient must accumulate in a reserve account in the loan fund an amount equal to average annual debt service on the loan. The required reserve must be accumulated by the recipient in approximately equal annual amounts over a period of five years, commencing on the earlier of one year after (A) the initiation of operation and (B) the project completion date. The recipient may, at any time, satisfy the reserve requirement in whole or in part by making a deposit to the loan fund from any available source other than net revenue.

(5) Repayment from other than pledged sources. A recipient may repay any portion of its loan from any legally available funds other than those pledged in its SRF loan agreement to repayment.

(6) No defeasance or advance refunding. So long as the department holds a loan, the recipient shall not be entitled to, and shall not effect, its economic defeasance or advance refunding.

AMENDATORY SECTION (Amending Order 89-34, filed 8/29/89, effective 9/29/89)

WAC 173-98-120 General provisions. (1) Sale of facilities to private enterprises. Recipients may sell facilities for which the SRF loan was provided to private enterprises; however, the ((financial assistance)) SRF loan agreement must be terminated in accordance with the terms of the agreement and the assistance repaid to the SRF immediately upon sale.

(2) Refinancing. The refinancing of existing debt obligations shall be limited to water pollution control facilities where project construction began after March 7, 1985. Applicants requesting refinancing must meet all the requirements contained in the act. They must be on the IUP before assistance will be offered and must be eligible to receive such assistance.

~~((3) Self certification. The department may authorize a recipient to certify compliance with selected program requirements. The recipient must request such certification authority and document that it has the capability and resources, that it is in the best interest of the state, and that the request is consistent with state and federal laws and regulations. Concurrences required in the environmental review process cannot be delegated to recipients.~~

(4) Legislative reporting. The department shall report to the legislature no later than November 30 of each year on the use of the fund by the department. This report shall include a list of applicants, recipients, project descriptions, total loan amounts, financial arrangements and interest rates, repayment schedules, and source(s) of repayments.

~~(5) Construction engineering contracts. Consulting services shall not use a "cost plus percentage of cost" or "percentage of construction cost" type contract.)~~

**WSR 98-19-121
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed September 23, 1998, 10:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-149

Title of Rule: Interim license and harvest limits.

Purpose: Provide for licensing during license transition period.

Statutory Authority for Adoption: Section 40, chapter 191, Laws of 1998, RCW 75.08.080.

Statute Being Implemented: Section 40, chapter 191, Laws of 1998.

Summary: Provide for transition licensing for the period January 1, 1999, through March 31, 1999. Allow harvest of sturgeon during this period consistent with catch limitations agreed upon with Oregon.

Reasons Supporting Proposal: The 1998 legislature changed licensing from an annual calendar year basis to an April 1 through March 31 year. These rules are needed to provide interim licensing during the transition.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Dave Brittell, 1111 Washington Street, Olympia, 902-2206; 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: These rules allow for harvest of all fish and wildlife, under existing seasons and harvest limits, during the period January 1, 1999, through March 31, 1999, with a combination license at a reduced fee of \$6, or harvest of shellfish only during this period for a reduced fee of \$3. A 2-fish sturgeon limit is established for this period.

Proposal Changes the Following Existing Rules: Changes sturgeon harvest limit.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects recreational hunters and fishers, not small businesses.

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

Hearing Location: Room 172, Natural Resources Building, 1111 Washington Street, Olympia, on October 27, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by October 13, 1998, 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 October 26, 1998.

Date of Intended Adoption: October 27, 1998.

September 23, 1998

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-55-20000A Temporary three-month licenses. In order to provide a transition license for the personal use licenses expiring December 31, 1998, and the licenses authorized under chapter 191, Laws of 1998, which start April 1, 1999, the department will offer three-month licenses as follows:

(1) A three-month combination fishing and hunting license, allowing the taking of all fish, shellfish, small game, and big game under established seasons for the period January 1, 1999, through March 31, 1999, is available for six dollars plus a dealer's fee of one dollar. Valid federal and state waterfowl stamps are required to be possessed in order to take waterfowl.

(2) A three-month shellfish license, allowing the taking of shellfish under established seasons for the period January 1, 1999, through March 31, 1999, is available for three dollars plus a dealer's fee of one dollar.

(3) The licenses issued under this section expire on March 31, 1999.

AMENDATORY SECTION (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

WAC 220-56-240 Daily limits sturgeon, smelt, herring and other food fish not otherwise provided for. It is unlawful for any person to retain (~~in any day~~) more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) Sturgeon:

(a) Unlawful to fish from a floating device May 1 through June 30 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock.

(b) 1 fish daily limit with the following size restrictions in all (~~other~~) state waters:

(i) Minimum size is 42 inches in length except minimum size 48 inches in length in waters of the Columbia River and tributaries upstream from Dalles Dam; and

(ii) Maximum size is 60 inches in length.

(c) The possession limit is two daily limits of fresh, frozen or processed sturgeon.

(d) There is a limit of two sturgeon per person for the period January 1 through March 31, 1999. There is an annual personal use limit of 10 sturgeon from April 1st through the following March 31st.

(2) Forage fish: 10 pounds in the aggregate. The possession limit is two daily limits in fresh form. Additional forage fish may be possessed in frozen or processed form.

(3) All other food fish not otherwise provided for in this chapter: No limit.

WSR 98-19-125
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed September 23, 1998, 10:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-24-025.

Title of Rule: WAC 388-550-5550 Public notice for changes in Medicaid payment rates for hospital services.

Purpose: To comply with section 4711(a) of the federal Balanced Budget Act of 1997, Public Law 105-33.

Statutory Authority for Adoption: 42 USC 1396a (a)(13)(A), RCW 74.09.500.

Statute Being Implemented: 42 USC 1396a (a)(13)(A).

Summary: Federal law (BBA '97) mandates that we establish a public notice process for hospital Medicaid rate changes. This WAC states how the department will comply with the requirement.

Reasons Supporting Proposal: Federal legislation.

Name of Agency Personnel Responsible for Drafting: Ayuni Hautea-Wimpee, 623 8th Street S.E., Olympia, WA 98504, (360) 586-2587; Implementation and Enforcement: Larry Linn, 623 8th Street S.E., Olympia, WA 98504, (360) 753-4338.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Rule language agreed to by agency and hospital industry representatives.

Rule is necessary because of federal law, 42 USC 1396a (a)(13)(A).

Explanation of Rule, its Purpose, and Anticipated Effects: Rule states what process agency will use to notify the public of proposed and final Medicaid payment rates for hospital services, as required by section 4711(a) of the federal Balanced Budget Act of 1997.

Rule gives public an opportunity to review and promote written comments to the department on proposed and final hospital Medicaid rates. It does not impose new conditions or reporting requirements on providers.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This WAC is directed at the department. It prescribes department conduct; it does not regulate provider conduct. There is no impact on hospital providers, none of whom qualifies as a "small business."

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the definition of a significant legislative rule according to RCW 34.02.328 [34.05.328].

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

Assistance for Persons with Disabilities: Contact Paige Wall by October 15, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: 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 October 27, 1998.

Date of Intended Adoption: November 10, 1998.

September 18, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-550-5550 Public notice for changes in Medicaid payment rates for hospital services. (1) The purpose and intent of this section is to describe the manner in which the department, pertaining to Medicaid hospital rates, will comply with section 4711(a) of the federal Balanced Budget Act of 1997, Public Law 105-33, as codified at 42 U.S.C. 1396a (a)(13)(A).

(2) For purposes of this section, the term:

(a) "Stakeholders" means providers, beneficiaries, representatives of beneficiaries, and other concerned state residents.

(b) "Rate" means the Medicaid payment amount to a provider for a particular hospital service, except for disproportionate share payments not mandated by federal law.

(c) "Methodology" underlying the establishment of a Medicaid hospital rate means (unless otherwise noted) the principles, procedures, limitations, and formulas detailed in WAC 388-550-2800 through 388-550-5500.

(d) "Justification" means an explanation of why the department is proposing or implementing a Medicaid rate change based on a change in Medicaid rate-setting methodology.

(e) "Reasonable opportunity to review and provide written comments" means a period of fourteen calendar days in which stakeholders may provide written comments to the department.

(f) "Hospital services" means those services that are performed in a hospital facility for an inpatient client and which are payable only to the hospital entity, not to individual performing providers.

(g) "Web site" means the department's internet home page on the worldwide web: <http://www.wa.gov/dshs/maa> is the internet address.

(3) The department will notify stakeholders of proposed and final changes in individual Medicaid hospital rates for hospital services, as follows:

(a) Publish the proposed Medicaid hospital rates, the methodologies underlying the establishment of such rates, and justifications for such rates;

(b) Give stakeholders a reasonable opportunity to review and provide written comments on the proposed Medicaid hospital rates, the methodologies underlying the establishment of such rates, and justifications for such rates; and

(c) Publish the final Medicaid hospital rates, the methodologies underlying the establishment of such rates, and justifications for such rates.

(4)(a) Except as otherwise provided in this section, the department will determine the manner of publication of proposed or final Medicaid hospital rates.

(b) Publication of proposed Medicaid hospital rates will occur as follows:

(i) The department will mail each provider's proposed rate to the affected provider via first-class mail at least fifteen calendar days before the proposed date for implementing the rates; and

(ii) For other stakeholders, the department will post proposed rates on the department's web site.

(c) Publication of final Medicaid hospital rates will occur as follows:

(i) The department will mail each provider's final rate to the affected provider via first-class mail at least one calendar day before implementing the rate; and

(ii) For other stakeholders, the department will post final rates on the department's web site.

(d) The publications required by subsections (4)(b) and (c) of this section will refer to the appropriate sections of chapter 388-550 WAC for information on the methodologies underlying the proposed and final rates.

(5) The department, whenever it proposes amendments to the methodologies underlying the establishment of Medicaid hospital rates as described in WAC 388-550-2800 through 388-550-5500, will adhere to the notice and comment provisions of the Administrative Procedure Act (chapter 34.05 RCW).

(6) Stakeholders who wish to receive notice of either proposed and final Medicaid hospital rates or proposed and final amendments to WAC 388-550-2800 through 388-550-5500 must notify the department in writing. The department will send notice of all such actions to such stakeholders postage prepaid by regular mail.

(7)(a) The notice and publication provisions of section 4711(a) of the Balanced Budget Act of 1997 do not apply when a rate change is:

(i) Necessary to conform to Medicare rules, methods, or levels of reimbursement for clients who are eligible for both Medicare and Medicaid;

(ii) Required by Congress, the legislature, or court order, and no further rulemaking is necessary to implement the change; or

(iii) Part of a non-Medicaid program.

(b) Although notice and publication are not required for Medicaid rate changes described in subsection (7)(a) of this section, the department will attempt to timely notify stakeholders of these rate changes.

(8) The following rules apply when the department and an individual hospital negotiate or contractually agree to Medicaid rates for hospital services:

(a) Receipt by the hospital of the contract or contract amendment form for signature constitutes notice to the hospital of proposed Medicaid rates.

(b) Receipt by the hospital of the contract or contract amendment form signed by both parties constitutes notice to the hospital of final Medicaid rates.

(c) Notwithstanding subsection (4)(c) of this section, final Medicaid contract rates are effective on the date con-

PROPOSED

tractually agreed to by the department and the individual hospital.

(d) Prior to the execution of the contract, the department will not publish negotiated contract prices that are agreed to between the department and an individual provider to anyone other than the individual provider. Within fifteen calendar days after the execution of any such contract, the department will publish the negotiated contract prices on its web site.

(9) The following rules apply when a hospital provider or other stakeholder wishes to challenge the adequacy of the public notification process followed by the department in proposing or implementing a change to Medicaid hospital rates, the methodologies underlying the establishment of such rates, or the justification for such rates:

(a) If any such challenge is limited solely to the adequacy of the public notification process, then the challenge will:

(i) Not be pursued in any administrative appeal or dispute resolution procedure established in rule by the department; and

(ii) Be pursued only in a court of proper jurisdiction as may be provided by law.

(b) If a hospital provider brings any such challenge in conjunction with an appeal of its Medicaid rate, then the hospital provider may pursue the challenge in an administrative appeal or dispute resolution procedure established in rule by the department under which hospital providers may appeal their Medicaid rates.

WSR 98-19-127

PROPOSED RULES

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed September 23, 1998, 10:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-11-018.

Title of Rule: Long-term care ombudsman program, the rules are consistent with applicable changes in federal and state statutes. The rules replace chapter 388-18 WAC, the current governing rules under the administrative jurisdiction of the state's Department of Social and Health Services (DSHS).

Purpose: The rules will allow the long-term care ombudsman program to exercise all of the authority granted to it in the reauthorized Older Americans Act, and provide, per legislative directive, that the Department of Community, Trade and Economic Development (CTED) contract with a private nonprofit agency to run the program.

Statutory Authority for Adoption: RCW 43.190.030, as amended.

Statute Being Implemented: RCW 43.190.030, as amended.

Summary: The rules define contractor, subcontractor and ombudsman qualifications and duties; conflict of interest; access to residents, facilities and records; confidentiality

of information and records; protection from interference; and name CTED as the administering agency.

Reasons Supporting Proposal: The 1997 legislature gave CTED the authority to adopt program rules; and CTED has determined that these rules will help better implement the state long-term care ombudsman program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Hanna, Community, Trade, and Economic Development, (360) 586-0436.

Name of Proponent: Department of Community, Trade and Economic Development.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule clarifies the roles of CTED and the privatized program, and reflects recent changes in the Older Americans Act. Its purpose is to implement the long-term care ombudsman program as provided for in chapter 43.190 RCW. It will provide CTED the authority it needs to administer the program, and will allow for more uniform program implementation throughout the state.

Proposal Changes the Following Existing Rules: The rules reflect that the long-term care ombudsman program is no longer administered by DSHS, but is administered by CTED; and that the program is not within DSHS but is managed by a private nonprofit agency through a contract with CTED. The rules expand the authority of the program consistent with recent changes in the Older Americans Act.

No small business economic impact statement has been prepared under chapter 19.85 RCW. CTED has determined that no costs or only minor costs will be imposed on small businesses through the implementation of these rules; therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. CTED is not listed in section 201 as a significant legislative rule agency.

Hearing Location: Department of General Administration Auditorium, Corner of 11th and Columbia, Main Floor, Olympia, Washington, on October 27, 1998, at 6:00 p.m. to 9:00 p.m.; and at Spokane Falls Community College, 3410 West Fort Wright Drive, Lounge C, Student Union Building #17, Spokane, on November 2, 1998, at 1:00 p.m. to 4:00 p.m.

Assistance for Persons with Disabilities: Contact Nancy Hanna by October 15, 1998, TDD (360) 753-2200 (agency information number) or (360) 586-0436.

Submit Written Comments to: Nancy Hanna, Program Manager, Long-Term Care Ombudsman Program, Department of Community, Trade and Economic Development, P.O. Box 48300, Olympia, WA 98504-8300, fax (360) 586-0489, by October 26, 1998.

Date of Intended Adoption: November 13, 1998.

September 23, 1998

Tim Douglas

Director

Chapter 365-18 WAC

Long-Term Care Ombudsman Program

Department of Community, Trade
and Economic DevelopmentNEW SECTION

WAC 365-18-010 Purpose The purpose of this chapter is to implement the long-term care ombudsman program as provided for in Chapter 43.190 RCW. The overall purpose of the ombudsman program is to promote the interests, well-being and rights of long term care facility residents.

NEW SECTION

WAC 365-18-020 Definitions When used in this chapter, unless otherwise required by the context:

1) "Contractor" means the private non-profit organization established by contract with the Department to provide the services of the Office of the State Long-Term Care Ombudsman Program.

2) "Department" means the department of community, trade and economic development.

3) "Immediate family" pertaining to conflicts of interest, means spouse, parents, children and siblings.

4) "Long-term care facility" or "facility" is as defined in RCW 43.190.020.

5) "Long-term care services" means services provided to residents and applicants of long-term care facilities including, but not limited to, assessment, placement, case management, and determinations regarding benefits, personal care and health care, but for purposes of these regulations does not mean care or services provided in the applicant's home or outside of a long-term care facility.

6) "Non-profit" means a private corporation licensed to conduct business in Washington State and whose income is not distributable to its members, directors or officers, as defined in R.C.W. 24.03.005.

7) "Ombudsman" means the State Long-Term Care Ombudsman, Assistant State Ombudsman, Regional Ombudsman, Regional Staff Ombudsman, or Certified Volunteer Ombudsman.

8) "Resident" means any individual residing temporarily or permanently in a long-term care facility, and, when concerning complaints about admissions, readmissions, transfers or discharges, includes applicants and former residents of such facilities.

9) "Resident records" mean all medical and social records of a resident, including resident records maintained in a long-term care facility and those kept by other health care and social services providers concerning a resident, and includes death certificates and related records when these are required for the investigation of complaints.

10) "State Office" means the Office of the State Long-Term Care Ombudsman.

11) "Sub-contractor" means a public or private non-profit organization or agency established by contract with the

State Office to be a Regional Long-Term Care Ombudsman Office.

NEW SECTION

WAC 365-18-030 Contractor, subcontractor, and ombudsman qualifications (1) The Contractor shall be a non-profit private organization with demonstrated capability to carry out the responsibilities of the State Long-Term Care Ombudsman Office, including, but not limited to, an ability to receive, investigate and resolve complaints from residents of long-term care facilities statewide. Subcontractors shall be public or non-profit organizations or agencies with demonstrated capability to carry out the responsibility of the Regional Long-Term Care Ombudsman Office. The Contractor and Subcontractors shall also be free of conflicts of interest, including:

(a) not be an agency or organization that is responsible for licensing, certifying or regulating long-term care facilities;

(b) not be an association, or an affiliate of such an association, of long-term care facilities; and

(c) have no pecuniary interest in any long-term care facility.

(2) The State Ombudsman and Assistant State Ombudsman shall have demonstrated expertise and experience in the fields of long-term care and resident advocacy, and be free of conflicts of interest as defined in WAC 365-18-040.

(3) Regional Ombudsmen shall have demonstrated capability to carry out the responsibilities of their office, and be free of conflicts of interest as defined in WAC 365-18-040.

(4) Prospective assistant Regional Staff Ombudsmen and Certified Volunteer Ombudsmen shall be screened by the Regional Ombudsman, and be free of conflicts of interest as defined in WAC 365-18-040.

(5) All prospective Regional Staff Ombudsmen and Certified Volunteer Ombudsmen shall, prior to representing the ombudsman program, successfully complete the training program designated by the State Office.

(6) All prospective ombudsmen shall, prior to representing the ombudsman program, successfully pass a Criminal History Background Check as provided by RCW 43.43.842.

NEW SECTION

WAC 365-18-040 Conflicts of interest. (1) All long-term care ombudsmen shall be free from conflicts of interests, including:

(a) no ombudsman shall be or have been employed by or participated in the management of any long-term care facility, or have or have had the right to receive remuneration from a long-term care facility, including work as a paid consultant or independent contractor, currently or within the past three years;

(b) no ombudsman or member of his or her immediate family shall have, or have had within the past three years, any pecuniary interest in a long-term care facility or a long-term care service;

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(c) no ombudsman shall have a direct involvement in the licensing, certification or regulation of a long-term care facility or of a long-term care service;

(d) no ombudsman may work for or represent an agency or entity which has direct involvement in the provision or establishment of long-term care direct services, involuntary services, or involuntary commitment of residents, or which takes temporary custody of, or serves as guardians or legal representatives for residents; and

(e) no ombudsman may serve as the legal representative, surrogate health-care decisionmaker or as a witness for an advance directive (e.g., living will, durable power of attorney) for a resident in a facility where the ombudsman serves or has served; *provided, however*, that the ombudsman may serve in such capacity, if consistent with other applicable law, where the resident is an immediate family member of the ombudsman, and in such cases the ombudsman shall function in his or her private capacity and not as a representative of the ombudsman program.

(2) No individual, or immediate family member of such an individual, who is involved in the designation or removal of the State, Regional, Regional Staff or Certified Volunteer Ombudsmen, or the designation or revocation of the Contractor or Sub-contractors, or who administers or oversees the Contractor's or Subcontractor's contract, may be an official or employee of any agency or organization that conducts the licensing, certification or regulation of long-term care facilities, or that owns, operates or manages such facilities.

NEW SECTION

WAC 365-18-050 Duties—Department The Department shall, consistent with federal and state laws:

- 1) establish procedures for designating and contracting with a qualified private, non-profit organization to provide the state long-term care ombudsman program services;
- 2) facilitate the exchange of information among appropriate state agencies and organizations regarding issues relating to the long-term care ombudsman program;
- 3) help the State Ombudsman obtain direct access to the directors and key staff of state governmental entities with responsibilities that impact residents of long-term care facilities;
- 4) provide other assistance to the ombudsman program as the department deems appropriate;
- 5) monitor program activities and the expenditure of state and federal funds under the contract with the State Office for appropriate utilization of funds and the fulfillment of state and federal laws; and
- 6) provide for appropriate archiving or disposal of ombudsman program materials, consistent with confidentiality provisions under this chapter and federal and state law, at the close of legally required retention periods, ensuring the confidentiality of complaint files and records.

NEW SECTION

WAC 365-18-060 Duties—State ombudsman The State Long-Term Care Ombudsman shall serve on a full-time

basis and shall personally or through the Assistant State Ombudsman perform the following duties:

(1) identify, investigate, and resolve complaints made by or on behalf of residents which relate to actions, inactions, or decisions that may adversely affect the health, safety, welfare or rights of residents, made by:

- (a) providers, or representatives of providers, of long-term care or health care services;
- (b) public agencies;
- (c) health and social service agencies; or
- (d) guardians, representative payees, holders of powers of attorneys, or other resident representatives;

(2) develop referral procedures for all long-term care ombudsman programs to refer complaints, when necessary, to any appropriate state or local government agency;

(3) offer and provide services to assist residents and their representatives in protecting the health, safety, welfare, and rights of the residents;

(4) inform the residents and their representatives about means of obtaining needed services, including but not limited to the prominent posting in every long-term care facility notices containing the name, address and telephone number of the appropriate long-term care ombudsman and, if a nursing home, the nursing home complaint toll-free number;

(5) ensure that residents and their representatives have regular and timely access to the services provided through the ombudsman program, and ensure that the residents and complainants receive timely responses from representatives of the ombudsman program;

(6) represent the interests of residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

(7)(a) analyze, comment on, and monitor the development and implementation of federal, state, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to long-term care facilities and services in the state;

(b) recommend any changes in such laws, regulations, policies, and actions as the State Office determines to be appropriate;

(c) provide such information as the State Office determines to be necessary to public and private agencies, legislators, and other persons, regarding:

(i) the problems and concerns of individuals residing in long-term care facilities; and

(ii) recommendations related to these problems and concerns; and

(d) facilitate public comment on the laws, regulations, policies, and actions;

(8)(a) establish procedures for the training and supervision of prospective Regional Ombudsmen, Regional Staff Ombudsmen and Certified Volunteer Ombudsmen;

(b) monitor and provide administrative and policy direction and technical assistance to the Regional Ombudsmen; and

(c) coordinate the activities of long-term care ombudsmen throughout the state;

(9)(a) promote the development of citizen groups to participate in the ombudsman program; and

(b) provide support for the development of resident councils and family councils to protect the well-being and rights of residents;

(10) coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illness, and with legal services funded under Title III of the Older Americans Act, through the development of memoranda of understanding and other means;

(11) prepare an annual report:

(a) describing the activities carried out by the ombudsman program in the prior year;

(b) evaluating the problems experienced by, and the complaints made by or on behalf of, residents;

(c) containing recommendations for:

(i) improving quality of the care and life of the residents; and

(ii) protecting the health, safety, welfare, and rights of the residents;

(d)(i) analyzing the success and needs of the ombudsman program, including the success or gaps in providing services to residents of long-term care facilities; and

(ii) identifying barriers that prevent the optimal operation of the ombudsman program;

(e) providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of residents, to protect the health, safety, welfare, and rights of residents, and to remove the barriers; and

(f) make available to the federal Commissioner on Aging, the Governor, the Washington State Legislature, the Department of Social and Health Services, the Department of Health, the Department of Community, Trade and Economic Development, and other appropriate governmental entities and interested members of the public, the annual report described in this subsection.

(12) The State Ombudsman may designate public or private non-profit organizations as subcontractors to provide regional long-term care ombudsman services throughout the state. The State Ombudsman shall designate and certify, in his or her judgment, an employee of the organization to be the Regional Ombudsman. The State Ombudsman has the authority to revoke, when good cause is shown, the designation of the organization or the designation and certification of the individual.

(13) The State Ombudsman may designate qualified individuals as Certified Volunteer Ombudsmen representing the ombudsman program. Such individuals shall receive a certificate and picture identification card from the State Office signed by the State Ombudsman. The State Ombudsman has the authority to revoke, when good cause is shown, this certification.

NEW SECTION

WAC 365-18-070 Duties—Regional and regional staff ombudsmen Regional and Regional Staff Ombudsman

shall, in accordance with the policies and procedures established by the State Office, have the following duties:

(1) offer and provide services to protect the health, safety, welfare and rights of residents;

(2) ensure that residents and their representatives in the service area of the organization have regular, timely access to representatives of the ombudsman program and timely responses to complaints and requests for assistance;

(3) identify, investigate, and resolve complaints made by or on behalf of residents that relate to actions, inactions, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents, made by:

(a) providers, or representatives of providers, of long-term care or health care services;

(b) public agencies;

(c) health and social service agencies; or

(d) guardians, representative payees, holders of powers of attorneys, or other resident representatives;

(4) represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

(5) review, and if necessary, comment on any existing and proposed laws, regulations, and other governmental policies and actions, that pertain to the rights and well-being of residents; and facilitate the ability of the public to comment on the laws, regulations, policies, and actions;

(6) promote the development of resident councils, family councils, and citizen advocacy groups; and

(7) carry out other activities that the State Ombudsman determines to be appropriate.

NEW SECTION

WAC 365-18-080 Duties—Certified volunteer ombudsmen Certified Volunteer Ombudsmen shall, in accordance with policies and procedures established by the State Office, and under the supervision of the Regional Ombudsman, have the following duties:

(1) offer and provide services to protect the health, safety, welfare, and rights of residents;

(2) represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of residents;

(3) visit residents in the assigned facility(s) on a regular basis, according to program policy, conduct fact-finding activities to determine whether a formal complaint should be filed, advocate on behalf of residents, and communicate the resolution of concerns and complaints to the complainant, resident, and to the Regional Ombudsman;

(4) upon invitation, participate in resident councils and family councils; and where none exists, work to develop such councils;

NEW SECTION

WAC 365-18-090 Ombudsman access to facilities, residents and records (1) All ombudsmen shall have access to all long-term care facilities and residents at any time deemed necessary and reasonable to effectively carry out the ombudsman duties set forth in this chapter.

(2) Access to facilities and residents by ombudsmen shall be deemed necessary and reasonable at the following times:

(a) Any time during a facility's regular business day, regular visiting hours, or other period the facility is open to the public.

(b) Any other time access may be required by the particular condition to be investigated or monitored.

(3) Upon entering a facility, or as soon as practicable thereafter, all ombudsmen shall report their presence to the facility administration and, upon request, present identification as an ombudsman.

(4) Ombudsmen shall have access to residents to perform the duties set forth in this chapter and RCW 43.190. Provision shall be made by the facility and the ombudsman to secure privacy for the purpose of hearing, investigating, and resolving complaints of, and rendering advice to, individuals who are patients or residents of the facility at any time deemed necessary and reasonable by the state ombudsman to effectively carry out the provisions of this chapter.

(5) Ombudsmen shall have access to residents without willful interference from the facility or the resident's representative, including a guardian, family member or holders of powers of attorney.

(6) Ombudsmen shall have the following access to a resident's records:

(a)(i) prompt access to review all medical and social records of a resident, and other records relating to the resident such as incident reports and facility contracts if:

(I) the ombudsman has the permission of the resident, or the legal representative of the resident; or

(II) the resident is unable to consent to the review and has no legal representative; or

(ii) access to review all medical and social records of a resident, as is necessary to investigate a complaint if:

(I) a legal representative of the resident, including a guardian, refuses to give the permission;

(II) the ombudsman has reasonable cause to believe that the legal representative or guardian is not acting in the best interest of the resident; and

(III) the ombudsman obtains the prior approval of the State Ombudsman or his or her designee;

(b) access to long-term care facility's administrative records, policies and documents to which the residents or the general public have access; *provided that*, in licensed nursing facilities this shall include, but not be limited to, the records and policies set forth in RCW 74.42.430.

(7) Ombudsmen shall have access to and, on request, copies of all licensing and certification records maintained by the state with respect to long-term care facilities.

NEW SECTION

WAC 365-18-100 Confidentiality of ombudsman records, communications privileged (1) All records and files maintained by the long-term care ombudsman program shall remain confidential. Any disclosure of long-term care ombudsman program records is subject to the following provisions:

(a) no disclosure shall be made without the prior approval of the State Ombudsman or his or her designee.

(b) no disclosure of records and files relating to any complaint or investigation made by an ombudsman carrying out his or her duties or the identities of complainants, witnesses, patients, or residents shall be made unless one of the following conditions has been met:

(i) the complainant, patient, or resident, or their legal representative consents in writing to the disclosure; or

(ii) the complainant, patient, or resident gives oral consent, and that consent is documented contemporaneously in writing by a representative of the State Office.

(iii) the disclosure is required by court order.

(c) No disclosure can be made without the consent of any named witnesses, resident, patient, client or complainant unless disclosure is made without the identity of any of these individuals being disclosed, or unless disclosure is required by court order.

(2) All communications by an ombudsman, if reasonably related to the requirements of that individual's responsibilities under this chapter or federal or state statutes and done in good faith, are privileged. That privilege shall serve as a defense to any action in libel or slander. Ombudsmen are exempt from being required to testify in court as to any confidential matters, except as the court may deem necessary to enforce this chapter.

NEW SECTION

WAC 365-18-110 Interference with the ombudsman, liability (1) It is unlawful to take any discriminatory, disciplinary or retaliatory action against the following persons:

(a) any employee of a facility or agency;

(b) any patient, resident, or client of a long-term care facility; or

(c) any volunteer;

for any communication made, or information given or disclosed, to an ombudsman carrying out his or her duties unless that person acted maliciously or without good faith.

(2) It is unlawful to willfully interfere with ombudsmen in the performance of their official duties.

(3) No ombudsman is liable for good faith performance of his or her duties under this chapter.

WSR 98-19-128

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed September 23, 1998, 11:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-12-078.

Title of Rule: Chapter 16-200 WAC, Rules relating to feeds, fertilizers and livestock remedies.

Purpose: To describe requirements for registration for commercial fertilizers; including the methods to use for total metals analysis and specifying the metals information which must be submitted with the registration application; to

describe the methods for determining maximum use rates for plant nutrients; to set the Washington application rates; to express the Washington standards for metals in pounds per acre per year; to describe how the department will determine if a commercial fertilizer meets or exceeds the metals standards; and to describe a violation of the rules.

Statutory Authority for Adoption: Chapter 15.54 RCW.
Statute Being Implemented: Chapter 15.54 RCW.

Summary: The proposed rules adopt methods for total metals analysis and reporting which will enable the fertilizer industry to analyze their products for nine metals as required by chapter 15.54 RCW. The proposed rules also set Washington application rates and Washington standards for metals in pounds per acre per year.

Reasons Supporting Proposal: The proposed rules set Washington standards for metals in fertilizer as required by recent amendments to chapter 15.54 RCW. The standards will enable the industry and the department to determine if a commercial fertilizer meets or exceeds the Washington standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ted Maxwell, 1111 Washington Street, Olympia, WA 98504, (360) 902-2026.

Name of Proponent: Washington State Department of Agriculture, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These rules are required for the department to implement the new fertilizer law adopted in SSB 6474 by the 1998 legislature.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The 1998 legislature passed SSB 6474 which amends chapter 15.54 RCW, the commercial fertilizer registration law, and adopts standards for maximum acceptable cumulative metals additions to soil. This new law requires persons who register commercial fertilizers in Washington to disclose the levels of nine metals which may be present in a commercial fertilizer. These rules adopt the methods for total metals analysis and reporting which will guide the fertilizer industry on total metals analysis for their fertilizer products. The rules also set the Washington application rates and express the Washington standards for metals in pounds per acre per year to enable the industry and the department to determine if a commercial fertilizer meets or exceeds the Washington standards for metals.

Proposal Changes the Following Existing Rules: The proposed rule amendment adds definitions, describes the analysis methods which must be used, sets the Washington application rates, provides a reference to the Washington standards for metals, describes requirements for registration of commercial fertilizers including information which must be submitted as part of the registration application, and describes acts which are unlawful under this chapter.

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

Small Business Economic Impact Statement

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 98-20 issue of the Register.

A copy of the statement may be obtained by writing to Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2012, fax (360) 902-2093.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: On November 10, 1998, at 7:00 p.m., at the Washington Interactive Technologies, 710 Sleater-Kinney Road S.E., Suite Q, Lacey, WA 98503; at the Washington Interactive Technologies, 1500 Harvard, Seattle, WA 98122; and at the Educational Service District, 2500 N.E. 65th Avenue, Vancouver, WA 98661-6812.

On November 12, 1998, at 7:00 p.m., at the Washington Interactive Technologies, 8551 West Gage Boulevard, Suite H, Kennewick, WA 99336; at the Washington Interactive Technologies, North 1101 Argonne, Suite 109, Spokane, WA 99201; and at the Washington Interactive Technologies, Yesterday's Village, 15 West Yakima Avenue, Suite 220, Yakima, WA 98902.

Assistance for Persons with Disabilities: Contact Cathy Jensen by November 6, 1998, TDD (360) 902-1996.

Submit Written Comments to: Laurie Mauerman, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, by November 13, 1998.

Date of Intended Adoption: December 10, 1998.

September 23, 1998

Bob Arrington

Assistant Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 98-20 issue of the Register.

WSR 98-19-129

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed September 23, 1998, 11:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-028.

Title of Rule: Utility lines—Franchises and permits, chapter 468-34 WAC.

Purpose: Clarify issues pertaining to the application process for franchises and permits. Ensure costs charged by the department reflect actual costs incurred. Incorporated updated design policies.

Statutory Authority for Adoption: Chapter 47.44 RCW.

Summary: Revise application costs to reflect actual costs incurred. Clarify and update design policy issues. Incorporate references to AASHTO policies and WSDOT Standard Specifications for Road, Bridge, and Municipal Construction to eliminate conflicts.

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Reasons Supporting Proposal: These rule changes will allow the department to recover costs incurred for administrative and construction issues not currently being received. Policy and standards update will bring departmental practices up to current technical levels.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Milton, Olympia, (360) 705-7299.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 468-34-010, change clarifies terms for consistency within the rule; WAC 468-34-020, change allows the department to recover costs incurred that are not now being reimbursed; WAC 468-34-100, change eliminates a repeated phrase (typographic error); WAC 468-34-120, change incorporates an updated AASHTO publication as a reference document; WAC 468-34-150, change references [to] Standard Specifications for Road, Bridge, and Municipal Construction and eliminates references to other standards which may be outdated or conflict with the standard specifications; and WAC 468-34-330, change removes specific "class" descriptions from the rule thereby eliminating the requirement for a rule revision should the "class" specifics change. Details of classes will be moved to the Utilities Accommodation Policy (M22-86) referenced in the rule.

Proposal Changes the Following Existing Rules: The proposal incorporates updated policies and standards. It aligns the fee schedule with actual costs incurred by the department for administrative activities and construction related issues. It clarifies standards requirements and reduces the potential for additional rule revisions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Although cost will be increased for elements of this proposed rule, the costs are minor to businesses in the industry.

RCW 34.05.328 does not apply to this rule adoption. Analysis of rule making consistent with direction defined in RCW 34.05.328.

Hearing Location: Department of Transportation, Transportation Building 1D2, Olympia, Washington 98504, on October 30, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by October 23, 1998.

Submit Written Comments to: John Milton, Transportation Building, P.O. Box 47329, Olympia, WA 98504, fax (360) 705-6815, by October 23, 1998.

Date of Intended Adoption: October 30, 1998:

September 23, 1998

Gerald E. Smith

Deputy Secretary, Operations

AMENDATORY SECTION (Amending Order 152, filed 10/10/95, effective 11/10/95)

WAC 468-34-010 Applications. Applications for franchises and permits submitted to the Washington state department

of transportation shall conform with the following requirements:

(1) Applications shall be submitted upon forms available from the department.

(2) Applications shall include the utility facility description plus additional plans and data for ~~((CAT-1))~~ Category 1 and ~~((CAT-2))~~ Category 2 installations.

(3) Applications shall indicate compliance with the standards as set forth in the ~~((POLICY ON ACCOMMODATION OF UTILITIES ON HIGHWAY RIGHTS OF WAY))~~ Utility Accommodations Policy as contained in these rules and any amendments thereto.

(4) The application shall discuss alternate possibilities, especially when a location on or across a limited access facility is considered necessary. Reasons for need to adhere to location as proposed must be adequately set forth in the application.

AMENDATORY SECTION (Amending Order 152, filed 10/10/95, effective 11/10/95)

WAC 468-34-020 Costs. (1) The applicant shall pay the reasonable cost to the department for investigating, handling and granting the franchise or permit ~~((including but not limited to fees of hearing officers and reporters, including basic overhead charges upon the application and for providing an inspector during construction and/or maintenance of the utility facility))~~. Administrative fees are as follows:

For permit/franchise/amendment	
Category 1	((\$500.00)) <u>\$1,500.00</u>
Category 2	((\$300.00)) <u>\$750.00</u>
Category 3	((\$150.00)) <u>\$500.00</u>
For franchise consolidation.	((\$300.00)) <u>\$500.00</u>
For franchise renewal	((\$250.00)) <u>\$500.00</u>
For franchise assignment	((\$50.00)) <u>\$250.00</u>

~~((together with an additional charge in the amount of expenses, if any, actually incurred by the department))~~. Any additional expenses actually incurred by the department including, but not limited to, fees of hearing officers and reporters including basic overhead, and charges for providing an inspector during construction and/or maintenance of the utility facility, will be charged to the applicant: Provided, That no charge shall be made for applications for franchise or permit where the applicant is the United States or any of its agencies, or a utility anticipating relocation from its private easement acquired or to be acquired by the department for construction or reconstruction of a state highway.

(2) ~~((An equitable portion of the added costs of design and construction of highway structures shall be charged to any utility company which is required to pay the costs of relocation of its facilities and/or to any utility company making new installations.~~

~~((3))~~ Any utility company which is required to pay the costs of relocation of its facilities and/or any utility company making new installations shall be charged an equitable por-

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tion of the added costs of design and construction of the highway for accommodation of utility facilities.

(3) Any utility company utilizing trenched installation (roadway cuts, open cuts or any other approved installation) of a roadway for installation of its facility will be charged an additional damage assessment fee for pavement deterioration.

(4) Before any construction work is started, a surety bond in an amount required by the department, but not less than ~~((one))~~ ten thousand dollars, written by a surety company authorized to do business in the state of Washington, may be required by the department to insure completion of construction, including the restoration of surfacing, slopes, slope treatment, top soil, landscape treatment, drainage facilities and cleanup of right of way for a period ending not more than one year after date of completion, except the applicant shall be required to maintain an individual bond for a period to two years after date of completion where the utility facility disturbs the traveled lanes or usable shoulder. A blanket surety bond may be maintained covering multiple franchises or permits in lieu of individual bonds at the department's discretion. A blanket surety bond shall be in an amount of not less than ~~((ten))~~ fifty thousand dollars.

AMENDATORY SECTION (Amending Order 119, filed 2/10/89)

WAC 468-34-100 Policy on accommodation of utilities on highway rights of way. This policy shall apply to all franchises and permits issued subject to chapter 47.44 RCW ~~((to all public RCW))~~ to all public, private, and governmental utility lines that are to be located, adjusted or relocated within the rights of way of state highways other than provided for in chapter 47.24 RCW.

Nothing in this policy shall be construed as limiting the rights of the department to impose restrictions or requirements in addition to and/or deviations from those stated herein in any franchise or permit where the department deems it advisable to do so.

AMENDATORY SECTION (Amending Order 119, filed 2/10/89)

WAC 468-34-120 Application of policy to various types of right of way. The applicable policy for the accommodation of utilities on various types of highways shall be in accordance with the following:

(1) Freeways - Accommodation of utilities shall be in accordance with "A Policy on the Accommodation of Utilities on Freeway Rights of Way" issued by the American Association of State Highway and Transportation Officials (AASHTO) ~~((1982, and amendments thereto, and this policy))~~ 1989. References to the AASHTO publication "Accommodating Utilities Within Highway Right-of-Way" guidance for utility installation and adjustments shall not be applicable. Such guidance shall be as set forth in the Utility Accommodations Policy and as contained in these rules and any amendments thereto.

(2) Limited access highways - Accommodation of utilities shall be the same as for freeways.

(3) Conventional highways - Rural - Accommodation of utilities shall be in accordance with this policy.

(4) Conventional highways - Cities and towns - Accommodation of utilities shall be in accordance with:

- (a) Underground
 - (i) Water and sewer - The current "Standard Specifications for Road, Bridge, and Municipal Construction."
 - (ii) All other facilities - Accommodation of utilities shall be in accordance with this policy.
- (b) Overhead - Accommodation of utilities shall be in accordance with this policy.

AMENDATORY SECTION (Amending Order 119, filed 2/10/89)

WAC 468-34-150 Design. (1) The utility company shall be responsible for the design of the utility facility. The department shall review and approve the utility's plans with respect to location and the manner in which the utility facility is to be installed and measures to be taken to preserve safe and free flow of traffic, structural integrity of the roadway or highway structure, ease of highway maintenance, appearance of the highway and the integrity of the utility facility.

(2) Utility installations on, over or under the rights of way and utility attachments to highway structures shall as a minimum comply with the following standards and/or amendments thereto:

(a) Electric power and communication facilities shall conform with the currently applicable National Electric Safety Code and/or Washington State Safety Code.

(b) Water lines shall conform with the current Standard Specifications for Road, Bridge, and Municipal Construction ~~((including but not limited to:)),~~

((Welded Steel Water Pipe	AWWAC201 & ASTM A 120
	AWWAC203
	AWWAC205
Reinforced Concrete Water Pipe	AWWAC300
	AWWAC301
	AWWAC302
Cast Iron Water Pipe	AWWAC106
	AWWAC108
	AWWAC111
Wrought Iron Water Pipe	ASTM A 72))

(c) Pressure pipeline shall conform with the currently applicable sections of Standard Code for Pressure Piping of the American National Standards Institute and applicable industry codes, including:

- (i) Power Piping, ANSI B 31.10
- (ii) Petroleum Refinery Piping, ANSI B 31.3
- (iii) Liquid Petroleum Transportation Piping Systems, ANSI B 31.4
- (iv) CFR 49, Part 192, Transportation of Natural and Other Gas by Pipeline - Minimum Federal Safety Standards
- (v) Liquid petroleum pipelines shall conform with the currently applicable recommended practice of the American Petroleum Institute for Pipeline Crossings Under Railroad and Highways. (API RP 1102)

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(d) Sewer pipe shall conform with the current Standard Specifications for Road, Bridge, and Municipal Construction.

(e) Drainage pipe shall conform with the current Standard Specifications for Road, Bridge, and Municipal Construction.

(3) Ground mounted utility facilities shall be of a design compatible with the visual quality of the specific highway section being traversed.

(4) All utility installations on, over, or under highway right of way and attachment to highway structures shall be of durable material designed for long service life expectancy and relatively free from routine servicing and maintenance.

(5) On new installations or adjustment of existing utility lines, provision shall be made for known or planned expansion of the utility facilities, particularly those located underground or attached to structures. They shall be planned so as to minimize hazards and interference with highway traffic when additional overhead or underground lines are installed at some future date.

(6) Government or industry codes required by law or regulation shall be followed in addition to rules and regulations referred to herein. This shall include any highway design standards which the department shall deem necessary to provide adequate protection to the highway, its safe operation, appearance and maintenance.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-34-330 Scenic enhancement. ~~((1))~~ Undergrounding requirements within scenic areas: In the interest of protection and preservation of roadside appearance and visual quality of scenic areas, ~~((the following requirements shall pertain to highway sections classified in accordance with the definitions set forth in subsection (3) of this section.~~

Class A and B:

~~Initial franchises and franchise amendments where aerial facilities are nonexistent: Installation shall be underground except as may be justified as special exceptions listed in subsection (2) of this section.~~

~~Initial franchises and franchise amendments where aerial facilities exist: An aerial facility may be allowed on existing poles with the franchise to expire on the date of the existing franchise for the aerial line. No major reconstruction of the existing pole line or construction of a new aerial facility will be allowed except as may be justified under subsection (2) of this section.~~

~~Franchise renewals of existing aerial facilities: Upon expiration of an existing franchise, one franchise renewal for a period of twenty five years may be granted for existing aerial lines with a special provision included in the franchise requiring the utility to apply for an initial franchise, franchise amendment or franchise renewal for burial of the facility either at the time major reconstruction of the line, for that portion of line to be reconstructed, or prior to expiration of the first franchise renewal. Existing facilities may be allowed to remain aerial if justified under subsection (2) of this section.~~

~~In considering approval of aerial facilities as special exceptions under subsection (2) of this section, greater~~

~~emphasis upon the justification of facilities within Class A route segments shall be given by the department as compared to those in Class B.~~

Class C and D:

~~Aerial installations within highway sections having Class C and D scenic classification are permitted.~~

Class AX and BX:

~~An aerial facility may be allowed if found acceptable to the department based on design and/or location which will not detract from scenic values typical of those defined in Classes A and B.~~

~~(2) Special exceptions: Special exceptions may be made where one or more of the following conditions exist:~~

~~Power lines of voltage in excess of 35 KV. Special design should be incorporated to minimize the visual impact of the facility.~~

~~Other utility locations are not available or are usually difficult and unreasonably costly, or are more undesirable from the standpoint of visual quality.~~

~~The placing of the utility underground is not technically feasible or is unreasonably costly.~~

~~The impact of the required undergrounding adversely affects the utility consumer rates or the long term economies of the utility.~~

~~(3) Classifications:~~

~~Class A — Superior scenic qualities: Unique settings of superior scenic quality, historic or cultural, interest that should be protected or preserved by special treatment for heritage of others. Panoramic views from the highway of ocean beaches, scenic valleys, lake frontage, mountain forests, rivers, etc.~~

~~Class B — High scenic value: Areas where valuable scenic and environmental amenities exist and are enjoyed generally by travelers and public and deserve serious consideration for preservation and protective measures.~~

~~Class C — Secondary scenic importance: Scenic characteristics are of marginal importance.~~

~~Class D — Industrial, heavily urbanized or deteriorated areas: Industrial areas, urban settings and blighted areas which expense for beautification measures is not appropriate.~~

~~Subclass X — Alternative for Class A and B: Areas where based on design alternatives, such as configurations, color and location, an aerial facility could be allowed without changing the landscape quality)) requirements pertaining to highway sections and classifications of highway sections shall be in accordance with the criteria set forth in the Utilities Accommodation Policy (M22-86), Scenic Classification of State Highways.~~

~~General criteria: Classifications are to be based on the scenic values of the view from the roadway including the roadway appearance attainable after ultimate improvements within the right of way. Sections are to be of sufficient length to sustain separate distinguishable area characteristics.~~

WSR 98-19-134
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed September 23, 1998, 11:29 a.m.]

Date of Intended Adoption: October 30, 1998.

September 23, 1998

Larry Davis

Executive Director

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-098.

Title of Rule: Chapter 180-16 WAC, State support of public schools; chapter 180-78A WAC, Approval standards for performance-based preparation programs for teachers, administrators, and educational staff associates; chapter 180-79A WAC, Standards for teacher, administrator, and educational staff associate certification; new chapter 180-82 WAC, Certificate endorsements and assignment of certificated personnel; and chapter 180-85 WAC, Continuing education requirement.

Purpose: The proposed amendments to these rules will (1) 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; (2) eliminate the instructional specialist certificate and expand the conditional certificate; (3) allow for national certification as qualification for certification as a school psychologist; (4) revise policies and requirements for endorsements on teacher certificates; and (5) establish rules for the renewal of the professional teacher certificate.

Statutory Authority for Adoption: RCW 28A.305.130 (1) and (2), 28A.410.010, 28A.150.220(4).

Summary: See Purpose above.

Reasons Supporting Proposal: (1) Mandate review, (2) alignment of rules with state school improvement initiatives, and (3) provide greater ease for qualified school psychologist to enter Washington.

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.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Oak Harbor School District, 200 S.E. Midway Boulevard, Oak Harbor, WA 98277-5015, on October 29, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Patty Martin by October 15, 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 October 15, 1998.

BACKGROUNDNEW SECTION

WAC 180-79A-006 Purpose. The purposes of this chapter are:

(1) To establish a performance-based certification system to be fully implemented for all teacher candidates applying for certification after August 31, 2000 and for all administrator and educational staff associate candidates not later than August 31, 2004.

(2) To establish the various certificates which must be held as a condition to employment in the Washington school system. 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.

(3) To establish the conditions and procedures governing issuance and retention of those and other certificates, including endorsements thereon.

NEW SECTION

WAC 180-79A-007 Public policy purposes of state board of education performance-based certification system. The policy purposes of state board of education performance-based certification system are:

(1) To provide qualified educators for the emerging performance-based P-12 education system.

(2) To assure that practitioners are more directly involved in decisions related to professional practice.

(3) To recognize that there is a distinction between the level of competence of beginning educators and the competency of educators who have been able to demonstrate their competencies at a professional level.

(4) To assure that all educators demonstrate their competencies before attaining the status of a professional educator.

(5) To establish a certificate level that recognizes service at a high level of achievement.

(6) To assure that all residency educators have the support required to assist them through their induction.

(7) To assure each educator has a professional development plan.

NEW SECTION

WAC 180-79A-011 Knowledge and skill requirements of the performance-based certification system—Teachers. Each of the knowledge and skills required for the preparation and certification of teachers shall relate to one or more of the following three standards that all teachers will be required to demonstrate: Effective teaching, professional development, and leadership. The emphasis in the preservice preparation programs shall be on effective teaching; the

PROPOSED

emphasis in the program for the professional certificate shall be divided among each of the three categories; during the remainder of the teacher's career, the emphasis should be on professional development and leadership.

NEW SECTION

WAC 180-79A-030 Definitions. The following definitions shall apply to terms used in this chapter:

(1) The terms, "program approval," "endorsement," "interstate compact," "college or university," and "regionally accredited institution of higher education," as defined in WAC 180-78-010 and 180-78A-010 shall apply to the provisions of this chapter.

(2) "Certificate" means the license issued by the superintendent of public instruction to teachers, administrators, and educational staff associates verifying that the individual has met the requirements set forth in this chapter.

(3) "Certificate renewal" means the process whereby the validity of a certificate, subject to expiration, is extended or regained.

(4) "Classroom teaching" means instructing pupils in an instructional setting.

(5) "Approved baccalaureate degree" for the purpose of this chapter, means a baccalaureate from a regionally accredited college or university in any of the subject areas of the endorsement listed in WAC 180-79A-302 as now or hereafter amended. 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.

(6) "Approved master's degree" for the purpose of this chapter, means a master's or doctorate degree from a regionally accredited college or university.

(7) "Credit hour(s)" means credit (normally 100 level or above) awarded by a regionally accredited institution of higher education.

GENERAL CERTIFICATION PROVISIONS

AMENDATORY SECTION (Amending WSR 98-05-024, filed 2/6/98, effective 3/9/98)

WAC 180-79A-117 Uniform expiration date. (1) All certificates issued for one or more stated years shall expire on June 30 of the stated year and shall be calculated as follows:

(a) Certificates issued prior to June 30 of a 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 June 30 of the same calendar year regardless of the date of issuance.

(b) Certificates issued 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 cal-

culated on the basis such certificate was issued on June 30 of the next calendar year regardless of the date of issuance.

(c) All valid existing certificates scheduled to expire on August 31 of a given year shall be valid until June 30 of the following year.

(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)) 180-79A-128, shall be granted a one hundred eighty-day permit as provided in chapter 180-79A WAC ((180-79A-225)).

NEW SECTION

WAC 180-79A-123 Certificates—Previous standards. (1) Certificates issued under previous standards which were issued for a specific term shall continue to be effective for that term.

(2) Certificates issued under previous standards which were issued for an indefinite period shall continue to be in effect.

(3) All persons who hold any standard teacher, administrator, or specialized personnel certificate issued under previous standards of the state board of education shall be issued a continuing certificate at such time as it is necessary for them to reissue a standard certificate or on application and payment of the fee as specified in WAC 180-79A-130.

(4) Any person who holds a provisional principal's or provisional superintendent's certificate under previous standards of the state board of education shall be issued upon application, including payment of applicable fees, continuing administrative for the appropriate role and such certificates shall be subject to the continuing education requirements of chapter 180-85 WAC.

(5) Any person holding a provisional certificate as a school nurse under provisions of chapter 180-84 WAC shall be granted a continuing certificate.

(6) All persons who hold a valid initial certificate granted under previous standards of the state board of education shall be authorized to meet requirements for continuing certification as set forth in the relevant previous standards except as noted below in subsection (7) of this section.

(7) Any person with a valid initial teacher's certificate granted under previous standards of the state board of education may renew that certificate once after August 31, 2000. The individual shall meet requirements for and apply for the continuing certificate by the expiration date on the renewed certificate or meet requirements for the residency certificate for further certification.

(8) Any person whose certificate, subject to expiration and issued under previous standards, has expired shall apply, except as noted under this section, for a new certificate pursuant to WAC 180-79A-124.

NEW SECTION

WAC 180-79A-124 Application for certification. An individual who applies for a Washington state certificate, unless seeking reinstatement pursuant to WAC 180-79A-253 or renewal pursuant to WAC 180-79A-127 or unless other-

wise stipulated by the provisions of WAC 180-79A-160 must meet the requirements in effect at the time of application.

NEW SECTION

WAC 180-79A-127 Renewal of certificate. A holder of a certificate subject to expiration may renew such certificate subject to the rules in effect at the time of such renewal, unless otherwise stipulated by the provisions of WAC 180-79-123.

NEW SECTION

WAC 180-79A-128 Temporary permits. Temporary permits may be issued by the superintendent of public instruction and designated agents under the following conditions:

(1) Temporary permits may be issued under this section to those persons who have filed an application for a certificate; who, based on available documentation, including affidavits or other evidence that appears reliable which substantiates the existence of missing documentation, appear to have completed all requirements for certification; and who do not disclose any information which indicates that such applicant fails to meet the character requirement of WAC 180-79A-150(2).

(2) An individual may apply for a permit directly to the superintendent of public instruction or designated agents—i.e., educational service districts or Washington state institutions of higher education.

(3) A permit entitles the holder to serve as a teacher, educational staff associate or administrator consistent with the endorsement(s) on his/her permit.

(4) A permit is valid for one hundred eighty consecutive calendar days unless prior to the expiration date the superintendent of public instruction determines the applicant is ineligible to receive a valid certificate or endorsement. In such cases, the temporary permit shall expire on the date notice of cancellation is received by the applicant and/or the employer.

(5) The temporary permit may be reissued only upon demonstration that the applicant has made a good faith effort to secure the missing documentation.

(6) Issuing authority. The superintendent of public instruction either directly or through a designated agent shall issue all permits and shall provide institutions of higher education and educational service districts with forms and instructions relevant to application for a permit.

TYPES AND LEVELS OF CERTIFICATES

AMENDATORY SECTION (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

WAC 180-79A-140 Types of certificates. ~~(Four)~~ Seven types of certificates shall be issued:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC 180-79A-220, authorizes service as a classroom teacher.

(2) Vocational. The vocational certificate authorizes service in vocational programs in accordance with the provisions of chapter 180-77 WAC.

(3) Administrator.

(a) The administrator certificate for principal authorizes services as a building administrator or vice-principal. The initial principal certificate shall indicate one of the following grade levels, preschool-9, 4-12, or preschool-12, based on recommendations from the college or university in which the candidate completed an approved preparation program.

(b) The administrator certificates for superintendent or program administrator will be issued to persons who meet state board of education certification standards for service in the roles of superintendent or program administrator.

(4) Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers: *Provided*, That nothing within chapter 180-79A WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

(5) Internship. The internship certificate is issued to individuals who meet the qualifications for it and are participating in the internship pilot project as described in WAC 180-79A-241.

(6) Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC 180-79A-230:

(a) Conditional certificate.

(b) Substitute certificate.

(c) Emergency certificate.

(d) Emergency substitute certificate.

NEW SECTION

WAC 180-79A-145 Levels of certificates, initial/residency and continuing/professional. Two levels of certification may be issued.

(1) Through August 31, 2000, for teachers, and through August 31, 2004, for administrators and educational staff associates, the following levels of certificates will be issued: *Provided*, That after August 31, 2000, initial and continuing teachers' certificates will be issued only to previous Washington certificate holders, pursuant to WAC 180-79A-123:

(a) Initial certificate. The initial teacher certificate is valid for four years and the initial administrator and educational staff associate certificates are valid for seven years. Initial teacher certificates shall be subject to renewal pursuant to WAC 180-79A-250 and 180-79A-123. Initial administrator and educational staff associate certificates shall not be subject to renewal.

(b) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC 180-79A-250(3).

(2) After August 31, 2000, for teachers, and after August 31, 2004, for administrators and educational staff associates the following levels of certificates will be issued:

(a) Residency certificate. The residency certificate is valid for five years and shall be subject to renewal pursuant to WAC 180-79A-250.

(b) Professional certificate. The professional certificate is valid for five years and shall be subject to renewal pursuant to WAC 180-79A-250.

(3) Notwithstanding anything in subsections (1) and (2) of this section to the contrary, a professional teachers' certificate may be issued prior to August 31, 2000, pursuant to WAC 180-78A-555.

GENERAL CERTIFICATION REQUIREMENTS

AMENDATORY SECTION (Amending WSR 98-01-030, filed 12/8/97, effective 1/8/98)

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)) 180-79A-155 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)) 180-79A-257.

(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-257, 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, excluding certificates issued under WAC 180-79A-230, 180-79A-236, or 180-79A-241, 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 comparable out-of-state certificates.

NEW SECTION

WAC 180-79A-155 Good moral character and personal fitness—Necessary supporting evidence by applicants. All applicants for certification shall submit the following:

(1) An affidavit from the applicant indicating that he or she has not been convicted of any crime or a complete disclosure of all arrests and subsequent dispositions of such arrests. In the event of a conviction for any arrest, the applicant shall state reasons why such conviction does not reflect adversely on the requirement to possess good moral character and be personally fit.

(2) An affidavit from the applicant that he or she has no history of serious behavioral problems or a complete disclosure of the nature and status of all such problems, including the names and addresses of health practitioners who have treated the applicant within the past ten years and an executed consent form permitting the superintendent of public instruction to contact and consult with such health practitioners and for such health practitioners to fully disclose medical information related to such behavioral problems.

(3) An affidavit from the dean of the college or school of education or one or more officials designated by such dean, or, if none, by the college or university president, where the applicant completed his or her approved preparation program, that indicates that a designated college or university official has contacted several faculty members who personally know or knew the applicant and has no knowledge of any relevant information related to the applicant's character or fitness that would adversely affect the applicant's ability to serve in a certificated role or a statement from such affiant of the reasons why it is not possible to make such an affidavit.

(4) If the affidavit described in subsection (3) of this section is impossible or impractical to obtain, the applicant shall submit to the superintendent of public instruction the following:

(a) A statement as to why it is impossible or impractical to secure the affidavit required by subsection (3) of this section;

(b) A complete employment history, including the names, addresses, and phone numbers of the immediate supervisor of such applicant when an employee; and

(c) The names, addresses, and phone numbers of three character references who are not related to the applicant.

(5) If the applicant holds or has held a professional certificate in any other state, such applicant shall prepare one of the following affidavits for each such state:

(a) An affidavit that such certificate has not been suspended, surrendered, or revoked. Such affidavit shall be forwarded to the licensing agency in such state with a request that such affidavit be verified and forwarded directly to the superintendent of public instruction.

(b) An affidavit which shall fully disclose the reasons for the suspension, surrender, or revocation of the certificate. Such affidavit shall be submitted directly to the superintendent of public instruction.

NEW SECTION

WAC 180-79A-157 Affidavits from applicants. An individual's application for certification shall be signed under oath that the statements therein are true and correct. The application if not notarized by a notary public must conform with the formalities prescribed in RCW 9A.72.085. In addition, the application shall state that any knowingly false statement therein is punishable under perjury laws of the state of Washington.

Whenever this chapter requires an applicant or certificate holder to file an affidavit, it shall be in the same form as above.

SPECIFIC CERTIFICATION REQUIREMENTS FOR INITIAL/RESIDENCY AND CONTINUING/PROFESSIONAL CERTIFICATES

NEW SECTION

WAC 180-79A-206 Academic and experience requirements for certification—Teachers. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-79A-150.

(1) Initial/residency.

Candidates for the initial or residency certificate shall hold an approved baccalaureate degree from a regionally accredited college or university: *Provided*, That if the approved baccalaureate degree is in early childhood education, elementary education, or special education, the candidate also must have at least thirty quarter hours (twenty semester hours) in one of the academic fields listed in WAC 180-79A-302 (3)(a) through (e) and (4).

(2) Continuing.

(a) Candidates who apply for a continuing certificate shall have at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work completed from a regionally accredited institution of higher education subsequent to the conferral of the baccalaureate degree: *Provided*, That if the individual is pursuing study in a new subject matter area or specialization, lower division (freshmen or sophomore level) credit hours in that subject area or specialization shall be accepted toward continuing certification upon completion of the requirements for an endorsement in that subject area or specialization.

(b) Candidates applying for a continuing certificate prior to September 1, 2000, shall have been granted at least two subject area endorsements.

(c) Candidates who apply for a continuing 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 for the issuance of a continuing 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 the victims of

abuse, and methods for teaching students about abuse of all types and their prevention.

(d) Candidates for continuing teachers' certificates shall provide documentation of one hundred eighty days or full-time equivalent or more satisfactory teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(3) Professional.

(a) Candidates for the professional certificate shall have completed a state board of education approved, collaboratively developed program, pursuant to WAC 180-78A-500 through 180-78A-540.

(b) Candidates who apply for a professional 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 for the issuance of a professional 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 the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(c) Candidates for professional teachers' certificates shall provide, as a condition for the issuance of a professional certificate, documentation that they have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school.

NEW SECTION

WAC 180-79A-211 Academic and experience requirements for certification—Administrators. Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 180-79A-150 and 180-79A-213.

(1) Superintendent.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least forty-five quarter credit hours (thirty semester credit hours) of graduate level course work in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79A-150(4).

(b) Continuing.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least sixty quarter credit hours (forty semester credit hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79A-150(4).

(iii) Candidates applying for continuing superintendent's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school dis-

trict, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(2) Principal.

(a) Initial.

(i) The candidate shall hold a master's degree and have completed an approved program for the preparation of principals.

(ii) Candidates applying for initial principal's certificates who were admitted to a principal preparation program prior to August 31, 1998, shall present documentation of one hundred eighty days or full-time equivalent or more teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school system—and at least thirty days of such employment with the same employer. Candidates applying for the initial principal's certificate who were admitted to a principal preparation program on or after August 31, 1998, shall present documentation of five hundred forty days (three school years) of full-time or more teaching in a public or private school system. No more than sixty days substitute or equivalent teaching experience may be included for this requirement.

(b) Continuing.

(i) The candidate who applies prior to August 31, 1998, shall hold an approved master's degree and completed subsequent to the baccalaureate degree at least forty-five hours (thirty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate who applies on or after August 31, 1998, shall have completed at least fifteen quarter (ten semester) credit hours of graduate course work offered by a college or university with a state approved principal program or one hundred fifty clock hours of study, which meet the state continuing education clock hour criteria, or a combination of credits and clock hours equivalent to the above. Such study shall:

(A) Be based on the principal performance domains included in WAC 180-78A-165;

(B) Be taken subsequent to the issuance of the initial principal's certificate; and

(C) Be determined in consultation with and approved by the candidate's employer or the administrator of a state approved principal preparation program.

(iii) The candidate must meet requirements for a principal's certificate pursuant to WAC 180-79A-150(4).

(iv) Candidates applying for continuing principal's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. Candidates applying for the continuing principal's certificate on or after August 31, 1998, shall provide documentation of three contracted school years of full-time employment as a principal or assistant principal.

(3) Program administrator.

(a) Initial.

The candidate shall hold an approved master's degree, a master's degree required for an educational staff associate

certificate, a master's degree in school nursing, occupational therapy or physical therapy, or a master's degree in public education, or business administration and have completed subsequent to the baccalaureate degree at least twenty-four quarter credit hours (sixteen semester credit hours) of graduate level course work in education.

(b) Continuing.

(i) The candidate shall hold an approved master's degree, a master's degree required for an educational staff associate certificate, a master's degree in school nursing, occupational therapy, physical therapy, or a master's degree in public education, or business administration and have completed subsequent to the baccalaureate degree at least thirty quarter credit hours (twenty semester credit hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) Candidates applying for continuing program administrator's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

NEW SECTION

WAC 180-79A-213 Child abuse course work requirement for continuing certification—Administrators. Candidates who apply for a continuing administrator certificate after August 31, 1994, must have successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse as a condition for the issuance of a continuing 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 the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

NEW SECTION

WAC 180-79A-221 Academic and experience requirements for certification—School counselors, school psychologists, and school social workers. Candidates for school counselor, school psychologist and school social worker certification shall complete the following requirements in addition to those set forth in WAC 180-79A-150 and 180-79A-226: *Provided*, That it shall not be necessary for any candidate who holds a master's or doctorate degree to obtain the specified master's degree if the candidate provides satisfactory evidence to the superintendent of public instruction that he or she has completed all course work requirements relevant to the required master's degree and has satisfactorily completed a comprehensive written examination required in such master's degree program: *Provided*, That if any candidate has been awarded a master's degree without a

comprehensive written examination, the candidate, as a condition for certification, shall arrange to take such an examination with any accredited college or university and provide the superintendent of public instruction with an affidavit from the chair of the department of such academic field that he or she has successfully completed the above noted comprehensive examination.

(1) School counselor.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major in counseling.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination of a regionally accredited institution of higher education or the National Counselor Examination (NCE) of the National Board of Certified Counselors (NBCC).

(b) Continuing.

(i) The candidate shall hold a master's degree with a major in counseling.

(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(iii) The candidates must demonstrate their respective knowledges and skills while employed in that role by passing a one-quarter or one-semester college or university course that includes peer review. The college or university shall establish the procedures for the peer review with advice from the respective professional education advisory board.

(2) School psychologist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major or specialization in school psychology.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination from a regionally accredited institution of higher education or the National Certification of School Psychologist (NCSP) examination.

(b) Continuing.

(i) The candidate shall hold a master's degree with a major or specialization in school psychology.

(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(iii) The candidates must demonstrate their respective knowledges and skills while employed in that role by passing a one-quarter or one-semester college or university course that includes peer review. The college or university shall

establish the procedures for the peer review with advice from the respective professional education advisory board.

(3) School social worker.

(a) Initial.

(i) The candidate shall have completed all requirements for a master's degree in social work except special projects or thesis.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination from a regionally accredited institution of higher education, the social worker examination of the Academy of Certified Social Workers or the National Teacher Examination—School Social Worker Specialty Area examination required for certification as a school social worker by the National Association of Social Workers.

(b) Continuing.

(i) The candidate shall hold a master's degree in social work.

(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(iii) The candidates must demonstrate their respective knowledges and skills while employed in that role by passing a one-quarter or one-semester college or university course that includes peer review. The college or university shall establish the procedures for the peer review with advice from the respective professional education advisory board.

NEW SECTION

WAC 180-79A-223 Academic and experience 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 including the state learning goals and essential academic learning requirements: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred 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 eighty-day period.

(b) Continuing.

(i) 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.

(ii) The candidate shall provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(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 including the state learning goals and essential academic learning requirements: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred 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 eighty-day period.

(b) Continuing.

(i) 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.

(ii) The candidate shall provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(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 including the state learning goals and essential academic learning requirements: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred 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 eighty-day period.

(b) Continuing.

(i) 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.

(ii) The candidate shall provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(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 including the state learning goals and essential academic learning requirements: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred 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 eighty-day period.

(b) Continuing.

(i) The candidate shall hold a master's degree with a major in speech pathology or audiology.

(ii) The candidate shall provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

NEW SECTION

WAC 180-79A-226 Child abuse course work requirement for continuing certification—Educational staff associate. Candidates who apply for a continuing educational staff associate certificate after August 31, 1994, must have successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse as a condition for the issuance of a continuing 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 the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

SPECIFIC CERTIFICATION REQUIREMENTS FOR LIMITED, INSTRUCTIONAL SPECIALIST AND INTERNSHIP CERTIFICATES

NEW SECTION

WAC 180-79A-231 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) The purpose of the conditional certificate is to assist local school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on shortages or the opportunity to secure the services of unusually talented individuals. The state board of education encourages in all cases the hiring of fully certificated individuals and understands that districts will employ individuals with conditional certificates only after careful review of all other options. The state board of education asks districts when reviewing such individuals for employment to consider, in particular, previous experience the individual has had working with children.

(b) Conditional certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons who meet the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2), if one of the following conditions is verified:

(i) The applicant is highly qualified and experienced in the subject matter to be taught and has unusual distinction or

exceptional talent which is able to be demonstrated through public records of accomplishments and/or awards; or

(ii) No person with regular certification in the endorsement area is available as verified by the district or educational service district superintendent or approved private school administrator, or circumstances warrant consideration of issuance of a conditional certificate.

(c) In addition, conditional certificates are issued to persons in the following categories only if no person with regular certification is available:

(i) The applicant qualifies to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(ii) The applicant is assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(iii) The applicant possesses 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

(iv) The applicant has 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.

(d) 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) The district or educational service district superintendent or approved private school administrator has indicated the basis on which he/she has determined that the individual is competent for the assignment;

(ii) The individual is being certificated for a specific assignment and responsibility in a specified activity/field;

(iii) After specific inclusion on the agenda, the school board or educational service district board has authorized submission of the application.

(e) When requesting the conditional certificate for persons who provide classroom instruction, 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

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child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(f) 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 application by the employing local school district, approved private school, or educational service district and upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate. The requesting local school district, approved private school, or educational service district shall verify that the sixty clock hours taken for the reissuance of the certificate shall be designed to support the participant's professional growth and enhance the participant's instructional knowledge or skills to better assist students meeting the state learning goals and/or essential academic learning requirements.

(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-257 (2)(c) and (d).

(b) The substitute certificate is valid for life: *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-270 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

RENEWAL, REINSTATEMENT AND CONTINUING EDUCATION REQUIREMENTS

NEW SECTION

WAC 180-79A-250 Initial/residency and continuing/professional certificates—Renewal, reinstatement, and continuing education requirements. The following shall apply to initial/residency and continuing/residency 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 credit hours (ten semester credit hours) since the certificate was issued or renewed. After August 31, 2000, provisions of WAC 180-79A-123 will apply.

(2) Residency certificate. Residency certificates shall be renewed under one of the following options:

(a) Individuals who hold, or have held, a residency certificate and are enrolled in a professional certificate program may have the certificate renewed for an additional two years upon verification by the professional certificate administrator that the candidate is making satisfactory progress in a state approved professional certificate program.

(b) Individuals who hold, or have held, residency certificates who have not been employed as contracted teachers in Washington may have their residency certificates renewed for an additional five years by the completion of fifteen quarter credits (ten semester credits) of college credit course work (normally one hundred level or higher) from a regionally accredited institution of higher education taken since the issuance of the residency certificate.

(c) All other individuals who hold, or have held, residency certificates may have their certificates renewed only by appeal to the state board of education, or its designated appeals committee. The following conditions apply to such appeals:

(i) Teachers who appeal shall present a rationale and evidence to support their request to have their residency certificates renewed.

(ii) The state board of education, or its designated appeals committee, in making its decision shall determine the

length of the renewal and may establish specific conditions (such as course work requirements) as prerequisites for the reissuance of the residency certificate.

(3) 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 and must meet the conditions stated in WAC 180-79A-253.

(4) Professional certificate. A professional certificate may be renewed for additional five year periods pursuant to meeting continuing education requirements outlined in chapter 180-85 WAC.

NEW SECTION

WAC 180-79A-253 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 surrender or revocation; however, such applicants may apply pursuant to WAC 180-79A-124 for a new certificate under requirements in effect at the time of application.

CERTIFICATION FOR OUT-OF-STATE/FOREIGN TRAINED APPLICANTS

NEW SECTION

WAC 180-79A-255 Certification of out-of-state trained educational personnel—Interstate educational personnel contracts. The superintendent of public instruction is authorized to enter into interstate educational personnel contracts with states party to the interstate agreement on qualifications of educational personnel in accordance with provisions of RCW 28A.690.010 and 28A.690.020 which authorize on an interstate basis Washington state certification

of persons of other states having preparation and qualifications comparable even though not identical to Washington state board of education standards.

NEW SECTION

WAC 180-79A-257 Out-of-state candidates. Candidates for certification from other states shall be eligible for Washington certificates as follows:

(1) Initial and residency certificates. The initial certificate (residency certificate after August 31, 2000,) shall be issued by the superintendent of public instruction to any candidate 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 180-79A-150(4).

(c) Holds an appropriate degree from a regionally accredited college or university and also holds or has held an appropriate 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.

(d) Holds an appropriate degree from a regionally accredited college or university and has practiced three years as an educational staff associate in that role in a state where such certificate was not required.

(e) Holds a valid Nationally Certified School Psychologist (NCSP) certificate issued by the National School Psychology Certification Board (NSPCB) after December 31, 1991, and applies for an initial educational staff associated school psychologist certificate.

(2) Continuing certificate. The continuing certificate shall be issued through August 31, 2000, on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

(3) Professional certificate. After August 31, 2000, the professional certificate shall be issued to out-of-state candidates only if one of the following conditions is met:

(a) The candidate has completed an advanced level certification procedure approved by the state board of education as equivalent to the approved program procedure required in Washington; or

(b) An approved professional certificate program verifies that the candidate has met all the requirements of that institution's approved program. The college/university shall evaluate the candidate's background to determine whether or not course work or certification activities are equivalent to that college/university's approved program.

NEW SECTION

WAC 180-79A-260 Establishing equivalency for course work, degrees and programs completed in countries outside the United States. Certification candidates who have completed degree and/or approved professional preparation programs in a country other than the United States may be required to submit:

(1) A statement of degree equivalency for the appropriate degree from a foreign credentials' evaluation agency approved by the office of the superintendent of public instruction.

(2) A statement from an official of the college or university where the certification program was completed, indicating completion of the program and approval of the program by the agency governing certification in that country.

NEW SECTION

WAC 180-79A-265 Endorsements on teacher certificates for out-of-state candidates. Through August 31, 2000, Washington shall issue endorsements, where comparable endorsements exist, to candidates on the basis of endorsements awarded by other states: *Provided*, That in those subject areas where minimum credits are required for funding purposes, that number of credits shall be required to obtain the endorsement in these subject areas, e.g., special education, vocational education and traffic safety.

NEW SECTION

WAC 180-79A-270 Teacher, principal, and educational staff associate exchange permits. Teacher, principal, and educational staff associate exchange permits may be issued by the superintendent of public instruction to an individual admitted to the United States for the purpose of serving as an exchange teacher, principal, or educational staff associate. Such teacher, principal, or educational staff associate exchange permits shall be valid for one year and may be renewed once.

ENDORSEMENTS

NEW SECTION

WAC 180-79A-299 Transition policies. The transition to the endorsement policies described in chapter 180-82 WAC will include the following policies:

(1) Endorsement requirements as described in WAC 180-79A-300 through 180-79A-398 shall sunset effective August 31, 2000.

(2) Candidates for endorsements on teacher certificates on, or before, August 31, 2000, shall meet requirements as described in WAC 180-79A-300 through 180-79A-398; after August 31, 2000, candidates for endorsements on teacher certificates shall meet requirements as described in chapter 180-82 WAC.

(3) Colleges and universities may permit an individual accepted into programs on, or before, August 31, 2000, to obtain endorsements under the requirements in WAC 180-79A-300 through 180-79A-398, if the individual completes the program on, or before, August 31, 2000, and the college or university verifies program completion to the superintendent of public instruction on, or before, December 31, 2001.

AMENDATORY SECTION (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

WAC 180-79A-304 Minimum preparation for endorsements for teachers. Endorsements granted teachers shall comply with the following:

(1) Endorsements—with the exception of the broad subject area endorsements of English/language arts, music, science, and social studies, and the areas of agriculture education, business education, family and consumer sciences education, marketing education, and technology education which shall require the satisfactory completion of a minimum of forty-five quarter hours (thirty semester hours) of course work—shall require the satisfactory completion of a minimum of twenty-four quarter hours (sixteen semester hours) of course work in the subject area in a regionally accredited institution of higher education or in a college or university with a professional preparation program approved by the state board of education pursuant to chapter (~~180-79A~~) 180-78A WAC.

(2) Reasonable flexibility shall be permitted in establishing equivalencies for specified subject area course work. The test for substitution of an equivalent course for a stated subject area course is a factual determination that the subject matter content of the equivalent course, or combination of courses, substantially complies with the generally recognized course content of the subject area course.

(3) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university and may not include student teaching credits.

(4) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours as defined in WAC 180-79A-304.

(5) Except as otherwise specified in this chapter or in chapter 180-82 WAC, when existing requirements regarding the number of credit hours, the titles for endorsements, and/or the essential areas of study are revised by the state board of education for any endorsement area, the candidate may, until the first day of September following two calendar years from the effective date of the rule change, obtain the endorsement by completing either the previous or the revised requirements. Following the September first date established above, all candidates shall meet the revised requirements to obtain an endorsement.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-79A-005	Purpose.
WAC 180-79A-010	State board of education performance-based certification system.
WAC 180-79A-012	Public policy purposes of state board of education per-

	formance-based certification system.	WAC 180-79A-417	Experience requirement for continuing certification—Teachers.
WAC 180-79A-013	Knowledge and skill requirements of the performance-based certification system—Teachers.	WAC 180-79A-420	Academic requirements for certification—Administrators.
WAC 180-79A-025	Organization of chapter 180-79A WAC.	WAC 180-79A-422	Experience requirement for initial certificate—Principals.
WAC 180-79A-101	Definitions.	WAC 180-79A-423	Experience requirement for continuing certification—Administrators.
WAC 180-79A-122	Good moral character and personal fitness—Necessary supporting evidence by applicants.	WAC 180-79A-424	Child abuse course work requirement for continuing certification—Administrators.
WAC 180-79A-125	Affidavits from applicants.	WAC 180-79A-430	Academic requirements for certification—School counselors, school psychologists, and school social workers.
WAC 180-79A-126	Other affidavits from applicants and certificate holders.	WAC 180-79A-433	Academic requirements for certification—School nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist.
WAC 180-79A-160	Certificates—Previous standards.	WAC 180-79A-435	Child abuse course work requirement for continuing certification—Educational staff associate.
WAC 180-79A-161	Application for certification.	WAC 180-79A-440	Experience requirement for continuing certification—ESAs.
WAC 180-79A-165	Renewal of certificate.	WAC 180-79A-445	Supervised experience requirement for continuing certification.
WAC 180-79A-170	Reinstatement of certificates.	WAC 180-79A-503	Levels of certificates—Residency and professional.
WAC 180-79A-200	Certification of out-of-state trained educational personnel—Interstate educational personnel contracts.	WAC 180-79A-510	Residency and professional certificates for teachers—Renewal requirements.
WAC 180-79A-205	Out-of-state candidates.	WAC 180-79A-515	Academic requirements for certification—Teachers.
WAC 180-79A-210	Establishing equivalency for course work, degrees and programs completed in countries outside the United States.	WAC 180-79A-517	Experience requirement for professional certification—Teachers.
WAC 180-79A-215	Endorsements on teacher certificates for out-of-state candidates.	WAC 180-79A-520	Requirements for certification for administrators and education staff associates under the performance-based certification system.
WAC 180-79A-220	Teacher, principal, and educational staff associate exchange permits.		
WAC 180-79A-225	Temporary permits.		
WAC 180-79A-230	Limited certificates.		
WAC 180-79A-236	Instructional specialist certificate.		
WAC 180-79A-403	Levels of certificates, initial and continuing.		
WAC 180-79A-405	Initial and continuing certificates—Renewal requirements.		
WAC 180-79A-415	Academic requirements for certification—Teachers.		

GENERAL

AMENDATORY SECTION (Amending WSR 97-04-084, filed 2/5/97, effective 3/8/97)

WAC 180-78A-003 Authority. The authority for this chapter is ~~((RCW 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility and certification of personnel employed in the common schools of this state. This authority is supplemented by))~~ RCW 28A.305.130 (1) ~~((and (2)))~~ through (4) which authorizes the state board of education to approve and disapprove educator preparation programs in institutions of higher education in Washington state.

AMENDATORY SECTION (Amending WSR 97-04-084, filed 2/5/97, effective 3/8/97)

WAC 180-78A-005 Purpose. In order to support the successful implementation of Washington's ongoing public school reform and improvement policies, the state board of education is establishing a newly designed performance-based preparation system for educators that will be aligned with these efforts. The intent of the performance-based preparation system is to ensure that educators can demonstrate a positive impact on student learning as the foundation for preparing students to effectively participate in a diverse and democratic society. This chapter establishes the procedures, standards, and criteria to be used in the development and approval of preparation programs offered by institutions of higher education in Washington state leading to teacher, administrator, and educational staff associates certification. These rules establish a performance-based preparation system for educators that supports the Improvement of Student Achievement Act of 1993 (ESHB 1209) which will enable educators to implement the Washington state student learning goals and essential academic learning requirements.

AMENDATORY SECTION (Amending WSR 98-01-025, filed 12/8/97, effective 1/8/98)

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))~~ An approved 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' 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.

AMENDATORY SECTION (Amending WSR 97-04-084, filed 2/5/97, effective 3/8/97)

WAC 180-78A-015 Professional education advisory committee. (1) The state board of education shall establish a professional education advisory committee to serve as the working committee of the board on matters pertaining to the preparation and certification of school personnel. The committee shall give advice and make recommendations to the board and the state superintendent of public instruction about educator preparation and certification matters and participate in the review of preparation programs.

(2) The size of the committee shall be determined by the board but membership shall be comprised of regular members representing colleges and universities, specialized and general professional associations, school district administrators, ~~((school district))~~ boards of directors, nonpublic schools, the Washington state legislature, other business and lay organizations having interest in the preparation and certification of school personnel, and three members of the state board of education.

~~((2))~~ (3) The advisory committee shall have a four-member executive committee comprised of one member of the state board, one member representing higher education, one member representing certificated staff practitioners, and

one member from among the other groups represented on the advisory committee. The chair of the advisory committee shall rotate at least every two years among the nonboard members of the executive committee.

~~((3))~~ (4) The executive committee shall have the authority to work with member groups, as necessary, to assure to the extent possible that the combined membership of the advisory committee reflects the racial, ethnic, geographic and gender diversity of the state.

~~((4))~~ (5) The advisory committee shall be responsible for adopting written operating procedures.

GENERAL APPROVAL PROVISIONS

NEW SECTION

WAC 180-78A-100 Existing approved programs. Chapter 180-78A WAC rules shall govern all policies related to programs upon adoption by the state board of education, which shall provide assistance to colleges and universities in the revision of their existing programs.

(1) All professional education programs shall be reviewed for approval under the 1997 program approval standards of chapter 180-78A WAC by August 31, 2000. Institutions shall be given at least one year notification prior to a state board of education review for compliance with these standards: *Provided*, That if an institution requests a visit with less than a year's notice, the state board of education shall consider that request.

(2) The state board of education shall determine the schedule for such approval reviews and whether an on-site visit or other forms of documentation and validation shall be used for the purposes of granting approval under the 1997 program approval standards.

(3) Each institution shall 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.

(4) 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.

(5) In submitting a request for approval under these standards, the approved program shall provide a description of the criteria that the program will use to assess, in multiple ways, over time, its certification candidates' knowledge and skills, including, where appropriate, evidence related to positive impact on student learning. Based on the documentation submitted and/or an on-site visit, the state board of education shall grant approval or request specific revisions that need to be made in order to obtain state board of education approval.

NEW SECTION

WAC 180-78A-105 Procedures for initial approval of an educator preparation program. Each college or university desiring to establish a preparation program shall comply with the following:

(1) Advise the state board of education of its desire to establish a preparation program.

(2) Establish the appropriate professional education advisory board pursuant to WAC 180-78A-205.

(3) Develop with the assistance of the professional education advisory board and designated officials of the state board of education, a written plan which provides timelines for the implementation of all applicable program approval standards during the first year of the preparation program and submit such report to the designated official of the state board of education for review and comment and, if requested, resubmit such plan to the designated official.

(4) Describe the criteria that the approved preparation program will use to assess, in multiple ways, over time, its candidates' knowledge and skills, including, where appropriate, evidence related to positive impact on student learning.

(5) Present the written plan to the state board of education which shall approve it and grant initial approval status if the state board is satisfied that the college or university will meet all program approval standards in accordance with reasonable and practical timelines and that the college or university has made the needed commitments, specifically personnel and other resources, to implement the plan.

(6) The newly approved preparation program shall be approved for up to a two-year period.

(7) During the second year of approval, the superintendent of public instruction shall conduct a site visit to determine if the program is in full compliance with the 1997 program approval standards.

NEW SECTION

WAC 180-78A-110 Length of time for which program approval status shall be granted. (1) The state board of education shall approve all preparation programs under the 1997 program approval standards for five years unless the state board approves a variation with the exception of new programs approved for up to two years under WAC 180-78A-028.

(2) The superintendent of public instruction, upon receipt of a complaint from any source or upon her or his initiative, or initiative of the state board may review all or any part of a preparation program for compliance with the provisions of this chapter. If deviations are found, the state board is authorized to rescind program approval until the college or university submits an acceptable compliance agreement which will bring the preparation program into compliance as soon as reasonably practicable, but no later than the commencement of the succeeding academic year or six calendar months, whichever is later.

(3) If an acceptable compliance agreement is not developed and approved by the state board of education, the preparation program shall be placed on probationary status and

the probationary status provision of WAC 180-78A-115 shall apply.

NEW SECTION

WAC 180-78A-115 Probationary status. Colleges and universities with approved preparation programs shall not lose official approval status until the state board of education has taken final action to disapprove the preparation program: *Provided*, That colleges or universities shall be permitted for the current and one additional academic year following receipt of the formal notice of disapproval to continue as an approved preparation program on probationary status for the purpose of completing the preparation program for those candidates for certification currently enrolled in the preparation program and who are scheduled to complete such preparation program within such academic years and for the purpose of regaining state board of education approval.

NEW SECTION

WAC 180-78A-120 Procedures for reestablishment of approval status for an educator preparation program. The procedures for the reestablishment of state board of education approval of a preparation program shall be the same as the procedure for initial approval as provided in WAC 180-78A-105, except that if the preparation program continues to operate pursuant to the probationary status provision of WAC 180-78A-115, the state board of education may limit the content of the written plan required by WAC 180-78A-105(3) to program standards determined by the state board of education to be the cause of the college or university's probationary status.

NEW SECTION

WAC 180-78A-125 Annual reports by colleges and universities. Each college or university offering an approved preparation program shall submit annual reports covering the period from July 1 of the previous year to June 30 of the current year, containing the following:

- (1) An executive summary of the activities of each professional education advisory board.
- (2) Other material related to the preparation programs requested by the state board of education.

NEW SECTION

WAC 180-78A-130 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 28B.85 RCW.

NEW SECTION

WAC 180-78A-136 Responsibilities of deans, directors, or other designated administrators. Each college or university operating an approved preparation program shall require the dean, director, or other designee of the administrative unit required by WAC 180-78A-261(2) to coordinate the following college or university responsibilities:

- (1) Formation of professional education advisory boards.
- (2) Management of operations and resources for each preparation program.
- (3) Filing of affidavits and reports required by this chapter and chapter 180-79A WAC.
- (4) Dissemination of information relative to initial and continuing certification procedures and requirements.
- (5) The application process for certification.
- (6) Establishing and administering a process to counsel and assist applicants in the processing of applications for certificates and endorsements thereon: *Provided*, That colleges and universities need not provide such assistance to applicants who have completed less than 15 quarter (10 semester) hours of coursework at the respective college or university.

SUPERINTENDENTS

NEW SECTION

WAC 180-78A-151 Preparation of superintendents. See RCW 28B.10.410 and 28A.400.010.

PROGRAM ADMISSION REQUIREMENT

NEW SECTION

WAC 180-78A-200 Candidate admission policies. Admission requirements to residency preparation programs shall include, but not be limited to, evidence that the candidate is competent in the basic skills required for oral and written communication, reading, and computation, demonstrated by one of the following options:

- (1) Successful completion of an examination in the basic skills required for oral and written communication, reading, and computation; or
- (2) Completion of a baccalaureate degree program; or
- (3) Completion of a graduate degree program; or
- (4) Completion of two or more years of college level course work and demonstrated basic skills competency through college level work and a written essay; or
- (5) A combined score of more than the state-wide median score for the prior school year scored by all persons taking the Scholastic Assessment Test I: Reasoning Test or the American College Test (ACT).

PROFESSIONAL EDUCATION ADVISORY BOARDS—GENERAL PROVISIONS

NEW SECTION

WAC 180-78A-205 Required professional education advisory board. Colleges and universities seeking approval

by the state board of education as an approved preparation program, and in order to maintain such approval status, shall establish a professional education advisory board (PEAB) in accordance with the following:

(1) The program areas for which a college or university may seek approval and maintain an approved preparation program are:

- (a) Teacher.
- (b) Administrator.
- (c) Educational staff associate (ESA), school counselor.
- (d) Educational staff associate, school psychologist.
- (e) Educational staff associate, school social worker.

(2) A college or university may combine educational staff associate professional education advisory boards as long as one-half or more of the voting members are appointed by the associations representing the ESA roles involved and are divided equally among those roles.

(3) A college or university may have separate administrator professional education advisory boards for each administrator role as long as one-half or more of the voting members are appointed by the association representing the administrator role involved: *Provided*, That each administrator PEAB shall include at least one member appointed by the association of Washington school principals (AWSP) and one appointed by the Washington association of school administrators (WASA).

(4) The failure of a designated organization, as specified in WAC 180-78A-209, to make appointments to the designated board, or to make such appointments in a timely manner, shall not cause the preparation program to lose its approval status.

NEW SECTION

WAC 180-78A-207 Qualification to be appointed to professional education advisory boards. (1) Appointees to service on professional education advisory boards from required agencies, other than the designee(s) of the college or university president, at the time of their appointment, must be employed in or reside in a school district with which the college or university has a current written agreement to provide field experiences for students involved in the preparation program for which the professional education advisory board has responsibility.

(2) Professional education advisory boards may authorize the appointment of additional representatives from other school districts or other public and private agencies as long as one-half or more of the members of the professional education advisory board consist of representatives who meet the qualifications of subsection (1) of this section and who are from the role for which the professional education advisory board has responsibility.

(3) If any professional education advisory board receives a written request from other school districts or other public or private agencies for representation on such professional education advisory board, the current members of such professional education advisory board shall vote on such request at the next regular meeting of such board: *Provided*, That a college or university may elect to add private school representatives to a professional education advisory board without add-

ing to the representation from the role for which the professional education advisory board has responsibility if the professional education advisory board authorizes such action by a majority vote.

NEW SECTION

WAC 180-78A-209 Professional education advisory boards—Membership. The professional education advisory boards shall at a minimum consist of the following:

(1) TEACHER.

(a) One-half or more of the voting members shall be classroom teachers appointed by the president of the Washington Education Association: *Provided*, That a college or university that has placed more than fifty percent of its graduates of the teacher certification program within the previous three academic years in private schools may appoint up to one-half of the practitioners required by this subsection from nominations from faculties of private schools in which the college or university places student teachers or teachers.

(b) At least one principal appointed by the president of the Association of Washington School Principals.

(c) At least one school administrator appointed by the Washington Association of School Administrators.

(d) At least one college or university representative who may serve in a voting or nonvoting role.

(2) ADMINISTRATOR.

(a) At least one-fourth of the voting members shall be administrators appointed by the president of the Association of Washington School Principals, and at least one-fourth of the voting members shall be administrators appointed by the president of the Washington Association of School Administrators.

(b) At least one or more classroom teachers appointed by the president of the Washington Education Association.

(c) At least one college or university representative who may serve in a voting or nonvoting role.

(3) SCHOOL COUNSELOR.

(a) At least one-half of the voting members shall be school counselors appointed by the president of the Washington School Counselors Association.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

(4) SCHOOL PSYCHOLOGIST.

(a) At least one-half of the voting members shall be school psychologists appointed by the president of the Washington State Association of School Psychologists.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

(5) SCHOOL SOCIAL WORKER.

(a) At least one-half of the voting members shall be school social workers appointed by the president of the Washington Association of School Social Workers.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

NEW SECTION

WAC 180-78A-210 Joint professional education advisory board. Any two or more colleges and/or universities may agree to have the same professional education advisory board for their respective preparation program at such college or university.

NEW SECTION

WAC 180-78A-215 Substitute pay for members of professional education advisory boards. Service on professional education advisory boards by certificated employees is deemed by the state board of education as a committee formed for the purpose of furthering education within the state. Accordingly, the superintendent of public instruction, in conformance with the provisions of RCW 28A.300.035, shall make payments to school districts for needed substitutes.

RESIDENCY CERTIFICATE PROGRAMS—PROGRAM APPROVAL STANDARDS—GENERAL

NEW SECTION

WAC 180-78A-220 Program approval standards for approved preparation programs. The program approval standards for approved preparation programs for teachers, administrators, and educational staff associates are as follows:

(1) **Professional education advisory boards:** The college or university, in conformance with the provisions of WAC 180-78A-250, has established and maintained a professional education advisory board to participate in and cooperate with the college or university on decisions related to the development, implementation, and revision of each preparation program—i.e., teacher, administrator, school counselor, school psychologist, and school social workers.

(2) **Accountability:** Each college or university, in conformance with the provision of WAC 180-78A-255, has established a performance-based preparation program.

(3) **Resources:** A separate college, school, department, or other administrative unit within the college or university, in conformance with the provision of WAC 180-78A-261, is

responsible for providing the resources needed to develop and maintain quality preparation programs.

(4) **Program design:** Each college or university, in conformance with the provision of WAC 180-78A-264, is responsible for establishing a collaboratively developed approved preparation program that is based on a conceptual framework, current research and best practice that reflects the state's learning goals and essential academic learning requirements.

(5) **Knowledge and skills:** Each college or university, in conformance with the provision of WAC 180-78A-270, has established policies requiring all candidates for certification to demonstrate knowledge and skills required for the particular certificate and areas of endorsement and which reflect the state's learning goals and essential academic learning requirements.

NEW SECTION

WAC 180-78A-225 Acceptance of alternative standards. (1) For a given program, the state board of education may allow the substitution of the Council for Accreditation of Counseling and Related Education Program's (CACREP) or the National Association of School Psychologist's (NASP) standards for program approval standards for school counselor and school psychologist program approval (WAC 180-78A-220 (2) through (5)).

(2) The state board of education may allow the substitution of national standards (e.g., the National Council for Accreditation of Teacher Education (NCATE) teacher education standards) for program approval with any additions deemed necessary by the state board of education. National standards may also be approved for programs in specific endorsement areas if they are deemed to be equivalent to state standards.

RESIDENCY CERTIFICATE PROGRAMS—SPECIFIC PROGRAM APPROVAL STANDARD—PROFESSIONAL EDUCATION ADVISORY BOARD

NEW SECTION

WAC 180-78A-250 Approval standard—Professional education advisory board. 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-220(1):

(1) The professional education advisory board has been established in accordance with WAC 180-78A-209.

(2) The professional education advisory board has adopted operating procedures and has met at least four times a year.

(3) The professional education advisory board has reviewed all program approval standards at least once every five years.

(4) The professional education advisory board annually has reviewed follow-up studies and placement records.

(5) The professional education advisory board has made recommendations when appropriate for program changes to the institution which must in turn consider and respond to the recommendations in writing in a timely fashion.

(6) The professional education advisory board annually has seen, reviewed and approved an executive summary of the activities of the professional education advisory board for the period from July 1 through June 30 of the reporting year. The college or university has submitted the approved executive summary to the state board of education.

RESIDENCY CERTIFICATE PROGRAMS—SPECIFIC PROGRAM APPROVAL STANDARD—ACCOUNTABILITY

NEW SECTION

WAC 180-78A-255 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-220(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; and

(c) A brief narrative description of changes that occurred in certificate programs during the reporting year.

RESIDENCY CERTIFICATE PROGRAMS—SPECIFIC PROGRAM APPROVAL STANDARD—RESOURCES

NEW SECTION

WAC 180-78A-261 Approval standard—Resources. 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 resources program approval standard of WAC 180-78A-220(3):

(1) A separate administrative unit supports the preparation program whose composition and organization are clearly described in writing.

(2) An officially designated administrator is responsible for the management of operations and resources for the preparation program.

(3) Administrators and faculty in the preparation program have appropriate qualifications (including masters' or doctoral degrees) and have experience for the roles to which they are assigned.

(4) The institution has and implements an explicit plan with adequate resources to ensure hiring and retaining of a diverse faculty.

(5) Specific staff and/or faculty members in the unit are assigned the responsibility of advising applicants for certification and endorsements and for maintaining certification records.

(6) Financial resources are provided to support the preparation program.

(7) Facilities are provided to support the needs of the preparation program.

(8) Library, technology, and other informational resources must be sufficient in scope, breadth, and recency to support the preparation program.

RESIDENCY CERTIFICATE PROGRAMS—SPECIFIC PROGRAM APPROVAL STANDARD—PROGRAM DESIGN

NEW SECTION

WAC 180-78A-264 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-220(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-200 Candidate admission policies). These candidates include members from under represented 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) The preparing institution shall assure that candidates are provided with appropriate course work and experiences in teaching methods for each endorsement area. The methods should include:

(a) Instructional strategies.

(b) Curriculum frameworks (essential academic learning requirements).

(c) Assessment strategies, including performance-based measurements of student work.

(d) Unit/lesson planning.

(6) Field experiences are integrated throughout the preparation program and include experience with diverse populations in a variety of settings.

(7) 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-325, candidates for a school psychologist certificate shall complete an internship pursuant to WAC 180-78A-317, and candidates for a school counselor certificate shall complete an internship pursuant to WAC 180-78A-315.

(8) Programs reflect ongoing collaboration with P-12 schools.

(9) 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.

RESIDENCY CERTIFICATE PROGRAMS—SPECIFIC PROGRAM APPROVAL STANDARD—KNOWLEDGE AND SKILLS

NEW SECTION

WAC 180-78A-270 Approval standard—Knowledge and skills. Building on the mission to prepare educators who demonstrate a positive impact on student learning based 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-220(5):

(1) **TEACHER.** Teacher candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

Foundational knowledge

(a) The state learning goals and essential academic learning requirements.

(b) The subject matter content for the area(s) they teach, including relevant methods course work and 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) 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.

(k) The standards, criteria and other requirements for obtaining the professional certificate.

Effective teaching

(l) Research and experience-based principles of effective practice for encouraging the intellectual, social, and personal development of students.

(m) Different student approaches to learning for creating instructional opportunities adapted to learners from diverse cultural or linguistic backgrounds.

(n) Areas of exceptionality and learning — including, but not limited to, learning disabilities, visual and perceptual difficulties, and special physical or mental challenges.

(o) Effective instructional strategies for students at all levels of academic abilities and talents.

(p) Instructional strategies for developing reading, writing, critical thinking, and problem solving skills.

(q) The prevention and diagnosis of reading difficulties and appropriate intervention strategies.

(r) 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.

(s) Planning and management of instruction based on knowledge of the content area, the community, and curriculum goals.

(t) Formal and informal assessment strategies for evaluating and ensuring the continuous intellectual, social, and physical development of the learner.

(u) Collaboration with school colleagues, parents, and agencies in the larger community for supporting students' learning and well-being.

(v) Effective interactions with parents to support students' learning and well-being.

Professional development

(w) The opportunity for candidates to reflect on their teaching and its effects on student growth and learning.

(x) Educational technology including the use of computer and other technologies in instruction, assessment and professional productivity.

(y) Strategies for effective participation in group decision making.

(2) **PRINCIPAL AND PROGRAM ADMINISTRATOR.** 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; utiliz-

ing 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.** 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.** 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.** 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.** 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:

(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.

OTHER PROGRAM APPROVAL REQUIREMENTS

NEW SECTION

WAC 180-78A-307 Course work/internship waiver.

The college or university may waive required course work and/or waive or reduce in length the required internship for any candidate, based on an individual review if the college or university determines that previous course work, work experiences, or alternative learning experiences have or will provide the candidate knowledge and skills to be otherwise gained from the required course work or internship.

NEW SECTION

WAC 180-78A-308 Special consideration for certain former para-educators. An approved teacher preparation program may determine that a candidate who has work experience as a noncertificated para-educator may substitute his or her work experience for some teacher preparation program requirements if the candidate presents evidence that he or she has served as a para-educator within the previous seven years and that at least fifty percent of the candidate's work as a para-educator was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours in any one school year.

NEW SECTION

WAC 180-78A-310 Program approval—Teachers, collaboration with K-12 schools. An approved preparation program annually shall develop and implement a plan to enhance the level of collaboration and interaction between the program's faculty and K-12 schools in the state. The plan shall require, to the maximum extent feasible, that each member of the full-time teacher preparation faculty annually provide instruction to students in the K-12 classroom in a public or approved private school setting in the state of Washington, during the regular school year. The instruction that will be provided must be in accordance with RCW 28A.405.010 and applicable state board of education rules.

NEW SECTION

WAC 180-78A-315 Program approval requirement—Field experience for school counselors. Approved school counselor preparation programs shall require all candidates to complete a supervised internship in the schools that includes a minimum of four 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 counselor. Faculty supervision including on-site visits will be provided on an ongoing basis. Prior to the internship, the candidate will complete a faculty supervised practicum (a distinctly defined clinical experience intended to enable the candidate to develop basic counseling skills and integrate professional knowledge).

NEW SECTION

WAC 180-78A-317 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 includes a minimum of 1200 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 on-going 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).

NEW SECTION

WAC 180-78A-325 Program approval requirement—Field experience for all administrators. An approved preparation program for administrators and, prior to August 31, 1998, for principals, shall require an internship of at least three hundred sixty hours: *Provided*, That 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-270: *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-270.

NEW SECTION

WAC 180-78A-330 Demographic information. Building on the mission to prepare educators who demonstrate a positive impact on student learning, approved preparation programs annually shall provide the state board of education the following information:

- (1) Demographic characteristics, including gender and ethnicity, of students completing approved programs during the period from July 1 of the previous year to June 30 of the reporting year;
- (2) 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; and
- (3) Demographic characteristics of faculty teaching in approved programs including ethnicity and gender.

ADMINISTRATOR INTERNSHIPSNEW SECTION

WAC 180-78A-400 Internship standards—State-funded administrator interns. (1) Principal, superintendent, and program administrator interns participating in the state-funded administrator internship program shall meet the following standards:

- (a) Enrollment in a principal, superintendent or program administrator preparation program approved by the state board of education, pursuant to WAC 180-78A-105.

(b) Completion of all administrator field experience, knowledge and skill certification requirements, pursuant to chapters 180-78A and 180-79A WAC.

(c) Completion of up to forty-five internship days for school employees selected for a principal, superintendent or program administrator certification internship when K-12 students and/or staff are present; provided the internship shall meet the following criteria:

(i) The intern, mentor administrator and college/university intern supervisor shall cooperatively plan the internship, provided that the school district is encouraged to include teachers and other individuals in the internship planning process.

(ii) Principal and program administrator interns shall demonstrate competency in the performance domains identified as needing development by the mentor administrator, college/university supervisor, and the intern, pursuant to WAC 180-78A-270(2). Superintendent interns shall demonstrate competency in the standards identified as needing development by the mentor administrator, college/university supervisor, and the intern, pursuant to WAC 180-78A-270(3).

(iii) The activities to be undertaken to implement the internship shall be outlined in writing.

(d) The intern, college/university supervisor and mentor administrator shall determine whether the intern days and the selected performance domains or competencies were demonstrated.

(2) Participating colleges/universities, and school districts may establish additional internship standards and shall report such standards to the state board of education.

(3) Each college/university shall submit a summary report of the internships to the state board of education.

PROFESSIONAL CERTIFICATE PROGRAMS— PROGRAM APPROVAL STANDARDS—GENERAL PROVISIONS

NEW SECTION

WAC 180-78A-500 Professional certificate program approval. All professional certificate programs for teachers shall be approved pursuant to the requirements in WAC 180-78A-520 through 180-78A-540.

NEW SECTION

WAC 180-78A-505 Overview—Professional certificate program. Teachers who complete approved programs after August 31, 2000, shall be issued residency certificates that shall be valid for five years. To obtain a professional certificate, the residency teacher will need to have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school and will need to have completed a state board of education approved professional certificate program collaboratively developed by a college/university and the professional educational advisory board (PEAB).

The professional certificate requires successful demonstration of three standards (effective teaching, professional

development, and leadership) and 18 criteria, pursuant to WAC 180-78A-540, related to these standards. Wherever appropriate, the residency teacher will need to provide evidence that his/her teaching has had a positive impact on student learning.

During the implementation phase of the program, the employing approved private school or school district (or an educational service district, if the employing approved private school or school district so delegates) and an individual selected by the candidate from one of the other authorized agencies (i.e., local school district professional association, state-wide professional association, specialty area professional association, or educational service district) shall collaborate along with the college or university and the candidate in the development of an individualized professional growth plan.

The individualized professional growth plan will be based on an analysis of the student/learning context in that teacher's assignment and a preassessment of that teacher's ability to demonstrate the standards and criteria.

The individualized professional growth plan shall include instruction and assistance components for each residency teacher. The instruction and assistance components will be designed to give the residency teacher the necessary knowledge and skills needed to demonstrate successfully the standards and criteria.

The final component of the program will be an assessment seminar in which the residency teacher's ability to demonstrate the standards and criteria will be evaluated. These assessments shall include multiple forms of data collected over time, including evidence of positive impact on student learning, where appropriate.

As part of the program development, the college/university and the PEAB shall establish criteria and procedures for determining when the residency teacher has successfully completed the program. When the approved program has verified to the superintendent of public instruction that the candidate has completed the approved program, the state will issue the residency teacher a professional certificate.

Between 1997 and 2000, the state board of education shall approve a number of field tests of the professional certificate programs pursuant to WAC 180-78A-545 through 180-78A-565.

NEW SECTION

WAC 180-78A-510 Responsibilities of the professional certificate administrator. Each approved professional certificate program shall identify a professional certificate administrator who shall have the primary responsibility for the overall administration of the program. The person serving as the professional certificate administrator may be an employee, or a joint employee, representing any of the collaborating agencies participating in the program.

NEW SECTION

WAC 180-78A-515 Program approval standards for professional certificate approved programs. The program

approval standards for approved programs for teachers are as follows:

(1) **Professional education advisory boards.** The professional certificate program, in conformance with the provisions of WAC 180-78A-250 and 180-78A-520, has established and maintained a professional education advisory board to participate in decisions related to the development, implementation, and revision of the professional certificate program for teachers.

(2) **Accountability.** Each professional certificate program, in conformance with the provision of WAC 180-78A-525, has established a performance-based program.

(3) **Resources.** The professional certificate program, in conformance with the provision of WAC 180-78A-530, is responsible for providing the resources needed to develop and maintain quality professional programs.

(4) **Program design.** Each professional certificate program, in conformance with the provision of WAC 180-78A-535, is responsible for establishing a collaboratively developed, individualized, approved professional certificate program.

(5) **Knowledge and skills.** Each professional certificate program, in conformance with the provision of WAC 180-78A-540, has established policies requiring all candidates for certification to demonstrate the standards and respective criteria for obtaining the professional certificate.

PROFESSIONAL CERTIFICATE PROGRAMS— PROGRAM APPROVAL STANDARD—SPECIFIC— PROFESSIONAL EDUCATION ADVISORY BOARD

NEW SECTION

WAC 180-78A-520 Approval standard—Professional education advisory board. The following evidence shall be evaluated to determine whether each professional certificate program is in compliance with the program approval standards of WAC 180-78A-515(1).

(1) The professional education advisory board established for the preservice program in accordance with WAC 180-78A-209 shall also serve as the professional advisory board for the professional certificate program.

(2) The professional education advisory board has participated in the development of the professional certificate program and has recommended approval of the proposed program prior to its submission to the state board of education for approval.

(3) The professional education advisory board has reviewed the annual summary on the status of all candidates in the program required by WAC 180-78A-525(7).

(4) The professional education advisory board has made recommendation(s), as appropriate, for program changes to the professional certificate administrator who shall implement the recommendation(s) within twelve months, or provide a rationale for why the recommendation(s) was not implemented.

PROFESSIONAL CERTIFICATE PROGRAMS— PROGRAM APPROVAL STANDARD—SPECIFIC— ACCOUNTABILITY

NEW SECTION

WAC 180-78A-525 Approval standard—Accountability. The following evidence shall be evaluated to determine whether each professional certificate program is in compliance with the program approval standards of WAC 180-78A-515(2). Each college and university shall:

(1) Submit for initial approval to the state board of education a performance-based professional certificate program for teachers.

(2) Provide documentation that the respective professional education advisory board has participated in the development of and has approved the proposal.

(3) Identify the professional certificate administrator who shall be responsible for the administration of the professional certificate program.

(4) Describe the major responsibilities of each of the collaborating agencies. Identify the staff from one or more of the collaborating agencies who will be assigned the responsibility for reviewing applications for the professional certificate program; advising candidates once accepted; developing and implementing the individualized professional growth plan, the instruction and assistance components, and the assessment seminar; maintaining current records on the status of all candidates accepted into the professional certificate program; and for serving as the liaison with the superintendent of public instruction certification office in order to facilitate the issuance of the professional certificates when candidates have met the required standards.

(5) Establish the admission criteria that candidates for the professional certificate will need to meet in order to be accepted into the collaboratively developed professional certificate program.

(6) Describe the procedures that the approved program will use to determine that a candidate has successfully demonstrated the standards and criteria for obtaining the professional certificate.

(7) Prepare an annual summary on the status of all candidates in the program and submit the summary to the professional education advisory board.

(8) Submit any additional information to the professional education advisory board that it requests.

(9) Facilitate an on-site review of the program 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.

Provided, That the on-site reviews shall be scheduled on a five-year cycle unless the state board of education approves a variation in the schedule.

Provided further, That institutions seeking National Council for the Accreditation of Teacher Education accreditation may request from the state board of education approval for concurrent site visits which would utilize the same documentation whenever possible.

PROPOSED

**PROFESSIONAL CERTIFICATE PROGRAMS—
PROGRAM APPROVAL STANDARD—SPECIFIC—
RESOURCES**

NEW SECTION

WAC 180-78A-530 Approval standard—Resources.

The following evidence shall be evaluated to determine whether each professional certificate program is in compliance with the resources program approval standard of WAC 180-78A-515(3):

(1) Administrators, faculty, and teachers implementing the professional certificate program have appropriate qualifications (either academic, experience, or both for the roles to which they are assigned). Such responsibilities shall be shared, as appropriate, between and among the collaborating agencies.

(2) One of the collaborating agencies is assigned the responsibility for maintaining fiscal records in order to monitor and report on the costs of implementing the program both to the collaborating agencies as well as to the candidates whose fees and tuition costs should be the primary source of fiscal support for the program.

(3) Instructional, technological, and other needed resources must be sufficient in scope, breadth, and recency to support the professional certificate program.

**PROFESSIONAL CERTIFICATE PROGRAMS—
PROGRAM APPROVAL STANDARD—SPECIFIC—
PROGRAM DESIGN**

NEW SECTION

WAC 180-78A-535 Approval standard—Program design. The following requirements shall govern the design of the professional certificate program:

(1) To be eligible to apply for admission to a professional certificate program, a candidate shall be contracted as a teacher in a public or a state board of education approved private school and shall have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school.

(2) The professional certificate program must be available to all candidates who are admitted to the program in Washington in a timely, fair, equitable, and fiscally responsible manner.

(3) The professional certificate program shall be collaboratively developed by an existing professional education advisory board with representation from its collaborating agencies. Additional agencies may participate in the development of the program if the professional education advisory board so chooses.

(4) Each program shall consist of:

(a) An individualized professional growth plan designed to provide the candidate with the knowledge and skills needed to demonstrate successfully the standards and criteria required to obtain the professional certificate.

(b) An assessment seminar designed to provide a variety of assessment opportunities for the candidate to demonstrate

successfully each of the criteria related to the standards, pursuant to WAC 180-78A-365 and which may include college or university credit hours.

(5) The individualized professional growth plan shall be based on:

(a) An analysis of the instructional context for determining the appropriate strategies by which the teacher will be able to have a positive impact on student learning. In developing the analysis, consideration should be given, but not limited to, the following data collected in collaboration with the school district or building:

(i) The resources available at the approved private school or school district to support the instruction, including: Textbooks, technological resources, the assignment of teacher assistants, and administrator and/or peer teacher support;

(ii) The teaching assignment(s);

(iii) The age(s) and maturity of the students;

(iv) The number of special needs students in any specific class; and

(v) Other.

(b) A preassessment of the candidate's ability to demonstrate successfully the professional certificate standards and criteria.

(6) A representative of the college/university, a representative of the candidate's employing approved private school or school district (or an educational service district, if the employing approved private school or school district so delegates), and a representative, selected by the candidate, from one of the other authorized agencies (i.e., local school district professional association, state-wide professional association, specialty area professional association or educational service district) as well as the candidate, shall participate in the development and approval of the professional growth plan.

(7) The individualized professional growth plan shall include assistance and instructional components and shall specify any required course work which may include college and university credit hours.

(8) The assessment seminar shall include performance-based assessments which shall include:

(a) K-12 student achievement data, whenever appropriate, related to one or more of the essential academic learning requirements now being developed by the commission on student learning.

(b) Evidence of a positive impact on student learning as defined in WAC 180-78A-010(8) for the standard of effective teaching. In determining positive impact on student learning, the candidate, in consultation with one or more of the collaborating agencies, shall determine, prior to instruction, the level of appropriate achievement of the K-12 student based on the analysis of the instructional context described in WAC 180-78A-360 (5)(a). The positive impact on student learning will then be determined on the basis of the extent to which the level of achievement was met. Candidates may need to repeat these assessments a number of times, utilizing alternative instructional strategies in order to demonstrate consistently a positive impact on student learning.

(c) A focus on the achievement of all, or a limited number of, students in a class. Teachers will not be required to provide assessment data for all their students for the full range of potential content and learning objectives.

(d) Multiple forms of evidence presented over time which may include, but are not limited to, the following: Classroom-based evidence of student learning; portfolios; statements from parents, peer teachers, and/or administrators; and student scores on standardized achievement tests.

(9) No limits shall be placed on the number of times a candidate with a valid residency certificate may participate in the assessment component and on the forms of relevant evidence that the candidate may submit.

(10) Candidates who do not successfully complete the assessment component shall receive an individualized analysis of strengths and weaknesses and a plan for appropriate assistance and instruction.

PROFESSIONAL CERTIFICATE PROGRAMS— PROGRAM APPROVAL STANDARD—SPECIFIC— KNOWLEDGE AND SKILLS

NEW SECTION

WAC 180-78A-540 Approval standard—Knowledge and skills. The following standards and criteria must be demonstrated successfully by the candidate in order to obtain a professional certificate:

(1) A successful candidate for the professional certificate shall demonstrate the knowledge and skills for effective teaching which ensure student learning by:

- (a) Using effective teaching practices;
- (b) Using assessment to monitor and improve instruction;
- (c) Establishing and maintaining a positive, student-focused, learning environment;
- (d) Designing and/or adapting challenging curriculum that is developmentally appropriate;
- (e) Demonstrating cultural sensitivity in teaching and in relationships with students, parents, and community members;

(f) Using information on student achievement and performance to advise and involve students and families;

(g) Integrating technology into instruction and assessment; and

(h) Informing, involving, and collaborating with parents and families to support student success.

(2) A successful candidate for the professional certificate shall demonstrate the knowledge and skills for professional development by:

- (a) Evaluating the effects of his/her teaching through feedback and reflection;
- (b) Establishing goals for professional improvement;
- (c) Designing and implementing personal professional growth programs; and
- (d) Remaining current in subject area(s), theories, practice, and research.

(3) A successful candidate for the professional certificate shall demonstrate leadership that contributes to the improvement of the school, community, and the profession by:

(a) Participating in activities within the school community to improve curriculum and instructional practices;

(b) Participating in professional and/or community organizations;

(c) Advocating for curriculum, instruction, and learning environments which meet the diverse needs of students;

(d) Demonstrating communication skills and/or strategies that facilitate group decision making;

(e) Participating collaboratively in school improvement activities; and

(f) Incorporating democratic principles into his/her practice.

PROFESSIONAL CERTIFICATE PROGRAMS— FIELD TESTS

NEW SECTION

WAC 180-78A-545 Field tests—Professional certificate approved programs. WAC 180-78A-500 through 180-78A-540 contain the rules and regulations for establishing a state board of education professional certificate approved program. These rules and regulations will become mandatory for teachers with residency certificates issued after August 31, 2000. The state board of education, or its designee, will establish procedures for approving a number of field tests which may lead to revisions in these rules and regulations prior to August 31, 2000.

The purpose of the field tests is to determine the system-wide feasibility of the proposed performance-based professional certification program, including the validity of the standards and criteria in WAC 180-78A-540.

The superintendent of public instruction will make relevant materials available and provide technical assistance to agencies and/or individuals participating in the field tests.

NEW SECTION

WAC 180-78A-550 Field tests—Selection of participating programs. Selection of programs by the state board of education or its designated agency to participate in the field tests will be based on the following:

(1) Eligibility criteria:

(a) Each college or university with an approved teacher preparation program is eligible to apply to conduct a field test of the professional teacher certification program.

(b) The field tests will require participating agencies and individuals to implement all of the components of the approved program as described in WAC 180-78A-510, 180-78A-515, 180-78A-520, 180-78A-525, 180-78A-530, 180-78A-535, and 180-78A-540, including the collection of data relevant to the issues to be addressed in WAC 180-78A-565.

(2) Applications for a limited number of field tests at public and private colleges and universities (for example, six) shall be approved according to the following selection criteria:

(a) The extent to which a specific application enhances the geographic diversity of the complete field test: Including, but not limited to, the identification of the public or private colleges and universities and identification of the specific school districts that will participate (e.g., suburban, rural and remote school districts, and private schools).

(b) The detailed work plan in the application with timelines for sufficient planning, implementation, and evaluation including, but not limited to, the following:

(i) Identification of two or more school districts that will participate in the field test.

(ii) Estimated number of candidates that will be involved in the field test.

(iii) Identification of professional certificate program administrator of the field test and/or a description of the qualifications of the person to serve in the role.

(iv) Experience and/or expertise in:

(A) Implementation of alternative delivery systems in rural and remote areas.

(B) Performance-based teacher assessment.

(C) Collaborative development of teacher education programs.

(c) The process described in the application for evaluating the field test, including a review of how such a program could be implemented collaboratively and in a cost-effective manner throughout the state.

(3) Timelines:

(a) On or before March 15, 1997, the state board of education will issue requests for proposals for field testing the professional certificate program.

(b) Proposals will be due by May 15, 1997.

(c) The state board of education or designated agency will approve field test proposals on or before June 15, 1997.

(d) Field test programs shall begin in accordance with the timeline submitted in the application.

NEW SECTION

WAC 180-78A-555 Field tests—Alternative models.

The state board of education, or its designated agency, may waive one or more of the requirements in WAC 180-78A-505 through 180-78A-540, if compelling evidence is presented.

NEW SECTION

WAC 180-78A-560 Field tests—Participating teachers.

Teachers who participate in the field test shall be issued professional certificates if the collaborating agencies verify that they have successfully completed the state board of education approved field test. Teachers who participate in the field test, who do not meet the requirements for the professional certificate, will be allowed to meet the requirements for the continuing certificate. In addition, participation in the field tests shall qualify teachers for one renewal, if needed, of their initial certificate.

NEW SECTION

WAC 180-78A-565 Field tests—Evaluation criteria.

Programs approved for the field tests shall collect data related to all of the following criteria during and at the conclusion of the field test. Participating agencies shall provide interim reports at least annually and a final report, including recommendations for changes to the *Washington Administrative Code*, to the state board of education on the following criteria:

Demographics:

(1) Can the professional certificate program be implemented in a fair and equitable manner for:

(a) Teachers in any community: Rural and urban, near a college or university, or distant from a college or university?

(b) All teachers, e.g., public and private, elementary, secondary, special education and vocational teachers?

Standards:

(2) Are the three standards and the 18 criteria:

(a) The most appropriate and relevant standards and/or criteria?

(b) In need of revision (including additions or eliminations)?

(c) Supportive of the state goals and/or essential academic learning requirements?

Assessment:

(3) What should the role of each of the agencies involved in the implementation of the program be in regard to assessment?

(4) Are the assessments of the standards and criteria valid?

(5) What assessment procedures and benchmarks determine that a candidate has successfully demonstrated the standards and criteria in WAC 180-78A-365?

(6) For which of the standards and criteria can evidence of positive impact on student learning be obtained?

(7) What forms of evidence of impact on student learning should be required?

(8) How have collaborating agencies implemented the requirement that candidates provide "multiple forms of evidence, over time"?

(9) Is an "assessment seminar" the best means to assess the candidate's demonstration of the standards and criteria?

Could or should some/all of the standards and criteria be demonstrated through courses/activities in the instruction or assistance components of the individualized professional growth plan?

Implementation:

(10) What are the logistical challenges and time requirements associated with developing and implementing professional certificate programs for candidates and collaborating agencies and individuals?

(11) What are the direct and indirect costs associated with implementing professional certificate programs, especially to the candidate and how were the collaborating agencies and individuals compensated for their involvement?

(a) Can professional certificate programs be implemented primarily on candidate fees/tuition basis?

(b) Did the professional certificate programs utilize other financial resources?

(12) Which aspects of the professional certificate program should require traditional college course work, and which aspects of the program should provide alternatives to this course work?

Professional growth plans:

(13) How were the candidates' student/learning contexts and preassessments used to develop the individualized professional growth plan?

(14) How were the individualized professional growth plan and the instruction and assistance components organized and delivered?

(15) How were the individualized professional growth plan and the instruction and assistance components aligned with the state's goals and essential academic learning requirements?

Other:

(16) What other relevant information needs to be reported to the state board of education as a result of the field tests?

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-78A-004	Intent.
WAC 180-78A-006	Mission.
WAC 180-78A-012	Organization of chapter 180-78A WAC.
WAC 180-78A-026	Existing approved programs.
WAC 180-78A-028	Procedures for initial approval of an educator preparation program.
WAC 180-78A-030	Length of time for which program approval status shall be granted.
WAC 180-78A-033	Probationary status.
WAC 180-78A-037	Procedures for reestablishment of approval status for an educator preparation program.
WAC 180-78A-047	Annual reports by colleges and universities.
WAC 180-78A-057	Approval of preparation program offered by an out-of-state college or university within the state applicable to certification.
WAC 180-78A-060	Preparation of superintendents.
WAC 180-78A-063	Responsibilities of deans, directors, or other designated administrators.
WAC 180-78A-065	Required professional education advisory board.
WAC 180-78A-068	Joint professional education advisory board.
WAC 180-78A-073	Qualification to be appointed to professional education advisory boards.

WAC 180-78A-075	Professional education advisory boards—Membership.
WAC 180-78A-080	Substitute pay for members of professional education advisory boards.
WAC 180-78A-135	Candidate admission policies.
WAC 180-78A-140	Program approval standards for approved preparation programs.
WAC 180-78A-142	Acceptance of alternative standards.
WAC 180-78A-145	Approval standard—Professional education advisory board.
WAC 180-78A-150	Approval standard—Accountability.
WAC 180-78A-155	Approval standard—Resources.
WAC 180-78A-160	Approval standard—Program design.
WAC 180-78A-165	Approval standard—Knowledge and skills.
WAC 180-78A-195	Course work/internship waiver.
WAC 180-78A-197	Special consideration for certain former para-educators.
WAC 180-78A-201	Program approval—Teachers, collaboration with K-12 schools.
WAC 180-78A-260	Program approval requirement—Field experience for school counselors.
WAC 180-78A-263	Program approval requirement—Field experience for school psychologists.
WAC 180-78A-265	Program approval requirement—Field experience for all administrators.
WAC 180-78A-266	Internship standards—State-funded administrator interns.
WAC 180-78A-300	Professional certificate program approval.
WAC 180-78A-301	Overview—Professional certificate program.
WAC 180-78A-302	Field tests—Professional certificate approved programs.
WAC 180-78A-303	Field tests—Selection of participating programs.

WAC 180-78A-304	Field tests—Alternative models.
WAC 180-78A-305	Field tests—Participating teachers.
WAC 180-78A-306	Field tests—Evaluation criteria.
WAC 180-78A-320	Responsibilities of the professional certificate administrator.
WAC 180-78A-340	Program approval standards for professional certificate approved programs.
WAC 180-78A-345	Approval standard—Professional education advisory board.
WAC 180-78A-350	Approval standard—Accountability.
WAC 180-78A-355	Approval standard—Resources.
WAC 180-78A-360	Approval standard—Program design.
WAC 180-78A-365	Approval standard—Knowledge and skills.

Chapter 180-82 WAC

CERTIFICATE ENDORSEMENTS AND ASSIGNMENT OF CERTIFICATED PERSONNEL

NEW SECTION

WAC 180-82-002 Authority. The authority for this chapter is chapter 28A.410 RCW which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility for the certification of personnel employed in the common schools of this state. This authority is supplemented by RCW 28A.305.130(5) which authorizes the state board of education to specify the types and kinds of certificates necessary for the several departments within the common schools and by RCW 28A.150.220(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.

NEW SECTION

WAC 180-82-004 Purposes. The purposes of this chapter are to:

- (1) Establish policies for the assignment of certificated personnel within districts; and
- (2) Establish policies and conditions for obtaining endorsements on teaching certificates.

ASSIGNMENT OF CERTIFICATED PERSONNEL

NEW SECTION

WAC 180-82-105 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 education 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, residency, endorsed continuing, or professional 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, residency, endorsed continuing, or professional 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, residency, endorsed continuing, or professional 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 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.

(12) Exceptions to the assignment requirements of subsection (1) of this section must comply with WAC 180-82-110.

(13) School district compliance with this section shall be subject to the state staff review process specified in WAC 180-16-195(2).

NEW SECTION

WAC 180-82-110 Exceptions to classroom teacher assignment policy. Exceptions to the classroom teacher assignment policy specified in WAC 180-82-105 shall be limited to the following:

(1) Upon determination by school districts that teachers have the competencies to be effective teachers in areas other than their endorsed areas, individuals with initial, residency, endorsed continuing, or professional teacher certificates who have completed provisional status with a school district under RCW 28A.405.220 may be assigned to classes other than in their areas of endorsement. If teachers are so assigned, the following shall apply:

(a) A designated representative of the district and any such teacher so assigned shall mutually develop a written plan which provides for necessary assistance to the teacher, and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement assignment;

(b) Such teachers shall not be subject to nonrenewal or probation based on evaluations of their teaching effectiveness in the out-of-endorsement assignments;

(c) Such teaching assignments shall be approved by a formal vote of the local school board for each teacher so assigned; and

(d) The assignment of such teachers for the previous school year shall be reported annually to the state board of education by the employing school district as required by WAC 180-16-195. Included in the report shall be the number of teachers in out-of-endorsement assignments and the specific assistance being given to the teachers.

(2) Teachers with initial, residency, endorsed continuing, or professional teacher certificates who have not completed provisional status with a school district under RCW 28A.405.220 may be assigned to one out-of-endorsement assignment for a maximum of two periods (not more than forty percent full-time equivalent) a day. Conditions described in subsection (1)(a) through (d) of this section shall apply to teachers so assigned.

(3) A teacher who has completed twenty-four quarter credit hours (sixteen semester credit hours) of the required special education course work in WAC 180-82-360 shall be eligible for a waiver from the special education office which will allow that person to be employed as a special education teacher, provided that the teacher completes the remaining credits and requirements for a special education endorsement pursuant to WAC 180-82-360, and obtains the endorsement, no later than three years from the initial date of employment as a special education teacher.

NEW SECTION

WAC 180-82-115 Superintendent of public instruction annual report to state board of education. The superintendent of public instruction annually shall submit to the state board of education a comprehensive report on the status of compliance by school districts with WAC 180-82-105. Such report, among other matters deemed important by the superintendent of public instruction, shall contain summary data regarding out-of-endorsement assignments pursuant to WAC 180-82-110 (1)(d).

NEW SECTION

WAC 180-82-120 Assignment of principals and vice-principals within districts. In addition to holding principal permits or certificates as required by WAC 180-16-220(2), the assignment of principals and vice-principals in the basic program of education shall comply with the following:

(1) Building administrators holding initial or provisional principals' certificates may serve only as principals or vice-principals for the grade levels stated in their endorsements with the following exceptions:

(a) Building administrators with grades K through 8 or preschool through 8 endorsements may serve as principals or vice-principals for grade levels preschool through 9.

(b) Building administrators with grades 7 through 12 endorsements may serve as principals or vice-principals for grade levels 4 through 12.

(c) Building administrators with initial or provisional certificates may be assigned to serve as substitute principals or vice-principals at any grade level for a period not to exceed thirty consecutive school days in any one assignment.

(2) Building administrators holding continuing or standard principals' certificates may be assigned to serve as a principal or vice-principal at any grade level.

NEW SECTION

WAC 180-82-125 Assignment of educational staff associates. No person shall be assigned within the basic program of education to serve in a specific educational staff associate role, as identified in WAC 180-79A-140, unless such person holds a certificate or permit endorsed for such specific role.

NEW SECTION

WAC 180-82-130 Assignment of persons providing instruction of Braille to students. (1) No certificated school district employee shall be assigned to provide instruction of Braille to students who has not demonstrated competency with the grade two standard literary Braille code by:

(a) Successful completion of the National Literary Braille Competency Test; or

(b) Successful completion of the Braille competency test developed at Portland State University; or

(c) Successful completion of any other test approved for use by the state board of education.

(2) No classified school district employee working under the supervision of a certificated school district employee, which certificated employee meets the requirement of subsection (1) of this section, may produce Braille material or provide instruction in the Braille code unless the employee has demonstrated competency with the grade two standard literary Braille code as provided under subsection (1) of this section.

(3) The state board shall establish a test review committee which shall be responsible for developing criteria to evaluate a test under subsection (1)(c) of this section. No test shall be considered for approval by the state board under subsection (1)(c) of this section unless it has been evaluated by the test review committee and a recommendation for approval or disapproval has been submitted to the board. At a minimum, the membership of the committee shall include persons representing:

- (a) National Federation of the Blind of Washington;
 - (b) Washington council of the blind;
 - (c) Association of education and rehabilitation of the blind and visually impaired of Washington;
 - (d) Washington instructional resource center for the visually impaired;
 - (e) Washington state school for the blind; and
 - (f) Office of the superintendent of public instruction.
- (4) A person who has met the requirement of subsection (1) of this section shall maintain their facility with the grade two standard literary Braille code by:
- (a) Completing ten hours every five years of continuing education; or
 - (b) Successful completion every five years of one of the tests under subsection (1) of this section.
- (5) This section shall take effect September 1, 1997.

TEACHING CERTIFICATE ENDORSEMENTS

NEW SECTION

WAC 180-82-200 Purpose of endorsement requirements. The purposes of the endorsement requirements in chapter 180-82 WAC are:

- (1) To align requirements for endorsements with the state's learning goals and essential academic learning requirements;
- (2) To maintain rigorous standards for obtaining endorsements; and
- (3) To provide school districts with teachers who are able to demonstrate a positive impact on student learning.

NEW SECTION

WAC 180-82-201 Grade designations for endorsements obtained after August 31, 2000. In order to implement the state's reform legislation, schools are reorganizing by developmental levels, by benchmarks, by student performance, etc. Therefore, the designation of mandatory grade levels on certificates for assignment purposes, no longer appears appropriate. The state board of education does, however, wish to provide guidance to school districts in the placement of its certified staff and to colleges and universities in

developing preparation programs by providing the following guidelines for grade and age designations:

- (1) Early childhood: Birth to third grade (age eight).
- (2) Elementary: Kindergarten (age five) to grade eight (age fourteen).
- (3) Middle level: Grade four (age nine) to grade nine (age fifteen).
- (4) Secondary: Grade five (age ten) to grade twelve (age eighteen).
- (5) All levels: Preschool (birth) to grade twelve (age eighteen).

NEW SECTION

WAC 180-82-202 Certificate endorsements. Teacher certificates shall be endorsed as follows:

- (1) **All levels:**
 - (a) Bilingual education, (supporting).
 - (b) Designated arts: Dance, (primary and supporting).
 - (c) Designated arts: Drama, (primary and supporting).
 - (d) Designated arts: Music, (primary).
 - (e) Designated arts: Visual arts, (primary).
 - (f) Designated world languages, (primary and supporting).
 - (g) English as a second language, (supporting).
 - (h) Health/fitness, (primary).
 - (i) Library media, (primary and supporting).
 - (j) Reading, (primary and supporting).
 - (k) Special education, (primary and supporting).
- (2) **Early childhood education,** (primary and supporting).
- (3) **Elementary education,** (primary).
- (4) **Middle level,** (primary).
- (5) **Secondary level:**
 - (a) Designated science: Biology, (primary).
 - (b) Designated science: Chemistry, (primary).
 - (c) Designated science: Earth science, (primary).
 - (d) Designated science: Physics, (primary).
 - (e) Designated vocational/technical, (primary).
 - (f) English, (primary).
 - (g) English/language arts, (primary and supporting).
 - (h) General science, (primary).
 - (i) History, (primary).
 - (j) Mathematics, (primary).
 - (k) Social studies, (primary and supporting).

NEW SECTION

WAC 180-82-204 Endorsement requirements. (1) Candidates for all primary and supporting teaching endorsements shall complete college/university programs approved by the state board of education pursuant to chapter 180-78A WAC, which include methodology (See WAC 180-78A-264(5)) and field experience/internship (See WAC 180-78A-264(7)) for the first endorsement.

(2) Colleges and universities shall consider modifying program requirements for individuals adding endorsements, based on the individual's previous course work, student teaching/internship, an assessment of the individual's knowledge and skills in the area of the endorsement being sought

and other related endorsement areas, and previous teaching experience. In cases where individuals are employed as teachers, the colleges and universities may allow the individual to complete field-based requirements for the endorsement within the confines of the individual's existing schedule, e.g., using a preparation period for observation or student teaching.

(3) The state board of education shall approve teacher preparation programs for each endorsement program at Washington colleges and universities, pursuant to chapter 180-78A WAC.

(4) Candidates from out-of-state shall be required to present verification that they completed a state approved program (equivalent to a major) in a Washington endorsement area.

(5) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university.

(6) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the course work required for the approved endorsement program.

(7) Nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

NEW SECTION

WAC 180-82-210 Primary and supporting endorsements. (1) All endorsements obtained under the requirements in chapter 180-82 WAC shall be designated as either primary or supporting endorsements on teaching certificates.

(2) All candidates for teaching certificates shall be required to obtain a primary endorsement which shall require a minimum of forty-five quarter credit hours (thirty semester credit hours) of academic study (or its equivalent) in the endorsement area.

(3) Supporting endorsements shall require a minimum of twenty-four quarter credit hours (sixteen semester credit hours) of academic study (or its equivalent) in the endorsement area: *Provided*, That supporting endorsements for broad area endorsements shall require thirty quarter credit hours (twenty semester credit hours) of academic study in the endorsement area. (4) The state board of education or its designee may establish performance/competency criteria for obtaining an endorsement.

NEW SECTION

WAC 180-82-215 Implementation policies. (1) All teachers who obtain endorsements after August 31, 2000, shall meet the requirements in chapter 180-82 WAC: *Provided*, That colleges and universities may permit an individual accepted into programs on, or before, August 31, 2000, to obtain endorsements under the requirements in WAC 180-79A-300 through 180-79A-398, if the individual completes the program on, or before, August 31, 2000, and the college

or university verifies program completion to the superintendent of public instruction on, or before, December 31, 2001.

(2) Teachers applying for a continuing or professional certificate after August 31, 2000, shall be required to obtain only one endorsement.

NEW SECTION

WAC 180-82-300 Bilingual education—All levels, (supporting). In order to obtain a supporting endorsement in bilingual education, the candidate shall have completed a primary endorsement in another endorsement area, shall have demonstrated proficiency in the English language, shall have completed a state approved preparation program in bilingual education which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as twenty-four quarter credit hours (sixteen semester credit hours) in bilingual education. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Language acquisition theory.
- (2) Cross-cultural teaching and learning strategies.
- (3) Literacy development (reading, writing, listening, speaking).
- (4) History and theory of bilingual education.
- (5) Instructional strategies for bilingual education.
- (6) Demonstrated proficiency in a targeted foreign language.

NEW SECTION

WAC 180-82-302 Designated arts: Dance—All levels, (primary). In order to receive a primary endorsement in designated arts: Dance, the candidate shall have completed a state approved preparation program in designated arts: Dance which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in dance and shall have demonstrated a level of artistic and technical proficiency appropriate for his/her dance concentration. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Elements of dance.
- (2) Movement analysis.
- (3) Dance science.
- (4) Dance production.
- (5) Composition, improvisation, or choreography.
- (6) Dance technology or multimedia.
- (7) Social, cultural, and historical contexts and connections.
- (8) Philosophy, aesthetics, and criticism.
- (9) Equipment and facilities safety.

NEW SECTION

WAC 180-82-304 Designated arts: Dance—All levels (supporting). In order to receive a supporting endorsement in designated arts: Dance, the candidate shall have completed a primary endorsement in another endorsement area, shall have completed a state approved preparation program in designated arts: Dance which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as twenty-four quarter credit hours (sixteen semester credit hours) in dance and shall have demonstrated a level of artistic and technical proficiency appropriate for his/her dance concentration. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Elements of dance.
- (2) Composition, improvisation, or choreography.
- (3) Dance science.
- (4) Dance production.
- (5) Social, cultural, and historical contexts and connections.
- (6) Equipment and facilities safety.

NEW SECTION

WAC 180-82-306 Designated arts: Drama—All levels (primary). In order to receive a primary endorsement in designated arts: Drama, the candidate shall have completed a state approved preparation program in designated arts: Drama which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in drama. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Acting skills, including improvisational and script-based.
- (2) Theatrical design and construction (e.g., sets, costumes, lighting, sound and make-up).
- (3) Play writing.
- (4) Directing.
- (5) Stage and/or theater management.
- (6) Social, cultural, and historical context/connections.
- (7) Analysis and criticism of both script and performances.
- (8) Equipment, materials, and facilities safety.

NEW SECTION

WAC 180-82-308 Designated arts: Drama—All levels, supporting. In order to receive a supporting endorsement in designated arts: Drama, the candidate shall have completed a primary endorsement in another endorsement area, shall have completed a state approved preparation program in designated arts: Drama which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as twenty-four quarter hours (sixteen semester

credit hours) in drama. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Acting skills, including improvisational and script-based.
- (2) Theatrical design and construction.
- (3) Directing.
- (4) Stage management.
- (5) Analysis and criticism of both script and performances.
- (6) Equipment, materials, and facilities safety.

NEW SECTION

WAC 180-82-310 Designated arts: Choral, instrumental, or general music—All levels, primary. In order to receive a primary endorsement in designated arts: Choral, instrumental, or general music, the candidate shall have completed a state approved preparation program in designated arts: Choral, instrumental, or general music which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in music. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Performance in-depth study of instrument or voice.
- (2) Aural skills and analysis.
- (3) Composition and improvisation.
- (4) Performance repertory (e.g., instrumental, choral, solo, world music).
- (5) Technology.
- (6) Conducting.
- (7) Arranging.
- (8) Theory analysis of music literature.
- (9) Equipment and facilities safety.
- (10) Social, cultural, and historical contexts and connections.

NEW SECTION

WAC 180-82-312 Designated arts: Visual arts—All levels, primary. In order to receive a primary endorsement in designated arts: Visual arts, the candidate shall have completed a state approved preparation program in designated arts: Visual arts which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in visual arts. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Skills and techniques in multiple media (e.g., painting, sculpture, drawing, computer, photography).
- (2) Composition and production using design principles.
- (3) Analysis and interpretation of art.

- (4) Social, cultural and historical contexts and connections.
- (5) Material, equipment, and facilities safety.

NEW SECTION

WAC 180-82-314 Designated science: Biology—Secondary, primary. In order to receive a primary endorsement in designated science: Biology, the candidate shall have completed a state approved preparation program in designated science: Biology which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in biology. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Botany with lab.
- (2) Zoology with lab.
- (3) Genetics.
- (4) Microbiology or cellbiology with lab.
- (5) Chemistry with lab.
- (6) Ecology.
- (7) Evolution.
- (8) Lab safety, practice, and management.
- (9) Lab, inquiry-based experience.
- (10) Relationship of the concepts of science to contemporary, historical, technological, and societal issues.

NEW SECTION

WAC 180-82-316 Designated science: Chemistry—Secondary, primary. In order to receive a primary endorsement in designated science: Chemistry, the candidate shall have completed a state approved preparation program in designated science: Chemistry which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in chemistry. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) General principles of chemistry with lab (e.g., inorganic, physical, and analytical).
- (2) Advanced study in organic chemistry with lab.
- (3) Quantitative analysis with lab.
- (4) Biochemistry with lab.
- (5) Physics.
- (6) Laboratory safety, practice, and management.
- (7) Lab, inquiry-based experience.
- (8) Relationship of the concepts of science to contemporary, historical, technological, and societal issues.

NEW SECTION

WAC 180-82-318 Designated science: Earth science—Secondary, primary. In order to receive a primary endorsement in designated science: Earth science, the candi-

date shall have completed a state approved preparation program in designated science: Earth science which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in earth science. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Physical geology.
- (2) Historical geology.
- (3) Environmental issues related to earth science.
- (4) Oceanography.
- (5) Astronomy.
- (6) Meteorology.
- (7) Lab safety, practice, and management.
- (8) Lab, inquiry-based experience.
- (9) Relationship of the concepts of science to contemporary, historical, technological, and societal issues.

NEW SECTION

WAC 180-82-320 Designated science: Physics—Secondary, primary. In order to receive a primary endorsement in designated science: Physics, the candidate shall have completed a state approved preparation program in designated science: Physics which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in physics. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) General principles of physics, with lab.
- (2) Lab safety, practice and management.
- (3) Lab, inquiry-based experience.
- (4) Relationships of the concepts of science to contemporary, historical, technological and societal issues.

NEW SECTION

WAC 180-82-322 Designated vocational/technical—Secondary, primary. In order to obtain a primary endorsement in designated vocational/technical: Agriculture education, business education, family and consumer sciences education, marketing education, or technology education, the candidate shall have completed a state approved preparation program pursuant to WAC 180-77A-170.

NEW SECTION

WAC 180-82-324 Designated world languages—All levels, primary. In order to receive a primary endorsement in designated world languages the candidate shall have completed a state approved preparation program in designated world languages which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in a designated world language. Through the completion of this course work and/or an alternative performance-based

assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

(1) Communication in the designated world language: Speaks, understands, reads, and writes in a variety of contexts with a variety of situations.

(2) Culture and language.

(a) Describes, analyzes, and interprets cultural and language practices, products, and perspectives.

(b) Analyzes similarities and differences between United States and designated language cultures (e.g., history, mores, traditions, celebrations, and community context).

(c) Participates in designated world language community.

(3) Interdisciplinary integration (e.g., world languages and educational technology, selected areas in social studies, in language arts and any other suitable area).

(4) A variety of language acquisition theories.

NEW SECTION

WAC 180-82-326 Designated world languages—All levels, supporting. In order to receive a supporting endorsement in designated world languages, the candidate shall have completed a primary endorsement in another endorsement area, shall have completed a state approved preparation program in designated world languages which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as twenty-four quarter credit hours (sixteen semester credit hours) in a designated world language. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

(1) Communication in the designated world language: Speaks, understands, reads, and writes in a variety of contexts with a variety of situations.

(2) Culture and language.

(a) Describes, analyzes, and interprets cultural and language practices, products, and perspectives.

(b) Analyzes similarities and differences between United States and designated language cultures (e.g., history, mores, traditions, celebrations, and community context).

(c) Participates in designated world language community.

(3) Interdisciplinary integration (e.g., world languages and educational technology, selected areas in social studies, in language arts and any other suitable area).

(4) A variety of language acquisition theories.

NEW SECTION

WAC 180-82-328 Early childhood education—Primary. In order to obtain a primary endorsement in early childhood education, the candidate shall have completed a state approved preparation program in early childhood education which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in early childhood education. Through the completion of this course

work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

(1) Dynamics of family structure and involving parents and community agencies in early childhood development.

(2) Curriculum, instruction, and assessment in the following:

(a) Communication skills, emerging literacy, and language arts.

(b) Math and science.

(c) Social studies.

(d) Arts.

(i) Art.

(ii) Music.

(iii) Drama.

(iv) Creative movement/dance.

(e) Health/fitness.

(3) Typical and atypical growth and development (cognitive, linguistic, motor, and social).

(4) Assessment methods designed to measure developmental progress.

(5) Knowledge of requirements for promoting social competence.

(6) Knowledge of exceptionalities and identification of high risk and special needs students, and methods of modifying curriculum, instructional strategies and assessment.

(7) Strategies for environmental design and management of physical space, equipment, and material.

(8) Current issues and trends in early childhood education.

NEW SECTION

WAC 180-82-330 Early childhood education—Supporting. In order to obtain a supporting endorsement in early childhood the candidate shall have completed a primary endorsement in elementary education or special education and shall have completed twenty-four quarter credit hours (sixteen semester credit hours) in early childhood education. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

(1) Dynamics of family structure and involving parents and community agencies in early childhood development.

(2) Curriculum, instruction, and assessment in the following:

(a) Communication skills, emerging literacy, and language arts.

(b) Math and science.

(c) Social studies.

(d) The arts.

(i) Visual arts.

(ii) Music.

(iii) Drama.

(iv) Creative movement/dance.

(e) Health/fitness.

(3) Typical and atypical growth and development (cognitive, linguistic, motor, and social) and assessment methods.

- (4) Strategies for environmental design and management of physical space, equipment, and material.
- (5) Knowledge of requirements for promoting social competence.
- (6) Current issues and trends in early childhood education.

NEW SECTION

WAC 180-82-332 Elementary education—Primary.

In order to receive a primary endorsement in elementary education, the candidate shall have completed a state approved preparation program in elementary education which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in the subjects listed below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills at the developmentally appropriate levels in the following areas:

- (1) Language literacy.
 - (a) Reading strategies.
 - (b) The writing process.
 - (c) Communication.
 - (d) Language skills.
 - (e) Child and adolescent literature.
- (2) Mathematics.
 - (a) Number sense.
 - (b) Measurement.
 - (c) Geometric sense.
 - (d) Probability and statistics.
 - (e) Algebraic sense.
- (3) Science. Life and physical science, including a lab science.
 - (a) Social studies.
 - (a) U.S. history.
 - (b) Geography.
 - (c) Economics.
 - (d) Civics.
 - (e) The arts.
 - (a) Music.
 - (b) Visual arts.
 - (c) Drama.
 - (d) Creative movement/dance.
 - (e) Health/fitness.
 - (a) Foundations of health and fitness.
 - (b) Safe living.

NEW SECTION

WAC 180-82-334 English—Secondary, primary. In order to receive a primary endorsement in English the candidate shall have completed a state approved preparation program in English which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in English. Through the completion of this course work and/or alternative performance-based assessment acceptable

to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) The reading process (e.g., skills and strategies).
- (2) The writing process (e.g., expository, technical, narrative).
- (3) Communication (e.g., speaking, listening, and analyzing).
- (4) Language skills (conventions) and structure (social/historical).
- (5) Literature (e.g., American, British, world, and multicultural).

NEW SECTION

WAC 180-82-336 English/language arts—Secondary, primary. In order to receive a primary endorsement in English/language arts the candidate shall have completed a state approved preparation program in English/language arts which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as sixty quarter credit hours (forty semester credit hours) in English/language arts. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) The reading process (e.g., skills and strategies).
- (2) The writing process (e.g., expository, technical, narrative).
- (3) Communication (e.g., speech, listening, media analysis, acting, journalism).
- (4) Language skills (conventions) and structure (social/historical).
- (5) American, British, world, multicultural, and adolescent literature, including representation from the following genre: Poetry, drama, fiction, nonfiction, and technical materials.

NEW SECTION

WAC 180-82-338 English/language arts—Secondary, supporting. In order to receive a supporting endorsement in English/language arts the candidate shall have completed a primary endorsement in another endorsement area and shall have completed a state approved preparation program in English/language arts which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as thirty quarter credit hours (twenty semester hours) in English/language arts.

NEW SECTION

WAC 180-82-339 English as a second language—All levels, supporting. In order to obtain a supporting endorsement in English as a second language, the candidate shall have completed a primary endorsement in another endorsement area, shall have demonstrated proficiency in the English language, shall have completed a state approved preparation program in English as a second language which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as twenty-four quarter credit hours

(sixteen semester credit hours) in English as a second language. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Language acquisition theory.
- (2) Cross-cultural teaching and learning strategies.
- (3) Literacy development (reading, writing, listening, speaking).
- (4) History and theory of ESL.
- (5) Instructional strategies for ESL.

NEW SECTION

WAC 180-82-340 General science—Secondary, primary. In order to receive a primary endorsement in science the candidate shall have completed a state approved preparation program in science which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as sixty quarter credit hours (forty semester credit hours) in science, as follows:

- (1) Forty-five quarter credit hours (thirty semester credit hours) in a designated science area (biology, chemistry, earth science, or physics), including all the requirements for the endorsement in that area; and
- (2) Fifteen quarter credit hours (ten semester credit hours) from the remaining three science areas, including course work from each of those three areas.

NEW SECTION

WAC 180-82-342 Health/fitness—All levels, primary. In order to receive a primary endorsement in health/fitness the candidate shall have completed a state approved preparation program in health/fitness which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in health/fitness. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Foundations of health and fitness
- (2) Safe living, including first aid and CPR.
- (3) Scientific foundations for health and fitness (i.e., anatomy exercise physiology, kinesiology/biomechanics, psychomotor maturation and development, and motor learning).
- (4) Movement, activities, and application with attention to special needs populations.
- (5) Coordinated health education (i.e., alcohol and other drugs, diseases, injury prevention, human relationships, nutrition, HIV prevention, and abuse prevention).

NEW SECTION

WAC 180-82-343 History—Secondary, primary. In order to receive a primary endorsement in history the candidate shall have completed a state approved preparation program in history which shall be comprised of the appropriate

pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in history. Through the completion of this course work and/or alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Pacific Northwest history.
- (2) United States history, including chronological, thematic, multicultural, ethnic, and women's history.
- (3) World, regional, or country history.
- (4) Civics/political science/United States government.
- (5) Geography.
- (6) Economics.

NEW SECTION

WAC 180-82-344 Library media—All levels, primary. In order to receive a primary endorsement in library media, the candidate shall have completed a state approved preparation program in library media which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in librarianship. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Integration of information technologies with essential academic learnings.
- (2) Needs assessment, evaluation, and selection of diverse literature, media (print, nonprint, and electronic), and information services for children and young adults.
- (3) Understanding and utilization of existing and emerging information technologies.
- (4) Media (print, nonprint and electronic) literacy-methods and instruction.
- (5) Research and library applications in the curriculum.
- (6) Social, ethical, and legal implications of information technologies.
- (7) Management of library media program-services and facilities.
- (8) Theories and accepted principles of standardized systems of cataloguing, process, and classification.

NEW SECTION

WAC 180-82-346 Library media—All levels, supporting. In order to receive a supporting endorsement in library media, the candidate shall have completed a primary endorsement in elementary education or middle level, shall have completed a state approved preparation program in library media which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as twenty-four quarter credit hours (sixteen semester credit hours) in librarianship. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

(1) Integration of information technologies with essential academic learnings.

(2) Needs assessment, evaluation, and selection of diverse literature, media (print, nonprint, and electronic), and information services for children and young adults.

(3) Understanding and utilization of existing and emerging information technologies.

(4) Social, ethical and legal implications of information technologies.

(5) Management of library media program-services and facilities.

(6) Theories and accepted principles of standardized systems of cataloguing, process, and classification.

NEW SECTION

WAC 180-82-348 Mathematics—Secondary, primary. In order to receive a primary endorsement in mathematics, the candidate shall have completed a state approved preparation program in mathematics which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in mathematics. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Geometry (Euclidean and non-Euclidean).
- (2) Probability and statistics.
- (3) Calculus (integral and differential).
- (4) Discrete mathematics.
- (5) Logic and problem solving.
- (6) History of math or foundations of math.

NEW SECTION

WAC 180-82-350 Middle level, primary. In order to obtain an endorsement in middle level, the candidate shall have completed a state approved preparation program in middle level which shall be comprised of the developmentally appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) as described below:

(1) A primary area comprised of thirty quarter credit hours (twenty semester credit hours) in either:

(a) Humanities, including a minimum of ten quarter credit hours (six semester credit hours) from language arts and ten quarter credit hours (six semester credit hours) from social studies with the remaining credit hours taken from language arts and/or social studies to total thirty quarter credit hours (twenty semester credit hours); or

(b) Math-science, including a minimum of ten quarter credit hours (six semester credit hours) from math and ten quarter credit hours (six semester credit hours) from science with the remaining credit hours taken from math and/or science to total thirty quarter credit hours (twenty semester credit hours); and

(2) A supporting area comprised of fifteen quarter credit hours (ten semester credit hours) from one of the following:

(a) Humanities (available only to candidates whose primary area is math-science); or

(b) Math-science (available only to candidates whose primary area is humanities); or

(c) Designated arts; or

(d) Vocational-technical; or

(e) Designated world languages; or

(f) Health/fitness.

NEW SECTION

WAC 180-82-352 Reading—All levels, primary. In order to receive a primary endorsement in reading/literacy the candidate shall have completed a state approved preparation program in reading which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as forty-five quarter credit hours (thirty semester credit hours) in reading/literacy. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

(1) Assessment and diagnosis of reading skills and deficiencies.

(2) Strategies of how to teach reading.

(a) Scientifically validated research-based instructional strategies.

(b) Developmental stages/theories of reading.

(c) Philosophy of reading.

(3) Language acquisition/integration.

(4) Social/cultural contexts for literacy.

(5) Reading process, including decoding, encoding, and student response to child and adolescent literature.

(6) Beginning literacy (reading, writing, spelling, and communication).

(7) Reading in the content areas, fiction and nonfiction, including, but not limited to, enriched literature and expository text in the content areas.

(8) Literacy for a second language learner.

(9) Scientifically validated research on literacy.

(10) Meta-cognitive strategies (teaching children to self-assess their reading ability).

(11) Risk factors for reading difficulties and intervention strategies for students experiencing reading difficulties.

NEW SECTION

WAC 180-82-354 Reading—All levels, supporting. In order to receive a supporting endorsement in reading/literacy the candidate shall have completed a primary endorsement in another endorsement area, shall have completed twenty-four quarter credit hours (sixteen semester credit hours) in reading literacy. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

(1) Assessment and diagnosis of reading skills and deficiencies.

(2) Language acquisition/integration.

(3) Social/cultural contexts for literacy.

(4) Beginning literacy (reading, writing, spelling, and communication).

(5) Reading in the content areas, fiction and nonfiction, including, but not limited to, enriched literature and expository text in the content areas.

NEW SECTION

WAC 180-82-356 Social studies—Secondary, primary. In order to receive a primary endorsement in social studies the candidate shall have completed a state approved preparation program in social studies which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as sixty quarter credit hours (forty semester credit hours) in social studies, including thirty quarter credit hours (twenty semester credit hours) in history. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Pacific Northwest history.
- (2) United States history, including chronological, thematic, multicultural, ethnic and women's history.
- (3) World, regional, or country history.
- (4) Geography.
- (5) Political science, civics, or government.
- (6) Anthropology, psychology, or sociology.
- (7) Economics.

NEW SECTION

WAC 180-82-358 Social studies—Secondary, supporting. In order to receive a supporting endorsement in social studies the candidate shall have completed a primary endorsement in another endorsement area and shall have completed a state approved preparation program in social studies which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as thirty quarter credit hours (twenty semester credit hours) in social studies, including fifteen quarter credit hours (ten semester credit hours) in history and fifteen quarter credit hours (ten semester credit hours) in any combination of the remaining areas:

- (1) Geography.
- (2) Political science, civics, or government.
- (3) Anthropology, psychology, or sociology.
- (4) Economics.

NEW SECTION

WAC 180-82-360 Special education—All levels, primary. (See WAC 180-82-110(3) for information regarding eligibility for a waiver for a candidate who may be assigned to a special education classroom, if he or she has completed twenty-four quarter credit hours (sixteen semester credit hours) of the course work specified below.) In order to receive a primary endorsement in special education, the candidate shall have completed a state approved preparation program in special education which shall be comprised of the appropriate pedagogy courses and field experiences/intern-

ship, as well as forty-five quarter credit hours (thirty semester credit hours) in special education. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Exceptionality-defined as an overview of all disabling conditions, including low to high incidence disabling.
- (2) Curriculum modification and adaptation (including modifying the essential academic learning requirements), accommodations, special aids, technology, and equipment.
- (3) Least restrictive environment/inclusion strategies for special education.
- (4) Student assessment and evaluation.
 - (a) Functional behavior analysis.
 - (b) Individualized education plan/individualized family services plan development.
 - (c) Accommodations for the Washington assessment of student learning.
- (5) Procedural and substantive legal issues in special education.
- (6) Specially designed instruction including curriculum materials in all content areas.
- (7) Effective procedures and strategies for teaching pro-social skills and addressing behavioral problems.
- (8) School, family, community partnerships to improve learning for students with disabilities and their families (understanding and applying) knowledge of family systems including cultural and linguistic diversity).
- (9) Transition planning for new settings including planning post school outcomes.
- (10) Organization and management systems (i.e., individualized education plan/individualized family services plan, scheduling, evaluation, and recordkeeping/data collection).
- (11) Methods, issues and trends in early childhood education.
- (12) Collaboration, teaming, partnerships, and supervision of paraeducators.

NEW SECTION

WAC 180-82-362 Special education, supporting. In order to receive a supporting endorsement in special education, the candidate shall have completed a primary endorsement in another endorsement area, shall have completed a state approved preparation program in special education which shall be comprised of the appropriate pedagogy courses and field experiences/internship, as well as twenty-four quarter credit hours (sixteen semester credit hours) in special education. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Exceptionality-defined as an overview of all disabling conditions, including low to high incidence disabling.
- (2) Curriculum modification and adaptation (including modifying the essential academic learning requirements), accommodations, special aids, technology, and equipment.

- (3) Student assessment and evaluation.
 - (a) Functional behavior analysis.
 - (b) Individualized education plan/individualized family services plan development.
 - (c) Accommodations for the Washington assessment of student learning.
 - (4) Procedural and substantive legal issues in special education.
 - (5) Organization and management systems (i.e., individualized education plan/individualized family services plan, scheduling, evaluation, and recordkeeping/data collection).
 - (6) Collaboration, teaming, partnerships, and supervision of paraeducators.
 - (7) Methods, issues and trends in early childhood education.

AMENDATORY SECTION (Amending Order 28-88, filed 12/14/88)

WAC 180-85-020 Effective date and applicable certificates. The provisions of this chapter shall apply to the following certificates issued on or after August 31, 1987:

(1) Continuing certificates as provided in chapter 180-79 WAC.

(2) Standard certificates as provided under previous standards of the state board of education.

(3) Professional certificates as provided in chapter 180-79A WAC.

(4) Provided, That applicants who have completed all requirements for a continuing or standard certificates prior to August 31, 1987, and who apply for such certificate prior to July 1, 1988, and applicants who have completed all requirements for a continuing or standard certificate except one of the three-years experience requirement prior to August 31, 1987, and who completes such requirement and applies prior to August 31, 1988, shall be exempt from the continuing education requirements of this chapter.

AMENDATORY SECTION (Amending Order 28-88, filed 12/14/88)

WAC 180-85-075 Continuing education requirement. Continuing education requirements are as follows:

(1) Each holder of a (~~professional education~~) continuing or a standard certificate affected by this chapter shall be required to complete one hundred fifty credit hours of continuing education prior to his or her first lapse date and during each period between subsequent lapse dates.

(2) Each holder of a valid professional certificate shall be required to complete one hundred fifty continuing education credit hours since the certificate was issued in order to renew. All continuing education credit hours shall relate to either (a) or (b) of this subsection: Provided, That both categories (a) and (b) must be represented in the one hundred fifty clock hours required for renewal:

(a) One or more of the following three standards outlined in WAC 180-78A-540:

- (i) Effective instruction.
- (ii) Leadership.
- (iii) Professional development.

(b) One of the salary criteria specified in RCW 28A.415.023.

(i) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.320.205, the annual school performance report, for the school in which the individual is assigned;

(ii) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(iii) Is necessary to obtain an endorsement as prescribed by the state board of education;

(iv) Is specifically required to obtain advanced levels of certification; or

(v) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

WSR 98-19-135

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed September 23, 1998, 11:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-095.

Title of Rule: WAC 180-27-056 Funding during the period of a priority approval process order by State Board of Education.

Purpose: The existing rule limits release of state funds for school construction to a revenue formula based on fund balance. The proposed rule amendment would allow the calculation to be based on a cash balance which would allow a higher release amount.

Statutory Authority for Adoption: RCW 28A.525.020.

Summary: Adopting the proposed rule change will allow the state board to release funds based on cash balance which is in line with capital budget proviso language. This allows more funds to be distributed to school districts than under the current rule.

Reasons Supporting Proposal: Calculations of matching fund release will be in accordance with capital budget conditions.

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 existing rule limits release of state funds for school construction to a revenue formula based on fund balance. The proposed rule amendment would allow the calculation to be based on a cash balance which would allow a higher release amount.

Proposal Changes the Following Existing Rules: Adopting the proposed rule change will allow the state board to release funds based on cash balance which is in line with capital budget proviso language. This allows more funds to be distributed to school districts than under the current rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Oak Harbor School District, 200 S.E. Midway Boulevard, Oak Harbor, WA 98277-5015, on October 29, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by October 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 October 22, 1998.

Date of Intended Adoption: October 30, 1998.

September 18, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 92-16-058, filed 8/3/92, effective 9/3/92)

WAC 180-27-056 Funding during the period of a priority approval process order by state board of education. During the period of a priority approval process imposed by order of the state board of education school construction projects shall receive final approval pursuant to WAC 180-29-107 as follows:

(1) On or after July 1 following the state board of education order for the implementation of a priority approval process the superintendent of public instruction shall rank all projects for which final approval has been requested pursuant to WAC 180-29-107 as per the applicable priority list in WAC 180-27-058 or 180-27-500. Only school construction projects with state board of education approval under WAC 180-25-045 and secured local capital funds by December 31 of the previous state fiscal year and eligible for final approval pursuant to WAC 180-29-107 by June 30 of the previous state fiscal year shall be placed on that priority list: *Provided*, That for the state fiscal year beginning July 1, 1992, the December 31, 1991, cutoff date is extended to March 27, 1992.

(2) ~~((Based on a ceiling of one and one-half times the amount of the estimated revenue available for the state fiscal year plus fund balance for the state fiscal year minus outstanding encumbrances for the state fiscal year or as close thereto as is reasonably practical.))~~ Each fiscal year the superintendent of public instruction shall give final approval ~~((pursuant to WAC 180-29-107 during the state fiscal year))~~ to school construction projects on the priority list pursuant to WAC 180-29-107 based on the level and conditions of legislative appropriations. For the purpose of this subsection the term "estimated revenue available for the state fiscal year" shall mean the estimated revenue from the common school construction fund for the current state fiscal year and the subsequent state fiscal year, the result of which is divided by two.

(3) In the event the state board of education does not rescind the order for the implementation of a priority approval process by the close of the state fiscal year, school construction projects remaining on the priority list without

final approval and, therefore, without secured funding status pursuant to WAC 180-29-107 shall be combined with new school construction projects that have secured local capital funds by December 31 of the state fiscal year and that are eligible, pursuant to WAC 180-29-107, for final approval by the close of the state fiscal year, and a new priority list shall be established on or after July 1 of the next state fiscal year and such remaining and new school construction projects shall be eligible for final approval pursuant to the provisions of subsections (1) and (2) of this section.

WSR 98-19-136

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed September 23, 1998, 11:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-096.

Title of Rule: WAC 180-77-122 Appeal procedures.

Purpose: The purpose of the proposed amendment is to clarify existing provisions and repeal unnecessary wording.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: Editorial amendments to WAC 180-77-122. See Purpose 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.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Oak Harbor School District, 200 S.E. Midway Boulevard, Oak Harbor, WA 98277-5015, on October 29, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Patty Martin by October 15, 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 October 15, 1998.

Date of Intended Adoption: October 30, 1998.

September 23, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

WAC 180-77-122 Appeal procedures. Vocational certification candidates who apply directly to the superintendent of public instruction for a certificate, certificate renewal, or certificate reinstatement and whose application is denied shall be entitled to appeal that decision (~~((to the superintendent of public instruction))~~) in accordance with the appeal procedures in chapter 180-86 WAC.

WSR 98-19-137
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed September 23, 1998, 11:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-097.

Title of Rule: WAC 180-77A-170 Program area studies.

Purpose: The purpose of the proposed amendment is to ensure that individuals completing programs in marketing education will be able to plan and implement a marketing education program that follows state and national guidelines.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: This competency was not specifically identified when these rules were originated.

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 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.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Oak Harbor School District, 200 S.E. Midway Boulevard, Oak Harbor, WA 98277-5015, on October 29, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Patty Martin by October 15, 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 October 15, 1998.

Date of Intended Adoption: October 30, 1998.

September 23, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 97-04-087, filed 2/5/97, effective 3/8/97)

WAC 180-77A-170 Program area standards. In addition to the standards identified in WAC 180-77A-165, individuals completing baccalaureate programs from an approved college or university will demonstrate competency in the following standards in one or more of the following major categories of WAC 180-77-005.

(1) **Agriculture education.**

(a) The agriculture education teacher demonstrates essential skills and knowledge including the scientific/technical, safety and career information in the areas of: Natural resource science, agricultural economics, horticultural science, animal science, crop science, soil science, and agricultural technology and management.

(b) The agriculture education teacher demonstrates a philosophy of education which reflects the unique student/community and industry interaction and includes the technical, personal leadership, and school to work components which comprise a comprehensive agricultural education program.

(c) The agriculture education teacher develops a comprehensive instructional program based on identified agriculture industry needs while recognizing the social economic, demographic, diversity of the community in consultation with an appropriate advisory committee.

(d) The agriculture education teacher demonstrates personal and professional leadership skills as an integral part of agriculture programs and apply these competencies through the agriculture education student organization, FFA.

(e) The agriculture education teacher demonstrates the necessary skills and abilities to implement and manage a supervised agriculture experience including: Accounting practices, career experiences, entrepreneurial, and job-related skills.

(f) The agriculture education teacher develops and maintains a safe environment while dealing with agricultural chemicals, scientific apparatus and solvents during classroom, laboratory, and supervised agricultural experiences.

(g) The agriculture education teacher is able to develop and demonstrate the scientific process through the preparation of mechanical and research experiences in the classroom, laboratory, leadership, and supervised agriculture experiences.

(2) **Business education.**

(a) The business education teacher demonstrates workplace competencies in keyboarding and information processing, computer technology and applications, information systems and management, accounting principles and applications, business communications, and business systems, and procedures.

(b) The business education teacher demonstrates the ability to apply the principles of business management and entrepreneurship, leadership, economics, international business, business law, and computation.

(c) The business education teacher demonstrates teaching competence in keyboarding, information processing, and microcomputer applications; accounting and computation; specific business content areas of business management and

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procedures, business law, economics, business communications, career development, and work-based coordination; and integration of leadership development into the curriculum and management of Future Business Leaders of America (FBLA) activities.

(3) Family and consumer sciences education.

(a) The family and consumer sciences teacher demonstrates the ability to prepare students for family life and responsible participation and leadership in work and community roles.

(b) The family and consumer sciences teacher demonstrates knowledge and skills in individual and family wellness; resource creation, access maintenance and management; and individual and family development across the life span.

(c) The family and consumer sciences teacher creates environments and utilizes strategies which enhance student ability to value diverse populations and their contributions to society.

(d) The family and consumer sciences teacher demonstrates the ability to advocate for technological and societal change that benefits the family system.

(e) The family and consumer sciences teacher encourages the use of thinking skills and the planning process for problem solving and decision making through the designated vocational student organization for family and consumer sciences.

(4) Marketing education.

(a) The marketing education teacher models effective leadership traits and demonstrates the ability facilitate, supervise, and evaluate DECA student leadership activities.

(b) The marketing education teacher demonstrates the ability to link classroom learning of work and work-based learning to prepare students for the world of marketing.

(c) The marketing education teacher demonstrates a commitment to professional development.

(d) The marketing education teacher applies understanding of the foundations and functions of marketing, management, and entrepreneurial competencies.

(e) The marketing education teacher is able to successfully implement and provide leadership for a school-based enterprise as an instructional strategy.

(f) The marketing education teacher demonstrates the ability to plan and implement a marketing education program following national and state curriculum guidelines.

(5) Technology education.

(a) The technology education teacher demonstrates knowledge and understanding of systems and concepts related to all areas of technological study referred to as core technologies including: Power and energy, controls, materials science, problem solving, and technology in society.

(b) The technology education teacher demonstrates knowledge and understanding of the relationship of mathematics, science, computer science, and communications to the technological process.

(c) The technology education teacher demonstrates competency in the areas of communications, manufacturing, construction, transportation, and bio-related with a concentration in at least one of the areas.

(d) The technology education teacher demonstrates ability to manage a traditional shop; as well as convert a traditional shop to an exemplary technology education laboratory.

(e) The technology education teacher demonstrates knowledge and understanding of communications and technological concepts related to technical systems created for encoding, transmitting, receiving, decoding, storing, retrieving, and using information.

(f) The technology education teacher demonstrates the fundamental knowledge of manufacturing and manufacturing systems and technological concepts related to technical systems associated with research, extraction, processing, recycling, and conversion of materials for consumer and industrial goods.

(g) The technology education teacher demonstrates fundamental knowledge of construction and construction systems, including the technological concepts related to technical systems associated with the design, creation, and maintenance associated with construction of residential, commercial, industrial, and civil structures; as well as consideration of economics, management, power, and energy.

(h) The technology education teacher demonstrates knowledge and understanding of transportation systems, including technological concepts related to technical systems associated with the design, development, evaluation, and operation of subsystems, and components of terrestrial, marine, atmospheric, and space vehicles.

(i) The technology education teacher demonstrates knowledge and understanding of biological systems in areas such as botany, environmental biology, medical, and biotechnology and zoology.

WSR 98-19-146

PROPOSED RULES

**UTILITIES AND TRANSPORTATION
COMMISSION**

[Commission Docket No. A-970591—Filed September 23, 1998, 11:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-17-047; and proposal is exempt under RCW 34.05.310(4).

Title of Rule: Rules of practice and procedure; sections within chapter 480-09 WAC.

Purpose: This proposal is designed to update provisions within chapter 480-09 WAC and to adopt the results of a review of most sections of the chapter under Executive Order 97-02.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160.

Summary: See Purpose above.

Reasons Supporting Proposal: This proposal is designed to modernize language in the commission's procedural rules and to incorporate changes to simplify, clarify, and improve the rules.

Name of Agency Personnel Responsible for Drafting: C. Robert Wallis, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1142; Implementation and

Enforcement: Carole J. Washburn, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Proposal Changes the Following Existing Rules: Many sections in the chapter contain minor proposed changes in organization and language. Some of the changes are also to rule requirements. Those are summarized briefly here.

WAC 480-09-100 Sending communications to the commission, discusses the use of telefax and e-mail to communicate with the commission and expands opportunities for electronic communication.

WAC 480-09-115 Procedure at open public meetings, clarifies the commission's authority to direct the commission secretary to sign orders implementing the commissioners' decisions at open public meetings.

WAC 480-09-120 Filing and service; filing by telefacsimile; number of copies, clarifies the commission's flexibility to authorize fax filings and reduces the number of required copies required when electronic copies are filed. Encourages courtesy copies by electronic mail to the assigned commission staff. Authorizes parties to elect service by electronic mail. Assigns risk of failure of electronic service to the person choosing it.

WAC 480-09-210 Rule making procedures, simplifies rule and adopts statutes by reference.

WAC 480-09-220 Petitions for rule making, amendment, or repeal, repeals prior provisions; acknowledges statute and OFM rule that changed the petition process and states that the OFM form is available from the commission.

WAC 480-09-420 Pleadings and briefs—Applications for authority—Protests, exempts confidentiality agreement notices from copy requirement. Establishes a charge for producing copies of documents filed by fax.

WAC 480-09-425 Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments, confirms that an answer is not mandatory. Clarifies rule regarding replies to answers.

WAC 480-09-465 Alternate dispute resolution, authorizes the commission to direct parties to enter negotiations (but not to reach agreement).

WAC 480-09-500 Brief adjudicative proceedings, confirms parties' right to ask orally for review of initial decisions on brief adjudication, but encourages written requests for review.

WAC 480-09-730 Conduct at hearings, allows the commission to include the witness' oath on sign-in forms for public hearings.

WAC 480-09-735 Order of procedure, updates order of hearing procedures; confirms the presiding officer's right to modify the order of procedure.

WAC 480-09-736 Hearing guidelines, updates and confirms requirement for copies of evidentiary documents at hearings.

WAC 480-09-770 Briefs, sets standards for determining brief length. Sets page margin, type face, and font size requirements for briefs and requires footnotes to be in the same face as body text, no smaller than ten point type.

WAC 480-09-815 Amendment rescission or correction of order, provides means for the commission to correct obvious or ministerial errors in orders it has served and provides that the time for post-hearing review starts from the date of service of the correction.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal would impose no additional costs on affected businesses.

RCW 34.05.328 does not apply to this rule adoption. The law is not mandatory for rules of the Utilities and Transportation Commission, and this rule is not one of the sort to which the law applies.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on November 16, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Pat Valentine by November 2, 1998, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504, or e-mail records@wutc.wa.gov, fax (360) 586-1150, by October 16, 1998. Please include both Docket No. A-970591 and "Interconnection enforcement petition rule making" in your communication.

Date of Intended Adoption: November 16, 1998.

September 23, 1998

Terrence Stapleton
for Carole J. Washburn
Secretary

NEW SECTION

WAC 480-09-005 Scope of this chapter—How to communicate with the commission. This chapter explains how to present written communications to the Washington utilities and transportation commission (called "the commission" in this chapter) and how various proceedings are conducted at the commission. Topics covered include how these rules operate; where and how to send letters to assure that they reach a person who can deal with them; requirements for submitting formal written documents such as pleadings; and rules that guide various proceedings.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-010 (~~General application—Special rules~~) **When this chapter applies—Exceptions.** (1) General (~~rules. These rules of practice and procedure are for general~~) application. This chapter applies generally to most dealings with and proceedings before the commission.

(2) Special rules. When rules in other chapters apply to certain classes of public service companies or to particular proceedings, those special rules (~~(shall)~~) govern (~~(in the event of)~~) if they conflict with (~~(the)~~) these general rules.

(3) Modifications and exceptions. (~~These rules are subject to such exceptions as may be just and reasonable in individual cases as determined by~~) The commission may make

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exceptions to these rules in individual cases when doing so is just and reasonable.

AMENDATORY SECTION (Amending Order R-400, Docket No. A-930517, filed 12/1/93, effective 1/1/94)

WAC 480-09-012 Incorporated and referenced materials. Any document that is incorporated by reference in a commission rule or order is available for public inspection at the Washington utilities and transportation commission branch of the Washington state library, ~~((housed with)), The branch library is located in~~ commission's headquarters office. The commission secretary will provide a copy of a referenced document upon request, allowing reasonable time for any necessary copying, subject to any pertinent charge and subject to copyright restrictions. The commission incorporates or references the version of the incorporated or referenced material that is current on the day the commission adopts a rule or enters an order that makes the incorporation or reference, unless the commission specifies another version or unless another version is apparent from the reference.

AMENDATORY SECTION (Amending Order R-368, Docket No. A-910530, filed 3/5/92, effective 4/5/92)

WAC 480-09-100 ~~((Commission address—))~~ **Sending communications to the commission.** ~~((1) Address. Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to: Office of the Secretary, Washington Utilities & Transportation Commission, 1300 S Evergreen Park Dr SW, PO Box 47250, Olympia WA 98504-7250, and not to individual members of the commission staff.~~

~~(2) Receipt of communications. Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary and stamped with the date and time. Documents and communications physically received in the commission offices between 5:00 p.m. of one business day and the start of the next business day are not considered officially received until the next business day when stamped with the date and time.~~

~~(3) Identification; one subject in a letter. Letters to the Washington utilities and transportation commission (referred to in these rules as the "commission") should include only one subject.~~

~~(a) Each item of pleading or correspondence which relates to a proceeding before the commission shall set forth at the top of the first page the docket number and name of the proceeding, if known to the writer, the title of the pleading, and the identity of the person who submits it.~~

~~(b) Communications to the commission from the holder of any permit, license, or certificate shall identify the exact name and the number under which the authority is held and the name and title of the writer.~~

~~(4) Communications from the commission. Official communications from the commission, other than orders, shall be signed by the commissioners, secretary of the commission, or the secretary's designee.)~~ This section governs

communications to the commission except requests for public records, which are governed by chapter 480-04 WAC.

(1) Limitation of content. Letters and electronic mail messages to the Washington utilities and transportation commission ("commission") must include only one subject, to assure that the message is properly handled.

(2) Required identification of sender, proceeding, and document.

(a) Identification of sender. All communications must identify the name and title or position of the sender, the name of the entity on whose behalf the communication is sent, and a return address. Any letter or other communication that the holder of any commission-issued permit, license, or certificate sends to the commission must also identify the exact name and the number (if any) under which the authority is held.

(b) Identification of proceeding. Any letter, pleading, or other communication to the commission that relates to a commission proceeding must identify the proceeding to the best of the writer's ability, at the top of the first page. The identification must include the docket number and name of the proceeding, if known to the writer, the name and position of the party for whom it is submitted.

(c) Identification of communication. Any communication that relates to a commission proceeding must identify the name of the communication (e.g., comment; motion; answer) at the top of the first page.

(3) How to address communications. All communications relating to formal proceedings must be addressed to the commission secretary. Formal communications should not be addressed to individual members of the commission staff because such documents may escape the filing and record-keeping necessary to document control.

(a) All written communications to the commission must be addressed to: The Secretary, Washington Utilities & Transportation Commission, 1300 S. Evergreen Park Dr SW, PO Box 47250, Olympia, WA 98504-7250. The commission records center will see that the correspondence promptly reaches a person who is able to deal with it.

(b) Electronic transmissions—E-Mail and Telefacsimile transmissions.

(i) When electronic transmission may be used. Electronic mail and telefacsimile messages may be used to submit correspondence or documents for filing as specified in WAC 480-09-120, for informal communication with commission staff members, and for providing courtesy copies to staff. Electronic transmission is not acceptable for formal correspondence or documents to be filed. The commission may make exceptions to this requirement in individual cases and may impose conditions on the use of electronic transmission.

(ii) Where to send electronic submissions. All electronic mail should be addressed to records@wutc.wa.gov. All telefacsimile transmissions should be sent to (360) 586-1150 or another number designated by the commission secretary. Courtesy or informational copies may be sent to other commission telefax machines or other electronic mail addresses for individual commission staff members.

(4) Updated addresses. The addresses listed in this chapter are current at the time of rule adoption. The commission will provide current information at any time on request.

NEW SECTION

WAC 480-09-101 When communications are received; required identification of sender; communications from the commission. (1) When documents are officially received. All communications and other submitted materials are officially received only when physically received in the commission records center and stamped with the date and time. Documents and communications that are received in the commission records center after 5:00 p.m. of one business day and before the start of the next business day are not considered officially received until the next business day when they are stamped with the date and time. Documents that are submitted by telefacsimile or electronic mail are officially received only when a paper copy is stamped with the date and time. The date-stamped time will determine whether a document meets any deadline that applies and will determine the timing of any later deadlines based on filing.

(a) During a meeting or hearing, the presiding officer may accept documents relating to the subject of the meeting or hearing.

(b) Requests for public records are governed in chapter 480-04 WAC.

(2) Communications from the commission. Official communications from the commission must be signed by the commissioners, the secretary of the commission, or the secretary's designee. Communications relating to an adjudication may be signed by the presiding administrative law judge or the administrative law judge's designee.

AMENDATORY SECTION (Amending Order R-402, Docket No. A-931053, filed 11/12/93, effective 1/1/94)

WAC 480-09-115 Procedure at open public meetings.

(1) Meetings. ~~((Regular meetings of))~~ The commission ~~((for the conduct of business pursuant to chapter 42.30 RCW, the Open Public Meetings Act, shall be held beginning at 9:00 a.m., Wednesdays, except the first and third))~~ will hold regular meetings for the conduct of business under chapter 42.30 RCW, the Open Public Meetings Act. The meetings will begin at 9:30 a.m., on the second, fourth and fifth Wednesday of each month ((and state holidays;)) in the commission's administrative offices, 1300 S. Evergreen Park Drive SW, Olympia, Washington. If the regular meeting day is a state holiday, the regular meeting ((shall)) will be held on the next business day or on an alternate schedule published in the Washington State Register. Regular meetings may be cancelled, and special meetings may be convened ((from time to time pursuant to the provisions of)), under RCW 42.30.080. The commission may change the time and place of regular meetings from the information set out in this section. The current time and place are published, as required, in the Washington State Register; on the commission's Internet web site, and are available through telephone inquiry.

(2) Agenda ~~((orders))~~. The commission secretary ~~((shall))~~ will direct the preparation and distribution of an agenda for each meeting. When feasible, the secretary ~~((shall))~~ will identify each item scheduled for discussion and action, as relating principally to utility regulation under Title 80 RCW; as relating principally to transportation regulation

under Title 81 RCW; or "other," ~~((and))~~ The secretary shall group similarly identified items together on the agenda. ((When an order is necessary to implement the commission's decision as to any agenda item, the secretary may enter the order when directed to do so by the commission.))

(3) "No action" agenda. Any request, proposal, or other filing which ~~((pursuant to statute;))~~ will take effect without commission action, may be placed on a "no action required" portion of the agenda. Any item on this portion of the agenda will be discussed upon the request of any commissioner, and the commission may take such action on the item as the commission desires.

(4) "Consent" agenda. ~~((Any item which the secretary deems to be noncontroversial and of relatively slight public concern))~~ The secretary may ((be placed)) place any item which the secretary believes to be noncontroversial on a "consent agenda" portion of the open meeting agenda. The commission will ask at the meeting if any person wants to address any consent agenda item and an item ((shall)) will be removed from the consent agenda for individual discussion and action at the request of any commissioner. Items on the consent agenda may be collectively moved for approval by a single motion any may be collectively approved by a single vote of the commission. ((When directed to do so by the commission, the secretary shall enter an individual order implementing the commission's decision as to each consent agenda item.))

(5) Orders. The secretary may enter any order or sign any document necessary to implement an open meeting decision of the commissioners, when the commission so directs.

(6) Modifications. The commission may modify the procedures set forth in this section when it deems the modification appropriate.

AMENDATORY SECTION (Amending Order R-400, Docket No. A-930517, filed 12/1/93, effective 1/1/94)

WAC 480-09-120 Filing and service filing by telefacsimile; number of copies. (1) Filing is complete. Filing of any document is complete only ((upon receipt by the secretary or;)) when the document and the required number of copies are received by the commission records center, printed (if printing is necessary to produce a paper copy) and stamped with the date and time. When authorized by the presiding officer of a proceeding before the commission, ((upon receipt by)) filing of a document for purposes of the proceeding is complete when the presiding officer receives the document.

(a) ~~((Except as provided in this rule, receipt))~~ When telefacsimile filing is allowed. Receipt in the commission's telefax machine, or similar device, does not constitute filing except as otherwise allowed in this rule. The following documents may be filed by telefacsimile device when the filing party, except as specifically noted, sends a hard copy ((is sent by mail;)) postmarked on the day of filing, ((and)) which is received in the normal course of commerce ((except as specifically noted;)).

(b) Tariff filings, when a hard copy is filed the next business day, as provided in WAC 480-80-070;

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(ii) Form E proof of insurance, when a hard copy is filed within ten days;

(iii) Tariff filings by solid waste companies, auto transportation companies, steamboat companies and motor carriers; ~~(and)~~

(iv) Proposals to amend commission tariffs, as provided in WAC 480-12-295; and

(v) Other documents, when the commission specifically allows or requires filing by telefacsimile in individual instances, when required for timely consideration or for the commission's convenience. The commission may charge for making copies for internal distribution under WAC 480-09-125.

(b) Number of copies. Unless ~~(in a particular case)~~ the commission specifies a different number of copies, every original pleading submitted to the commission shall be filed with ~~((three copies for transportation matters and))~~ nineteen copies ~~((for all other matters))~~. Parties who file an electronic copy of a pleading may file an original plus six paper copies. The electronic copy must comply with (b)(ii) of this subsection. When a person files a document by telefacsimile, the document should not be sent more than once except to cure transmission or receiving errors. Documents may be submitted single sided or double sided.

(i) The number of required copies is established to meet average commission need. Parties to a proceeding ~~((may in writing))~~ should ask the commission ~~((secretary))~~ records center or the presiding officer whether fewer ~~((are))~~ copies may be required in a given case. ~~((Parties to whom))~~ If the required number of copies would be a hardship, a party may describe the hardship and request exemption from the stated number of copies~~((, describing the nature of the hardship)).~~

(ii) The commission encourages parties submitting pre-filed testimony and exhibits, briefs, and ~~((other))~~ pleadings to submit the document in electronic form, with the agreed number of hard copies. In some instances electronic submissions are required, and in some instances electronic submissions will substitute for hard copies. Unless ~~((other arrangements are made, text files may be submitted in a format compatible with WordPerfect 5.1 or in ASCII format and data may be submitted in a format compatible with Lotus 123))~~ the commission directs otherwise, electronic submissions are to be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 5.1, 6.0, or 6.1, labeled with the docket number of the proceeding, the name of the company and/or individual submitting the document, and type of software used.

(c) Filing and service are different. Filing a document with the commission 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 commission.

(d) ~~((The filing of))~~ Certificate of service. Filing a pleading with the commission is not complete unless service has been made upon all parties to a proceeding, evidenced by a valid certificate of service or its equivalent as provided in subsection (2)(f) of this rule.

(e) The commission encourages each party to provide courtesy copies of documents that it files in rulemakings and adjudications to presiding officers and other staff persons by

electronic mail. Providing such copies does not relieve a party of the obligation to otherwise file or serve documents.

(2) Service.

(a) Except as otherwise provided, when any party has appeared by an attorney or other authorized representative in a proceeding before the commission, service of documents required to be served ~~((shall))~~ must be made upon the representative. Service upon the representative is valid service upon the party.

(b) Service by parties. ~~((Service by parties shall be made))~~ Parties must serve documents by delivering one copy to each other party by one of the following methods: In person; by mailing, properly addressed with first class postage prepaid; by commercial parcel delivery company properly tendered with fees prepaid, or by telefacsimile transmission, ((where)) when originals are mailed simultaneously. Service by mail ((shall be)) is 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)) is complete when accepted for delivery by the company.

(c) Service by commission. All notices, complaints, petitions, findings of fact, opinions, and orders required to be served by the commission 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 ~~((thereof shall be))~~ is 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.

(d) Electronic mail. A party may consent to receive service by electronic mail. The consent, which waives the party's right to other forms of service, must be in writing and filed with the commission in the docket for which consent is given.

(e) The risk of failure of service by electronic means falls upon the person choosing that form of service.

(f) Certificate of service. ~~((There shall appear))~~ Each person filing a pleading with the commission must include on the original of ((every)) the pleading ((when filed with the commission in accordance with)) under this subsection (2) of this section((;)) either an acknowledgment of service((;)) or the following certificate:

"I hereby certify that I ~~((have this day))~~ served ~~((the foregoing))~~ this document upon all parties of record in this proceeding, by (state the authorized method of service ((pursuant to)) selected under WAC 480-09-120 (2)(a))"

Dated at this day of

(signature)

AMENDATORY SECTION (Amending Order R-339, Docket No. A-900425, filed 3/14/91, effective 4/14/91)

WAC 480-09-125 Failure to file sufficient copies—Costs of copying. (1) ~~((When))~~ If a person files fewer than the required number of copies of a document, the commission

may reject the filing. If needed for administrative convenience, the commission will make the additional copies for distribution and processing within the commission. "Administrative convenience" means that not having access to the documents would ~~((prejudice))~~ hamper the commission in fulfilling its duties.

(2) ~~((When))~~ If the commission makes copies to meet the total number required, the commission will bill the filing person at a rate of thirty cents per page, plus current sales tax. This rate compensates for the loss of the worker's attention to assigned duties, the unscheduled use of equipment, and the fully allocated cost of materials.

(3) The commission may assess a penalty against any person who, within twelve months, again fails to file the required number of copies of any document.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-130 Computation of time. The time for doing an act governed by this chapter shall be computed by excluding the first day and including the last, unless the last day is a holiday, Saturday, or Sunday, and then ~~((#))~~ the last day is excluded from the computation.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-135 Variation from time limits. (1) Time set by chapter 34.05 RCW. The commission in individual instances may lengthen or shorten the time stated in chapter 34.05 RCW for action ~~((may be lengthened or shortened by the commission in its discretion in individual instances pursuant to))~~ in its discretion, under RCW 34.05.080.

(2) Time set by the commission rule. The commission may lengthen or shorten the time stated in these rules for action ~~((may be lengthened or shortened by the commission))~~ in its discretion.

AMENDATORY SECTION (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

WAC 480-09-140 Ex parte communications. (1) General. After ~~((the commencement of))~~ an adjudicative proceeding begins and ~~((prior to))~~ before a final determination ~~((therein))~~, no party to the proceeding, or ~~((its))~~ counsel for a party or other person on behalf of a party, shall discuss the merits of the proceeding with the commissioners, the presiding officer or the commissioners' staff assistants assigned to advise the commissioners in the decisional process in that proceeding, unless reasonable notice is given to all parties ~~((who have appeared therein, to enable them to be present at))~~ to the proceeding, so that they may attend the conference. When a party initiates correspondence with a presiding or reviewing officer regarding any pending proceeding, the party shall serve a copy of the correspondence upon all parties of record and furnish proof of ~~((such))~~ that service to the commission.

(2) Communications necessary to procedural aspects of maintaining an orderly process, such as scheduling, are not

ex parte communications prohibited by RCW 34.05.455 or by this rule.

(3) The commission may prescribe appropriate sanctions, including default, for any violation of RCW 34.05.455 or this section.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-150 Informal complaints. (1) ~~((Informal complaints may be made by letter or other communication. Informal))~~ (a) How to make an informal complaint. Persons may make informal complaints to the commission about any business that the commission regulates by letter, sent by mail, telefax, or electronic mail, or by telephone. See WAC 480-09-100 and 480-09-101 for general information about addressing correspondence. Persons may also register an informal complaint by telephone with a commission service examiner.

(b) Commission response; result. Commission staff may discuss the subjects of informal complaints ~~((may be taken up by the commission))~~ with the affected persons, by correspondence or otherwise, to ~~((bring about a resolution of))~~ assist the parties to resolve the complaint by agreement without formal hearing or order. The commission encourages the informal settlement of disputes whenever possible. (See WAC 480-09-465.) An informal complaint may not result in an order that compels a person to do something or forbids a person from doing something.

(2) Contents. An informal complaint should ~~((contain))~~ present all facts ~~((essential to a disposition of))~~ needed to resolve the complaint, including a description, with all relevant dates, of the ((dates of)) acts or omissions ((complained against)) that led to the complaint. The complaint should cite to all relevant statutes or rules should be cited if ~~((known to))~~ the writer knows them.

(3) ~~((No mandatory or prohibitory order may result from an informal complaint. Matters instituted by))~~ Making an informal complaint ((shall be without prejudice to the right of)) does not prevent any party, or the commission ((to file and prosecute)), from filing a formal complaint with the commission. See WAC 480-09-420 and 480-09-425.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-200 Interpretive and policy statements. (1) General. Upon the petition of any interested person ~~((subject to its jurisdiction))~~, or upon its own motion, the commission may ~~((, when it appears to be in the public interest,))~~ make and issue interpretive and policy statements when necessary to ~~((terminate))~~ end a controversy or to remove a substantial uncertainty ~~((as))~~ to about to the application of statutes or rules of the commission.

(2) The commission ~~((shall))~~ will maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by the commission. The ~~((roster shall be updated once each year))~~ commission will update the roster periodically. ((Whenever)) When the commission issues an

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interpretive or policy statement, it ~~((shall))~~ will send a copy of the statement to each person ~~((listed))~~ on the roster.

(3) The commission ~~((shall))~~ will maintain a file and an index of all currently effective interpretive and policy statements. The statements ~~((shall be))~~ are available for inspection and copying at the records center in the commission's Olympia headquarters office.

AMENDATORY SECTION (Amending Order R-400, Docket No. A-930517, filed 12/1/93, effective 1/1/94)

WAC 480-09-210 Rule making~~((—Notice of proposed rule))~~ procedures—Rules coordinator. (1) ~~((In any proposed rule making, the commission may solicit comments from the public on the subject of possible rule making under active consideration within the agency by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.))~~ The commission will conduct rule-making proceedings in compliance with the requirements of RCW 34.05.310 through 34.05.395.

(2) ~~((At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the State Register. The publication shall contain information as provided in RCW 34.05.320 and shall constitute the proposal of a rule. The commission shall submit a small business economic impact statement for publication in the State Register when required to do so by chapter 19.85 RCW, the Regulatory Fairness Act.~~

(3) ~~Within a reasonable time after the publication of the notice of a proposed rule in the State Register, any person may request a copy of the notice by writing to the secretary of the commission.~~

(4) ~~Petitions for adoption, amendment, or repeal of a rule shall be made pursuant to WAC 480-09-220.~~

(5) ~~Upon filing notice of a proposed rule with the code reviser, the commission shall have copies of the proposal on file and available for public inspection. The commission will mail a copy to each industry association or trade group, whose members may be affected, that has asked to receive such notices.~~

(6) The commission maintains a list of persons interested in potential rule-making proceedings. The list is subdivided by regulated industries and other areas of potential interest. The commission sends notice of rule-making proceedings to persons on the list. Any person may be listed by asking in writing that the commission put the person on the relevant list or lists for the person's area of interest. The commission may by order establish a fee for this service.

(3) ~~Inquiries regarding rules being proposed or being prepared within the commission for proposal may be made to Office of the Secretary, Rules Coordinator~~~~((—Washington Utilities & Transportation Commission, 1300 S Evergreen Park Dr SW, PO Box 47250, Olympia WA 98504-7250))~~ at the address listed in WAC 480-09-100.

~~((7) Persons may receive notice of proposed rule makings for all commission rules, or for those affecting specific industries, by sending a request in writing to the rules coordinator. The commission may establish a fee for this service~~

~~based on the estimated actual cost of providing the service. It may decline to establish a fee for specific groupings, and it may group industries together, for efficiency or administrative convenience.))~~

AMENDATORY SECTION (Amending Order R-400, Docket No. A-930517, filed 12/1/93, effective 1/1/94)

WAC 480-09-220 Petitions for rule making, amendment, or repeal. (1) Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

(2) ~~((When the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule. When the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. Any petition for promulgation, amendment, or repeal of a rule shall be accompanied by briefs of any applicable law, and shall contain an assessment of economic values affected by the proposed promulgation, amendment, or repeal.~~

(3) ~~All petitions shall be considered by the commission which may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.~~

(4) ~~Within sixty days after submission of a petition, the commission shall:~~

(a) ~~Deny the petition in writing, stating its reasons for the denial, and serve a copy of the denial upon the petitioner; or~~

(b) ~~Initiate rule-making proceedings in accordance with chapter 34.05 RCW.~~

(5) ~~In rule-making proceedings initiated by interested persons on petition, as well as by the commission on its own motion, the commission will include in its order determining the proceedings its assessment of economic values affected by the rule making involved. In addition, the notice of intention to effect any rule making will contain a solicitation of data, views, and arguments from interested persons on the economic values which may be affected by such rule making.)~~ Petitions for new rules or for the amendment or repeal of existing rules are governed by RCW 34.05.330 and chapter 82-05 WAC.

(3) The commission will provide on request a copy of chapter 82-05 WAC and the form for petitioning for adoption, amendment, or repeal of a state administrative rule.

AMENDATORY SECTION (Amending Order R-351, Docket No. A-910835, filed 10/30/91, effective 11/30/91)

WAC 480-09-230 Declaratory orders. As prescribed by RCW 34.05.240, any interested person may petition the commission for a declaratory order. The commission ~~((shall))~~ will consider the petition ~~((and within fifteen days after its receipt give notice of the petition to all persons to whom notice is required by law and to any other person it deems desirable)).~~ Within ~~((thirty))~~ fifteen days ~~((of receipt of a))~~ after receiving the petition ~~((for declaratory order)),~~ the com-

mission ~~((shall))~~ will give notice of the petition to all persons required by law and to any other person the commission deems desirable. Within thirty days of receipt of a petition for declaratory order, the commission will:

- (1) Enter a declaratory order; or
- (2) Notify the petitioner that no declaratory order is to be entered and state reasons for the action; or
- (3) Set a specified time, no later than ninety days after the day the petition was filed, by which the commission will enter a declaratory order; or
- (4) Set a reasonable time and place for a hearing ~~((to be held no more than ninety days after receipt of the petition or call for the submission of a statement of fact upon the matter)).~~ If a hearing is held, it must be held no more than ninety days after receipt of the petition. If a hearing is held, the commission will give ~~((not less than))~~ at least seven days' notification to the petitioner, all persons to whom notice is required by law and any other person it deems desirable ~~((of the time and place for such hearing and of)).~~ The notice must include the time, place, and the issues involved.
- (5) The commission may upon a finding of good cause extend the times specified in subsections (3) and (4) of this section ~~((for entry of an order or for holding a hearing)).~~

(6) If a hearing is held or statements of fact are submitted, as provided in subsection (4) of this section, the commission shall within a reasonable time:

- (a) Enter a declaratory order; or
- (b) Notify the petitioner that no declaratory order is to be entered and state the reasons for the action.

The commission ~~((shall))~~ will serve its order upon all persons ~~((to whom notice is))~~ who are required ~~((by))~~ to receive notice under subsection (4) of this section.

AMENDATORY SECTION (Amending Order R-436, Docket No. A-950243, filed 1/3/96, effective 2/3/96)

WAC 480-09-340 Compliance filings. (1) A compliance filing is a tariff filing that is made to comply with an order authorizing or requiring a specific subsequent later filing. A compliance order is an order approving, suspending, or rejecting a compliance filing.

(a) ~~((A))~~ The person making compliance filing and any accompanying work papers ~~((shall be served))~~ must serve a copy on the attorney of each party to the proceeding in which the compliance filing was authorized or required. Service ~~((shall))~~ must be made in a manner to be received by the parties no later than the date filed with the commission unless such service on a party is infeasible because of its size or the timing of the filing, in which case delivery on the day following filing is permissible.

(b) A compliance filing ~~((shall))~~ must be strictly limited in scope to the subjects and the tariffs that are necessary to comply with, or that are authorized by, the order leading to the filing.

(c) A cover letter accompanying each compliance filing ~~((shall))~~ must identify the order with which the filing is intended to comply.

(2) If the order authorizing or requiring a filing does not state the number of business days required for commission examination of the proposed compliance tariff between its

filing and its stated effective date, the filing is subject to all pertinent requirements for tariff filings of the industry and ~~((shall))~~ must be made with the required statutory notice period unless the order provides otherwise. ~~((Such a filing shall be docketed))~~ The commission will docket such a filing under its own docket number and ~~((shall))~~ will not ~~((be considered))~~ consider it a continuation of the prior proceeding.

(3) A compliance filing made on less than statutory notice, whether or not a shortened period is authorized or directed in the order leading to the filing, does not become effective automatically on its stated effective date, but requires a commission order of approval. In the absence of an order of approval, the tariff filing does not become effective on the stated effective date, but remains pending until the commission has completed its review. On completing that review, the commission ~~((shall))~~ must immediately enter an order under subsection (4) of this section. A compliance filing made on statutory notice is subject to all statutory and regulatory provisions regarding suspension.

(4) If the commission believes that a compliance filing varies from the requirements or conditions of the order authorizing or requiring it, either by falling short of or by exceeding the authorization, conditions, or requirements of the order, the commission will not approve the tariff unless it has preapproved the variance.

(a) The commission may enter an order in the proceeding in which the filing was authorized or required, to (i) suspend a noncomplying filing or any portion that apparently fails to comply, and assign a docket number for processing, or (ii) reject the noncomplying filing, or any portion that apparently fails to comply, without prejudice to the company's refiling a new or original tariff provision under otherwise pertinent law and regulation. The commission may attach such conditions on compliance refiling as it believes appropriate.

(b) The commission may suspend any filing under its own docket number by otherwise pertinent process.

(c) The commission may delegate to the secretary the authority to enter a compliance order in specific proceedings by written authorization; by oral authority later reduced to writing; or by action in an open public meeting.

(d) Failure to identify noncompliance with the relevant commission order before approval does not preclude the commission from taking later steps as authorized by law to secure compliance.

AMENDATORY SECTION (Amending Order R-436, Docket No. A-950243, filed 1/3/96, effective 2/3/96)

WAC 480-09-390 Objections to closures of highway-railroad grade crossings. (1) Filing. Objections to closures of highway-railroad grade crossings under RCW 81.53.060 ~~((shall))~~ must be filed in writing within twenty days of publication of notice of the proposed closure, setting forth the full names and mailing addresses of persons objecting to the closure, the particular crossing which is the subject of the objection, the commission cause number, if known, and a statement of the objection. Communications which do not meet these requirements, other than the requirement of stating the commission cause number, will not be treated as objections

for the purpose of requiring a hearing upon the proposed closure to be held as provided by RCW 81.53.060.

(2) Party status - appearances - service of final order. ~~((No))~~ A person who fails to enter an appearance as prescribed by WAC 480-09-720, will not be entitled to party status to a proceeding under RCW 81.53.060 after the close of the period for the taking of appearances if a hearing is held, even though ~~((such))~~ the person may have filed an objection to a proposed crossing closure under the provisions of subsection (1) of this section, ~~((and no such person will))~~ the person will not be entitled to service of the final order of the commission in the matter unless party status is reestablished through intervention under the provisions of WAC 480-09-430, although ~~((such))~~ the commission may send the person ~~((may be sent))~~ a courtesy copy of the ~~((proposed))~~ initial or final order.

(3) Interested persons who lack party status, ~~((as defined herein, shall))~~ will be provided an opportunity to be heard and offer evidence as required by RCW 81.53.060. They may not call witnesses, cross-examine witnesses or otherwise participate as a party. Interested persons who lack party status lack standing to file petitions for administrative review of initial orders or to file petitions for reconsideration of final orders.

AMENDATORY SECTION (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

WAC 480-09-400 Applications for adjudicative proceedings. (1) Persons involved in an actual case or controversy within the jurisdiction of the commission to resolve may apply to the commission for an adjudicative proceeding to secure an order resolving disputed matters ~~((at issue))~~. Each application should specify every issue to be adjudicated in the proceeding.

(2) The following, when properly and timely filed, are applications for adjudicative proceedings except:

(a) When specified to the contrary in statute or rule;

(b) When the document is presented during an existing adjudication; or

(c) When the subject is not required to be resolved in an adjudication as defined in chapter 34.05 RCW: Petitions, when the action sought requires adjudication, formal complaints, protests, and requests for review of the denial of unprotested authority, when properly and timely filed, constitute applications for adjudicative proceedings except when specified to the contrary in statute or rule, when the document is presented during an existing adjudication, or when the subject is not required to be resolved in an adjudication as defined in chapter 34.05 RCW.

(3) The commission may, in its discretion, treat unprotested applications for authority as applications for adjudicative proceedings and set them for hearing.

(4) Within thirty days after ~~((receipt of))~~ receiving an application for an adjudicative proceeding, the commission ~~((shall))~~ will notify the applicant of any obvious errors or omissions, request any additional information it requires and is permitted by law to require regarding the application for adjudicative proceeding, and notify the applicant of the name, mailing address, and telephone number of a person on

the commission staff that may be contacted regarding the application.

(5) Within ninety days after receipt of the application or receipt of the response to a timely request made under subsection (2) of this section, the commission shall:

(a) Approve or deny the petition or protest on the basis of brief or emergency adjudicative proceedings;

(b) Commence an adjudicative proceeding by serving the parties with a notice of hearing pursuant to RCW 34.05.434 and WAC 480-09-700; or

(c) Decide not to conduct an adjudicative proceeding and furnish the applicant with a copy of its decision in writing, with a brief statement of its reasons for doing so and of any administrative review available.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-410 Parties. (1) General. "Person" when used in this chapter means ~~((any))~~ an individual~~((;))~~; corporation~~((;))~~; partnership~~((;))~~; association, or ~~((any))~~ body politic~~((;))~~; agency~~((;))~~; or municipal corporation. A "party" is ~~((any))~~ a person ~~((which))~~ that has complied with all requirements for establishing and maintaining party status in any proceeding before the commission.

(2) Classification of parties. Parties to proceedings before the commission ~~((shall))~~ will be ~~((styled))~~ called applicants, complainants, petitioners, respondents, intervenors, or protestants, according to the nature of the proceeding and the relationship of the parties ~~((thereto))~~. ~~((When an appearance has been entered for))~~ The commission ~~((and/or for))~~ staff and the public counsel division of the attorney general's office~~((, they shall respectively be considered parties to the proceeding for all purposes))~~ become parties to an adjudicative proceeding for all purposes upon entering an appearance.

(3) Applicants.

(a) Persons applying for any right or authority ~~((which))~~ that the commission has jurisdiction to grant ~~((shall be styled))~~ are "applicants."

(b) Applicants for adjudicative proceedings under chapter 34.05 RCW ~~((shall))~~ will be ~~((styled))~~ described according to their roles as defined in this section.

(4) Complainants. Persons who ~~((complain to))~~ file a formal complaint with the commission ~~((of any act or omission by any other person shall be styled))~~ are "complainants." ~~((In any proceeding which))~~ When the commission brings an adjudication on its own motion, ~~((it shall be styled))~~ the commission is the "complainant."

(5) Petitioners. Persons petitioning for relief ~~((shall be styled))~~ are "petitioners." Persons filing a motion for relief are "movants" or "moving parties."

(6) Respondents. Persons against whom any complaint, petition, or motion is filed ~~((shall be styled))~~ are "respondents."

(7) Intervenors. Persons permitted to intervene ~~((pursuant to this chapter shall be styled))~~ are "intervenors."

(8) Protestants. Persons opposing applications who have complied with the requirements for the filing of protests ~~((shall be styled))~~ are "protestants."

AMENDATORY SECTION (Amending Order R-400, Docket No. A-930517, filed 12/1/93, effective 1/1/94)

WAC 480-09-420 Pleadings and briefs—Applications for authority—Protests. Pleadings (~~(before the commission)~~) include formal complaints, petitions, answers, replies, applications for authority, protests, and written motions.

(1) Legibility; size; length; service. All pleadings (~~(shall)~~) and briefs must be legible and, unless the commission authorizes a different size (~~(is required by the nature of the pleading)~~), must be submitted on 8-1/2 x 11 inch paper. (~~(Pleadings shall not)~~) Parties may not submit pleadings or briefs that exceed sixty pages without prior permission from the commission. (~~(Unless otherwise required for a specific pleading;)~~) Each party must serve a copy (~~(shall be served)~~) of each of its pleadings upon each party to the proceeding.

(2) Errors in pleadings. (~~(When it finds a pleading to be defective or insufficient;)~~) The commission may return (~~(the)~~) a pleading to the party filing it for correction when the commission finds the pleading to be defective or insufficient. (~~(Typographical errors or errors in captions or spelling of names of parties may be corrected by)~~) The commission may correct typographical errors, errors in captions, or errors in spelling of names of parties.

(3) Form. Every pleading (~~(before the commission shall generally)~~) must conform with the following form.

At the top of the first page (~~(shall)~~) must appear the phrase, "Before the Washington Utilities and Transportation Commission." On the left side of the page, next below, the caption of the proceeding (~~(shall)~~) must be set out or, if no caption exists, the following: "In the Matter of the (Complaint, Petition, Motion, (Answer,) etc.) of (name of the pleading party) for (identify relief sought)." On the right side of the page, opposite the (foregoing) caption (shall) must appear the words (Petition, Motion, Reply, etc., of (f)(role of party: e.g., petitioner, respondent, protestant, etc., and name of the party if more than one party has the same role in the proceeding(~~(f)~~))).

The body of the pleading (~~(shall)~~) must be set out in numbered paragraphs. The first paragraph (~~(shall)~~) must state the name and address of the pleading party. The second paragraph (~~(shall)~~) must state all rules or statutes that may be brought into issue by the pleading. Succeeding paragraphs (~~(shall)~~) must set out the statement of facts relied upon in form similar to (~~(that applicable to)~~) complaints in civil actions before the superior courts of this state. The concluding paragraphs (~~(shall)~~) must contain the prayer of the pleading party.

(4) Number of copies; size. Unless, in a particular case, the commission specifies a different number of copies, the pleading or briefing party must file with the commission an original and ((three)) the number of legible copies of each pleading in transportation matters except transportation rate cases, and nineteen copies (~~(in all other matters including transportation rate cases, shall be filed with the commission)~~) that is required in WAC 480-09-120 (1)(b). Copies (~~(shall)~~) must be on three-hole punched white paper, 8-1/2" x 11" in size. Notices of "confidentiality agreements" are distributed within the commission via e-mail, so only an original needs

to be filed. If a pleading is received by the commission via telefacsimile, the commission will make the required number of copies unless other arrangements are made, and will charge the costs of the copies to the party as specified in WAC 480-09-120. After filing by telefacsimile, the party must file only the original of the pleading with the commission and need not file additional copies.

(5) Complaints.

(a) Defined. Formal complaints are (~~(those)~~) complaints that are filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed (~~(pursuant to)~~) under RCW 80.54.030, or complaints in proceedings designated by the commission as formal proceedings.

(b) Contents. Formal complaints must be in writing setting forth clearly and concisely the ground (~~(of)~~) for the complaint and the relief requested. The complaint must state facts constituting the basis of the complaint, including relevant dates, (~~(should be stated;)~~) together with citations (~~(of the)~~) to relevant statutes or commission rules (~~(of the commission involved)~~). The name and address of the person complained against must be stated in full. The name and address of the complainant and the name and address of complainant's attorney, if any, must appear upon the complaint.

In (~~(a)~~) proceedings under RCW 80.04.110 or 81.04.110, the provisions of the respective statutes (~~(shall)~~) also apply.

(6) Protests. A person whose interests would be adversely affected by the granting of an application (~~(or by a rate change)~~) may file a protest. Protests to applications must conform to the requirements of any special rules (~~(relative)~~) that apply to the type of the application being protested. A protestant must serve a copy of the protest upon the applicant (~~(or person requesting a rate change. Protestants are not entitled, as a matter of right, to a hearing upon the matter being protested, but a protest may contain a request for a hearing. The commission may, whether or not a protest contains such a request, set the matter in question for hearing).~~).

(7) Petitions.

(a) Defined. All pleadings seeking relief (other than complaints or answers) (~~(shall be styled)~~) are "petitions."

(b) Petitions - contents. A petition (~~(shall)~~) must set forth all facts upon which the request for relief is based, with the dates of all relevant occurrences and a citation of the statutes(~~(, rules;)~~) and regulations (~~(of the commission)~~) upon which the petition is based.

(8) Motions.

Motions (~~(shall)~~) must be filed separately from any other (~~(filing and will not be considered if merely stated within the text of correspondence or a different)~~) pleading. The commission will not consider motions that are merely stated within the text of correspondence or in the body of another pleading. The commission may refer to the rules in the superior court of Washington as guidelines for handling (~~(of)~~) motions.

(9) Responsive pleadings.

(a) Answer. Except as otherwise provided in WAC 480-09-425 and 480-09-810(4), any party who desires to respond to a complaint, motion, or petition shall file with the commission and serve upon all other parties an answer. (~~(If an answer is not filed, the complaint or petition shall be deemed to be denied by the respondent.)~~) Answers (~~(shall)~~) must fully and

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completely disclose the nature of the defense and ~~((shall))~~ must admit or deny specifically, and in detail, all material allegations of the complaint or petition. ~~((Matters alleged by way of affirmative defense shall be))~~ A respondent must separately ~~((stated))~~ state and ~~((numbered))~~ number affirmative defenses.

(b) Reply. The response to an answer is ~~((styled))~~ a reply. Unless otherwise specified, replies may not be filed without authorization by the commission upon a showing of cause.

AMENDATORY SECTION (Amending Order R-400, Docket No. A-930517, filed 12/1/93, effective 1/1/94)

WAC 480-09-425 Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments. (1) Verification. All pleadings, except motions and complaints brought upon the commission's own motion, ~~((shall))~~ must be dated and signed by at least one attorney or representative of record in his or her individual name, stating his or her address~~((:))~~; or by the party, if the party is not represented.

Pleadings of a party who is not represented by an attorney ~~((shall))~~ must contain a statement that the pleading is true and correct to the best of the signer's belief.

(2) Time for motions. Unless good cause is shown for a delay, a party opposing a pleading must file any motion directed to ~~((a))~~ the pleading ~~((must be filed))~~ no later than the time the responsive pleading is due. If no responsive pleading is provided for, the motion must be filed within ten days after service of the pleading. Filing a motion to dismiss a pleading, or seeking a similar remedy, does not ~~((stay))~~ extend the time for answering the pleading. Other motions ~~((shall))~~ must be filed within the times specified in WAC 480-09-420 or 480-09-736.

(3) Answers: time for answer; reply.

(a) An answer is not mandatory. A party answering a pleading must ~~((be filed))~~ file the answer within twenty days after the service of the pleading ~~((against))~~ to which it is directed. ~~((The filing of an answer is not mandatory.))~~ During a hearing, the time for answers to interlocutory pleadings is governed by WAC 480-09-736 and the discretion of the presiding officer.

(b) A party may request permission to reply to an answer. The request must be filed within ten days after service of the answer to which it is directed. During a hearing, the presiding officer may shorten the time for requesting leave to reply or may rule from the bench on such requests. A party requesting leave to reply may attach a proposed reply to the request. Requests should address whether the answer raises new material requiring response, or other reason why a reply is necessary. A request to file a reply is deemed denied unless specifically granted by the commission. If the commission allows a reply, ~~((#))~~ the commission will set the time for filing the reply.

(c) ~~((Whenever))~~ The commission may alter the time allowed for any answer or reply if it believes that the public interest so requires~~((, it may alter the time allowed for any answer)).~~

(4) Liberal construction. ~~((Att))~~ The commission will construe pleadings ~~((shall be))~~ liberally ~~((construed))~~ with a view to effect justice among the parties. The commission will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceeding ~~((which))~~ that do not affect the substantial rights of the parties.

(5) Amendments. The commission may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just.

AMENDATORY SECTION (Amending Order R-436, Docket No. A-950243, filed 1/3/96, effective 2/3/96)

WAC 480-09-426 Motion for summary disposition.

(1) Motion to dismiss. A party may move to dismiss an opposing party's pleading, including the documents initiating the case, if the pleading fails to state a claim on which the commission may grant relief. In ~~((considering))~~ ruling upon a motion made under this subsection, the commission will consider the standards applicable to a motion made under CR 12 (b)(6), 12(c), or 50, as applicable, of the civil rules for superior court.

(2) Motion for summary determination. A party may move for summary determination if the pleadings filed in the proceeding, together with any properly admissible evidentiary support, show that there is no genuine issue as to any material fact and the moving party is entitled to summary determination in its favor. In considering a motion made under this subsection, the commission will consider the standards applicable to a motion made under CR 56 of the civil rules for superior court.

(3) Presentation of a motion for summary disposition ~~((shall))~~ will not automatically stay any scheduled procedures. ~~((Without leave))~~ Except with permission from the commission, motions for summary disposition ~~((shall not))~~ must be presented ~~((later))~~ more than thirty days prior to the next applicable hearing session. Responses ~~((shall))~~ must comply with WAC 480-09-425 and 480-09-736. The commission may order a continuance of any procedure and may order oral or written response on a schedule consistent with any established hearing schedule in the proceeding.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-430 Intervention. (1) General intervention.

(a) Who may petition; when petitions must be filed. Any person, other than the original parties to any proceeding before the commission, who desires to appear and participate, and who does not desire to broaden the issues of the proceeding, may~~((:~~

~~((a))~~ petition in writing for leave to intervene at least five days prior to ~~((-or at))~~ the time~~((:))~~ it is initially called for hearing or prehearing conference, whichever occurs first; or ~~((b))~~ petition orally for leave to intervene at the time of the initial hearing or prehearing conference, whichever occurs first. No such petition shall be filed or made after the proceeding is underway~~((, except for good cause shown)).~~

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(b) Contents of petition. The petition to intervene must disclose the name and address of the ~~((person intervening))~~ petitioner; the name and address of ~~((his or her))~~ petitioner's attorney, if any; ~~((his or her))~~ petitioner's interest in the proceeding; and ~~((his or her))~~ petitioner's position in regard to the matter in controversy. Petitions for intervention must be filed with the commission and served on the original parties to the proceeding. In utility rate cases, the original parties are the company seeking a rate change, commission staff, and public counsel.

A form petition for intervention is available on request from the secretary of the commission. The commission encourages use of the form ((is encouraged)) to ensure ~~((receipt of))~~ that the petitioner provides adequate information.

(2) Special intervention—broadening the issues.

(a) Who may petition; when petitions must be filed. Any person other than the original parties ((of record)) to any proceeding before the commission, who desires to appear and participate in the proceeding and who desires to broaden the issues in the proceeding, may petition for ~~((leave to intervene))~~ special intervention in the proceeding. The petition must be in writing ~~((and))~~, filed with the commission, and ~~((copies))~~ served upon the parties of record to the proceeding, at least ten days prior to the date of the prehearing conference or ~~((, if there is no conference, at least ten days prior to the date of the))~~ initial hearing session, whichever occurs first. The commission may, for good cause ~~((shown))~~, shorten the ten-day filing period. When there is no prejudice to other parties, the commission may ~~((grant))~~ consider an oral petition ~~((without the ten-day requirement))~~ that is filed less than ten days in advance.

(b) Contents of petition. The petition must disclose the name and address of the ~~((party intervening))~~ petitioner; the name and address of ~~((his or her))~~ the petitioner's attorney, if any; ~~((his or her))~~ the petitioner's interest in the proceeding; and ~~((his or her))~~ the petitioner's position in regard to the matter in controversy. The petitioner must attach to the petition an affidavit or declaration setting forth clearly and concisely the facts supporting the relief sought ((shall be attached to the petition)).

(3) Disposition of petitions to intervene. The commission may consider petitions to intervene ((may be considered)) at hearings ((and)) or prehearing conferences, ((or may be set for prior hearing. An)) or, if persons entitled to respond to the petition have done so, before or after a hearing or prehearing conference. The commission will allow parties the opportunity ((shall be afforded the parties)) to be heard upon the petition. ((Intervention may be granted in the absence of appearance by petitioner. A late filed petition to intervene may be ruled upon without a hearing if all parties have been granted an opportunity to respond.)) If the petition discloses a substantial interest in the subject matter of the hearing, or if the participation of the petitioner is in the public interest, the commission may grant the petition orally, at the hearing or prehearing conference, or in writing. Limitations may be imposed upon interventions in accordance with RCW 34.05.443(2). If the commission grants intervention, the petitioner ((then)) becomes a party to the proceeding ((and becomes known)) as, an "intervenor." ((Whenever it

~~appears,))~~ If the commission determines, during ((the course of)) a proceeding, that an intervenor has no substantial interest in the proceeding, ~~((and))~~ or that the public interest will not be served by the intervention ~~((therein))~~, the commission may dismiss the intervenor from the proceeding ~~((: Provided, however, That a party whose intervention has been allowed shall not be dismissed))~~. The commission may dismiss an intervenor from a proceeding except ((upon)) only after notice and a reasonable opportunity to be heard. ((A)) The commission may review the decision by an administrative law judge regarding a petition to intervene ((is subject to commission review)) or dismissal of an intervenor pursuant to WAC 480-09-760.

~~((4) Limitation of intervention under certain circumstances. Notwithstanding the provisions of subsections (1) and (2) of this section, if the commission determines that the orderly and prompt conduct of any proceeding so requires, the making or filing of petitions for leave to intervene may be limited to the time of a prehearing conference, for general intervention, or ten days prior to such prehearing conference, for special intervention, where the commission has given not less than twenty days' written notice of the prehearing conference to all parties and caused the same to be published in a newspaper or newspapers of general circulation in the area affected by the proceeding.))~~

AMENDATORY SECTION (Amending Order R-336, Docket No. A-900700, filed 2/22/91, effective 3/25/91)

WAC 480-09-440 Continuances—Extensions of time.

(1) General. ((Postponements, continuances and extensions of time, called "continuances" in this section, may be requested by any party, upon notice to all other parties, and may be granted upon a showing of good and sufficient cause. Continuances may be directed by the commission or the presiding officer without the request of any party when doing so is in the public interest or furthers administrative needs of the commission. The date which is sought to be continued is called the "deadline" in this section.)) In this section, continuances include postponements and extensions of time. With notice to all other parties, any party may request a continuance. The commission may grant a continuance if the requesting party demonstrates good cause for the continuance. The commission or the presiding office may direct a continuance without the request of any party when doing so is in the public interest or furthers administrative needs of the commission. In this section, "deadline" means any date that is sought to be continued.

(2) Procedure. Subject to subsection (3) of this section, requests for continuances may be made orally on the record during a hearing. Whenever possible, requests ((shall)) should be made by letter. ((Requests may be decided orally in hearing, or by letter, by)) The presiding officer or the commission may rule upon requests orally at a prehearing conference or hearing session, or by letter or order. Requests may be granted; granted, with modification or upon condition; or denied.

(3) Timing. Oral requests must be made at least five days ((prior to)) before the deadline sought to be continued. Written requests must be filed with the commission, and served

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upon other parties so as to be received, no less than five days prior to the deadline which is sought to be continued. Responses must be filed no less than four days after service of the request, or two days prior to the deadline which is sought to be continued; whichever is earlier. Response ~~((shall))~~ must be made orally when a related hearing is held prior to the stated response deadline. ~~((Requests which are made prior to the deadline, but which are not made within the time specified in this subsection, must specify the nature of the circumstances which prevented making a timely request.))~~ The commission may consider requests for continuance that are made after the deadline stated in this rule if the requester demonstrates good cause that prevented a timely request.

(4) Content. A request for continuance must contain the following information:

(a) The name of the requesting party and its role in the proceeding (e.g., applicant, respondent, intervenor, etc.);

(b) Whether the requestor or any other party has previously requested a continuance in the proceeding and whether any continuance has been granted;

(c) Whether the requestor has discussed the request with other parties and whether, upon discussion, all other parties agree;

(d) The proposed new deadline, and whether the new deadline poses scheduling problems for any party;

(e) The reason for the request and for requesting the proposed new deadline;

(f) What efforts have been made to avoid a continuance and to minimize the length of the delay sought;

(g) If the continuance is to allow time to acquire a transcript, the date the transcript was ordered, when delivery is expected, and the length of the transcript or the length of the hearing;

(h) If the request relates to an application for transportation operating authority, whether the applicant is presently providing all or part of the requested service, and whether an application for temporary authority has been filed and the status of the application; and

(i) Any other factor which may bear upon whether ~~((allowing))~~ the continuance is consistent with the public interest.

(5) Date certain—Dismissal. ~~((Continuances should be granted))~~ The commission will grant continuances to a specified date ((certain)). A party seeking an indefinite continuance must demonstrate why a specific date ((certain)) is not feasible. Each ninety days after the initial request for an indefinite continuance is granted, the party making the request must (a) file a statement with the commission describing the status of the proceeding and why it is still infeasible to establish a specific date ((certain)), or must (b) request a specific date ((certain)). Failure to file the statement required in this subsection is grounds for dismissal without further notice. The commission may at any time rescind ~~((the))~~ an indefinite continuance and set the proceeding for hearing.

(6) Agreed requests. An "agreed request" is a request for a continuance ((as to which)) that all parties agree ((is an "agreed request.")) to. Agreed requests for continuances other than hearings may be made orally ~~((until))~~ before the

deadline, ~~((provided))~~ if a confirming letter is served and sent for filing on the same day. A first agreed request, timely made, will be granted unless it is inconsistent with the public interest or commission administrative needs.

AMENDATORY SECTION (Amending Order R-436, Docket No. A-950243, filed 1/3/96, effective 2/3/96)

WAC 480-09-460 Prehearing and other conferences.

(1) General. ~~((When issues are joined))~~ In any ~~((format))~~ proceeding the commission may, by written notice or by oral notice on the record of the hearing, request or direct all ~~((interested persons))~~ parties and persons requesting party status to attend a prehearing or other conference for the purpose of determining the feasibility of settlement, or of formulating the issues in the proceeding and determining other matters to aid in its disposition. The notice of the conference ~~((shall))~~ must provide reasonable notice of the time and place established for the conference and the matters to be addressed. The notice may provide that failure to attend may result in the dismissal of a party, the finding of a party in default, or the refusal to consider a later petition for intervention except upon a showing of good cause for the failure to attend. ~~((A party's failure to attend the conference.))~~ In the absence of a showing of good cause ~~((for that failure))~~ a party's failure to attend the conference, will constitute the party's waiver of all objections to any order or ruling arising out of the conference or any agreement reached at conference. A commissioner, an administrative law judge ~~((, or an employee of the commission designated by the commission.))~~ shall preside at ~~((such))~~ each conference, to consider:

(a) Simplification of the issues;

(b) The necessity or desirability of amendments to the pleadings;

(c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

(d) Limitations on the number and consolidation of the examination of witnesses;

(e) The procedure at the hearing;

(f) The need for and timing of distribution of written testimony and exhibits to the parties prior to the hearing; and

(g) ~~((Such))~~ Any other matters ~~((as))~~ that may aid in the disposition of the proceeding, ~~((or))~~ whether by commission decision or by settlement ((thereof)).

The disposition of petitions for leave to intervene in the proceeding filed pursuant to WAC 480-09-430 may be ruled upon at a prehearing conference.

(2) A statement describing the action taken at the conference and the agreements made by the parties concerning all of the matters considered ~~((shall))~~ may be made orally on the record or ~~((in writing, and))~~ by a conference order served upon the parties ~~((;))~~ for approval. If no objection to the oral statement is made on the record, or no objection to the written statement is filed within ten days after the date the statement is served, it shall be deemed to be approved, subject to commission review. The result of the prehearing conference will control the subsequent course of the proceeding unless rejected by the commission or modified to prevent manifest injustice.

(3) Recessing hearing for conference. In any proceeding the presiding officer may ~~(, in his or her discretion,)~~ call the parties together for a conference prior to the taking of testimony, or may recess the hearing for ~~((such))~~ a conference, ~~((with a view to carrying))~~ to carry the purpose of this section. The presiding officer shall state on the record the results of ~~((such))~~ a conference.

(4) Discovery conference. In addition to the mechanisms set out in WAC 480-09-480 for obtaining information, the commission may request or direct the parties to an adjudication in which the discovery rule has been invoked to attend a conference along with designated witnesses for the purpose of discussing with each other questions about the party's position or evidence and the availability of supporting information. Subject to making satisfactory arrangements for dealing with documents, attendance by telephone shall be permitted in the absence of a demonstration that telephonic attendance will substantially reduce the effectiveness of the conference. The purposes of a discovery conference are to allow witnesses and advisers to talk directly and informally ~~((and)),~~ to reduce or avoid the need for written data requests and time for their preparation, to allow discussions of potential stipulations regarding individual facts and settlement of individual issues to occur in an informal setting, to discuss the availability of supporting information, and to enhance the parties' ability to acquire or expand their knowledge about the case of one or more designated other parties. The conference will not be reported. Statements made by participants at a discovery conference are not admissible for evidentiary purposes. Parties shall determine a process to confirm among themselves the results of the discussions. The commission may designate ~~((a person, who shall not be associated with any party, with commission advisory staff as to that proceeding, or with commission advocacy staff, to facilitate a discovery conference.))~~ an administrative law judge to preside at a discovery conference. On its own motion or on the request of ~~((any))~~ a party, the commission may designate a person, who is not associated with any party, with commission advisory staff as to that proceeding, or with commission advocacy staff, to facilitate a discovery conference.

(5) Order conference. On the commission's own motion or at the request of ~~((any))~~ a party, the commission may schedule an order conference at which parties may ask clarification of the meaning of a final order entered or to be entered by the commission or discuss disagreements about the commission order. The commissioners may attend the conference personally or may designate one or more staff persons to attend on their behalf. The purposes of the conference are to allow parties to ask clarification of the meaning of an order so that compliance may be enhanced ~~((and)),~~ so any compliance filing may be accurately prepared and presented, and to discover technical changes that may be required to correct the application of principle to data or to correct patent error without the need for parties to request reconsideration and without delaying post-order compliance. ~~((Such a))~~ An order conference will not stay the effect of the order, the time for compliance, the time for securing post-order review, or the time for judicial review, unless the conference results in a supplemental commission order which then becomes a final order subject to review. ((Such a)) An order conference does

not constitute a formal interpretation of the order. The order itself will remain the sole expression of the commission's opinion unless supplemented through an additional order. The presiding officer will determine whether an order conference will ((not)) be reported. The conference is not a forum for discussing or challenging the evidentiary or policy decisions expressed in the order. Those remedies may be pursued through a petition for reconsideration or other means under pertinent rule or statute.

AMENDATORY SECTION (Amending Order R-436, Docket No. A-950243, filed 1/3/96, effective 2/3/96)

WAC 480-09-465 Alternate dispute resolution. The commission supports parties' efforts to resolve disputes without the need for litigation when doing so is lawful and consistent with the public interest. Alternate dispute resolution (ADR) includes any mechanism to resolve disagreement without hearings or litigation.

(1) The commission will not delegate to parties the power to make final decisions, but will retain the authority to approve any proposed settlement or agreement.

(2) Parties to a dispute or disagreement on a matter that is under the commission's jurisdiction may agree to negotiate with any other parties at any time without commission oversight. The commission may direct parties to meet or consult under WAC 480-09-466(1) and may establish a collaborative process under WAC 480-09-467. The commission encourages parties to use and experiment with other forms of ADR subject to the commission's approval.

(3) ~~((decision to engage in negotiation or collaboration is the voluntary decision of each participant))~~ commission may direct parties to a proceeding to enter negotiations aimed at resolving issues in the proceeding.

(4) In any negotiation, the following apply unless all participants agree otherwise:

(a) The parties ~~((are encouraged)),~~ as their first joint act ~~((to))~~ will consider the ((elements of the)) commission's guidelines for negotiations, set out in a policy statement adopted pursuant to RCW 34.05.230, and determine the ground rules governing the negotiation;

(b) No statement, admission, or offer of settlement shall be admissible in evidence in any formal hearing before the commission without the consent of the participants or unless necessary to address the process of the negotiations;

(c) Parties may agree that information be treated as confidential to the extent provided in a commission protective order ~~((patterned after the order entered in the matter of Electric Lightwave, Inc., Docket No. UT-901029));~~ and

(d) Participants should advise each other, any mediator or facilitator, and the commission, if the negotiation is sanctioned by the commission, if the negotiation is without substantial prospects of resolving the issue or issues under negotiation.

AMENDATORY SECTION (Amending Order R-436, Docket No. A-950243, filed 1/3/96, effective 2/3/96)

WAC 480-09-466 Settlement conference; settlements. The commission favors the voluntary settlement of

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disputes within its jurisdiction. It will approve settlements when doing so is lawful and when the result is appropriate and consistent with the public interest in light of all the information available to the commission.

(1) In ~~((furtherance))~~ support of a voluntary settlement of any dispute within the commission's jurisdiction, the commission may ~~((, in its discretion,))~~ invite or direct the parties to confer among themselves or with a designated person. Settlement conferences shall be informal and without prejudice to the rights of the parties. Any resulting settlement or stipulation shall be stated on the record of the conference or submitted to the commission in writing and is subject to approval by the commission.

(2) Settlements. A settlement is an agreement among ((the) two or more parties to a proceeding to resolve one or more issues ((is a settlement)).

(a) ~~((Any proposed settlement may be accepted by))~~ The commission may exercise discretion whether to accept a proposed settlement for its review ~~((in the commission's discretion)).~~ If the commission accepts a settlement for review in an adjudication, the commission will schedule a time at a hearing session for parties to present the settlement and for the commissioners to inquire ~~((into))~~ about it, unless the commission believes such a session to be unnecessary for it to exercise informed judgment upon the proposal.

(b) Partial settlement. An agreement of all parties on some issues may be presented as a partial settlement for commission review, and remaining matters may be litigated.

(c) Multiparty settlement. An agreement of some, but not all, parties on one or more issues may be offered as their position in the proceeding, with the evidentiary proof that they believe appropriate to support it, for commission review. Nonsettling parties may offer evidence and argument in opposition.

(d) Parties shall advise the commission when they have reached a partial or multiparty settlement and may suggest preferred procedural alternatives for review of the settlement. The commission will determine the appropriate procedure.

AMENDATORY SECTION (Amending Order R-436, Docket No. A-950243, filed 1/3/96, effective 2/3/96)

WAC 480-09-467 Collaboratives. (1) A collaborative is a negotiation sanctioned by the commission in which interested persons work with each other and representatives of commission staff to achieve consensus on one or more issues assigned to or identified by the collaborative participants. Membership in the collaborative ~~((shall))~~ must reflect the interests reasonably expected to be substantially affected by the result of the collaborative.

(2) ~~((It))~~ When beginning a collaborative, participants ~~((shall))~~ must address procedural guidelines for negotiations that the commission has set out in a policy statement. Communication between the commission and the collaborative participants may be made through the commission secretary. Changes in the orientation or membership of the collaborative, the issues it will address, or similar matters, may be made with commission knowledge and consent by letter from the secretary or by other means with the agreement of collaborative participants and the commission.

AMENDATORY SECTION (Amending Order R-436, Docket No. A-950243, filed 1/3/96, effective 2/3/96)

WAC 480-09-470 Stipulation as to facts. A stipulation is an agreement among parties as to one or more operative facts in a proceeding. ~~((Stipulations))~~ The commission encourages parties to enter stipulation of fact ((are encouraged)). The parties to any proceeding or investigation before the commission may ~~((, by stipulation in writing filed with the commission or entered orally into the record,))~~ agree upon the facts or any portion ~~((thereof))~~ of the facts involved in the controversy. The parties to a stipulation may file it in writing or enter it orally into the record. This stipulation, if accepted by the commission, shall be binding upon the parties ~~((thereat and may be used by the commission)).~~ The parties may present the stipulation as evidence at the hearing. The commission may reject the stipulation or require proof of the stipulated facts, despite the parties' agreement to the stipulation.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-475 Subpoenas. General. ~~((Subpoenas may be issued by))~~ A commissioner, an administrative law judge, or the attorney of any party to the proceeding may issue a subpoena. Witnesses are required to comply with subpoenas in the manner prescribed in Title 80 or 81 RCW and chapter 34.05 RCW. Witnesses shall be paid ~~((in the same manner))~~ as provided in RCW 34.05.446(7). Each subpoena ~~((shall))~~ must bear the name of the party requesting or issuing the subpoena and the party responsible for paying ~~((the))~~ witness fees.

AMENDATORY SECTION (Amending Order R-400, Docket No. A-930517, filed 12/1/93, effective 1/1/94)

WAC 480-09-500 Brief adjudicative proceedings. (1) ~~((Pursuant to RCW 34.05.482,))~~ The commission may use brief adjudicative proceedings ((where not violative of)) under RCW 34.05.482 when doing so does not violate the law, and ((where)) when protection of the public interest does not require the commission to give notice and an opportunity to participate to persons other than the parties and when the commission believes that the brief adjudication is consistent with the public interest. Those circumstances ~~((may))~~ include, but are not limited to:

(a) Review of denials or partial denials of applications that are not protested;

(b) Contested applications for temporary authority;

(c) Proceedings ~~((which))~~ that could lead to suspension, cancellation, or revision of authority for failure to maintain tariffs, pay fees, or file required documents;

(d) Formal complaints in which notice and an opportunity to participate in the proceeding need not be given to persons other than the parties; and

(e) ~~((In addition, the commission may hear any other adjudicative matter in a brief adjudication upon the request or consent of all parties to the proceeding, when notice and an opportunity to participate need not be given to persons other than the parties and when the commission believes that the~~

~~brief adjudication is consistent with the public interest.)~~ Petitions for mitigation of penalty assessments, including any challenge to the validity of a penalty assessment or the existence of an underlying violation.

In exercising its discretion to conduct a brief adjudication, the commission will consider the benefits for the parties and the commission to be gained from a brief adjudication, the nature of issues involved and whether the commission ~~((desires))~~ may desire to consider further or in depth an issue that is raised, the likelihood that review in a brief adjudication will provide a more sound decision than considering the issues without the brief adjudication, and whether alternative means of resolving the issues are sufficient and appropriate to satisfy the parties' and the commission's interests.

(2) ~~((Application may be made))~~ Any person may apply for a brief adjudicative proceeding by filing a letter of request stating reasons why a brief adjudication should be used and a certificate of service upon all other identified or necessary parties with the secretary of the commission. If ((#) the commission grants the request, ((the commission shall)) it will designate ((a review judge, a hearing examiner, the director of its transportation division,) an administrative law judge or the director ((of its utilities division)) or deputy director of regulator services as a presiding officer ((in specified brief adjudicative proceedings)). The commission may set a matter for brief adjudication on its own motion when doing so will not prejudice the rights of any party. Each applicant for a brief adjudicative proceeding shall submit a written explanation of its view of the matter along with its application. Parties may file written submissions as provided in the commission's notice that it will conduct the brief adjudicative proceeding. ~~((In the discretion of))~~ The commission or the presiding officer ((, oral comments offered by parties)) may ((be considered)) decide whether to consider oral comments from the parties.

(a) ~~((#))~~ A party to a brief adjudicative proceeding who desires an opportunity to make an oral statement((, the)) may request ((should be made)) oral statements in the application or in the response to the application if the commission has not provided for oral statements. ~~((b) A request to make an oral statement may be granted))~~ If the presiding officer believes ((such a)) an oral statement would ((benefit him or her)) be beneficial in reaching a decision, the presiding officer may grant a request to make an oral statement or may ask the parties to make oral statements.

(b) The commission shall serve upon the parties a notice of the time and place for the brief adjudicative proceeding and the name and telephone number of the scheduled presiding officer at least seven days before the proceeding.

(3) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief statement of the reasons for the decision. The action on the application ~~((shall))~~ must be expressed in a brief written statement, which shall be served upon all parties within ten days after the date of the brief adjudication.

(4) The brief written statement is an initial order. If no party seeks review of the initial order, it ~~((shall))~~ will become the final order only ~~((on adoption))~~ if it is adopted by the commission by means of a commission order.

(5) Service of the initial order ~~((shall))~~ must be made pursuant to WAC 480-09-120.

(6) ~~((The commission shall conduct a review of an initial order resulting from a brief adjudicative proceeding upon the written or oral request of a))~~ If a party ((if the commission receives the request)) requests review of the initial order, in writing or orally, within twenty-one days after service of the initial order, the commission will review it. If no request is timely filed, the commission may adopt, modify, or reject the initial order.

(7) The commission encourages written requests for review so parties have the greatest opportunity to state reasons for their views. A written request for review of an initial order ~~((shall))~~ should contain an explanation of the party's view of the matter, with a statement of reasons why the initial order is incorrect, and a certificate of service. Responses to a request for review of an initial order ~~((shall))~~ must be filed with the commission and served upon the other parties within ten days after service of the request for review.

(8) The order on review must be in writing, must include a brief statement of the reasons for the decision, and must be entered within twenty days after the deadline for requesting review or of the request for review, whichever is later. The order ~~((shall))~~ must include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

~~((A request for administrative review is deemed to have been denied if the agency does not make a disposition of the matter within thirty days after the request is filed.~~

~~((#))~~ The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review.

AMENDATORY SECTION (Amending Order R-336, Docket No. A-900700, filed 2/22/91, effective 3/25/91)

WAC 480-09-510 Emergency adjudicative proceedings. (1) ~~((Pursuant to RCW 34.05.479,))~~ The commission ((shall)) may use emergency adjudicative proceedings pursuant to RCW 34.05.479 to suspend or cancel authority, to require that a dangerous condition be terminated or corrected, or to require immediate action in any situation((s)) involving an immediate danger to the public health, safety, or welfare requiring immediate action by the commission. Such situations ((shall)) include, but are not limited to:

(a) Failure to possess insurance;

(b) Inadequate service by a gas, water, or electric company when the inadequacy involves an immediate danger to the public health, safety, or welfare; and

(c) Violations of law, rule, or order related to public safety, when the violation involves an immediate danger to the public health, safety, or welfare.

(2) ~~((matter shall be heard and the order shall be entered by the))~~ commission shall hear the matter and enter an order. If a majority of the commissioners is not available, a commissioner shall hear the matter. If no commissioner is available, a commission ~~((review))~~ administrative law judge shall hear the matter((s)).

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(3) The commission's decision shall be based upon the written submissions of the parties and upon oral comments by the parties if the presiding officer has allowed oral comments. The order ~~((shall))~~ must include a brief statement of findings of fact, conclusions of law, and justification for the determination of an immediate danger to the public health, safety, or welfare. The order ~~((shall be))~~ is effective when entered. ~~((Service of))~~ The commission must serve the order ~~((shall be made))~~ pursuant to WAC 480-09-120.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-600 Conversion of proceedings. (1) Upon application by any person or upon its own motion, the commission shall consider whether ~~((the conversion of))~~ to convert a proceeding pursuant to RCW 34.05.070 ~~((should be made))~~.

(2) ~~((Commencement))~~ The start of the new proceeding ~~((shall be determined to be))~~ is the time ~~((of commencement of))~~ the original proceeding began, provided that all statutory and regulatory requirements for the new proceeding ~~((shall be))~~ are met.

AMENDATORY SECTION (Amending Order R-336, Docket No. A-900700, filed 2/22/91, effective 3/25/91)

WAC 480-09-610 Consolidation of proceedings. ~~((Two or more proceedings in which the facts or principles of law are related))~~ The commission may ~~((be consolidated for hearing or disposition in the))~~ in its discretion ~~((of the commission))~~, consolidate two or more proceedings in which the facts or principles of law are related.

(1) Parties must address a motion for consolidation or for the severance of consolidated matters ~~((shall be addressed))~~ to the commission. The commission may rule on the motion or may refer the motion ~~((to the office of administrative hearings))~~ an administrative law judge for resolution.

(2) The commission may on its own motion consolidate matters for hearing, or sever consolidated matters, when it believes that the action is appropriate.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-620 Joint hearings. ~~((General.))~~ (1) Federal. In any proceeding in which the commission participates jointly with ~~((the Interstate Commerce Commission or other))~~ a federal ~~((regulatory))~~ agency, the rules of practice and procedure of the federal agency shall govern.

(2) State. In any proceeding in which the commission participates jointly with the administrative body of another state or states, the rules of the state in which the hearing is held shall govern the proceeding, unless otherwise agreed upon by the participating agencies ~~((Provided, That any))~~.

(3) Who may appear. Any person entitled to appear in a representative capacity before any of the agencies involved in a joint hearing may appear in the joint hearing.

AMENDATORY SECTION (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

WAC 480-09-700 Hearings—Notice and failure to appear. (1) Notice.

(a) Initial hearing notice. The time and place of ~~((hearings))~~ the first hearing session or prehearing conference in any adjudication will be set by the commission ~~((and))~~ in a notice ~~((thereof))~~ served upon all parties at least twenty days in advance of the ~~((initial))~~ hearing ~~((date, unless the))~~ or conference. The commission ~~((finds))~~ may establish a shorter notice if it believes that good cause exists ~~((for the hearing to be held upon shorter notice))~~. An effort will be made to set all hearings sufficiently in advance so that all parties will have a reasonable time to prepare their cases, and so that need for continuances will be minimized.

(b) Continued hearing sessions. When a hearing is not concluded in one day, the time and place of continued hearing sessions may ~~((also))~~ be set:

(i) Upon the record without further written notice to the parties; ~~((or))~~

(ii) By letter or formal notice of hearing from the secretary of the commission; or

(iii) By letter from the presiding officer.

~~((In such instances,))~~ The commission need not give twenty days' prior notice ~~((is not required))~~ of continued hearing sessions.

(2) The initial notice of hearing shall state that, if a limited English-speaking or hearing-impaired party needs an interpreter, a qualified interpreter will be appointed at no cost to the party or witness. The notice shall include a form for a party to indicate whether he or she needs an interpreter and to identify the primary language or hearing impaired status of the party.

(3) Failure to appear - default - dismissal.

(a) At the time and place set for hearing, if a party fails to appear, the commission may dismiss the party or find the party in default. The presiding officer may recess the hearing for a brief period to enable the party to attend the hearing ~~((; but if at the time set for the resumption of the hearing))~~. If the party is not present or represented when the hearing resumes, the commission may dismiss the party or find the party in default.

(b) ~~((Default shall be implemented))~~ When the commission finds a party in default, it will implement the default by a default order or by a default provision in the order disposing of the issues in the proceeding, pursuant to RCW 34.05.440. Default may be appropriate in instances where the party is the initiator of the proceeding, such as an applicant, a petitioner, or a complainant.

(c) ~~((Dismissal shall be implemented))~~ When the commission dismisses a party from a proceeding it will do so by an order of dismissal or by a dismissal provision in the order disposing of the issues in the proceeding. ~~((Dismissal may be contested by the filing of a))~~ A person who is dismissed may contest a dismissal order by seeking interlocutory review. If interlocutory review is denied, or if the dismissal is a provision of an initial or final order, the person who is dismissed may petition for reopening until the close of the time for filing a petition for administrative review of an initial order or,

if no initial order is entered, until the close of the period for filing a petition for reconsideration. ~~((The person who is dismissed may support the petition for reopening by showing good cause for failure to appear, for failure to seek a continuance, and for failure to earlier seek an excuse for failure to appear.))~~

(4) Sanctions for failure to appear. Except when a hearing is otherwise required by law, an applicant for operating authority or for transfer or acquisition of control of operating authority, a protestant to such an application ~~((, or an applicant for a rate change under WAC 480-12-295 shall))~~ must appear at any scheduled adjudicative hearing ((pursuant to this chapter)) session unless:

(a) The application or protest is withdrawn at least five days prior to the date set; or

(b) Appearance is otherwise excused by the commission or presiding officer in writing.

Failure to comply with this subsection may result in assessment of civil penalties.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-705 Notice to limited-English-speaking parties. When the commission has knowledge that a limited-English-speaking person is a party in an adjudicative proceeding, all notices concerning the hearing, including notices of hearing, continuances, and dismissals, ~~((shall))~~ must either be in the primary language of the party or ~~((shall))~~ must include a notice in the primary language of the party that describes the significance of the notice and how the party may receive assistance in understanding and responding to the notice.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-710 Appearance and practice before commission. (1) ~~((General. In all proceedings in which pleadings are filed and a hearing is held involving the taking of testimony on a record subject to review by the courts, the following persons may appear in a representative capacity:))~~ Minimum qualifications. No person may appear before the commission as a representative of a party to an adjudicative proceeding without meeting one of the following qualifications:

(a) ~~((Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;))~~ Membership in good standing in the Washington State Bar Association;

(b) ~~((Attorneys at law duly qualified and entitled))~~ Admission to practice, in good standing before the highest court of any other state;

(c) ~~((Persons not attorneys at law who have been duly authorized to practice before the Interstate Commerce Commission;~~

(d)) Upon permission of the presiding officer ~~((at such hearing)),~~ an officer or employee of a party or person seeking party status;

~~((e))~~ (d) Legal interns admitted to limited practice under Rule 9 of the Washington state Supreme Court's Admission to Practice Rules. ~~((However,))~~ No legal intern may appear without the presence of a supervising lawyer unless ((the legal intern has attended at least ten commission hearing sessions with the presence of a supervising lawyer)) the presiding officer approves the intern's appearance in advance.

The presiding officer may expel a person who does not have the requisite degree of legal training, experience, or skill to appear in a representative capacity.

(2) Notices of appearance and withdrawal ~~((of attorneys)).~~ Attorneys or other authorized representatives appearing on behalf of a party or withdrawing from a proceeding ~~((shall))~~ must immediately ~~((so))~~ notify the commission and all parties to the proceeding.

(3) Unethical conduct. ~~((Att))~~ Persons appearing in proceedings before the commission in a representative capacity ((shall)) must conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any representative fails to conform to ~~((these))~~ those standards, the commission may expel the person from the proceeding and decline to permit the person to appear before it in a representative capacity in any future proceeding ((before the commission)).

(4) Former employees. Former employees of the commission ~~((, office of administrative hearings, and office of the attorney general))~~ are subject to the provisions of chapter 42.18 RCW.

AMENDATORY SECTION (Amending Order R-400, Docket No. A-930517, filed 12/1/93, effective 1/1/94)

WAC 480-09-720 Appearances—Party status. (1) General. ~~((Parties shall enter their appearances at the beginning of the hearing or prehearing conference by giving))~~ All persons who will be representing a party in a formal proceeding must give their names and addresses in writing to the court reporter ((who will include the same in the record of the hearing or prehearing conference)) immediately before the first hearing session in which they appear. The presiding officer conducting the hearing or prehearing conference ~~((may, in addition,))~~ will require appearances to be stated orally at the initial hearing session, and may also ask for oral appearances at subsequent sessions in the same proceeding, so that all persons attending the hearing will know the identity and interest of all parties present ((will be known to those in attendance. Appearance may be made on behalf of any party by his or her attorney or other authorized representative, as defined in WAC 480-09-710(1)).

(2) The commission will not grant party status ((may not be accorded)) to a person who fails to appear at the earliest prehearing conference, if one is held, or hearing session, if there is no prehearing conference, without a showing of good cause for failing to timely appear.

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AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-730 Conduct at hearings. (1) No smoking. Smoking ~~((shall not be permitted))~~ is prohibited at hearings of the commission.

(2) Testimony under oath. ~~((Before a))~~ The presiding officer shall administer an oath or affirmation to each witness who is heard in an adjudicative proceeding before the witness takes the stand ((in an adjudicative proceeding held under chapter 34.05 RCW, or an)). The oath or affirmation shall be administered as follows: The ~~((person who swears or affirms holds up))~~ prospective witness shall stand and raise his or her hand, while the ~~((person administering the oath or affirmation thus addresses him or her))~~ presiding officer asks the following, or its equivalent: "Do you solemnly swear or affirm that the evidence you shall give in the matter now pending before the commission shall be the truth, the whole truth and nothing but the truth, so help you God?"

(3) When members of the public testify about their sentiments on a proposal that is the subject of an agency adjudication, the commission may provide a form of oath for witnesses on sign-up sheets in lieu of an oral oath.

AMENDATORY SECTION (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

WAC 480-09-735 Order of procedure. (1) General. Evidence will ordinarily be received in the following order:

- (a) ~~((Upon investigation on motion of the commission: (i) Commission's staff; (ii) Respondent; and (iii) Rebuttal by commission's staff.))~~ The party having the burden of proof;
- (b) ~~((In investigation and suspension proceedings: (i) Respondent; (ii) Commission's staff; (iii) Protestants against suspended schedules; and (iv) Rebuttal by respondent.))~~ Commission staff, if it supports the party having the burden of proof;
- (c) ~~((Upon applications and petitions: (i) Applicants or petitioners; (ii) Protestants; (iii) Commission's staff; and (iv) Rebuttal by applicant or petitioner.))~~ Parties supporting the party having the burden of proof;
- (d) ~~((Upon formal complaints: (i) Complainant; (ii) Respondent; (iii) Commission's staff; and (iv) Rebuttal by complainant.))~~ Commission staff, if it opposes the party having the burden of proof;
- (e) ~~((Upon order to show cause: (i) Commission's staff; (ii) Respondent; and (iii) Rebuttal by commission's staff.))~~ Other parties opposing the party having the burden of proof;
- (f) ~~((In docket hearings: At the discretion of presiding officer.))~~ The commission staff, if it does not oppose the party having the burden of proof;

(g) Rebuttal by the party having the burden of proof;

(h) Response by other parties to any new material received on rebuttal;

(i) Response by the party having burden of proof to any new material received from others.

(2) Modification of procedure. The ~~((order of presentation prescribed above for hearings shall be followed, except when the))~~ presiding officer ~~((directs otherwise))~~ may direct a modified order of proceeding. When hearing several proceedings ~~((upon))~~ on a consolidated record, or when parties do not oppose or support all of another party's positions, the presiding officer ~~((shall))~~ will designate ((who shall open and close. Intervenor shall follow the party in whose behalf the intervention is made. If the intervention is not in support of any original party, the presiding officer shall designate at what stage the intervenor shall be heard. When two causes are set for hearing at the same time and place, the cause having the lowest number shall be heard first, if all parties are ready: Provided, That the presiding officer may direct a different order to suit the convenience of the parties)) the order of presentations, considering the parties' preferences.

AMENDATORY SECTION (Amending Order R-400, Docket No. A-930517, filed 12/1/93, effective 1/1/94)

WAC 480-09-736 Hearing guidelines. These guidelines are of a general nature and are provided to assist the presiding officer in regulating the course of the proceeding. The presiding officer may when appropriate suspend or modify the guidelines or use measures not specified in this rule.

(1) Starting times will be strictly observed. The proceeding may go forward in the absence of counsel parties or witnesses who are late.

(2) Motions related to evidence or to the procedural course of the hearing, but not involving dismissal of a party or a part of the proceeding, will be stated and argued at the start of the day, unless they arise from matters emerging during the hearing that are not reasonably foreseeable. The presiding officer ~~((should))~~ must be notified no later than the start of the hearing session of any motion that counsel anticipates may be presented during the hearing, such as one that may require foundation regarding the admissibility of evidence. The presiding officer shall set a time prior to the start of the presentation of evidence for marking, distribution, and argument regarding exhibits to be offered during the day and for arguing other matters.

(3) All counsel are expected to address comments, objections, and statements to the presiding officer rather than to other counsel. Questions will be addressed to the witnesses rather than to counsel.

(4) ~~((There will be no))~~ Counsel who request off-the-record discussions ~~((at the request of counsel unless counsel asks))~~ must ask leave to go off the record and state ~~((s))~~ the purpose for the request.

(5) Extended colloquies regarding procedural issues ~~((may))~~ should be conducted off the record. Each attorney will ~~((be given))~~ have the opportunity to state for the record a summary of his or her view on behalf of his or her client when the record resumes.

(6) Predistribution of evidence. The commission may require that parties distribute their proposed evidence to other parties before the start of the hearing.

(a) Number of copies. When predistribution of evidence is required, each party shall file twenty copies of its evidence with the commission ~~((For predistributed evidence only, parties need not also serve copies on))~~ unless the commission specifies a different number. Because a smaller number may satisfy commission needs in some proceedings, and because electronic copies may substitute for paper copies, parties should inquire at a prehearing conference or directly of the presiding officer about the number of required copies. Because the required number of filed copies includes copies for the commission staff, the accounting adviser, and the administrative law judge, ((or the assistant attorney general)) parties need not provide additional copies for those persons. ((Each party is responsible for having two revised, corrected copies of its exhibits ready for marking and inclusion in the official case file at the hearing itself. One set of copies should also be brought to the hearing for the court reporter. To advise the parties of corrections, an errata sheet may be used to indicate the corrections to copies that have been predistributed.))

(b) Changes or corrections. Each party must advise other parties of substantive corrections to evidence that has been prefiled as soon as the need for change is discovered. Parties should prepare an errata sheet or a revised exhibit for submission at the hearing to reflect changes from prefiled testimony. Counsel should not ask ~~((the))~~ a witness on the stand to correct obvious typographical errors in the prefiled testimony or to make more than three substantive changes—if more than three corrections are required, ~~((but should))~~ the party must submit an errata sheet or revised documents. ((The original and required number of copies of the errata sheet or corrected text shall be submitted at the hearing. Substantive revisions shall be disclosed to other parties as soon as need for the revision is discovered.))

(c) Distribution at hearing. When a party offers new exhibits, revised exhibits, or errata sheets at a hearing, the party must provide sufficient copies for all parties and for the commission's distribution requirements. Corrections and revisions should be made upon or attached to all documents distributed at the hearing before the copies are distributed. Subsection (10) of this section governs other aspects of revising and offering predistributed testimony and exhibits. Each party should bring two complete sets of current exhibits to the hearing, one for the court reporter and one for the official record.

(7) Prefiled testimony may be accompanied by exhibits. Parties should not preassign numbers to their own prefiled testimony and exhibits. Instead the following system should be used, including the witness's initials, and marked serially. For John Q. Witness's prefiled testimony and accompanying exhibits:

Ex (JQW-T) Ex (JQW-2)
Ex (JQW-1) Ex (JQW-3)

Counsel unfamiliar with this method of identification should ~~((contact))~~ ask the presiding officer for further guidance. The ~~((official))~~ presiding officer will assign exhibit numbers for

the case ~~((will be assigned by the administrative law judge))~~ at the hearing session.

(8) Each witness should present a short summary of his or her remarks on the opening page or two of prepared testimony. Counsel will be expected to ask as a foundation question the subjects that will be covered by the witness. This foundation question should request, and the witness' response should include only a statement of the subjects to be covered by the witness, e.g., rate of return, and not a summary of the witness's positions on those subjects.

(9) All prepared testimony, exhibits, and pleadings ~~((shall))~~ must be 8-1/2 by 11 inches in size, reduced to that size, or folded to that size if reduction would be illegible, and punched for insertion into three-ring binders. Line numbers ~~((shall))~~ must be set out on all prepared testimony to facilitate transcript or exhibit references. Large documents may be used at the hearing for illustrative purposes so long as a reduction is provided for inclusion in the record.

(10) ~~((Any))~~ Revisions to exhibits. Parties submitting revisions to predistributed or previously admitted testimony or exhibits ~~((shall be))~~ must prominently ~~((labeled))~~ label them "REVISED" ((and bear)), stating the date of the revision. The revised portions ((shall)) must be highlighted, in legislative style or other manner clearly indicating the change for comparison with the original submissions. This practice should be followed even ((as to)) with minor changes that involve only one page of an exhibit. Counsel should identify partial revisions by page and date, or identify the revision of the exhibit, at the time an exhibit is presented for identification, sponsored, or offered into evidence, as appropriate. Subsection (6) of this section governs other aspects of revising and presenting predistributed exhibits.

(11) ~~((Cross-examination will be limited))~~ The presiding officer will limit cross-examination to two rounds ((except upon a showing)) unless counsel demonstrates that good cause exists for asking additional questions. ((Witnesses)) Counsel should not ((be asked)) ask witnesses to perform calculations or extract detailed data while the witness is on the stand. Counsel should provide such questions ~~((should be provided))~~ to the witness in advance ~~((or asked))~~, should ask the witness to provide the answer to the record later in the hearing session, or should provide an answer and ask the witness to accept it "subject to check." When a witness ~~((answers))~~ accepts information "subject to check," the witness must perform the "check" as soon as possible. A response given "subject to check" will be ~~((deemed))~~ considered accurate unless ~~((disputed by))~~ the witness disputes it in writing, stating reasons. Counsel for the party sponsoring the witness must provide the witness' statement and serve a copy on each party prior to the closing of the record or within ten days ((of) after distribution of the transcript ((or prior to the closing of the record.)) whichever occurs first.

(12) At the beginning of a hearing session for the purpose of taking testimony from members of the public, public counsel may inform the public of the major contested issues.

(13) Parties must address all case-related correspondence ~~((should be addressed))~~ to the secretary of the commission, under commission rules. The parties are cautioned that correspondence that is addressed directly to an individual may not be logged in, may not be inserted in the case file, and

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may not constitute a part of the official record for appeal or for other purposes.

(14) Parties must file petitions or motions seeking the dismissal of any party or any portion of a proceeding, or any other pleading that in the moving party's judgment ((require)) requires the submission of a written motion, petition, brief or statement of authorities, ((shall be filed with the commission)) and ((served)) serve them on other parties no later than one week prior to the first scheduled hearing session after grounds for the petition or motion become apparent ((, unless)); the commission ((finds that)) may approve later filing ((is reasonable under the circumstances)) upon a showing of good cause. ((Answers shall be filed with the commission)) A party answering such a pleading shall file the answer and ((served)) serve it on other parties at least three days prior to the hearing. The commission may allow oral argument ((may be allowed on the record)) in the commission's discretion. ((This guideline does not require personal service. Petitions or motions, if mailed, should be served)) Parties must serve pleadings so as to effect actual receipt within the required time. ((3))

(15) When a party requests that the commission ((is requested to)) take some action prior to the next hearing session, the petitioner or movant shall ((effect service upon)) serve all other parties. Responses are due ((in the office of the secretary of the commission)) no later than the close of the fifth business day following service, except as provided in WAC 480-09-425(3).

(16) The presiding officer shall confer with the parties at the conclusion of the hearing about post-hearing process. The presiding officer ((with)) shall determine whether oral argument, briefs, or both will be required, taking into consideration the parties' preferences. If briefs are required, the presiding officer shall determine a format to be used by all parties. ((Briefs shall not exceed sixty pages, including appendices and attachments but excluding the cover and index pages, without permission from the presiding officer. Longer or shorter limits may be established by the presiding officer when good cause is shown. Number and complexity of the issues shall be considered in varying the allowed length of briefs.)) Briefs ((shall)) must comply with WAC 480-09-770.

(17) Each party will bear its own costs for transcripts or tape recordings, including charges for expedited service when ((requested)) a party requests it.

(18) For planning purposes, counsel should be prepared to provide time estimates for cross-examination of witnesses.

(19) ((Documents provided by or on behalf of members of the public at a public hearing will ordinarily be placed with the hearing file or may be offered)) When a witness presenting testimony as a member of the public presents a document in conjunction with his testimony, the document, the commission may receive the document as an illustrative exhibit. ((Letters)) The commission may receive as illustrative of the opinions of correspondents any letters that have been received by the secretary of the commission and by public counsel from members of the public ((may be offered into evidence as illustrative of the opinions of the correspondents)) regarding a proceeding. Documents ((which)) presented by a public witness that are exceptional in their detail

or their probative nature may be ((offered)) received into evidence separately, provided that a sponsoring witness is available for cross-examination. Only exhibits and testimony ((offered and)) received in evidence are part of the record and subject to consideration by the commission in its decision.

(20) The presiding officer need not specifically ask each representative whether that party objects to an offer of evidence or other motion or proposed action. Instead, the presiding officer may ask generally whether there are objections, and persons having objections shall state them. Failure to respond or object means that the party does not object, and shall constitute a waiver of the right to object.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-740 Evidence. The presiding officer may receive evidence as provided by RCW 34.05.452. WAC 480-09-745 and 480-09-750 provide guidelines for receipt and handling of evidence in commission proceedings ((before the commission)).

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-745 Exhibits and documentary evidence. (1) Designation of part of document as evidence. ((When a relevant and material matter offered in evidence by any party is contained in a book, paper, or document which also contains other matter not material or relevant, the party offering the evidence)) A party who offers evidence that consists of a portion of a document, must ((also)) designate the portion ((which)) that is offered. If irrelevant matter would unnecessarily encumber the record, ((such book, paper, or)) the document will not be received in evidence, but ((may be marked for identification, and, if properly authenticated,)) the relevant or material matter may be read into the record, or ((, if)) the presiding officer ((so directs,)) may receive a ((true)) copy ((may be received)) of the excerpt as an exhibit. If only a portion is offered or received, other parties shall be afforded an opportunity to examine the ((book, paper or)) document, and to offer other portions in evidence ((in like manner)).

(2) Official records. An official ((rule, report, order, record or other)) document, prepared and issued by any governmental authority ((, when admissible for any purpose,)) may be evidenced by a certified copy. When ((such)) official records, otherwise admissible, are contained in official publications or publications by nationally recognized reporting services which are in general circulation and readily accessible to all parties, they may be introduced by reference ((:)), provided, ((however, That proper and definite reference to)) that the party offering the document clearly identifies the record ((in question is made by the party offering the same)). The party offering the evidence may be required to provide a copy to the record and to all parties.

(3) Commission's files.

(a) ((Papers and)) The presiding officer may receive documents on file with the commission ((, if otherwise admissible, and whether or not the commission has authority to take official notice of them under WAC 480-09-750(2), may be

introduced)) by reference to number, date, or by any other method of identification satisfactory to the presiding officer. If only a portion of ((such)) a ((paper or)) document is offered in evidence, the part offered ((shall)) must be clearly designated. The presiding officer may require the party offering the evidence ((may be required)) to provide a copy to the record and to ((all parties)) each party.

(b) Intra-office commission memoranda and reports, to the extent permitted by RCW 42.17.310, are not public records subject to inspection((, nor shall such documents be introduced)) and the commission may not receive them into evidence without a waiver of the protections of the law.

(4) Records in other proceedings. ((In case any portion of the record in any other proceeding is admissible for any purpose and is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(a) The party offering the same agrees to supply such copies later at his or her own expense, if and when required by the commission; and

(b) The portion is specified with particularity in such manner as to be readily identified; and

(c) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference; and

(d) The presiding officer directs such incorporation. A portion of the record of any other commission proceeding, in the discretion of the presiding officer, may be received as an exhibit in the form of a copy; by citation to the transcript or exhibit number; or by incorporation into the transcript of the current proceeding.

(5) Objections. Any evidence offered((, whether in the form of exhibit, introduced by reference or offered in the form of testimony;)) shall be subject to appropriate and timely objection.

(6) Copies of exhibits ((to opposing counsel)). ((When)) A party offering documentary exhibits ((are offered in evidence, copies)) must ((be furnished)) furnish copies to opposing counsel, the presiding officers and the reporter, unless the presiding officer otherwise directs. ((Whenever practicable;)) The presiding officer may require the distribution of exhibits, including exhibits that may be introduced on cross-examination, before the hearing. The parties should exchange copies of exhibits before((, or at the commencement of;)) the hearing starts.

AMENDATORY SECTION (Amending Order R-436, Docket No. A-950243, filed 1/3/96, effective 2/3/96)

WAC 480-09-750 Rules of evidence; official notice; resolutions. (1) General. Subject to the other provisions of this section, all relevant evidence is admissible ((which)) that, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard to its necessity, availability, and trustworthiness. In ruling upon the admissibility of evidence, the presiding officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing general civil proceedings, in matters not

involving trial by jury, in the courts of the state of Washington.

((The presiding officer may, in his or her discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued.)) Irrelevant, duplicative, and inadmissible evidence burdens the commission and all parties. To minimize that burden, the presiding officer shall to the extent possible exclude evidence that is irrelevant, repetitive, or inadmissible, whether or not ((an objection is posed)) a party objects to the evidence. Parties objecting to the introduction of evidence ((shall)) must state the grounds ((of such)) for the objection at the time ((such)) the evidence is offered. The presiding officer may permit the party offering rejected evidence ((may be permitted)) to describe briefly for the record its nature and purpose as an offer of proof.

(2) Official notice.

(a) The commission may take official notice ((may be taken)) of:

(i) Any judicially cognizable fact. Examples of ((judicially cognizable)) such facts include, but are not limited to:

(A) Rules, regulations, administrative rulings and orders, exclusive of findings of fact, of the commission and other governmental agencies;

(B) Contents of certificates, permits, and licenses issued by the commission; and

(C) Tariffs, classifications, and schedules regularly established by or filed with the commission as required or authorized by law.

(ii) Technical or scientific facts within the commission's specialized knowledge; and

(iii) Codes or standards that have been adopted by an agency of the United States, or this state or of another state, or by a nationally recognized organization or association.

(b) In addition, the commission may, in its discretion((; upon the request of all parties to a proceeding;)) upon notice to all parties, inspect physical conditions that are at issue and take official notice of the results of its ((own)) inspection ((of the physical conditions at issue)).

(c) Parties shall be notified ((either)) before or during the hearing, or by reference in preliminary reports or otherwise, of ((the)) material ((so)) officially noticed and ((the)) its sources ((thereof, including any staff memoranda and data)), and ((they shall be afforded)) the presiding officer must afford parties an opportunity to contest ((the)) facts and material so noticed. ((A)) The presiding officer may require the party proposing ((that)) official notice ((be taken may be required)) to provide copies of officially noted matter to the record and to all other parties.

(3) Resolutions. ((Properly)) The presiding officer may receive in evidence authenticated resolutions of the governing bodies of ((cities, towns, counties, and other)) municipal corporations and of chambers of commerce, boards of trade, commercial, mercantile, agricultural, or manufacturing societies and other civic organizations ((may be received in evidence)). ((Recitals)) Any recital of facts contained in ((resolutions shall)) a resolution may not be ((deemed)) considered as proof of those facts.

PROPOSED

AMENDATORY SECTION (Amending Order R-436, Docket No. A-950243, filed 1/3/96, effective 2/3/96)

WAC 480-09-751 Witness panels. ~~((Upon the request of a party or on its own motion,))~~ The commission may direct or allow two or more witnesses to take the stand simultaneously when doing so allows a benefit such as the integrated response to a line of questions, minimizing referral of questions from one witness to another, or comparing witnesses' positions. ~~((Individual))~~ The presiding officer shall also allow cross-examination ((shall also be allowed)) of each witness upon matters within the witnesses' direct evidence ((that are not related to the topic or topics addressed by witnesses in a panel)).

AMENDATORY SECTION (Amending Order R-399, Docket No. A-930792, filed 12/1/93, effective 1/1/94)

WAC 480-09-760 Interlocutory orders. The commission has discretion to accept or decline review of interim or interlocutory orders in an adjudication.

(1) ~~((Except where otherwise provided,))~~ The commission may review such orders when it finds that:

(a) A party's participation is terminated by the ruling and the party's inability to participate thereafter could cause it substantial and irreparable harm; ~~((or))~~

(b) A review is necessary to prevent substantial prejudice to a party that would not be remediable by post-hearing reviewing; or

(c) A review could save the commission and the parties substantial effort or expense, or some other factor is present that outweighs the costs in time and delay of exercising review.

(2) Any aggrieved party may petition for review of an interlocutory order. Petitions for interlocutory review must be filed with the commission and served on other parties within ten days after entry of the order or issuance of the ruling for which review is requested, stating clearly why the ~~((order))~~ ruling is in error and citing reasons in support of the petition. Answers must be filed within ten days after the petition is filed. The commission may alter these filing deadlines when doing so is consistent with the public interest.

AMENDATORY SECTION (Amending Order R-400, Docket No. A-930517, filed 12/1/93, effective 1/1/94)

WAC 480-09-770 Briefs. The commission may require the parties to an adjudication to present their arguments and authority orally at the close of the hearing, by written brief, or both. The argument should set out the leading facts and conclusions ~~((which))~~ that the evidence tends to prove, point out the particular evidence relied upon to support the conclusions urged, and cite legal authority. Briefs may be printed, or type-written (size 8-1/2 inches by 11 inches on three-hole punched paper). All copies ~~((shall))~~ must be clearly legible. Briefs ~~((may))~~ must not exceed sixty pages ~~((without prior authorization from the commission))~~ without permission from the presiding officer for good cause shown. The presiding officer will consider the number and complexity of the issues in varying the allowed length of briefs. Briefs must be pre-

ented in 12 point Times New Roman or Arial typeface or equivalent, with margins at least one inch from each edge of the page. Footnotes must be presented in the same font, no smaller than 10 point type. Unless the commission specifies a different number ((is specified by the commission,)) of copies, parties offering briefs must file an original and ((three legible copies of each brief in transportation matters and)) nineteen copies ((in all other matters including transportation rate cases shall be filed)) with the secretary of the commission and must serve one copy ((shall be served)) on each party ((before)) not later than the ((due)) date set for filing. ((Proof)) Parties must furnish proof of service ((shall be furnished)) to the commission as provided in WAC 480-09-120(2).

AMENDATORY SECTION (Amending Order R-400, Docket No. A-930517, filed 12/1/93, effective 1/1/94)

WAC 480-09-780 Entry of initial and final orders—

Administrative review. (1) General. Whenever the presiding officer enters an order ~~((in accordance with the provisions of))~~ under RCW 34.05.461, he or she must serve a copy of the order upon each party of record and upon the party's attorney, or other authorized representative ((shall be served with a copy of the order)) pursuant to ~~((the provisions of))~~ WAC 480-09-120(2).

(2) Petitions for administrative review - time for filing - who may file - required copies.

(a) Any party to an adjudicative proceeding may ~~((within twenty days after entry of the initial order))~~ file a petition for administrative review within twenty days after entry of the initial order.

(b) Unless the commission authorizes a different number ~~((is directed by the commission))~~ a petitioner for administrative review must file, an original and ~~((three copies of petitions for administrative review of an initial order in transportation matters other than transportation rate cases and))~~ nineteen copies ~~((in all other matters including transportation rate cases must be filed))~~ of the petition with the secretary of the commission and must serve one copy ((served)) upon each other party to the adjudication. The petitioner must provide proof of service ((must be made)) in accordance with WAC 480-09-120(2).

(3) ~~((Petitions for administrative review))~~ Contents - length((—contents)). Petitions must clearly identify ~~((the))~~ each nature of the challenge to the initial order, the evidence, law, rule or other authority that the petitioner relied upon to support the challenge, and the ((nature of the)) remedy ((urged by the petition)) that the petitioner seeks. Petitions for review of initial orders ~~((shall))~~ must be specific ~~((and separate contentions must be separately stated and numbered. Petitions for review of findings of)).~~ The petitioner must separately state and number every contention. A petition that challenges a finding of fact must ((be supported by a reference)) provide citations to the pertinent page or part of the record or ((by a statement of)) must otherwise state the evidence relied upon to support the petition, and should ~~((be accompanied by))~~ include a recommended finding of fact. ~~((Petitions for review of))~~ A petition that challenges conclusions of law ((should be supported by reference to)) must cite

the appropriate statute, rule, or case involved and should ~~((be accompanied by))~~ include a recommended conclusion of law. ~~((When))~~ A petition that challenges the summary or discussion portion of an initial order ~~((the petition shall))~~ must include a statement showing the legal or factual justification for the challenge, together with a statement of how the ~~((alleged))~~ asserted defect ~~((in the summary))~~ affects the findings of fact, the conclusions of law, ~~((or))~~ and the ultimate decision. Petitions for administrative review shall not exceed sixty pages, without prior permission from the commission.

(4) Answers.

(a) ~~((Answers to))~~ Any party to the adjudication may answer a petition for administrative review ~~((may be filed by any party))~~.

(b) Unless the commission authorizes filing a different number ~~((is required))~~ an answering party must file with the secretary of the commission, the original plus ~~((the number of))~~ nineteen copies ~~((required in subsection (2)(b) of this section, must be filed with the secretary of the commission;))~~ and must serve a copy ~~((served upon))~~ on each other party to the proceeding within ten days after the service of the petition. The commission may designate a different time for filing answers to petitions.

(c) A party who did not file a petition for administrative review of an initial order may challenge the order or portions thereof in its answer to the petition of another party.

(5) Oral argument. The commission may, in its discretion, hear oral argument upon a petition for review at a time and place to be designated by it upon notice to all parties to the proceeding. A party who desires to present oral argument may move for argument, stating why the oral argument will assist the commission in making its decision and why written presentations will be insufficient.

(6) Final order. After reviewing the initial order and any petitions for review, answers, replies, briefs, and oral arguments, and the record or such portions thereof as may be cited by the parties, the commission may by final order adopt, modify, or reject an initial order. The statutory time for judicial review proceedings shall not commence until the date of the commission's final order or, if a petition for reconsideration has been filed, the date the petition is ~~((deemed))~~ considered denied or is otherwise disposed of.

AMENDATORY SECTION (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

WAC 480-09-800 Stay. ~~((A))~~ Any party to an adjudication may ~~((file with the commission a))~~ petition for stay of effectiveness of a final order within ten days after its service unless otherwise provided by statute or stated in the final order. The commission may stay the effect of a final order on its own motion.

AMENDATORY SECTION (Amending Order R-400, Docket No. A-930517, filed 12/1/93, effective 1/1/94)

WAC 480-09-810 Reconsideration. (1) General. Any party to an adjudicative proceeding may ~~((file a))~~ petition for

reconsideration of ~~((a))~~ the final order ~~((of the commission))~~ within ten days after ~~((the date))~~ the order is served.

(2) Number of copies - filing - service. Unless the commission has authorized filing a different number ~~((has been ordered by the commission;))~~ of copies, the person filing a petition for reconsideration must file an original and ~~((three copies of the petition in transportation matters other than transportation rate cases, and))~~ nineteen copies ~~((in all other matters including transportation rate cases, shall be filed))~~ with the commission and must serve a copy of the petition ~~((shall be served by petitioner))~~ upon each party of record.

(3) Contents. The petition ~~((shall state with particularity))~~ must clearly identify each portion ~~((or portions))~~ of the challenged order ~~((contended to be))~~ that the petitioner contends is erroneous or incomplete, ~~((and shall))~~ must cite those portions of the record and ~~((the laws or rules))~~ each law or rule of the commission ~~((relied))~~ that the petitioner relies upon to support the petition, ~~((together with))~~ and must present brief argument in support of the petition.

(4) Answers. No party ~~((shall))~~ may file an answer unless requested by the commission ~~((Provided, That))~~. If the commission ~~((determines))~~ after examining the petition believes that reconsideration involving a possible change in a significant term of the order may be appropriate, ~~((involving more than the correction of obvious error and involving a possible change in a significant term of the order;))~~ it shall request answers from the other affected parties. The commission may grant without seeking answers a petition for reconsideration that asks the correction of obvious or ministerial errors.

(5) ~~((Except upon specific direction of the commission; no))~~ Oral argument. Oral argument ~~((shall))~~ will not be ~~((permitted))~~ heard on petitions for reconsideration except on request of the commission.

(6) Disposition. The petition is deemed denied if, within twenty days from the date the petition is filed, the commission does not either:

(a) ~~((Dispose of))~~ Enter an order resolving the petition;
or

(b) Serve the parties with a written notice specifying the date by which it will act on the petition.

(7) Action. If the commission grants the petition ~~((is granted))~~, the commission may modify its prior order or take such other action as it ~~((may deem appropriate))~~ believes to be proper. ~~((No petition for reconsideration of an order on reconsideration will be accepted by the commission. No petition for reconsideration may stay the effectiveness of an order;))~~

(8) Stay. Filing a petition for reconsideration does not stay the effectiveness of an order.

(9) Reconsideration of reconsideration. No party may petition for reconsideration of an order on reconsideration.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-815 Amendment ~~((or))~~, rescission or correction of order. ~~((Pursuant to RCW 80.04.210 and 81.04.210;))~~ (1) Amendment or rescission. The commission may on its own motion amend or rescind any order ~~((or rule))~~

which it has ~~((made))~~, entered ~~((-issued or promulgated, upon))~~ under RCW 80.04.210 or 81.04.210, after notice to the public service company or companies affected, and after allowing an opportunity for hearing as in the case of complaints.

(2) Correction. The commission on its own motion or on the request of any party may correct obvious or ministerial errors by letter from the secretary or by subsequent order. The time for any available posthearing review shall begin with the service of the correction, as to the matter corrected.

AMENDATORY SECTION (Amending Order R-351, Docket No. A-910835, filed 10/30/91, effective 11/30/91)

WAC 480-09-820 Rehearing or reopening. (1) Rehearing. ~~((A petition for rehearing may be filed with the commission by))~~ Any person affected by ~~((any))~~ a final order of the commission ~~((-pursuant to))~~ may file a petition for rehearing under RCW 80.04.200 ((and)) or 81.04.200. ((The commission will grant the petition:

~~((a) If there are changed circumstances injurious to the petitioner since the entry of the final order which were not considered by the commission; or~~

~~((b) To correct defects in the order; or~~

~~((c) For any good and sufficient cause which, for any reason, was not considered and determined in the original order.~~

~~The commission may, in its discretion, permit the filing of a petition for rehearing at any time after the conclusion of the proceeding.))~~

(2) Reopening. Any party to an adjudication may file a petition for reopening ((may be filed)) with the commission ((by any party to a proceeding)) at any time after the close of the record and before entry of the final order.

(a) In uncontested proceedings, ~~((a petition may be granted))~~ the commission may grant reopening to correct failure to allow receipt of written evidence when otherwise permissible.

(b) In contested proceedings, the commission may grant a petition ((may be granted)) to permit receipt of evidence which is essential to a decision and which was unavailable and not reasonably discoverable with due diligence at the time of the hearing ((with due diligence,)) or for any other good and sufficient cause.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-09-830 Compliance with orders.

WSR 98-19-148
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed September 23, 1998, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-108.

Title of Rule: WAC 296-15-001 Definitions, 296-15-300 Self insured workers' rights and obligations, 296-15-305 Filing a self insured claim, 296-15-320 After a self insured claim is filed, 296-15-350 Closure of self insured claims, 296-15-380 After a self insured claim is closed, 296-15-390 When a self insured claim is on appeal, and 296-15-395 Third party action on a self insured claim.

Purpose: 1997 legislation required rule revision to eliminate conflicts, and the rules are rewritten per the Governor's Executive Order 97-02.

Statutory Authority for Adoption: RCW 51.32.190(6), 51.32.055 (8)(a), (9)(a).

Statute Being Implemented: Title 51 RCW.

Summary: The rules clarify department procedures to implement the statutes which apply to self insured employers.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joyce Walker, Program Manager, Olympia, (360) 902-6907.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules clarify department procedures to implement the workers' compensation statutes which apply to self insured employers. The proposed rules are more easily understandable, and employers, workers, workers' representatives and providers will need less explanation from the department, and the number of phone calls for explanations will be cut, allowing all parties more time to address more urgent issues than procedures.

Proposal Changes the Following Existing Rules: The original rules are being repealed, new rules have been redrafted according to the governor's executive order, and rules to address chapter 416, Laws of 1997 are added.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has considered whether these rules are subject to the Regulatory Fairness Act and has determined they are not because these rules do not impact any small businesses. In order to qualify to self insure, a firm must demonstrate the financial ability to make certain the prompt payment of all foreseeable compensation and assessments required under the law. As such, only large firms are certified. All self insured employers have more than fifty employees (each).

RCW 34.05.328 applies to this rule adoption. In addition to adding new rules to address chapter 416, Laws of 1997, these rules replace WAC 296-15-02606, 296-15-070, 296-15-072, 296-15-100, 296-15-160, 296-15-180, 296-15-190, 296-15-21002, 296-15-230, 296-15-240, 296-15-250, and 296-15-265 which are being repealed. These rules are the primary instruction to self insured employers on the department procedures they need to follow in order to meet statutory requirements for processing industrial insurance claims.

Hearing Location: Department of Labor and Industries Auditorium, 7273 Linderson Way, Olympia, on October 30, 1998, at 9 a.m.

Assistance for Persons with Disabilities: Contact Nancy Mead by October 15, 1998, at (360) 902-6906.

Submit Written Comments to: Fax (360) 902-6900, by October 30, 1998.

Date of Intended Adoption: December 2, 1998.

September 18, 1998

Gary Moore

Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-15-02606	Self-insured employee rights.
WAC 296-15-070	Accident reports and claims procedures.
WAC 296-15-072	Employer claim closures.
WAC 296-15-100	Permanent partial disability awards.
WAC 296-15-160	Order on self-insured claims.
WAC 296-15-180	Examinations for rating disability.
WAC 296-15-190	Notification of rights and obligations.
WAC 296-15-21002	Form—SIF#4—Self-insured employer's notice of denial of claim.
WAC 296-15-230	Third party actions.
WAC 296-15-240	Procedure in cases appealed to the superior court.
WAC 296-15-250	Representation in self-insured appeals.
WAC 296-15-265	Penalties.

NEW SECTION

WAC 296-15-001 Definitions. "Substantially similar" means:

- (1) The text of the department's document has not been altered or deleted; and
- (2) The self insurer's document has the text:
 - (a) In the same font size;
 - (b) With the same emphasis (bolding, italics, underlining, etc.); and
 - (c) In the same location on the page as the department's document.

NEW SECTION

WAC 296-15-300 Self insured workers' rights and obligations. How must a self insurer notify its workers of their rights and obligations under the industrial insurance laws?

Self insurers must notify workers of their industrial insurance rights and obligations at the following times:

(1) Within thirty days of hire, provide a form substantially similar to the one page "Workers' Compensation Filing Information" L&I form F207-155-000.

(2) When a worker files a claim, provide the following information in writing:

(a) The current edition of the department's pamphlet "Employees of Self Insured Businesses Guide to Industrial Insurance Benefits" L&I pamphlet P207-085-000 or this same information in substantially similar format; and

(b) The name, address, and phone number of the person or organization handling the worker's claim.

NEW SECTION

WAC 296-15-305 Filing a self insured claim. (1) What form is used to report a self insured worker's industrial injury or occupational illness?

The reporting form for a self insured worker's industrial injury or occupational illness is the Self Insurer Accident Report (SIF-2) L&I form F207-002-000. Self insurers must obtain these forms from the department and must report their workers' industrial injuries and illnesses to the department with SIF-2s. The department tracks the claim numbers assigned to self insurers.

When notified of injury or illness, the self insurer must provide the worker with this prenumbered form and assistance in filing a claim. The self insurer must provide the worker the designated copy of the completed SIF-2 (which includes an explanation of the worker's rights and responsibilities) within five working days of completion.

(2) What form does a doctor use to report a self insured worker's industrial accident or occupational illness?

Physicians should report a self insured claim with a Physician's Initial Report (PIR) L&I form F207-028-000 when a self insured worker has an industrial injury or is notified of an occupational illness. Replacements are acceptable.

NEW SECTION

WAC 296-15-320 After a self insured claim is filed. (1) What must a self insurer do when beginning time loss (TL) benefits on a claim?

When beginning time loss payments, a self insurer must:

PROPOSED

	Send to the worker	Send to the department	The department will
At the same time as the first TL payment.	A complete and accurate SIF-5 ¹ and SIF-5A ² .		
Within 5 working days of first TL payment.		Copies of the SIF-2, SIF-5, and SIF-5A.	Allow the claim UNLESS a request for interlocutory order (see subsection (2)) or denial (see subsection (3)) has been received.

- ¹ The SIF-5 is the Self Insurer's Report on Occupational Injury or Disease. Use a form substantially similar to L&I form F207-005-000.
- ² The SIF-5A is the Time Loss Calculation Rate. Use a form substantially similar to L&I form F207-156-000.

(2) How must a self insurer request an interlocutory order?

When requesting an interlocutory order from the department, a self insurer must:

	Send to the worker	Send to the department	The department will	And the self insurer pays
Within 60 ² days of claim filing.	A complete and accurate SIF-5 and SIF-5A if TL was paid.	Copies of the SIF-2, SIF-5 (with the interlocutory order box checked), SIF-5A, AND all medical and other pertinent information AND a reasonable explanation why an investigation is needed.	If it agrees, issue an interlocutory order.	Provisional TL if the worker is eligible AND other benefits as entitled. Ongoing medical treatment and vocational services are NOT PAYABLE unless the claim is allowed.
			If it disagrees, issue an allowance order if the facts show the claim should be allowed.	TL if the worker is eligible, and other entitled benefits.

- ¹ An interlocutory order places a claim in provisional status while the self insurer investigates the validity of the claim.
- ² When not specified, time is in calendar days.

(3) How must a self insurer request claim denial from the department?

When requesting claim denial from the department, a self insurer must:

	Send to the worker	Send to the department	The department will	And the self insurer pays
Within 60 days of claim filing.	SIF-4.* Copy to the attending or treating physician	SIF-4 AND all medical and other pertinent information supporting denial.	If it agrees, issue a denial order. The denial order will restate the self insurer's right to request reimbursement of provisional TL from the worker.	For all medical evaluations and diagnostic studies used to make the determination.
			If it finds insufficient information to make a decision, issue an interlocutory order AND direct the employer to obtain the necessary information.	Provisional TL if the worker is eligible and other benefits as entitled. Ongoing medical treatment and vocational services are NOT PAYABLE unless the claim is allowed.
			If it disagrees, issue an allowance order if the facts show the claim should be allowed.	TL if the worker is eligible AND other entitled benefits.

* The SIF-4 is the Self Insured Employer's Notice of Denial of Claim. Use a form substantially similar to L&I form F207-163-000.

(4) What if a self insurer does not request allowance, denial, or an interlocutory order for a claim within sixty days?

If a self insurer does not request allowance, denial, or an interlocutory order within sixty days, the department will intervene and adjudicate the claim. The department may obtain additional medical information to make the determination. The claim remains in provisional status until the department makes the determination.

The exception to this requirement is the allowance of medical only claims. Self insurers are not required to request allowance for medical only claims.

(5) Must a self insurer submit an SIF-5 each time the department requests one?

A self insurer must submit a complete and accurate SIF-5 within ten working days of receipt of a written request from the department.

(6) What must a self insurer do when the department requests information on a claim by certified mail?

PROPOSED

A self insurer must submit all information in its possession concerning the claim within ten working days of receipt of the department's request by certified mail.

(7) How long does a self insurer have to provide a copy of the claim file to the worker or worker's representative?

A self insurer must provide a copy of the claim file within fifteen days of receiving a written request from the worker or worker's representative. Unless the worker or representative requests a particular portion of the file, the self insurer must provide a copy of the entire file.

(8) When may a self insurer charge a worker or his/her representative for a copy of the claim file?

A self insurer must provide the first copy of a claim file free of charge. Upon receipt of a subsequent written request, the self insurer must provide material added after the previous request free of charge. The self insurer may charge the worker or any representative a reasonable fee for any material previously supplied.

(9) What must a self insurer do when it terminates time loss because it has found the worker ineligible for vocational services?

Within five working days of time loss termination, a self insurer must notify the department it has found the worker ineligible for vocational services. Use an Employability Assessment Report (EAR) substantially similar to L&I form F207-121-000.

NEW SECTION

WAC 296-15-350 Closure of self insured claims. (1) Who closes self insured claims?

The department has the authority to close all self insured claims. Self insurers have the authority to close certain claims.

Within two years of claim closure, the department may require a self insurer to pay additional benefits on a claim the self insurer closed if the self insurer:

- (a) Made an error in benefits paid; or
- (b) Violated the conditions of claim closure.

(2) What claims may a self insurer close?

A self insurer may close	If the	With time loss?	Other requirements?	With PPD?	If a previous determinative order was issued?
Medical only (MO) claims	Claim was filed on or after 07/26/81	Without	None.	Without ¹	May not be closed by the employer.
Time loss (TL) claims	Injury/illness occurred on or after 07/01/86	With	1. Not if the department issued an order resolving a dispute; AND 2. Only if the worker returned to work with the employer of record at the same job or at a job with comparable wages and benefits. ²	Without ¹	May be closed by the employer if the order did not resolve a dispute
Permanent partial disability (PPD) claims	Injury/illness occurred on or after 08/01/97	With or without	1. Not if the department issued an order resolving a dispute; AND 2. Only if the worker returned to work with the employer of record at the same job or at a job with comparable wages and benefits; ² AND 3. Only if the closing medical report was sent to the attending or treating doctor and 14 ³ days allowed for response.	With	May be closed by the employer if the order did not resolve a dispute.

¹ A self insurer may not close a claim with PPD if the injury or illness occurred before 08/01/97.

² Comparable means the wages and benefits are at least ninety-five percent of the wages and benefits received by the worker at the time of injury.

³ When not specified, time is in calendar days.

(3) When a self insurer is closing a PPD claim, what must it do with the closing medical report?

When a self insurer is closing a PPD claim, it must send the closing medical report to the attending or treating doctor, and the doctor must be allowed fourteen days to respond. When the attending or treating doctor responds:

Within 14 days	And the doctor AGREES with	And the doctor DISAGREES with	Then the self insurer	
Within	Fixed and stable and PPD rating		MAY	Close the claim.
Does not respond			MAY	Close the claim

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Within or before the order is issued		Fixed and stable	MUST	<ol style="list-style-type: none"> 1. Obtain a supplemental medical opinion from the department's approved examiner's list; OR 2. Forward the claim to department for closure. The department may require additional medical examinations.
Within or before the order issued	Fixed and stable	PPD rating	MUST	<ol style="list-style-type: none"> 1. Obtain a supplemental medical opinion from the department's approved examiner's list; OR 2. Forward the claim to department for closure. The department may require additional medical examinations.
Not within, after the order is issued, but before the order is final		Fixed and stable and/or PPD rating	MUST	Forward the claim including the doctor's response to the department as a protest within five working days of receipt.

(4) What must a self insurer do with a closing medical report, regardless of who is closing the claim?

A self insurer must send the closing medical report to the attending or treating physician. If the physician responds that he/she does not concur with the results, the self insurer must:

(a) Obtain a supplemental medical opinion from the department's approved examiner's list in order to do the closing action itself; OR

(b) Forward the claim to department for closure. The department may require additional medical examinations.

(5) When a self insurer is closing a claim, what written notice must it provide to the worker and attending or treating doctor?

At claim closure, a self insurer must send the closing order to the worker and attending or treating doctor.

(a) For a MO claim, use a Self Insurer's Claim Closure Order and notice substantially similar to F207-020-111.

(b) For a TL claim, use a Self Insured Employers' Time Loss Claim Closure Order and Notice substantially similar to F207-070-000 and a complete and accurate SIF-5 substantially similar to L&I form F207-005-000.

(c) For a PPD claim:

(i) When no TL or loss of earning power (LOEP) was paid, use a form substantially similar to L&I form F207-165-000 (MO with PPD) and a complete and accurate SIF-5.

(ii) When TL or LOEP was paid, use a form substantially similar to L&I form F207-164-000 (TL with PPD) closure and a complete and accurate SIF-5.

(6) When a self insurer is closing a claim, what information must it submit to the department?

A self insurer must submit to the department:

(a) MO claim closures by the end of the month following closure. These may be transferred electronically or reported by paper.

(i) Closures transferred electronically must be in the department's format.

(ii) Closures submitted in paper must include the SIF-2 L&I form F207-002-000 showing the date of closure and any vocational services provided.

(b) TL and PPD claim closures at the time of closure.

Include copies of each of the following:

(i) SIF-2 if not previously submitted.

(ii) Closure order.

Note: If no one protests the self insurer's closure order, it will become final and binding in sixty days, just like a department order.

(iii) A PPD Payment Schedule substantially similar to L&I form F207-162-000, if necessary.

(A) A payment schedule is required when the amount of the award is more than three times the state's average monthly wage at the date of injury. At initial/down payment, send copies to the worker and the department.

(B) The first payment of the PPD award must be paid within five working days of claim closure. Continuing payments must be paid according to the established payment schedule.

(iv) A complete and accurate SIF-5 (with the Rehabilitation Outcome Report (ROR) portion completed if vocational services were provided) showing all requirements for closure have been met, any TL or LOEP paid, period of payment, and total amount paid.

(7) When the department is closing a claim, what must the self insurer submit when requesting claim closure?

When a self insurer is asking the department to close the claim, it must submit:

(a) A complete and accurate SIF-5 (with the ROR portion completed if vocational services were provided); and

(b) All medical and other pertinent information (not previously submitted to the department).

(8) When the department has closed a PPD claim, when must the self insurer create a payment schedule?

When the department has closed a PPD claim, the self insurer must create a PPD Payment Schedule substantially similar to L&I form F207-162-000 when the amount of the award is more than three times the state's average monthly wage at the date of injury. At initial/down payment, send copies to the worker and the department.

(9) When the department has closed a PPD claim, when must the self insurer make the first payment of the award?

When the department has closed a PPD claim, the self insurer must make the first payment of the award without delay. Continuing payments must be paid according to the established payment schedule.

NEW SECTION

WAC 296-15-380 After a self insured claim is closed. (1) When must a self insurer submit a worker's written protest or appeal to the department?

A self insurer must submit a written protest or appeal by a worker to the department within five working days of receipt. The date the protest or appeal is received by the self

PROPOSED

insurer is considered the date the protest or appeal is received by the department.

(2) When must a self insurer forward an application to reopen a claim to the department?

A self insurer must forward an application to reopen a claim to the department within five working days of receipt.

NEW SECTION

WAC 296-15-390 When a self insured claim is on appeal. (1) How may department orders be defended in self insured appeals?

The department may ask the office of the attorney general to represent department orders appealed to the board of industrial insurance appeals.

When	What
Upon notification	Written indication of the worker's election.
After recovery of damages	1. Signed settlement agreement or court order; and 2. Total amount of attorney fees and costs; and 3. Total amount of benefits paid, including TL, PPD, and medical, excluding payments for IMEs.

**WSR 98-19-149
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed September 23, 1998, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-14-141.

Title of Rule: WAC 296-31-069 Independent assessments.

Purpose: To inform crime victims of the reasons that independent assessments can be ordered and to ensure that needed information is included in independent assessment report.

Statutory Authority for Adoption: RCW 7.68.030, 7.68.070.

Statute Being Implemented: Chapter 7.68 RCW, Crime Victims Act.

Summary: The rule was selected for priority intensive review in carrying out the Governor's Executive Order 97-02 on regulatory improvement. The conclusion of the review was that the rule should be rewritten so that it can be more easily understood.

Reasons Supporting Proposal: The conditions under which independent assessments can be requested and the information required on reports will be clearer to victims and service providers.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Cletus Nnanabu, CVC Program Manager, 7273 Linderson Way S.W., Tumwater, (360) 902-5340.

Name of Proponent: Washington State Department of Labor and Industries, governmental.

(2) What must a self insurer send to the department when any party appeals a claim to superior or appellate court?

When any party appeals a claim to superior or appellate court, the self insurer must promptly send to the department copies of the notice of appeal, judgment, and all other relevant information.

NEW SECTION

WAC 296-15-395 Third party action on a self insured claim. What must a self insurer send to the department when there is a third party action?

When there is a third party action, in addition to fulfilling the statutory requirements, the self insurer must send the department copies of:

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule defines conditions under which independent assessments can be requested and contains the information required in independent assessment reports. The rule was selected for priority intensive review as a result of a crime victims program stakeholder survey conducted in connection with the Governor's Executive Order 97-02 on regulatory improvement.

The conclusion following the intensive review was that the rule requires few substantive changes, but that it can be rewritten to be clearer to victims and to service providers. The purpose and anticipated effect is that the rule will be easier to understand to those parties.

Proposal Changes the Following Existing Rules: (1) An obsolete reason for requesting independent assessments is eliminated.

(2) An obsolete reporting requirement is eliminated.

(3) A thirty day time period for submitting independent assessment reports is added.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendments clarify the language of the rule without changing its effect. There are no additional compliance requirements creating costs to businesses.

RCW 34.05.328 does not apply to this rule adoption. The rule does not adopt a significant provision of law, does not pertain to a license or permit and does not adopt or significantly amend a policy or regulatory program.

Hearing Location: Labor and Industries Building, Room S216, 7273 Linderson Way S.W., Tumwater, WA, on October 27, 1998, at 1:30 p.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Nancy Reubens, by October 14, 1998, TDD (360) 902-5797, or 1-800-762-3716.

Submit Written Comments to: Brian Huseby, P.O. Box 44520, Olympia, WA 98506, fax (260) [360] 902-5333, e-mail HUSE235@LNI.WA.GOV, by November 2, 1998.

Date of Intended Adoption: December 1, 1998.

September 21, 1998

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 95-15-004, filed 7/5/95, effective 8/5/95)

WAC 296-31-069 ((Independent assessments.)) For what reasons may independent mental health or independent medical assessments be obtained? ~~((1) Independent assessments may be ordered by the department or requested of the department by the attending provider. Such assessments are usually ordered or requested after consultations for one of the following purposes:~~

~~(a) To establish a diagnosis. Prior diagnoses may be controversial or ill defined.~~

~~(b) To outline the treatment rationale, where treatment or progress is vague or controversial.~~

~~(c) To establish therapeutic data to determine if the condition requiring treatment is related to conditions sustained and allowed by the department as a result of a specific criminal act.~~

~~(d) To determine the extent and duration of aggravation of any preexisting mental health condition.~~

~~(e) To establish when the claimant has reached maximum benefit from treatment.~~

~~(f) To establish a percentage rating of any permanent impairment, for mental health conditions when maximum recovery is reached.~~

~~(g) To determine indications for reopening of a claim for further treatment on basis of the aggravation of the accepted condition.~~

~~(h) To determine eligibility qualifications of claimants applying under RCW 7.68.060(3), the repressed memory provision of the Crime Victims Act.~~

~~(2) Independent assessments for mental health conditions may be ordered by claims adjudicators without supervisory approval to rate permanent impairment when treatment has been completed, to determine the department's responsibility for treatment that has been rendered retroactively where significant causal relationship questions exist and to determine eligibility qualifications of claimants applying under RCW 7.68.060(3), the repressed memory provision of the Crime Victims Act. All other reasons for ordering independent assessments for mental health conditions require supervisory approval.~~

~~(3) The following shall be reported by the assessing practitioner:~~

~~(a) Independent assessments must be specific and factual.~~

~~(b) The claimant's medical and mental health history must be checked for accuracy, variation or exaggeration com-~~

~~pared to documented history provided to the examiner for this assessment.~~

~~(c) Diagnosis: Must be specific and describe the mental health condition and symptomatology found using DSM III-R, or DSM IV, and be substantiated by history.~~

~~(d) Conclusions: Must be specific and must definitely express an opinion concerning the purpose for which the assessment was requested, and should be consistent with the history and diagnosis reported.~~

~~(e) Permanent disability: Ratings must be supported by sufficient data to establish the category disability rating; also the report must demonstrate and articulate a definite causal relationship to the accepted condition(s) on a more probable than not basis.)~~ **What is required in independent assessment reports?**

(1) Independent medical and mental health assessments may be obtained when requested by the provider, or on the department's initiative, for the following reasons:

(a) To rate permanent impairment when treatment has been concluded; or

(b) To evaluate an application to reopen a claim; or

(c) To determine if there are conditions related to the effects of the crime or preexisting conditions aggravated by the crime for which the claim was filed and if treatment remains necessary for those conditions; or

(d) To determine if crime-related treatment is still necessary and if present treatment is effective; or

(e) To determine if treatment is still leading to recovery;

or
(f) To obtain other information that may be necessary for the department to make decisions on the victim's claim.

(2) Practitioners participating in an independent mental health assessment ordered by the department must provide us with a report within thirty days following the last assessment date. The report must:

(a) Be identified as an independent assessment report;

(b) Be specific and factual;

(c) Specify the mental health condition(s) and symptoms found and their relationship to the crime for which the claim was filed. Use the codes contained in the currently accepted DSM;

(d) Provide specific conclusions drawn from the assessment and state opinions that respond to the questions included in the examination request;

(e) If applicable, include the category of permanent impairment that the assessor finds most nearly describes his or her findings.

(3) Independent medical assessment reports are governed by WAC 296-23-260.

WSR 98-19-150

PROPOSED RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed September 23, 1998, 11:51 a.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 98-14-140.

Title of Rule: Chapter 296-17 WAC, Manual of rules, classifications, rates, and rating system for workers' compensation insurance.

Purpose: Amend risk classification premium base rates, and experience rating and retrospective rating tables to reflect updated loss experience and provide a 2.3 percent overall rate reduction effective January 1, 1999. This proposal specifically amends WAC 296-17-855, 296-17-875, 296-17-880, 296-17-885, 296-17-890, 296-17-895, 296-17-89502, 296-17-919, and 296-17-920.

Statutory Authority for Adoption: RCW 51.16.035 Base rates, 51.32.073 Supplemental pension, and 51.04.020(1) General authority.

Statute Being Implemented: RCW 51.16.035 and 51.32.073.

Summary: Proposal establishes premium rates for workers' compensation insurance classifications for calendar year 1999 and modifications to the related experience rating and retrospective rating plans, WAC 296-17-855 Experience modification, 296-17-875 Table I primary losses for selected claim values, 296-17-880 Table II "B" and "W" values, 296-17-885 Table III expected loss rates and D ratios, 296-17-890 Table IV Maximum experience modifications, 296-17-895 Base rate table by class of industry, 296-17-89502 Industrial insurance rates for nonhourly rated classifications, 296-17-919 Retrospective rating plans Table I, and 296-17-920 Assessment for supplemental pension fund.

Reasons Supporting Proposal: Insurance base rates and experience rating tables are being modified to reflect changes in loss data associated with the classification and rating plan from the previous 1998 rating period. Washington law provides that rates should be adjusted annually to reflect the hazards of each industry and in accordance with the rating plan. Similarly the rating plan is revised to recognize changes within industry groups. A 2.3 percent reduction in overall premium rates is also proposed reflecting low medical inflation, reduction of long-term disability claims and better than expected performance of state fund investments.

Name of Agency Personnel Responsible for Drafting: Ken Woehl/Bill Vasek, Tumwater, Washington, 902-4775/902-5015; **Implementation:** Kathy Kimbel/Sandra Chakones, Tumwater, Washington, 902-4739/902-4748; and **Enforcement:** Doug Mathers, Tumwater, Washington, 902-4750.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this proposal is to establish 1999 premium rates and experience rating parameters for calendar year 1999. Washington law (RCW 51.16.035 and 51.32.073) requires the Department of Labor and Industries to adjust rates to ensure solvency of the accident, medical aid and supplemental pension funds. RCW 51.16.035 also provides that premium rates charged to industry vary by degree of hazard. The Department of Labor and Industries is proposing to

adjust each industry risk classification to reflect more current loss experience, and has changed the method used to include a provision for retrospective adjustments in the accident fund rates per classification. In addition, the Department of Labor and Industries is proposing an overall reduction to workers' compensation insurance premium rates of 2.3 percent beginning January 1, 1999.

Proposal Changes the Following Existing Rules: Overall premium levels will be reduced 2.3 percent. Rates for each industry classification will reflect updated loss experience as well as the overall rate reduction. Industries such as aluminum smelting and mechanized logging that had improved loss experience will see greater reductions. Other industries such as dancers and coin-operated laundries will see their premium rates increase as a result of worsening loss experience.

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

Small Business Economic Impact Statement

Although the department was not required to prepare a small business economic impact statement for this proposed rule change because RCW 19.85.025(2) exempts rules covered by RCW 34.05.310 [(4)](f), the department has voluntarily done so.

A copy of the statement may be obtained by writing to Department of Labor and Industries, P.O. Box 4100, Olympia, WA 98504-4100.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vi) provides an exemption for rules that set rates or fees pursuant to legislative standards. RCW 51.16.035 requires the Department of Labor and Industries to set premium rates according to legislative standards. Although the department was not required to prepare analysis under RCW 34.05.328, it has voluntarily completed this analysis.

Hearing Location: On November 2, 1998, at 10:00 a.m., at the Spokane Labor and Industries Office Building, Conference Room #4, 901 North Monroe, Suite 100, Spokane, WA.

On November 6, 1998, at 10:00 a.m., at the Tumwater Labor and Industries Office Building, First Floor Auditorium, 7273 Linderson Way S.W., Tumwater, WA.

Assistance for Persons with Disabilities: Contact Classification Services, (360) 902-4776, by November 6, 1998, TDD (360) 902-4776.

Submit Written Comments to: Department of Labor and Industries, Douglas Connell, Assistant Director for Insurance Services, P.O. Box 4100, Olympia, WA, or fax (360) 902-4729, by November 6, 1998.

Date of Intended Adoption: November 30, 1998.

September 23, 1998

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 97-24-062, filed 12/1/97, effective 1/1/98)

WAC 296-17-855 Experience modification. The basis of the experience modification shall be a comparison of the

actual losses charged to an employer during the experience period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$\text{MODIFICATION} = \frac{A_p + W A_e + (1-W) E_e + B}{E + B}$$

The components A_p , $W A_e$, and $(1-W) E_e$ are values which shall be charged against an employer's experience record. The component, E , shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

" A_p " signifies "primary actual losses." For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value. For each claim in excess of $\$((10,195))$ 10,072 the primary actual loss shall be determined from the formula:

$$\text{PRIMARY LOSS} = \frac{((25,487)) \underline{25,180}}{\text{Total loss} + ((15,292)) \underline{15,108}} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than $\$((10,195))$ 10,072 the full value of the claim shall be considered a primary loss.

" A_e " signifies "excess actual losses." For each claim the excess actual loss is defined as that portion of the claim which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

" W " signifies "W value." For each employer, the W value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol " $W A_e$ " in the experience modification formula. W values are set forth in Table II.

" E " signifies "expected losses." An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

" E_e " signifies "expected excess losses." Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses." Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual

losses. This charge is represented by " $(1-W) E_e$ " in the experience modification formula. D-Ratios are set forth in Table III.

" B " signifies "B value" or "ballast." In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table II.

AMENDATORY SECTION (Amending WSR 97-24-062, filed 12/1/97, effective 1/1/98)

WAC 296-17-875 Table I.

~~((Primary Losses for Selected Claim Values~~

CLAIM VALUE	PRIMARY LOSS
10,195	10,195
11,611	11,000
13,606	12,000
15,920	13,000
18,637	14,000
25,790	16,000
36,765	18,000
55,739	20,000
96,479	22,000
161,286*	23,280
254,870**	24,044)

Primary Losses for Selected Claim Values

CLAIM VALUE	PRIMARY LOSS
<u>10,072</u>	<u>10,072</u>
<u>11,720</u>	<u>11,000</u>
<u>13,755</u>	<u>12,000</u>
<u>16,125</u>	<u>13,000</u>
<u>18,919</u>	<u>14,000</u>
<u>26,332</u>	<u>16,000</u>
<u>37,875</u>	<u>18,000</u>
<u>58,332</u>	<u>20,000</u>
<u>104,521</u>	<u>22,000</u>
<u>168,469*</u>	<u>23,108</u>
<u>251,800**</u>	<u>23,755</u>

* Average death value
 ** Maximum claim value

PROPOSED

AMENDATORY SECTION (Amending WSR 97-24-062, filed 12/1/97, effective 1/1/98)

WAC 296-17-880 Table II.

~~(("B" and "W" Values~~

Maximum Claim Value=\$254,870

Average Death Value=\$161,286

Expected Losses	B	W					
			291,329	-	302,253	29,815	0.38
			302,254	-	313,424	29,334	0.39
			313,425	-	324,849	28,853	0.40
			324,850	-	336,538	28,372	0.41
			336,539	-	348,501	27,891	0.42
			348,502	-	360,747	27,410	0.43
			360,748	-	373,287	26,929	0.44
			373,288	-	386,133	26,448	0.45
			386,134	-	399,295	25,968	0.46
			399,296	-	412,787	25,487	0.47
			412,788	-	426,621	25,006	0.48
5,521 & Under		48,088	0.00				
5,522 -	11,126	47,607	0.01	426,622	440,812	24,525	0.49
11,127 -	16,814	47,126	0.02	440,813	455,373	24,044	0.50
16,815 -	22,589	46,645	0.03	455,374	470,319	23,563	0.51
22,590 -	28,451	46,164	0.04	470,320	485,668	23,082	0.52
28,452 -	34,405	45,684	0.05	485,669	501,435	22,601	0.53
34,406 -	40,451	45,203	0.06	501,436	517,639	22,120	0.54
40,452 -	46,592	44,722	0.07	517,640	534,299	21,640	0.55
46,593 -	52,830	44,241	0.08	534,300	551,434	21,159	0.56
52,831 -	59,169	43,760	0.09	551,435	569,067	20,678	0.57
59,170 -	65,610	43,279	0.10	569,068	587,220	20,197	0.58
65,611 -	72,157	42,798	0.11	587,221	605,916	19,716	0.59
72,158 -	78,813	42,317	0.12	605,917	625,182	19,235	0.60
78,814 -	85,579	41,837	0.13	625,183	645,043	18,754	0.61
85,580 -	92,460	41,356	0.14	645,044	665,531	18,273	0.62
92,461 -	99,459	40,875	0.15	665,532	686,674	17,793	0.63
99,460 -	106,578	40,394	0.16	686,675	708,505	17,312	0.64
106,579 -	113,821	39,913	0.17	708,506	731,061	16,831	0.65
113,822 -	121,191	39,432	0.18	731,062	754,377	16,350	0.66
121,192 -	128,693	38,951	0.19	754,378	778,495	15,869	0.67
128,694 -	136,330	38,470	0.20	778,496	803,458	15,388	0.68
136,331 -	144,106	37,990	0.21	803,459	829,310	14,907	0.69
144,107 -	152,025	37,509	0.22	829,311	856,102	14,426	0.70
152,026 -	160,091	37,028	0.23	856,103	883,887	13,946	0.71
160,092 -	168,309	36,547	0.24	883,888	912,722	13,465	0.72
168,310 -	176,683	36,066	0.25	912,723	942,669	12,984	0.73
176,684 -	185,219	35,585	0.26	942,670	973,795	12,503	0.74
185,220 -	193,920	35,104	0.27	973,796	1,006,171	12,022	0.75
193,921 -	202,793	34,623	0.28	1,006,172	1,039,876	11,541	0.76
202,794 -	211,842	34,142	0.29	1,039,877	1,074,996	11,060	0.77
211,843 -	221,074	33,662	0.30	1,074,997	1,111,621	10,579	0.78
221,075 -	230,494	33,181	0.31	1,111,622	1,149,853	10,098	0.79
230,495 -	240,108	32,700	0.32	1,149,854	1,189,800	9,618	0.80
240,109 -	249,923	32,219	0.33	1,189,801	1,231,583	9,137	0.81
249,924 -	259,945	31,738	0.34	1,231,584	1,275,333	8,656	0.82
259,946 -	270,182	31,257	0.35	1,275,334	1,321,194	8,175	0.83
270,183 -	280,640	30,776	0.36	1,321,195	1,369,324	7,694	0.84
280,641 -	291,328	30,295	0.37	1,369,325	1,419,897	7,213	0.85

PROPOSED

1,419,898	-	1,473,107	6,732	0.86	174,556	=	182,988	35,157	0.26
1,473,108	-	1,529,167	6,251	0.87	182,989	=	191,585	34,682	0.27
1,529,168	-	1,588,314	5,771	0.88	191,586	=	200,350	34,207	0.28
1,588,315	-	1,650,814	5,290	0.89	200,351	=	209,291	33,732	0.29
1,650,815	-	1,716,963	4,809	0.90	209,292	=	218,411	33,257	0.30
1,716,964	-	1,787,091	4,328	0.91	218,412	=	227,717	32,782	0.31
1,787,092	-	1,861,572	3,847	0.92	227,718	=	237,216	32,307	0.32
1,861,573	-	1,940,827	3,366	0.93	237,217	=	246,912	31,832	0.33
1,940,828	-	2,025,334	2,885	0.94	246,913	=	256,814	31,357	0.34
2,025,335	-	2,115,635	2,404	0.95	256,815	=	266,927	30,882	0.35
2,115,636	-	2,212,353	1,924	0.96	266,928	=	277,260	30,406	0.36
2,212,354	-	2,316,199	1,443	0.97	277,261	=	287,819	29,931	0.37
2,316,200	-	2,427,996	962	0.98	287,820	=	298,613	29,456	0.38
2,427,997	-	2,548,699	481	0.99	298,614	=	309,649	28,981	0.39
-2,548,700 & Over			0	1.00))	309,650	=	320,937	28,506	0.40
					320,938	=	332,485	28,031	0.41
					332,486	=	344,304	27,556	0.42
					344,305	=	356,402	27,081	0.43
					356,403	=	368,791	26,606	0.44
					368,792	=	381,482	26,131	0.45
					381,483	=	394,486	25,655	0.46
					394,487	=	407,815	25,180	0.47
					407,816	=	421,483	24,705	0.48
					421,484	=	435,502	24,230	0.49
					435,503	=	449,888	23,755	0.50
					449,889	=	464,654	23,280	0.51
					464,655	=	479,818	22,805	0.52
					479,819	=	495,395	22,330	0.53
					495,396	=	511,404	21,855	0.54
					511,405	=	527,863	21,380	0.55
					527,864	=	544,793	20,904	0.56
					544,794	=	562,213	20,429	0.57
					562,214	=	580,147	19,954	0.58
					580,148	=	598,618	19,479	0.59
					598,619	=	617,652	19,004	0.60
					617,653	=	637,274	18,529	0.61
					637,275	=	657,514	18,054	0.62
					657,515	=	678,403	17,579	0.63
					678,404	=	699,972	17,104	0.64
					699,973	=	722,255	16,629	0.65
					722,256	=	745,291	16,153	0.66
					745,292	=	769,119	15,678	0.67
					769,120	=	793,780	15,203	0.68
					793,781	=	819,321	14,728	0.69
					819,322	=	845,790	14,253	0.70
					845,791	=	873,241	13,778	0.71
					873,242	=	901,728	13,303	0.72
					901,729	=	931,315	12,828	0.73

"B" and "W" Values

Maximum Claim Value=\$251,800

Average Death Value=\$168,469

Expected Losses

B

W

<u>5,455 & Under</u>		<u>47,510</u>	<u>0.00</u>	<u>407,816</u>	=	<u>421,483</u>	<u>24,705</u>	<u>0.48</u>	
<u>5,456</u>	=	<u>10,992</u>	<u>47,035</u>	<u>0.01</u>	<u>421,484</u>	=	<u>435,502</u>	<u>24,230</u>	<u>0.49</u>
<u>10,993</u>	=	<u>16,612</u>	<u>46,560</u>	<u>0.02</u>	<u>435,503</u>	=	<u>449,888</u>	<u>23,755</u>	<u>0.50</u>
<u>16,613</u>	=	<u>22,317</u>	<u>46,085</u>	<u>0.03</u>	<u>449,889</u>	=	<u>464,654</u>	<u>23,280</u>	<u>0.51</u>
<u>22,318</u>	=	<u>28,109</u>	<u>45,610</u>	<u>0.04</u>	<u>464,655</u>	=	<u>479,818</u>	<u>22,805</u>	<u>0.52</u>
<u>28,110</u>	=	<u>33,990</u>	<u>45,135</u>	<u>0.05</u>	<u>479,819</u>	=	<u>495,395</u>	<u>22,330</u>	<u>0.53</u>
<u>33,991</u>	=	<u>39,963</u>	<u>44,659</u>	<u>0.06</u>	<u>495,396</u>	=	<u>511,404</u>	<u>21,855</u>	<u>0.54</u>
<u>39,964</u>	=	<u>46,030</u>	<u>44,184</u>	<u>0.07</u>	<u>511,405</u>	=	<u>527,863</u>	<u>21,380</u>	<u>0.55</u>
<u>46,031</u>	=	<u>52,194</u>	<u>43,709</u>	<u>0.08</u>	<u>527,864</u>	=	<u>544,793</u>	<u>20,904</u>	<u>0.56</u>
<u>52,195</u>	=	<u>58,456</u>	<u>43,234</u>	<u>0.09</u>	<u>544,794</u>	=	<u>562,213</u>	<u>20,429</u>	<u>0.57</u>
<u>58,457</u>	=	<u>64,820</u>	<u>42,759</u>	<u>0.10</u>	<u>562,214</u>	=	<u>580,147</u>	<u>19,954</u>	<u>0.58</u>
<u>64,821</u>	=	<u>71,288</u>	<u>42,284</u>	<u>0.11</u>	<u>580,148</u>	=	<u>598,618</u>	<u>19,479</u>	<u>0.59</u>
<u>71,289</u>	=	<u>77,864</u>	<u>41,809</u>	<u>0.12</u>	<u>598,619</u>	=	<u>617,652</u>	<u>19,004</u>	<u>0.60</u>
<u>77,865</u>	=	<u>84,549</u>	<u>41,334</u>	<u>0.13</u>	<u>617,653</u>	=	<u>637,274</u>	<u>18,529</u>	<u>0.61</u>
<u>84,550</u>	=	<u>91,347</u>	<u>40,859</u>	<u>0.14</u>	<u>637,275</u>	=	<u>657,514</u>	<u>18,054</u>	<u>0.62</u>
<u>91,348</u>	=	<u>98,261</u>	<u>40,384</u>	<u>0.15</u>	<u>657,515</u>	=	<u>678,403</u>	<u>17,579</u>	<u>0.63</u>
<u>98,262</u>	=	<u>105,294</u>	<u>39,908</u>	<u>0.16</u>	<u>678,404</u>	=	<u>699,972</u>	<u>17,104</u>	<u>0.64</u>
<u>105,295</u>	=	<u>112,450</u>	<u>39,433</u>	<u>0.17</u>	<u>699,973</u>	=	<u>722,255</u>	<u>16,629</u>	<u>0.65</u>
<u>112,451</u>	=	<u>119,732</u>	<u>38,958</u>	<u>0.18</u>	<u>722,256</u>	=	<u>745,291</u>	<u>16,153</u>	<u>0.66</u>
<u>119,733</u>	=	<u>127,143</u>	<u>38,483</u>	<u>0.19</u>	<u>745,292</u>	=	<u>769,119</u>	<u>15,678</u>	<u>0.67</u>
<u>127,144</u>	=	<u>134,688</u>	<u>38,008</u>	<u>0.20</u>	<u>769,120</u>	=	<u>793,780</u>	<u>15,203</u>	<u>0.68</u>
<u>134,689</u>	=	<u>142,371</u>	<u>37,533</u>	<u>0.21</u>	<u>793,781</u>	=	<u>819,321</u>	<u>14,728</u>	<u>0.69</u>
<u>142,372</u>	=	<u>150,194</u>	<u>37,058</u>	<u>0.22</u>	<u>819,322</u>	=	<u>845,790</u>	<u>14,253</u>	<u>0.70</u>
<u>150,195</u>	=	<u>158,163</u>	<u>36,583</u>	<u>0.23</u>	<u>845,791</u>	=	<u>873,241</u>	<u>13,778</u>	<u>0.71</u>
<u>158,164</u>	=	<u>166,282</u>	<u>36,108</u>	<u>0.24</u>	<u>873,242</u>	=	<u>901,728</u>	<u>13,303</u>	<u>0.72</u>
<u>166,283</u>	=	<u>174,555</u>	<u>35,633</u>	<u>0.25</u>	<u>901,729</u>	=	<u>931,315</u>	<u>12,828</u>	<u>0.73</u>

PROPOSED

					((Class	1994	1995	1996	D-Ratio
<u>931,316</u>	=	<u>962,065</u>	<u>12,353</u>	<u>0.74</u>					
<u>962,066</u>	=	<u>994,052</u>	<u>11,878</u>	<u>0.75</u>					
<u>994,053</u>	=	<u>1,027,351</u>	<u>11,402</u>	<u>0.76</u>	0202	2.5760	2.2771	1.9911	0.363
<u>1,027,352</u>	=	<u>1,062,047</u>	<u>10,927</u>	<u>0.77</u>	0210	0.8654	0.7638	0.6678	0.409
<u>1,062,048</u>	=	<u>1,098,231</u>	<u>10,452</u>	<u>0.78</u>	0212	0.8654	0.7638	0.6678	0.409
<u>1,098,232</u>	=	<u>1,136,003</u>	<u>9,977</u>	<u>0.79</u>	0214	1.0974	0.9666	0.8443	0.449
<u>1,136,004</u>	=	<u>1,175,469</u>	<u>9,502</u>	<u>0.80</u>	0217	1.1733	1.0355	0.9056	0.417
<u>1,175,470</u>	=	<u>1,216,749</u>	<u>9,027</u>	<u>0.81</u>	0219	1.0422	0.9203	0.8053	0.412
<u>1,216,750</u>	=	<u>1,259,972</u>	<u>8,552</u>	<u>0.82</u>	0301	0.6237	0.5505	0.4839	0.513
<u>1,259,973</u>	=	<u>1,305,280</u>	<u>8,077</u>	<u>0.83</u>	0302	1.7171	1.5135	1.3198	0.391
<u>1,305,281</u>	=	<u>1,352,830</u>	<u>7,602</u>	<u>0.84</u>	0303	1.5225	1.3399	1.1675	0.421
<u>1,352,831</u>	=	<u>1,402,794</u>	<u>7,126</u>	<u>0.85</u>	0306	0.8816	0.7766	0.6783	0.447
<u>1,402,795</u>	=	<u>1,455,363</u>	<u>6,651</u>	<u>0.86</u>	0307	0.6672	0.5875	0.5141	0.496
<u>1,455,364</u>	=	<u>1,510,748</u>	<u>6,176</u>	<u>0.87</u>	0308	0.5334	0.4696	0.4121	0.557
<u>1,510,749</u>	=	<u>1,569,183</u>	<u>5,701</u>	<u>0.88</u>	0403	1.3217	1.1666	1.0224	0.453
<u>1,569,184</u>	=	<u>1,630,930</u>	<u>5,226</u>	<u>0.89</u>	0502	1.2872	1.1329	0.9871	0.421
<u>1,630,931</u>	=	<u>1,696,282</u>	<u>4,751</u>	<u>0.90</u>	0504	1.2647	1.1175	0.9785	0.404
<u>1,696,283</u>	=	<u>1,765,565</u>	<u>4,276</u>	<u>0.91</u>	0506	3.9607	3.4963	3.0532	0.379
<u>1,765,566</u>	=	<u>1,839,149</u>	<u>3,801</u>	<u>0.92</u>	0507	2.8965	2.5584	2.2412	0.424
<u>1,839,150</u>	=	<u>1,917,449</u>	<u>3,326</u>	<u>0.93</u>	0508	2.8356	2.5017	2.1792	0.347
<u>1,917,450</u>	=	<u>2,000,938</u>	<u>2,851</u>	<u>0.94</u>	0509	1.5018	1.3261	1.1599	0.402
<u>2,000,939</u>	=	<u>2,090,152</u>	<u>2,375</u>	<u>0.95</u>	0510	1.2892	1.1370	0.9950	0.449
<u>2,090,153</u>	=	<u>2,185,705</u>	<u>1,900</u>	<u>0.96</u>	0511	1.0237	0.9002	0.7867	0.509
<u>2,185,706</u>	=	<u>2,288,300</u>	<u>1,425</u>	<u>0.97</u>	0512	1.3688	1.2046	1.0513	0.461
<u>2,288,301</u>	=	<u>2,398,750</u>	<u>950</u>	<u>0.98</u>	0513	0.6329	0.5566	0.4860	0.482
<u>2,398,751</u>	=	<u>2,517,999</u>	<u>475</u>	<u>0.99</u>	0514	1.2710	1.1202	0.9815	0.492
<u>2,518,000 & Over</u>		<u>0</u>	<u>1.00</u>		0515	2.7116	2.3891	2.0829	0.402
					0516	1.2892	1.1370	0.9950	0.449
					0517	1.5096	1.3317	1.1680	0.488
					0518	1.4979	1.3207	1.1524	0.396
					0519	1.6772	1.4826	1.3009	0.433
					0520	1.4701	1.2937	1.1265	0.408
					0521	1.2647	1.1175	0.9785	0.404
					0601	0.5630	0.4953	0.4329	0.503
					0602	0.3797	0.3333	0.2911	0.541
					0603	0.8188	0.7230	0.6323	0.400
					0604	1.1120	0.9837	0.8652	0.470
					0606	0.2746	0.2416	0.2122	0.601
					0607	0.3141	0.2767	0.2427	0.532
					0608	0.2793	0.2472	0.2180	0.506
					0701	1.8706	1.6468	1.4293	0.339
					0803	0.3210	0.2824	0.2474	0.555
					0804	0.6590	0.5816	0.5089	0.426
					0901	1.4979	1.3207	1.1524	0.396
					1002	0.7089	0.6245	0.5478	0.535
					1003	0.7050	0.6217	0.5454	0.503
					1004	0.4723	0.4170	0.3658	0.465
					1005	5.4160	4.7851	4.1820	0.365

AMENDATORY SECTION (Amending WSR 97-24-062, filed 12/1/97, effective 1/1/98)

WAC 296-17-885 Table III.

Expected Loss Rates and D-Ratios
for Indicated Fiscal Year

Expected Loss Rates in Dollars Per Worker Hour

((Class	1994	1995	1996	D-Ratio					
0101	1.2466	1.1000	0.9613	0.403	0606	0.2746	0.2416	0.2122	0.601
0102	1.1733	1.0355	0.9056	0.399	0607	0.3141	0.2767	0.2427	0.532
0103	1.4475	1.2718	1.1087	0.485	0608	0.2793	0.2472	0.2180	0.506
0104	0.8593	0.7578	0.6622	0.424	0701	1.8706	1.6468	1.4293	0.339
0105	1.1912	1.0501	0.9203	0.487	0803	0.3210	0.2824	0.2474	0.555
0106	1.2466	1.1000	0.9613	0.380	0804	0.6590	0.5816	0.5089	0.426
0107	1.0964	0.9653	0.8420	0.434	0901	1.4979	1.3207	1.1524	0.396
0108	0.8593	0.7578	0.6622	0.424	1002	0.7089	0.6245	0.5478	0.535
0109	1.4979	1.3207	1.1524	0.396	1003	0.7050	0.6217	0.5454	0.503
0112	0.6590	0.5816	0.5089	0.426	1004	0.4723	0.4170	0.3658	0.465
0201	2.5760	2.2771	1.9911	0.363	1005	5.4160	4.7851	4.1820	0.365

PROPOSED

	((Class	1994	1995	1996	D-Ratio	((Class	1994	1995	1996	D-Ratio
1007		0.3228	0.2849	0.2490	0.495	2909	0.4054	0.3576	0.3147	0.562
1101		0.5043	0.4445	0.3904	0.545	3101	0.6780	0.5998	0.5266	0.427
1102		1.1467	1.0110	0.8843	0.446	3102	0.2260	0.1997	0.1759	0.517
1103		0.5765	0.5076	0.4447	0.517	3103	0.7195	0.6365	0.5592	0.437
1104		0.4306	0.3808	0.3361	0.550	3104	0.4508	0.3965	0.3463	0.488
1105		0.6303	0.5548	0.4863	0.539	3105	0.7006	0.6165	0.5405	0.548
1106		0.2653	0.2248	0.2076	0.560	3303	0.2227	0.1967	0.1732	0.547
1108		0.3894	0.3438	0.3026	0.542	3304	0.5016	0.4432	0.3906	0.552
1109		0.7059	0.6337	0.5497	0.539	3309	0.3570	0.3151	0.2776	0.560
1301		0.3668	0.3237	0.2844	0.518	3401	0.3418	0.3016	0.2648	0.510
1303		0.1586	0.1396	0.1224	0.553	3402	0.4031	0.3552	0.3118	0.537
1304		0.0206	0.0181	0.0160	0.540	3403	0.1857	0.1644	0.1446	0.463
1305		0.3648	0.3222	0.2834	0.513	3404	0.3917	0.3453	0.3035	0.562
1401		0.5168	0.4571	0.4025	0.490	3405	0.2299	0.2026	0.1777	0.530
1404		0.4942	0.4347	0.3806	0.531	3406	0.2135	0.1884	0.1659	0.574
1405		0.3820	0.3384	0.2984	0.471	3407	0.3115	0.2740	0.2401	0.565
1501		0.3563	0.3134	0.2745	0.542	3408	0.0995	0.0880	0.0775	0.523
1507		0.3100	0.2726	0.2391	0.574	3409	0.0928	0.0818	0.0721	0.590
1701		0.6740	0.5962	0.5236	0.435	3410	0.1967	0.1738	0.1537	0.600
1702		1.5412	1.3618	1.1908	0.379	3411	0.3418	0.3016	0.2648	0.510
1703		0.2958	0.2606	0.2280	0.486	3412	0.3437	0.3026	0.2650	0.530
1704		0.6740	0.5962	0.5236	0.435	3413	0.4775	0.4211	0.3697	0.520
1801		0.8102	0.7167	0.6285	0.399	3414	0.4405	0.3891	0.3419	0.497
1802		0.8688	0.7662	0.6711	0.467	3415	0.4609	0.4069	0.3575	0.503
2002		0.5156	0.4550	0.4003	0.553	3501	0.7988	0.7061	0.6203	0.454
2004		0.5744	0.5053	0.4436	0.594	3503	0.2687	0.2380	0.2111	0.593
2005		0.3048	0.2694	0.2375	0.547	3506	0.8200	0.7196	0.6256	0.469
2007		0.4205	0.3714	0.3267	0.505	3509	0.3517	0.3092	0.2716	0.616
2008		0.2465	0.2177	0.1913	0.514	3510	0.3807	0.3355	0.2949	0.566
2009		0.3048	0.2694	0.2375	0.547	3511	0.5319	0.4692	0.4128	0.552
2101		0.5388	0.4754	0.4175	0.506	3512	0.3386	0.2993	0.2645	0.593
2102		0.3938	0.3476	0.3062	0.555	3513	0.3869	0.3414	0.3004	0.559
2104		0.2363	0.2086	0.1840	0.591	3602	0.1113	0.0982	0.0866	0.596
2105		0.5279	0.4637	0.4055	0.546	3603	0.4156	0.3669	0.3234	0.572
2106		0.3014	0.2667	0.2353	0.517	3604	1.1753	1.0337	0.9064	0.578
2201		0.2273	0.2005	0.1762	0.519	3605	0.4184	0.3686	0.3235	0.540
2202		0.5107	0.4489	0.3938	0.600	3701	0.2260	0.1997	0.1759	0.517
2203		0.3018	0.2659	0.2338	0.594	3702	0.3842	0.3378	0.2960	0.573
2401		0.3539	0.3135	0.2773	0.533	3708	0.3737	0.3297	0.2901	0.456
2903		0.5758	0.5080	0.4472	0.566	3801	0.1642	0.1450	0.1278	0.563
2904		0.6928	0.6136	0.5410	0.484	3802	0.1642	0.1450	0.1278	0.563
2905		0.4317	0.3803	0.3345	0.594	3808	0.3183	0.2809	0.2465	0.503
2906		0.2980	0.2626	0.2302	0.529	3901	0.1525	0.1349	0.1194	0.607
2907		0.4653	0.4105	0.3609	0.545	3902	0.3633	0.3208	0.2825	0.547
2908		0.8630	0.7608	0.6674	0.507	3903	1.0603	0.9402	0.8316	0.511

((Class	1994	1995	1996	D-Ratio	((Class	1994	1995	1996	D-Ratio
3905	0.1525	0.1349	0.1194	0.607	5004	1.2376	1.0952	0.9642	0.472
3906	0.3943	0.3478	0.3058	0.541	5005	0.9987	0.8821	0.7716	0.394
3909	0.1621	0.1431	0.1262	0.588	5006	1.2562	1.1066	0.9658	0.425
4002	0.7520	0.6600	0.5758	0.528	5101	0.7334	0.6452	0.5671	0.617
4101	0.2046	0.1803	0.1586	0.562	5103	0.6624	0.5843	0.5146	0.582
4103	0.2494	0.2190	0.1924	0.664	5106	0.6624	0.5843	0.5146	0.582
4107	0.1324	0.1167	0.1028	0.572	5108	0.5017	0.4432	0.3900	0.531
4108	0.1480	0.1308	0.1152	0.510	5109	0.5959	0.5257	0.44607	0.476
4109	0.2034	0.1796	0.1581	0.561	5201	0.2822	0.2485	0.2177	0.540
4201	0.3554	0.3113	0.2710	0.544	5204	0.8022	0.7086	0.6223	0.474
4301	0.6614	0.5853	0.5165	0.519	5206	0.4339	0.3829	0.3355	0.452
4302	0.4942	0.4344	0.3799	0.525	5207	0.1491	0.1316	0.1163	0.640
4304	0.6057	0.5343	0.4697	0.539	5208	0.7399	0.6524	0.5725	0.519
4305	0.7998	0.7028	0.6141	0.530	5209	0.6211	0.5473	0.4802	0.537
4401	0.3882	0.3442	0.3039	0.468	5301	0.0287	0.0253	0.0223	0.569
4402	0.6103	0.5387	0.4741	0.552	5305	0.0421	0.0371	0.0327	0.628
4404	0.3688	0.3263	0.2876	0.505	5306	0.0416	0.0367	0.0324	0.552
4501	0.1274	0.1128	0.0997	0.528	5307	0.3032	0.2668	0.2338	0.541
4502	0.0383	0.0339	0.0298	0.550	6103	0.0635	0.0562	0.0498	0.631
4504	0.0867	0.0766	0.0676	0.632	6104	0.2394	0.2111	0.1859	0.593
4601	0.5595	0.4944	0.4354	0.526	6105	0.1706	0.1507	0.1326	0.528
4802	0.2025	0.1791	0.1579	0.531	6107	0.1027	0.0910	0.0806	0.592
4803	0.1855	0.1640	0.1448	0.576	6108	0.4194	0.3705	0.3269	0.581
4804	0.4761	0.4200	0.3698	0.574	6109	0.0618	0.0546	0.0481	0.517
4805	0.2793	0.2469	0.2176	0.520	6110	0.3668	0.3235	0.2844	0.555
4806	0.0522	0.0462	0.0408	0.514	6201	0.2646	0.2392	0.2044	0.512
4808	0.4093	0.3614	0.3173	0.480	6202	0.5467	0.4842	0.4269	0.483
4809	0.2254	0.1986	0.1748	0.595	6203	0.0710	0.0626	0.0555	0.656
4810	0.1321	0.1172	0.1038	0.555	6204	0.1423	0.1258	0.1113	0.593
4811	0.2125	0.1879	0.1659	0.570	6205	0.1930	0.1702	0.1501	0.590
4812	0.2853	0.2515	0.2212	0.544	6206	0.1614	0.1424	0.1254	0.595
4813	0.1782	0.1581	0.1400	0.498	6207	1.2029	1.0678	0.9488	0.578
4900	0.4339	0.3829	0.3355	0.452	6208	0.2575	0.2291	0.2038	0.553
4901	0.0440	0.0387	0.0340	0.557	6209	0.2290	0.2026	0.1791	0.569
4902	0.0648	0.0570	0.0500	0.590	6301	0.1219	0.1078	0.0947	0.436
4903	0.0509	0.0449	0.0393	0.562	6302	0.1477	0.1309	0.1157	0.506
4904	0.0239	0.0211	0.0187	0.594	6303	0.0635	0.0561	0.0495	0.517
4905	0.2529	0.2235	0.1975	0.605	6304	0.1759	0.1556	0.1375	0.602
4906	0.0701	0.0617	0.0542	0.571	6305	0.0680	0.0601	0.0530	0.592
4907	0.0562	0.0497	0.0438	0.531	6306	0.2471	0.2180	0.1917	0.557
4908	0.1076	0.0961	0.0863	0.642	6308	0.0451	0.0398	0.0350	0.568
4909	0.0489	0.0438	0.0392	0.604	6309	0.1218	0.1077	0.0951	0.577
4910	0.3542	0.3129	0.2757	0.534	6402	0.2459	0.2165	0.1903	0.584
5001	4.0070	3.5355	3.0856	0.379	6403	0.1775	0.1570	0.1389	0.562
5002	0.4430	0.3897	0.3414	0.554	6404	0.1588	0.1403	0.1239	0.586
5003	1.2631	1.1147	0.9740	0.402	6405	0.4947	0.4365	0.3835	0.515

PROPOSED

((Class	1994	1995	1996	D-Ratio	((Class	1994	1995	1996	D-Ratio
6406	0.0645	0.0570	0.0502	0.635	7106	0.1301	0.1149	0.1011	0.551
6407	0.1999	0.1765	0.1557	0.567	7107	0.2250	0.1985	0.1749	0.583
6408	0.2902	0.2552	0.2239	0.590	7108	0.1743	0.1540	0.1362	0.645
6409	0.4775	0.4211	0.3697	0.520	7109	0.1508	0.1334	0.1179	0.594
6410	0.1479	0.1308	0.1155	0.543	7110	0.2580	0.2274	0.1992	0.505
6501	0.0941	0.0827	0.0726	0.618	7111	0.3597	0.3179	0.2801	0.543
6502	0.0259	0.0229	0.0202	0.545	7112	0.5052	0.4451	0.3909	0.560
6503	0.0605	0.0534	0.0467	0.480	7113	0.5133	0.4519	0.3963	0.550
6504	0.3565	0.3157	0.2797	0.593	7114	0.6847	0.6032	0.5324	0.666
6505	0.0912	0.0810	0.0718	0.540	7115	0.4596	0.4048	0.3558	0.598
6506	0.0750	0.0663	0.0586	0.548	7116	0.4297	0.3794	0.3339	0.541
6508	0.3045	0.2695	0.2380	0.543	7117	0.9950	0.8765	0.7718	0.605
6509	0.2308	0.2042	0.1806	0.562	7118	1.7351	1.5296	1.3446	0.569
6601	0.1683	0.1490	0.1319	0.565	7119	1.6187	1.4225	1.2455	0.567
6602	0.4087	0.3609	0.3177	0.541	7120	4.2908	3.8002	3.3528	0.500
6603	0.2921	0.2580	0.2271	0.558	7121	4.5012	3.9769	3.4986	0.508
6604	0.0566	0.0503	0.0446	0.499	7201	0.8716	0.7651	0.6676	0.523
6605	0.2883	0.2539	0.2242	0.692	7202	0.0395	0.0350	0.0308	0.498
6607	0.1287	0.1136	0.1002	0.603	7203	0.1122	0.0997	0.0886	0.565
6608	0.2548	0.2244	0.1965	0.495	7204	0.0000	0.0000	0.0000	0.500
6620	1.0541	0.9282	0.8149	0.569	7301	0.4802	0.4233	0.3712	0.510
6704	0.1058	0.0934	0.0825	0.566	7302	0.5918	0.5235	0.4621	0.541
6705	0.6722	0.5947	0.5265	0.611	7307	0.5426	0.4792	0.4226	0.569
6706	0.3468	0.3074	0.2723	0.568	7308	0.1941	0.1712	0.1512	0.651
6707	1.4847	1.3105	1.1563	0.601	7309	0.1673	0.1478	0.1307	0.640))
6708	5.5467	4.9618	4.4312	0.456					
6709	0.1673	0.1478	0.1307	0.640	<u>Class</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>D-Ratio</u>
6801	0.2157	0.1898	0.1665	0.564	0101	1.2089	1.0530	0.9338	0.407
6802	0.3797	0.3354	0.2963	0.609	0102	1.0608	0.9347	0.8389	0.445
6803	0.7304	0.6441	0.5599	0.339	0103	1.4254	1.2595	1.1338	0.455
6804	0.1877	0.1652	0.1449	0.596	0104	0.8625	0.7561	0.6753	0.429
6809	4.2268	3.7523	3.3374	0.605	0105	1.0865	0.9724	0.8868	0.495
6901	0.0370	0.0335	0.0308	0.716	0106	1.2089	1.0530	0.9338	0.407
6902	0.7066	0.6231	0.5437	0.395	0107	1.0068	0.8875	0.7972	0.450
6903	3.6518	3.2407	2.8433	0.334	0108	0.8625	0.7561	0.6753	0.429
6904	0.1990	0.1745	0.1527	0.603	0109	1.4947	1.2960	1.1443	0.393
6905	0.2501	0.2199	0.1929	0.590	0112	0.5877	0.5213	0.4711	0.467
6906	0.1165	0.1058	0.0972	0.683	0201	2.3324	2.0138	1.7697	0.378
6907	0.9630	0.8477	0.7430	0.533	0202	2.3324	2.0138	1.7697	0.378
6908	0.4092	0.3609	0.3172	0.545	0210	0.7859	0.6901	0.6175	0.436
6909	0.0889	0.0785	0.0691	0.593	0212	0.8038	0.7008	0.6224	0.410
7101	0.0268	0.0237	0.0210	0.490	0214	0.9807	0.8678	0.7827	0.462
7102	3.4640	3.0938	2.7727	0.585	0217	1.0608	0.9347	0.8389	0.445
7103	0.2711	0.2391	0.2096	0.504	0219	0.9766	0.8538	0.7602	0.417
7104	0.0229	0.0202	0.0178	0.604					
7105	0.0229	0.0202	0.0178	0.618					

<u>Class</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>D-Ratio</u>	<u>Class</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>D-Ratio</u>
<u>0301</u>	<u>0.5601</u>	<u>0.5059</u>	<u>0.4658</u>	<u>0.524</u>	<u>1106</u>	<u>0.2669</u>	<u>0.2427</u>	<u>0.2253</u>	<u>0.542</u>
<u>0302</u>	<u>1.6414</u>	<u>1.4199</u>	<u>1.2501</u>	<u>0.386</u>	<u>1108</u>	<u>0.3907</u>	<u>0.3550</u>	<u>0.3290</u>	<u>0.545</u>
<u>0303</u>	<u>1.5420</u>	<u>1.3419</u>	<u>1.1892</u>	<u>0.406</u>	<u>1109</u>	<u>0.6978</u>	<u>0.6339</u>	<u>0.5874</u>	<u>0.542</u>
<u>0306</u>	<u>0.8814</u>	<u>0.7750</u>	<u>0.6947</u>	<u>0.441</u>	<u>1301</u>	<u>0.3686</u>	<u>0.3332</u>	<u>0.3069</u>	<u>0.526</u>
<u>0307</u>	<u>0.6661</u>	<u>0.5941</u>	<u>0.5405</u>	<u>0.488</u>	<u>1303</u>	<u>0.1464</u>	<u>0.1335</u>	<u>0.1243</u>	<u>0.560</u>
<u>0308</u>	<u>0.4887</u>	<u>0.4472</u>	<u>0.4172</u>	<u>0.570</u>	<u>1304</u>	<u>0.0201</u>	<u>0.0183</u>	<u>0.0169</u>	<u>0.537</u>
<u>0403</u>	<u>1.3030</u>	<u>1.1525</u>	<u>1.0390</u>	<u>0.455</u>	<u>1305</u>	<u>0.3569</u>	<u>0.3198</u>	<u>0.2921</u>	<u>0.494</u>
<u>0502</u>	<u>1.2426</u>	<u>1.0885</u>	<u>0.9714</u>	<u>0.429</u>	<u>1401</u>	<u>0.4877</u>	<u>0.4379</u>	<u>0.4008</u>	<u>0.502</u>
<u>0504</u>	<u>1.2224</u>	<u>1.0652</u>	<u>0.9450</u>	<u>0.404</u>	<u>1404</u>	<u>0.4636</u>	<u>0.4207</u>	<u>0.3892</u>	<u>0.544</u>
<u>0506</u>	<u>3.7331</u>	<u>3.2321</u>	<u>2.8478</u>	<u>0.385</u>	<u>1405</u>	<u>0.3406</u>	<u>0.3048</u>	<u>0.2785</u>	<u>0.493</u>
<u>0507</u>	<u>2.8413</u>	<u>2.4918</u>	<u>2.2255</u>	<u>0.427</u>	<u>1501</u>	<u>0.3493</u>	<u>0.3176</u>	<u>0.2945</u>	<u>0.550</u>
<u>0508</u>	<u>2.7879</u>	<u>2.3853</u>	<u>2.0757</u>	<u>0.347</u>	<u>1507</u>	<u>0.3247</u>	<u>0.2967</u>	<u>0.2765</u>	<u>0.567</u>
<u>0509</u>	<u>1.5341</u>	<u>1.3334</u>	<u>1.1797</u>	<u>0.397</u>	<u>1701</u>	<u>0.6155</u>	<u>0.5479</u>	<u>0.4969</u>	<u>0.476</u>
<u>0510</u>	<u>1.2508</u>	<u>1.1054</u>	<u>0.9955</u>	<u>0.455</u>	<u>1702</u>	<u>1.4931</u>	<u>1.2934</u>	<u>1.1406</u>	<u>0.387</u>
<u>0511</u>	<u>1.0283</u>	<u>0.9191</u>	<u>0.8379</u>	<u>0.496</u>	<u>1703</u>	<u>0.2939</u>	<u>0.2612</u>	<u>0.2368</u>	<u>0.475</u>
<u>0512</u>	<u>1.2064</u>	<u>1.0711</u>	<u>0.9695</u>	<u>0.473</u>	<u>1704</u>	<u>0.6155</u>	<u>0.5479</u>	<u>0.4969</u>	<u>0.476</u>
<u>0513</u>	<u>0.6226</u>	<u>0.5557</u>	<u>0.5058</u>	<u>0.492</u>	<u>1801</u>	<u>0.7675</u>	<u>0.6685</u>	<u>0.5931</u>	<u>0.403</u>
<u>0514</u>	<u>1.1527</u>	<u>1.0310</u>	<u>0.9407</u>	<u>0.494</u>	<u>1802</u>	<u>0.7431</u>	<u>0.6619</u>	<u>0.6006</u>	<u>0.478</u>
<u>0515</u>	<u>2.6517</u>	<u>2.3092</u>	<u>2.0474</u>	<u>0.407</u>	<u>2002</u>	<u>0.5152</u>	<u>0.4700</u>	<u>0.4375</u>	<u>0.557</u>
<u>0516</u>	<u>1.2508</u>	<u>1.1054</u>	<u>0.9955</u>	<u>0.455</u>	<u>2004</u>	<u>0.5361</u>	<u>0.4957</u>	<u>0.4671</u>	<u>0.603</u>
<u>0517</u>	<u>1.4465</u>	<u>1.2903</u>	<u>1.1733</u>	<u>0.484</u>	<u>2007</u>	<u>0.4108</u>	<u>0.3681</u>	<u>0.3362</u>	<u>0.497</u>
<u>0518</u>	<u>1.4947</u>	<u>1.2960</u>	<u>1.1443</u>	<u>0.393</u>	<u>2008</u>	<u>0.2336</u>	<u>0.2107</u>	<u>0.1938</u>	<u>0.520</u>
<u>0519</u>	<u>1.6199</u>	<u>1.4271</u>	<u>1.2810</u>	<u>0.442</u>	<u>2009</u>	<u>0.2832</u>	<u>0.2584</u>	<u>0.2405</u>	<u>0.556</u>
<u>0520</u>	<u>1.3963</u>	<u>1.2176</u>	<u>1.0814</u>	<u>0.414</u>	<u>2101</u>	<u>0.5281</u>	<u>0.4743</u>	<u>0.4341</u>	<u>0.504</u>
<u>0521</u>	<u>1.1763</u>	<u>1.0246</u>	<u>0.9085</u>	<u>0.404</u>	<u>2102</u>	<u>0.3754</u>	<u>0.3430</u>	<u>0.3196</u>	<u>0.560</u>
<u>0601</u>	<u>0.5051</u>	<u>0.4545</u>	<u>0.4170</u>	<u>0.517</u>	<u>2104</u>	<u>0.2239</u>	<u>0.2066</u>	<u>0.1943</u>	<u>0.591</u>
<u>0602</u>	<u>0.3786</u>	<u>0.3436</u>	<u>0.3181</u>	<u>0.548</u>	<u>2105</u>	<u>0.5125</u>	<u>0.4650</u>	<u>0.4301</u>	<u>0.544</u>
<u>0603</u>	<u>0.7746</u>	<u>0.6768</u>	<u>0.6024</u>	<u>0.419</u>	<u>2106</u>	<u>0.2895</u>	<u>0.2613</u>	<u>0.2407</u>	<u>0.519</u>
<u>0604</u>	<u>0.9704</u>	<u>0.8666</u>	<u>0.7892</u>	<u>0.486</u>	<u>2201</u>	<u>0.2071</u>	<u>0.1865</u>	<u>0.1713</u>	<u>0.514</u>
<u>0606</u>	<u>0.2679</u>	<u>0.2468</u>	<u>0.2319</u>	<u>0.591</u>	<u>2202</u>	<u>0.4547</u>	<u>0.4171</u>	<u>0.3903</u>	<u>0.579</u>
<u>0607</u>	<u>0.3157</u>	<u>0.2849</u>	<u>0.2624</u>	<u>0.526</u>	<u>2203</u>	<u>0.2830</u>	<u>0.2613</u>	<u>0.2461</u>	<u>0.598</u>
<u>0608</u>	<u>0.2478</u>	<u>0.2233</u>	<u>0.2053</u>	<u>0.516</u>	<u>2204</u>	<u>0.1912</u>	<u>0.1721</u>	<u>0.1581</u>	<u>0.514</u>
<u>0701</u>	<u>1.7727</u>	<u>1.5135</u>	<u>1.3147</u>	<u>0.347</u>	<u>2401</u>	<u>0.3339</u>	<u>0.3045</u>	<u>0.2832</u>	<u>0.551</u>
<u>0803</u>	<u>0.3138</u>	<u>0.2854</u>	<u>0.2647</u>	<u>0.551</u>	<u>2903</u>	<u>0.5565</u>	<u>0.5086</u>	<u>0.4741</u>	<u>0.563</u>
<u>0804</u>	<u>0.5877</u>	<u>0.5213</u>	<u>0.4711</u>	<u>0.467</u>	<u>2904</u>	<u>0.6371</u>	<u>0.5722</u>	<u>0.5241</u>	<u>0.502</u>
<u>0901</u>	<u>1.4947</u>	<u>1.2960</u>	<u>1.1443</u>	<u>0.393</u>	<u>2905</u>	<u>0.4151</u>	<u>0.3845</u>	<u>0.3632</u>	<u>0.610</u>
<u>1002</u>	<u>0.6871</u>	<u>0.6211</u>	<u>0.5725</u>	<u>0.529</u>	<u>2906</u>	<u>0.2937</u>	<u>0.2661</u>	<u>0.2461</u>	<u>0.539</u>
<u>1003</u>	<u>0.6868</u>	<u>0.6166</u>	<u>0.5647</u>	<u>0.506</u>	<u>2907</u>	<u>0.4443</u>	<u>0.4033</u>	<u>0.3733</u>	<u>0.540</u>
<u>1004</u>	<u>0.4392</u>	<u>0.3905</u>	<u>0.3541</u>	<u>0.474</u>	<u>2908</u>	<u>0.7846</u>	<u>0.7067</u>	<u>0.6491</u>	<u>0.517</u>
<u>1005</u>	<u>5.6608</u>	<u>4.8673</u>	<u>4.2552</u>	<u>0.360</u>	<u>2909</u>	<u>0.3562</u>	<u>0.3250</u>	<u>0.3026</u>	<u>0.558</u>
<u>1007</u>	<u>0.2938</u>	<u>0.2635</u>	<u>0.2411</u>	<u>0.507</u>	<u>3101</u>	<u>0.6247</u>	<u>0.5498</u>	<u>0.4930</u>	<u>0.437</u>
<u>1101</u>	<u>0.4676</u>	<u>0.4262</u>	<u>0.3962</u>	<u>0.557</u>	<u>3102</u>	<u>0.2117</u>	<u>0.1918</u>	<u>0.1772</u>	<u>0.534</u>
<u>1102</u>	<u>1.1068</u>	<u>0.9764</u>	<u>0.8773</u>	<u>0.448</u>	<u>3103</u>	<u>0.6829</u>	<u>0.5996</u>	<u>0.5365</u>	<u>0.428</u>
<u>1103</u>	<u>0.5663</u>	<u>0.5092</u>	<u>0.4668</u>	<u>0.513</u>	<u>3104</u>	<u>0.4464</u>	<u>0.3976</u>	<u>0.3610</u>	<u>0.483</u>
<u>1104</u>	<u>0.3758</u>	<u>0.3447</u>	<u>0.3223</u>	<u>0.572</u>	<u>3105</u>	<u>0.6629</u>	<u>0.6062</u>	<u>0.5654</u>	<u>0.569</u>
<u>1105</u>	<u>0.6398</u>	<u>0.5775</u>	<u>0.5316</u>	<u>0.524</u>	<u>3303</u>	<u>0.2178</u>	<u>0.1988</u>	<u>0.1850</u>	<u>0.558</u>

PROPOSED

<u>Class</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>D-Ratio</u>	<u>Class</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>D-Ratio</u>
3304	0.4629	0.4232	0.3944	0.561	4108	0.1386	0.1247	0.1146	0.514
3309	0.3257	0.2990	0.2798	0.576	4109	0.1931	0.1767	0.1648	0.565
3401	0.3333	0.2997	0.2749	0.511	4201	0.3613	0.3273	0.3023	0.544
3402	0.3595	0.3277	0.3047	0.557	4301	0.6641	0.5814	0.5353	0.518
3403	0.1729	0.1537	0.1394	0.471	4302	0.4644	0.4201	0.3876	0.535
3404	0.3567	0.3267	0.3054	0.573	4304	0.5873	0.5327	0.4928	0.538
3405	0.1988	0.1809	0.1681	0.555	4305	0.7517	0.6782	0.6240	0.526
3406	0.2062	0.1886	0.1759	0.565	4401	0.3685	0.3283	0.2981	0.472
3407	0.3156	0.2877	0.2675	0.559	4402	0.5869	0.5345	0.4966	0.552
3408	0.0992	0.0903	0.0837	0.546	4404	0.3389	0.3042	0.2784	0.500
3409	0.0892	0.0825	0.0777	0.601	4501	0.1227	0.1118	0.1040	0.552
3410	0.1791	0.1654	0.1558	0.593	4502	0.0379	0.0344	0.0319	0.543
3411	0.3333	0.2997	0.2749	0.511	4504	0.0812	0.0758	0.0722	0.632
3412	0.3445	0.3109	0.2861	0.525	4601	0.5336	0.4824	0.4447	0.525
3413	0.4197	0.3816	0.3539	0.549	4802	0.1896	0.1717	0.1586	0.531
3414	0.4156	0.3749	0.3449	0.521	4803	0.1700	0.1564	0.1470	0.586
3415	0.4580	0.4135	0.3806	0.524	4804	0.4453	0.4075	0.3803	0.565
3501	0.7601	0.6742	0.6092	0.462	4805	0.2532	0.2294	0.2120	0.532
3503	0.2389	0.2218	0.2098	0.605	4806	0.0477	0.0431	0.0397	0.523
3506	0.8275	0.7308	0.6582	0.461	4808	0.3828	0.3425	0.3124	0.493
3509	0.3241	0.3010	0.2849	0.618	4809	0.2186	0.2022	0.1907	0.604
3510	0.3492	0.3188	0.2968	0.560	4810	0.1190	0.1085	0.1009	0.548
3511	0.5104	0.4641	0.4303	0.545	4811	0.1909	0.1760	0.1656	0.591
3512	0.3150	0.2908	0.2738	0.593	4812	0.2751	0.2502	0.2321	0.549
3513	0.3592	0.3278	0.3053	0.559	4813	0.1545	0.1393	0.1282	0.514
3602	0.1017	0.0941	0.0888	0.602	4900	0.3833	0.3397	0.3070	0.464
3603	0.4142	0.3779	0.3516	0.557	4901	0.0466	0.0421	0.0390	0.536
3604	1.0359	0.9497	0.8881	0.577	4902	0.0630	0.0577	0.0539	0.571
3605	0.3951	0.3588	0.3322	0.544	4903	0.0515	0.0470	0.0438	0.563
3701	0.2117	0.1918	0.1772	0.534	4904	0.0238	0.0219	0.0206	0.583
3702	0.3451	0.3174	0.2978	0.588	4905	0.2525	0.2331	0.2194	0.592
3707	0.4870	0.4338	0.3933	0.461	4906	0.0681	0.0622	0.0581	0.569
3708	0.3769	0.3402	0.3132	0.521	4907	0.0525	0.0476	0.0441	0.537
3801	0.1469	0.1351	0.1267	0.582	4908	0.1045	0.0986	0.0952	0.656
3802	0.1469	0.1351	0.1267	0.582	4909	0.0464	0.0433	0.0412	0.612
3808	0.3202	0.2884	0.2649	0.517	4910	0.3248	0.2956	0.2746	0.550
3901	0.1394	0.1294	0.1224	0.608	5001	3.9466	3.4100	2.9976	0.380
3902	0.3279	0.2994	0.2789	0.559	5002	0.4206	0.3829	0.3555	0.555
3903	1.0106	0.9121	0.8397	0.516	5003	1.2397	1.0758	0.9504	0.393
3905	0.1394	0.1294	0.1224	0.608	5004	1.0961	0.9780	0.8894	0.481
3906	0.3719	0.3379	0.3130	0.543	5005	0.8641	0.7536	0.6689	0.409
3909	0.1502	0.1387	0.1307	0.596	5006	1.2281	1.0758	0.9595	0.426
4002	0.7544	0.6842	0.6323	0.545	5101	0.6779	0.6288	0.5945	0.613
4101	0.2046	0.1876	0.1754	0.575	5103	0.6406	0.5904	0.5549	0.589
4103	0.2240	0.2110	0.2024	0.664	5106	0.6406	0.5904	0.5549	0.589
4107	0.1169	0.1068	0.0997	0.564	5108	0.4938	0.4505	0.4195	0.559

<u>Class</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>D-Ratio</u>	<u>Class</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>D-Ratio</u>
<u>5109</u>	<u>0.5713</u>	<u>0.5075</u>	<u>0.4598</u>	<u>0.471</u>	<u>6503</u>	<u>0.0577</u>	<u>0.0516</u>	<u>0.0472</u>	<u>0.499</u>
<u>5201</u>	<u>0.2645</u>	<u>0.2399</u>	<u>0.2220</u>	<u>0.544</u>	<u>6504</u>	<u>0.3230</u>	<u>0.2998</u>	<u>0.2837</u>	<u>0.608</u>
<u>5204</u>	<u>0.7193</u>	<u>0.6418</u>	<u>0.5841</u>	<u>0.485</u>	<u>6505</u>	<u>0.0863</u>	<u>0.0787</u>	<u>0.0733</u>	<u>0.549</u>
<u>5206</u>	<u>0.3833</u>	<u>0.3397</u>	<u>0.3070</u>	<u>0.464</u>	<u>6506</u>	<u>0.0692</u>	<u>0.0629</u>	<u>0.0618</u>	<u>0.547</u>
<u>5207</u>	<u>0.1368</u>	<u>0.1283</u>	<u>0.1228</u>	<u>0.646</u>	<u>6508</u>	<u>0.2871</u>	<u>0.2610</u>	<u>0.2420</u>	<u>0.541</u>
<u>5208</u>	<u>0.7123</u>	<u>0.6414</u>	<u>0.5893</u>	<u>0.517</u>	<u>6509</u>	<u>0.2274</u>	<u>0.2079</u>	<u>0.1939</u>	<u>0.560</u>
<u>5209</u>	<u>0.6010</u>	<u>0.5434</u>	<u>0.5011</u>	<u>0.530</u>	<u>6510</u>	<u>0.2871</u>	<u>0.2610</u>	<u>0.2420</u>	<u>0.541</u>
<u>5301</u>	<u>0.0270</u>	<u>0.0247</u>	<u>0.0232</u>	<u>0.575</u>	<u>6511</u>	<u>0.2871</u>	<u>0.2610</u>	<u>0.2420</u>	<u>0.541</u>
<u>5305</u>	<u>0.0420</u>	<u>0.0393</u>	<u>0.0375</u>	<u>0.642</u>	<u>6601</u>	<u>0.1553</u>	<u>0.1429</u>	<u>0.1342</u>	<u>0.582</u>
<u>5306</u>	<u>0.0386</u>	<u>0.0354</u>	<u>0.0330</u>	<u>0.565</u>	<u>6602</u>	<u>0.3700</u>	<u>0.3385</u>	<u>0.3157</u>	<u>0.565</u>
<u>5307</u>	<u>0.2856</u>	<u>0.2601</u>	<u>0.2416</u>	<u>0.556</u>	<u>6603</u>	<u>0.2822</u>	<u>0.2565</u>	<u>0.2378</u>	<u>0.545</u>
<u>6103</u>	<u>0.0627</u>	<u>0.0583</u>	<u>0.0554</u>	<u>0.620</u>	<u>6604</u>	<u>0.0537</u>	<u>0.0483</u>	<u>0.0443</u>	<u>0.503</u>
<u>6104</u>	<u>0.2255</u>	<u>0.2089</u>	<u>0.1975</u>	<u>0.610</u>	<u>6605</u>	<u>0.2652</u>	<u>0.2526</u>	<u>0.2449</u>	<u>0.693</u>
<u>6105</u>	<u>0.1610</u>	<u>0.1459</u>	<u>0.1349</u>	<u>0.536</u>	<u>6607</u>	<u>0.1312</u>	<u>0.1215</u>	<u>0.1145</u>	<u>0.602</u>
<u>6107</u>	<u>0.0943</u>	<u>0.0873</u>	<u>0.0824</u>	<u>0.599</u>	<u>6608</u>	<u>0.2675</u>	<u>0.2382</u>	<u>0.2161</u>	<u>0.480</u>
<u>6108</u>	<u>0.3669</u>	<u>0.3389</u>	<u>0.3192</u>	<u>0.596</u>	<u>6620</u>	<u>1.2146</u>	<u>1.1144</u>	<u>1.0427</u>	<u>0.582</u>
<u>6109</u>	<u>0.0582</u>	<u>0.0527</u>	<u>0.0486</u>	<u>0.527</u>	<u>6704</u>	<u>0.0983</u>	<u>0.0902</u>	<u>0.0844</u>	<u>0.576</u>
<u>6110</u>	<u>0.3305</u>	<u>0.3002</u>	<u>0.2781</u>	<u>0.543</u>	<u>6705</u>	<u>0.6228</u>	<u>0.5814</u>	<u>0.5536</u>	<u>0.630</u>
<u>6201</u>	<u>0.2556</u>	<u>0.2291</u>	<u>0.2095</u>	<u>0.503</u>	<u>6706</u>	<u>0.3268</u>	<u>0.3004</u>	<u>0.2819</u>	<u>0.577</u>
<u>6202</u>	<u>0.5204</u>	<u>0.4667</u>	<u>0.4269</u>	<u>0.497</u>	<u>6707</u>	<u>1.3699</u>	<u>1.2678</u>	<u>1.1966</u>	<u>0.602</u>
<u>6203</u>	<u>0.0657</u>	<u>0.0618</u>	<u>0.0593</u>	<u>0.656</u>	<u>6708</u>	<u>5.5217</u>	<u>4.9151</u>	<u>4.4626</u>	<u>0.459</u>
<u>6204</u>	<u>0.1319</u>	<u>0.1221</u>	<u>0.1154</u>	<u>0.606</u>	<u>6709</u>	<u>0.1644</u>	<u>0.1543</u>	<u>0.1476</u>	<u>0.646</u>
<u>6205</u>	<u>0.1817</u>	<u>0.1676</u>	<u>0.1577</u>	<u>0.594</u>	<u>6801</u>	<u>0.2210</u>	<u>0.2018</u>	<u>0.1880</u>	<u>0.567</u>
<u>6206</u>	<u>0.1575</u>	<u>0.1455</u>	<u>0.1371</u>	<u>0.597</u>	<u>6802</u>	<u>0.3454</u>	<u>0.3198</u>	<u>0.3023</u>	<u>0.604</u>
<u>6207</u>	<u>1.1722</u>	<u>1.0818</u>	<u>1.0180</u>	<u>0.585</u>	<u>6803</u>	<u>0.6935</u>	<u>0.5942</u>	<u>0.5184</u>	<u>0.353</u>
<u>6208</u>	<u>0.2372</u>	<u>0.2165</u>	<u>0.2018</u>	<u>0.549</u>	<u>6804</u>	<u>0.1761</u>	<u>0.1623</u>	<u>0.1526</u>	<u>0.595</u>
<u>6209</u>	<u>0.2095</u>	<u>0.1930</u>	<u>0.1814</u>	<u>0.587</u>	<u>6809</u>	<u>4.0833</u>	<u>3.7922</u>	<u>3.5938</u>	<u>0.608</u>
<u>6301</u>	<u>0.1180</u>	<u>0.1038</u>	<u>0.0932</u>	<u>0.440</u>	<u>6901</u>	<u>0.0402</u>	<u>0.0392</u>	<u>0.0390</u>	<u>0.741</u>
<u>6302</u>	<u>0.1411</u>	<u>0.1274</u>	<u>0.1173</u>	<u>0.519</u>	<u>6902</u>	<u>0.6820</u>	<u>0.5929</u>	<u>0.5247</u>	<u>0.401</u>
<u>6303</u>	<u>0.0401</u>	<u>0.0534</u>	<u>0.0493</u>	<u>0.524</u>	<u>6903</u>	<u>3.9732</u>	<u>3.3781</u>	<u>2.9254</u>	<u>0.327</u>
<u>6304</u>	<u>0.1739</u>	<u>0.1620</u>	<u>0.1679</u>	<u>0.622</u>	<u>6904</u>	<u>0.1904</u>	<u>0.1765</u>	<u>0.1666</u>	<u>0.615</u>
<u>6305</u>	<u>0.0647</u>	<u>0.0598</u>	<u>0.0583</u>	<u>0.595</u>	<u>6905</u>	<u>0.2352</u>	<u>0.2167</u>	<u>0.2036</u>	<u>0.594</u>
<u>6306</u>	<u>0.1355</u>	<u>0.1931</u>	<u>0.1813</u>	<u>0.587</u>	<u>6906</u>	<u>0.1102</u>	<u>0.1059</u>	<u>0.1038</u>	<u>0.688</u>
<u>6308</u>	<u>0.0460</u>	<u>0.0421</u>	<u>0.0393</u>	<u>0.568</u>	<u>6907</u>	<u>0.9003</u>	<u>0.8184</u>	<u>0.7584</u>	<u>0.548</u>
<u>6309</u>	<u>0.1141</u>	<u>0.1048</u>	<u>0.1137</u>	<u>0.579</u>	<u>6908</u>	<u>0.4165</u>	<u>0.3788</u>	<u>0.3515</u>	<u>0.550</u>
<u>6402</u>	<u>0.2154</u>	<u>0.1992</u>	<u>0.1948</u>	<u>0.604</u>	<u>6909</u>	<u>0.0880</u>	<u>0.0812</u>	<u>0.0763</u>	<u>0.594</u>
<u>6403</u>	<u>0.1400</u>	<u>0.1280</u>	<u>0.1367</u>	<u>0.559</u>	<u>7002</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.500</u>
<u>6404</u>	<u>0.1526</u>	<u>0.1411</u>	<u>0.1395</u>	<u>0.597</u>	<u>7101</u>	<u>0.0255</u>	<u>0.0230</u>	<u>0.0209</u>	<u>0.490</u>
<u>6405</u>	<u>0.3415</u>	<u>0.4355</u>	<u>0.3991</u>	<u>0.507</u>	<u>7102</u>	<u>3.2856</u>	<u>3.0428</u>	<u>2.8758</u>	<u>0.590</u>
<u>6406</u>	<u>0.0579</u>	<u>0.0542</u>	<u>0.0553</u>	<u>0.641</u>	<u>7103</u>	<u>0.2707</u>	<u>0.2437</u>	<u>0.2237</u>	<u>0.515</u>
<u>6407</u>	<u>0.1242</u>	<u>0.1745</u>	<u>0.1629</u>	<u>0.565</u>	<u>7104</u>	<u>0.0214</u>	<u>0.0198</u>	<u>0.0187</u>	<u>0.603</u>
<u>6408</u>	<u>0.2664</u>	<u>0.2461</u>	<u>0.2317</u>	<u>0.600</u>	<u>7105</u>	<u>0.0208</u>	<u>0.0193</u>	<u>0.0184</u>	<u>0.625</u>
<u>6409</u>	<u>0.4197</u>	<u>0.3816</u>	<u>0.3539</u>	<u>0.549</u>	<u>7106</u>	<u>0.1272</u>	<u>0.1164</u>	<u>0.1088</u>	<u>0.569</u>
<u>6410</u>	<u>0.1482</u>	<u>0.1342</u>	<u>0.1242</u>	<u>0.533</u>	<u>7107</u>	<u>0.2158</u>	<u>0.1991</u>	<u>0.1874</u>	<u>0.594</u>
<u>6501</u>	<u>0.0913</u>	<u>0.0853</u>	<u>0.0812</u>	<u>0.639</u>	<u>7108</u>	<u>0.1756</u>	<u>0.1648</u>	<u>0.1577</u>	<u>0.648</u>
<u>6502</u>	<u>0.0236</u>	<u>0.0214</u>	<u>0.0199</u>	<u>0.549</u>	<u>7109</u>	<u>0.1353</u>	<u>0.1255</u>	<u>0.1186</u>	<u>0.607</u>

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<u>Class</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>D-Ratio</u>	<u>Class</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>D-Ratio</u>
7110	0.2618	0.2337	0.2127	0.488	0524	0.0115	0.0101	0.0090	0.441
7111	0.3417	0.3117	0.2899	0.555	0525	0.0081	0.0070	0.0063	0.420
7112	0.4854	0.4440	0.4141	0.567	0526	0.0071	0.0063	0.0055	0.406
7113	0.4865	0.4435	0.4127	0.559	0527	0.0005	0.0004	0.0004	0.364
7114	0.6096	0.5749	0.5526	0.664	0528	0.0018	0.0016	0.0014	0.416
7115	0.4298	0.3973	0.3748	0.604	0529	0.0012	0.0011	0.0010	0.410
7116	0.4121	0.3746	0.3472	0.543	0530	0.0166	0.0144	0.0128	0.403
7117	0.8708	0.8079	0.7634	0.611	0531	0.0108	0.0094	0.0083	0.414
7118	1.3687	1.2527	1.1704	0.571	0532	0.0009	0.0008	0.0006	0.403
7119	1.5742	1.4433	1.3492	0.579	0533	0.0028	0.0025	0.0022	0.401
7120	4.1969	3.7761	3.4668	0.509	0534	0.0018	0.0016	0.0014	0.416
7121	4.2770	3.8504	3.5356	0.513	7900	0.0127	0.0110	0.0099	0.408
7201	0.8348	0.7550	0.6959	0.536	7901	0.0078	0.0068	0.0061	0.415
7202	0.0366	0.0327	0.0298	0.485					
7203	0.1063	0.0976	0.0915	0.571					
7204	0.0000	0.0000	0.0000	0.500					
7301	0.4684	0.4190	0.3821	0.494					
7302	0.5614	0.5123	0.4768	0.556					
7307	0.4842	0.4451	0.4174	0.580					
7308	0.1944	0.1821	0.1740	0.639					
7309	0.1644	0.1543	0.1476	0.646					

AMENDATORY SECTION (Amending WSR 97-24-062, filed 12/1/97, effective 1/1/98)

WAC 296-17-890 Table IV.

Maximum experience modifications for firms with no compensable accidents:

Expected Loss Rates in Dollars Per Sq. Ft. of Wallboard Installed					((Expected-Loss-Range	Maximum Experience Modification
((Class	1994	1995	1996	D-Ratio		
					2,412 & Lower	0.90
0522	0.0195	0.0172	0.0150	0.402	2,413 - 2,581	0.89
0523	0.0123	0.0108	0.0094	0.408	2,582 - 2,763	0.88
0524	0.0116	0.0102	0.0089	0.402	2,764 - 2,961	0.87
0525	0.0081	0.0071	0.0062	0.408	2,962 - 3,175	0.86
0526	0.0075	0.0066	0.0058	0.408	3,176 - 3,408	0.85
0527	0.0005	0.0005	0.0004	0.408	3,409 - 3,661	0.84
0528	0.0019	0.0017	0.0015	0.402	3,662 - 3,935	0.83
0529	0.0013	0.0011	0.0010	0.402	3,936 - 4,235	0.82
0530	0.0176	0.0155	0.0135	0.402	4,236 - 4,561	0.81
0531	0.0114	0.0101	0.0088	0.408	4,562 - 4,917	0.80
0532	0.0008	0.0007	0.0006	0.408	4,918 - 5,305	0.79
0533	0.0029	0.0026	0.0022	0.402	5,306 - 5,730	0.78
0534	0.0019	0.0017	0.0015	0.402	5,731 - 6,195	0.77
7900	0.0129	0.0113	0.0099	0.402	6,196 - 6,705	0.76
7901	0.0081	0.0071	0.0062	0.408))	6,706 - 7,265	0.75
					7,266 - 7,879	0.74
Class	1995	1996	1997	D-Ratio	7,880 - 8,555	0.73
					8,556 - 9,300	0.72
0522	0.0185	0.0161	0.0143	0.407	9,301 - 10,122	0.71
0523	0.0120	0.0104	0.0093	0.414	10,123 - 11,029	0.70

<u>((Expected Loss Range</u>	<u>Maximum Experience Modification</u>	<u>Expected Loss Range</u>	<u>Maximum Experience Modification</u>
11,030 - 12,033	0.69	<u>25.076 & Higher</u>	<u>0.60</u>
12,034 - 13,145	0.68		
13,146 - 14,378	0.67		
14,379 - 15,749	0.66		
15,750 - 17,275	0.65		
17,276 - 18,976	0.64		
18,977 - 20,875	0.63		
20,876 - 23,000	0.62		
23,001 - 25,381	0.61		
25,382 & Higher	0.60))		

AMENDATORY SECTION (Amending WSR 97-24-062, filed 12/1/97, effective 1/1/98)

WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry. Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

((Base Rates Effective January 1, 1998

<u>Expected Loss Range</u>	<u>Maximum Experience Modification</u>	<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
<u>2,383 & Lower</u>	<u>0.90</u>	0101	1.6071	0.4584
<u>2,384 = 2,550</u>	<u>0.89</u>	0103	1.8351	0.5549
<u>2,551 = 2,730</u>	<u>0.88</u>	0104	1.0933	0.3245
<u>2,731 = 2,925</u>	<u>0.87</u>	0105	1.3874	0.5243
<u>2,926 = 3,137</u>	<u>0.86</u>	0107	1.4267	0.3972
<u>3,138 = 3,367</u>	<u>0.85</u>	0108	1.0933	0.3245
<u>3,368 = 3,617</u>	<u>0.84</u>	0112	0.8229	0.2575
<u>3,618 = 3,888</u>	<u>0.83</u>	0201	3.3774	0.9111
<u>3,889 = 4,184</u>	<u>0.82</u>	0202	3.3774	0.9111
<u>4,185 = 4,506</u>	<u>0.81</u>	0210	1.1029	0.3252
<u>4,507 = 4,858</u>	<u>0.80</u>	0212	1.1029	0.3252
<u>4,859 = 5,241</u>	<u>0.79</u>	0214	1.3827	0.4230
<u>5,242 = 5,661</u>	<u>0.78</u>	0217	1.4818	0.4490
<u>5,662 = 6,121</u>	<u>0.77</u>	0219	1.3064	0.4042
<u>6,122 = 6,625</u>	<u>0.76</u>	0301	0.6772	0.3016
<u>6,626 = 7,177</u>	<u>0.75</u>	0302	2.3045	0.5805
<u>7,178 = 7,784</u>	<u>0.74</u>	0303	2.0291	0.5249
<u>7,785 = 8,452</u>	<u>0.73</u>	0306	1.1146	0.3373
<u>8,453 = 9,188</u>	<u>0.72</u>	0307	0.7917	0.2849
<u>9,189 = 10,000</u>	<u>0.71</u>	0308	0.5771	0.2602
<u>10,001 = 10,896</u>	<u>0.70</u>	0403	1.5775	0.5574
<u>10,897 = 11,888</u>	<u>0.69</u>	0502	1.7171	0.4424
<u>11,889 = 12,986</u>	<u>0.68</u>	0504	1.5798	0.4930
<u>12,987 = 14,205</u>	<u>0.67</u>	0506	5.2406	1.3770
<u>14,206 = 15,559</u>	<u>0.66</u>	0507	3.5434	1.1731
<u>15,560 = 17,067</u>	<u>0.65</u>	0508	3.9663	0.8627
<u>17,068 = 18,747</u>	<u>0.64</u>	0509	1.9123	0.5650
<u>18,748 = 20,623</u>	<u>0.63</u>	0510	1.5777	0.5226
<u>20,624 = 22,723</u>	<u>0.62</u>	0511	1.2325	0.4282
<u>22,724 = 25,075</u>	<u>0.61</u>	0512	1.7355	0.5221
		0513	0.7873	0.2504
		0514	1.4829	0.5566

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Class	((Base Rates Effective January 1, 1998		Class	((Base Rates Effective January 1, 1998	
	Accident Fund	Medical Aid Fund		Accident Fund	Medical Aid Fund
0515	3.6223	0.9275	1801	0.9945	0.3244
0516	1.5777	0.5226	1802	1.0362	0.3682
0517	1.7320	0.6778	2002	0.5301	0.2663
0518	1.9875	0.5183	2004	0.5979	0.2937
0519	1.9882	0.7142	2007	0.4532	0.2051
0520	1.9963	0.4853	2008	0.2661	0.1199
0521	1.5798	0.4930	2009	0.3035	0.1626
0601	0.6761	0.2363	2101	0.5968	0.2541
0602	0.4525	0.1620	2102	0.3980	0.2070
0603	1.0471	0.3055	2104	0.2239	0.1329
0604	1.2275	0.5245	2105	0.6125	0.2346
0606	0.2819	0.1426	2106	0.3038	0.1583
0607	0.3494	0.1473	2201	0.2459	0.1104
0608	0.2859	0.1445	2202	0.5350	0.2594
0701	2.7641	0.4866	2203	0.3038	0.1599
0803	0.3574	0.1508	2204	0.1687	0.0757
0901	1.9875	0.5183	2401	0.3349	0.1985
1002	0.7837	0.3358	2903	0.5826	0.3029
1003	0.7984	0.3224	2904	0.7225	0.3505
1004	0.5504	0.2067	2905	0.4304	0.2309
1005	7.1440	1.8946	2906	0.3346	0.1380
1007	0.3916	0.1343	2907	0.4882	0.2348
1101	0.5399	0.2486	2908	0.9739	0.3970
1102	1.4183	0.4572	2909	0.4137	0.2111
1103	0.6601	0.2607	3101	0.7987	0.2912
1104	0.4163	0.2370	3102	0.2363	0.1142
1105	0.7044	0.2947	3103	0.8335	0.3169
1106	0.2475	0.1509	3104	0.5547	0.1819
1108	0.4014	0.1999	3105	0.7748	0.3320
1109	0.7135	0.3709	3303	0.2273	0.1156
1301	0.3972	0.1783	3304	0.4970	0.2693
1303	0.1747	0.0756	3309	0.3577	0.1899
1304	0.0206	0.0109	3402	0.4396	0.1940
1305	0.3898	0.1799	3403	0.2054	0.0871
1401	0.5514	0.2549	3404	0.4086	0.1991
1404	0.5673	0.2228	3405	0.2559	0.1077
1405	0.4040	0.1894	3406	0.2107	0.1149
1501	0.4020	0.1644	3407	0.3416	0.1495
1507	0.3343	0.1518	3408	0.1010	0.0519
1701	0.7855	0.2945	3409	0.0901	0.0509
1702	1.9988	0.5581	3410	0.1772	0.1156
1703	0.3545	0.1245	3411	0.3785	0.1609
1704	0.7855	0.2945	3412	0.3913	0.1565

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((Base Rates Effective
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Class	((Base Rates Effective January 1, 1998		Class	((Base Rates Effective January 1, 1998	
	Accident Fund	Medical Aid Fund		Accident Fund	Medical Aid Fund
3413	0.5270	0.2261	4504	0.0767	0.0517
3414	0.4856	0.2085	4601	0.5782	0.2869
3415	0.5075	0.2187	4802	0.2047	0.1064
3501	0.9144	0.3594	4803	0.1743	0.1049
3503	0.2242	0.1679	4804	0.4751	0.2542
3506	1.0939	0.2832	4805	0.2870	0.1439
3509	0.3560	0.1857	4806	0.0517	0.0279
3510	0.3964	0.1940	4808	0.4642	0.1864
3511	0.5503	0.2730	4809	0.2239	0.1211
3512	0.3069	0.1978	4810	0.1173	0.0783
3513	0.3961	0.2007	4811	0.2001	0.1199
3602	0.1061	0.0622	4812	0.3017	0.1426
3603	0.4065	0.2264	4813	0.1716	0.0981
3604	1.2653	0.5772	4900	0.5219	0.1808
3605	0.4585	0.2005	4901	0.0489	0.0207
3701	0.2363	0.1142	4902	0.0687	0.0324
3702	0.4202	0.1849	4903	0.0548	0.0249
3707	0.4514	0.2969	4904	0.0228	0.0134
3708	0.3857	0.1919	4905	0.2252	0.1500
3802	0.1629	0.0881	4906	0.0737	0.0353
3808	0.3562	0.1478	4907	0.0574	0.0292
3901	0.1317	0.0926	4908	0.0572	0.0847
3902	0.3682	0.1905	4909	0.0286	0.0371
3903	1.0189	0.5842	4910	0.3621	0.1836
3905	0.1317	0.0926	5001	5.3508	1.3677
3906	0.4147	0.1984	5002	0.4919	0.2089
3909	0.1542	0.0907	5003	1.6322	0.4623
4002	0.9145	0.3110	5004	1.3436	0.5964
4101	0.2127	0.1045	5005	1.2765	0.3733
4103	0.2408	0.1385	5006	1.6270	0.4598
4107	0.1317	0.0708	5101	0.7303	0.3937
4108	0.1555	0.0741	5103	0.6538	0.3576
4109	0.2049	0.1074	5106	0.6538	0.3576
4201	0.4422	0.1418	5108	0.5240	0.2536
4301	0.6635	0.3496	5109	0.6986	0.2587
4302	0.5826	0.2142	5201	0.3163	0.1312
4304	0.6394	0.3038	5204	0.9080	0.3662
4305	0.9470	0.3447	5206	0.5219	0.1808
4401	0.3995	0.1990	5207	0.1289	0.0907
4402	0.6263	0.3155	5208	0.8234	0.3465
4404	0.3812	0.1883	5209	0.6803	0.2976
4501	0.1231	0.0700	5301	0.0287	0.0152
4502	0.0387	0.0201	5305	0.0390	0.0242

((Base Rates-Effective January-1, 1998				((Base Rates-Effective January-1, 1998			
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund		
5306	0:0412	0:0223	6601	0:1525	0:0981		
5307	0:3396	0:1413	6602	0:4193	0:2114		
6103	0:0529	0:0397	6603	0:2957	0:1532		
6104	0:2333	0:1312	6604	0:0523	0:0323		
6105	0:1800	0:0854	6605	0:2417	0:1805		
6107	0:0883	0:0624	6607	0:1198	0:0735		
6108	0:3969	0:2358	6608	0:2993	0:1107		
6109	0:0641	0:0315	6614	399:0000*	460:0000*		
6110	0:3812	0:1874	6615	147:0000*	167:0000*		
6201	0:3014	0:1201	6616	125:0000*	144:0000*		
6202	0:5730	0:2749	6617	44:0000*	50:0000*		
6203	0:0591	0:0444	6618	70:0000*	79:0000*		
6204	0:1284	0:0834	6620	1:1163	0:5271		
6205	0:1867	0:1063	6704	0:1026	0:0580		
6206	0:1564	0:0889	6705	0:5747	0:4118		
6207	0:9751	0:7654	6706	0:3038	0:2076		
6208	0:2087	0:1632	6707	1:3843	0:8472		
6209	0:2111	0:1314	6708	4:4763	3:5090		
6301	0:1426	0:0529	6709	0:1414	0:1035		
6302	0:1442	0:0800	6801	0:2337	0:1047		
6303	0:0651	0:0327	6802	0:3428	0:2222		
6304	0:1710	0:1155	6803	1:0538	0:2027		
6305	0:0656	0:0402	6804	0:1957	0:0956		
6306	0:2547	0:1272	6809	3:2414	2:7886		
6308	0:0521	0:0267	6901	0:0000	0:0399		
6309	0:1348	0:0829	6902	0:9373	0:2451		
6402	0:2712	0:1362	6903	4:6292	1:3618		
6403	0:1718	0:1067	6904	0:2188	0:0954		
6404	0:1604	0:0994	6905	0:2642	0:1256		
6405	0:5424	0:2360	6906	0:0000	0:1256		
6406	0:0622	0:0406	6907	1:0827	0:4467		
6407	0:1950	0:1090	6908	0:4326	0:2047		
6408	0:3073	0:1456	6909	0:0866	0:0487		
6409	0:5270	0:2261	7101	0:0264	0:0144		
6410	0:1438	0:0806	7102	2:1732	2:5468		
6501	0:0962	0:0491	7103	0:3091	0:1232		
6502	0:0253	0:0141	7104	0:0204	0:0135		
6503	0:0728	0:0252	7105	0:0210	0:0132		
6504	0:3039	0:2187	7106	0:1334	0:0673		
6505	0:0798	0:0545	7107	0:2202	0:1226		
6506	0:0737	0:0441	7108	0:1487	0:1072		
6508	0:2925	0:1685	7109	0:1350	0:0890		
6509	0:2135	0:1322	7110	0:2958	0:1160		

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<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
7111	0.3619	0.1902
7112	0.5361	0.2518
7113	0.5638	0.2450
7114	0.5968	0.4148
7115	0.4644	0.2423
7116	0.4441	0.2204
7117	0.9669	0.5481
7118	1.7933	0.8898
7119	1.8051	0.7607
7120	4.3722	2.2248
7121	4.8163	2.2131
7201	1.0637	0.3586
7202	0.0414	0.0199
7203	0.0914	0.0709
7204	0.0000	0.0000
7301	0.5428	0.2204
7302	0.5759	0.3230
7307	0.5278	0.2969
7308	0.1680	0.1181
7309	0.1414	0.1035

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
0302	2.1719	0.5481
0303	1.9927	0.5514
0306	1.1049	0.3435
0307	0.7890	0.2955
0308	0.5297	0.2582
0403	1.4958	0.5961
0502	1.5896	0.4618
0504	1.4679	0.5049
0506	4.6762	1.4043
0507	3.4005	1.1975
0508	3.6793	0.9062
0509	1.8957	0.5981
0510	1.5063	0.5304
0511	1.2412	0.4448
0512	1.4816	0.4997
0513	0.7619	0.2629
0514	1.3096	0.5473
0516	1.5063	0.5304
0517	1.6510	0.6797
0518	1.9184	0.5365
0519	1.8909	0.7171
0521	1.4291	0.4755
0601	0.5971	0.2294
0602	0.4516	0.1728
0603	0.9792	0.2926
0604	1.0582	0.4854
0606	0.2767	0.1511
0607	0.3588	0.1526
0608	0.2626	0.1306
0701	2.4974	0.4790
0803	0.3504	0.1577
0901	1.9184	0.5365
1002	0.7639	0.3433
1003	0.7629	0.3390
1004	0.5042	0.2030
1005	7.1860	2.0386
1007	0.3495	0.1312
1101	0.5047	0.2462
1102	1.3476	0.4593
1103	0.6578	0.2642
1104	0.3701	0.2211
1105	0.7115	0.3190
1106	0.2557	0.1589

* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.))

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<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
0101	1.5203	0.4584
0103	1.7561	0.5816
0104	1.0744	0.3380
0105	1.2392	0.5152
0107	1.2724	0.3893
0108	1.0744	0.3380
0112	0.7012	0.2552
0201	3.0120	0.8173
0202	3.0120	0.8173
0210	0.9815	0.3077
0212	0.9933	0.3155
0214	1.2178	0.3955
0217	1.2946	0.4373
0219	1.1908	0.3957
0301	0.6081	0.2879

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<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>	<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
<u>1108</u>	<u>0.4199</u>	<u>0.2054</u>	<u>3105</u>	<u>0.7318</u>	<u>0.3418</u>
<u>1109</u>	<u>0.7200</u>	<u>0.3846</u>	<u>3303</u>	<u>0.2251</u>	<u>0.1205</u>
<u>1301</u>	<u>0.4049</u>	<u>0.1876</u>	<u>3304</u>	<u>0.4615</u>	<u>0.2676</u>
<u>1303</u>	<u>0.1613</u>	<u>0.0752</u>	<u>3309</u>	<u>0.3293</u>	<u>0.1871</u>
<u>1304</u>	<u>0.0207</u>	<u>0.0111</u>	<u>3402</u>	<u>0.3921</u>	<u>0.1869</u>
<u>1305</u>	<u>0.3775</u>	<u>0.1867</u>	<u>3403</u>	<u>0.1892</u>	<u>0.0852</u>
<u>1401</u>	<u>0.5209</u>	<u>0.2533</u>	<u>3404</u>	<u>0.3737</u>	<u>0.1962</u>
<u>1404</u>	<u>0.5319</u>	<u>0.2240</u>	<u>3405</u>	<u>0.2161</u>	<u>0.1032</u>
<u>1405</u>	<u>0.3558</u>	<u>0.1799</u>	<u>3406</u>	<u>0.2115</u>	<u>0.1155</u>
<u>1501</u>	<u>0.3975</u>	<u>0.1713</u>	<u>3407</u>	<u>0.3543</u>	<u>0.1584</u>
<u>1507</u>	<u>0.3663</u>	<u>0.1628</u>	<u>3408</u>	<u>0.1022</u>	<u>0.0549</u>
<u>1701</u>	<u>0.7029</u>	<u>0.2878</u>	<u>3409</u>	<u>0.0896</u>	<u>0.0521</u>
<u>1702</u>	<u>1.8741</u>	<u>0.5600</u>	<u>3410</u>	<u>0.1656</u>	<u>0.1127</u>
<u>1703</u>	<u>0.3520</u>	<u>0.1272</u>	<u>3411</u>	<u>0.3697</u>	<u>0.1651</u>
<u>1704</u>	<u>0.7029</u>	<u>0.2878</u>	<u>3412</u>	<u>0.3910</u>	<u>0.1668</u>
<u>1801</u>	<u>0.9120</u>	<u>0.3213</u>	<u>3413</u>	<u>0.4638</u>	<u>0.2137</u>
<u>1802</u>	<u>0.8596</u>	<u>0.3418</u>	<u>3414</u>	<u>0.4553</u>	<u>0.2106</u>
<u>2002</u>	<u>0.5378</u>	<u>0.2826</u>	<u>3415</u>	<u>0.5064</u>	<u>0.2301</u>
<u>2004</u>	<u>0.5669</u>	<u>0.2970</u>	<u>3501</u>	<u>0.8562</u>	<u>0.3604</u>
<u>2007</u>	<u>0.4514</u>	<u>0.2051</u>	<u>3503</u>	<u>0.2067</u>	<u>0.1602</u>
<u>2008</u>	<u>0.2520</u>	<u>0.1205</u>	<u>3506</u>	<u>1.0930</u>	<u>0.2933</u>
<u>2009</u>	<u>0.2807</u>	<u>0.1638</u>	<u>3509</u>	<u>0.3364</u>	<u>0.1845</u>
<u>2101</u>	<u>0.5813</u>	<u>0.2643</u>	<u>3510</u>	<u>0.3685</u>	<u>0.1893</u>
<u>2102</u>	<u>0.3815</u>	<u>0.2122</u>	<u>3511</u>	<u>0.5354</u>	<u>0.2768</u>
<u>2104</u>	<u>0.2157</u>	<u>0.1358</u>	<u>3512</u>	<u>0.3007</u>	<u>0.1925</u>
<u>2105</u>	<u>0.5967</u>	<u>0.2422</u>	<u>3513</u>	<u>0.3685</u>	<u>0.2005</u>
<u>2106</u>	<u>0.2938</u>	<u>0.1605</u>	<u>3602</u>	<u>0.0981</u>	<u>0.0618</u>
<u>2201</u>	<u>0.2248</u>	<u>0.1060</u>	<u>3603</u>	<u>0.4283</u>	<u>0.2295</u>
<u>2202</u>	<u>0.4890</u>	<u>0.2433</u>	<u>3604</u>	<u>1.1141</u>	<u>0.5536</u>
<u>2203</u>	<u>0.2899</u>	<u>0.1616</u>	<u>3605</u>	<u>0.4356</u>	<u>0.2013</u>
<u>2204</u>	<u>0.2129</u>	<u>0.1004</u>	<u>3701</u>	<u>0.2230</u>	<u>0.1134</u>
<u>2401</u>	<u>0.3235</u>	<u>0.1977</u>	<u>3702</u>	<u>0.3745</u>	<u>0.1836</u>
<u>2903</u>	<u>0.5774</u>	<u>0.3081</u>	<u>3707</u>	<u>0.4379</u>	<u>0.2981</u>
<u>2904</u>	<u>0.6584</u>	<u>0.3437</u>	<u>3708</u>	<u>0.3985</u>	<u>0.1997</u>
<u>2905</u>	<u>0.4303</u>	<u>0.2356</u>	<u>3802</u>	<u>0.1497</u>	<u>0.0839</u>
<u>2906</u>	<u>0.3282</u>	<u>0.1463</u>	<u>3808</u>	<u>0.3566</u>	<u>0.1584</u>
<u>2907</u>	<u>0.4717</u>	<u>0.2366</u>	<u>3901</u>	<u>0.1246</u>	<u>0.0908</u>
<u>2908</u>	<u>0.8793</u>	<u>0.3852</u>	<u>3902</u>	<u>0.3378</u>	<u>0.1828</u>
<u>2909</u>	<u>0.3658</u>	<u>0.1987</u>	<u>3903</u>	<u>0.9803</u>	<u>0.5866</u>
<u>3101</u>	<u>0.7236</u>	<u>0.2792</u>	<u>3905</u>	<u>0.1246</u>	<u>0.0908</u>
<u>3102</u>	<u>0.2230</u>	<u>0.1134</u>	<u>3906</u>	<u>0.3952</u>	<u>0.1983</u>
<u>3103</u>	<u>0.7667</u>	<u>0.3178</u>	<u>3909</u>	<u>0.1436</u>	<u>0.0917</u>
<u>3104</u>	<u>0.5417</u>	<u>0.1904</u>	<u>4002</u>	<u>0.9166</u>	<u>0.3348</u>

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<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>	<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
<u>4101</u>	<u>0.2160</u>	<u>0.1118</u>	<u>5005</u>	<u>1.0777</u>	<u>0.3344</u>
<u>4103</u>	<u>0.2227</u>	<u>0.1364</u>	<u>5006</u>	<u>1.5419</u>	<u>0.4746</u>
<u>4107</u>	<u>0.1189</u>	<u>0.0660</u>	<u>5101</u>	<u>0.6905</u>	<u>0.3926</u>
<u>4108</u>	<u>0.1468</u>	<u>0.0728</u>	<u>5103</u>	<u>0.6268</u>	<u>0.3820</u>
<u>4109</u>	<u>0.1999</u>	<u>0.1074</u>	<u>5106</u>	<u>0.6268</u>	<u>0.3820</u>
<u>4201</u>	<u>0.4525</u>	<u>0.1518</u>	<u>5108</u>	<u>0.5083</u>	<u>0.2741</u>
<u>4301</u>	<u>0.6507</u>	<u>0.3593</u>	<u>5109</u>	<u>0.6538</u>	<u>0.2649</u>
<u>4302</u>	<u>0.5417</u>	<u>0.2179</u>	<u>5201</u>	<u>0.2988</u>	<u>0.1302</u>
<u>4304</u>	<u>0.6216</u>	<u>0.3142</u>	<u>5204</u>	<u>0.8059</u>	<u>0.3468</u>
<u>4305</u>	<u>0.8822</u>	<u>0.3475</u>	<u>5206</u>	<u>0.4505</u>	<u>0.1698</u>
<u>4401</u>	<u>0.3756</u>	<u>0.1990</u>	<u>5207</u>	<u>0.1224</u>	<u>0.0905</u>
<u>4402</u>	<u>0.6147</u>	<u>0.3191</u>	<u>5208</u>	<u>0.7941</u>	<u>0.3516</u>
<u>4404</u>	<u>0.3501</u>	<u>0.1823</u>	<u>5209</u>	<u>0.6687</u>	<u>0.3001</u>
<u>4501</u>	<u>0.1209</u>	<u>0.0713</u>	<u>5301</u>	<u>0.0272</u>	<u>0.0154</u>
<u>4502</u>	<u>0.0388</u>	<u>0.0211</u>	<u>5305</u>	<u>0.0415</u>	<u>0.0254</u>
<u>4504</u>	<u>0.0761</u>	<u>0.0512</u>	<u>5306</u>	<u>0.0391</u>	<u>0.0220</u>
<u>4601</u>	<u>0.5567</u>	<u>0.2881</u>	<u>5307</u>	<u>0.3216</u>	<u>0.1426</u>
<u>4802</u>	<u>0.1956</u>	<u>0.1041</u>	<u>6103</u>	<u>0.0559</u>	<u>0.0411</u>
<u>4803</u>	<u>0.1647</u>	<u>0.1020</u>	<u>6104</u>	<u>0.2279</u>	<u>0.1315</u>
<u>4804</u>	<u>0.4430</u>	<u>0.2581</u>	<u>6105</u>	<u>0.1706</u>	<u>0.0856</u>
<u>4805</u>	<u>0.2582</u>	<u>0.1406</u>	<u>6107</u>	<u>0.0834</u>	<u>0.0615</u>
<u>4806</u>	<u>0.0472</u>	<u>0.0272</u>	<u>6108</u>	<u>0.3524</u>	<u>0.2233</u>
<u>4808</u>	<u>0.4268</u>	<u>0.1868</u>	<u>6109</u>	<u>0.0612</u>	<u>0.0312</u>
<u>4809</u>	<u>0.2226</u>	<u>0.1261</u>	<u>6110</u>	<u>0.3495</u>	<u>0.1773</u>
<u>4810</u>	<u>0.1075</u>	<u>0.0748</u>	<u>6201</u>	<u>0.2944</u>	<u>0.1195</u>
<u>4811</u>	<u>0.1826</u>	<u>0.1163</u>	<u>6202</u>	<u>0.5352</u>	<u>0.2814</u>
<u>4812</u>	<u>0.2942</u>	<u>0.1458</u>	<u>6203</u>	<u>0.0563</u>	<u>0.0450</u>
<u>4813</u>	<u>0.1514</u>	<u>0.0888</u>	<u>6204</u>	<u>0.1244</u>	<u>0.0818</u>
<u>4900</u>	<u>0.4505</u>	<u>0.1698</u>	<u>6205</u>	<u>0.1818</u>	<u>0.1062</u>
<u>4901</u>	<u>0.0518</u>	<u>0.0233</u>	<u>6206</u>	<u>0.1574</u>	<u>0.0923</u>
<u>4902</u>	<u>0.0684</u>	<u>0.0333</u>	<u>6207</u>	<u>0.9789</u>	<u>0.7988</u>
<u>4903</u>	<u>0.0563</u>	<u>0.0267</u>	<u>6208</u>	<u>0.1943</u>	<u>0.1610</u>
<u>4904</u>	<u>0.0233</u>	<u>0.0141</u>	<u>6209</u>	<u>0.1950</u>	<u>0.1304</u>
<u>4905</u>	<u>0.2339</u>	<u>0.1586</u>	<u>6301</u>	<u>0.1365</u>	<u>0.0528</u>
<u>4906</u>	<u>0.0724</u>	<u>0.0367</u>	<u>6302</u>	<u>0.1398</u>	<u>0.0802</u>
<u>4907</u>	<u>0.0538</u>	<u>0.0290</u>	<u>6303</u>	<u>0.0604</u>	<u>0.0326</u>
<u>4908</u>	<u>0.0600</u>	<u>0.0890</u>	<u>6304</u>	<u>0.1737</u>	<u>0.1221</u>
<u>4909</u>	<u>0.0293</u>	<u>0.0375</u>	<u>6305</u>	<u>0.0628</u>	<u>0.0416</u>
<u>4910</u>	<u>0.3354</u>	<u>0.1794</u>	<u>6306</u>	<u>0.2153</u>	<u>0.1189</u>
<u>5001</u>	<u>5.0974</u>	<u>1.3877</u>	<u>6308</u>	<u>0.0472</u>	<u>0.0258</u>
<u>5002</u>	<u>0.4712</u>	<u>0.2110</u>	<u>6309</u>	<u>0.1271</u>	<u>0.0793</u>
<u>5003</u>	<u>1.5547</u>	<u>0.4681</u>	<u>6402</u>	<u>0.2376</u>	<u>0.1230</u>
<u>5004</u>	<u>1.1885</u>	<u>0.5519</u>	<u>6403</u>	<u>0.1474</u>	<u>0.0999</u>

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Class	<u>Base Rates Effective</u> <u>January 1, 1999</u>		Class	<u>Base Rates Effective</u> <u>January 1, 1999</u>	
	<u>Accident Fund</u>	<u>Medical Aid Fund</u>		<u>Accident Fund</u>	<u>Medical Aid Fund</u>
6404	0.1529	0.0982	6903	5.1134	1.3322
6405	0.5284	0.2453	6904	0.2155	0.0976
6406	0.0581	0.0393	6905	0.2545	0.1260
6407	0.1880	0.1115	6906	0.0000	0.1260
6408	0.2845	0.1457	6907	1.0104	0.4501
6409	0.4638	0.2137	6908	0.4571	0.2141
6410	0.1474	0.0843	6909	0.0893	0.0506
6501	0.0962	0.0517	7101	0.0254	0.0143
6502	0.0237	0.0134	7102	2.2096	2.5571
6503	0.0679	0.0259	7103	0.3072	0.1307
6504	0.2831	0.2138	7104	0.0199	0.0135
6505	0.0765	0.0551	7105	0.0197	0.0129
6506	0.0702	0.0435	7106	0.1296	0.0719
6508	0.2839	0.1657	7107	0.2133	0.1276
6509	0.2175	0.1367	7108	0.1583	0.1155
6510	0.2839	0.1657	7109	0.1232	0.0867
6511	0.2839	0.1657	7110	0.2981	0.1235
6601	0.1457	0.0959	7111	0.3503	0.1912
6602	0.3823	0.2063	7112	0.5197	0.2596
6603	0.2920	0.1548	7113	0.5302	0.2529
6604	0.0497	0.0323	7114	0.5520	0.4031
6605	0.2233	0.1878	7115	0.4436	0.2438
6607	0.1281	0.0789	7116	0.4249	0.2276
6608	0.3166	0.1185	7117	0.8839	0.5078
6614	642.0000*	432.0000*	7118	1.4517	0.7396
6615	236.0000*	158.0000*	7119	1.7754	0.7946
6616	200.0000*	134.0000*	7120	4.3170	2.2787
6617	71.0000*	48.0000*	7121	4.5816	2.2210
6618	89.0000*	60.0000*	7201	1.0205	0.3646
6620	1.4333	0.6288	7202	0.0389	0.0190
6704	0.0976	0.0572	7203	0.0905	0.0708
6705	0.5642	0.4053	7204	0.0000	0.0000
6706	0.2936	0.2089	7301	0.5283	0.2247
6707	1.3170	0.8361	7302	0.5680	0.3184
6708	4.5520	3.6000	7307	0.4746	0.2869
6709	0.1473	0.1088	7308	0.1686	0.1315
6801	0.2491	0.1103	7309	0.1473	0.1088
6802	0.3230	0.2157			
6803	0.8957	0.2366			
6804	0.1857	0.0971			
6809	3.3699	2.8255			
6901	0.0000	0.0464			
6902	0.8703	0.2499			

* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

PROPOSED

AMENDATORY SECTION (Amending WSR 97-24-062, filed 12/1/97, effective 1/1/98)

WAC 296-17-89502 Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications. The base rates as set forth below are for classifications whose premium rates are based on units other than hours worked.

((Base Rates Effective January 1, 1998

Class	Accident Fund	Medical Aid Fund	Supplemental Pension Fund
0524	0.0155	0.0040	0.0004
0526	0.0102	0.0025	0.0004
0527	0.0007	0.0002	0.0001
0528	0.0025	0.0007	0.0001
0529	0.0017	0.0004	0.0001
0530	0.0236	0.0059	0.0004
0531	0.0155	0.0038	0.0004
0532	0.0011	0.0003	0.0001
0533	0.0038	0.0011	0.0001
0534	0.0025	0.0007	0.0001))

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Class	Accident Fund	Medical Aid Fund	Supplemental Pension Fund
0524	0.0149	0.0042	0.0004
0526	0.0093	0.0025	0.0004
0527	0.0007	0.0002	0.0001
0528	0.0024	0.0007	0.0001
0529	0.0016	0.0004	0.0001
0530	0.0216	0.0058	0.0004
0531	0.0142	0.0038	0.0004
0532	0.0011	0.0003	0.0001
0533	0.0036	0.0011	0.0001
0534	0.0024	0.0007	0.0001

AMENDATORY SECTION (Amending WSR 97-24-062, filed 12/1/97, effective 1/1/98)

WAC 296-17-919 Table I.

RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B
STANDARD PREMIUM SIZE RANGES
Effective January 1, ((1998)) 1999

((Size Group Number	Standard Premium Range
63	\$ 3,389 - \$ 4,095
62	4,096 - 4,916
61	4,917 - 5,850
60	5,851 - 6,923
59	6,924 - 8,148
58	8,149 - 9,528
57	9,529 - 11,096
56	11,097 - 12,874
55	12,875 - 14,857
54	14,858 - 17,092
53	17,093 - 19,606
52	19,607 - 21,752
51	21,753 - 23,603
50	23,604 - 25,403
49	25,404 - 27,369
48	27,370 - 29,541
47	29,542 - 31,943
46	31,944 - 34,582
45	34,583 - 37,517
44	37,518 - 40,786
43	40,787 - 44,401
42	44,402 - 48,449
41	48,450 - 52,996
40	52,997 - 58,060
39	58,061 - 63,781
38	63,782 - 70,265
37	70,266 - 77,548
36	77,549 - 85,303
35	85,304 - 93,834
34	93,835 - 103,217
33	103,218 - 113,539
32	113,540 - 124,893
31	124,894 - 136,754
30	136,755 - 149,836
29	149,837 - 164,746
28	164,747 - 181,609
27	181,610 - 201,018
26	201,019 - 223,468
25	223,469 - 249,231
24	249,232 - 279,394
23	279,395 - 314,946
22	314,947 - 356,499

PROPOSED

employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

PROPOSED



WSR 98-19-126
EXPEDITED ADOPTION
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed September 23, 1998, 10:27 a.m.]

Title of Rule: WAC 388-450-0106 Allocating the income of a financially responsible person included in the assistance unit to household members excluded because of their alien status, and 388-450-0116 Allocating the income of a financially responsible person excluded from the assistance unit because of their alien status.

Purpose: WAC 388-450-0106 and 388-450-0116 are added to incorporate the method of allocating income of a financially responsible person included in the assistance unit to meet the needs of ineligible alien household members and the method of allocating income of a financially responsible person excluded from the cash assistance unit because of their alien status. The proposed rules are the result of negotiation with the state legislature and Columbia Legal Services to create rules that would ensure equal treatment for households consisting entirely of United States citizens and/or resident aliens and those households which include undocumented aliens.

Statutory Authority for Adoption: RCW 74.04.005, 74.08.090.

Statute Being Implemented: RCW 74.04.005, 74.08.090.

Summary: WAC 388-450-0106 and 388-450-0116 are added to incorporate the method of allocating income of a financially responsible person included in the assistance unit to meet the needs of ineligible alien household members and the method of allocating income of a financially responsible person excluded from the assistance unit because of their alien status. Allocation methods currently used create a financial advantage for households which include undocumented aliens when compared to households consisting entirely of United States citizens and/or resident aliens. The new rules will eliminate this financial advantage and ensure equal treatment for all households. The proposed rules are the result of negotiation with the state legislature and Columbia Legal Services to create rules that would ensure equal treatment for households consisting entirely of United States citizens and/or resident aliens and those households which include undocumented aliens.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cindy Anderson, Work-First Division, (360) 413-3095.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-450-0106 and 388-450-0116 are added to incorporate the method of allocating income of a financially responsible person included in the assistance unit to meet the needs of ineligible alien household members and the method of allocating income of a financially responsible person excluded from the assistance unit because of their alien status. Allocation methods currently used create a financial

advantage for households which include undocumented aliens when compared to households consisting entirely of United States citizens and/or resident aliens. The new rules will eliminate this financial advantage and ensure equal treatment for all households.

Proposal does not change existing 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 Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, AND RECEIVED BY November 23, 1998.

September 23, 1998

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

NEW SECTION

WAC 388-450-0106 Allocating the income of a financially responsible person included in the assistance unit to household members excluded because of their alien status. This section applies to TANF/SFA, RCA, RMA and TANF/SFA-related medical programs.

When a financially responsible person, as defined in WAC 388-450-0100(3), is included in the assistance unit, that person's income is allocated to household members who are excluded from the assistance unit because of their alien status, as defined in WAC 388-450-0100 (4)(a), after allowing the following deductions:

(1) The fifty percent earned income incentive for TANF/SFA assistance units or the ninety dollar work expense deduction for RCA assistance units, if the income is earned;

(2) An amount equal to the difference between the payment standards:

(a) That would include the eligible assistance unit members and those individuals excluded from the assistance unit because of their alien status; and

(b) Only the eligible assistance unit members.

(3) The payment standard amount equal to the number of ineligible persons, as defined in WAC 388-450-0100 (4)(b) through (h);

(4) An amount not to exceed the need standard, as defined in WAC 388-478-0015, for court or administratively ordered current or back support paid for legal dependents; and

(5) The employment related child care expenses for which the household is liable.

NEW SECTION

WAC 388-450-0116 Allocating the income of a financially responsible person excluded from the assistance unit because of their alien status. This section applies to TANF/SFA and RCA programs.

When a financially responsible person, as defined in WAC 388-450-0100(3), is excluded from the assistance unit because of their alien status, as defined in WAC 388-450-0100 (4)(a), that person's income, after allowing the following deductions, is countable income available to the assistance unit:

(1) The fifty percent earned income incentive for TANF/SFA assistance units or the ninety dollar work expense deduction for RCA assistance units, if the income is earned;

(2) An amount equal to the difference between the payment standards:

(a) That would include the eligible assistance unit members and those individuals excluded from the assistance unit because of their alien status; and

(b) Only the eligible assistance unit members.

(3) The payment standard amount equal to the number of ineligible persons, as defined in WAC 388-450-0100 (4)(b) through (h);

(4) An amount not to exceed the need standard, as defined in WAC 388-478-0015, for court or administratively ordered current or back support paid for legal dependents; and

(5) The employment related child care expenses for which the household is liable.

WSR 98-19-001
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed September 2, 1998, 2:29 p.m., effective October 5, 1998]

Date of Adoption: September 2, 1998.

Purpose: To allow the Attorney General's Office to appoint out-of-state attorneys as special assistant attorneys general; to remove an attorney for cause from the list of attorneys eligible for appointment; and to rewrite the rule to make it clearer.

Citation of Existing Rules Affected by this Order: Amending WAC 296-14-900 through 296-14-940.

Statutory Authority for Adoption: RCW 51.24.110, 51.12.102.

Adopted under notice filed as WSR 98-13-125 on June 17, 1998.

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 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Effective Date of Rule: October 5, 1998.

August 21, 1998
 Gary Moore
 Director

AMENDATORY SECTION (Amending WSR 93-23-060, filed 11/15/93, effective 1/1/94)

WAC 296-14-900 (~~(Purpose:)~~) **Authority to use special assistant attorneys general.** WAC 296-14-900 through 296-14-940 implement RCW 51.12.102 and 51.24.110, which authorize(s) the department to use private attorneys as special assistant attorneys general.

AMENDATORY SECTION (Amending WSR 93-23-060, filed 11/15/93, effective 1/1/94)

WAC 296-14-910 (~~(Definitions:)~~) **Lists of special assistant attorneys general.** (~~In WAC 296-14-900 through 296-14-940:~~

~~"Department" means the department of labor and industries:)~~ (1) The department must determine from the application and other sources if an attorney qualifies to be placed on the lists of attorneys eligible to represent the department as special assistant attorneys general. The department may con-

sult with the Washington State Bar Association and the office of the attorney general to make the determination.

(2) The office of the attorney general must appoint qualified attorneys as special assistant attorneys general. Once appointed, these attorneys become eligible to represent the department. Appointed attorneys serve at the pleasure of the office of the attorney general, and the appointments may be canceled without cause.

(3) The department must compile and maintain lists of attorneys eligible to represent the department as special assistant attorneys general. Referrals may be made from the lists and contracts entered into.

(4) Once a year, the department must provide a current copy of its lists of attorneys to the office of the attorney general and to the Washington State Bar Association.

AMENDATORY SECTION (Amending Order 88-03, filed 3/31/88)

WAC 296-14-920 **Qualifications** (~~(criteria)~~) **of special assistant attorneys general.** To (~~qualify for the list of attorneys from which appointments may be made to represent the department as special assistant attorneys general, an attorney must meet the following minimum criteria:)~~ be eligible for placement on the department's lists of attorneys, an attorney must:

(1) Be an active member of the Washington State Bar Association;

(2) Meet bar association requirements of the state the action is in, if other than Washington;

(3) Maintain a trust account in compliance with the rules of professional conduct; and

~~((3))~~ (4) Have and maintain in force professional liability insurance.

AMENDATORY SECTION (Amending WSR 93-23-060, filed 11/15/93, effective 1/1/94)

WAC 296-14-930 (~~(Application by attorneys:)~~) **Applying for special assistant attorney general.** (1) (~~An attorney who meets the qualification criteria may seek inclusion on the list of attorneys by filing an application with the department:)~~ Application forms may be obtained from the office of the attorney general, the Washington State Bar Association, or the department.

(2) The (~~application form shall be prepared by the department in consultation with the office of the attorney general. The application shall require the applicant to declare under penalty of perjury that the information is true and shall require the applicant to inform:)~~ applicant must:

(a) Complete the form and send it to the department; and

(b) Inform the department and the office of the attorney general immediately of any changes in his or her qualifications.

AMENDATORY SECTION (Amending WSR 93-23-060, filed 11/15/93, effective 1/1/94)

WAC 296-14-940 (~~(List of attorneys:)~~) **Removal of special assistant attorneys general.** (1) (~~The department~~

~~shall determine from the application and from other sources whether an attorney meets the criteria of WAC 296-14-920. The department may consult with the Washington State Bar Association and the office of the attorney general if necessary to make the determination.~~

~~(2) The department shall compile and maintain the lists of attorneys from which the attorney general may select special assistant attorneys general to represent the department.~~

~~(3) The department shall, once every year, provide the attorney general and the Washington State Bar Association with a current copy of the lists of the attorneys.~~

~~(4) RCW 51.12.102, 51.24.110 and WAC 296-14-900 through 296-14-940 do not give the attorneys on the special assistant attorney general lists any right to any expectation of employment as a special assistant attorney general and/or assistant attorney general.~~

~~(5) The designation "special assistant attorney general" shall not be used by a private attorney on any correspondence or pleadings relating to services, nor shall they refer to themselves as such other than as necessary to show their authority in a specific case to represent the department.)~~ RCW 51.12.102 and 51.24.110 and WAC 296-14-900 through 296-14-940 do not give private attorneys on the special assistant attorneys general lists any right to expect employment.

(2) Private attorneys, unless representing the department in a specific case, must not:

(a) Refer to themselves as "special assistant attorney general"; or

(b) Include this designation on any correspondence or pleadings relating to services.

(3) The department, in conjunction with the office of the attorney general and the Washington State Bar Association, may remove an attorney for cause from the lists of attorneys eligible to represent the department. Cause includes, but is not limited to:

(a) Misuse of the designation "special assistant attorney general";

(b) Lapse of any qualification; or

(c) Failure to meet performance requirements of the department contract.

(4) After one year an attorney may write to the department and request to be placed on the lists of attorneys eligible to represent the department again. The department in its discretion may place the attorney on its lists again.

(5) If the department removes an attorney from the lists a second time, or if the department decides not to place a removed attorney on its lists again, the department must notify the office of the attorney general to cancel the appointment. The department may refer the attorney to the Washington State Bar Association for consideration of disciplinary action. The attorney must reapply for appointment.

**WSR 98-19-012
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-185—Filed September 4, 1998, 2:54 p.m.]

Date of Adoption: August 8, 1998.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-040, 220-52-043, and 220-52-046.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under notice filed as WSR 98-14-132 on July 1, 1998.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-52-040: Sec. 2, L. 1 - restore "or"; L. 2 - delete "or otherwise control"; Sec. 8 title - add "Puget Sound"; Sec. 9 - delete new text; Sec. 10, L. 3 - change "gear" to "pot"; Sec. 11 title - delete "or buoy tags"; L. 2 delete "crab buoy or"; L. 4 - delete "or buoys."

WAC 220-52-043: Sec. 3(a), L. 3 - add "or"; Secs. 3(b) and 4 - delete new text.

WAC 220-52-046: L. 2 - delete "control, setting"; Sec. 3(e) - delete new text; Sec. 5(c), L. 3 - delete "typically."

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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 3, 1998

Larry W. Peck

for Bern Shanks

Director

AMENDATORY SECTION (Amending WSR 98-05-043, filed 2/11/98, effective 3/14/98)

WAC 220-52-040 Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts. (1) **Net fishing boats shall not have crab aboard.** It is unlawful for any vessel geared or equipped with commercial net fishing gear to have aboard any quantity of crab while it is fishing with ~~((said))~~ the net gear or ~~((having commercially caught))~~ when it has other food fish or ~~((other species of))~~ shellfish aboard for commercial purposes.

(2) **Area must be open to commercial crabbing.** Unless otherwise provided, it is unlawful to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crabs~~((:))~~ for commercial purposes~~((:))~~ in any area or

at any time when ~~((it is unlawful to take or fish for crabs for commercial purposes therein.~~

~~(3) It is unlawful to have in the water any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes, in any area at any time when it is unlawful to take or fish for crabs for commercial purposes therein))~~ the location is not opened for taking crabs for commercial purposes by permanent rule or emergency rule of the department: Provided, That following the close of a commercial crab season, permission may be granted by the director or his or her designee on a case-by-case basis for ((fishermen)) crab fishers to recover shellfish pots that ((have become)) were irretrievable due to extreme weather conditions at the end of the lawful opening. ((Fishermen)) Crab fishers must notify and apply to department enforcement for such permission within twenty-four hours prior to the close of season.

~~((4))~~ (3) Crabs must be male and 6-1/4 inches. It is unlawful for any person acting for commercial purposes to take, ~~((or))~~ possess ~~((for commercial purposes)), deliver, or otherwise control:~~

(a) Any female Dungeness crabs((s)); or

(b) Any male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back immediately in front of the tips.

~~((5))~~ (4) Each person and each Puget Sound license limited to 100 pots. It is unlawful for any person to take or fish for crab(s) for commercial purposes in the Puget Sound licensing district ~~((with))~~ using, operating, or controlling any more than an aggregate total of 100 shellfish pots or ring nets ((in the aggregate for)). This limit shall apply to each license ((owned, and it shall be unlawful for any person to take or fish for crabs for commercial purposes in Puget Sound with more than 200 shellfish pots or ring nets in the aggregate from one vessel, provided it shall be unlawful for any)). However, this shall not preclude a person holding two Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW 75.28.048(4).

(5) Dungeness Bay Area Limit of 20 pots. No person, ~~((or))~~ nor any group of persons using the same vessel, ~~((to))~~ may take or fish for crabs for commercial purposes ~~((with))~~ by setting, using, operating, or controlling more than 20 shellfish pots and/or ring nets ((in the aggregate)) within the waters of Dungeness Bay lying west of a line projected from the new Dungeness Light southward to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.

~~(6) ((It is unlawful for any person to take or fish for Dungeness crabs for commercial purposes in the Puget Sound licensing district with more than 20 pots per groundline, and it shall be unlawful to use or operate a groundline unless such gear meets the following requirements:~~

~~(a) A buoy, staff, flag, and radar reflector must be attached at each end of the groundline;~~

~~(b) Flags attached at each end of the groundline must be orange in color;~~

~~(c) Buoys attached at each end of the groundline must be marked in a visible and legible manner with the department of fish and wildlife approved and registered buoy brand issued to the license;~~

~~(d) Buoys attached at each end of the groundline must be marked with the number of pots attached to the groundline; and~~

~~(e) Staffs with attached flags at each end of the groundline must be at least four feet above the water surface.~~

~~(7))~~ Additional area gear limits. The following Marine Fish-Shellfish Management and Catch Reporting Areas are restricted in the number of pots fished ~~((from a vessel:~~

~~(a) It is unlawful for any person to take or fish for Dungeness crabs for commercial purposes using more than)),~~ operated, or used by a person or vessel and it is unlawful for any person to use, maintain, operate, or control pots in excess of the following limits:

(a) 10 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25E.

~~(b) ((It is unlawful for any person to take or fish for Dungeness crabs for commercial purposes using more than))~~ 10 pots in all waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula.

~~(c) ((It is unlawful for any person to fish for Dungeness crabs for commercial purposes using more than))~~ 30 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the mouth of Cooper Creek.

~~((8) In coastal waters, Grays Harbor, Willapa Bay and the Columbia River))~~ (7) Groundline gear is unlawful. No crab pot ~~((gear))~~ or ring net may be attached or connected to other crab pot ~~((gear))~~ or ring net by a common groundline or any other means that connects crab pots together.

~~((9))~~ (8) Puget Sound crab pots must be tagged. In Puget Sound it is unlawful to place in the water, pull from the water, possess on the water, or transport on the water any crab pot without a pot tag that meets the requirements of WAC 220-52-043.

(9) Puget Sound - No person can possess or use gear with other person's tag. In Puget Sound no person may possess, use, control, or operate any crab pot not bearing a tag identifying the pot as that person's, except that an alternate operator designated on a primary license may possess and operate a crab pot bearing the tag of the license holder.

(10) Cannot tamper with pot tags. No person shall remove, damage, or otherwise tamper with crab pot tags except when lawfully applying or removing tags on the person's own pots.

(11) Thirty-day period when it is unlawful to buy or land crab from ocean without crab vessel inspection. It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel which has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and properly licensed for commercial crab fishing if no Dungeness crabs are aboard. Inspections will be performed by authorized department personnel not earlier than twelve

hours prior to the opening of the coastal crab season and during the following thirty-day period.

~~((14))~~ (12) Grays Harbor pot limit of 200. It is unlawful for any person to take or fish for crab for commercial purposes in Grays Harbor (catch area 60B) with more than 200 shellfish pots in the aggregate ~~((and))~~. It shall be unlawful for any group of persons using the same vessel to take or fish for crab for commercial purposes in Grays Harbor with more than 200 shellfish pots.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-52-043 Commercial crab fishery—Additional gear ~~((—Licensing))~~ and license use requirements.

(1) Commercial gear limited to pots and ring nets. It shall be unlawful to take or fish for crabs for commercial purposes except with shellfish pots and ring nets.

(2) Commercial gear escape rings and ports defined. It shall be unlawful to use or operate any shellfish pot gear in the commercial Dungeness crab fishery unless such gear meets the following requirements:

(a) Pot gear must have not less than two escape rings or ports not less than 4-1/4 inches inside diameter.

(b) Escape rings or ports described above must be located in the upper half of the trap.

(3) Puget Sound commercial gear tagging requirements.

In Puget Sound, all crab pots must have a durable, non-biodegradable tag permanently and legibly marked with the primary license owner's name or license number, and telephone number securely attached to the pot. If the tag information is illegible, or if the tag is lost for any reason, the pot is not in compliance with law.

(4) Puget Sound - Description of lawful buoys. All buoys attached to commercial crab gear in Puget Sound waters must consist of a durable material and remain floating on the water's surface when five pounds of weight is attached. It is unlawful to use bleach or antifreeze bottles or any other container as a float. All buoys fished under a single license must be marked in a uniform manner using one buoy brand number registered by the license holder with the department and be of identical color or color combinations. No buoys attached to commercial crab gear in Puget Sound may be ~~((half))~~ both red ~~((in color))~~ and ~~((half))~~ white in color unless a minimum of thirty percent of the surface of each buoy is also prominently marked with an additional color or colors other than red or white, as ~~((these))~~ the red and white colors are reserved for personal use crab gear as described in WAC 220-56-320 (1)(c).

~~((4)) Licensing:~~

~~(a) A dungeness crab—Puget Sound fishery license is a license required to operate the gear provided for in this section, and allows the operator to retain dungeness crab taken in Puget Sound.~~

~~(b) Crab pot—Puget Sound and crab ring net—Puget Sound fishery licenses are licenses required to operate the gear provided for in this section, and allow the operator to retain crab other than dungeness crab taken in Puget Sound.~~

~~(e) Crab pot—non-Puget Sound and crab ring net—non-Puget Sound fishery licenses are licenses required to operate the gear provided for in this section and allow the operator to retain crab taken in state waters other than Puget Sound and offshore waters.)~~

(5) Commercial crab license requirements. In addition to, and separate from, all requirements in this chapter that govern the time, area, gear, and method for crab fishing, landing, possession, or delivery of crabs, no commercial crab fishing is allowed except when properly licensed. A person may take, fish for, land, or deliver crabs for commercial purposes in Washington or coastal waters only when the person has the license required by statute, or when the person is a properly designated alternative operator to a valid license. For Puget Sound, a person must have a "Dungeness crab - Puget Sound" fishery license provided by RCW 75.28.130. For coastal waters, such person must have a "Dungeness crab - Coastal" fishery license provided by RCW 75.28.130. To use ring nets instead of or in addition to pots, then the licensee must also have the "Crab ring net - Puget Sound" or "Crab ring net - non-Puget Sound" license in RCW 75.28.130. Qualifications for the limited entry licenses, requirements for designating vessels, and use of alternate operators is provided by and controlled by chapters 75.28 and 75.30 RCW.

(6) Incidental catch ~~((+))~~ may not be retained. It is unlawful to retain salmon ~~((or))~~, food fish, or any shellfish other than octopus that is taken incidental to any ~~((lawful))~~ crab ~~((fishery))~~ fishing.

AMENDATORY SECTION (Amending WSR 98-05-043, filed 2/11/98, effective 3/14/98)

WAC 220-52-046 Crab fishery—Seasons and areas. ~~((It is unlawful))~~ "Commercial crab fishing" means any taking, fishing, use, or operation of gear to fish for ~~((or possess Dungeness))~~ crabs ~~((taken))~~ for commercial purposes ~~((except during the lawful open seasons and areas)), and shall include the possession of crab on the water for commercial purposes, and the landing or initial delivery of crab for commercial purposes.~~

The lawful open times and areas for commercial crab fishing are as follows:

(1) All Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas are open for commercial crab fishing beginning 8:00 a.m. October 1st through the following April 15th and, after October 1, one-half hour before sunrise to one-half hour after sunset, except:

(a) Areas 25C, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D ~~((and the closures provided for in this section))~~ are not open to commercial crab fishing; and

(b) The areas and times provided by other subsections below are not open to commercial crab fishing.

(2) The following areas are closed to ~~((non-Indian))~~ commercial crab fishing except for treaty Indian commercial crab fishing where the treaty Indian crab fisher is following tribal openings that are in accordance with provisions of court orders in United States v. Washington:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat

ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point are closed March 1 through April 15.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from the entrance buoy at Sandy Point to Gooseberry Point.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder at Point Francis to the pilings at Stevie's Point.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of lines projected north from the most westerly tip of Skagit Island and south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B north of a line projected true west from Kayak Point and south and west of a line from Kayak Point to Barnum Point.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the mouth of Cooper Creek are closed through November 15th of each year.

(h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25D within a line projected from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin.

(3) The following areas are closed to commercial crab fishing during the periods indicated:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley are closed October 1 through October 31, and March 1 through April 15 of each year.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A in Useless Bay north and east of a line from Indian Point to a point on shore 1.5 miles north-east of Double Bluff are closed October 1 through October 31, and March 1 through April 15 of each year.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B inside lines from Oyster Creek to the fisheries monument on Samish Island and from Oyster Creek to Point Williams are closed shoreward of the ten fathom contour October 1 through October 31, and March 1 through April 15 of each year.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line

projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the eastern most oil dock are closed October 1 through October 31, and March 1 through April 15 of each year.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A in Coronet Bay south of a line projected true east and west from the northernmost tip of Ben Ure Island are closed October 1 through October 31, and March 1 through April 15 of each year.

(4) The following areas are closed to commercial crab fishing until further notice:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A within a line projected from Rocky Point northeast to the red number 2 buoy, thence to Brown Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24D south of a line from Dines Point to the point just north of Beverly Beach.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A south and east of a line projected from the 3A buoy at the Snohomish River mouth to the outermost tip of the ferry dock at Mukilteo.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point thence following the 200 foot contour to a point due east from the Glendale Dock.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Oyster Creek to the fisheries management monument on Samish Island.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.

(h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A shoreward of the ten-fathom (MLLW) contour in Chuckanut Bay.

(i) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to Shaw Island.

(j) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

(k) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Fisherman Bay south of a line projected east-west through the red number 4 entrance buoy.

(l) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected from Lopez Island through Crab and Fortress Islands to Lopez Island.

(m) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Padilla Bay within a line projected from the northern end of the eastern most oil dock

to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore.

(n) All waters in the San Juan Islands Marine Preserve Area.

(5) Coastal, Pacific Ocean, Grays Harbor, Willapa Bay and Columbia River waters(--) are open to commercial crab fishing December 1 through September 15 except that it is lawful to set baited crab gear beginning at 8:00 a.m. November 28 (~~unless~~). However, the department may delay opening of the coastal crab fishery (~~is delayed~~) due to softshell crab conditions, in which case the following provisions will apply:

(a) After consultation with the Oregon Department of Fish and Wildlife, the director may, by emergency rule, establish a softshell crab demarcation line.

(b) For waters of the Pacific Ocean north of Point Arena, California, it is unlawful for a person to use a vessel to fish in any area for which the season opening has been delayed due to softshell crab for the first thirty days following the opening of such an area if the vessel was employed in the coastal crab fishery during the previous forty-five days.

(c) Fishers may not set crab gear in any area where the season opening has been delayed (~~more than~~), except that gear may be set as allowed by emergency rule and shall allow setting sixty-four hours in advance of the delayed season opening time.

(d) It is unlawful to fish for or possess Dungeness crabs or to set crab gear in waters of the Pacific Ocean adjacent to the states of Oregon or California except during the lawful open seasons, areas and times specified by the individual states.

(6) The following areas (Special Management Area; SMA's) are closed to (~~non-Indian~~) commercial crab fishing during the periods indicated, except for treaty Indian commercial crab fishing where the treaty Indian crab fisher is following tribal openings that are in accordance with provisions of court orders in United States v. Washington:

(a) Those waters bounded by lines projected between the following coordinates:

Southern SMA Description:

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

Northern SMA Description:

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)

The non-Indian fishery will be closed within these areas through January 4, 1998. The areas will open to the non-Indian fishery on January 5, 1998, and remain open through September 15, 1998. The non-Indian fishery will be closed within these areas December 1, 1998, through January 4, 1999. The areas will open to the non-Indian fishery on January 5, 1999, and remain open through September 15, 1999.

(b) Those waters between 47°40.50'N (Destruction Island) north to 48°02.25'N, east of a line (to the coastline) described by the following points:

Southern point:	47°40.50'N	124°37.50'W
Central point:	48°00.00'N	124°49.50'W
Northern point:	48°02.25'N	124°50.00'W

This area is closed to non-Indian fishing through January 7, 1998. It will reopen to non-Indian fishing on January 8, 1998, and close on February 5, 1998. This area will reopen on March 28, 1998, and remain open through September 15, 1998. This area is closed to non-Indian fishing from December 1, 1998, through January 7, 1999. It will reopen to non-Indian fishing on January 8, 1999, and close on February 5, 1999. This area will reopen on March 28, 1999, and remain open through September 15, 1999.

(c) Those waters east of a line approximating the 25 fathom curve, from 48°02.15'N 124°50'00"W to 48°07'36"N 124°51'24"W to 48°20'00"N 124°50'00"W to Cape Flattery. This area will close to non-Indian fishing December 29, 1997, (after 28 days of fishing) and remain closed through March 31, 1998. The area will reopen on April 1, 1998, and remain open through September 15, 1998.

WSR 98-19-023

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed September 9, 1998, 2:29 p.m.]

Date of Adoption: September 9, 1998.

Purpose: To repeal chapter 16-471 WAC, Chrysanthemum white rust disease quarantine.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-471-010, 16-471-015, 16-471-020, 16-471-030, 16-471-040, 16-471-050, 16-471-060, 16-471-070, and 16-471-080.

Statutory Authority for Adoption: RCW 17.24.04 [17.24.041].

Adopted under notice filed as WSR 98-13-128 on June 17, 1998.

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 9.

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.

PERMANENT

Effective Date of Rule: Thirty-one days after filing.
September 9, 1998
James M. Jesernig
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-471-010	Definitions.
WAC 16-471-015	Penalties.
WAC 16-471-020	Quarantine—Chrysanthemum white rust disease.
WAC 16-471-030	Area under quarantine.
WAC 16-471-040	Regulated articles.
WAC 16-471-050	Conditions governing the movement of regulated articles from an area under quarantine.
WAC 16-471-060	Plant and plant parts to be destroyed or treated—Interval before replanting.
WAC 16-471-070	Special permits and compliance agreements.
WAC 16-471-080	Notice of quarantine—Notice of destruction.

WSR 98-19-031**PERMANENT RULES****PERSONNEL RESOURCES BOARD**

[Filed September 10, 1998, 2:18 p.m., effective October 12, 1998]

Date of Adoption: September 10, 1998.

Purpose: These rules are housekeeping in nature and were needed to be in alignment with state statutes as a result of the merger of the higher education personnel system under the jurisdiction of the Washington Personnel Resources Board.

Citation of Existing Rules Affected by this Order: Repealing WAC 251-24-040 HEPB sponsored training, and amending WAC 251-01-065 Classified service, 251-05-050 Office hours, and 251-18-180 Eligible lists—Definition—Composition.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 98-16-053 on August 3, 1998.

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 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 3, Repealed 1.

Effective Date of Rule: October 12, 1998.

September 10, 1998

Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 86-09-078 (Order 147), filed 4/22/86)

WAC 251-01-065 Classified service. All positions in the higher education institutions which are subject to the provisions of ~~((the higher education personnel law))~~ chapter 41.06 RCW and these rules.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-05-050 Office hours. Public records shall be available for inspection and copying during the customary office hours of the ~~((board))~~ department of personnel. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding designated holidays.

AMENDATORY SECTION (Amending WSR 93-19-078, filed 9/14/93, effective 10/1/93)

WAC 251-18-180 Eligible lists—Definition—Composition. Eligible lists shall be established by class as follows:

(1) **Institution-wide layoff lists** shall contain the names of:

(a) All permanent and probationary employees of the institution laid off or scheduled for layoff in accord with WAC 251-10-030 and 251-10-055 ranked in order of layoff seniority.

(b) Former permanent employees of the institution who (i) have transferred, promoted, voluntarily demoted or laterally moved to positions at other institutions/related boards, and (ii) have not successfully completed their trial service periods at the institution to which they moved, ranked in order of layoff seniority.

(2) **Organizational unit promotional lists** shall contain the names of all permanent employees of the organizational unit for which the list is established who have passed the examination for the class. This list shall also contain the names of former employees separated from the organizational unit per WAC 251-10-070 who have submitted an application for reemployment pursuant to WAC 251-10-080 and who have passed the examination for the class, provided that during their previous employment with the institution

they were not demoted for disciplinary reasons, reverted, or dismissed from the class. This list shall be ranked in order of their final examination scores.

(3) **Institution-wide promotional lists** shall contain the names of all permanent employees of the institution who have passed the examination for the class. This list shall also contain the names of:

(a) Former employees separated from the institution per WAC 251-10-070 who have submitted an application for reemployment pursuant to WAC 251-10-080 and who have passed the examination for the class, provided that during their previous employment with the institution they were not demoted for disciplinary reasons, reverted, or dismissed from the class. This list shall be ranked in order of their final examination scores.

(b) Former employees laid off from the institution per WAC 251-10-030, who are on an institution-wide layoff list.

Persons appointed under (b) of this subsection shall serve a trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be returned to the position and/or status held immediately prior to the appointment.

(4) **Special employment program layoff lists** shall contain the names of permanent employees of the institution laid off, scheduled for layoff or removed from service within a class due to layoff conditions in special employment programs as provided in WAC 251-10-035 ranked in order of layoff seniority.

(5) **State-wide layoff lists** shall contain the names of permanent employees laid off or scheduled for layoff who have exercised their option per WAC 251-10-060, ranked in order of layoff seniority as provided in WAC 251-10-060(2).

(6) **Interinstitutional employee lists** shall contain the names of permanent employees of an institution or related board other than the one at which he/she is applying, who have passed the examination for the class, ranked in order of their final examination scores.

(7) **Intersystem employee lists** shall contain the names of permanent employees in state agencies under the jurisdiction of chapter 41.06 RCW who have passed the examination for the class, ranked in order of their final examination scores.

(8) **Open competitive lists** shall contain the names of all other applicants who have passed the examination for the class, ranked in order of their final examination scores.

(9) **Noncompetitive lists** shall be established per WAC 251-17-040 and shall contain the names of applicants who meet the minimum qualifications and have passed the non-competitive examination, if any, for the class, ranked by priority in time of filing application.

(10) For positions assigned to EEO-6 categories executive, administrative, managerial, and professional nonfaculty, the personnel officer may combine the organizational unit promotional list, the institution-wide promotional list, the special employment program layoff list, the interinstitutional employee list, the intersystem employee list, the state-wide layoff list, and the open competitive list into a single eligible list:

(a) The combined list option must be specified in the recruitment notice for a class in order for the personnel officer to combine lists for positions in the class;

(b) The combined list shall contain the names of eligibles ranked in order of their final examination scores. Permanent employees of the institution and former permanent employees eligible to return to work pursuant to WAC 251-10-080 shall have a five percent credit added to their final passing scores.

REPEALER

WAC 251-24-040

HEPB sponsored training.

WSR 98-19-034

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed September 10, 1998, 3:44 p.m., effective October 12, 1998]

Date of Adoption: September 10, 1998.

Purpose: These rules are housekeeping in nature and were needed to be in alignment with state statutes as a result of the merger of the higher education personnel system under the jurisdiction of the Washington Personnel Resources Board.

Citation of Existing Rules Affected by this Order: Repealing WAC 356-06-060 Personnel board—Composition—Appointment, 356-06-070 Personnel board—Procedure—Quorum, 356-06-090 Director—Appointment—Removal, 356-14-015 Salary and fringe benefit surveys—Requirements, 356-14-021 Salary and fringe benefit survey plans—Intentions—Content, and 356-14-035 Compensation plan submittal—Intentions—Content; and new WAC 356-05-178 Higher education system or higher education rules, 356-05-198 Institutions of higher education, and 356-05-358 Related boards; and amending 356-05-055 Board, 356-05-210 Law enforcement personnel, 356-05-375 Scheduling plan, 356-05-390 Seniority, 356-05-477 Washington general service, 356-06-003 Scope, 356-06-020 Exemptions, 356-06-040 Classified service, 356-06-050 Exempt service, 356-06-080 Powers—Duties of the board, 356-06-100 Director—Powers—Duties, 356-06-110 Federal preemption—Fair Labor Standards Act, 356-06-120 Americans with Disabilities Act of 1990—Federal and state preemption, 356-07-030 Description and location of departmental organization, 356-07-040 General method of operation, 356-09-040 Affirmative action program—Responsibilities—Department of personnel, 356-10-020 Classification plan—Revision, 356-10-045 Employee appointment status—Lateral reallocation, 356-10-050 Employee appointment status—Upward reallocation, 356-10-060 Allocation—Request for review, 356-14-010 Compensation plan—General provisions, 356-14-026 Salary surveys—Application—Indexing, 356-14-031 Compensation plan—Adoption, 356-14-045 Salaries—Comparable worth, 356-14-070 Salary—Limits, 356-15-020 Work period designations, 356-15-130 Special pay ranges, 356-15-125 Assignment pay provisions, 356-18-050 Sick leave

credit—Purpose—Accrual—Conversion, 356-22-180 Examination—Oral examining panel, 356-22-220 Veterans preference in examinations, 356-22-230 Examinations—Noncompetitive, 356-26-030 Register designation, 356-26-040 Registers—Name removal for cause—Grounds enumerated—Requirements, 356-30-143 Intergovernmental mobility, 356-30-260 Probationary period—Provisions—Status of employee, 356-30-320 Trial service—Reversion—Status, 356-34-090 Protests—Requirements for applicants, examinees, and eligibles, 356-34-100 Agency hearings—General provisions, 356-34-260 Appeals—Correction of rating, 356-37-010 Board hearings—Procedure—Record, 356-37-020 Prehearing procedures—Exhibits, 356-37-030 Filing of prehearing statements, 356-37-040 Scheduling of hearings, 356-37-070 Ethical conduct before the board, 356-37-080 Service of process, 356-37-130 Quashing, 356-37-140 Orders for discovery, 356-37-150 Proof of charges, 356-37-160 Prehearing conference, 356-39-020 Human resource development—State-wide philosophy/definition, 356-39-060 Human resource development planning, 356-39-080 Review of agencies' human resource development reports, 356-42-010 Membership in employee organization, 356-42-020 Determination of bargaining unit, 356-42-055 Arbitration—Grievance—Procedure, 356-42-080 Unfair labor practice, 356-42-082 Filing unfair labor practice charge, 356-42-083 Investigation of and disposition of unfair labor practice charges, 356-42-084 Answer to complaint—Unfair labor practice, 356-42-085 Amendment of complaint or answer—Unfair labor practice, 356-42-086 Hearing—Unfair labor practice, 356-42-088 Hearings and investigation—Unfair labor practice, 356-42-089 Enforcement—Unfair labor practice, 356-42-100 Impasse arbitration, 356-42-105 Requests for arbitration, 356-46-030 Disclosure of political, religious affiliations—Prohibited, 356-46-060 Agencies—Personnel and payroll records, 356-46-125 Drug testing—Limitations—uses, 356-49-010 Inter-system employment—Purpose, 356-49-020 Application of rules, 356-49-030 Eligibility—Definition, and 356-49-040 Inter-system movement.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 98-15-035 on July 8, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 75, Repealed 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 75, Repealed 6.

Effective Date of Rule: October 12, 1998.

September 10, 1998

Dennis Karras

Secretary

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 98-21 issue of the Register.

WSR 98-19-035

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed September 10, 1998, 3:45 p.m., effective October 12, 1998]

Date of Adoption: September 10, 1998.

Purpose: These rules are housekeeping in nature and were needed to be in alignment with state statutes as a result of the merger of the higher education personnel system under the jurisdiction of the Washington Personnel Resources Board.

Citation of Existing Rules Affected by this Order: Repealing WAC 251-01-205 Hearing examiner, 251-04-150 State Environmental Policy Act, 251-08-040 Compensation plans—Submission to governor, 251-12-085 Hearing examiners, 251-12-096 Declaratory orders, 251-12-097 Declaratory orders—Form, 251-12-290 Superior court appeals—Preparation of record—Time limitations—Cost, and 251-12-300 Superior court appeals—Consideration of record; and new 251-01-018 Agency and 251-01-201 Higher education system or higher education rules; and amending WAC 251-01-030 Annual performance evaluation, 251-01-045 Board, 251-01-110 Director, 251-01-150 Examinations, 251-01-160 Executive head exemption, 251-01-305 Principal assistant exemption, 251-01-365 Related boards, 251-01-410 System examination, 251-04-030 Scope, 251-04-040 Exemptions, 251-04-050 Powers—Duties of the board, 251-04-060 Director, 251-04-070 Personnel officers, 251-04-160 Federal preemption—Fair Labor Standards Act, 251-04-170 Americans with Disabilities Act of 1990—Federal and state preemption, 251-05-010 Purpose, 251-05-030 Description and location of departmental organization, 251-05-040 Method of operation, 251-05-060 Records—Availability—Copies, 251-05-070 Exemptions—Public records, 251-06-020 Classification plan—Adoption, 251-06-070 Allocation appeal, 251-06-090 Probationary period—Duration, 251-07-100 Temporary appointment records, 251-08-021 Compensation plans—Salary survey, 251-08-051 Compensation plans—Implementation, 251-08-090 Salary—Periodic increment, 251-08-100 Periodic increment date, 251-08-160 Payroll certification, 251-10-030 Layoff, 251-10-035 Layoff—Special employment programs, 251-11-030 Demotion, suspension, reduction, dismissal—Cause for, 251-11-050 Dismissal—Grounds for—Notice, 251-11-090 Withdrawal or amendment of charges—Time limitation, 251-11-120 Probationary period—Rejection, 251-11-130 Trial service reversion, 251-12-073 Appeals from exempt status, 251-12-075 Appeals from alleged violations of higher education personnel law or rules, 251-12-076 Appeals from denial of parental leave requests, 251-12-080 Appeals from demotion, suspension,

PERMANENT

layoff, reduction in salary, separation, dismissed, 251-12-099 Filing of prehearing statements, 251-12-100 Hearings before the board, 251-12-104 Prehearing procedures—Exhibits, 251-12-105 Scheduling of hearings, 251-12-220 Subpoenas—Quashing, 251-12-230 Discovery—Depositions—Interrogatories, 251-12-232 Prehearing conference, 251-12-260 Restoration of rights, 251-12-500 Relief from effect of board's order, 251-12-600 Remedial action, 251-14-052 Union shop representative election, 251-14-060 Contents of written agreements, 251-14-070 Unfair labor practices—Management—Employee organizations, 251-14-082 Investigation of and disposition of unfair labor practice charges, 251-14-085 Amendment of complaint or answer—Unfair labor practice, 251-14-087 Enforcement—Unfair labor practice, 251-14-130 Arbitration—Grievance—Procedure, 251-17-120 Examinations—Evaluation of, 251-19-060 Trial service period, 251-19-110 Permanent classified employee interinstitutional and intersystem movement, 251-19-120 Appointment—Temporary, 251-19-122 Written notification of temporary appointment, 251-19-140 Apprenticeship programs, 251-19-157 Workers' compensation—Return-to-work—Program, 251-20-010 Employee performance evaluation—Authority, purpose, use, 251-22-040 Holidays, 251-22-060 Vacation leave—Accrual, 251-22-165 Workers' compensation—Leave, 251-23-010 Affirmative action—Authority, 251-23-020 Affirmative action plans—Requirements—Approval, 251-23-030 Affirmative action plans—Monitoring progress—Reporting, 251-24-010 Employee development—Authority, purpose, objective, 251-24-030 Training and development programs—Contents, and 251-25-050 State internship program—Application of rules.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 98-15-036 on July 8, 1998.

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 74, Repealed 8.

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 2, Amended 74, Repealed 8.

Effective Date of Rule: October 12, 1998.

September 10, 1998

Dennis Karras

Secretary

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 98-21 issue of the Register.

**WSR 98-19-036
PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed September 11, 1998, 8:07 a.m., effective September 15, 1998]

Date of Adoption: September 10, 1998.

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

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 98-10-093 on May 6, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted rule reflects a 1.8% increase in all tariff categories to be charged for pilotage services. This is 7.2% less than the proposed increase of 9%. A \$600 surcharge was added for each bridge transited for vessels in excess of 27.5 meters in beam.

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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Intended adoption was delayed from August 1 [1998] pursuant to emergency tariff to freeze rates until completion of hearing process.

Effective Date of Rule: September 15, 1998.

September 10, 1998

Peggy Larson

Administrator

AMENDATORY SECTION (Amending WSR 97-15-120, filed 7/23/97, effective 8/1/97)

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective 0001 hours on ((8-1-97)) 9-15-98 through 2400 hours ((7-31-98)) 7-31-99.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be ((~~\$60.80~~))

~~\$61.89~~ per meter (or (~~(\$18.50)~~) \$18.83 per foot) and the tonnage charge shall be (~~(\$0.1939)~~) \$0.1974 per net registered ton. The minimum net registered tonnage charge is (~~(\$678.39)~~) \$690.60. The charge for an extra vessel (in case of tow) is (~~(\$387.67)~~) \$394.65.

Boarding fee:

Per each boarding/deboarding from a boat (~~(\$292.49)~~)
\$297.75

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage (~~(\$486.30)~~)
\$495.05

Delays per hour (~~(\$115.96)~~)
\$118.05

Cancellation charge (pilot only) (~~(\$193.82)~~)
\$197.31

Cancellation charge (pilot boat only) (~~(\$581.48)~~)
\$591.95

Travel allowance:

Boarding or deboarding a vessel off Grays Harbor entrance (~~(\$90.00)~~)
\$91.62

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid (~~(\$678.41)~~) \$690.62 for each day or fraction thereof, and the travel expense incurred (~~(\$678.41)~~)
\$690.62

Bridge transit:

Charge for each bridge transited (~~(\$212.88)~~)
\$216.71

Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam \$600.00

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

Purpose: To update livestock identification rules and implement changes in livestock inspection procedures resulting from a legislatively-mandated 20% roll back in fees and declining revenues. Five separate rules on similar livestock inspection topics were rewritten as one comprehensive, easy to read rule.

Citation of Existing Rules Affected by this Order: Chapters 16-96, 16-605A, 16-608 and 16-620 WAC, repealed in their entirety, and chapter 16-604 WAC excluding WAC 16-604-009, 16-604-010, 16-604-020, 16-604-025, and 16-604-040.

Statutory Authority for Adoption: RCW 16.57.160, 16.57.220, 16.57.240, 16.57.350, 16.58.030, 16.58.050, 16.65.037, 16.65.090.

Adopted under notice filed as WSR 98-15-157 on July 22, 1998, continued as WSR 98-18-043 on August 28, 1998.

Changes Other than Editing from Proposed to Adopted Version: Clarifying changes were made to WAC 16-607-005(16), replacing the word "which" with "that"; WAC 16-607-045(2), deleting the word "additional." Proof of ownership is required and the inclusion of the word "additional" is redundant. WAC 16-607-050(4), deleting the word "additional." Proof of ownership is required and the inclusion of the word "additional" is redundant, WAC 16-607-060(1), replace "the" individual with "that" individual, and WAC 16-607-060 (1)(a), add the word "address" after business. Other changes to WAC 16-607-005, 16-607-040, 16-607-055, 16-607-060, and 16-607-120 will be filed under a supplemental notice and a public hearing will be scheduled.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 24, Amended 0, Repealed 42.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 11, 1998

James M. Jesernig

Director

WSR 98-19-037
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
[Filed September 11, 1998, 11:22 a.m.]

Date of Adoption: September 11, 1998.

Chapter 16-607 WAC

INSPECTION AND IDENTIFICATION OF LIVE-STOCK

NEW SECTION

WAC 16-607-005 Definitions. (1) "Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders.

(2) "Brand" means a permanent fire brand, or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.

(3) "Brand inspection" or "livestock inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides including the examination of documents providing evidence of ownership.

(4) "Certificate of permit" or "transportation permit" means a form prescribed by and obtained from the director that is completed by the owner or a person authorized to act on behalf of the owner to show the ownership of livestock. It does not evidence inspection of livestock.

(5) "Collecting point" means livestock inspection points designated by the Washington state beef commission to collect beef commission assessment payments directly from cattle producers and remit to the Washington state beef commission.

(6) "Department" means the department of agriculture of the state of Washington.

(7) "Director" means the director of the department or his/her duly authorized representative.

(8) "Farmers Cooperative Association" means any properly incorporated cooperative association whose membership is made up of livestock producers.

(9) "Individual identification symbol" means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.

(10) "Inspection certificate" means a certificate issued by the director or a veterinarian certified by the director documenting the ownership of an animal based on an inspection of the animal. It includes an individual identification certificate.

(11) "Licensee" means any person licensed to operate a market under chapter 16.65 RCW.

(12) "Livestock" means all cattle, horses, burros, and mules of whatever species, breed or age.

(13) "Lot" means livestock of one ownership.

(14) "Market" means public livestock market as defined in RCW 16.65.010(1).

(15) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(16) "Production record brand" means a number brand that is used for production identification purposes only.

(17) "Purchase invoice" means the invoice issued by a public livestock market to the purchaser of cattle or horses consigned to the market.

(18) "Self-inspection certificate" means a form prescribed by and obtained from the director that is used for self-inspection of cattle or horses and is signed by the buyer and seller of the cattle or horses.

NEW SECTION

WAC 16-607-010 The livestock identification advisory board. (1) The livestock identification advisory board established in RCW 16.57.015 is composed of six members appointed by the director. The advisory board shall meet at least once annually with the director to perform its advisory functions. Additional meetings may be convened at the request of the director or a majority of the membership.

(2) Advisory board members must be residents of the state of Washington and actively engaged in the industry they represent. The director is an ex-officio member of the advisory board.

(3) Advisory board members serve three-year terms. Terms commence July 1 and expire June 30.

(4) Positions are numbered one through six as follows:

(a) Position one - beef producers;

(b) Position two - public livestock market operators;

(c) Position three - horse owners;

(d) Position four - dairy farmers;

(e) Position five - cattle feeders; and

(f) Position six - meat processors.

(5) On initial appointment, positions one and four serve a one-year term; positions two and five serve a two-year term; and positions three and six serve a three-year term.

(6) Vacancies in membership may be filled by the director for the remainder of an unexpired term. Current members of the advisory board and presidents of affected statewide industry groups may submit names to the director for consideration in filling vacancies.

(7) The director shall solicit nominations to fill an expiring position from affected statewide industry groups. Nominations from industry groups shall be submitted to the director for consideration prior to May 1 of the year the term expires.

NEW SECTION

WAC 16-607-015 Official forms. (1) Official forms prescribed by the director under the provisions of RCW 16.57.240 include the certificate of permit, livestock inspection certificate and self-inspection certificate. The forms include the owner's name, number, breed, sex, brand or other method of identification of livestock and other information deemed necessary by the department.

(2) Books of the certificate of permit are obtained from the department upon payment of one dollar.

NEW SECTION

WAC 16-607-020 Point of inspection—Cattle. All cattle shall be inspected for brands or other proof of ownership at the following points:

(1) Prior to being moved out of state, except as provided in WAC 16-607-035(2).

(2) Prior to sale at any public livestock market.

(3) Prior to slaughter at any slaughter plant where the United States Department of Agriculture maintains meat inspection, unless the cattle originate from a certified feed lot or are accompanied by:

(a) An inspection certificate issued by the director or a veterinarian certified by the director or any other agency authorized in any other state or any Canadian province by law to issue such a certificate; or

(b) A purchaser's invoice issued by a public livestock market.

(4) Upon entry or reentry and prior to commingling with other cattle at any certified feed lot licensed under chapter 16.58 RCW, unless the cattle are accompanied by:

(a) An inspection certificate issued by the director or a veterinarian certified by the director or any other agency authorized in any other state or any Canadian province by law to issue such a certificate; or

(b) A purchaser's invoice issued by a public livestock market.

(5) At any point of sale or the taking of possession by an intended purchaser or private agent subject to title passing, except that inspection shall not be required for any individual private sale of any unbranded female dairy breed cattle involving fifteen head or less. Exemption from mandatory inspection does not exempt cattle sellers from paying assessments due to the Washington state beef commission under chapter 16.67 RCW.

NEW SECTION

WAC 16-607-025 Point of inspection—Horses. All horses shall be inspected for brands or other proof of ownership at the following points:

(1) Prior to being moved out of state, except as provided in WAC 16-607-035.

(2) Prior to sale at any public livestock market.

(3) Prior to sale at any special open consignment horse sale as defined in RCW 16.65.010.

(4) Prior to sale at any special sale where horses of more than one owner are offered for sale on an occasional and seasonal basis either by private treaty or auction.

NEW SECTION

WAC 16-607-035 Out-of-state inspection procedure.

(1) All cattle and horses shall be inspected by the department or a certified veterinarian for brands or other proof of ownership prior to being moved out of state, except as provided in WAC 16-607-035(2) or when accompanied by a purchase invoice issued by a public livestock market.

(2) Livestock may be moved out of state without prior livestock inspection when they are destined for a public livestock market or slaughterplant in another state where brand inspection is performed by the department or an agent pursuant to an agreement with the other state. The livestock moving out-of-state to those public livestock markets or slaughterplants must be accompanied by a certificate of permit showing that the livestock are directly destined for and transported to the out-of-state inspection point. The certificate of

permit is not valid for transportation to any other inspection point or beyond the inspection point.

NEW SECTION

WAC 16-607-045 Livestock inspection procedures—Certified feed lots, slaughterplants, beef commission assessment collecting points. (1) Livestock inspection of cattle required under WAC 16-607-020 (3) and (4) and at other beef commission assessment collecting points is conducted by the seller and buyer. If the livestock are consigned for custom feeding or custom processing, the certified feed lot or plant assumes the responsibility of the buyer and the owner assumes the responsibility of the seller.

(2) The seller presents to the buyer a completed certificate of permit. The seller retains one copy and provides the original and one copy to the buyer. Proof of ownership must be provided to the buyer for all brands not recorded to the seller.

(3) The buyer shall provide to the seller a receiving/scale ticket or any customary form indicating receipt of the livestock.

(4) The buyer shall collect and remit inspection fees to the department.

NEW SECTION

WAC 16-607-050 Livestock inspection procedures—Private treaty sales. Livestock inspection of cattle required under WAC 16-607-020(5) may be conducted by the department, by veterinarians certified by the department, or by the buyer and seller.

(1) Inspection by the department is on request and is provided at the discretion of the director.

(2) Livestock inspection of cattle required under WAC 16-607-020(5) conducted by the buyer and seller is documented using self-inspection certificates obtained from the department.

(3) Self-inspection certificates must be fully completed and signed by the buyer and seller. The original shall be provided to the buyer and accompany the cattle and the seller shall retain a copy.

(4) Proof of ownership must be provided to the buyer for all livestock bearing brands not recorded to the seller.

(5) The cost of self-inspection certificates includes the current cattle inspection fee and the assessment for the National Beef Promotion and Research Act. The department will remit assessments collected to the Washington state beef commission.

NEW SECTION

WAC 16-607-060 Certification of veterinarians to issue inspection certificates. The director may certify veterinarians licensed and accredited in Washington state to issue inspection certificates for livestock.

(1) No veterinarian may issue an inspection certificate unless that individual has met the certification requirements and paid the certification fee.

(2) Application for certification is on a form prescribed by the director. The application will include the following information:

(a) The full name and principal business address of the individual applying for certification.

(b) The applicant's Washington state veterinary license number.

(c) The geographic area in which the applicant will provide service.

(d) A statement regarding the applicant's experience with large animals, especially cattle and horses.

(e) Whether the applicant is requesting certification to issue inspection certificates for cattle or horses or both.

(f) The signature of the veterinarian requesting certification.

(g) Any other reasonable information the department finds necessary to carry out the purpose of this chapter.

(3) The fee for certification is thirty-five dollars. The certification expires on the third December 31st following the date of issuance.

(4) All veterinarians applying for certification must complete training provided by the department. Training will include but not be limited to the reading of printed brands and brands or other marks on live animals, completion of official documents and review of satisfactory ownership documents. The department will provide a copy of the most current brand book and any supplements issued to date to each person certified.

(5) The department will maintain a list of veterinarians certified to perform livestock inspection. The list is available upon request to interested persons.

(6) Certified veterinarians must submit required inspection fees to the department with copies of each certificate issued. An additional fee may be charged that is separate from fees collected under RCW 16.57.220 and WAC 16-607-065.

(7) The department may withdraw or deny approval of certified veterinarians to perform livestock inspection under the following circumstances:

(a) For knowingly making false or inaccurate statements regarding qualifications on an application.

(b) For knowingly making or acquiescing in false or inaccurate statements on livestock inspection certificates as to the date or location of the inspection, marks or brands on the livestock inspected, owner's name or any other statement material to the livestock inspected.

NEW SECTION

WAC 16-607-065 Inspection fees. (1) The fee for livestock inspection is sixty cents per head for cattle and two dollars and forty cents per head for horses, except as provided for in subsection (4) of this section.

(2) The fee for individual identification certificates is seven dollars and fifty cents for an annual certificate and fifteen dollars for a lifetime certificate, except as provided for in subsection (5) of this section.

(3) There is a minimum fee of two dollars and fifty cents for the issuance of any inspection certificate by the director

except for those issued at a public livestock market sale or special sale approved by the director.

(4) When inspection is performed by the department, the fee is sixty cents per head for cattle and two dollars and forty cents per head for horses or fifteen dollars per hour and the current mileage rate set by the office of financial management, whichever is greater, except as provided for in RCW 16.65.090.

(5) When individual identification certificates are issued by the department, the fee for an annual certificate is seven dollars and fifty cents and fifteen dollars for a lifetime certificate or fifteen dollars per hour and the current mileage rate set by the office of financial management, whichever is greater.

(6) All inspection performed on an hourly basis by the department begins at the time the inspector leaves his or her official station to the point of inspection and ends upon return to his or her official station.

(7) Veterinarians certified by the department may charge an additional fee that is separate from livestock inspection fees.

NEW SECTION

WAC 16-607-070 Renewal of registered brands. Owners of registered brands must file for renewal of registration by December 31st of odd-numbered years. A late filing fee of ten dollars shall accompany any renewals filed after December 31st of odd-numbered years.

NEW SECTION

WAC 16-607-075 Recording fees. The fee for recording any instrument affecting the title of a brand is fifteen dollars. The fee for obtaining a certified copy of the record of a brand by the owner of the brand is seven dollars and fifty cents.

NEW SECTION

WAC 16-607-080 Identification by freeze branding. The technique of identifying livestock by freeze branding may be used for complying with the requirements of chapter 16.57 RCW and chapter 16-607 WAC.

NEW SECTION

WAC 16-607-085 Use of production brands for dairy cattle. Cattle for dairy purposes may be identified by branding on any point between the hock and the stifle of the right or left hind leg, or both, by the owner. Any digit or combination of digits may be used.

NEW SECTION

WAC 16-607-090 Use of production brands for beef cattle. (1) Cattle of the beef breeds may be identified by branding high on either the left or right shoulder, or both, by the owner. The use of production record brands on cattle of the beef breeds shall be allowed only when such cattle are

identified with such owner's registered brand: Provided, That production record brands may be placed on registered cattle of the beef breeds without the use of an ownership brand.

(2) Any digit or combination of digits may be used, with the exception of the following numbers:

(a) Not permissible on the right shoulder are 7, 60 and 717;

(b) Not permissible on the left shoulder are 14, 25 and 77.

NEW SECTION

WAC 16-607-095 Production record brands to consist of Arabic numbers only—Exception. (1) Production record brands shall consist only of Arabic numbers and may include any digit or any combination of such digits in groups, except as limited in WAC 16-607-090.

(2) Production record brands must be recorded with the department of agriculture in the same manner as an ownership brand under the provisions of chapter 16.57 RCW, before they may be legally used in this state.

(3) No fee will be charged for recording a production brand if the same person has already paid to record an ownership brand.

(4) No production record brand will be recognized for ownership purposes, registered for ownership purposes, or accepted for livestock inspection purposes.

NEW SECTION

WAC 16-607-100 Custom slaughter beef tag. Any person licensed as a custom slaughterer shall complete and attach a custom slaughter beef tag to each of the four quarters of all slaughtered cattle handled by that slaughterer. The tags must remain on the quarters until the quarters are cut and wrapped. Only the department may provide custom slaughter beef tags to custom slaughterers. The fee for each set of four custom slaughter beef tags is one dollar and fifty cents. The department will maintain a surveillance and enforcement program to assure compliance with these requirements.

NEW SECTION

WAC 16-607-105 Certificate of permit required for custom slaughtered cattle. Any person presenting his or her cattle for slaughter by a licensed custom slaughterer shall provide to the custom slaughterer a completed certificate of permit. The number of the custom slaughter beef tag attached by the custom slaughterer shall be listed on the certificate of permit.

NEW SECTION

WAC 16-607-110 Livestock identification on slaughtered cattle by owner. No custom meat facility may receive a carcass from other than a custom farm slaughterer mobile or fixed location or an officially inspected slaughterplant unless it is accompanied by a certificate of permit signed by the owner of the carcass.

NEW SECTION

WAC 16-607-115 Certified feed lot licensing. (1) Prior to issuance of an original certified feed lot license the director will conduct an inspection of all cattle and their corresponding ownership documents. The inspection fee shall be the higher of the current inspection fee per head of cattle or time and mileage as set in RCW 16.57.220.

(2) Certified feed lot licenses issued under RCW 16.58.060 expire on June 30th following the date of issuance.

(3) Upon nonrenewal of a certified feed lot license all cattle inventory in a feed lot is subject to inspection requirements for noncertified feed lots.

NEW SECTION

WAC 16-607-125 Public livestock market livestock inspection facilities. Livestock inspection facilities at public livestock markets shall be approved by the director and shall consist of:

(1) A chute which has a solid base on each side of sufficient strength to contain cattle and horses at least twenty-four inches in height, but no more than thirty-six inches in height. Above the base on each side, the chute shall have wire cables extended along its entire length separated by six-inch intervals to a height of at least six feet. The cables shall be attached to a vertical post every sixteen feet, alternated with a pipe or stay every eight feet for support and to ensure that the cables are maintained in a tight condition. The brand chute shall be kept well lit with shop, spot, or floodlights on both sides of the chute at a height of five feet above the highest cable. The lighting shall extend for a distance of three-fourths of the length of the chute beginning at the head of the chute;

(2) An electrical outlets for clippers at chutes;

(3) A livestock inspection area kept free of any leaking or water build-up of any kind and well covered by adequate roofing;

(4) A work area for livestock inspectors on each side of the chute which shall be protected from cattle and horses being unloaded or moved by fencing or any other permanent structure allowing at least thirty inches of work space along the length of the chute.

(5) An office in the livestock inspection area with dimensions of at least eight feet by ten feet. The office shall contain adequate heating and a counter approximately eighteen inches in width at a standing work level.

NEW SECTION

WAC 16-607-130 Public livestock market scale installation regulations. (1) Approaches and accessibility for testing shall consist of:

(a) A convenient unobstructed hard surfaced approach to the livestock scale at the scale deck level when the scale is inaccessible for a test truck; and

(b) Doors and passageways which are a minimum of six feet in width.

(2) A scale deck shall be constructed preferably of reinforced concrete with "Z" bar coping. If cleats are used which

are more than three-fourths inch in thickness, such cleats shall be hinged or readily removable, otherwise a satisfactory covering for such cleats must be provided to allow for proper testing.

(3) The stock rack shall be securely fastened to the scale deck. There shall be a minimum clearance of three inches between the rack and surrounding dead construction. Adequate space and visibility shall be provided so that interested parties may observe the weighing operation. All dial scales used by the licensee shall be of adequate size to be readily visible to all interested parties and shall be equipped with a mechanical weight recorder. All beam scales used by the licensee shall be equipped with a balance indicator, a weigh beam and a mechanical weight recorder, all readily visible to all interested parties.

(4) The pit and foundation shall be of monolithic construction. Coping iron shall be required on all corners adjacent to the deck. The pit shall be six feet in depth, dry and readily accessible for inspection. Electrical lighting facilities for inspection shall be provided. Exception to the six-foot depth may be allowed, upon approval of the director, when conditions are sufficiently adverse. However, a minimum of two feet clearance shall always be provided between the lowest scale lever and the pit floor.

(5) The recording element shall be adequately housed for protection against wind and weather.

(6) No scales are required at markets licensed to handle horses and mules only unless animals are to be sold by weight. When animals are sold by weight, the scale requirements as shown previously shall apply.

NEW SECTION

WAC 16-607-135 Sale day. In any case where a licensed operator of a public livestock market fails to conduct a sale on a sale day which has been allocated to the licensee by the director more than six times in any twelve-month period, the allocation of that sale day is subject to change or revocation. Any change or revocation of an allocated sale day shall be considered in an administrative hearing conducted under the provisions of chapter 34.05 RCW.

NEW SECTION

WAC 16-607-140 Special sale approval. Application for approval of a special sale shall be made at least fifteen days in advance of the proposed sale. Approval is subject to the discretion of the director.

NEW SECTION

WAC 16-607-145 Association membership. To assure that any special sale proposed by a Farmers Cooperative Association or Association of Livestock Breeders is limited to the sale of their own livestock, the association may be required to verify to the director that any person offering livestock for sale in the special sale was a member of the association at the time of the filing of any consignment application, contract or commitment.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-96-001	Promulgation.
WAC 16-96-002	Promulgation.
WAC 16-96-003	Promulgation.
WAC 16-96-010	Branding dairy cattle for identification.
WAC 16-96-020	Branding beef cattle for identification.
WAC 16-96-030	Production record brands to consist of Arabic numbers only—Exception.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-604-001	Promulgation.
WAC 16-604-002	Promulgation.
WAC 16-604-003	Promulgation.
WAC 16-604-008	License fees.
WAC 16-604-012	Brand inspection facilities.
WAC 16-604-015	Sales day.
WAC 16-604-030	Scale installation regulations.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-605A-001	Certified feed lot license fee.
WAC 16-605A-005	Certified feed lot license expiration—Late renewal penalty.
WAC 16-605A-010	Certified feed lot handling fee.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-608-001	Definitions.
WAC 16-608-010	Special permits.
WAC 16-608-020	Membership.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-620-010	Definitions.
WAC 16-620-015	The livestock identification advisory board.
WAC 16-620-020	Point of inspection.
WAC 16-620-030	Out-of-state points of inspection.
WAC 16-620-080	Inspection exemption at slaughterhouse.
WAC 16-620-100	Prescribed transportation permit and bill of sale form.
WAC 16-620-105	Self-inspection slips.
WAC 16-620-150	Brand registration and renewal fee.
WAC 16-620-205	Identification by freeze branding.
WAC 16-620-210	Purchase of official forms.
WAC 16-620-230	Certificate of permit required for custom slaughtered cattle.
WAC 16-620-240	Slaughter tag.
WAC 16-620-250	Brand identification on slaughtered cattle by owner.
WAC 16-620-260	Fee.
WAC 16-620-275	Minimum fee.
WAC 16-620-280	Inspection—Annual and lifetime certificates.
WAC 16-620-290	Fees—Regular inspection points.
WAC 16-620-340	Inspection, special sales.
WAC 16-620-350	Inspection time charged.
WAC 16-620-380	Inspection fee.
WAC 16-620-390	Renewal of registered brands.
WAC 16-620-400	Recording fee.
WAC 16-620-410	Fee for certified copy of brand record.

WSR 98-19-039

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed September 11, 1998, 11:27 a.m.]

Date of Adoption: August 26, 1998.

Purpose: To raise existing fees charged for background fingerprint checks on current and potential school district and educational service district employees by six dollars.

Citation of Existing Rules Affected by this Order: Amending WAC 446-20-610.

Statutory Authority for Adoption: RCW 43.43.830 - [43.43.]845, ESSB 6108, chapter 346, Laws of 1998.

Adopted under notice filed as WSR 98-15-055 on July 10, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 10, 1998

Annette M. Sandberg

Chief

AMENDATORY SECTION (Amending WSR 96-18-017, filed 8/26/96, effective 9/26/96)

WAC 446-20-610 Superintendent of public instruction—Prospective educational employees—Fees. (1) In addition to the state search, an FBI search is required for requests submitted under chapter 28A.410 RCW. Two fingerprint cards are required to be submitted to the Washington state patrol identification and criminal history section.

(2) Appropriate nonrefundable fees are to be charged and made payable to the Washington state patrol for searches conducted under chapter 28A.410 RCW as follows:

(a) The fee for the state search is fifteen dollars for school district employees.

(b) The fee for the state search is twenty-five dollars for persons applying for their certification or for contractual employees.

(c) The fee for the FBI search is twenty-four dollars.

(d) In addition, a ~~((four))~~ ten-dollar processing fee will be charged for each fingerprint background check processed under chapter 28A.410 RCW. The Washington state patrol will reimburse the superintendent of public instruction ~~((four))~~ ten dollars for each fingerprint background check processed under this chapter for applicants who are certified, contractual or classified.

(3) Prospective employees hired by the superintendent of public instruction, educational service districts, school districts and/or their contractors shall pay the appropriate fees

for state and federal fingerprint checks conducted under chapter 28A.410 RCW.

(4) Fees are to be deposited in the Washington state patrol fingerprint identification account.

WSR 98-19-040
PERMANENT RULES
WASHINGTON STATE PATROL

[Filed September 11, 1998, 11:29 a.m.]

Date of Adoption: August 26, 1998.

Purpose: To define acceptable type and use of additional hazard strobe lamps used by transit companies for public safety.

Citation of Existing Rules Affected by this Order: Amending WAC 204-10-020.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.320.

Adopted under notice filed as WSR 98-15-083 on July 16, 1998.

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 1, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 10, 1998

Annette M. Sandberg

Chief

AMENDATORY SECTION (Amending WSR 98-04-053, filed 1/30/98, effective 3/2/98)

WAC 204-10-020 Lighting devices. Aftermarket neon lighting devices may not be used on motor vehicles while they are in motion on public roadways.

(1) Federal Motor Vehicle Safety Standard 108 is hereby adopted by reference as the standard for the following aftermarket lighting devices:

- (a) Headlamps (shall be white only) (SAE J578)
- (b) Taillamps
- (c) Stoplamps
- (d) License plate lamps
- (e) Turn signal lamps
- (f) Side marker lamps
- (g) Intermediate side marker lamps
- (h) Backup lamps

- (i) Identification lamps
- (j) Clearance lamps
- (k) Parking lamps
- (l) Reflex reflectors
- (m) Intermediate reflex reflectors
- (n) Intermediate side reflex reflectors
- (o) Intermediate side marker reflectors
- (p) Turn signal operating units
- (q) Turn signal flashers
- (r) Vehicular hazard warning signal operating units
- (s) Vehicular hazard warning signal flashers

(2) Canadian Standards Association Standard D106.2 is hereby adopted by reference as the standard for the following lighting devices:

(a) Aftermarket headlamps (quartz-halogen nonsealed beam - shall be white only).

(i) Motorcycle headlamps may comply with either Federal Motor Vehicle Safety Standard 108 or Canadian Standard D106.2.

(b) Fog lamps. Fog lamps may comply with either Standard D106.2 or SAE Standard J583 as set forth in subsection (3)(a) of this section.

(3) Society of Automotive Engineers standards are hereby adopted by reference as the standard for the following lighting devices:

(a) Fog lamps (SAE J583), aftermarket fog lamps shall be white to amber only

(b) Fog tail lamps (SAE J1319)

(c) Auxiliary driving lamps (SAE J581), shall be white only and are not intended to be used alone or with the lower beam of a standard headlamp system

(d) Auxiliary low beam lamps (or auxiliary passing lamps) (SAE J582)

(e) Spot lamps (SAE J591)

(f) Cornering lamps (SAE J852)

(g) Supplemental high-mounted stop and rear turn signal lamps (SAE J1957 and J2068)

(h) Side turn signal lamps (SAE J914)

(i) 360 degree emergency warning lamps (SAE J845)

(j) Flashing warning lamps for agricultural equipment (SAE J974)

(k) Flashing warning lamps for authorized emergency, maintenance, and service vehicles (SAE J595)

(l) Flashing warning lamp for industrial equipment (SAE J96)

(m) Warning lamp alternating flashers (J1054)

(n) Green lamp for use on volunteer fireman's private vehicle (SAE J595) - flashing warning lamps for authorized emergency, maintenance, and service vehicles.

(i) Color of the lens shall be green as that color is described in SAE Standard J578 (Color specifications for electric signal lighting devices) rather than red or amber as specified in SAE J595.

(o) Side cowl, fender, or running board courtesy lamps (SAE J575)

(4) Standards promulgated by the commission on equipment for the following lighting devices shall be as set forth in the Washington Administrative Code chapters as indicated:

(a) Deceleration alert lamp system (chapter 204-62 WAC)

- (b) Headlamp modulator (chapter 204-78 WAC)
- (c) Headlamp flashing system (chapter 204-80 WAC)
- (d) School bus warning lamps (chapter 204-74 WAC)
- (e) Additional hazard strobe lamp. Municipal transit vehicles (as defined in RCW 46.04.355) may be equipped with a single additional hazard strobe lamp. Such lamps must meet the Class I requirements of SAE Standard J1318

(i) A clear lens strobe lamp, less than eight inches in height, may be mounted on the centerline of the roof in the rear one-half of the bus

(ii) The hazard strobe lamp will be activated by a switch independent of all other lamp switches. The hazard strobe lamp switch shall be plainly labeled and have a pilot lamp that shall indicate when the lamp is in operation

(iii) The use of a hazard strobe lamp is permitted only when the bus is occupied with passengers and one or more of the following conditions exist:

(A) The bus is in motion in inclement, sight obscuring conditions, including, but not limited to rain, fog, snow, and smoke;

(B) There is a need to improve the visibility of the bus when stopping, standing, or starting onto a highway or there is limited visibility caused by geographic hazards, such as winding roadways, hills, trees, etc.

The strobe lamp shall not be activated solely because of darkness.

WSR 98-19-041
PERMANENT RULES
WASHINGTON STATE PATROL
 [Filed September 11, 1998, 11:32 a.m.]

Date of Adoption: September 1, 1998.

Purpose: To eliminate an expired section of WAC.

Citation of Existing Rules Affected by this Order:
 Repealed WAC 446-20-620.

Statutory Authority for Adoption: RCW 43.43.830.

Adopted under preproposal statement of inquiry filed as WSR 98-14-023 on June 22, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 September 10, 1998
 Annette M. Sandberg
 Chief

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 446-20-620 Superintendent of public instruction—Current educational employees hired prior to June 11, 1992.

WSR 98-19-042
PERMANENT RULES
WASHINGTON STATE PATROL
 [Filed September 11, 1998, 11:34 a.m.]

Date of Adoption: August 26, 1998.

Purpose: To require chain use, when needed, to both the north and south side of the pass on SR-20. The current WAC requires chain use on only one side of the pass.

Citation of Existing Rules Affected by this Order:
 Amending WAC 204-24-050.

Statutory Authority for Adoption: RCW 46.37.005.

Adopted under notice filed as WSR 98-15-056 on July 10, 1998.

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.
 September 10, 1998
 Annette M. Sandberg
 Chief

AMENDATORY SECTION (Amending WSR 95-07-137, filed 3/22/95, effective 4/22/95)

WAC 204-24-050 Use of tire chains or other traction devices. (1) Vehicles under 10,000 pounds gross vehicle weight.

(a) When traffic control signs marked "approved traction tires required" are posted by the department of transportation

PERMANENT

it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive tires at least one of the traction devices meeting the requirements of WAC 204-24-040.

(b) When traffic control signs marked "chains required" are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive tires, tire chains meeting the standards in chapter 204-22 WAC.

(i) Exception for all wheel drive vehicles. When "chains required" signs are posted, all-wheel drive vehicles shall be exempt from the chain requirement when all wheels are in gear and are equipped with approved traction devices as specified in WAC 204-24-040 provided that tire chains for at least one set of drive tires are carried in the vehicle.

(2) Vehicles or combinations of vehicles over 10,000 pounds gross vehicle weight.

When traffic control signs marked "approved traction tires required" or "chains required" are posted by the department of transportation it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its tires, tire chains as follows: *Provided*, That highway maintenance vehicles operated by the department of transportation for the purpose of snow removal and its ancillary functions are exempt from the following requirements if such vehicle has sanding capability in front of the drive tires.

(a) Vehicles or vehicle combinations with two to four axles including but not limited to trucks, truck-tractors, buses and school buses: For vehicles with a single drive axle, one tire on each side of the drive axle shall be chained. For vehicles with dual drive axles, one tire on each side of one of the drive axles shall be chained. For vehicle combinations including trailers or semi-trailers; one tire on the last axle of the last trailer or semi-trailer, shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(b) Automobile transporters are any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles. For vehicles with single drive axles, one tire on each side of the drive axle shall be chained. For vehicles with dual drive axles, one tire on each side of each of the drive axles shall be chained. For vehicle combinations including trailers or semi-trailers, one tire on the last axle of the last trailer or semi-trailer shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(c) Vehicle combinations with five axles consisting of a truck tractor with dual drive axles and a tandem axled semi-trailer; all tires on one drive axle may be chained or one tire on each side of each of the drive axles may be chained. Chains must be applied to a minimum of four tires on the drive axles. On the tandem axle semi-trailer, the chained tire may be on either of the last two axles.

(d) Vehicle combinations with five axles, consisting of a truck and trailer, or truck tractor and semi-trailer with a single drive axle, or truck tractor, semi-trailer and full trailer: For vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles, all tires on one of the drive axles shall be chained. For vehicle com-

binations including trailers or semi-trailers, one tire on the last axle of the last trailer or semi-trailer shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(e) Vehicle combinations with six or more axles, including but not limited to truck and trailer or truck tractor and semi-trailer or truck tractor semi-trailer and full trailer: For vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles where traffic control signs marked "approved traction tires required" are posted, all tires on one of the drive axles shall be chained. For vehicles with dual drive axles where traffic control signs marked "chains required" are posted, all tires on one of the drive axles shall be chained. In addition, one tire on each side of the additional drive axle shall be chained. For vehicle combinations including trailers or semi-trailers, one tire on the last axle shall be chained. For vehicles with tandem axle trailers or semi-trailers, the chained tire may be on either of the last two axles.

(f) All vehicles over 10,000 pounds gross vehicle weight shall carry a minimum of two extra chains for use in the event that road conditions require the use of more chains or in the event that chains in use are broken or otherwise made useless.

(g) Approved chains for vehicles over 10,000 pounds gross vehicle weight shall have at least two side chains to which are attached sufficient cross chains of hardened metal so that at least one cross chain is in contact with the road surface at all times. Plastic chains shall not be allowed. The state patrol may approve other devices as chains if the devices are equivalent to regular chains in performance.

(h) On the following routes all vehicles and combinations of vehicles over 10,000 pounds shall carry sufficient tire chains to meet the requirements of this chapter from November 1 to April 1 of each year or at other times when chains are required for such vehicles:

(i) I-90 - between North Bend (MP 32) and Ellensburg (MP 101).

(ii) SR-97 - between (MP 145) and Junction SR-2.

(iii) SR-2 - between Dryden (MP 108) and Index (MP 36).

(iv) SR-12 - between Packwood (MP 135) and Naches (MP 187).

(v) SR-97 - between the junction of SR-14 (MP 4) Columbia River and Toppenish (MP 59).

(vi) SR-410 - from Enumclaw to Naches.

(vii) SR-20 - between Tonasket (MP 262) and Kettle Falls (MP 342); and SR-20 between Newhalem (MP 120) and Winthrop (MP 192).

(viii) SR-155 - between Omak (MP 79) and Nespelem (MP 45).

(ix) SR-970 - between (MP 0) and (MP 10).

Vehicles making local deliveries as indicated on bills of lading and not crossing the mountain pass are exempt from this requirement if operating outside of a chain required area.

(3) The Washington state department of transportation or Washington state patrol may prohibit any vehicle from entering a chain/approved traction tire control area when it is determined that the vehicle will experience difficulty in safely traveling the area.

WSR 98-19-043
PERMANENT RULES
WASHINGTON STATE PATROL

[Filed September 11, 1998, 11:35 a.m.]

Date of Adoption: September 1, 1998.

Purpose: To allow specific exemptions for agricultural operations transporting certain hazardous materials to be in effect prior to July 1, 1998.

Citation of Existing Rules Affected by this Order: Amending WAC 446-65-010.

Statutory Authority for Adoption: RCW 46.48.170.

Adopted under notice filed as WSR 98-14-024 on June 22, 1998.

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: Thirty-one days after filing.

September 10, 1998
 Annette M. Sandberg
 Chief

AMENDATORY SECTION (Amending WSR 96-22-035, filed 10/31/96, effective 12/1/96)

WAC 446-65-010 Transportation requirements. (1) The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations, for motor carriers used in intrastate or interstate commerce, in their entirety: Parts 390 General, 391 Qualification of drivers, 392 Driving of motor vehicles, 393 Parts and accessories necessary for safe operation, 395 Hours of service of drivers, 396 Inspection, repair, and maintenance, 397 Transportation of hazardous materials; driving and parking rules, provided, however, motor carriers operating vehicles with a gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating solely intrastate, and not used to transport hazardous materials in a quantity requiring placarding, are exempt from Parts 390 General, 391 Qualifications of drivers, 392 Driving of motor vehicles, 395 Hours of service, and 396 Inspection, repair, and maintenance.

(2) As provided in Part 395, exemption for agricultural transporters, the harvest dates are defined as starting February 1 and ending November 30 of each year.

(3) Agricultural operations exceptions:

(a) Agricultural operations transporting agricultural products other than Class 2 material (Compressed Gases),

over roads, other than the National System of Interstate Defense Highways, between fields of the same farm, is excepted from part 397 when:

(i) The agricultural product is transported by a farmer who is an intrastate private motor carrier.

(ii) The movement of the agricultural product conforms to all other laws in effect on or before July 1, 1998, and 49 CFR 173.24, 173.24a, and 173.24b.

(b) The transportation of an agricultural product to or from a farm within one hundred fifty miles of the farm, is excepted from the requirements of 49 CFR part 172 subpart G (emergency response information) and H (training requirements) when:

(i) The agricultural product is transported by a farmer who is an intrastate private motor carrier;

(ii) The total amount of agricultural product being transported on a single vehicle does not exceed:

(A) Sixteen thousand ninety-four pounds of ammonium nitrate fertilizer properly classed as Division 5.1, PGIII, in bulk packaging; or

(B) Five hundred two gallons for liquids or gases, or five thousand seventy pounds for solids, of any other agricultural product;

(iii) The packaging conforms to the requirements of state law and is specifically authorized for transportation of the agricultural product by state law and such state law has been in effect on or before July 1, 1998; and

(iv) Each person having any responsibility for transporting the agricultural product or preparing the agricultural product for shipment has been instructed in the applicable requirements of 49 CFR adopted in this section.

(C) Formulated liquid agricultural products in specification packaging of fifty-eight gallon capacity or less, with closures manifolded to a closed mixing system and equipped with a positive dry disconnect device, may be transported by a private motor carrier between a final distribution point and an ultimate point of application or for loading aboard an airplane for aerial application.

(4) Copies of Title 49 CFR, parts 390 through 397, now in force are on file at the code reviser's office, Olympia and at the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. Additional copies may be available for review at Washington state patrol district headquarters offices, public libraries, Washington utilities and transportation commission offices, and at the United States Department of Transportation, Bureau of Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

WSR 98-19-052

PERMANENT RULES
DEPARTMENT OF
TRANSPORTATION

[Filed September 15, 1998, 10:06 a.m.]

Date of Adoption: September 11, 1998.

PERMANENT

Purpose: System safety and security plans for rail fixed guideway systems.

Statutory Authority for Adoption: RCW 43.06.120.

Adopted under notice filed as WSR 98-16-049 on July 31, 1998.

Changes Other than Editing from Proposed to Adopted Version:

- WAC 468-550-030(1) adds the words "along a revenue line segment" after "RFGS."
- WAC 468-550-030(6) replaces the word "reduces" with "severely affects."
- WAC 468-550-030(7) adds the sentence "It includes unacceptable hazardous conditions." at the end.
- WAC 468-550-030(22) inserts a new definition, "Unacceptable hazardous conditions means ..."
- WAC 468-550-040 (1)(a) adds the word "unacceptable" before the word "hazardous."
- WAC 468-550-040(3) adds the phrase "which, if disclosed, may result in an imminent security breach" at the end of the sentence.
- WAC 468-550-060 (1)(a)(iii) deletes the sentence beginning "Each RFGS internal audit ..."
- WAC 468-550-070 insert the word "unacceptable" before the word "hazardous" that appears throughout.
- WAC 468-550-070(2) insert the word "calendar" after the word "forty-five" that appears twice.
- WAC 468-550-070(2) replace the word "notify" with the words "confer with" that appears twice.
- WAC 468-550-070(2) delete the words "in writing," after the word "RFGS."
- WAC 468-550-070(2) insert the word "preliminary" after the word "its" and before the word "review."
- WAC 468-550-070(2) insert the following sentence after the sentence ending with the word "finding." "The RFGS may amend its report to the department in writing, within ten calendar days after conferring with the department. If after conferring with the RFGS, the department does not concur with the findings of the RFGS, the department shall notify the RFGS, in writing, of its review findings."
- WAC 468-550-070(2) insert (3) after the word "FTA." and delete the word "also" appearing in the first sentence after the sentence ending with the word "finding."
- WAC 468-550-070(3) replace the word "monthly" with the word "annual" wherever it appears. Replace the word "month" with the word "year."
- WAC 468-550-070(3) insert the following sentence after the word "occurrences." "The RFGS shall ensure delivery of the annual report to the department no later than the 15th calendar day after the year being reported."

Number of Sections Adopted in Order to Comply with Federal Statute: New 7, Amended 0, Repealed 0; Federal Rules or Standards: New 7, 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 7, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 11, 1998

Gerald E. Smith

Deputy Secretary, Operations

Chapter 468-550 WAC

SAFETY OVERSIGHT OF RAIL FIXED GUIDEWAY SYSTEMS RULES

NEW SECTION

WAC 468-550-010 Purpose. This chapter is adopted to comply with 49 CFR Part 659 which requires the state of Washington to oversee the safety and security plans of rail fixed guideway systems (RFGS) not regulated by the Federal Railroad Administration. These rules prescribe the system safety and security criteria to be met by RFGS and is intended to improve the safety and security of RFGS in Washington state.

NEW SECTION

WAC 468-550-020 Applicability. These rules are applicable to all Washington state entities, public or private, which own, operate, or maintain RFGS that are not regulated by the Federal Railroad Administration.

NEW SECTION

WAC 468-550-030 Definitions. For the purposes of this chapter, the following definitions of terms shall apply unless the context clearly indicates otherwise:

(1) Accident, reportable means any event involving the operation of a RFGS along a revenue line segment, if as a result:

(a) An individual dies; or

(b) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or

(c) A collision, derailment, or fire causes property damage in excess of \$50,000.

(2) APTA Guidelines means the American Public Transit Association's "Manual for the Development of Rail Transit System Safety Program Plans."

(3) Chief executive officer means, but is not limited to, the mayor, county executive, or chair of the municipality, or corporate president of the public or private entity that owns, operates, or maintains a RFGS.

(4) Contractor means an entity that performs tasks required by this chapter on behalf of the department or a RFGS.

(5) Department means the Washington state department of transportation which has been designated as the state safety oversight agency.

(6) Emergency means a situation which is life threatening to passengers, employees, or others or which causes damage to any rail fixed guideway vehicle or facility or results in a significant theft of services which severely affects the ability of the system to fulfill its mission.

(7) FTA means the Federal Transit Administration, or its successors, an agency within the U.S. Department of Transportation.

(8) Hazardous condition means a set of circumstances that if not identified and corrected has or will result in personal injury or property damage. It includes unacceptable hazardous conditions.

(9) Investigation means a procedure that the department or a RFGS utilizes to determine the cause of a reportable accident, hazardous condition, or security breach.

(10) Plan means the system safety and security program plan which is adopted by the RFGS detailing its safety and security policies, objectives, responsibilities and procedures.

(11) Procedure means an established and documented method to perform a task.

(12) Rail fixed guideway system or "RFGS" means any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway that is:

(a) Included in the Federal Transit Administration's (FTA) calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 U.S.C. 5336); and

(b) Not regulated by the Federal Railroad Administration.

(13) Risk means the probability that a security breach will occur.

(14) Safety means freedom from danger.

(15) Security means freedom from intentional danger.

(16) Security breach means an unforeseen event or occurrence that endangers life or property and may result in the loss of services or system equipment.

(17) Security incident means an unforeseen event or occurrence that does not necessarily result in death, injury, or significant RFGS property damage, but may result in a minor loss of revenue.

(18) Standard means the system safety and security program standard which is the standard developed and adopted by the department which complies with the *APTA Manual for the Development of Rail Transit System Safety Program Plans*, the Federal Transit Administration's *Transit System Security Program Planning Guide* (FTA-MA-90-7001-94-1), The Federal Transit Administration's *Implementation Guidelines for State Safety Oversight of Rail Fixed Guideway Systems*, and the *State Safety Oversight Security Handbook*.

(19) System means a composite of people, property, environment, and procedures which are integrated to perform a specific operational function in a specific environment.

(20) Three-year review means a formal, comprehensive, on-site examination by the department of a RFGS's safety

and security procedures to determine whether it complies with the RFGS's policies and procedures as outlined in the RFGS's plan.

(21) Threat means any real, potential, or perceived condition that can result in a security-related incident.

(22) Unacceptable hazardous condition means a hazardous condition with catastrophic, critical, or marginal consequences with a probability of occurring frequently, probably, or occasionally, as determined using the *APTA Manual for the Development of Rail Transit System Program Plans*.

(23) Unsafe condition or act means any condition or act which endangers life or RFGS property.

NEW SECTION

WAC 468-550-040 Requirements for system safety and security plans. (1) Each RFGS shall prepare a system safety and security program plan. Such Plan shall describe the RFGS's procedures for:

(a) Reporting and investigating reportable accidents, unacceptable hazardous conditions, and security breaches;

(b) Submitting corrective action plans and annual safety and security audit reports;

(c) Facilitating department on-site safety and security reviews; and

(d) Addressing passenger and employee security.

The plan and any revisions thereto shall, at a minimum, conform to the standard, be approved by the RFGS's chief executive officer and submitted for departmental review by September 1, 1998, or within three months prior to beginning operations or instituting revisions to the plan.

(2) Each RFGS shall implement and comply with the provisions of its plan and any revisions thereto. Further, should the RFGS change ownership or operating or maintenance providers, the RFGS shall require its successors, assigns, and contractors to continue to comply with the RFGS's established plan and shall notify the department of any change of ownership or operating or maintenance providers within thirty days of the effective date of transfer or contract.

(3) Each RFGS and the department are prohibited from publicly disclosing or communicating in any way, to unauthorized persons, those security portions of the plan which, if disclosed, may result in an imminent security breach.

NEW SECTION

WAC 468-550-050 Department procedures for reviewing, approving, and filing rail fixed guideway system safety and security plans and inspections. The department shall review each RFGS plan, and all subsequent revisions, for compliance with these rules and the standard, using the APTA system safety checklist which includes:

- Policy statement and authority for the plan
- Description of purpose for the plan
- Clearly stated goals for plan
- Identifiable and attainable objectives
- System description and organizational structure
- The plan control and update procedures
- Hazard identification and resolution process

- Accidents, hazardous conditions and reporting and investigation procedures
- Internal safety audit process
- Facilities inspections (includes system equipment and rolling stock)
- Maintenance audits and inspections (all systems and facilities)
- Rules and procedures review
- Training and certification reviews and audits
- Emergency response planning, coordination and training
- System modification review and concurrence process
- Safety data acquisition and analysis
- Interdepartmental and interagency coordination
- Configuration management
- Employee safety program
- Hazardous materials program
- Drug abuse and alcohol misuse programs
- Contractor safety coordination
- Procurement

The department shall provide written concurrence with the RFGS's plan or provide written comments to the RFGS specifying required changes. The RFGS shall revise its plan to incorporate the department's review comments, if any, within sixty days after receipt thereof, and resubmit its revised plan for review. After resolving issues arising in the review process, the department shall notify the RFGS of its concurrence with the plan. The plan and the department's concurrence shall be maintained by the department in a permanent file.

NEW SECTION

WAC 468-550-060 Annual and triennial safety and security audits and reports. (1)(a) Each RFGS shall perform scheduled internal safety and security audits to evaluate compliance with the standard, identify hazardous and risk conditions, and measure the effectiveness of its plan. The RFGS shall submit to the department its internal safety and security audit schedule for the next year no later than December 15 of the preceding year. These audits shall include, but are not limited to:

- (i) Observing work practices and employee performance during system operations;
- (ii) Sampling and inspecting selected system components to verify proper maintenance; and
- (iii) Reviewing RFGS records for all phases of system operations, maintenance, and security.

The RFGS shall select a qualified person(s) or contractor to perform its internal audits and shall notify the department not later than ten days prior to performing the internal audits. The notification shall include date(s) of audit, what is to be audited, and the qualifications of those selected to perform the audit, such qualifications are subject to departmental concurrence. The department may assess the effectiveness of each RFGS audit program; however, any departmental review or concurrence shall not substitute for the RFGS's own safety and security inspection audit programs, nor

relieve the RFGS from its sole liability for the safety and security of its system.

(b) Each RFGS, as a basis for its audit process, shall prepare, maintain, and make available for departmental review records that document the results of all tests, inspections, and audits conducted by the RFGS or its contractor in compliance with the plan. These records shall include, but are not limited to:

- (i) Start-up test records;
- (ii) Drug and alcohol test records;
- (iii) Training and certification records;
- (iv) Operation performance evaluation records;
- (v) Facility inspections;
- (vi) Maintenance audits and inspections (all systems and facilities);
- (vii) Rules and procedures review;
- (viii) Emergency response planning, coordination, and training;
- (ix) System modification review and approval process;
- (x) Safety and security data acquisition and analysis;
- (xi) Interdepartmental and interagency coordination;
- (xii) Employee safety and security program;
- (xiii) Hazardous materials program;
- (xiv) Contractor safety coordination; and
- (xv) Procurement records.

These records shall be maintained by the RFGS for a minimum of three years.

(2) Internal safety and security audits shall be documented in an annual report that includes the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity and the results of each audit in terms of the adequacy and effectiveness of the plan. This annual report for the internal safety and security audits performed during the preceding year shall be submitted to the department prior to February 15 of each year.

(3) The department shall audit each RFGS plan at least once every three years. The RFGS shall be given written notification at least thirty days in advance of the department's audit. The notification shall include a proposed schedule, planned scope, and list of activities to be reviewed for the audit. Each audit shall be preceded by an on-site, preaudit conference attended by the department's audit team, the RFGS's owner, and the RFGS staff in charge of the activities subject to audit. Each audit shall be conducted in accordance with an audit checklist. Checklists shall not restrict the department from performing additional investigations as it deems appropriate. The department shall use as a basis for its checklist the RFGS's plan and records which shall include, but are not limited to:

- (a) The RFGS operating rule book, bulletins, and procedures;
- (b) The RFGS maintenance manuals and procedures for vehicles, track and signals;
- (c) The RFGS procedures for identifying, documenting, evaluating, and correcting hazards;
- (d) The RFGS system design criteria and project engineering procedures for system modifications;
- (e) The RFGS annual internal audit reports for the previous three years;

(f) The RFGS corrective action plans for reportable accidents, hazardous conditions, and security breaches reported to the department during the previous three years;

(g) APTA audit reports;

(h) National Transportation Safety Board accident investigation reports, and any other agency peer review reports, if any, prepared during the previous three years and previously prepared department audit reports.

(4) Upon the department's completion of the triennial on-site audit, the audit team leader shall prepare a draft final audit report and submit it to the RFGS. The RFGS shall respond, in writing to the recommendations made in the draft final audit report, with a plan and schedule of corrective actions within thirty days of receipt thereof. An on-site, post audit conference shall be held following each departmental audit to review the results of the audit. Audit results that identify a deficiency that is not corrected before the post audit conference is held shall be documented in the final audit report. The final audit report shall contain the department audit team's findings and recommendations and the RFGS plan and schedule for corrective action. The final audit report shall also include the department audit team's evaluation of the effectiveness of the RFGS plan and a determination of whether the plan should be updated.

(5) The department shall summarize oversight activities for all RFGS performed during the preceding twelve months in a publicly available annual report and submit it to the FTA before March 15 of each year.

NEW SECTION

WAC 468-550-070 Notifying, investigating, and reporting accidents, unacceptable hazardous conditions, and security breaches. (1) Each RFGS shall notify the department and the National Transportation Safety Board by telephone or facsimile within twenty-four hours of an occurrence of the types of accidents, unacceptable hazardous conditions, or security breaches following:

(a) Any event which results in a fatality;

(b) Any event in which an individual suffers bodily injury and receives immediate medical treatment away from the scene;

(c) A collision, derailment, or fire which causes property damage in excess of \$50,000;

(d) Any fire or other hazardous event that requires the evacuation of passengers or requires the fire suppression activities conducted by a fire department;

(e) Any collision between a rail fixed guideway vehicle and a motor vehicle at a gated grade crossing;

(f) Any collision between rail fixed guideway vehicles, or between rail fixed guideway vehicles and other on-track equipment;

(g) Any mainline derailment;

(h) Any hazardous condition which has been identified by the RFGS and which could cause death or serious injury to passengers or employees if not immediately corrected; and

(i) Any security breach that has been identified by the RFGS and which could cause death or serious injury to passengers or employees or may result in the loss of services or equipment if not immediately corrected.

(2) Each RFGS shall investigate all reportable accidents, unacceptable hazardous conditions, and security breaches. The RFGS may use its own staff or a contractor to conduct its investigation and shall designate a staff person to be responsible for submitting written investigation reports and findings to the department, on a department form, within forty-five calendar days after the reportable accident, unacceptable hazardous condition, or security breach was discovered. This report shall identify the causal factors contributing to the occurrence and contain a corrective action plan with an implementation schedule to prevent a recurrence of the accident or breach, or to mitigate the unacceptable hazardous condition. The department shall review the RFGS investigation report, corrective action plan, and accompanying implementation schedule to ensure that it meets the goal of preventing and mitigating a recurrence of the reportable accident, unacceptable hazardous condition, or security breach. The department has authority to perform separate, independent investigations of reportable accidents, unacceptable hazardous conditions, or security breaches at its own discretion. In the event that the department does not concur with the findings of the RFGS investigation, the department shall confer with the RFGS of its preliminary review findings. The RFGS may amend its report to the department in writing, within ten calendar days after conferring with the department. If, after conferring with the RFGS, the department does not concur with the findings of the RFGS, the department shall notify the RFGS, in writing, of its review findings. The RFGS shall submit its response to the department's findings within forty-five calendar days of receipt thereof. Should the department and the RFGS disagree, the department will notify the FTA.

(3) Each RFGS shall submit an annual summary report to the department covering all reportable occurrences. The RFGS shall ensure delivery of the annual report to the department no later than the 15th calendar day after the year being reported. The annual summary report shall be submitted whether any reportable event occurred or any hazardous condition or security breach was identified during the previous year.

WSR 98-19-053
PERMANENT RULES
DEPARTMENT OF LICENSING
(Cemetery Board)

[Filed September 15, 1998, 10:43 a.m.]

Date of Adoption: September 9, 1998.

Purpose: To amend WAC 98-70-010 to bring Cemetery Board revenues into line with expenditures.

Citation of Existing Rules Affected by this Order: Amending WAC 98-70-010.

Statutory Authority for Adoption: RCW 68.05.205.

Other Authority: RCW 68.05.225 and 43.24.086.

Adopted under notice filed as WSR 98-15-100 on July 17, 1998.

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; and Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
September 15, 1998

Alan E. Rathbun
Assistant Director, BPD

AMENDATORY SECTION (Amending WSR 97-23-010, filed 11/7/97, effective 12/8/97)

WAC 98-70-010 Fees. The following fees shall be charged by the department of licensing:

Title of Fee	Fee
Certificate of authority	
Application	((\$260.00)) <u>\$270.87</u>
Renewal	((3.00)) <u>4.06</u>
Charge per each interment, entombment and inurnment during preceding calendar year	
Crematory license/endorsement	
Application	((104.00)) <u>108.35</u>
Renewal	
((Fifty-two dollars)) <u>Fifty-four dollars and seventeen cents plus ((fifty-two)) <u>fifty-four cents per cremation performed during the preceding calendar year</u></u>	
Prearrangement sales license	
Application	((104.00)) <u>108.35</u>
Renewal	((52.00)) <u>54.17</u>
Exemption from prearrangement sales license	
Application	((52.00)) <u>54.17</u>

Renewal	((26.00)) <u>27.09</u>
Cremated remains disposition permit or endorsement	
Application	((52.00)) <u>54.17</u>
Renewal	((26.00)) <u>27.09</u>

**WSR 98-19-054
PERMANENT RULES
INDETERMINATE SENTENCE
REVIEW BOARD**

[Filed September 15, 1998, 11:44 a.m.]

Date of Adoption: September 14, 1998.

Purpose: To clarify and/or enhance existing rules relating to conflicts of interest, victims rights, and public disclosure.

Citation of Existing Rules Affected by this Order: Amending WAC 381-10-120, 381-10-170, 381-20-050, 381-20-090, and 381-20-100.

Statutory Authority for Adoption: RCW 34.05.220 [(1)](b), 42.17.250.

Adopted under notice filed as WSR 98-11-072 on May 19, 1998.

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 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
September 15, 1998

Dennis Marsh
Executive Officer

AMENDATORY SECTION (Amending WSR 91-14-028, filed 6/26/91, effective 7/27/91)

WAC 381-10-120 Conflict of interest. It is the policy of the board that whenever a member or hearing officer has personal knowledge of a case, or a personal interest, or personal acquaintance of the subject person, any of which factors might reasonably be construed as having an influence on the outcome, the member or hearing officer shall withdraw

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completely from the decision-making process on that case if requested by any party to the proceeding.

AMENDATORY SECTION (Amending WSR 91-14-028, filed 6/26/91, effective 7/27/91)

WAC 381-10-170 Victim's rights. This rule is provided to ensure the orderly presentation of victim statements so that victims or their representatives may freely exercise their constitutional rights.

(1) Written statements. Consistent with prior board practices, the board will continue to ~~((allow))~~ encourage victims or their representatives to submit written statements to the board. Prior notification is not required for the submission of written statements.

(2) In-person statements. Upon notification either through the prosecuting attorney to the board, or directly to the board that an in-person statement is requested by the victims or their representatives, such person shall be ~~((allowed))~~ invited to make an in-person statement to the board as a whole at a regularly scheduled board meeting, or through a meeting with the chair prior to a final decision allowing an offender to be released on parole. ~~((Such statement will be limited to fifteen minutes and may only be made at a regularly scheduled board meeting. After notifying the board of intent to make an in-person statement, the victim or victim's representative will be advised of the time and place of the next board meeting where an in-person statement will be scheduled.))~~

(3) Other statements. The board ~~((will))~~ also ~~((allow))~~ encourages victims or their representatives to submit audio cassette or video (VHS) tape statements. The statement will be presented at a regularly scheduled meeting before the offender's final parole release decision is made. ~~((Tape statements are limited to fifteen minutes in length.))~~

AMENDATORY SECTION (Amending WSR 91-14-028, filed 6/26/91, effective 7/27/91)

WAC 381-20-050 Requests for public records. (1) All requests for the disclosure of a public record must be in writing identifying the record sought with reasonable certainty. The written request should include:

- (a) The name of the person requesting the record.
- (b) The calendar date the request was made.
- (c) The nature of the request.

(2) A request for disclosure shall be made during the customary business hours or by mail. Persons who appear at the board's office for the purpose of inspection and copying of the board files are requested to make an appointment ~~((with the public disclosure coordinator))~~ at least ten working days in advance in order to allow sufficient time for the removal and deletion of exempted record information.

(3) This chapter shall not be construed as giving authority to any agency to give, sell, or provide access to lists of individuals for any purpose, and the board shall not do so unless specifically authorized or directed by law.

(4) If the public record contains material exempt from disclosure pursuant to law, including those laws cited in WAC 381-20-010, the board must provide the person

requesting disclosure with a written explanation for the non-disclosure, pursuant to WAC 381-20-090.

(5) Any person continuing to seek disclosure, after having received a written explanation for the nondisclosure, pursuant to WAC 381-20-090, may request a review under the provisions of WAC 381-20-100.

(6) When a person's identity is relevant to an exemption, that person may be required to provide personal identification.

(7) Nothing in this chapter, shall be construed to require the board to compile statistics or other information from material contained in public records, where doing so would unduly interfere with other essential functions of the board and is not required for litigation by rules of pretrial discovery.

(8) If public records or information contained in a board file are in the field for purposes of a hearing, and are thus not available, ~~((the public disclosure coordinator or his designee))~~ board staff shall promptly inform the person requesting disclosure that there will be a delay in responding to the disclosure request due to the unavailability of the public record.

(9) All requests from the press or media shall be referred to the chair or designee for response.

AMENDATORY SECTION (Amending WSR 91-14-028, filed 6/26/91, effective 7/27/91)

WAC 381-20-090 Disclosure procedure. ~~((The public records officer))~~ Board staff shall review file material prior to disclosure.

If the file does not contain materials exempt from disclosure, ~~((the public records officer))~~ board staff shall ensure full disclosure.

If the file does contain materials exempt from disclosure, ~~((the public records officer))~~ board staff shall exempt those portions of the file and shall, at the time of the denial, in writing, clearly specify the reasons for the denial of disclosure, including a statement of the specific exemptions or reasons authorizing the withholding of the record and a brief explanation of how the exemption applies. The remaining nonexempt materials shall be fully disclosed pursuant to this chapter.

AMENDATORY SECTION (Amending WSR 91-14-028, filed 6/26/91, effective 7/27/91)

WAC 381-20-100 Remedy for review of denial of disclosure. (1) If the person requesting disclosure disagrees with the decision of ~~((a public disclosure reviewer))~~ board staff denying disclosure of a public record, this person may, at any time, petition the board's ~~((public records))~~ executive officer for review of the decision denying disclosure. The form used by ~~((the public disclosure reviewer))~~ board staff to deny disclosure of a public record shall clearly indicate this right of review.

(2) The ~~((public records))~~ executive officer shall review decisions denying disclosure in the most prompt fashion possible, and such review shall be deemed completed at the end of the second business day following receipt by the board of the petition for review. This shall constitute final agency action for the purposes of judicial review, pursuant to RCW 42.17.320.

WSR 98-19-055
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
[Filed September 15, 1998, 1:47 p.m.]

Date of Adoption: September 15, 1998.

Purpose: The 1998 Supplemental Budget contains sufficient funding for FY 1998 to negate recent rule changes to program eligibility for the COPEs, chore and Medicaid personal care programs which were adjusted to reduce expenditures. As a result, the department will restore the previous functional eligibility requirements for these programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-15-201, 388-15-209, 388-15-222, 388-15-610, 388-15-830, 388-15-890, and 388-15-895.

Statutory Authority for Adoption: RCW 74.39A.120, and sections 205 (1)(c) and 206(3), chapter 346, Laws of 1998, RCW 74.39A.030, and 74.09.520.

Other Authority: RCW 74.39A.110 and [74.39A.]130.

Adopted under notice filed as WSR 98-15-138 on July 22, 1998.

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 7, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 11, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-04-026, filed 1/28/98, effective 2/28/98)

WAC 388-15-201 Long-term care functional eligibility. In order to receive ~~((COPEs,))~~ Medicaid personal care or chore services, a client must ~~((be at risk of institutionalization within the next thirty days and))~~ be assessed by the department or designee as having an unmet need requiring ~~((substantial or total))~~ assistance with one or more of the following critical self-care tasks as defined in WAC 388-15-202(38), and 388-15-203:

- (1) Eating;
- (2) Toileting;
- (3) Ambulation;
- (4) Transfer;
- (5) Positioning;

- (6) Bathing; ~~((or))~~
- (7) Self-medication;
- (8) Dressing;
- (9) Personal hygiene; or
- (10) Body care.

AMENDATORY SECTION (Amending WSR 98-04-026, filed 1/28/98, effective 2/28/98)

WAC 388-15-209 Chore personal care services—Eligibility. A chore personal care eligible person shall:

- (1) Be eighteen years of age and over;
- (2) Meet the requirements listed in WAC 388-15-201((-));
- (3) Not be eligible for Medicaid personal care or community options program entry system (COPEs) services, and the person's needs cannot be met through Medicare home health or another program for which the person is eligible((-));
- (4) Meet the following chore personal care service financial eligibility requirements:
 - (a) Have net household income as described in WAC 388-505-0590 (3) and (4) and WAC 388-511-1130 and 388-511-1140 not exceeding the sum of the cost of the client's chore personal care services and one hundred percent of the federal poverty level adjusted for family size; and
 - (b) Participate in the cost of chore personal care services as described under WAC 388-15-219; and
 - (c) Have financial resources as described under WAC 388-511-1150 and 388-511-1160 with a value not exceeding ~~((limits set in WAC 388-513-1310(2)(a)(b) except for clients identified under WAC 388-15-222, and be))~~;
 - (i) Ten thousand dollars for a one-person family;
 - (ii) Fifteen thousand dollars for a two-person family;
 - (iii) A sum calculated by adding an additional one thousand dollars for each additional family member; and
 - (d) Be subject to transfer of assets penalties as described in WAC 388-513-1365 for assets transferred on or after November 1, 1995; and
 - (e) Not be within a period of ineligibility due to assets transferred on or after November 1, 1995 for less than fair market value as described under WAC 388-513-1365.

(5) Be deemed to meet the financial eligibility requirements set forth in subsection (4) if the person is an adult protective service client at risk of placement in a long-term care facility; and the chore personal care services are:

- (a) An integral but subordinate part of the adult protective services plan; and
- (b) Provided only until the situation necessitating the service has stabilized; and
- (c) Limited to a maximum of ninety days during any twelve-month period; and
- (d) Provided without regard to the client's income or resources.
- (6) Be reassessed at least every eighteen months or more often as deemed necessary, per WAC 388-15-204.

AMENDATORY SECTION (Amending WSR 98-04-026, filed 1/28/98, effective 2/28/98)

WAC 388-15-222 Chore personal care services—Employed disabled—Incentive income and resource exemption. (1) The department shall exempt fifty percent of net earned income after work expenses above one hundred percent of the federal poverty level.

(2) The department shall only apply this exemption to:

(a) Clients determined disabled according to WAC 388-511-1105;

(b) The client, not the client's spouse or other household members.

~~((3) The department shall allow an employed disabled client to have resources as described under WAC 388-511-1150 and 388-511-1160 with a value not exceeding:~~

~~(a) Ten thousand dollars for a one-person family;~~

~~(b) Fifteen thousand dollars for a two-person family;~~

~~(c) A sum calculated by adding an additional one thousand dollars for each additional family member.))~~

AMENDATORY SECTION (Amending WSR 98-04-026, filed 1/28/98, effective 2/28/98)

WAC 388-15-610 COPEs—Eligibility. A COPEs-eligible person shall:

(1) Be assessed by the department or designee as meeting the requirements in ((WAC 388-15-204)) 42 CFR 441.302(c) (as published in the Code of Federal Regulations and in effect in April, 1998); and

(2) Be an aged, blind, or disabled client, as defined under WAC 388-511-1105 (1)(a), (b), and (c)(i) and (ii);

(3) Be eighteen years of age or older;

~~((3))~~ (4) Be assessed as defined under WAC 388-15-202 through 388-15-205; and

(5) Have medical problems or cognitive impairment and be unable to maintain or coordinate the treatment plan; and

(6) Be likely to need the level of care provided in a nursing facility as defined under WAC 388-97-235 within the next thirty days, but for the provision of COPEs payments for home or community-based waiver services as defined under WAC 388-15-620;

(7) Require services that must be provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis; or

(8) Have an unmet need requiring substantial or total assistance with two or more of the following critical self-care tasks as defined under WAC 388-15-202(38) and 388-15-203(3):

(a) Eating;

(b) Toileting;

(c) Ambulation;

(d) Transfer;

(e) Positioning;

(f) Bathing;

(g) Self-medication; or

(9)(a) Have cognitive supervision needs due to one or more of the following:

(i) Disorientation;

(ii) Memory impairment;

(iii) Impaired judgment; or

(iv) Wandering; and

(b) Have an unmet need requiring substantial or total assistance with one or more of the critical self-care tasks in subsection (8)(a) through (g) of this section; or

(10) Have an unmet need requiring minimal, substantial or total assistance in three or more of the critical self-care tasks in subsection (8)(a) through (g) of this section; or

(11) Currently reside in a nursing facility, as defined under WAC 388-97-005(20), and be unable to return to and remain in the community without assistance with one or more of the services provided by the COPEs program as defined under WAC 388-15-620; or

(12) Meet the definition of a person functionally or clinically eligible for nursing facility care as defined under WAC 388-97-235;

(13) Have a feasible written plan of care. The department shall ensure the plan is less than ninety percent of the average state-wide nursing facility rate; and

~~((4))~~ (14)(a) Not be financially eligible for Medicaid personal care services; or

(b) Be financially eligible for Medicaid personal care services; however, the department determines the Medicaid personal care services are not sufficient in amount, duration, or scope to meet the person's needs.

~~((5))~~ (15) Have gross monthly income not exceeding three hundred percent of the Supplemental Security Income (SSI) program, Title XVI federal grant excluding the supplementary state money payment (SSP) as described under WAC 388-500-0005;

~~((6))~~ (16) Have resources at or below the Medicaid standard as defined under WAC 388-513-1315 (1)(b) and (c) and 388-513-1350; and

~~((7))~~ (17) Be reassessed at least every twelve months or more often as deemed necessary, per WAC 388-15-204.

AMENDATORY SECTION (Amending WSR 98-04-026, filed 1/28/98, effective 2/28/98)

WAC 388-15-830 Medicaid personal care services—Eligibility. (1) An eligible Medicaid personal care person shall:

(a) Meet the requirements in WAC 388-15-201; and

(b) Be certified as a Title XIX categorically needy medical assistance client;

~~((b)-)~~ and

(c) Reside in the client's own residence, in a licensed and contracted adult family home, a licensed boarding home under department contract, a children's foster family home, or a children's group care facility.

(2) ~~((The department shall determine))~~ A person's eligibility for Medicaid personal care services begins upon the date of the department's service authorization.

(3) ~~((Meet the requirements in WAC 388-15-201.~~

(4)) For an applicant through seventeen years of age or until the applicant transfers out of DCFS foster care or group care, the DCFS or DDD assessor shall only assess the need for personal care services exceeding the level of age appropriate personal care and not already being provided for through the child's natural/unpaid support systems. The

assessor shall use a comprehensive assessment form specific to children for children from birth through seventeen years of age or until the age of transfer out of DCFS foster care or group care.

((5)) (4) The client shall be reassessed at least annually or more often as deemed necessary as defined under WAC 388-15-204.

AMENDATORY SECTION (Amending WSR 98-04-026, filed 1/28/98, effective 2/28/98)

WAC 388-15-890 Medicaid personal care services—Program limitations. (1) Because Medicaid services are specific to the eligible client and based on medical necessity, the department shall not authorize Medicaid personal care services for:

- (a) Teaching, including teaching clients how to perform personal care tasks or other community living skills;
- (b) Personal care services provided over the telephone;
- (c) Services provided at a site other than the client's residence, unless authorized by the department in the written service plan;
- (d) Developing social, behavioral, recreational, communication, or other types of skills;
- (e) Companionship; ((e))
- (f) Travel to medical services, essential shopping, meal preparation, housework, laundry, wood supply, or supervision as needed under WAC 388-15-202, unless the client is assessed as needing assistance with one or more direct personal care tasks as described in WAC 388-15-202(17), i.e., personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, body care, or self-medication; or

(g) Assisting or supporting other household members not eligible for Medicaid personal care.

(2) The department shall adjust payment for services according to department-established rates which take into account the provision of household tasks done at the same time for all of the household clients by a personal care provider, e.g., essential shopping, meal preparation, laundry, housework, wood supply, travel to medical services and supervision when:

- (a) More than one client lives in the same household; or
- (b) The client is in a shared living arrangement.

(3) The department shall not authorize the following as Medicaid personal care tasks to clients who live in an adult family home, licensed boarding home, or children's foster/group home:

- (a) Meal preparation((:));
- (b) Wood supply((:));
- (c) Laundry((:));
- (d) Housework((:)); or

(e) Supervision, unless the supervision is directly related to an unscheduled task as defined in WAC 388-15-202(51).

(4) Personal care tasks do not include assistance requiring a licensed health professional.

AMENDATORY SECTION (Amending WSR 98-04-026, filed 1/28/98, effective 2/28/98)

WAC 388-15-895 Termination of services. Clients who do not meet the functional eligibility requirements in WAC 388-15-201 or WAC 388-15-610, as evidenced by the department's or designee's assessment performed in the last twelve months for clients receiving Medicaid personal care or COPEs and in the last eighteen months for clients receiving chore personal care, shall be ineligible for continued service.

**WSR 98-19-056
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed September 15, 1998, 2:47 p.m., effective November 8, 1998]

Date of Adoption: September 15, 1998.

Purpose: Chapter 296-52 WAC, Safety standards for the possession and handling of explosives.

In a letter dated August 19, 1995, the Occupational Safety and Health Administration (OSHA) notified the department that its safety standards relating to underground transportation of explosives were not at-least-as-effective-as those in the federal standard.

Amended section: WAC 296-52-489 Transportation. The following proposed amendments to subsection (8) add federal requirements to make underground transportation of explosives requirements at-least-as-effective-as or identical to the federal standard. These amendments:

- Add the requirement that explosives and blasting agents be hoisted, lowered, or conveyed in a powder car.
- Add the requirement that no other materials, supplies, or equipment be transported at the same time explosives and blasting agents are being transported in a powder car.
- Add the requirement that explosives and blasting agents being transported underground be taken to the point of use or storage without delay.
- Add the requirement that the amount of explosives or blasting agents being transported not exceed the amount needed for the intended blast.

Citation of Existing Rules Affected by this Order: Amending WAC 296-52-489 Transportation.

Statutory Authority for Adoption: RCW 49.17.040.

Adopted under notice filed as WSR 98-12-103 on June 3, 1998.

Changes Other than Editing from Proposed to Adopted Version: The amendments are being adopted as proposed.

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.

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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: November 8, 1998.

September 15, 1998

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 95-07-014, filed 3/6/95, effective 4/20/95)

WAC 296-52-489 Transportation. (1) Regulations governing the transportation of explosives on public highways are adopted by the United States Department of Transportation (see 49 CFR Parts 100 through 199) and the Washington utilities and transportation commission and administered by the Washington state patrol.

(2) The regulations of this section shall be applicable in-and-on job sites and off-highway roads. The department of labor and industries shall administer these regulations in locations such as but not limited to: Construction or mining access roads and blast sites; off-highway forest roads including both publicly and privately owned logging roads, haul roads or general access roads.

Note: Examples of publicly owned off-highway roads where these regulations are applicable shall include, but are not limited to: U.S. Forest Service roads, Bureau of Land Management roads, state department of natural resources roads, but specifically not including the state or interstate highway system.

(a) No person shall be allowed to smoke, carry matches or any other flame-producing device, except guards or commissioned law enforcement officers, to carry any firearms or loaded cartridges while in or near a motor vehicle transporting explosives; or drive, load, or unload such vehicle in a careless or reckless manner.

(b) Explosives shall not be carried on any vehicle while vehicle is being used to transport workers other than driver and two persons.

(c) Explosives shall be transferred from a disabled vehicle to another, only when proper and qualified supervision is provided. Local fire and police departments shall be promptly notified in congested areas. In remote areas they shall be notified if appropriate.

(d) Other materials or supplies shall not be placed on or in the cargo space of a conveyance containing explosives, detonating cord or detonators, except carrying safety fuse, and properly secured, nonsparking equipment used expressly in the handling of such explosives will be permissible.

(3) Transportation vehicles.

(a) All vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. The cargo compartment(s) shall have a tight floor and must not have any exposed spark pro-

ducing metal on the inside which could come into contact with explosives cargo.

(b) Explosives vehicles used on any roadway which is open to public travel shall comply with WAC 296-52-550, Appendix II.

(c) Open top explosives transportation vehicles may only be used on the jobsite or on roads which are not open to public travel (while laden with explosives). In open top vehicles or trailers, explosives may only be transported in the original DOT approved shipping container(s)/box(es) or a daybox or portable magazine which complies with the requirements of this chapter. In all instances the explosive container(s), box(es), daybox or portable magazine shall be secured to the bed of the vehicle or trailer.

(i) If an explosives transportation vehicle or trailer does not have a fully enclosed cargo area with nonsparking interior, the cargo bed and all explosive cargo shall be covered with a flameproof and moisture-proof tarpaulin or other effective protection against moisture and sparks. Whenever tarpaulins are used for covering explosives, both the tarpaulin and the explosives container shall be secured to the body of the truck bed by means of rope, wire, or other equally efficient tie downs.

(ii) Packages of explosives shall not be loaded above the sides on open-sided vehicles.

(4) Vehicles shall be placarded and displayed as specified by the United States Department of Transportation, CFR 49-1981, Parts 100 through 199. Placards shall remain on the vehicle until all explosives have been removed from the vehicle.

(5)(a) Each motor vehicle used for transporting explosives shall be equipped with a minimum of two extinguishers, each having a rating of at least 2A 10BC. The driver shall be trained in the use of the extinguishers on the vehicle.

(i) Only extinguishers listed or approved by a nationally recognized testing laboratory shall be deemed suitable for use on explosives-carrying vehicles. Refer to WAC 296-24-58501(19) for definition of listed, and federal regulation 29 CFR 1910.7 for nationally recognized testing laboratory.

(ii) Extinguishers shall be filled and ready for immediate use and readily available. Extinguishers shall be examined periodically by a competent person.

(b) A motor vehicle used for transporting explosives shall be given the following inspection to determine that it is in proper condition for safe transportation of explosives:

(i) Fire extinguishers shall be filled and in working order.

(ii) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(iii) Chassis, motor, pan, and underside of body shall be reasonably clean and free of excess oil and grease.

(iv) Fuel tank and feedline shall be secure and have no leaks.

(v) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.

(vi) Tires shall be checked for proper inflation and defects.

(vii) The vehicle shall be in proper condition in every other respect and acceptable for handling explosives.

(c) Motor vehicles or conveyances carrying explosives, blasting agents, or blasting supplies, shall not be taken inside a garage or shop for repairs or servicing.

(6) Operation of transportation vehicles.

(a) Vehicles transporting explosives shall only be driven by and be in the charge of a licensed driver who is not less than twenty-one years of age, physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others. They shall be familiar with the traffic regulations, state laws, and the provisions of this section.

(i) Explosives may only be transported by a licensed manufacturer, blaster, purchaser or seller, or the designated agent or representative thereof, or a contract carrier for hire who complies with all requirements for transportation of hazardous materials.

(ii) The person in control of the explosive laden vehicle shall be made aware of the nature of the cargo and pertinent safety precautions relating to the particular explosive(s) being transported.

(b) Parking. A motor vehicle which contains Class A or Class B explosives must not be parked under any of the following circumstances:

(i) On or within 5 feet of the traveled portion of a public street or highway;

(ii) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or

(iii) Within 300 feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

(c) Every motor vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. The attendant shall have been made familiar with the vehicle to which assigned, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(i) For the purpose of this subdivision, a motor vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within the driver or attendants field of vision and can reach it quickly and without any kind of interference; "attended" also means that the driver or attendant is awake, alert, and not engaged in other duties or activities which may divert their attention from the vehicle.

(ii) An explosive laden vehicle may be left unattended for a period not to exceed 48 hours provided that:

(A) The vehicle is parked in a designated parking lot which complies with NFPA Std. 498 and with the appropriate

clearance table of this chapter for the type and quantity of explosives carried;

(B) The designated parking lot is correctly bermed and walled or fenced and gated to prevent unauthorized entry;

(C) The designated lot is inspected and approved by the department of labor and industries and is provided with a full-time security patrol at all times when explosives are present;

(D) Trucks used for explosives delivery which contain only blasting agents (International Class 1.5 D) and no high explosives need not be attended provided the vehicle is locked to prevent movement of the vehicle, the cargo compartments are locked to prevent theft, the vehicle is parked according to all applicable storage distance requirements, and the vehicle is located in a secured area which restricts entry to the area by unauthorized personnel.

(d) No spark-producing metal, spark-producing tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives comply with U.S. Department of Transportation regulations.

(e) Vehicles transporting explosives shall avoid congested areas and heavy traffic.

(f) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or authorized temporary storage or handling area.

(7) Transporting blasting caps and explosives in the same vehicle.

(a) Fuse type blasting caps, blasting caps with safety fuse and/or blasting caps with metal clad mild detonating fuse shall not be transported in the same vehicle or trailer with other explosives.

(b) Blasting caps rated by U.S. DOT as nonmass detonating may be transported in the same vehicle or trailer with other explosives when:

(i) The caps are carried in DOT approved shipping containers:

(ii) The truck or trailer complies with Appendix 1, WAC 296-52-550.

(8) When primers are made up at a central primer house for use in high speed tunneling, the following shall apply:

(a) Only enough primers shall be made up for each round of blasting.

(b) The primers shall be placed in separate containers or bins, categorized by degree of delay in such a manner so as to prevent them from physical impact.

(c) Explosives carried in the same magazine shall be separated by 1/4-inch steel, covered on each side by four inches of hardwood planking, or equivalent.

(d) Hoist operators shall be notified before explosives or blasting agents are transported in a shaft conveyance.

(e) Explosives and blasting agents shall be hoisted, lowered, or conveyed in a powder car. No other materials, supplies, or equipment shall be transported in the same conveyance at the same time.

(f) Only a state approved powder car or conveyance shall be used underground.

WSR 98-19-062
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services Administration)
 [Filed September 16, 1998, 11:37 a.m.]

~~((f))~~ (g) All explosives or blasting agents in transit underground shall be taken to the place of use or storage without delay.

(h) The quantity of explosives or blasting agents taken to an underground loading area shall not exceed the amount estimated to be necessary for the blast.

(i) The number of primers for one round will be removed from the state approved car or vehicle at the face or heading after the drilling has been completed and the holes readied for loading. After loading the charge, the powder car or vehicle will be withdrawn from the tunnel.

~~((g))~~ (j) Wires on electric caps shall be kept shunted until wired to the bus wires.

~~((h))~~ (k) The powder car or conveyance shall be inspected daily for lights, brakes and external damage to electrical circuitry. The electrical system shall be checked weekly to detect any failures that may constitute an electrical hazard and a written certification record of such inspection shall be kept on file for the duration of the job. The certification record shall contain the date of inspection, the serial number or other positive identification of the unit being inspected and the signature of the person performing the inspection.

~~((i))~~ (l) The installation of auxiliary lights on truck beds, which are powered by the truck's electrical system, shall be prohibited.

~~((j))~~ (m) No one, except the operator, the helper, and/or the powderperson, shall be permitted to ride on a conveyance transporting explosives and blasting agents.

~~((k))~~ (n) No person shall ride in any shaft conveyance transporting explosives and blasting agents.

~~((l))~~ (o) No explosives or blasting agents shall be transported on a crew-haul trip.

~~((m))~~ (p) The car or conveyance containing explosives or blasting agents shall be pulled, not pushed, whenever possible.

~~((n))~~ (q) The powder car or conveyance especially built for the purpose of transporting explosives or blasting agents shall bear a reflectorized sign on each side with the word "explosives" in letters not less than 4 inches in height; upon a background of sharply contrasting color.

~~((o))~~ (r) Compartments for transporting detonators and explosives in the same car or conveyance shall be physically separated by a distance of 24 inches or by a solid partition at least 6 inches thick.

~~((p))~~ (s) Detonators and other explosives shall not be transported at the same time in any shaft conveyance.

~~((q))~~ (t) Explosives and/or blasting agents, not in original containers, shall be placed in a suitable container when transported manually.

~~((r))~~ (u) No explosives or blasting agents shall be transported on any locomotive. At least two car lengths shall separate the locomotive from the powder car.

(9) When explosives are carried to the blasting site from the main storage magazines by the blaster or helper:

(a) Special insulated containers or original DOT shipping containers shall be used for this purpose, either boxes or bags, one container for explosives and one for detonators.

(b) Detonators or explosives shall never be carried in pockets of clothing.

Date of Adoption: September 16, 1998.

Purpose: To establish a public process for determining nursing facility Medicaid payment rates when there is a change in the rate methodology, in compliance with 42 USC 1396a (a)(13)(A), as amended by the federal 1997 Balanced Budget Act, Section 4711.

Statutory Authority for Adoption: RCW 74.46.800, 74.09.500, 74.08.090.

Adopted under notice filed as WSR 98-15-103 on July 17, 1998.

Changes Other than Editing from Proposed to Adopted Version: The time allowed for public comment has been shortened from thirty days to fourteen days.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 16, 1998

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

NEW SECTION

WAC 388-96-718 Public process for determination of rates. (1) The purpose of this section is to describe the manner in which the department will comply with the federal Balanced Budget Act of 1997, Section 4711 (a)(1), codified at 42 U.S.C. 1396a (a)(13)(A).

(2) For all material changes to the methodology for determining nursing facility Medicaid payment rates occurring after October 1, 1997, and requiring a Title XIX state plan amendment to be submitted to and approved by the Health Care Financing Administration under applicable federal laws, the department shall follow the following public process:

(a) The proposed estimated initial payment rates, the proposed new methodologies for determining the payment rates, and the underlying justifications shall be published. Publication shall be:

(i) In the Washington State Register; or

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(ii) In the Seattle Times and Spokane Spokesman Review newspapers.

(b) The department shall maintain and update as needed a mailing list of all individuals and organizations wishing to receive notice of changes to the nursing facility Medicaid payment rate methodology, and all materials submitted for publication shall be sent postage prepaid by regular mail to such individuals and organizations. Individuals and organizations wishing to receive notice shall notify the department in writing.

(c) Nursing facility providers, their associations, nursing facility Medicaid beneficiaries, representatives of providers or beneficiaries, and other concerned members of the public shall be given a reasonable opportunity to review and comment on the proposed estimated rates, methodologies and justifications. The period allowed for review and comment shall not be less than thirty calendar days after the date of the Washington State Register containing the published material or the date the published material has appeared in both the Seattle Times and the Spokane Spokesman Review.

(d) If, after receiving and considering all comments, the department decides to move ahead with any change to its nursing facility Medicaid payment rate methodology, it shall adopt needed further changes in response to comments, if any, and shall publish the final estimated initial rates, final rate determination methodologies and justifications. Publication shall be:

(i) In the Washington State Register; or

(ii) In the Seattle Times and Spokane Spokesman Review newspapers.

(e) Unless an earlier effective date is required by state or federal law, implementation of final changes in methodologies and commencement of the new rates shall not occur until final publication has occurred in the Register or in both designated newspapers. The department shall not be authorized to delay implementation of, or to alter, ignore or violate requirements of, state or federal laws in response to public process comments.

(f) Publication of proposed estimated initial payment rates and final estimated initial payment rates shall be deemed complete once the department has published:

(i) The statewide average proposed estimated initial payment rate weighted by adjusted Medicaid resident days for all Medicaid facilities from the most recent cost report year, including the change from the existing statewide average payment rate weighted by adjusted Medicaid resident days for all Medicaid facilities from the most recent cost report year; and

(ii) The statewide average final estimated initial payment rate weighted by adjusted Medicaid resident days for all Medicaid facilities from the most recent cost report year, including the change from the existing statewide average payment rate weighted by adjusted Medicaid resident days for all Medicaid facilities from the most recent cost report year.

(3) Nothing in this section shall be construed to prevent the department from commencing or completing the public process authorized by this section even though the proposed changes to the methodology for determining nursing facility Medicaid payment rates are awaiting federal approval, or are

the subject of pending legislative, gubernatorial or rule-making action and are yet to be finalized in statute and/or regulation.

(4)(a) Neither a contractor nor any other interested person or organization shall challenge, in any administrative appeals or exception procedure established in rule by the department under the provisions of chapter 74.46 RCW, the adequacy or validity of the public process followed by the department in proposing or implementing a change to the payment rate methodology, regardless of whether the challenge is brought to obtain a ruling on the merits or simply to make a record for subsequent judicial or other review. Such challenges shall be pursued only in courts of proper jurisdiction as may be provided by law.

(b) Any challenge to the public process followed by the department that is brought in the course of an administrative appeals or exception procedure shall be dismissed by the department or presiding officer, with prejudice to further administrative review and record-making, but without prejudice to judicial or other review as may be provided by law.

(5) The public process required and authorized by this section shall not apply to any change in the payment rate methodology that does not require a Title XIX state plan amendment under applicable federal laws, including but not limited to:

(a) Prospective or retrospective changes to nursing facility payment rates or to methodologies for establishing such rates ordered by a court or administrative tribunal, after exhaustion of all appeals by either party as may be authorized by law, or the expiration of time to appeal; or

(b) Changes to nursing facility payment rates for one or more facilities resulting from the application of authorized payment rate methodologies, principles or adjustments, including but not limited to: partial or phased-in termination or implementation of rate methodologies; scheduled cost rebasing; quarterly or other updates to reflect changes in case mix or other private or public source data used to establish rates; adjustments for inflation or economic trends and conditions; rate funding for capital improvements or new requirements imposed by the department; changes to resident-specific or exceptional care rates; and changes to correct errors or omissions by the contractor or the department.

WSR 98-19-063

PERMANENT RULES

SECRETARY OF STATE

[Filed September 16, 1998, 3:31 p.m.]

Date of Adoption: September 16, 1998.

Purpose: To implement chapter 138, Laws of 1998 (SHB 2351) and to simplify existing language regarding the administration of the address confidentiality program (ACP).

WAC 434-840-001, cites codified RCW instead of chapter laws of 1991.

WAC 434-840-005, cites codified RCW instead of chapter laws of 1991. Includes victims of sexual assault in ACP services provided by application assistants. Defines substitute mailing address.

WAC 434-840-010, clarifies that the substitute address may be used for work and school addresses as well as home address. Clarifies the effective date of program participation.

WAC 434-840-020, clarifies that the substitute address may be used for work and school addresses as well as home address. Clarifies existing language.

WAC 434-840-030, identifies the need for ACP to inform the county auditor when program participants renew their certification in the program.

WAC 434-840-040, removes current language that gives more authority to the program than is defined in RCW. Identifies the need for ACP to notify program participants that their certification has been terminated. Identifies the need for ACP to inform the county auditor when ACP terminates a program participant's certification.

WAC 434-840-060, removes language that gives more authority to the program than is defined in RCW.

WAC 434-840-070, cites codified RCW instead of chapter laws of 1991. Simplifies current language.

WAC 434-840-080, clarifies the methods by which program participants may be served legal documents. Cites codified RCW instead of chapter laws of 1991.

WAC 434-840-100, simplifies existing language regarding the methods used by program participants to apply for confidential records status.

WAC 434-840-110, allows authorized personnel to make a photocopy of a program participant's identification card.

WAC 434-840-200, simplifies existing language regarding the methods used by program participants to apply for confidential marriage license.

WAC 434-840-210, simplifies existing language regarding the methods used by program participants to apply for confidential marriage license.

WAC 434-840-220, clarifies the method for county auditors to maintain confidential marriage license application, certificate, or record for ACP participants who request it.

WAC 434-840-230, simplifies existing language regarding transmission of confidential marriage certificates to the Department of Health.

WAC 434-840-240, simplifies language describing the method by which a program participant may obtain a copy of their confidential certified marriage certificate.

WAC 434-840-310, simplifies language describing how program participants may apply for protected records voter status. Allows an ACP application for an "over-the-counter" absentee ballot to be made no later than the day before the election. Allows an ACP application for a "mail" ballot to be accepted no later than twenty days before the first election.

WAC 434-840-320, clarifies existing language regarding the county's protected records voter records.

WAC 434-840-330, requires county auditors to maintain a record of the ACP ballots issued and returned.

WAC 434-840-340, clarifies existing language for processing protected records voter ballots. Allows county auditors to notify protected records voter that they have neglected to sign the absentee ballot by mailing the voter a copy of their ballot envelope.

WAC 434-840-350, clarifies existing language for canvassing protected records voter ballots.

WAC 434-840-360, directs address confidentiality program to contact authorized personnel if protected records voter ballot is returned to the program by the post office.

Repeals WAC 434-840-050, 434-840-090, 434-840-120, 434-840-130, and 434-840-300.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-840-050, 434-840-090, 434-840-120, 434-840-130, and 434-840-300; and amending WAC 434-840-001, 434-840-005, 434-840-010, 434-840-020, 434-840-030, 434-840-040, 434-840-060, 434-840-070, 434-840-080, 434-840-100, 434-840-110, 434-840-200, 434-840-210, 434-840-220, 434-840-230, 434-840-240, 434-840-310, 434-840-320, 434-840-330, 434-840-340, 434-840-350, and 434-840-360.

Statutory Authority for Adoption: RCW 40.24.090.

Adopted under notice filed as WSR 98-14-006 on June 19, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 22, Repealed 5.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 23, Repealed 5; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 6, 1998

Tracy Guerin

Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-001 Authority and purpose. These rules are adopted pursuant to ((chapter 40, RCW (sections 3(1), 3(3) and 9, chapter 23, Laws of 1991))) RCW 40.24.030 and 40.24.090. The purpose of this chapter is to provide the administrative procedures necessary to implement chapter ((23, Laws of 1991)) 40.24 RCW; to provide a procedure for state and local agencies to respond to requests for public records without disclosing the location of a program participant; to provide a procedure to facilitate interagency cooperation in providing ((record)) address confidentiality for a program participant; to establish uniform state-wide procedures for maintaining the confidentiality of a program participant's name and address information in marriage and voting records; and to provide a procedure for state and local agencies to accept a program participant's use of a substitute mailing address.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-005 Definitions. For the purposes of this chapter:

(1) "Address confidentiality program (~~manager~~)" means the agency employee designated by the secretary of state with responsibility for developing and administering the program that implements the provisions of chapter (~~23, Laws of 1991~~) 40.24 RCW.

(2) "Agency" means an office, department, division, bureau, board, commission, or other statutory unit of state or local government or any functional subdivision of that agency.

(3) "Application assistant" means an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, or shelter services to victims of sexual assault or domestic violence, who has been designated by the respective agency, and has been accepted and registered by the secretary of state to assist individuals in the completion of program participation applications.

(4) "Authorization card form" means the incomplete form for an authorization card on which no identifying program participant information has been entered.

(5) "Authorized personnel" means an employee of a county auditor's office, a county recording office, the Washington state department of health, or the office of the secretary of state who has been designated by the chief executive officer of the respective agency, to process and have access to voter application, voting records, (~~and~~) marriage applications and records pertaining to program participants.

(6) "Bona fide statutory or administrative requirement" means that without possession of an individual's actual address the agency is unable to fulfill its statutory duties and obligations.

(7) "Protected records voter" means a program participant who has applied and qualified as a service voter, as provided under RCW 29.01.155, with ongoing absentee ballot voter status, as provided under RCW 29.36.013.

(8) "Record" means any information relating to the conduct or performance of a governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(9) "Substitute mailing address (~~for voting purposes~~)" means (~~the~~) the mailing address designated (~~on the program participant's service voter application as the address to which the program participant's absentee ballots shall be sent, but~~) by the secretary of state which shall not be the program participant's residential address as (~~designated~~) documented on her or his application for program participation.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-010 Application and certification process. (1) (~~An applicant shall complete, date, sign, and~~) The program applicant shall provide all the information required (~~under section 3, chapter 23, Laws of 1991, and as requested on the standard application form and the authorization card form provided by the secretary of state~~) on the certification

application and date and sign the form. An applicant shall specify a Washington state residential address (~~and the new address(es) in Washington state~~), work, and school addresses, if any, for which confidentiality is requested. The standard application form shall also include the application preparation date, and the signature (~~and registration number~~) of the application assistant (~~who assisted the applicant in applying to be a program participant,~~) as provided in (~~section 8, chapter 23, Laws of 1991~~) RCW 40.24.080.

(2) An individual who has filed a properly completed application shall be certified as a program participant and issued a program participant authorization card. The authorization card shall include the program participant's name, authorization code, substitute mailing address, certification expiration date, and applicant's signature.

(3) A properly completed application shall be (~~filed~~) effective on the day (~~that~~) it is received by the address confidentiality program (~~manager~~).

(~~3~~) An individual who has filed a properly completed application shall be certified as a program participant and issued a program participant authorization card which includes the program participant's name, authorization code, substitute mailing address, certification expiration date, and applicant's signature.

(4) The term of a program participant's certification shall be four years following the (~~filing~~) effective date of her or his application unless the certification is withdrawn or invalidated before that date.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-020 Exercise of program participant's privileges. (1) At the time any state or local government agency creates a new record or updates an existing record, a program participant may request(~~, at the time of creation of a new record,~~) that (~~an~~) the agency use the substitute mailing address (~~designated by the secretary of state as her or his~~) as the participant's residence, work and/or school address.

(2) A program participant shall show her or his authorization card to the agency official creating a new record and request address confidentiality through the use of the (~~designated address~~) substitute mailing address as it appears on the authorization card, in lieu of her or his actual location. (~~The designated address shall appear on the program participant's authorization card.~~)

(3) (~~Authorized personnel~~) The agency official creating a new record may make a file photocopy of the authorization card and shall immediately return the authorization card to the program participant.

(4) An agency shall accept the (~~designated~~) substitute mailing address unless the agency has received a written (~~record~~) exemption (~~determination~~) from the secretary of state pursuant to RCW 40.24.050 and WAC 434-840-070.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-030 Certification renewal. (1) A program participant may renew her or his program (~~(participation)~~) certification by filing with the address confidentiality program (~~(manager)~~): (a) Her or his current authorization card; (b) a properly completed certification renewal form; and (c) a new authorization card form (~~(provided by the secretary of state)~~). The program participant shall (~~(complete, date, sign, and)~~) provide all the information required on the certification renewal form and date and sign the form.

(2) The address confidentiality program (~~(manager)~~) shall: (a) Certify a program participant, who has filed a properly completed certification renewal form, to participate in the program for an additional four year term unless the certification is withdrawn or invalidated before that date; (b) issue to the program participant a new authorization card which includes the program participant's name, authorization code, substitute mailing address, certification expiration date, and signature; (~~and~~) (c) if the participant is a protected records voter, notify in writing the authorized personnel of the appropriate county auditor's office (, county recording office, and department of health of the certification renewal of a program participant); and (d) if the participant has a protected marriage license, notify in writing the authorized personnel of the department of health and the appropriate county auditor's office.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-040 Certification withdrawal, invalidation, expiration, and termination. (1) A program participant may withdraw from program participation by submitting to the address confidentiality program (~~(manager)~~): (~~((a))~~) Written notification of withdrawal and (~~((b))~~) her or his current authorization card. Certification shall be terminated on the date of receipt of this notification.

(2) The address confidentiality program (~~(manager may))~~ shall terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant's certification term has expired and certification renewal has not been completed; (b) the address confidentiality program (~~(manager)~~) has determined that (~~((i))~~) false information was used in the application process (~~(or (ii) participation in the program is being used as a subterfuge to avoid detection of illegal or criminal activity or apprehension by law enforcement; (e) the program participant no longer resides at the residential address listed on the application, and has not provided seven days' prior notice in writing of a change in address; (d) a service of process document or mail forwarded to the program participant by the address confidentiality program is returned as nondeliverable; (e)); or (c) the program participant obtains a legal name change (, (f) the program participant fails to attend a specified meeting or fails to meet agency regulatory compliance standards as provided in WAC 434-840-090; or (g) the program participant fails to submit program experience and information survey forms requested by the address confidentiality program manager).~~

(3) The address confidentiality program may terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant no longer resides at the residential address listed on the application, and has not provided seven days' prior notice in writing of a change of address; or (b) first class mail, certified mail, or a service of process document forwarded to the program participant by the address confidentiality program is returned as nondeliverable or unclaimed.

(4) If termination is a result of subsection (2)(~~(a), or (e) through (g))~~) or (3) of this section, the address confidentiality program (~~(manager)~~) shall send written notification of the (~~(intended)~~) termination to (~~(the program participant)~~) the participant's last known mailing or residential address. The program participant shall have five business days in which to appeal the termination under procedures developed by the secretary of state.

(~~((4))~~) (5) The address confidentiality program shall notify the appropriate authorized personnel when a participant has been terminated from the program. The authorized personnel shall transmit to the address confidentiality program all appropriate administrative records pertaining to the participant. The transmitting agency is no longer responsible for maintaining record confidentiality for a terminated program participant under chapter 40.24 RCW.

(a) If the terminated participant had a protected marriage record, the address confidentiality program (~~(manager)~~) shall notify in writing authorized personnel of the department of health and the appropriate county auditor's office (, county recording office, and department of health of the program participant's certification withdrawal, invalidation, expiration, or termination.

(5) Upon receipt of this termination notification: (~~(a) Authorized personnel shall transmit to the address confidentiality program manager all appropriate administrative records pertaining to the program participant, using the confidential record transmission envelopes specially designed for this purpose; and (b) the record transmitting agency is no longer responsible for maintaining a terminated program participant's record confidentiality as provided under chapter 23, Laws of 1991.~~

(6) Following termination of program participant certification as a result of subsection (2)(b) of this section, the address confidentiality program manager may disclose information contained in the program participant's application) of the participant's termination.

(b) If the terminated participant was a protected records voter, the address confidentiality program shall notify in writing authorized personnel of the county auditor's office of the participant's termination.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-060 Information release to law enforcement (~~(or upon court order)~~) agency. (~~(The disclosure of any marriage application or record, or voter application record, or information about a program participant, requested by a law enforcement agency or by direction of~~

court order pursuant to sections 6, 7, and 12, chapter 23, Laws of 1991:

(1) ~~Shall be in response to receipt of a written or faxed request directed to a county auditor, a county recording officer, the secretary of state, or the secretary of health: (a)) A request from a law enforcement agency for release of records in a program participant's file shall be in writing, on agency letterhead stationery, and shall contain ~~((#))~~ the signature of the agency's chief law enforcement officer as defined in RCW 10.98.040, ~~((#))~~ the request date, ~~((#))~~ and the name of the program participant ~~((, (iv) the cause or reason for the requested information disclosure, and (v) state the purpose which the requested information will serve; (b) the county auditor, county recording officer, secretary of state, secretary of health, or authorized personnel may disclose the requested information to the chief officer of the law enforcement agency or to the person identified in the court order; and (c) unless specifically prohibited by court order, the county auditor, county recording officer, secretary of health, or authorized personnel shall immediately notify the address confidentiality program manager and the program participant of this information disclosure and provide a copy of the information disclosure request; or~~~~

~~(2) May be made by the address confidentiality program manager in response to her or his determination that an emergency situation exists and that the safety or health of a program participant is imperiled by withholding this information.~~

~~(3) Program participant information disclosed to a law enforcement agency or to a person identified in a court order shall be maintained in strict confidentiality by the party receiving information).~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-070 Agency exemption request. (1) An agency requesting an exemption under ~~((section 5, chapter 23, Laws of 1991))~~ RCW 40.24.050, must provide in writing to the secretary of state: (a) Identification of the statute or administrative rule which demonstrates the agency's bona fide requirement and authority for the use of the actual address of an individual; (b) identification and description of the specific record or record series for which the exemption is requested; (c) ~~((description of the specific record or record series; (d))~~ identification of the individuals who will have access to the record; ~~((e))~~ (d) explanation of how the agency's acceptance of a substitute address will prevent the agency from meeting its obligations under the statute or rule identified above; and ~~((f))~~ (e)(i) explanation of why the agency cannot meet its statutory or administrative obligations by a change in its internal procedures; and, where appropriate, (ii) description of any agency procedural change(s) that could be made that would allow it to accept the substitute address and meet its statutory or administrative obligations and an estimate of implementation time needed.

(2) The secretary of state shall file and review an agency's request for an exemption.

(3) During the review, evaluation and appeal of an agency's exemption request, the agency shall accept the use of a program participant's substitute address.

(4) The secretary of state's determination to grant or withhold a requested exemption shall be based on, but not limited to, an evaluation of the information provided under subsection (1) of this section in conformance with the statutory standard of a bona fide statutory or administrative requirement for the use of a program participant's actual address.

(5) If the secretary of state determines that an agency has a bona fide statutory or administrative requirement for the use of a program participant's actual address information and that the actual address information will be used only for those statutory and administrative purposes, the secretary may issue a written exemption ~~((determination))~~ for the agency. When granting an exemption, the secretary may include: (a) an agency's obligation to maintain the confidentiality of a program participant's address information; (b) limitations on use and access to that address information; (c) term during which the exemption is authorized for the agency; (d) designation of the record format on which the address information may be maintained; (e) designation of an address information disposition date after which the agency may no longer maintain a record of the address information; and (f) any other provisions and qualifications determined appropriate by the secretary of state.

(6) When a program participant requests use of the substitute address in a record, and the agency has received an exemption ~~((determination))~~ for that record, the agency shall immediately provide a copy of the written ~~((determination))~~ exemption to the requesting program participant. The agency shall notify the address confidentiality program ~~((manager))~~ of the occurrence and denial of the program participant's request.

(7) The secretary of state's denial of an agency exemption request shall be made in writing and include a statement of the specific reasons therefor.

(8) An agency may appeal the denial of its request by resubmitting its written request together with additional data, information, and an explanation of corrective action taken to alleviate concerns and considerations included in the secretary of state's denial determination.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-080 Service of process. (1) The secretary of state shall be an agent of the program participant upon whom any summons, writ, notice, demand, or process may be served.

(2) Service on the secretary of state of any such summons, writ, demand, notice, or process shall be made by mailing to the substitute address or by delivering to the ~~((address confidentiality program manager of the office of the))~~ secretary of state at his/her office in the Legislative Building, Olympia, WA: (a) Two copies of the summons, writ, notice, demand, or process; and (b) twenty-five dollars service-of-process fee for each action or document filed.

(3) If a summons, writ, notice, demand, or process is served on the secretary of state, the secretary of state shall immediately ~~((cause))~~ forward a copy ((to be forwarded)) to the program participant at the participant's current mailing address ((as)) shown on the records ~~((of the address confidentiality program))~~.

(4) The secretary of state shall ~~((keep))~~ maintain in the program participant's file, a record of all summonses, writs, notices, demands, and processes served upon the secretary of state for that participant under ~~((section 3(b) of chapter 23, Laws of 1991, and shall record the time))~~ RCW 40.24.030 (1)(b), which shall include the date of such service and the secretary of state's action.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-100 Acknowledgement for marriage and voting record confidentiality. (1) When a program participant requests ~~((name and address))~~ confidentiality for marriage records, both the program participant and her or his ~~((fiancee(e)))~~ intended spouse shall sign and date ~~((an acknowledgement form,))~~ a statement provided by the secretary of state, that ~~((specifies record))~~ describes access limitations on confidential marriage records.

(2) When a program participant requests ~~((name and address))~~ confidentiality for voting records, ~~((the program participant))~~ she or he shall sign ~~((an acknowledgement form,))~~ a statement provided by the secretary of state, that documents the date of this request and ~~((outlines))~~ the ongoing absentee ballot voting process to be used ~~((by protected record voters))~~.

(3) The ~~((county auditor, county recording officer, or))~~ authorized personnel shall keep the original copy of this signed acknowledgement, forward ~~((a duplicate))~~ one copy to the address confidentiality program ~~((in an envelope provided especially for that purpose,))~~ and give ~~((a duplicate))~~ one copy to the program participant.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-110 Proof of program participant's authority. (1) When a program participant requests name and address confidentiality for marriage or voting records, authorized personnel shall check the authorization card to confirm that the term of program participation has not expired and that the program participant's signature ((of the program participant)) on the authorization card matches that on the acknowledgement form.

(2) Authorized personnel may make a photocopy of the program participant's authorization card. The authorization card shall be immediately returned to the program participant. The photocopy shall be kept with the confidential marriage or voting records for this program participant during the time the records are filed and maintained by the county auditor or county recording officer.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-200 Notification for marriage record confidentiality. A program participant shall notify the appropriate county auditor or county recording officer of her or his request for ~~((name and address information))~~ confidentiality in marriage records by appearing in person with her or his ~~((fiancee(e)))~~ intended spouse before the county auditor or county recording officer.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-210 Marriage application. (1) Authorized personnel shall verify that the application for a marriage license and certificate of marriage form are ~~((correctly))~~ completed in full. The certificate of marriage ~~((form))~~ shall contain the program participant's authorization code and expiration date.

(2) Authorized personnel shall provide the program participant with a "confidential records" envelope in which the program participant shall transmit all completed marriage documents to the county auditor or county recording officer.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-220 Marriage record filing. ~~((Upon recording a completed marriage license application, certificate, or record, if the county auditor or county recording officer notes the presence of a confidential record in the recording index, this notation shall be made in a manner appropriate to maintaining the confidentiality of name and address information contained in that document.))~~ Any notation of a confidential marriage license application, certificate, or record, by authorized personnel shall be made in a manner that preserves the confidentiality of the information contained in that document.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-230 Marriage record transmission to department of health. The county ~~((auditor, county recording officer, or))~~ authorized personnel shall transmit a ~~((correctly))~~ completed marriage certificate containing the name and address of a program participant, to the department of health in an envelope distinctly marked "confidential records."

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-240 Certified copy of marriage certificates. ~~((A certified copy of a marriage certificate containing the name of a program participant is only available through the address confidentiality program.))~~ Upon the request of a program participant, accompanied by the appropriate fee, the address confidentiality program ((manager)) may request in

writing a certified copy of a program participant's marriage certificate (~~(-This written request may be directed to the originating county auditor, county recording office, or the department of health. The request shall accompany a complete application for certified copy and correspondent fee. The requested certified copy shall be provided to the address confidentiality program manager, who is responsible for its subsequent release))~~ from the agency maintaining that record and release it to the program participant. A certified copy of a marriage certificate containing the name of the program participant is only available through the address confidentiality program.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-310 Protected records voter application. (1) A program participant shall notify the appropriate county authorized personnel of her or his request for confidentiality in voting records by appearing in person before the appropriate county authorized personnel. The program participant shall: (a) Present her or his program authorization card; (b) cancel any previously existing voter registration; and ~~((b))~~ (c) apply to vote by providing all the information required on the address confidentiality program ongoing absentee ballot application.

(2) ~~((The program participant shall designate a substitute mailing address for voting purposes.~~

~~((3))~~ The program participant shall disclose the actual address of her or his residence only for the purpose of determining proper precinct and district designations.

~~((4))~~ (3) An application for protected records voter status and an absentee ballot to be issued to the participant in person, may be made no later than the day before an election. An application for ((a)) protected records voter status and an absentee ballot to be mailed to ((a)) the substitute mailing address ((for voting purposes)) shall be made no later than twenty working days before the first election in which the program participant wishes to vote.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-320 Maintaining protected records voter information. All records pertaining to a protected records voter shall be ~~((confidentially))~~ maintained in a manner ensuring that these records are accessible only to authorized personnel ~~((, except as provided by WAC 434-840-060)).~~ A protected records voter shall not be included in any registered voter list, absentee ballot list, tape, label, or poll book. Information pertaining to a protected records voter shall not be publicly accessible regardless of the type of records management system except as provided by RCW 40.24.060.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-330 Mailing protected records voter ballots. At least twenty days before every special, primary, or

general election, authorized personnel shall review all protected records voter files and forward the appropriate ongoing absentee ballot for each protected records voter via the ~~((designated))~~ substitute mailing address ~~((for voting purposes)).~~

The county authorized shall maintain a record of ballots sent to protected records voters and a record of ballots returned. This record shall be maintained in accordance with WAC 434-840-320.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-340 Processing protected records voter ballot. (1) The ongoing absentee ballot for a protected records voter shall be ~~((processed by))~~ prepared by county authorized personnel in the following manner:

(a) The ballot ~~((;))~~ and corresponding ~~((reader))~~ voter's guide, ~~((or paper ballot))~~ shall be ~~((grouped and))~~ placed with ballot security envelope, return envelope with oath ~~((, mailing envelope, and protected records voter))~~ in an envelope addressed to the substitute address;

(b) The voter's name, and authorization code ~~((, and substitute mailing address for voting purposes))~~ shall be entered onto the ~~((mailing))~~ return envelope;

~~((e))~~ The information shall be completed on the protected records voter envelope to ensure that the returned ballot will be segregated and routed to authorized personnel for processing;

~~((d))~~ (2) The voted absentee ballot for a protected records voter shall be processed by county authorized personnel in the following manner:

(a) The authorized personnel shall compare the signature on the returned ballot envelope ((shall be compared)) with the signature on the ((service voter)) address confidentiality program ongoing absentee ballot application;

~~((e))~~ (b) If the signature does not correspond to the signature on file, indication of this discrepancy shall be entered onto the return envelope; and

~~((f))~~ Whenever the signature on a protected records voter ongoing absentee ballot return envelope does not match the signature on the application on file the address confidentiality program manager shall (i) be notified of the discrepancy, (ii) locate the program participant and) county authorized personnel shall notify the address confidentiality program.

(c) The address confidentiality program shall, upon receipt of a notice pursuant to (b) of this subsection attempt to determine the cause of the discrepancy, and ((f)) notify the appropriate county ((auditor or county recording officer of the cause of the discrepancy)) authorized personnel of any relevant information, that should be considered by the county canvassing board.

(4) If the protected records voter neglects to sign the affidavit on the return envelope, the county authorized personnel shall notify the protected records voter by first class mail of that fact. The authorized personnel may provide the voter with a copy of the return envelope affidavit and require the voter to sign the copy of the affidavit and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election. Authorized personnel

PERMANENT

shall keep a record of the date on which the notice was mailed to the protected records voter as well as the date on which the voter signed the return envelope or the copy of the return envelope affidavit.

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 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-840-350 Canvassing procedure for a special ballot of a protected records voter. A special ballot, as defined in WAC 434-240-010(13), of a protected records voter shall be presented to the canvassing board (~~(meeting)~~) in executive session. (~~The canvassing board shall designate authorized personnel to verify the contents of the ballot. Authorized personnel shall remove the protected records voter envelope, prepare the ballot in the ballot security envelope, and verify the contents of the ballot for tabulation. The return envelope and the protected records voter envelope shall be placed in security with all other voting records for the program participant. The discardable envelopes may be destroyed under statutory provisions applicable to election materials.~~)

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-360 Undeliverable ballot. If any protected records voter's ongoing absentee ballot is declared undeliverable by the post office and returned, (~~the county auditor or county recording officer shall notify~~) to the address confidentiality program (~~manager~~), the address confidentiality program (~~manager~~) shall attempt to determine the cause of this occurrence and inform the county (~~auditor or county recording officer of~~) authorized personnel of any relevant information regarding the reason for the ballot's return.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-840-050 Notification of program participant status.
- WAC 434-840-090 Program participant compliance with agency rules.
- WAC 434-840-120 Record confidentiality.
- WAC 434-840-130 Agency response to public disclosure requests.
- WAC 434-840-300 Notification for voting record confidentiality.

WSR 98-19-066
PERMANENT RULES
CLARK COLLEGE
[Filed September 18, 1998, 9:13 a.m.]

Date of Adoption: August 26, 1998.

Purpose: This rule clarifies college procedure for processing grievances filed on the basis of discrimination or harassment.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 98-15-023 on July 22 [6], 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 2, Amended 0, Repealed 0; Federal Rules or Standards: New 2, 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 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 17, 1998

Tana L. Hasart
President

Chapter 132N-300 WAC

GRIEVANCE PROCEDURE
—DISCRIMINATION

NEW SECTION

WAC 132N-300-001 Statement of policy. (1) The college affirms a commitment to freedom from discrimination for all members of the college community. The responsibility for, and the protection of, this commitment extends to students, faculty, administration, staff, contractors, and those who develop or participate in college programs. It encompasses every aspect of employment and every student and community activity. The college expressly prohibits discrimination against any person on the basis of race, sex, creed, religion, color, national origin, age, sexual orientation, marital status, the presence of any physical, sensory or mental disability, or status as a disabled or Vietnam-era veteran. Harassment is a form of discrimination.

(2) Definitions.

(a) Sexual harassment is a form of sex discrimination which involves the inappropriate introduction into the work or learning situation of sexual activities or comments that demean or otherwise diminish one's self worth on the basis of gender. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature

constitute sexual harassment under any of the following conditions:

(i) When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing.

(ii) When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual.

(iii) When such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, offensive working or educational environment.

Sexual harassment often involves relationships of unequal power and contains elements of coercion—as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment may also involve relationships among equals, e.g., student to student, as when repeated sexual advances or demeaning verbal behavior have a harmful effect on a person's ability to study or work.

Gender discrimination is the process of making a distinction in favor of, or against, a person or persons on the basis of sex rather than on individual merit. If gender is taken into account when making a decision regarding an employee, except when it is a *bona fide* occupational qualification or is otherwise authorized by law, or if an employee is sexually harassed, that person has been subjected to gender discrimination.

(b) Racial harassment is defined as physical or verbal conduct that is maliciously intended to harass, intimidate, or humiliate a person or persons on account of race, color, or national origin and that causes severe emotional distress, physical injury or damage or destruction to the property of another, or threatens and places a specific person or group of persons in reasonable fear of harm.

(c) Disabilities. People with disabilities are persons with a physical, mental, or sensory impairment which substantially limits one or more major life activities. An individual is disabled if he or she meets at least any one of the following tests:

(i) He or she is substantially impaired with respect to a major life activity; or

(ii) He or she has a record of such an impairment; or

(iii) He or she is regarded as having such an impairment.

(d) Disabled veteran. A person entitled to disability compensation under laws administered by the U.S. Department of Veterans Affairs, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

(e) Vietnam-era veteran. A person who served on active duty for a period of more than one hundred eighty days, any part of which occurred between August 5, 1964, and May 7, 1975, and was discharged or released from duty with other than a dishonorable discharge.

NEW SECTION

WAC 132N-300-010 Grievance procedure. (1) Any person who believes she or he has been discriminated against or harassed by Clark College or its employee(s) or agent(s)

on the basis of race, sex, creed, religion, color, national origin, age, sexual orientation, marital status, the presence of any physical, sensory or mental disability, or status as a disabled or Vietnam-era veteran, may lodge a formal grievance. The college president delegates investigation of grievances on the basis of disability or disabled or Vietnam-era veteran status to the ADA Compliance Officer (ADACO). The college president delegates investigation of all other discrimination/harassment grievances to the college's affirmative action officer (AAO).

(a) Complaints should be filed within one hundred eighty days from the most recent incident. Where extraordinary circumstances are shown, the one hundred eighty-day limit may be waived by the ADACO or AAO.

(b) If the individualized education program (IEP) of a student provides for enrollment at Clark College or contracted special education or related services to be provided by the college, the school district which developed the IEP shall remain responsible for insuring that the requirements of Chapter 392-172 WAC and the Individuals with Disabilities Education Act, 20 U.S.C. secs. 1400 *et seq.*, including review and revisions to the IEP, are met.

(2)(a) **Step 1: Informal meeting.** In an attempt to informally resolve the concern, the complainant may request a meeting with the individual believed to have committed the discriminatory act (the respondent) or with the appropriate supervisor or president's designee. The time period in which attempts to informally resolve the concern are made shall not exceed thirty working days from the time the complaint is lodged.

(b) **Step 2: Formal grievance procedure.** The complainant may initiate a formal grievance.

(i) A formal grievance must be filed in writing and must set forth the specific grievance(s) raised by the complainant, including the dates, times, places, and circumstances surrounding his or her complaint. A form for this purpose is available from the ADACO or AAO; however, any written document is acceptable. Formal complaints may not be filed by e-mail.

(ii) Upon receipt of the grievance, the ADACO or AAO will conduct an investigation which includes, but is not limited to, interview(s) with the complainant, the respondent, and any additional persons necessary to determine the merit(s) of the complaint. The investigation should be completed within thirty working days.

(iii) Upon completion of the investigation, the ADACO or AAO will present a written report, including findings and conclusions to the complainant and the respondent. The report may include a recommendation by the ADACO or AAO for appropriate disciplinary or corrective action, or the report may be sent to the designated dean or administrator to determine appropriate disciplinary or corrective action.

(iv) If the complaint is found to be false and malicious, the ADACO or AAO will notify the designated dean or administrator for possible disciplinary action against the complainant.

(c) **Step 3: Presidential appeal.** If the complaint is not resolved at Step 2 the complainant may appeal to the college president.

(i) The appeal must be made in writing within twenty-one days after the report is issued.

(ii) Within twenty days after receiving the appeal, the college president or the president's designee will conduct the presidential review and report the results in writing to both the complainant and the respondent. The college president may affirm or modify the report, remand the case for further investigation, or dismiss the appeal.

(iii) The written results of the presidential review will be considered final. No further intra-institutional appeal exists.

(3) If desired, inquiries or appeals beyond the institutional level may be directed to:

(a) Equal employment opportunity commission.

(b) Washington state human rights commission.

(c) Regional director, office of civil rights, department of education.

WSR 98-19-075
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed September 21, 1998, 11:58 a.m.]

Date of Adoption: August 29, 1998.

Purpose: 1) Meet criteria supporting Governor Locke's Executive Order 97-02. 2) To implement SHB 2858 as enacted during the 1998 legislative session.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-96A-010 Certificate of registration required, 308-96A-025 No fee where incorrect plates issued, 308-96A-035 Annual license renewal, 308-96A-040 Monthly abatement of license fees; and amending WAC 308-96A-015 Replacement certificate of registration—Documents required, 308-96A-021 Replacement plates—Requirements, 308-96A-026 Vehicle transit permit, 308-96A-180 Registration of rental cars, 308-96A-260 Assignment of original registration year, 308-96A-295 Display of tabs, and 308-96A-300 Changing assigned registration year.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490, and 46.16.276.

Adopted under notice filed as WSR 98-14-012 on June 19, 1998.

Changes Other than Editing from Proposed to Adopted Version: Added back into WAC 308-96A-180(3) the old (c), which was inadvertently left out of the proposed rule making filed under notice as WSR 98-14-012 on June 19, 1998. This section was previously in the WAC.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 4.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 7, Repealed 4; 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: To implement SHB 2858 as enacted during the 1998 legislative session.

Effective Date of Rule: Thirty-one days after filing.

September 21, 1998

Evelyn P. Yenson

Director

AMENDATORY SECTION (Amending Order TL/RG 24, filed 5/5/86)

WAC 308-96A-015 (~~Duplicate certificate of registration.~~) **Replacement certificate of registration—Documents required.** (~~If the current year's certificate of registration is lost, stolen, or destroyed, the registered owner must apply at once for a duplicate. The application must be accompanied by:~~

(1) An affidavit of loss signed by at least one owner of record. Such signature must be either certified by a Washington vehicle/vessel license agent or notarized; and

(2) A record of the licensing agent's verification of the vehicle record.) **(1) How do I obtain a replacement certificate of registration?**

You obtain a replacement certificate of registration by applying, either in person or by mail, to a Washington vehicle licensing office.

(2) When do I need to replace my certificate of registration?

You need to replace your certificate of registration if it is lost, stolen, destroyed, or mutilated.

(3) Who can apply for a replacement certificate of registration?

One of the registered owners shall apply for a replacement certificate of registration.

(4) What documentation do I need to apply for a replacement certificate of registration?

You need an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. The registered owner's signature must be either notarized by a notary public or certified by a Washington vehicle license agent or subagent.

AMENDATORY SECTION (Amending Order TL/RG-34, filed 5/28/87)

WAC 308-96A-021 Replacement plates—(Sworn statement) Requirements. (~~A sworn statement as to cause or reason for replacement plates shall not be required if the owner of record is the person buying replacement plates, pro-~~

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vided, that a sworn statement will be required if someone other than the registered owner of record is purchasing replacement plates.) (1) **How do I obtain replacement plate(s)?**

You obtain replacement plate(s) by applying, either in person or by mail, to a Washington vehicle licensing office.

(2) **When do I need to replace my plate(s)?**

You need to replace your plate(s) if:

(a) Your plate(s) are lost, stolen, destroyed, or mutilated; or

(b) The primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle. Example: A passenger car used to transport commodities, merchandise, produce, freight or animals for commercial purposes may be licensed as a commercial use truck.

(3) **Who can apply for replacement plate(s)?**

One of the registered owners shall apply for replacement plate(s).

(4) **What documentation do I need to apply for replacement plate(s)?**

(a) If your plate(s) are lost, stolen, destroyed, or mutilated, you need to submit an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. The registered owner's signature must be either notarized by a notary public or certified by a Washington vehicle license agent or subagent. A replacement plate fee will be charged.

(b) If the primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle, the department shall replace the plate(s) without the affidavit of loss or letter of request. A new plate fee will be charged.

(5) **What if the department issued incorrect plate(s) for my vehicle?**

When incorrect plate(s) have been issued due to departmental error, the department shall replace the plate(s) without the affidavit of loss or letter of request. No replacement plate fee will be charged.

AMENDATORY SECTION (Amending WSR 92-15-025, filed 7/6/92, effective 8/6/92)

WAC 308-96A-026 Vehicle transit permit. ((A vehicle transit permit may be issued to authorize an individual to operate a vehicle over and along a public highway of this state solely for the purpose of doing what is necessary to qualify the vehicle for a Washington certificate of ownership or registration. Such purposes are limited to the following:

(1) Obtaining a Washington state patrol inspection (if required);

(2) Obtaining a weight slip;

(3) Obtaining an emission test; or,

(4) Any other purpose which the director or designee in his or her discretion deems necessary.

The permit is valid for a maximum of two days and shall contain, but is not limited to, the following information:

(a) Signature and agency number of persons issuing the permit;

(b) Signature and address of person receiving the permit;

(c) Description, including make, model, model year, and vehicle identification number, of the vehicle for which the permit is issued;

(d) Specific purpose for which the permit is issued; and,

(e) The date or dates on which the permit is valid, for a maximum of two days.) (1) **What is a vehicle transit permit?**

A vehicle transit permit is a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete an application for a Washington certificate of ownership or registration.

(2) **What may a vehicle transit permit be used for?**

A vehicle transit permit may be used to obtain:

(a) A Washington state patrol inspection;

(b) A scale weight slip;

(c) An emission test; or

(d) Any other purpose that the department deems necessary.

(3) **Where do I obtain a vehicle transit permit?**

You may obtain a vehicle transit permit from:

(a) Vehicle licensing offices; or

(b) Drivers services-licensing services offices.

(4) **How long is the vehicle transit permit valid?**

The permit is valid for a maximum of two days.

(5) **What information is required to issue the vehicle transit permit?**

The following information is required to issue the vehicle transit permit:

(a) Description of the vehicle for which the permit is issued, which may include make, model, model year, and vehicle identification number;

(b) Name and address of person obtaining the permit;

(c) Specific purpose for which the permit is issued; and

(d) The date or dates on which the permit is valid, for a maximum of two days.

(6) **How much does a vehicle transit permit cost?**

There is no fee for the vehicle transit permit, however vehicle-licensing subagents may charge a service fee.

AMENDATORY SECTION (Amending WSR 95-15-028, filed 7/11/95, effective 8/11/95)

WAC 308-96A-180 Registration of rental cars. (((+ Rental car businesses, registered pursuant to RCW 46.87.023 and chapter 308-88 WAC, shall register their rental cars prior to the vehicles being operated upon the roadways of this state. Registrations must be maintained for the period in which the rental car is operated as part of the rental car business fleet.

(2) Rental cars properly registered in another jurisdiction may be operated in this state without being titled and registered in this state when:

(a) Rented by a customer at a location outside of the state of Washington;

(b) The vehicle was dropped off at a Washington rental car business by its previous renter and is being rented for a one-way trip out of Washington; or

(e) The vehicle is part of a properly registered International Registration Plan (IRP) rental car business fleet.

(3) If the rental car business is registered pursuant to the provisions of the IRP, the rental car business will allocate rental car registrations according to the provisions of section 1116 of the IRP, as now or hereafter amended. Franchised businesses, receiving vehicles from their franchiser who is a registered IRP rental car business, may engage in retail car rentals for one-way trips into the state when receiving the vehicle and out of the state when returning it to the franchiser.

(4) Rental car usage is restricted to operations by rental customers, except when the rental car is being moved by the business to another business site, to or from maintenance or repair facilities, or for testing purposes.

(5) Vehicles that cease to be used for rental car purposes shall be reregistered for the appropriate usage and pay the proper motor vehicle excise tax pursuant to RCW 82.44.023 prior to further operation on the public roadways of this state.) (1) **What is a rental car?**

A rental car is defined in RCW 46.04.465.

(2) **How is a rental car licensed?**

Registrations shall be maintained for the period in which the rental car is operated as part of the rental car business fleet.

(3) **Do rental cars operated in Washington need to be registered in Washington?**

Rental cars must be registered in Washington unless:

(a) Rented by a customer at a location outside of the state of Washington;

(b) The vehicle was dropped off at a Washington rental car business by its previous renter and is being rented for a one-way trip out of Washington; or

(c) The vehicle is part of a properly registered International Registration Plan (IRP) rental car business fleet.

(4) **Does the current certificate of registration issued by the department need to be carried in the rental car?**

A photocopy of the current certificate of registration may be carried in a rental car in lieu of the original certificate of registration.

(5) **Who may operate a rental car?**

Rental cars may only be used by rental customers, unless the rental car is being moved by the business to another business site, to or from maintenance or repair facilities, or for testing purposes.

(6) **What does a rental car company do when they remove a rental car from their fleet?**

When a rental car company removes a vehicle from their fleet, they shall alter the current month and year tab on the license plates. To alter these tabs, the rental car company will place blank tabs over both the month and year tab on the front and rear plate issued for that vehicle.

AMENDATORY SECTION (Amending WSR 92-02-100, filed 1/2/92, effective 2/2/92)

WAC 308-96A-260 Assignment of original registration year. ((Vehicles licensed for the first time in this state will have expiration dates assigned as follows:

(1) ~~Fleet vehicles and prorated vehicles will have a registration year ending December 31. A full month's fees are charged for any partial month.~~

(2) ~~Snowmobiles will have a registration year ending September 30. Snowmobile fees may not be abated.~~

(3) ~~Exempt vehicles are not required to have their licenses renewed so will not have an expiration date assigned, except that exempt vehicles using propane, butane or natural gas will have a June 30 expiration date for special fuel billing purposes. This does not apply to federal exempt vehicles which are required to be registered annually and pay the liquefied petroleum gas (LPG) fee at the time of registration renewal.~~

(4) ~~All other vehicles, including those issued amateur radio operator plates, personalized plates, and off-road vehicle use permits, will have a registration year beginning at 12:01 a.m. on the day which the vehicle is first licensed and ending at 12:00 midnight on the same date the succeeding year.~~

(5) ~~A license purchased on February 29 will have an expiration date of March 1.~~

(6) ~~In the event that the final day of a registration year falls on a Saturday, Sunday or legal holiday, such period shall extend through the end of the next business day.)~~ **How are registration years assigned?**

Vehicles licensed for the first time in this state will have expiration dates assigned under RCW 46.16.006 except as follows:

(1) Fleet vehicles will have a registration year ending December 31. A full month's fees are charged for any partial month.

(2) City, state and county exempt vehicles using propane, butane or natural gas will have a June 30 expiration date for special fuel billing purposes. This does not apply to federal exempt vehicles, which are required to be registered annually and pay the liquefied petroleum gas (LPG) fee at the time of registration renewal.

(3) Vehicles delivered on dealer temporary permits shall be assigned expiration dates based on date of delivery as documented by the dealer.

(4) A February 29 expiration date will be reassigned to March 1.

AMENDATORY SECTION (Amending WSR 93-14-083, filed 6/30/93, effective 7/31/93)

WAC 308-96A-295 Display of tabs. ((The department shall issue license plate tabs, or emblems to identify the month and year of the vehicle registration expiration. They may be displayed as soon as they are purchased. Tabs or emblems must be displayed starting with the first day of the current registration year. If tabs are issued, they shall be displayed on the front and rear license plates as indicated on the tab in the following manner:

(1) Motorcycle plates shall display the year tab in the upper right corner and the month tab lengthwise down the right side of the plate between the plate number and the outer frame of the plate.

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[Filed September 23, 1998, 8:26 a.m.]

~~(2) Plates with the state identification at the bottom of the plate shall have the month tab displayed in the lower left corner and the year tab in the lower right corner.~~

~~(3) Plates with the state identification at the top left of the plate shall have the month tab displayed immediately following the final "N" in Washington. The year tab shall be displayed to the immediate right of the month tab in the upper right corner.~~

~~(4) Plates with the state identification at the top center of the plate shall have the month tab displayed to the left of the "W" and the year tab displayed to the right of the final "N" in Washington.))~~ **(1) What is a tab?**

A tab is a decal that is affixed to the license plates and identifies the registration expiration date for a specific vehicle.

(2) Which tabs are valid to be displayed on the vehicle license plate?

Only the tabs depicting the current registration may be displayed on the vehicle license plates.

AMENDATORY SECTION (Amending WSR 92-02-100, filed 1/2/92, effective 2/2/92)

WAC 308-96A-300 Changing assigned registration year. ~~((1) If a vehicle remains unlicensed for a full registration year, a new registration expiration date shall be assigned in accordance with WAC 308-96A-260.~~

~~(2) If a vehicle license has expired at the time of title transfer, the new owner shall be assigned a new expiration date in accordance with WAC 308-96A-260.))~~ **When may the assigned registration year of a vehicle be changed?**

(1) The department will change the registration year of a vehicle if the vehicle remains unlicensed for more than the entire assigned registration year.

(2) The registered owner may request a change of registration expiration month. This can only be done at the time of renewal and requires the registered owner to purchase more than twelve months of registration, limited to the vehicle field system constraints and tab availability.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-96A-010	Certificate of registration required.
WAC 308-96A-025	No fee where incorrect plates issued.
WAC 308-96A-035	Annual license renewal.
WAC 308-96A-040	Monthly abatement of license fees.

Date of Adoption: September 18, 1998.

Purpose: To correct typographical errors in WAC 246-976-610, 246-976-650, 246-976-720, 246-976-730, 246-976-770, 246-976-780, 246-976-810, 246-976-820, 246-976-840, and 246-976-860, designation of trauma care services.

Citation of Existing Rules Affected by this Order: Amending WAC 246-976-610, 246-976-650, 246-976-720, 246-976-730, 246-976-770, 246-976-780, 246-976-810, 246-976-820, 246-976-840, and 246-976-860.

Statutory Authority for Adoption: Chapter 70.168 RCW.

Adopted under notice filed as WSR 98-14-121 on July 1, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 10, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
September 10, 1998
K. Van Gorkom
Deputy Secretary

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-560 Designation standards for facilities providing level II trauma care service—Basic resources and capabilities. A facility with a designated level II trauma care service shall have:

- (1) An emergency department, with:
 - (a) A physician director who is:
 - (i) Board-certified in emergency medicine or other relevant specialty;
 - (ii) ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine; and
 - (iii) PALS or approved equivalent trained, except that this requirement shall not apply to a physician board-certified in pediatric emergency medicine.
 - (b) Physicians who:
 - (i) Are board-certified in emergency medicine, or board-certified in a specialty and practicing emergency medicine as

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their primary practice with special competence in care of trauma patients;

(ii) Are available within five minutes of patient's arrival in the emergency department;

(iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;

(iv) Are PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and

(v) Are designated as members of the trauma team;

(c) Registered nurses who:

(i) Are ACLS trained;

(ii) Are PALS or approved equivalent trained;

(iii) Have successfully completed a trauma life support course as defined in WAC 246-976-885; and

(iv) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;

(d) An area designated for adult and pediatric resuscitation, with equipment for resuscitation and life support of pediatric and adult trauma patients, including equipment as described in WAC 246-976-620;

(e) Routine radiological capabilities by a technician available within five minutes of notification of team activation.

(2) A surgery department, including:

(a) An attending general surgeon on-call and available within twenty minutes of notification of team activation. The attending surgeon shall:

(i) Provide trauma team leadership upon arrival in the resuscitation area;

(ii) Be board-certified;

(iii) Have trauma surgery privileges as delineated by the medical staff; or

(b) A post-graduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. The attending surgeon shall be available within twenty minutes upon notification of team activation. The resident shall have ATLS and PALS or approved equivalent training;

(c) All general surgeons who are responsible for care and treatment of trauma patients shall be trained in:

(i) ATLS and ACLS, except this requirement shall not apply to a physician board-certified in surgery; and

(ii) PALS or approved equivalent.

(3) An operating room available within five minutes of notification of team activation, with:

(a) A registered nurse or designee of the operating room staff who is available within five minutes of notification of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;

(b) Other essential personnel on-call and available within twenty minutes of notification of team activation;

(c) A written policy providing for mobilization of additional surgical teams for trauma patients; and

(d) Instruments and equipment appropriate for pediatric and adult surgery, including equipment as described in WAC 246-976-620.

(4) A post anesthetic recovery unit with:

(a) Essential personnel, including at least one registered nurse, on-call and available twenty-four hours a day;

(b) Nurses ACLS trained;

(c) Nurses PALS or approved equivalent trained; and

(d) Appropriate monitoring and resuscitation equipment.

(5) A critical care service, with:

(a) A medical director who is:

(i) Board-certified in surgery, internal medicine, or anesthesiology, with special competence in critical care; and

(ii) Responsible for coordinating with the attending staff for the care of trauma patients, including:

(A) Development and implementation of policies;

(B) Coordination of medical care;

(C) Determination of patient isolation;

(D) Authority for patient placement decisions;

(E) Equipment;

(F) Coordination of staff education;

(G) Coordination of statistics;

(H) Identification of criteria for reviewing quality of care on all critical care unit trauma patients, in conjunction with the trauma service medical director;

(b) A physician available in the critical care unit within five minutes of notification;

(c) A physician directed code team;

(d) Critical care unit registered nurses with special competence in trauma care, who:

(i) Are ACLS trained;

(ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;

(e) If the facility is not designated as a pediatric trauma care service, have a written transfer agreement and guidelines for pediatric trauma patients;

(f) Equipment as described in WAC 246-976-620.

(6) Respiratory therapy available within five minutes of notification.

(7) A clinical laboratory technologist available within five minutes of notification.

(8) Clinical laboratory services, including:

(a) Standard analysis of blood, urine, and other body fluids;

(b) Coagulation studies;

(c) Blood gases and pH determination;

(d) Serum and urine osmolality;

(e) Microbiology;

(f) Serum alcohol and toxicology determination;

(g) Drug screening; and

(h) Microtechnique.

(9) Blood and blood component services, including:

(a) Blood and blood components available from in-house or through community services, to meet patient needs;

(b) Noncrossmatched blood available on patient arrival in emergency department;

(c) Blood typing and cross-matching;

(d) Policies and procedures for massive transfusion;

(e) Autotransfusion; and

(f) Blood storage capability.

- (10) Radiological services, including:
- (a) A technician available within five minutes of notification, able to perform routine radiological procedures;
 - (b) A technician on-call and available within twenty minutes of notification, able to perform the following:
 - (i) Computerized tomography;
 - (ii) Angiography of all types; and
 - (iii) Sonography.
 - (11) Acute dialysis capability, or written transfer agreements.
 - (12)(a) A physician-directed burn unit staffed by nursing personnel trained in burn care; and equipped to care for extensively burned patients; or
 - (b) Written transfer guidelines in accordance with the guidelines of the American Burn Association, and transfer agreements for burn care.
 - (13)(a) The ability to manage acute head and/or spinal cord injuries or;
 - (b) Have written transfer guidelines and agreements for head and spinal cord injuries((?)).
 - (c) Early transfer to an appropriate designated trauma rehabilitation service shall be considered.
 - (14) A trauma rehabilitation coordinator to facilitate the trauma patient's access to rehabilitation services.
 - (15)(a) A designated trauma rehabilitation service; or
 - (b) Written agreements to transfer patients to a designated trauma rehabilitation service when medically feasible.
 - (16) A heli-stop, landing zone, or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-610 Designation standards for facilities providing level III trauma care service—Basic resources and capabilities. A facility with a designated level III trauma care service shall have:

- (1) An emergency department with:
 - (a) A physician director who is:
 - (i) Board-certified in emergency medicine, or other relevant specialty;
 - (ii) ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;
 - (iii) PALS or approved equivalent training, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine.
 - (b) Physicians who:
 - (i) Have special competence in the resuscitation and care of trauma patients;
 - (ii) Are available within five minutes of patient's arrival in the emergency department;
 - (iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;
 - (iv) Are PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and
 - (v) Are designated as members of the trauma team;

- (c) Registered nurses who:
 - (i) Are ACLS trained;
 - (ii) Are PALS or approved equivalent trained;
 - (iii) Have successfully completed a trauma life support course as defined in WAC 246-976-885; and
 - (iv) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;
 - (d) An area designated for adult and pediatric resuscitation, with equipment for resuscitation and life support of pediatric and adult trauma patients, including equipment as described in WAC 246-976-620.
 - ((2)) (e) Routine radiological capabilities by a technician available within twenty minutes of notification of team activation.
 - ((3)) (2) A surgery department, including an attending general surgeon who:
 - (a) Is on-call and available within thirty minutes of notification of team activation;
 - (b) Has general surgery privileges;
 - (c) Has ATLS and ACLS training, except this requirement shall not apply to a physician board-certified in surgery; and
 - (d) Has PALS or approved equivalent training.
 - ((4)) (3) An operating room available within five minutes of notification of team activation, with:
 - (a) A registered nurse or designee of the operating room staff who is available within five minutes of notification of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;
 - (b) Other essential personnel on-call and available within thirty minutes of notification of team activation;
 - (c) A written policy providing for mobilization of additional surgical teams for trauma patients; and
 - (d) Instruments and equipment appropriate for pediatric and adult surgery, including equipment as described in WAC 246-976-620.
 - ((5)) (4) A post anesthetic recovery unit with:
 - (a) Essential personnel on-call and available twenty-four hours a day;
 - (b) Nurses ACLS trained;
 - (c) Nurses PALS or approved equivalent trained; and
 - (d) Appropriate monitoring and resuscitation equipment.
 - ((6)) (5) A critical care service, with:
 - (a) A medical director who is:
 - (i) Board-certified in surgery, internal medicine, or anesthesiology, with special competence in critical care;
 - (ii) Responsible for coordinating with the attending staff for the care of trauma patients, including:
 - (A) Development and implementation of policies;
 - (B) Coordination of medical care;
 - (C) Determination of patient isolation;
 - (D) Authority for patient placement decisions;
 - (E) Equipment;
 - (F) Coordination of staff education;
 - (G) Coordination of statistics;

(H) Identification of criteria for reviewing quality of care on all critical care unit trauma patients, in conjunction with the trauma service medical director;

(b) A physician-directed code team;

(c) Critical care unit registered nurses with special competence in trauma care, who:

(i) Are ACLS trained; and

(ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;

(d) If the facility is not designated as a pediatric trauma care service, have a written transfer agreement and guidelines for pediatric trauma patients requiring critical care services;

(e) Equipment as described in WAC 246-976-620.

~~((7))~~ (6) Respiratory therapy on-call and available within thirty minutes of notification.

~~((8))~~ (7) A clinical laboratory technologist available within twenty minutes of notification.

~~((9))~~ (8) Clinical laboratory services, including:

(a) Standard analysis of blood, urine, and other body fluids;

(b) Coagulation studies;

(c) Blood gases and pH determination;

(d) Microbiology;

(e) Serum alcohol and toxicology determination; and

(f) Microtechnique.

~~((10))~~ (9) Blood and blood component services, including:

(a) Blood and blood components available from in-house or through community services, to meet patient needs;

(b) Noncrossmatched blood available on patient arrival in emergency department;

(c) Blood typing and cross-matching;

(d) Policies and procedures for massive transfusion;

(e) Autotransfusion; and

(f) Blood storage capability.

~~((11))~~ (10) Radiological services with a technician on-call and available within twenty minutes of notification, able to perform:

(a) Routine radiological procedures; and

(b) Computerized tomography.

~~((12))~~ (11) Acute dialysis capability, or written transfer agreements.

~~((13))~~ (12) Ability to resuscitate and stabilize burn patients, and have written transfer guidelines in accordance with the guidelines of the American Burn Association, and transfer agreements for burn care.

~~((14))~~ (13) Ability to resuscitate and stabilize head and spinal cord injuries, and have:

(a) Written transfer guidelines and agreements for patients with head or spinal cord injuries; or

(b) Neurosurgery, with a neurosurgeon on-call and available within thirty minutes of request by the trauma team leader(+).

(c) Early transfer to an appropriate designated trauma rehabilitation service shall be considered.

~~((15))~~ (14) A trauma rehabilitation coordinator to facilitate the trauma patient's access to rehabilitation services.

~~((16))~~ (15)(a) A designated trauma rehabilitation service; or

(b) Written agreements to transfer patients to a designated trauma rehabilitation service when medically feasible.

~~((17))~~ (16)(a) A heli-stop, landing zone, or airport located close enough to permit the facility to receive or transport patients by fixed-wing or rotary-wing aircraft; or

(b) A written policy and procedures addressing the receipt of patients by air, and transfer of patients to other designated trauma services by ground or air.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-650 Designation standards for facilities providing level IV trauma care services—Basic resources and capabilities. A facility with a designated level IV trauma care service shall have:

(1) An emergency department with:

(a) A physician with special competence in resuscitation, care and treatment of trauma patients, who is:

(i) On-call and available within twenty minutes of notification;

(ii) Responsible for activating trauma-response personnel;

(iii) ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine; and

(iv) PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in emergency medicine or pediatric emergency medicine;

(b) A registered nurse in-house and available within five minutes of notification, who:

(i) Is ACLS trained;

(ii) Has successfully completed a trauma life support course as defined in WAC 246-976-885; and

(iii) Is PALS or approved equivalent trained;

(c) Basic emergency services including:

(i) Assessment of the patient's condition;

(ii) Determination of the nature and urgency of the patient's medical need, including the timing and place of care; and

(iii) Diagnosis and treatment of any life threatening condition, including procedures to minimize aggravation of the patient's condition during transport to another designated trauma care service;

(d) Equipment available for resuscitation and life support of adult and pediatric trauma patients, including:

(i) Airway control and ventilation equipment including:

(A) Airways, neonatal to adult;

(B) Laryngoscope, including curved and straight blades, sizes 0-4;

(C) Endotracheal tubes sizes 2.5 to 8.0, with stylets;

(D) Bag-valve-mask resuscitator sizes neonatal, child and adult;

(E) Sources of oxygen;

(F) Pulse oximeter with infant, child and adult probes;

and

(G) Suction devices;

(ii) Cardiac monitoring devices, including:

(A) Electrocardiograph;

(B) Cardiac monitor;

(C) Defibrillator with pediatric paddles;
 (iii) Standard intravenous fluids and administering devices, including:

- (A) Intravenous catheters, size 24g to 14g;
- (B) Intraosseous needles;
- (C) Infusion control device;
- (iv) Gastric lavage equipment;
- (v) Drugs and supplies necessary for adult and pediatric emergency care;

(vi) Medication chart, tape, or other system to assure ready access to information on proper dose-per-kilogram for resuscitation drugs and equipment sizes for pediatric patients;

(vii) Immobilization devices, including:
 (A) Cervical injury immobilization devices, adult and pediatric sizes;

- (B) Long-bone stabilization device; and
- (C) Backboard;
- (viii) Ability to provide thermal control equipment for:
 (A) Patient warming and cooling;
- (B) Blood warming and cooling;
- (ix) Other equipment:

(A) Sterile surgical sets for procedures standard for emergency department;

- (B) Two-way radio linked with EMS/TC vehicles;
- (e) Routine radiological capabilities by a technician available within twenty minutes of notification of activation of trauma response personnel.

(2) If the service's scope of trauma care defined under WAC 246-976-640(2) includes surgery and/or critical care capabilities, it shall have:

- (a) Staff, including:
 (i) A physician on-call and available within thirty minutes of notification of activation of trauma response personnel, who:

(A) Has specific delineation of surgical privileges by the medical staff for resuscitation, stabilization and treatment of major trauma patients;

- (B) Is PALS or approved equivalent trained;
- (C) Is ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in surgery; and
- (D) Is responsible for coordinating care and transfer of trauma patients;

(ii) Anesthesiology, with an anesthesiologist or certified registered nurse anesthetist, who:

(A) Has ACLS training, except this requirement shall not apply to a physician board-certified in anesthesiology;

- (B) Has PALS or approved equivalent training; and
- (C) Is on-call and available within thirty minutes of notification of activation of trauma response personnel;

(b) An operating room with a registered nurse or designee of the operating room staff who is available within five minutes of notification of activation of trauma response personnel, to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;

(c) Other essential personnel on-call and available within thirty minutes of notification;

(d) The operating room shall have available:

- (i) Ability to provide thermal control equipment for:

- (A) Patient warming;
- (B) Blood and fluid warming;
- (ii) Radiological capabilities;
- (iii) Ability to provide endoscopes appropriate to trauma resuscitation; and

(iv) Monitoring equipment;
~~((3))~~ (e) Post anesthetic recovery services, with:
~~((4))~~ (i) Essential personnel on-call and available twenty-four hours every day;

~~((5))~~ (ii) Nurses ACLS trained;
~~((6))~~ (iii) Appropriate monitoring and resuscitation equipment;

~~((7))~~ (3)(a) A critical care unit which meets requirements for a designated level III trauma service as described in WAC 246-976-610; or

(b) Written transfer guidelines and agreements with designated trauma care services for patients requiring critical care;

~~((8))~~ (4) Clinical laboratory services available, for:
 (a) Standard analysis of blood, urine, and other body fluids;

(b) Blood gases and pH determination;
~~((9))~~ (5) Blood and blood-component services, including:

(a) Blood and blood components available in-house or through community services, to meet patient needs in a timely fashion;

(b) Policies and procedures for massive transfusions; and

(c) Blood storage capability;

~~((10))~~ (6) Acute dialysis capabilities, or have written transfer guidelines and agreements for dialysis service;
~~((11))~~ (7) Ability to resuscitate and stabilize burn patients; and have written transfer guidelines in accordance with the guidelines of the American Burn Association, and agreements for burn care;

~~((12))~~ (8) Ability to resuscitate and stabilize acute head and/or spinal cord injuries; and

(a) Written transfer guidelines and agreements for patients with head or spinal cord injuries; or

(b) Have neurosurgery, with a neurosurgeon on-call and available within thirty minutes of request by the emergency department physician; or

(c) Early transfer to an appropriate designated trauma rehabilitation facility shall be considered;

~~((13))~~ (9) A qualified person assigned to coordinate trauma rehabilitation activities and referrals;

~~((14))~~ (10) A written plan addressing receipt and transfer of patients by fixed-wing and rotary-wing aircraft.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-720 Designation standards for facilities providing level I pediatric trauma care service—Administration and organization. A facility with a designated level I pediatric trauma care service shall have:

(1)(a) Organization and direction by a general surgeon with special competence in care of the injured child. The service may have as codirector another physician or general surgeon with special competence in care of the injured child;

(b) Ongoing coordination of the trauma care service by a registered nurse with special competence in care of the injured child;

(c) A multidisciplinary trauma committee chaired by the trauma service director, with input to hospital management, including:

(i) A pediatric emergency physician;
 (ii) An emergency department registered nurse;
 (iii) A pediatric surgeon or general surgeon with special competence in pediatric trauma care;

(iv) A neurosurgeon;
 (v) An orthopaedic surgeon;
 (vi) An anesthesiologist;
 (vii) The physician director of pediatric critical care service;

(viii) A pediatrician with special competence in critical care;

(ix) The pediatric trauma care service nurse coordinator;
 (x) A pediatric critical care registered nurse;
 (xi) A pediatric intensivist; and
 (xii) The trauma rehabilitation coordinator;

(d) The multidisciplinary trauma committee shall adopt an approved method to determine activation of the trauma team, as described in WAC 246-976-870;

(e) A trauma team to provide initial evaluation, resuscitation and treatment.

(i) The team shall be organized and directed by a pediatric surgeon or general surgeon with special competence in care of the injured child, and who assumes responsibility for coordination of overall care of the pediatric trauma patient. The surgeon shall be at least a PGY4.

(ii) All members of the team, including the surgeon, shall be available within five minutes of notification of team activation.

(iii) The team shall include(++) an emergency physician with special competence in pediatric care, who is:

(A) Responsible for activating the trauma team, using an approved method as defined in WAC 246-976-870; and

(B) Responsible for providing team leadership and care for the pediatric trauma patient until the arrival of the general surgeon with special competence in pediatric care in the resuscitation area.

(iv) The trauma care service shall identify all other members of the team.

(v) The team shall work in conjunction with a pediatric intensivist or pediatric emergency physician.

(f) Specific delineation of pediatric trauma surgery privileges by the medical staff.

(2) An emergency department with written standards of care to ensure immediate and appropriate care for pediatric trauma patients.

(3) A surgery department, including:

(a) General surgery with special competence in care of the pediatric trauma patient;

(b) A neurosurgical service. Coverage shall be available within five minutes of notification of team activation, provided by:

(i) A neurosurgeon; or
 (ii) A surgeon who has been judged competent by the neurosurgical consultants on staff to initiate measures to sta-

bilize the pediatric patient, and to initiate diagnostic procedures, with a board-certified neurosurgeon on call and available within thirty minutes of notification of team activation.

(c) The following surgical services on-call and available within thirty minutes of request by the trauma team leader:

(i) Cardiac surgery;
 (ii) Gynecologic surgery;
 (iii) Hand surgery;
 (iv) Microsurgery;
 (v) Obstetric surgery;
 (vi) Ophthalmic surgery;
 (vii) Oral/maxillofacial or otorhinolaryngologic surgery;
 (viii) Orthopaedic surgery;
 (ix) Pediatric surgery;
 (x) Plastic surgery;
 (xi) Thoracic surgery;
 (xii) Urologic surgery; and
 (xiii) Vascular surgery.

(4) Nonsurgical specialties with special competence in pediatric care, including:

(a) Anesthesiology, with an anesthesiologist who is:
 (i) ACLS trained, except this requirement shall not apply to a physician board-certified in anesthesiology;
 (ii) PALS or approved equivalent trained; and
 (iii) Available within five minutes of team activation;

(b) A radiologist on-call and available for patient service within twenty minutes of notification of team activation;

(c) The following services on-call and available for pediatric patient consultation or management:

(i) Cardiology;
 (ii) Gastroenterology;
 (iii) General pediatrics;
 (iv) Hematology;
 (v) Infectious disease specialists;
 (vi) Nephrology;
 (vii) Pediatric neurology;
 (viii) Pathology;
 (ix) Pediatric critical care;
 (x) Pulmonology; and
 (xi) Psychiatry;

(5) Written policy and procedures for access to ancillary services specific for pediatric patients, including:

(a) Chemical dependency services;
 (b) Child and adult protection services;
 (c) Clergy or pastoral care;
 (d) Nutritionist services;
 (e) Occupational therapy services;
 (f) Pediatric therapeutic recreation;
 (g) Pharmacy, with a pharmacist in-house;
 (h) Physical therapy services;
 (i) Psychological services;
 (j) Rehabilitation services;
 (k) Social services;
 (l) Speech therapy services;

(6) A written policy and procedures to divert patients to other designated trauma care services. The policy shall be based on criteria which reflect the service's ability to resuscitate and stabilize each patient at a particular time.

(7) A trauma registry as required in WAC 246-976-430;

(8) A quality assurance program in accordance with WAC 246-976-881, and cooperate with regional trauma care quality assurance programs throughout the state established pursuant to WAC 246-976-910;

(9) Interfacility transfer guidelines and agreements consistent with WAC 246-976-890.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-730 Designation standards for facilities providing level I pediatric trauma care services—Resources and capabilities. A facility with a designated level I pediatric trauma care service shall have:

(1) An emergency department with:

(a) A physician director who:

(i) Is board-certified in emergency medicine, pediatric emergency medicine, surgery or other relevant specialty; or

(ii) Has documented experience as director of an emergency department which has been previously recognized as a level I trauma center either by a regional entity or as verified by the Committee on Trauma of the American College of Surgeons;

(iii) Is ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine or in surgery; and

(iv) Is PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine;

(b) Emergency physicians who:

(i) Are board-certified in emergency medicine, or pediatric emergency medicine, or in a specialty practicing emergency medicine as their primary practice with special competence in care of pediatric trauma patients; (this requirement may be met by a surgical resident post graduate year two who is ATLS, ACLS, and PALS or approved equivalent trained, working under the direct supervision of the attending emergency department physician, until the arrival of the surgeon to assume leadership of the trauma team);

(ii) Are available within five minutes of the patient's arrival in the emergency department;

(iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;

(iv) Are PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and

(v) Are designated members of the trauma team;

(c) Registered nurses who:

(i) Are PALS or approved equivalent trained;

(ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;

(iii) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;

(d) An area designated for pediatric resuscitation, with equipment for resuscitation and life support of pediatric patients, including equipment as described in WAC 246-976-620;

(e) Routine radiological capabilities by a technician available within five minutes of notification of team activation;

(2) A surgery department including:

(a) An attending pediatric surgeon or general surgeon with special competence in pediatric care who is available within five minutes of notification of team activation, except as provided in (b) of this subsection. The attending surgeon shall:

(i) Provide trauma team leadership upon arrival in the resuscitation area;

(ii) Be board-certified;

(iii) Have trauma surgery privileges as delineated by the medical staff;

(b) A post-graduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. In this case, the attending surgeon shall be available within twenty minutes of notification of team activation.

(c) All general surgeons and surgical residents who are responsible for care and treatment of trauma patients shall be trained in:

(i) ATLS and ACLS, except this requirement shall not apply to a physician board-certified in surgery;

(ii) PALS or approved equivalent;

(3) An operating room available within five minutes of notification of team activation, with:

(a) A registered nurse or designee of the operating room staff who is available within five minutes of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;

(b) A written policy providing for mobilization of additional surgical teams for pediatric trauma patients;

(c) Instruments and equipment appropriate for pediatric surgery, including equipment as described in WAC 246-976-620;

(4) A post-anesthetic recovery unit with:

(a) Essential personnel, including at least one registered nurse available twenty-four hours a day;

(b) Nurses ACLS trained;

(c) Nurses PALS or approved equivalent trained;

(d) Appropriate monitoring and resuscitation equipment.

(5) A pediatric critical care service, with:

(a) A pediatric critical care unit, including patient isolation capacity;

(b) A medical director or codirector who is board-certified in pediatrics, with sub-board certification in critical care, with(±) responsibility for coordinating with the attending staff for the care of pediatric trauma patients, including:

(i) Development and implementation of policies;

(ii) Coordination of medical care;

(iii) Determination of patient isolation;

(iv) Authority for patient placement decisions;

(v) Equipment;

(vi) Coordination of staff education;

(vii) Coordination of statistics; and

(viii) Identification of criteria for reviewing quality of care on all pediatric critical care unit trauma patients in conjunction with the trauma service medical director;

(c) A physician with special competence in pediatric critical care available within five minutes of notification;

(d) A physician-directed code team;

(e) Pediatric critical care nursing with registered nurses who have:

(i) Special competence in pediatric trauma care; and

(ii) Successfully completed PALS or approved equivalent training;

(f) Equipment as described in WAC 246-976-620 and 246-976-825;

(6) Respiratory therapy available within five minutes of notification;

(7) A clinical laboratory technologist available within five minutes of notification;

(8) Clinical laboratory services, including:

(a) Standard analyses of blood, urine, and other body fluids;

(b) Coagulation studies;

(c) Blood gases and pH determination;

(d) Serum and urine osmolality;

(e) Microbiology;

(f) Serum alcohol and toxicology determination;

(g) Drug screening; and

(h) Microtechnique.

(9) Blood and blood component services, including:

(a) Blood and blood components available from in-house or through community services, to meet patient needs;

(b) Noncrossmatched blood available on patient arrival in the emergency department;

(c) Blood typing and cross-matching;

(d) Policies and procedures for massive transfusion;

(e) Autotransfusions; and

(f) Blood storage capability;

(10) A radiological service, including:

(a) A technician available within five minutes of notification, able to perform the following:

(i) Routine radiological procedures; and

(ii) Computerized tomography;

(b) A technician on-call and available within twenty minutes of notification, able to perform the following:

(i) Angiography of all types;

(ii) Sonography;

(iii) Nuclear scanning;

(11) Acute dialysis capability, or written transfer agreements.

(12)(a) A physician-directed burn unit staffed by nursing personnel trained in burn care, and equipped to care for extensively burned pediatric patients; or

(b) Written transfer guidelines and agreements for burn care, in accordance with the guidelines of the American Burn Association.

(13) The ability to manage acute head and/or spinal cord injuries. Early transfer to an appropriate pediatric trauma rehabilitation service shall be considered.

(14) A trauma rehabilitation coordinator to facilitate the trauma patient's access to pediatric rehabilitation services.

(15)(a) A designated pediatric trauma rehabilitation service; or

(b) Written agreements to transfer patients to designated pediatric trauma rehabilitation services when medically feasible.

(16) Heli-stop, landing zone or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-770 Designation standards for facilities providing level II pediatric trauma care service—Administration and organization. A facility with a designated level II pediatric trauma care service shall have:

(1)(a) Organization and direction by a general surgeon with special competence in care of the injured child. The service may have as codirector another physician with special competence in care of the injured child;

(b) Ongoing coordination of the trauma care service by a registered nurse with special competence in care of the injured child;

(c) A multidisciplinary trauma committee chaired by the trauma service director, with input to hospital management, including:

(i) An emergency physician with special competence in pediatric care;

(ii) An emergency department registered nurse;

(iii) A pediatric surgeon or general surgeon with special competence in pediatric trauma care;

(iv) A neurosurgeon;

(v) An orthopaedic surgeon;

(vi) An anesthesiologist;

(vii) The physician director of pediatric critical care service;

(viii) A pediatrician with special competence in critical care;

(ix) The pediatric trauma care service nurse coordinator;

(x) A pediatric critical care registered nurse;

(xi) Pediatric intensivist; and

(xii) The trauma rehabilitation coordinator;

(d) The multidisciplinary trauma committee shall adopt an approved method to determine activation of the trauma team, as described in WAC 246-976-870;

(e) A trauma team to provide initial evaluation, resuscitation and treatment.

(i) The team shall be organized and directed by a pediatric surgeon or general surgeon with special competence in care of the injured child, and who assumes responsibility for coordination of overall care of the pediatric trauma patient.

(ii) The team shall work in conjunction with a pediatric intensivist or pediatric emergency physician.

(iii) All members of the team, except the surgeon and the anesthesiologist, shall be available within five minutes of notification of team activation.

(iv) The team shall include:

(A) An emergency physician with special competence in pediatric care, who is:

(I) Responsible for activating the trauma team, using an approved method as defined in WAC 246-976-870; and

(II) Responsible for providing team leadership and care for the pediatric trauma patient until the arrival of the general surgeon in the resuscitation area.

~~((HH))~~ (B) A pediatric surgeon, or general surgeon with special competence in pediatric trauma surgery, on-call and available within twenty minutes of notification of team activation, who shall assume responsibility for patient care upon arrival in the resuscitation area;

(v) The trauma care service shall identify all other members of the team.

(f) Specific delineation of pediatric trauma surgery privileges by the medical staff.

(2) An emergency department with written standards of care to ensure immediate and appropriate care for pediatric trauma patients.

(3) A surgery department, including:

(a) General surgery, with special competence in care of the pediatric trauma patient;

(b) A neurosurgical service. Coverage shall be available within five minutes of notification of team activation. In-house coverage shall be provided by:

(i) A neurosurgeon; or

(ii) A surgeon or other physician who has been judged competent by the neurosurgical consultants on staff to initiate measures to stabilize the patient, and to initiate diagnostic procedures, with a neurosurgeon on-call and available within thirty minutes of notification of team activation;

(c) The following surgical services on-call and available within thirty minutes of request by the trauma team leader:

(i) Gynecologic surgery;

(ii) Hand surgery;

(iii) Obstetric surgery;

(iv) Ophthalmic surgery;

(v) Oral/maxillofacial or otorhinolaryngologic surgery;

(vi) Orthopaedic surgery;

(vii) Pediatric surgery;

(viii) Plastic surgery;

(ix) Thoracic surgery;

(x) Urologic surgery; and

(xi) Vascular surgery.

(4) Nonsurgical specialties with special competence in pediatric care, including:

(a) Anesthesiology, with an anesthesiologist who is:

(i) ACLS trained, except this requirement shall not apply to a physician board-certified in anesthesiology;

(ii) PALS or approved equivalent trained; and

(iii) On-call and available within twenty minutes of notification of team activation;

(b) A radiologist on-call and available for patient service within twenty minutes of notification of team activation;

(c) The following services on-call and available for pediatric patient consultation or management:

(i) Cardiology;

(ii) Gastroenterology;

(iii) General pediatrics;

(iv) Hematology;

(v) Infectious disease specialists;

(vi) Nephrology;

(vii) Neurology;

(viii) Pathology;

(ix) Pediatric critical care; and

(x) Pulmonology;

(5) Written policy and procedures for access to ancillary services specific for pediatric patients, including:

(a) Chemical dependency services;

(b) Child and adult protection services;

(c) Clergy or pastoral care;

(d) Nutritionist services;

(e) Occupational therapy services;

(f) Pediatric therapeutic recreation;

(g) Pharmacy;

(h) Physical therapy services;

(i) Rehabilitation services;

(j) Social services; and

(k) Speech therapy services.

(6) A written policy and procedures to divert patients to other designated trauma care services. The policy shall be based on criteria which reflect the service's ability to resuscitate and stabilize each patient at a particular time.

(7) A trauma registry as required in WAC 246-976-430.

(8) A quality assurance program in accordance with WAC 246-976-881; and cooperate with regional trauma care quality assurance programs throughout the state established pursuant to WAC 246-976-910.

(9) Interfacility transfer guidelines and agreements consistent with WAC 246-976-890.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-780 Designation standards for facilities providing level II pediatric trauma care service—Basic resources and capabilities. A facility with a designated level II pediatric trauma care service shall have:

(1) An emergency department, with:

(a) A physician director who is:

(i) Board-certified in emergency medicine or pediatric emergency medicine;

(ii) ATLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine; and

(iii) PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine.

(b) Physicians who:

(i) Are board-certified in emergency medicine, or pediatric emergency medicine, or board-certified in a specialty practicing emergency medicine as their primary practice with special competence in the care of pediatric trauma patients;

(ii) Are available within five minutes of patient's arrival in the emergency department;

(iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;

(iv) Are PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and

(v) Are designated as members of the trauma team;

- (c) Registered nurses who:
 - (i) Are PALS or approved equivalent trained;
 - (ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;
 - (iii) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;
 - (d) An area designated for pediatric resuscitation, with equipment for resuscitation and life support of pediatric patients, including equipment as described in WAC 246-976-620;
 - (e) Routine radiological capabilities by a technician available within five minutes of notification of team activation;
- (2) A surgery department, including:
 - (a) An attending pediatric surgeon, or general surgeon with special competence in pediatric care, who is on-call and available within twenty minutes of notification of team activation. The attending surgeon shall:
 - (i) Provide trauma team leadership upon arrival in the resuscitation area;
 - (ii) Be board-certified;
 - (iii) Have trauma surgery privileges as delineated by the medical staff;
 - (b) All general surgeons who are responsible for care and treatment of trauma patients shall be trained in:
 - (i) ATLS, except this requirement shall not apply to a physician board-certified in surgery;
 - (ii) PALS or approved equivalent.
 - (3) An operating room available within five minutes of notification of team activation, with:
 - (a) A registered nurse or designee of the operating room staff who is available within five minutes of notification of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;
 - (b) Other essential personnel on-call and available within twenty minutes of notification of team activation;
 - (c) A written policy providing for mobilization of additional surgical teams for pediatric trauma patients;
 - (d) Instruments and equipment appropriate for pediatric surgery, including equipment as described in WAC 246-976-620;
 - (4) A post-anesthetic recovery unit, with:
 - (a) Essential personnel, including at least one registered nurse on-call and available twenty-four hours a day; and
 - (b) Nurses ACLS trained;
 - (c) Nurses PALS or approved equivalent trained;
 - (d) Appropriate monitoring and resuscitation equipment.
 - (5) A pediatric critical care service, with:
 - (a) A pediatric critical care unit, including patient isolation capacity;
 - (b) A medical director or codirector who is board-certified in pediatrics with sub-board certification in critical care, with(+) responsibility for coordinating with the attending staff for the care of pediatric trauma patients, including:
 - (i) Development and implementation of policies;
 - (ii) Coordination of medical care;
 - (iii) Determination of patient isolation;
 - (iv) Authority for patient placement decisions;
 - (v) Equipment;
 - (vi) Coordination of staff education;
 - (vii) Coordination of statistics; and
 - (viii) Identification of criteria for reviewing quality of care on all pediatric critical care unit trauma patients, in conjunction with the trauma service medical director;
 - (c) A physician with special competence in pediatric critical care available within five minutes of notification;
 - (d) A physician-directed code team;
 - (e) Pediatric critical care nursing, with registered nurses who have:
 - (i) Special competence in pediatric trauma care; and
 - (ii) Successfully completed PALS or approved equivalent training;
 - (f) Equipment as described in WAC 246-976-620 and 246-976-825.
 - (6) Respiratory therapy available within five minutes of notification;
 - (7) A clinical laboratory technologist available within five minutes of notification;
 - (8) Clinical laboratory services, including:
 - (a) Standard analyses of blood, urine, and other body fluids;
 - (b) Coagulation studies;
 - (c) Blood gases and pH determination;
 - (d) Serum and urine osmolality;
 - (e) Microbiology;
 - (f) Serum alcohol and toxicology determination;
 - (g) Drug screening; and
 - (h) Microtechnique;
 - (9) Blood and blood component services, including:
 - (a) Blood and blood components available from in-house or through community services, to meet patient needs;
 - (b) Noncrossmatched blood available on patient arrival in the emergency department;
 - (c) Blood typing and cross-matching;
 - (d) Policies and procedures for massive transfusion;
 - (e) Autotransfusions; and
 - (f) Blood storage capability;
 - (10) Radiological services, including:
 - (a) A technician available within five minutes of notification, able to perform routine radiologic procedures;
 - (b) A technician on-call and available within twenty minutes of notification, able to perform the following:
 - (i) Angiography of all types;
 - (ii) Computerized tomography;
 - (iii) Sonography;
 - (11) Acute dialysis capability, or written transfer agreements.
 - (12)(a) A physician-directed burn unit staffed by nursing personnel trained in burn care; and equipped to care for extensively burned pediatric patients; or
 - (b) Written transfer guidelines and transfer agreements for burn care, in accordance with the guidelines of the American Burn Association.
 - (13)(a) The ability to manage acute head and/or spinal cord injuries; or
 - (b) Written transfer guidelines and agreements for head and spinal cord injuries.

(c) Early transfer to an appropriate designated trauma rehabilitation service shall be considered;

(14) A ~~((designated))~~ trauma rehabilitation coordinator to facilitate the trauma patient's access to pediatric rehabilitation services;

(15)(a) A designated pediatric trauma rehabilitation service; or

(b) Written agreements to transfer patients to a designated pediatric trauma rehabilitation service when medically feasible.

(16) A heli-stop, landing zone or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-810 Designation standards for facilities providing level III pediatric trauma care service—Administration and organization. A facility with a designated level III pediatric trauma care service shall have:

(1)(a) Organization and direction by a general surgeon or other physician with special competence in care of the injured child. The service may have as codirector another physician with special competence in care of the injured child;

(b) Ongoing coordination of the trauma care service by a registered nurse with special competence in care of the injured child;

(c) A multidisciplinary trauma committee chaired by the trauma service director, with input to hospital management, including:

(i) An emergency physician with special competence in pediatric trauma care;

(ii) An emergency department registered nurse;

(iii) A general surgeon with special competence in pediatric trauma care;

(iv) An orthopaedic surgeon;

(v) An anesthesiologist;

(vi) The pediatric trauma care service nurse coordinator;

(vii) A pediatric critical care registered nurse;

(viii) A pediatrician with special competence in critical care; and

(ix) The trauma rehabilitation coordinator;

(d) The multidisciplinary trauma committee shall adopt an approved method to determine activation of the trauma team, as described in WAC 246-976-870;

(e) A trauma team to provide initial evaluation, resuscitation and treatment.

(i) The team shall be organized and directed by a general surgeon with special competence in care of the injured child; and who assumes responsibility for coordination of overall care of the pediatric trauma patient;

(ii) All members of the team, except the surgeon and the anesthesiologist or CRNA (if a member of the team), shall be available within five minutes of notification of team activation;

(iii) The team shall include:

(A) An emergency physician with special competence in pediatric trauma care, who is:

(I) Responsible for activating the trauma team, using an approved method as defined in WAC 246-976-870; and

(II) Responsible for providing team leadership and care for the pediatric trauma patient until the arrival of the general surgeon in the resuscitation area;

(B) A pediatric surgeon, or general surgeon with special competence in pediatric trauma surgery, on-call and available within thirty minutes of notification of team activation, who shall assume responsibility for patient care upon arrival in the resuscitation area;

~~((C))~~ (iv) The trauma care service shall identify all other members of the team.

(f) Specific delineation of pediatric trauma surgery privileges by the medical staff.

(2) An emergency department with written standards of care to ensure immediate and appropriate care for pediatric trauma patients.

(3) A surgery department, including:

(a) General surgery, with special competence in care of the pediatric trauma patient;

(b)(i) Written transfer guidelines and agreements for head and spinal cord injuries; or

(ii) Neurosurgery, with a neurosurgeon on-call and available within thirty minutes of notification of team activation;

(c)(i) Written transfer guidelines and procedures for patients requiring orthopaedic surgery; or

(ii) Orthopaedic surgery, with an orthopaedic surgeon on-call and available within thirty minutes of request by the trauma team leader;

(4) Nonsurgical specialties, including:

(a) Anesthesiology, with an anesthesiologist or certified registered nurse anesthetist, who is:

(i) ACLS trained, except this requirement shall not apply to a physician board-certified in anesthesiology;

(ii) PALS or approved equivalent trained; and

(iii) On-call and available within thirty minutes of notification of team activation;

(b) A radiologist on-call and available for patient service within thirty minutes of notification of team activation;

(c) General pediatrics, with board-certified pediatricians on-call and available for pediatric patient consultation or management;

(5) Written policy and procedures for access to ancillary services specific for pediatric patients, including:

(a) Chemical dependency services;

(b) Child and adult protection services;

(c) Clergy or pastoral care;

(d) Nutritionist services;

(e) Pediatric therapeutic recreation;

(f) Pharmacy;

(g) Physical therapy services;

(h) Rehabilitation services;

(i) Social services;

(6) A written policy and procedures to divert patients to other designated trauma care services. The policy shall be based on criteria which reflect the service's ability to resuscitate and stabilize each patient at a particular time;

(7) A trauma registry as required by WAC 246-976-430;

(8) A quality assurance program in accordance with WAC 246-976-881; and cooperate with regional trauma care

quality assurance programs throughout the state established pursuant to WAC 246-976-910;

(9) Interfacility transfer guidelines and agreements consistent with WAC 246-976-890.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-820 Designation standards for facilities providing level III pediatric trauma care service—Basic resources and capabilities. A facility with a designated level III pediatric trauma care service shall have:

- (1) An emergency department with:
 - (a) A physician director who is:
 - (i) Board-certified in emergency medicine or pediatric emergency medicine;
 - (ii) ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine; and
 - (iii) PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine;
 - (b) Physicians who:
 - (i) Have special competence in the resuscitation and care of pediatric trauma patients;
 - (ii) Are available within five minutes of patient's arrival in the emergency department;
 - (iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;
 - (iv) Are PALS or approved equivalent trained, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and
 - (v) Are designated as members of the trauma team;
 - (c) Registered nurses who:
 - (i) Are PALS or approved equivalent trained;
 - (ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;
 - (iii) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;
 - (d) An area designated for pediatric resuscitation, with equipment for resuscitation and life support of pediatric patients, including equipment as described in WAC 246-976-620;
 - (e) Routine radiological capabilities, by a technician available within twenty minutes of notification of team activation.
- (2) A surgery department, including an attending surgeon who is:

On-call and available within thirty minutes of notification of team activation; and

 - (a) Has general surgery privileges, with special competence in pediatric care;
 - (b) Has PALS or approved equivalent training;
 - (c) Has ATLS, except this requirement shall not apply to a physician board-certified in surgery.
- (3) An operating room available within five minutes of notification of team activation, with:

- (a) A registered nurse or designee of the operating room staff who is available within five minutes of notification of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;

- (b) Other essential personnel on-call and available within thirty minutes of notification of team activation;

- (c) A written policy providing for mobilization of additional surgical teams for pediatric trauma patients.

- (d) Instruments and equipment appropriate for pediatric surgery, including equipment as described in WAC 246-976-620;

- (4) A post-anesthetic recovery unit with:

- (a) Essential personnel on-call and available twenty-four hours a day;

- (b) Nurses ACLS trained;

- (c) Nurses PALS or approved equivalent trained;

- (d) Appropriate monitoring and resuscitation equipment;

- (5) Availability of pediatric critical care, with:

- (a) A written transfer agreement and guidelines for pediatric trauma patients requiring critical care services; or

- (b) A pediatric critical care unit in accordance with standards as delineated for level II pediatric trauma service in WAC 246-976-780(5), except the medical director or codirector shall be board-certified in pediatrics or another relevant specialty with special competence in pediatric critical care;

- (c) A physician with special competence in pediatric critical care, available within five minutes of notification;

- (d) A physician-directed code team;

- (e) Pediatric critical care nursing, with registered nurses who have:

- (i) Special competence in pediatric trauma care; and

- (ii) Completed PALS or approved equivalent training;

- (f) Equipment as described in WAC 246-976-620 and WAC 246-976-825.

- (6) Respiratory therapy on-call and available within five minutes of notification;

- (7) A clinical laboratory technologist available within twenty minutes of notification;

- (8) Clinical laboratory services, including:

- (a) Standard analyses of blood, urine, and other body fluids;

- (b) Coagulation studies;

- (c) Blood gases and pH determination;

- (d) Microbiology;

- (e) Serum alcohol and toxicology determination; and

- (f) Microtechnique.

- (9) Blood and blood component services, including:

- (a) Blood and blood components available from in-house or through community services, to meet patient needs;

- (b) Noncrossmatched blood available on patient arrival in the emergency department;

- (c) Blood typing and cross-matching;

- (d) Policies and procedures for massive transfusion;

- (e) Autotransfusions; and

- (f) Blood storage capability;

(10) Radiological services, including a technician on-call and available within twenty minutes of notification, able to perform:

- (a) Routine radiological studies;
- (b) Computerized tomography;

(11) Acute dialysis capability, or written transfer agreements;

(12) Written transfer guidelines in accordance with the guidelines of the American Burn Association, and transfer agreements for burn care;

(13)(a) Written transfer guidelines and agreements for patients with head or spinal cord injuries; or

(b) Have neurosurgery, with a neurosurgeon on-call and available within thirty minutes of request by the trauma team leader(§);

(c) Early transfer to an appropriate designated trauma rehabilitation service shall be considered;

(14) A trauma rehabilitation coordinator to facilitate the pediatric trauma patient's access to pediatric rehabilitation services;

(15)(a) A designated pediatric trauma rehabilitation service; or

(b) Written agreements to transfer patients to a designated pediatric trauma rehabilitation service when medically feasible.

(16)(a) A heli-stop, landing zone, or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft; or

(b) Have a written policy and procedures addressing the receipt of patients by air, and transfer of patients to other designated trauma services by ground or air.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-860 Designation standards for facilities providing level I pediatric trauma rehabilitation service. (1) Level I pediatric rehabilitation services shall:

(a) Treat inpatients and outpatients, regardless of disability or level of severity or complexity, who are:

- (i) Under fifteen years old; or

(ii) For adolescent trauma patients, determine whether educational goals, premorbid learning or developmental status, social or family needs, or other factors indicate treatment in an adult or pediatric setting.

(b) Have and retain accreditation by the commission on accreditation of rehabilitation facilities (CARF) for hospital-based comprehensive inpatient rehabilitation category one, including the additional designated pediatric program standards required to provide pediatric rehabilitative services;

(i) Abeyance or deferral status do not qualify an applicant for designation;

(ii) If the applicant holds one-year accreditation, the application for trauma care service designation shall include a copy of the CARF survey report and recommendations;

(c) House patients in a designated pediatric rehabilitation area, providing a pediatric milieu;

(d) Provide a peer group for persons with similar disabilities;

(e) Be directed by a psychiatrist who is in-house or on-call and responsible for rehabilitation concerns twenty-four hours every day;

(f) Have a diversion or transfer policy with protocols on an individual patient basis, based on the ability to manage that patient at that time;

(g) In addition to the CARF medical consultative service requirements, have the following medical services in-house or on-call twenty-four hours every day:

(i) Anesthesiology, with an anesthesiologist or certified registered nurse anesthetist (CRNA);

(ii) A pediatrician;

(iii) Radiology;

(h) Provide rehabilitation nursing personnel twenty-four hours every day, with:

(i) Management by a registered nurse;

(ii) At least one certified rehabilitation registered nurse (CRRN) on duty each day shift and evening shift when a trauma patient is present;

(iii) A minimum of six clinical nursing care hours per patient day for each trauma patient;

(iv) All nursing personnel trained and/or experienced in pediatric rehabilitation;

(v) The initial care plan and weekly update reviewed and approved by a CRRN; and

(vi) An orientation and training program for all levels of rehabilitation nursing personnel;

(i) Provide the following health personnel and services twenty-four hours every day:

(i) Access to pharmaceuticals, with pharmacist in house;

(ii) Personnel trained in intermittent urinary catheterization; and

(iii) Respiratory therapy;

(j) Provide the following trauma rehabilitation services with staff who are licensed, registered, or certified, who are trained and/or experienced in pediatric rehabilitation, and who are in-house or available for treatment every day when indicated in the rehabilitation plan:

(i) Occupational therapy;

(ii) Physical therapy;

(iii) Psychology, including:

(A) Neuropsychological services;

(B) Clinical psychological services, including testing and counseling; and

(C) Substance abuse counseling;

(iv) Social services;

(v) Speech/language pathology;

(k) Provide the following ((diagnostic)) services in-house or through affiliation or consultative arrangements with staff who are licensed, registered, certified, or degreed:

(i) Communication augmentation;

(ii) Educational component of the program appropriate to the disability and developmental level of the child, to include educational screening, instruction, and discharge planning coordinated with the receiving school district;

(iii) Orthotics;

(iv) Play space, with supervision by a pediatric therapeutic recreation specialist or child life specialist, to provide assessment and play activities;

(v) Prosthetics;

- (vi) Rehabilitation engineering for device development and adaptations;
- (vii) Therapeutic recreation;
- (l) Provide the following diagnostic services in-house or through affiliation or consultative arrangements with staff who are licensed, registered, certified, or degreed:
 - (i) Electrophysiologic testing, to include:
 - (A) Electroencephalography;
 - (B) Electromyography;
 - (C) Evoked potentials;
 - (ii) Diagnostic imaging, including computerized tomography, magnetic resonance imaging, nuclear medicine, and radiology;
 - (iii) Laboratory services; and
 - (iv) Urodynamic testing;
- (m) Have an outreach program regarding pediatric trauma rehabilitation care, consisting of telephone and on-site consultations with physicians and other health care professionals in the community and outlying areas;
- (n) Have a formal program of continuing pediatric trauma rehabilitation care education, both in-house and outreach, provided for nurses and allied health care professionals;
- (o) Have an ongoing structured program to conduct clinical studies, applied research or analysis in rehabilitation of pediatric trauma patients, and report results within a peer-review process.
- (2) A level I pediatric rehabilitation service shall:
 - (a) Have a quality assurance/improvement program in accordance with WAC 246-976-881;
 - (b) Participate in trauma registry activities as required in WAC 246-976-430;
 - (c) Participate in the regional trauma quality assurance program as required in WAC 246-976-910.

WSR 98-19-120

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed September 23, 1998, 10:03 a.m.]

Date of Adoption: September 9, 1998.

Purpose: Repeal of WAC 192-16-024, definition of a "public agency." The term "public agency" was removed from RCW 50.04.320 (4)(c) by the 1998 legislature in ESHB [ESSB] 6421. Because this term is not used elsewhere within Title 50 RCW, the rule is no longer necessary.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-16-024.

Statutory Authority for Adoption: RCW 50.12.010.

Adopted under preproposal statement of inquiry filed as WSR 98-15-146 on July 22, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 11, 1998

Carver Gayton

Commissioner

WSR 98-19-130

PERMANENT RULES

GAMBLING COMMISSION

[Order 362—Filed September 23, 1998, 11:24 a.m., effective January 1, 1999]

Date of Adoption: August 14, 1998.

Purpose: These rules define punchboard and pull-tab service businesses; clarifies that services involving the storage, counting, and/or specialized record-keeping services for punchboards and pull-tabs must pay the individual contract fees; specifies the accounting records to be maintained by a gambling service supplier; sets out requirements for gambling service supplier representatives who have an interest in a licensed manufacturer or distributor and provide services to any operator; and sets out procedures for the registration of businesses that provide services to punchboard and pull-tab operators.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-119, 230-04-124, and 230-08-025.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 98-10-066 on May 1, 1998, with a publication date of May 20, 1998.

Changes Other than Editing from Proposed to Adopted Version: In the CR-102 version of these rules, businesses that provide storage, counting services, and/or specialized record-keeping services for gambling activities (punchboard and pull-tab service businesses) which had combined total gross billings that did not exceed \$50,000 were specifically excluded from the definition of a gambling service supplier. In the final version of this rule, the combined total gross billings threshold was lowered from \$50,000 to \$20,000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 3, 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 3, Amended 3, 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, 1999.

September 23, 1998

Susan Arland

Public Information Officer

NEW SECTION

WAC 230-02-208 Punch board and pull-tab service business defined. "Punch board and pull-tab service business" is defined as a person that provides recordkeeping services for punch board and pull-tab operators for compensation and:

- (1) The individuals are not employees of the operator;
- (2) The recordkeeping services do not include recommendations or advice of a management nature;
- (3) The combined total gross billings for such services during any calendar year does not exceed twenty thousand dollars; and
- (4) The records completed are normally the responsibility of the operator. For purposes of this section, recordkeeping duties that are normally the responsibility of the operator include at least the following:
 - (a) Reconciling sales, prizes, and cash on hand for punch boards and pull-tab series;
 - (b) Completing mandatory records required by WAC 230-08-010: *Provided*, That recordkeeping services provided by a professional accounting business are exempt from these requirements when:
 - (i) The business performs services other than punch board and pull-tab records for the licensee;
 - (ii) The business has clients other than punch board and pull-tab licensees; and
 - (iii) The recordkeeping service only includes transcribing entries from the licensee into the required format; and/or
 - (c) Storing boards and series removed from play.

AMENDATORY SECTION (Amending WSR 97-24-031, filed 11/25/97, effective 1/1/98)

WAC 230-04-119 Licensing of gambling service((s)) suppliers. Prior to providing any type of gambling related service to any licensed operator (~~(or Class III tribal gaming facility)~~), a gambling service((s)) supplier shall first obtain a license or certification from the commission. The following requirements and restrictions apply to certification and licensing of gambling service((s)) suppliers:

- (1) For purposes of this title, a license is required to provide any service related to licensed gambling activities as defined in WAC 230-02-205.
- (2) The applicant shall (~~include upon~~) complete the application form supplied by the commission (~~(- sufficient information to determine the types of services provided, personal and financial information to determine applicant identity and qualifications, as well as all other information and materials required elsewhere in these rules)~~). The applicant

shall provide, on the application form or attached thereto, a full description of all services provided or planned to be provided to each licensee of the commission. Such description shall be in writing and include details necessary for commission staff to determine the scope of services provided to each licensee and the responsibilities of each party under the agreement.

(3) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form.

(4) The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of the commission.

(5) In no circumstance may a gambling service((s)) supplier assume ultimate responsibility for an operator's gambling activity.

(6) License fees for gambling service((s)) suppliers shall be ~~((\$75))~~ five hundred seventy-five dollars, plus one hundred twenty-five dollars per contract for gambling related services (~~(- Provided, That services involving the storage, counting, and/or specialized recordkeeping services for punchboards and pulltabs are exempt from the individual contract fees)~~).

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

(7) A licensed gambling service supplier or substantial interest holder thereof that provides services to punchboard and pull tab operators shall not hold a substantial interest in a licensed manufacturer or distributor of punchboards and pull tabs: *Provided*, That for purposes of this section only, the director may determine that the spouse of an individual that is a substantial interest holder in a licensed gambling service supplier business will not be considered a substantial interest holder in the gambling service supplier business. In making such a determination, the director will assess the potential for involvement and/or influence in the gambling service supplier business and the manufacturer or distributor business and whether any potential influence is material. The director may impose additional requirements on either the gambling service supplier business and/or the manufacturer or distributor business. Such limitations may include, but are not limited to, prohibiting sales or providing services to an operator by the affected gambling service supplier business, or manufacturer or distributor business. At least the following documents may be considered by the director in a determination of potential influence:

- (a) Community or marital property agreements;
- (b) Separate property agreements;
- (c) Prenuptial agreements; and
- (d) Wills and codicils.

AMENDATORY SECTION (Amending WSR 97-24-031, filed 11/25/97, effective 1/1/98)

WAC 230-04-124 Licensing of manufacturer, distributor and gambling service((s)) supplier representatives. Prior to selling or supplying to any person gambling equipment, paraphernalia or related services (~~(for use)~~) in

connection with licensed gambling activities, a representative or agent of a licensed manufacturer, distributor, or gambling service(s) supplier shall first obtain a license from the commission. The following definitions and restrictions apply:

(1) A sole owner, partner, major officer and/or owner of a substantial interest in an entity licensed as a manufacturer ~~((or)), distributor, or gambling service supplier~~ shall not be required to be additionally licensed as a representative to engage in the selling or supplying of the ~~((manufacturer's, distributor's, or gambling services supplier's))~~ entity's products or services. Office, clerical or warehouse personnel who have contact with the public and potential customers ~~((occasionally and))~~ only by telephone or at the manufacturer's, distributor's, or gambling service supplier's own premises when working under the immediate and direct supervision of ~~((the))~~ an owner, ~~((a))~~ partner, or major officer ~~((of a corporation))~~ shall also be exempt from this licensing requirement. A manager or supervisor who is not a sole owner, partner or a major officer or owner of a substantial interest and whose duties and responsibilities include the supervision of selling, supplying and/or the promotion of products or services shall be licensed as required by this rule prior to performing such functions. A manufacturer, distributor, or gambling service(s) supplier shall not allow an unlicensed person to represent them in such transactions and shall take all measures necessary to prevent an unlicensed person from doing so.

(2) The manufacturer, distributor, or gambling service(s) supplier for which the representative will work shall sign the application ~~((of each such representative))~~ acknowledging that the applicant will be representing them with their full knowledge and consent.

~~(3) ((In addition to the above requirements,))~~ An applicant ~~((applying))~~ for a license as a distributor representative or gambling service(s) supplier representative shall:

(a) Complete a training course for any activity being managed, as required and provided by the commission within ~~((30))~~ thirty days after the first day worked; and

(b) Represent only one licensed distributor or gambling service(s) supplier at a time and shall not represent a manufacturer: *Provided*, That this rule shall not ~~((bar the distributor's))~~ prevent a licensed representative from representing ((his own distributor who is also licensed as a manufacturer)) both a manufacturer and distributor when both businesses are owned by the same person.

(4) If a licensed gambling service supplier representative has any interest in a licensed manufacturer or distributor and they provide services to any punch board, pull-tab, or bingo operator, they shall inform the commission, the operator, and the manufacturer or distributor of the relationship. Such manufacturer or distributor shall be prohibited from selling punch boards, pull-tabs, or disposable bingo cards to such operator.

NEW SECTION

WAC 230-04-133 Punch board and pull-tab service business—Registration required—Procedures—Restrictions. It is in the public's interest to closely control gambling devices and records relating to the operation of a gambling activity. The commission must identify all individuals and

businesses that have control over gambling devices, including punch boards and pull-tabs, and all records relating to the operation of gambling activities. Businesses that provide punch board and pull-tab record services, as defined by WAC 230-02-208, shall register with the commission and receive a permit prior to providing services to a licensee. The following procedures and restrictions apply to punch board and pull-tab service businesses:

(1) Each business seeking to register as a punch board and pull-tab service business shall submit a permit application on a form provided by the commission. Such application shall be complete in every respect, accompanied by proper fees, and signed by the applicant. The application shall include at least the following:

- (a) A complete description of the services provided; and
- (b) Personal and criminal history forms for all individuals involved in providing services.

(2) Permit fees as follows:

(a) Initial application for a business (includes up to two associates) = \$200;

Note: When the business includes three or more individuals that are directly involved in providing record services, all additional individuals must register as associates to the business. Personnel that perform duties that are not directly involved in preparing records, such as security, pick-up and delivery, or general office duties, are not required to register.

(b) Initial application - For each additional associate = \$125; and

(c) Annual renewal - Business and associates = \$50.

(3) The permit shall be valid for a period not to exceed one year from the date approved.

(4) Any changes in information provided with the application must be submitted to the commission within thirty days of change.

(5) The permit becomes void and the business must apply for a gambling service supplier license to continue providing services if any of the conditions listed below occur:

(a) The nature of the business being provided changes to include services defined in WAC 230-02-205(1); or

(b) The combined total gross billings from providing services exceeds twenty thousand dollars during the permit period.

(6) The permit may be revoked by the director at any time for the following reasons:

(a) Reasons set forth in WAC 230-04-400 or RCW 9.46.075; or

(b) The permit holder has acted with gross negligence or intentionally misstated or manipulated a licensee's records or punch board/pull-tab games; or

(c) Failure to produce an operator's record or copies thereof, or punch board or pull-tab games when requested by a commission agent.

(7) Immediately upon request, a punch board and pull-tab service business shall provide the commission or any of its representatives a complete list of customers and the location where records of each are maintained.

(8) If a punch board and pull-tab service business or associate of such business has any interest in a licensed manufacturer or distributor, they shall inform the commission,

any operator to which they provide services, and the manufacturer or distributor of the relationship. The director may restrict the manufacturer or distributor from selling punch boards or pull-tabs to such operator.

(9) Punch board and pull-tab service business permit holders shall follow the records requirements of WAC 230-08-026 (1)(a), (c), (d), (2), and (3). In addition, such businesses shall be familiar with minimum recordkeeping requirements and availability of records for services they provide, including but not limited to WAC 230-08-010, 230-12-010, and 230-30-072.

AMENDATORY SECTION (Amending WSR 97-24-031, filed 11/25/97, effective 1/1/98)

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

((What system of accounting must I use and how long must I keep my records?))

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

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

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

(a) Each invoice must be prenumbered at the time of purchase. The numbering must be consecutive, using not less than four digits: *Provided*, That a computer generated numbering system may be utilized if the same system is used for all sales and specific numbers can not be input by use of a manual override function;

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

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

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

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

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

(g) The sales invoice shall be prepared in at least three parts. Invoices shall be distributed and maintained as follows:

(i) The original shall be issued to the customer;

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

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

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

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

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

(a) The date of the sale;

(b) The invoice number of the sale;

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

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

(i) Punch boards that pay out cash prizes;

(ii) Punch boards that pay out merchandise prizes;

(iii) Pull-tabs that pay out cash prizes;

(iv) Pull-tabs that pay out merchandise prizes;

(v) Pull-tab dispensing devices;

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

(vii) Bingo equipment;

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

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

(e) Total amount of the invoice.

(4) Cash disbursements book (check register) - this record shall include a recording of all checks issued by the licensee, cash payments made by the licensee, or payments made by any other means. All expenses by the licensee, both gambling and nongambling related, shall be documented by

invoices or other appropriate supporting documents. Entries to this record shall contain at least, but not limited to, the following information by month:

- (a) The date the check was issued or payment made;
- (b) The number of the check issued;
- (c) The name of the payee; and
- (d) Each disbursement shall be categorized by type of expense.

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

- (a) The date the payment was received;
- (b) The name of the person remitting the payment;
- (c) The amount of payment received.

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

(7) Bank reconciliation - a bank reconciliation shall be performed each month;

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

(9) Copies of all agreements entered into regarding sales or leasing of ~~((gambling related services,))~~ gambling equipment or paraphernalia. These agreements shall fully disclose all terms and conditions;

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

- (a) The name of the purchaser;
- (b) The date of the sale; and
- (c) The invoice number recording the sale.

(11) An alternative format may be used for subsections (2)(a), (2)(g)(ii), (2)(g)(iii), (2)(h), (3), and (4), of this section upon advance written approval from the commission.

NEW SECTION

WAC 230-08-026 Accounting records to be maintained by gambling service suppliers. Gambling service suppliers shall maintain records that document services they provide and receipts for payment for such services. The following records shall be maintained and procedures followed:

(1) A minimum accounting system must be maintained that includes at least the following records:

(a) Sales invoices - sales invoices or a detailed monthly billing statement shall be issued to each customer. Copies of each invoice or billing statement must be maintained on the premises;

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

- (i) The date of the sale;
- (ii) The invoice number of the sale;
- (iii) The customer name or person remitting a payment;

(iv) Sales shall be categorized at least by the type of service or activity provided; and

(v) Total amount of the invoice.

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

- (i) The date the payment was received;
- (ii) The name of the person remitting the payment;
- (iii) The amount of payment received.

(d) Bank statements which show all deposits along with copies of bank deposit slips and receipts;

(e) General ledger - each licensee whose gambling related activities exceed five hundred thousand dollars per year, shall have a general ledger which shall contain, in addition to all other accounts by month, a separate sales account for each type of activity;

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

(2) If the gambling service(s) supplier enters into contracts with their customers, copies of such agreements which fully disclose all terms must be maintained.

(3) Records must be maintained for a period of three years following the end of the licensee's fiscal year.

WSR 98-19-131

PERMANENT RULES

GAMBLING COMMISSION

[Order 364—Filed September 23, 1998, 11:25 a.m., effective January 1, 1999]

Date of Adoption: September 11, 1998.

Purpose: Change allows licensees offering three number speed bingo the option to charge a per session fee, rather than a per ticket/card fee. This reduces the paperwork and time spent by employees accounting for tickets/cards. Change relates to bingo games that offer jackpot prizes in which prizes accrue over time. This will ensure that the accounting for accrued prizes is consistent for all bingo games and licensees will now be required to maintain a record, on premises, of the accrual method used when prizes are identified ahead of time. Change allows operators the ability to award extra frequent player points instead of merchandise gifts on the eight occasions per year where they give away promotional merchandise gifts.

Citation of Existing Rules Affected by this Order: Amending WAC 230-20-102, 230-20-125, and 230-20-249.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 98-15-005 on July 2, 1998, with a publication date of August 5, 1998.

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 3, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, 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, 1999.

September 14, 1998

Susan Arland

Public Information Officer

AMENDATORY SECTION (Amending WSR 98-04-024, filed 1/28/98, effective 7/1/98)

WAC 230-20-102 Bingo prizes—Record of winners.

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

((What are the receipting and recordkeeping requirements for bingo prizes?))

(1) A prize receipt shall be completed for each prize awarded at bingo games: *Provided*, That merchandise prizes with a cost or fair market value of fifteen dollars or less may be receipted on a single log sheet as allowed in subsection (4) of this section. The following minimum information shall be recorded for each prize awarded:

(a) The date;

(b) The game number;

(c) The complete name and address of the winner: *Provided*, That an address of the winner is not required if prizes greater than \$300 are paid by check or a combination of cash or check and:

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

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

(iii) The game number and prize receipt number are noted on the check;

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

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

(vi) Checks drawn on the licensee's gambling account are not cashed or otherwise redeemed by the licensee or on the licensee's premises.

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

(e) A full description of all noncash prizes;

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

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

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

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

(4) Merchandise prizes with a cost or fair market value of fifteen dollars or less may be receipted on a merchandise prize receipt log. A separate merchandise prize receipt log shall be maintained for each session used, and retained as a part of the bingo daily records. At a minimum, the following information must be recorded on the log:

(a) The date and session;

(b) The game number;

(c) The complete name of the winner printed;

(d) The cost of the prize or fair market value of the prize if donated;

(e) A full description of the prize;

(f) The initials of the person distributing the prize; and

(g) The criteria for awarding the prizes.

((How must prize receipts be printed?))

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

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

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

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

((What records must a licensee keep for the acquisition of prize receipts?))

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

(a) Name of the vendor;

(b) Name of the purchasing organization;

(c) Date of purchase;

(d) Number of receipts purchased; and

(e) The beginning and ending receipt number.

~~((For progressive prize type games, how may increases to the prize pool be accrued and accounted for?))~~

~~(7) ((Increases to the prize pool for progressive prize type games may be accrued and treated as prizes awarded during the current session if the following conditions are met:~~

~~(a)) Licensees may establish an accrued prize fund for any game or set of games that have a progressive prize or offer a jackpot prize if special conditions are met during the game. Contributions to the accrued prize fund shall be treated as prizes awarded during the current session if the following conditions are met:~~

~~(a) Each game or set of games that offers a prize included in the accrued prize fund must be identified by the licensee prior to making contributions for such games;~~

~~(b) The licensee shall maintain a record, in an approved format, of all such games with at least the following information:~~

~~(i) The name of the game or set of games;~~

~~(ii) The sessions at which the game or set of games is played;~~

~~(iii) The game number(s) at each of the sessions the game or set of games is played;~~

~~(iv) The amount that will be added to the accrued prize fund each time the game or set of games is played;~~

~~(v) A description of how the contribution amount was determined;~~

~~(vi) The maximum accrued prize fund balance that will be reached for all games; and~~

~~(vii) The date of the most recent changes to this record;~~

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

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

~~(e)) (d) Once an election is made to accrue prizes for a particular game ~~((all increases to that prize must be accrued))~~ or set of games, the predetermined contribution amount must be added to the accrued prize fund each time the game or set of games is played, until the accrued prize fund reaches the maximum balance;~~

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

~~(e) Once the maximum is reached, no contributions will be made until the accrued prize fund balance has been decreased for a prize paid;~~

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

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

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

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

~~(h) In the event management elects to discontinue games for which prizes have been accrued, the operator shall amend all activity reports and tax returns previously submitted to reflect the actual prizes awarded.)~~ (j) At no time shall the total accrued prize balance exceed two times the total amount of prizes available on the games identified in (a) of this subsection; and

(k) The accrued prize fund shall not be utilized for any purpose other than accumulating bingo prizes and the balance shall not be reduced except under the following circumstances:

(i) When prizes are actually awarded;

(ii) If management elects to discontinue games for which prizes were accrued. In this event, the operator shall amend all activity reports and tax returns that are affected by the action and which have been filed.

AMENDATORY SECTION (Amending Order 303, filed 11/21/96, effective 12/22/96)

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

~~((What general restrictions apply to discounts and promotions for bingo?))~~

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

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

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

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

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

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

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

(vi) Records required by subsection (2) of this section are maintained.

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

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

(ii) The gifts are treated as prizes; and

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

~~((What are the general receipting and recordkeeping requirements for discounts and promotional gifts?))~~

(2) Licensees shall use the combination receipting method set forth in WAC 230-20-108 to record discounts awarded by this section. All discounts shall be recorded on the cash register receipt during the sales transaction;

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

- (a) Time and date of the activity;
- (b) Full description of the activity, including any conditions or restrictions;
- (c) A copy of all advertisements for such promotions; and
- (d) All coupons or "frequent player" cards redeemed which shall include the name, address, and birth date of customers redeeming such.

~~((What restrictions apply to special recognition "birthday gifts?"))~~

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

- (a) Such gifts shall not exceed a value of three dollars;
- (b) The recipient's name and date of birth are recorded; and
- (c) These gifts are treated as prizes and applicable records are maintained.

~~((What restrictions, and receipting and recordkeeping requirements apply to "frequent player" promotions?))~~

(5) Licensees may promote bingo games by offering incentives to players which are based on the customer participating in games for a specific number of sessions, playing during a session when promotional gifts are awarded to players, as authorized by subsection (1)(b) of this section, or for spending a specific dollar amount to play bingo over a period of time if:

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

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

(c) The redemption value of points or credits awarded under this section does not exceed:

(i) One-half of one percent of the total dollar amount spent by a player and recorded through the cash register method of recording bingo sales; or

(ii) Three dollars for each occasion that points or credits are awarded as promotional gifts under authority of subsection (1)(b) of this section;

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

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

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

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

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

AMENDATORY SECTION (Amending Order 303, filed 11/21/96, effective 12/22/96)

WAC 230-20-249 Three number speed bingo—Operational procedures—Restrictions. Licensees may play "speed bingo" if the conditions set forth in this section are followed:

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

- (a) Is played using a reduced number of balls and special cards with less than twenty-five spaces;
- (b) The rate of calling numbers is faster than normal;
- (c) The price to play includes an "ante," which is retained by the licensee, and a wager that begins at three units and decreases by one for each number covered on a player's card; and

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

(2) The following restrictions apply to speed bingo:

- (a) The price to play speed bingo, including wagers, shall not exceed two dollars per card, per game;
- (b) The price to play shall be the same for each card;
- (c) The licensee shall not retain any part of players' wagers and all wagers not covering a called number on a player's card shall be paid to winners. If there is more than one winner, wagers shall be equally split among all winners: Provided, That licensees may develop a scheme for splitting odd numbers of chips between winners; and

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

(3) Speed bingo shall be played as follows:

- (a) The game shall be played using thirty numbered balls, with numbers one through seventy-five available for use;
- (b) Special cards that have three spaces imprinted with numbers that correspond to the numbers on the balls utilized for play;

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

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

~~(ii) Tickets may be valued at any price below two dollars. Provided, That the combined value of the ticket and wagers may not exceed two dollars per card, per game;~~

~~((iii)) The licensee may elect to collect fees by charging a set amount for each card for the entire session or an amount per card for each game;~~

~~(d) The ticket receipting method set forth in WAC 230-20-105 shall be used to receipt for income received to play games. In addition, the following requirements shall be met:~~

~~(i) All tickets sold and collected must be canceled by stamping the calendar date on the ticket at the time of sale or permanently defacing the tickets when collected;~~

~~(ii) All tickets sold for per session fees shall be accounted for using the combination receipting method set forth in WAC 230-20-108;~~

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

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

~~((vi)) (iii) Tickets sold and collected from players shall be reconciled to cash for each session((-);~~

~~((d)) (e) Wagers shall be made and prizes paid using wagering chips. Wagers may be valued at any price as long as the total value of wagers and ((tickets)) fees does not exceed two dollars per card, per game. The requirements of WAC 230-40-070 shall be followed for wagering chips and banking services. For licensees charging a flat fee per session to participate, the fee per game shall be determined by dividing the fee per session by the minimum number of games to be played;~~

~~((e)) (f) Each player pays the licensee one ticket for each bingo card played for each game; *Provided, That when the licensee charges a per session fee, the player's ticket and cash register receipt must remain visible and on the table at all times during the game;*~~

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

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

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

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

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

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

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

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

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

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

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

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

WSR 98-19-132

PERMANENT RULES

GAMBLING COMMISSION

[Order 363—Filed September 23, 1998, 11:26 a.m., effective January 1, 1999]

Date of Adoption: August 14, 1998.

Purpose: This rule was rewritten to more clearly state the requirements an organization must meet to demonstrate it has made significant progress towards its stated purposes. Also set out in this rule are the criteria that an organization must meet when requesting a waiver from the director when it has been unable to make the required progress towards its stated purposes.

Citation of Existing Rules Affected by this Order: Amending WAC 230-08-255.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 98-10-049 on April 29, 1998, with a publication date of May 20, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: January 1, 1999.

September 22, 1998

Susan Arland

Public Information Officer

AMENDATORY SECTION (Amending WSR 96-07-075, filed 3/19/96, effective 7/1/96)

WAC 230-08-255 Bona fide charitable or nonprofit organizations—Significant progress required—Procedures—Exception. ~~((Any charitable or nonprofit organization requesting to be certified to conduct gambling activities must demonstrate it has made significant progress toward meeting its stated purpose(s) during the period under review. "Significant progress" means an organization has complied with requirements set forth in its bylaws and articles of incorporation; has actively engaged in providing services to the public or its members during the entire period under consideration; and the services provided directly relate to the stated purposes of the organization. Such activities will be deemed significant when an organization utilizes a substantial portion of the resources it has available, including net gambling income, for providing services. Provided that: Any organization requesting to be certified to operate gambling activities in Group III, IV, or V, as defined in WAC 230-12-076, shall demonstrate it has made "significant progress" by meeting the following additional requirements:~~

~~(1) Elections to select officers were held at least once in the previous two years;~~

~~(2) A general membership meeting to conduct the business of the organization was held at least once in the previous two years;~~

~~(3) At least sixty percent of the net gambling income earned in the organization's most recently completed fiscal accounting year was utilized in the same period as functional expenses to provide services to members or the public. The following procedures apply for purposes of determining compliance with this subsection:~~

~~(a) Fees paid by members or the public to receive services or to participate in specific activities shall be classified as a reduction to expenses for providing such services and as income to the extent fees paid exceed the cost of providing such services;~~

~~(b) The amount of net gambling income used to provide services in the year under review shall be determined by the following procedure:~~

~~(i) Compute the amount of net gambling income that must be used for services by multiplying net gambling income for the period by sixty percent or six tenths (0.6);~~

~~(ii) Compute the ratio of net gambling income when compared to total net revenue from all sources for the period by dividing net gambling income by total net revenue from all sources;~~

~~(iii) Compute the amount of net gambling income that was used for services by multiplying total expenses of providing services for the period by the result of the computation in (b)(ii) of this subsection; and~~

~~(iv) The results of the computation in (b)(iii) of this subsection must be equal to or greater than the results of the computation in (b)(i) of this subsection;~~

~~(e) An organization may be exempted from this subsection for a limited time if it:~~

~~(i) Has a formal plan to utilize an amount that is equal to or greater than sixty percent of the net gambling income earned in the current period to provide services in the next~~

~~fiscal accounting period and the plan is submitted to the commission as a part of its annual progress and financial report required by WAC 230-08-122. Such services shall be in addition to those required for the next period; or~~

~~(ii) Is reserving funds to start or expand specific programs. If funds are being reserved to start or expand specific programs, the organization must expend at least twenty-five percent of net gambling income for providing services in the current fiscal accounting period;~~

~~(4) It does not expend more than thirty-five percent of functional expenses for supporting service expenses. If more than fifty percent of functional expenses are provided through indirect methods such as contributions, scholarships, and/or sponsorships, services, then not more than twenty percent of functional expenses shall be spent for supporting services;~~

~~(5) Compliance with the requirements of this section shall be prima facie evidence that an organization has made significant progress towards accomplishing its stated purposes.) A charitable or nonprofit organization requesting to be certified to conduct gambling activities must demonstrate that it has made significant progress toward its stated purposes during the period under review. Any organization that demonstrates compliance with all requirements of this section, during the fiscal year under review, shall be deemed as having made the progress required for its purposes. The following definitions and procedures will be utilized to measure an organization's progress:~~

~~(1) An organization will be deemed to have made progress toward its stated purposes when it:~~

~~(a) Complies with all requirements set forth in its bylaws and articles of incorporation; and~~

~~(b) Actively engages in providing services to the public or its members during the entire period under consideration, and such services directly relate to the stated purposes of the organization.~~

~~(2) Progress toward an organization's stated purpose will be deemed to be significant when such organization uses a substantial portion of its available resources for providing program services in an efficient manner.~~

~~(a) For purposes of this section, available resources include the net income generated by or from the following sources for the period under review:~~

~~(i) All fund-raising activities, including net gambling income;~~

~~(ii) Grants, gifts, and contributions from private sources; and~~

~~(iii) Public support.~~

~~(b) Available resources do not include:~~

~~(i) Funds generated in periods other than the period under review;~~

~~(ii) Funds that are raised or contributed from outside the organization for purposes of purchasing land or capital assets or to endow future operations when such funds are specifically identified by the board or contributors as restricted and separately recorded in the organization's records;~~

~~(iii) Fees paid by members or the public to receive services or to participate in specific activities. Such fees shall be classified as a reduction to both program service and supporting service expenses on a pro rata basis and as a reduction to~~

resources available for providing services in the current period; or

(iv) Net income from the sale of assets.

(3) In addition to the criteria outlined above, any organization requesting to be certified to operate gambling activities at Group IV or V levels, as defined in WAC 230-12-076, shall demonstrate it has made significant progress by providing evidence that:

(a) Elections to select officers were held at least once in the previous two years;

(b) A general membership meeting to conduct the business of the organization was held at least once in the previous two years;

(c) A substantial portion of available resources was used to provide services during the period. An organization shall be deemed to have met this requirement when it demonstrates it has expended at least sixty percent of the net gambling income earned in the organization's most recently completed fiscal accounting year, for both program and supporting services (functional expenses); and

(d) Available resources were utilized in an efficient manner during the period. Available resources will be deemed to be utilized in an efficient manner when no more than thirty-five percent of total functional expenses is utilized to provide supporting services as defined by WAC 230-02-279: *Provided*, That if more than fifty percent of total program services expenses was utilized to provide services through indirect methods such as grants, contributions, scholarships, and/or sponsorships, then supporting services expenses shall not exceed twenty percent of functional expenses.

(4) For purposes of computing the percentage of functional expenditures utilized to provide supporting services in the year under review as set forth in subsection (3)(d) of this section, the following procedures apply:

(a) Compute the amount of expenditures made for supporting services;

(b) Divide supporting service expenditures by the total amount expended for functional expenses; and

(c) The result of the computation made at (b) of this subsection must be equal to or less than the limitation set forth in subsection (3)(d) of this section.

(5) When an organization does not keep assets procured with gambling proceeds physically and functionally separate from all other assets, the amount of net gambling income required to be utilized to provide program and supporting services (functional expenses) in the year under review shall be determined as follows:

(a) Compute the amount of net gambling income that must be used for functional expenses by multiplying net gambling income for the period by sixty percent;

(b) Compute the ratio of net gambling income when compared to total net revenue from all sources for the period by dividing net gambling income by total net revenue from all sources;

(c) Compute the amount of net gambling income used for functional expenses by multiplying total functional expenses by the result of the computation in (b) of this subsection; and

(d) Total functional expenses must equal or exceed the result from (a) of this subsection.

(6) An organization that is unable to demonstrate it has made significant progress by complying with the financial standards and procedures set forth elsewhere in this section may request the director to waive all or portions of the requirements.

(a) In determining whether to grant such a waiver, the director may consider the following:

(i) Whether the organization's inability to comply is temporary and due to unusual circumstances;

(ii) Whether the organization is reserving funds to start or expand specific programs in the future;

(iii) Whether the organization utilizes a substantial amount of capital assets that are not subject to depreciation or amortization to provide program services. Examples are: Fully depreciated building or equipment; fully amortized leasehold improvements; assets which are not normally depreciated such as land used for athletic fields, riding areas, parks, etc.; and

(iv) Whether the organization conducts a substantial portion of its services through volunteers.

(b) In order for the director to consider a waiver, the organization shall meet the following requirements:

(i) The organization's board shall acknowledge in writing that they are aware of the circumstances, have taken steps to correct the situation which prevented compliance, and have approved a plan that addresses delivery of program services in the future; and

(ii) The organization must expend at least twenty-five percent of its net gambling income to provide program services in the current period.

(c) The director will provide the licensee a hearing pursuant to WAC 230-50-010(6), if a waiver will be denied.

WSR 98-19-133
PERMANENT RULES
GAMBLING COMMISSION

[Order 361—Filed September 23, 1998, 11:28 a.m., effective January 1, 1999]

Date of Adoption: August 14, 1998.

Purpose: Rule change defines a gambling service supplier for regulation and licensing purposes.

Citation of Existing Rules Affected by this Order: Amending WAC 230-02-205.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 98-04-022 on January 28, 1998, with a publication date of February 18, 1998, CR-102 continuance filed under WSR 98-15-130 on July 21, 1998, with a publication date of August 5, 1998.

Changes Other than Editing from Proposed to Adopted Version: In the CR-102 version of this rule, businesses that provide storage, counting services, and/or specialized record-keeping services for gambling activities (punchboard and pull-tab service businesses) which had a combined total gross billings that did not exceed \$50,000, were specifically excluded from the definition of a gambling service supplier. In the final version of this rule, the combined total gross billings threshold was lowered from \$50,000 to \$20,000.

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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: January 1, 1999.

September 22, 1998

Susan Arland

Public Information Officer

AMENDATORY SECTION (Amending WSR 97-24-031, filed 11/25/97, effective 1/1/98)

WAC 230-02-205 Gambling service((s)) supplier defined. A "gambling services supplier" is any person who provides gambling related services for compensation, whether direct or indirect, to any licensed operator (~~(or Class III tribal gaming facility,))~~ and who is not an employee of the operator receiving such services.

(1) Gambling related services include at least the following:

(a) Providing consulting or advisory services regarding gambling activities;

(b) Providing gambling related management services;

(c) ~~((Providing storage, counting services, and/or specialized recordkeeping services for the gambling activity (except general recordkeeping services provided by a professional accountant);))~~ Providing financing for purchases or leases of gambling equipment or for providing infrastructure that supports gambling operations for more than one licensee. For purposes of this section, financing by any bank, mutual savings bank, or credit union regulated by the department of financial institutions or any federally regulated commercial lending institution shall not be deemed as providing gambling related services; or

(d) Providing any other service or activity where influence may be exerted over any gambling activity licensed by the commission.

(2) The term "gambling services supplier" does not include the following:

(a) Licensed manufacturers or distributors who service and repair pull tab dispensing devices, bingo equipment or any other authorized gambling equipment((:));

~~((3) The term "gambling services supplier" does not include professional services, such as those provided by))~~

(b) Attorneys, accountants, and governmental affairs consultants((:)) whose primary business is providing profes-

sional services that are unrelated to the management or operation of gambling activities; and

(c) Persons that only provide nonmanagement related recordkeeping services for punch board and pull-tab operators, when the combined total gross billings from such services does not exceed twenty thousand dollars during any calendar year.

WSR 98-19-138

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed September 23, 1998, 11:37 a.m.]

Date of Adoption: August 20, 1998.

Purpose: 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.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-33-043; and amending WAC 180-33-005, 180-33-040, and 180-33-042.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 98-14-144 on July 1, 1998.

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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, 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 3, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-33-005 Authority. This chapter is adopted pursuant to RCW ~~((28A-525-200))~~ 28A.525.020 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school facil-

ities are RCW 28A.525.030, 28A.525.040, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 16-83, filed 10/17/83)

WAC 180-33-040 Maximum costs eligible for state matching purposes—Eighty percent of replacement cost. ~~((The cost of an approved modernization project in excess of eighty percent of the estimated cost of replacement with a comparable school facility computed on the basis of the prevailing square foot cost level of state support as in chapter 180-27 WAC set forth shall be paid from school district local funds in excess of such local funds applied toward the modernization cost in accordance with the statutory formula and state board of education regulations governing basic support level as in chapter 180-27 WAC set forth.)) State assistance for modernization projects shall not exceed eighty percent of the cost of new construction of a comparable school facility based on the prevailing level of state support as defined in chapter 180-27 WAC. Costs exceeding eighty percent shall be paid by the local district.~~

AMENDATORY SECTION (Amending WSR 93-20-066, filed 10/1/93, effective 11/1/93)

WAC 180-33-042 Replacement option. A district with space eligible for modernization pursuant to WAC 180-33-015 and 180-33-025 may elect to replace such space through new construction in lieu of modernization. In such case, the district shall apply for a new school facility in accordance with applicable rules and regulations pertaining to new school plant facilities and the local board shall certify that after the new construction is finally completed:

- (1) The existing building or space to be replaced will not be used for district instructional purposes; and
- (2) The existing building or space will be ineligible for any future state financial assistance.

Further, if the existing building or space is subsequently returned by the district to instructional purposes in whole or in part, the district shall become ineligible for any state construction financial assistance for a period of ten years from the date that the executive director or the chief executive officer of the state board notifies the board during the course of an open public meeting or sends written notice to members of the board of the return of the building in whole or in part to instructional purposes. ~~((Except as otherwise provided in WAC 180-33-043.))~~ Districts exercising this election shall be limited in state assistance to the provision of WAC 180-33-040. In the event the district elects to replace a facility and construct a new facility with more space than the facility being replaced, the additional space, in order to be eligible for state assistance shall meet the eligibility requirements for new construction or the new construction component requirement of WAC 180-33-015 (1)(c): *Provided*, That no new construction in lieu of modernization project may qualify for additional state assistance pursuant to WAC 180-27-115 unless the facility being replaced would have qualified pursuant to such section for additional state assistance as a modernization project.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-33-043

Exceptions to prospective application of WAC 180-33-040.

WSR 98-19-139 PERMANENT RULES STATE BOARD OF EDUCATION

[Filed September 23, 1998, 11:38 a.m.]

Date of Adoption: August 20, 1998.

Purpose: 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.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-25-031 and 180-25-050; and amending WAC 180-25-005, 180-25-025, 180-25-040, 180-25-045, 180-25-055, and 180-25-070.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 98-14-145 on July 1, 1998.

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 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-25-005 Authority. This chapter is adopted pursuant to RCW ~~((28A.525.200))~~ 28A.525.020 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with

RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending WSR 91-12-058, filed 6/5/91, effective 7/6/91)

WAC 180-25-025 State study and survey—Content.

The study and survey to be conducted by the superintendent of public instruction with the cooperation of the local school district shall include the following:

(1) An inventory and area analysis of existing school facilities within the district, a description of the types and kinds of systems and subsystems used in those facilities and their physical condition;

(2) A long-range (i.e., minimum of six years) educational and facilities plan setting forth the projected facility needs and priorities of the district based on the educational plan;

(3) Demographic data including population projections and projected economic growth and development;

(4) The ability of such district to provide capital funds by local effort;

(5) The existence of a school housing emergency;

(6) The need to improve racial balance and/or to avoid creation or aggravation of racial imbalance;

(7) The type and extent of new and/or additions to existing school facilities required and the urgency of need for such facilities;

(8) A cost/benefit analysis on the need to modernize and/or replace existing school facilities in order to meet current educational needs and the current state building code;

(9) The need and the estimated capital cost to restore, to design specifications, the major systems and subsystems in the facilities that have deteriorated due to deferred maintenance.

~~(10) ((A determination from data as to whether the district is eligible to receive funds from the state board of education for the construction and/or modernization of its school facilities: *Provided*, That modernization requests included in a project application for any building that was accepted by the school district board of directors after January 1, 1993, shall be subject to the limitations on basic state assistance as determined in chapter 180-33 WAC;~~

~~(11) A determination of the amount of space and the estimated state financial assistance the district is eligible to receive;~~

~~(12)) A determination of the district's time line for completion of the school facilities project;~~

~~((13))~~ (11) An inventory of accessible unused or underutilized school facilities in neighboring school districts and the physical condition of such school facilities;

~~((14))~~ (12) The need for adjustments of school attendance areas among or within such districts; and

~~((15))~~ (13) Such other matters as the superintendent of public instruction deems pertinent to a decision by the state board of education in the allocation of funds for school facilities. Cooperation by the applicant school district in conducting the study and survey is a requisite for the superintendent

of public instruction to complete the study and survey and to establish the eligibility of the district for state assistance in school facility construction.

AMENDATORY SECTION (Amending Order 24-85, filed 11/27/85)

WAC 180-25-040 State study and survey—State board of education approval or denial. Upon receipt of a request for one or more project approvals and after review of the state study and survey, together with recommendations and comments, the state board of education shall in accordance with WAC 180-25-045 take one of the following actions:

(1) Deny approval of state assistance for the construction and/or modernization of school facilities; or

(2) Grant approval of state assistance for the construction and/or modernization of school facilities by authorizing the maximum area allowance eligible for state financial assistance for each school plant project approved and for which the superintendent of public instruction shall issue an appropriate SPI form and state any conditions that may or may not be applicable including whether the state board of education has approved or denied eligibility for additional state assistance pursuant to WAC 180-27-115 for one or more approved school plant projects or whether such decision by the state board of education for any approved school plant project has been deferred due to insufficient factual information for a determination or due to a request by the district to present the necessary factual information at a subsequent state board of education meeting. ~~((Such))~~ Upon receipt of the state board of education approval, the school district is authorized to prepare educational specifications pursuant to chapter 180-26 WAC. Project approval ~~((for projects approved after September 30, 1985,))~~ shall ~~((be))~~ become null and void ((after)) one year from the date of state board action ((by the state board of education)) unless the district ~~((complies with each of the following))~~:

(a) Obtains local capital funds to provide the districts share of the estimated cost;

(b) Completes the ~~((development of))~~ educational specifications pursuant to chapter 180-26 WAC; and

(c) Selects a site ~~((and receives approval))~~ pursuant to chapter 180-26 WAC.

AMENDATORY SECTION (Amending Order 7-85, filed 4/17/85)

WAC 180-25-045 Approval criteria for state assistance. The state board of education shall ~~((grant approval of))~~ conditionally agree to state assistance for a school facility or facilities for a school district that demonstrates the following:

(1) The existence of unhoused students which for the purpose of this section shall mean current or projected enrolled students who are in excess of the capacity calculated for existing facilities within the district pursuant to chapter 180-27 WAC: *Provided*, That current or projected enrolled students shall not be designated as unhoused for a high school district of application which has a student enrollment of four hundred or less in grades nine through twelve, if the students

WSR 98-19-140
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed September 23, 1998, 11:39 a.m.]

involved or affected can be served without undue inconvenience in a neighboring school, or schools of larger size and the neighboring school district has indicated a willingness to serve, and has the capacity to house the applying district high school students; and

(2) The ability of the district to provide any necessary capital funds by local effort: Provided, That the existence of unhoused students provision of subsection (1) of this section shall not be required for approval of the following school facilities projects: Interdistrict cooperative centers authorized by chapter 180-31 WAC, interdistrict transportation cooperatives authorized by chapter 180-32 WAC, and modernization and new construction authorized by chapter 180-33 WAC.

AMENDATORY SECTION (Amending Order 24-85, filed 11/27/85)

WAC 180-25-055 Conditions applicable to district's authority to proceed. The authorization by the state board of education pursuant to WAC ((180-25-050)) 180-25-040 for the district to proceed for particular school facilities is subject to the conditions of WAC 180-29-107. Therefore, districts receiving approval by the state board of education pursuant to WAC 180-25-040 are on notice that until approval is granted pursuant to WAC 180-29-107 (i.e., the issuance of an appropriate SPI form by the superintendent of public instruction) the particular school facilities do not have secured funding status.

AMENDATORY SECTION (Amending WSR 90-01-075, filed 12/19/89, effective 12/19/89)

WAC 180-25-070 Eligibility for state assistance for new construction—Survey of ((available and)) suitable school ((plant)) facilities in contiguous school districts that are unused or underutilized. A school district applying for state assistance for new construction shall conduct a documented survey of ((available and)) suitable school ((plant)) facilities in ((each)) contiguous school districts that ((meet the needs of the applicant school district and are either currently vacant or scheduled for vacation within the foreseeable future)) are unused or underutilized.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-25-031 Special state study and surveys—Additional state assistance.
WAC 180-25-050 District authority to proceed.

Date of Adoption: August 20, 1998.

Purpose: 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.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-26-030 and 180-26-058; and amending WAC 180-26-005, 180-26-015, 180-26-020, 180-26-040, and 180-26-057.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 98-14-146 on July 1, 1998.

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 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-26-005 Authority. This chapter is adopted pursuant to RCW ((28A.525.200)) 28A.525.020 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allocations to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 10-83, filed 10/17/83)

WAC 180-26-015 Educational specifications. ((+)) Prior to commencing the design phase, the school district shall ((cause to be prepared)) prepare educational specifica-

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tions for the approved project. The educational specifications shall describe the educational activities that the proposed school facilities and grounds should support and the types of spaces and their relationships in order to accommodate program requirements.

~~((2) One copy of the educational specifications document, approved by the district board of directors, shall be submitted to the superintendent of public instruction for review and comment. The review by the superintendent of public instruction shall be based on the components of educational specifications published by the superintendent of public instruction in the School Facilities Development Procedures Manual. The comments of the superintendent of public instruction shall be transmitted to the district board of directors for its review. The board of directors shall give consideration to the comments of the superintendent of public instruction but shall not be bound to adopt any of the recommendations or make any modification of its adopted educational specifications.~~

~~(3)) This section shall not be applicable to the construction of interdistrict transportation cooperatives or the additions to existing facilities of less than fifteen thousand square feet, unless combined with modernization.~~

AMENDATORY SECTION (Amending WSR 94-01-014, filed 12/3/93, effective 1/3/94)

WAC 180-26-020 Site ~~((conditions—Acceptance criteria))~~ review and evaluation. The superintendent of public instruction together with the school district shall conduct ((an on-site)) a review and evaluation of ((a proposed site in the case of new construction and an existing site in the case of modernization. The superintendent of public instruction shall accept a site that meets the following conditions)) sites for new and existing state assisted projects. In selecting sites for schools, a district shall consider the following:

(1) The ~~((school district provides certification by legal counsel retained by the district that the))~~ property upon which the school facility is or will be located is free of all encumbrances that would detrimentally interfere with the construction, operation, and useful life of the ~~((school))~~ facility;

(2) The site is of sufficient size to meet the needs of the facility. The minimum acreage of the site ~~((shall))~~ should be five usable acres and one additional usable acre for each one hundred students or portion thereof of projected maximum enrollment plus an additional five usable acres if the school contains any grade above grade six. ~~((In computing the minimum acreage of the site, the district may include public property in close proximity to the site if, as a matter of public policy the property is available for school purposes and the district is committed to using such facilities: Provided, That for sites having seventy percent or more but less than one hundred percent of the usable acreage as required above, the superintendent of public instruction may grant a site size waiver when, as part of the on-site review and evaluation process, the district provides a mitigation plan and demonstrates that the requirements of (a) through (d) of this subsection have been met: Provided further, That))~~ A district considering the use of a site ((consisting of)) that is less than the recommended minimum usable acreage ((calculated as per the

~~provisions of this subsection shall be approved by the state board of education if the district demonstrates the following))~~ should assure that:

(a) The health and safety of the students ~~((are))~~ will not be in jeopardy;

(b) The internal spaces within the proposed facility ~~((are))~~ will be adequate for the proposed educational program;

(c) The neighborhood in which the school facility is or will be situated ~~((is))~~ will not be detrimentally impacted by lack of parking for students, employees, and the public; and

(d) The physical education and recreational program ~~((s on the school site are compatible with less than the minimum prescribed acreage))~~ requirements will be met.

(3) ~~((That the school district has contacted the))~~ A site review or predesign conference has been conducted with all appropriate local ((building authorities and requested a predesign conference)) code agencies in order to determine design constraints;

(4) ~~((The school district has retained the services of))~~ A geotechnical engineer ((for the purpose of conducting)) has conducted a limited subsurface investigation to gather basic information regarding potential foundation and subgrade performance ((and a report has been reviewed by the school district board of directors;

~~(5) The site has been approved by the following agencies:~~

- ~~(a) The health agency having jurisdiction;~~
- ~~(b) The local planning commission or authority having jurisdiction; and~~
- ~~(c) The state department of ecology or the local agency having jurisdiction for environmental approvals).~~

AMENDATORY SECTION (Amending Order 24-85, filed 11/27/85)

WAC 180-26-040 District authority to proceed. Upon completion of the educational specifications review and comment and the site ~~((approval))~~ review by the superintendent of public instruction as provided for in WAC 180-26-020 ~~((or state board of education as provided for in WAC 180-26-030)),~~ the school district is authorized to proceed as follows:

(1) Commence with the design of the school facility in accordance with the district's educational specifications.

(2) Complete the energy conservation report pursuant to WAC 180-27-075.

(3) Complete a value engineering study pursuant to WAC 180-27-080.

AMENDATORY SECTION (Amending WSR 91-20-151, filed 10/2/91, effective 11/2/91)

WAC 180-26-057 State board of education project commitment at preliminary funded status. ~~((Except as provided at WAC 180-26-058))~~ When preliminary funding status for a project is requested and granted pursuant to WAC 180-26-050, the state board of education commitment is limited to the eligibility of the project for state assistance, the eligible square footage, the maximum area cost allowance and the priority standing of the project as determined pursuant to

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the state building assistance rules in effect at ~~((the))~~ that time ~~((such preliminary funding status is granted))~~. This commitment is effective only for the initial one-year period set forth at WAC 180-26-060. The state board of education ~~((other-wise))~~ reserves the right to amend and/or repeal any rule(s) respecting state assistance in school building construction. Such rule changes may be made regardless of the ~~((negative and/or positive))~~ impact ~~((of such changes))~~ upon the eligibility of any project and/or the extent of eligibility of any project for state assistance.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-26-030	Site nonacceptance by superintendent of public instruction—Appeal to state board of education.
WAC 180-26-058	Suspension of state building assistance commitments pending adoption of new priority system for allocating state assistance.

WSR 98-19-141
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed September 23, 1998, 11:40 a.m.]

Date of Adoption: August 20, 1998.

Purpose: 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.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-29-015, 180-29-020, 180-29-030, 180-29-1076 and 180-29-116; and amending WAC 180-29-005, 180-29-021, 180-29-025, 180-29-035, 180-29-085, 180-29-1075, 180-29-115, 180-29-155, and 180-29-200.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 98-14-147 on July 1, 1998.

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 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, Repealed 5.

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 9, Repealed 5.

Effective Date of Rule: Thirty-one days after filing.

September 21, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-29-005 Authority. This chapter is adopted pursuant to RCW ~~((28A.525.200))~~ 28A.525.020 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provision of chapter 28A.525 RCW currently applicable to state assistance for school plant facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 27-85, filed 11/27/85)

WAC 180-29-021 Deadline for submission of agenda items. ~~((The superintendent of public instruction shall not place on the agenda of any regular meeting of the state board of education any item requested by a district pertaining to the approval of school facilities, including state board of education action regarding study and surveys, site approval or waiver, planning grants, and any other matters requiring action by the state board of education pertaining to a school facility unless such district has presented to the superintendent of public instruction in satisfactory form all materials required by law or rule or regulation of the state board of education pertaining to such action at least sixty calendar days preceding the date of commencement of the next scheduled meeting of the state board of education: *Provided*, That if any error or omission in such materials is found prior to the thirtieth calendar day preceding the first day of such meeting and is corrected prior to such date, the superintendent of public instruction shall place such item on the agenda of the state board of education:))~~ All items related to the approval of school facilities and requiring action by the state board of education shall be submitted to the superintendent of public instruction no later than sixty days prior to the date of any regular state board of education meeting at which action is expected.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-025 State board of education review. Upon completion of the study and survey by the superintendent of public instruction and review by district board of directors, the study and survey shall be submitted to the state board of education, accompanied by recommendations from

the superintendent of public instruction and an application for state assistance from the district for the project(s) to be considered by the board. State board of education approval of a proposed project(s) shall establish the maximum matchable area (~~allowance~~) and estimated amount of state financial assistance based upon the information furnished in the study and survey.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-035 Site (~~(—Acceptance requirements)~~). (1) The district shall provide the superintendent of public instruction with (~~evidence of compliance with applicable site conditions pursuant to chapter 180-26 WAC and~~) certification from the district board of directors that the site will not create or aggravate racial imbalance.

(2) (~~The superintendent of public instruction shall conduct an on-site review as required by chapter 180-26 WAC.~~

(3) ~~Acceptance~~) Review of the site by the superintendent of public instruction as required by chapter 180-26 WAC shall be (~~a prerequisite to commencing with the design of a school facility project~~) completed prior to issuance of preliminary funding status.

AMENDATORY SECTION (Amending WSR 92-16-058, filed 8/3/92, effective 9/3/92)

WAC 180-29-085 Construction and other documents—Submittal. (1) For the purpose of determining that the provisions set forth in chapters 180-25 through 180-29 WAC have been complied with prior to the opening of bids of any project to be financed with state moneys, the school district shall (~~submit to or~~) have on file with the superintendent of public instruction the following:

- (a) One microfilm copy of the construction documents;
- (b) Cost estimate of construction on a form approved by the superintendent of public instruction, completed and signed by the architect-engineer;
- (c) Signed copy or photocopy of letters of approval by other governmental agencies in accordance with WAC 180-29-090;
- (d) Area analysis on a form approved by the superintendent of public instruction in accordance with chapter 180-27 WAC;
- (e) Complete listing of construction special inspections and/or testing to be performed by independent sources that are included in the project pursuant to WAC 180-27-100;
- (f) One copy of the value engineering report (~~signed~~) as accepted by the school district board of directors. The report shall include the following:
 - (i) A brief description of the original design;
 - (ii) A brief description of the value engineering methodology used;
 - (iii) The areas analyzed;
 - (iv) The design alternatives proposed;
 - (v) The cost changes proposed;
 - (vi) The alternates accepted; and

(vii) A brief statement (~~by the school district board of directors~~) explaining why each alternate not accepted was rejected;

(g) ((A)) Completed (~~standardized~~) Building (~~inventory and~~) Condition Evaluation Forms (BCEF) as required by WAC 180-27-535 for every school facility in the district.

(2) If the above documents reflect an increase in square foot size from the application approved by the state board of education as per WAC 180-29-030 which will result in an increase in state support, a new application must be submitted to the state board of education.

AMENDATORY SECTION (Amending WSR 91-20-151, filed 10/2/91, effective 11/2/91)

WAC 180-29-1075 State board of education commitment when district is authorized to open bids. (~~Except as provided at WAC 180-29-1076~~) When a district is granted approval to open bids pursuant to WAC 180-29-107, the state board of education is committed as provided at WAC 180-29-107 as well as to all other state building assistance determinations including but not limited to (~~for example,~~) additional state assistance(;) and professional fees(;) determined pursuant to state building assistance rules and regulations in effect at the time such approval to open bids is granted. This commitment is subject to the district's compliance with the time limitation for requesting an authorization for contract award as set forth in WAC 180-29-108.

AMENDATORY SECTION (Amending WSR 91-20-151, filed 10/2/91, effective 11/2/91)

WAC 180-29-115 Authorization for contract award.

(1) Upon receipt of the items as per WAC 180-29-110, the superintendent of public instruction shall:

- (a) Analyze the bids;
- (b) Determine the amount of state moneys allocable; and
- (c) (~~Except as provided at WAC 180-29-116~~) Make an allocation of state moneys for construction and other items as per chapter 180-27 WAC.

(2) Authorization for contract award and allocation of state moneys shall be contingent upon the following:

- (a) The contract price for the construction has been established by competitive bid(s); and
- (b) The school district has available sufficient local funds pursuant to chapter 180-25 WAC.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-155 Final acceptance of project by architect/engineer. Upon final completion of the project by contractor(s), the architect/engineer shall inspect the project to determine compliance with the construction documents. The architect/engineer, upon determining that the project has been completed satisfactorily, shall make such recommendation through the issuance of a certificate of completion to the school district board of directors. Separate certificates of completion shall be written for each contract awarded. Certificates of completion shall provide a statement of work

completed including the gross square footage of new and/or modernized construction per WAC 180-27-019.

WSR 98-19-142
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed September 23, 1998, 11:41 a.m.]

AMENDATORY SECTION (Amending Order 24-85, filed 11/27/85)

WAC 180-29-200 Forms. In addition to forms prescribed in WAC 180-25-200 and 180-26-200, commencing January 1, 1986, forms applicable to the provisions of this chapter for school facility projects (~~(after such date)~~) shall be as follows:

- (1) Applications for secured funding status pursuant to WAC 180-29-107 shall be designated as SPI Form D-7.
- (2) Grants of secured funding status pursuant to WAC 180-29-107 shall be given to districts through SPI Form D-8.
- (3) Grants of authority for school districts to proceed without secured funding status pursuant to WAC 180-29-107 shall be given to districts through SPI Form D-8-1.
- (4) Applications for authority to enter into contracts pursuant to WAC 180-29-110 shall be designated as SPI Form D-9.
- (5) Grants of authority to enter into contracts pursuant to WAC 180-29-115 shall be given to districts through SPI Form D-10.
- (6) Grants of authority for school districts to enter into contracts without secured funding status pursuant to WAC 180-29-115 shall be given to districts through SPI Form D-10-1.
- (7) Applications for SPI to release retainage pursuant to WAC 180-29-165 shall be designated as SPI Form D-11.
- ~~((7))~~ (8) Grants of release of final retainage pursuant to WAC 180-29-165 shall be given through SPI Form D-12.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-29-015	Application—Study and survey by the superintendent of public instruction.
WAC 180-29-020	Study and survey—Local involvement.
WAC 180-29-030	State board of education approval.
WAC 180-29-1076	Suspension of state building assistance commitments pending adoption of new priority system for allocating state assistance.
WAC 180-29-116	Suspension of state building assistance commitments pending adoption of new priority system for allocating state assistance.

Date of Adoption: August 20, 1998.

Purpose: 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.

Citation of Existing Rules Affected by this Order: Repealing chapter 180-30 WAC.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 98-14-148 on July 1, 1998.

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 98.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 98.

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 98.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1998

Larry Davis

Executive Director

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REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 180-30-003	Applicability of chapter.
WAC 180-30-005	Regulatory provisions.
WAC 180-30-010	Policies and principles—Basic policy.
WAC 180-30-015	Policies and principles—Policies and principles relating to nonhigh school districts contemplating establishment of high schools and to districts operating small high schools.
WAC 180-30-030	Eligibility for state assistance—Need for school facilities a basis for eligibility.

WAC 180-30-035	Eligibility for state assistance—School district effort to provide capital funds a basis for eligibility.	WAC 180-30-205	Additional state assistance—Handicapped children and vocational-technical institute students.
WAC 180-30-040	Eligibility for state assistance—Evidence that new construction will not create or aggravate racial imbalance a basis for eligibility.	WAC 180-30-210	Additional state assistance—Loss of building by fire.
WAC 180-30-050	General regulations—Licensed architects.	WAC 180-30-215	Additional state assistance—Condemnation of a building.
WAC 180-30-055	General regulations—Sites—Approval, sizes and fee simple title.	WAC 180-30-220	Additional state assistance—Improved school district organization.
WAC 180-30-060	General regulations—Replacement of substandard facilities.	WAC 180-30-225	Additional state assistance—Improved racial balance.
WAC 180-30-065	General regulations—Time limit for advancement of projects.	WAC 180-30-230	Additional state assistance—Other conditions creating an emergency.
WAC 180-30-071	General regulation—Change in project scope.	WAC 180-30-250	Additional allotment to meet school housing emergency.
WAC 180-30-075	General regulations—Change orders.	WAC 180-30-350	Relocatable buildings.
WAC 180-30-100	Basic state support level—Related factors.	WAC 180-30-355	Relocatable buildings—Definition.
WAC 180-30-105	Basic state support level—State matching percentage.	WAC 180-30-360	Relocatable buildings—Basic policy.
WAC 180-30-110	Basic state support level—Space allocations.	WAC 180-30-365	Relocatable buildings—Construction regulations.
WAC 180-30-115	Basic state support level—Square foot cost level of state support.	WAC 180-30-370	Relocatable buildings—Regulations governing.
WAC 180-30-116	Basic state support level—Equipment allowance.	WAC 180-30-380	Relocatable buildings—Procedural requirements.
WAC 180-30-117	Basic state support level—Sales tax.	WAC 180-30-400	Pilot or exemplary projects.
WAC 180-30-120	Basic state support level—Architectural and engineering services.	WAC 180-30-405	Energy conservation program.
WAC 180-30-125	Basic state support level—Insurance funds.	WAC 180-30-406	Energy conservation program—Life cycle cost analysis.
WAC 180-30-130	Basic state support level—Federal funds.	WAC 180-30-407	Energy conservation program—Energy conservation considerations in existing facilities.
WAC 180-30-135	Basic state support level—Costs to be financed entirely with school district local funds.	WAC 180-30-408	Energy conservation program—Procedural requirements.
WAC 180-30-200	Additional state assistance—General provisions.	WAC 180-30-410	Preliminary planning grants to school districts.
		WAC 180-30-415	Preliminary planning grants to school districts—Basic policies.
		WAC 180-30-420	Preliminary planning grants to school districts—Application provisions.

WAC 180-30-425	Preliminary planning grants to school districts—Procedural requirements.		approval required—Rules and regulations governing.
WAC 180-30-430	Grants to school districts for purchase of works of art.	WAC 180-30-500	Statutory authority and program goals.
WAC 180-30-435	Grants to school districts for purchase of works of art—Basic policies.	WAC 180-30-505	Definitions.
WAC 180-30-440	Grants to school districts for purchase of works of art—Procedural requirements.	WAC 180-30-510	Procedural guidelines.
WAC 180-30-450	Nonhigh school district participation in financing cost of secondary school facilities—Basic policy.	WAC 180-30-515	Exemptions.
WAC 180-30-455	Nonhigh school district participation in financing cost of secondary school facilities—Implementation of policy.	WAC 180-30-520	School facilities cost stabilization program—Procedural requirements.
WAC 180-30-460	Interdistrict cooperation in financing construction of school plant facilities—Statutory authority.	WAC 180-30-575	Federal grants to school districts for school construction—Relating to certification by state agency.
WAC 180-30-465	Interdistrict cooperation in financing construction of school plant facilities—Any cooperative plan subject to state board approval.	WAC 180-30-610	Application requirements and procedural regulations governing.
WAC 180-30-470	Interdistrict cooperation in financing construction of school plant facilities—Applicant district defined.	WAC 180-30-620	Notice of intent by school district to submit application for state assistance and school housing study prerequisites to filing of application.
WAC 180-30-475	Interdistrict cooperation in financing school construction—Application provisions.	WAC 180-30-625	Acknowledgment of notice of intent to file application and instructions for preparation and filing of application and supporting data.
WAC 180-30-480	Interdistrict cooperation in financing construction of school plant facilities—Contract between applicant and participating districts.	WAC 180-30-630	Application for state assistance.
WAC 180-30-485	Interdistrict cooperation in financing construction of school plant facilities—Approval of program or services by superintendent of public instruction.	WAC 180-30-635	Authorization to prepare final plan and specifications (construction documents).
WAC 180-30-490	Interdistrict cooperation in financing construction of school plant facilities—Dis-solution provisions.	WAC 180-30-640	Preparation of final plan and specifications (construction documents)—Bid and contract provisions.
WAC 180-30-495	Interdistrict cooperation in financing school construction—Project construction	WAC 180-30-645	Final plan and specifications (construction documents) to be submitted for review and approval.
		WAC 180-30-650	Preliminary allotment of state funds.
		WAC 180-30-655	Bid data and document requirements following bid opening.
		WAC 180-30-660	Final allotment of state funds.
		WAC 180-30-710	Disbursement of funds for construction of school plant facilities—Administration of

	payments from state funds under direction of state superintendent.	WAC 180-30-800	Program for barrier-free facilities.
WAC 180-30-715	Disbursement of funds for construction of school plant facilities—Sequence of payments by school district and state.	WAC 180-30-805	Program for barrier-free facilities—Basic policies.
		WAC 180-30-807	Program for barrier-free facilities—Basic state support level.
WAC 180-30-720	Disbursement of funds for construction of school plant facilities—General provisions applicable to payments by school district and/or state.	WAC 180-30-810	Program for barrier-free facilities—Application requirements and procedural regulations.
		WAC 180-30-815	Program for barrier-free facilities—Notice of intent to file application for state assistance.
WAC 180-30-725	Disbursement of funds for construction of school plant facilities—Payments from school district local funds—Requirements and procedures.	WAC 180-30-820	Program for barrier-free facilities—Acknowledgment of notice of intent to file application and instructions for preparation and filing of application and supporting data.
WAC 180-30-730	Disbursement of funds for construction of school plant facilities—Payments from state funds—General provisions.	WAC 180-30-825	Program for barrier-free facilities—Application for state assistance.
WAC 180-30-735	Disbursement of funds for construction of school plant facilities—Progress payments from state funds.	WAC 180-30-830	Program for barrier-free facilities—Approval of final plan.
WAC 180-30-740	Disbursement of funds for construction of school plant facilities—Final payments on contracts.	WAC 180-30-845	Program for barrier-free facilities—Disbursement of funds for modification of facilities for handicapped accessibility.
WAC 180-30-750	Advancement of project pending availability of appropriated funds and priority rank.		
WAC 180-30-755	Authorization for district to proceed at its own financial risk with advancement of project.		
WAC 180-30-760	Approval of final plan and specifications.		
WAC 180-30-765	Bid data and document requirements following bid opening.		
WAC 180-30-770	Authorization to award contract.		
WAC 180-30-775	Disbursement of funds for construction of school plant facilities—Final payments on contracts.		
WAC 180-30-780	Deferred payment of state funds.		

WSR 98-19-143
PERMANENT RULES
STATE BOARD OF EDUCATION
 [Filed September 23, 1998, 11:43 a.m.]

Date of Adoption: August 20, 1998.

Purpose: 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.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-27-052, 180-27-058, 180-27-400 and 180-27-990; and amending WAC 180-27-005 Authority, 180-27-015 State board policy, 180-27-016 Rules determining eligibility and timing of state assistance, 180-27-019 Definition—Instructional space, 180-27-030 Applicable state matching percentage for project, 180-27-035 Space allocations, 180-27-045 Space allocations—Enrollment projection

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provisions, 180-27-050 Space allocations—Computing building capacity, 180-27-054 Implementation of priority approval process, 180-27-056 Funding during the period of a priority approval process order by State Board of Education, 180-27-057 State assistance—Deferred payment, 180-27-060 Determining the area cost allowance, 180-27-070 Architectural and engineering services, 180-27-075 Energy conservation report, 180-27-080 Value engineering study—Requirements and definition, 180-27-095 Support level—Furniture and equipment allowances, 180-27-105 Insurance, 180-27-115 Support level—Additional assistance, 180-27-120 Costs to be financed entirely with school district funds, 180-27-415 Removal from instructional space inventory—Sale or long-term lease of building, 180-27-420 Removal from instructional space inventory—Conversion, 180-27-425 Removal from instructional space inventory—Replacement, 180-27-500 State assistance—Priorities after June 30, 1992, 180-27-505 State assistance—Common priority elements, 180-27-515 Modernization or new-in-lieu of modernization priority elements, and 180-27-530 Type of school space—Determination.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 98-14-149 on July 1, 1998.

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 26, Repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 26, Repealed 4.

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 26, Repealed 4.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-27-005 Authority. This chapter is adopted pursuant to RCW ((28A.525.200)) 28A.525.020 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school plant facilities are RCW 28A.525.030, 28A.525.040, 28A.525.-050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-27-015 State board policy. (1) In the interpretation of the regulations in this chapter, the superintendent of public instruction shall be guided by the following state board of education policy:

(a) To equate insofar as possible the efforts by districts to provide capital moneys;

(b) To equalize insofar as possible the educational opportunities for the students of the state;

(c) To establish a level of state support for the construction and modernization of school facilities consistent with moneys available; and

(d) ((To recognize that districts may find it necessary to apply local moneys in excess of state matching funds in order to provide facilities commensurate with their respective educational specifications; and

(e))) To recognize that districts may have reasons to remove district facilities from current inventories and provide consistent state-wide policies for removal.

(2) Nonhigh district participation in financing the cost of secondary school facilities shall be established pursuant to the provisions of chapter 28A.540 RCW.

AMENDATORY SECTION (Amending WSR 92-16-058, filed 8/3/92, effective 9/3/92)

WAC 180-27-016 Rules determining eligibility and timing of state assistance. The eligibility for and the amount of state assistance shall be determined as outlined in WAC 180-27-020. The prioritization and timing for receipt of state assistance for eligible projects shall be determined by WAC ((180-27-058 or)) 180-27-500((, as applicable)).

AMENDATORY SECTION (Amending WSR 95-20-090, filed 10/4/95, effective 11/4/95)

WAC 180-27-019 Definition—Instructional space. As used in this chapter, the term "instructional space" means the gross amount of square footage calculated in accordance with the *American Institute of Architects, Document D101, The Architectural Area and Volume of Buildings*, latest edition, for a school facility utilized by a school district for the purpose of instructing students: *Provided*, That the following areas shall not be included in any calculation of instructional space:

(1) Exterior covered walkways, cantilevered or supported.

(2) Exterior porches including loading platforms.

(3) ((Spaces above occupied)) Areas located above instructional spaces which are either vacant or primarily housing mechanical and/or electrical equipment.

(4) Space used by central administrative personnel.

(5) Stadia and grandstands.

(6) Bus garages.

(7) Free-standing warehouse space specifically designed for that purpose.

(8) Portable facilities.

(9) Other square footage not otherwise available or related to direct instruction or instructional support of the education program in the district.

(10) The portion(s) of any space(s) constructed from grants made as a gift to a school district by a private entity or a public entity which:

(a) Is dedicated by the written terms of the grant to joint use by the school district for educational purposes and by the general public for community activities for the useful life of the space(s); and

(b) The school district board of directors has accepted the gift in accordance with the joint use terms of the grant: *Provided*, That this exception does not apply to space(s) jointly financed by two or more school districts.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-27-030 Applicable state matching percentage for project. Pursuant to provisions of RCW 28A.525.166, the percentage of state assistance used for the allocation of state moneys shall be the highest amount prevailing at the time ((the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities shall be the percentage used for the allocation of state moneys: *Provided*, That in the event a higher percentage of state assistance prevails at the time of state board of education project approval or at the superintendent of public instruction construction and other document approval as set forth in WAC 180-29-030 and 180-29-085, then that higher percentage of state assistance shall govern the project)) of:

(1) Passage of bonds and/or levies by the voters of the school district to meet the requirement for local funding;

(2) State board of education project approval; or

(3) Superintendent of public instruction approval to bid.

AMENDATORY SECTION (Amending Order 6-84, filed 5/17/84)

WAC 180-27-035 Space allocations. (1) State assistance in the construction of school facilities for grades kindergarten through twelve and classrooms planned for the exclusive use of ((handicapped)) students with disabilities shall be based on a space allowance per enrolled student and for state matching purposes shall be computed in accordance with the following table:

Grade or Area	Maximum Matchable Area Per Student
Grades kindergarten through six	80 square feet
Grades seven and eight	110 square feet
Grades nine through twelve	120 square feet
Classrooms for ((handicapped)) <u>students with disabilities</u>	140 square feet

For purposes of this subsection, kindergarten students shall be calculated at fifty percent of actual headcount enrollments on October 1 and submitted to the superintendent of public instruction on October 1 each year; ((handicapped)) students with disabilities shall be counted as one student for each such student assigned to a specially designated self-contained classroom for ((handicapped-children)) students with disabilities for at least one hundred minutes per school day, calculated on actual headcount enrollment submitted to the superintendent of public instruction.

(2) ((State assistance for construction of vocational technical institutes shall be based on full-time equivalent students enrolled on October 1 and computed as follows:

Type of Facility	Maximum Matchable Area Per Full-Time Equivalent Student
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Vocational-Technical Institutes 140 square feet

(3)) State assistance for construction of vocational skill centers shall be based on one-half of students enrolled on October 1 and computed as follows:

Type of Facility	Maximum Matchable Area Per One-Half Enrolled Student
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Skill Centers 140 square feet

((4)) (3) Space allowance for state matching purposes—districts with senior or four-year high schools with fewer than four hundred students. Space allowance for districts with senior or four-year high schools with fewer than four hundred students for state matching purposes shall be computed in accordance with the following formula:

Number of Headcount Student-Grades 9-12	Maximum Matchable Area Per Facility
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0-100 37,000 square feet

101-200 42,000 square feet

201-300 48,000 square feet

301-or more 52,000 square feet

AMENDATORY SECTION (Amending WSR 92-24-027, filed 11/24/92, effective 12/25/92)

WAC 180-27-045 Space allocations—Enrollment projection provisions. In planning for construction of all school facilities, a school district shall estimate capacity needs on the basis of the following:

(1) A three or five-year cohort survival enrollment projection for growth districts, whichever is greater;

(2) A three or five-year cohort survival enrollment projection for a declining district, whichever is lesser;

(3) Actual enrollment of preschool ((handicapped)) students with disabilities; and

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(4) Supplemental information regarding district growth factors which may include but not be limited to the following types of information:

- (a) County live birth rates;
- (b) New housing starts;
- (c) Utility/telephone hookups; and
- (d) Economic/industrial expansion.

For the purpose of this section, kindergarten students and students with disabilities shall be counted as provided under WAC 180-27-035 and all other grade one through twelve students shall be counted as October count day full-time equivalent students as reported to the superintendent of public instruction: *Provided*, That a school district which has or has had an annual average full-time equivalent enrollment of over five hundred, and which applied for and received additional state basic education allocation moneys based upon an enrollment increase after the first of the month enrollment count, may use the average of the two highest monthly full-time equivalent enrollment counts during the school year.

AMENDATORY SECTION (Amending WSR 90-04-031, filed 1/30/90, effective 3/2/90)

WAC 180-27-050 Space allocations—Computing building capacity. The net total area of a school facility eligible for state matching purposes shall be calculated as follows:

(1) The capacity of existing buildings within the district based on the school district's assigned grade spans shall be computed in accordance with the tables set forth in WAC 180-27-035 and the square foot area analysis set forth in WAC 180-27-040.

(2) The number of students projected at each grade span shall be multiplied by appropriate numbers of square feet as set forth in WAC 180-27-035. (Note: The area generated at each grade level determines district eligibility, if any.)

(3) The amount of housing the district is eligible to construct at each grade span is determined by subtracting the area computed in subsection (2) of this section from the existing housing capacity at each grade span in the school district. Using this formula, over housing at the secondary grade level, grades nine through twelve, or elementary grade level, kindergarten through eight, will not negatively affect unhusd eligibility at the elementary grade level or secondary grade level respectively.

(4) Appropriate grade assignment is a local determination (~~and shall not affect the above calculations~~).

AMENDATORY SECTION (Amending Order 2-85, filed 1/25/85)

WAC 180-27-054 Implementation of priority approval process. In the event the state board of education determines that projected revenues, as calculated by the ceiling established in WAC 180-27-056(2), are insufficient to meet school construction needs of school districts for the ensuing state fiscal year, the state board of education shall order the implementation of a priority approval process on final approval by the superintendent of public instruction of additional school construction projects pursuant to WAC

180-29-107. Such priority approval process shall remain in effect until the order is rescinded by the state board of education (~~(= *Provided*, That if the state board of education determines that projected revenue is insufficient for the 1985-86 state fiscal year, the priority approval process shall not become effective prior to the end of the 1985 regular session and any immediately following special session of the forty-ninth legislature unless the state board of education prior to such adjournment specifically orders an earlier implementation date)~~).

AMENDATORY SECTION (Amending WSR 92-16-058, filed 8/3/92, effective 9/3/92)

WAC 180-27-056 Funding during the period of a priority approval process order by state board of education. During the period of a priority approval process imposed by order of the state board of education school construction projects shall receive final approval pursuant to WAC 180-29-107 as follows:

(1) On or after July 1 following the state board of education order for the implementation of a priority approval process the superintendent of public instruction shall rank all projects for which final approval has been requested pursuant to WAC 180-29-107 as per the (~~(applicable)~~) priority list in WAC (~~(180-27-058 or)~~) 180-27-500. Only school construction projects with state board of education approval under WAC 180-25-045 and secured local capital funds by (~~(December)~~) **January** 31 of the previous state fiscal year and eligible for final approval pursuant to WAC 180-29-107 by June 30 of the previous state fiscal year shall be placed on (~~(that)~~) the priority list (~~(= *Provided*, That for the state fiscal year beginning July 1, 1992, the December 31, 1991, cutoff date is extended to March 27, 1992)~~).

(2) Based on a ceiling of one and one-half times the amount of the estimated revenue available for the state fiscal year plus fund balance for the state fiscal year minus outstanding encumbrances for the state fiscal year or as close thereto as is reasonably practical, the superintendent of public instruction shall give final approval pursuant to WAC 180-29-107 during the state fiscal year to school construction projects on the priority list. For the purpose of this subsection the term "estimated revenue available for the state fiscal year" shall mean the estimated revenue from the common school construction fund for the current state fiscal year and the subsequent state fiscal year, the result of which is divided by two.

(3) In the event the state board of education does not rescind the order for the implementation of a priority approval process by the close of the state fiscal year, school construction projects remaining on the priority list without final approval and, therefore, without secured funding status pursuant to WAC 180-29-107 shall be combined with new school construction projects that have secured local capital funds by (~~(December)~~) **January** 31 of the state fiscal year and that are eligible, pursuant to WAC 180-29-107, for final approval by the close of the state fiscal year, and a new priority list shall be established on or after July 1 of the next state fiscal year and such remaining and new school construction

projects shall be eligible for final approval pursuant to the provisions of subsections (1) and (2) of this section.

AMENDATORY SECTION (Amending WSR 89-22-007, filed 10/20/89, effective 11/20/89)

WAC 180-27-057 State assistance—Deferred payment. ((+)) In the event state moneys are not sufficient for a school district project, a school district may proceed at its own financial risk. At such time state moneys become available, reimbursement may be made for the project provided the provisions of chapter 180-29 WAC have been complied with.

~~((2) Notwithstanding subsection (1) of this section, and the moratorium upon approval imposed by WAC 180-25-300, a school district may elect to proceed in compliance with the procedural requirements of chapters 180-25 through 180-33 WAC with a project for which a completed request for state board approval was filed with the superintendent of public instruction during the period January 1 through March 30, 1989, at the district's expense and risk; and, the project may be approved for state assistance purposes by the board subsequent to the termination of this moratorium subject to the terms and conditions of chapters 180-25 through 180-33 WAC, as hereafter revised and in effect at the time of approval.))~~

AMENDATORY SECTION (Amending Order 25-85, filed 11/27/85)

WAC 180-27-060 Determining the area cost allowance. The area cost allowance for state assistance shall apply to the cost of construction of the total facility and grounds including state sales and use taxes generally levied throughout the state of Washington and excluding those local option sales and use taxes levied by political subdivisions. The maximum area cost allowance used in calculating state financial assistance for construction of school facilities shall be determined by the superintendent of public instruction as follows:

(1) Commencing with the two-month period of July-August, 1984, a two-month area cost allowance is determined as follows: The average ~~((seven-city))~~ building cost index (Boeckh Index) for commercial ~~((and)), factory, and office buildings in six Washington ((state)) cities and Portland, Oregon as reported by the E. H. Boeckh Company ((Boeckh Index))~~ for that two-month period (1,494.99) shall be multiplied by the 1984 area cost allowance (\$74.87). That product shall be divided by the 1984 ~~((area))~~ building cost index (1,494.99).

(2) The calculation in subsection (1) of this section shall be made for each subsequent two-month period ~~((averaging six Washington cities and the Portland, Oregon metropolitan area reported by E. H. Boeckh Company)).~~

(3) ~~((Each of the actual two-month area cost allowances calculated as set forth in subsections (1) and (2) of this section shall be recorded by the superintendent of public instruction.))~~

(4) The ~~((average))~~ monthly rate of increase in the area cost allowance for ~~((the previous one))~~ each year ~~((is))~~ ending August 31 shall be determined ~~((as follows: Not later than~~

~~August 31 of each year.))~~ by subtracting the ~~((actual two-month))~~ area cost allowance calculated for September-October ~~((the first two-month ((reporting)) period in the ((twelve-month period ending August 31 shall be subtracted)) year)~~ from the ~~((actual))~~ area cost allowance for July-August ~~((the ((current)) last two-month ((reporting)) period((-This)) of the year) and dividing the result ((shall be divided)) by twelve.~~

~~((5))~~ (4) The projected maximum monthly area cost allowances for the next ensuing school fiscal year are calculated as follows:

(a) The area cost allowance for July-August 1985 effective September 1, 1985 shall be the actual amount as calculated in subsections (1) and (2) of this section.

(b) The projected area cost allowance for the following twelve months will be the amount of the previous month plus the average monthly rate of increase as calculated in subsection ~~((4))~~ (3) of this section.

~~((6))~~ (5) The projection process will be repeated no later than August 31 for each following school fiscal year and reported to the state board of education for approval.

AMENDATORY SECTION (Amending WSR 93-13-026, filed 6/10/93, effective 7/11/93)

WAC 180-27-070 Architectural and engineering services. School districts shall select their architectural and engineering consultants in accordance with chapter 39.80 RCW. As required by RCW 39.80.050, the district shall negotiate a contract with the most qualified consultants at a price which the school district determines is fair and reasonable ~~((to the district, and,))~~. In making its determination, the district shall take into account the estimated value of the services to be rendered ~~((as well as))~~ based upon the scope~~((;))~~ and complexity~~((, and professional nature thereof))~~ of the project.

The allocation of state moneys for matching purposes for a school facility project shall be based on ~~((the basic))~~ architectural and engineering services as defined by the latest edition of the American Institute of Architects Handbook of Professional Practice~~((, eleventh edition, 1988,))~~ and calculated by the percentage(s) in relation to the square foot area of construction as calculated in WAC 180-27-040 and project type, as set forth below:

(1) **New construction projects:**

Architectural and Engineering Team Fee Matching Limitations

Square Feet of Construction	Percent of Construction Cost
Under 3,700	10.0
3,700	9.0
7,350	8.75
11,000	8.5
14,650	8.25
18,300	8.0
25,700	7.75
36,700	7.5

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55,000	7.25
73,400	7.0
101,000	6.75
128,450	6.5
156,000	6.25
183,500 & above	6.0

Note: Compensation for projects with square foot area of construction between the values shown shall be established for matching purposes by the process as indicated in the example below.

Example:

Assume: Area of construction = 75,000 sq. ft.
Area cost allowance = \$90/sq. ft.

73,400 sq. ft. x \$90/sq. ft. x 7.0%	=	\$462,420.00
1,600 sq. ft. x \$90/sq. ft. x 6.75%	=	9,720.00
75,000 sq. ft.		\$472,140.00

State share = \$472,140.00 x state matching percentage

(2) Modernization projects:

For modernization projects, the limits of state participation shall be one and one-half times the amount calculated for new construction ~~((as set forth in subsection (1) of this section))~~.

(3) Combination projects:

For those projects which include a combination of new construction and modernization, the limits of state participation shall be prorated as set forth in subsection (1) and (2) of this section.

AMENDATORY SECTION (Amending WSR 92-24-027, filed 11/24/92, effective 12/25/92)

WAC 180-27-075 Energy conservation report. In compliance with the provisions of chapter 39.35 RCW, school districts constructing school facilities shall complete an energy conservation report for any new construction or for additions to and modernization of existing school facilities which will be reviewed by the Washington state ~~((energy office))~~ department of general administration. One copy of the energy conservation report, approved by the district board of directors, shall be filed with the superintendent of public instruction. The amount of state assistance for which a district is eligible for the preparation of the energy conservation report shall be the state matching percentage multiplied by ten thousand dollars. The amount of state assistance for which a district is eligible ~~((for the report review fee charged by the Washington state energy office))~~ shall be the state matching percentage multiplied by the fee charged.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-080 Value engineering study—Requirements and definition. At the appropriate time in the design process for a school facility approved by the state board of education, the district shall ~~((cause to be prepared))~~ prepare a standard value engineering study ((of the project except that)) for all projects greater than fifty thousand square feet. Preparation of a value engineering study is optional for projects larger than fifteen thousand square feet but fifty thousand square feet or less. Any project which includes fifteen thousand square feet or less shall be exempt from this requirement. For the purpose of this section, a standard value engineering study is defined as a cost control technique which is based on the use of a systematic, creative analysis of the functions of the facility with the objective of identifying unnecessary high costs or functions and/or identifying cost savings that may result in high maintenance and operation costs. The study shall consist of a forty-hour workshop involving a minimum of a five-person team pursuant to WAC 180-29-065. The amount of state assistance for which a district is eligible for a value engineering study shall be the state matching percentage multiplied by the greater of the following:

- (1) One-quarter of one percent of the area cost allowance multiplied by the square foot area at time of bid; or
- (2) ~~((Fifteen))~~ Twenty thousand dollars.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-095 Support level—Furniture and equipment allowances. (1) A matchable allowance for furniture and equipment purchases shall be added to total construction cost of an approved school facilities project. The amount of state assistance for which a district is eligible shall be the eligible square foot area of the project multiplied by the area cost allowance of state support at time of bid and that product multiplied by:

- (a) Two percent for elementary schools;
- (b) Three percent for middle and junior high schools;
- (c) Four percent for high schools;
- (d) Five percent for ~~((handicapped))~~ facilities for students with disabilities;
- (e) ~~((Five percent for vocational technical facilities;~~
- (~~f~~)) Five percent for interdistrict cooperative occupational skill centers; and
- ~~((g))~~ (f) Seven percent for interdistrict transportation cooperatives.

(2) For those projects where the eligible square footage is allocated to grade spans which do not conform to those listed above, the equipment allowance shall be allocated based on eligibility as established in WAC 180-27-035.

AMENDATORY SECTION (Amending Order 3-86, filed 2/4/86)

WAC 180-27-105 ((Support level—))Insurance ((receipts)). ~~((It is a school district, not a state, determination~~

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~~whether or not a~~) All school ~~((facility))~~ facilities shall be insured. Should a district need to replace or repair a school facility destroyed or damaged ~~((by fire))~~, it will be the district's financial responsibility to replace or repair the number of square feet destroyed or damaged ~~((by the fire))~~.

AMENDATORY SECTION (Amending WSR 93-20-067, filed 10/1/93, effective 11/1/93)

WAC 180-27-115 Support level—Additional assistance. State assistance in addition to the amount determined pursuant to WAC 180-27-020 ~~((and 180-27-055))~~ may be allowed for the purposes and in accordance with the requirements set forth in this section: *Provided*, That in no case shall the state assistance exceed one hundred percent of the amount calculated for matching purposes: In each of the following exceptions, either at the time the project is approved pursuant to WAC 180-25-040 or at any time prior to receiving secured funding status pursuant to WAC 180-29-107, written school district application for additional assistance and state board of education approval is required:

(1) A school facility subject to abatement and an order to vacate.

A school district required to replace a school facility determined to be hazardous to the safety and health of school children and staff—as evidenced by reports of architects or engineers licensed to practice in the state of Washington, the health agency having jurisdiction, and/or the fire marshal and building official having jurisdiction—shall be eligible for additional assistance if the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the voters of the school district have authorized the issuance of bonds to its legal limit, the board shall provide state financial assistance for the remaining cost of the building to a level not exceeding the area cost allowance set forth in WAC 180-27-060: *Provided*, That at any time thereafter when the state board of education finds that the capital financial position of such district has improved, the amount of the additional allocation provided pursuant to this subsection shall be recovered by deducting an amount equal to all or a portion of such additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

(2) Interdistrict cooperative centers.

In the financing of interdistrict cooperative projects as set forth in chapter 180-31 WAC, the state board of education shall allocate at seventy-five percent of the total approved project cost determined eligible for state matching purposes if the planned school facility meets the following criteria:

(a) Provides educational opportunities, including vocational skills programs, not otherwise provided; or

(b) Avoids unnecessary duplication of specialized or unusually expensive educational programs or facilities.

(3) School housing emergency.

A school district found by the state board of education to have a school housing emergency requiring an allocation of state moneys in excess of the amount allocable under the statutory formula may be considered for an additional allocation of moneys: *Provided*, That the school district must have

authorized the issuance of bonds to its legal capacity to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities.

The total amount of state moneys allocated shall be the total approved project cost determined eligible for state matching purposes multiplied by the districts' regular match rate as calculated pursuant to RCW 28A.525.166 plus twenty percent and not to exceed ninety percent in total: *Provided further*, That at any time thereafter when the state board of education finds that the capital financial position of such district has improved, the amount of the additional allocation provided pursuant to this subsection shall be recovered by deducting an amount equal to all or a portion of such additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

(4) Improved school district organization.

If two or more school districts reorganize into a single school district and the construction of new school facilities results in the elimination of a small high school with a full-time equivalent enrollment in grades 9-12 of less than four hundred students and/or an elementary school with a full-time equivalent enrollment of less than one hundred students, the state board of education shall match the total approved cost of the project at seventy-five percent.

(5) Racial imbalance.

Any school district that contains a school facility which is racially imbalanced as defined in WAC 180-26-025 shall receive state assistance under this subsection in the amount of an additional ten percentage points above the matching percentage as calculated pursuant to RCW 28A.525.116 (b) and (c) which will not exceed a total of ninety percent of the total approved cost of construction: *Provided*, School construction projects for racial balance that meet the following conditions shall be provided state assistance at seventy-five percent of the approved square foot cost allowance under the provisions of this subsection as they existed prior to the amendment of this subsection in 1993:

(a) Voter approved local matching funds were authorized before December 31, 1992;

(b) The superintendent of public instruction approved a comprehensive desegregation plan with specific construction and modernization projects under additional state assistance criterion in effect at that time, which will be identified on or before September 15, 1993; and

(c) The superintendent of public instruction confirms at the time of project approval pursuant to WAC 180-25-040 the continued existence of racial balance needs.

In the case of a school district which contains a racially imbalanced school facility the district must demonstrate that, as a result of new construction or modernization, the particular school facility will no longer be racially imbalanced, that the combined minority enrollment in the particular school facility will be reduced by more than ten percentage points, and that the above stated results will be obtained as a direct result of increased enrollment of nonminority students in the particular school facility: *Provided*, That the particular school facility shall remain racially balanced for a period of at least five years after the date of actual building occupancy: *Provided further*, That if the state board of education finds

that the school facility does not remain racially balanced for five years then the amount of additional state assistance provided pursuant to this subsection shall be recovered by deducting an amount equal to all of the additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

(6) Any project that has received approval for additional state assistance under provisions of this section as they existed prior to the amendment of this section in 1993 shall retain authorization for additional assistance under the provisions in effect at the time of such approval.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-120 Costs to be financed entirely with school district funds. The cost of the following areas, facilities, and items shall not be eligible for the state matching purposes:

- (1) The cost of area in excess of the space allocations as set forth in WAC 180-27-035;
- (2) Acquisition cost of site;
- (3) Maintenance and operation;
- (4) Alterations, repair, and demolitions, except alterations necessary to connect new construction to an existing building;
- (5) Central administration buildings;
- (6) Stadia/grandstands;
- (7) Costs incidental to advertising for bids, site surveys, soil testing for site purchase, and costs other than those connected directly with the construction of facilities;
- (8) Bus garages, except interdistrict cooperatives;
- (9) Project signs;
- (10) Sales and/or use taxes levied by local governmental agencies other than those sales and/or use taxes levied by the state of Washington; ~~((and/or))~~
- (11) All costs in excess of state support level factors established by the state board of education for state participation in financing school construction; and/or
- (12) All costs associated with the purchase, installation, and relocation of portable classrooms.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-27-415 Removal from instructional space inventory—Sale or long-term lease of building. A school facility shall be removed from the superintendent of public instruction's ~~((active))~~ instructional space inventory five years after it has been sold or long-term leased under the following conditions:

- (1) The facility is determined to be surplus to the needs of the district by the local school board.
- (2) The sale or lease is in compliance with the requirements of chapter 28A.335 RCW.

For purposes of this section a long-term lease is defined as having a term of no less than forty years ~~((constitutes a sale of the building))~~.

AMENDATORY SECTION (Amending WSR 90-01-076, filed 12/19/89, effective 12/19/89)

WAC 180-27-420 Removal from instructional space inventory—Conversion ~~((from instructional space))~~. Instructional space shall be removed from the superintendent of public instruction's ~~((active))~~ instructional space inventory ~~((if))~~ sixty months after it has been converted from instructional use ~~((for five years))~~ under the following conditions:

- (1) The facility is determined to be surplus to the needs of the district by the local school board~~((:))~~; and
- (2) The school facility is not needed for instructional use by a neighboring district.

AMENDATORY SECTION (Amending WSR 90-04-031, filed 1/30/90, effective 3/2/90)

WAC 180-27-425 Removal from instructional space inventory—Replacement. A school facility shall be removed from the superintendent of public instruction's ~~((active))~~ instructional space inventory after it has been replaced with a school facility accepted by the school district board of directors on a square footage basis through one of the following actions:

- (1) The replacement school facility is wholly financed with local district funds; or
- (2) The replacement school facility is constructed with state funding assistance authorized under the authority of chapter 180-33 WAC.

AMENDATORY SECTION (Amending WSR 92-16-058, filed 8/3/92, effective 9/3/92)

WAC 180-27-500 State assistance—Priorities after June 30, 1992. The priority system for the funding of school construction projects after June 30, 1992, ~~((that are not subject to the priority system under WAC 180-27-058))~~ shall be as follows: For all new construction and modernization projects for school districts, there will be a unique priority score determined by the ~~((following several factors))~~ elements and formulas contained in WAC 180-27-505 through 180-27-520. The total score shall be used to rank all projects that have secured local funding and state board of education approval after January 26, 1991, and are otherwise eligible for state funding assistance. The ~~((following factors))~~ elements are divided into three groups:

- (1) Common ~~((factors))~~ elements;
- (2) New construction for growth ~~((factors))~~ elements;
- and
- (3) Modernization or new-in-lieu of modernization ~~((factors))~~ elements.

In the case of a combined project (i.e., new construction for growth and modernization), the respective scores in each group will be prorated on the basis of each group's related gross square footage in the total project~~((:))~~ ~~Provided, That all related priority scores for projects that are front funded by the district under the provisions of WAC 180-27-057 shall be determined and the project shall take its place on the priority funding list as if it had not been completed.~~

AMENDATORY SECTION (Amending WSR 93-04-019, filed 1/26/93, effective 2/26/93)

WAC 180-27-505 State assistance—Common priority ((factors)) elements. The ((three)) four priority ((factors)) elements that are common to all projects are as follows:

(1) Type of space - Ten possible points. In this element the net assignable square feet (NASF) of a project are identified by planned space inventory category. Category One is space used for scheduled instruction and libraries (classrooms, laboratories, PE teaching space, libraries, and learning resource centers). Category Two is space used in support of instruction (assembly, student services, office space, and classroom/lab service and support). Category Three space is cafeteria/food service, spectator seating, covered play areas, and general support space. The formula for determining points prorates the NASF with weightings of ten for Category One, seven for Category Two, and four for Category Three as shown below.

NASF of Category One	X	10 points = X
NASF of Category Two	X	7 points = X
NASF of Category Three	X	4 points = X

Then: The sum of X divided by the sum of NASF equals points.

(2) Local priority - Five ((possible)) points. For this element, five maximum points are awarded to the district's first priority project. Each priority from there has one point deducted from it, to a minimum of zero points awarded.

(3) Joint funding - Five possible points. A binding agreement between the school district and another governmental entity for the joint financing of ((the)) new construction or ((improvement)) modernization of space which is not otherwise eligible for state assistance.

Total Project Cost	Required Joint Funding
Up to \$1,000,000	25% of total project cost (((\$250,000 at \$1,000,000)))
Between \$1,000,000 and \$ 2,000,000	\$275,000
Between \$2,000,000 and \$ 3,000,000	\$300,000
Between \$3,000,000 and \$ 4,000,000	\$325,000
Between \$4,000,000 and \$ 5,000,000	\$350,000
Between \$5,000,000 and \$ 6,000,000	\$375,000
Between \$6,000,000 and \$ 7,000,000	\$400,000
Between \$7,000,000 and \$ 8,000,000	\$425,000
Between \$8,000,000 and \$ 9,000,000	\$450,000
Between \$9,000,000 and \$10,000,000	\$475,000
\$10,000,000 and over	\$500,000

(4) Modified calendar or schedule - Five possible points. For this element, up to five points utilizing the table below will be awarded to a project in a district which has adopted a modified school calendar or schedule that enables more students to use school buildings each year over what current state capacity standards at WAC 180-27-035 recognize for state assistance purposes. The modified calendar or schedule shall utilize either extended school day or additional days for

instruction in the year. The enrollment percentage shall be calculated on the same grade span groupings as for eligibility in WAC 180-27-050. For the purpose of this subsection, the enrollment shall include all students enrolled at the facility as opposed to only those students in attendance.

Enrollment Percentage Increase Over Capacity	Priority Points
20 to above	5
16 to 19.9	4
12 to 15.9	3
8 to 11.9	2
4 to 7.9	1
Below 4	0

The scores ((in)) for this group of elements will be determined after district compliance with the requirements of WAC 180-29-107.

AMENDATORY SECTION (Amending WSR 92-16-058, filed 8/3/92, effective 9/3/92)

WAC 180-27-515 Modernization ((factors)) or new-in-lieu of modernization priority ((factors)) elements. The three ((factors)) priority elements that are related to modernization or new-in-lieu projects are as follows:

(1) Health & safety - Twenty possible points. A maximum of sixteen points are awarded based on the evaluation contained in the Building Condition Evaluation Form (BCEF) (WAC 180-27-535) and are awarded as follows:

15 - 19 percent = 16 points, 20 - 24 percent = 15 points, 25 - 29 percent = 14 points, etc., until 95 percent at which no points are awarded.

The health and safety condition points are combined with an additional:

- Two points if school does not meet seismic code requirements.
- Two points if school is not asbestos free.

(2) Condition of building - Thirty possible points. The score is based on the Building Condition Evaluation Form (WAC 180-27-535) analysis for all categories other than ((handicapped)) access for persons with disabilities. If the building condition score is thirty-one or less, then the maximum thirty points are awarded to the project. If the condition score is ninety-one or more, then no points are awarded. If the condition score is from thirty-two to ninety, the condition score is subtracted from ninety-one and multiplied by fifty percent to determine the points. In cases where projects affect multiple buildings, the BCEF score is weighted by the proportion of gross square feet (GSF) affected.

(3) Cost/benefit factor - Ten minus points possible. If the proposed project is a modernization and the BCEF score is less than forty, one point is deducted for each point the BCEF score is less than forty up to a total possible deduction of ten points.

If the proposed project is a new-in-lieu of modernization and the BCEF score is greater than sixty, one point is

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deducted for each point the BCEF score is higher than sixty to a total possible deduction of ten points.

The scores shall be determined at the time of project approval per WAC 180-25-045. These scores shall be carried until the district requests a redetermination.

AMENDATORY SECTION (Amending WSR 92-16-058, filed 8/3/92, effective 9/3/92)

WAC 180-27-530 Type of school space—Determination. In order to determine the inventory space category of net assignable square feet for priority scoring purposes in WAC ~~((180-27-305))~~ **180-27-505**, the category use for which the space is designated by the district shall be the assigned category. When inventory space has been designated and scheduled for multiple purposes, the category for priority scoring purposes shall be the primary scheduled use.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-27-052 Order of funding under dual priority systems.
- WAC 180-27-058 State assistance—Priorities.
- WAC 180-27-400 Instructional space survey of district facilities.
- WAC 180-27-990 Interim application of priority system during transitional period.

WSR 98-19-144
PERMANENT RULES
STATE BOARD OF EDUCATION
 [Filed September 23, 1998, 11:45 a.m.]

Date of Adoption: August 20, 1998.

Purpose: 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.

Citation of Existing Rules Affected by this Order: Amending WAC 180-31-005, 180-31-020, 180-31-025, 180-31-035, and 180-31-040; and new section WAC 180-31-045.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 98-14-150 on July 1, 1998.

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 6, 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.

August 20, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-31-005 Authority. This chapter is adopted pursuant to RCW ~~((28A.525.200))~~ **28A.525.020** relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions and disbursements of allotments to school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school plant facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 13-83, filed 10/17/83)

WAC 180-31-020 ~~((Any))~~ Cooperative plan subject to state board approval. Any interdistrict financial plan for construction or modernization of school facilities ~~((, irrespective of whether))~~ **utilizing** state moneys ~~((are involved))~~ in the financing of the proposed project, shall ~~((be approved))~~ **require approval** by the state board of education prior to carrying into effect the provisions of such plan. State board of education approval is only required for projects utilizing state moneys.

AMENDATORY SECTION (Amending Order 13-83, filed 10/17/83)

WAC 180-31-025 Application provisions. ~~((Prior to applicant))~~ **For projects utilizing state moneys, the host district ~~((submitting an))~~ shall submit a written application ~~((to request state board of education consideration of a proposed project and requesting a study and survey of the districts pursuant to chapter 180-25 WAC, the application as submitted))~~ to the superintendent of public instruction which shall include but not be limited to the following documents and data:**

(1) A joint resolution by the board of directors of all participating school districts which shall:

(a) Confer contractual authority and subsequent ownership on the board of directors in which jurisdiction the school facility is to be located (host district) or, in the event of mod-

PERMANENT

ernization, the board of directors in which jurisdiction the facility is located (host district);

(b) Designate such board of directors of the host district as the legal applicant. Evidence shall be submitted that the said resolution has been incorporated in the official record of the board of directors of each participating school district; and

(c) Certify that the facility shall be used for the purpose for which it was constructed unless an exception is granted by the state board of education.

(2) Copy of contracts(s) between applicant district and participating school districts prepared in accordance with provisions in WAC 180-31-030.

(3) A statement defining the education program or services to be offered and the number and grade level(s) by district of all students to be housed in the proposed new or modernized facility.

(4) A description of the proposed project including size in terms of square feet and the estimated cost of construction including professional services, sales tax, site acquisition and site development.

(5) An area map indicating location of schools within the participating school districts and the location of the proposed new or modernized school facility.

(6) A statement certifying that a separate account has been established into which participating districts make deposits in order to pay for all future minor repair and renovation costs.

AMENDATORY SECTION (Amending Order 13-83, filed 10/17/83)

WAC 180-31-035 Approval of program or services by superintendent of public instruction. Approval by the superintendent of public instruction of the educational program or services to be offered in the proposed new or modernized facility and the proposed administration of such program or services shall be a prerequisite for approval by the state board of education of an interdistrict cooperative financial plan for construction of new or modernization of facilities when state moneys are provided.

AMENDATORY SECTION (Amending Order 13-83, filed 10/17/83)

WAC 180-31-040 Dissolution provisions. (1) Procedures for the dissolution of the operation of school facilities pursuant to an interdistrict cooperative agreement shall not be instituted prior to the expiration of ten years after the date of state board of education approval of the financial plan for the construction of such school facilities when such facilities were constructed with state moneys: *Provided,* That a request for dissolution prior to such ten-year period may be approved when, in the judgment of the state board of education, there is substantiation of sufficient cause therefor.

(2) Any plan for dissolution as described in subsection (1) of this section shall be submitted to the state board of education for review and approval prior to proceeding with dissolution action.

NEW SECTION

WAC 180-31-045 Interdistrict cooperation in financing school construction—Project construction approval required—Rules and regulations governing. A project to be constructed under interdistrict cooperative financing pursuant to provisions of RCW 28A.335.160 shall be subject to approval by the state board of education only when state funds are involved in the financing thereof and shall be in conformity with the applicable rules and regulations herein-after prescribed. The applicant school district shall be responsible for compliance with said rules and regulations.

(1) Projects financed with state assistance.

(a) All rules and regulations promulgated by the state board of education relating to school building construction shall govern the approval of an application for state assistance in financing an interdistrict cooperative project except such rules deemed by the superintendent of public instruction to be inapplicable to the said construction: *Provided,* That in the interest of program improvement and/or improvement in equalization of educational opportunities, the pertinent requirements relating to eligibility on the basis of number of unhousehold children may be waived as shall be determined by the state board of education.

(b) In determining the amount of state assistance, the principle to be applied shall be that each participating district, otherwise eligible for state assistance, shall receive such assistance on the basis of the computed area ratio. The amount that each participating district shall provide may be the percentage proportion that the value of its taxable property bears to the total value of taxable property of all participating districts or such other amounts as set forth in the contract submitted as are accepted and approved by the state board of education.

(2) Application for additional state assistance. In the financing of interdistrict cooperative projects, applications for state assistance, in addition to the amount determined allocable under basic state support level provisions, shall be judged by the state board of education on the basis of the need for said facilities for the expressed purpose of:

(a) Providing educational opportunities, including vocational skills programs not otherwise provided;

(b) Avoiding unnecessary duplication of specialized or unusually expensive educational programs or facilities; or

(c) Improving racial balance within and among participating districts.

(3) Determination of amount of additional state assistance. When in the judgment of the state board of education an expressed need exists for an interdistrict cooperative project to achieve one or more of the expressed purposes as set forth in subsection (2) of this section and additional state assistance in financing said joint construction is necessary to meet such need, additional state assistance may be allowed in an amount to be determined by the state board: *Provided,* That the total amount allotted shall not exceed ninety percent of the total project cost determined eligible for state matching purposes: *Provided further,* That the total funds available to the state board for the biennial period are sufficient to meet state-wide needs for state assistance in providing necessary

school facilities to individual school districts as well as for this purpose.

WSR 98-19-145
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed September 23, 1998, 11:45 a.m.]

Date of Adoption: August 20, 1998.

Purpose: 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.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-32-055; and amending WAC 180-32-005, 180-32-020, 180-32-025, 180-32-035, 180-32-040, and 180-32-050.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 98-14-151 on July 1, 1998.

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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-32-005 Authority. This chapter is adopted pursuant to RCW (~~(28A.525.200)~~) 28A.525.020 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

AMENDATORY SECTION (Amending Order 15-83, filed 10/17/83)

WAC 180-32-020 Interdistrict transportation cooperative—Cooperative plan subject to state board of education approval. Any financial plan for construction of an interdistrict transportation cooperative (~~(, whether or not)~~) utilizing state ((funds are involved)) moneys in the financing of the proposed project, shall ~~((be approved))~~ require approval by the state board of education prior to implementing the provisions of such plan. State board of education approval is only required for projects utilizing state moneys.

AMENDATORY SECTION (Amending Order 15-83, filed 10/17/83)

WAC 180-32-025 Application provisions. ~~((The))~~ For projects utilizing state moneys, the host school district shall submit a written application to the superintendent of public instruction which shall include but not be limited to the following documents and data:

(1) A joint resolution by the board of directors of all participating school districts which shall:

(a) Confer contractual authority and subsequent ownership on the board of directors in which jurisdiction the facility is to be located or, in the event of modernization, in which jurisdiction the facility is located (host district);

(b) Designate such board of directors as the legal applicant; and

(c) A copy of the official record of the board of directors of each participating school district indicating that the resolution has been formally adopted.

(2) Copy of contract(s) between districts prepared in accordance with chapter 180-31 WAC.

(3) A written description of services to be offered in the proposed interdistrict transportation cooperative, including number of districts involved and whether or not cooperating members are participating districts or contract districts; the number of buses from each participating and contract district to be serviced, and number of bus miles traveled per year for each participating and contract district.

(4) A description of the proposed project including square footage and the estimated cost of construction including professional services, sales tax, site costs, and site development.

(5) An area map indicating location of the facility in relationship to the participating and contract school districts.

(6) A statement certifying that a separate account has been established into which participating districts make deposits in order to pay for all future minor repair and renovation costs.

AMENDATORY SECTION (Amending Order 15-83, filed 10/17/83)

WAC 180-32-035 Approval—State board of education. Approval by the superintendent of public instruction of services to be offered in the proposed interdistrict transportation cooperative and the proposed district administration of such program or services shall be a prerequisite for approval

by the state board of education of an interdistrict cooperative financial plan for construction of new facilities or modernization of existing facilities when state moneys are provided.

AMENDATORY SECTION (Amending Order 15-83, filed 10/17/83)

WAC 180-32-040 Dissolution provisions. (1) Procedures for the dissolution of the operation of interdistrict cooperatives under an interdistrict cooperative agreement shall not be instituted prior to the expiration of ten years after the date of state board of education approval of the financial plan for the construction of such school facilities when such facilities were constructed with state moneys: *Provided,* That a request for dissolution prior to the expiration of ten years may be approved when in the judgment of the state board of education there is substantiation of sufficient cause therefor.

(2) Any plan for dissolution as described in subsection (1) of this section shall be submitted to the state board of education for review and written approval prior to proceeding with dissolution action.

AMENDATORY SECTION (Amending Order 15-83, filed 10/17/83)

WAC 180-32-050 Site ~~((conditions—Acceptance criteria))~~ review and evaluation. The superintendent of public instruction together with the proposing district(s) shall conduct an on-site review and evaluation of ~~((a proposed site and shall accept a site that meets the following conditions))~~ sites for new and existing state assisted projects. In selecting sites, the district(s) should assure that:

(1) The property upon which the facility is or will be located is free and clear of all encumbrances that would detrimentally interfere with the construction and operation or useful life of the ~~((interdistrict transportation cooperative))~~ facility.

(2) The ~~((minimum acreage of type one shall be seven acres; type two, five acres, and type three, three acres))~~ site is of sufficient size to meet the needs of the facility.

(3) ~~((The applicant district has retained the services of))~~ Δ geotechnical engineer ~~((for the purpose of conducting))~~ has conducted a limited subsurface investigation to gather basic information regarding potential foundation and subgrade performance ~~((and a report has been reviewed by the cooperative)).~~

(4) ~~((The on-site review by the superintendent of public instruction has determined that:~~

~~((a)))~~ The site accessibility is convenient and efficient for participating and contract school districts with the least amount of disturbance to the area in which it is located~~((and)).~~

~~((b)))~~ (5) The site topography is conducive to desired site development.

~~((5))~~ The site has been approved by the following agencies:

- ~~((a))~~ The health agency having jurisdiction;
- ~~((b))~~ The local planning commission or authority; and

~~((e) The state department of ecology.))~~ (6) A site review or predesign conference has been conducted with all local code agencies in order to determine design constraints.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-32-055 Site nonacceptance by superintendent of public instruction—Appeal to state board of education.

**WSR 98-19-147
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[General Order No. R-450, Docket No. UT-970325—Filed September 23, 1998, 11:49 a.m.]

In the matter of adopting WAC 480-120-540 relating to intrastate carrier access charge reform.

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 98-20 issue of the Register.

PERMANENT

WSR 98-19-004
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-183—Filed September 4, 1998, 7:42 a.m., effective September 6, 1998, 12:01 a.m.]

Date of Adoption: September 3, 1998.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-47-902.

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: Scheduled openings in Areas 7 and 7A are cancelled consistent with United States/Canada agreements to reduce impacts to Thompson River-origin coho. PFMC/North of Falcon preseason agreements were to begin fishery following relinquishment of control of areas by Fraser River Panel of the Pacific Salmon Commission, which has not occurred. Openings in Area 7B provide opportunity to harvest the nontreaty allocation of coho salmon destined for the Nooksack-Samish region, per the preseason schedule. The gillnet mesh size restriction and area restriction are necessary to reduce nontreaty chinook harvest rates relative to the nontreaty chinook allocation. Openings in Area 12A provide opportunity to selectively harvest the non-treaty allocation of coho salmon destined for the Quilcene National Fish Hatchery while reducing impacts to summer chum. Beach seine gear specifications are defined in WAC 220-47-427(6). These openings and the purse seine chinook nonretention requirement are consistent with agreements reached during the Pacific Fishery Management Council - North of Falcon preseason process.

All other Puget Sound areas are closed to prevent over-harvest of local salmon stocks.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have [been] removed from the fishing grounds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 6, 1998, 12:01 a.m.

September 3, 1998

Larry W. Peck

for Bern Shanks

Director

NEW SECTION

WAC 220-47-903 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday September 6, 1998 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREA 7B** - Gillnets using 5-inch minimum, 5 1/2-inch maximum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Tuesday September 8, 1998 to 4:00 p.m. Friday September 11, 1998. In addition to the exclusion zones described in WAC 220-47-307, Area 7B is closed south and east of a line projected from Governors Point to the most northerly point of Vendovi Island.
- * **AREA 12A** - Holders of Quilcene Bay salmon beach seines Experimental Fishery Permits may fish 7:00 a.m. to 7:00 p.m. daily:
 Monday September 7, 1998 through Friday September 11, 1998 Monday September 14, 1998 through Friday September 18, 1998 Monday September 21, 1998 through Friday September 25, 1998 Monday September 28, 1998 through Friday October 2, 1998 Monday October 5, 1998 through Friday October 9, 1998
 All provisions of WAC 220-47-427 apply. Beach seines may not retain chum salmon.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.
- * Purse seines may not retain chinook salmon.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Sunday September 6, 1998:

WAC 220-47-902

Puget Sound all-citizen commercial salmon fishery. (98-175)

WSR 98-19-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-182—Filed September 4, 1998, 7:47 a.m., effective September 6, 1998, 12:01 a.m.]

Date of Adoption: September 3, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-57-160, 220-57-315, 220-57-321, 220-57-505, and 232-28-619.

Statutory Authority for Adoption: RCW 75.08.080 and 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: Upriver and lower Columbia River steelhead have been listed under the Endangered Species Act. Tribal commercial and nontribal recreational and commercial fisheries through September 5, 1998, have been determined by the National Marine Fisheries Service to not have a jeopardy impact on these stocks, according to verbal testimony given by the service on an August 19, 1998, conference call and in an August 21, 1998, emergency Columbia River Compact meeting. The service has not, however, issued a written biological opinion, required under the Endangered Species Act to allow an incidental take of a listed species after September 5, 1998. In the absence of a biological opinion, there is a violation of the Endangered Species Act. Previously scheduled salmon and steelhead fisheries in the lower Columbia River need to be closed to prevent unlawful taking of listed steelhead. 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 5, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 6, 1998, 12:01 a.m.

September 3, 1998

Larry W. Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-57-16000N Columbia River. Notwithstanding the provisions of WAC 220-57-160, effective 12:01 a.m. September 6, 1998 until further notice, it is unlawful to fish for or possess salmon from those waters of the Columbia River downstream of the Highway 395 Bridge at Pasco to the Megler-Astoria Bridge.

NEW SECTION

WAC 220-57-31500F Klickitat River. Notwithstanding the provisions of WAC 220-57-315, effective 12:01 a.m. September 6, 1998 until further notice, it is unlawful to fish for or possess salmon in those waters of the Klickitat River between the mouth and Fisher Hill Bridge.

NEW SECTION

WAC 220-57-32100A Little White Salmon River (Drano Lake). Notwithstanding the provisions of WAC 220-57-321, effective 12:01 a.m. September 6, 1998 until further notice, it is unlawful to fish for or possess salmon in those waters of the Little White Salmon River (Drano Lake).

NEW SECTION

WAC 220-57-50500B White Salmon River. Notwithstanding the provisions of WAC 220-57-505, effective 12:01 a.m. September 6, 1998 until further notice, it is unlawful to fish for or possess salmon in those waters of the White Salmon River.

NEW SECTION

WAC 232-28-61900W Exceptions to statewide rules. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. September 6, 1998 until further notice, it is unlawful to fish for or possess steelhead in the following waters:

- (1) Columbia River downstream of the Highway 395 Bridge at Pasco to the Megler-Astoria Bridge.
- (2) Klickitat River in those waters between the mouth and the Fisher Hill Bridge.
- (3) Little White Salmon River (Drano Lake)
- (4) White Salmon River

WSR 98-19-006

EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-173—Filed September 4, 1998, 7:50 a.m.]

Date of Adoption: September 3, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Approximately 500 surplus Skamania stock summer steelhead not needed for broodstock purposes are available at the Ringold Hatchery. To meet wild steelhead conservation needs and provide recreational opportunity the department is requesting to plant these fish. The transfer of these fish into these waters meets agency policies and guidelines. 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: Immediately.

September 3, 1998
Larry W. Peck
for Bern Shanks
Director

NEW SECTION

WAC 232-28-61900T Exceptions to statewide rules. Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice in the following waters - Trout: Daily limit 5 fish, not more than 2 over 20 inches in length.

- (1) Dalton Pond (Franklin County)
 - (2) Mattoon Lake (Kittitas County)
 - (3) Myron Lake (Yakima County)
 - (4) Mud Lake (Yakima County)
 - (5) Rotory Lake (Yakima County)
 - (6) Railroad Pond (Franklin County)
- No steelhead license or catch record card is required.

**WSR 98-19-015
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-186—Filed September 5, 1998, 9:18 a.m.]

Date of Adoption: September 5, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-16000N, 220-57-31500F, 220-57-32100A, 220-57-50500B, and 232-28-61900W.

Statutory Authority for Adoption: RCW 75.08.080 and 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The closure of the scheduled fisheries is repealed because the National Marine Fisheries Service has determined that the fisheries would not produce a jeopardy impact under Section 7(b) of the Endangered Species Act. In the absence of a jeopardy impact, the emergency closure is not necessary, and the scheduled fisheries may continue. The states of Washington and Oregon concur in the determination.

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 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 5, 1998
Evan Jacoby
for Bern Shanks
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-57-16000N Columbia River (98-182)
- WAC 220-57-31500F Klickitat River (98-182)
- WAC 220-57-32100A Little White Salmon River (Drano Lake) (98-182)
- WAC 220-57-50500B White Salmon River (98-182)
- WAC 232-28-61900W Exceptions to statewide rules (98-182)

EMERGENCY

WSR 98-19-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-184—Filed September 8, 1998, 3:59 p.m.]

Date of Adoption: September 8, 1998.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-32-05100G; and amending WAC
 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are available for treaty Indian fisheries to occur in Zone 6. Season is consistent with the 1996-1998 Management Agreement and Compact action of September 4, 1998. 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.

September 8, 1998

Evan Jacoby
 for Bern Shanks
 Director

NEW SECTION

WAC 220-32-05100G Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051, and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas (SMCRA) 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open Periods: Open immediately until 6 PM September 12, 1998.

(b) Open Area: Those waters of SMCRA 1F above the Hood River Bridge, and SMCRA 1G and 1H.

(c) Mesh: 8-inch minimum mesh restriction.

(d) It is unlawful to retain sturgeon less than 48 inches or greater than 60 inches in length. Sturgeon may be retained for subsistence purposes only. All sale of sturgeon is prohibited.

(2) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

(a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between point one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 mile downstream from the west bank.

(h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half miles downstream from the western shoreline of the mouth of Spring Creek.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and

downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 12, 1998.

WAC 220-32-05100G Columbia River salmon seasons above Bonneville.

WSR 98-19-022
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-187—Filed September 9, 1998, 11:38 a.m.]

Date of Adoption: September 8, 1998.

Purpose: Amend hunting rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-16-810 and 232-28-264.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The Port Susan Bay closure is intended to protect Vancouver Canada geese, which will arrive in the area in November. The early goose season takes geese of local origin, reducing agricultural damage and urban nuisance problems. Protection of local goose stocks is not warranted. The early goose season in southwest Washington reduces crop damage. Limiting shooting hours during the early season will not discourage feeding geese and not accomplish the intended results. Additional hunting pressure is needed to reduce the number of geese and limit agricultural damage. 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 0, Amended 2, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 8, 1998

Larry W. Peck

for Bern Shanks

Director

NEW SECTION

WAC 232-16-81000A Port Susan Bay Canada goose opening. Notwithstanding the provisions of WAC 232-16-810:

(1) Effective immediately through September 14, 1998, and on September 26, 1998, it is lawful to hunt Canada geese in the area described in WAC 232-16-810. The September 26th hunt is restricted to youth only.

(2) October 10 through October 11, and October 13 through October 31, 1998, it is lawful to hunt geese in the area described in WAC 232-16-810.

NEW SECTION

WAC 232-28-26400C Early goose season—Southwest Washington hunting hours. Notwithstanding the provisions of WAC 232-28-264, effective immediately through September 14, 1998, the hunting hours for Canada geese in one-half hour before sunrise to sunset in the following areas: Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor (except areas north of Highway 12 and west of Highway 101), Pacific and Wahkiakum Counties.

WSR 98-19-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-190—Filed September 11, 1998, 4:43 p.m., effective September 16, 1998, 12:01 a.m.]

Date of Adoption: September 11, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-41500C; and amending WAC 220-57-415.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is

necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are predicted to return in fall 1998. This regulation is consistent with management criteria established during the preseason planning process. 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: September 16, 1998, 12:01 a.m.
September 11, 1998

Evan Jacoby
for Bern Shanks
Director

NEW SECTION

WAC 220-57-41500C Satsop River. Notwithstanding the provisions of WAC 220-57-415, effective 12:01 a.m. September 16 through October 31, 1998, daily bag limit A, except release wild coho and all chum downstream from the bridge at Schafer State Park. Single point barbless hooks required.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 31, 1998:

WAC 220-57-41500C Satsop River.

**WSR 98-19-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-188—Filed September 11, 1998, 4:47 p.m., effective September 13, 1998, 12:01 a.m.]

Date of Adoption: September 11, 1998.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-903.

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: Scheduled coho-directed openings in Areas 7 and 7A are cancelled consistent with United States/Canada agreements to reduce impacts to Thompson River-origin coho. PFMC/North of Falcon preseason agreements were to begin fishery following relinquishment of control of areas by Fraser River panel of the Pacific Salmon Commission. However, chum are not expected to be available to fishery at this time. Openings in Area 7B provide opportunity to harvest the nontreaty allocation of coho salmon destined for the Nooksack-Samish region, per the preseason schedule. The gillnet mesh size restriction and area restriction are necessary to reduce nontreaty chinook harvest rates relative to the nontreaty chinook allocation. Opening in Area 9A provides opportunity to harvest the non-treaty allocation of coho salmon destined for the Hood Canal region of origin per the preseason schedule. Openings in Area 12A provide opportunity to selectively harvest the nontreaty allocation of coho salmon destined for the Quilcene National Fish Hatchery while reducing impacts to summer chum. Beach seine gear specifications are defined in WAC 220-47-427(6). These openings and the purse seine chinook nonretention requirement are consistent with agreements reached during the Pacific Fishery Management Council - North of Falcon preseason process.

All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have [been] removed from the fishing grounds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 13, 1998, 12:01 a.m.
September 11, 1998

J. D. Brittell
for Bern Shanks
Director

EMERGENCY

NEW SECTION

WAC 220-47-904 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday September 13, 1998 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREA 7B** - Gillnets using 5-inch minimum, 5 1/2-inch maximum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Monday September 14, 1998 to 4:00 p.m. Friday September 18, 1998. In addition to the exclusion zones described in WAC 220-47-307, Area 7B is closed south and east of a line projected from Governors Point to the most northerly point of Vendovi Island.
- * **AREA 9A** - Gillnets using 5-inch minimum mesh may fish from 6:00 a.m. Sunday September 13, 1998 to 4:00 p.m. Saturday October 31, 1998.
- * **AREA 12A** - Holders of Quilcene Bay salmon beach seines Experimental Fishery Permits may fish 7:00 a.m. to 7:00 p.m. daily:
Monday September 14, 1998 through Friday September 18, 1998
Monday September 21, 1998 through Friday September 25, 1998
Monday September 28, 1998 through Friday October 2, 1998
Monday October 5, 1998 through Friday October 9, 1998
All provisions of WAC 220-47-427 apply. Beach seines may not retain chum salmon.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8, 8A, 8D, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.
- * Purse seines may not retain chinook salmon.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Sunday September 13, 1998:

WAC 220-47-903 Puget Sound all-citizen commercial salmon fishery. (98-183)

WSR 98-19-049
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-191—Filed September 11, 1998, 4:49 p.m., effective September 16, 1998, 12:01 a.m.]

Date of Adoption: September 11, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500V; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. There is sufficient 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: September 16, 1998, 12:01 a.m.
September 11, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-56-32500W Shrimp - Areas and seasons. Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310, effective 12:01 a.m. September 16, 1998:

(1) It is unlawful to fish for or possess any species of shrimp taken for personal use from Shrimp District one (waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island then to Rocky Point on the Miller Peninsula and all waters of Discovery Bay) and Shrimp District three (Port Angeles Harbor inside Ediz Hook west of a line from the tip of Ediz Hook to the ITT Rayonier Dock).

(2) It is unlawful to fish for or possess spot shrimp taken for personal use from Catch Record Card Areas 8-1 and 8-2, that portion of Catch Record Card Area 9 south and east of a line from Foulweather Bluff to Double Bluff, and Catch Record Card Area 10. All spot shrimp taken in the above described waters must be returned immediately to the water unharmed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 15, 1998:

WAC 220-56-32500V Shrimp—Areas and seasons.
(98-162)

WSR 98-19-051
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-192—Filed September 14, 1998, 4:40 p.m., effective September 15, 1998, 6:00 a.m.]

Date of Adoption: September 14, 1998.

Purpose: Commercial and subsistence rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100H; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are available for treaty Indian fisheries to occur in Zone 6. Season is consistent with the 1996-1998 management agreement, the requirements of the ESA and compact action of September 11, 1998. 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: September 15, 1998, 6:00 a.m.

September 14, 1998

Larry W. Peck
Acting Director

NEW SECTION

WAC 220-32-05100H Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051, and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas (SMCRA) 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open Periods: Open 6:00 a.m. Tuesday, September 15 until 6:00 p.m. Saturday, September 19, 1998.

(b) Open Area: Those waters of SMCRA 1F except those waters extending to mid-stream at right angles to the thread of the Columbia River between light "35" near the mouth of the Big White Salmon River and light "27" near the mouth of the Little White Salmon River, 1G and 1H.

(c) Mesh: 8-inch minimum mesh restriction.

(d) It is unlawful to retain sturgeon less than 48 inches or greater than 60 inches in length. Sturgeon may be retained for subsistence purposes only. All sale of sturgeon is prohibited.

(2) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

(a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between point one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle

Landing downstream to a marker located near the railroad tunnel approximately 1/8 mile downstream from the west bank.

(h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half miles downstream from the western shoreline of the mouth of Spring Creek.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 19, 1998.

WAC 220-32-05100H Columbia River salmon seasons above Bonneville.

WSR 98-19-061
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services Administration)
 [Filed September 16, 1998, 11:30 a.m.]

Date of Adoption: September 16, 1998.

Purpose: Second emergency adoption (RCW 34.05.350(2)). To maintain authority under emergency rule adoption filed May 20, 1998, (WSR 98-11-094) for a public process to determine Medicaid nursing facility payment rates as required by the federal 1997 Balanced Budget Act, Section 4711. Permanent adoption in progress.

Statutory Authority for Adoption: RCW 74.46.800, 74.09.500, 74.08.090.

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: Authority to implement the public process must be maintained. Failure to follow a public process in making changes to the nursing facility payment methodology could result in a loss of federal funding for rate increases.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 16, 1998

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

NEW SECTION

WAC 388-96-718 Public process for determination of rates. (1) The purpose of this section is to describe the manner in which the department will comply with the federal Balanced Budget Act of 1997, Section 4711 (a)(1), codified at 42 U.S.C. 1396a (a)(13)(A).

(2) For all material changes to the methodology for determining nursing facility Medicaid payment rates occurring after October 1, 1997, and requiring a Title XIX state plan amendment to be submitted to and approved by the Health Care Financing Administration under applicable federal laws, the department shall follow the following public process:

(a) The proposed estimated initial payment rates, the proposed new methodologies for determining the payment rates, and the underlying justifications shall be published. Publication shall be:

(i) In the Washington State Register; or

(ii) In the Seattle Times and Spokane Spokesman Review newspapers.

(b) The department shall maintain and update as needed a mailing list of all individuals and organizations wishing to receive notice of changes to the nursing facility Medicaid payment rate methodology, and all materials submitted for publication shall be sent postage prepaid by regular mail to such individuals and organizations. Individuals and organi-

zations wishing to receive notice shall notify the department in writing.

(c) Nursing facility providers, their associations, nursing facility Medicaid beneficiaries, representatives of providers or beneficiaries, and other concerned members of the public shall be given a reasonable opportunity to review and comment on the proposed estimated rates, methodologies and justifications. The period allowed for review and comment shall not be less than fourteen calendar days after the date of the Washington State Register containing the published material or the date the published material has appeared in both the Seattle Times and the Spokane Spokesman Review.

(d) If, after receiving and considering all comments, the department decides to move ahead with any change to its nursing facility Medicaid payment rate methodology, it shall adopt needed further changes in response to comments, if any, and shall publish the final estimated initial rates, final rate determination methodologies and justifications. Publication shall be:

(i) In the Washington State Register; or

(ii) In the Seattle Times and Spokane Spokesman Review newspapers.

(e) Unless an earlier effective date is required by state or federal law, implementation of final changes in methodologies and commencement of the new rates shall not occur until final publication has occurred in the Register or in both designated newspapers. The department shall not be authorized to delay implementation of, or to alter, ignore or violate requirements of, state or federal laws in response to public process comments.

(f) Publication of proposed estimated initial payment rates and final estimated initial payment rates shall be deemed complete once the department has published:

(i) The statewide average proposed estimated initial payment rate weighted by adjusted Medicaid resident days for all Medicaid facilities from the most recent cost report year, including the change from the existing statewide average payment rate weighted by adjusted Medicaid resident days for all Medicaid facilities from the most recent cost report year; and

(ii) The statewide average final estimated initial payment rate weighted by adjusted Medicaid resident days for all Medicaid facilities from the most recent cost report year, including the change from the existing statewide average payment rate weighted by adjusted Medicaid resident days for all Medicaid facilities from the most recent cost report year.

(3) Nothing in this section shall be construed to prevent the department from commencing or completing the public process authorized by this section even though the proposed changes to the methodology for determining nursing facility Medicaid payment rates are awaiting federal approval, or are the subject of pending legislative, gubernatorial or rule-making action and are yet to be finalized in statute and/or regulation.

(4)(a) Neither a contractor nor any other interested person or organization shall challenge, in any administrative appeals or exception procedure established in rule by the department under the provisions of chapter 74.46 RCW, the adequacy or validity of the public process followed by the

department in proposing or implementing a change to the payment rate methodology, regardless of whether the challenge is brought to obtain a ruling on the merits or simply to make a record for subsequent judicial or other review. Such challenges shall be pursued only in courts of proper jurisdiction as may be provided by law.

(b) Any challenge to the public process followed by the department that is brought in the course of an administrative appeals or exception procedure shall be dismissed by the department or presiding officer, with prejudice to further administrative review and record-making, but without prejudice to judicial or other review as may be provided by law.

(5) The public process required and authorized by this section shall not apply to any change in the payment rate methodology that does not require a Title XIX state plan amendment under applicable federal laws, including but not limited to:

(a) Prospective or retrospective changes to nursing facility payment rates or to methodologies for establishing such rates ordered by a court or administrative tribunal, after exhaustion of all appeals by either party as may be authorized by law, or the expiration of time to appeal; or

(b) Changes to nursing facility payment rates for one or more facilities resulting from the application of authorized payment rate methodologies, principles or adjustments, including but not limited to: partial or phased-in termination or implementation of rate methodologies; scheduled cost rebasing; quarterly or other updates to reflect changes in case mix or other private or public source data used to establish rates; adjustments for inflation or economic trends and conditions; rate funding for capital improvements or new requirements imposed by the department; changes to resident-specific or exceptional care rates; and changes to correct errors or omissions by the contractor or the department.

WSR 98-19-064

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 98-189—Filed September 16, 1998, 4:54 p.m.]

Date of Adoption: September 16, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-103, 232-12-018, and 232-28-619.

Statutory Authority for Adoption: RCW 75.08.080 and 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The Washington Department of Fish and Wildlife released adult coho salmon to encourage fishing in these areas this fall. 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 3, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 16, 1998

Evan Jacoby
for Larry Peck
Acting Director

NEW SECTION

WAC 220-56-10300C Definitions—Landlocked coho. Notwithstanding the provisions of WAC 220-56-103, effective immediately coho salmon taken from the following waters are defined as landlocked:

- (1) Aberdeen Lake (Grays Harbor County)
- (2) Cases Pond (Pacific County)
- (3) Radar Ponds (Pacific County)
- (4) Sylvia Lake (Grays Harbor County)
- (5) Vance Creek/Elma Ponds (Grays Harbor County)
- (6) DeCoursey Pond (Pierce County)
- (7) Waughop Lake (Pierce County)
- (8) Lincoln Pond (Clallam County)

NEW SECTION

WAC 232-12-01800B Definitions—Landlocked coho. Notwithstanding the provisions of WAC 232-12-018, effective immediately until further notice, coho salmon taken from the following waters are defined as landlocked:

- (1) Aberdeen Lake (Grays Harbor County)
- (2) Cases Pond (Pacific County)
- (3) Radar Ponds (Pacific County)
- (4) Sylvia Lake (Grays Harbor County)
- (5) Vance Creek/Elma Ponds (Grays Harbor County)
- (6) DeCoursey Pond (Pierce County)
- (7) Waughop Lake (Pierce County)
- (8) Lincoln Pond (Clallam County)

NEW SECTION

WAC 232-28-61900X Exceptions to statewide rules. Notwithstanding the provisions of WAC 232-28-619, it is lawful to fish for and possess gamefish and landlocked salmon in the following waters:

(1) Effective immediately through November 30, 1998 those waters of Aberdeen Lake (Grays Harbor County). No more than two of the trout daily catch limit of 5 may be more than 20 inches.

(2) Effective immediately through November 30, 1998, those waters of Cases Pond (Pacific County). No more than two of the trout daily catch limit of 5 may be more than 20 inches. Juveniles only (under 15 years old).

(3) Effective immediately until further notice, those waters of Radar Ponds (Pacific County). No more than two of the trout daily catch limit of 5 may be more than 20 inches.

(4) Effective immediately until further notice, those waters of Sylvia Lake (Grays Harbor County). No more than two of the trout daily catch limit of 5 may be more than 20 inches.

(5) Effective immediately until further notice, those waters of Vance Creek/Elma Ponds (Grays Harbor County). No more than two of the trout daily catch limit of 5 may be more than 20 inches. Juveniles (under 15 years old), seniors (70 and over) and persons of disability (disability permit required by the Washington Department of Fish and Wildlife) only in waters of Vance Creek Pond #1.

(6) Effective immediately through November 30, 1998 those waters of DeCoursey Pond (Pierce County).

(7) Effective immediately until further notice, those waters of Waughop Lake (Pierce County)

(8) Effective immediately through November 30, 1998 those waters of Lincoln Pond (Clallam County). No more than two of the trout daily catch limit of 5 may be more than 20 inches.

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 98-19-065

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 98-198—Filed September 18, 1998, 8:32 a.m., effective September 21, 1998, 6:00 p.m.]

Date of Adoption: September 17, 1998.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-36-02300X; and amending WAC 220-36-023.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are predicted to return in fall 1998. This regulation is consistent with management criteria established during the preseason planning process. 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: September 21, 1998, 6:00 p.m.

September 17, 1998

Elyse Kane
for Larry Peck
Acting Director

NEW SECTION

WAC 220-36-02300X Grays Harbor salmon—Fall fishery. Notwithstanding the provisions of WAC 220-36-023, effective immediately it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

Fishing period

(1) Gill net gear may be used to fish for salmon from 6:00 p.m. September 21 through 6:00 p.m. September 23, 1998 and from 6:00 p.m. September 27, 1998 through 6:00 p.m. September 30, 1998 or until the quota of 500 chinook or 100 wild coho is attained, whichever comes first, in Salmon Management and Catch Reporting Area 2C.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. October 2, 1998:

WAC 220-36-02300X Grays Harbor salmon—Fall fishery.

**WSR 98-19-071
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-197—Filed September 18, 1998, 4:58 p.m., effective September 21, 1998, 12:01 a.m.]

Date of Adoption: September 18, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-57-160.

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: Sport fishery closure for chinook is necessary in order to remain within the limits of the Endangered Species Act for Snake River wild fall chinook of 24.71% of the return to the Columbia River. It is projected that if the sport fishery were to continue after September 20 and the tribal fishery were to continue until fall chinook allocation is achieved that the harvest rate on Snake River wild fall chinook would be exceeded. Closure of the sport fishery on September 20, 1998, would allow the tribal fishery to reach the fall chinook allocation, and impacts in all non-Indian fisheries would remain within the 24.71% harvest rate level. This regulation is consistent with joint Washington/Oregon state action of September 18, 1998. 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: September 21, 1998, 12:01 a.m.

September 18, 1998

Larry W. Peck
Acting Director

NEW SECTION

WAC 220-57-16000P Columbia River. Notwithstanding the provisions of WAC 220-57-160, effective 12:01 a.m. September 21, 1998 until further notice, it is unlawful to fish for or possess chinook salmon from those waters of the Columbia River downstream of the Highway 395 Bridge at Pasco to the Megler-Astoria Bridge.

**WSR 98-19-072
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-195—Filed September 18, 1998, 5:01 p.m., effective September 20, 1998, 12:01 a.m.]

Date of Adoption: September 18, 1998.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-904.

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: Scheduled coho-directed openings in Areas 7 and 7A are cancelled consistent with United States/Canada agreements to reduce impacts to Thompson River-origin coho. PFMC/North of Falcon pre-season agreements were to begin fishery following relinquishment of control of areas by Fraser River Panel of the Pacific Salmon Commission. However, chum are not expected to be available to fishery at this time. Openings in Area 6D provide opportunity to harvest the nontreaty allocation of coho salmon destined for the Dungeness River. Openings in Area 7B provide opportunity to harvest the nontreaty allocation of coho salmon destined for the Nooksack-Samish region, per the pre-season schedule. The gillnet mesh size restriction and area restriction are lifted because spawning escapement to the Samish River appears to have been met. Openings in Area 8D provide opportunity to harvest the nontreaty allocation of coho destined for the Tulalip Hatchery per the pre-season schedule. Opening in Area 9A provides opportunity to harvest the nontreaty allocation of coho salmon destined for the Hood Canal region of origin per the pre-season schedule. Openings in Area 12A provide opportunity to selectively harvest the nontreaty allocation of coho salmon destined for the Quilcene National Fish Hatchery while reducing impacts to summer chum. Beach seine gear specifications are defined in WAC 220-47-427(6). These openings and the purse seine chinook nonretention requirement are consistent with agreements reached during the Pacific Fishery Management Council - North of Falcon pre-season process.

All other Puget Sound areas are closed to prevent over-harvest of local salmon stocks.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have [been] removed from the fishing grounds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 20, 1998, 12:01 a.m.
September 18, 1998

Larry Peck
Acting Director

NEW SECTION

WAC 220-47-905 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday September 20, 1998 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREA 6D** - Skiff gillnets using 5-inch minimum mesh may fish 7:00 a.m. to 7:00 p.m. daily:
Monday September 21, 1998 through Friday September 25, 1998
Monday September 28, 1998 through Friday October 2, 1998
Monday October 5, 1998 through Friday October 9, 1998
Monday October 12, 1998 through Friday October 16, 1998
Monday October 19, 1998 through Friday October 23, 1998

Fishers may not retain chinook or chum salmon taken in Area 6D.

- * **AREA 7B** - Gillnets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Sunday September 20, 1998 to 11:59 p.m. Saturday October 24, 1998.
- * **AREA 8D** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 7:00 p.m. daily, Monday September 21, 1998 through Thursday September 24, 1998. Gillnets using 5-inch minimum mesh may fish from 6:00 p.m. to 8:00 a.m. nightly, beginning Monday September 21, 1998, Tuesday September 22, 1998, Wednesday September 23, 1998, Thursday September 24, 1998.
- * **AREA 9A** - Gillnets using 5-inch minimum mesh may fish until 4:00 p.m. Saturday October 31, 1998.
- * **AREA 12A** - Holders of Quilcene Bay salmon beach seines Experimental Fishery Permits may fish 7:00 a.m. to 7:00 p.m. daily:
Monday September 21, 1998 through Friday September 25, 1998
Monday September 28, 1998 through Friday October 2, 1998
Monday October 5, 1998 through Friday October 9, 1998
All provisions of WAC 220-47-427 apply. Beach seines may not retain chum salmon.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 7, 7A, 7C, 7D, 7E, 8, 8A, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G,

13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.

* Purse seines may not retain chinook salmon.

Effective Date of Rule: Immediately.

September 21, 1998

Mike Kuttel

for Larry Peck

Acting Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Sunday September 20, 1998:

WAC 220-47-904 Puget Sound all-citizen commercial salmon fishery. (98-188)

WSR 98-19-077

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 98-196—Filed September 21, 1998, 3:23 p.m.]

Date of Adoption: September 21, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100I, and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are available for treaty Indian fisheries to occur in Zone 6. Season is consistent with the 1996-1998 Management Agreement, the requirements of the ESA and compact action of September 18, 1998. 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.

NEW SECTION

WAC 220-32-05100I Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051, and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas (SMCRA) 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open Periods: Open 6:00 a.m. Tuesday, September 22 until 6:00 p.m. Saturday, September 26, 1998.

(b) Open Area: Those waters of SMCRA 1F except those waters extending to mid-stream at right angles to the thread of the Columbia River between light "35" near the mouth of the Big White Salmon River and light "27" near the mouth of the Little White Salmon River, 1G and 1H.

(c) Mesh: 8-inch minimum mesh restriction.

(d) It is unlawful to retain sturgeon less than 48 inches or greater than 60 inches in length. Sturgeon may be retained for subsistence purposes only. All sale of sturgeon is prohibited.

(2) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

(a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between point one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 mile downstream from the west bank.

(h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half miles downstream from the western shoreline of the mouth of Spring Creek.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 26, 1998.

WAC 220-32-051001 Columbia River salmon seasons above Bonneville.

WSR 98-19-078
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-199—Filed September 21, 1998, 3:30 p.m.]

Date of Adoption: September 21, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-185.

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 clarifies the Catch Record Card Area 6/7 boundary which has been a source of confusion for anglers because of the use of outdated names in the existing WAC section. There is no change in the actual management line separating Catch Record Card Areas 6 and 7. Fall maximum salmon abundance and fishing effort is occurring now, and more restrictive regulations are applied to Catch Record Card Area 6 until November 1, 1998. Confusion about the position of the line could lead to unintended harvest of salmon from Catch Record Card Area 6. 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: Immediately.

September 21, 1998

Mike Kuttel

for Bern Shanks

Director

NEW SECTION

WAC 220-56-18500A Marine area codes. Notwithstanding the provisions of WAC 220-56-185, Effective immediately until further notice, Catch Record Card Area 6 (East Juan de Fuca Strait): east from a line due north from Low Point to the Partridge Point-Point Wilson line and south of a line from Trial Island (near Victoria B.C.) - Rosario Strait Traffic Lane Entrance Lighted Buoy R (USCG Light List #16340, referenced as Y "R" on National Ocean Service Chart #18400-1 dated 1997-08-30) - Smith Island - Lawson Reef Junction Lighted Bell Buoy (USCG Light List #19320 reference as RB, FL (2+1), 6 s on National Ocean Service Chart #18400-1 dated 1997-08-30) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

WSR 98-19-086
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-194—Filed September 22, 1998, 1:46 p.m.]

Date of Adoption: September 22, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-07300C; 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 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: Immediately.

September 22, 1998

Larry W. Peck
Acting Director

NEW SECTION

WAC 220-52-07300C 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) 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 September 28, 29, and 30, 1998. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(2) 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 September 26 and 27, 1998.

REPEALER

The following section of the Washington Administrative Code is repealed effective one-half hour after official sunset on September 30, 1998:

WAC 220-52-07300C Sea urchins

WSR 98-19-088
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-193—Filed September 22, 1998, 3:58 p.m., effective October 1, 1998, 12:01 a.m.]

Date of Adoption: September 22, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-19000V; and amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are predicted to return in fall 1998. This regulation is consistent with management criteria established during the preseason planning. 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: October 1, 1998, 12:01 a.m.

September 22, 1998

J. D. Brittell
for Larry Peck
Acting Director

NEW SECTION

WAC 220-56-19000V Coastal salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. October 1 through October 31, 1998, in those waters of Grays Harbor bounded by the shore and a line projected between the posted markers on the Port of Grays Harbor Terminal One pier and the dock at 28th Street Landing at Hoquiam: Special daily limit of six salmon not more than one of which may be an adult salmon, except release chinook, chum and wild coho salmon. Angling is permitted only from shore or anchored boat within the area. Single point barbless hooks required. Unlawful to fish from one hour after sunset to one hour before sunrise.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 31, 1998:

WAC 220-56-19000V Coastal salmon—Saltwater seasons and daily limits.



WSR 98-19-002

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Memorandum—August 31, 1998]

EDMONDS COMMUNITY COLLEGE
BOARD OF TRUSTEES
NOTICE OF SPECIAL MEETINGS
TO MEDIA/OTHER

- September 11, 1998 TACTC Fall Conference:
Holiday Inn Select, 1 Grady
Way South, Renton, Wash-
ington, 8:30 a.m.
- September 14, 1998* VIP Social: EdCC, Triton
Union Building, Room 202,
20200 68th Avenue West,
Lynnwood, WA, 12:30 - 1:30
p.m. *Purpose: Formal
greeting of new students*
- September 17, 1998 Edmonds Community Col-
lege Board of Trustees Regu-
lar Board Meeting: EdCC,
Snohomish Hall, Room
304A, 20226 68th Avenue
West, Lynnwood, WA, 4:00
p.m. *Purpose: To address
routine college business
issues*
- September 24 - 26, 1998* Association of Community
College Trustees Annual
Convention: San Francisco
Hilton and Towers, 333
O'Farrell Street, San Fran-
cisco, CA, 8:00 a.m.

* These events are being scheduled as special meetings, which are study sessions where no action will be taken.

WSR 98-19-003

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
(Capitol Campus Design Advisory Committee)**

[Memorandum—September 1, 1998]

Please record the following Capitol Campus Design Advisory Committee rescheduled meeting date in the Washington State Register: Friday, September 25, 1998.

The meeting will begin at 9:30 a.m. in the Legislative Building, House Rules Room.

Also, please publish notice of cancellation for the September 17, 1998, Capitol Campus Design Advisory Committee meeting.

WSR 98-19-008

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Memorandum—September 2, 1998]

In accordance with RCW 42.30.075, the University of Washington is providing the enclosed meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

The board of directors of the Washington Technology Center is scheduled to meet at least quarterly according to statute. The following are the quarterly scheduled meetings for 1998/1999 beginning in September.

Thursday, September 10, 1998
9:45 - 5:00 p.m.

Washington State University
405 Lightly Building
Pullman, WA

Thursday, December 3, 1998
9 a.m. - 12:00

First Floor Conference Room, Fluke Hall
University of Washington
Seattle, Washington

Thursday, March 4, 1999
9 a.m. - 12:00

First Floor Conference Room, Fluke Hall
University of Washington
Seattle, Washington

Thursday, June 4, 1999
9 a.m. - 12:00

First Floor Conference Room, Fluke Hall
University of Washington
Seattle, Washington

Contact Person: Molly K. Corrigan, phone (206) 616-3102.

WSR 98-19-009

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—September 4, 1998]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, September 17, 1998, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 98-19-010
NOTICE OF PUBLIC MEETINGS
COLUMBIA BASIN COLLEGE
[Memorandum—September 4, 1998]

Board of Trustees
MEETING SCHEDULE 1998-99

The Columbia Basin College board of trustees meets the first Tuesday of each month at 5 p.m., with the exception of August when there is no scheduled meeting.

- September 8*
October 6
November 3
December 1
January 5
February 2
March 2
April 6
May 4
June 1
July 6
August - pass

Note: September 1998 meeting on second Tuesday.

WSR 98-19-011
RULES OF COURT
STATE SUPREME COURT
[September 3, 1998]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO GR 8) NO. 25700-A-629

The Judicial Officer Examination Committee having recommended the adoption of the proposed amendment to GR 8, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 3rd day of September, 1998.

Durham, C.J.

Alexander, J.

Guy, J.

Dolliver, J.

Barbara Madsen

Charles Z. Smith

Talmadge, J.

Johnson, J.

Sanders, J.

GR 9 COVER SHEET
Proposed Amendments

GR 8.1, 8.2, 8.3, 8.4, 8.5 and new 8.6

(1) Background: GR 8 encompasses five rules, GR 8.1 through 8.5, establishing a qualifying examination for lay candidates for judicial officers. GR 8.1 describes those persons who are required to take the GR 8 examination, GR 8.2 establishes the qualifying examination and describes when re-examination is required, GR 8.3 establishes the GR 8 committee, GR 8.4 assigns the committee's responsibilities, and GR 8.5 describes how unsuccessful candidates may apply for re-examination.

The GR 8 committee met in early April 1998 to review all aspects of GR 8. The committee noted a number of ways in which GR 8 could be amended to improve administration of the qualifying examination.

(2) Purpose:

GR 8.1 and 8.6: These amendments clarify that a person who has passed the GR examination may act in a judicial capacity only if that person is subsequently elected or appointed to a position as a judicial officer in a court authorized by Washington's constitution and statutes to employ non-attorney judicial officers. This amendment reflects a simple clarification of existing law, not the creation of a new requirement.

GR 8.2: This amendment allows for a longer judicial break in service before the judicial officer would be required to re-take the examination. Also, a person who does not serve as a judicial officer for two years after passing the examination must re-take the examination in order to re-qualify for judicial service.

GR 8.3: The change makes the language gender-neutral.

GR 8.4: This amendment establishes an examination fee. Persons requesting a copy of the study syllabus may be required to pay the reasonable costs of producing the syllabus. The purpose here is to make the examination reasonably self-supporting and to bring it in line with comparable examinations.

GR 8.5: Persons who do not pass the examination may request re-examination once every 12 months instead of every 6 months. The examination need not be given in multiple times and locations each year.

(3) Washington State Bar Association Action: None.

(4) Supporting material: None.

(5) Spokesperson: Mary McQueen, GR 8 Committee Chair.

(6) Hearing: None recommended.

RULE 8. QUALIFYING EXAMINATION FOR LAY CANDIDATES FOR JUDICIAL OFFICERS

Rule 8.1 Definitions

As used in this rule:

MISC.

(a) "Judicial officer" shall mean anyone:

(1) Who is not admitted to practice law in the state of Washington;

~~(2) including but not limited to Who has been appointed or elected as a district court judges, municipal court judges, justices of the peace, police court judges, judges of any court inferior to the superior court which may be hereafter established, court commissioners and or administrators; and~~

~~(2) (3) Who hears and disposes of cases.~~

(b) "Hears and disposes of cases" shall mean but is not limited to signing warrants; issuing summonses; setting bail; presiding at preliminary appearances, arraignments, hearings, trials or other proceedings or determining conditions of release.

Rule 8.2 Mandatory Qualifying Examination

Every lay candidate for a judicial officer position shall, before initial appointment or election, pass the qualifying examination prepared in accordance with this rule. Reexamination will not be required unless either (1) a break in judicial service for one two years or greater should occur, or (2) service as a judicial officer does not begin within two years of passing the examination.

Rule 8.3 Judicial Officer Examination Committee

The qualifying examination for lay candidates for judicial officers shall be prepared and administered by a committee, under the supervision of the Chief Justice of the Supreme Court, composed of the Administrator for the Courts, the President of the Superior Court Judges' Association, and the President of the Washington Magistrates' Association. The Administrator for the Courts shall ~~be the chairman of the committee.~~

Rule 8.4 Committee Responsibilities

The committee shall:

(a) Examination Fee. Require candidates to pay an examination fee each time they register for the examination. The amount of the fee shall be proposed by the committee and approved by the Supreme Court.

~~(a) (b) Study Syllabus.~~ Promulgate syllabi for study by candidates to prepare them for the responsibilities of a judicial officer and the qualifying examination for each jurisdiction. The syllabi shall include, but are not limited to, constitutional and statutory provisions and Supreme Court rules relating to the conduct of courts, state statutes, basic rules of evidence, and rights of a criminal defendant. Persons requesting a copy of the study syllabus may be charged the reasonable costs of producing the syllabus.

~~(b) (c) Examination.~~ Prepare qualifying examinations to test on proficiency included in the respective study syllabi. The examinations shall require written responses to written questions, and may also include oral portions.

~~(c) (d) Administration.~~ Announce the time and place for the examination and provide for monitoring and security during the examination.

~~(d) (e) Grading.~~ Arrange for the grading of the examination papers and determine a level of adequate competence that the candidate shall demonstrate to pass the examination.

~~(e) (f) Certification.~~ Certify to the auditor of the county in which the applicant resides the names of those applicants qualified by examination for performing the duties of judicial officer.

Rule 8.5 Unsuccessful Candidates

A candidate who fails to pass the qualifying examination may, on petition to the committee, be given additional examinations once every ~~6~~ 12 months at a times and places set by the committee.

Rule 8.6 Successful Candidates

A candidate who passes the qualifying examination may not act in a judicial capacity and has no judicial authority unless the candidate is appointed or elected as a judicial officer to a court that is authorized to employ non-attorney judicial officers under Washington's constitution or statutes.

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 98-19-017

NOTICE OF PUBLIC MEETINGS SHORELINE COMMUNITY COLLEGE

[Memorandum—September 4, 1998]

The board of trustees of Shoreline Community College will hold their annual retreat on Tuesday, September 8, beginning at 7:30 a.m. to 7:30 p.m. at Battelle Conference Center in Seattle, Washington.

Please feel free to contact (206) 546-4552, e-mail mfoley@ctc.edu for further information.

WSR 98-19-024

INSURANCE COMMISSIONER'S OFFICE

[Filed September 9, 1998, 3:05 p.m.]

T 98-5

Technical Assistance Advisory September 1, 1998

Attention: All Insurers.

Subject: *Cancellation of Policies by Insureds (other than life insurance and annuity contracts).*

RCW 48.18.300(1) refers to policies that by their terms may be canceled at the insured's option, or binders based on such a policy. The statute provides that cancellation by the insured "may be effected by" certain means. The Insurance Commissioner recognizes that this law can be understood in different ways. The purpose of this Technical Assistance Advisory is to note that this law establishes certain minimum safeguards, and does not limit the means by which an insured may cancel a policy.

Thus, because the statute says the insured may cancel "by written notice thereof to the insurer or surrender of the policy or binder for cancellation prior to or on the effective

date of such cancellation," an insurer must honor a cancellation made by those means. The insurer may not require, for instance, a waiting period.

The statute does not, however, prohibit an insured from canceling by other means. If an insured wishes to cancel by a telephone call, for example, it is permissible for the insurance company to accommodate that request. Similarly, if an insured wishes to make the cancellation effective as of some date earlier than the request, it is permissible for the insurance company to accommodate that request.

We expect that companies will take care to assure that the person requesting the cancellation is authorized to do so. We expect that companies will also take care to assure there are no misunderstandings, such as a company's purporting to cancel a policy when the consumer meant to request a change in his coverage or ask for information or something else. An insurance company that denies a claim or otherwise acts in reliance on the cancellation of a policy must, of course, be able to prove that the policy was in fact canceled by the insured. We understand the practice of some companies is to ask an insured to confirm the cancellation in writing (some companies send the insured a form for that purpose); other companies at least send the insured a notice that cancellation has been effected by phone. The sending of such a notice would presumably assist the company in demonstrating that the cancellation was properly effected, though we cannot say whether it would suffice in any particular case.

Any questions on this should be addressed to George Taylor, (360) 438-7696, e-mail gtaylor@oic.wa.gov.

WSR 98-19-026

OFFICE OF THE GOVERNOR

[Filed September 10, 1998, 9:03 a.m.]

**NOTICE OF APPEAL
(RCW 34.05.330(3))**

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On August 24, 1998, the Governor received an appeal dated August 21, 1998, of the denial by the Department of Labor and Industries of a petition for rule change filed by Fresh Air for Nonsmokers (FANS), Robert A. Fox, President.

DATED: September 10, 1998.

Everett H. Billingslea
General Counsel to the Governor

WSR 98-19-028

**NOTICE OF PUBLIC MEETINGS
EXECUTIVE ETHICS BOARD**

[Memorandum—September 9, 1998]

NOTICE

This is to notify all interested parties, that the Executive Ethics Board's regular meeting, scheduled for October 9, 1998, has been changed to Tuesday, October 13, 1998.

If you have any questions, please contact Meg Grimaldi at (360) 664-0871 or Patti Hurn at (360) 586-3265.

WSR 98-19-029

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE**

(Barley Commission)

[Memorandum—September 2, 1998]

Please accept this letter as notification that the Washington Barley Commission's September 30, 1998, regular meeting has been rescheduled. The meeting will now be held on October 9, 1998. The meeting will begin at 8:30 a.m. and will be held at the Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662.

If you have any questions, please call (509) 456-4400.

WSR 98-19-050

**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER**

[Memorandum—September 10, 1998]

NOTICE OF PUBLIC MEETINGS

The Design Committee of the Washington State Convention and Trade Center (WSCTC) will meet on Wednesday, September 16, 1998, from 10:30 a.m. - 12:30 p.m. in Room 305 of the Convention Center, 800 Convention Place, Seattle.

A regular meeting of the WSCTC board of directors will be held on Wednesday, September 16, 1998, at 1:30 p.m. in Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call (206) 694-5000.

WSR 98-19-059

**NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE**

[Memorandum—September 14, 1998]

**Board of Trustees
Calendar - Open Public Meetings 1999**

The board of trustees of Peninsula College, District 1, Port Angeles, Washington, finalized their calendar for 1999. All Port Angeles meetings will take place on campus in Room A-12.

January 12, 1999	Port Angeles
February 9, 1999	Port Angeles
March 9, 1999	Port Angeles
April 13, 1999	Forks
May 11, 1999	Port Townsend
June 8, 1999	Port Angeles

MISC.

July - August, 1999	No meeting
September 14, 1999	Sequim
October 12, 1999	Port Angeles
November 9, 1999	Port Angeles
December, 1999	No meeting

WSR 98-19-073

NOTICE OF PUBLIC MEETINGS

EASTERN WASHINGTON UNIVERSITY

[Memorandum—September 21, 1998]

BOARD OF TRUSTEES' RETREAT

September 24, 1998
 6:00 p.m. to 9:00 p.m.
 Cheney Campus
 Pence Union Building
 Room 261

A buffet dinner will be served starting at 5:45 p.m. in Room 261 prior to the meeting.

Eastern Washington University
 BOARD OF TRUSTEES
 September 25, 1998, 9:00 a.m.
 Cheney Campus
 Pence Union Building
 Room 263-65

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. in the PUB Board Room.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling President's Office, (509) 359-2371.

WSR 98-19-074

NOTICE OF PUBLIC MEETINGS

**SOUTH PUGET SOUND
 COMMUNITY COLLEGE**

[Memorandum—September 16, 1998]

At their September 10, 1998, regular meeting, the board of trustees of Community College District 24 changed the Thursday, November 12, 1998, board meeting to Wednesday, November 4, 1998, starting at 2:00 p.m.

If you have any questions, please contact 754-7711, ext. 202.

WSR 98-19-084

**NOTICE OF PUBLIC MEETINGS
 UNIVERSITY OF WASHINGTON**

[Memorandum—September 21, 1998]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

**Scandinavian Languages and Literature
 Faculty Meeting**

Meeting Dates	Location	Time
January 12, 1998	Raitt 314	3:30
February 2, 1998		
February 9, 1998		
February 23, 1998		
March 9, 1998		
April 6, 1998		
May 4, 1998		
June 1, 1998		
October 8, 1998		
November 5, 1998		
December 3, 1998		

WSR 98-19-096

**INTERPRETIVE STATEMENT
 DEPARTMENT OF HEALTH**

[Filed September 23, 1998, 8:16 a.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: "Who can perform dermatologic laser and pulsed light therapy treatments in Washington under the direction of a physician?"

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from Patti Owens, RN, MHA, CNOR, Olympia, Washington.

Effective Date: July 23, 1998.

Contact Person: Jeanne E. Vincent, RN, MS, Associate Nurse Practice Manager, Department of Health, Nursing Care Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 664-2881.

MISC.

WSR 98-19-097
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH
 [Filed September 23, 1998, 8:17 a.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: "Have any changes been made concerning scope of practice for a "Licensed Practical Nurse" handling on-site patient triage under "Standing Order" since the Nursing Board review of Cedar Creek's standing orders in February, 1994. Question is specific to almost completed review of standing orders and protocols with Nursing Board, Board of Pharmacy, DEA and DOH."

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from Phillip Ingram, PA-C, Little-rock, Washington.

Effective Date: July 23, 1998.

Contact Person: Jeanne E. Vincent, RN, MS, Associate Nurse Practice Manager, Department of Health, Nursing Care Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 664-2881.

WSR 98-19-098
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH
 [Filed September 23, 1998, 8:18 a.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: Can RNs, under the direction of the attending surgeon, suture simple lacerations?

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from Lori Taylor, RN, Spokane, Washington.

Effective Date: July 23, 1998.

Contact Person: Jeanne E. Vincent, RN, MS, Associate Nurse Practice Manager, Department of Health, Nursing Care Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 664-2881.

WSR 98-19-099
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH
 [Filed September 23, 1998, 8:18 a.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: Can dental hygienists perform prophylaxis using laser instruments?

Issuing Entity: Washington State Dental Quality Assurance Commission.

Subject: The commission issued an interpretive statement in response to a request from Brenda Kaesler, RDH, of

Fortune Practice Management, for a ruling on the use of lasers for any service provided by a dental hygienist.

Effective Date: May 15, 1998.

Contact Person: Lisa Anderson, Program Manager, Department of Health, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, (360) 664-8090.

WSR 98-19-100
POLICY STATEMENT
DEPARTMENT OF HEALTH
 [Filed September 23, 1998, 8:19 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: HPQAD — Telephone Systems, H01.02.

Issuing Entity: Health Professions Quality Assurance Division, Department of Health.

Subject Matter: This revises the current division policy. The policy establishes requirements for staff to follow in providing appropriate telephone coverage.

Effective Date: July 1, 1998.

Contact Person: Linda McCue, Project Manager, Department of Health, Health Policy and Constituent Relations, Health Professions Quality Assurance Division, P.O. Box 47860, 1300 S.E. Quince Street, Olympia, WA 98504-7860, (360) 664-3908.

WSR 98-19-101
POLICY STATEMENT
DEPARTMENT OF HEALTH
 [Filed September 23, 1998, 8:20 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Delegation of Signature Authority, I05.01.

Issuing Entity: Health Professions Quality Assurance Division, Department of Health.

Subject Matter: This policy provides clarification of DOH policy number 02.001, specifically relating to delegation of signature authority below third supervisory level.

Effective Date: March 27, 1998.

Contact Person: Linda McCue, Project Manager, Department of Health, Health Policy and Constituent Relations, Health Professions Quality Assurance Division, P.O. Box 47860, 1300 S.E. Quince Street, Olympia, WA 98504-7860, (360) 664-3908.

WSR 98-19-102
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed September 23, 1998, 8:21 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: HPQAD Cashier, I03.02.
Issuing Entity: Health Professions Quality Assurance Division, Department of Health.

Subject Matter: This policy establishes procedures for the receptionist and programs to handle counter calls and the cash box for all professions.

Effective Date: March 13, 1998.

Contact Person: Linda McCue, Project Manager, Department of Health, Health Policy and Constituent Relations, Health Professions Quality Assurance Division, P.O. Box 47860, 1300 S.E. Quince Street, Olympia, WA 98504-7860, (360) 664-3908.

WSR 98-19-103
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed September 23, 1998, 8:21 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Recovering Administrative Reimbursements from Stipulations to Informal Dispositions, F02.01.

Issuing Entity: Health Professions Quality Assurance Division, Department of Health.

Subject Matter: This policy establishes procedures for recovering administrative reimbursements from stipulations to informal dispositions.

Effective Date: February 18, 1998.

Contact Person: Linda McCue, Project Manager, Department of Health, Health Policy and Constituent Relations, Health Professions Quality Assurance Division, P.O. Box 47860, 1300 S.E. Quince Street, Olympia, WA 98504-7860, (360) 664-3908.

WSR 98-19-104
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed September 23, 1998, 8:22 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Notification to Practitioner and Complainant of the Receipt of a Complaint and Case Disposition, D23.02.

Issuing Entity: Health Professions Quality Assurance Division, Department of Health.

Subject Matter: This revises the current division policy. The policy establishes a uniform policy and procedure for notifying practitioners, complainant, and the public of the existence and disposition of a complaint.

Effective Date: January 5, 1998.

Contact Person: Linda McCue, Project Manager, Department of Health, Health Policy and Constituent Relations, Health Professions Quality Assurance Division, P.O. Box 47860, 1300 S.E. Quince Street, Olympia, WA 98504-7860, (360) 664-3908.

WSR 98-19-105
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed September 23, 1998, 8:23 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Case Disposition Guidelines D07.03.
Issuing Entity: Health Professions Quality Assurance Division, Department of Health.

Subject Matter: This revises the current division policy. The policy presents decision criteria for the various approaches utilized in health profession quality assurance and discipline.

Effective Date: June 9, 1998.

Contact Person: Linda McCue, Project Manager, Department of Health, Health Policy and Constituent Relations, Health Professions Quality Assurance Division, P.O. Box 47860, 1300 S.E. Quince Street, Olympia, WA 98504-7860, (360) 664-3908.

WSR 98-19-106
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed September 23, 1998, 8:23 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Delegation of Signature Authority, I05.01.

Issuing Entity: Health Professions Quality Assurance Division, Department of Health.

Subject Matter: This policy provides clarification of DOH policy number 02.001, specifically relating to delegation of signature authority below third supervisory level.

Effective Date: March 27, 1998.

Contact Person: Linda McCue, Project Manager, Department of Health, Health Policy and Constituent Relations, Health Professions Quality Assurance Division, P.O. Box 47860, 1300 S.E. Quince Street, Olympia, WA 98504-7860, (360) 664-3908.

MISC.

WSR 98-19-110

PUBLIC DISCLOSURE COMMISSION

[Filed September 23, 1998, 9:15 a.m.]

Public Notice of Possible Rule Making

The Public Disclosure Commission has received a Petition for Rule Making regarding implementation of RCW 42.17.680, the section of law requiring annual, written authorization of payroll withholdings under certain circumstances.

In 1993, the commission adopted WAC 390-17-100 in order to implement RCW 42.17.680. The Petition for Rule Making requests that this rule be repealed or substantially amended in accordance with language provided to the commission. The petition also requests that rules relating to enforcement of RCW 42.17.680 be adopted.

This petition will be considered by the commission at its meeting on Tuesday, October 27, 1998, in Senate Hearing Room 2 (Cherberg Building), Capitol Campus, Olympia. The meeting agenda will be set by October 20. A morning discussion is anticipated. Written comments regarding the petition may be submitted to Vicki Rippie at the Public Disclosure Commission. Those received by Friday, October 16, 1998, will be provided to the commission in advance of the meeting.

For more Information Contact: Vicki Rippie, Assistant Director, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 586-4838, fax (360) 753-1112, e-mail vrippie@pdc.wa.gov.

WSR 98-19-116

NOTICE OF PUBLIC MEETINGS

STATE BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Memorandum—September 22, 1998]

1999 State Board Meeting Dates and Locations Schedule

The state board usually meets eight to nine times during the year scheduled no more than six to eight weeks apart. The meetings typically are held on a two-year college campus and the meetings rotate to each of the thirty college districts. The meetings during the legislative session generally are planned in close proximity to Olympia. Wednesday is scheduled for an informal study session - to focus on long-term policy issues that require in-depth review and discussion. Thursday mornings are scheduled for the regular business meeting when action items are addressed. The state board approved a tentative meeting schedule at its August board retreat in Leavenworth. Based on that discussion, the following schedule is recommended for adoption:

January 20-21, 1999	State Board Office in Olympia
February 1999	No meeting
March 3-4, 1999	Centralia College
April 21-22, 1999	Bates Technical College (Tacoma)

May 19-20, 1999	Grays Harbor College (Aberdeen)
June 16-17, 1999	Clark College (Vancouver)
July 1999	No meeting
August 8-10, 1999	State board retreat (Silverdale)
September 15-16, 1999	Whatcom Community College (Bellingham)
October 20-21, 1999	Shoreline Community College
November 1999	No meeting
December 1-2, 1999	Lower Columbia College (Longview)

WSR 98-19-117

NOTICE OF PUBLIC MEETINGS

TRANSPORTATION COMMISSION

[Memorandum—September 21, 1998]

Please publish the following change to the Washington State Transportation Commission's October 1998 meeting schedule:

Previous Dates and Location

October 14	Lower Columbia Community College
and 15	Student Center Conference Room Longview

Revised Location for October 15 only

October 15	Transportation Building Room 1D2 Olympia
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MISC.

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
- OBJECT = 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 of existing section
- 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

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-XA	98-09-083	14-276-060	NEW-XA	98-18-045	16-129-010	REP	98-13-029
1-21-010	AMD	98-14-048	14-276-070	NEW-XA	98-18-045	16-129-020	REP-XR	98-08-020
1-21-020	AMD-XA	98-09-083	14-276-080	NEW-XA	98-18-045	16-129-020	REP	98-13-029
1-21-020	AMD	98-14-048	14-276-090	NEW-XA	98-18-045	16-129-025	REP-XR	98-08-020
4-25	AMD-C	98-05-020	14-276-100	NEW-XA	98-18-045	16-129-025	REP	98-13-029
4-25	AMD-C	98-07-025	14-276-110	NEW-XA	98-18-045	16-129-030	REP-XR	98-08-020
4-25-410	AMD	98-12-020	14-276-120	NEW-XA	98-18-045	16-129-030	REP	98-13-029
4-25-511	REP-XR	98-19-044	14-276-130	NEW-XA	98-18-045	16-154	PREP	98-16-016
4-25-520	AMD	98-12-021	14-276-140	NEW-XA	98-18-045	16-160	PREP	98-16-015
4-25-530	PREP	98-19-045	14-325-010	NEW-XA	98-18-045	16-167-010	AMD-XA	98-04-076
4-25-540	AMD	98-12-022	16-08-151	AMD-XA	98-04-082	16-167-010	AMD	98-09-048
4-25-550	AMD	98-12-023	16-08-151	AMD	98-09-085	16-167-020	AMD-XA	98-04-076
4-25-551	AMD	98-12-047	16-20	PREP	98-15-067	16-167-020	AMD	98-09-048
4-25-620	AMD	98-12-048	16-21	PREP	98-15-067	16-167-030	AMD-XA	98-04-076
4-25-622	AMD	98-12-049	16-22	PREP	98-15-067	16-167-030	AMD	98-09-048
4-25-625	REP	98-12-056	16-23	PREP	98-15-067	16-167-040	AMD-XA	98-04-076
4-25-626	NEW	98-12-055	16-32-009	PREP	98-05-104	16-167-040	AMD	98-09-048
4-25-627	REP	98-12-056	16-32-009	REP-P	98-09-104	16-167-050	AMD-XA	98-04-076
4-25-631	AMD	98-12-050	16-32-009	REP	98-14-036	16-167-050	AMD	98-09-048
4-25-810	AMD	98-12-051	16-32-011	AMD-P	98-09-104	16-167-060	AMD-XA	98-04-076
4-25-920	REP-XR	98-19-044	16-32-011	AMD	98-14-036	16-167-060	AMD	98-09-048
14-104-010	NEW-XA	98-18-045	16-46-010	REP-XR	98-08-080	16-168-010	AMD	98-03-089
14-104-020	NEW-XA	98-18-045	16-46-010	REP	98-13-118	16-168-020	AMD	98-03-089
14-104-030	NEW-XA	98-18-045	16-86	PREP	98-08-022	16-168-030	AMD	98-03-089
14-108-010	NEW-XA	98-18-045	16-86	PREP	98-11-010	16-168-040	AMD	98-03-089
14-108-020	NEW-XA	98-18-045	16-89	PREP	98-08-023	16-168-050	AMD	98-03-089
14-108-030	NEW-XA	98-18-045	16-96	REP-C	98-18-043	16-168-060	AMD	98-03-089
14-108-040	NEW-XA	98-18-045	16-96-001	REP-P	98-15-157	16-168-070	AMD	98-03-089
14-108-050	NEW-XA	98-18-045	16-96-001	REP	98-19-037	16-168-075	NEW	98-03-089
14-108-060	NEW-XA	98-18-045	16-96-002	REP-P	98-15-157	16-168-080	AMD	98-03-089
14-108-070	NEW-XA	98-18-045	16-96-002	REP	98-19-037	16-168-090	AMD	98-03-089
14-108-080	NEW-XA	98-18-045	16-96-003	REP-P	98-15-157	16-168-100	AMD	98-03-089
14-122-010	NEW-XA	98-18-045	16-96-003	REP	98-19-037	16-200	PREP	98-12-039
14-122-020	NEW-XA	98-18-045	16-96-010	REP-P	98-15-157	16-200-695	AMD-E	98-12-018
14-122-030	NEW-XA	98-18-045	16-96-010	REP	98-19-037	16-200-695	AMD-E	98-13-013
14-133-020	NEW-XA	98-18-045	16-96-020	REP-P	98-15-157	16-200-695	AMD-P	98-19-128
14-134-010	NEW-XA	98-18-045	16-96-020	REP	98-19-037	16-200-705	AMD-E	98-12-018
14-276-010	NEW-XA	98-18-045	16-96-030	REP-P	98-15-157	16-200-705	AMD-E	98-13-013
14-276-020	NEW-XA	98-18-045	16-96-030	REP	98-19-037	16-200-705	AMD-P	98-19-128
14-276-030	NEW-XA	98-18-045	16-102	PREP	98-04-075	16-200-7061	NEW-E	98-12-018
14-276-040	NEW-XA	98-18-045	16-104	PREP	98-19-027	16-200-7061	NEW-E	98-13-013
14-276-050	NEW-XA	98-18-045	16-129-010	REP-XR	98-08-020	16-200-7061	NEW-P	98-19-128

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-200-7062	NEW-E	98-12-018	16-334-020	NEW-XA	98-07-109	16-471-030	REP-W	98-13-127
16-200-7062	NEW-E	98-13-013	16-334-020	NEW	98-11-048	16-471-030	REP-P	98-13-128
16-200-7062	NEW-P	98-19-128	16-334-030	NEW-XA	98-07-109	16-471-030	REP	98-19-023
16-200-7063	NEW-E	98-12-018	16-334-030	NEW	98-11-048	16-471-040	REP-P	98-10-115
16-200-7063	NEW-E	98-13-013	16-334-040	NEW-XA	98-07-109	16-471-040	REP-W	98-13-127
16-200-7063	NEW-P	98-19-128	16-334-040	NEW	98-11-048	16-471-040	REP-P	98-13-128
16-200-7064	NEW-E	98-12-018	16-334-050	NEW-XA	98-07-109	16-471-040	REP	98-19-023
16-200-7064	NEW-E	98-13-013	16-334-050	NEW	98-11-048	16-471-050	REP-P	98-10-115
16-200-7064	NEW-P	98-19-128	16-334-060	NEW-XA	98-07-109	16-471-050	REP-W	98-13-127
16-200-708	AMD-E	98-12-018	16-334-060	NEW	98-11-048	16-471-050	REP-P	98-13-128
16-200-708	AMD-E	98-13-013	16-334-070	NEW-XA	98-07-109	16-471-050	REP	98-19-023
16-200-708	AMD-P	98-19-128	16-334-070	NEW	98-11-048	16-471-060	REP-P	98-10-115
16-212	PREP	98-11-024	16-334-080	NEW-XA	98-07-109	16-471-060	REP-W	98-13-127
16-212-030	AMD-P	98-07-106	16-334-080	NEW	98-11-048	16-471-060	REP-P	98-13-128
16-212-030	AMD	98-12-058	16-354-002	REP-P	98-06-082	16-471-060	REP	98-19-023
16-212-060	AMD-P	98-07-106	16-354-002	REP	98-09-049	16-471-070	REP-P	98-10-115
16-212-060	AMD	98-12-058	16-354-005	AMD-P	98-06-082	16-471-070	REP-W	98-13-127
16-212-070	AMD-P	98-07-106	16-354-005	AMD	98-09-049	16-471-070	REP-P	98-13-128
16-212-070	AMD	98-12-058	16-354-010	AMD-P	98-06-082	16-471-070	REP	98-19-023
16-212-080	AMD-P	98-07-106	16-354-010	AMD	98-09-049	16-471-080	REP-P	98-10-115
16-212-080	AMD	98-12-058	16-354-020	AMD-P	98-06-082	16-471-080	REP-W	98-13-127
16-212-082	AMD-P	98-07-106	16-354-020	AMD	98-09-049	16-471-080	REP-P	98-13-128
16-212-082	AMD	98-12-058	16-354-030	AMD-P	98-06-082	16-471-080	REP	98-19-023
16-228-155	PREP	98-07-003	16-354-030	AMD	98-09-049	16-532-010	AMD-P	98-02-073
16-228-155	AMD-P	98-10-069	16-354-040	AMD-P	98-06-082	16-532-010	AMD	98-13-122
16-228-155	AMD	98-15-026	16-354-040	AMD	98-09-049	16-532-0402	REP-P	98-02-073
16-316-474	PREP	98-06-093	16-354-050	AMD-P	98-06-082	16-532-0402	REP	98-13-122
16-316-474	AMD-P	98-09-101	16-354-050	AMD	98-09-049	16-532-0404	REP-P	98-02-073
16-316-474	AMD	98-12-032	16-354-070	AMD-P	98-06-082	16-532-0404	REP	98-13-122
16-316-525	PREP	98-06-093	16-354-070	AMD	98-09-049	16-532-0406	REP-P	98-02-073
16-316-525	AMD-P	98-09-101	16-354-100	AMD-P	98-06-082	16-532-0406	REP	98-13-122
16-316-525	AMD	98-12-032	16-354-100	AMD	98-09-049	16-532-0408	REP-P	98-02-073
16-319-041	PREP	98-06-094	16-400	AMD-P	98-07-032	16-532-0408	REP	98-13-122
16-319-041	AMD-P	98-09-100	16-400	AMD	98-10-083	16-532-0410	REP-P	98-02-073
16-319-041	AMD	98-12-031	16-400-007	AMD-P	98-07-032	16-532-0410	REP	98-13-122
16-325-005	NEW-XA	98-05-106	16-400-007	AMD	98-10-083	16-532-0412	REP-P	98-02-073
16-325-005	NEW	98-09-071	16-400-040	AMD-P	98-07-032	16-532-0412	REP	98-13-122
16-325-010	NEW-XA	98-05-106	16-400-040	AMD	98-10-083	16-532-0414	REP-P	98-02-073
16-325-010	NEW	98-09-071	16-400-100	AMD-P	98-07-032	16-532-0414	REP	98-13-122
16-325-015	NEW-XA	98-05-106	16-400-100	AMD	98-10-083	16-545-010	NEW-P	98-19-118
16-325-015	NEW	98-09-071	16-400-210	AMD-P	98-07-032	16-545-015	NEW-P	98-19-118
16-325-020	NEW-XA	98-05-106	16-400-210	AMD	98-10-083	16-545-020	NEW-P	98-19-118
16-325-020	NEW	98-09-071	16-402-005	NEW-P	98-13-129	16-545-030	NEW-P	98-19-118
16-325-025	NEW-XA	98-05-106	16-402-005	NEW	98-17-069	16-545-040	NEW-P	98-19-118
16-325-025	NEW	98-09-071	16-402-010	NEW-P	98-13-129	16-545-041	NEW-P	98-19-118
16-333-200	REP-XR	98-07-108	16-402-010	NEW	98-17-069	16-545-050	NEW-P	98-19-118
16-333-200	REP	98-13-033	16-402-015	NEW-P	98-13-129	16-545-080	NEW-P	98-19-118
16-333-205	REP-XR	98-07-108	16-402-015	NEW	98-17-069	16-557	PREP	98-08-099
16-333-205	REP	98-13-033	16-402-020	NEW-P	98-13-129	16-557-010	AMD-P	98-12-017
16-333-210	REP-XR	98-07-108	16-402-020	NEW	98-17-069	16-557-010	AMD	98-16-081
16-333-210	REP	98-13-033	16-470-100	AMD-P	98-08-108	16-557-025	NEW-P	98-12-017
16-333-215	REP-XR	98-07-108	16-470-100	AMD	98-12-091	16-557-025	NEW	98-16-081
16-333-215	REP	98-13-033	16-470-120	AMD-P	98-08-108	16-561	PREP	98-13-120
16-333-220	REP-XR	98-07-108	16-471	PREP	98-07-107	16-561-030	AMD-P	98-16-080
16-333-220	REP	98-13-033	16-471-010	REP-P	98-10-115	16-565	PREP	98-13-119
16-333-225	REP-XR	98-07-108	16-471-010	REP-W	98-13-127	16-573-010	NEW	98-04-093
16-333-225	REP	98-13-033	16-471-010	REP-P	98-13-128	16-573-020	NEW	98-04-093
16-333-230	REP-XR	98-07-108	16-471-010	REP	98-19-023	16-573-030	NEW	98-04-093
16-333-230	REP	98-13-033	16-471-015	REP-P	98-10-115	16-573-040	NEW	98-04-093
16-333-235	REP-XR	98-07-108	16-471-015	REP-W	98-13-127	16-573-041	NEW	98-04-093
16-333-235	REP	98-13-033	16-471-015	REP-P	98-13-128	16-573-050	NEW	98-04-093
16-333-240	REP-XR	98-07-108	16-471-015	REP	98-19-023	16-573-060	NEW	98-04-093
16-333-240	REP	98-13-033	16-471-020	REP-P	98-10-115	16-573-070	NEW	98-04-093
16-333-245	REP-XR	98-07-108	16-471-020	REP-W	98-13-127	16-573-080	NEW	98-04-093
16-333-245	REP	98-13-033	16-471-020	REP-P	98-13-128	16-575	PREP	98-06-096
16-334-010	NEW-XA	98-07-109	16-471-020	REP	98-19-023	16-600-020	REP-XR	98-08-019
16-334-010	NEW	98-11-048	16-471-030	REP-P	98-10-115	16-600-020	REP	98-13-030

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-604	REP-C	98-18-043	16-607-110	NEW	98-19-037	16-620-410	REP-P	98-15-157
16-604-001	REP-P	98-15-157	16-607-115	NEW-P	98-15-157	16-620-410	REP	98-19-037
16-604-001	REP	98-19-037	16-607-115	NEW	98-19-037	16-657	PREP	98-07-068
16-604-002	REP-P	98-15-157	16-607-120	NEW-P	98-15-157	16-657-040	AMD-P	98-10-120
16-604-002	REP	98-19-037	16-607-120	NEW-S	98-19-087	16-657-040	AMD	98-13-074
16-604-003	REP-P	98-15-157	16-607-125	NEW-P	98-15-157	16-659	PREP	98-07-067
16-604-003	REP	98-19-037	16-607-125	NEW	98-19-037	16-659-001	REP-P	98-10-119
16-604-008	REP-P	98-15-157	16-607-130	NEW-P	98-15-157	16-659-001	REP	98-13-073
16-604-008	REP	98-19-037	16-607-130	NEW	98-19-037	16-659-002	NEW-P	98-10-119
16-604-010	REP-P	98-15-157	16-607-135	NEW-P	98-15-157	16-659-002	NEW	98-13-073
16-604-012	REP-P	98-15-157	16-607-135	NEW	98-19-037	16-659-010	AMD-P	98-10-119
16-604-012	REP	98-19-037	16-607-140	NEW-P	98-15-157	16-659-010	AMD	98-13-073
16-604-015	REP-P	98-15-157	16-607-140	NEW	98-19-037	16-662	PREP	98-07-069
16-604-015	REP	98-19-037	16-607-145	NEW-P	98-15-157	16-662-105	AMD-P	98-10-118
16-604-030	REP-P	98-15-157	16-607-145	NEW	98-19-037	16-662-105	AMD	98-13-072
16-604-030	REP	98-19-037	16-608	REP-C	98-18-043	16-662-115	AMD-P	98-10-118
16-605A	REP-C	98-18-043	16-608-001	REP-P	98-15-157	16-662-115	AMD	98-13-072
16-605A-001	REP-P	98-15-157	16-608-001	REP	98-19-037	16-675-030	AMD-P	98-09-099
16-605A-001	REP	98-19-037	16-608-010	REP-P	98-15-157	16-675-030	AMD	98-12-030
16-605A-005	REP-P	98-15-157	16-608-010	REP	98-19-037	16-675-040	AMD-P	98-09-099
16-605A-005	REP	98-19-037	16-608-020	REP-P	98-15-157	16-675-040	AMD	98-12-030
16-605A-010	REP-P	98-15-157	16-608-020	REP	98-19-037	16-750	PREP	98-12-069
16-605A-010	REP	98-19-037	16-620	REP-C	98-18-043	16-752	PREP	98-04-077
16-607	NEW-C	98-18-043	16-620-010	REP-P	98-15-157	16-752-610	AMD-P	98-08-109
16-607	NEW-C	98-19-018	16-620-010	REP	98-19-037	16-752-610	AMD	98-13-008
16-607-005	NEW-P	98-15-157	16-620-015	REP-P	98-15-157	24-12-010	AMD-P	98-13-121
16-607-005	NEW	98-19-037	16-620-015	REP	98-19-037	24-12-010	AMD	98-18-060
16-607-005	AMD-S	98-19-087	16-620-020	REP-P	98-15-157	25-18-010	REP	98-05-027
16-607-010	NEW-P	98-15-157	16-620-020	REP	98-19-037	25-18-020	REP	98-05-027
16-607-010	NEW	98-19-037	16-620-030	REP-P	98-15-157	25-18-030	REP	98-05-027
16-607-015	NEW-P	98-15-157	16-620-030	REP	98-19-037	25-18-040	REP	98-05-027
16-607-015	NEW	98-19-037	16-620-080	REP-P	98-15-157	25-18-050	REP	98-05-027
16-607-020	NEW-P	98-15-157	16-620-080	REP	98-19-037	25-18-060	REP	98-05-027
16-607-020	NEW	98-19-037	16-620-100	REP-P	98-15-157	25-18-070	REP	98-05-027
16-607-025	NEW-P	98-15-157	16-620-100	REP	98-19-037	25-18-080	REP	98-05-027
16-607-025	NEW	98-19-037	16-620-105	REP-P	98-15-157	25-18-090	REP	98-05-027
16-607-035	NEW-P	98-15-157	16-620-105	REP	98-19-037	25-18-100	REP	98-05-027
16-607-035	NEW	98-19-037	16-620-150	REP-P	98-15-157	25-18-110	REP	98-05-027
16-607-040	NEW-P	98-15-157	16-620-150	REP	98-19-037	25-18-120	REP	98-05-027
16-607-045	NEW-P	98-15-157	16-620-205	REP-P	98-15-157	25-18-130	REP	98-05-027
16-607-045	NEW	98-19-037	16-620-205	REP	98-19-037	25-36-010	REP	98-05-027
16-607-050	NEW-P	98-15-157	16-620-210	REP-P	98-15-157	25-36-020	REP	98-05-027
16-607-050	NEW	98-19-037	16-620-210	REP	98-19-037	25-36-030	REP	98-05-027
16-607-055	NEW-P	98-15-157	16-620-230	REP-P	98-15-157	25-36-040	REP	98-05-027
16-607-055	NEW-S	98-19-087	16-620-230	REP	98-19-037	25-36-050	REP	98-05-027
16-607-060	NEW-P	98-15-157	16-620-240	REP-P	98-15-157	25-36-060	REP	98-05-027
16-607-060	NEW	98-19-037	16-620-240	REP	98-19-037	25-36-070	REP	98-05-027
16-607-060	AMD-S	98-19-087	16-620-250	REP-P	98-15-157	25-36-080	REP	98-05-027
16-607-065	NEW-P	98-15-157	16-620-250	REP	98-19-037	25-36-090	REP	98-05-027
16-607-065	NEW	98-19-037	16-620-260	REP-P	98-15-157	25-36-100	REP	98-05-027
16-607-070	NEW-P	98-15-157	16-620-260	REP	98-19-037	25-36-110	REP	98-05-027
16-607-070	NEW	98-19-037	16-620-275	REP-P	98-15-157	25-36-120	REP	98-05-027
16-607-075	NEW-P	98-15-157	16-620-275	REP	98-19-037	25-36-130	REP	98-05-027
16-607-075	NEW	98-19-037	16-620-280	REP-P	98-15-157	30-04-020	PREP	98-09-082
16-607-080	NEW-P	98-15-157	16-620-280	REP	98-19-037	30-08-070	PREP	98-09-082
16-607-080	NEW	98-19-037	16-620-290	REP-P	98-15-157	30-12-150	PREP	98-09-082
16-607-085	NEW-P	98-15-157	16-620-290	REP	98-19-037	30-18-040	PREP	98-09-082
16-607-085	NEW	98-19-037	16-620-340	REP-P	98-15-157	30-22-070	PREP	98-09-082
16-607-090	NEW-P	98-15-157	16-620-340	REP	98-19-037	30-22-090	PREP	98-09-082
16-607-090	NEW	98-19-037	16-620-350	REP-P	98-15-157	44-01-140	REP-XR	98-07-053
16-607-095	NEW-P	98-15-157	16-620-350	REP	98-19-037	44-01-140	REP	98-13-046
16-607-095	NEW	98-19-037	16-620-380	REP-P	98-15-157	50-36	PREP	98-15-148
16-607-100	NEW-P	98-15-157	16-620-380	REP	98-19-037	50-52	PREP	98-13-096
16-607-100	NEW	98-19-037	16-620-390	REP-P	98-15-157	50-52-010	REP-XR	98-13-096
16-607-105	NEW-P	98-15-157	16-620-390	REP	98-19-037	50-52-010	REP	98-16-105
16-607-105	NEW	98-19-037	16-620-400	REP-P	98-15-157	50-52-020	REP-XR	98-13-096
16-607-110	NEW-P	98-15-157	16-620-400	REP	98-19-037	50-52-020	REP	98-16-105

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50- 52-040	REP-XR	98-13-096	50- 52-370	REP	98-16-105	51- 11-0104	AMD	98-03-003
50- 52-040	REP	98-16-105	50- 52-380	REP-XR	98-13-096	51- 11-0201	AMD	98-03-003
50- 52-050	REP-XR	98-13-096	50- 52-380	REP	98-16-105	51- 11-0402	AMD	98-03-003
50- 52-050	REP	98-16-105	50- 52-390	REP-XR	98-13-096	51- 11-0502	AMD	98-03-003
50- 52-060	REP-XR	98-13-096	50- 52-390	REP	98-16-105	51- 11-0503	AMD	98-03-003
50- 52-060	REP	98-16-105	50- 52-400	REP-XR	98-13-096	51- 11-0503	AMD-E	98-15-080
50- 52-070	REP-XR	98-13-096	50- 52-400	REP	98-16-105	51- 11-0503	AMD-P	98-16-066
50- 52-070	REP	98-16-105	50- 52-410	REP-XR	98-13-096	51- 11-0504	AMD	98-03-003
50- 52-080	REP-XR	98-13-096	50- 52-410	REP	98-16-105	51- 11-0505	AMD-W	98-05-064
50- 52-080	REP	98-16-105	50- 52-420	REP-XR	98-13-096	51- 11-0525	AMD	98-03-003
50- 52-090	REP-XR	98-13-096	50- 52-420	REP	98-16-105	51- 11-0527	AMD	98-03-003
50- 52-090	REP	98-16-105	50- 52-430	REP-XR	98-13-096	51- 11-0530	AMD	98-03-003
50- 52-100	REP-XR	98-13-096	50- 52-430	REP	98-16-105	51- 11-0541	AMD	98-03-003
50- 52-100	REP	98-16-105	50- 52-440	REP-XR	98-13-096	51- 11-0602	AMD	98-03-003
50- 52-110	REP-XR	98-13-096	50- 52-440	REP	98-16-105	51- 11-0606	REP	98-03-003
50- 52-110	REP	98-16-105	50- 52-450	REP-XR	98-13-096	51- 11-0607	REP	98-03-003
50- 52-120	REP-XR	98-13-096	50- 52-450	REP	98-16-105	51- 11-0608	REP	98-03-003
50- 52-120	REP	98-16-105	50- 52-460	REP-XR	98-13-096	51- 11-0625	AMD	98-03-003
50- 52-130	REP-XR	98-13-096	50- 52-460	REP	98-16-105	51- 11-0626	AMD	98-03-003
50- 52-130	REP	98-16-105	50- 52-470	REP-XR	98-13-096	51- 11-0627	AMD	98-03-003
50- 52-140	REP-XR	98-13-096	50- 52-470	REP	98-16-105	51- 11-0628	AMD	98-03-003
50- 52-140	REP	98-16-105	50- 52-480	REP-XR	98-13-096	51- 11-0629	AMD	98-03-003
50- 52-150	REP-XR	98-13-096	50- 52-480	REP	98-16-105	51- 11-0630	AMD	98-03-003
50- 52-150	REP	98-16-105	50- 52-490	REP-XR	98-13-096	51- 11-0701	AMD	98-03-003
50- 52-160	REP-XR	98-13-096	50- 52-490	REP	98-16-105	51- 11-0800	AMD	98-03-003
50- 52-160	REP	98-16-105	50- 52-500	REP-XR	98-13-096	51- 11-1002	AMD	98-03-003
50- 52-170	REP-XR	98-13-096	50- 52-500	REP	98-16-105	51- 11-1003	AMD	98-03-003
50- 52-170	REP	98-16-105	50- 52-510	REP-XR	98-13-096	51- 11-1004	AMD	98-03-003
50- 52-180	REP-XR	98-13-096	50- 52-510	REP	98-16-105	51- 11-1005	AMD	98-03-003
50- 52-180	REP	98-16-105	50- 52-520	REP-XR	98-13-096	51- 11-1006	AMD	98-03-003
50- 52-190	REP-XR	98-13-096	50- 52-520	REP	98-16-105	51- 11-1007	AMD	98-03-003
50- 52-190	REP	98-16-105	50- 52-530	REP-XR	98-13-096	51- 11-1008	AMD	98-03-003
50- 52-200	REP-XR	98-13-096	50- 52-530	REP	98-16-105	51- 11-1009	AMD	98-03-003
50- 52-200	REP	98-16-105	50- 52-540	REP-XR	98-13-096	51- 11-1010	REP	98-03-003
50- 52-210	REP-XR	98-13-096	50- 52-540	REP	98-16-105	51- 11-1120	AMD	98-03-003
50- 52-210	REP	98-16-105	50- 52-550	REP-XR	98-13-096	51- 11-1130	AMD	98-03-003
50- 52-220	REP-XR	98-13-096	50- 52-550	REP	98-16-105	51- 11-1132	AMD	98-03-003
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50- 52-240	REP-XR	98-13-096	50- 52-570	REP	98-16-105	51- 11-1312	AMD	98-03-003
50- 52-240	REP	98-16-105	50- 52-580	REP-XR	98-13-096	51- 11-1322	AMD-W	98-05-064
50- 52-250	REP-XR	98-13-096	50- 52-580	REP	98-16-105	51- 11-1323	AMD	98-03-003
50- 52-250	REP	98-16-105	50- 52-590	REP-XR	98-13-096	51- 11-1331	AMD	98-03-003
50- 52-260	REP-XR	98-13-096	50- 52-590	REP	98-16-105	51- 11-1334	AMD	98-03-003
50- 52-260	REP	98-16-105	50- 52-600	REP-XR	98-13-096	51- 11-1411	AMD	98-03-003
50- 52-270	REP-XR	98-13-096	50- 52-600	REP	98-16-105	51- 11-1412	AMD	98-03-003
50- 52-270	REP	98-16-105	50- 52-610	REP-XR	98-13-096	51- 11-1414	AMD	98-03-003
50- 52-280	REP-XR	98-13-096	50- 52-610	REP	98-16-105	51- 11-1421	AMD	98-03-003
50- 52-280	REP	98-16-105	50- 52-620	REP-XR	98-13-096	51- 11-1422	AMD	98-03-003
50- 52-290	REP-XR	98-13-096	50- 52-620	REP	98-16-105	51- 11-1423	AMD	98-03-003
50- 52-290	REP	98-16-105	50- 52-630	REP-XR	98-13-096	51- 11-1433	AMD	98-03-003
50- 52-300	REP-XR	98-13-096	50- 52-630	REP	98-16-105	51- 11-1452	AMD	98-03-003
50- 52-300	REP	98-16-105	50- 52-640	REP-XR	98-13-096	51- 11-1454	AMD	98-03-003
50- 52-310	REP-XR	98-13-096	50- 52-640	REP	98-16-105	51- 11-1512	AMD	98-03-003
50- 52-310	REP	98-16-105	51- 04	PREP	98-13-052	51- 11-1530	AMD	98-03-003
50- 52-320	REP-XR	98-13-096	51- 04-015	AMD	98-02-048	51- 11-1701	AMD	98-03-003
50- 52-320	REP	98-16-105	51- 04-015	AMD-P	98-15-150	51- 11-2005	AMD	98-03-003
50- 52-330	REP-XR	98-13-096	51- 04-030	AMD-P	98-15-150	51- 11-2006	AMD	98-03-003
50- 52-330	REP	98-16-105	51- 04-060	AMD-P	98-15-150	51- 11-2007	AMD	98-03-003
50- 52-340	REP-XR	98-13-096	51- 04-070	AMD	98-02-048	51- 11-23110	REP-P	98-16-065
50- 52-340	REP	98-16-105	51- 06-020	AMD	98-02-049	51- 11-99903	AMD	98-03-003
50- 52-350	REP-XR	98-13-096	51- 06-120	AMD	98-02-049	51- 11-99904	AMD	98-03-003
50- 52-350	REP	98-16-105	51- 11	PREP	98-13-051	51- 13-106	AMD	98-02-047
50- 52-360	REP-XR	98-13-096	51- 11	PREP	98-14-110	51- 13-402	AMD	98-02-047

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51-26-002	REP	98-02-055	51-30-0900	REP	98-02-054	51-30-93117	REP	98-02-054
51-26-003	REP	98-02-055	51-30-0902	REP	98-02-054	51-30-93118	REP	98-02-054
51-26-004	REP	98-02-055	51-30-0904	REP	98-02-054	51-30-93119	REP	98-02-054
51-26-008	REP	98-02-055	51-30-1000	REP	98-02-054	51-30-93120	REP	98-02-054
51-26-0300	REP	98-02-055	51-30-1001	REP	98-02-054	51-32-001	REP	98-02-056
51-26-0310	REP	98-02-055	51-30-1004	REP	98-02-054	51-32-002	REP	98-02-056
51-26-0315	REP	98-02-055	51-30-1005	REP	98-02-054	51-32-003	REP	98-02-056
51-26-0400	REP	98-02-055	51-30-1006	REP	98-02-054	51-32-004	REP	98-02-056
51-26-0401	REP	98-02-055	51-30-1007	REP	98-02-054	51-32-005	REP	98-02-056
51-26-0500	REP	98-02-055	51-30-1009	REP	98-02-054	51-32-007	REP	98-02-056
51-26-0503	REP	98-02-055	51-30-1014	REP	98-02-054	51-32-008	REP	98-02-056
51-26-0909	REP	98-02-055	51-30-1019	REP	98-02-054	51-32-0200	REP	98-02-056
51-26-1000	REP	98-02-055	51-30-1030	REP	98-02-054	51-32-0223	REP	98-02-056
51-26-1004	REP	98-02-055	51-30-1100	REP	98-02-054	51-32-0300	REP	98-02-056
51-26-1007	REP	98-02-055	51-30-1101	REP	98-02-054	51-32-0327	REP	98-02-056
51-26-1009	REP	98-02-055	51-30-1102	REP	98-02-054	51-32-0500	REP	98-02-056
51-26-1020	REP	98-02-055	51-30-1103	REP	98-02-054	51-32-0504	REP	98-02-056
51-26-1301	REP	98-02-055	51-30-1104	REP	98-02-054	51-32-0600	REP	98-02-056
51-26-1800	REP	98-02-055	51-30-1105	REP	98-02-054	51-32-0601	REP	98-02-056
51-26-1801	REP	98-02-055	51-30-1106	REP	98-02-054	51-32-0605	REP	98-02-056
51-26-1802	REP	98-02-055	51-30-1107	REP	98-02-054	51-32-1100	REP	98-02-056
51-26-1803	REP	98-02-055	51-30-1108	REP	98-02-054	51-32-1101	REP	98-02-056
51-26-1804	REP	98-02-055	51-30-1109	REP	98-02-054	51-32-1102	REP	98-02-056
51-26-1810	REP	98-02-055	51-30-1110	REP	98-02-054	51-32-1103	REP	98-02-056
51-26-1820	REP	98-02-055	51-30-1111	REP	98-02-054	51-32-1104	REP	98-02-056
51-26-1830	REP	98-02-055	51-30-1112	REP	98-02-054	51-32-1105	REP	98-02-056
51-26-1840	REP	98-02-055	51-30-1113	REP	98-02-054	51-32-1106	REP	98-02-056
51-26-1845	REP	98-02-055	51-30-1114	REP	98-02-054	51-32-1107	REP	98-02-056
51-26-2200	REP	98-02-055	51-30-1120	REP	98-02-054	51-32-1108	REP	98-02-056
51-26-2300	REP	98-02-055	51-30-1121	REP	98-02-054	51-32-1300	REP	98-02-056
51-26-2301	REP	98-02-055	51-30-1122	REP	98-02-054	51-32-1312	REP	98-02-056
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51-27-002	REP	98-02-055	51-30-1124	REP	98-02-054	51-34-001	REP	98-02-053
51-27-003	REP	98-02-055	51-30-1125	REP	98-02-054	51-34-002	REP	98-02-053
51-27-004	REP	98-02-055	51-30-1200	REP	98-02-054	51-34-003	REP	98-02-053
51-27-008	REP	98-02-055	51-30-1203	REP	98-02-054	51-34-007	REP	98-02-053
51-30-001	REP	98-02-054	51-30-1600	REP	98-02-054	51-34-008	REP	98-02-053
51-30-002	REP	98-02-054	51-30-1614	REP	98-02-054	51-34-0200	REP	98-02-053
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51-30-004	REP	98-02-054	51-30-1702	REP	98-02-054	51-34-0216	REP	98-02-053
51-30-005	REP	98-02-054	51-30-1900	REP	98-02-054	51-34-0219	REP	98-02-053
51-30-007	REP	98-02-054	51-30-1909	REP	98-02-054	51-34-0223	REP	98-02-053
51-30-008	REP	98-02-054	51-30-2200	REP	98-02-054	51-34-0900	REP	98-02-053
51-30-009	REP	98-02-054	51-30-2211	REP	98-02-054	51-34-0901	REP	98-02-053
51-30-0100	REP	98-02-054	51-30-2400	REP	98-02-054	51-34-0902	REP	98-02-053
51-30-0104	REP	98-02-054	51-30-2406	REP	98-02-054	51-34-1000	REP	98-02-053
51-30-0200	REP	98-02-054	51-30-2900	REP	98-02-054	51-34-1003	REP	98-02-053
51-30-0204	REP	98-02-054	51-30-2902	REP	98-02-054	51-34-1007	REP	98-02-053
51-30-0207	REP	98-02-054	51-30-2903	REP	98-02-054	51-34-2500	REP	98-02-053
51-30-0217	REP	98-02-054	51-30-2904	REP	98-02-054	51-34-2501	REP	98-02-053
51-30-0220	REP	98-02-054	51-30-2910	REP	98-02-054	51-34-5200	REP	98-02-053
51-30-0300	REP	98-02-054	51-30-3102	REP	98-02-054	51-34-5201	REP	98-02-053
51-30-0302	REP	98-02-054	51-30-31200	REP	98-02-054	51-34-5204	REP	98-02-053
51-30-0304	REP	98-02-054	51-30-31201	REP	98-02-054	51-34-6100	REP	98-02-053
51-30-0305	REP	98-02-054	51-30-31202	REP	98-02-054	51-34-6103	REP	98-02-053
51-30-0307	REP	98-02-054	51-30-31203	REP	98-02-054	51-34-6104	REP	98-02-053
51-30-0310	REP	98-02-054	51-30-31204	REP	98-02-054	51-34-6105	REP	98-02-053
51-30-0313	REP	98-02-054	51-30-31205	REP	98-02-054	51-34-6106	REP	98-02-053
51-30-0400	REP	98-02-054	51-30-31206	REP	98-02-054	51-34-6107	REP	98-02-053
51-30-0403	REP	98-02-054	51-30-31207	REP	98-02-054	51-34-6301	REP	98-02-053
51-30-0405	REP	98-02-054	51-30-31208	REP	98-02-054	51-34-6302	REP	98-02-053
51-30-0500	REP	98-02-054	51-30-31209	REP	98-02-054	51-34-6303	REP	98-02-053
51-30-0510	REP	98-02-054	51-30-31210	REP	98-02-054	51-34-6304	REP	98-02-053
51-30-0600	REP	98-02-054	51-30-3400	REP	98-02-054	51-34-6305	REP	98-02-053
51-30-0601	REP	98-02-054	51-30-3404	REP	98-02-054	51-34-6306	REP	98-02-053

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51-34-6308	REP	98-02-053	51-40-0302	NEW	98-02-054	51-42-007	NEW	98-02-056
51-34-6309	REP	98-02-053	51-40-0303	NEW	98-02-054	51-42-007	PREP	98-13-051
51-34-6310	REP	98-02-053	51-40-0304	NEW	98-02-054	51-42-007	AMD-P	98-15-151
51-34-6311	REP	98-02-053	51-40-0305	NEW	98-02-054	51-42-008	NEW	98-02-056
51-34-6312	REP	98-02-053	51-40-0307	NEW	98-02-054	51-42-0200	NEW	98-02-056
51-34-6313	REP	98-02-053	51-40-0308	NEW	98-02-054	51-42-0223	NEW	98-02-056
51-34-6314	REP	98-02-053	51-40-0310	NEW	98-02-054	51-42-0303	NEW	98-02-056
51-34-6315	REP	98-02-053	51-40-0311	NEW	98-02-054	51-42-0504	NEW	98-02-056
51-34-6316	REP	98-02-053	51-40-0313	NEW	98-02-054	51-42-0600	NEW	98-02-056
51-34-6317	REP	98-02-053	51-40-0403	NEW	98-02-054	51-42-0601	NEW	98-02-056
51-34-6318	REP	98-02-053	51-40-0405	NEW	98-02-054	51-42-0605	NEW	98-02-056
51-34-6319	REP	98-02-053	51-40-0510	NEW	98-02-054	51-42-0901	NEW	98-02-056
51-34-6320	REP	98-02-053	51-40-0804	NEW	98-02-054	51-42-1000	NEW	98-02-056
51-34-6321	REP	98-02-053	51-40-0902	NEW	98-02-054	51-42-1002	NEW	98-02-056
51-34-6322	REP	98-02-053	51-40-0904	NEW	98-02-054	51-42-1004	NEW	98-02-056
51-34-6323	REP	98-02-053	51-40-1000	NEW	98-02-054	51-42-1005	NEW	98-02-056
51-34-6324	REP	98-02-053	51-40-1002	NEW	98-02-054	51-42-1005	NEW	98-02-056
51-34-7800	REP	98-02-053	51-40-1003	NEW	98-02-054	51-42-1100	NEW	98-02-056
51-34-7802	REP	98-02-053	51-40-1004	NEW	98-02-054	51-42-1101	NEW	98-02-056
51-34-7900	REP	98-02-053	51-40-1007	NEW	98-02-054	51-42-1102	NEW	98-02-056
51-34-7902	REP	98-02-053	51-40-1091	NEW	98-02-054	51-42-1103	NEW	98-02-056
51-34-7904	REP	98-02-053	51-40-1100	NEW	98-02-054	51-42-1104	NEW	98-02-056
51-34-8000	REP	98-02-053	51-40-1101	NEW	98-02-054	51-42-1105	NEW	98-02-056
51-34-8001	REP	98-02-053	51-40-1102	NEW	98-02-054	51-42-1106	NEW	98-02-056
51-34-8003	REP	98-02-053	51-40-1103	NEW	98-02-054	51-42-1107	NEW	98-02-056
51-34-9100	REP	98-02-053	51-40-1104	NEW	98-02-054	51-42-1108	NEW	98-02-056
51-34-9101	REP	98-02-053	51-40-1105	NEW	98-02-054	51-42-1311	NEW	98-02-056
51-34-9102	REP	98-02-053	51-40-1106	NEW	98-02-054	51-42-1312	NEW	98-02-056
51-34-9103	REP	98-02-053	51-40-1107	NEW	98-02-054	51-42-1401	NEW	98-02-056
51-34-9104	REP	98-02-053	51-40-1108	NEW	98-02-054	51-44-001	NEW	98-02-053
51-34-9105	REP	98-02-053	51-40-1109	NEW	98-02-054	51-44-002	NEW	98-02-053
51-34-9106	REP	98-02-053	51-40-1110	NEW	98-02-054	51-44-003	NEW	98-02-053
51-34-9107	REP	98-02-053	51-40-1111	NEW	98-02-054	51-44-007	NEW	98-02-053
51-34-9108	REP	98-02-053	51-40-1112	NEW	98-02-054	51-44-007	PREP	98-13-051
51-35-001	REP	98-02-053	51-40-1113	NEW	98-02-054	51-44-007	AMD-P	98-15-151
51-35-002	REP	98-02-053	51-40-1114	NEW	98-02-054	51-44-008	NEW	98-02-053
51-35-003	REP	98-02-053	51-40-1191	NEW	98-02-054	51-44-0103	NEW	98-02-053
51-35-007	REP	98-02-053	51-40-1192	NEW	98-02-054	51-44-0200	NEW	98-02-053
51-35-008	REP	98-02-053	51-40-1193	NEW	98-02-054	51-44-0900	NEW	98-02-053
51-35-52000	REP	98-02-053	51-40-1194	NEW	98-02-054	51-44-1003	NEW	98-02-053
51-35-52400	REP	98-02-053	51-40-1195	NEW	98-02-054	51-44-1007	NEW	98-02-053
51-35-52440	REP	98-02-053	51-40-1196	NEW	98-02-054	51-44-10210	NEW	98-02-053
51-35-52441	REP	98-02-053	51-40-1203	NEW	98-02-054	51-44-1109	NEW	98-02-053
51-35-52442	REP	98-02-053	51-40-1506	NEW-W	98-05-065	51-44-2500	NEW	98-02-053
51-35-52500	REP	98-02-053	51-40-1616	NEW	98-02-054	51-44-5200	NEW	98-02-053
51-35-52510	REP	98-02-053	51-40-1702	NEW	98-02-054	51-44-6100	NEW	98-02-053
51-35-52520	REP	98-02-053	51-40-1909	NEW	98-02-054	51-44-6300	NEW	98-02-053
51-35-52530	REP	98-02-053	51-40-23110	NEW	98-02-054	51-44-7404	NEW	98-02-053
51-35-52540	REP	98-02-053	51-40-23110	REP-P	98-16-065	51-44-7802	NEW	98-02-053
51-35-52550	REP	98-02-053	51-40-2406	NEW	98-02-054	51-44-7900	NEW	98-02-053
51-35-52560	REP	98-02-053	51-40-2900	NEW	98-02-054	51-44-8000	NEW	98-02-053
51-35-52570	REP	98-02-053	51-40-2929	NEW	98-02-054	51-45-001	NEW	98-02-053
51-35-52580	REP	98-02-053	51-40-3004	NEW	98-02-054	51-45-002	NEW	98-02-053
51-35-52590	REP	98-02-053	51-40-3102	NEW	98-02-054	51-45-003	NEW	98-02-053
51-35-52600	REP	98-02-053	51-40-31200	NEW	98-02-054	51-45-007	NEW	98-02-053
51-40	PREP	98-14-125	51-40-3404	NEW	98-02-054	51-45-008	NEW	98-02-053
51-40-001	NEW	98-02-054	51-40-93115	NEW	98-02-054	51-45-80400	NEW	98-02-053
51-40-002	NEW	98-02-054	51-40-93116	NEW	98-02-054	51-46-001	NEW	98-02-055
51-40-003	NEW	98-02-054	51-40-93117	NEW	98-02-054	51-46-002	NEW	98-02-055
51-40-004	NEW	98-02-054	51-40-93118	NEW	98-02-054	51-46-003	NEW	98-02-055
51-40-005	NEW	98-02-054	51-40-93119	NEW	98-02-054	51-46-007	NEW	98-02-055
51-40-007	NEW	98-02-054	51-40-93120	NEW	98-02-054	51-46-007	PREP	98-13-051
51-40-007	PREP	98-13-051	51-42-001	NEW	98-02-056	51-46-007	AMD-P	98-15-151
51-40-007	AMD-P	98-15-151	51-42-002	NEW	98-02-056	51-46-008	NEW	98-02-055
51-40-008	NEW	98-02-054	51-42-003	NEW	98-02-056	51-46-0100	NEW	98-02-055
51-40-009	NEW	98-02-054	51-42-004	NEW	98-02-056	51-46-0101	NEW	98-02-055
						51-46-0102	NEW	98-02-055

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-46-0103	NEW	98-02-055	51-46-97120	NEW	98-02-055	82-28-080	REP	98-18-018
51-46-0200	NEW	98-02-055	51-46-97121	NEW	98-02-055	82-28-090	REP-XR	98-14-065
51-46-0205	NEW	98-02-055	51-46-97122	NEW	98-02-055	82-28-090	REP	98-18-018
51-46-0215	NEW	98-02-055	51-46-97123	NEW	98-02-055	82-28-100	REP-XR	98-14-065
51-46-0218	NEW	98-02-055	51-46-97124	NEW	98-02-055	82-28-100	REP	98-18-018
51-46-0300	NEW	98-02-055	51-46-97125	NEW	98-02-055	82-28-110	REP-XR	98-14-065
51-46-0301	NEW	98-02-055	51-46-97126	NEW	98-02-055	82-28-110	REP	98-18-018
51-46-0310	NEW	98-02-055	51-46-97127	NEW	98-02-055	82-28-120	REP-XR	98-14-065
51-46-0311	NEW	98-02-055	51-46-97128	NEW	98-02-055	82-28-120	REP	98-18-018
51-46-0313	NEW	98-02-055	51-46-97129	NEW	98-02-055	82-28-130	REP-XR	98-14-065
51-46-0314	NEW	98-02-055	51-47-001	NEW	98-02-055	82-28-130	REP	98-18-018
51-46-0316	NEW	98-02-055	51-47-002	NEW	98-02-055	82-28-135	REP-XR	98-14-065
51-46-0392	NEW	98-02-055	51-47-003	NEW	98-02-055	82-28-135	REP	98-18-018
51-46-0400	NEW	98-02-055	51-47-007	NEW	98-02-055	82-28-140	REP-XR	98-14-065
51-46-0402	NEW	98-02-055	51-47-008	NEW	98-02-055	82-28-140	REP	98-18-018
51-46-0412	NEW	98-02-055	67-25-005	AMD-P	98-19-016	82-28-150	REP-XR	98-14-065
51-46-0413	NEW	98-02-055	67-25-255	AMD-P	98-19-016	82-28-150	REP	98-18-018
51-46-0500	NEW	98-02-055	67-25-260	AMD-P	98-19-016	82-28-160	REP-XR	98-14-065
51-46-0501	NEW	98-02-055	67-25-270	AMD-P	98-19-016	82-28-160	REP	98-18-018
51-46-0502	NEW	98-02-055	67-25-288	AMD-P	98-19-016	82-28-170	REP-XR	98-14-065
51-46-0505	NEW	98-02-055	67-25-350	AMD-P	98-19-016	82-28-170	REP	98-18-018
51-46-0507	NEW	98-02-055	67-25-384	AMD-P	98-19-016	82-28-180	REP-XR	98-14-065
51-46-0509	NEW	98-02-055	67-25-540	AMD-P	98-19-016	82-28-180	REP	98-18-018
51-46-0512	NEW	98-02-055	67-25-550	AMD-P	98-19-016	82-28-190	REP-XR	98-14-065
51-46-0513	NEW	98-02-055	82-24-010	REP-XR	98-14-066	82-28-190	REP	98-18-018
51-46-0514	NEW	98-02-055	82-24-010	REP	98-18-017	82-28-200	REP-XR	98-14-065
51-46-0515	NEW	98-02-055	82-24-020	REP-XR	98-14-066	82-28-200	REP	98-18-018
51-46-0516	NEW	98-02-055	82-24-020	REP	98-18-017	82-28-210	REP-XR	98-14-065
51-46-0517	NEW	98-02-055	82-24-030	REP-XR	98-14-066	82-28-210	REP	98-18-018
51-46-0518	NEW	98-02-055	82-24-030	REP	98-18-017	82-28-220	REP-XR	98-14-065
51-46-0519	NEW	98-02-055	82-24-040	REP-XR	98-14-066	82-28-220	REP	98-18-018
51-46-0520	NEW	98-02-055	82-24-040	REP	98-18-017	82-28-230	REP-XR	98-14-065
51-46-0521	NEW	98-02-055	82-24-050	REP-XR	98-14-066	82-28-230	REP	98-18-018
51-46-0522	NEW	98-02-055	82-24-050	REP	98-18-017	82-36-010	REP-XR	98-14-016
51-46-0523	NEW	98-02-055	82-24-060	REP-XR	98-14-066	82-36-010	REP	98-18-014
51-46-0524	NEW	98-02-055	82-24-060	REP	98-18-017	82-36-020	REP-XR	98-14-016
51-46-0525	NEW	98-02-055	82-24-070	REP-XR	98-14-066	82-36-020	REP	98-18-014
51-46-0600	NEW	98-02-055	82-24-070	REP	98-18-017	82-36-030	REP-XR	98-14-016
51-46-0603	NEW	98-02-055	82-24-080	REP-XR	98-14-066	82-36-030	REP	98-18-014
51-46-0604	NEW	98-02-055	82-24-080	REP	98-18-017	82-36-033	REP-XR	98-14-016
51-46-0608	NEW	98-02-055	82-24-090	REP-XR	98-14-066	82-36-033	REP	98-18-014
51-46-0609	NEW	98-02-055	82-24-090	REP	98-18-017	82-36-035	REP-XR	98-14-016
51-46-0610	NEW	98-02-055	82-24-100	REP-XR	98-14-066	82-36-035	REP	98-18-014
51-46-0700	NEW	98-02-055	82-24-100	REP	98-18-017	82-36-040	REP-XR	98-14-016
51-46-0701	NEW	98-02-055	82-24-110	REP-XR	98-14-066	82-36-040	REP	98-18-014
51-46-0704	NEW	98-02-055	82-24-110	REP	98-18-017	82-36-050	REP-XR	98-14-016
51-46-0710	NEW	98-02-055	82-24-120	REP-XR	98-14-066	82-36-050	REP	98-18-014
51-46-0713	NEW	98-02-055	82-24-120	REP	98-18-017	82-36-060	REP-XR	98-14-016
51-46-0793	NEW	98-02-055	82-24-130	REP-XR	98-14-066	82-36-060	REP	98-18-014
51-46-0800	NEW	98-02-055	82-24-130	REP	98-18-017	82-36-070	REP-XR	98-14-016
51-46-0810	NEW	98-02-055	82-28-010	REP-XR	98-14-065	82-36-070	REP	98-18-014
51-46-0814	NEW	98-02-055	82-28-010	REP	98-18-018	82-36-080	REP-XR	98-14-016
51-46-0815	NEW	98-02-055	82-28-020	REP-XR	98-14-065	82-36-080	REP	98-18-014
51-46-0900	NEW	98-02-055	82-28-020	REP	98-18-018	82-36-090	REP-XR	98-14-016
51-46-0903	NEW	98-02-055	82-28-030	REP-XR	98-14-065	82-36-090	REP	98-18-014
51-46-1000	NEW	98-02-055	82-28-030	REP	98-18-018	82-36-120	REP-XR	98-14-016
51-46-1003	NEW	98-02-055	82-28-040	REP-XR	98-14-065	82-36-120	REP	98-18-014
51-46-1012	NEW	98-02-055	82-28-040	REP	98-18-018	82-36-130	REP-XR	98-14-016
51-46-1300	NEW	98-02-055	82-28-050	REP-XR	98-14-065	82-36-130	REP	98-18-014
51-46-1301	NEW	98-02-055	82-28-050	REP	98-18-018	82-36-140	REP-XR	98-14-016
51-46-1302	NEW	98-02-055	82-28-060	REP-XR	98-14-065	82-36-140	REP	98-18-014
51-46-1303	NEW	98-02-055	82-28-060	REP	98-18-018	82-36-150	REP-XR	98-14-016
51-46-1304	NEW	98-02-055	82-28-06001	REP-XR	98-14-065	82-36-150	REP	98-18-014
51-46-1305	NEW	98-02-055	82-28-06001	REP	98-18-018	82-40-010	REP-XR	98-14-017
51-46-1400	NEW	98-02-055	82-28-070	REP-XR	98-14-065	82-40-010	REP	98-18-016
51-46-1401	NEW	98-02-055	82-28-070	REP	98-18-018	82-40-020	REP-XR	98-14-017
51-46-1491	NEW	98-02-055	82-28-080	REP-XR	98-14-065	82-40-020	REP	98-18-016

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82- 40-030	REP	98-18-016	118- 40-060	AMD	98-07-028	131- 16-200	REP-XR	98-18-063
82- 40-040	REP-XR	98-14-017	118- 40-070	AMD	98-07-028	131- 16-210	REP-P	98-10-113
82- 40-040	REP	98-18-016	118- 40-080	AMD	98-07-028	131- 16-220	REP-P	98-10-113
82- 40-050	REP-XR	98-14-017	118- 40-090	REP	98-07-028	131- 16-400	AMD-P	98-10-113
82- 40-050	REP	98-18-016	118- 40-100	REP	98-07-028	131- 16-450	AMD-P	98-10-046
82- 40-060	REP-XR	98-14-017	118- 40-150	AMD	98-07-028	131- 16-450	AMD	98-15-007
82- 40-060	REP	98-18-016	118- 40-160	AMD	98-07-028	131- 24	AMD-C	98-07-059
82- 40-070	REP-XR	98-14-017	118- 40-170	AMD	98-07-028	131- 24-010	AMD-P	98-06-073
82- 40-070	REP	98-18-016	118- 40-180	AMD	98-07-028	131- 24-010	AMD	98-15-010
82- 44-010	REP-XR	98-14-015	118- 40-190	REP	98-07-028	131- 24-020	AMD-P	98-06-073
82- 44-010	REP	98-18-015	118- 40-300	AMD	98-07-028	131- 24-020	AMD	98-15-010
82- 44-020	REP-XR	98-14-015	118- 40-400	AMD	98-07-028	131- 24-030	AMD-P	98-06-073
82- 44-020	REP	98-18-015	130- 10	PREP	98-15-120	131- 24-030	AMD	98-15-010
82- 44-030	REP-XR	98-14-015	131- 08	AMD-C	98-07-059	131- 24-040	REP-P	98-06-073
82- 44-030	REP	98-18-015	131- 08-005	AMD-P	98-06-071	131- 24-040	REP	98-15-010
82- 44-040	REP-XR	98-14-015	131- 08-005	AMD-P	98-10-074	131- 28	AMD-C	98-07-059
82- 44-040	REP	98-18-015	131- 08-005	AMD	98-15-002	131- 28-005	NEW-P	98-06-072
82- 44-050	REP-XR	98-14-015	131- 08-007	AMD-P	98-06-071	131- 28-005	NEW-XA	98-18-064
82- 44-050	REP	98-18-015	131- 08-007	AMD-P	98-10-074	131- 28-005	NEW-W	98-19-058
82- 44-060	REP-XR	98-14-015	131- 08-007	AMD	98-15-002	131- 28-015	AMD-P	98-10-047
82- 44-060	REP	98-18-015	131- 08-008	AMD-P	98-06-071	131- 28-015	AMD-XA	98-18-064
82- 44-070	REP-XR	98-14-015	131- 08-008	AMD-P	98-10-074	131- 28-025	AMD-P	98-06-072
82- 44-070	REP	98-18-015	131- 08-008	AMD	98-15-002	131- 28-025	AMD-XA	98-18-064
82- 44-080	REP-XR	98-14-015	131- 12	AMD-C	98-07-059	131- 28-025	AMD-W	98-19-058
82- 44-080	REP	98-18-015	131- 12-020	AMD-P	98-06-069	131- 28-02501	AMD-P	98-06-072
82- 44-090	REP-XR	98-14-015	131- 12-020	AMD	98-15-011	131- 28-02501	AMD-P	98-10-047
82- 44-090	REP	98-18-015	131- 12-030	AMD-P	98-06-069	131- 28-02501	AMD-XA	98-18-064
82- 50-021	AMD-P	98-09-084	131- 12-030	AMD	98-15-011	131- 28-02501	AMD-W	98-19-058
82- 50-021	AMD	98-14-079	131- 12-040	AMD-P	98-06-069	131- 28-026	AMD-P	98-06-072
98- 70-010	PREP	98-11-039	131- 12-040	AMD	98-15-011	131- 28-026	AMD-XA	98-18-064
98- 70-010	AMD-P	98-15-100	131- 12-041	AMD-P	98-06-069	131- 28-026	AMD-W	98-19-058
98- 70-010	AMD	98-19-053	131- 12-041	AMD	98-15-011	131- 28-027	AMD-P	98-06-072
106-116-040	REP-P	98-19-067	131- 16	AMD-C	98-08-028	131- 28-027	AMD-XA	98-18-064
106-116-042	AMD-P	98-19-067	131- 16-010	AMD-P	98-06-075	131- 28-027	AMD-W	98-19-058
106-116-102	AMD-P	98-19-067	131- 16-010	AMD-E	98-09-044	131- 28-045	AMD-P	98-06-072
106-116-201	AMD-P	98-19-067	131- 16-010	AMD	98-14-033	131- 28-045	AMD-XA	98-18-064
106-116-204	REP-P	98-19-067	131- 16-011	AMD-P	98-06-075	131- 28-045	AMD-W	98-19-058
106-116-205	AMD-P	98-19-067	131- 16-011	AMD-E	98-09-044	131- 28-080	REP-P	98-06-072
106-116-207	AMD-P	98-19-067	131- 16-011	AMD	98-14-033	131- 28-080	REP-XA	98-18-064
106-116-210	AMD-P	98-19-067	131- 16-015	REP-P	98-06-075	131- 28-080	REP-W	98-19-058
106-116-301	REP-P	98-19-067	131- 16-021	AMD-P	98-06-075	131- 28-085	REP-P	98-06-072
106-116-302	REP-P	98-19-067	131- 16-021	AMD-E	98-09-044	131- 28-085	REP-XA	98-18-064
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173-430-040	AMD	98-12-016	180-26-057	AMD-P	98-14-146	180-27-530	AMD	98-19-143
173-430-045	NEW-P	98-08-079	180-26-057	AMD	98-19-140	180-27-990	REP-P	98-14-149
173-430-045	NEW	98-12-016	180-26-058	REP-P	98-14-146	180-27-990	REP	98-19-143
173-460-060	AMD	98-04-062	180-26-058	REP	98-19-140	180-29	PREP	98-06-004
173-460-060	AMD-P	98-10-034	180-27	PREP	98-06-005	180-29-005	AMD-P	98-14-147
173-460-060	AMD	98-15-129	180-27-005	AMD-P	98-14-149	180-29-005	AMD	98-19-141
173-481	PREP	98-10-090	180-27-005	AMD	98-19-143	180-29-015	REP-P	98-14-147
173-490-203	REP	98-04-061	180-27-015	AMD-P	98-14-149	180-29-015	REP	98-19-141
173-531A-060	AMD	98-08-062	180-27-015	AMD	98-19-143	180-29-020	REP-P	98-14-147
173-532	PREP	98-18-103	180-27-016	AMD-P	98-14-149	180-29-020	REP	98-19-141
173-563-015	REP	98-08-062	180-27-016	AMD	98-19-143	180-29-021	AMD-P	98-14-147
173-563-020	AMD	98-08-062	180-27-019	AMD-P	98-14-149	180-29-021	AMD	98-19-141
173-806-020	AMD-P	98-12-092	180-27-019	AMD	98-19-143	180-29-025	AMD-P	98-14-147
173-806-030	AMD-P	98-12-092	180-27-030	AMD-P	98-14-149	180-29-025	AMD	98-19-141
173-806-050	AMD-P	98-12-092	180-27-030	AMD	98-19-143	180-29-030	REP-P	98-14-147
173-806-053	AMD-P	98-12-092	180-27-035	AMD-P	98-14-149	180-29-030	REP	98-19-141
173-806-055	REP-P	98-12-092	180-27-035	AMD	98-19-143	180-29-035	AMD-P	98-14-147
173-806-058	AMD-P	98-12-092	180-27-045	AMD-P	98-14-149	180-29-035	AMD	98-19-141
173-806-065	AMD-P	98-12-092	180-27-045	AMD	98-19-143	180-29-080	AMD-P	98-14-147

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180-29-085	AMD	98-19-141	180-30-215	REP-P	98-14-148	180-30-500	REP	98-19-142
180-29-090	AMD-P	98-14-147	180-30-215	REP	98-19-142	180-30-505	REP-P	98-14-148
180-29-1075	AMD-P	98-14-147	180-30-220	REP-P	98-14-148	180-30-505	REP	98-19-142
180-29-1075	AMD	98-19-141	180-30-220	REP	98-19-142	180-30-510	REP-P	98-14-148
180-29-1076	REP-P	98-14-147	180-30-225	REP-P	98-14-148	180-30-510	REP	98-19-142
180-29-1076	REP	98-19-141	180-30-225	REP	98-19-142	180-30-515	REP-P	98-14-148
180-29-115	AMD-P	98-14-147	180-30-230	REP-P	98-14-148	180-30-515	REP	98-19-142
180-29-115	AMD	98-19-141	180-30-230	REP	98-19-142	180-30-520	REP-P	98-14-148
180-29-116	REP-P	98-14-147	180-30-250	REP-P	98-14-148	180-30-520	REP	98-19-142
180-29-116	REP	98-19-141	180-30-250	REP	98-19-142	180-30-575	REP-P	98-14-148
180-29-155	AMD-P	98-14-147	180-30-350	REP-P	98-14-148	180-30-575	REP	98-19-142
180-29-155	AMD	98-19-141	180-30-350	REP	98-19-142	180-30-610	REP-P	98-14-148
180-29-200	AMD-P	98-14-147	180-30-355	REP-P	98-14-148	180-30-610	REP	98-19-142
180-29-200	AMD	98-19-141	180-30-355	REP	98-19-142	180-30-620	REP-P	98-14-148
180-30	PREP	98-06-001	180-30-360	REP-P	98-14-148	180-30-620	REP	98-19-142
180-30-003	REP-P	98-14-148	180-30-360	REP	98-19-142	180-30-625	REP-P	98-14-148
180-30-003	REP	98-19-142	180-30-365	REP-P	98-14-148	180-30-625	REP	98-19-142
180-30-005	REP-P	98-14-148	180-30-365	REP	98-19-142	180-30-630	REP-P	98-14-148
180-30-005	REP	98-19-142	180-30-370	REP-P	98-14-148	180-30-630	REP	98-19-142
180-30-010	REP-P	98-14-148	180-30-370	REP	98-19-142	180-30-635	REP-P	98-14-148
180-30-010	REP	98-19-142	180-30-380	REP-P	98-14-148	180-30-635	REP	98-19-142
180-30-015	REP-P	98-14-148	180-30-380	REP	98-19-142	180-30-640	REP-P	98-14-148
180-30-015	REP	98-19-142	180-30-400	REP-P	98-14-148	180-30-640	REP	98-19-142
180-30-030	REP-P	98-14-148	180-30-400	REP	98-19-142	180-30-645	REP-P	98-14-148
180-30-030	REP	98-19-142	180-30-405	REP-P	98-14-148	180-30-645	REP	98-19-142
180-30-035	REP-P	98-14-148	180-30-405	REP	98-19-142	180-30-650	REP-P	98-14-148
180-30-035	REP	98-19-142	180-30-406	REP-P	98-14-148	180-30-650	REP	98-19-142
180-30-040	REP-P	98-14-148	180-30-406	REP	98-19-142	180-30-655	REP-P	98-14-148
180-30-040	REP	98-19-142	180-30-407	REP-P	98-14-148	180-30-655	REP	98-19-142
180-30-050	REP-P	98-14-148	180-30-407	REP	98-19-142	180-30-660	REP-P	98-14-148
180-30-050	REP	98-19-142	180-30-408	REP-P	98-14-148	180-30-660	REP	98-19-142
180-30-055	REP-P	98-14-148	180-30-408	REP	98-19-142	180-30-710	REP-P	98-14-148
180-30-055	REP	98-19-142	180-30-410	REP-P	98-14-148	180-30-710	REP	98-19-142
180-30-060	REP-P	98-14-148	180-30-410	REP	98-19-142	180-30-715	REP-P	98-14-148
180-30-060	REP	98-19-142	180-30-415	REP-P	98-14-148	180-30-715	REP	98-19-142
180-30-065	REP-P	98-14-148	180-30-415	REP	98-19-142	180-30-720	REP-P	98-14-148
180-30-065	REP	98-19-142	180-30-420	REP-P	98-14-148	180-30-720	REP	98-19-142
180-30-071	REP-P	98-14-148	180-30-420	REP	98-19-142	180-30-725	REP-P	98-14-148
180-30-071	REP	98-19-142	180-30-425	REP-P	98-14-148	180-30-725	REP	98-19-142
180-30-075	REP-P	98-14-148	180-30-425	REP	98-19-142	180-30-730	REP-P	98-14-148
180-30-075	REP	98-19-142	180-30-430	REP-P	98-14-148	180-30-730	REP	98-19-142
180-30-100	REP-P	98-14-148	180-30-430	REP	98-19-142	180-30-735	REP-P	98-14-148
180-30-100	REP	98-19-142	180-30-435	REP-P	98-14-148	180-30-735	REP	98-19-142
180-30-105	REP-P	98-14-148	180-30-435	REP	98-19-142	180-30-740	REP-P	98-14-148
180-30-105	REP	98-19-142	180-30-440	REP-P	98-14-148	180-30-740	REP	98-19-142
180-30-110	REP-P	98-14-148	180-30-440	REP	98-19-142	180-30-750	REP-P	98-14-148
180-30-110	REP	98-19-142	180-30-450	REP-P	98-14-148	180-30-750	REP	98-19-142
180-30-115	REP-P	98-14-148	180-30-450	REP	98-19-142	180-30-755	REP-P	98-14-148
180-30-115	REP	98-19-142	180-30-455	REP-P	98-14-148	180-30-755	REP	98-19-142
180-30-116	REP-P	98-14-148	180-30-455	REP	98-19-142	180-30-760	REP-P	98-14-148
180-30-116	REP	98-19-142	180-30-460	REP-P	98-14-148	180-30-760	REP	98-19-142
180-30-117	REP-P	98-14-148	180-30-460	REP	98-19-142	180-30-765	REP-P	98-14-148
180-30-117	REP	98-19-142	180-30-465	REP-P	98-14-148	180-30-765	REP	98-19-142
180-30-120	REP-P	98-14-148	180-30-465	REP	98-19-142	180-30-770	REP-P	98-14-148
180-30-120	REP	98-19-142	180-30-470	REP-P	98-14-148	180-30-770	REP	98-19-142
180-30-125	REP-P	98-14-148	180-30-470	REP	98-19-142	180-30-775	REP-P	98-14-148
180-30-125	REP	98-19-142	180-30-475	REP-P	98-14-148	180-30-775	REP	98-19-142
180-30-130	REP-P	98-14-148	180-30-475	REP	98-19-142	180-30-780	REP-P	98-14-148
180-30-130	REP	98-19-142	180-30-480	REP-P	98-14-148	180-30-780	REP	98-19-142
180-30-135	REP-P	98-14-148	180-30-480	REP	98-19-142	180-30-800	REP-P	98-14-148
180-30-135	REP	98-19-142	180-30-485	REP-P	98-14-148	180-30-800	REP	98-19-142
180-30-200	REP-P	98-14-148	180-30-485	REP	98-19-142	180-30-805	REP-P	98-14-148
180-30-200	REP	98-19-142	180-30-490	REP-P	98-14-148	180-30-805	REP	98-19-142
180-30-205	REP-P	98-14-148	180-30-490	REP	98-19-142	180-30-807	REP-P	98-14-148
180-30-205	REP	98-19-142	180-30-495	REP-P	98-14-148	180-30-807	REP	98-19-142
180-30-210	REP-P	98-14-148	180-30-495	REP	98-19-142	180-30-810	REP-P	98-14-148

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180-30-810	REP	98-19-142	180-58-055	REP	98-05-006	180-78A-100	NEW-P	98-19-134
180-30-815	REP-P	98-14-148	180-58-065	REP	98-05-006	180-78A-105	NEW-P	98-19-134
180-30-815	REP	98-19-142	180-58-075	REP	98-05-006	180-78A-110	NEW-P	98-19-134
180-30-820	REP-P	98-14-148	180-58-085	REP	98-05-006	180-78A-115	NEW-P	98-19-134
180-30-820	REP	98-19-142	180-58-090	REP	98-05-006	180-78A-120	NEW-P	98-19-134
180-30-825	REP-P	98-14-148	180-59-005	REP	98-05-007	180-78A-125	NEW-P	98-19-134
180-30-825	REP	98-19-142	180-59-010	REP	98-05-007	180-78A-130	NEW-P	98-19-134
180-30-830	REP-P	98-14-148	180-59-015	REP	98-05-007	180-78A-135	REP-P	98-19-134
180-30-830	REP	98-19-142	180-59-020	REP	98-05-007	180-78A-136	NEW-P	98-19-134
180-30-845	REP-P	98-14-148	180-59-025	REP	98-05-007	180-78A-140	REP-P	98-19-134
180-30-845	REP	98-19-142	180-59-030	REP	98-05-007	180-78A-142	REP-P	98-19-134
180-31	PREP	98-06-003	180-59-032	REP	98-05-007	180-78A-145	REP-P	98-19-134
180-31-005	AMD-P	98-14-150	180-59-035	REP	98-05-007	180-78A-150	REP-P	98-19-134
180-31-005	AMD	98-19-144	180-59-037	REP	98-05-007	180-78A-151	NEW-P	98-19-134
180-31-020	AMD-P	98-14-150	180-59-040	REP	98-05-007	180-78A-155	REP-P	98-19-134
180-31-020	AMD	98-19-144	180-59-045	REP	98-05-007	180-78A-160	REP-P	98-19-134
180-31-025	AMD-P	98-14-150	180-59-047	REP	98-05-007	180-78A-165	AMD	98-05-022
180-31-025	AMD	98-19-144	180-59-050	REP	98-05-007	180-78A-165	REP-P	98-19-134
180-31-035	AMD-P	98-14-150	180-59-055	REP	98-05-007	180-78A-195	REP-P	98-19-134
180-31-035	AMD	98-19-144	180-59-060	REP	98-05-007	180-78A-197	REP-P	98-19-134
180-31-040	AMD-P	98-14-150	180-59-065	REP	98-05-007	180-78A-200	NEW-P	98-19-134
180-31-040	AMD	98-19-144	180-59-070	REP	98-05-007	180-78A-201	REP-P	98-19-134
180-31-045	NEW-P	98-14-150	180-59-075	REP	98-05-007	180-78A-205	NEW-P	98-19-134
180-31-045	NEW	98-19-144	180-59-080	REP	98-05-007	180-78A-207	NEW-P	98-19-134
180-32	PREP	98-06-002	180-59-090	REP	98-05-007	180-78A-209	NEW-P	98-19-134
180-32-005	AMD-P	98-14-151	180-59-095	REP	98-05-007	180-78A-210	NEW-P	98-19-134
180-32-005	AMD	98-19-145	180-59-100	REP	98-05-007	180-78A-215	NEW-P	98-19-134
180-32-020	AMD-P	98-14-151	180-59-105	REP	98-05-007	180-78A-220	NEW-P	98-19-134
180-32-020	AMD	98-19-145	180-59-110	REP	98-05-007	180-78A-225	NEW-P	98-19-134
180-32-025	AMD-P	98-14-151	180-59-115	REP	98-05-007	180-78A-250	NEW-P	98-19-134
180-32-025	AMD	98-19-145	180-59-120	REP	98-05-007	180-78A-255	NEW-P	98-19-134
180-32-035	AMD-P	98-14-151	180-59-125	REP	98-05-007	180-78A-260	REP-P	98-19-134
180-32-035	AMD	98-19-145	180-59-130	REP	98-05-007	180-78A-261	NEW-P	98-19-134
180-32-040	AMD-P	98-14-151	180-59-135	REP	98-05-007	180-78A-263	REP-P	98-19-134
180-32-040	AMD	98-19-145	180-59-140	REP	98-05-007	180-78A-264	NEW-P	98-19-134
180-32-050	AMD-P	98-14-151	180-59-145	REP	98-05-007	180-78A-265	REP-P	98-19-134
180-32-050	AMD	98-19-145	180-59-150	REP	98-05-007	180-78A-266	REP-P	98-19-134
180-32-055	REP-P	98-14-151	180-59-155	REP	98-05-007	180-78A-270	NEW-P	98-19-134
180-32-055	REP	98-19-145	180-59-160	REP	98-05-007	180-78A-300	REP-P	98-19-134
180-33	PREP	98-06-008	180-59-165	REP	98-05-007	180-78A-301	REP-P	98-19-134
180-33-005	AMD-P	98-14-144	180-77-122	PREP	98-16-096	180-78A-302	REP-P	98-19-134
180-33-005	AMD	98-19-138	180-77-122	AMD-P	98-19-136	180-78A-303	REP-P	98-19-134
180-33-025	AMD	98-09-052	180-77A-170	PREP	98-16-097	180-78A-304	REP-P	98-19-134
180-33-040	AMD-P	98-14-144	180-77A-170	AMD-P	98-19-137	180-78A-305	REP-P	98-19-134
180-33-040	AMD	98-19-138	180-78A	PREP	98-06-030	180-78A-306	REP-P	98-19-134
180-33-042	AMD-P	98-14-144	180-78A	PREP	98-16-098	180-78A-307	NEW-P	98-19-134
180-33-042	AMD	98-19-138	180-78A-003	AMD-P	98-19-134	180-78A-308	NEW-P	98-19-134
180-33-043	REP-P	98-14-144	180-78A-004	REP-P	98-19-134	180-78A-310	NEW-P	98-19-134
180-33-043	REP	98-19-138	180-78A-005	AMD-P	98-19-134	180-78A-315	NEW-P	98-19-134
180-34-010	AMD	98-05-002	180-78A-006	REP-P	98-19-134	180-78A-317	NEW-P	98-19-134
180-34-015	REP	98-05-002	180-78A-010	AMD-P	98-19-134	180-78A-320	REP-P	98-19-134
180-34-020	REP	98-05-002	180-78A-012	REP-P	98-19-134	180-78A-325	NEW-P	98-19-134
180-34-025	REP	98-05-002	180-78A-015	AMD-P	98-19-134	180-78A-330	NEW-P	98-19-134
180-36-007	NEW	98-05-021	180-78A-026	REP-P	98-19-134	180-78A-340	REP-P	98-19-134
180-39-025	AMD	98-05-004	180-78A-028	REP-P	98-19-134	180-78A-345	REP-P	98-19-134
180-39-027	REP	98-05-004	180-78A-030	REP-P	98-19-134	180-78A-350	REP-P	98-19-134
180-39-028	REP	98-05-004	180-78A-033	REP-P	98-19-134	180-78A-355	REP-P	98-19-134
180-39-030	REP	98-05-004	180-78A-037	REP-P	98-19-134	180-78A-360	REP-P	98-19-134
180-39-035	REP	98-05-004	180-78A-047	REP-P	98-19-134	180-78A-365	REP-P	98-19-134
180-51-050	PREP	98-06-028	180-78A-057	REP-P	98-19-134	180-78A-400	NEW-P	98-19-134
180-56-003	REP	98-05-005	180-78A-060	REP-P	98-19-134	180-78A-500	NEW-P	98-19-134
180-58-010	REP	98-05-006	180-78A-063	REP-P	98-19-134	180-78A-505	NEW-P	98-19-134
180-58-015	REP	98-05-006	180-78A-065	REP-P	98-19-134	180-78A-510	NEW-P	98-19-134
180-58-020	REP	98-05-006	180-78A-068	REP-P	98-19-134	180-78A-515	NEW-P	98-19-134
180-58-030	REP	98-05-006	180-78A-073	REP-P	98-19-134	180-78A-520	NEW-P	98-19-134
180-58-040	REP	98-05-006	180-78A-075	REP-P	98-19-134	180-78A-525	NEW-P	98-19-134
180-58-045	REP	98-05-006	180-78A-080	REP-P	98-19-134	180-78A-530	NEW-P	98-19-134

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180-78A-540	NEW-P	98-19-134	180-79A-420	AMD-P	98-10-102	180-82-358	NEW-P	98-19-134
180-78A-545	NEW-P	98-19-134	180-79A-420	AMD	98-15-027	180-82-360	NEW-P	98-19-134
180-78A-550	NEW-P	98-19-134	180-79A-420	REP-P	98-19-134	180-82-362	NEW-P	98-19-134
180-78A-555	NEW-P	98-19-134	180-79A-422	PREP	98-04-087	180-85	PREP	98-16-098
180-78A-560	NEW-P	98-19-134	180-79A-422	AMD-P	98-10-102	180-85-020	AMD-P	98-19-134
180-78A-565	NEW-P	98-19-134	180-79A-422	AMD	98-15-027	180-85-075	AMD-P	98-19-134
180-79A	PREP	98-16-098	180-79A-422	REP-P	98-19-134	180-85-100	AMD	98-05-024
180-79A-005	REP-P	98-19-134	180-79A-423	REP-P	98-19-134	180-87	PREP	98-08-038
180-79A-006	NEW-P	98-19-134	180-79A-424	REP-P	98-19-134	180-90-125	PREP	98-10-024
180-79A-007	NEW-P	98-19-134	180-79A-430	REP-P	98-19-134	182-04-070	AMD-XA	98-13-078
180-79A-010	REP-P	98-19-134	180-79A-433	AMD-P	98-10-103	182-04-070	AMD	98-17-063
180-79A-011	NEW-P	98-19-134	180-79A-433	AMD	98-15-028	182-25-010	AMD	98-07-002
180-79A-012	REP-P	98-19-134	180-79A-433	REP-P	98-19-134	182-25-010	AMD-XA	98-10-086
180-79A-013	REP-P	98-19-134	180-79A-435	REP-P	98-19-134	182-25-010	AMD	98-15-018
180-79A-025	REP-P	98-19-134	180-79A-440	REP-P	98-19-134	182-25-020	AMD	98-07-002
180-79A-030	NEW-P	98-19-134	180-79A-445	REP-P	98-19-134	182-25-030	AMD	98-07-002
180-79A-101	REP-P	98-19-134	180-79A-503	REP-P	98-19-134	182-25-040	AMD	98-07-002
180-79A-117	AMD	98-05-024	180-79A-510	REP-P	98-19-134	182-25-070	AMD	98-07-002
180-79A-117	AMD-P	98-19-134	180-79A-515	REP-P	98-19-134	182-25-080	AMD	98-07-002
180-79A-122	REP-P	98-19-134	180-79A-517	REP-P	98-19-134	182-25-090	AMD	98-07-002
180-79A-123	NEW-P	98-19-134	180-79A-520	REP-P	98-19-134	182-25-100	AMD	98-07-002
180-79A-124	NEW-P	98-19-134	180-82	PREP	98-16-098	182-25-100	PREP	98-17-062
180-79A-125	REP-P	98-19-134	180-82-002	NEW-P	98-19-134	182-25-105	AMD	98-07-002
180-79A-126	REP-P	98-19-134	180-82-004	NEW-P	98-19-134	182-25-105	PREP	98-17-062
180-79A-127	NEW-P	98-19-134	180-82-105	NEW-P	98-19-134	182-25-110	PREP	98-17-062
180-79A-128	NEW-P	98-19-134	180-82-110	NEW-P	98-19-134	192-12-030	AMD-P	98-09-106
180-79A-140	AMD-P	98-19-134	180-82-115	NEW-P	98-19-134	192-12-030	REP	98-14-068
180-79A-145	NEW-P	98-19-134	180-82-120	NEW-P	98-19-134	192-12-040	AMD-P	98-09-105
180-79A-150	AMD-P	98-19-134	180-82-125	NEW-P	98-19-134	192-12-040	REP	98-14-068
180-79A-155	NEW-P	98-19-134	180-82-130	NEW-P	98-19-134	192-12-041	AMD-P	98-09-105
180-79A-157	NEW-P	98-19-134	180-82-200	NEW-P	98-19-134	192-12-041	REP	98-14-068
180-79A-160	REP-P	98-19-134	180-82-201	NEW-P	98-19-134	192-12-042	AMD-P	98-09-105
180-79A-161	REP-P	98-19-134	180-82-202	NEW-P	98-19-134	192-12-042	REP	98-14-068
180-79A-165	REP-P	98-19-134	180-82-204	NEW-P	98-19-134	192-12-141	AMD	98-06-097
180-79A-170	REP-P	98-19-134	180-82-210	NEW-P	98-19-134	192-16-024	REP-XR	98-15-146
180-79A-200	REP-P	98-19-134	180-82-215	NEW-P	98-19-134	192-16-024	REP	98-19-120
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180-79A-206	NEW-P	98-19-134	180-82-302	NEW-P	98-19-134	192-16-051	REP-E	98-13-015
180-79A-210	REP-P	98-19-134	180-82-304	NEW-P	98-19-134	192-16-052	PREP	98-08-072
180-79A-211	NEW-P	98-19-134	180-82-306	NEW-P	98-19-134	192-16-052	REP-E	98-13-015
180-79A-213	NEW-P	98-19-134	180-82-308	NEW-P	98-19-134	192-16-057	PREP	98-08-072
180-79A-215	REP-P	98-19-134	180-82-310	NEW-P	98-19-134	192-18-010	REP-XR	98-07-023
180-79A-220	AMD-P	98-04-089	180-82-312	NEW-P	98-19-134	192-18-010	REP	98-14-031
180-79A-220	AMD	98-08-068	180-82-314	NEW-P	98-19-134	192-18-012	REP-XR	98-07-023
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180-79A-223	NEW-P	98-19-134	180-82-320	NEW-P	98-19-134	192-18-020	REP	98-14-031
180-79A-225	REP-P	98-19-134	180-82-322	NEW-P	98-19-134	192-18-030	REP-XR	98-07-023
180-79A-226	NEW-P	98-19-134	180-82-324	NEW-P	98-19-134	192-18-030	REP	98-14-031
180-79A-230	REP-P	98-19-134	180-82-326	NEW-P	98-19-134	192-18-040	REP-XR	98-07-023
180-79A-231	NEW-P	98-19-134	180-82-328	NEW-P	98-19-134	192-18-040	REP	98-14-031
180-79A-236	REP-P	98-19-134	180-82-330	NEW-P	98-19-134	192-18-050	REP-XR	98-07-023
180-79A-250	NEW-P	98-19-134	180-82-332	NEW-P	98-19-134	192-18-050	REP	98-14-031
180-79A-253	NEW-P	98-19-134	180-82-334	NEW-P	98-19-134	192-18-060	REP-XR	98-07-023
180-79A-255	NEW-P	98-19-134	180-82-336	NEW-P	98-19-134	192-18-060	REP	98-14-031
180-79A-257	NEW-P	98-19-134	180-82-338	NEW-P	98-19-134	192-18-070	REP-XR	98-07-023
180-79A-260	NEW-P	98-19-134	180-82-339	NEW-P	98-19-134	192-18-070	REP	98-14-031
180-79A-265	NEW-P	98-19-134	180-82-340	NEW-P	98-19-134	192-20-010	REP-XR	98-07-024
180-79A-270	NEW-P	98-19-134	180-82-342	NEW-P	98-19-134	192-20-010	REP	98-14-032
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180-79A-304	AMD-P	98-19-134	180-82-344	NEW-P	98-19-134	192-32	AMD	98-05-042
180-79A-340	AMD	98-05-023	180-82-346	NEW-P	98-19-134	192-32-001	REP	98-05-042
180-79A-403	REP-P	98-19-134	180-82-348	NEW-P	98-19-134	192-32-010	AMD	98-05-042
180-79A-405	REP-P	98-19-134	180-82-350	NEW-P	98-19-134	192-32-015	REP	98-05-042
180-79A-415	REP-P	98-19-134	180-82-352	NEW-P	98-19-134	192-32-025	REP	98-05-042
180-79A-417	REP-P	98-19-134	180-82-354	NEW-P	98-19-134	192-32-035	AMD	98-05-042

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192-32-055	AMD	98-05-042	196-08-110	REP	98-12-045	196-08-450	REP-P	98-08-078
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192-32-085	AMD	98-05-042	196-08-130	REP-P	98-08-078	196-08-460	REP	98-12-045
192-32-095	AMD	98-05-042	196-08-130	REP	98-12-045	196-08-470	REP-P	98-08-078
192-32-100	NEW	98-05-042	196-08-140	REP-P	98-08-078	196-08-470	REP	98-12-045
192-32-105	AMD	98-05-042	196-08-140	REP	98-12-045	196-08-480	REP-P	98-08-078
192-32-115	AMD	98-05-042	196-08-150	REP-P	98-08-078	196-08-480	REP	98-12-045
192-32-120	REP	98-05-042	196-08-150	REP	98-12-045	196-08-490	REP-P	98-08-078
192-32-125	REP	98-05-042	196-08-160	REP-P	98-08-078	196-08-490	REP	98-12-045
192-32-130	NEW	98-05-042	196-08-160	REP	98-12-045	196-08-500	REP-P	98-08-078
192-32-135	NEW	98-05-042	196-08-170	REP-P	98-08-078	196-08-500	REP	98-12-045
192-33-005	NEW	98-05-042	196-08-170	REP	98-12-045	196-08-510	REP-P	98-08-078
192-33-006	NEW	98-05-042	196-08-180	REP-P	98-08-078	196-08-510	REP	98-12-045
192-130-050	NEW	98-14-068	196-08-180	REP	98-12-045	196-08-520	REP-P	98-08-078
192-210-005	NEW-E	98-13-015	196-08-190	REP-P	98-08-078	196-08-520	REP	98-12-045
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192-210-015	NEW-E	98-13-015	196-08-200	REP-P	98-08-078	196-08-530	REP	98-12-045
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192-310-030	NEW	98-14-068	196-08-220	REP-P	98-08-078	196-08-550	REP	98-12-045
194-10-010	REP	98-05-027	196-08-220	REP	98-12-045	196-08-560	REP-P	98-08-078
194-10-020	REP	98-05-027	196-08-230	REP-P	98-08-078	196-08-560	REP	98-12-045
194-10-030	REP	98-05-027	196-08-230	REP	98-12-045	196-08-570	REP-P	98-08-078
194-10-040	REP	98-05-027	196-08-240	REP-P	98-08-078	196-08-570	REP	98-12-045
194-10-050	REP	98-05-027	196-08-240	REP	98-12-045	196-08-580	REP-P	98-08-078
194-10-060	REP	98-05-027	196-08-250	REP-P	98-08-078	196-08-580	REP	98-12-045
194-10-070	REP	98-05-027	196-08-250	REP	98-12-045	196-08-590	REP-P	98-08-078
194-10-080	REP	98-05-027	196-08-260	REP-P	98-08-078	196-08-590	REP	98-12-045
194-10-090	REP	98-05-027	196-08-260	REP	98-12-045	196-09-010	NEW-P	98-08-078
194-10-100	REP	98-05-027	196-08-270	REP-P	98-08-078	196-09-010	NEW	98-12-045
194-10-110	REP	98-05-027	196-08-270	REP	98-12-045	196-09-020	NEW-P	98-08-078
194-10-120	REP	98-05-027	196-08-280	REP-P	98-08-078	196-09-020	NEW	98-12-045
194-10-130	REP	98-05-027	196-08-280	REP	98-12-045	196-12-010	AMD-P	98-08-105
194-10-140	REP	98-05-027	196-08-290	REP-P	98-08-078	196-12-010	AMD	98-12-052
194-18-010	REP-XR	98-17-034	196-08-290	REP	98-12-045	196-12-020	AMD-P	98-08-105
194-18-020	REP-XR	98-17-034	196-08-300	REP-P	98-08-078	196-12-020	AMD	98-12-052
194-18-030	REP-XR	98-17-034	196-08-300	REP	98-12-045	196-12-030	AMD-P	98-08-105
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196-04-010	REP-P	98-15-019	196-08-310	REP	98-12-045	196-12-045	NEW-P	98-08-105
196-04-010	REP	98-18-046	196-08-320	REP-P	98-08-078	196-12-045	NEW	98-12-052
196-04-020	REP-P	98-15-019	196-08-320	REP	98-12-045	196-12-050	AMD-P	98-08-105
196-04-020	REP	98-18-046	196-08-330	REP-P	98-08-078	196-12-050	AMD	98-12-052
196-04-025	REP-P	98-15-019	196-08-330	REP	98-12-045	196-12-060	REP-P	98-08-105
196-04-025	REP	98-18-046	196-08-340	REP-P	98-08-078	196-12-060	REP	98-12-052
196-04-030	REP-P	98-15-019	196-08-340	REP	98-12-045	196-12-085	REP-P	98-08-105
196-04-030	REP	98-18-046	196-08-350	REP-P	98-08-078	196-12-085	REP	98-12-052
196-04-040	REP-P	98-15-019	196-08-350	REP	98-12-045	196-24-030	REP-P	98-08-105
196-04-040	REP	98-18-046	196-08-360	REP-P	98-08-078	196-24-030	REP	98-12-052
196-08-010	REP-P	98-08-078	196-08-360	REP	98-12-045	196-24-040	REP-P	98-08-105
196-08-010	REP	98-12-045	196-08-370	REP-P	98-08-078	196-24-040	REP	98-12-052
196-08-040	REP-P	98-08-078	196-08-370	REP	98-12-045	196-24-050	REP-P	98-08-105
196-08-040	REP	98-12-045	196-08-380	REP-P	98-08-078	196-24-050	REP	98-12-052
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196-08-050	REP	98-12-045	196-08-390	REP-P	98-08-078	196-24-105	AMD	98-12-052
196-08-060	REP-P	98-08-078	196-08-390	REP	98-12-045	196-25-001	NEW-P	98-08-106
196-08-060	REP	98-12-045	196-08-400	REP-P	98-08-078	196-25-001	NEW	98-12-053
196-08-070	REP-P	98-08-078	196-08-400	REP	98-12-045	196-25-002	NEW-P	98-08-106
196-08-070	REP	98-12-045	196-08-410	REP-P	98-08-078	196-25-002	NEW	98-12-053
196-08-080	REP-P	98-08-078	196-08-410	REP	98-12-045	196-25-005	NEW-P	98-08-106
196-08-080	REP	98-12-045	196-08-420	REP-P	98-08-078	196-25-005	NEW	98-12-053
196-08-090	REP-P	98-08-078	196-08-420	REP	98-12-045	196-25-010	NEW-P	98-08-106
196-08-090	REP	98-12-045	196-08-430	REP-P	98-08-078	196-25-010	NEW	98-12-053
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196-25-040	NEW-P	98-08-106	212-17-200	REP	98-13-038	220-20-015	AMD-P	98-09-089
196-25-040	NEW	98-12-053	212-17-200	REP-E	98-13-039	220-20-015	AMD	98-15-031
196-26-020	AMD-P	98-09-051	212-17-205	REP-XR	98-07-019	220-20-020	AMD-P	98-09-089
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204-10-020	PREP	98-11-036	212-17-215	REP-XR	98-07-019	220-24-02000E	REP-E	98-11-020
204-10-020	AMD-P	98-15-083	212-17-215	REP	98-13-038	220-24-02000F	NEW-E	98-11-020
204-10-020	AMD	98-19-040	212-17-215	REP-E	98-13-039	220-24-02000F	REP-E	98-12-076
204-10-070	AMD	98-04-053	212-17-21503	NEW	98-04-007	220-24-02000G	NEW-E	98-11-085
204-10-090	AMD	98-04-053	212-17-21505	NEW	98-04-007	220-24-02000H	NEW-E	98-12-076
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204-10-130	REP	98-04-053	212-17-21511	NEW	98-04-007	220-32-05100D	REP-E	98-04-068
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204-10-150	REP	98-04-053	212-17-21515	NEW	98-04-007	220-32-05100E	NEW-E	98-04-068
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204-46-010	NEW-P	98-18-073	220-16-002	NEW-P	98-11-086	220-32-05100G	NEW-E	98-19-019
204-46-020	PREP	98-14-049	220-16-002	NEW	98-15-081	220-32-05100H	REP-E	98-19-051
204-46-020	NEW-P	98-18-073	220-16-005	NEW-P	98-11-086	220-32-05100H	NEW-E	98-19-051
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204-46-030	NEW-P	98-18-073	220-16-440	AMD	98-06-031	220-32-05100I	REP-E	98-19-077
204-50-010	PREP	98-19-076	220-16-475	NEW	98-06-031	220-32-05500M	NEW-E	98-09-022
204-50-020	PREP	98-19-076	220-16-480	NEW-P	98-09-089	220-32-05500M	REP-E	98-09-022
204-50-030	PREP	98-19-076	220-16-480	NEW-W	98-11-049	220-32-05500M	REP-E	98-13-006
204-50-040	PREP	98-19-076	220-16-480	NEW	98-15-031	220-32-05500N	REP-E	98-11-041
204-50-050	PREP	98-19-076	220-16-490	NEW-P	98-09-089	220-32-05500N	NEW-E	98-11-041
204-50-060	PREP	98-19-076	220-16-490	NEW-W	98-11-049	220-32-05500P	NEW-E	98-13-006
204-50-070	PREP	98-19-076	220-16-490	NEW	98-15-031	220-32-05500P	REP-E	98-13-006
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220-57-160	AMD	98-15-081	220-57-355	AMD	98-15-081	220-88A-07000	NEW-E	98-10-032
220-57-16000K	NEW-E	98-06-038	220-57-365	AMD-P	98-11-086	220-88A-07000	REP-E	98-10-058
220-57-16000L	NEW-E	98-09-005	220-57-365	AMD	98-15-081	220-88A-07000	NEW-E	98-10-058
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220-88A-07000	NEW-E	98-11-007	230-04-133	NEW	98-19-130	232-12-011	AMD-P	98-17-091
220-88A-07000	REP-E	98-11-105	230-04-198	NEW-P	98-18-009	232-12-011	AMD-W	98-18-027
220-88A-07000	NEW-E	98-11-105	230-04-202	AMD-P	98-18-009	232-12-011	AMD-P	98-19-025
220-88A-07000	REP-E	98-13-016	230-04-203	AMD-P	98-18-009	232-12-014	AMD-P	98-17-091
220-88A-07000	NEW-E	98-13-016	230-04-204	AMD-P	98-18-009	232-12-014	AMD-W	98-18-027
220-88A-07000	REP-E	98-15-046	230-08-017	AMD-P	98-09-058	232-12-014	AMD-P	98-19-025
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220-88A-08000	NEW-E	98-09-050	230-08-025	AMD	98-19-130	232-12-047	AMD-P	98-05-094
220-88A-08000	NEW-E	98-15-030	230-08-026	NEW-P	98-10-066	232-12-047	AMD	98-10-006
220-88A-08000	REP-E	98-15-046	230-08-026	NEW	98-19-130	232-12-068	AMD-P	98-14-098
220-88A-08000	NEW-E	98-15-046	230-08-070	AMD-W	98-09-039	232-12-068	AMD	98-17-044
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220-95-032	AMD-C	98-14-096	230-20-115	AMD	98-04-024	232-16-690	AMD	98-17-047
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222-30-040	AMD-E	98-12-026	230-30-070	AMD-W	98-10-081	232-28-02210	REP	98-10-019
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232-28-264	AMD-P	98-14-102	232-28-61900W	NEW-E	98-19-005	246-222-080	AMD	98-13-037
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246-249-090	AMD	98-09-117	246-312-040	NEW-P	98-09-111	246-808-165	AMD	98-05-060
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246-254-070	AMD-P	98-07-080	246-312-060	NEW	98-14-056	246-808-990	AMD	98-05-060
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246-310-010	AMD	98-10-053	246-327-990	AMD-P	98-09-112	246-812-150	RE-AD-P	98-14-124
246-310-044	AMD-XA	98-05-057	246-327-990	AMD	98-13-036	246-812-155	AMD-P	98-14-124
246-310-044	AMD	98-10-053	246-328-100	REP	98-05-060	246-812-160	AMD	98-05-060
246-310-045	NEW-XA	98-12-067	246-328-200	AMD	98-05-060	246-812-160	RE-AD-P	98-14-124
246-310-045	NEW	98-17-099	246-328-990	AMD	98-05-060	246-812-161	NEW	98-05-060
246-310-050	AMD-XA	98-05-057	246-331-990	AMD-P	98-09-112	246-812-161	RE-AD-P	98-14-124
246-310-050	AMD	98-10-053	246-331-990	AMD	98-13-036	246-812-170	RE-AD-P	98-14-124
246-310-080	AMD-XA	98-05-057	246-336-990	AMD-P	98-09-112	246-812-301	RE-AD-P	98-14-124
246-310-080	AMD	98-10-053	246-336-990	AMD	98-13-036	246-812-320	RE-AD-P	98-14-124
246-310-090	AMD-XA	98-05-057	246-338	PREP	98-17-100	246-812-330	RE-AD-P	98-14-124
246-310-090	AMD	98-10-053	246-340-085	REP	98-09-120	246-812-340	RE-AD-P	98-14-124
246-310-120	AMD-XA	98-05-057	246-358-600	NEW-E	98-11-001	246-812-350	RE-AD-P	98-14-124
246-310-120	AMD	98-10-053	246-358-610	NEW-E	98-11-001	246-812-360	RE-AD-P	98-14-124
246-310-132	AMD-XA	98-05-057	246-358-620	NEW-E	98-11-001	246-812-390	RE-AD-P	98-14-124
246-310-132	AMD	98-10-053	246-358-630	NEW-E	98-11-001	246-812-400	RE-AD-P	98-14-124
246-310-150	AMD-XA	98-05-057	246-358-640	NEW-E	98-11-001	246-812-410	RE-AD-P	98-14-124
246-310-150	AMD	98-10-053	246-358-650	NEW-E	98-11-001	246-812-420	RE-AD-P	98-14-124
246-310-160	AMD-XA	98-05-057	246-490-019	REP	98-18-067	246-812-430	RE-AD-P	98-14-124
246-310-160	AMD	98-10-053	246-560	PREP	98-18-071	246-812-440	RE-AD-P	98-14-124
246-310-170	AMD-XA	98-05-057	246-562-010	NEW-P	98-15-154	246-812-450	RE-AD-P	98-14-124
246-310-170	AMD	98-10-053	246-562-020	NEW-P	98-15-154	246-812-460	RE-AD-P	98-14-124
246-310-180	AMD-XA	98-05-057	246-562-040	NEW-P	98-15-154	246-812-501	AMD-P	98-14-124
246-310-180	AMD	98-10-053	246-562-050	NEW-P	98-15-154	246-812-510	RE-AD-P	98-14-124
246-310-395	AMD-XA	98-05-057	246-562-060	NEW-P	98-15-154	246-812-520	RE-AD-P	98-14-124
246-310-395	AMD	98-10-053	246-562-070	NEW-P	98-15-154	246-812-601	RE-AD-P	98-14-124
246-310-395	AMD-XA	98-12-067	246-562-080	NEW-P	98-15-154	246-812-610	RE-AD-P	98-14-124
246-310-395	AMD	98-17-099	246-562-090	NEW-P	98-15-154	246-812-620	RE-AD-P	98-14-124
246-310-396	AMD-XA	98-05-057	246-562-100	NEW-P	98-15-154	246-812-630	RE-AD-P	98-14-124
246-310-396	AMD	98-10-053	246-562-110	NEW-P	98-15-154	246-812-990	AMD	98-05-060
246-310-397	AMD-XA	98-12-067	246-562-120	NEW-P	98-15-154	246-812-990	RE-AD-P	98-14-124
246-310-397	AMD	98-17-099	246-562-130	NEW-P	98-15-154	246-812-995	NEW	98-05-060
246-310-560	AMD-XA	98-05-057	246-562-140	NEW-P	98-15-154	246-812-995	RE-AD-P	98-14-124
246-310-560	AMD	98-10-053	246-562-150	NEW-P	98-15-154	246-815-020	AMD	98-05-060
246-310-610	AMD-XA	98-05-057	246-780	PREP	98-14-117	246-815-040	REP	98-05-060
246-310-610	AMD	98-10-053	246-802-020	REP	98-05-060	246-815-060	REP	98-14-123
246-310-620	REP-XR	98-18-068	246-802-025	AMD	98-05-060	246-815-060	REP	98-14-123
246-312	AMD-P	98-09-111	246-802-090	AMD	98-05-060	246-815-070	REP-XR	98-07-087
246-312	AMD	98-14-056	246-802-250	AMD	98-05-060	246-815-070	REP	98-14-123
246-312-020	NEW-P	98-09-111	246-802-990	AMD	98-05-060	246-815-080	REP-XR	98-07-087
246-312-020	NEW	98-14-056	246-808-105	AMD	98-05-060	246-815-080	REP	98-14-123
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246-815-100	AMD	98-05-060	246-830-470	REP	98-05-060	246-845-990	AMD	98-05-060
246-815-140	AMD	98-05-060	246-830-480	REP	98-05-060	246-845-990	PREP	98-09-116
246-815-150	REP	98-05-060	246-830-990	AMD	98-05-060	246-847-055	AMD	98-05-060
246-815-300	REP	98-05-060	246-834-060	AMD	98-05-060	246-847-060	REP	98-05-060
246-815-990	AMD	98-05-060	246-834-060	PREP	98-11-064	246-847-065	AMD	98-05-060
246-817-110	AMD	98-05-060	246-834-065	AMD	98-05-060	246-847-068	AMD	98-05-060
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246-817-990	AMD	98-05-060	246-834-200	AMD	98-05-060	246-847-990	AMD	98-05-060
246-822-110	REP	98-05-060	246-834-260	AMD	98-05-060	246-849-110	AMD	98-05-060
246-822-120	AMD	98-05-060	246-834-400	NEW	98-05-060	246-849-210	AMD	98-05-060
246-822-990	AMD	98-05-060	246-834-500	REP	98-05-060	246-849-220	AMD	98-05-060
246-824-020	AMD	98-05-060	246-834-990	AMD-P	98-07-085	246-849-260	AMD	98-05-060
246-824-040	AMD	98-05-060	246-834-990	AMD	98-11-069	246-849-990	AMD	98-05-060
246-824-071	AMD	98-05-060	246-836-080	AMD	98-05-060	246-849-995	NEW	98-05-060
246-824-073	AMD	98-05-060	246-836-090	REP	98-05-060	246-850-010	NEW-P	98-18-065
246-824-074	NEW	98-05-060	246-836-410	AMD	98-05-060	246-850-020	NEW-P	98-18-065
246-824-075	AMD	98-05-060	246-836-990	AMD-W	98-05-058	246-850-030	NEW-P	98-18-065
246-824-170	AMD	98-05-060	246-836-990	AMD	98-05-060	246-850-040	NEW-P	98-18-065
246-824-990	AMD	98-05-060	246-840-010	AMD	98-05-060	246-850-050	NEW-P	98-18-065
246-824-995	NEW	98-05-060	246-840-010	AMD-C	98-08-116	246-850-090	NEW-P	98-18-065
246-826-050	AMD	98-05-060	246-840-010	AMD-W	98-09-040	246-850-100	NEW-P	98-18-065
246-826-230	AMD	98-05-060	246-840-020	AMD	98-05-060	246-850-110	NEW-P	98-18-065
246-826-990	AMD	98-05-060	246-840-030	AMD-XA	98-18-072	246-850-120	NEW-P	98-18-065
246-826-995	NEW-W	98-05-059	246-840-040	AMD	98-05-060	246-850-990	NEW-P	98-18-065
246-828-005	AMD	98-06-079	246-840-040	AMD	98-05-060	246-851-020	REP	98-05-060
246-828-005	REP-XR	98-08-112	246-840-050	PREP	98-19-091	246-851-090	AMD	98-05-060
246-828-005	REP	98-15-089	246-840-070	PREP	98-19-091	246-851-100	REP	98-05-060
246-828-015	REP-XR	98-08-113	246-840-080	AMD	98-05-060	246-851-220	REP	98-05-060
246-828-015	REP	98-15-089A	246-840-090	AMD	98-05-060	246-851-240	REP	98-05-060
246-828-020	AMD-P	98-07-084	246-840-090	PREP	98-19-091	246-851-430	AMD	98-05-060
246-828-020	AMD	98-13-110	246-840-100	REP	98-05-060	246-851-510	REP	98-05-060
246-828-025	NEW-P	98-07-083	246-840-110	REP	98-05-060	246-851-990	AMD	98-05-060
246-828-025	NEW	98-13-109	246-840-111	NEW	98-05-060	246-853-040	REP	98-05-060
246-828-030	AMD	98-06-079	246-840-113	REP-XR	98-18-069	246-853-045	AMD	98-05-060
246-828-030	AMD	98-06-079	246-840-115	REP	98-05-060	246-853-060	AMD	98-05-060
246-828-050	REP	98-05-060	246-840-120	AMD	98-05-060	246-853-080	AMD	98-05-060
246-828-075	AMD	98-06-079	246-840-340	AMD	98-05-060	246-853-210	AMD	98-05-060
246-828-080	AMD	98-06-079	246-840-350	AMD	98-05-060	246-853-230	AMD	98-05-060
246-828-090	AMD	98-06-079	246-840-360	AMD	98-05-060	246-853-240	REP	98-05-060
246-828-095	NEW-P	98-08-117	246-840-365	AMD	98-05-060	246-853-270	REP	98-05-060
246-828-095	NEW	98-14-055	246-840-410	AMD	98-05-060	246-853-275	REP	98-05-060
246-828-100	AMD	98-06-079	246-840-440	AMD	98-05-060	246-853-990	AMD	98-05-060
246-828-105	NEW-P	98-08-117	246-840-450	AMD	98-05-060	246-854-050	AMD	98-05-060
246-828-105	NEW	98-14-055	246-840-450	AMD	98-05-060	246-854-080	AMD	98-05-060
246-828-270	AMD	98-06-079	246-840-730	PREP	98-09-115	246-854-110	AMD	98-05-060
246-828-280	AMD	98-06-079	246-840-985	NEW-C	98-08-116	246-855-100	AMD	98-05-060
246-828-280	AMD	98-06-079	246-840-985	NEW-W	98-09-040	246-861-010	AMD	98-05-060
246-828-295	AMD-W	98-05-058	246-840-990	AMD	98-05-060	246-861-020	AMD	98-05-060
246-828-295	AMD	98-05-060	246-840-990	PREP	98-10-108	246-861-120	REP	98-05-060
246-828-300	AMD-W	98-05-058	246-841-520	NEW	98-05-060	246-863-030	AMD	98-05-060
246-828-300	AMD	98-05-060	246-841-610	AMD	98-05-060	246-863-050	REP	98-05-060
246-828-320	AMD	98-06-079	246-841-990	AMD	98-05-060	246-863-070	AMD	98-05-060
246-828-330	AMD	98-06-079	246-843-060	REP-XR	98-19-093	246-863-080	AMD	98-05-060
246-828-340	AMD	98-06-079	246-843-150	AMD	98-05-060	246-863-090	AMD	98-05-060
246-828-350	AMD	98-06-079	246-843-155	REP	98-05-060	246-863-120	AMD	98-05-060
246-828-370	AMD-W	98-05-058	246-843-160	REP	98-05-060	246-869-050	REP	98-05-060
246-828-370	AMD	98-05-060	246-843-162	AMD	98-05-060	246-869-220	PREP	98-11-065
246-828-510	AMD	98-05-060	246-843-180	AMD	98-05-060	246-879-070	AMD	98-05-060
246-828-520	REP	98-05-060	246-843-200	REP-XR	98-19-094	246-883-050	REP-XR	98-07-088
246-828-530	AMD	98-05-060	246-843-200	REP-XR	98-19-095	246-887-020	AMD	98-05-060
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246-828-990	AMD	98-05-060	246-843-230	AMD	98-05-060	246-901-120	AMD	98-05-060
246-830-035	AMD	98-05-060	246-843-250	REP	98-05-060	246-904	PREP	98-04-037
246-830-050	REP	98-05-060	246-843-320	REP	98-05-060			
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246-907-030	AMD	98-05-060	246-930-020	AMD	98-05-060	246-976-840	AMD	98-04-038
246-907-030	AMD-P	98-07-086	246-930-400	REP	98-05-060	246-976-850	AMD	98-04-038
246-907-030	AMD	98-10-052	246-930-410	AMD	98-05-060	246-976-860	AMD	98-04-038
246-907-995	NEW	98-05-060	246-930-420	AMD	98-05-060	246-976-860	AMD-XA	98-14-121
246-915-010	AMD	98-05-060	246-930-430	REP	98-05-060	246-976-860	AMD	98-19-107
246-915-050	AMD	98-05-060	246-930-431	NEW	98-05-060	246-976-870	NEW	98-04-038
246-915-060	REP	98-05-060	246-930-990	AMD	98-05-060	246-976-880	REP	98-04-038
246-915-085	AMD	98-05-060	246-930-995	NEW	98-05-060	246-976-881	NEW	98-04-038
246-915-110	AMD	98-05-060	246-933-180	REP	98-05-060	246-976-885	AMD	98-04-038
246-915-990	AMD	98-05-060	246-933-305	AMD	98-05-060	246-976-890	AMD	98-04-038
246-918-006	REP	98-05-060	246-933-420	AMD	98-05-060	246-976-935	NEW	98-05-035
246-918-008	REP	98-09-118	246-933-430	REP	98-05-060	250- 10-010	REP	98-08-006
246-918-009	REP	98-09-118	246-933-470	REP	98-05-060	250- 10-020	REP	98-08-006
246-918-080	AMD	98-05-060	246-933-480	AMD	98-05-060	250- 10-022	REP	98-08-006
246-918-081	NEW	98-05-060	246-933-990	AMD	98-05-060	250- 10-026	REP	98-08-006
246-918-085	REP	98-05-060	246-935-130	AMD	98-05-060	250- 10-028	REP	98-08-006
246-918-160	REP	98-09-119	246-935-990	AMD	98-05-060	250- 10-030	REP	98-08-006
246-918-170	AMD	98-05-060	246-937-050	AMD	98-05-060	250- 10-040	REP	98-08-006
246-918-180	AMD	98-05-060	246-937-080	AMD	98-05-060	250- 10-050	REP	98-08-006
246-918-990	AMD	98-05-060	246-937-990	AMD	98-05-060	250- 10-060	REP	98-08-006
246-919-030	REP	98-05-060	246-976-470	REP	98-04-038	250- 10-070	REP	98-08-006
246-919-305	REP	98-05-060	246-976-475	REP	98-04-038	250- 10-080	REP	98-08-006
246-919-380	AMD	98-05-060	246-976-480	REP	98-04-038	250- 10-090	REP	98-08-006
246-919-400	REP	98-05-060	246-976-485	NEW	98-04-038	250- 10-100	REP	98-08-006
246-919-410	REP	98-05-060	246-976-490	NEW	98-04-038	250- 10-110	REP	98-08-006
246-919-420	REP	98-05-060	246-976-500	AMD	98-04-038	250- 10-120	REP	98-08-006
246-919-430	AMD	98-05-060	246-976-510	AMD	98-04-038	250- 10-130	REP	98-08-006
246-919-440	REP	98-05-060	246-976-520	AMD	98-04-038	250- 10-140	REP	98-08-006
246-919-460	AMD	98-05-060	246-976-550	AMD	98-04-038	250- 10-150	REP	98-08-006
246-919-480	AMD	98-05-060	246-976-560	AMD	98-04-038	250- 10-160	REP	98-08-006
246-919-500	REP	98-09-118	246-976-560	AMD-XA	98-14-121	250- 10-170	REP	98-08-006
246-919-510	REP	98-09-118	246-976-560	AMD	98-19-107	250- 12-010	REP	98-08-008
246-919-990	AMD	98-05-060	246-976-570	AMD	98-04-038	250- 12-020	REP	98-08-008
246-922-070	AMD	98-05-060	246-976-600	AMD	98-04-038	250- 12-030	REP	98-08-008
246-922-275	REP	98-05-060	246-976-610	AMD	98-04-038	250- 12-040	REP	98-08-008
246-922-280	REP	98-05-060	246-976-610	AMD-XA	98-14-121	250- 12-050	REP	98-08-008
246-922-285	NEW	98-05-060	246-976-610	AMD	98-19-107	250- 12-060	REP	98-08-008
246-922-290	AMD	98-05-060	246-976-615	NEW	98-04-038	250- 12-070	REP	98-08-008
246-922-295	AMD	98-05-060	246-976-620	NEW	98-04-038	250- 16-001	REP	98-08-007
246-922-300	AMD	98-05-060	246-976-640	AMD	98-04-038	250- 16-010	REP	98-08-007
246-922-320	REP	98-05-060	246-976-650	AMD	98-04-038	250- 16-020	REP	98-08-007
246-922-990	AMD	98-05-060	246-976-650	AMD-XA	98-14-121	250- 16-030	REP	98-08-007
246-922-995	NEW	98-05-060	246-976-650	AMD	98-19-107	250- 16-040	REP	98-08-007
246-924-110	AMD	98-05-060	246-976-680	AMD	98-04-038	250- 16-050	REP	98-08-007
246-924-120	REP	98-05-060	246-976-690	AMD	98-04-038	250- 16-060	REP	98-08-007
246-924-180	PREP	98-19-092	246-976-720	AMD	98-04-038	250- 18-020	AMD	98-08-004
246-924-230	AMD	98-05-060	246-976-720	AMD-XA	98-14-121	250- 18-060	AMD	98-08-004
246-924-230	PREP	98-19-092	246-976-720	AMD	98-19-107	250- 55-010	REP	98-08-009
246-924-240	PREP	98-19-092	246-976-730	AMD	98-04-038	250- 55-020	REP	98-08-009
246-924-250	PREP	98-19-092	246-976-730	AMD-XA	98-14-121	250- 55-030	REP	98-08-009
246-924-290	REP	98-05-060	246-976-730	AMD	98-19-107	250- 55-040	REP	98-08-009
246-924-300	PREP	98-19-092	246-976-740	AMD	98-04-038	250- 55-050	REP	98-08-009
246-924-320	REP	98-05-060	246-976-770	AMD	98-04-038	250- 55-060	REP	98-08-009
246-924-330	PREP	98-19-092	246-976-770	AMD-XA	98-14-121	250- 55-070	REP	98-08-009
246-924-340	PREP	98-19-092	246-976-770	AMD	98-19-107	250- 55-080	REP	98-08-009
246-924-490	REP	98-05-060	246-976-780	AMD	98-04-038	250- 55-090	REP	98-08-009
246-924-500	AMD	98-05-060	246-976-780	AMD-XA	98-14-121	250- 55-100	REP	98-08-009
246-924-990	AMD	98-05-060	246-976-780	AMD	98-19-107	250- 55-110	REP	98-08-009
246-926-160	REP	98-05-060	246-976-790	AMD	98-04-038	250- 55-120	REP	98-08-009
246-926-170	AMD	98-05-060	246-976-810	AMD	98-04-038	250- 55-130	REP	98-08-009
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255-01-060	NEW	98-07-071	275-27-040	AMD-P	98-16-091	284-10-030	REP	98-04-005
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284-23-130	REP	98-11-088	284-43	AMD	98-04-005	284-51-180	REP	98-09-041
284-23-200	AMD-P	98-04-083	284-43	PREP	98-13-090	284-54	PREP	98-13-087
284-23-200	AMD	98-11-003	284-43-040	REP	98-04-005	284-54	PREP	98-13-089
284-23-210	AMD-P	98-04-083	284-43-100	REP	98-04-005	284-58-010	AMD-XA	98-08-098
284-23-210	AMD	98-11-003	284-43-110	NEW	98-04-005	284-58-010	AMD	98-13-094
284-23-220	AMD-P	98-04-083	284-43-120	NEW	98-04-005	284-58-020	AMD-XA	98-08-098
284-23-220	AMD	98-11-003	284-43-130	NEW	98-04-005	284-58-020	AMD	98-13-094
284-23-230	AMD-P	98-04-083	284-43-200	NEW	98-04-005	284-58-040	REP-XA	98-04-084
284-23-230	AMD	98-11-003	284-43-210	NEW	98-04-005	284-58-040	REP	98-09-041
284-23-235	NEW-P	98-04-083	284-43-220	NEW	98-04-005	284-58-050	REP-XA	98-04-084
284-23-235	NEW	98-11-003	284-43-250	NEW	98-04-005	284-58-050	REP	98-09-041
284-23-240	AMD-P	98-04-083	284-43-300	NEW	98-04-005	284-58-060	REP-XA	98-04-084
284-23-240	AMD	98-11-003	284-43-310	NEW	98-04-005	284-58-060	REP	98-09-041
284-23-250	AMD-P	98-04-083	284-43-320	NEW	98-04-005	284-58-250	AMD-XA	98-08-098
284-23-250	AMD	98-11-003	284-43-330	NEW	98-04-005	284-58-250	AMD	98-13-094
284-23-260	REP-P	98-04-083	284-43-340	NEW	98-04-005	284-58-260	AMD-XA	98-08-098
284-23-260	REP	98-11-003	284-43-400	NEW-W	98-10-082	284-58-260	AMD	98-13-094
284-23-270	REP-P	98-04-083	284-43-410	NEW-W	98-10-082	284-58-270	REP-XA	98-08-098
284-23-270	REP	98-11-003	284-43-420	NEW-W	98-10-082	284-58-270	REP	98-13-094
284-23-380	REP-XA	98-07-065	284-43-610	NEW-W	98-10-082	284-58-280	REP-XA	98-08-098
284-23-380	REP	98-11-088	284-43-620	NEW-W	98-10-082	284-58-280	REP	98-13-094
284-23-610	AMD	98-05-026	284-43-630	NEW-W	98-10-082	284-60	PREP	98-13-087
284-23-620	AMD	98-05-026	284-43-640	NEW-W	98-10-082	284-66	PREP	98-13-088
284-23-640	AMD	98-05-026	284-43-650	NEW-W	98-10-082	284-74-010	AMD	98-05-069
284-23-645	NEW	98-05-026	284-43-700	NEW	98-04-005	284-74-020	NEW	98-05-069
284-23-650	AMD	98-05-026	284-43-710	NEW	98-04-005	286-04-010	AMD-P	98-04-079
284-23-660	AMD	98-05-026	284-43-720	NEW	98-04-005	286-04-010	AMD	98-08-014
284-23-690	AMD	98-05-026	284-43-730	NEW	98-04-005	286-04-060	AMD-P	98-04-079
284-23-710	AMD	98-05-026	284-43-800	NEW	98-04-005	286-04-060	AMD	98-08-014
284-23-730	AMD	98-05-026	284-43-900	NEW	98-04-011	286-06-065	AMD	98-08-014
284-24	PREP	98-05-102	284-43-905	NEW	98-04-011	286-13-030	AMD-P	98-04-079
284-24-005	NEW-P	98-13-092	284-43-910	NEW	98-04-011	286-13-030	AMD	98-08-014
284-24-015	AMD-P	98-13-092	284-43-915	NEW	98-04-011	286-13-040	AMD-P	98-04-079
284-24-060	AMD-P	98-13-092	284-43-920	NEW	98-04-011	286-13-040	AMD	98-08-014
284-24-062	NEW-P	98-13-092	284-43-925	NEW	98-04-011	286-13-045	AMD-P	98-04-079
284-24-065	PREP	98-04-081	284-43-930	NEW	98-04-011	286-13-045	AMD	98-08-014

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
286-13-070	AMD-P	98-04-079	296-04-001	REP-W	98-12-074	296-04A-340	NEW-W	98-07-058
286-13-070	AMD	98-08-014	296-04-005	REP-W	98-12-074	296-04A-350	NEW-W	98-07-058
286-13-085	AMD-P	98-04-079	296-04-010	REP-W	98-12-074	296-04A-351	NEW-W	98-07-058
286-13-085	AMD	98-08-014	296-04-015	REP-W	98-12-074	296-04A-360	NEW-W	98-07-058
286-13-100	AMD-P	98-04-079	296-04-040	REP-W	98-12-074	296-04A-370	NEW-W	98-07-058
286-13-100	AMD	98-08-014	296-04-042	REP-W	98-12-074	296-04A-380	NEW-W	98-07-058
286-26-020	AMD-P	98-04-079	296-04-045	REP-W	98-12-074	296-04A-390	NEW-W	98-07-058
286-26-020	AMD	98-08-014	296-04-05001	REP-W	98-12-074	296-04A-400	NEW-W	98-07-058
286-26-110	AMD-P	98-04-079	296-04-060	REP-W	98-12-074	296-04A-410	NEW-W	98-07-058
286-26-110	AMD	98-08-014	296-04-090	REP-W	98-12-074	296-04A-420	NEW-W	98-07-058
286-27-040	AMD-P	98-04-079	296-04-105	REP-W	98-12-074	296-04A-430	NEW-W	98-07-058
286-27-040	AMD	98-08-014	296-04-115	REP-W	98-12-074	296-04A-440	NEW-W	98-07-058
286-27-055	AMD-P	98-04-079	296-04-125	REP-W	98-12-074	296-04A-460	NEW-W	98-07-058
286-27-055	AMD	98-08-014	296-04-160	REP-W	98-12-074	296-04A-470	NEW-W	98-07-058
286-27-065	AMD-P	98-04-079	296-04-165	REP-W	98-12-074	296-04A-480	NEW-W	98-07-058
286-27-065	AMD	98-08-014	296-04-260	REP-W	98-12-074	296-08-001	REP-XR	98-08-102
286-27-075	AMD-P	98-04-079	296-04-270	REP-W	98-12-074	296-08-020	REP-XR	98-08-102
286-27-075	AMD	98-08-014	296-04-275	REP-W	98-12-074	296-08-030	REP-XR	98-08-102
286-30-050	NEW-P	98-04-079	296-04-280	REP-W	98-12-074	296-08-040	REP-XR	98-08-102
286-30-050	NEW	98-08-014	296-04-295	REP-W	98-12-074	296-08-050	REP-XR	98-08-102
286-35-060	AMD-P	98-04-079	296-04-300	REP-W	98-12-074	296-08-060	REP-XR	98-08-102
286-35-060	AMD	98-08-014	296-04-310	REP-W	98-12-074	296-08-070	REP-XR	98-08-102
288-04-010	NEW-P	98-14-060	296-04-330	REP-W	98-12-074	296-08-080	REP-XR	98-08-102
288-04-010	NEW	98-17-003	296-04-340	REP-W	98-12-074	296-08-090	REP-XR	98-08-102
288-04-020	NEW-P	98-14-060	296-04-350	REP-W	98-12-074	296-08-100	REP-XR	98-08-102
288-04-020	NEW	98-17-003	296-04-351	REP-W	98-12-074	296-08-110	REP-XR	98-08-102
288-04-030	NEW-P	98-14-060	296-04-360	REP-W	98-12-074	296-08-120	REP-XR	98-08-102
288-04-030	NEW	98-17-003	296-04-370	REP-W	98-12-074	296-08-130	REP-XR	98-08-102
288-04-040	NEW-P	98-14-060	296-04-380	REP-W	98-12-074	296-08-140	REP-XR	98-08-102
288-04-040	NEW	98-17-003	296-04-390	REP-W	98-12-074	296-08-150	REP-XR	98-08-102
288-04-050	NEW-P	98-14-060	296-04-400	REP-W	98-12-074	296-08-160	REP-XR	98-08-102
288-04-050	NEW	98-17-003	296-04-410	REP-W	98-12-074	296-08-170	REP-XR	98-08-102
288-04-060	NEW-P	98-14-060	296-04-420	REP-W	98-12-074	296-08-180	REP-XR	98-08-102
288-04-060	NEW	98-17-003	296-04-430	REP-W	98-12-074	296-08-190	REP-XR	98-08-102
288-06-010	NEW-P	98-14-059	296-04-440	REP-W	98-12-074	296-08-200	REP-XR	98-08-102
288-06-010	NEW	98-17-004	296-04-460	REP-W	98-12-074	296-08-210	REP-XR	98-08-102
288-06-020	NEW-P	98-14-059	296-04-470	REP-W	98-12-074	296-08-220	REP-XR	98-08-102
288-06-020	NEW	98-17-004	296-04-480	REP-W	98-12-074	296-08-370	REP-XR	98-08-102
288-06-030	NEW-P	98-14-059	296-04A-001	NEW-W	98-07-058	296-08-380	REP-XR	98-08-102
288-06-030	NEW	98-17-004	296-04A-003	NEW-W	98-07-058	296-08-390	REP-XR	98-08-102
288-06-040	NEW-P	98-14-059	296-04A-006	NEW-W	98-07-058	296-08-400	REP-XR	98-08-102
288-06-040	NEW	98-17-004	296-04A-009	NEW-W	98-07-058	296-08-410	REP-XR	98-08-102
288-06-050	NEW-P	98-14-059	296-04A-012	NEW-W	98-07-058	296-08-420	REP-XR	98-08-102
288-06-050	NEW	98-17-004	296-04A-015	NEW-W	98-07-058	296-08-430	REP-XR	98-08-102
288-06-060	NEW-P	98-14-059	296-04A-018	NEW-W	98-07-058	296-08-440	REP-XR	98-08-102
288-06-060	NEW	98-17-004	296-04A-025	NEW-W	98-07-058	296-08-450	REP-XR	98-08-102
288-06-070	NEW-P	98-14-059	296-04A-028	NEW-W	98-07-058	296-08-460	REP-XR	98-08-102
288-06-070	NEW	98-17-004	296-04A-034	NEW-W	98-07-058	296-08-470	REP-XR	98-08-102
292-100	PREP	98-11-026	296-04A-037	NEW-W	98-07-058	296-08-480	REP-XR	98-08-102
292-110-010	AMD	98-08-054	296-04A-040	NEW-W	98-07-058	296-08-490	REP-XR	98-08-102
292-110-050	NEW	98-03-045	296-04A-043	NEW-W	98-07-058	296-08-500	REP-XR	98-08-102
292-110-060	NEW	98-04-001	296-04A-046	NEW-W	98-07-058	296-08-510	REP-XR	98-08-102
292-130-010	NEW-P	98-16-006	296-04A-049	NEW-W	98-07-058	296-08-520	REP-XR	98-08-102
292-130-020	NEW-P	98-16-006	296-04A-052	NEW-W	98-07-058	296-08-530	REP-XR	98-08-102
292-130-030	NEW-P	98-16-006	296-04A-055	NEW-W	98-07-058	296-08-540	REP-XR	98-08-102
292-130-040	NEW-P	98-16-006	296-04A-060	NEW-W	98-07-058	296-08-550	REP-XR	98-08-102
292-130-050	NEW-P	98-16-006	296-04A-100	NEW-W	98-07-058	296-08-560	REP-XR	98-08-102
292-130-060	NEW-P	98-16-006	296-04A-110	NEW-W	98-07-058	296-08-570	REP-XR	98-08-102
292-130-070	NEW-P	98-16-006	296-04A-120	NEW-W	98-07-058	296-08-580	REP-XR	98-08-102
292-130-080	NEW-P	98-16-006	296-04A-130	NEW-W	98-07-058	296-08-590	REP-XR	98-08-102
292-130-090	NEW-P	98-16-006	296-04A-150	NEW-W	98-07-058	296-14-010	REP-P	98-12-079
292-130-100	NEW-P	98-16-006	296-04A-200	NEW-W	98-07-058	296-14-010	REP	98-18-042
292-130-110	NEW-P	98-16-006	296-04A-210	NEW-W	98-07-058	296-14-015	REP-P	98-12-079
292-130-120	NEW-P	98-16-006	296-04A-230	NEW-W	98-07-058	296-14-015	REP	98-18-042
292-130-130	NEW-P	98-16-006	296-04A-300	NEW-W	98-07-058	296-14-900	AMD-P	98-13-125
292-130-140	NEW-P	98-16-006	296-04A-30001	NEW-W	98-07-058	296-14-900	AMD	98-19-001
296-04	PREP	98-09-063	296-04A-330	NEW-W	98-07-058	296-14-910	AMD-P	98-13-125

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-14-910	AMD	98-19-001	296-17-31018	NEW-P	98-12-079	296-17-45003	REP	98-18-042
296-14-920	AMD-P	98-13-125	296-17-31018	NEW	98-18-042	296-17-45004	REP-P	98-12-079
296-14-920	AMD	98-19-001	296-17-31019	NEW-P	98-12-079	296-17-45004	REP	98-18-042
296-14-930	AMD-P	98-13-125	296-17-31019	NEW	98-18-042	296-17-45005	REP-P	98-12-079
296-14-930	AMD	98-19-001	296-17-31020	NEW-P	98-12-079	296-17-45005	REP	98-18-042
296-14-940	AMD-P	98-13-125	296-17-31020	NEW	98-18-042	296-17-45006	REP-P	98-12-079
296-14-940	AMD	98-19-001	296-17-31021	NEW-P	98-12-079	296-17-45006	REP	98-18-042
296-15-001	NEW-P	98-19-148	296-17-31021	NEW	98-18-042	296-17-455	REP-P	98-12-079
296-15-02606	REP-P	98-19-148	296-17-31022	NEW-P	98-12-079	296-17-455	REP	98-18-042
296-15-070	REP-P	98-19-148	296-17-31022	NEW	98-18-042	296-17-460	REP-P	98-12-079
296-15-072	REP-P	98-19-148	296-17-31023	NEW-P	98-12-079	296-17-460	REP	98-18-042
296-15-100	REP-P	98-19-148	296-17-31023	NEW	98-18-042	296-17-470	REP-P	98-12-079
296-15-160	REP-P	98-19-148	296-17-31024	NEW-P	98-12-079	296-17-470	REP	98-18-042
296-15-180	REP-P	98-19-148	296-17-31024	NEW	98-18-042	296-17-501	AMD-P	98-12-079
296-15-190	REP-P	98-19-148	296-17-31025	NEW-P	98-12-079	296-17-501	AMD	98-18-042
296-15-21002	REP-P	98-19-148	296-17-31025	NEW	98-18-042	296-17-503	AMD-P	98-12-079
296-15-230	REP-P	98-19-148	296-17-31026	NEW-P	98-12-079	296-17-503	AMD	98-18-042
296-15-240	REP-P	98-19-148	296-17-31026	NEW	98-18-042	296-17-504	AMD-P	98-12-079
296-15-250	REP-P	98-19-148	296-17-31027	NEW-P	98-12-079	296-17-504	AMD	98-18-042
296-15-265	REP-P	98-19-148	296-17-31027	NEW	98-18-042	296-17-505	AMD-P	98-12-079
296-15-300	NEW-P	98-19-148	296-17-31028	NEW-P	98-12-079	296-17-505	AMD	98-18-042
296-15-305	NEW-P	98-19-148	296-17-31028	NEW	98-18-042	296-17-50601	AMD-P	98-12-079
296-15-320	NEW-P	98-19-148	296-17-31029	NEW-P	98-12-079	296-17-50601	AMD	98-18-042
296-15-350	NEW-P	98-19-148	296-17-31029	NEW	98-18-042	296-17-50602	AMD-P	98-12-079
296-15-380	NEW-P	98-19-148	296-17-320	REP-P	98-12-079	296-17-50602	AMD	98-18-042
296-15-390	NEW-P	98-19-148	296-17-320	REP	98-18-042	296-17-50603	AMD-P	98-12-079
296-15-395	NEW-P	98-19-148	296-17-345	REP-P	98-12-079	296-17-50603	AMD	98-18-042
296-17	PREP	98-11-101	296-17-345	REP	98-18-042	296-17-508	AMD-P	98-12-079
296-17	AMD-P	98-12-079	296-17-350	REP-P	98-12-079	296-17-508	AMD	98-18-042
296-17	PREP	98-14-140	296-17-350	REP	98-18-042	296-17-509	AMD-P	98-12-079
296-17	AMD	98-18-042	296-17-35202	NEW-P	98-12-079	296-17-509	AMD	98-18-042
296-17-310	REP-P	98-12-079	296-17-35202	NEW	98-18-042	296-17-50908	AMD-P	98-12-079
296-17-310	REP	98-18-042	296-17-35203	NEW-P	98-12-079	296-17-50908	AMD	98-18-042
296-17-31001	NEW-P	98-12-079	296-17-35203	NEW	98-18-042	296-17-50910	AMD-P	98-12-079
296-17-31001	NEW	98-18-042	296-17-35204	NEW-P	98-12-079	296-17-50910	AMD	98-18-042
296-17-31002	NEW-P	98-12-079	296-17-35204	NEW	98-18-042	296-17-50912	AMD-P	98-12-079
296-17-31002	NEW	98-18-042	296-17-360	REP-P	98-12-079	296-17-50912	AMD	98-18-042
296-17-31003	NEW-P	98-12-079	296-17-360	REP	98-18-042	296-17-50915	AMD-P	98-12-079
296-17-31003	NEW	98-18-042	296-17-370	REP-P	98-12-079	296-17-50915	AMD	98-18-042
296-17-31004	NEW-P	98-12-079	296-17-370	REP	98-18-042	296-17-50917	AMD-P	98-12-079
296-17-31004	NEW	98-18-042	296-17-380	REP-P	98-12-079	296-17-50917	AMD	98-18-042
296-17-31005	NEW-P	98-12-079	296-17-380	REP	98-18-042	296-17-510	AMD-P	98-12-079
296-17-31005	NEW	98-18-042	296-17-390	REP-P	98-12-079	296-17-510	AMD	98-18-042
296-17-31006	NEW-P	98-12-079	296-17-390	REP	98-18-042	296-17-511	AMD-P	98-12-079
296-17-31006	NEW	98-18-042	296-17-400	REP-P	98-12-079	296-17-511	AMD	98-18-042
296-17-31007	NEW-P	98-12-079	296-17-400	REP	98-18-042	296-17-51101	AMD-P	98-12-079
296-17-31007	NEW	98-18-042	296-17-400	REP	98-18-042	296-17-51101	AMD	98-18-042
296-17-31008	NEW-P	98-12-079	296-17-410	REP-P	98-12-079	296-17-512	AMD-P	98-12-079
296-17-31008	NEW	98-18-042	296-17-410	REP	98-18-042	296-17-512	AMD	98-18-042
296-17-31009	NEW-P	98-12-079	296-17-411	REP-P	98-12-079	296-17-513	AMD-P	98-12-079
296-17-31009	NEW	98-18-042	296-17-411	REP	98-18-042	296-17-513	AMD	98-18-042
296-17-31010	NEW-P	98-12-079	296-17-420	REP-P	98-12-079	296-17-51301	AMD-P	98-12-079
296-17-31010	NEW	98-18-042	296-17-420	REP	98-18-042	296-17-51301	AMD	98-18-042
296-17-31011	NEW-P	98-12-079	296-17-430	REP-P	98-12-079	296-17-516	AMD-P	98-12-079
296-17-31011	NEW	98-18-042	296-17-430	REP	98-18-042	296-17-516	AMD	98-18-042
296-17-31012	NEW-P	98-12-079	296-17-440	REP-P	98-12-079	296-17-517	AMD-P	98-12-079
296-17-31012	NEW	98-18-042	296-17-440	REP	98-18-042	296-17-517	AMD	98-18-042
296-17-31013	NEW-P	98-12-079	296-17-44001	REP-P	98-12-079	296-17-519	AMD-P	98-12-079
296-17-31013	NEW	98-18-042	296-17-44001	REP	98-18-042	296-17-519	AMD	98-18-042
296-17-31014	NEW-P	98-12-079	296-17-441	REP-P	98-12-079	296-17-52001	AMD-P	98-12-079
296-17-31014	NEW	98-18-042	296-17-441	REP	98-18-042	296-17-52001	AMD	98-18-042
296-17-31015	NEW-P	98-12-079	296-17-450	REP-P	98-12-079	296-17-52002	AMD-P	98-12-079
296-17-31015	NEW	98-18-042	296-17-450	REP	98-18-042	296-17-52002	AMD	98-18-042
296-17-31016	NEW-P	98-12-079	296-17-45001	REP-P	98-12-079	296-17-521	AMD-P	98-12-079
296-17-31016	NEW	98-18-042	296-17-45001	REP	98-18-042	296-17-521	AMD	98-18-042
296-17-31017	NEW-P	98-12-079	296-17-45002	REP-P	98-12-079	296-17-52101	AMD-P	98-12-079
296-17-31017	NEW	98-18-042	296-17-45002	REP	98-18-042	296-17-52101	AMD	98-18-042
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296-17-58507	AMD	98-18-042	296-17-634	AMD-P	98-12-079	296-17-66002	AMD	98-18-042
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296-17-587	AMD	98-18-042	296-17-63501	AMD-P	98-12-079	296-17-66004	AMD	98-18-042
296-17-590	AMD-P	98-12-079	296-17-63501	AMD	98-18-042	296-17-661	AMD-P	98-12-079
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296-17-59202	AMD	98-18-042	296-17-638	AMD-P	98-12-079	296-17-666	AMD	98-18-042
296-17-59203	AMD-P	98-12-079	296-17-638	AMD	98-18-042	296-17-668	AMD-P	98-12-079
296-17-59203	AMD	98-18-042	296-17-640	AMD-P	98-12-079	296-17-668	AMD	98-18-042
296-17-59204	AMD-P	98-12-079	296-17-640	AMD	98-18-042	296-17-669	AMD-P	98-12-079
296-17-59204	AMD	98-18-042	296-17-641	AMD-P	98-12-079	296-17-669	AMD	98-18-042
296-17-59205	AMD-P	98-12-079	296-17-641	AMD	98-18-042	296-17-670	AMD-P	98-12-079
296-17-59205	AMD	98-18-042	296-17-643	AMD-P	98-12-079	296-17-670	AMD	98-18-042
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296-17-594	AMD	98-18-042	296-17-643	AMD	98-18-042	296-17-673	AMD	98-18-042
296-17-595	AMD-P	98-12-079	296-17-644	AMD-P	98-12-079	296-17-675	AMD-P	98-12-079
296-17-595	AMD	98-18-042	296-17-644	AMD	98-18-042	296-17-675	AMD	98-18-042
296-17-596	AMD-P	98-12-079	296-17-645	AMD-P	98-12-079	296-17-676	AMD-P	98-12-079
296-17-596	AMD	98-18-042	296-17-645	AMD	98-18-042	296-17-676	AMD	98-18-042
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296-17-600	AMD-P	98-12-079	296-17-649	AMD-P	98-12-079	296-17-67602	AMD	98-18-042
296-17-600	AMD	98-18-042	296-17-649	AMD	98-18-042	296-17-677	AMD-P	98-12-079
296-17-604	AMD-P	98-12-079	296-17-64901	AMD-P	98-12-079	296-17-677	AMD	98-18-042
296-17-604	AMD	98-18-042	296-17-64901	AMD	98-18-042	296-17-678	AMD-P	98-12-079
296-17-606	AMD-P	98-12-079	296-17-64902	AMD-P	98-12-079	296-17-678	AMD	98-18-042
296-17-606	AMD	98-18-042	296-17-64902	AMD	98-18-042	296-17-679	AMD-P	98-12-079
296-17-612	AMD-P	98-12-079	296-17-64903	AMD-P	98-12-079	296-17-679	AMD	98-18-042
296-17-612	AMD	98-18-042	296-17-64903	AMD	98-18-042	296-17-67901	AMD-P	98-12-079
296-17-614	AMD-P	98-12-079	296-17-64904	AMD-P	98-12-079	296-17-67901	AMD	98-18-042
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296-17-618	AMD	98-18-042	296-17-650	AMD	98-18-042	296-17-684	AMD-P	98-12-079
296-17-61801	AMD-P	98-12-079	296-17-651	AMD-P	98-12-079	296-17-684	AMD	98-18-042
296-17-61801	AMD	98-18-042	296-17-651	AMD	98-18-042	296-17-685	AMD-P	98-12-079
296-17-61804	AMD-P	98-12-079	296-17-652	AMD-P	98-12-079	296-17-685	AMD	98-18-042
296-17-61804	AMD	98-18-042	296-17-652	AMD	98-18-042	296-17-686	AMD-P	98-12-079
296-17-619	AMD-P	98-12-079	296-17-653	AMD-P	98-12-079	296-17-686	AMD	98-18-042
296-17-619	AMD	98-18-042	296-17-653	AMD	98-18-042	296-17-68601	AMD-P	98-12-079
296-17-620	AMD-P	98-12-079	296-17-654	AMD-P	98-12-079	296-17-68601	AMD	98-18-042
296-17-620	AMD	98-18-042	296-17-654	AMD	98-18-042	296-17-687	AMD-P	98-12-079
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296-17-700	AMD-P	98-12-079	296-17-73108	AMD	98-18-042	296-17-76202	AMD	98-18-042
296-17-700	AMD	98-18-042	296-17-73109	NEW	98-18-042	296-17-76203	AMD-P	98-12-079
296-17-701	AMD-P	98-12-079	296-17-73111	AMD-P	98-12-079	296-17-76203	AMD	98-18-042
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296-17-713	AMD-P	98-12-079	296-17-744	AMD-P	98-12-079	296-17-763	AMD	98-18-042
296-17-713	AMD	98-18-042	296-17-744	AMD	98-18-042	296-17-764	AMD-P	98-12-079
296-17-71301	AMD-P	98-12-079	296-17-745	AMD-P	98-12-079	296-17-764	AMD	98-18-042
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296-17-716	AMD-P	98-12-079	296-17-748	AMD-P	98-12-079	296-17-772	AMD	98-18-042
296-17-716	AMD	98-18-042	296-17-748	AMD	98-18-042	296-17-773	AMD-P	98-12-079
296-17-717	AMD-P	98-12-079	296-17-749	AMD-P	98-12-079	296-17-773	AMD	98-18-042
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296-17-718	AMD-P	98-12-079	296-17-750	AMD-P	98-12-079	296-17-777	AMD	98-18-042
296-17-718	AMD	98-18-042	296-17-750	AMD	98-18-042	296-17-778	AMD-P	98-12-079
296-17-719	AMD-P	98-12-079	296-17-751	AMD-P	98-12-079	296-17-778	AMD	98-18-042
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296-17-721	REP-P	98-12-079	296-17-752	AMD-P	98-12-079	296-17-779	AMD	98-18-042
296-17-721	REP	98-18-042	296-17-752	AMD	98-18-042	296-17-855	AMD-P	98-19-150
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296-17-722	AMD	98-18-042	296-17-753	AMD	98-18-042	296-17-870	AMD	98-18-042
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296-17-72201	NEW	98-18-042	296-17-75301	AMD	98-18-042	296-17-880	AMD-P	98-19-150
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296-17-72202	NEW	98-18-042	296-17-75303	NEW	98-18-042	296-17-890	AMD-P	98-19-150
296-17-723	AMD-P	98-12-079	296-17-754	AMD-P	98-12-079	296-17-895	AMD-P	98-12-079
296-17-723	AMD	98-18-042	296-17-754	AMD	98-18-042	296-17-895	AMD	98-18-042
296-17-724	AMD-P	98-12-079	296-17-755	AMD-P	98-12-079	296-17-895	AMD-P	98-19-150
296-17-724	AMD	98-18-042	296-17-755	AMD	98-18-042	296-17-89502	AMD-P	98-19-150
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296-17-727	AMD	98-18-042	296-17-758	AMD	98-18-042	296-23-220	AMD-P	98-05-100
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296-24-12511	AMD-P	98-16-100	296-44-04109	REP	98-07-009	296-44-21230	REP	98-07-009
296-24-12513	AMD-P	98-16-100	296-44-04125	REP	98-07-009	296-44-21241	REP	98-07-009
296-24-12515	AMD-P	98-16-100	296-44-04129	REP	98-07-009	296-44-21253	REP	98-07-009
296-24-12517	AMD-P	98-16-100	296-44-04135	REP	98-07-009	296-44-21265	REP	98-07-009
296-24-12519	AMD-P	98-16-100	296-44-051	REP	98-07-009	296-44-21273	REP	98-07-009
296-24-12521	AMD-P	98-16-100	296-44-05105	REP	98-07-009	296-44-21279	REP	98-07-009
296-24-12523	AMD-P	98-16-100	296-44-05109	REP	98-07-009	296-44-21287	REP	98-07-009
296-24-205	AMD	98-10-073	296-44-05115	REP	98-07-009	296-44-21295	REP	98-07-009
296-24-20501	AMD	98-10-073	296-44-05119	REP	98-07-009	296-44-242	REP	98-07-009
296-24-20503	AMD	98-10-073	296-44-05125	REP	98-07-009	296-44-24205	REP	98-07-009
296-24-20505	AMD	98-10-073	296-44-05129	REP	98-07-009	296-44-24213	REP	98-07-009
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296-24-20509	AMD	98-10-073	296-44-05135	REP	98-07-009	296-44-24233	REP	98-07-009
296-24-20511	AMD	98-10-073	296-44-05141	REP	98-07-009	296-44-263	REP	98-07-009
296-24-20513	AMD	98-10-073	296-44-065	REP	98-07-009	296-44-26309	REP	98-07-009
296-24-20515	AMD	98-10-073	296-44-06505	REP	98-07-009	296-44-26321	REP	98-07-009
296-24-20517	AMD	98-10-073	296-44-06511	REP	98-07-009	296-44-26333	REP	98-07-009
296-24-20519	AMD	98-10-073	296-44-06517	REP	98-07-009	296-44-278	REP	98-07-009
296-24-20521	AMD	98-10-073	296-44-074	REP	98-07-009	296-44-27809	REP	98-07-009
296-24-20523	AMD	98-10-073	296-44-07405	REP	98-07-009	296-44-27821	REP	98-07-009
296-24-20525	AMD	98-10-073	296-44-07411	REP	98-07-009	296-44-27833	REP	98-07-009
296-24-20527	AMD	98-10-073	296-44-07417	REP	98-07-009	296-44-27847	REP	98-07-009
296-24-20529	AMD	98-10-073	296-44-07423	REP	98-07-009	296-44-29501	REP	98-07-009
296-24-20531	AMD	98-10-073	296-44-07427	REP	98-07-009	296-44-29509	REP	98-07-009
296-24-20533	AMD	98-10-073	296-44-07433	REP	98-07-009	296-44-29515	REP	98-07-009
296-24-58503	AMD-P	98-17-078	296-44-07439	REP	98-07-009	296-44-29523	REP	98-07-009
296-24-58505	AMD-P	98-17-078	296-44-086	REP	98-07-009	296-44-29529	REP	98-07-009
296-27	PREP	98-12-081	296-44-08605	REP	98-07-009	296-44-29539	REP	98-07-009
296-27-210	NEW-P	98-18-080	296-44-08611	REP	98-07-009	296-44-29541	REP	98-07-009
296-27-21001	NEW-P	98-18-080	296-44-08619	REP	98-07-009	296-44-29551	REP	98-07-009
296-27-21005	NEW-P	98-18-080	296-44-098	REP	98-07-009	296-44-29563	REP	98-07-009
296-27-21010	NEW-P	98-18-080	296-44-09805	REP	98-07-009	296-44-29572	REP	98-07-009
296-27-21015	NEW-P	98-18-080	296-44-09811	REP	98-07-009	296-44-317	REP	98-07-009
296-27-21020	NEW-P	98-18-080	296-44-09819	REP	98-07-009	296-44-31709	REP	98-07-009
296-27-21025	NEW-P	98-18-080	296-44-09826	REP	98-07-009	296-44-31719	REP	98-07-009
296-27-21030	NEW-P	98-18-080	296-44-110	REP	98-07-009	296-44-31729	REP	98-07-009
296-27-21035	NEW-P	98-18-080	296-44-11005	REP	98-07-009	296-44-31738	REP	98-07-009
296-27-21040	NEW-P	98-18-080	296-44-11021	REP	98-07-009	296-44-31749	REP	98-07-009
296-27-21045	NEW-P	98-18-080	296-44-11029	REP	98-07-009	296-44-31757	REP	98-07-009

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296-44-31772	REP	98-07-009	296-44-88004	REP	98-07-009	296-45-48510	NEW	98-07-009
296-44-31783	REP	98-07-009	296-44-88005	REP	98-07-009	296-45-48515	NEW	98-07-009
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296-44-35021	REP	98-07-009	296-44-88009	REP	98-07-009	296-45-48535	NEW	98-07-009
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296-44-36518	REP	98-07-009	296-44-88011	REP	98-07-009	296-45-48545	NEW	98-07-009
296-44-36527	REP	98-07-009	296-45	AMD	98-07-009	296-45-48550	NEW	98-07-009
296-44-36539	REP	98-07-009	296-45-005	NEW	98-07-009	296-45-48555	NEW	98-07-009
296-44-36551	REP	98-07-009	296-45-015	NEW	98-07-009	296-45-48560	NEW	98-07-009
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296-44-39823	REP	98-07-009	296-45-125	NEW	98-07-009	296-45-52550	NEW	98-07-009
296-44-39842	REP	98-07-009	296-45-135	NEW	98-07-009	296-45-545	NEW	98-07-009
296-44-39855	REP	98-07-009	296-45-175	NEW	98-07-009	296-45-60013	REP	98-07-009
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296-44-41309	REP	98-07-009	296-45-17510	NEW	98-07-009	296-45-65003	REP	98-07-009
296-44-41321	REP	98-07-009	296-45-17515	NEW	98-07-009	296-45-65005	REP	98-07-009
296-44-41333	REP	98-07-009	296-45-17520	NEW	98-07-009	296-45-65009	REP	98-07-009
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296-44-41359	REP	98-07-009	296-45-17530	NEW	98-07-009	296-45-65013	REP	98-07-009
296-44-425	REP	98-07-009	296-45-17535	NEW	98-07-009	296-45-65015	REP	98-07-009
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296-44-42521	REP	98-07-009	296-45-17545	NEW	98-07-009	296-45-65019	REP	98-07-009
296-44-42533	REP	98-07-009	296-45-17550	NEW	98-07-009	296-45-65021	REP	98-07-009
296-44-42541	REP	98-07-009	296-45-17555	NEW	98-07-009	296-45-65023	REP	98-07-009
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296-44-44047	REP	98-07-009	296-45-225	NEW	98-07-009	296-45-65035	REP	98-07-009
296-44-452	REP	98-07-009	296-45-255	NEW	98-07-009	296-45-65037	REP	98-07-009
296-44-45209	REP	98-07-009	296-45-25505	NEW	98-07-009	296-45-65038	REP	98-07-009
296-44-45219	REP	98-07-009	296-45-25510	NEW	98-07-009	296-45-65039	REP	98-07-009
296-44-45231	REP	98-07-009	296-45-275	NEW	98-07-009	296-45-65041	REP	98-07-009
296-44-45243	REP	98-07-009	296-45-285	NEW	98-07-009	296-45-65043	REP	98-07-009
296-44-45257	REP	98-07-009	296-45-295	NEW	98-07-009	296-45-65045	REP	98-07-009
296-44-467	REP	98-07-009	296-45-305	NEW	98-07-009	296-45-65047	REP	98-07-009
296-44-46709	REP	98-07-009	296-45-315	NEW	98-07-009	296-45-660	REP	98-07-009
296-44-46733	REP	98-07-009	296-45-325	NEW	98-07-009	296-45-66001	REP	98-07-009
296-44-46739	REP	98-07-009	296-45-335	NEW	98-07-009	296-45-66003	REP	98-07-009
296-44-46747	REP	98-07-009	296-45-345	NEW	98-07-009	296-45-66005	REP	98-07-009
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296-44-46761	REP	98-07-009	296-45-365	NEW	98-07-009	296-45-66009	REP	98-07-009
296-44-491	REP	98-07-009	296-45-375	NEW	98-07-009	296-45-66011	REP	98-07-009
296-44-49109	REP	98-07-009	296-45-385	NEW	98-07-009	296-45-67543	AMD-W	98-07-008
296-44-49121	REP	98-07-009	296-45-455	NEW	98-07-009	296-45-680	REP	98-07-009
296-44-850	REP	98-07-009	296-45-45505	NEW	98-07-009	296-45-690	REP	98-07-009
296-44-855	REP	98-07-009	296-45-45510	NEW	98-07-009	296-45-695	REP	98-07-009
296-44-860	REP	98-07-009	296-45-45515	NEW	98-07-009	296-45-700	REP	98-07-009
296-44-865	REP	98-07-009	296-45-45520	NEW	98-07-009	296-45-900	NEW	98-07-009
296-44-870	REP	98-07-009	296-45-45525	NEW	98-07-009	296-45-901	NEW	98-07-009
296-44-875	REP	98-07-009	296-45-45530	NEW	98-07-009	296-45-903	NEW	98-07-009
296-44-880	REP	98-07-009	296-45-465	NEW	98-07-009	296-45-905	NEW	98-07-009
296-44-88001	REP	98-07-009	296-45-475	NEW	98-07-009	296-46	PREP	98-13-123
296-44-88002	REP	98-07-009	296-45-485	NEW	98-07-009	296-46-100	NEW-P	98-07-097

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296-46-140	AMD-P	98-07-097	296-61-060	REP-XR	98-19-057	296-86A-020	NEW-P	98-07-094
296-46-140	AMD	98-12-042	296-61-070	REP-XR	98-19-057	296-86A-020	NEW	98-12-043
296-46-155	NEW-P	98-07-097	296-61-080	REP-XR	98-19-057	296-86A-025	NEW-P	98-07-094
296-46-155	NEW	98-12-042	296-61-090	REP-XR	98-19-057	296-86A-025	NEW	98-12-043
296-46-21052	AMD-P	98-07-097	296-61-100	REP-XR	98-19-057	296-86A-028	NEW-P	98-07-094
296-46-21052	AMD	98-12-042	296-61-110	REP-XR	98-19-057	296-86A-028	NEW	98-12-043
296-46-225	AMD-P	98-07-097	296-61-120	REP-XR	98-19-057	296-86A-030	NEW-P	98-07-094
296-46-225	AMD	98-12-042	296-61-130	REP-XR	98-19-057	296-86A-030	NEW	98-12-043
296-46-23028	AMD-P	98-07-097	296-61-140	REP-XR	98-19-057	296-86A-040	NEW-P	98-07-094
296-46-23028	AMD	98-12-042	296-61-150	REP-XR	98-19-057	296-86A-040	NEW	98-12-043
296-46-30001	AMD-P	98-07-097	296-61-160	REP-XR	98-19-057	296-86A-060	NEW-P	98-07-094
296-46-30001	AMD	98-12-042	296-61-170	REP-XR	98-19-057	296-86A-060	NEW	98-12-043
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296-46-495	AMD	98-12-042	296-61-210	REP-XR	98-19-057	296-86A-070	NEW	98-12-043
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296-46-50002	NEW	98-12-042	296-61-230	REP-XR	98-19-057	296-86A-073	NEW	98-12-043
296-46-770	AMD-P	98-07-097	296-61-240	REP-XR	98-19-057	296-86A-074	NEW-P	98-07-094
296-46-770	AMD	98-12-042	296-61-250	REP-XR	98-19-057	296-86A-074	NEW	98-12-043
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296-52-489	AMD-XA	98-12-103	296-62-07477	AMD	98-10-029	296-104	PREP	98-09-065
296-52-489	AMD	98-19-056	296-62-07515	AMD-P	98-05-061	296-104-010	AMD-P	98-16-079
296-56	PREP	98-08-104	296-62-07515	AMD-E	98-10-028	296-104-017	NEW-P	98-16-079
296-56	PREP	98-12-080	296-62-07515	AMD	98-10-029	296-104-100	AMD-P	98-16-079
296-56-60001	AMD-P	98-17-079	296-65	PREP	98-08-104	296-104-102	AMD-P	98-16-079
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296-56-60057	AMD-P	98-17-079	296-81-007	AMD	98-12-043	296-104-310	AMD-P	98-16-079
296-56-60059	REP-P	98-17-079	296-82	PREP	98-13-124	296-104-405	AMD-P	98-16-079
296-56-60060	REP-P	98-17-079	296-84	PREP	98-13-124	296-104-502	AMD-P	98-16-079
296-56-60062	REP-P	98-17-079	296-85	PREP	98-13-124	296-104-510	AMD-P	98-16-079
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296-56-60067	REP-P	98-17-079	296-86-010	REP	98-12-043	296-104-520	AMD-P	98-16-079
296-56-60069	REP-P	98-17-079	296-86-020	REP-P	98-07-094	296-104-525	REP-P	98-16-079
296-56-60073	AMD-P	98-17-079	296-86-020	REP	98-12-043	296-104-530	AMD-P	98-16-079
296-56-60077	AMD-P	98-17-079	296-86-030	REP-P	98-07-094	296-104-535	NEW-P	98-16-079
296-56-60079	AMD-P	98-17-079	296-86-030	REP	98-12-043	296-104-540	NEW-P	98-16-079
296-56-60083	AMD-P	98-17-079	296-86-040	REP-P	98-07-094	296-104-600	REP-P	98-16-079
296-56-60085	AMD-P	98-17-079	296-86-040	REP	98-12-043	296-104-700	AMD-P	98-04-017
296-56-60087	AMD-P	98-17-079	296-86-050	REP-P	98-07-094	296-104-700	AMD	98-09-064
296-56-60093	AMD-P	98-17-079	296-86-050	REP	98-12-043	296-104-800	REP-P	98-16-079
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296-56-60098	AMD-P	98-17-079	296-86-060	REP	98-12-043	296-104-805	REP-P	98-16-079
296-56-60103	AMD-P	98-17-079	296-86-070	REP-P	98-07-094	296-124-010	REP-XR	98-07-093
296-56-60113	AMD-P	98-17-079	296-86-070	REP	98-12-043	296-124-010	REP	98-14-042
296-56-60115	AMD-P	98-17-079	296-86-075	REP-P	98-07-094	296-124-020	REP-XR	98-07-093
296-56-60123	AMD-P	98-17-079	296-86-075	REP	98-12-043	296-124-020	REP	98-14-042
296-56-60211	AMD-P	98-17-079	296-86-080	REP-P	98-07-094	296-124-021	REP-XR	98-07-093
296-56-60217	AMD-P	98-17-079	296-86-080	REP	98-12-043	296-124-021	REP	98-14-042
296-61-010	REP-XR	98-19-057	296-86-090	REP-P	98-07-094	296-124-022	REP-XR	98-07-093
296-61-020	REP-XR	98-19-057	296-86-090	REP	98-12-043	296-124-022	REP	98-14-042
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296-124-050	REP	98-14-042	296-150C-3000	AMD	98-12-041	296-155-48506	REP	98-05-046
296-125	PREP	98-02-079	296-150F-0020	AMD-P	98-07-095	296-155-48507	REP	98-05-046
296-126-098	REP-XR	98-08-103	296-150F-0020	AMD	98-14-078	296-155-48508	REP	98-05-046
296-126-098	REP	98-14-041	296-150F-0130	NEW-P	98-07-095	296-155-48509	REP	98-05-046
296-150C-0020	AMD-P	98-07-095	296-150F-0130	NEW	98-14-078	296-155-48510	REP	98-05-046
296-150C-0020	AMD	98-14-078	296-150F-0200	AMD-P	98-07-095	296-155-48511	REP	98-05-046
296-150C-0310	AMD-P	98-07-095	296-150F-0200	AMD	98-14-078	296-155-48512	REP	98-05-046
296-150C-0310	AMD	98-14-078	296-150F-0210	AMD-P	98-07-095	296-155-48513	REP	98-05-046
296-150C-0320	AMD-P	98-07-095	296-150F-0210	AMD	98-14-078	296-155-48514	REP	98-05-046
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296-150C-0410	AMD-P	98-07-095	296-150F-0460	AMD	98-14-078	296-155-48516	REP	98-05-046
296-150C-0410	AMD	98-14-078	296-150F-0500	AMD-P	98-07-095	296-155-48517	REP	98-05-046
296-150C-0460	AMD-P	98-07-095	296-150F-0500	AMD	98-14-078	296-155-48518	REP	98-05-046
296-150C-0460	AMD	98-14-078	296-150F-3000	AMD-P	98-07-096	296-155-48519	REP	98-05-046
296-150C-0500	AMD-P	98-07-095	296-150F-3000	AMD	98-12-041	296-155-48523	REP	98-05-046
296-150C-0500	AMD	98-14-078	296-150M-0020	AMD-P	98-07-095	296-155-48525	REP	98-05-046
296-150C-0560	AMD-P	98-07-095	296-150M-0020	AMD	98-14-078	296-155-48527	REP	98-05-046
296-150C-0560	AMD	98-14-078	296-150M-0306	NEW-P	98-07-095	296-155-48529	REP	98-05-046
296-150C-0800	AMD-P	98-07-095	296-150M-0306	NEW	98-14-078	296-155-48531	REP	98-05-046
296-150C-0800	AMD	98-14-078	296-150M-0307	NEW-P	98-07-095	296-155-48533	REP	98-05-046
296-150C-0820	AMD-P	98-07-095	296-150M-0307	NEW	98-14-078	296-155-48536	REP	98-05-046
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296-150C-0980	REP-P	98-07-095	296-150M-0331	NEW	98-14-078	296-155-490	NEW	98-05-046
296-150C-0980	REP	98-14-078	296-150M-0400	AMD-P	98-07-095	296-155-493	NEW	98-05-046
296-150C-1080	AMD-P	98-07-095	296-150M-0400	AMD	98-14-078	296-155-494	NEW	98-05-046
296-150C-1080	AMD	98-14-078	296-150M-0600	AMD-P	98-07-095	296-155-496	NEW	98-05-046
296-150C-1170	AMD-P	98-07-095	296-150M-0600	AMD	98-14-078	296-155-497	NEW	98-05-046
296-150C-1170	AMD	98-14-078	296-150M-0610	AMD-P	98-07-095	296-155-498	NEW	98-05-046
296-150C-1303	NEW-P	98-07-095	296-150M-0610	AMD	98-14-078	296-155-528	NEW	98-05-046
296-150C-1303	NEW	98-14-078	296-150M-0620	AMD-P	98-07-095	296-155-605	AMD	98-05-046
296-150C-1580	AMD-P	98-07-095	296-150M-0620	AMD	98-14-078	296-155-615	AMD	98-05-046
296-150C-1580	AMD	98-14-078	296-150M-0640	AMD-P	98-07-095	296-155-683	AMD	98-05-046
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296-150C-1600	AMD	98-14-078	296-150M-0700	REP-P	98-07-095	296-155-730	AMD	98-05-046
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296-150C-1720	AMD	98-14-078	296-150M-0710	REP-P	98-07-095	296-200A-900	AMD	98-12-041
296-150C-1730	AMD-P	98-07-095	296-150M-0710	REP	98-14-078	296-301-020	AMD	98-10-073
296-150C-1730	AMD	98-14-078	296-150M-0720	REP-XR	98-14-077	296-305	PREP	98-11-075
296-150C-1740	AMD-P	98-07-095	296-150M-0720	REP	98-18-036	296-305-01003	AMD-P	98-17-078
296-150C-1740	AMD	98-14-078	296-150M-0730	REP-P	98-07-095	296-305-01005	AMD-P	98-17-078
296-150C-1750	NEW-P	98-07-095	296-150M-0730	REP	98-14-078	296-305-01509	AMD-P	98-17-078
296-150C-1750	NEW	98-14-078	296-150M-3000	AMD-P	98-07-096	296-305-02001	AMD-P	98-17-078
296-150C-1751	NEW-P	98-07-095	296-150M-3000	AMD	98-12-041	296-305-02003	AMD-P	98-17-078
296-150C-1751	NEW	98-14-078	296-150P-3000	AMD-P	98-07-096	296-305-02007	AMD-P	98-17-078
296-150C-1752	NEW-P	98-07-095	296-150P-3000	AMD	98-12-041	296-305-02013	AMD-P	98-17-078
296-150C-1752	NEW	98-14-078	296-150R-3000	AMD-P	98-07-096	296-305-02015	AMD-P	98-17-078
296-150C-1753	NEW-P	98-07-095	296-150R-3000	AMD	98-12-041	296-305-04001	AMD-P	98-17-078
296-150C-1753	NEW	98-14-078	296-155	PREP	98-08-104	296-305-04501	AMD-P	98-17-078
296-150C-1754	NEW-P	98-07-095	296-155-229	NEW-P	98-05-073	296-305-04503	AMD-P	98-17-078
296-150C-1754	NEW	98-14-078	296-155-229	NEW	98-13-069	296-305-05001	AMD-P	98-17-078
296-150C-1755	NEW-P	98-07-095	296-155-229	DECOD	98-16-067	296-305-05007	AMD-P	98-17-078
296-150C-1755	NEW	98-14-078	296-155-24525	AMD	98-05-046	296-305-05009	AMD-P	98-17-078
296-150C-1756	NEW-P	98-07-095	296-155-329	RECOD	98-16-067	296-305-06005	AMD-P	98-17-078
296-150C-1756	NEW	98-14-078	296-155-330	AMD-P	98-05-073	296-305-06007	AMD-P	98-17-078
296-150C-1757	NEW-P	98-07-095	296-155-330	AMD	98-13-069	296-307	PREP	98-04-094
296-150C-1757	NEW	98-14-078	296-155-481	AMD	98-05-046	296-307	PREP	98-10-035
296-150C-1758	NEW-P	98-07-095	296-155-482	NEW	98-05-046	296-307-003	AMD-P	98-16-100
296-150C-1758	NEW	98-14-078	296-155-483	AMD	98-05-046	296-307-006	AMD-P	98-16-100
296-150C-1759	NEW-P	98-07-095	296-155-484	NEW	98-05-046	296-307-009	AMD-P	98-16-100
296-150C-1759	NEW	98-14-078	296-155-485	AMD	98-05-046	296-307-015	AMD-P	98-16-100
296-150C-1760	NEW-P	98-07-095	296-155-48503	REP	98-05-046	296-307-018	AMD-P	98-16-100
296-150C-1760	NEW	98-14-078	296-155-48504	REP	98-05-046	296-307-024	AMD-P	98-16-100

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296-400A-045	AMD-P	98-07-096	296-401A-160	NEW-P	98-07-097	308-04-010	PREP	98-17-071
296-400A-045	AMD-P	98-09-124	296-401A-160	NEW	98-12-042	308-04-020	PREP	98-03-023
296-400A-045	AMD	98-12-041	296-401A-200	NEW-P	98-07-097	308-04-020	AMD-P	98-06-080
296-400A-045	AMD	98-13-126	296-401A-200	NEW	98-12-042	308-04-020	AMD-W	98-07-018
296-400A-070	AMD-P	98-09-124	296-401A-210	NEW-P	98-07-097	308-04-020	PREP	98-17-071
296-400A-070	AMD	98-13-126	296-401A-210	NEW	98-12-042	308-11-010	REP-P	98-13-027
296-400A-110	AMD-P	98-09-124	296-401A-220	NEW-P	98-07-097	308-11-010	REP	98-16-061
296-400A-110	AMD	98-13-126	296-401A-220	NEW	98-12-042	308-11-030	AMD-P	98-13-027
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296-400A-120	AMD	98-13-126	296-401A-230	NEW	98-12-042	308-11-035	AMD-P	98-13-027
296-400A-140	AMD-P	98-09-124	296-401A-300	NEW-P	98-07-097	308-11-035	AMD	98-16-061
296-400A-140	AMD	98-13-126	296-401A-300	NEW	98-12-042	308-11-050	AMD-P	98-13-027
296-400A-300	AMD-P	98-09-124	296-401A-310	NEW-P	98-07-097	308-11-050	AMD	98-16-061
296-400A-300	AMD	98-13-126	296-401A-310	NEW	98-12-042	308-11-120	AMD-P	98-13-027
296-401-020	REP-P	98-07-097	296-401A-320	NEW-P	98-07-097	308-11-120	AMD	98-16-061
296-401-020	REP	98-12-042	296-401A-320	NEW	98-12-042	308-11-130	AMD-P	98-13-027
296-401-030	REP-P	98-07-097	296-401A-400	NEW-P	98-07-097	308-11-130	AMD	98-16-061
296-401-030	REP	98-12-042	296-401A-400	NEW	98-12-042	308-12-025	PREP	98-06-047
296-401-060	REP-P	98-07-097	296-401A-410	NEW-P	98-07-097	308-12-025	AMD-P	98-14-043
296-401-060	REP	98-12-042	296-401A-410	NEW	98-12-042	308-12-115	AMD-P	98-14-043
296-401-075	REP-P	98-07-097	296-401A-420	NEW-P	98-07-097	308-12-326	PREP	98-05-012
296-401-075	REP	98-12-042	296-401A-420	NEW	98-12-042	308-12-326	AMD-P	98-09-057
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296-401-080	REP	98-12-042	296-401A-430	NEW	98-12-042	308-14-200	AMD-P	98-13-026
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296-401-085	REP	98-12-042	296-401A-500	NEW	98-12-042	308-33-011	AMD-P	98-13-028
296-401-087	REP-P	98-07-097	296-401A-510	NEW-P	98-07-097	308-33-011	AMD	98-18-053
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296-401-090	REP-P	98-07-097	296-401A-520	NEW-P	98-07-097	308-33-020	REP	98-18-053
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296-401-100	REP-P	98-07-097	296-401A-524	NEW-P	98-07-097	308-33-030	AMD	98-18-053
296-401-100	REP	98-12-042	296-401A-524	NEW	98-12-042	308-33-060	AMD-P	98-13-028
296-401-110	REP-P	98-07-097	296-401A-530	NEW-P	98-07-097	308-33-060	AMD	98-18-053
296-401-110	REP	98-12-042	296-401A-530	NEW	98-12-042	308-33-071	AMD-P	98-13-028
296-401-120	REP-P	98-07-097	296-401A-540	NEW-P	98-07-097	308-33-071	AMD	98-18-053
296-401-120	REP	98-12-042	296-401A-540	NEW	98-12-042	308-33-080	REP-P	98-13-028
296-401-150	REP-P	98-07-097	296-401A-545	NEW-P	98-07-097	308-33-080	REP	98-18-053
296-401-150	REP	98-12-042	296-401A-545	NEW	98-12-042	308-33-090	AMD-P	98-13-028
296-401-160	REP-P	98-07-097	296-401A-550	NEW-P	98-07-097	308-33-090	AMD	98-18-053
296-401-160	REP	98-12-042	296-401A-550	NEW	98-12-042	308-33-095	AMD-P	98-13-028
296-401-163	REP-P	98-07-097	296-401A-600	NEW-P	98-07-097	308-33-095	AMD	98-18-053
296-401-163	REP	98-12-042	296-401A-600	NEW	98-12-042	308-33-105	AMD-P	98-13-028
296-401-165	REP-P	98-07-097	296-401A-610	NEW-P	98-07-097	308-33-105	AMD	98-18-053
296-401-165	REP	98-12-042	296-401A-610	NEW	98-12-042	308-48-185	AMD-P	98-17-035
296-401-168	REP-P	98-07-097	296-401A-620	NEW-P	98-07-097	308-48-790	REP-P	98-17-035
296-401-168	REP	98-12-042	296-401A-620	NEW	98-12-042	308-48-800	AMD-P	98-17-035
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296-401-170	REP	98-12-042	296-401A-630	NEW	98-12-042	308-56A-005	REP-P	98-08-049
296-401-175	REP-P	98-07-097	296-401A-700	NEW-P	98-07-097	308-56A-005	REP	98-12-099
296-401-175	REP	98-12-042	296-401A-700	NEW	98-12-042	308-56A-010	PREP	98-03-024
296-401-180	REP-P	98-07-097	296-401A-800	NEW-P	98-07-097	308-56A-010	AMD-P	98-08-049
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308-56A-022	AMD	98-12-099	308-72-530	REP-P	98-18-059	308-93-071	PREP	98-03-026
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308-56A-040	PREP	98-14-080	308-72-570	AMD-P	98-18-059	308-93-074	REP-P	98-13-044
308-56A-050	PREP	98-14-080	308-72-600	REP-P	98-18-059	308-93-074	REP	98-16-030
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308-56A-090	AMD	98-12-099	308-77-010	AMD-P	98-18-059	308-93-080	REP	98-16-030
308-56A-100	PREP	98-14-080	308-77-020	AMD-P	98-18-059	308-93-085	PREP	98-03-026
308-56A-105	PREP	98-14-080	308-77-032	REP-P	98-18-059	308-93-085	REP-P	98-13-044
308-56A-110	PREP	98-14-080	308-77-034	REP-P	98-18-059	308-93-085	REP	98-16-030
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308-56A-135	PREP	98-14-080	308-77-044	REP-P	98-18-059	308-93-110	PREP	98-03-027
308-56A-335	PREP	98-16-071	308-77-050	AMD-P	98-18-059	308-93-110	REP-P	98-16-075
308-56A-340	PREP	98-16-071	308-77-060	REP-P	98-18-059	308-93-120	PREP	98-03-027
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314-12-330	NEW-P	98-18-096	314-18-040	AMD	98-18-097	314-24-250	AMD-XA	98-12-090
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314-25-030	AMD	98-18-097	315-04-130	AMD-P	98-16-078	315-11A-160	REP-XR	98-07-090
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314-30-010	AMD-XA	98-12-090	315-10	PREP	98-07-089	315-11A-163	REP	98-13-018
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314-52-040	AMD	98-18-097	315-10-030	AMD	98-08-067	315-34-055	AMD	98-08-063
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356-34-090	AMD-P	98-15-035	356-49-020	AMD	98-19-034	388-11-205	PREP	98-03-078
356-34-090	AMD	98-19-034	356-49-030	AMD-P	98-15-035	388-11-315	PREP	98-19-123
356-34-100	AMD-P	98-15-035	356-49-030	AMD	98-19-034	388-14-045	PREP	98-12-106
356-34-100	AMD	98-19-034	356-49-040	AMD-P	98-15-035	388-14-200	AMD-E	98-04-027
356-34-260	AMD-P	98-15-035	356-49-040	AMD	98-19-034	388-14-200	AMD-S	98-06-067
356-34-260	AMD	98-19-034	356-56-010	AMD-P	98-15-035	388-14-200	AMD	98-10-042
356-37-010	AMD-P	98-15-035	356-56-035	AMD-P	98-15-035	388-14-201	NEW-E	98-04-027
356-37-010	AMD	98-19-034	363-116-082	PREP	98-10-092	388-14-201	NEW-S	98-06-067
356-37-020	AMD-P	98-15-035	363-116-185	AMD-P	98-10-093	388-14-201	NEW	98-10-042
356-37-020	AMD	98-19-034	363-116-185	AMD-E	98-16-028	388-14-202	NEW-E	98-04-027
356-37-030	AMD-P	98-15-035	363-116-185	AMD	98-19-036	388-14-202	NEW-S	98-06-067
356-37-030	AMD	98-19-034	363-116-300	AMD-P	98-08-071	388-14-202	NEW	98-10-042
356-37-040	AMD-P	98-15-035	363-116-300	AMD	98-12-008	388-14-270	AMD-E	98-04-027
356-37-040	AMD	98-19-034	365-04	PREP	98-15-118	388-14-270	AMD-S	98-06-067
356-37-070	AMD-P	98-15-035	365-06-010	REP	98-05-027	388-14-270	AMD	98-10-042
356-37-070	AMD	98-19-034	365-06-020	REP	98-05-027	388-14-385	AMD-P	98-05-078
356-37-080	AMD-P	98-15-035	365-08-010	PREP	98-15-119	388-14-385	AMD	98-17-033
356-37-080	AMD	98-19-034	365-18-010	NEW-P	98-19-127	388-14-386	NEW-P	98-05-078
356-37-130	AMD-P	98-15-035	365-18-020	NEW-P	98-19-127	388-14-386	NEW	98-17-033
356-37-130	AMD	98-19-034	365-18-030	NEW-P	98-19-127	388-14-387	NEW-P	98-05-078
356-37-140	AMD-P	98-15-035	365-18-040	NEW-P	98-19-127	388-14-387	NEW	98-17-033
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356-37-150	AMD-P	98-15-035	365-18-060	NEW-P	98-19-127	388-14-388	NEW	98-17-033
356-37-150	AMD	98-19-034	365-18-070	NEW-P	98-19-127	388-14-490	PREP	98-16-090
356-37-160	AMD-P	98-15-035	365-18-080	NEW-P	98-19-127	388-14-500	AMD-P	98-05-079
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356-39-020	AMD-P	98-15-035	365-18-100	NEW-P	98-19-127	388-14-510	NEW-P	98-13-081
356-39-020	AMD	98-19-034	365-18-110	NEW-P	98-19-127	388-14-510	NEW	98-17-031
356-39-060	AMD-P	98-15-035	365-60-010	REP	98-05-027	388-14-520	NEW-P	98-13-081
356-39-060	AMD	98-19-034	365-60-020	REP	98-05-027	388-14-520	NEW	98-17-031
356-39-080	AMD-P	98-15-035	365-110	PREP	98-09-096	388-14-530	NEW-P	98-13-081
356-39-080	AMD	98-19-034	365-110-010	AMD-P	98-14-069	388-14-530	NEW	98-17-031
356-42-010	AMD-P	98-15-035	365-110-035	AMD-P	98-14-069	388-14-540	NEW-P	98-13-081
356-42-010	AMD	98-19-034	372-32-010	REP-XR	98-08-060	388-14-540	NEW	98-17-031
356-42-020	AMD-P	98-15-035	372-32-010	REP	98-13-050	388-14-550	NEW-P	98-13-081
356-42-020	AMD	98-19-034	381-10-120	AMD-XA	98-09-047	388-14-550	NEW	98-17-031
356-42-055	AMD-P	98-15-035	381-10-120	AMD-W	98-11-071	388-14-560	NEW-P	98-13-081
356-42-055	AMD	98-19-034	381-10-120	AMD-XA	98-11-072	388-14-560	NEW	98-17-031
356-42-080	AMD-P	98-15-035	381-10-120	AMD	98-19-054	388-14-570	NEW-P	98-13-081
356-42-080	AMD	98-19-034	381-10-170	AMD-XA	98-09-047	388-14-570	NEW	98-17-031
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388-15-170	AMD-P	98-14-034	388-15-610	AMD-E	98-09-042	388-49-200	REP	98-16-044
388-15-170	AMD-E	98-14-035	388-15-610	PREP	98-11-032	388-49-210	REP-P	98-11-084
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388-15-174	NEW-P	98-14-034	388-15-610	AMD	98-19-055	388-49-220	REP	98-16-044
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388-15-175	NEW-E	98-14-035	388-15-830	AMD	98-04-026	388-49-240	REP-P	98-11-084
388-15-176	NEW-P	98-14-034	388-15-830	AMD-E	98-09-042	388-49-240	REP	98-16-044
388-15-176	NEW-E	98-14-035	388-15-830	PREP	98-11-032	388-49-250	REP-P	98-11-084
388-15-177	PREP	98-13-079	388-15-830	AMD-P	98-15-138	388-49-250	REP	98-16-044
388-15-177	NEW-E	98-18-077	388-15-830	AMD-E	98-17-030	388-49-260	REP-P	98-11-084
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388-15-194	AMD-P	98-16-092	388-15-880	AMD	98-04-026	388-49-270	REP-P	98-11-084
388-15-196	AMD-P	98-14-062	388-15-880	PREP	98-11-031	388-49-270	REP	98-16-044
388-15-196	AMD	98-18-037	388-15-890	AMD	98-04-026	388-49-280	REP-P	98-11-084
388-15-19600	NEW-P	98-14-062	388-15-890	AMD-E	98-09-042	388-49-280	REP	98-16-044
388-15-19600	NEW	98-18-037	388-15-890	PREP	98-11-031	388-49-290	REP-P	98-11-084
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388-15-19620	NEW-P	98-14-062	388-15-890	AMD-E	98-17-030	388-49-300	REP	98-16-044
388-15-19620	NEW	98-18-037	388-15-890	AMD	98-19-055	388-49-310	REP-P	98-11-084
388-15-19630	NEW-P	98-14-062	388-15-895	NEW	98-04-026	388-49-310	REP	98-16-044
388-15-19630	NEW	98-18-037	388-15-895	AMD-E	98-09-042	388-49-320	REP-P	98-11-084
388-15-19640	NEW-P	98-14-062	388-15-895	PREP	98-11-032	388-49-320	REP	98-16-044
388-15-19640	NEW	98-18-037	388-15-895	AMD-P	98-15-138	388-49-330	REP-P	98-11-084
388-15-19650	NEW-P	98-14-062	388-15-895	AMD-E	98-17-030	388-49-330	REP	98-16-044
388-15-19650	NEW	98-18-037	388-15-895	AMD	98-19-055	388-49-340	REP-P	98-11-084
388-15-19660	NEW-P	98-14-062	388-17	PREP	98-16-022	388-49-340	REP	98-16-044
388-15-19660	NEW	98-18-037	388-31	PREP	98-06-088	388-49-350	REP-P	98-11-084
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388-15-19680	NEW	98-18-037	388-49-015	REP	98-16-044	388-49-360	AMD-W	98-06-076
388-15-201	NEW	98-04-026	388-49-020	REP-P	98-11-084	388-49-360	REP-P	98-11-084
388-15-201	AMD-E	98-09-042	388-49-020	REP	98-16-044	388-49-360	REP	98-16-044
388-15-201	PREP	98-11-032	388-49-030	REP-P	98-11-084	388-49-362	REP-P	98-11-084
388-15-201	AMD-P	98-15-138	388-49-030	REP	98-16-044	388-49-362	REP	98-16-044
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388-15-201	AMD	98-19-055	388-49-040	REP	98-16-044	388-49-364	REP	98-16-044
388-15-202	PREP	98-11-031	388-49-050	REP-P	98-11-084	388-49-366	REP-P	98-11-084
388-15-207	PREP	98-11-031	388-49-050	REP	98-16-044	388-49-366	REP	98-16-044
388-15-209	AMD	98-04-026	388-49-060	REP-P	98-11-084	388-49-368	REP-P	98-11-084
388-15-209	AMD-E	98-09-042	388-49-060	REP	98-16-044	388-49-368	REP	98-16-044
388-15-209	PREP	98-11-032	388-49-070	REP-P	98-11-084	388-49-369	REP-P	98-11-084
388-15-209	AMD-P	98-15-138	388-49-070	REP	98-16-044	388-49-369	REP	98-16-044
388-15-209	AMD-E	98-17-030	388-49-080	REP-P	98-11-084	388-49-370	REP-P	98-11-084
388-15-209	AMD	98-19-055	388-49-080	REP	98-16-044	388-49-370	REP	98-16-044
388-15-214	PREP	98-11-031	388-49-090	REP-P	98-11-084	388-49-380	AMD-W	98-06-076
388-15-215	PREP	98-11-031	388-49-090	REP	98-16-044	388-49-380	REP-P	98-11-084
388-15-215	REP-W	98-13-077	388-49-100	REP-P	98-11-084	388-49-380	REP	98-16-044
388-15-216	REP-XR	98-08-073	388-49-100	REP	98-16-044	388-49-385	AMD-W	98-06-076
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388-15-216	REP	98-14-052	388-49-110	REP	98-16-044	388-49-385	REP	98-16-044
388-15-219	PREP	98-11-031	388-49-120	REP-P	98-11-084	388-49-390	REP-P	98-11-084
388-15-222	AMD	98-04-026	388-49-120	REP	98-16-044	388-49-390	REP	98-16-044
388-15-222	AMD-E	98-09-042	388-49-150	REP-P	98-11-084	388-49-400	REP-P	98-11-084
388-15-222	PREP	98-11-032	388-49-150	REP	98-16-044	388-49-400	REP	98-16-044
388-15-222	AMD-P	98-15-138	388-49-160	REP-P	98-11-084	388-49-410	REP-P	98-11-084
388-15-222	AMD-E	98-17-030	388-49-160	REP	98-16-044	388-49-410	REP	98-16-044
388-15-222	AMD	98-19-055	388-49-170	REP-P	98-11-084	388-49-420	REP-P	98-11-084
388-15-300	REP	98-02-058	388-49-170	REP	98-16-044	388-49-420	REP	98-16-044
388-15-310	REP	98-02-058	388-49-180	REP-P	98-11-084	388-49-430	REP-P	98-11-084
388-15-320	REP	98-02-058	388-49-180	REP	98-16-044	388-49-430	REP	98-16-044
388-15-330	REP	98-02-058	388-49-190	REP-P	98-11-084	388-49-440	REP-P	98-11-084

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388-49-450	REP-P	98-11-084	388-49-700	REP-P	98-11-084	388-76-61080	NEW	98-12-054
388-49-450	REP	98-16-044	388-49-700	REP	98-16-044	388-76-615	AMD-S	98-04-032
388-49-460	REP-P	98-11-084	388-55-006	REP-P	98-11-084	388-76-615	AMD	98-12-054
388-49-460	REP	98-16-044	388-55-006	REP	98-16-044	388-76-61500	NEW	98-12-054
388-49-470	REP-P	98-11-084	388-55-008	REP-P	98-11-084	388-76-61510	NEW	98-12-054
388-49-470	REP	98-16-044	388-55-008	REP	98-16-044	388-76-61520	NEW	98-12-054
388-49-480	REP-P	98-11-084	388-55-010	REP-P	98-11-084	388-76-61530	NEW	98-12-054
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388-49-485	REP-P	98-11-084	388-55-020	REP-P	98-11-084	388-76-61550	NEW	98-12-054
388-49-485	REP	98-16-044	388-55-020	REP	98-16-044	388-76-61560	NEW	98-12-054
388-49-490	REP-P	98-11-084	388-55-030	REP-P	98-11-084	388-76-61570	NEW	98-12-054
388-49-490	REP	98-16-044	388-55-030	REP	98-16-044	388-76-620	AMD-S	98-02-077
388-49-500	REP-P	98-11-084	388-55-040	REP-P	98-11-084	388-76-620	AMD	98-11-095
388-49-500	REP	98-16-044	388-55-040	REP	98-16-044	388-76-635	AMD-S	98-02-077
388-49-505	REP-P	98-11-084	388-55-060	REP-P	98-11-084	388-76-635	AMD	98-11-095
388-49-505	REP	98-16-044	388-55-060	REP	98-16-044	388-76-640	AMD-W	98-08-091
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388-49-510	REP-P	98-11-084	388-73	PREP	98-08-084	388-76-655	AMD	98-11-095
388-49-510	REP	98-16-044	388-76-540	AMD-S	98-02-077	388-76-660	AMD-S	98-02-077
388-49-515	REP-P	98-11-084	388-76-540	AMD	98-11-095	388-76-660	AMD	98-11-095
388-49-515	REP	98-16-044	388-76-550	AMD-S	98-02-077	388-76-665	AMD-S	98-02-077
388-49-520	REP-P	98-11-084	388-76-550	AMD	98-11-095	388-76-665	AMD	98-11-095
388-49-520	REP	98-16-044	388-76-560	AMD-S	98-02-077	388-76-670	AMD-S	98-02-077
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388-49-535	REP	98-16-044	388-76-561	NEW-S	98-04-032	388-76-675	AMD-S	98-02-077
388-49-550	AMD-P	98-04-039	388-76-561	NEW-W	98-17-072	388-76-675	AMD	98-11-095
388-49-550	AMD-E	98-04-040	388-76-570	AMD-S	98-02-077	388-76-680	AMD-S	98-02-077
388-49-550	AMD	98-10-025	388-76-570	AMD	98-11-095	388-76-680	AMD	98-11-095
388-49-550	REP-P	98-11-084	388-76-590	AMD-S	98-04-032	388-76-685	AMD-S	98-02-077
388-49-550	REP	98-16-044	388-76-590	AMD-W	98-08-091	388-76-685	AMD	98-11-095
388-49-560	REP-P	98-04-039	388-76-590	AMD	98-12-054	388-76-690	AMD-S	98-02-077
388-49-560	REP-E	98-04-040	388-76-59000	NEW	98-12-054	388-76-690	AMD	98-11-095
388-49-560	AMD	98-10-025	388-76-59010	NEW	98-12-054	388-76-695	AMD-S	98-02-077
388-49-560	REP-P	98-11-084	388-76-59020	NEW	98-12-054	388-76-695	AMD	98-11-095
388-49-560	REP	98-16-044	388-76-59050	NEW	98-12-054	388-76-705	AMD-S	98-02-077
388-49-570	REP-P	98-04-039	388-76-59060	NEW	98-12-054	388-76-705	AMD	98-11-095
388-49-570	REP-E	98-04-040	388-76-59070	NEW	98-12-054	388-76-765	AMD-W	98-08-091
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388-49-570	REP-P	98-11-084	388-76-59090	NEW	98-12-054	388-79-010	NEW-P	98-03-085
388-49-570	REP	98-16-044	388-76-59100	NEW	98-12-054	388-79-010	NEW	98-10-055
388-49-580	REP-P	98-04-039	388-76-59110	NEW	98-12-054	388-79-020	NEW-P	98-03-085
388-49-580	REP-E	98-04-040	388-76-59120	NEW	98-12-054	388-79-020	NEW	98-10-055
388-49-580	AMD	98-10-025	388-76-595	AMD-S	98-02-077	388-79-030	NEW-P	98-03-085
388-49-580	REP-P	98-11-084	388-76-595	AMD	98-11-095	388-79-030	NEW	98-10-055
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388-49-590	REP-P	98-11-084	388-76-600	AMD	98-12-054	388-79-040	NEW	98-10-055
388-49-590	REP	98-16-044	388-76-60000	NEW	98-12-054	388-86	PREP	98-10-106
388-49-600	REP-P	98-11-084	388-76-60010	NEW	98-12-054	388-86-005	AMD-P	98-15-140
388-49-600	REP	98-16-044	388-76-60020	NEW	98-12-054	388-86-005	AMD	98-18-079
388-49-610	REP-P	98-11-084	388-76-60030	NEW	98-12-054	388-86-015	REP-P	98-13-082
388-49-610	REP	98-16-044	388-76-60040	NEW	98-12-054	388-86-015	REP	98-16-050
388-49-620	REP-P	98-11-084	388-76-60050	NEW	98-12-054	388-86-024	PREP	98-15-112
388-49-620	REP	98-16-044	388-76-60060	NEW	98-12-054	388-86-027	AMD-P	98-11-084
388-49-630	REP-P	98-11-084	388-76-60070	NEW	98-12-054	388-86-027	AMD	98-16-044
388-49-630	REP	98-16-044	388-76-605	AMD-S	98-02-077	388-86-045	PREP	98-13-086
388-49-640	REP-P	98-11-084	388-76-605	AMD	98-11-095	388-86-080	REP-P	98-13-082
388-49-640	REP	98-16-044	388-76-610	AMD-S	98-04-032	388-86-080	REP	98-16-050
388-49-650	REP-P	98-11-084	388-76-610	AMD-W	98-08-091	388-86-095	REP-P	98-13-082
388-49-650	REP	98-16-044	388-76-610	AMD	98-12-054	388-86-095	REP-W	98-15-101
388-49-660	REP-P	98-11-084	388-76-61000	NEW	98-12-054	388-86-100	AMD-P	98-19-014
388-49-660	REP	98-16-044	388-76-61010	NEW	98-12-054	388-86-110	REP-P	98-19-014
388-49-670	REP-P	98-11-084	388-76-61020	NEW	98-12-054	388-86-200	AMD-P	98-19-014
388-49-670	REP	98-16-044	388-76-61030	NEW	98-12-054	388-87	PREP	98-10-106
388-49-680	REP-P	98-11-084	388-76-61040	NEW	98-12-054	388-87	PREP	98-13-086
388-49-680	REP	98-16-044	388-76-61050	NEW	98-12-054	388-96	PREP	98-03-077
388-49-690	REP-P	98-11-084	388-76-61060	NEW	98-12-054	388-96	PREP	98-06-066

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388-96	AMD-P	98-15-141	388-96-718	NEW-E	98-19-061	388-210-1010	REP	98-16-044
388-96-010	AMD-P	98-15-141	388-96-718	NEW	98-19-062	388-210-1020	REP-P	98-11-084
388-96-020	AMD-P	98-15-141	388-96-719	REP-P	98-15-141	388-210-1020	REP	98-16-044
388-96-023	REP-P	98-15-141	388-96-722	REP-P	98-15-141	388-210-1050	REP-P	98-11-084
388-96-026	AMD-P	98-15-141	388-96-723	NEW-P	98-15-141	388-210-1050	REP	98-16-044
388-96-029	REP-P	98-15-141	388-96-724	NEW-P	98-15-141	388-210-1100	REP-P	98-11-084
388-96-032	REP-P	98-15-141	388-96-725	NEW-P	98-15-141	388-210-1100	REP	98-16-044
388-96-101	REP-P	98-15-141	388-96-726	NEW-P	98-15-141	388-210-1200	REP-P	98-11-084
388-96-104	REP-P	98-15-141	388-96-727	REP-P	98-15-141	388-210-1200	REP	98-16-044
388-96-108	AMD-P	98-15-141	388-96-728	NEW-P	98-15-141	388-210-1220	REP-P	98-11-084
388-96-110	REP-P	98-15-141	388-96-729	NEW-P	98-15-141	388-210-1220	REP	98-16-044
388-96-113	REP-P	98-15-141	388-96-735	REP-P	98-15-141	388-210-1230	REP-P	98-11-084
388-96-119	AMD-P	98-15-141	388-96-737	REP-P	98-15-141	388-210-1230	REP	98-16-044
388-96-122	AMD-P	98-15-141	388-96-738	NEW-P	98-15-141	388-210-1250	REP-P	98-11-084
388-96-128	REP-P	98-15-141	388-96-739	NEW-P	98-15-141	388-210-1250	REP	98-16-044
388-96-131	REP-P	98-15-141	388-96-740	NEW-P	98-15-141	388-210-1300	REP-P	98-11-084
388-96-134	REP-P	98-15-141	388-96-741	NEW-P	98-15-141	388-210-1300	REP	98-16-044
388-96-202	NEW-P	98-15-141	388-96-742	NEW-P	98-15-141	388-210-1310	REP-P	98-11-084
388-96-204	REP-P	98-15-141	388-96-744	NEW-P	98-15-141	388-210-1310	REP	98-16-044
388-96-207	REP-P	98-15-141	388-96-745	REP-P	98-15-141	388-210-1320	REP-P	98-11-084
388-96-210	REP-P	98-15-141	388-96-746	NEW-P	98-15-141	388-210-1320	REP	98-16-044
388-96-213	REP-P	98-15-141	388-96-747	NEW-P	98-15-141	388-210-1330	REP-P	98-11-084
388-96-218	NEW-P	98-15-141	388-96-752	REP-P	98-15-141	388-210-1330	REP	98-16-044
388-96-220	REP-P	98-15-141	388-96-754	REP-P	98-15-141	388-210-1340	REP-P	98-11-084
388-96-221	REP-P	98-15-141	388-96-757	AMD-P	98-15-141	388-210-1340	REP	98-16-044
388-96-224	REP-P	98-15-141	388-96-760	AMD-P	98-15-141	388-210-1350	REP-P	98-11-084
388-96-226	REP-P	98-15-141	388-96-761	REP-P	98-15-141	388-210-1350	REP	98-16-044
388-96-228	REP-P	98-15-141	388-96-763	REP-P	98-15-141	388-210-1400	REP-P	98-11-084
388-96-229	REP-P	98-15-141	388-96-764	REP-P	98-15-141	388-210-1400	REP	98-16-044
388-96-501	REP-P	98-15-141	388-96-765	REP-P	98-15-141	388-210-1410	REP-P	98-11-084
388-96-502	AMD-P	98-15-141	388-96-768	REP-P	98-15-141	388-210-1410	REP	98-16-044
388-96-503	REP-P	98-15-141	388-96-769	REP-P	98-15-141	388-210-1420	REP-P	98-11-084
388-96-505	AMD-P	98-15-141	388-96-774	REP-P	98-15-141	388-210-1420	REP	98-16-044
388-96-507	REP-P	98-15-141	388-96-776	AMD-P	98-15-141	388-212-1000	REP-P	98-11-084
388-96-508	REP-P	98-15-141	388-96-778	REP-P	98-15-141	388-212-1000	REP	98-16-044
388-96-509	REP-P	98-15-141	388-96-801	REP-P	98-15-141	388-212-1050	REP-P	98-11-084
388-96-513	REP-P	98-15-141	388-96-804	REP-P	98-15-141	388-212-1050	REP	98-16-044
388-96-521	REP-P	98-15-141	388-96-807	REP-P	98-15-141	388-212-1100	REP-P	98-11-084
388-96-523	REP-P	98-15-141	388-96-810	REP-P	98-15-141	388-212-1100	REP	98-16-044
388-96-525	AMD-P	98-15-141	388-96-813	REP-P	98-15-141	388-212-1140	REP-P	98-11-084
388-96-529	REP-P	98-15-141	388-96-816	REP-P	98-15-141	388-212-1140	REP	98-16-044
388-96-530	NEW-P	98-15-141	388-96-901	AMD-P	98-15-141	388-212-1150	REP-P	98-11-084
388-96-531	REP-P	98-15-141	388-96-904	AMD-P	98-15-141	388-212-1150	REP	98-16-044
388-96-532	NEW-P	98-15-141	388-96-905	NEW-P	98-15-141	388-212-1200	REP-P	98-11-084
388-96-533	REP-P	98-15-141	388-97	PREP	98-06-089	388-212-1200	REP	98-16-044
388-96-535	AMD-P	98-15-141	388-97-235	AMD-W	98-13-077	388-212-1250	REP-P	98-11-084
388-96-536	NEW-P	98-15-141	388-150-180	PREP	98-02-057	388-212-1250	REP	98-16-044
388-96-540	NEW-P	98-15-141	388-150-190	PREP	98-02-057	388-215-1000	REP-P	98-11-084
388-96-542	NEW-P	98-15-141	388-150-200	PREP	98-02-057	388-215-1000	REP	98-16-044
388-96-543	REP-P	98-15-141	388-150-470	PREP	98-02-057	388-215-1010	REP-P	98-11-084
388-96-555	REP-P	98-15-141	388-151	PREP	98-10-104	388-215-1010	REP	98-16-044
388-96-557	REP-P	98-15-141	388-151-180	PREP	98-02-057	388-215-1025	REP-P	98-11-084
388-96-567	REP-P	98-15-141	388-151-190	PREP	98-02-057	388-215-1025	REP	98-16-044
388-96-569	REP-P	98-15-141	388-151-200	PREP	98-02-057	388-215-1050	REP-P	98-11-084
388-96-571	REP-P	98-15-141	388-151-470	PREP	98-02-057	388-215-1050	REP	98-16-044
388-96-573	REP-P	98-15-141	388-155-180	PREP	98-02-057	388-215-1060	REP-P	98-11-084
388-96-580	AMD-P	98-15-141	388-155-190	PREP	98-02-057	388-215-1060	REP	98-16-044
388-96-585	AMD-P	98-15-141	388-155-200	PREP	98-02-057	388-215-1070	REP-P	98-11-084
388-96-704	AMD-P	98-15-141	388-155-470	PREP	98-02-057	388-215-1070	REP	98-16-044
388-96-708	AMD-P	98-15-141	388-160	PREP	98-08-084	388-215-1080	REP-P	98-11-084
388-96-709	AMD-P	98-15-141	388-200-1100	REP-P	98-11-084	388-215-1080	REP	98-16-044
388-96-710	AMD-P	98-15-141	388-200-1100	REP	98-16-044	388-215-1100	REP-P	98-11-084
388-96-713	AMD-P	98-15-141	388-200-1150	REP-P	98-11-084	388-215-1100	REP	98-16-044
388-96-716	REP-P	98-15-141	388-200-1150	REP	98-16-044	388-215-1110	REP-P	98-11-084
388-96-717	REP-P	98-15-141	388-210-1000	REP-P	98-11-084	388-215-1110	REP	98-16-044
388-96-718	NEW-E	98-11-094	388-210-1000	REP	98-16-044	388-215-1115	REP-P	98-11-084
388-96-718	NEW-P	98-15-103	388-210-1010	REP-P	98-11-084	388-215-1115	REP	98-16-044

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388-218-1410	REP	98-16-044	388-218-1940	REP-P	98-03-084	388-230-0060	REP-P	98-11-084
388-218-1430	REP-P	98-11-084	388-218-1940	REP	98-06-056	388-230-0060	AMD-E	98-14-086
388-218-1430	REP	98-16-044	388-219-0100	REP-P	98-11-084	388-230-0060	REP	98-16-044
388-218-1440	REP-P	98-11-084	388-219-0100	REP	98-16-044	388-230-0080	REP-P	98-11-084
388-218-1440	REP	98-16-044	388-219-0200	REP-P	98-11-084	388-230-0080	REP	98-16-044
388-218-1470	REP-P	98-11-084	388-219-0200	REP	98-16-044	388-230-0090	REP-P	98-11-084
388-218-1470	REP	98-16-044	388-219-1000	REP-P	98-11-084	388-230-0090	REP	98-16-044
388-218-1500	REP-P	98-11-084	388-219-1000	REP	98-16-044	388-230-0110	REP-P	98-11-084
388-218-1500	REP	98-16-044	388-219-1100	REP-P	98-11-084	388-230-0110	REP	98-16-044
388-218-1510	REP-P	98-11-084	388-219-1100	REP	98-16-044	388-230-0120	REP-P	98-11-084
388-218-1510	REP	98-16-044	388-219-1500	REP-P	98-11-084	388-230-0120	REP	98-16-044
388-218-1520	REP-P	98-11-084	388-219-1500	REP	98-16-044	388-230-0140	REP-P	98-11-084
388-218-1520	REP	98-16-044	388-219-1600	REP-P	98-11-084	388-230-0140	REP	98-16-044
388-218-1530	REP-P	98-11-084	388-219-1600	REP	98-16-044	388-233-0010	REP-P	98-11-084
388-218-1530	REP	98-16-044	388-219-1600	REP	98-16-044	388-233-0010	REP	98-16-044
388-218-1540	REP-P	98-11-084	388-219-1700	REP-P	98-11-084	388-233-0020	REP-P	98-11-084
388-218-1540	REP	98-16-044	388-219-1700	REP	98-16-044	388-233-0020	REP	98-16-044
388-218-1600	REP-P	98-11-084	388-219-2000	REP-P	98-11-084	388-233-0030	REP-P	98-11-084
388-218-1600	REP	98-16-044	388-219-2000	REP	98-16-044	388-233-0030	REP	98-16-044
388-218-1605	REP-P	98-11-084	388-219-2500	REP-P	98-11-084	388-233-0035	NEW-E	98-14-086
388-218-1605	REP	98-16-044	388-219-2500	REP	98-16-044	388-233-0040	REP-P	98-11-084
388-218-1610	REP-P	98-11-084	388-219-2600	REP-P	98-11-084	388-233-0040	REP	98-16-044
388-218-1610	REP	98-16-044	388-219-2600	REP	98-16-044	388-233-0040	REP	98-16-044
388-218-1620	REP-P	98-11-084	388-219-3000	REP-P	98-11-084	388-233-0050	REP-P	98-11-084
388-218-1620	REP	98-16-044	388-219-3000	REP	98-16-044	388-233-0050	REP	98-16-044
388-218-1630	REP-P	98-11-084	388-219-3500	REP-P	98-11-084	388-233-0060	REP-P	98-11-084
388-218-1630	REP	98-16-044	388-219-3500	REP	98-16-044	388-233-0060	REP	98-16-044
388-218-1640	REP-P	98-11-084	388-220-0001	REP-P	98-11-084	388-233-0070	REP-P	98-11-084
388-218-1640	REP	98-16-044	388-220-0001	REP	98-16-044	388-233-0070	REP	98-16-044
388-218-1650	REP-P	98-11-084	388-220-0030	REP-P	98-11-084	388-233-0080	REP-P	98-11-084
388-218-1650	REP	98-16-044	388-220-0030	REP	98-16-044	388-233-0080	REP	98-16-044
388-218-1660	REP-P	98-11-084	388-220-0050	NEW	98-08-036	388-233-0090	REP-P	98-11-084
388-218-1660	REP	98-16-044	388-220-0050	REP-P	98-11-084	388-233-0090	REP	98-16-044
388-218-1670	REP-P	98-11-084	388-220-0050	REP	98-16-044	388-233-0100	REP-P	98-11-084
388-218-1670	REP	98-16-044	388-225-0010	REP-P	98-11-084	388-233-0100	REP	98-16-044
388-218-1680	REP-P	98-11-084	388-225-0010	REP	98-16-044	388-235	PREP	98-07-038
388-218-1680	REP	98-16-044	388-225-0020	REP-P	98-11-084	388-235-0010	REP-P	98-11-084
388-218-1690	REP-P	98-11-084	388-225-0020	REP	98-16-044	388-235-0010	REP	98-16-044
388-218-1690	REP	98-16-044	388-225-0050	REP-P	98-11-084	388-235-0020	REP-P	98-11-084
388-218-1695	REP-P	98-11-084	388-225-0050	REP	98-16-044	388-235-0020	REP	98-16-044
388-218-1695	REP	98-16-044	388-225-0060	REP-P	98-11-084	388-235-0030	REP-P	98-11-084
388-218-1700	REP-P	98-03-084	388-225-0060	REP	98-16-044	388-235-0030	AMD-E	98-14-086
388-218-1700	REP	98-06-056	388-225-0070	REP-P	98-11-084	388-235-0030	REP	98-16-044
388-218-1710	REP-P	98-11-084	388-225-0070	REP	98-16-044	388-235-0040	REP-P	98-11-084
388-218-1710	REP	98-16-044	388-225-0080	REP-P	98-11-084	388-235-0040	REP	98-16-044
388-218-1720	REP-P	98-11-084	388-225-0080	REP	98-16-044	388-235-0050	REP-P	98-11-084
388-218-1720	REP	98-16-044	388-225-0090	REP-P	98-11-084	388-235-0050	REP	98-16-044
388-218-1735	REP-P	98-11-084	388-225-0090	REP	98-16-044	388-235-0060	REP-P	98-11-084
388-218-1735	REP	98-16-044	388-225-0100	REP-P	98-11-084	388-235-0060	REP	98-16-044
388-218-1740	REP-P	98-11-084	388-225-0100	REP	98-16-044	388-235-0070	REP-P	98-11-084
388-218-1740	REP	98-16-044	388-225-0120	REP-P	98-11-084	388-235-0070	REP	98-16-044
388-218-1800	REP-P	98-03-084	388-225-0120	REP	98-16-044	388-235-0080	REP-P	98-11-084
388-218-1800	REP	98-06-056	388-225-0150	REP-P	98-11-084	388-235-0080	REP	98-16-044
388-218-1810	REP-P	98-11-084	388-225-0150	REP	98-16-044	388-235-0090	REP-P	98-11-084
388-218-1810	REP	98-16-044	388-225-0160	REP-P	98-11-084	388-235-0090	REP	98-16-044
388-218-1820	REP-P	98-11-084	388-225-0160	REP	98-16-044	388-235-0100	REP-P	98-11-084
388-218-1820	REP	98-16-044	388-225-0170	REP-P	98-11-084	388-235-0100	REP	98-16-044
388-218-1830	REP-P	98-11-084	388-225-0170	REP	98-16-044	388-235-0110	REP-P	98-11-084
388-218-1830	REP	98-16-044	388-225-0180	REP-P	98-11-084	388-235-0110	REP	98-16-044
388-218-1900	REP-P	98-11-084	388-225-0180	REP	98-16-044	388-235-2000	REP-P	98-11-084
388-218-1900	REP	98-16-044	388-225-0190	REP-P	98-11-084	388-235-2000	REP	98-16-044
388-218-1910	REP-P	98-11-084	388-225-0190	REP	98-16-044	388-235-3000	REP-P	98-11-084
388-218-1910	REP	98-16-044	388-230-0010	REP-P	98-11-084	388-235-3000	REP	98-16-044
388-218-1920	REP-P	98-11-084	388-230-0010	REP	98-16-044	388-235-4000	REP-P	98-11-084
388-218-1920	REP	98-16-044	388-230-0030	REP-P	98-11-084	388-235-4000	REP	98-16-044
388-218-1930	REP-P	98-11-084	388-230-0030	REP	98-16-044	388-245-1000	REP-P	98-11-084
388-218-1930	REP	98-16-044	388-230-0050	REP-P	98-11-084	388-245-1000	REP	98-16-044
			388-230-0050	REP	98-16-044	388-245-1150	AMD	98-04-015

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388-245-1150	REP-P	98-11-084	388-250-1250	AMD	98-08-037	388-270-1005	REP	98-16-044
388-245-1150	REP	98-16-044	388-250-1250	REP-P	98-11-084	388-270-1010	REP-P	98-11-084
388-245-1160	REP-P	98-11-084	388-250-1250	REP	98-16-044	388-270-1010	REP	98-16-044
388-245-1160	REP	98-16-044	388-250-1300	REP-P	98-11-084	388-270-1025	REP-P	98-11-084
388-245-1170	REP-P	98-11-084	388-250-1300	REP	98-16-044	388-270-1025	REP	98-16-044
388-245-1170	REP	98-16-044	388-250-1310	REP-P	98-11-084	388-270-1075	REP-P	98-11-084
388-245-1210	REP-P	98-11-084	388-250-1310	REP	98-16-044	388-270-1075	REP	98-16-044
388-245-1210	REP	98-16-044	388-250-1350	REP-P	98-11-084	388-270-1100	REP-P	98-11-084
388-245-1300	REP-P	98-11-084	388-250-1350	REP	98-16-044	388-270-1100	REP	98-16-044
388-245-1300	REP	98-16-044	388-250-1400	REP-P	98-11-084	388-270-1110	REP-P	98-11-084
388-245-1310	REP-P	98-11-084	388-250-1400	REP	98-16-044	388-270-1110	REP	98-16-044
388-245-1310	REP	98-16-044	388-250-1450	REP-P	98-11-084	388-270-1125	REP-P	98-11-084
388-245-1315	REP-P	98-11-084	388-250-1450	REP	98-16-044	388-270-1125	REP	98-16-044
388-245-1315	REP	98-16-044	388-250-1500	REP-P	98-11-084	388-270-1150	REP-P	98-11-084
388-245-1320	REP-P	98-11-084	388-250-1500	REP	98-16-044	388-270-1150	REP	98-16-044
388-245-1320	REP	98-16-044	388-250-1550	REP-P	98-11-084	388-270-1200	REP-P	98-11-084
388-245-1350	REP-P	98-11-084	388-250-1550	REP	98-16-044	388-270-1200	REP	98-16-044
388-245-1350	REP	98-16-044	388-250-1600	REP-P	98-11-084	388-270-1250	REP-P	98-11-084
388-245-1400	REP-P	98-11-084	388-250-1600	REP	98-16-044	388-270-1250	REP	98-16-044
388-245-1400	REP	98-16-044	388-250-1650	REP-P	98-11-084	388-270-1300	REP-P	98-11-084
388-245-1410	REP-P	98-11-084	388-250-1650	REP	98-16-044	388-270-1300	REP	98-16-044
388-245-1410	REP	98-16-044	388-250-1700	AMD	98-06-057	388-270-1400	REP-P	98-11-084
388-245-1500	REP-P	98-11-084	388-250-1700	REP-P	98-11-084	388-270-1400	REP	98-16-044
388-245-1500	REP	98-16-044	388-250-1700	REP	98-16-044	388-270-1500	REP-P	98-11-084
388-245-1510	AMD	98-04-016	388-250-1750	REP-P	98-11-084	388-270-1500	REP	98-16-044
388-245-1510	REP-P	98-11-084	388-250-1750	REP	98-16-044	388-270-1550	REP-P	98-11-084
388-245-1510	REP	98-16-044	388-255-1350	REP-P	98-11-084	388-270-1550	REP	98-16-044
388-245-1520	REP-P	98-11-084	388-255-1350	REP	98-16-044	388-270-1600	REP-P	98-11-084
388-245-1520	REP	98-16-044	388-255-1400	REP-P	98-11-084	388-270-1600	REP	98-16-044
388-245-1600	REP-P	98-11-084	388-255-1400	REP	98-16-044	388-275	PREP	98-07-036
388-245-1600	REP	98-16-044	388-265	PREP	98-07-099	388-275-0020	REP-P	98-11-084
388-245-1610	REP-P	98-11-084	388-265-1010	REP-P	98-11-084	388-275-0020	REP	98-16-044
388-245-1610	REP	98-16-044	388-265-1010	REP	98-16-044	388-275-0030	REP-P	98-11-084
388-245-1700	REP-P	98-11-084	388-265-1050	REP-P	98-11-084	388-275-0030	REP	98-16-044
388-245-1700	REP	98-16-044	388-265-1050	REP	98-16-044	388-275-0050	REP-P	98-11-084
388-245-1710	REP-P	98-11-084	388-265-1100	REP-P	98-11-084	388-275-0050	REP	98-16-044
388-245-1710	REP	98-16-044	388-265-1100	REP	98-16-044	388-275-0060	REP-P	98-11-084
388-245-1715	REP-P	98-11-084	388-265-1150	AMD-P	98-11-074	388-275-0060	REP	98-16-044
388-245-1715	REP	98-16-044	388-265-1155	NEW-P	98-11-074	388-275-0070	REP-P	98-11-084
388-245-1720	REP-P	98-11-084	388-265-1200	AMD-P	98-11-074	388-275-0070	REP	98-16-044
388-245-1720	REP	98-16-044	388-265-1250	AMD-P	98-11-074	388-275-0090	REP-P	98-11-084
388-245-1730	REP-P	98-11-084	388-265-1275	AMD-P	98-11-074	388-275-0090	REP	98-16-044
388-245-1730	REP	98-16-044	388-265-1300	AMD-P	98-11-074	388-280	PREP	98-07-037
388-245-1740	REP-P	98-11-084	388-265-1375	NEW-P	98-11-074	388-290	PREP	98-08-075
388-245-1740	REP	98-16-044	388-265-1400	REP-P	98-11-074	388-290-010	AMD-P	98-03-083
388-245-2010	REP-P	98-11-084	388-265-1450	AMD-P	98-11-074	388-290-010	AMD	98-08-021
388-245-2010	REP	98-16-044	388-265-1500	AMD-P	98-11-074	388-290-010	AMD-P	98-17-080
388-245-2020	REP-P	98-11-084	388-265-1500	AMD-W	98-16-038	388-290-010	AMD-E	98-18-078
388-245-2020	REP	98-16-044	388-265-1550	REP-P	98-11-074	388-290-020	AMD-P	98-03-083
388-245-2030	REP-P	98-11-084	388-265-1550	REP-P	98-11-084	388-290-020	AMD	98-08-021
388-245-2030	REP	98-16-044	388-265-1550	REP-W	98-16-038	388-290-025	AMD-P	98-03-083
388-245-2040	REP-P	98-11-084	388-265-1550	REP	98-16-044	388-290-025	AMD	98-08-021
388-245-2040	REP	98-16-044	388-265-1600	AMD-P	98-11-074	388-290-035	AMD-P	98-03-083
388-245-2050	REP-P	98-11-084	388-265-1700	REP-P	98-11-074	388-290-035	AMD	98-08-021
388-245-2050	REP	98-16-044	388-265-1700	REP-P	98-11-084	388-290-050	AMD-P	98-03-083
388-250-1010	REP-P	98-11-084	388-265-1700	REP	98-16-044	388-290-050	AMD	98-08-021
388-250-1010	REP	98-16-044	388-265-1800	REP-P	98-11-084	388-290-055	PREP	98-08-075
388-250-1050	REP-P	98-11-084	388-265-1800	REP	98-16-044	388-290-055	AMD-E	98-16-026
388-250-1050	REP	98-16-044	388-265-1850	REP-P	98-11-084	388-290-055	RESCIND	98-16-040
388-250-1100	REP-P	98-11-084	388-265-1850	REP	98-16-044	388-290-055	AMD-E	98-16-093
388-250-1100	REP	98-16-044	388-265-1900	REP-P	98-11-084	388-290-055	AMD-P	98-17-080
388-250-1150	REP-P	98-11-084	388-265-1900	REP	98-16-044	388-290-090	AMD-P	98-03-083
388-250-1150	REP	98-16-044	388-265-1950	REP-P	98-11-084	388-290-090	AMD	98-08-021
388-250-1200	REP-P	98-11-084	388-265-1950	REP	98-16-044	388-290-090	PREP	98-08-075
388-250-1200	REP	98-16-044	388-265-2000	REP-P	98-11-084	388-310	PREP	98-19-124
388-250-1225	REP-P	98-11-084	388-265-2000	REP	98-16-044	388-310-0400	AMD-P	98-15-139
388-250-1225	REP	98-16-044	388-270-1005	REP-P	98-11-084	388-310-0500	AMD-P	98-15-139

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388-310-1300	NEW-S	98-03-080	388-408-0030	NEW	98-16-044	388-418-0015	NEW	98-16-044
388-310-1300	NEW-S	98-07-042	388-408-0035	NEW-P	98-11-084	388-418-0020	NEW-P	98-11-084
388-310-1300	NEW	98-10-054	388-408-0035	NEW	98-16-044	388-418-0020	NEW	98-16-044
388-310-1600	AMD-P	98-15-139	388-408-0040	NEW-P	98-11-084	388-418-0025	NEW-P	98-11-084
388-320-340	REP-P	98-08-076	388-408-0040	NEW	98-16-044	388-418-0025	NEW	98-16-044
388-320-340	REP	98-11-034	388-408-0045	NEW-P	98-11-084	388-418-0030	NEW-P	98-11-084
388-400-0005	NEW-P	98-11-084	388-408-0045	NEW	98-16-044	388-418-0030	NEW	98-16-044
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388-400-0015	NEW	98-16-044	388-410-0001	NEW-P	98-11-084	388-422-0010	NEW-P	98-11-084
388-400-0020	NEW-P	98-11-084	388-410-0001	NEW	98-16-044	388-422-0010	NEW	98-16-044
388-400-0020	NEW	98-16-044	388-410-0005	NEW-P	98-11-084	388-422-0020	NEW-P	98-11-084
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388-400-0045	NEW-P	98-13-080	388-410-0025	NEW	98-16-044	388-424-0015	NEW	98-16-044
388-400-0045	NEW	98-16-044	388-410-0030	NEW-P	98-11-084	388-424-0020	NEW-P	98-11-084
388-404-0005	NEW-P	98-11-084	388-410-0030	NEW	98-16-044	388-424-0020	NEW	98-16-044
388-404-0005	NEW	98-16-044	388-410-0035	NEW-P	98-11-084	388-424-0025	NEW-P	98-11-084
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388-404-0015	NEW-P	98-11-084	388-410-0040	NEW	98-16-044	388-426-0005	NEW	98-16-044
388-404-0015	NEW	98-16-044	388-412	PREP	98-16-089	388-428-0005	NEW-P	98-11-084
388-406-0005	NEW-P	98-11-084	388-412-0005	NEW-P	98-11-084	388-428-0005	NEW-W	98-15-113
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388-406-0010	NEW	98-16-044	388-412-0010	NEW	98-16-044	388-430-0001	NEW-P	98-11-084
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388-406-0035	NEW-P	98-11-084	388-412-0035	NEW-P	98-11-084	388-430-0020	NEW	98-16-044
388-406-0035	NEW	98-16-044	388-412-0035	NEW	98-16-044	388-430-0025	NEW-P	98-11-084
388-406-0040	NEW-P	98-11-084	388-412-0040	NEW-P	98-11-084	388-430-0025	NEW	98-16-044
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388-406-0045	NEW-P	98-11-084	388-414-0001	NEW-P	98-11-084	388-434-0005	NEW	98-16-044
388-406-0045	NEW	98-16-044	388-414-0001	NEW	98-16-044	388-434-0010	NEW-P	98-11-084
388-406-0050	NEW-P	98-11-084	388-416-0005	NEW-P	98-11-084	388-434-0010	NEW	98-16-044
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388-406-0060	NEW-P	98-11-084	388-416-0015	NEW-P	98-11-084	388-436-0005	NEW	98-16-044
388-406-0060	NEW	98-16-044	388-416-0015	NEW	98-16-044	388-436-0010	NEW-P	98-11-084
388-406-0065	NEW-P	98-11-084	388-416-0020	NEW-P	98-11-084	388-436-0010	NEW	98-16-044
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388-408-0020	NEW	98-16-044	388-418-0005	NEW	98-16-044	388-436-0035	NEW-P	98-11-084
388-408-0025	NEW-P	98-11-084	388-418-0010	NEW-P	98-11-084	388-436-0035	NEW	98-16-044

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388-436-0045	NEW-P	98-11-084	388-450-0015	NEW	98-16-044	388-450-0180	NEW-P	98-11-084
388-436-0045	NEW	98-16-044	388-450-0020	NEW-P	98-11-084	388-450-0180	NEW	98-16-044
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388-436-0050	NEW-W	98-13-054	388-450-0025	NEW-P	98-11-084	388-450-0185	NEW	98-16-044
388-436-0050	NEW-P	98-13-080	388-450-0025	NEW	98-16-044	388-450-0190	NEW-P	98-11-084
388-436-0050	NEW	98-16-044	388-450-0030	NEW-P	98-11-084	388-450-0190	NEW	98-16-044
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388-444-0035	NEW	98-16-044	388-450-0090	NEW	98-16-044	388-452-0005	NEW-P	98-11-084
388-444-0040	NEW-P	98-11-084	388-450-0095	NEW-P	98-11-084	388-452-0005	NEW	98-16-044
388-444-0040	NEW	98-16-044	388-450-0095	NEW	98-16-044	388-452-0010	NEW-P	98-11-084
388-444-0045	NEW-P	98-11-084	388-450-0100	NEW-P	98-11-084	388-452-0010	NEW	98-16-044
388-444-0045	NEW	98-16-044	388-450-0100	NEW	98-16-044	388-454-0005	NEW-P	98-11-084
388-444-0050	NEW-P	98-11-084	388-450-0105	NEW-P	98-11-084	388-454-0005	NEW	98-16-044
388-444-0050	NEW	98-16-044	388-450-0105	NEW	98-16-044	388-454-0010	NEW-P	98-11-084
388-444-0055	NEW-P	98-11-084	388-450-0106	NEW-XA	98-19-126	388-454-0010	NEW	98-16-044
388-444-0055	NEW	98-16-044	388-450-0110	NEW-P	98-11-084	388-454-0015	NEW-P	98-11-084
388-444-0060	NEW-P	98-11-084	388-450-0110	NEW	98-16-044	388-454-0015	NEW	98-16-044
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388-444-0065	NEW-P	98-11-084	388-450-0115	NEW	98-16-044	388-454-0020	NEW	98-16-044
388-444-0065	NEW	98-16-044	388-450-0116	NEW-XA	98-19-126	388-454-0025	NEW-P	98-11-084
388-444-0070	NEW-P	98-11-084	388-450-0120	NEW-P	98-11-084	388-454-0025	NEW	98-16-044
388-444-0070	NEW	98-16-044	388-450-0120	NEW	98-16-044	388-456-0001	NEW-P	98-11-084
388-444-0075	NEW-P	98-11-084	388-450-0125	NEW-P	98-11-084	388-456-0001	NEW	98-16-044
388-444-0075	NEW	98-16-044	388-450-0125	NEW	98-16-044	388-456-0005	NEW-P	98-11-084
388-444-0080	NEW-P	98-11-084	388-450-0130	NEW-P	98-11-084	388-456-0005	NEW	98-16-044
388-446-0001	NEW-P	98-11-084	388-450-0130	NEW	98-16-044	388-456-0010	NEW-P	98-11-084
388-446-0001	NEW	98-16-044	388-450-0135	NEW-P	98-11-084	388-456-0010	NEW	98-16-044
388-446-0005	NEW-P	98-11-084	388-450-0135	NEW	98-16-044	388-456-0015	NEW-P	98-11-084
388-446-0005	NEW	98-16-044	388-450-0140	NEW-P	98-11-084	388-456-0015	NEW	98-16-044
388-446-0010	NEW-P	98-11-084	388-450-0140	NEW	98-16-044	388-458-0005	NEW-P	98-11-084
388-446-0010	NEW	98-16-044	388-450-0145	NEW-P	98-11-084	388-458-0005	NEW	98-16-044
388-446-0015	NEW-P	98-11-084	388-450-0145	NEW	98-16-044	388-458-0010	NEW-P	98-11-084
388-446-0015	NEW	98-16-044	388-450-0150	NEW-P	98-11-084	388-458-0010	NEW	98-16-044
388-446-0020	NEW-P	98-11-084	388-450-0150	NEW	98-16-044	388-458-0015	NEW-P	98-11-084
388-446-0020	NEW	98-16-044	388-450-0155	NEW-P	98-11-084	388-458-0015	NEW	98-16-044
388-448-0001	NEW-P	98-11-084	388-450-0155	NEW	98-16-044	388-460-0001	NEW-P	98-11-084
388-448-0001	NEW	98-16-044	388-450-0160	NEW-P	98-11-084	388-460-0001	NEW	98-16-044
388-448-0005	NEW-P	98-11-084	388-450-0160	NEW	98-16-044	388-460-0005	NEW-P	98-11-084
388-448-0005	NEW	98-16-044	388-450-0165	NEW-P	98-11-084	388-460-0005	NEW	98-16-044
388-450-0005	NEW-P	98-11-084	388-450-0165	NEW	98-16-044	388-460-0010	NEW-P	98-11-084
388-450-0005	NEW	98-16-044	388-450-0170	NEW-P	98-11-084	388-460-0010	NEW	98-16-044
388-450-0010	NEW-P	98-11-084	388-450-0170	NEW	98-16-044	388-460-0015	NEW-P	98-11-084

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-460-0015	NEW	98-16-044	388-478-0005	NEW-P	98-11-084	388-501-0190	REP-P	98-13-082
388-462-0005	NEW-P	98-11-084	388-478-0005	NEW	98-16-044	388-501-0190	REP	98-16-050
388-462-0005	NEW	98-16-044	388-478-0010	NEW-P	98-11-084	388-503	PREP	98-10-106
388-462-0010	NEW-P	98-11-084	388-478-0010	NEW	98-16-044	388-503-0305	REP-P	98-13-082
388-462-0010	NEW	98-16-044	388-478-0015	NEW-P	98-11-084	388-503-0305	REP	98-16-050
388-462-0015	NEW-P	98-11-084	388-478-0015	NEW	98-16-044	388-503-0310	AMD-P	98-08-081
388-462-0015	NEW	98-16-044	388-478-0015	PREP	98-17-081	388-503-0310	AMD-E	98-08-088
388-464-0001	NEW-P	98-11-084	388-478-0020	NEW-P	98-11-084	388-503-0310	AMD	98-15-066
388-464-0001	NEW	98-16-044	388-478-0020	NEW	98-16-044	388-503-0320	REP-P	98-13-082
388-466-0005	NEW-P	98-11-084	388-478-0025	NEW-P	98-11-084	388-503-0320	REP	98-16-050
388-466-0005	NEW	98-16-044	388-478-0025	NEW	98-16-044	388-503-0350	REP-P	98-13-082
388-466-0010	NEW-P	98-11-084	388-478-0030	NEW-P	98-11-084	388-503-0350	REP	98-16-050
388-466-0010	NEW	98-16-044	388-478-0030	NEW	98-16-044	388-503-0370	REP-P	98-13-082
388-466-0015	NEW-P	98-11-084	388-478-0035	NEW-P	98-11-084	388-503-0370	REP	98-16-050
388-466-0015	NEW	98-16-044	388-478-0035	NEW	98-16-044	388-503-0505	NEW-P	98-11-084
388-466-0020	NEW-P	98-11-084	388-478-0040	NEW-P	98-11-084	388-503-0505	NEW	98-16-044
388-466-0020	NEW	98-16-044	388-478-0040	NEW	98-16-044	388-503-0510	NEW-P	98-11-084
388-466-0025	NEW-P	98-11-084	388-478-0045	NEW-P	98-11-084	388-503-0510	NEW	98-16-044
388-466-0025	NEW	98-16-044	388-478-0045	NEW	98-16-044	388-503-0515	NEW-P	98-11-084
388-468-0005	NEW	98-16-044	388-478-0050	NEW-P	98-11-084	388-503-0515	NEW	98-16-044
388-468-0010	NEW-P	98-11-084	388-478-0050	NEW	98-16-044	388-503-0520	NEW-P	98-11-084
388-470-0005	NEW-P	98-11-084	388-478-0055	NEW-P	98-11-084	388-503-0520	NEW-W	98-16-037
388-470-0005	NEW	98-16-044	388-478-0055	NEW	98-16-044	388-504	PREP	98-10-106
388-470-0010	NEW-P	98-11-084	388-478-0060	NEW-P	98-11-084	388-504-0405	REP-P	98-13-082
388-470-0010	NEW	98-16-044	388-478-0060	NEW	98-16-044	388-504-0405	REP	98-16-050
388-470-0015	NEW-P	98-11-084	388-478-0065	NEW-P	98-11-084	388-504-0410	REP-P	98-13-082
388-470-0015	NEW	98-16-044	388-478-0065	NEW	98-16-044	388-504-0410	REP	98-16-050
388-470-0020	NEW-P	98-11-084	388-478-0070	NEW-P	98-11-084	388-504-0420	REP-P	98-13-082
388-470-0020	NEW	98-16-044	388-478-0070	NEW	98-16-044	388-504-0420	REP	98-16-050
388-470-0025	NEW-P	98-11-084	388-478-0075	NEW-P	98-11-084	388-504-0430	REP-P	98-13-082
388-470-0025	NEW	98-16-044	388-478-0075	NEW	98-16-044	388-504-0430	REP	98-16-050
388-470-0030	NEW-P	98-11-084	388-478-0080	NEW-P	98-11-084	388-504-0440	REP-P	98-13-082
388-470-0030	NEW	98-16-044	388-478-0080	NEW	98-16-044	388-504-0440	REP	98-16-050
388-470-0035	NEW-P	98-11-084	388-478-0085	NEW-P	98-11-084	388-504-0450	REP-P	98-13-082
388-470-0035	NEW	98-16-044	388-478-0085	NEW	98-16-044	388-504-0450	REP	98-16-050
388-470-0040	NEW-P	98-11-084	388-480-0001	NEW-P	98-11-084	388-504-0460	REP-P	98-13-082
388-470-0040	NEW	98-16-044	388-480-0001	NEW	98-16-044	388-504-0460	REP	98-16-050
388-470-0045	NEW-P	98-11-084	388-482-0005	NEW-P	98-11-084	388-504-0470	REP-P	98-13-082
388-470-0045	NEW	98-16-044	388-482-0005	NEW	98-16-044	388-504-0470	REP	98-16-050
388-470-0050	NEW-P	98-11-084	388-484-0005	NEW-P	98-11-084	388-504-0480	REP-P	98-13-082
388-470-0050	NEW	98-16-044	388-484-0005	NEW	98-16-044	388-504-0480	REP	98-16-050
388-470-0055	NEW-P	98-11-084	388-486-0005	NEW-P	98-11-084	388-504-0485	REP-P	98-13-082
388-470-0055	NEW	98-16-044	388-486-0005	NEW	98-16-044	388-504-0485	REP	98-16-050
388-470-0060	NEW-P	98-11-084	388-486-0010	NEW-P	98-11-084	388-505	PREP	98-10-106
388-470-0060	NEW	98-16-044	388-486-0010	NEW	98-16-044	388-505-0110	NEW-P	98-11-084
388-470-0065	NEW-P	98-11-084	388-488-0005	NEW-P	98-11-084	388-505-0110	NEW	98-16-044
388-470-0065	NEW	98-16-044	388-488-0005	NEW	98-16-044	388-505-0210	NEW-P	98-11-084
388-470-0070	NEW-P	98-11-084	388-488-0010	NEW-P	98-11-084	388-505-0210	NEW	98-16-044
388-470-0070	NEW	98-16-044	388-488-0010	NEW	98-16-044	388-505-0220	NEW-P	98-11-084
388-470-0075	NEW-P	98-11-084	388-490-0005	NEW-P	98-11-084	388-505-0220	NEW	98-16-044
388-470-0075	NEW	98-16-044	388-490-0005	NEW	98-16-044	388-505-0501	REP-P	98-13-082
388-470-0080	NEW-P	98-11-084	388-500	PREP	98-10-106	388-505-0501	REP	98-16-050
388-470-0080	NEW	98-16-044	388-500-0005	AMD-P	98-08-081	388-505-0505	REP-P	98-13-082
388-472-0005	NEW-P	98-11-084	388-500-0005	AMD-E	98-08-088	388-505-0505	REP	98-16-050
388-472-0005	NEW	98-16-044	388-500-0005	AMD	98-15-066	388-505-0510	REP-P	98-13-082
388-474-0001	NEW-P	98-11-084	388-501	PREP	98-10-106	388-505-0510	REP	98-16-050
388-474-0001	NEW	98-16-044	388-501-0105	REP-P	98-13-082	388-505-0520	AMD-P	98-08-081
388-474-0005	NEW-P	98-11-084	388-501-0105	REP	98-16-050	388-505-0520	AMD-E	98-08-088
388-474-0005	NEW	98-16-044	388-501-0110	REP-P	98-13-082	388-505-0520	REP-P	98-13-082
388-474-0010	NEW-P	98-11-084	388-501-0110	REP	98-16-050	388-505-0520	AMD	98-15-066
388-474-0010	NEW	98-16-044	388-501-0135	AMD-P	98-11-084	388-505-0520	REP	98-16-050
388-474-0015	NEW-P	98-11-084	388-501-0135	AMD	98-16-044	388-505-0530	REP-P	98-13-082
388-474-0015	NEW	98-16-044	388-501-0140	REP-P	98-13-082	388-505-0530	REP	98-16-050
388-474-0020	NEW-P	98-11-084	388-501-0140	REP	98-16-050	388-505-0540	AMD-P	98-11-084
388-474-0020	NEW	98-16-044	388-501-0150	REP-P	98-13-082	388-505-0540	AMD	98-16-044
388-476-0005	NEW-P	98-11-084	388-501-0170	REP-P	98-13-082	388-505-0560	REP-P	98-13-082
388-476-0005	NEW	98-16-044	388-501-0170	REP	98-16-050	388-505-0560	REP	98-16-050

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388-505-0570	REP-P	98-13-082	388-509-0970	REP-P	98-13-082	388-517-1740	REP-P	98-08-083
388-505-0570	REP	98-16-050	388-509-0970	REP	98-16-050	388-517-1740	REP-E	98-08-086
388-505-0580	REP-P	98-13-082	388-510	PREP	98-10-106	388-517-1740	REP	98-11-073
388-505-0580	REP	98-16-050	388-510-1005	NEW-P	98-08-081	388-517-1750	AMD-P	98-08-083
388-505-0590	REP-P	98-13-082	388-510-1005	NEW-E	98-08-088	388-517-1750	AMD-E	98-08-086
388-505-0590	REP	98-16-050	388-510-1005	NEW	98-15-066	388-517-1750	AMD	98-11-073
388-506	PREP	98-10-106	388-510-1020	AMD-P	98-08-081	388-517-1750	REP-P	98-13-082
388-506-0610	REP-P	98-13-082	388-510-1020	AMD-E	98-08-088	388-517-1750	REP	98-16-050
388-506-0610	REP	98-16-050	388-510-1020	REP-P	98-13-082	388-517-1760	REP-P	98-08-083
388-506-0620	AMD-P	98-15-140	388-510-1020	AMD	98-15-066	388-517-1760	REP-E	98-08-086
388-506-0620	AMD	98-18-079	388-510-1020	REP	98-16-050	388-517-1760	REP	98-11-073
388-506-0630	REP-P	98-13-082	388-510-1030	REP-P	98-13-082	388-517-1770	NEW-P	98-08-083
388-506-0630	REP	98-16-050	388-510-1030	REP	98-16-050	388-517-1770	NEW-E	98-08-086
388-507	PREP	98-10-106	388-511	PREP	98-10-106	388-517-1770	NEW	98-11-073
388-507-0710	AMD-P	98-08-082	388-511-1105	AMD-P	98-15-140	388-517-1770	REP-P	98-13-082
388-507-0710	AMD-E	98-08-087	388-511-1105	AMD	98-18-079	388-517-1770	REP	98-16-050
388-507-0710	AMD	98-11-033	388-511-1110	REP-P	98-13-082	388-518	PREP	98-10-106
388-507-0710	REP-P	98-13-082	388-511-1110	REP	98-16-050	388-518-1805	REP-P	98-13-082
388-507-0710	REP	98-16-050	388-511-1115	REP-P	98-13-082	388-518-1805	REP	98-16-050
388-507-0720	REP-P	98-13-082	388-511-1115	REP	98-16-050	388-518-1810	REP-P	98-13-082
388-507-0720	REP	98-16-050	388-511-1140	REP-P	98-13-082	388-518-1810	REP	98-16-050
388-507-0730	REP-P	98-13-082	388-511-1140	REP	98-16-050	388-518-1820	REP-P	98-13-082
388-507-0730	REP	98-16-050	388-511-1150	REP-P	98-13-082	388-518-1820	REP	98-16-050
388-507-0740	AMD-P	98-08-081	388-511-1150	REP	98-16-050	388-518-1830	REP-P	98-13-082
388-507-0740	AMD-E	98-08-088	388-511-1160	AMD	98-04-031	388-518-1830	REP	98-16-050
388-507-0740	REP-P	98-13-082	388-511-1160	REP-P	98-13-082	388-518-1840	REP-P	98-13-082
388-507-0740	AMD	98-15-066	388-511-1160	REP	98-16-050	388-518-1840	REP	98-16-050
388-507-0740	REP	98-16-050	388-511-1170	REP-P	98-13-082	388-518-1850	REP-P	98-13-082
388-508	PREP	98-10-106	388-511-1170	REP	98-16-050	388-518-1850	REP	98-16-050
388-508-0805	PREP	98-07-039	388-512	PREP	98-10-106	388-519	PREP	98-10-106
388-508-0805	AMD-E	98-08-085	388-512-1275	AMD	98-04-004	388-519-0100	NEW-P	98-11-084
388-508-0805	REP-P	98-13-082	388-512-1280	REP	98-04-004	388-519-0100	NEW	98-16-044
388-508-0805	AMD-P	98-15-053	388-513	PREP	98-10-106	388-519-0110	NEW-P	98-11-084
388-508-0805	AMD-E	98-16-036	388-513-1315	AMD	98-04-003	388-519-0110	NEW	98-16-044
388-508-0805	REP	98-16-050	388-513-1340	PREP	98-05-052	388-519-0120	NEW-P	98-11-084
388-508-0805	AMD-W	98-17-064	388-513-1345	PREP	98-05-052	388-519-0120	NEW	98-16-044
388-508-0810	REP-P	98-13-082	388-513-1350	AMD-P	98-08-082	388-519-1905	REP-P	98-13-082
388-508-0810	REP	98-16-050	388-513-1350	AMD-E	98-08-087	388-519-1905	REP	98-16-050
388-508-0820	REP-P	98-13-082	388-513-1350	AMD	98-11-033	388-519-1910	REP-P	98-13-082
388-508-0820	REP	98-16-050	388-513-1380	AMD-P	98-03-085	388-519-1910	REP	98-16-050
388-508-0830	REP-P	98-13-082	388-513-1380	AMD-C	98-05-053	388-519-1930	REP-P	98-13-082
388-508-0830	REP	98-16-050	388-513-1380	AMD	98-08-077	388-519-1930	REP	98-16-050
388-508-0835	REP-P	98-13-082	388-513-1380	AMD-E	98-14-126	388-519-1950	REP-P	98-13-082
388-508-0835	REP	98-16-050	388-515	PREP	98-10-106	388-519-1950	REP	98-16-050
388-508-0840	REP-P	98-13-082	388-515-1505	PREP	98-05-051	388-521	PREP	98-10-106
388-508-0840	REP	98-16-050	388-517	PREP	98-04-066	388-521-2105	REP-P	98-13-082
388-509	PREP	98-10-106	388-517	PREP	98-10-106	388-521-2105	REP	98-16-050
388-509-0905	REP-P	98-13-082	388-517-0300	NEW-P	98-11-084	388-521-2106	REP-P	98-13-082
388-509-0905	REP	98-16-050	388-517-0300	NEW	98-16-044	388-521-2106	REP	98-16-050
388-509-0910	REP-P	98-13-082	388-517-1710	AMD-P	98-08-083	388-521-2110	REP-P	98-13-082
388-509-0910	REP	98-16-050	388-517-1710	AMD-E	98-08-086	388-521-2110	REP	98-16-050
388-509-0920	PREP	98-07-039	388-517-1710	AMD	98-11-073	388-521-2120	REP-P	98-13-082
388-509-0920	AMD-E	98-08-085	388-517-1710	REP-P	98-13-082	388-521-2120	REP	98-16-050
388-509-0920	REP-P	98-13-082	388-517-1710	REP	98-16-050	388-521-2130	REP-P	98-13-082
388-509-0920	AMD-P	98-15-053	388-517-1715	AMD-P	98-08-083	388-521-2130	REP	98-16-050
388-509-0920	AMD-E	98-16-036	388-517-1715	AMD-E	98-08-086	388-521-2140	REP-P	98-13-082
388-509-0920	REP	98-16-050	388-517-1715	AMD	98-11-073	388-521-2140	REP	98-16-050
388-509-0920	AMD-W	98-17-064	388-517-1715	REP-P	98-13-082	388-521-2150	REP-P	98-13-082
388-509-0940	REP-P	98-13-082	388-517-1715	REP	98-16-050	388-521-2150	REP	98-16-050
388-509-0940	REP	98-16-050	388-517-1720	REP-P	98-08-083	388-521-2155	REP-P	98-13-082
388-509-0960	PREP	98-07-039	388-517-1720	REP-E	98-08-086	388-521-2155	REP	98-16-050
388-509-0960	AMD-E	98-08-085	388-517-1720	REP	98-11-073	388-521-2160	AMD-P	98-08-083
388-509-0960	REP-P	98-13-082	388-517-1730	AMD-P	98-08-083	388-521-2160	AMD-E	98-08-086
388-509-0960	AMD-P	98-15-053	388-517-1730	AMD-E	98-08-086	388-521-2160	AMD	98-11-073
388-509-0960	AMD-E	98-16-036	388-517-1730	AMD	98-11-073	388-521-2160	REP-P	98-13-082
388-509-0960	REP	98-16-050	388-517-1730	REP-P	98-13-082	388-521-2160	REP	98-16-050
388-509-0960	AMD-W	98-17-064	388-517-1730	REP	98-16-050	388-521-2170	REP-P	98-13-082

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388-521-2170	REP	98-16-050	388-543-1100	NEW-P	98-19-014	390-16-200	PREP	98-06-052
388-522	PREP	98-10-106	388-543-1200	NEW-P	98-19-014	390-16-200	REP-P	98-09-020
388-522-2205	REP-P	98-13-082	388-543-1300	NEW-P	98-19-014	390-16-200	REP	98-12-036
388-522-2205	REP	98-16-050	388-543-1400	NEW-P	98-19-014	390-16-207	PREP	98-06-053
388-522-2210	REP-P	98-13-082	388-543-1500	NEW-P	98-19-014	390-16-207	AMD-P	98-09-019
388-522-2210	REP	98-16-050	388-543-1600	NEW-P	98-19-014	390-16-207	AMD	98-12-034
388-522-2230	REP-P	98-13-082	388-543-1700	NEW-P	98-19-014	390-17-205	PREP	98-06-054
388-522-2230	REP	98-16-050	388-543-1800	NEW-P	98-19-014	390-17-205	REP-P	98-09-018
388-523	PREP	98-10-106	388-543-1900	NEW-P	98-19-014	390-17-205	REP	98-12-035
388-523-0100	NEW-P	98-11-084	388-543-2000	NEW-P	98-19-014	390-17-400	PREP	98-03-072
388-523-0100	NEW	98-16-044	388-543-2100	NEW-P	98-19-014	390-17-400	AMD-P	98-19-111
388-523-2305	PREP	98-10-079	388-543-2200	NEW-P	98-19-014	390-17-405	PREP	98-06-055
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388-525-2520	REP-P	98-13-082	388-555-1000	NEW	98-15-054	391-08-310	AMD-P	98-10-101
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392-139-620	AMD	98-08-096	392-140-713	NEW-P	98-03-067	392-140-826	NEW	98-04-080
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392-140-656	AMD-P	98-04-036	392-140-742	NEW	98-07-061	399- 20-090	AMD-S	98-18-019
392-140-656	AMD	98-08-013	392-140-743	NEW-P	98-03-067	399- 20-090	AMD-S	98-18-019
392-140-660	AMD-P	98-04-036	392-140-743	NEW	98-07-061	399- 20-100	AMD-P	98-07-033
392-140-660	AMD	98-08-013	392-140-743	NEW	98-07-061	399- 20-100	AMD-S	98-18-019
392-140-665	AMD-P	98-04-036	392-140-744	NEW-P	98-03-067	399- 20-110	AMD-S	98-18-019
392-140-665	AMD	98-08-013	392-140-744	NEW	98-07-061	399- 20-120	AMD-P	98-07-033
392-140-675	AMD-P	98-04-036	392-140-745	NEW-P	98-03-067	399- 20-120	AMD-S	98-18-019
392-140-675	AMD	98-08-013	392-140-745	NEW	98-07-061	399- 30-010	AMD-S	98-18-019
392-140-680	AMD-P	98-04-036	392-140-746	NEW-P	98-03-067	399- 30-020	AMD-P	98-07-033
392-140-680	AMD	98-08-013	392-140-746	NEW	98-07-061	399- 30-020	AMD-S	98-18-019
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392-140-702	NEW	98-07-061	392-140-810	NEW	98-04-080	399- 30-060	AMD-P	98-07-033
392-140-710	NEW-P	98-03-067	392-140-812	NEW	98-04-080	399- 30-060	AMD-S	98-18-019
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415-108-441	NEW	98-09-059	434-26-060	DECOD	98-08-010	434-80-050	DECOD	98-08-010
415-108-443	NEW	98-09-059	434-26-065	DECOD	98-08-010	434-80-060	DECOD	98-08-010
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415-108-453	NEW	98-09-059	434-32-010	DECOD	98-08-010	434-81-030	DECOD	98-08-010
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415-108-456	NEW	98-09-059	434-57-020	DECOD	98-08-010	434-81-050	DECOD	98-08-010
415-108-457	NEW	98-09-059	434-57-030	DECOD	98-08-010	434-81-060	DECOD	98-08-010
415-108-458	NEW	98-09-059	434-57-040	DECOD	98-08-010	434-81-070	DECOD	98-08-010
415-108-459	NEW	98-09-059	434-57-050	DECOD	98-08-010	434-81-080	DECOD	98-08-010
415-108-460	REP	98-09-059	434-57-070	DECOD	98-08-010	434-81-090	DECOD	98-08-010
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415-108-464	NEW	98-09-059	434-57-090	DECOD	98-08-010	434-91-010	DECOD	98-08-010
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415-108-467	NEW	98-09-059	434-57-130	DECOD	98-08-010	434-91-040	DECOD	98-08-010
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415-108-477	NEW	98-09-059	434-60-030	DECOD	98-08-010	434-91-080	DECOD	98-08-010
415-108-479	NEW	98-09-059	434-60-040	DECOD	98-08-010	434-91-090	DECOD	98-08-010
415-108-482	NEW	98-09-059	434-60-050	DECOD	98-08-010	434-91-100	DECOD	98-08-010
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415-108-484	NEW	98-09-059	434-60-070	DECOD	98-08-010	434-91-120	DECOD	98-08-010
415-108-487	NEW	98-09-059	434-60-080	DECOD	98-08-010	434-91-130	DECOD	98-08-010
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415-512-090	AMD-P	98-15-098	434-60-215	DECOD	98-08-010	434-120-315	REP-P	98-13-098
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415-548-010	AMD-P	98-15-098	434-60-260	DECOD	98-08-010	434-120-320	AMD	98-18-034
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434-08-040	DECOD	98-08-010	434-60-310	DECOD	98-08-010	434-120-350	REP-P	98-13-098
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434-08-090	DECOD	98-08-010	434-69-005	DECOD	98-08-010	434-180-200	AMD	98-16-031
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434-26-025	DECOD	98-08-010	434-69-060	DECOD	98-08-010	434-180-235	REP	98-16-031
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434-208-030	RECOD	98-08-010	434-261-005	AMD-E	98-18-041	434-334-165	NEW-E	98-17-029
434-208-040	RECOD	98-08-010	434-261-080	AMD-E	98-18-041	434-334-170	NEW-E	98-17-029
434-208-050	RECOD	98-08-010	434-291-010	RECOD	98-08-010	434-334-175	NEW-E	98-17-029
434-208-060	RECOD	98-08-010	434-291-020	RECOD	98-08-010	434-369-005	RECOD	98-08-010
434-208-070	RECOD	98-08-010	434-291-030	RECOD	98-08-010	434-369-010	RECOD	98-08-010
434-208-080	RECOD	98-08-010	434-291-040	RECOD	98-08-010	434-369-020	RECOD	98-08-010
434-208-090	RECOD	98-08-010	434-291-050	RECOD	98-08-010	434-369-030	RECOD	98-08-010
434-230-030	AMD	98-03-033	434-291-060	RECOD	98-08-010	434-369-040	RECOD	98-08-010
434-230-150	RECOD	98-03-033	434-291-070	RECOD	98-08-010	434-369-050	RECOD	98-08-010
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434-257-080	RECOD	98-08-010	434-324-105	AMD	98-03-033	434-381-070	RECOD	98-08-010
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434-260-030	RECOD	98-08-010	434-326-030	RECOD	98-08-010	434-840-005	AMD-P	98-13-111
434-260-040	RECOD	98-08-010	434-326-035	RECOD	98-08-010	434-840-005	AMD-P	98-14-006
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434-260-080	RECOD	98-08-010	434-326-055	RECOD	98-08-010	434-840-010	AMD-P	98-14-006
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434-260-140	RECOD	98-08-010	434-334-063	NEW-E	98-17-029	434-840-020	AMD	98-19-063
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434-260-210	RECOD	98-08-010	434-334-085	AMD-E	98-17-029	434-840-040	AMD-W	98-14-009
434-260-215	RECOD	98-08-010	434-334-090	AMD-E	98-17-029	434-840-040	AMD	98-19-063
434-260-220	RECOD	98-08-010	434-334-095	AMD-E	98-17-029	434-840-050	REP-P	98-13-111
434-260-230	RECOD	98-08-010	434-334-100	AMD-E	98-17-029	434-840-050	REP-P	98-14-006
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434-840-110	AMD	98-19-063	446-20-620	REP	98-19-041	460-10A-130	REP	98-17-013
434-840-120	REP-P	98-13-111	446-65-010	AMD-E	98-14-022	460-10A-160	AMD-P	98-14-074
434-840-120	REP-P	98-14-006	446-65-010	AMD-XA	98-14-024	460-10A-160	AMD	98-17-013
434-840-120	REP-W	98-14-009	446-65-010	AMD	98-19-043	460-10A-180	REP-P	98-14-074
434-840-120	REP	98-19-063	448-13	PREP	98-17-095	460-10A-180	REP	98-17-013
434-840-130	REP-P	98-13-111	456-09-310	AMD-XA	98-16-046	460-10A-185	REP-P	98-14-074
434-840-130	REP-P	98-14-006	456-09-320	AMD-XA	98-16-046	460-10A-185	REP	98-17-013
434-840-130	REP-W	98-14-009	456-09-325	AMD-XA	98-16-046	460-10A-190	REP-P	98-14-074
434-840-130	REP	98-19-063	456-09-365	AMD-XA	98-16-046	460-10A-190	REP	98-17-013
434-840-200	AMD-P	98-13-111	456-09-410	AMD-XA	98-16-046	460-10A-195	REP-P	98-14-074
434-840-200	AMD-P	98-14-006	456-09-430	AMD-XA	98-16-046	460-10A-195	REP	98-17-013
434-840-200	AMD-W	98-14-009	456-10-310	AMD-XA	98-16-047	460-10A-200	REP-P	98-14-074
434-840-200	AMD	98-19-063	456-10-320	AMD-XA	98-16-047	460-10A-200	REP	98-17-013
434-840-210	AMD-P	98-13-111	456-10-325	AMD-XA	98-16-047	460-10A-205	REP-P	98-14-074
434-840-210	AMD-P	98-14-006	456-10-360	AMD-XA	98-16-047	460-10A-205	REP	98-17-013
434-840-210	AMD-W	98-14-009	456-10-410	AMD-XA	98-16-047	460-10A-210	REP-P	98-14-074
434-840-210	AMD	98-19-063	456-10-430	AMD-XA	98-16-047	460-10A-210	REP	98-17-013
434-840-220	AMD-P	98-13-111	456-10-570	AMD-XA	98-16-047	460-16A-020	AMD-P	98-14-074
434-840-220	AMD-P	98-14-006	458-12-245	REP-XR	98-08-018	460-16A-020	AMD	98-17-013
434-840-220	AMD-W	98-14-009	458-12-245	REP	98-14-027	460-16A-035	REP-P	98-14-074
434-840-220	AMD	98-19-063	458-16-050	REP-XR	98-08-018	460-16A-035	REP	98-17-013
434-840-230	AMD-P	98-13-111	458-16-050	REP	98-14-028	460-16A-075	REP-P	98-14-074
434-840-230	AMD-P	98-14-006	458-16-110	PREP	98-07-016	460-16A-075	REP	98-17-013
434-840-230	AMD-W	98-14-009	458-16-110	AMD-P	98-14-084	460-16A-090	REP-P	98-14-074
434-840-230	AMD	98-19-063	458-16-110	AMD	98-18-006	460-16A-090	REP	98-17-013
434-840-240	AMD-P	98-13-111	458-16-111	PREP	98-07-016	460-16A-095	REP-P	98-14-074
434-840-240	AMD-P	98-14-006	458-16-111	REP-P	98-14-084	460-16A-095	REP	98-17-013
434-840-240	AMD-W	98-14-009	458-16-111	REP	98-18-006	460-16A-110	REP-P	98-14-074
434-840-240	AMD	98-19-063	458-16-165	PREP	98-07-016	460-16A-110	REP	98-17-013
434-840-300	REP-P	98-13-111	458-16-165	AMD-P	98-14-084	460-16A-111	REP-P	98-14-074
434-840-300	REP-P	98-14-006	458-16-165	AMD	98-18-006	460-16A-111	REP	98-17-013
434-840-300	REP-W	98-14-009	458-16-300	PREP	98-07-016	460-16A-115	AMD-P	98-14-074
434-840-300	REP	98-19-063	458-16-300	AMD-P	98-14-084	460-16A-115	AMD	98-17-013
434-840-310	AMD-P	98-13-111	458-16-300	AMD	98-18-006	460-16A-120	AMD-P	98-14-074
434-840-310	AMD-P	98-14-006	458-16-310	PREP	98-07-016	460-16A-120	AMD	98-17-013
434-840-310	AMD-W	98-14-009	458-16-310	AMD-P	98-14-084	460-16A-150	REP-P	98-14-074
434-840-310	AMD	98-19-063	458-16-310	AMD	98-18-006	460-16A-150	REP	98-17-013
434-840-320	AMD-P	98-13-111	458-20-104	AMD-E	98-02-046	460-16A-155	REP-P	98-14-074
434-840-320	AMD-P	98-14-006	458-20-104	AMD-XA	98-10-123	460-16A-155	REP	98-17-013
434-840-320	AMD-W	98-14-009	458-20-104	AMD-E	98-11-006	460-16A-156	REP-P	98-14-074
434-840-320	AMD	98-19-063	458-20-104	AMD	98-16-019	460-16A-156	REP	98-17-013
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434-840-330	AMD-W	98-14-009	458-20-192	PREP	98-09-036	460-16A-165	REP-P	98-14-074
434-840-330	AMD	98-19-063	458-20-211	PREP	98-15-126	460-16A-165	REP	98-17-013
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434-840-340	AMD-P	98-14-006	458-20-222	PREP	98-14-127	460-16A-170	REP	98-17-013
434-840-340	AMD-W	98-14-009	458-20-228	PREP	98-15-127	460-16A-175	REP-P	98-14-074
434-840-340	AMD	98-19-063	458-20-229	PREP	98-15-127	460-16A-175	REP	98-17-013
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460-44A-100	NEW	98-17-012	468-38-070	AMD	98-09-029	468-84-300	REP	98-11-045
460-44A-110	NEW-P	98-14-073	468-38-070	AMD-E	98-12-097	468-84-310	REP-P	98-07-005
460-44A-110	NEW	98-17-012	468-38-070	PREP	98-14-045	468-84-310	REP	98-11-045
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468-300-020	AMD	98-08-051	478-160-150	AMD-P	98-05-066	480-09-820	AMD-P	98-19-146
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468-400-020	NEW-E	98-03-009	478-160-295	AMD-P	98-05-066	480-12-030	REP-P	98-19-060
468-400-020	NEW-P	98-03-059	478-160-295	AMD	98-10-048	480-12-031	REP-P	98-19-060
468-400-020	NEW	98-06-029	480-09	PREP	98-05-056	480-12-033	REP-P	98-19-060
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468-400-040	NEW	98-06-029	480-09-115	AMD-P	98-19-146	480-12-081	REP-P	98-19-060
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468-550-070	NEW-P	98-16-049	480-09-475	AMD-P	98-19-146	480-12-265	REP-P	98-19-060
468-550-070	NEW	98-19-052	480-09-500	AMD-P	98-19-146	480-12-270	REP-P	98-19-060
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474-10-030	NEW-P	98-14-139	480-09-600	AMD-P	98-19-146	480-12-285	REP-P	98-19-060
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474-10-060	NEW-P	98-14-139	480-09-700	AMD-P	98-19-146	480-12-300	REP-P	98-19-060
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480-12-430	REP-P	98-19-060	480-15-560	NEW-P	98-19-060	480-120-027	AMD	98-04-028
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480-12-440	REP-P	98-19-060	480-15-580	NEW-P	98-19-060	480-120-045	NEW-S	98-12-071
480-12-445	REP-P	98-19-060	480-15-590	NEW-P	98-19-060	480-120-137	REP-P	98-17-068
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480-15-330	NEW-P	98-19-060	480-63-050	REP-XR	98-14-135	490-100-105	REP-P	98-17-052
480-15-340	NEW-P	98-19-060	480-63-060	REP-XR	98-14-135	490-100-110	REP-P	98-17-052
480-15-350	NEW-P	98-19-060	480-63-070	REP-XR	98-14-135	490-100-120	REP-P	98-17-052
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480-15-370	NEW-P	98-19-060	480-63-090	REP-XR	98-14-135	490-100-135	REP-P	98-17-052
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Private vocational schools

YAKIMA VALLEY COMMUNITY COLLEGE

Meetings MISC 98-01-040
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