

September 18, 2002

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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

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 September 2002 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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John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

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Chief Assistant Code Reviser

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Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **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.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **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 ((fined 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.

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].

2002-2003

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 -					
02 - 15	Jun 26, 02	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 27, 02	Sep 24, 02
02 - 16	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 10, 02	Oct 8, 02
02 - 17	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 24, 02	Oct 22, 02
02 - 18	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 8, 02	Nov 5, 02
02 - 19	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 22, 02	Nov 19, 02
02 - 20	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 16, 02	Nov 5, 02	Dec 3, 02
02 - 21	Sep 25, 02	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 26, 02	Dec 24, 02
02 - 22	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 10, 02	Jan 7, 03
02 - 23	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 24, 02	Jan 22, 03
02 - 24	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 18, 02	Jan 7, 03	Feb 4, 03
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03 - 23	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 23, 03	Jan 20, 04
03 - 24	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 17, 03	Jan 6, 04	Feb 3, 04

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

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

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

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

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;

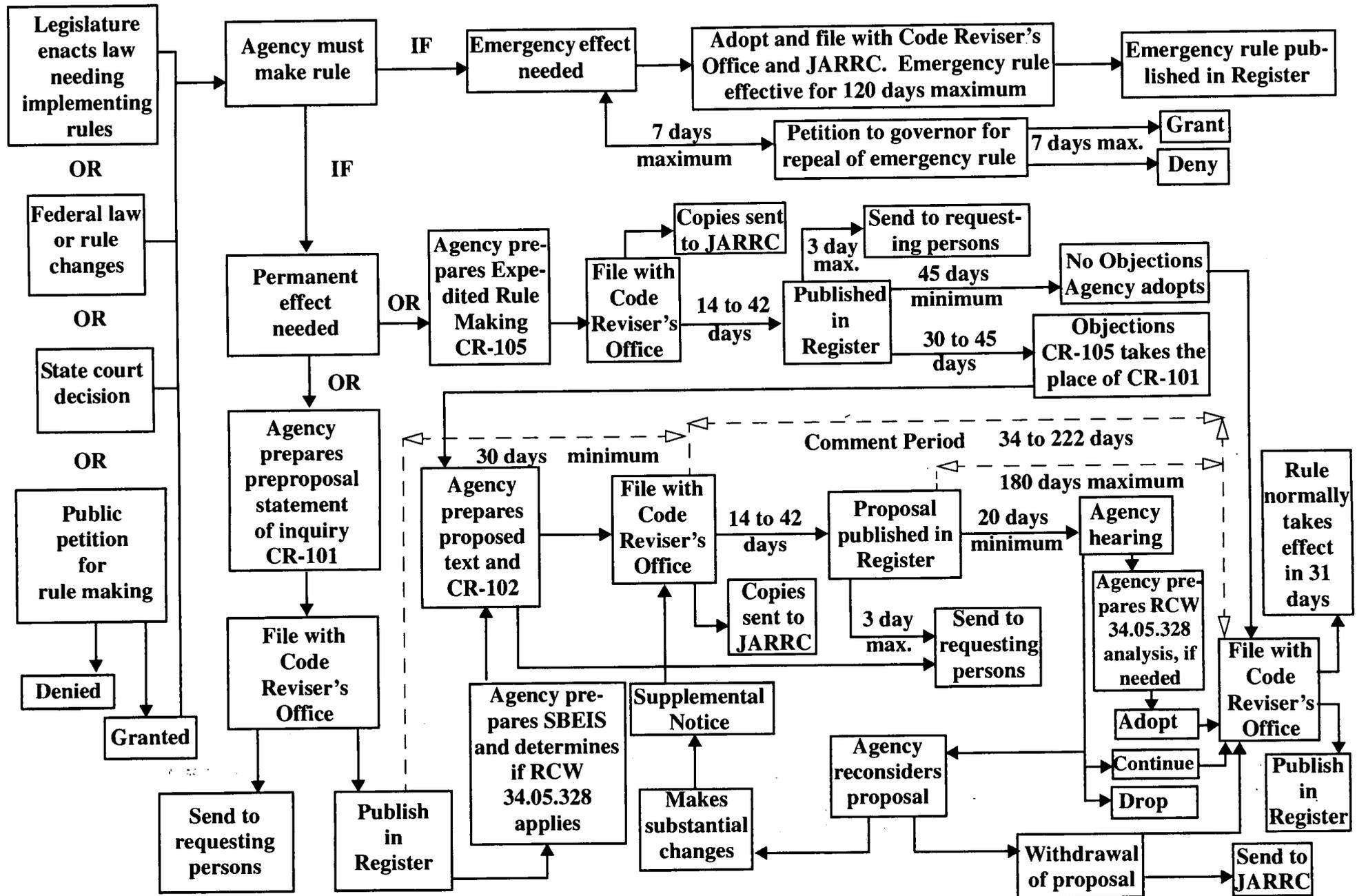
There is less than minor economic impact on business;

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



WSR 02-18-015

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed August 22, 2002, 10:11 a.m.]

Subject of Possible Rule Making: Chapter 16-108 WAC, Washington state egg seals and assessments.

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 the rules are necessary and should be retained. These rules provide the means under which adulterated or unwholesome eggs or egg products are discouraged from being sold in the market place. They are necessary to address the issue of funding to conduct shell egg inspection as a function within the Department of Agriculture. The majority of 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 some 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. 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 circumstances under which they apply. State rules apply to all egg graders selling in intrastate commerce.

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. The Egg Inspection Program Advisory Board members were consulted with during the review of chapter 16-108 WAC. They recommended the rules as they currently exist be retained and the fee rate not be increased. The department is seeking input on its decision to retain the rule(s) and to propose the current fee rate set by rule remain unchanged at .00268 cents per dozen eggs sold in intrastate commerce.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. You may comment by writing to Washington State Department of Agriculture, Food Inspection Program/Egg Section, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1830, fax (360) 902-2087. **Written comments should be made by November 15, 2002.**

August 21, 2002

Claudia G. Coles

Acting Assistant Director

FSAH and Consumer Services Division

WSR 02-18-027

PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed August 23, 2002, 11:47 a.m.]

Subject of Possible Rule Making: The Washington State Parks and Recreation Commission will conduct a review of all of the provisions of chapter 352-32 WAC, Public use of state park areas, and may determine the need to establish new or amend existing administrative rules in this chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The State Parks and Recreation Commission conducts a periodic review of the content and application of those rules in chapter 352-32 WAC to ensure the rules meet agency and public needs. The review and subsequent revisions as deemed appropriate are intended to provide clear, viable and usable rules for the health, safety and preservation of Washington's state park system, park visitors and commission staff for the benefit of all citizens of the state.

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 Rex Derr, Assistant Director, Washington State Parks, P.O. Box 42650, 7150 Cleanwater Lane, Olympia, WA 98504-2650, phone (360) 902-8594, fax (360) 586-5875, e-mail Rex.Derr@parks.wa.gov.

August 22, 2002

Jim French, Chief
Policy Research and
Program Development

WSR 02-18-028

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 23, 2002, 2:19 p.m.]

Subject of Possible Rule Making: Invasive aquatic species.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Addition of species and infested waters will reduce the impact of invasive aquatic species.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington Department of Agriculture regulates aquatic plants and will be consulted through the Aquatic Nuisance Species Committee.

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 Lew Atkins, Fish Program Manager, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) [(360)] 902-2651. Contact by October 22, 2002. Expected proposal filing October 23, 2002.

August 23, 2002

Evan Jacoby
Rules Coordinator

WSR 02-18-049

PREPROPOSAL STATEMENT OF INQUIRY SKAGIT VALLEY COLLEGE

[Filed August 28, 2002, 2:59 p.m.]

Subject of Possible Rule Making: Code of student conduct of Skagit Valley College.

Statutes Authorizing the Agency to Adopt Rules on this Subject: WAC 132D-120-010, RCW 28B.50.140, 88-24-014 (Order 88-01).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify timelines for respondents; to update language in guidelines and sanctions; to update titles of staff references; and these rule changes would clarify current practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: FERPA, issues about cooperating with law enforcement definition from RCWs throughout, that affect language used and students' rights under FERPA. Student code of conduct contents comply with FERPA, Washington state.

Process for Developing New Rule: Amending WAC 132D-120-010 to 132D-120-220.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Public hearings will be held on all campus sites (Friday Harbor, Oak Harbor, South Whidbey and Mount Vernon campuses) between May 18 and June 30, 2002. Students have input through student government meetings, campus hearings, and contact with student body officers and the director of student activities and auxiliary services.

March 28, 2002

Linda P. Woiwod
Dean of Enrollment Services

WSR 02-18-065

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed August 29, 2002, 12:29 p.m.]

Subject of Possible Rule Making: To require aliens to provide proof of their alien firearms licenses when they submit original or renewal armed security guard applications and to require that security guard company principals maintain

annual shooting requirements for armed security guards in the security guard company training files, or employee's files.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.170 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department needs to plug the gap in current law by passing a rule that will require aliens to produce their alien licenses when applying for their armed security guard licenses. The department issues aliens armed security guard licenses and by doing so it implies that the alien is legal to be armed which is not true because if the alien carries a firearm with an alien firearm license. An alien commits a felony by carrying or possessing a firearm without an alien firearm license. The department needs to enact measures to ensure that it is not granting a security guard license to an applicant who is committing a felony. Maintaining the annual shooting requirements at the security guard company level will streamline and reduce workloads for armed security guard licensing renewals without compromising public.

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 Haglund, Department of Licensing, P.O. Box 9649, Olympia, WA 98506-9649, phone (360) 664-6624, fax (360) 570-7888.

August 29, 2002

Mary Haglund
Program Manager

WSR 02-18-067

PREPROPOSAL STATEMENT OF INQUIRY CRIMINAL JUSTICE TRAINING COMMISSION

[Filed August 29, 2002, 1:14 p.m.]

Subject of Possible Rule Making: WAC 139-10-221 Scholastic performance requirements for basic corrections training.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080 Commission powers and duties—Rules and regulations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Making this change will bring the corrections standard in line with the standard for the Basic Law Enforcement Academy. The current WAC does not allow for flexibility in dealing with students with varying needs of remediation. This presents a hardship for stakeholders who cannot afford to send their student to the entire academy again to pass possibly one skill or examination. Proposed change will allow staff flexibility and insure the greatest possibility for students to successfully complete the academy with the required skills and knowledge.

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 Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, phone (206) 835-7345, fax (206) 439-3860. Stakeholders, involved through the Board on Corrections Training Standards and Education (BCTSE), have reviewed and support the intended rule amendments. Proposals also listed on the agency website and will be contained in board and commission published notes and minutes.

August 28, 2002
 Sharon M. Tolton
 Deputy Director

WSR 02-18-068
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed August 29, 2002, 1:15 p.m.]

Subject of Possible Rule Making: WAC 139-35-010 Firearms certification—Licensing requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080 Commission powers and duties—Rules and regulations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change will make the WAC language consistent with the language in chapter 18.165 RCW, Private investigators and chapter 308-17 WAC, Private investigative agencies and private investigators.

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 Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, phone (206) 835-7345, fax (206) 439-3860. Stakeholders were contacted by e-mail to advise of the intended rule amendments. Proposal also listed on the agency website.

August 29, 2002
 Sharon M. Tolton
 Deputy Director

WSR 02-18-069
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed August 29, 2002, 1:16 p.m.]

Subject of Possible Rule Making: WAC 139-35-015 Firearms certification—Application.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080 Commission powers and duties—Rules and regulations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The change provides consistency with the language adopted in chapter 18.165 RCW, Private investigators, formerly private detectives. It includes a fee increase for initial certification. Private investigators are sometimes issued more than one weapon. This change requires a certification for each of those weapons carried. It establishes the responsibility of the employer to ensure that annual proficiency standards are met with each weapon the employee carries, and recognizes proof of annual firearm proficiency in lieu of a recertification process that was confusing and cumbersome for the applicants and those responsible for reissuing the license.

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 Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, phone (206) 835-7345, fax (206) 439-3860. Stakeholders were contacted by e-mail to advise of the intended rule amendments. Proposal also listed on the agency website.

August 29, 2002
 Sharon M. Tolton
 Deputy Director

WSR 02-18-070
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed August 29, 2002, 1:17 p.m.]

Subject of Possible Rule Making: WAC 139-35-025 Firearms certification—Expiration and renewal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080 Commission powers and duties—Rules and regulations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change is required to eliminate the need for a person renewing their private investigator's license to take the same firearms certification course that they took to get their initial firearms certification. It was intended to act as an annual proficiency requirement and has turned out to be cumbersome, expensive to monitor, and requires a duplication of the original testing even though the firearm has not changed. Requiring the employer to be responsible for tracking annual proficiency is much less expensive.

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 Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, phone (206) 835-7345, fax (206) 439-3860. Stakeholders were contacted by e-mail to advise of the

intended rule amendments. Proposal also listed on the agency website.

August 29, 2002
Sharon M. Tolton
Deputy Director

WSR 02-18-071

**PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed August 29, 2002, 1:18 p.m.]

Subject of Possible Rule Making: WAC 139-30-015
Firearms certification—Application.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080 Commission powers and duties—Rules and regulations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The change provides a fee increase for initial certification. Armed private security guards are sometimes issued more than one weapon. This change requires a certification for each of those weapons carried. It establishes the responsibility of the employer to ensure that annual proficiency standards are met with each weapon the employee carries, and recognizes proof of annual firearm proficiency in lieu of a firearms recertification process that was confusing and cumbersome for the applicants and those responsible for reissuing the license.

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 Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, phone (206) 835-7345, fax (206) 439-3860. Stakeholders were contacted by e-mail to advise of the intended rule amendments. Proposal also listed on agency website.

August 29, 2002
Sharon M. Tolton
Deputy Director

WSR 02-18-072

**PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed August 29, 2002, 1:19 p.m.]

Subject of Possible Rule Making: WAC 139-30-025
Firearms certification—Expiration and renewal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080 Commission powers and duties—Rules and regulations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change is required to eliminate the need for a person renewing their private secu-

rity guard's license to take the same firearms certification course that they took to get their initial firearms certification. It was intended to act as an annual proficiency requirement and has turned out to be cumbersome, expensive to monitor, and requires a duplication of the original testing even though the firearm has not changed. Requiring the employer to be responsible for tracking annual proficiency is much less expensive.

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 Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, phone (206) 835-7345, fax (206) 439-3860. Stakeholders were contacted by e-mail to advise of the intended rule amendments. Proposal also listed on agency website.

August 29, 2002
Sharon M. Tolton
Deputy Director

WSR 02-18-082

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

(Aging and Adult Services Administration)

[Filed August 30, 2002, 4:25 p.m.]

Subject of Possible Rule Making: Amendments to WAC 388-71-0805, 388-71-0810, 388-71-0815, 388-71-0820 and 388-71-0840 to clarify PACE (program for all-inclusive care for the elderly) requirements, add specific additional options under PACE rules, and make other amendments as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.057, 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify PACE requirements, add additional options under PACE rules, and make other amendments as necessary.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: These rules affect the departments' Division of Alcohol and Substance Abuse and Mental Health Division. Both divisions will be included in determining these amendments.

Process for Developing New Rule: Through regular meetings and review drafts. DSHS welcomes the public to take part in developing the amendments. Anyone interested in participating should contact the staff person indicated below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and 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 Kristi Olson, Department of Social and Health Services, Home and Community Services Division, P.O. Box 45600, Olympia, WA 98504-5600, phone (360)

725-2537, fax (360) 438-8633, e-mail olsonk12@dshs.wa.gov.

August 30, 2002
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 02-18-086
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
 (Basic Health)

[Order 02-06—Filed September 3, 2002, 10:11 a.m.]

Subject of Possible Rule Making: Revising the requirements for enrollment of dependents to allow for enrollment of children whose guardian is neither the parent nor a court-ordered legal guardian.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.47.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This begins the process of permanent rule making for the revisions filed as an emergency amendment to WAC 182-25-010(9), definition of "dependent," under Administrative Order 02-05. The current definition of dependent would exclude from enrollment any child living with a relative or other adult acting as a guardian without obtaining a court order. This revision would allow for enrollment of a child whose guardian is neither the parent nor a court-ordered legal guardian. The amendment presumes some agreement exists between the child's parent or legal guardian and the informal guardian who is providing their coverage, regarding financial responsibility or other obligations to the child.

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

Process for Developing New Rule: Stakeholder mailings and public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Information regarding this rule making will be posted on the agency website, <http://www.wa.gov/hca/basichealth.htm>; or you may contact Rosanne Reynolds, P.O. Box 42686, Olympia, WA 98504-2686, phone (360) 923-2948, fax (360) 923-2605, e-mail Rrey107@hca.wa.gov.

September 3, 2002
 Melodie H. Bankers
 Rules Coordinator

WSR 02-18-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed September 3, 2002, 12:31 p.m.]

Subject of Possible Rule Making: A new section in chapter 296-30 WAC, How would benefit payments be made

in the event of a funding shortfall? The subject of this rule is to establish the priority in which benefit payments would be made in the event of a funding shortfall.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 7.68.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 7.68.015 "The Department of Labor and Industries shall operate the crime victims' compensation program within the appropriations and the conditions and limitations on the appropriations provided for this program."

Labor and industries is required by law to pay medical costs, partial wage loss and pensions for crime victims who do not have other insurance. Under current law, if crime victims' claims exceed the appropriated funds, labor and industries has no choice but to stop payment for crime victims medical costs, partial wage loss and pensions.

The proposed rule provides a priority for partial payment reductions in the event of a funding shortfall.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: In general the crime victims' compensation program conforms to United States Department of Justice and Washington state statutes and administrative codes. The proposed rule clarifies Washington state statute.

Process for Developing New Rule: Public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cletus Nnanabu, Crime Victim Compensation Program Manager, P.O. Box 44520, Olympia, WA 98504-4520, phone (360) 902-5340, fax (360) 902-5333, TDD for hearing impaired (360) 902-4974, e-mail nnan235@lni.wa.gov. A public hearing in Tumwater will be scheduled. The Crime Victims Advisory Committee was notified at the quarterly meeting held on July 24, 2002.

September 3, 2002
 Gary Moore
 Director

WSR 02-18-095
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
 [Order 02-11—Filed September 3, 2002, 1:30 p.m.]

Subject of Possible Rule Making: Amend the agricultural water supply facilities rule (chapter 173-170 WAC) which relates to issuance of grants and loans to public entities for planning and projects related to agricultural water supply systems. Funds are issued from the Referendum 38 Fund, established in 1980.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Referendum 38, codified in chapter 43.99E RCW, establishes the fund and authorizes the Department of Ecology to administer the account by direct expenditures or grants and loans to public entities.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agricultural supply facilities rule designates procedures for administering the fund.

Revision is necessary to make good use of the remaining monies and achieve water savings benefitting the state's public waters by: (1) Raising the limit on funding that individual public entities are eligible to obtain, (2) exempting repaid loans from the cap on funding, (3) exempting funding of proposals within the Yakima River basin water enhancement project (YRBWEP) from the cap on funding, and (4) providing additional incentives to secure water savings that will benefit the state's public waters.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies regulate this subject, although public irrigation districts are the chief recipients of the grants and loans administered. In addition, the United States Bureau of Reclamation will be providing 75% of the funding for YRBWEP, for which the state has agreed to contribute 12.5%, with the sponsoring irrigation districts paying the remaining 12.5%. Throughout the rule-making process the United States Bureau of Reclamation will be made aware of draft language and their feedback will be solicited.

Process for Developing New Rule: Key stakeholders (irrigation districts, tribes, environmental groups, etc.) will be kept informed and given opportunities to provide feedback throughout the rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rebecca Inman, Department of Ecology, Water Resources Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7207, fax (360) 407-6574, e-mail rinm461@ecy.wa.gov.

A web page will be provided with information on the proposed changes, including the draft rules and capability for on-line comment submittal, both before and after filing of the CR-102. In addition, ecology will distribute a focus sheet, by mail and e-mail, with information on the rule proposal and how to get further information or provide feedback. Public notice will be made in association with the CR-102 and approximately three hearings will be held, publicized by display ads.

September 3, 2002
Joe Stohr
Water Resources
Program Manager

WSR 02-18-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed September 3, 2002, 3:26 p.m.]

Subject of Possible Rule Making: WAC 388-550-2595 Payment methodology and scope of coverage for LTAC services and 388-550-2596 Services and equipment covered by MAA but not included in the LTAC fixed per diem rate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add language to clarify that the long term acute care (LTAC) program's fixed per diem rate includes prescription drugs, total parenteral nutrition (TPN) therapy, IV infusion therapy, and/or epo-gen/neupogen therapy, up to two hundred dollars per day in total allowed charges.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this proposed WAC amendment. Draft material and information about how to participate are available by contacting the DSHS 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 Kathy Sayre, Rules Program Manager, Medical Assistance Administration, Mailstop 45533, Olympia, WA 98504-5586, phone (360) 725-1342, fax (360) 586-9727.

August 29, 2002
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-18-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed September 3, 2002, 3:50 p.m.]

Subject of Possible Rule Making: Personal use fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Each year the department establishes time, place, and manner restrictions to allow for recreational fishing. This filing begins the rule process for the 2003-2004 sport seasons. These are rules other than rules resulting from the ocean seasons set under the Pacific Fisheries Management Council/North of Falcon process. The PFMC/NoF rules will be promulgated and filed later.

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 Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by October 22, 2002. Expected proposal filing October 23rd.

September 3, 2002
Evan Jacoby
Rules Coordinator

WSR 02-18-108**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed September 3, 2002, 3:53 p.m.]

Subject of Possible Rule Making: Marine fin fish aquaculture rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.125.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to establish a program to prevent escape of marine fin fish from aquaculture operations, and to provide for a recapture or eradication program for any escapes.

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; and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by October 22, 2002. Expected proposal filing October 23rd.

September 3, 2002

Evan Jacoby

Rules Coordinator

WSR 02-18-109**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed September 3, 2002, 3:56 p.m.]

Subject of Possible Rule Making: Peregrine falcon nestling take for falconry; bullfrogs; game management units and boundary descriptions; black bear special permit seasons and quotas; special hunting season permits; private lands wildlife management area raffle hunts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide recreational opportunity and manage wildlife.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-

1091, (360) 902-2504. Contact by October 16, 2002, rule proposal filing expected to be October 23, 2002.

September 3, 2002

Evan Jacoby

Rules Coordinator

WSR 02-18-111**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed September 4, 2002, 9:02 a.m.]

Subject of Possible Rule Making: Rules relating to WAC 16-228-1460 Experimental use permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.58, 17.21, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the requirements and restrictions that apply to individual experimental use permits. To expand the definition of "collective experimental use permits to include "organizations, pesticide registrants, or persons licensed by the department to conduct demonstration and research activities" on land they own or control. To define the term "control." To require that any unused experimental use pesticide that does not have a registered use in Washington state must be returned to the manufacturer or disposed of properly.

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

Process for Developing New Rule: An advisory committee will help develop draft rule language. Once draft language is developed, it will be distributed to interested parties for comment. The program will use meetings, e-mail, website, fact sheets and press release to contact and communicate with interested parties. When the CR-102 is filed, interested parties can submit comments during the public comment period and participate at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ted Maxwell, Program Manager, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42560, Olympia, WA 98504-2560, Tmaxwell@agr.wa.gov, phone (360) 902-2026, fax (360) 902-2093.

September 4, 2002

Bob Arrington

Assistant Director

WSR 02-18-113**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed September 4, 2002, 10:20 a.m.]

Subject of Possible Rule Making: Invasive aquatic species rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Addition of species to the categories and designation of additional infested waters may assist in reducing the spread of invasive species.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Ecology and the Parks and Recreation Commission will be consulted on designating bodies of water as infested.

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 Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by October 22, 2002. Expected proposal filing October 23, 2002.

September 4, 2002
Evan Jacoby
Rules Coordinator

WSR 02-18-114
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed September 4, 2002, 10:24 a.m.]

Subject of Possible Rule Making: Chapter 246-455 WAC, Hospital patient discharge information reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing rule will not meet the current and future requirements of discharge data use. The rule needs to be changed to reflect changes in the data quality requirements and timing of data submission. Data quality will be viewed in the aggregate with an error rate not to exceed 1.0% rather than a 95% accuracy level for only discharges and total charges. This will not be a major impact since very few hospitals exceed this level and statewide error rates are fairly constant at .03%. Electronic submission of data and online data correction eliminates the need for mail processing time, currently 6-7 days. This reduces the correction process from 14 days to 7 days, but does not impact the actual amount of hospital processing time. The rule also needs to respond to current and pending Federal UB92/Centers for Medicare and Medicaid Services (CMS) (formerly Health Care Financing Administration (HCFA)) reporting requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services (CMS) and National Uniform Billing Committee (NUBC).

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.

(1) Jeannette Neibert, CHARS Manager, Department of Health, P.O. Box 47811, Olympia, WA 98504-7811, phone (360) 236-4223, fax (360) 664-8579, e-mail jeannette.neibert@DOH.WA.GOV.

(2) Bill Mackey, CHARS Project Director, Department of Health, P.O. Box 47811, Olympia, WA 98504-7811, phone (360) 236-4222, fax (360) 664-8579, e-mail william.mackey@DOH.WA.GOV.

(3) Advance meetings with stakeholders.

(4) Information posted to WEB.

(5) Information placed in CHARS newsletter.

(6) Mailings to key constituents.

(7) Public WAC hearing.

August 26, 2002

M. C. Selecky
Secretary

WSR 02-18-116

PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed September 4, 2002, 11:37 a.m.]

Subject of Possible Rule Making: Chapter 392-170 WAC, Special service program—Highly capable students.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.185 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Additional requirements for program accountability and program monitoring were added by legislation, chapter 234, Laws of 2002, EHB 2748. The additions to chapter 392-170 WAC reflect these requirements.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gayle Pauley, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200.

Send written comments to Rules Coordinator/Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TTY (360) 664-3631. For telephone assistance contact Gayle Pauley, (360) 725-6100.

August 30, 2002

Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 02-18-117
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed September 4, 2002, 11:48 a.m.]

Subject of Possible Rule Making: Commercial fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Certain coastal bottom fish stocks need additional protection. Implementation of fin fish excluder devices in the shrimp trawl fishery and a closure of trawl fishing for pollock when bottom fish trawl is closed for other species will protect rockfish.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None. The Pacific Fisheries Management Council regulates groundfish, but not shrimp or pollock.

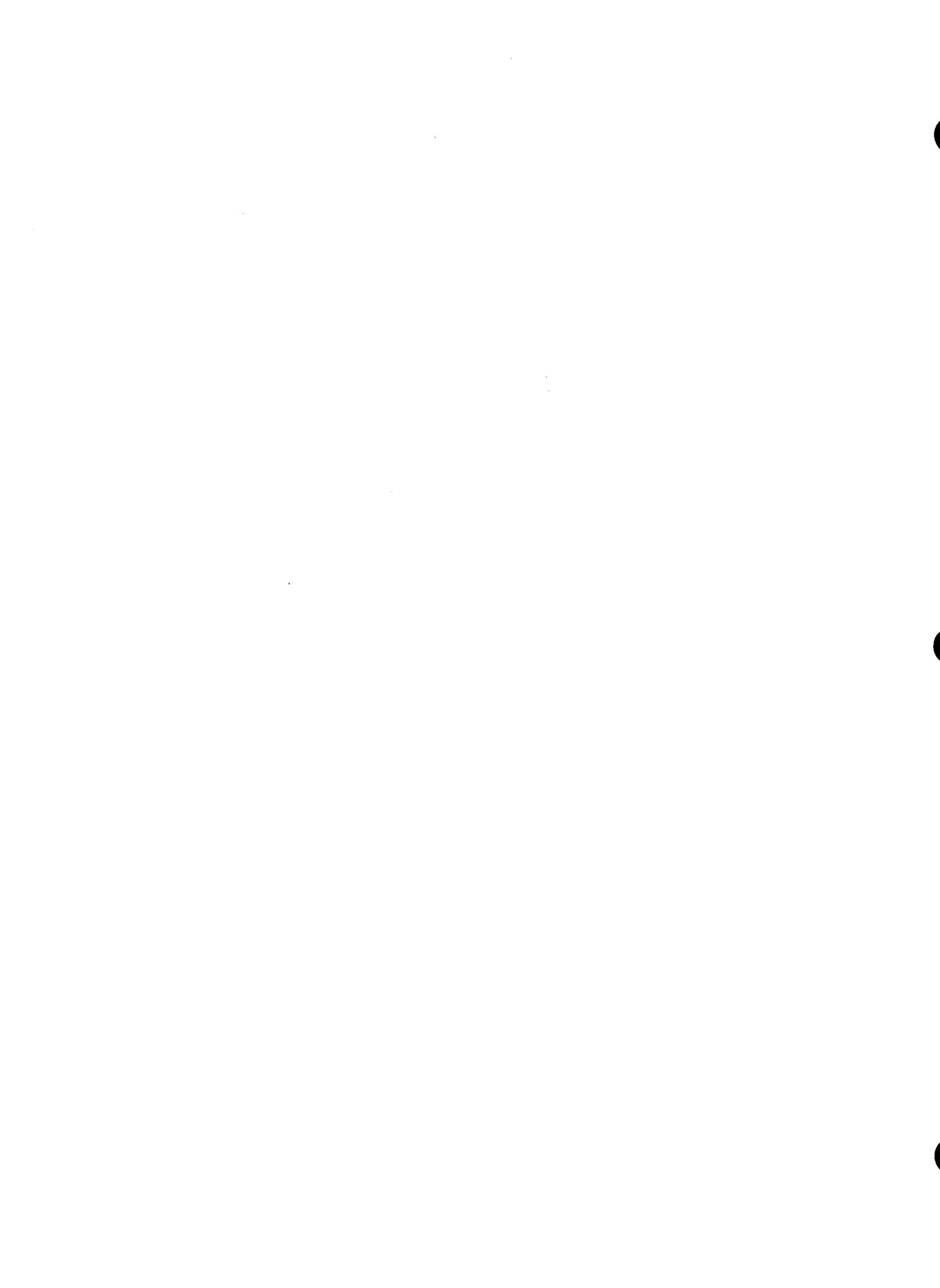
Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Phil Anderson, Intergovernmental Policy Special Assistant, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2720. Contact by October 22, 2002. Expected proposal filing October 23, 2002.

September 4, 2002

Evan Jacoby

Rules Coordinator



WSR 02-17-080
PROPOSED RULES
YAKIMA REGIONAL
CLEAN AIR AUTHORITY
[Filed August 19, 2002, 3:57 p.m.]

Title of Rule: Amendment 1, Regulation 1 of the Yakima Regional Clean Air Authority.

Purpose: To conform Regulation 1 to chapter 173-400 WAC, adopted August 15, 2001, and facilitate adoption into the state implementation plan (SIP).

Other Identifying Information: Federal Clean Air Act Amendments (FCAAA).

Statutory Authority for Adoption: FCAAA of 1990, section 110.

Statute Being Implemented: FCAAA, Parts C & D.

Summary: See adoption history table in the cover pages for a listing of the repealed sections and appendices, amended appendix, and the replacement regulations.

Reasons Supporting Proposal: The U.S. Environmental Protection Agency, Region 10, is requiring the state and local new source review rules to be added to the SIP. This is a part of that SIP submittal.

Name of Agency Personnel Responsible for Drafting: Charles M. Stansel, 6 South 2nd Street, Room 1016, Yakima, WA 98901, (509) 574-1410; Implementation: Les Ornelas, 6 South 2nd Street, Room 1016, Yakima, WA 98901, (509) 574-1410; and Enforcement: Gary Pruitt, 6 South 2nd Street, Room 1016, Yakima, WA 98901, (509) 574-1410.

Name of Proponent: Yakima Regional Clean Air Authority, 6 South 2nd Street, Suite 1016, Yakima, WA 98901, governmental.

Rule is necessary because of federal law, FCAAA Section 110. This is the statute requiring SIP submittals.

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment removes sections, appendices, and definitions from Regulation 1 that are replicated in chapter 173-400 WAC, RCW 70.94.640 and [70.94.]645, and 40 C.F.R. parts 51, 60, 61, and 63.

Proposal does not change existing rules. The requirements in superior rules remain the same.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply to local air pollution control authorities.

RCW 34.05.328 does not apply to this rule adoption. Does not apply to local air pollution control authorities.

Hearing Location: Yakima County Courthouse, Room B33, 128 North 2nd Street, Yakima, WA 98901, on October 9, 2002, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Linda Dixon by 12 noon, (509) 574-2215.

Submit Written Comments to: Yakima Regional Clean Air Authority, 6 South 2nd Street, Suite 1016, Yakima, WA 98901, fax (509) 574-1411, by October 9, 2002.

Date of Intended Adoption: Local adoption October 9, 2002.

August 16, 2002
Les Ornelas
Air Pollution Control Officer

REGULATION 1 OF THE YRCAA
Amendment 1, Adopted - (Date)
Repealed and amended as defined below this day of 2002
by the Board of Directors, Yakima Regional Clean Air
Authority

Yakima, Washington

- _____
- Chairperson
- _____
- Member
- _____
- Member
- _____
- Member
- _____
- Member

REPEALED

The following sections of Regulation 1 adopted March 8, 2000 are repealed:

<u>Section</u>	<u>Section Title</u>
<u>2.04</u>	<u>Public Participation</u>
<u>3.01</u>	<u>Emission Standards</u>
<u>3.11</u>	<u>Monitoring, Recordkeeping, and Reporting</u>
<u>4.02</u>	<u>New Source Review</u>

The following appendices of Regulation 1 adopted March 8, 2000 are repealed:

<u>Appendix</u>	<u>Appendix Title</u>
<u>D</u>	<u>Measurable Emissions Standards for Various Sources</u>
<u>K</u>	<u>New Source Review Application Information</u>

AMENDED

Appendix A, Definitions, adopted March 8, 2000 is amended.

PROPOSED

ADOPTION HISTORY
REGULATION 1 OF THE YAKIMA REGIONAL CLEAN AIR AUTHORITY

Amend. No.	Dates		Action	Sections/ Appendix	Comments
	Adopted	Effective			
N/A	March 8, 2000	May 1, 2000	Adoption of Regulation 1	All	<u>Initial local adoption.</u>
<u>Amend. - 1</u>			<u>Repeal sections and appendices in full.</u>	2.04	<u>Replaced by WAC 173-400-171 for all public participation except for air operating permits. Public participation for air operating permits is replaced by WAC 173-401, Part IX.</u>
				3.01	<u>Replaced by Chap. 173-400 WAC & RCW 70.94.640 & 645.</u>
				3.11	<u>Replaced by Chap. 173-400 WAC.</u>
				4.02	<u>Replaced by Chap. 173-400 WAC.</u>
				app. D	<u>Replaced by Chap. 173-400 WAC and 40 CFR Parts 51, 60, 61, & 63.</u>
				app. K	<u>Replaced by WAC 173-400-110 and WAC 173-460-150 & 160.</u>
<u>Amend. - 1</u>			<u>Removes definitions included in chap. 173-400 WAC, and makes minor edits.</u>	app. A.	<u>Replaced by definitions in WAC 173-400-030, 112, & 113</u>

PROPOSED

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

Reviser's note: The typographical error in the above material occurred in the copy filed by the Yakima Regional Clean Air Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.

APPENDIX A

Definitions of Words and Phrases

This appendix contains a list of definitions for words and phrases used in more than one section of the regulation. Defined words or phrases are identified with "(App. A)" in the text. The source of the definition is identified in *italics*. The definitions for terms not found in this appendix are in chap. 173-400 WAC.

~~**Actual Emissions** (WAC 173-400-030(1))~~ - The actual rate of emissions of a pollutant from an emissions unit, as determined by:

~~1. In general, actual emissions as of a particular date shall equal the average rate, in TPY (App. B), at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. Ecology or the authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.~~

~~2. Ecology or the authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.~~

~~3. For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.~~

Adequate Source of Heat (WAC 173-433-030(1)) - The ability to maintain 70°F (App. B) at a point three feet above the floor in all normally inhabited areas of the dwelling.

~~**Adverse Impact on Visibility** (WAC 173-400-030(2))~~ - Visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case by case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas. These areas are listed in the definition for Class I Areas.

PROPOSED

Agricultural Activity (RCW 70.94.640(5)(a))—The growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, grain, mint, hay, and dairy products. This definition applies only to subsection 3.01C3 (pg. 3-6).

Agricultural Burning (WAC 173-430-030(1)) - The burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.

Agricultural Land (RCW 70.94.640(5)(c))—At least five acres of land devoted primarily to the commercial production of livestock or agricultural commodities. This definition applies only to subsection 3.01C3 (pg. 3-6).

Agricultural Operation (WAC 173-430-030(2)) - A farmer who can substantiate that the operation is commercial agriculture by showing the most recent year's IRS (App. B) schedule F form or proof that the land is designated in a classification for agricultural use. It also includes burning conducted by irrigation district or drainage district personnel as part of water system management.

Ag Task Force (WAC 173-430-030(3)) - The state agricultural burning practices and research task force.

Air Contaminant (WAC 173-400-030(3))—Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. Air pollutant "means the same as air contaminant".

Air Pollution (WAC 173-400-030(4))—The presence in the outdoor atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purpose of this regulation, air pollution shall not include air contaminants emitted in compliance with Chapter 17.21 RCW (App. B), the WA Pesticide Application Act, which regulates the application and control of various pesticides.

Air Pollution Episode - A period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in chap. 173-435 WAC.

Allowable Emissions (WAC 173-400-030(5))—The emission rate of a stationary source calculated using the maximum rated capacity of the stationary source (unless the stationary source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

1. The applicable standards as set forth in 40 CFR Part 60 or 61 (App. B);

2. Any applicable SIP (App. B) emissions limitation including those with a future compliance date; or

3. The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

Ambient Air (WAC 173-400-030(6))—The surrounding outside air.

Ambient Air Quality Standard (WAC 173-400-030(7))—An established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

Authority - The Yakima Regional Clean Air Authority.

Best Available Control Technology (BACT) (WAC 173-400-030(10))—An emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chap. 70.94 RCW (App. B) emitted from or which results from any new or modified stationary source, which the authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for the control of each pollutant. In no event shall application of the BACT (App. B) result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61 (App. B), as they exist on March 1, 1996, or their later enactments as adopted by reference by ecology. Emissions from any source utilizing clean fuels, or any other means, to comply with this definition shall not be allowed to increase above levels that would have been required under the definition of BACT in FCAA (App. B) as it existed prior to enactment of the FCAA Amendments of 1990.

Best Management Practice (BMP) (WAC 173-430-030(4)) - The criteria established by the state ag task force.

Board - The Board of Directors of the Yakima Regional Clean Air Authority

Bubble (WAC 173-400-030(12))—A set of emission limits which allows an increase in emissions from a given emission(s) unit(s) in exchange for a decrease in emissions from another emissions unit(s) pursuant to RCW 70.94.155 and WAC 173-400-120.

Burn Bans - Periods when ecology or the authority determine air contaminant levels are approaching or have reached a level which is harmful to public health or safety. Outdoor burning, agricultural burning, and burning with wood or coal heaters are severely curtailed during these periods.

Ceremonial Fires - Fires necessary for Native American ceremonies (i.e. conducted by and for Native Americans) if part of a religious ritual.

Class I Area (WAC 173-400-030(14))—Any area designated under §§ 162 or 164 of FCAA (App. B) as a class I area. The following areas are the class I areas in Washington state;

1. Alpine Lakes Wilderness Area;

2. Glacier Peak Wilderness Area;
3. Goat Rock Wilderness Area;
4. Mount Adams Wilderness Area;
5. Mount Rainier National Park;
6. North Cascades National Park;
7. Olympic National Park;
8. Pasayten Wilderness Area; and
9. Spokane Indian Reservation.

~~**Combustion and Incineration Sources** (WAC 173-400-030(15))~~ Units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes outdoor burning.

~~**Commenced Construction** (WAC 173-400-030(16))~~ The owner or operator has all the necessary preconstruction approvals or permits and either has:

1. Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
2. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

~~**Concealment** (WAC 173-400-030(17))~~ Any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

Construction/Demolition Debris - All material resulting from the construction, renovation, or demolition of buildings, roads, and other man-made structures.

Control Apparatus - Any device which prevents or controls the emission of any air contaminant

Corrective Action Order - An order issued by the authority for the purpose of causing a person to be in compliance with cited authority, state, or federal laws and regulations. The order will specify actions to be taken within a specific time.

~~**Criteria Pollutant** (WAC 173-420-040)~~ Air pollutants for which a NAAQS (App. B) has been promulgated under FCAA (App. B) (40 CFR Part 50) and their precursors.

Daylight Hours - 30 minutes before and 30 minutes after the published sunrise and sunset times in a newspaper of general circulation in the area.

De Minimis - The minimum threshold levels that exempts sources or source categories from complying with specific requirements.

DEQ Phase 2 Woodstove (WAC 173-433-150 (1)(c)) - A woodstove meeting the "Oregon Department of Environmental Quality Phase 2" emissions standards contained in Subsections (2) and (3) of Section 340-21-115, and certified in accordance with "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984.

Eight Hours (WAC 173-435-020(5)) - Any consecutive eight hours starting at any clock hour.

~~**Emission** (WAC 173-400-030(21))~~ A release of air contaminants into the ambient air.

~~**Emission Reduction Credit (ERC)** (WAC 173-400-030(22))~~ A credit granted under WAC 173-400-131. This is a voluntary reduction in emissions.

~~**Emission Standards** (WAC 173-400-030(23))~~ A requirement established under FCAA (App. B) or WCAA (App. B) which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment work practice, or operational standard promulgated under FCAA or WCAA.

~~**Emissions Unit** (WAC 173-400-030(24))~~ Any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the FCAA (App. B), chap. 70.94 or 70.98 RCW (App. B).

EPA Certified Woodstove (WAC 173-433-030(2)) - A woodstove that meets the emission performance standards when tested by an accredited independent laboratory and labeled according to procedures specified by the EPA (App. B) under 40 CFR Part 60, Subpart AAA (App. B) - Standards of Performance for Residential Wood Heaters as amended through July 1, 1990.

EPA Exempted Device - A device that is not required to be tested under 40 CFR Part 60, Subpart AAA.

Equipment - Any stationary or portable device or any part thereof capable of causing the emission of any air contaminant into the ambient air.

~~**Excess Emissions** (WAC 173-400-030(25))~~ Emissions of an air pollutant in excess of any applicable emissions standard.

Farmer (WAC 173-430-030(7)) - Any person engaged in the business of growing or producing for sale upon their own lands, or upon the land in which they have a present right of possession, any agricultural product. Farmer does not mean persons using such products as ingredients in a manufacturing process, or persons growing or producing such products primarily for their own consumption.

Fire Department - Fire control agency such as city fire departments, local fire districts or the DNR (App. B).

Fire Fighting Training Fires - Fires for the instruction in methods of fire fighting, including but not limited to training to fight structural fires, aircraft crash rescue fires, and forest fires.

Fireplace (RCW 70.94.453(3)) - Any permanently installed masonry fireplace; or any factory-built metal solid fuel burning device designed to be used with an open combustion chamber and without features to control the air to fuel ratio.

Firewood - Bare untreated wood used as fuel in a wood heater, solid fuel burning device, ceremonial fire, or a recreational fire.

First Stage of Impaired Air Quality - Can be declared by the authority when PM_{10} is at an ambient level of $60 \mu\text{g}/\text{m}^3$ (App. B) of air measured on a 24 hour average, or when CO (App. B) is at an ambient level of eight ppm of contaminant of air by volume measured on an eight-hour average.

~~**Fossil Fuel-fired Steam Generator** (WAC 173-400-030(30)) - A device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.~~

~~**Fugitive Dust** (WAC 173-400-030(31)) - A particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples or areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.~~

~~**Fugitive Emissions** (WAC 173-400-030(32)) - Emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.~~

Furnace (40 CFR 60.531) - A solid fuel burning appliance that is designed to be located outside of ordinary living areas and that warms spaces other than the space where the appliance is located, by the distribution of air heated in the appliance through ducts. The appliance must be tested and listed as a furnace under accepted American or Canadian safety testing codes unless exempted from this provision by the EPA. A manufacturer may request an exemption in writing from the EPA by stating why the testing and listing requirement is not practicable and demonstrating that his appliance is otherwise a furnace.

Garbage - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking or serving of food.

~~**General Process Source** (WAC 173-400-030(33)) - An emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.~~

~~**Good Agricultural Practice** (RCW 70.94.640 (5)(b)) - The economically feasible practices which are customary among or appropriate to farms and ranches of a similar nature in the local area. This definition applies only to subsection 3.01C3 (pg. 3-6).~~

~~**Good Engineering Practice (GEP)** (WAC 173-400-030(34)) - A calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).~~

Hazardous Air Pollutant - Any air pollutant listed in accordance with section 112(b), FCAA (App. B).

Home Barbecues - A small wood, charcoal, LP (App. B) gas, or natural gas fire for the purpose of cooking.

Hour (WAC 173-435-020(4)) - A 60 minute period, beginning and ending on a clock hour.

Impaired Air Quality - A first or second stage impaired air quality condition declared by ecology or the authority in accordance with WAC 173-433-140.

~~**Incinerator** (WAC 173-400-030(35)) - A furnace used primarily for the thermal destruction of waste.~~

Land Clearing Burning - Outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing projects (i.e. projects that clear the land surface so it can be developed, used for a different purpose, or left unused).

~~**Lowest Achievable Emission Rate (LAER)** (WAC 173-400-030(38)) - The rate of emissions for any source which reflects the more stringent of:~~

~~1. The most stringent emission limitation which is contained in the SIP (App. B) for a class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that the limitations are not achievable; or~~

~~2. The most stringent emission limitation which is achieved in practice by such class or category of source.~~

~~In no event may the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.~~

~~**Major Modification** (WAC 173-400-030(40)) - Any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the FCAA (App. B). Any net emissions increase that is considered significant for VOCs (App. B) or NO_x (App. B) shall be considered significant for O_3 (App. B). A physical change or change in the method of operation shall not include:~~

~~1. Routine maintenance, repair, and replacement;~~

~~2. Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;~~

~~3. Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425 (App. B);~~

~~4. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;~~

~~5. Use of an alternative fuel or raw material by a stationary source which:~~

~~a. The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51 Subpart I, or 40 CFR 51.166; in a prevention of significant deterioration permit or notice of construction approval; or~~

b. ~~The stationary source is approved to use under any federally enforceable NSR (App. B) approval or a PSD (App. B) permit issued by EPA (App. B) or ecology;~~

6. ~~An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976; pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51 Subpart I, or 40 CFR 51.166; in a prevention of significant deterioration permit or a NSR approval;~~

7. ~~Any change in ownership at a stationary source.~~

Major Stationary Source (WAC 173-400-030(41))—

1. ~~Any stationary source which:~~

a. ~~Emits or has the potential to emit 100 TPY (App. B) or more of any air contaminant regulated by the WCAA (App. B) or FCAA (App. B); or~~

b. ~~Is located in a "marginal" or "moderate" O₃ (App. B) nonattainment area and which emits or has the potential to emit 100 TPY (App. B) or more of VOCs (App. B) or NO_x (App. B).~~

2. ~~Any stationary source (or group of stationary sources) which:~~

a. ~~Is located in a "serious" CO (App. B) nonattainment area where stationary sources contribute significantly to CO levels and which emits or has the potential to emit 50 TPY (App. B) or more of CO; or~~

b. ~~Is located in a "serious" PM₁₀ (App. B) nonattainment area and which emits or has the potential to emit 70 TPY or more of PM₁₀ emissions.~~

3. ~~Any physical change that would occur at a stationary source not qualifying under parts 1 or 2 of this definition as a major stationary source, if the change would constitute a major stationary source by itself;~~

4. ~~A major stationary source that is major for VOCs or NO_x shall be considered major for O₃ (App. B);~~

5. ~~The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the source is a major stationary source due to part 2 of this definition;~~

a. ~~Coal cleaning plants (with thermal dryers);~~

b. ~~Kraft pulp mills;~~

e. ~~Portland cements plants;~~

d. ~~Primary zinc smelters;~~

e. ~~Iron and steel mills;~~

f. ~~Primary aluminum ore reduction plants;~~

g. ~~Primary copper smelters;~~

h. ~~Municipal incinerators capable of charging more than 250 tons of refuse per day;~~

i. ~~Hydrofluoric, sulfuric, or nitric acid plants;~~

j. ~~Petroleum refineries;~~

k. ~~Lime plants;~~

l. ~~Phosphate rock processing plants;~~

m. ~~Coke oven batteries;~~

n. ~~Sulfur recovery plants;~~

o. ~~Carbon black plants (furnace process);~~

p. ~~Primary lead smelters;~~

q. ~~Fuel conversion plants;~~

r. ~~Sintering plants;~~

s. ~~Secondary metal production plants;~~

t. ~~Chemical process plants;~~

u. ~~Fossil fuel boilers (or combination thereof) totaling more than 250,000,000 BTUs (App. B) per hour heat input;~~

v. ~~Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;~~

w. ~~Taconite ore processing plants;~~

x. ~~Glass fiber processing plants;~~

y. ~~Charcoal production plants;~~

z. ~~Fossil fuel fired steam electric plants of more than 250,000,000 BTUs per hour heat input; and~~

aa. ~~Any other stationary source category which, as of August 7, 1970, was being regulated under sections 111 or 112 of FCAA (App. B).~~

6. ~~For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the North American Industry Classification System (NAICS) as amended.~~

7. ~~This definition does not apply to section 4.04.~~

Materials Handling (WAC 173-400-030(43))— The handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

Maximum Available Control Technology (MACT) - A standard developed for the control of hazardous air pollutant emissions from specific source categories regulated under 40 CFR Part 63. The full definitions for MACT for existing sources, MACT for new sources, and MACT floor are in 40 CFR 63.51.

Minor Source - Any stationary source which is not a major stationary source (App. A).

Modification (WAC 173-400-030(44))— Any physical change in or change in the method of operation of a stationary source that increases the amount of any air contaminant emitted by the source or that results in the emission of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in section 7411, Title 42, USC (App. B) and with rules implementing that section.

National Emission Standards for Hazardous Air Pollutants (NESHAPS) (WAC 173-400-030(45))— The federal regulations set forth in 40 CFR Part 61 and 63 (App. B).

Natural Vegetation - Unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood.

Net Emissions Increase (WAC 173-400-030(47))

1. The amount by which the sum of the following exceeds zero:

a. Any increase in actual emissions from a particular change or change in method of operation at a source; and
 b. any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

2. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the particular change commences and the date that the increase from the particular change occurs.

3. An increase or decrease in actual emissions is creditable only if:

a. It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire five years after the date of original issue of the ERC (*App. B*). Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

b. Ecology or the authority has not relied on it in issuing any permit or order of approval for the source under regulations approved under 40 CFR 51 Subpart I or the EPA (*App. B*) or ecology has not relied on it in issuing a PSD (*App. B*) permit pursuant to 40 CFR 52.21, which order or permit is in effect when the increase in actual emissions from the particular change occurs.

4. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

5. A decrease in actual emissions is creditable only to the extent that:

a. The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

b. It is federally enforceable at and after the time that actual construction on the particular change begins;

c. It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

d. Ecology or the authority has not relied on it in issuing any permit or order of approval under regulations approved under 40 CFR 51 Subpart I (*App. B*), the EPA (*App. B*) or ecology has not relied on it in issuing a PSD (*App. B*) permit pursuant to 40 CFR 52.21, or ecology or the authority has not relied on it in demonstrating attainment or reasonable further progress.

6. An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

New Source (WAC 173-400-030(48))

1. The construction or modification of a stationary source that increases the amount of any air contaminant emit-

ted by a source or that results in the emission of any air contaminant not previously emitted, and;

2. Any other project that constitutes a new source under FCAA (*App. B*).

New Source Performance Standards (NSPS) (WAC 173-400-030(49))—The federal regulations set forth in 40 CFR Part 60 (*App. B*).

New Source Review (NSR)—The process for the review and approval or denial of a new source review application.

New Source Review Application—Has the same meaning as notice of construction application.

New Wood Stove (RCW 70.94.453(4)) - A wood stove or wood heater that is sold at retail, bargained, exchanged, or given away for the first time by the manufacturer, the manufacturer's dealer or agency, or a retailer; and has not been so used to have become what is commonly known as "second hand" within the ordinary meaning of that term.

Nonattainment Area—A clearly delineated geographic area which has been designated by EPA because it does not meet (or it contributes to ambient air quality in a nearby area that does not meet) a NAAQS(s) (*App. B*) for one or more of the criteria pollutants (*App. A*), which include CO (*App. B*), PM (*PM₁₀* and *PM_{2.5}*) (*App. B*), SO₂ (*App. B*), NO₂ (*App. B*), Pb (*App. B*), and O₃ (*App. B*).

Notice of Construction Application (NOC) (WAC 173-400-030(51))—A written application to permit construction of a new source, modification of an existing source or replacement or substantial alteration of control technology at an existing stationary source. This application has the same meaning as a NSR application.

Nuisance - An emission of smoke or any other air pollutant that unreasonably interferes with the use or enjoyment of the property upon which it is deposited.

Opacity (WAC 173-400-030(52))—The degree to which an object seen through a plume is obscured, stated as a percentage.

Order - An order issued by ecology or the authority under chap. 70.94 RCW (*App. B*), including, but not limited to RCW 70.94.332, RCW 70.94.152, RCW 70.94.153, and RCW 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

Order of Approval or Approval Order (WAC 173-400-030(55))—A regulatory order issued by ecology or the authority to approve the NSR (*App. B*) application for a proposed new source or modification, a replacement or substantial alteration of control technology at an existing stationary source, or to approve alternative methods of ACM (*App. B*) removal.

Other Outdoor Burning - Any type of outdoor burning not specified in WAC 173-425-020 including, but not limited to,

any outdoor burning necessary to protect public health and safety.

Outdoor Burning (~~WAC 173-400-030(53)~~ WAC 173-425-030(16)) - The combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion. For the purposes of this regulation, "outdoor burning" includes all types of outdoor burning except agricultural burning and silvicultural burning.

Particulate Matter or Particulate (PM) (~~WAC 173-400-030(56)~~) - Any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

Particulate Matter Emissions (~~WAC 173-400-030(57)~~) - All finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Part 60 (App. B) or by a test method specified in the SIP (App. B).

Parts Per Million (ppm) (~~WAC 173-400-030(58)~~) - Parts of a contaminant per million parts of gas, by volume, exclusive of water or particulate.

Pellet Stove (WAC 173-433-030 (6)) - A pellet stove with an air-to-fuel ratio \geq (App. B) 35.0 when tested by an accredited laboratory in accordance with methods and procedures specified by the EPA in 40 CFR Part 60 Appendix A, Reference Method 28A - Measurement of Air to Fuel Ratio and Minimum Achievable Burn Rates for Wood-fired Appliances as amended through July 1, 1990.

Person (~~WAC 173-400-030(59)~~) - Any individual, firm, public or private corporation, association, partnership, political subdivision, municipality or governmental agency.

PM_{2.5} Ultra finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air.

PM₁₀ (~~WAC 173-400-030(60)~~) - Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J (App. B) and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

PM₁₀ Emissions (~~WAC 173-400-030(61)~~) - Finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in appendix M of 40 CFR Part 51 or by a test method specified in the SIP (App. B).

Potential to Emit (~~WAC 173-400-030(62)~~) - The maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant,

including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

Prevention of Significant Deterioration (PSD) (~~WAC 173-400-030(63)~~) - The program set forth in WAC 173-400-141.

Rare and Endangered Plant Regeneration Fires (WAC 173-425-030 (19)) - Fires necessary to promote the regeneration of rare and endangered plants found within natural area preserves as identified in chap. 79.70 RCW.

Reasonable Alternative - A method for disposing of organic refuse (such as natural vegetation) that is available, reasonably economical, and less harmful to the environment than burning.

Reasonably Available Control Technology (RACT) (~~WAC 173-400-030(66)~~) - The lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls; the emission reduction to be achieved by additional controls; the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

Recreational Fire - Cooking fires, campfires and bonfires using charcoal or firewood that occur in designated areas or on private property for cooking, pleasure, or ceremonial purposes. Fires used for debris disposal are not considered recreational fires.

Regulation - Any regulation and subsequently adopted amendments of the Regulation 1 of Yakima Regional Clean Air Authority.

Regulatory Order (~~WAC 173-400-030(67)~~) - An order issued by ecology or the authority to an air contaminant source which applies to that source, any applicable provision of chap. 70.94 RCW, or the rules adopted thereunder, or the regulations of the authority.

Residential Burning - The outdoor burning of leaves, clippings, prunings, and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee.

Seasoned Wood (WAC 173-433-030(8)) - Wood of any species that has been sufficiently dried so as to contain \leq 20% or less moisture by weight.

Second Stage of Impaired Air Quality - Can be declared by the authority when PM₁₀ is at an ambient level of 105 µg/m³ (App. B) of air measured on a 24 hour average.

Significant (WAC 173-400-030(68) & 40 CFR 52.21(b)(23)(i)) - In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission > (App. B) any one of the following rates:

Pollutant	TPY (App. B)
CO (App. B)	100
NO _x (App. B)	40
SO ₂ (App. B)	40
PM (App. B)	25
PM ₁₀ (App. B)	15
VOC (App. B)	40
Pb (App. B)	0.6
Fluorides	3
H ₂ SO ₄ (App. B) mist	7
H ₂ S (App. B)	10
TRS (App. B) (including H ₂ S)	10
Municipal waste combustor organics (measured as total tetra through octa chlorinated dibenzo p dioxins and dibenzofurans)	0.000035
Municipal waste combustor metals (measured as PM)	15 or 14 megagrams/yr.
Municipal waste combustor acid gases (measured as SO ₂ and HCl)	40 or 36 megagrams/yr.
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50 or 45 megagrams/yr.

Significant Visibility Impairment (WAC 173-400-030(69)) - Visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the class I area. The determination must be made on a case by case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the class I area and frequency and timing of natural conditions that reduce visibility.

Silvicultural Burning - Outdoor burning relating to the following activities for the protection of life or property and/or the public health, safety, and welfare:

1. Abating a forest fire hazard;
2. Prevention of a forest fire hazard;
3. Instruction of public officials in methods of forest fire fighting;
4. Any silvicultural operation to improve the forest lands of the state; and
5. Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

Solid Fuel Burning Device (WAC 173-433-030(9)) - A device that burns wood, coal, or other nongaseous or nonliq-

uid fuels, which includes any device burning any solid fuel except those prohibited by WAC 173-433-120. This also includes any devices used for aesthetic or space-heating purposes in a private residence or commercial establishment which has a heat input less than one million Btu per hour. In this regulation the phrase "wood or coal heater" is intended to have the same meaning as solid fuel burning device.

Source (WAC 173-400-030(70)) - All of the emissions unit(s), including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties and are under the control of the same person or persons under common control whose activities are ancillary to the production of a single product or functionally related group of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the North American Industry Classification System (NAICS) as amended.

Stack (WAC 173-400-030(72)) - Any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

Standard Conditions (WAC 173-400-030(74)) - A temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of Hg (App. B).

State Implementation Plan (SIP) (40 CFR 51.100(j)) - Plans required by EPA (App. B) to be submitted by ecology (App. B) to either maintain or obtain compliance with existing NAAQS (App. B) and approved or promulgated under section 110 of 172 of FCAA (App. B).

Stationary Source (WAC 173-400-030(75)) - Any building, structure, facility or installation which emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216 of the FCAA.

Storm and Flood Debris Burning - Outdoor burning of natural vegetation from storms or floods that have occurred in the previous two years and resulted in an emergency being declared or proclaimed in the area by the city, county, or state government.

Synthetic Minor (WAC 173-400-030(77)) - Any source whose potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or permit condition.

Threshold Level - The level that delineates whether or not a source must comply with specific requirements.

Toxic Air Pollutant (TAP) or Toxic Air Contaminant (WAC 173-400-030(80)) - Any class A or B toxic air pollutant listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include PM (App. B) and VOCs (App. B) if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or

PROPOSED

173-460-160. The term toxic air pollutant does not include PM and VOCs as generic classes of compounds.

Treated Wood (WAC 173-433-030(10)) - Any species of wood that has been chemically impregnated, painted, or similarly modified to prevent weathering and deterioration.

Twenty-four (24) Hours (WAC 173-400-020(8) WAC 173-435-020(8)) - Any consecutive 24 hours starting at any clock hour.

Tumbleweed Burning - Outdoor burning to dispose of dry plants (typically Russian thistle and tumbleweed mustard plants), that have been broken off, and rolled about, by the wind.

Uncertified Wood Stove (WAC 173-433-030(2)) - A woodstove that does not meet emission performance standards when tested by an accredited independent laboratory or is not labeled according to procedures specified by EPA in 40 CFR Part 60, Subpart AAA, Standards of Performance for Residential Wood Heaters as amended through July 1, 1990.

~~**Unclassifiable Area** (FCAA, Sec. 107 (d)(1)(A)(iii)) - Any area that cannot be classified on the basis of available information as meeting or not meeting the national primary or secondary ambient air quality standard for the pollutant.~~

Urban Growth Area - Land generally including and associated with an incorporated city which is designated by the county for urban growth under RCW 36.70A.030.

~~**Volatile Organic Compound (VOC)** (WAC 173-400-030(84)) - Any compound of carbon, excluding CO, CO₂, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes:~~

~~1. Any organic compound except the following, which have been determined to have negligible photochemical reactivity:~~

- ~~a. Methane;~~
- ~~b. Ethane;~~
- ~~c. Methylene chloride (dichloromethane);~~
- ~~d. 1,1,1 trichloroethane (methyl chloroform);~~
- ~~e. 1,1,2 trichloro 1,2,2 trifluoroethane (CFC 113);~~
- ~~f. Trichlorofluoromethane (CFC 11);~~
- ~~g. Dichlorodifluoromethane (CFC 12);~~
- ~~h. Chlorodifluoromethane (HCFC 22);~~
- ~~i. Trifluoromethane (HFC 23);~~
- ~~j. 1,2 dichloro 1,1,2,2 tetrafluoroethane (CFC 114);~~
- ~~k. Chloropentafluoroethane (CFC 115);~~
- ~~l. 1,1,1, trifluoro 2,2 dichloroethane (HCFC 123);~~
- ~~m. 1,1,1,2 tetrafluoroethane (HFC 134a);~~
- ~~n. 1,1 dichloro 1 fluoroethane (HCFC 141b);~~
- ~~o. 1 chloro 1,1 difluoroethane (HCFC 142b);~~
- ~~p. 2 chloro 1,1,1,2 tetrafluoroethane (HCFC 124);~~
- ~~q. Pentafluoroethane (HFC 125);~~
- ~~r. 1,1,2,2 tetrafluoroethane (HFC 134);~~
- ~~s. 1,1,1 trifluoroethane (HFC 143a);~~
- ~~t. 1,1 difluoroethane (HFC 152a);~~
- ~~u. Parachlorobenzotrifluoride (PCBTF);~~

~~v. Cyclic, branched, or linear completely methylated siloxanes;~~

~~w. Acetones perchloroethylene (tetrachloroethylene); and~~

~~x. Perfluorocarbon compounds which fall into these classes:~~

~~1) Cyclic, branched, or linear completely fluorinated alkanes;~~

~~2) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations; and~~

~~3) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.~~

~~2. For the purpose of determining compliance with emission limits, VOC (App. B) will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where a method also measures compounds with negligible photochemical reactivity, these negligibly reactive compounds may be excluded as VOC if the amount of the compounds is accurately quantified, and the exclusion is approved by ecology or the authority.~~

~~3. As a precondition to excluding these negligibly reactive compounds as VOC or at any time thereafter, ecology or the authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of ecology or the authority, the amount of negligibly reactive compounds in the source's emissions.~~

Weed Abatement Fire - Outdoor burning to dispose of weeds that is not regulated under chap. 173-430 WAC, which applies to agricultural burning.

Wood Heater - Has the same meaning as "solid fuel burning device."

Woodsmoke Control Zone - An area where the use of wood heaters and outdoor and agricultural burning is further restricted to reduce the impact of air pollution during an impaired air quality or air pollution episode. The legal land description is located in app. H (pg. H-1), and it is shown on the map in app. I (pg. I-2).

Wood Stove (WAC 173-433-030(11)) - An enclosed solid fuel burning device capable of and intended for residential space heating and domestic water heating that meets the following criteria contained in 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters as amended through July 1, 1990:

1. An air-to-fuel ratio in the combustion chamber averaging less than 35.0, as determined by EPA Reference Method 28A;

2. A useable firebox volume of less than 20 cubic feet;

3. A minimum burn rate less than 11 lbs./hr. (5 kg/hr) as determined by EPA Reference Method 28;

4. A maximum weight of 1764 lbs. (800 kg), excluding fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components not integral to the appliance.

A wood stove is a type of wood heater in this regulation. The term "wood stove" does not include wood cook stoves.

Yakima CO Nonattainment Area - The legal description is located in app. H (pg. H-4), and it is shown on the map in app. I (pg. I-4).

Yakima PM₁₀ Nonattainment Area - The legal description is located in app. H (pg. H-4), and it is shown on the map in app. I (pg. I-5).

Yakima Urban Area - The legal land description is located in app. H (pg. H-1), and it is shown on the map in app. I (pg. I-3).

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Yakima Regional Clean Air Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-18-012
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed August 22, 2002, 10:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-006.

Title of Rule: Chapter 308-93 WAC, Vessel registration and certificates of title.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 88.02.070, 88.02.100, and 88.02.120.

Summary: Amending WAC 308-93-241, 308-93-242, 308-93-243, and 308-93-244.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Deb McCurley, 1125 Washington Street S.E., Olympia, (360) 902-3754.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on October 8, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by October 7, 2002, TTY (360) 664-8885 or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by October 7, 2002.

Date of Intended Adoption: October 18, 2002.

August 21, 2002

Katherine Vasquez

for D. McCurley, Administrator

Title and Registration Services

AMENDATORY SECTION (Amending WSR 00-22-068, filed 10/30/00, effective 11/30/00)

WAC 308-93-241 ((Confidential)) Undercover and ((undercover)) confidential vessel registration—Application procedures: (1) **What are ((confidential)) undercover and ((undercover)) confidential vessel registrations ((as referred to in RCW 88.02.035))?** ((Confidential)) Undercover and ((undercover)) confidential registrations are non-exempt registrations assigned only to vessels owned or operated by government agencies as identified in RCW 88.02.035.

(2) **How are ((my registration options under RCW 88.02.035)) undercover and confidential vessels registered?** ((You may choose to register government owned or operated vessels in the confidential/undercover registration program)) Government owned or operated vessels may be registered in one of the following ways:

(a) ~~((Selecting the confidential vessel registration option shows the government agency's name and address on the registration certificates and other department records subject to public disclosure; or~~

~~((b) Selecting the undercover vessel registration option shows a fictitious name and address on the registration certificates and other))~~ If registered with an undercover vessel registration number, the record will show fictitious names and addresses on all department records subject to public disclosure; or

(b) If registered with a confidential vessel registration number, the record will show the government agency name and address on all department records subject to public disclosure.

(3) **Is a government agency responsible for ensuring safeguards to select a fictitious name and address for undercover vessel registrations?** Yes, government agency's must certify on the application that precautions ((i.e., checking phone book, Internet, etc.)) have been taken to ensure that the use of citizens' names and legitimate licensed Washington businesses ((have)) has not been used.

(4) **How does a government agency apply for ((confidential)) an undercover or ((undercover)) confidential vessel registration?** A government agency requesting ~~((confidential/undercover))~~ an undercover/confidential vessel registration must provide ((to the department of licensing)):

(a) A completed application form approved by the department and signed by the government agency head or designated contact person. The agency must indicate on the application form which type of registration is needed (undercover or confidential);

(b) A copy of the current certificate of ownership, registration certificate or other documents approved by the department showing the vessel is owned or operated by the government agency.

AMENDATORY SECTION (Amending WSR 00-22-068, filed 10/30/00, effective 11/30/00)

WAC 308-93-242 (~~(Confidential/undercover)~~) Undercover/confidential vessel (program) registration—Agency contact. (1) Who may represent a government agency regarding (confidential) undercover or (undercover) confidential vessel registration? The government agency head (~~(must)~~) may designate two agency employees to represent the agency regarding (~~(confidential/undercover)~~) undercover/confidential registration. The government agency head must provide name, signature, title, address, telephone number, and if applicable, fax number and e-mail address of each designee must be provided.

(2) How often does the government agency contact information need to be updated? The government agency contact information must be updated, in writing, (~~(annually or)~~) within thirty days of any change in the agency head or designee. (~~(The government agency is responsible for initiating the update when a change occurs.)~~)

AMENDATORY SECTION (Amending WSR 00-22-068, filed 10/30/00, effective 11/30/00)

WAC 308-93-243 (~~(Confidential)~~) Undercover or (undercover) confidential vessel registrations—(Annual list) Vessel inventory. (1) (~~(How does the department maintain the annual list of vessels with confidential or undercover registrations?~~)

(a) ~~The department provides the annual list of vessels to each government agency participating in the confidential/undercover registration program to verify the accuracy of the information by:~~

- (i) ~~Correcting any incorrect information;~~
- (ii) ~~Deleting vessels no longer in the program by clearly indicating which vessels need to be deleted;~~
- (iii) ~~Adding vessels to the list by submitting the original application (or a copy if already submitted);~~
- (iv) ~~Signing and returning the list by the date requested to verify compliance with RCW 88.02.035(3).~~

(b) ~~The department updates the annual list of vessels based on information submitted by the government agencies.)~~ How does the department maintain a current inventory listing of vessels with undercover or confidential registrations?

(a) The department provides an inventory list of vessels, scheduled to be renewed within the next quarter, to each agency participating in the undercover/confidential vessel

registration program. Each government agency verifies the accuracy of the information by:

- (i) Correcting any erroneous information;
- (ii) Deleting vessels no longer in the program by marking plainly on the list "deleted" next to the vessel that needs to be deleted;
- (iii) Signing the inventory list certifying that all undercover and confidential vessels shown on the list are being utilized under RCW 88.02.035(3); and
- (iv) Returning the updated inventory list to the department by the date requested.

(b) The department updates the agency inventory based on information submitted by the agencies.

(2) What action does the department take if (annual lists are not returned) a government agency fails to return their inventory list? The department may refuse to renew a vessel(s) shown on the (~~(annual)~~) quarterly inventory list until the government agency has complied with the requirements of subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 00-22-068, filed 10/30/00, effective 11/30/00)

WAC 308-93-244 (~~(Confidential)~~) Undercover or (undercover) confidential vessel registrations—Cancellation. (1) Who may cancel (confidential) undercover or (undercover) confidential vessel registrations?

(~~The department may cancel or refuse to renew confidential or undercover registrations when the department has reasonable cause to believe the registrations are being used for purposes other than those authorized in RCW 88.02.035. A government agency may request cancellation of their confidential or undercover registrations when the vessel is no longer used for this purpose.)~~) Undercover or confidential vessel registrations may be canceled in one of two ways:

(a) The department may cancel or refuse to renew undercover or confidential vessel registrations when the department has reasonable cause to believe the vessel is being used for purposes other than those authorized in RCW 88.02.035;
or

(b) A government agency may request cancellation of their undercover or confidential vessel registration when the undercover or confidential registration is no longer required.

(2) How (are confidential or undercover registrations canceled) does a government agency cancel undercover or confidential vessel registration? (~~(Confidential or undercover registrations are canceled when the government agency notifies the department in writing via mail, fax, or e-mail that they are no longer required, and indicate whether the registrations:~~

- (a) ~~Are being returned to the department; or~~
- (b) ~~Have been destroyed.~~

~~The department will then delete the confidential or undercover registration record from the program and from other department records.)~~ The government agency notifies the department in writing that the undercover or confidential vessel registration is no longer required, and indicates that the vessel registration numbers and decals have been removed from the vessel. The department of licensing then changes

the record to indicate the vehicle is registered to the government agency.

(3) ~~((Can))~~ **May the undercover or confidential vessel registration numbers and decals ~~((issued by the department to the confidential or undercover vessel))~~ remain on the vessel when it is removed from the program? No. The registration numbers and decals must be removed from the vessel ~~((and returned to the department or destroyed by the agency)).~~**

2957, Olympia, WA 98507-2957, fax (360) 664-0831, by November 11, 2002.

Date of Intended Adoption: November 25, 2002.

August 21, 2002

Katherine Vasquez

for D. McCurley, Administrator
Title and Registration Services

NEW SECTION

WAC 308-56A-525 Vehicle seller's report of sale. (1)

What is a vehicle seller's report of sale? A vehicle seller's report of sale is a document or electronic transaction that protects the seller of a vehicle from certain criminal and civil liabilities arising from use of the vehicle by another person after the vehicle has been sold or a change in ownership has occurred.

(2) Who must file a vehicle seller's report of sale?

With the exception of certain vehicle transfers by registered Washington vehicle dealers, Washington law (RCW 46.12.101) requires submission of a vehicle seller's report of sale by any person or business that transfers their interest in a Washington titled vehicle to anyone else. For the purposes of this rule, transferring interest includes, but is not limited to, selling, gifting, trading or disposing of your vehicle, but does not include the creation, deletion or change of a security interest.

(3) When must a vehicle seller's report of sale be filed? Vehicle seller's report of sale must be submitted within five days of the date of sale, gift, trade or other disposition of the vehicle, excluding Saturdays, Sundays, and state and federal holidays.

(4) Who is the seller? The seller is the current registered owner of record according to the computer file kept by the department and the person filling out and submitting the vehicle seller's report of sale form.

(5) Why complete and file a vehicle report of sale? It is in the seller's best interest to file the properly completed vehicle seller's report of sale to protect the seller in the event the buyer does not make application for ownership and then accumulates parking tickets, or towing charges, is involved in an uninsured accident or used in illegal activity, etc.

Vehicle seller's report of sale received by the department of licensing that are incomplete will be filed with the department; however, those that do not meet the requirements of the law may not protect the seller from any civil or legal action if the vehicle is subsequently abandoned or involved in illegal activity.

(6) Who is the purchaser? The purchaser is the person who bought, received as a gift, obtained through a trade or received a disposed vehicle.

(7) What information is required on the vehicle seller's report of sale? You are required to provide information as required under RCW 46.12.101.

(8) How do I file my vehicle seller's report of sale? You may file your seller's report of sale in the following ways:

(a) Through your local vehicle licensing office;

**WSR 02-18-013
PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed August 22, 2002, 10:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-15-077.

Title of Rule: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110, 46.12.101.

Summary: New WAC 308-56A-525 Sellers report of sale.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Jim Booker, 1125 Washington Street S.E., Olympia, (360) 902-3680.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on November 12, 2002, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by November 11, 2002, TTY (360) 664-8885 or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box

- (b) Mail it to the department;
- (c) Through the Internet.

(9) **Is there a fee for recording a vehicle seller's report of sale?** Yes. It applies when a report of sale is filed through your local vehicle licensing office as authorized by RCW 46.01.140 (5)(b).

(10) **May a vehicle seller's report of sale be removed from my vehicle record?** Yes. As a registered owner, you may have a vehicle seller's report of sale removed from your vehicle record through your local vehicle licensing office, or by notifying the department in writing. You will need to provide the reason you are removing the vehicle seller's report of sale from your vehicle record.

(11) **How will I prove that I filed a vehicle seller's report of sale?**

(a) When you file a vehicle seller's report of sale at any Washington vehicle licensing office or on line, you will be provided with a receipt showing:

- (i) Date the report of sale was filed;
- (ii) Description of vehicle;
- (iii) Name and address of agent/subagent where filed;
- (iv) Date of sale;
- (v) Purchase price;
- (vi) Name(s) and address of seller;
- (vii) Name(s) and address of transferee (buyer).

(b) When you file a vehicle seller's report of sale on line, you will be provided a receipt showing:

- (i) Date the report of sale was filed;
- (ii) Description of vehicle;
- (iii) Date of sale;
- (iv) Purchase price;
- (v) Name(s) and address of seller;
- (vi) Name(s) and address of transferee (buyer).

When you mail a vehicle seller's report of sale to the department, you **will not** receive a confirmation or receipt; you may wish to make a photocopy of the report of sale for your records prior to sending it to the department.

Washington law makes it clear that it is a felony to knowingly make a false statement of fact. The penalty, upon conviction, shall be a fine of not more than five thousand dollars or imprisonment of not more than ten years, or both the fine and imprisonment. (RCW 46.12.210.)

WSR 02-18-014
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 22, 2002, 10:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-15-117.

Title of Rule: Chapter 308-93 WAC, Vehicle registration and certificates of title.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 88.02.070, 88.02.100.

Summary: New WAC 308-93-276 Vessel seller report of sale.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Jim Booker, 1125 Washington Street S.E., Olympia, (360) 902-3680.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on November 12, 2002, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by November 11, 2002, TTY (360) 664-8885 or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by November 11, 2002.

Date of Intended Adoption: November 25, 2002.

August 21, 2002

Katherine Vasquez
 for D. McCurley, Administrator
 Title and Registration Services

NEW SECTION

WAC 308-93-276 Vessel seller's report of sale. (1)
What is a vessel seller's report of sale? A vessel seller's report of sale is a document or electronic transaction that protects the seller of a vessel from certain criminal and civil liabilities arising from use of the vessel by another person after the vessel has been sold or a change in ownership has occurred.

(2) **Who must file a vessel seller's report of sale?** With the exception of certain vessel transfers by registered Washington vessel dealers, Washington law (RCW 46.12.101) requires submission of a vessel seller's report of sale by any person or business that transfers their interest in a Washington titled vessel to anyone else. For the purposes of this rule, transferring interest includes, but is not limited to, selling,

gifting, trading or disposing of your vessel, but does not include the creation, deletion, or change of a security interest.

(3) When must a vessel seller's report of sale be filed?

Vessel seller's report of sale must be submitted within five days of the date of sale, gift, trade or other disposition of the vessel, excluding Saturdays, Sundays, and state and federal holidays.

(4) Who is the seller? The seller is the current registered owner of record according to the computer file kept by the department and the person filling out and submitting the vessel report of sale form.

(5) Why complete and file a vessel seller's report of sale? It is in the seller's best interest to file the properly completed vessel seller's report of sale to protect the seller in the event the buyer does not make application for ownership and then accumulates moorage charges, towing charges, is involved in an uninsured accident or used in illegal activity, etc.

Vessel seller's report of sale received by the department of licensing that are incomplete will be filed with the department; however, those that do not meet the requirements of the law may not protect the seller from any civil or legal action if the vessel is subsequently abandoned or involved in illegal activity.

(6) Who is the purchaser? The purchaser is the person who bought, received as a gift, obtained through a trade or received a disposed vessel.

(7) What information is required on the vessel seller's report of sale? You are required to provide the following information:

- (a) The date of the sale or transfer;
- (b) Name(s) and address of seller;
- (c) Name(s) and address of transferee (buyer);
- (d) Description of vessel including:
 - (i) Vessel identification number; and
 - (ii) Vessel registration number.

(8) How do I file my vessel seller's report of sale? You may file your seller's report of sale in the following ways:

- (a) Through your local vehicle licensing office;
- (b) Mail it to the department;
- (c) Through the Internet.

(9) Is there a fee for recording a vessel seller's report of sale? Yes. It applies when a report of sale is filed through your local vehicle licensing office as authorized by RCW 46.01.140 (5)(b).

(10) May a vessel seller's report of sale be removed from my vessel record? Yes. As a registered owner, you may have a vessel seller's report of sale removed from your vessel record through your local vehicle licensing office, or by notifying the department in writing. You will need to provide the reason you are removing the report of sale from your vessel record.

(11) How will I prove that I filed a vessel seller's report of sale?

(a) When you file a vessel seller's report of sale at any Washington vehicle licensing office or on line, you will be provided with a receipt showing:

- (i) Date the report of sale was filed;

- (ii) Description of vessel;
- (iii) Name and address of agent/subagent where filed;
- (iv) Date of sale;
- (v) Purchase price;
- (vi) Name(s) and address of seller;
- (vii) Name(s) and address of transferee (buyer).

(b) When you file a vessel seller's report of sale on line, you will be provided a receipt showing:

- (i) Date the report of sale was filed;
- (ii) Description of vessel;
- (iii) Date of sale;
- (iv) Purchase price;
- (v) Name(s) and address of seller;
- (vi) Name(s) and address of transferee (buyer).

When you mail a vessel seller's report of sale to the department you **will not** receive a confirmation or receipt; you may wish to make a photocopy of the report of sale for your records prior to sending it to the department.

Washington law makes it clear that it is a felony to knowingly make a false statement of fact. The penalty, upon conviction, shall be a fine of not more than five thousand dollars or imprisonment of not more than ten years, or both the fine and imprisonment. (RCW 46.12.210.)

WSR 02-18-023

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed August 23, 2002, 8:32 a.m.]

Continuance of WSR 02-14-092.

Preproposal statement of inquiry was filed as WSR 01-06-021.

Title of Rule: Chapter 16-228 WAC, rules relating to wood destroying organisms (WDO).

Purpose: The current rules are somewhat vague and difficult for structural pest inspectors, real estate agents, and consumers to comprehend. Clarification of existing rules will help inspectors to better understand what is required of them during a structural pest inspection. Additionally, consumers will have a greater understanding of the service to which they are entitled during an inspection.

Statutory Authority for Adoption: RCW 15.58.040 and chapter 34.05 RCW.

Statute Being Implemented: RCW 15.58.040 (2)(k).

Summary: This continuance changes the intended date of adoption for WAC 16-228-2005, 16-228-2015, 16-228-2025, 16-228-2035, 16-228-2050, and 16-228-2060 to November 20, 2002. This continuance also changed the adoption date of repeal WAC 16-228-2000, 16-228-2020, 16-228-2030, and 16-228-2040 to November 20, 2002.

Reasons Supporting Proposal: All individuals and businesses that conduct structural pest inspections in Washington state will be positively impacted by the new rules. By using these rules as enforceable guidelines, structural pest inspectors will be less likely to overlook or fail to report WDOs, damage, or conducive conditions resulting in an increased level of consumer protection.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cliff Weed and Dan Suomi, 1111 Washington Street, Olympia, WA 98504, (360) 902-2036.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules will define terms associated with WDO inspections, identify the types of and specify the uses for WDO inspections and reports, and establish minimum rules under which WDO inspections must be conducted and reports written in the state of Washington. The current rules are somewhat vague and difficult for structural pest inspectors, real estate agents, and consumers to comprehend. Clarification of the current rules will help inspectors to better understand what is required of them during a structural pest inspection. Additionally, consumers will have a greater understanding of the service to which they are entitled during an inspection. Unless the current rules are revised, consumers will not be afforded adequate protection from false or fraudulent structural pest inspections.

All individuals and businesses that conduct structural pest inspections in Washington state will be positively impacted by the new rules. By using these rules as enforceable guidelines, structural pest inspectors will be less likely to overlook or fail to report WDOs, damage, or conducive conditions resulting in an increased level of consumer protection.

Proposal Changes the Following Existing Rules: The changes to the existing rules include:

A clarified and expanded definition section. Examples of new definitions include wood, frass and structure.

Clarified wood destroying organisms reporting and determination of their presence. Examples include carpenter ants, dampwood termites and wood decay fungi.

Clarified information on what constitutes a conducive condition. Situation dependent language was added to clarify when a conducive condition is present. Examples include earth to wood contact, standing water, moisture from plumbing leaks.

Clarify exactly when a WDO inspection must be conducted and the limits of an inspection.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The only new requirement in the proposed rules that may impose a new cost on those individuals and business who conduct structural pest inspections in Washington state is the requirement that a copy of the inspection diagram is a part of the inspection report and must be given to the consumer along with the report. The department believes that the cost of providing a customer with a copy of an inspection diagram, which an inspector is already required to prepare under current rules, does not constitute a "more than minor cost" under RCW 19.85.030 (1)(a), therefore a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. The Washington state Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Date of Intended Adoption: November 20, 2002.

August 23, 2002

Ann Wick

Acting Assistant Director

WSR 02-18-031
PROPOSED RULES
STATE BOARD OF HEALTH

[Filed August 26, 2002, 1:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-23-087.

Title of Rule: WAC 246-217-025 Issuance of food worker cards—Fees.

Purpose: Increase the application fee for food worker cards from eight dollars to ten dollars. WAC 246-217-025 sets the requirement for food worker training programs and exams; card description and issuance; and fees for obtaining food worker cards. Chapter 69.06 RCW requires the fee to be uniform throughout the state.

Statutory Authority for Adoption: RCW 69.06.020.

Statute Being Implemented: RCW 69.06.020.

Summary: Increase the application fee for food worker cards from eight dollars to ten dollars. This fee is set by the State Board of Health and is consistent statewide.

Reasons Supporting Proposal: The application fee for food worker cards was last increased in 1992 to eight dollars. In the past ten years, inflation and specific training requirements added by rule have resulted in a large majority of local health jurisdictions not being able to fully fund their food worker card programs with existing fee.

Name of Agency Personnel Responsible for Drafting: Ned Therien, P.O. Box 47824, Olympia, WA 98504-7824, (360) 236-3071; Implementation and Enforcement: David Gifford, P.O. Box 47824, Olympia, WA 98504-7824, (360) 236-3074.

Name of Proponent: Washington State Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-217-025 sets the statewide application fee for food worker cards. Local health jurisdictions administer this rule. The same fee must be charged by all local health jurisdictions and their designated representatives for food worker card applications. This rule revision will increase the fee from eight dollars to ten dollars and will help the majority of local health jurisdictions to fully fund their food worker training and education programs.

Proposal Changes the Following Existing Rules: The proposal would change one word in existing WAC 246-217-025(2). "Eight" would be changed to "ten" regarding the fee for food worker card applications.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rules which are described in RCW 34.05.310(4) are exempt from the small business economic impact statement requirements per RCW

PROPOSED

19.85.025. This proposal is for the rule type described in RCW 34.05.310 (4)(f), because it is a rule that sets fees pursuant to a legislative standard. As a result, the proposal is one of the categories of rules specifically exempted from the small business economic impact statement requirements. Also, the food worker card fee is charged to individual food workers, not to businesses.

RCW 34.05.328 does not apply to this rule adoption. Rules that set or adjust fees or rates pursuant to legislative standards are exempt from legislatively significant rule-making requirements under RCW 34.05.328 (5)(b)(vi). However, the Department of Health has elected to prepare a significant analysis. A copy may be obtained by contacting Ned Therien at (360) 236-3071 or ned.therien@doh.wa.gov.

Hearing Location: State Board of Health Meeting, Wenatchee Convention Center, 201 North Wenatchee Avenue, Wenatchee, WA 98801, on October 9, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Marianne Seifert by September 30, 2002, TDD (360) 833-6388.

Submit Written Comments to: Marianne Seifert, P.O. Box 47990, Olympia, WA 98504-7990, fax (360) 236-4088, by October 1, 2002.

Date of Intended Adoption: October 9, 2002.

August 23, 2002

Don Sloma

Executive Director

department; except that jurisdictional health departments may include additional questions to address local health concerns. The examination will cover topics identified in subsection (4) of this section, as required instruction topics. An exam must be approved by the department prior to its use. To pass the examination the applicant must answer at least eighty percent of the questions correctly.

(6) Upon payment of the required fee and the applicant's satisfactory completion of the examination, the applicant will receive the food worker card.

(7) A copy of the card or the applicable information shall be kept on file at the jurisdictional health department.

(8) Copies of food worker cards for all employed food service workers shall be kept on file by the employer or kept by the employee on his or her person and open for inspection at all times by authorized public health officials.

(9) All food worker cards shall be issued and signed by the local health officer. The local health officer may contract with persons to provide the required training or testing within his/her jurisdiction. The contracts shall include test security provisions so that test questions, scoring keys, and other examination data are exempt from public disclosure to the same extent as records maintained by state or local government agencies.

(10) The health officer or designee shall make test accommodations in accordance with the Americans with Disabilities Act for those requesting such accommodations.

AMENDATORY SECTION (Amending WSR 99-13-019, filed 6/7/99, effective 7/8/99)

WAC 246-217-025 Issuance of food worker cards—Fees. (1) In order to qualify for issuance of an initial or renewal food worker card, an applicant must demonstrate his/her knowledge of safe food handling practices by satisfactorily completing an examination conducted by the local health officer or designee.

(2) Each applicant for a food worker card must pay a fee in the amount of (~~eight~~) ten dollars. The fee shall be used by the jurisdictional health department or designee to defray the costs of food worker training and education, administration of the program, and testing of applicants. Photographic identification may be required at the time of application.

(3) The local health officer or designee shall furnish to the applicant a copy of the latest edition of the "*Food and Beverage Service Workers' Manual*" or similar publication, as prepared or approved by the department.

(4) Effective January 1, 2000, prior to conducting the examination of the applicant(s), the health officer (or designee) shall provide at least thirty minutes of instruction, including both audio and visual presentations. Instruction content shall include topics related to safe food preparation, storage and service. At a minimum, topics shall include: Food borne illness overview; basic bacteriology as it relates to food borne illness; proper cooking, hot holding, cold holding and cooling of potentially hazardous foods; cross-contamination prevention; and proper hand washing techniques.

(5) The food worker card examination will be uniform statewide and will be prepared by and/or approved by the

WSR 02-18-034
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed August 26, 2002, 2:59 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-05-020.

Title of Rule: Chapter 308-96A WAC, Vehicle licenses.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.08.066.

Summary: Amending WAC 308-96A-080, 308-96A-085, 308-96A-090, and 308-96A-095.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Deb McCurley, 1125 Washington Street S.E., Olympia, (360) 902-3754.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

PROPOSED

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on October 8, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by October 7, 2002, TTY (360) 664-8885 or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by October 7, 2002.

Date of Intended Adoption: October 18, 2002.

August 26, 2002

Katherine Vasquez
for D. McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 99-16-020, filed 7/26/99, effective 8/26/99)

WAC 308-96A-080 ((Confidential/undercover)) Undercover and confidential license plates—Application procedures. (1) What are ((confidential)) **undercover** and ((undercover)) **confidential** license plates ((as referred to in RCW 46.08.066))?

((Confidential)) (a) An undercover license plate is issued to local, state, and federal government agencies for law enforcement purposes only to be used in confidential, investigative, or undercover work, confidential public health work, and confidential public assistance fraud or support investigations.

(b) A confidential license plate is issued to any elected state official for use on official business. Confidential plates are also issued when necessary for the personal security of any other public officer or public employee for the conduct of official business for the period of time that the personal security of such state official, public officer, or other public employee may require.

Undercover and ((undercover)) confidential license plates are standard issue license plates assigned only to vehicles owned or operated by ((public)) government agencies ((These license plates are used as specifically authorized by)) as identified in RCW 46.08.066.

(2) ((What are my registration options under RCW 46.08.066)) **How are undercover and confidential vehicles registered?** ((You may choose to register a publicly)) Government owned or operated vehicles ((in the confidential/undercover license plate program)) in one of the following ways:

(a) ((Selecting the undercover option will show fictitious names and addresses on the registration certificates and other department records subject to public disclosure; or

(b) Selecting the confidential license plate option will show the public agency names and addresses on the registration certificates and other department records subject to public disclosure.

(3) What safeguards shall a public agency use to select a fictitious name and address)) If registered with an undercover license plate, the record will show fictitious names and addresses on all department records subject to public disclosure; or

(b) If registered with a confidential license plate, the record will show the government agency name and address on all department records subject to public disclosure.

(3) Is a government agency responsible for ensuring that safeguards are used to select a fictitious name and address for undercover vehicle registrations? ((Public)) Yes, government agencies shall certify on the application that precautions have been taken to ensure that ((the use of citizens)) names and legitimate licensed Washington businesses have not been used.

(4) ((Who may apply for a confidential license plate? Only public agencies identified in RCW 46.08.066 are authorized to apply for confidential license plates.

(5)) **How does a ((public)) government agency apply for ((confidential)) **undercover** or ((undercover)) **confidential** license plates?** A ((public)) government agency requesting undercover or confidential ((or undercover)) license plates shall provide:

(a) A completed application form approved by the department and signed by the ((public)) government agency head or designated contact person. The agency shall indicate on the application form which type of registration is ((needed)) requested ((confidential or undercover)) (undercover or confidential).

(b) A copy of the current certificate of ownership, registration certificate or other documents approved by the department showing the vehicle is owned or operated by the ((public)) government agency.

AMENDATORY SECTION (Amending WSR 99-16-020, filed 7/26/99, effective 8/26/99)

WAC 308-96A-085 ((Confidential)) Undercover and ((undercover)) confidential license plates—Agency contact. (1) Who may represent a ((public)) government agency regarding ((confidential)) **undercover** or ((undercover)) **confidential** license plates? The ((public)) government agency head may designate a maximum of two ((agency employees)) designees to represent the agency regarding undercover or confidential license plates. The ((public)) government agency head ((shall)) must provide the name, signature, title, address, telephone number, and if available, FAX number and e-mail address of each designee.

(2) **How often does the ((public)) government agency contact information need to be updated?** The ((public)) government agency contact information shall be updated, in writing, ((annually or)) within thirty days of any change in the agency head or designee.

AMENDATORY SECTION (Amending WSR 99-16-020, filed 7/26/99, effective 8/26/99)

WAC 308-96A-090 ~~((Confidential))~~ Undercover or ((underecover)) confidential license plates—Vehicle inventory. (1) How does the department maintain a current inventory listing of vehicles with ((confidential)) undercover or ((underecover)) confidential license plates?

(a) The department provides an inventory list of vehicles, scheduled to be renewed within the next quarter, to each agency participating in the ~~((confidential/underecover))~~ undercover/confidential vehicle license plate program. Each ~~((public))~~ government agency verifies the accuracy of the information by:

(i) Correcting any erroneous information;

(ii) Deleting vehicles no longer in the program, by marking plainly on the list "deleted" next to the vehicle that needs to be deleted;

(iii) ~~((Adding vehicles in the program, that are not shown on the inventory list. Submit the request/application (copy if already submitted) to verify adding a vehicle to the list;~~

~~((+)))~~ Signing the inventory list certifying that all ((confidential)) undercover and ((underecover)) confidential license plates shown on the list are being utilized under RCW 46.08.066; and

~~((+)))~~ (iv) Returning the updated inventory list to the department by the date requested. The inventory list may also be returned by sending an e-mail verifying the active plates to the confidential plate program manager.

(b) The department updates the agency inventory based on information submitted by the agencies.

(2) What action ((does)) may the department take if ((inventory listings are not returned)) a government agency fails to return their inventory list? The department may refuse to renew a vehicle(s) shown on the quarterly inventory list until the ~~((public))~~ government agency has complied with the requirements of subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 99-16-020, filed 7/26/99, effective 8/26/99)

WAC 308-96A-095 ~~((Confidential))~~ Undercover or ((underecover)) confidential license plates—Cancellation.

(1) Who may cancel ((confidential)) undercover or ((underecover)) confidential license plates? Undercover or confidential license plates may be canceled one of two ways:

(a) The department may cancel or refuse to renew ~~((confidential))~~ undercover or ((underecover)) confidential license plates when the department has reasonable cause to believe the license plates are being used for purposes other than those authorized in RCW 46.08.066~~((:))~~; or

(b) A ~~((public))~~ government agency may request cancellation of their ~~((confidential))~~ undercover or ((underecover)) confidential license plates when the license plates are no longer required.

(2) How ((are confidential)) does a government agency cancel undercover or ((underecover)) confidential license plates ((cancelled))? ~~((Confidential or underecover~~

~~license plates are cancelled when the public))~~ The government agency notifies the department in writing that the ((confidential)) undercover or ((underecover)) confidential license plates are no longer required, and indicate ((whether)) that the license plates and registration((:

~~((a) Are being returned to the department; or~~

~~((b) Have been destroyed.~~

~~The department shall delete the confidential or underecover license plates record from the program))~~ are being returned to the department or are being destroyed.

(3) May the undercover or confidential license plates remain on the vehicle when it is removed from the program? No, the license plates must be removed from the vehicle and returned to the department or destroyed.

WSR 02-18-035

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed August 26, 2002, 3:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-09-068.

Title of Rule: WAC 458-20-208 Exemptions for adjustments of new motor vehicle inventory between new car dealers and accommodation ((Accommodation)) sales.

Purpose: To explain the application of the business and occupation (B&O) tax exemptions for wholesale sales of new motor vehicles between new car dealers and accommodation sales.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 82.04.422 and 82.04.425.

Summary: Rule 208 explains how the B&O tax exemption for inventory adjustments applies to sales of new motor vehicles between new car dealers selling motor vehicles of the same make. It also explains the application of the B&O tax exemption for accommodation sales.

Reasons Supporting Proposal: The rule is being amended to incorporate chapter 258, Laws of 2001. To consolidate tax-reporting information currently found in multiple documents, the rule is also being amended to incorporate information from Excise Tax Advisories 064.04.208 and 428.04.103/208.

Name of Agency Personnel Responsible for Drafting: JoAnne Gordon, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6120; Implementation: Alan Lynn, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6125; and Enforcement: Russell Brubaker, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed rule incorporates RCW 82.04.422 (chapter 258, Laws of 2001), which provides a B&O tax exemption for wholesale sales of new motor vehicles by new

car dealers for the purpose of adjusting inventory levels. It explains that the sale must be made to another new car dealer making sales of the same make of vehicle and the amount paid by the purchasing dealer cannot exceed the amount paid by selling dealer in acquiring the motor vehicle. The rule also discusses the B&O tax exemption for accommodation sales provided in RCW 82.04.425, the conditions that must be satisfied for the exemption to apply, and the documentation requirements.

One of the requirements for exemption under RCW 82.04.422 and 82.04.425 is that the amount paid by the purchasing dealer/buyer does not exceed the amount paid by the selling dealer/seller when acquiring the property being sold. The proposed rule clarifies how this requirement is satisfied when the selling dealer/seller receives manufacturer's holdbacks or discounts on the purchase of the property being sold. The rule also incorporates information from Excise Tax Advisories 064.04.208 and 428.04.103/208, which explains that the B&O tax exemption for accommodation sales applies to exchanges of fungible products if the statutory requirements of RCW 82.04.425 are satisfied.

Proposal Changes the Following Existing Rules: This is a revision to WAC 458-20-208 as described above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the rule and the proposed amendments do not impose any requirements or burdens upon small businesses that are not already required by statute.

RCW 34.05.328 does not apply to this rule adoption. This is an interpretive rule as defined in RCW 34.05.328.

Hearing Location: Capitol Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on October 10, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 570-6175.

Submit Written Comments to: JoAnne Gordon, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail @dor.wa.gov, by October 10, 2002.

Date of Intended Adoption: October 17, 2002.

August 26, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-208 Exemptions for adjustments of new motor vehicle inventory between new car dealers and accommodation sales. ((The term "accommodation sales" means only sales for resale by persons regularly engaged in the business of making sales of the type of property so sold to other persons similarly engaged in the business of selling such property where (1) the amount paid by the buyer does not exceed the amount paid by the seller to his vendor in the acquisition of the article and (2) the sale is made as an accom-

modation to the buyer to enable him to fill a bona fide existing order of a customer or is made within fourteen days to reimburse in kind a previous accommodation sale by the buyer to the seller.

The "amount paid by the seller to his vendor" may under some circumstances include certain actual costs incurred by the seller and billed as such to the buyer in addition to the invoice cost of the article sold at an accommodation sale. The facts concerning such added costs must be submitted to the department of revenue for specific rulings. The "amount paid by the seller to his vendor" shall not be reduced by the amount of any manufacturer's holdbacks or discounts received after an article has been sold at an accommodation sale even though such holdbacks or discounts may be retained by the seller.

Business and Occupation Tax

In computing tax under the wholesaling—Other classification, there may be deducted from the reported gross amount so much as represents receipts from accommodation sales. Each seller claiming this deduction must retain as a part of his sales records sufficient evidence to prove the nature of the transactions.

Revised June 1, 1970.:) (1) **Introduction.** This rule discusses the business and occupation (B&O) tax exemptions for certain wholesale sales of new motor vehicles between new car dealers and accommodation sales. The rule also clarifies the applicability of the accommodation sale exemption to exchanges of fungible products, such as gasoline and oil.

(2) **Inventory adjustments by new car dealers.** Effective July 1, 2001, RCW 82.04.422 provides a B&O tax exemption for wholesale sales of new motor vehicles by new car dealers to other new car dealers for purposes of adjusting inventory levels.

The following conditions must be satisfied for the exemption to apply.

(a) **New motor vehicle.** The property sold must be a new motor vehicle. For the purposes of this rule, "new motor vehicle" means every motor vehicle that is self-propelled and is required to be registered and titled under Title 46 RCW, has not been previously titled to a retail purchaser, and is not a "used motor vehicle" as defined under RCW 46.04.660, RCW 46.70.011. Examples of motor vehicles include passenger cars, trucks, motorcycles, and motor homes.

(b) **Wholesale sale between new car dealers selling the same make of new motor vehicles.** The sale must be a wholesale sale and must occur between new car dealers selling the same make of vehicle.

(i) **Example 1.** A new car dealer sells a new light pickup truck, Make A, to another new car dealer. The purchasing dealer also sells new Make A passenger vehicles. This sale qualifies for the exemption.

(ii) **Example 2.** A new car dealer sells a new passenger vehicle, Make X, to another new car dealer. The purchasing dealer is not regularly engaged in the business of selling new Make X vehicles. This sale does not qualify for the exemption.

(c) **Amount paid by the purchasing dealer may not exceed amount paid by selling dealer.** The amount paid by

the purchasing dealer cannot exceed the amount the selling dealer paid in the acquisition of the new motor vehicle, although the selling dealer may add reasonable expenses for preparing the vehicle for sale or transfer. Actual freight or delivery costs incurred by the seller and billed as such to the buyer may also be added.

(i) What are reasonable expenses for preparation?

Reasonable expenses for preparing the vehicle for sale or transfer include, but are not limited to, the actual cost of additional accessories installed by the selling dealer, such as wheel/tire upgrades, and pin striping.

Questions concerning whether the exemption is available when other costs are included should be submitted to the department for determination at:

Department of Revenue
Taxpayer Services
P.O. Box 47478
Olympia, WA 98504-7478

(ii) What is the effect of holdbacks or discounts on amount paid? The amount paid by the selling dealer may not be reduced by the amount of any manufacturer's holdbacks or discounts received after an article has been sold to adjust inventory levels even though the seller may retain such holdbacks or discounts.

For the following examples, presume a new car dealer receives two new motor vehicles from the manufacturer on June 1st. The manufacturer's sales invoice indicates an invoice price of \$16,600 and a holdback of \$500 for each vehicle. The dealer is entitled to receive the holdback on July 1st, thirty days after being billed for the vehicle by the manufacturer.

(A) Example 1. The new car dealer sells one of the vehicles to another new car dealer on June 10th. The amount paid by the selling dealer in the acquisition of the vehicle is \$16,600.

(B) Example 2. The new car dealer sells the other vehicle to another new car dealer on July 18th. The amount paid by the selling dealer in the acquisition of the vehicle is \$16,100.

(3) Accommodation sales. RCW 82.04.425 provides a B&O tax exemption for wholesale sales of tangible personal property by persons who regularly engage in making sales of the type of property so sold to other persons who similarly engage in the business of selling such property.

The following conditions must be satisfied for the exemption to apply.

(a) Amount paid by buyer may not exceed amount paid by seller. The amount the buyer pays to the seller may not exceed the amount the seller paid to the seller's vendor in the acquisition of the property. Thus, a seller who manufactured the property sold cannot claim the exemption because the property has not been acquired from a vendor.

The instructions in subsection (2)(c) of this rule regarding additional expenses for preparation and the effect of holdbacks and discounts equally apply to the accommodation sale B&O tax exemption provided by RCW 82.04.425.

(b) Sale is an accommodation to fill an existing order. The sale must occur as an accommodation to allow the buyer to fill a bona fide existing order of a customer or occur within

fourteen days to reimburse in-kind a previous accommodation sale by the buyer to the seller. A bona fide existing order is present if there is a commitment by the buyer's customer to purchase the property. The buyer must retain records demonstrating the customer's commitment to purchase, such as a written agreement or deposit.

For example, Recreational Vehicle Dealer A purchases a fifth-wheel trailer from Recreational Vehicle Dealer B as an accommodation. Ten days later, Dealer A sells a travel trailer to Dealer B as reimbursement in-kind of the previous accommodation sale. For Dealer A to claim the B&O tax exemption for the sale of the travel trailer to Dealer B, Dealer A must keep sufficient records to document a bona fide existing customer order for the fifth-wheel trailer purchased from Dealer B.

(c) Documentation. A person claiming the exemption for an accommodation sale must maintain sufficient documentation to verify the exemption. In addition to the documentation noted above establishing, where pertinent, the existence of a bona fide existing customer order, this documentation must include:

(i) The buyer's name and address;

(ii) The seller's name and address;

(iii) The buyer's UBI/tax registration number;

(iv) Description of the property purchased, including make, model, and serial numbers as appropriate;

(v) The date of purchase and the purchase price;

(vi) A statement by the buyer as to whether the purchase is to fill a bona fide existing order or to reimburse a previous in-kind accommodation sale, including information identifying the previous accommodation sale; and

(vii) The buyer's signature and title.

(4) Exchanges of fungible products. Persons engaged in the selling and distributing of fungible products often enter into exchange agreements. An exchange is a sale regardless of whether it results in a profit because a transfer of the ownership of, title to, or possession of property for valuable consideration occurs. RCW 82.04.040. Exchanges are subject to the B&O tax unless otherwise exempt by law.

(a) What is a fungible product? Fungible products are products that lose their physical identity to the point that they cannot be distinguished from like-kind items when commingled. Examples of fungible products include gasoline, bulk oil products, grains, logs, wood chips, fruits, and vegetables.

(b) What is an exchange? Under typical exchange agreements, a person is required to furnish products to another person selling and distributing the same products, sometimes receiving payment in-kind or with a substitute product at a later date. Exchange agreements may require the person to arrange for direct delivery from his or her vendor to the third party distributor. In some cases, actual title and/or possession of the product may pass directly from the vendor to the third-party distributor.

Persons exchanging fungible products often do so on a regular and continuing basis to cover shortages occurring because of a lack of storage or production facilities, and/or to effect savings in transportation costs. Exchanges may be carried as loans on the books of account (in which case the exchanges are often referred to as "intercompany loans").

Products acquired via an exchange may or may not be carried as regular inventory on the books of account.

(c) **May an exchange of fungible products qualify as an accommodation sale?** The fact that the product sold is a fungible product does not preclude a claim that the sale is exempt as an accommodation sale. However, such a claim will be recognized only if the statutory requirements of RCW 82.04.425 are met.

WSR 02-18-040
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed August 26, 2002, 4:07 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-15-151.

Title of Rule: WAC 392-140-900 through 392-140-913, Finance—Special allocations—K-4 staff enhancement.

Purpose: To revise the state funding formula for the K-4 staff ratio for the 2002-03 school year and thereafter.

Statutory Authority for Adoption: RCW 28A.150-290(1).

Summary: For the 2002-03 school year, school districts will be allocated up to 54.0 certificated instructional staff (CIS) units per 1000 full-time equivalent (FTE) K-4 students. Formerly, the state allocated up to 55.4 CIS per 1000 FTE K-4 students. School districts must demonstrate an actual K-4 staff/student ratio of 54.0/1000 or greater in order to receive full funding.

Reasons Supporting Proposal: Rule revisions are needed to implement changes to state-funded staff/student ratios made in the 2002 legislative session. This change is in section 502 (2)(a) of ESSB 6387 (the 2002 Supplemental Operating Appropriations Act).

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 725-6130; Implementation: Ross Bunda, Office of Superintendent of Public Instruction, (360) 725-6308; and Enforcement: Mike Bigelow, Office of Superintendent of Public Instruction, (360) 725-6111.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules are part of the state funding formula for K-12 education. Rule revisions are needed to implement language in the 2002 Supplemental Operating Appropriations Act. These revisions will provide for the correct calculation of the school district's funded K-4 staff/student ratio in the 2002-03 school year and thereafter.

Proposal Changes the Following Existing Rules: The maximum state-funded K-4 staff ratio decreases from 55.4 CIS per 1000 FTE students to 54.0 CIS per 100 FTE students.

Supplemental contracts for extended learning opportunities in grades K-6 may contribute up to 0.8/1000 to a district's

state-funded K-4 ratio. This is a decrease from the previous 2.2/1000 contribution.

An upper limit on the inclusion of classified staff has been restored. This limit was inadvertently omitted during the previous revision of these rules.

The average salary used to calculate the credit for increases in K-4 basic education classified instructional assistants is based on CIS for the purpose of apportionment, rather than on basic education CIS. This methodology is consistent with the recently revised RCW 28A.150.410 and proposed WAC 392-121-299 and 392-121-400.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable - no small business impact.

RCW 34.05.328 does not apply to this rule adoption. The Superintendent of Public Instruction is not subject to RCW 34.05.328 per subsection (5)(a)(i). Additionally, this rule is not a significant legislative rule per subsection (5)(c)(iii).

Hearing Location: Old Capitol Building, Bruno Conference Room, 2nd Floor, P.O. Box 47200, Olympia, WA 98504-7200, on October 8, 2002, at 10-11 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by October 1, 2002, TDD (360) 664-3631 or (360) 725-6271.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by October 1, 2002.

Date of Intended Adoption: October 9, 2002.

August 21, 2002

Dr. Terry Bergeson

Superintendent of

Public Instruction

AMENDATORY SECTION (Amending WSR 02-09-024, filed 4/8/02, effective 5/9/02)

WAC 392-140-908 K-4 Staff enhancement—Determination of the K-4 certificated staff ratio equivalent of increased K-4 classified instructional assistants. For those school districts with an increase in K-4 basic education classified instructional assistants, the superintendent of public instruction shall calculate a K-4 certificated staff ratio equivalent as follows:

(1) Sum the increase in the district's K-4 basic education classified instructional assistants determined pursuant to WAC 392-140-907;

(2) Divide the result of subsection (1) of this section by the district's FTE K-4 basic education enrollment;

(3) Multiply the result of subsection (2) of this section by the ratio of actual average salary for basic education classified instructional assistants to average ((~~basic education~~) certified instructional staff salary for the purpose of apportionment; and

(4) Multiply the result of subsection (3) of this section by 1000.

AMENDATORY SECTION (Amending WSR 02-09-024, filed 4/8/02, effective 5/9/02)

WAC 392-140-912 K-4 Staff enhancement—Determination of K-4 apportionment ratios. The superintendent of public instruction shall determine each school district's ratio of state allocated certificated instructional staff units per one thousand K-4 students for state basic education apportionment as follows:

(1) For the months of September through December, the superintendent shall use the district's estimated K-4 ratio as submitted on Report F-203 Estimates of State Revenue, or as submitted on a letter to the superintendent after submission of Report F-203.

(2) Beginning with the January apportionment payment and each month thereafter, the superintendent shall calculate the district's K-4 apportionment ratio as the greater of (a) or (b) of this subsection:

(a) The district's minimum state-funded K-4 staffing ratio, using FTE enrollment for state apportionment, and calculated as follows:

(i) Sum the district's K-3 FTE enrollment times 0.049 and the district's fourth grade FTE enrollment times 0.046;

(ii) Divide the result of (a)(i) of this subsection by the district total K-4 FTE enrollment;

(iii) Multiply the result of (a)(ii) of this subsection by 1000.

(b) The lesser of:

(i) 55.4 for the 2001-02 school year and 54.0 for the 2002-03 school year and thereafter; or

(ii) The sum of the following:

(A) The district's K-4 certificated instructional staff ratio pursuant to WAC 392-140-910; and

(B) The lesser of 2.2 for the 2001-02 school year and 0.8 for the 2002-03 school year and thereafter or the district's K-4 staff ratio equivalent of K-6 basic education supplemental contracts for extended learning opportunities pursuant to WAC 392-140-904; and

(C) If the district's K-4 basic education certificated instructional staff ratio is 51.00 or greater, the lesser of 1.3 or the district's K-4 certificated staff ratio equivalent of the increased K-4 classified instructional assistants pursuant to WAC 392-140-908 if applicable, otherwise zero.

WSR 02-18-041

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 26, 2002, 4:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-009.

Title of Rule: WAC 392-121-200 through 392-121-400, Finance—General apportionment—State allocations for school district certificated instructional staff (CIS) salaries.

Purpose: To revise fiscal rules for averaging the mix factor (education and experience) of CIS in the 2002-03 school year and thereafter.

Statutory Authority for Adoption: RCW 28A.150.-290(1).

Statute Being Implemented: RCW 28A.150.410.

Summary: Effective for the 2002-03 school year, state allocated salaries for basic education and special education CIS will be based on the average mix factor of CIS in all programs (except institutions education). Previously, allocations were based on the average mix factor of CIS in basic and special education only. Minor housekeeping changes clarify meanings, correct section references, and keep rules up-to-date.

Reasons Supporting Proposal: Rule revisions implement SB 6823 (chapter 353, Laws of 2002) and the 2002 supplemental operating budget, ESSB 6387 (section 503 (1)(b), chapter 371, Laws of 2002).

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 725-6130; Implementation: Ross Bunda, Office of Superintendent of Public Instruction, (360) 725-6308; and Enforcement: Mike Bigelow, Office of Superintendent of Public Instruction, (360) 725-6111.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules are part of the state funding formula for K-12 education. The 2002 legislature changed the method of determining state allocated salaries for CIS in basic and special education programs. Rule revisions implement SB 6823 (chapter 353, Laws of 2002) and the 2002 supplemental operating budget, ESSB 6387 (section 503 (1)(b), chapter 371, Laws of 2002).

Based on 2001-02 school year data, OSPI estimates that statewide salary allocations will be reduced by more than \$22.8 million for the 2002-03 school year. This is because, on average, the current method of determining the district average mix factor (CIS in basic and special education programs only) results in higher mix factors than next year's method (CIS in all programs except institutions education). However, impacts vary from district to district. OSPI estimates that two hundred thirty-five districts will lose a total of about \$23.4 million, while forty-five districts will gain approximately \$0.6 million, and sixteen districts will see no impact.

Proposal Changes the Following Existing Rules: The 2002 legislature changed the method of determining state allocated salaries for CIS in basic and special education programs. Beginning in the 2002-03 school year, state allocated salaries will be based on the average education and experience (mix factor) of CIS in all programs (except institutions education). Previously, allocations were based on the average mix factor of CIS in basic education and special education only.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable, no small business impact.

RCW 34.05.328 does not apply to this rule adoption. The Superintendent of Public Instruction is not subject to RCW 34.05.328 per subsection (5)(a)(i). Additionally, this rule is not a significant legislative rule per subsection (5)(c)(iii).

Hearing Location: Old Capitol Building, Bruno Conference Room, 2nd Floor, P.O. Box 47200, Olympia, WA 98504-7200, on October 8, 2002, 9-10 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by October 1, 2002, TDD (360) 664-3631 or (360) 725-6271.

Submit Written Comments to: Legal Services, OSPI, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by October 1, 2002.

Date of Intended Adoption: October 9, 2002.

August 21, 2002
Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

WAC 392-121-205 Definition—District certificated instructional employee. As used in this chapter, "district certificated instructional employee" means any district certificated employee (~~(except one)~~) who is employed (~~(solely)~~) in whole or part as one or more of the following:

(1) ~~((Chief executive officer, chief administrative officer, or confidential employee within the meaning of RCW 41.59.020(4);~~

~~(2) Principal, assistant principal, and any person hired in any manner to fill a position designated as, or which is in fact, that of principal or assistant principal;~~

~~(3) Other district administrator, which means an employee, including an administrative assistant, director, or coordinator of a district wide program, who directs staff members and/or manages a function, a program, or a supporting service in a school district; and~~

~~(4) Other school administrator, which means an employee including an administrative assistant, administrative intern, or supervisor of a school program, who directs staff members or manages a function, a program, or a support service in a school-))~~ An elementary, secondary or other teacher who instructs pupils in classes or courses;

(2) An educational staff associate who assists, evaluates, counsels, or instructs students in a manner consistent with the employee's educational staff associate certificate; or

(3) Other certificated staff assigned to the 300 or 400 series duty codes as defined in the S-275 personnel reporting instructions.

AMENDATORY SECTION (Amending Order 99-01, filed 3/25/99, effective 4/25/99)

WAC 392-121-206 Definition—Contractor certificated instructional employee. As used in this chapter, "contractor certificated instructional employee" means a contractor certificated employee who:

(1) Is employed by a contractor, pursuant to WAC (~~(392-421-288))~~ 392-121-188, to serve students claimed for basic education funding by a school district; and

(2) Is employed as one or both of the following:

(a) An elementary, secondary or other teacher who instructs pupils in classes or courses; or

(b) An educational staff associate who assists, evaluates, counsels, or instructs students in a manner consistent with the employee's educational staff associate certificate.

NEW SECTION

WAC 296-121-212 Definition—Full-time equivalent (FTE) certificated instructional staff. As used in this chapter, "full-time equivalent (FTE) certificated instructional staff" means the number of staff units determined as follows:

(1) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services as a certificated instructional employee for not less than 180 full work days shall be counted as one FTE.

(2) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for 180 partial days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to three decimal places obtained by dividing that part of the day worked by the full day as determined by the district.

(3) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 full work days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to three decimal places obtained by dividing the number of work days contracted for by 180: Provided, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used as the divisor.

(4) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 partial days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to three decimal places obtained by dividing the part of the day worked by the full day as determined by the district and then multiplying the result by the ratio of work days contracted for by 180: Provided, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used in place of 180 in the ratio.

(5) No employee shall be counted as more than one full-time equivalent certificated staff unit.

(6) The length of a full work day as used in this section shall be determined by the district.

(7) As used in this section, contracts to provide services as a certificated instructional employee shall exclude supplemental contract services as defined under RCW 28A.400.-200(4).

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

WAC 392-121-215 Definition—Full-time equivalent (FTE) basic education certificated instructional staff. As used in this chapter, "full-time equivalent (FTE) basic education certificated instructional staff" means the number of staff units determined as follows:

(1) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services as a basic education certificated instructional employee for not less than 180 full work days shall be counted as one FTE.

(2) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for 180 partial days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to ~~((the nearest thousandth))~~ three decimal places obtained by dividing that part of the day worked by the full day as determined by the district.

(3) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 full work days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to ~~((the nearest thousandth))~~ three decimal places obtained by dividing the number of work days contracted for by 180: Provided, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used as the divisor.

(4) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 partial days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient ~~((to the nearest thousandth))~~ rounded to three decimal places obtained by dividing the part of the day worked by the full day as determined by the district and then multiplying the result by the ratio of work days contracted for to 180: Provided, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used in place of 180 in the ratio.

(5) No employee shall be counted as more than one full-time equivalent basic education certificated staff unit.

(6) The length of a full work day as used in this section shall be determined by the district.

(7) As used in this section, contracts to provide services as a basic education certificated instructional employee shall exclude supplemental contract services as defined under RCW 28A.400.200(4).

NEW SECTION

WAC 392-121-217 Definition—Institutional education certificated instructional employee—Full-time equivalent institutional education certificated instructional staff. As used in this chapter, "institutional education certificated instructional employee" and "full-time equivalent institution education certificated instructional staff" means a certificated instructional employee and full-time equivalent

of certificated instructional employees assigned to the following programs:

- (1) 26 Special Education—Institutions—State;
- (2) 56 State Institutions, Centers and Homes—Delinquent.

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

WAC 392-121-220 Definition—S-275 reporting process. As used in this chapter, "S-275 reporting process" means the electronic personnel reporting process which is defined annually by the superintendent of public instruction.

~~((1) For the 1994-95 school year, this reporting process shall include only certificated individuals employed by the district as of October 1 of the school year.~~

~~((2) For the 1995-96 school year and thereafter))~~ This reporting process shall include individuals who are known as of October 1 to be:

~~((a))~~ (1) District employees with a contract for certificated employment to provide services during the period September 1 through August 31;

~~((b))~~ (2) Classified employees, employed by the district to provide services during the period September 1 through August 31; and

~~((c) Agency))~~ (3) Contractor certificated instructional employees, contracted to provide services during the period September 1 through August 31.

AMENDATORY SECTION (Amending Order 97-07, filed 11/5/97, effective 12/6/97)

WAC 392-121-245 Definition—Certificated years of experience. Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as used in this chapter, the term "certificated years of experience" means the number of years of accumulated full-time and part-time professional education employment prior to the current reporting school year in the state of Washington, out-of-state, and a foreign country. School districts shall report all certificated years of experience including those beyond the experience limit of the school district's salary schedule.

(1) Professional education employment shall be limited to the following:

(a) Employment in public or private preschools or elementary and secondary schools in positions which require certification where:

(i) Schools include the Centrum education program, the Pacific Science Center education program, and educational centers authorized under chapter 28A.205 RCW;

(ii) Certification means the concurrent public professional education licensing requirements established in the state, province, country, or other governmental unit in which employment occurred and which, for the state of Washington, refers to the certificates authorized by WAC 180-79A-140;

(b) Employment in public or private vocational-technical schools, technical colleges, community/junior colleges, colleges, and universities in positions comparable to those which require certification in Washington school districts;

(c) Employment in a governmental educational agency with regional administrative responsibilities for preschool, elementary, and/or secondary education including but not limited to an educational service district, office of the superintendent of public instruction, or United States department of education in any professional position including but not limited to C.P.A., architect, business manager, or physician;

(d) Experience in the following areas:

(i) Military, Peace Corps, or Vista service which interrupted professional education employment included in (a), (b), or (c) of this subsection; and

(ii) Sabbatical leave.

(e) For nondegreed vocational instructors, up to a maximum of six years of management experience as defined in WAC 180-77-003 acquired after the instructor meets the minimum vocational certification requirements established in WAC 180-77-041 (1)(a). If a degree is obtained while employed in the state of Washington as a nondegreed vocational instructor, the eligible years of management experience pursuant to this subsection reported on Report S-275 prior to the awarding of the degree shall continue to be reported but shall not increase.

(2) Years of full-time and part-time professional education employment prior to the current reporting school year are accumulated as follows:

(a) For each professional education employment which is not employment as a casual substitute pursuant to subsection (1)(a) of this section;

(i) Determine the total number of hours per year for an employee working full-time with each employer;

(ii) Determine the number of hours per year with each employer excluding unpaid leave;

(iii) Calculate the quotient of the hours determined in (a)(ii) of this subsection divided by the hours in (a)(i) of this subsection rounded to two decimal~~(s)~~ places for each year.

(b) For professional education employment as a casual substitute pursuant to subsection (1)(a) of this section:

(i) Determine the total number of full-time equivalent substitute days per year;

(ii) Calculate the quotient of full-time equivalent days determined in (b)(i) of this subsection divided by 180 rounded to two decimal~~(s)~~ places for each year.

(c) No more than 1.0 year may be accumulated in any traditional nine-month academic year or any twelve-month period.

(i) Accumulate, for each year, professional education employment calculated in (a)(iii) and (b)(ii) of this subsection.

(ii) Determine the smaller of the result in (c)(i) of this subsection or 1.00 for each year.

(d) Determine certificated years of experience as the accumulation of all years of professional education employment calculated in (c)(ii) of this subsection and report such years ~~((to the nearest tenth))~~ rounded to one decimal place.

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

WAC 392-121-255 Definition—Academic credits. As used in this chapter, "academic credits" means credits determined as follows:

(1) Credits are earned after the awarding or conferring of the employee's first bachelor's degree;

(2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter;

(3) Credits are earned from a regionally accredited institution of higher education: Provided, That credits, determined eligible pursuant to subsections (1), (2), (4) and (6) of this section, earned from any other accredited community college, college, or university and reported on Form S-275 on or before December 31, 1992, shall continue to be reported;

(4) Credits are transferrable or applicable to a bachelor's or more advanced degree program: Provided, That for educational courses which are the same or identical no more credits for that educational course than are transferrable or applicable to a bachelor's or more advanced degree program at that institution shall be counted;

(5) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262;

(6) Credits are not counted as in-service credits pursuant to WAC 392-121-257 or nondegree credits pursuant to WAC 392-121-259;

(7) The number of credits equals the number of quarter hours, units or semester hours each converted to quarter hours earned pursuant to this section; and

(8) Accumulate credits ~~((to the nearest tenth))~~ rounded to one decimal place.

AMENDATORY SECTION (Amending Order 97-07, filed 11/5/97, effective 12/6/97)

WAC 392-121-257 Definition—In-service credits. As used in this chapter, "in-service credits" means credits determined as follows:

(1) Credits are earned:

(a) After August 31, 1987; and

(b) After the awarding or conferring of the employee's first bachelor's degree.

(2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter.

(3) Credits are earned in either:

(a) A locally approved in-service training program which means a program approved by a school district board of directors, and meeting standards adopted by the state board of education pursuant to the standards in WAC 180-85-200 and the development of which has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040; or

(b) A state approved continuing education program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the state board of education pursuant to chapter 180-85 WAC.

(4) Credits are not earned for the purpose of satisfying the requirements of the employee's next highest degree.

(5) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(6) Credits are not counted as academic credits pursuant to WAC 392-121-255 or nondegree credits pursuant to WAC 392-121-259.

(7) Ten locally approved in-service or state approved continuing education credit hours defined in WAC 180-85-030 equal one in-service credit.

(8) Each forty hours of participation in an approved internship with a business, industry, or government agency pursuant to chapter 180-83 WAC equals one in-service credit.

(a) No more than two in-service credits may be earned as a result of an internship during any calendar-year period.

(b) Each individual is limited to a maximum of fifteen in-service credits earned from internships.

(9) Accumulate credits ~~((to the nearest tenth))~~ rounded to one decimal place.

AMENDATORY SECTION (Amending Order 97-07, filed 11/5/97, effective 12/6/97)

WAC 392-121-259 Definition—Nondegree credits. As used in this chapter, "nondegree credits" means credits recognized for nondegree ~~((basic education))~~ certificated instructional employees as follows:

(1) Zero credits shall be recognized for persons holding a valid certificate other than a certificate included in subsection (2) or (3) of this section.

(2) Thirty credits shall be recognized for persons holding a valid continuing or standard school nurse certificate.

(3) Persons holding valid vocational certificates as provided for in chapter 180-77 WAC shall accumulate recognized credits as follows:

(a) One credit for each ten clock hours of vocational educator training meeting the requirements of WAC 180-77-003 (2), (9), or (12).

(b) One credit for each one hundred clock hours of occupational experience as defined in WAC 180-77-003(7) such that each calendar year is limited to a maximum of twenty credits.

(c) Clock hours used in determining credits in (a) and (b) of this subsection must be earned after meeting the minimum vocational certification requirements as established in WAC 180-77-041 (1)(a).

(4) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(5) Accumulate credits ~~((to the nearest tenth))~~ rounded to one decimal place.

AMENDATORY SECTION (Amending Order 97-07, filed 11/5/97, effective 12/6/97)

WAC 392-121-262 Definition—Additional criteria for all credits. Credits earned after September 1, 1995, must satisfy the following criteria in addition to those found in WAC 392-121-255, 392-121-257, and 392-121-259:

(1) At the time credits are recognized by the school district the content of the course must meet at least one of the following:

(a) It is consistent with a school-based plan for mastery of student learning goals as referenced in RCW ~~((28A.320-205))~~ 28A.655.110, the annual school performance report, for the school in which the individual is assigned;

(b) It pertains to the individual's current assignment or expected assignment for the following school year;

(c) It is necessary for obtaining endorsement as prescribed by the state board of education;

(d) It is specifically required for obtaining advanced levels of certification; or

(e) It is included in a college or university degree program that pertains to the individual's current assignment or potential future assignment as a certificated instructional staff;

(2) Credits which have been determined to meet one or more of the criteria in subsection (1) of this section shall continue to be recognized in subsequent school years and by subsequent school district employers; and

(3) Credits not recognized in a school year may be recognized in a subsequent school year if there is a change in the qualifying criteria such as a change in state board of education rules, a change in the district's strategic plan, a change in the school-based plan for the school in which the individual is assigned, a change in the individual's assignment, or a change in the individual's employer.

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

WAC 392-121-270 Placement of ~~((basic education))~~ certificated instructional employees on LEAP salary allocation documents. Each ~~((basic education))~~ certificated instructional employee shall be placed on LEAP salary allocation documents based on the employee's ~~((certificated years of experience,))~~ highest degree level, ~~((and))~~ total eligible credits, and certificated years of experience each defined in this chapter provided that:

(1) If an employee holds more than one degree of the same level, additional credits shall be counted after the first degree.

(2) An employee whose highest degree is a bachelor's degree, whose total eligible credits are ninety or greater, and whose total eligible credits earned prior to January 1, 1992, were less than one hundred thirty-five shall be placed on the BA + 90 column.

(3) An employee whose highest degree level is nondegree shall be placed on the BA columns except that such persons holding valid vocational certificates with one hundred thirty-five or more eligible credits shall be placed on the MA + 0 column.

(4) A vocational instructor who obtains a bachelor's degree while employed in the state of Washington as a non-degree vocational instructor and for whom one hundred thirty-five or more eligible credits determined pursuant to WAC 392-121-259 were reported on Report S-275 prior to the awarding of that bachelor's degree shall continue to be

placed on the MA+ 0 column and shall not advance to any other column unless a master's degree is obtained.

(5) For placement on LEAP salary allocation documents, certificated years of experience and total eligible credits shall be rounded to the nearest whole number. One-half year or credit shall be rounded to the next highest year or credit.

AMENDATORY SECTION (Amending Order 97-07, filed 11/5/97, effective 12/6/97)

WAC 392-121-280 Placement on LEAP salary allocation documents—Documentation required. School districts shall have documentation on file and available for review which substantiates each (~~(basic education)~~) certificated instructional employee's placement on LEAP salary allocation documents. The minimum requirements are as follows:

(1) Districts shall document the date of awarding or conferring of the highest degree including the date upon which the degree was awarded or conferred as recorded on the diploma or transcript from the registrar of the regionally accredited institution of higher education.

(a) If the highest degree is a master's degree, the district shall also document the date of awarding or conferring of the first bachelor's degree.

(b) If the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, a written statement from the registrar of the institution verifying a prior completion date shall be adequate documentation.

(c) If the degree program was completed in a country other than the United States documentation must include a written statement of degree equivalency for the appropriate degree from a foreign credentials' evaluation agency approved by the office of superintendent of public instruction.

(2) Districts shall document academic credits by having on file a transcript from the registrar of the regionally accredited institution of higher education granting the credits. For purposes of this subsection:

(a) An academic credit is deemed "earned" at the end of the term for which it appears on the transcript: Provided, That a written statement from the registrar of the institution verifying a prior earned date may establish the date a credit was earned;

(b) Washington state community college credits numbered one hundred and above are deemed transferable for purposes of WAC 392-121-255(4) subject to the limitations of that same subsection;

(c) Credits are not deemed "earned" at an institution of higher education which transfers-in credits. Such credits must be documented using a transcript from the initial granting institution and are subject to all the limitations of WAC 392-121-255; and

(d) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district

representative and must be available to the employee's future employers.

(3) Districts shall document in-service credits;

(a) By having on file a document meeting standards established in WAC 180-85-107; and

(b) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(4) Districts shall document nondegree credits.

(a) For vocational educator training credits pursuant to WAC 392-121-259(3) districts shall have on file a document meeting standards established in WAC 180-85-107 and evidence that the training was authorized pursuant to WAC 180-77-003 (2), (9), or (12).

(b) For credits calculated from converted occupational experience pursuant to WAC 392-121-259(3) districts shall have on file documents which provide:

(i) Evidence that the occupational experience meets the requirements of WAC 180-77-003(7);

(ii) Evidence of the individual's actual number of hours of employment for each year including dates of employment; and

(iii) The district calculation of converted credits pursuant to WAC 392-121-259(3).

(c) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(5) Districts shall document certificated years of experience as follows:

(a) For certificated years of experience obtained and reported on Report S-275 prior to the 1994-95 school year districts shall have on file documents that provide evidence of employment including dates of employment.

(b) For certificated years of experience reported on Report S-275 for the first time after the 1993-94 school year districts shall have on file:

(i) The total number of hours per year for an employee working full-time with each employer;

(ii) The number of hours per year and dates of employment with each employer excluding unpaid leave: Provided, That documentation of hours in excess of one full-time certificated year of experience in any twelve-month period is not required;

(iii) The quotient of the hours determined in (b)(ii) of this subsection divided by the hours in (b)(i) of this subsection rounded to two decimal(~~s~~) places for each year;

(iv) The name and address of the employer;

(v) For those counting out-of-district experience pursuant to WAC (~~(392-121-245)~~) 392-121-264 (1)(a), evidence whether or not the position required professional education certification pursuant to WAC (~~(392-121-245)~~) 392-121-264 (1)(a)(ii);

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(vi) For those counting experience pursuant to WAC ((392-121-245)) 392-121-264 (1)(b), a brief description of the previous employment which documents the school district's decision that the position was comparable to one requiring certification in the Washington school districts;

(vii) For those counting management experience pursuant to WAC ((392-121-245)) 392-121-264 (1)(e), evidence that the experience meets the requirements of WAC 180-77-003(6).

(6) Any documentation required by this section may be original or copies of the original: Provided, That each copy is subject to school district acceptance or rejection.

(7) The falsification or deliberate misrepresentation, including omission of a material fact concerning degrees, credits, or experience by an education practitioner as defined in WAC 180-87-035 shall be deemed an act of unprofessional conduct pursuant to WAC 180-87-050. In such an event the provisions of chapters 180-86 and 180-87 WAC shall apply.

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

WAC 392-121-295 Definition—District average certified instructional staff mix factor (~~((for basic education certificated instructional staff))~~). As used in this chapter, "district average certificated instructional staff mix factor (~~((for basic education certificated instructional staff))~~)" means the number rounded to five decimal places determined as follows:

(1) Assign a staff mix factor to each ((~~basic education~~)) certificated instructional employee excluding institutional education employees by placing the employee on the appropriate LEAP salary allocation document pursuant to WAC 392-121-270;

(2) Multiply the result by the full-time equivalency for the time each employee meets the definition of full-time equivalent ((~~basic education~~)) certificated instructional employee pursuant to WAC ((~~392-121-245~~)) 392-121-212 excluding only full-time equivalent institutional education staff;

(3) Sum the results obtained in subsection (2) of this section for all ((~~basic education~~)) certificated instructional employees of the school district excluding institutional education employees; and

(4) Divide the result by the district's total full-time equivalent ((~~basic education~~)) certificated instructional staff excluding full-time equivalent institutional education staff.

(5) For the purpose of this section ((~~basic education~~)) certificated instructional staff are those employed by the school district as of October 1 of the school year as reported to the superintendent of public instruction on Report S-275.

AMENDATORY SECTION (Amending Order 51, filed 1/2/91, effective 2/2/91)

WAC 392-121-299 Determination of district average ((~~basic education~~)) certificated instructional staff salary for the purpose of apportionment. Each school district's

average ((~~basic education~~)) certificated instructional staff salary for the purpose of apportioning state general fund moneys to school districts pursuant to RCW 28A.150.250 and 28A.150.260 shall be determined by the superintendent of public instruction as provided in the biennial Operating Appropriations Act using definitions and procedures provided in this chapter.

AMENDATORY SECTION (Amending Order 92-15, filed 11/16/92, effective 12/17/92)

WAC 392-121-400 Apportionment of basic education moneys. From the basic education moneys appropriated to the superintendent of public instruction, the superintendent shall allocate moneys as follows:

(1) Allocations shall be made pursuant to chapter 28A.150 RCW, the state Operating Appropriations Act, and this chapter.

(2) Allocations shall be made in twelve monthly payments during the school year pursuant to RCW 28A.510.250 to each school district operating a program approved by the state board of education.

(a) Initial monthly payments shall be based on estimates of such data as the superintendent of public instruction deems necessary to commence payment for the school year, such estimates to be submitted by school districts to the educational service districts or superintendent of public instruction on forms provided by the superintendent of public instruction. The latest date on which a school district may make changes in these data shall be the date which the school district files its budget with the educational service district.

(b) As the school year progresses, monthly payments to school districts shall be adjusted to reflect actual full-time equivalent students enrolled, district average ((~~basic education~~)) certificated instructional staff salary (~~((per placement on the statewide salary allocation schedule))~~) for purpose of apportionment, other school district characteristics, deductible revenues and such other data as are deemed necessary by the superintendent and reported by school districts and other governmental agencies on forms provided or approved by the superintendent of public instruction.

NEW SECTION

The following section of the Washington Administrative Code is recodified as follows:

Old WAC Number	New WAC Number
392-121-245	392-121-264

WSR 02-18-066
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed August 29, 2002, 1:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-12-125.

Title of Rule: Chapter 139-06 WAC, Certification, denial, revocation, investigation, commencement of action.

Purpose: New statute, which requires the commission to promulgate rules regarding peace officer certification in compliance with new RCWs.

Statutory Authority for Adoption: RCW 43.101.010 through 43.101.400.

Summary: Stakeholders were contacted by e-mail to advise of the intended rule amendments. Proposals also listed on the agency website.

Reasons Supporting Proposal: To be in compliance with new RCWs.

Name of Agency Personnel Responsible for Drafting and Enforcement: Doug Blair, Burien, (206) 835-7311; and Implementation: Michael D. Parsons, Burien, (206) 835-7347.

Name of Proponent: Criminal Justice Training Commission staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Changes to this rule will affect private companies cost for application fees. These fees are meant to cover the Criminal Justice Training Commission costs of implementing the private security firearms program.

Proposal does not change existing rules.

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.

RCW 19.85.025(2), this chapter does not apply to a rule proposed for expedited adoption under ****RCW 34.05.230(1)** through (8), unless a written objection is timely filed with the agency and the objection is not withdrawn.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, on December 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by December 9, 2002, TDD (206) 835-7300.

Submit Written Comments to: Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, fax (206) 439-3860, by December 9, 2002.

Date of Intended Adoption: December 11, 2002.

August 28, 2002
Sharon M. Tolton
Deputy Director

Chapter 139-06 WAC

CERTIFICATION, DENIAL, REVOCATION, INVESTIGATION, COMMENCEMENT OF ACTION

NEW SECTION

WAC 139-06-010 Certification. (1) Effective January 1, 2002, all Washington peace officers shall be required to submit a signed peace officer certification form to the commission, which shall serve as an official request for certification as a peace officer in Washington state. The form shall be submitted to the commission by the peace officer at such time as the officer has met the requirements for certification contained in RCW 43.101.095, and shall certify that the officer has met such requirements. The commission shall issue a certificate of peace officer certification upon verification that the peace officer is eligible for certification.

(2) A peace officer who has satisfied, or has been exempted from, the basic training requirements of RCW 43.101.200, prior to January 1, 2002, but who was not employed as a commissioned peace officer on January 1, 2002, and has not had a break of more than twenty-four consecutive months of law enforcement service, shall upon his or her return to employment submit a peace officer certification form to the commission as described in subsection (1) of this section. The commission shall issue a certificate of peace officer certification upon verification that the peace officer is eligible for certification. If the peace officer's break in law enforcement service was more than twenty-four consecutive months, the officer must comply with the training requirements of WAC 139-05-200. The commission shall determine under chapter 43.101 RCW and rules of the commission whether the peace officer is eligible for certification and, if so, it shall determine any requirements that the officer must meet as a condition of certification.

(3) Upon determination that a certification form contains missing or deficient information, commission staff shall notify the peace officer and the officer's employing agency of such and the officer must submit the missing or deficient information to the commission within thirty days of the date the request is issued. Failure to submit the missing or deficient information within the required time shall result in a recommendation that the peace officer's request for certification be denied.

(4) In order to determine a peace officer's eligibility for certification, commission staff may request information in addition to that provided on the peace officer certification form. The peace officer or the officer's employing agency shall submit the requested information within thirty days of the date the request is issued. Failure to comply with the commission's request shall result in a recommendation that the peace officer's request for certification be denied.

NEW SECTION

WAC 139-06-020 Notification of termination. (1) Each law enforcement agency of the state of Washington or any political subdivision thereof who employs peace officers shall notify the commission by approved personnel action

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report form when a peace officer terminates employment with that agency for any reason. Such notification must be made within fifteen days of the termination becoming final.

(2) The agency shall, upon request by the commission, provide any additional documentation, files or information, as the commission may deem necessary to determine whether the termination provides grounds for revocation or denial of the peace officer's certification.

NEW SECTION

WAC 139-06-030 Investigative cooperation. All agencies shall cooperate in any investigation conducted by the commission regarding a peace officer's certification status.

NEW SECTION

WAC 139-06-040 Investigation, probable cause—Commencement of proceedings. (1) Upon request by a peace officer's employing agency, on its own initiative, or upon the filing of a complaint, on an approved form, by a law enforcement officer or duly authorized representative of a law enforcement agency, the commission may commence an investigation to determine whether there is probable cause to believe that a peace officer's certification should be denied or revoked under RCW 43.101.105.

(2) Upon a preliminary determination by commission staff that there is not probable cause to revoke or deny a peace officer's certification, a copy of the decision not to proceed, with a brief statement of the reasons for the decision, shall be furnished to the officer and the officer's employing agency. An officer's employing agency may request review by the chair of the commission or his or her designee, of a preliminary determination that there is not probable cause to revoke or deny a peace officer's certification, by making such request in writing within fourteen days of the mailing of notification of the decision not to proceed.

(3) Upon a preliminary determination by commission staff that there is probable cause to revoke or deny a peace officer's certification, the chair of the commission or his or her designee, shall determine if there is probable cause to believe that the peace officer's certification should be denied or revoked under RCW 43.101.105. The chair shall determine probable cause based upon evidence presented by commission staff.

(4) Upon a determination by the chair that there is probable cause to believe that the peace officer's certification should be revoked or denied, the commission shall prepare a statement of charges and commence revocation proceedings under RCW 43.101.155.

(5) Any designee of the chair under this section must be a member of the commission.

NEW SECTION

WAC 139-06-050 Notification—Request for hearing—Default. (1) Commission staff shall prepare a statement of charges, stating the grounds for denial or revocation of the peace officer's certification. The statement of charges shall

be accompanied by a notice that the peace officer is entitled to a hearing on the denial or revocation of certification. The notice shall include the steps the officer must take to request a hearing. The notice and statement of charges shall be sent to the peace officer and a copy to the officer's employing agency.

(2) A request for a hearing on the denial or revocation of certification must be made by the peace officer on an approved form and received by the commission within sixty days from the date of the mailing of the statement of charges.

(3) Failure to request a hearing, or failure to appear at a requested hearing or at a prehearing conference, shall constitute default and the hearing panel shall enter a final order under RCW 34.05.440.

(4) A peace officer may waive a hearing by so indicating on the hearing request form. By waiving a hearing the peace officer acknowledges that his or her certification should be denied or revoked and the hearings panel shall enter such an order.

HEARING

NEW SECTION

WAC 139-06-060 Hearing panels. (1) The commission shall initially establish two hearing panels as described in RCW 43.101.380, from a list of eligible individuals and may thereafter establish more as it determines necessary. Names may be submitted for consideration from law enforcement agencies, law enforcement organizations representing management or labor, from institutions of higher learning, and from eligible individuals interested in serving as panel members. The commission shall have sole discretion over the selection of panel members.

(2) A new panel may, but need not, be established for each hearing.

(3) Each hearing panel shall select a presiding member who shall be responsible for signing documents on behalf of the panel, and for conducting prehearing conferences and any other hearings that may be necessary. If a panel hears more than one hearing, a new presiding member may, but need not, be selected for each hearing.

NEW SECTION

WAC 139-06-070 Location of hearings—Identification of panel—Disqualification. (1) Upon receipt of a request for hearing, the hearing panel shall set the date and time of the hearing, and the date and time of a prehearing conference. Hearings will be held at the commission's training facility located at: 19010 1st Avenue South, Burien, Washington, 98148, unless the panel determines otherwise.

(2) Notification of the dates of the hearing and initial prehearing conference shall also contain the names of the members of the hearing panel.

(3) Any motion for disqualification of a panel member must be filed prior to the initial prehearing conference.

NEW SECTION

WAC 139-06-080 Filing of documents. An original and five copies of all documents, pleadings and other correspondence shall be filed at the commission's training facility located at: 19010 1st Avenue South, Burien, Washington, 98148, addressed to the attention of the certification manager, and one copy shall also be served on the opposing party or their attorney, if represented by counsel. Service shall be accomplished in accordance with the superior court civil rules.

NEW SECTION

WAC 139-06-090 Prehearing conferences. The parties or their attorneys shall attend the prehearing conference(s), which may be held telephonically, and which may be conducted by the presiding member of the hearing panel. The parties shall be prepared to discuss the timing and filing of any motions, and of witness and exhibit lists, as well as the need for discovery. A prehearing order shall be issued at the conclusion of the conference.

NEW SECTION

WAC 139-06-100 Attendance at hearing—Burden of proof. (1) The peace officer shall appear in person at the hearing. Failure to appear in person shall constitute default and the hearing panel shall enter an order under RCW 34.05.440.

(2) The standard of proof shall be clear, cogent, and convincing evidence.

NEW SECTION

WAC 139-06-110 Final order. (1) The hearing panel shall enter its final order within ninety days of the conclusion of the hearing, unless the time period is waived or extended for good cause. A copy of the order shall be sent to the parties, and to the officer's employing agency.

(2) The decision of the hearing panel shall be the final decision of the commission.

REINSTATEMENT OF CERTIFICATIONNEW SECTION

WAC 139-06-120 Petition for reinstatement of certification. A peace officer whose peace officer certification has been denied or revoked may petition the commission for certification or reinstatement of certification at such time as he or she is eligible under RCW 43.101.115 and this section. A peace officer whose certification has been denied or revoked based on more than a single factor, must be eligible for certification or reinstatement of certification for each factor.

NEW SECTION

WAC 139-06-130 Standards for reinstatement of certification. (1)(a) A peace officer denied certification based upon dismissal or withdrawal from basic law enforcement academy for any reason, not also involving discharge for disqualifying misconduct is eligible for readmission and certification upon meeting the requirements set forth in WAC 139-05-242 (Readmission to basic law enforcement academy). The commission may impose a probationary period upon readmission.

(b) A peace officer denied certification based upon dismissal or withdrawal from basic law enforcement academy for disqualifying misconduct is eligible for readmission and certification only upon meeting the requirements of subsection (5) of this section.

(2) A peace officer whose certification is denied or revoked based upon prior administrative error of issuance is eligible for certification or reinstatement of certification upon a determination by the commission that the factors that should have prevented the officer from being certified have been remedied and the officer is otherwise eligible for certification.

(3) A peace officer whose certification is denied or revoked based upon failure to cooperate, or interference with an investigation, is eligible for certification or reinstatement of certification if the officer's conduct did not also involve disqualifying misconduct, or other illegal or unethical conduct, and upon a showing that the officer has thereafter fully cooperated and is otherwise eligible for certification. In making its determination, the commission may consider the nature and seriousness of the officer's conduct.

(4) A peace officer whose certification is denied or revoked based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction, may, five years after revocation or denial, petition the commission for certification or reinstatement of certification. The commission shall hold a hearing on the petition for certification or reinstatement of certification. The commission may allow certification or reinstatement of certification upon finding that the peace officer has engaged in no further disqualifying or similar misconduct, has had no further criminal convictions, has engaged in no other illegal or unethical conduct, and is otherwise eligible for certification.

(5) A peace officer whose certification is denied or revoked based solely upon a criminal conviction may petition the commission for certification or reinstatement of certification immediately upon judicial reversal of the conviction. The commission shall hold a hearing on the petition for certification or reinstatement of certification. The commission may allow certification or reinstatement of certification upon finding that the peace officer has engaged in no further disqualifying or similar misconduct, has had no further criminal convictions, has engaged in no other illegal or unethical conduct, and is otherwise eligible for certification.

(6) A peace officer whose certification has been denied or revoked, or whose certification has lapsed, due to a break of more than twenty-four consecutive months of law enforcement service as a peace officer, may upon return to service as a law enforcement officer, petition the commission for certi-

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fication or reinstatement of certification. Upon receipt of a petition for certification or reinstatement of certification, the commission shall determine if the peace officer is eligible for certification or reinstatement of certification. The terms of certification or reinstatement of certification may be subject to the requirement of basic law enforcement academy or the equivalency in addition to other requirements as imposed by the commission.

NEW SECTION

WAC 139-06-140 Hearing on reinstatement of certification. (1) The commission may hold a hearing to determine the peace officer's eligibility for certification or reinstatement of certification.

(2) Upon receipt of a petition for certification or reinstatement of certification and a determination by commission staff that a hearing is necessary, or required, the peace officer and the officer's employing agency shall be notified in writing. Where a hearing is not held, the peace officer and the officer's employing agency shall be notified in writing of the commission's decision whether to certify or reinstate the officer, and the reasons for the decision. Where the peace officer is not certified or reinstated, the peace officer or the officer's employing agency may request a hearing before a hearing panel by making such request in writing within fourteen days of the mailing of notification that certification is not being granted or reinstated.

(3) Hearings on certification or reinstatement of certification shall be conducted by a hearing panel. The hearing panel shall review the certification file and any additional information submitted by the parties prior to the hearing and may request any additional information in order to assist in its determination. The issues shall be limited to whether the peace officer is eligible for certification or reinstatement of certification, and appropriate probationary terms in the event certification is granted or reinstated.

(4) The hearing panel shall enter a written order regarding certification or reinstatement of certification within ninety days of the conclusion of the hearing, unless the time period is waived or extended for good cause. A copy of the order shall be sent to the parties, and to the officer's employing agency.

(5) The decision of the hearing panel shall be the final order of the commission.

NEW SECTION

WAC 139-06-150 Probationary terms on reinstatement. Upon a determination that a peace officer should be certified or reinstated, the commission may impose a term of probation which may include requirements to ensure that the peace officer has taken positive and substantial steps or actions to reconcile the causes for which the officer's certification was denied or revoked. When probation is imposed, the terms shall be furnished in writing to the peace officer and the officer's agency. Failure of the peace officer to meet the terms of probation may be grounds for a hearing to determine the status of the peace officer's certification.

MISCELLANEOUS

NEW SECTION

WAC 139-06-160 Miscellaneous. These rules are intended to supplement the procedures contained in the Administrative Procedure Act, chapter 34.05 RCW, and the model rules of procedure, chapter 10-08 WAC. In the case of conflict between the Administrative Procedure Act, the model rules of procedure, and the procedural rules adopted in this chapter, the procedural rules adopted in this chapter shall govern.

Peace officer certification proceedings are distinct from proceedings before the commission under chapter 139-03 WAC and this chapter is not intended to modify chapter 139-03 WAC.

**WSR 02-18-074
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**
[Filed August 30, 2002, 8:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-14-095.

Title of Rule:

WAC	Title	Statutory Authority Statutory authority for adoption for all WACs is RCW 41.50.050(5). Statutes being implemented are as follows:
415-02-030(24)	Definitions.	RCW 41.50.050(5).
415-10-040	Calculation of cost to purchase service credit for members of PERS Plan 1, TRS Plan 1, or WSPRS Plan 1 or 2.	Chapter 41.45 RCW, RCW 41.50.165.
415-103-010	WSPRS definitions.	Chapter 43.43 RCW.
415-103-100	Are payments I receive reportable compensation?	Chapter 43.43 RCW.
415-103-215	What are the WSPRS Plan 1 retirement benefit options?	RCW 43.43.260, [43.43.]270, [43.43.]278, [43.43.]280(1).
415-103-225	What are the WSPRS Plan 2 retirement benefit options?	RCW 43.43.260, [43.43.]271, [43.43.]280(1), [43.43.]295.
415-108-727		RCW 41.40.092, 43.43.120(6), 43.43.130.

Purpose: The Department of Retirement Systems (DRS) is amending chapter 415-103 WAC, Washington State Patrol retirement system (WSPRS) and other WACs as needed to implement ESB 5143 (2001) (chapter 329, Laws of 2001). Related "housekeeping" changes and codification of long-

standing practices are being made at the same time. See Title of Rule for details.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: See Title of Rule above.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Zan Johnston, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7049.

Name of Proponent: Department of Retirement Systems, governmental.

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

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

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no effect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on October 21, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail mailto:merryk@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on October 21, 2002.

Date of Intended Adoption: No sooner than October 22, 2002.

August 30, 2002
Merry A. Kogut
Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-01-120, filed 12/19/01, effective 1/19/02)

WAC 415-02-030 Definitions. This section contains a central location for definitions of words and phrases used in the department of retirement system's rules. It also serves as a directory for finding definitions within the RCWs and WACs.

(1) **Accumulated contributions** means the sum of all contributions paid into a member's defined benefit account, including interest.

(2) **Appeal** means the proceeding through which a party obtains review of a department action in an adjudicative proceeding conducted under chapter 34.05 RCW (the Administrative Procedure Act) and chapter 415-08 WAC (the department's appeal rules).

(3) **Average final compensation** - is defined in RCW 41.32.010(30) (TRS); RCW 41.35.010(14) (SERS); RCW 41.40.010(17) (PERS); and RCW 43.42.120(15) (WSP).

(4) **Cafeteria plan** means a "qualified" employee benefit program under section 125 of the Internal Revenue Code, such as certain health and welfare plans.

(5) **Calendar month** refers to one of the twelve named months of the year, extending from the first day of the named month through the last day. For example: January 1st through January 31st is a calendar month. February 1st through February 29th is a calendar month in a leap year. March 13th through April 12th is *not* a calendar month.

(6) **Compensation earnable or earnable compensation** definitions can be found in RCW 41.32.010(10) and 41.32.345 (TRS); RCW 41.35.010(6) (SERS); and RCW 41.40.010(8) (PERS).

((6)) (7) **Contribution rate** is:

(a) For employees: The fraction (percent) of compensation a member contributes to a retirement system each month.

(b) For employers: The fraction (percent) of payroll a member's employer contributes to a retirement system each month. Contribution rates vary for the different systems and plans.

((7)) (8) **Deferred compensation** refers to the amount of the participant's compensation which the participant voluntarily defers from earnings before taxes.

((8)) (9) **Defined benefit plan** is a pension plan in which a lifetime retirement benefit is available, based on the member's service credit and compensation.

((9)) (10) **Defined contribution plan** is a plan in which part of members' or participants' earnings are deferred into an investment account in which tax is deferred until funds are withdrawn. The benefit is based on the contribution rate and the amount of return from the investment of the contributions. Members or participants receive the full market rate of return minus expenses. There is no guaranteed rate of return and the value of an account will increase or decrease based upon market fluctuations.

((10)) (11) **Department** means the department of retirement systems.

((11)) (12) **Dependent care assistance salary reduction plan (DCAP)** is a plan that allows an eligible employee of the state of Washington to set aside a "before tax" portion of his or her gross salary before federal income and Social Security taxes to be used for the reimbursement of dependent care expenses.

((12)) (13) **Director** means the director of the department of retirement systems.

((13)) (14) **Employee** means a worker who performs labor or services for a retirement systems employer under the control and direction of the employer as determined under WAC 415-02-110(2). An employee may be eligible to participate as a member of one of the state-administered retirement systems according to eligibility requirements specified under the applicable retirement system.

((14)) (15) **Employer** is defined in RCW 41.26.030(2) (LEOFF), 41.32.010(11) (TRS), 41.34.010(5) (Plan 3), 41.35.010(4) (SERS), and 41.40.010(4) (PERS).

PROPOSED

~~((15))~~ (16) Ex-spouse refers to a person who is a party to a "dissolution order" as defined in RCW 41.50.500(3).

(17) Final average salary is defined in RCW 41.26.030(12) (LEOFF).

~~((16))~~ (18) Gainsharing is the process through which members of certain plans share in the extraordinary investment gains on earnings on retirement assets under chapters 41.31 and 41.31A RCW.

~~((17))~~ (19) Independent contractor means a contract worker who is not under the direction or control of the employer as determined under WAC 415-02-110 (2) and (3).

~~((18))~~ (20) Member means a person who is included in the membership of one of the retirement systems created by chapters 2.10, 2.12, 41.26, 41.32, 41.34, 41.35, 41.40, or 43.43 RCW.

~~((19))~~ (21) Participant means an eligible employee who participates in a deferred compensation or dependent care assistance plan.

~~((20))~~ (22) Participation agreement means an agreement that an eligible employee signs to become a participant in a deferred compensation or dependent care assistance plan.

~~((21))~~ (23) Pension plan is a plan that provides a life-long post retirement payment of benefits to employees.

~~((22))~~ (24) Petition means the method by which a party requests a review of an administrative determination prior to an appeal to the director. The department's petitions examiner performs the review under chapter 415-04 WAC.

~~((23))~~ (25) Plan 1 means the retirement plans in existence prior to the enactment of chapters 293, 294 and 295, Laws of 1977 ex. sess.

~~((24))~~ (26) Plan 2 means the retirement plans established by chapters 293, 294 and 295, Laws of 1977 ex. sess., ~~(and)~~ chapter 341, Laws of 1998, and chapter 329, Laws of 2001.

~~((25))~~ (27) Plan 3 means the retirement plans established by chapter 239, Laws of 1995, chapter 341 Laws of 1998, and chapter 247 Laws of 2000.

~~((26))~~ (28) Pop-up is a term that the department uses to refer to the benefit available to a retiree where the survivor of a retiree receiving a benefit reduced by a survivor option predeceases the retiree. Example: Linda is receiving a retirement benefit reduced by a survivor option for her husband, Joe. Joe dies before Linda. Linda's monthly retirement allowance increases. The department refers to the increase as a "pop-up."

~~((27))~~ (29) Portability is the ability to use membership in more than one Washington state retirement system in order to qualify for retirement benefits. See chapters 41.54 RCW and 415-113 WAC.

~~((28))~~ (30) Public record is defined in RCW 42.17.020(36).

~~((29))~~ (31) Restoration is the process of restoring a member's service credit for prior periods.

~~((30))~~ (32) Retirement system employer - see "employer."

~~((31))~~ (33) Rollover means a distribution that is paid to or from an eligible retirement plan within the statutory time limit allowed.

~~((32))~~ (34) Separation date is the date a member ends employment in a position eligible for retirement or disability benefit coverage.

~~((33))~~ (35) Split account is the account the department establishes for a member or retiree's ex-spouse.

(36) Surviving spouse refers to a person who was married to the member at the time of the member's death and who is receiving or is eligible to receive a survivor benefit.

(37) Survivor means a person designated by the member to receive a monthly benefit allowance after the member dies.

~~((34))~~ (38) Survivor benefit is a feature of a retirement plan that provides continuing payments to a beneficiary after the death of a member or retiree.

(39) The Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA) is the federal law that requires employers to reemploy and preserve job security, pension and welfare benefits for qualified employees who engage in military service.

AMENDATORY SECTION (Amending WSR 00-22-049, filed 10/27/00, effective 11/27/00)

WAC 415-10-040 Calculation of cost to purchase service credit for members of PERS Plan 1, TRS Plan 1 or WSPRS Plan 1 or 2. If you are a member of PERS 1, TRS 1 or WSPRS Plan 1 or 2, the department will calculate the actuarial value of the service credit you purchase under RCW 41.50.165(2) using the following three part formula:

<u>Part 1 Cost =</u>	<u>Part 2 Cost =</u>
Service Credit Being Purchased	Years of Service
x	x
Average Earnings	Average Earnings
x	x
Factor 1	Factor 2
	x
	Years of Earlier Retirement
	x
	Factor 3

Cost to purchase service credit = Part 1 Cost + Part 2 Cost.

The Part 1 Cost represents the cost of including the additional service in your retirement allowance calculation. The Part 2 Cost represents the cost of commencing your retirement allowance at the earliest possible age.

AMENDATORY SECTION (Amending WSR 01-13-010, filed 6/8/01, effective 7/9/01)

WAC 415-103-010 WSPRS definitions. (1) General. The definitions in RCW 43.43.120 and 41.50.010 apply to this chapter. In case of conflict between definitions, RCW 43.43.120 will prevail.

(2) ("Salary," for members commissioned:

PROPOSED

~~(a) Prior to July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040 or voluntary overtime earned on or after July 1, 2001.~~

~~(b) On or after July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040, voluntary overtime, lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, holiday pay, or any form of severance pay-.)~~ **Membership.**

~~(a) WSPRS Plan 1 refers to members of the Washington state patrol retirement system commissioned before January 1, 2003.~~

~~(b) WSPRS Plan 2 refers to members of the Washington state patrol retirement system commissioned on or after January 1, 2003.~~

NEW SECTION

WAC 415-103-100 Are payments I receive reportable compensation? The following table will help you determine whether certain types of payments are reportable compensation. The department determines reportable compensation based upon the nature of the payment, not the name applied. See RCW 43.43.120(23).

Type of Payment	Commission Date: Prior to 7/1/01	Commission Date: On or after 7/1/01
Overtime related to RCW 47.46.040(4) earned prior to 7/1/01	Yes	No
Overtime related to RCW 47.46.040(4) earned on or after 7/1/01	No	No
Voluntary overtime earned prior to 7/1/01	Yes	No
Voluntary overtime earned on or after 7/1/01	No	No
Fringe benefits, including, but not limited to, any type of insurance, or contributions for insurance, such as medical, dental, or life insurance, for members and/or their dependents	No	No
Lump sum payments for:		
Deferred annual sick leave ¹	No	No
Unused accumulated annual leave - 240 hour maximum ²	Yes	No
Holiday pay - 80 hour maximum	Yes	No

¹See also RCW 41.04.340(4).

²See also RCW 43.43.263, 43.01.040 and 43.01.044.

AMENDATORY SECTION (Amending WSR 01-13-010, filed 6/8/01, effective 7/9/01)

WAC 415-103-215 ((WSPRS retirement benefit options.)) What are the WSPRS Plan 1 retirement benefit options? ~~((1)When retiring for service, a married member can select either Option A (historic retirement option) under RCW 43.43.270 or Option B under RCW 43.43.278. Both options include a survivor feature that entitles the eligible surviving spouse to receive a monthly allowance after the retiree dies.~~

~~(2) As used in this section, the terms "spouse," "surviving spouse" and "eligible spouse" mean "lawful surviving spouse."~~

~~(3) Option A (historic retirement option and survivor benefit). The department pays the retiree a monthly retirement allowance in accordance with RCW 43.43.260 (Benefits). The department pays survivor benefits in accordance with RCW 43.43.270 (Retirement allowances).~~

~~(a) When the retiree dies, the department pays the retiree's lawful spouse a monthly retirement allowance equal to the gross monthly allowance received by the retiree, or an allowance equal to fifty percent of the average final salary (AFS) used to determine the retiree's benefit, whichever is less. This allowance is paid for the duration of the spouse's lifetime. The surviving spouse allowance will be adjusted by the annual increase amount as provided by RCW 43.43.272 (Surviving spouse allowance—Annual adjustment).~~

~~(b) If a surviving spouse who is receiving benefits under this subsection marries another member of this retirement system and the retiree predeceases the spouse, the spouse can receive only the higher of the two survivor's allowances for which he or she qualifies. The surviving spouse cannot receive more than one survivor allowance at a time under this subsection.~~

~~(c) To be eligible for an allowance, the lawful surviving spouse of a retired member must have been married to the member prior to the member's retirement and continuously thereafter until the date of the member's death, or must have been married to the retired member at least two years prior to the member's death.~~

~~(d) If the retiree has surviving unmarried children under the age of eighteen years, each child shall be entitled to a benefit equal to five percent of the retiree's AFS at retirement. The combined benefits to the surviving spouse and all children cannot exceed sixty percent of the retiree's AFS.~~

~~(e) If there is no surviving spouse or the spouse dies, the child or children will receive a benefit equal to thirty percent of the retiree's AFS for one child and an additional ten percent of AFS for each additional child.~~

~~(f) All benefits cease upon the death of the surviving spouse or the youngest unmarried child's attainment of age eighteen, whichever occurs last. Any remaining balance of the member's accumulated contributions will be paid to:~~

~~(i) Such person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department of retirement systems; or~~

~~(ii) The member's estate; or~~

~~(iii) If there is neither such designated person or persons still living at the time of death, then to the member's legal representative.~~

~~(4) Option B (actuarially equivalent retirement option and survivor benefit). The department pays the retiree a monthly benefit that is actuarially reduced by three percent to offset the cost of the survivor feature. The retiree's annual post retirement increase (PRI) is based upon the amount of the retiree's reduced benefit.~~

~~(a) When the retiree dies, the department pays the retiree's eligible spouse a monthly retirement allowance equal to the gross monthly allowance received by the retiree. This allowance is paid for the duration of the spouse's life.~~

time. The surviving spouse allowance will be increased every July 1 by the amount of the PRI that had been paid to the retiree under the provisions of RCW 43.43.260(5):

(b) Benefits to the surviving spouse cease upon the spouse's death. Any remaining balance of the member's accumulated contributions will be paid to:

(i) Such person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department of retirement systems; or

(ii) The member's estate; or

(iii) If there is neither such designated person or persons still living at the time of death, then to the member's legal representative.

(5) Retiree's benefit increases if spouse ceases to be married to retiree or predeceases retiree (pop-up provision):

(a) This subsection applies to members retiring on or after July 1, 2000, who select Option B.

(b) If the retiree's spouse ceases to be married to the retiree or dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that would have been received had the retiree chosen Option A; plus

(ii) Any post retirement increases the retiree received prior to the survivor's death or the termination of marriage.

(c) Pop-up recalculation example:

Option B:

Bob retires on August 1, 2000. He selects Option B so that his spouse Linda, to whom he has been married for 30 years, will receive his monthly allowance and post retirement increases after he dies. As a result, his monthly allowance is reduced by three percent from \$3,000, the Option A, historic retirement and survivor benefit, to \$2,910. Bob's PRI is \$58.20, two percent of his reduced retirement allowance.

Unfortunately, Linda dies in September 2002. Under the "pop-up" provision, Bob's monthly benefit will increase in October 2002 to a total of \$3,116.40. His new benefit amount is composed of the \$3,000 he would have received had he originally chosen Option A, plus the total of the PRIs he received in 2001 and 2002.

PROPOSED

Year	Option A (Historic Survivor Benefit)	Annual PRI Based on Option A Benefit	Option B (Full Survivor Benefit)	Annual PRI Based on Optional B Benefit	Total Benefit
08/01/2000			2,910.00	(not eligible.)	2,910.00
07/01/2001			2,910.00	58.20	2,968.20
07/01/2002			2,968.20	58.20	3,026.40
10/01/2002	3,000.00				3,116.40
07/01/2003	3,000.00	60.00			3,176.40

On July 1, 2003, Bob's PRI will be two percent of the Option A amount (\$60.00) and his benefit will increase to \$3,176.40.

(d) If the retiree whose benefit increases under this section thereafter dies before all contributions are exhausted and there is no surviving spouse or eligible child, all benefits cease. Any remaining balance is paid to:

(i) Such person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department of retirement systems; or

(ii) The member's estate; or

(iii) If there is neither such designated person or persons still living at the time of death, then to the member's legal representative.) This section only applies to members commissioned before January 1, 2003 (WSPRS Plan 1).

(1) When retiring for service, a married member can choose either Option A (historic retirement option) under RCW 43.43.260 and 43.43.270 or Option B under RCW 43.43.278. Both options include a survivor feature that entitles the eligible surviving spouse and any eligible children to receive a monthly allowance after the retiree dies.

(2) **Option A (historic retirement option and survivor benefit).** The department pays the retiree a monthly retirement allowance in accordance with RCW 43.43.260 (Benefits). The department pays survivor benefits in accordance with RCW 43.43.270 (Retirement allowances).

(a) **Surviving spouse.** When the retiree dies, the department pays the retiree's surviving spouse a monthly retirement

allowance equal to the gross monthly allowance then payable to the retiree, or an allowance equal to fifty percent of the average final salary (AFS) used to determine the retiree's benefit, whichever is less.

(b) **Surviving children when there is a surviving spouse.** If the retiree has a surviving spouse and surviving unmarried children under the age of eighteen years, each child shall be entitled to a benefit equal to five percent of the retiree's average final salary (AFS) at retirement. The combined benefits to the surviving spouse and all children cannot exceed sixty percent of the retiree's AFS.

(3) **Option B (actuarially equivalent retirement option and survivor benefit).** The department pays the retiree a monthly retirement allowance that is reduced by three percent from the benefit calculated under Option A. The department pays survivor benefits in accordance with RCW 43.43.278.

(a) **Surviving spouse.** When the retiree dies, the department pays the retiree's surviving spouse a monthly retirement allowance equal to the gross monthly allowance then payable to the retiree.

(b) **Surviving children when there is a surviving spouse.** If the retiree has a surviving spouse and surviving unmarried children under the age of eighteen years, each surviving unmarried child under the age of eighteen years shall be entitled to a benefit equal to five percent of the retiree's average final salary (AFS) at retirement.

(4) **Benefits included in Option A and Option B.**

(a) Cost-of-living adjustment. The retiree's annual adjustment every July is based upon the provisions in RCW 43.43.260(5). The annual adjustment applies to the eligible surviving spouse and any eligible children, who receive a monthly allowance after the retiree dies.

(b) Surviving spouse eligibility. To be eligible for an allowance, the surviving spouse of a retiree must either:

(i) Have been married to the retiree prior to his or her retirement and continuously thereafter until the retiree's death; or

(ii) Have been married to the retiree for at least two years prior to the retiree's death.

(c) Remarriage of surviving spouse. If a surviving spouse who is receiving benefits under this subsection marries another member of WSPRS and that retiree dies before the spouse, the spouse will receive only the higher of the two survivors' allowances for which he or she qualifies. The surviving spouse cannot receive more than one survivor allowance at a time under this subsection.

(d) Surviving children when there is no surviving spouse. If there is no surviving spouse or the surviving spouse dies, the unmarried child or children under the age of eighteen years shall be entitled to a benefit equal to thirty percent of the retiree's AFS for one child and an additional ten percent of AFS for each additional child. The combined benefits to the surviving children cannot exceed sixty percent of the retiree's AFS. Benefit payments under this subsection will be divided equally among the children.

(e) End of benefits. All benefits end when the surviving spouse dies or the youngest unmarried child reaches age eighteen, whichever occurs last.

(f) Distribution of remaining contributions. Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department designated form, duly executed and properly on file with the department on or before the retiree's death; or

(ii) To the retiree's legal representative, if no person or entity designated in (f)(i) of this subsection is living or in existence at the time of the retiree's death.

(5) Pop-up provision.

(a) This subsection only applies to members retiring on or after July 1, 2000, who select Option B.

(b) If the retiree and spouse divorce, or if the spouse dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that the retiree would have received had the retiree chosen Option A at retirement; plus

(ii) Any cost of living adjustments (COLA) the retiree received prior to the divorce or the spouse's death.

(c) Pop-up recalculation example:

Option B: Bob retired on August 1, 2000. His Option A benefit would have been \$3,000. He selected Option B so that his spouse, Linda, will receive his monthly allowance and COLA after he dies. As a result, his monthly allowance was reduced by three percent from \$3,000, the Option A, historic retirement and survivor benefit, to \$2,910. Bob's COLA

for 2001 was \$87.30 (three percent of \$2,910) and for 2002 was \$89.92 (three percent of \$2,997.30).

Linda died in September 2002. Under the "pop-up" provision, Bob's monthly benefit increased in October 2002 to a total of \$3,177.22. His new benefit amount includes the \$3,000 he would have received had he originally chosen Option A, plus the total of the COLAs he received in 2001 (\$87.30) and 2002 (\$89.92). On July 1, 2003, Bob's COLA will be based on the average consumer price index to a maximum of three percent. See RCW 43.43.260(5).

(d) If a retiree whose benefit increases under this subsection dies and there is no eligible child, all benefit payments end. Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department designated form, duly executed and properly on file with the department on or before the retiree's death; or

(ii) To the retiree's legal representative, if no person or entity designated in (d)(i) of this subsection is living or in existence at the time of the retiree's death.

(6) For more information see chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors the department uses for calculating retirement allowances.

(7) Terms used in this section:

"Pop-up" - see WAC 415-02-030.

NEW SECTION

WAC 415-103-225 What are the WSPRS Plan 2 retirement benefit options? This section only applies to members commissioned on or after January 1, 2003 (WSPRS Plan 2). RCW 43.43.271 enables the department to provide retiring WSPRS Plan 2 members with an irrevocable choice of four retirement benefit options for receipt of their retirement benefit. The retiring member must choose an option when applying for service retirement:

(1) Option One: Benefit option without survivor features (standard allowance). The department will pay a monthly retirement allowance based solely on the single life of the retiree, as provided by RCW 43.43.260 (Benefits). When the retiree dies, all benefits end. Any remaining balance of the retiree's accumulated contributions will be paid to:

(a) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department designated form, duly executed and properly on file with the department on or before the retiree's death; or

(b) To the retiree's legal representative, if no person or entity designated in (a) of this subsection is living or in existence at the time of the retiree's death.

(2) Benefit options with a survivor feature.

(a) At retirement, a member may select a survivor option in lieu of the standard allowance. With a survivor option, the retiree's monthly benefit payment is actuarially reduced from the standard allowance to offset the cost of the survivor features. The retiree designates a person to receive a monthly benefit payment after the retiree dies. The designated person

or "survivor beneficiary" will receive this monthly allowance for the remainder of his or her life. If the retiree and survivor beneficiary both die before the retiree's accumulated contributions have been exhausted, all monthly payments end. Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department designated form, duly executed and properly on file with the department on or before the retiree's death; or

(ii) To the retiree's legal representative, if no person or entity designated in (a)(i) of this subsection is living or in existence at the time of the retiree's death.

(b) **Option Two (joint and whole allowance).** When the retiree dies, the department pays the survivor beneficiary a monthly benefit equal to the gross monthly allowance then payable to the retiree.

(c) **Option Three (joint and one-half allowance).** When the retiree dies, the department pays the survivor beneficiary a monthly benefit equal to one-half of the amount of the retiree's gross monthly retirement allowance then payable to the retiree.

(d) **Option Four (joint and two-thirds allowance).** When the retiree dies, the department pays the survivor beneficiary a monthly benefit equal to two-thirds of the retiree's gross monthly retirement allowance then payable to the retiree.

(3) Pop-up provision.

(a) This subsection only applies to retiring members who select a benefit option with a survivor feature (Option Two, Three, or Four).

(b) If the survivor beneficiary dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that the retiree would have received had the retiree chosen Option One; plus

(ii) Any cost-of-living adjustments (COLA) the retiree received prior to the survivor beneficiary's death based on the original selection.

(c) If a retiree whose benefit increases under this section dies, all benefit payments end. Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department designated form, duly executed and properly on file with the department on or before the retiree's death; or

(ii) To the retiree's legal representative, if no person or entity designated in (c)(i) of this subsection is living or in existence at the time of the retiree's death.

(4) Postretirement benefit options.

(a) **Postretirement marriage option.** A retiree who chose the standard allowance (Option One) at the time of retirement, and then marries has a one time only option to choose a survivor option. The retiree may choose a survivor option that names his or her new spouse as the survivor beneficiary, provided:

(i) The retiree's monthly benefit is not subject to a property settlement agreement from a court decree of dissolution or legal separation;

(ii) The retiree makes the choice during the one year window, on or after the date of the first anniversary and before the second anniversary of the postretirement marriage;

(iii) The retiree provides the department with a copy of a marriage certificate as proof of the postretirement marriage and proof of the birthdate of the new spouse; and

(iv) The retiree properly and timely completes and files the correct forms with the department.

(b) **Postretirement survivor change.** A retiree who chose a nonspouse as a survivor beneficiary at the time of retirement may remove that survivor designation one time only. The retiree may have the benefit adjusted to a standard allowance provided the retiree properly and timely completes and files the correct forms with the department.

(c) The change selected under (a) or (b) of this subsection will begin the first of the month following receipt of properly completed and filed paperwork with the department. The change becomes irrevocable on the date that the completed paperwork is received by the department.

(5) For more information, see chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors the department uses for calculating retirement allowances.

(6) Terms used in this section:

"Pop-up" - see WAC 415-02-030.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-108-727 Can I transfer service credit earned as a cadet in the public employees' retirement system to the Washington state patrol retirement system Plans 1 or 2? (1) A PERS Plan 1 or Plan 2 member may transfer cadet service under RCW 41.40.092.

(2) A person who becomes a PERS Plan 3 member cannot transfer service credit earned as a cadet in PERS, regardless of when the credit was earned.

WSR 02-18-091

WITHDRAWAL OF PROPOSED RULES

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed September 3, 2002, 11:25 a.m.]

WAC 388-531-0050, proposed by the Department of Social and Health Services in WSR 02-05-042 appearing in issue 02-05 of the State Register, which was distributed on March 6, 2002, 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 02-18-093
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed September 3, 2002, 12:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-15-104.

Title of Rule: Chapter 296-46A WAC, Safety standards—Installing electric wires and equipment—Administrative rules and chapter 296-401B WAC, Certification of competency for journeyman electricians.

Purpose: The purpose of these rules is to extend the application and examination dates for several electrical administrator and certified electrician categories. The department has already extended these deadlines as a matter of policy as the allotment of more time will improve public safety and compliance with the regulations for purposes of consumer protection through the registration, licensure, and certification of more licensed and bonded electrical contractors. It is the goal of this extension to increase compliance with the rule, public safety, and consumer protection for all citizens in the state. These rules ensure that potentially competent and compliant individuals and employers have an adequate amount of time to comply with the rules.

Amended Section: WAC 296-46A-950 Administrator certificate. This section was amended to:

- Change the last date to submit applications for temporary administrator from December 31, 2001, to May 31, 2002, for several of the specialty administrator categories;
- Correct a typographical error;
- Change the application date for telecommunications administrators from June 30, 2001, to December 31, 2001, to correct an error from the previous rule making;
- Change the timeframe for completing the specialty administrator examination until December 31, 2002, or twelve months after submitting application, whichever is longer, for several of the specialty administrator categories;
- Specify the interim enforcement date for the telecommunications administrators to be January 19, 2001, to correct an error from the previous rule making; and
- Specify in rule that the department may waive the fees associated with the certificate extensions granted under this section.

Amended Section: WAC 296-401B-340 Trainees working without supervision. This section was amended to:

- Specify that applications for an unsupervised electrical training certificate must be submitted prior to May 31, 2002, no application deadline for applying previous work experience exists in the current rules;
- Change the date allowing electrician candidates to qualify for the third-year training certificate until December 31, 2002, or twelve months after submitting application, whichever is longer, for several of the specialty electrician categories;

- Changing the timeframe for completing the examination until December 31, 2002, or twelve months after submitting application, whichever is longer, for several of the specialty electrician categories; and
- Specify in rule that the department may waive the fees associated with the certificate extensions granted under this section.

Statutory Authority for Adoption: RCW 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, and 19.28.341.

Statute Being Implemented: Chapter 19.28 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Ron Fuller, Tumwater, (360) 902-5249; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

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: 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. The department has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed rules will not place a more than minor impact on any business or contractor and the proposed rules are exempted by law (see RCW 19.85.025 referencing RCW 34.05.310(4)) from the small business economic impact requirements.

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria does not apply to these rule changes as these rule changes do not fall within the definition of "significant legislative rules" and the exempt criteria outlined in RCW 34.05.328(5) was met.

Hearing Location: Department of Labor and Industries Building, S118, 7273 Linderson Way S.W., Tumwater, WA, on October 8, 2002, at 11:00 a.m. - 1:00 p.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by October 7, 2002, at (360) 902-6411.

Submit Written Comments to: Josh Swanson, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, e-mail swaj235@lni.wa.gov, fax (360) 902-5292, by October 8, 2002. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: October 9, 2002.

September 3, 2002

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 01-01-097, filed 12/15/00, effective 1/18/01)

WAC 296-46A-950 Administrator certificate. (1) The department must issue an administrator certificate to a person

who qualifies for a certificate in accordance with chapter 19.28 RCW and makes proper application that includes the person's Social Security number, date of birth, and mailing address. The first certificate issued will expire on the person's birthdate at least one year and not more than three years from the date of issue. If a person was born in an even numbered year, the certificate will expire on the holder's even numbered birthdate. If the person was born in an odd numbered year, the certificate will expire on the holder's odd numbered birthdate. The department will prorate the administrator's certificate fee according to the number of months or major portions of months in a certificate period. All subsequent certificates will be issued for a twenty-four month period.

(2) The department may deny application or renewal of an administrator's certificate if the individual owes outstanding final judgments to the department.

(3) Effective July 1, 1987, an administrator designated on the electrical/telecommunications contractor's license must be a member of the firm who fulfills the duties of a full-time supervisory employee, or be a full-time supervisory employee. In determining whether the person is a member of the firm, the department will require that the person is named as the sole proprietor, a partner or an officer in a corporation

as shown on the electrical contractor's license application on file with the department and the secretary of state. In determining whether a person is a full-time supervisory employee, the department will consider whether the person is on the electrical/telecommunications contractor's full-time payroll; receives a regular salary or wage similar to other employees; has supervisory responsibility for work performed by the electrical/telecommunications contractor and carries out the duties shown in chapter 19.28 RCW.

(4) A firm may designate certain temporary specialty administrator(s) or telecommunications initial specialty administrator(s) to satisfy the requirements of chapter 19.28 RCW under the guidelines described in Table 950-1 Temporary Specialty Administrator Application/Enforcement Procedure.

(5) The department may deny an application for an administrator's certificate for up to two years if the applicant's previous administrator's certificate has been revoked or suspended for serious noncompliance, as defined in WAC 296-46A-960.

(6) The department may waive the fees associated with the certificate extensions granted under this section.

Table 950-1—Temporary Specialty Administrator Application/Enforcement Procedure
SPECIALTIES OPEN FOR CREDIT FOR PREVIOUS WORK EXPERIENCE

ACTION DEADLINES AND DETAILS	HVAC/Refrigeration (06A)	<ul style="list-style-type: none"> • Domestic well (03A), • Limited energy (06)- (residential sound only), • Nonresidential maintenance (07), • Nonresidential lighting maintenance (07A), • Residential maintenance (New-07B), • Door, window, gate, and similar systems (New-10) 	((Telecommunications)) <u>Telecommunications (09)</u> <ul style="list-style-type: none"> • In business on June 8, 2000 STATUS A • In business after June 8, 2000 STATUS B
Last date to submit application for temporary administrator¹	((December 31, 2001)) <u>May 31, 2002⁵</u>	((December 31, 2001)) <u>May 31, 2002⁵</u>	((June 30, 2001)) <u>December 31, 2001⁵</u>
Required business status in the contracting specialty²	18.27 RCW Contractor Registration or Appropriate Business License	18.27 RCW Contractor Registration or Appropriate Business License	STATUS A—18.27 RCW Contractor Registration STATUS B—Appropriate ((Business)) <u>Business License</u>
Minimum previous experience for firm making temporary designation	N/A	N/A	STATUS A—2 Years ⁶ STATUS B—N/A
Begin interim enforcement⁴	July 1, 2000	July 1, 2001	((Effective Date of Chapter 296-46A WAC)) <u>January 19, 2001</u>
Begin full enforcement	January 1, 2002	January 1, 2002	July 1, 2001

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<p>Must pass specialty administrator examination no later than:</p>	<p>((12 Months After Submitting Temporary Specialty Administrator Application)) <u>December 31, 2002, or 12 months after submitting temporary specialty administrator application, whichever is longer³</u></p>	<p>((12 Months After Submitting Temporary Specialty Administrator Application)) <u>December 31, 2002, or 12 months after submitting temporary specialty administrator application, whichever is longer³</u></p>	<p>STATUS A—N/A¹ STATUS B—12 Months After Submitting Temporary Specialty Administrator Application³</p>
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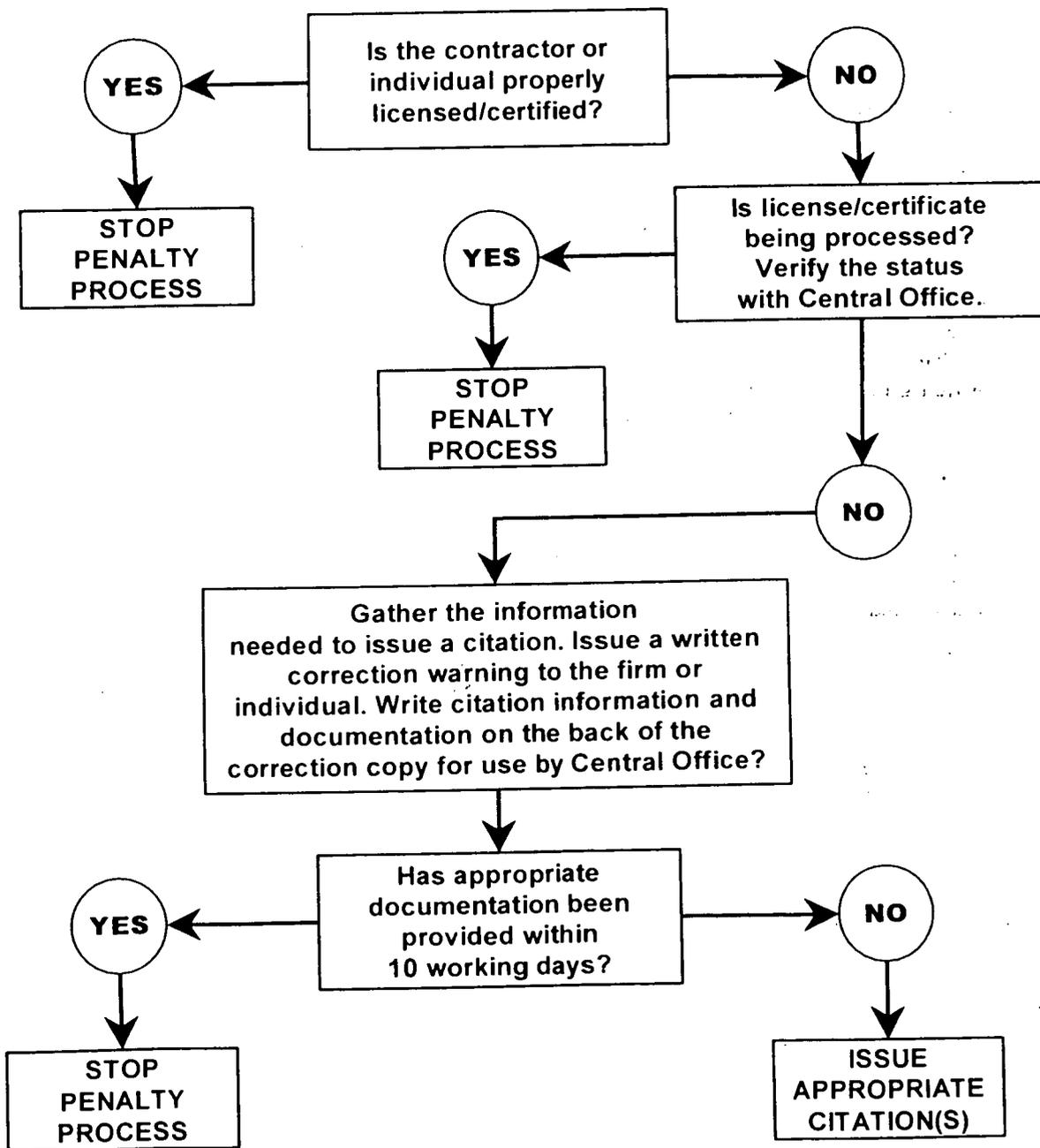
Notes:

1. The initial telecommunications designated administrators(s) allowed in RCW 19.28.420(6) is not required to pass an examination.
2. If previous experience is required, it must be full-time in the appropriate specialty.
3. No extension of the temporary specialty administrator's status will be permitted unless the examination is successfully completed and a permanent specialty administrator's certificate is obtained within three months of the examination date. A temporary specialty administrator certificate cannot be renewed or extended.
4. See Figure 1. If a citation is issued for failure to comply with the requirements of chapter 19.28 RCW or WAC 296-46A, the individual/firm will lose the ability to assign a temporary administrator prior to examination.
5. To qualify for a temporary specialty administrator certificate or telecommunications initial designated specialty administrator certificate, the following must be submitted to the department: Complete contractor's application package, complete administrator's application and examination package, complete Transfer of Administrator form, and all appropriate fees.
6. No requirement for the owner of a telecommunications firm described in RCW 19.28.420 (6)(a).

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Figure 1
ELECTRICAL SPECIALTY
Interim Licensing/Certification Requirements



AMENDATORY SECTION (Amending WSR 01-01-097, filed 12/15/00, effective 1/18/01)

WAC 296-401B-340 Trainees working without supervision. (1) After review by the department, a trainee may be issued a six-month, nonrenewable unsupervised electrical training certificate that will allow the individual to work without supervision if the trainee:

- (a) Has submitted a complete application for an unsupervised electrical training certificate prior to May 31, 2002;
- (b) Has worked over 7,000 hours properly supervised;
- (c) Has successfully completed or is currently enrolled in an approved apprenticeship program or an electrical construction trade program in a school approved by the board of community and technical colleges;
- (d) Has paid all appropriate training certificate fees listed in WAC 296-401B-700; and
- (e) Is currently working for and continues to work for a licensed electrical contractor that employs at least one certified journeyman or specialty electrician in the appropriate specialty.

(2) HVAC/refrigeration limited energy technician trainees may work unsupervised when doing HVAC/refrigeration thermostat installation as follows:

- (a) HVAC/refrigeration first- and second-year trainees may work unsupervised when installing HVAC thermostat cable when the system consists of a single thermostat in one- and two-family dwelling units where line voltage power is not connected to the system.
- (b) HVAC/refrigeration second year trainees may work unsupervised when installing thermostats or making thermostat cable connections in one- and two-family dwelling units.

(3) Individuals credited with a minimum of two years previous work experience training credit per WAC 296-401B-455(2) will qualify for a third-year training certificate in the specialty listed in WAC 296-401B-455 (1)(c) and will be considered temporarily, until ((June 30, 2002)) December 31, 2002, or twelve months after submitting application, whichever is longer, to be a specialty electrician/technician for the purpose of working within the scope of the appropriate specialty without supervision and for the purpose of supervising first and second year trainees in proper ratio.

(4) Individuals credited with a minimum of two years previous work experience training credit per WAC 296-401B-455(2) will qualify for a third-year training certificate in the appropriate specialty, listed in WAC 296-401B-455 (1)(a), (b), (d), (e), (f), or (g) and will be considered temporarily, until ((June 30, 2002)) December 31, 2002, or twelve months after submitting application, whichever is longer, to be a specialty electrician/technician for the purpose of working within the scope of the appropriate specialty without supervision and for the purpose of supervising first and second year trainees in proper ratio.

(5) A third-year training certificate issued per subsection (3) or (4) of this section will be revoked if the individual does not successfully complete the appropriate specialty examination before ((June 30, 2002)) December 31, 2002, or twelve months after submitting application, whichever is longer, for the appropriate specialty, listed in WAC 296-401B-455

(1)(a), (b), (c), (d), (e), (f), or (g). The individual may then apply for a second-year trainee certificate and must:

- (a) Work under the direct supervision of a certified specialty electrician or journeyman electrician;
- (b) Not supervise trainees; and
- (c) Be supervised in the correct ratio.

(6) The department may waive the fees associated with the certificate extensions granted under this section.

WSR 02-18-094
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed September 3, 2002, 12:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-130.

Title of Rule: Chapter 296-839 WAC, Content and distribution of material safety data sheets (MSDSs) and label information and WAC 296-62-054 Manufacturers, importers and distributors—Hazard communication.

Purpose: The manufacturers, importers and distributors hazard communication rule is being rewritten and reorganized for clarity and ease of use for employers and employees. We are amending the rule in chapter 296-62 WAC to only apply to agriculture and proposing content and distribution of material safety data sheets (MSDSs) and label information in a new chapter 296-839 WAC.

The manufacturers, importers and distributors hazard communication rule is being rewritten and reorganized for clarity and ease of use for employers and employees. We are proposing to repeal the rule from chapter 296-62 WAC and proposing it as a new chapter, content and distribution of material safety data sheets (MSDSs) and label information, chapter 296-839 WAC. No requirements have been changed or added.

Amended Sections:

WAC 296-62-054 Manufacturers, importers and distributors—Hazard communication.

- A note will be added to WAC 296-62-054 stating that requirements relating to manufacturers, importers and distributors hazard communication has been moved and the requirements left in WAC 296-62-054 only apply to agriculture.

New Sections:

WAC 296-839-100 Scope.

- Clarifies responsibility of manufacturers, importers and distributors to provide material safety data sheets and labels.
- Lists exemptions from WAC 296-62-054.

WAC 296-839-200 Hazard evaluation.

- Clarifies responsibility of manufacturers, importers and distributors to evaluate the hazards of chemicals they produce, import or distribute.

WAC 296-839-20005 Conduct complete hazard evaluations.

- Moved requirements from WAC 296-62-05402, 296-62-05404, and 296-62-05406 to this section.

WAC 296-839-20010 Provide access to hazard evaluation procedures.

- Moved requirements regarding access to written procedures to this section.

WAC 296-839-300 Material safety data sheets.

- Clarifies methods and requirements for developing or obtaining MSDSs.

WAC 296-839-30005 Develop or obtain MSDSs.

- Moved requirements from WAC 296-62-05408 to this section.

WAC 296-839-30010 Provide MSDSs.

- Moved requirements from WAC 296-62-05412 to this section.

WAC 296-839-30015 Follow-up if an MSDS is not provided.

- Moved requirements from WAC 296-62-05412 to this section.

WAC 296-839-400 Labeling.

- Moved requirements from WAC 296-62-05410 to this section.

WAC 296-839-40005 Label containers of hazardous chemicals.

- Moved requirements from WAC 296-62-05410 to this section.

WAC 296-839-500 Definitions.

- Moved the definitions from WAC 296-62-054 to this section.

WAC 296-62-055 Retain labeling required by Department of Transportation (DOT).

- Clarifies responsibility of employers to retain DOT labeling.

WAC 296-62-05510 Scope.

- Clarifies what packaging the rule applies to.

WAC 296-62-05520 Retain readily visible DOT labeling.

- Moved requirements relating to DOT labeling from WAC 296-62-05410 to this section.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050, [49.17].060.

Statute Being Implemented: Chapter 296-17 [49.17] RCW.

Summary: The Department of Labor and Industries is proposing to rewrite and clarify requirements relating to manufacturers, importers and distributors hazard communication. This rule making is part of our four year plan to rewrite for clarity all of chapters 296-24 and 296-62 WAC. See Purpose above.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

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: See Summary above.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A number of criteria and exemptions were established by the small business economic impact statement (SBEIS) analysis. One key criteria that allows rule changes to be exempt from preparation of an SBEIS is presented in RCW 34.05.310 (4)(d), "rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect" are not subject to the SBEIS requirements. Because the proposed rule changes make clarifying and organizational changes for ease of understanding and use, but do not in any way alter the content of the original rules, there should not be an economic impact on Washington state business.

The analysis of the rule reveals that in addition to not imposing new costs on businesses, these revisions will actually make WISHA rules easier for employers and employees to understand and use, and thus actually save them time.

RCW 34.05.328 does not apply to this rule adoption. This rule is exempt under RCW 34.05.328 (5)(b)(iv) since it only corrects typographical errors and clarifies language without changing its effect. The proposal does not increase requirements.

Hearing Location: Department of Labor and Industries Building, Room S117, 7273 Linderson Way S.W., Tumwater, WA, on October 8, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sally Elliot by October 1, 2002, at (360) 902-5484.

Submit Written Comments to: Kimberly Rhoads, Project Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, fax (360) 902-5529, by 5:00 p.m. on October 15, 2002. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: December 1, 2002.

September 3, 2002

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-62-054 Manufacturers, importers and distributors—Hazard communication.

Note: The requirements in this section apply only to agriculture. The general industry requirements relating to manufacturers, importers and distributors hazard communication have been moved to chapter 296-839 WAC. Content and distribution of material safety data sheets (MSDSs) and label information.

Your responsibility:

To ensure that the hazards of all chemicals produced or imported are evaluated and that information concerning their hazards is given to employers and employees.

Note: • If you have employees exposed to the chemicals you produce, import or distribute, you must comply with "Chemical hazard communication rule" WAC 296-800-170.

You must:

- Determine whether the chemicals you produce in your workplace or import are hazardous. *WAC 296-62-05402*
- Use this criteria in making hazard determinations. *WAC 296-62-05404*
- Determine whether the chemicals you produce or import are health hazards. *WAC 296-62-05406*
- Obtain or develop a material safety data sheet for each hazardous chemical you produce or import. *WAC 296-62-05408*
- Label clearly each container of hazardous chemicals that leaves your workplace. *WAC 296-62-05410*
- Provide material safety data sheets. *WAC 296-62-05412*

Application of this standard:

The Manufacturers, Importers, and Distributors Hazardous Communication Rule DOES NOT APPLY to:

- Any hazardous waste as such term is defined by the Hazardous Waste Management Act chapter 70.105 RCW, when subject to regulations issued under that act by the department of ecology that describes specific safety, labeling, personnel training and other standards for the accumulation, handling and management of hazardous waste;
- Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that act by the Environmental Protection Agency;
- Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.), when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with Environmental Protection Agency regulations;
- Tobacco or tobacco products;
- Wood or wood products, including lumber that will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to the employees is the potential for flammability or combustibility (wood or wood products that have been treated with hazardous chemi-

cals covered by this standard, and wood that may be subsequently sawed or cut, generating dust, are not exempted);

- Articles are manufactured items other than a fluid or particle:
 - That are formed to a specific shape or design during manufacture;
 - That have end use function(s) dependent in whole or in part upon their shape or design during end use; and
 - That under normal conditions of use do not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under the hazard determination section of this rule), and do not pose a physical hazard or health risk to employees.
- Food or alcoholic beverages that are sold, used, or prepared in a retail establishment (such as grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while in the workplace;
- Any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (e.g., tablets or pills); drugs that are packaged by the chemical manufacturer for sale to consumers in a retail establishment (e.g., over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (e.g., first aid supplies);
- Cosmetics that are packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the workplace;
- Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substance Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure that is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended;

Article means a manufactured item other than a fluid or particle:

- Ionizing and nonionizing radiation; and
 - Biological hazards.
- Article means a manufactured item other than a fluid or particle:
- Which is formed to a specific shape or design during manufacture;
 - Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and
 - Which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under WAC 296-62-05407), and does not pose a physical hazard or health risk to employees.

Director means the director of the department of labor and industries or his/her designee.

Chemical means any element, chemical compound or mixture of elements and/or compounds.

Chemical manufacturer means an employer with a workplace where chemical(s) are produced for use or distribution.

Chemical name means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chem-

istry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Common name means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

Designated representative means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

Employee means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise. However, for the purposes of this part, employee shall not mean immediate family members of the officers of any corporation, partnership, sole proprietorship, or other business entity or officers of any closely held corporation engaged in agricultural production of crops or livestock. This part applies to employees who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies.

Employer means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees or who contract with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations. This part applies to employers engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.

Exposure or exposed means that an employee is/ was subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g., accidental or possible) exposure.

Foreseeable emergency means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

Hazardous chemical means any chemical which is a physical hazard or a health hazard.

Identity means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

Importer means the first business within the Customs Territory of the United States which receives hazardous chemicals produced in other countries, for the purpose of supplying them to distributors or employers within the

United States. This definition is the same as Webster's, therefore we did not include it in the definitions.

Material safety data sheet (MSDS) means written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05408.

Mixture means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

Novelty and prior art. A trade secret may be a device or process which is patentable; but it need not be that. It may be a device or process which is clearly anticipated in the prior art or one which is merely a mechanical improvement that a good mechanic can make. Novelty and invention are not requisite for a trade secret as they are for patentability. These requirements are essential to patentability because a patent protects against unlicensed use of the patented device or process even by one who discovers it properly through independent research. The patent monopoly is a reward to the inventor. But such is not the case with a trade secret. Its protection is not based on a policy of rewarding or otherwise encouraging the development of secret processes or devices. The protection is merely against breach of faith and reprehensible means of learning another's secret. For this limited protection it is not appropriate to require also the kind of novelty and invention which is a requisite of patentability. The nature of the secret is, however, an important factor in determining the kind of relief that is appropriate against one who is subject to liability under the rule stated in this section. Thus, if the secret consists of a device or process which is a novel invention, one who acquires the secret wrongfully is ordinarily enjoined from further use of it and is required to account for the profits derived from his past use. If, on the other hand, the secret consists of mechanical improvements that a good mechanic can make without resort to the secret, the wrongdoer's liability may be limited to damages, and an injunction against future use of the improvements made with the aid of the secret may be inappropriate.

Secrecy. The subject matter of a trade secret must be secret. Matters of public knowledge or of general knowledge in an industry cannot be appropriated by one as his secret. Matters which are completely disclosed by the goods which one markets cannot be his secret. Substantially, a trade secret is known only in the particular business in which it is used. It is not requisite that only the proprietor of the business know it. He may, without losing his protection, communicate it to employees involved in its use. He may likewise communicate it to others pledged to secrecy. Others may also know of it independently, as, for example, when they have discovered the process or formula by independent invention and are keeping it secret. Nevertheless, a substantial element of secrecy must exist, so that, except by the use of improper means, there would be difficulty in acquiring the information. An exact definition of a trade secret is not possible. Some factors to be considered in determining whether given information is one's trade secret are:

The extent to which the information is known outside of his business;

The extent to which it is known by employees and others involved in his business;

PART C-1

RETAIN DEPARTMENT OF TRANSPORTATION LABELING

The extent of measures taken by him to guard the secrecy of the information;
 The value of the information to him and his competitors;
 The amount of effort or money expended by him in developing the information;

The ease or difficulty with which the information could be properly acquired or duplicated by others.

Specific chemical identity means the chemical name, Chemical Abstracts Service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.

Trade secret means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC 296-62-05225 provides a legal definition of trade secret and this rule sets out the criteria to be used in evaluating trade secrets.

Use means to package, handle, react, emit, extract, generate as a by-product, or transfer.

Workplace means an establishment, job site, or project, at one geographical location containing one or more work areas.

NEW SECTION

WAC 296-62-05520 Retain readily visible DOT labeling.

You must:

- Retain readily visible DOT labeling as specified in Table 1.

NEW SECTION

WAC 296-62-055 Retain labeling required by the department of transportation.

Your responsibility:

To make sure DOT-required labeling on packages and containers in your workplace is retained to alert employees of potentially hazardous contents.

Note: Terms used in this rule are defined by the USDOT in Title 49 of the Code of Federal Regulations (CFR) Part 171. To access the CFR visit: <http://www.dot.gov>

NEW SECTION

WAC 296-62-05510 Scope. This chapter applies to packages, freight containers, rail freight cars, motor vehicles, and transport vehicles required to be marked, placarded, or labeled by the U.S. Department of Transportation in Title 49 of the CFR, Parts 171-180.

PROPOSED

Table 1

Specifications for Retaining DOT Labeling

If you receive	Retain DOT markings, placards and labels UNTIL:
<ul style="list-style-type: none"> • Packages of hazardous materials 	<ul style="list-style-type: none"> • Hazardous materials are sufficiently removed <ul style="list-style-type: none"> – Packaging must be <ul style="list-style-type: none"> ■ cleaned of residue ■ purged of vapors
<ul style="list-style-type: none"> • Freight containers • Rail freight cars • Motor vehicles • Transport vehicles 	<ul style="list-style-type: none"> • Hazardous materials are sufficiently removed
<ul style="list-style-type: none"> • Nonbulk packages that will not be reshipped 	<ul style="list-style-type: none"> • You replace the DOT labeling with labeling that complies with WAC 296-800-170, Employer chemical hazard communication—Introduction (see the <i>Safety and Health Core Rules Book</i>)

Chapter 296-839 WAC

CONTENT AND DISTRIBUTION OF MATERIAL SAFETY DATA SHEETS (MSDSs) AND LABEL INFORMATION

NEW SECTION

WAC 296-839-100 Scope. This chapter sets minimum requirements for content and distribution of material safety data sheets (MSDSs) and labels for hazardous chemicals.

- This chapter applies when you do **one or more** of the following:
 - Import, produce, or repackage chemicals, including manufactured items (such as bricks, welding rods, and sheet metal) that are not exempt as articles
 - Sell or distribute hazardous chemicals to manufacturers, distributors or employers

– Choose not to rely on material safety data sheets (MSDSs) provided by the importer, manufacturer or distributor.

- Note:**
- You are not required to evaluate chemicals or create MSDSs for chemicals you did not produce or import. If you decide to evaluate chemicals or create MSDSs, then the requirements of this chapter will apply to you.
 - Use Table 2 to determine which sections in this chapter apply to your workplace.

Exemptions:

- All of the following are **always** exempt from this chapter:
 - Ionizing and nonionizing radiation
 - Biological hazards
 - Tobacco and tobacco products
- The chemicals and items listed in Table 1 are exempt from this chapter **under the conditions specified.**

**Table 1
Conditional Exemptions from this Chapter**

This chapter does NOT apply to	When
<ul style="list-style-type: none"> • Alcoholic beverages <p>OR</p> <ul style="list-style-type: none"> • Foods 	<ul style="list-style-type: none"> • Sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, bar, or tavern)
<ul style="list-style-type: none"> • An article (manufactured item) 	<ul style="list-style-type: none"> • It is not a fluid or particle <p>AND</p> <ul style="list-style-type: none"> • It is formed to a specific shape or design during manufacture for a particular end use function¹ <p>AND</p> <ul style="list-style-type: none"> • It releases only trace amounts of a hazardous chemical during normal use AND does not pose a physical or health risk to employees
<ul style="list-style-type: none"> • Consumer products <ul style="list-style-type: none"> – Produced or distributed for sale meeting the definition of "consumer products" in the Consumer Product Safety Act (see U.S. Code, Title 15, Chapter 47, section 2052²) <p>OR</p> <ul style="list-style-type: none"> • Hazardous household products <ul style="list-style-type: none"> – Meeting the definition of "hazardous substances" in the Federal Hazardous Substance Act (see U.S. Code, Title 15, Chapter 30, section 1261²) 	<ul style="list-style-type: none"> • Both criteria apply: <ul style="list-style-type: none"> – They are used in the workplace for the same purpose as intended by the manufacturer or importer – The duration and frequency of an employee's exposure is no more than the range of exposures that consumers might reasonably experience
<ul style="list-style-type: none"> • Cosmetics 	<ul style="list-style-type: none"> • Packaged and sold in retail establishments
<ul style="list-style-type: none"> • Drugs <ul style="list-style-type: none"> – Meeting the definition for "drugs" in the Federal Food, Drug, and Cosmetic Act (see U.S. Code, Title 21, Chapter 9, Subchapter II, section 321²) 	<ul style="list-style-type: none"> • In solid, final form (for example, tablets, or pills) for direct administration to the patient <p>OR</p> <ul style="list-style-type: none"> • Packaged and sold in retail establishments (for example, over-the-counter drugs) <p>OR</p> <ul style="list-style-type: none"> • Intended for employee consumption while in the workplace (for example, first-aid supplies)

PROPOSED

Table 1
Conditional Exemptions from this Chapter

This chapter does NOT apply to	When
<ul style="list-style-type: none"> • Hazardous solid wastes <ul style="list-style-type: none"> – Meeting the definition of "hazardous wastes" in the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (see U.S. Code, Title 42, Chapter 82, Subchapter I, section 6903²) 	<ul style="list-style-type: none"> • Subject to the United States Environmental Protection Agency (EPA) regulations³
<ul style="list-style-type: none"> • Hazardous substances <ul style="list-style-type: none"> – Released into the environment, meeting the definition of "hazardous substances" in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (see U.S. Code, Title 42, Chapter 103, Subchapter I, section 9601²) 	<ul style="list-style-type: none"> • They are the focus of remedial or removal action being conducted under CERCLA in accordance with EPA regulations (Title 40 of the Code of Federal Regulations (CFR)³)
<ul style="list-style-type: none"> • Hazardous wastes <ul style="list-style-type: none"> – Meeting the definition of "dangerous wastes" in the Hazardous Waste Management Act (see chapter 70.105 RCW⁴) 	<ul style="list-style-type: none"> • Subject to department of ecology regulations, chapter 173-303 WAC⁵, that address the accumulation, handling and management of hazardous waste, and describe all of the following: <ul style="list-style-type: none"> – Safety – Labeling – Personnel training – And other related requirements
<ul style="list-style-type: none"> • Solid wood OR • Wood products (for example, lumber, and paper) 	<ul style="list-style-type: none"> • All of the following apply <ul style="list-style-type: none"> – The material is not treated with hazardous chemicals – The only hazard is potential flammability or combustibility – The product is not expected to be processed (for example, by sanding or sawing)

¹End use is dependent in whole, or in part, upon maintaining the item's original shape or design. If the item will be significantly altered from its original form, it can no longer be considered a manufactured item

²This federal act is included in the United States Code. See <http://www.access.gpo.gov/uscode/uscmmain.html>

³EPA regulations are included in the Code of Federal Regulations (CFR). See <http://www.epa.gov>

⁴This state act is included in the Revised Code of Washington (RCW). The RCW compiles all permanent laws of the state. See <http://www.leg.wa.gov/wsladm/default.htm>

⁵See <http://www.ecy.wa.gov>

Use Table 2 to find out which sections of this chapter apply to you. For example, if you import AND sell hazardous chemicals ALL sections apply. WAC 296-839-500 applies to all employers covered by the scope of this chapter.

TABLE 2
Section Application

If you	Then the sections marked with an "X" apply			
	20005 - 20010	30005	30010 - 30015	40005
• Import or produce chemicals	X	X		
• Sell or distribute hazardous chemicals to <ul style="list-style-type: none"> – Manufacturers OR <ul style="list-style-type: none"> – Distributors OR <ul style="list-style-type: none"> – Employers (includes retail or wholesale transactions) 			X	X
• Choose to NOT rely on MSDSs provided by the importer, manufacturer or distributor	X	X		

PROPOSED

NEW SECTION

WAC 296-839-200 Hazard evaluation.

Your responsibility:

To make sure the hazardous chemicals are identified.

You must:

Conduct complete hazard evaluations

WAC 296-839-20005

Provide access to hazard evaluation procedures

WAC 296-839-20010.

NEW SECTION

WAC 296-839-20005 Conduct complete hazard evaluations. Important:

• Hazard evaluation is a process where hazards of chemicals are identified by reviewing available research or testing information. You are not required to perform your own laboratory research or testing to meet the requirements of this section

– Information from hazard evaluations is used to complete material safety data sheets (MSDSs) and labels

– MSDSs from your suppliers may be used to complete the hazard evaluation for chemicals you produce

– MSDSs and labels are NOT required for chemicals that are determined to be nonhazardous

• Importers and manufacturers are required to develop MSDSs and labels. If you decide to develop your own MSDSs and labels then this chapter also applies to you.

You must:

(1) Describe in writing your procedures for conducting hazard evaluations.

(2) Conduct a complete hazard evaluation for ALL chemicals you produce or import to determine if they are hazardous chemicals.

• Identify and consider available scientific evidence of health and physical hazards

• Evidence that meets the criteria in Table 3 must be used to establish a hazard

• Chemicals identified in a Table 4 source must be regarded as hazardous

• The scope of health hazards considered must include the categories in Tables 5 and 6

• If the chemical is a mixture, follow the additional criteria in Table 7.

If you find evidence that meets the criteria in Table 3, use it in your hazard evaluation.

**Table 3
Criteria for Hazard Evidence**

Hazard	Criteria
<ul style="list-style-type: none"> • Health hazard 	<ul style="list-style-type: none"> • Where available, use human case reports of health effects AND • One or more studies that <ul style="list-style-type: none"> – Are based on human populations, if available, and animal populations^{1,2} AND – Report statistically significant conclusions of a hazardous effect or health hazard (as defined in this rule) AND – Have been conducted following established scientific principles
<ul style="list-style-type: none"> • Physical hazard 	<ul style="list-style-type: none"> • Valid evidence that shows a chemical is any one of the following³: <ul style="list-style-type: none"> – A combustible liquid – A compressed gas – Explosive – Flammable – An organic peroxide – An oxidizer – Pyrophoric – Unstable (reactive) – Water-reactive

¹ If human data is not available, use results of tests done on animals and other available studies to predict health effects on employees (for example, effects resulting from short and long-term exposures to chemicals).

² In vitro studies alone do not generally form the basis of a finding of hazard.

³These terms are defined in WAC 296-839-500.

Chemicals identified in the sources listed in Table 4 must be assumed to be hazardous (including carcinogens and potential carcinogens).

PROPOSED

PROPOSED

Table 4
Information Sources Identifying Hazardous Chemicals

- Sources that address a broad range of hazard categories:
 - Chapter 296-62 WAC, General Occupational Health Standards, WISHA
 - 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA)
 - *Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment*, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition).
- Sources that identify carcinogens or potential carcinogens:
 - Chapter 296-62 WAC, General Occupational Health Standards, WISHA
 - 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA)
 - National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition)
 - International Agency for Research on Cancer (IARC) Monographs (latest editions).

Note:

The *Registry of Toxic Effects of Chemical Substances* is published by the National Institute for Occupational Safety and Health (NIOSH) and identifies chemicals found to be potential carcinogens by the NTP and IARC.

Chemicals meeting Table 5 definitions, along with the criteria for established evidence in Table 3, must be regarded as hazardous.

Table 5 is NOT intended to present all hazard categories or test methods. Available scientific data involving other test methods and animal species must also be evaluated to determine a chemical's hazards.

Table 5
Standard Health Hazard Categories

A chemical is considered to be	If
<ul style="list-style-type: none"> • A carcinogen 	<ul style="list-style-type: none"> • The International Agency for Research on Cancer (IARC) considers it to be a carcinogen or potential carcinogen OR • The National Toxicity Program (NTP) (latest edition) lists it as a carcinogen or potential carcinogen OR • It is regulated by WISHA or OSHA as a carcinogen
<ul style="list-style-type: none"> • Corrosive 	<ul style="list-style-type: none"> • It causes visible destruction of, or irreversible alterations in, living tissue (not inanimate surfaces) by chemical action at the site of contact Example: <ul style="list-style-type: none"> – A chemical is corrosive if tested on the intact skin of albino rabbits by a method described by the U.S. Department of Transportation (in Appendix A to 49 CFR Part 173) and it destroys or changes (irreversibly) the structure of the tissue at the contact site after a four-hour exposure period

**Table 5
Standard Health Hazard Categories**

A chemical is considered to be	If
<ul style="list-style-type: none"> • Toxic 	<ul style="list-style-type: none"> • It has a median lethal dose (LD50) greater than 50 milligrams per kilogram, but no more than 500 milligrams per kilogram of body weight, when administered orally to albino rats weighing between 200 - 300 grams each. OR • It has a median lethal dose (LD50) greater than 200 milligrams per kilogram, but not more than 1,000 milligrams per kilogram, of body weight when administered by continuous contact for twenty-four hours (or less if death occurs within twenty-four hours) with the bare skin of albino rabbits weighing between 2 - 3 kilograms each OR • It has a median lethal concentration (LC50), in air: <ul style="list-style-type: none"> – Greater than 200 parts per million, but not more than 2,000 parts per million (by volume of gas or vapor) OR – Greater than 2 milligrams per liter, but not more than 20 milligrams per liter, of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats, weighing between 200 - 300 grams each
<ul style="list-style-type: none"> • Highly toxic 	<ul style="list-style-type: none"> • It has a median lethal dose (LD50) of 50 milligrams, or less, per kilogram of body weight when administered orally to albino rats weighing between 200 - 300 grams each OR • It has a median lethal dose (LD50) of 200 milligrams, or less, per kilogram of body weight when administered by continuous contact for twenty-four hours (or less if death occurs within twenty-four hours) with the bare skin of albino rabbits weighing between 2 - 3 kilograms each OR • It has a median lethal concentration of (LC50), in air, of: <ul style="list-style-type: none"> – 200 parts per million (by volume), or less, of gas or vapor OR – 2 milligrams per liter, or less, of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 - 300 grams each
<ul style="list-style-type: none"> • An irritant 	<ul style="list-style-type: none"> • It is NOT corrosive, but causes a reversible inflammatory effect on living tissue by chemical action at the contact site Examples: <ul style="list-style-type: none"> – The chemical is a skin irritant when tested on the intact skin of albino rabbits (by the methods of 16 CFR 1500.41) for four hours exposure, (or by other appropriate techniques) and the exposure results in an empirical score of five or more – A chemical is an eye irritant if so determined under the procedure listed in 16 CFR 1500.42 or other appropriate techniques

PROPOSED

Table 5
Standard Health Hazard Categories

A chemical is considered to be	If
• A sensitizer	• It causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure

Categories provided in Table 6 illustrate the broad range of target organ effects that must be considered when conducting hazard evaluations. Chemicals meeting Table 6 definitions, along with the criteria for established evidence in Table 3, must be regarded as hazardous.

Examples provided in Table 6 are NOT intended to be a complete list.

Table 6
Examples of Target Organ Effect Categories Category

Category	Definition	Examples of Signs and Symptoms	Examples of Chemicals
Hepatotoxins	Cause liver damage	• Jaundice • Liver enlargement	• Carbon tetrachloride • Nitrosamines
Nephrotoxins	Cause kidney damage	• Edema • Proteinuria	• Halogenated hydrocarbons • Cadmium
Neurotoxins	Cause primary toxic effects on the nervous system	• Narcosis • Behavioral changes • Decrease in motor functions	• Mercury • Carbon disulfide • Lead
Chemicals that act on the • Blood OR • Hematopoietic (blood forming) system	• Decrease hemoglobin function OR • Deprive the body tissues of oxygen	• Cyanosis • Loss of consciousness	• Carbon monoxide • Cyanides • Benzene
Chemicals that damage the lungs	• Irritate lungs OR • Damage pulmonary tissue	• Cough • Tightness in chest • Shortness of breath	• Silica • Asbestos
Reproductive toxins	Affect reproductive capabilities, including: • Chromosomal damage (mutation) • Effects on fetuses (teratogenesis)	• Birth defects • Sterility	• Lead • 1,2-Dibromo-3-chloropropane (DBCP) • Nitrous Oxide
Cutaneous (skin) hazards	Affect the dermal layer of the body	• Defatting of the skin • Rashes • Irritation	• Ketones • Chlorinated compounds
Eye hazards	Affect the eye or ability to see	• Conjunctivitis • Corneal damage	• Organic solvents • Acids

Table 7
Criteria for Evaluating Chemical Mixtures

If a mixture	Then
• Has been thoroughly tested as a whole for a physical or health hazard.	• You must use those results
• Has NOT been tested as a whole for a health hazard	• You must: – Evaluate EACH ingredient in the mixture to determine the hazards – Consider the mixture to have the same hazard as each ingredient determined to be hazardous

PROPOSED

Table 7
Criteria for Evaluating Chemical Mixtures

If a mixture	Then
<ul style="list-style-type: none"> • Has NOT been tested as a whole for physical hazards 	<ul style="list-style-type: none"> • You must: • Use any scientifically valid data available to evaluate the potential physical hazards of the mixture

NEW SECTION

WAC 296-839-20010 Provide access to hazard evaluation procedures.

You must:

- Provide access to your written hazard evaluation procedures when requested by any of the following:
 - Employees
 - Designated representatives of employees
 - Representatives of the department of labor and industries
 - Representatives of the National Institute for Occupational Safety and Health (NIOSH).

NEW SECTION

WAC 296-839-300 Material safety data sheets.

Your responsibility:

To provide complete and accurate material safety data sheets (MSDSs).

You must:

- Develop or obtain MSDSs
- WAC 296-839-30005
- Provide MSDSs
- WAC 296-839-30010
- Follow-up if an MSDS is not provided
- WAC 296-839-30015.

NEW SECTION

WAC 296-839-30005 Develop or obtain material safety data sheets (MSDSs).

You must:

- Develop or obtain a complete and accurate material safety data sheet (MSDS) for each hazardous chemical or mixture according to ALL of the following:

- ALL information in Table 8 must be completed. If there is no relevant information for a required item, this must be noted. Blank spaces are not permitted.

Note: • No specific format is required for MSDSs; however, an example format (OSHA form 174) can be found online at: <http://www.osha.gov>

- One MSDS can be developed for a group of complex mixtures (for example, jet fuels or crude oil) IF the health and physical hazards of the mixtures are similar (the amounts of chemicals in the mixture may vary).

- Content of MSDSs must accurately represent the available scientific evidence.

Note: You may report results of scientifically valid studies that tend to refute findings of hazards.

- MSDSs must be in English.

Note: You may develop copies of MSDSs in other languages.

You must:

- Revise an MSDS when you become aware of new and significant information regarding the hazards of a chemical, or how to protect against the hazards

- Within three months after you first become aware of the information

OR

- Before the chemical is reintroduced into the workplace if the chemical is no longer being used, produced or imported.

Table 8
Information Required on MSDSs

<ul style="list-style-type: none"> • The chemical's identity as it appears on the label
<ul style="list-style-type: none"> • The date the MSDS was prepared or updated
<ul style="list-style-type: none"> • A contact for additional information about the hazardous chemical and appropriate emergency procedures Include all of the following: <ul style="list-style-type: none"> – Name – Address – Telephone number of the responsible party preparing or distributing the MSDS

Table 8
Information Required on MSDSs

<ul style="list-style-type: none"> • The chemical's hazardous ingredients¹ as determined by your hazard evaluation <ul style="list-style-type: none"> – For a single substance chemical, include the chemical and common name(s) of the substance – For mixtures tested as a whole <ul style="list-style-type: none"> ■ Include the common name(s) of the mixture AND <ul style="list-style-type: none"> ■ List the chemical and common name(s) of ingredients that contribute to the known hazards – For mixtures NOT tested as a whole, list the chemical and common name(s) of hazardous ingredients <ul style="list-style-type: none"> ■ That make up 1% or more of the mixture, by weight or volume, including carcinogens (if 0.1% concentration or more, by weight or volume) – If ingredients are less than the above concentrations but may present a health risk to employees (for example, allergic reaction or exposure could exceed the permissible exposure limits, or PEL) they must be listed here
<ul style="list-style-type: none"> • Exposure limits for airborne concentrations. Include ALL of the following, when they exist: <ul style="list-style-type: none"> – WISHA or OSHA PELs² <ul style="list-style-type: none"> ■ The 8-hour time weighted average (TWA) ■ The short-term exposure limit (STEL), if available ■ Ceiling values, if available – Threshold limit values (TLVs) including 8-hour TWAs, STELs, and ceiling values – Other exposure limits used or recommended by the employer preparing the MSDS
<ul style="list-style-type: none"> • Physical and chemical characteristics <ul style="list-style-type: none"> – For example, boiling point, vapor pressure, and odor
<ul style="list-style-type: none"> • Fire, explosion data, and related information <ul style="list-style-type: none"> – For example, flashpoint, flammable and explosion limits, extinguishing media, and unusual fire or explosion hazards
<ul style="list-style-type: none"> • Physical hazards of the chemical including reactivity information <ul style="list-style-type: none"> – For example, incompatibilities, decomposition products, by-products, and conditions to avoid
<ul style="list-style-type: none"> • Health hazard information including ALL of the following: <ul style="list-style-type: none"> – Primary routes of exposure <ul style="list-style-type: none"> ■ For example, inhalation, ingestion, and skin absorption or other contact³ – Health effects (or hazards) associated with: <ul style="list-style-type: none"> ■ Short-term exposure⁴ AND <ul style="list-style-type: none"> ■ Long-term exposure⁴ – Whether the chemical is listed or described as a carcinogen or potential carcinogen in the latest editions of each of the following: <ul style="list-style-type: none"> ■ The National Toxicology Program (NTP) Annual Report on Carcinogens OR ■ The International Agency for Research on Cancer (IARC) Monographs as a potential carcinogen OR ■ WISHA or OSHA rules – Signs and symptoms of exposure⁵ – Medical conditions generally recognized as being aggravated by exposure
<ul style="list-style-type: none"> • Emergency and first-aid procedures
<ul style="list-style-type: none"> • Generally applicable precautions for safe handling and use known to the employer preparing the MSDS <ul style="list-style-type: none"> – For example, appropriate procedures for clean-up of spills and leaks, waste disposal method, precautions during handling and storing

PROPOSED

Table 8 Information Required on MSDSs
<ul style="list-style-type: none"> • Generally applicable and appropriate control measures known to the employer preparing the MSDS, including ALL of the following: <ul style="list-style-type: none"> – Engineering controls (for example, general or local exhaust ventilation) – Work practices – Personal protective equipment (PPE) – Personal hygiene practices – Protective measures during repair and maintenance of contaminated equipment

¹The identities of some chemicals may be protected as trade secret information (see chapter 296-62 WAC, Part B-1, Trade secrets).

² WISHA PEL categories are defined, and values are provided, in chapter 296-62 WAC, Part H.

³ A "skin notation" listed with either an ACGIH TLV or WISHA/OSHA PEL indicates that skin absorption is a primary route of exposure.

⁴Examples of:

- Short-term health effects (or hazards) include eye irritation, skin damage caused by contact with corrosives, narcosis, sensitization, and lethal dose.

- Long-term health effects (or hazards) include cancer, liver degeneration, and silicosis.

⁵Signs and symptoms of exposure to hazardous substances include those that:

- Can be measured such as decreased pulmonary function

AND

- Are subjective such as feeling short of breath.

You must:

- Provide the correct MSDS to manufacturers, distributors and employers:

- With the initial shipment or transfer of the product

AND

- With the first shipment or transfer after an MSDS is updated

AND

- Whenever one is requested.

Note:

- MSDSs may be provided separately from containers as long as they are provided before or at the same time as the containers. For example, you may fax, or e-mail the MSDS.

- You are NOT required to provide MSDSs to retailers who inform you they

- Do not sell the product to commercial accounts

AND

- Do not open the sealed product containers for use in their workplace.

You must:

- Follow the requirements in Table 9 for chemicals sold over-the-counter.

NEW SECTION

WAC 296-839-30010 Provide MSDSs for products shipped, transferred or sold over-the-counter.

Table 9 Requirements for Chemicals Sold Over-the-Counter (NOT Shipped)	
If you are a	Then
<ul style="list-style-type: none"> • Retail distributor WITH commercial accounts 	<ul style="list-style-type: none"> • Provide an MSDS to employers with commercial accounts when requested <p>AND</p> <ul style="list-style-type: none"> • Post a sign, or otherwise inform employers, that MSDSs are available
<ul style="list-style-type: none"> • Retail distributor WITHOUT commercial accounts 	<ul style="list-style-type: none"> • Provide the employer, when requested, with ALL of the following: <ul style="list-style-type: none"> – Name – Address – Telephone number of the chemical manufacturer, importer, or distributor who can provide an MSDS
<ul style="list-style-type: none"> • Wholesale distributor selling products over-the-counter to employers 	<ul style="list-style-type: none"> • Provide an MSDS to employers with commercial accounts when requested <p>AND</p> <ul style="list-style-type: none"> • Post a sign, or otherwise inform employers, that MSDSs are available

NEW SECTION

WAC 296-839-30015 Follow-up if an MSDS is not provided.

You must:

- Obtain an MSDS from the chemical manufacturer, distributor or importer as soon as possible, if an MSDS is not provided for a shipment labeled as a hazardous chemical.

NEW SECTION

WAC 296-839-400 Labeling.

Your responsibility:

To provide employers with containers of hazardous chemicals that are properly labeled.

NEW SECTION

WAC 296-839-40005 Label containers of hazardous chemicals.

Exemption:

Containers are exempt from this section if ALL hazardous contents are listed in Table 11.

You must:

- Make sure every container of hazardous chemicals leaving the workplace is properly labeled. This includes ALL of the following:
 - The identity of the hazardous chemical (the chemical or common name) that matches the identity used on the MSDS
 - An appropriate hazard warning
 - The name and address of the chemical manufacturer, importer, or other responsible party
 - Make sure labeling does not conflict with the requirements of:
 - The Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.)

AND

- Regulations issued under the act by the U.S. Department of Transportation (Title 49 of the Code of Federal Regulations, Parts 171 through 180). See <http://www.dot.gov>
 - Revise labels within three months of becoming aware of new and significant information about chemical hazards
 - Provide revised labels on containers beginning with the first shipment after a revision, to manufacturers, distributors or employers
 - Revise the label when a chemical is not currently used, produced or imported, before:
 - You resume shipping (or transferring) the chemical
- OR**
- The chemical is reintroduced in the workplace
 - Label information
 - Clearly written in English

AND

- Prominently displayed on the container

Reference:

Additional labeling requirements for specific hazardous chemicals (for example, asbestos, cadmium, and formaldehyde) are found in chapter 296-62 WAC, General occupational health standards (see parts F, G, I and I-1 of that chapter).

Note: When the conditions specified in Table 10 are met for the solid material products listed you are not required to provide labels for every shipment.

Table 10 Labeling for Solid Materials	
You need only send labels with the first shipment, IF the product is	And
Whole grain	<ul style="list-style-type: none"> • It is shipped to the same customer <p>AND</p> <ul style="list-style-type: none"> • No hazardous chemicals are part of or known to be present with the product which could expose employees during handling <ul style="list-style-type: none"> – For example, cutting fluids on solid metal, and pesticides with grain
Solid untreated wood	
Solid metal For example: Steel beams, metal castings	
Plastic items	

Exemptions:

The chemicals (and items) listed in Table 11 are EXEMPT from THIS SECTION under the conditions specified. Requirements in other sections still apply.

Table 11 Conditional Label Exemptions	
This section does not apply to	When the product is
<ul style="list-style-type: none"> • Pesticides <ul style="list-style-type: none"> – Meeting the definition of "pesticides" in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (see Title 7, U.S.C. Chapter 6, Subchapter II, section 136¹) 	<ul style="list-style-type: none"> • Subject to <ul style="list-style-type: none"> – Labeling requirements of FIFRA¹ <p>AND</p> <ul style="list-style-type: none"> – Labeling regulations issued under FIFRA by the United States Environmental Protection Agency (EPA) (see Title 40 of the Code of Federal Regulations²)

PROPOSED

PROPOSED

Table 11
Conditional Label Exemptions

This section does not apply to	When the product is
<ul style="list-style-type: none"> • A chemical substance or mixture <ul style="list-style-type: none"> – Meeting the definition of "chemical substance" or "mixture" in the Toxic Substance Control Act (TSCA) (see Title 15 U.S.C. Chapter 53, Subchapter II, Section 2602¹) 	<ul style="list-style-type: none"> • Subject to <ul style="list-style-type: none"> – Labeling requirements of TSCA¹ AND – Labeling requirements issued under TSCA by the EPA (see Title 40 of the Code of Federal Regulations²)
<ul style="list-style-type: none"> • Each of the following: <ul style="list-style-type: none"> – Food – Food additives – Color additives – Drugs – Cosmetics – Medical devices or products – Veterinary devices or products – Materials intended for use in these products (for example: Flavors, and fragrances) • As defined in <ul style="list-style-type: none"> – The Federal Food, Drug, and Cosmetic Act (see Title 21 U.S.C. Chapter 9, Subchapter II, Section 321¹) OR – Or the Virus-Serum Toxin Act of 1913 (see Title 21 U.S.C. Chapter 5, Section 151 et seq.¹) OR – Regulations issued under these acts (see Title 21 Part 101 in the Code of Federal Regulations, and Title 9, in the Code of Federal Regulations³) 	<ul style="list-style-type: none"> • Subject to: <ul style="list-style-type: none"> – Labeling requirements in Federal Food, Drug, and Cosmetic Act, Virus-Serum Toxin Act of 1913, and issued regulations enforced by the United States <ul style="list-style-type: none"> ■ Food and Drug Administration (see Title 21 Parts 101-180 in the Code of Federal Regulations³) OR ■ Department of Agriculture (see Title 9, in the Code of Federal Regulations³)
<ul style="list-style-type: none"> • Each of the following: <ul style="list-style-type: none"> – Distilled spirits (beverage alcohols) AND – Wine AND – Malt beverage • As defined in <ul style="list-style-type: none"> – The Federal Alcohol Administration Act (see Title 27 U.S.C. Section 201¹) AND – Regulations issued under this act (see Title 27 in the Code of Federal Regulations³) 	<ul style="list-style-type: none"> • Subject to: <ul style="list-style-type: none"> – Labeling requirements of Federal Alcohol Administration Act¹ AND – Labeling regulations issued under Federal Alcohol Administration Act by the Bureau of Alcohol, Tobacco, and Firearms (see Title 27 in the Code of Federal Regulations³)
<ul style="list-style-type: none"> • Consumer products AND • Hazardous substances <ul style="list-style-type: none"> – As defined in <ul style="list-style-type: none"> ■ The Consumer Product Safety Act (see 15 U.S.C. 2051 et seq.¹) AND ■ The Federal Hazardous Substances Act (see 15 U.S.C. 1261 et seq.¹) 	<ul style="list-style-type: none"> • Subject to: <ul style="list-style-type: none"> – A consumer product safety or labeling requirement of the Consumer Product Safety Act or Federal Hazardous Substances Act¹ OR – Regulations issued under these acts by the Consumer Product Safety Commission (see Title 16 in the Code of Federal Regulations³)

Table 11
Conditional Label Exemptions

This section does not apply to	When the product is
<ul style="list-style-type: none"> • Agricultural seed <p>AND</p> <ul style="list-style-type: none"> • Vegetable seed treated with pesticides 	<ul style="list-style-type: none"> • Labeled as required by <ul style="list-style-type: none"> – The Federal Seed Act (see Title 7 U.S.C. Chapter 37 Section 1551 et seq.¹) <p>AND</p> <ul style="list-style-type: none"> – Labeling requirements issued under Federal Seed Act by the United States Department of Agriculture¹

¹This federal act is included in the United States Code. See <http://www.access.gpo.gov/uscode/uscmmain.html>

²See <http://www.epa.gov>

³See <http://www.access.gpo.gov/nara/cfr/index.html>

NEW SECTION

WAC 296-839-500 Definitions. The following definitions apply to this chapter:

Article (manufactured item)

A manufactured item that

- Is not a fluid or particle

AND

• Is formed to a specific shape or design during manufacture for a particular end use function

AND

• Releases only trace amounts of a hazardous chemical during normal use and does not pose a physical or health risk to employees.

Chemical

- An element or mixture of elements

OR

- A compound or mixture of compounds

OR

- A mixture of elements and compounds

Included are manufactured items (such as bricks, welding rods and sheet metal) that are not exempt as an article.

Chemical name

• The scientific designation of a chemical developed by the

– International union of pure and applied chemistry (IUPAC)

OR

– Chemical abstracts service (CAS) rules of nomenclature

OR

• A name that clearly identifies the chemical for the purpose of conducting a hazard evaluation.

Combustible liquid

Liquids with a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). A mixture with at least 99% of its components having flashpoints of 200°F (93.3°C), or higher, is not considered a combustible liquid.

Commercial account

An arrangement where a retailer is selling hazardous chemicals to an employer

- Generally in large quantities over time

OR

- At costs below regular retail price.

Common name

Any designation or identification used to identify a chemical other than the chemical name, such as a

- Code name or number

OR

- Trade or brand name

OR

- Generic name.

Compressed gas

• A contained gas or mixture of gases with an absolute pressure greater than:

- 40 psi at 70°F (21.1°C)

OR

– 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

OR

• A liquid with a vapor pressure greater than 40 psi at 100°F (37.8°C), as determined by ASTM D323-72.

Container

A vessel, other than a pipe or piping system, that holds a hazardous chemical. Examples include:

- Bags
- Barrels
- Bottles
- Boxes
- Cans
- Cylinders
- Drums
- Reaction vessels
- Storage tanks
- Rail cars.

Designated representative

• An individual or organization with written authorization from an employee

OR

• A recognized or certified collective bargaining agent (not necessarily authorized by an employee)

OR

• A legal representative of a deceased or legally incapacitated employee.

Distributor

A business that supplies hazardous chemicals to other employers. Included are employers who conduct retail and wholesale transactions.

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Flammable

A chemical in one of the following categories:

- Aerosols that, when tested using a method described in 16 CFR 1500.45, yield either a:

- Flame projection of more than eighteen inches at full valve opening

OR

- A flashback (a flame extending back to the valve) at any degree of valve opening

- Gases that, at the temperature and pressure of the surrounding area, form a:

- Flammable mixture with air at a concentration of thirteen percent, by volume, or less

OR

- Range of flammable mixtures with air wider than twelve percent, by volume, regardless of the lower limit

- Liquids with a flashpoint below 100°F (37.8°C). A mixture with at least ninety-nine percent of its components having flashpoints of 100°F (37.8°C), or higher, is not considered a flammable liquid

- Solids, other than blasting agents or explosives, as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that:

- Is likely to cause fire through friction, moisture, absorption, spontaneous chemical change or retained heat from manufacturing or processing

OR

- That can be readily ignited (and when ignited burns so vigorously and persistently that it creates a serious hazard)

OR

- When tested by the method described in 16 CFR 1500.44, ignite and burn with a self-sustained flame at a rate greater than 1/10th of an inch per second along its major axis.

Flashpoint

The minimum temperature at which a liquid gives off an ignitable concentration of vapor, when tested by any of the following measurement methods:

- Tagliabue closed tester. Use this for liquids with a viscosity less than, 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not tend to form a surface film under test. See American National Standard Method of Test for Flashpoint by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)

- Pensky-Martens closed tester. Use this for liquids with a viscosity equal to, or greater than, 45 SUS at 100°F (37.8°C) or for liquids that contain suspended solids or have a tendency to form a surface film under test. See American National Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)

- Setaflash closed tester. See American National Standard Method of Test for Flashpoint by Setaflash Closed Tester (ASTM D 3278-78)

Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Hazardous chemical

A chemical, which is a physical or health hazard.

Hazard warning

Words, pictures or symbols (alone or in combination) that appear on labels (or other forms of warning such as placards or tags) that communicate specific physical and health hazards (including target organ effects) associated with chemicals in a container.

Health hazard

A chemical that may cause health effects in short or long-term exposed employees based on statistically significant evidence from a single study conducted by using established scientific principles.

Health hazards include, but are not limited to, any of the following:

- Carcinogens
- Toxic or highly toxic substances
- Reproductive toxins
- Irritants
- Corrosives
- Sensitizers
- Hepatotoxins (liver toxins)
- Nephrotoxins (kidney toxins)
- Neurotoxins (nervous system toxins)
- Substances that act on the hematopoietic system (blood or blood forming system)
- Substances that can damage the lungs, skin, eyes, or mucous membranes.

Identity

A chemical or common name listed on the material safety data sheet (MSDS) and label.

Importer

The first business, within the Customs Territory of the United States, that receives hazardous chemicals produced in other countries and supplies them to manufacturers, distributors or employers within the United States.

Label

Written, printed, or graphic material displayed on, or attached to, a container of hazardous chemicals.

Manufacturer

An employer with a workplace where one or more chemicals (including items not exempt as "articles," see Table 1 in this chapter) are produced for use or distribution.

Material safety data sheet (MSDS)

Written, printed or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors or employers about the chemical, its hazards and protective measures as required by this rule.

Mixture

A combination of two or more chemicals that retain their chemical identity after being combined.

Organic peroxide

An organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer

A chemical, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits

See chapter 296-62 WAC part H, for definition of this term.

Physical hazards

A chemical that has scientifically valid evidence to show it is one of the following:

- A combustible liquid
- A compressed gas
- Explosive
- Flammable
- An organic peroxide
- An oxidizer
- Pyrophoric
- Unstable (reactive)
- Water-reactive.

Produce

To do one or more of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage.

Pyrophoric

Chemicals that ignite spontaneously in the air at a temperature of 130°F (54.4°C) or below.

Responsible party

Someone who can provide more information about the hazardous chemical and appropriate emergency procedures.

Retailer

See "distributor."

Threshold limit values (TLVs)

Airborne concentrations of substances established by the American Conference of Governmental Industrial Hygienists (ACGIH), and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse health effects.

TLVs are specified in the most recent edition of the *Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices* and include the following categories:

- Threshold limit value-time-weighted average (TLV-TWA)
- Threshold limit value-short-term exposure limit (TLV-STEL)
- Threshold limit value-ceiling (TLV-C).

Unstable (reactive)

A chemical in its pure state, or as produced or transported, that will vigorously polymerize, decompose, condense, or become self-reactive under conditions of shocks, pressure or temperature.

Use

To do one or more of the following:

- Package
- Handle
- React
- Emit

- Extract
- Generate as a by-product
- Transfer.

Water-reactive

A chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

Wholesaler

See "distributor."

WSR 02-18-099**PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Adult Services Administration)

[Filed September 3, 2002, 3:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-14-099.

Title of Rule: Medicaid rates for contracted home and community residential care services, WAC 388-105-0005, 388-105-0030, 388-105-0035, and 388-105-0040.

Purpose: To implement a \$2.7 million reduction of funding for fiscal year 2003 for the assisted living facility (ALF) capital add-on rate. To increase the daily payment rates for boarding homes and adult family homes by the vendor rate increase of 1.5% and a bed hold amount.

Statutory Authority for Adoption: RCW 74.39A.030(3).

Statute Being Implemented: RCW 74.39A.030(3), chapter 371, Laws of 2002.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia Hague, Aging and Adult Services Administration, 640 Woodland Square Loop S.E., Lacey, WA 98503, (360) 725-2447.

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: To implement a \$2.7 million reduction of funding for fiscal year 2003 for the assisted living facility (ALF) capital add-on rate. To increase the daily payment rates for boarding homes and adult family homes by the vendor rate increase of 1.5%.

Proposal Changes the Following Existing Rules: Updates rates for vendor increase and an amount for bed holds.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed new sections and amendments to chapter 388-105 WAC are exempt from a small business economic impact statement under RCW 19.85.025(3) and 34.05.310 (4)(f), "rules that set or adjust fees or rates pursuant to legislative standards."

RCW 34.05.328 does not apply to this rule adoption. Under RCW 34.05.328 (5)(b)(vi), rules that set or adjust fees or rates pursuant to legislative standards are exempt from RCW 34.05.328. The proposed new sections and amend-

PROPOSED

ments to chapter 388-105 WAC set medicaid payment rates for residential care facilities pursuant to chapter 74.39A RCW. RCW 74.39A.030(1) To the extent of available funding, the department shall expand cost-effective options for home and community services for consumers for whom the state participates in the cost of their care... and (3)(a) The department shall by rule establish payment rates for home and community services that support the provision of cost-effective care.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 8, 2002, at 10 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 4, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 8, 2002.

Date of Intended Adoption: Not earlier than October 9, 2002.

August 29, 2002
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-105 WAC

MEDICAID RATES FOR CONTRACTED HOME AND COMMUNITY RESIDENTIAL CARE ((~~SERVICE-RATES~~)) SERVICES

AMENDATORY SECTION (Amending WSR 01-21-077, filed 10/18/01, effective 11/18/01)

WAC 388-105-0005 What are the daily Medicaid payment rates for contracted adult family home (AFH), adult residential care (ARC), and enhanced adult residential care (EARC) services? For contracted AFH, ARC, and EARC services, the department pays the following daily rates for care of a Medicaid resident:

Four level payment system rates for AFHs, ARCs, & EARCs			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$((44.94)) <u>45.97</u>	\$((43.68)) <u>44.70</u>	\$((43.68)) <u>44.70</u>
Level 2	\$((47.84)) <u>49.19</u>	\$((50.05)) <u>51.43</u>	\$((55.42)) <u>56.88</u>
Level 3	\$((55.40)) <u>56.98</u>	\$((57.80)) <u>59.42</u>	\$((63.96)) <u>65.67</u>
Level 4	\$((66.66)) <u>68.06</u>	\$((70.52)) <u>71.98</u>	\$((76.67)) <u>78.22</u>

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima Counties.

NEW SECTION

WAC 388-105-0030 What are the daily Medicaid payment rates for contracted assisted living facilities (ALF) not receiving a capital rate add-on? For contracted ALF services for care of a Medicaid resident, the department pays the following daily rates:

COPEs ALF Daily Payment Rates w/o Capital Add-on Rate			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$ 54.75	\$ 56.26	\$ 60.94
Level 2	\$ 61.05	\$ 62.83	\$ 68.43
Level 3	\$ 67.45	\$ 69.81	\$ 76.37

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima Counties.

NEW SECTION

WAC 388-105-0035 What are the requirements for a capital add-on rate for assisted living facilities (ALF)? (1) Effective July 1, 2002, the department will grant a capital add-on rate to an ALF that:

(a) Meets the construction requirements of WAC 388-110-140; and

(b) Has a Medicaid occupancy percentage that equals or exceeds the applicable bi-yearly Medicaid minimum occupancy percentage set in accordance with subsection (3) of this section.

(2) The department will determine an ALF's Medicaid occupancy percentage by dividing its Medicaid resident days by the product of all its licensed boarding home beds irrespective of use times calendar days for the six-month period beginning one year prior to the percentage effective date.

(3)(a) To set the bi-yearly Medicaid minimum occupancy percentage, the department will:

(i) Determine the estimated total budgeted funds for capital add-on rates for the six-month period;

(ii) Rank from highest to lowest the individual ALF occupancy percentages determined in accordance with subsection (2) of this section;

(iii) Assign, beginning with the highest ALF Medicaid occupancy percentage, the estimated expenditure needed to pay the capital add-on rate to each facility for the six-month period;

(iv) Identify the ALF Medicaid occupancy percentage at which the estimated total budgeted funds determined under subsection (3)(a)(i) of this section would be expended; and

(v) Set that Medicaid occupancy percentage as the bi-yearly Medicaid minimum occupancy percentage.

(b) The bi-yearly Medicaid minimum occupancy percentage will be set every January 1 and July 1.

NEW SECTION

WAC 388-105-0040 What are the daily capital add-on rates for assisted living facilities (ALF) and the ALF

daily payment rates with a capital add-on rate? For an ALF that qualifies for a capital add-on rate, the department will add the following amount to the per resident day payment rates in WAC 388-105-0030:

COPEs ALF Add-on Rate July 1, 2002		
Non-metropolitan	Metropolitan*	King Co.
\$ 4.68	\$ 4.39	\$ 4.84

COPEs ALF Daily Payment Rates with a Capital Add-on Rate			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$ 59.43	\$ 60.65	\$ 65.78
Level 2	\$ 65.73	\$ 67.22	\$ 73.27
Level 3	\$ 72.13	\$ 74.20	\$ 81.21

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima Counties.

WSR 02-18-100
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed September 3, 2002, 3:28 p.m.]

Original Notice.

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

Title of Rule: Child day care facility rules - technical changes.

Purpose: These technical changes will clarify language in WAC 388-155-090, 388-155-095, and 388-155-670.

Other Identifying Information: The proposed rules are being filed without prior filing of a CR-101 preproposal statement of inquiry. A CR-101 notice is not required for rules that "make address or name changes, or clarify the language of a rule without changing its effect." RCW 34.05.310 (4)(d).

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: The revised family child day care home WAC 388-155-090 was adopted July 29, 2002. The language inadvertently refers to "center" rather than "home." The language is being modified to reflect that this WAC refers to family child day care homes rather than child day care centers. WAC 388-155-095 and 388-155-670 refer to "Office of Child Care Policy." That language needs to be updated to reflect that Office of Child Care Policy is now the Division of Child Care and Early Learning.

Reasons Supporting Proposal: This language must be clarified and make a name change to accurately reflect the intent of the WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Leslie Edwards-Hill, ESA-DCCCEL, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3289.

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

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

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

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. While this WAC chapter affects the licensing of child care homes that may be small businesses, the proposed amendments are technical and clarifying changes only, and will not impose any additional costs to small businesses.

RCW 34.05.328 does not apply to this rule adoption. The proposed rules are exempt under RCW 34.05.328 (5)(b) (iv), "this section does not apply to... rules that only correct typographical errors, make address or name changes, or clarify language of the rule without changing its effect."

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 8, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 4, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 8, 2002.

Date of Intended Adoption: Not earlier than October 9, 2002.

August 29, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-14-085, filed 6/28/02, effective 7/29/02)

WAC 388-155-090 When can my license application be denied and when can my license be suspended or revoked? (1) We must deny your license application, or suspend or revoke your license if you do not meet the requirements outlined this chapter.

(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility, we will consider qualifications separately and together. We may deny your license application, or suspend or revoke your license if one person fails to meet the minimum licensing requirements.

(3) We must deny, suspend, or revoke your license if you:

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(a) Have been found to have abused, neglected, or sexually exploited a child as defined in chapter 26.44 RCW and WAC 388-15-130;

(b) Have a disqualifying criminal history as listed in chapter 388-06 WAC;

(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state. The exception: If you can demonstrate by clear and convincing evidence that you have taken enough correction action or rehabilitation to justify the public trust and to operate the ~~((center))~~ home according to the rules of this chapter, we may issue you a license;

(d) Commit or allow an illegal act on the licensed premises;

(e) Allow a child in your care to be abused, neglected, exploited, or treated with cruelty or indifference;

(f) Use illegal drugs, or use alcohol excessively;

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

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office access to records related to the ~~((center's))~~ home's operation or to interview staff or a child in care.

(4) We may deny, suspend, or revoke your license if you:

(a) Try to get a license by deceitful means, such as making false statements or leaving out important information on your application;

(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;

(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with a child in care;

(d) Fail to provide adequate supervision to a child in care;

(e) Are not able to exercise fiscal responsibility and accountability while operating the ~~((center))~~ home;

(f) Knowingly allow an employee or volunteer on the premises who has made false statements on an application for employment or volunteer service;

(g) Refuse to supply additional information reasonably requested by the department; or

(h) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW.

AMENDATORY SECTION (Amending WSR 01-17-084, filed 8/16/01, effective 9/16/01)

WAC 388-155-095 Civil penalties—Unlicensed programs. Where the department has determined that an agency is operating without a license, the department must send written notification by certified mail or other means showing proof of service. This notification must contain the following:

(1) Advising the agency of the basis of determination of providing child care without a license and the need to be licensed by the department;

(2) The citation of the applicable law;

(3) The assessment of seventy-five dollars per day penalty for each day unlicensed care is provided. The fine would

be effective and payable within thirty days of receipt of the notification;

(4) How to contact the ~~((office))~~ division of child care ~~((policy))~~ and early learning;

(5) The need to submit an application to the ~~((office))~~ division of child care ~~((policy))~~ and early learning within thirty days of receipt of the notification;

(6) That the penalty may be forgiven if the agency submits an application within thirty days of the notification; and

(7) The right of an adjudicative proceeding as a result of the assessment of a monetary penalty and the appropriate procedure for requesting an adjudicative proceeding.

AMENDATORY SECTION (Amending WSR 01-17-084, filed 8/16/01, effective 9/16/01)

WAC 388-155-670 Fire evacuation drill. A fire evacuation drill must be conducted at least once each month. A written record, the fire safety record and evacuation plan, must be maintained and posted on the premises indicating the date, time and other required entries on the form. Such forms are available from the ~~((office))~~ division of child care ~~((policy))~~ and early learning.

WSR 02-18-101
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed September 3, 2002, 3:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-05-042.

Title of Rule: WAC 388-531-0050 Physician-related services definitions.

Purpose: To correct incorrect cross-references in the definitions of "acute care" and "experimental." The cross-reference to WAC 246-27-015 [248-27-015] in "acute care" is obsolete and should be changed to the current WAC 246-327-0101 [246-327-010]. The cross-reference to WAC 388-531-0500 in "experimental" is incorrect and should read WAC 388-531-0550.

Other Identifying Information: A CR-105 expedited rule-making notice was filed on this proposed rule as WSR 02-05-042; this CR-102 proposed rule-making notice is being filed pursuant to RCW 34.05.353(8).

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: See Purpose above.

Reasons Supporting Proposal: To correct erroneous cross-references so the reader is referred to the correct cite.

Name of Agency Personnel Responsible for Drafting: Ann Myers, Medical Assistant Administration, 925 Plum Street S.E., Olympia, WA 98501, (360) 725-1345; Implementation and Enforcement: Carolyn Coyne MD, Medical Assistant Administration, 805 Plum Street S.E., Olympia, WA 98501, (360) 725-1904.

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

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

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

Proposal Changes the Following Existing Rules: It makes the following editorial corrections to WAC 388-531-0050:

- a. The cross-reference in the definition of "acute care" is changed from WAC 248-27-015 to WAC 246-327-010; and
- b. The cross-reference in the definition of "experimental" is changed from WAC 388-531-0500 to WAC 388-531-0550.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department analyzed the proposed amendments and concludes that there will be no economic impact on small businesses affected by them. The basis for this conclusion is that this action is merely correcting two cross-references that are incorrect in the current rule.

RCW 34.05.328 applies to this rule adoption. The proposed action corrects two erroneous cross-references. While the incorrect cross-reference in the definition of "experimental" is a typographical error, the cross-reference in "acute care" is to an obsolete rule; therefore this action would not be considered to be correcting only typographical errors. The department analyzed the proposed rule and concludes that it does not meet the definition of a "significant legislative rule" per RCW 34.05.328 (5)(c).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 8, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 4, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernax@dshs.wa.gov by 5:00 p.m., October 8, 2002.

Date of Intended Adoption: Not sooner than October 9, 2002.

August 29, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-01-012, filed 12/6/00, effective 1/6/01)

WAC 388-531-0050 Physician-related services definitions. The following definitions and abbreviations and those found in WAC 388-500-0005, apply to this chapter. Defined words and phrases are bolded the first time they are used in the text.

"Acquisition cost" means the cost of an item excluding shipping, handling, and any applicable taxes.

"Acute care" means care provided for clients who are not medically stable. These clients require frequent monitoring by a health care professional in order to maintain their health status (WAC ((248-27-015)) 246-327-010).

"Acute physical medicine and rehabilitation (PM&R)" means a comprehensive inpatient and rehabilitative program coordinated by a multidisciplinary team at an MAA-approved rehabilitation facility. The program provides twenty-four hour specialized nursing services and an intense level of specialized therapy (speech, physical, and occupational) for a diagnostic category for which the client shows significant potential for functional improvement (see WAC 388-550-2501).

"Add-on procedure(s)" means secondary procedure(s) that are performed in addition to another procedure.

"Admitting diagnosis" means the medical condition responsible for a hospital admission, as defined by ICD-9-M diagnostic code.

"Advanced registered nurse practitioner (ARNP)" means a registered nurse prepared in a formal educational program to assume an expanded health services provider role in accordance with WAC 246-840-300 and 246-840-305.

"Aging and adult services administration (AASA)" means the administration that administers directly or contracts for long-term care services, including but not limited to nursing facility care and home and community services. See WAC 388-15-202.

"Allowed charges" means the maximum amount reimbursed for any procedure that is allowed by MAA.

"Anesthesia technical advisory group (ATAG)" means an advisory group representing anesthesiologists who are affected by the implementation of the anesthesiology fee schedule.

"Base anesthesia units (BAU)" means a number of anesthesia units assigned to a surgical procedure that includes the usual pre-operative, intra-operative, and post-operative visits. This includes the administration of fluids and/or blood incident to the anesthesia care, and interpretation of noninvasive monitoring by the anesthesiologist.

"Bundled services" means services integral to the major procedure that are included in the fee for the major procedure. Bundled services are not reimbursed separately.

"Bundled supplies" means supplies which are considered to be included in the practice expense RVU of the medical or surgical service of which they are an integral part.

"By report (BR)" means a method of reimbursement in which MAA determines the amount it will pay for a service that is not included in MAA's published fee schedules. MAA may request the provider to submit a "report" describing the nature, extent, time, effort, and/or equipment necessary to deliver the service.

"Call" means a face-to-face encounter between the client and the provider resulting in the provision of services to the client.

"Cast material maximum allowable fee" means a reimbursement amount based on the average cost among suppliers for one roll of cast material.

"Certified registered nurse anesthetist (CRNA)" means an advanced registered nurse practitioner (ARNP) with formal training in anesthesia who meets all state and national criteria for certification. The American Association of Nurse Anesthetists specifies the National Certification and scope of practice.

"Children's health insurance plan (CHIP)," see chapter 388-542 WAC.

"Clinical Laboratory Improvement Amendment (CLIA)" means regulations from the U.S. Department of Health and Human Services that require all laboratory testing sites to have either a CLIA registration or a CLIA certificate of waiver in order to legally perform testing anywhere in the U.S.

"Conversion factors" means dollar amounts MAA uses to calculate the maximum allowable fee for physician-related services.

"Covered service" means a service that is within the scope of the eligible client's medical care program, subject to the limitations in this chapter and other published WAC.

"CPT," see "current procedural terminology."

"Critical care services" means physician services for the care of critically ill or injured clients. A critical illness or injury acutely impairs one or more vital organ systems such that the client's survival is jeopardized. Critical care is given in a critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility.

"Current procedural terminology (CPT)" means a systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians and other practitioners who provide physician-related services. CPT is copyrighted and published annually by the American Medical Association (AMA).

"Diagnosis code" means a set of numeric or alphanumeric characters assigned by the ICD-9-CM, or successor document, as a shorthand symbol to represent the nature of a disease.

"Emergency medical condition(s)" means a medical condition(s) that manifests itself by acute symptoms of sufficient severity so that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

"Emergency services" means medical services required by and provided to a patient experiencing an emergency medical condition.

"Estimated acquisition cost (EAC)" means the department's best estimate of the price providers generally and currently pay for drugs and supplies.

"Evaluation and management (E&M) codes" means procedure codes which categorize physician services by type of service, place of service, and patient status.

"Expedited prior authorization" means the process of obtaining authorization that must be used for selected services, in which providers use a set of numeric codes to indicate to MAA which acceptable indications, conditions, diag-

noses, and/or criteria are applicable to a particular request for services.

"Experimental" means a term to describe a procedure, or course of treatment, which lacks sufficient scientific evidence of safety and effectiveness. See WAC ((388-531-0500)) 388-531-0550. A service is not "experimental" if the service:

(1) Is generally accepted by the medical profession as effective and appropriate; and

(2) Has been approved by the FDA or other requisite government body, if such approval is required.

"Fee-for-service" means the general payment method MAA uses to reimburse providers for covered medical services provided to medical assistance clients when those services are not covered under MAA's healthy options program or children's health insurance program (CHIP) programs.

"Flat fee" means the maximum allowable fee established by MAA for a service or item that does not have a relative value unit (RVU) or has an RVU that is not appropriate.

"Geographic practice cost index (GPCI)" as defined by Medicare, means a Medicare adjustment factor that includes local geographic area estimates of how hard the provider has to work (work effort), what the practice expenses are, and what malpractice costs are. The GPCI reflects one-fourth the difference between the area average and the national average.

"Global surgery reimbursement," see WAC 388-531-1700.

"HCPCS Level II" means a coding system established by the HCFA to define services and procedures not included in CPT.

"Health Care Financing Administration (HCFA)" means the agency within the federal Department of Health and Human Services (DHHS) with oversight responsibility for the Medicare and Medicaid programs.

"Health Care Financing Administration Common Procedure Coding System (HCPCS)" means the name used for the Health Care Financing Administration codes made up of CPT and HCPCS level II codes.

"Health care team" means a group of health care providers involved in the care of a client.

"Hospice" means a medically directed, interdisciplinary program of palliative services which is provided under arrangement with a Title XVIII Washington licensed and certified Washington state hospice for terminally ill clients and the clients' families.

"ICD-9-CM," see "International Classification of Diseases, 9th Revision, Clinical Modification."

"Informed consent" means that an individual consents to a procedure after the provider who obtained a properly completed consent form has done all of the following:

(1) Disclosed and discussed the client's diagnosis; and

(2) Offered the client an opportunity to ask questions about the procedure and to request information in writing; and

(3) Given the client a copy of the consent form; and

(4) Communicated effectively using any language interpretation or special communication device necessary per 42 C.F.R. Chapter IV 441.257; and

(5) Given the client oral information about all of the following:

(a) The client's right to not obtain the procedure, including potential risks, benefits, and the consequences of not obtaining the procedure; and

(b) Alternatives to the procedure including potential risks, benefits, and consequences; and

(c) The procedure itself, including potential risks, benefits, and consequences.

"Inpatient hospital admission" means an acute hospital stay for longer ((then)) than twenty-four hours when the medical care record shows the need for inpatient care beyond twenty-four hours. All admissions are considered inpatient hospital admissions, and are paid as such, regardless of the length of stay, in the following circumstances:

- (1) The death of a client;
- (2) Obstetrical delivery;
- (3) Initial care of a newborn; or
- (4) Transfer to another acute care facility.

"International Classification of diseases, 9th Revision, Clinical Modification (ICD-9-CM)" means the systematic listing that transforms verbal descriptions of diseases, injuries, conditions, and procedures into numerical or alpha-numerical designations (coding).

"Investigational" means a term to describe a procedure, or course of treatment, which lacks sufficient scientific evidence of benefit for a particular condition. A service is not "investigational" if the service:

- (1) Is generally accepted by the medical professional as effective and appropriate for the condition in question; or
- (2) Is supported by an overall balance of objective scientific evidence, in which the potential risks and potential benefits are examined, demonstrating the proposed service to be of greater overall benefit to the client in the particular circumstance than another, generally available service.

"Life support" means mechanical systems, such as ventilators or heart-lung respirators, which are used to supplement or take the place of the normal autonomic functions of a living person.

"Limitation extension" means a process for requesting and approving reimbursement for covered services whose proposed quantity, frequency, or intensity exceeds that which MAA routinely reimburses. Limitation extensions require prior authorization.

"Maximum allowable fee" means the maximum dollar amount that MAA will reimburse a provider for specific services, supplies, and equipment.

"Medically necessary," see WAC 388-500-0005.

"Medicare Physician Fee Schedule Data Base (MPFSDB)" means the official HCFA publication of the Medicare policies and RVUs for the RBRVS reimbursement program.

"Medicare Program Fee Schedule for Physician Services (MPFSPS)" means the official HCFA publication of the Medicare fees for physician services.

"Medicare Clinical Diagnostic Laboratory Fee Schedule" means the fee schedule used by Medicare to reimburse for clinical diagnostic laboratory procedures in the state of Washington.

"Mentally incompetent" means a client who has been declared mentally incompetent by a federal, state, or local court.

"Modifier" means a two-digit alphabetic and/or numeric identifier that is added to the procedure code to indicate the type of service performed. The modifier provides the means by which the reporting physician can describe or indicate that a performed service or procedure has been altered by some specific circumstance but not changed in its definition or code. The modifier can affect payment or be used for information only. Modifiers are listed in fee schedules.

"Outpatient" means a client who is receiving medical services in other than an inpatient hospital setting.

"Peer-reviewed medical literature" means medical literature published in professional journals that submit articles for review by experts who are not part of the editorial staff. It does not include publications or supplements to publications primarily intended as marketing material for pharmaceutical, medical supplies, medical devices, health service providers, or insurance carriers.

"Physician care plan" means a written plan of medically necessary treatment that is established by and periodically reviewed and signed by a physician. The plan describes the medically necessary services to be provided by a home health agency, a hospice agency, or a nursing facility.

"Physician standby" means physician attendance without direct face-to-face client contact and which does not involve provision of care or services.

"Physician's current procedural terminology," see "CPT, current procedural terminology."

"PM&R," see acute physical medicine and rehabilitation.

"Podiatric service" means the diagnosis and medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot and ankle.

"Pound indicator (#)" means a symbol (#) indicating a CPT procedure code listed in MAA fee schedules that is not routinely covered.

"Preventive" means medical practices that include counseling, anticipatory guidance, risk factor reduction interventions, and the ordering of appropriate laboratory and diagnostic procedures intended to help a client avoid or reduce the risk or incidence of illness or injury.

"Prior authorization" means a process by which clients or providers must request and receive MAA approval for certain medical services, equipment, or supplies, based on medical necessity, before the services are provided to clients, as a precondition for provider reimbursement. Expedited prior authorization and limitation extension are forms of prior authorization.

"Professional component" means the part of a procedure or service that relies on the provider's professional skill or training, or the part of that reimbursement that recognizes the provider's cognitive skill.

"Prognosis" means the probable outcome of a client's illness, including the likelihood of improvement or deterioration in the severity of the illness, the likelihood for recurrence, and the client's probable life span as a result of the illness.

"Prolonged services" means face-to-face client services furnished by a provider, either in the inpatient or outpatient setting, which involve time beyond what is usual for such services. The time counted toward payment for prolonged E&M services includes only face-to-face contact between the provider and the client, even if the service was not continuous.

"Provider," see WAC 388-500-0005.

"Radioallergosorbent test" or "RAST" means a blood test for specific allergies.

"RBRVS," see resource based relative value scale.

"RVU," see relative value unit.

"Reimbursement" means payment to a provider or other MAA-approved entity who bills according to the provisions in WAC 388-502-0100.

"Reimbursement steering committee (RSC)" means an interagency work group that establishes and maintains RBRVS physician fee schedules and other payment and purchasing systems utilized by the health care authority, MAA, and department of labor and industries.

"Relative value guide (RVG)" means a system used by the American Society of Anesthesiologists for determining base anesthesia units (BAUs).

"Relative value unit (RVU)" means a unit which is based on the resources required to perform an individual service or intervention.

"Resource based relative value scale (RBRVS)" means a scale that measures the relative value of a medical service or intervention, based on the amount of physician resources involved.

"RBRVS RVU" means a measure of the resources required to perform an individual service or intervention. It is set by Medicare based on three components - physician work, practice cost, and malpractice expense. Practice cost varies depending on the place of service.

"RSC RVU" means a unit established by the RSC for a procedure that does not have an established RBRVS RVU or has an RBRVS RVU deemed by the RSC as not appropriate for the service.

"Stat laboratory charges" means charges by a laboratory for performing tests immediately. "Stat" is an abbreviation for the Latin word "statim," meaning immediately.

"State unique procedure codes" means procedure codes established by the RSC to define services or procedures not contained in CPT or HCPCS level II.

"Sterile tray" means a tray containing instruments and supplies needed for certain surgical procedures normally done in an office setting. For reimbursement purposes, tray components are considered by HCFA to be nonroutine and reimbursed separately.

"Technical advisory group (TAG)" means an advisory group with representatives from professional organizations whose members are affected by implementation of RBRVS

physician fee schedules and other payment and purchasing systems utilized by the health care authority, MAA, and department of labor and industries.

"Technical component" means the part of a procedure or service that relates to the equipment set-up and technician's time, or the part of the procedure and service reimbursement that recognizes the equipment cost and technician time.

WSR 02-18-102

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed September 3, 2002, 3:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-09-073.

Title of Rule: WAC 388-478-0060 What are my income limits for food assistance?

Purpose: The Division of Employment and Assistance Programs is amending this rule to comply with federal requirements for gross income limits, net income limits, 165% of poverty level standard, and the maximum food assistance benefit amount.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 7 C.F.R. 273.9.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 7 C.F.R. 273.9.

Summary: WAC 388-478-0060 contains multiple standards for food assistance. This includes the gross income limit, net income limit, 165% of poverty level standard, and the maximum food assistance allotment. This revision adopts the federal standards for federal fiscal year 2003 which begins on October 1, 2002.

Reasons Supporting Proposal: The United States Department of Agriculture, Food and Nutrition Service (FNS) requires publishing new income and benefit standards at the end of each federal fiscal year to be used in the next federal fiscal year. The use of the standards from FNS is required under 7 C.F.R. 273.9.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, Division of Employment and Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3232.

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

Rule is necessary because of federal law, 7 C.F.R. 273.9.

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

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of these rules do not affect small businesses. The rule only

affects standards of client eligibility and payment standards for department assistance.

RCW 34.05.328 does not apply to this rule adoption. The rule does not meet the definition of significant legislative rule per RCW 34.05.328 (5)(c)(iii). Also, the rule is exempt under RCW 34.05.328 (5)(b)(iii), "this section does not apply to... rules adopting or incorporating by reference without material change federal statutes or regulations." The rule adopts federal standards contained in 7 C.F.R. 273.9.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 8, 2002, at 10:00.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 4, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360)

664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 8, 2002.

Date of Intended Adoption: No earlier than October 9, 2002.

August 29, 2002

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-21-059, filed 10/16/01, effective 12/1/01)

WAC 388-478-0060 What are ((my)) the income limits and maximum benefit amounts for food assistance? If your assistance unit (AU) meets all other eligibility requirements for food assistance, your AU must have income at or below the limits in column ((f))B((g)) and ((f))C((g)) to get food assistance, unless you meet one of the exceptions listed below((g)). The maximum monthly food assistance benefit your AU could receive is listed in column D.

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Column A Number of Eligible AU Members	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
1	\$(934) 960	\$(716) 739	\$(135) 139	\$(1,182) 1,219
2	((1,258)) 1,294	((968)) 995	((248)) 256	((1,597)) 1,642
3	((1,585)) 1,628	((1,220)) 1,252	((356)) 366	((2,012)) 2,066
4	((1,913)) 1,961	((1,471)) 1,509	((452)) 465	((2,427)) 2,489
5	((2,240)) 2,295	((1,723)) 1,765	((537)) 553	((2,843)) 2,913
6	((2,567)) 2,629	((1,975)) 2,022	((644)) 663	((3,258)) 3,336
7	((2,894)) 2,962	((2,226)) 2,279	((712)) 733	((3,673)) 3,760
8	((3,221)) 3,296	((2,478)) 2,535	((814)) 838	((4,088)) 4,183
9	((3,549)) 3,630	((2,730)) 2,792	((916)) 943	((4,504)) 4,607
10	((3,877)) 3,964	((2,982)) 3,049	((1,018)) 1,048	((4,920)) 5,031
Each Additional Member	+((328)) 334	+((252)) 257	+((102)) 105	+((416)) 424

Exceptions:

(1) If your AU is categorically eligible as under WAC 388-414-0001, your AU does not have to meet the gross or net income standards in columns ((f))B((g)) and ((f))C((g)). ~~((However,))~~ We do budget your AU's income to decide the amount of food assistance your AU will receive.

(2) If your AU includes a member who is sixty years of age or older or has a disability, your income must be at or below the limit in column ((f))C((g)) only.

(3) If you are sixty years of age or older and cannot buy and cook your own meals because of a permanent disability, we will use column ((f))E((g)) to decide if you can be a separate AU.

PROPOSED

(4) If your AU has zero income, your benefits are the maximum allotment in column ((f))D((g)), based on the number of eligible members in your AU.

WSR 02-18-110
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Juvenile Rehabilitation Administration)

[Filed September 4, 2002, 8:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-142.

Title of Rule: Placement of juvenile offenders committed to the Juvenile Rehabilitation Administration (JRA).

Purpose: Amending WAC 388-730-0010, 388-730-0060, 388-730-0065, and 388-730-0070. These rules outline the range of placements available in JRA.

Statutory Authority for Adoption: RCW 13.40.460.

Statute Being Implemented: RCW 72.05.150 and 13.40.460.

Summary: The rules are being amended to provide further detail on placements available to youth in JRA programs.

Reasons Supporting Proposal: The changes to the rules provide JRA clients with increased placement options.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana Phelps, P.O. Box 45720, Olympia, WA, (360) 902-0774.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule amends the placement options for youth in JRA programs. The new rule will more accurately reflect the current program implementation.

Proposal Changes the Following Existing Rules: The proposed amendment clarifies the placement options for youth placed in JRA facilities.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small businesses (as defined in RCW 19.85.020) will be impacted. The rules only impact nonprofit agencies and increases opportunities for these agencies to contract with the department.

RCW 34.05.328 applies to this rule adoption. This rule is a significant legislative rule. It increases opportunities for youth placed in JRA facilities and also provides nonprofit agencies a new opportunity to serve JRA clients. A cost-benefit analysis has been prepared and is available by contacting the person listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 8, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 4, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernaAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernax@dshs.wa.gov, by 5:00 p.m., October 8, 2002.

Date of Intended Adoption: Not earlier than October 9, 2002.

August 29, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistant Unit

AMENDATORY SECTION (Amending WSR 00-22-019, filed 10/20/00, effective 11/20/00)

WAC 388-730-0010 Definitions. As used in this chapter:

((1)) "**Community facility**" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to an interagency agreement with the department is not a community facility.

((2)) "**Community placement eligibility requirements**" means requirements developed by JRA that must be met by a youth to demonstrate progress in treatment and low public safety risk, which justify an institutional minimum or minimum security classification for the youth.

((3)) "**Initial security classification assessment**" means a written instrument, developed by JRA and administered by diagnostic staff, to determine to what extent a juvenile is a threat to public safety for the purpose of determining the juvenile's security classification when the juvenile initially is committed to JRA.

((4)) "**JRA**" means juvenile rehabilitation administration, department of social and health services.

((5)) "**Juvenile**" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

((6)) "**Program administrator**" means institution superintendent, regional administrator, or their designees.

((7)) "**Residential treatment and care program**" means a single family residence operated for the care of juveniles committed to the department under RCW 13.40.185.

"**Separate living unit**" means sleeping quarters and areas used for daily living activities not specific to treatment and education programs located in a building, wing, or on a different floor which separates resident groups.

((8)) "**Service provider**" means the entity that operates a community facility or is contracted to provide a residential treatment and care program.

((9)) "**Specialized treatment program**" means a program that addresses additional rehabilitation needs such as sex offender treatment, drug/alcohol treatment, mental health interventions, gang intervention, gender/age specific intervention and other programs meeting specific rehabilitation needs of juveniles.

AMENDATORY SECTION (Amending WSR 00-22-019, filed 10/20/00, effective 11/20/00)

WAC 388-730-0060 Minimum security. (1) The provisions of WAC 388-730-0050 also apply to a juvenile classified as minimum security, except the juvenile must reside in a community facility, residential treatment and care program, or a community commitment program facility (CCP) rather than in an institution.

(2) Juveniles must not be placed in a community facility or residential treatment and care program until:

(a) Ten percent of the juvenile's sentence, and in no case less than thirty days, has been served in a secure facility; and

(b) All placement assessment requirements have been met.

(3) In addition to the provisions of WAC 388-730-0050 (3)(b)(iii), minimum security juveniles may be permitted unescorted participation in treatment programs in the community that do not involve the family for up to twelve hours per day.

AMENDATORY SECTION (Amending WSR 00-22-019, filed 10/20/00, effective 11/20/00)

WAC 388-730-0065 Special placement restrictions. Certain placement restrictions apply to community facilities and residential treatment and care programs that are commonly used by and under the jurisdiction of both JRA and the children's administration.

(1) When juveniles under commitment to JRA are assessed as a high to moderate risk for sexually aggressive behavior, they may not be placed in a community facility or residential treatment and care program with youths under the jurisdiction of children's administration unless:

(a) They are placed in a separate living unit solely for juveniles currently under the jurisdiction of JRA; or

(b) They are placed in a program that contracts specifically for the provision of services to sexually aggressive youth.

(2) Juveniles under commitment to JRA for a class A felony may not be placed in these community facilities unless:

(a) They are housed in a separate living unit solely for juveniles currently under the jurisdiction of JRA;

(b) They are placed in a community facility or residential treatment and care program that is a specialized treatment program and the juvenile is not assessed as sexually aggressive under RCW 13.40.470; or

(c) They are placed in a community facility or residential treatment and care program that is a specialized treatment program housing one or more sexually aggressive youth and the juvenile is not assessed as sexually vulnerable under RCW 13.40.470.

AMENDATORY SECTION (Amending WSR 00-22-019, filed 10/20/00, effective 11/20/00)

WAC 388-730-0070 Residential disciplinary standards. (1) Serious violations by a juvenile include:

(a) Escape or attempted escape;

(b) Violence toward others with intent to harm and/or resulting in significant bodily injury;

(c) Involvement in or conviction of a criminal offense under investigation by law enforcement or awaiting adjudication for behavior that occurred during current placement;

(d) Extortion or blackmail that threatens the safety or security of the facility or community;

(e) Setting or causing an unauthorized fire with intent to harm self, others, or property, or with reckless disregard for the safety of others;

(f) Possession or manufacture of weapons or explosives, or tools intended to assist in escape;

(g) Interfering with staff or service providers in performing duties relating to the security and/or safety of the facility or community;

(h) Intentional property damage in excess of one thousand five hundred dollars;

(i) Possession, use, or distribution of drugs or alcohol, or use of inhalants;

(j) Rioting or inciting others to riot;

(k) Refusal of urinalysis or search; or

(l) Other behaviors which threaten the safety or security of the facility, its staff, or residents or the community.

(2) Other violations by a juvenile placed in a community facility or residential treatment and care program include:

(a) Unaccounted for time when a juvenile is away from the community facility or residential treatment and care program;

(b) Violation of conditions of authorized leave;

(c) Intimidation or coercion against any person;

(d) Misuse of medication such as hoarding medication or taking another person's medication;

(e) Self-mutilation, self tattooing, body piercing, or assisting others to do the same;

(f) Intentional destruction of property valued at less than fifteen hundred dollars;

(g) Fighting;

(h) Unauthorized withdrawal of funds with intent to commit other violations;

(i) Suspensions or expulsions from school or work;

(j) Violations of school, employment or volunteer work agreements related to custody and security concerns;

(k) Escape talk;

(l) Sexual contact or any other behavior, not defined as a serious violation, resulting in a referral to the department of licensing, child protective services, or law enforcement; or

(m) Lewd or disruptive behavior in the community.

(3) Juveniles must be held accountable when there is reasonable cause to believe they have committed a violation.

(a) Whenever a juvenile placed in a community facility or residential treatment and care program commits a serious violation, the juvenile must be returned to an institution. The JRA program administrator who receives a service provider report of a serious violation must make arrangements to transfer the juvenile to an institution as soon as possible. Juveniles may be placed in a secure JRA or contracted facility pending transportation to an institution.

(b) Sanctions for serious violations committed by juveniles in an institution, and additional sanctions for serious

violations committed by juveniles returned to an institution, must include one or more of the following:

- (i) Loss of privileges for up to thirty days;
 - (ii) Loss of program level; or
 - (iii) Room confinement up to seventy-two hours.
- (c) Sanctions for serious violations may also include, but are not limited to, one or more of the following:

- (i) Change in release date;
 - (ii) Referral for prosecution;
 - (iii) Transfer to an intensive management unit;
 - (iv) Increase in security classification;
 - (v) Reprimand and loss of points;
 - (vi) Restitution; or
 - (vii) Community service.
- (d) Sanctions for violations listed in WAC 388-730-0070(2) may include transfer to a higher security facility and must include one or more of the following:

- (i) Loss or privileges;
- (ii) Loss of program level;
- (iii) Room confinement up to seventy-two hours;
- (iv) Change in release date;
- (v) Reprimand and/or loss of points;
- (vi) Additional restitution; or
- (vii) Community service.

(4) When a sanction is imposed, the juvenile must also receive a counseling intervention to address the violation.

(5) If the proposed sanctions for any violation includes extending the juvenile's established release date, the juvenile must be entitled to:

(a) Notice of an administrative review to consider extension of the release date and a written statement of the incident;

(b) An opportunity to be heard before a neutral review chairperson;

(c) Present oral or written statements, and call witnesses unless testimony of a witness would be irrelevant, repetitive, unnecessary, or would disrupt the orderly administration of the facility;

(d) Imposition of the sanction only if the administrative review chairperson finds by a preponderance of the evidence that the serious violation did occur; and

(e) A written decision, stating the reasons for the decision, by the administrative review chairperson.

(6) Each superintendent and service provider must clearly post the list of serious violations and possible sanctions in all living units.

(7) Each program administrator must adopt procedures for implementing the requirements of this section.

AMENDATORY SECTION (Amending WSR 00-22-019, filed 10/20/00, effective 11/20/00)

WAC 388-730-0090 Service provider penalty schedule. (1) Whenever a service provider contracts with the JRA to operate a community facility or residential treatment and care program, the contracted service provider must report any known violation as required in WAC 388-730-0080.

(2) If the contracted service provider fails to report violations within the prescribed time frames, the JRA must impose one or more of the following remedies:

(a) Imposition of a corrective action plan to be completed as determined by the program administrator.

(b) Imposition of the following monetary penalties:

(i) The first time fines are imposed on a service provider, the penalty must be at the rate of fifty dollars per day for each juvenile involved in a violation that was not reported as required. The penalty must be assessed for each day the report was late, and may continue until a corrective action plan is approved by the program administrator.

(ii) Subsequent fines imposed on the service provider during the same calendar year must be at the rate of seventy-five dollars per day for each juvenile involved in a violation that was not reported as required. The penalty must be assessed for each day the report was late, and may continue until a corrective action plan is approved by the program administrator.

(c) Order to stop placement until a corrective action plan is submitted, approved by the program administrator, and implemented.

(d) Termination of the contract for convenience if it is determined such termination is in the best interests of the department.

WSR 02-18-084**EXPEDITED RULES****BELLEVUE COMMUNITY COLLEGE**

[Filed September 3, 2002, 9:49 a.m.]

Title of Rule: Implementation of State Environmental Policy Act for Bellevue Community College.

Purpose: This rule was implemented in May 2002. Subsequent to that time an error in one of the WAC references stated in the rule was noted. This amendment corrects the typographical error and replaces the incorrect WAC cite with the correct one.

Other Identifying Information: WAC 132H-450-010.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 43.21C.120.

Summary: Amends WAC 132H-450-010 to correct a typographical error. This policy states that it shall be the policy of Bellevue Community College District VIII that all actions taken by the district shall comply with State Environmental Protection Policy Act rules. The original section incorrectly identified chapter 132-24 WAC. This amendment changes it to chapter 131-24 WAC.

Reasons Supporting Proposal: Current reference is incorrect and directs readers to the wrong WAC.

Name of Agency Personnel Responsible for Drafting: Elise Erickson, A201, (425) 564-2302; Implementation and Enforcement: Don Bloom, K100, (425) 564-2491.

Name of Proponent: Bellevue Community College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment corrects a typographical error in WAC 132H-450-010 by changing the reference from chapter 132-24 WAC to chapter 131-24 WAC. No other portions of the rule are impacted.

Proposal Changes the Following Existing Rules: Corrects a typographical error.

NOTICE

THIS RULE IS BEING PROPOSED UNDER 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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Elise Erickson, Bellevue Community College, 3000 Landerholm Circle S.E., Room A201, Bellevue, WA 98007-6484, AND RECEIVED BY November 4, 2002.

August 29, 2002
Elise J. Erickson
Rules Coordinator

AMENDATORY SECTION [(Amending WSR 02-10-068, filed 4/26/02)]

WAC 132H-450-010 Implementation of State Environmental Policy Act. (1) It shall be the policy of Bellevue Community College District VIII that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and ~~((132-24))~~ **131-24 WAC.**

(2) The president of the district or designee shall be responsible for administering and implementing this policy.

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

WSR 02-18-112**EXPEDITED RULES****BELLEVUE COMMUNITY COLLEGE**

[Filed September 4, 2002, 9:59 a.m.]

Title of Rule: Organization/operation and information about Bellevue Community College and commercial activity policy.

Purpose: Chapter 132H-133 WAC identifies the location and organization for Bellevue Community College and establishes policy for commercial activities held at the college in accordance with chapter 28B.63 RCW. These amendments correct minor references to clarify the chapter and make it more readable.

Other Identifying Information: WAC 132H-133-040 and 132H-133-050.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: Chapter 28B.63 RCW.

Summary: Amends WAC 132H-133-040 to eliminate reference to a college location that is no longer in use. The second amended section, WAC 132H-133-050 clarifies the statutory authority for the commercial activity policy by changing the reference from an antiquated one to the current reference. It corrects the title of the administrative officer and changes some minor references to the exact language that is required in the RCW being implemented.

Reasons Supporting Proposal: Clarifies the policy, makes it more accurate and easier to find the reference document on which the chapter is based.

Name of Agency Personnel Responsible for Drafting: Elise Erickson, A201, (425) 564-2302; Implementation and Enforcement: Barbara Martin, B202, (425) 564-2451.

Name of Proponent: Bellevue Community College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This chapter identifies the organization and operation for Bellevue Community College and states the commercial activity policy as required by chapter 28B.63 RCW.

Proposal Changes the Following Existing Rules: The amendment corrects minor clerical changes by removing reference to a building location no longer used by the college, referring people to an additional location where they can find information, changing the administrative official's title to the

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correct one, changing an old citation of the implementation authority to its current citation, and corrects minor language changes to incorporate the complete intent of the Washington state statute.

NOTICE

THIS RULE IS BEING PROPOSED UNDER 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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Elise Erickson, Bellevue Community College, 3000 Landerholm Circle S.E., Room A201, Bellevue, WA 98007-6484, AND RECEIVED BY November 4, 2002.

September 3, 2002
Elise J. Erickson
Rules Coordinator

AMENDATORY SECTION [(Amending WSR 92-19-049, filed 9/10/92)]

WAC 132H-133-040 Organization/operation information. (1) Organization: Bellevue Community College, Community College District VIII is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation: The administrative office is located at the following address: 3000 Landerholm Circle S.E., Bellevue, Washington, 98007-6484. Educational operations are also located at ~~((the following address: 14844 S.E. 22nd Street, Bellevue, Washington, 98007-6484))~~ other sites throughout the district. The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. During the summer months the college operates on an alternate schedule and throughout the year, some evening services are provided. Specific information is available through the college public information office and in the quarterly schedule.

(3) Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address: Bookstore, 3000 Landerholm Circle, S.E., Bellevue, Washington 98007-6484.

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

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

AMENDATORY SECTION [(Amending WSR 92-19-049, filed 9/10/92)]

WAC 132H-133-050 Commercial activity policy. The mission of Community College District VIII, Bellevue Com-

munity College, is to provide comprehensive educational programs of the highest quality as provided for in the Community College Act of 1967. These programs will be responsive to the changing needs of the communities and the students served by our district and will be accessible to all those seeking to continue their education.

To promote the mission of Bellevue Community College it is often necessary to engage in commercial activities that provide goods and services that meet special needs of students, faculty, staff and members of the public participating in college activities and events.

~~((Chapter 97 of the Washington Laws of 1987))~~ Chapter 28B.63 RCW establishes standards for institutions of higher education to follow in conducting commercial activities. The purpose of these laws is to require institutions of higher education to define the legitimate purposes under which commercial activities may be approved by a college or university and to establish mechanisms for review of such activities. The purpose of the policy statement and standards that follow ~~((are))~~ is to assure that Bellevue Community College pursues commercial activities in compliance with chapter 28B.63 RCW ~~((97, Laws of 1987))~~ and that all commercial activities of the college serve the mission of the college.

(1) **Policy statement.** Bellevue Community College may engage in the providing of goods, services, or facilities for a fee only when such are directly and substantially related to the educational mission of the college. Fees charged for goods, services and facilities shall reflect their full direct and indirect costs, including overhead. They shall also take into account the price of such items in the private marketplace.

(2) **Approval and review of commercial activities.** The ~~((dean))~~ vice president of administrative services shall be responsible for the approval of new commercial activities and the periodic review of existing ones. It shall be the responsibility of this officer to assure that each commercial activity meets the criteria established for commercial activities of the college. Proposals for new or altered services shall be approved by the ~~((dean))~~ vice president of administrative services prior to implementation.

(3) **Criteria for commercial activities serving members of the campus community.** Each of the following criteria shall be used in assessing the validity of providing goods or services to members of the campus community:

(a) The goods or services are substantially and directly related to the mission of the college.

(b) Provision of the goods, services or facilities on campus represents a special convenience to the campus community or facilitates extracurricular activities.

(c) Fees charged for the goods, services or facilities shall take into account the full direct and indirect costs, including overhead. They shall also reflect the costs of such items in the private marketplace.

(d) Procedures adequate to the circumstances shall be observed to ensure that the goods and services are provided only to persons who are students, faculty, staff, or invited guests.

(4) **Criteria for providing commercial activities to the external community.**

(a) The goods, ~~((or))~~ services or facilities provided relate substantially and directly to the mission of the college and are not commonly available or otherwise easily accessible in the private marketplace and ~~((for which there is a))~~ are in demand from the external community.

(b) Fees charged for the goods, services, or facilities shall take into account the full direct and indirect costs, including overhead. They shall also reflect the price of such items in the private marketplace.

(5) **Definitions and limitations.** "Commercial activity" means an activity which provides a product or service for a fee which could be obtained from a commercial source. This definition shall be used to determine which activities shall be governed by this policy, except that this policy shall not apply to:

(a) The initiation of or changes in academic or vocational programs of instruction in the college's regular, extension, evening or continuing education programs;

(b) Fees for services provided in the practicum aspects of instruction;

(c) Extracurricular programs, including food services, athletic and recreational programs, and performing arts programs.

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

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



WSR 02-18-005
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-194—Filed August 21, 2002, 3:48 p.m.]

Date of Adoption: August 3, 2002.

Purpose: To adopt WAC 232-28-426 2002-03 Migratory waterfowl seasons and regulations; to repeal WAC 232-28-425 2001-02 Migratory waterfowl seasons and regulations; and to amend WAC 232-28-279 2000-2002 Elk general seasons and 2002-2003 special permits.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-425; and amending WAC 232-28-279.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 02-13-138 and 02-13-137 on June 19, 2002.

Changes Other than Editing from Proposed to Adopted Version: WAC 232-28-426 2002-03 Migratory waterfowl seasons and regulations:

- Page 1 - changed the season for ducks to reflect the closure for canvasbacks and limited pintail hunting to 60 days. This is due to federal framework for hunting seasons being changed to reflect a concern in the pintail and canvasback population.
- Page 1 - changed the daily bag limit of mallards to 7 and the possession limit of mallards to 14.
- Page 6 - under falconry seasons changed the season for ducks to reflect the closure for canvasbacks and limited pintail hunting to 60 days. This is due to federal framework for hunting seasons being changed to reflect a concern in the pintail and canvasback population.
- Page 6 - under falconry seasons, in Goose Management Area 2B, changed the Wednesday to Thursday, to make it consistent with the regular goose season.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 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.

August 21, 2002

Nancy Burkhart
for Russ Cahill, Chairman
Fish and Wildlife Commission

NEW SECTION

WAC 232-28-426 2002-03 Migratory waterfowl seasons and regulations.

DUCKS

Statewide

Oct. 5-16, 2002 and Oct. 26, 2002 - Jan. 26, 2003; except canvasback season is closed and pintails may only be hunted Oct. 5-11, 2002 and Oct. 26 - Dec. 17, 2002.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 21-22, 2002.

Daily bag limit: 7 ducks, to include not more than 2 hen mallards, 1 pintail, 4 scaup, 2 redheads, 1 harlequin, 4 scoters, and 4 oldsquaws.

Possession limit: 14 ducks, to include not more than 4 hen mallards, 2 pintails, 8 scaup, 4 redheads, 1 harlequin, 8 scoters, and 8 oldsquaws.

COOT (Mudhen)

Same areas, dates (including youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates (except youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

GEESE (except Brant and Aleutian Canada geese)

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 21-22, 2002, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily bag limit: 4 Canada geese.

Possession limit: 8 Canada geese.

Western Washington Goose Seasons

Goose Management Area 1

Island, Skagit, Snohomish counties.

Oct. 5, 2002 - Jan. 5, 2003 for snow, Ross', or blue geese.

Oct. 5-24, 2002 and Nov. 9 - Jan. 26, 2003 for other geese (except Brant and Aleutian Canada geese).

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE. All persons hunting snow geese in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunt-

ers who held a 2001-02 authorization and returned the harvest report prior to the deadline will be mailed a 2002-03 authorization in early October. Hunters who did not possess a 2001-02 authorization must fill out an application (available at Washington department of fish and wildlife, Olympia and regional offices). Application forms must be delivered to a department office no later than September 25 or post-marked on or before September 25 in order for applicants to be mailed a 2002-03 authorization before the season starts. No applications will be accepted after October 31, 2002. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By January 31, 2003, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's Internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2003-04 snow goose season.

Goose Management Area 2A

Cowlitz and Wahkiakum counties, and that part of Clark County north of the Washougal River.

Open on the following days from 8:00 a.m. to 4:00 p.m.:

Nov. 27, 2002, and Saturdays, Sundays, and Thursdays only (except Ridgefield NWR), Nov. 30, 2002 - Jan. 26, 2003. Ridgefield NWR (Zone 1): Saturdays, Mondays, and Wednesdays only, Nov. 27, 2002 - Jan. 26, 2003, except closed Dec. 25, 2002 and Jan. 1, 2003.

Goose Management Area 2B

Pacific and Grays Harbor counties.

Open on the following days from 8:00 a.m. to 4:00 p.m.: Saturdays, Sundays, and Thursdays only, Nov. 9 - Dec. 29, 2002, except closed Nov. 28, 2002.

Bag limits for Goose Management Areas 2A and 2B:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, and not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, and not more than 6 snow, Ross', or blue geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

Special Provisions for Goose Management Areas 2A and 2B:

The Canada goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 80 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 80 dusky, to be distributed 10 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County except Ridgefield NWR); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County);

10 for Zone 5 (Pacific County); and 5 for Zone 6 (Grays Harbor County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunting is only permitted by written authorization from the Washington department of fish and wildlife. Hunters who maintained a valid 2001-02 written authorization will be mailed a 2002-03 authorization card prior to the 2002-03 season. New hunters and those who did not maintain a valid 2001-02 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive written authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time. Information on training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a harvest report. Hunters must carry the authorization card and harvest report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the harvest report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report, written authorization will be invalidated and the hunter will not be able to hunt Canada geese in Goose Management Areas 2A and 2B for the remainder of the season and the special late Canada goose season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

Goose Management Area 2A

Special Late Canada Goose Season

Open to Washington department of fish and wildlife advanced hunter education (AHE) program graduates and youth hunters (15 years of age or under, who are accompanied by an AHE hunter) possessing a valid 2002-03 southwest Washington Canada goose hunting authorization, in areas with agricultural goose damage in Goose Management Area 2A on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, and Thursdays, Feb. 1 - Mar. 9, 2003.

Daily bag limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Possession limit: 8 Canada geese, to include not more than 1 dusky Canada goose.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm.

Hunters qualifying for the season will be placed on a list for participation in this hunt. Washington department of fish and wildlife will assist landowners with contacting qualified hunters to participate in damage control hunts on specific agricultural lands incurring goose damage. Participation in this hunt will depend on the level of agricultural crop damage

experienced by local landowners. The special late Canada goose season will be closed by emergency action if the harvest of dusky Canada geese exceeds 85 for the regular and late seasons. All provisions listed above for Goose Management Areas 2A and 2B regarding written authorization, harvest reporting, and checking requirements also apply to the special late season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the special late season in Goose Management Area 2A.

Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B.

Oct. 5-24, 2002 and Nov. 9 - Jan. 26, 2003.

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

Eastern Washington Goose Seasons

Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Saturdays, Sundays, and Wednesdays only during Oct. 5-24, 2002 and Nov. 9 - Jan. 19, 2003; Nov. 11, 28, 29; and every day Jan. 20-26, 2003.

Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Every day, from Oct. 5-24, 2002 and Nov. 9 - Jan. 26, 2003.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

BRANT

Open in Skagit and Pacific counties only on the following dates:

Nov. 23, 24, 26, 28, and 29, 2002.

Jan. 18, 19, 22, 25, and 26, 2003.

If the 2002-03 preseason wintering brant population in Skagit County is below 6,000 (as determined by the winter survey in late December/early January), the January 2003 brant season in Skagit County will be canceled.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2001-02 authorization will be mailed a 2002-03 authorization in December. Hunt-

ers who did not possess a 2001-02 authorization must fill out an application (available at Washington department of fish and wildlife regional offices). Application forms must be delivered to a department office no later than 5:00 p.m. on November 8, or postmarked on or before November 8, after which applicants will be mailed a 2002-03 authorization in December. Late applications will not be accepted. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By January 31, 2003, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's Internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2003-04 brant season.

Bag limits for Skagit and Pacific counties:

Daily bag limit: 2 brant.

Possession limit: 4 brant.

ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

FALCONRY SEASONS

DUCKS, COOTS, AND SNIPE (Falconry)

(Bag limits include geese and mourning doves.)

Oct. 5-16, 2002 and Oct. 26, 2002 - Jan. 26, 2003, statewide; except canvasback season is closed and pintails may only be hunted Oct. 5-11, 2002 and Oct. 26 - Dec. 17, 2002.

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

GEESE (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves.)

Oct. 5-24, 2002 and Nov. 9 - Jan. 26, 2003, statewide; except Goose Management Areas 1, 2A, and 2B.

Goose Management Area 1: Oct. 5, 2002 - Jan. 5, 2003.

Goose Management Area 2A: Nov. 27, 2002, and Saturdays, Sundays, and Thursdays only (except Ridgefield NWR), Nov. 30, 2002 - Jan. 26, 2003; and Saturdays, Sundays, and Thursdays, Feb. 1 - Mar. 9, 2003. Ridgefield NWR (Zone 1): Saturdays, Mondays, and Wednesdays only, Nov. 27, 2002 - Jan. 26, 2003, except closed Dec. 25, 2002 and Jan. 1, 2003.

Goose Management Area 2B: Saturdays, Sundays, and Wednesdays only, Nov. 9 - Dec. 29, 2002, except closed Nov. 28, 2002.

Daily bag limit for all areas: 3 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

Possession limit for all areas: 6 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

AMENDATORY SECTION (Amending Order 02-98, filed 5/10/02, effective 6/10/02)

WAC 232-28-279 2000-2002 Elk general seasons and 2002-2003 special permits.

Bag Limit: One (1) elk per hunter during the 2002 hunting season.

Hunting Method: Elk hunters must select only one of the hunting methods (modern firearm, archery, or muzzleloader).

Elk Tag Areas: Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of male elk with visible antlers (bull calves are illegal).

Spike Bull Restrictions: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branched antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-154, 162-186, 249-251, 328, 329, and 335-368.

3 Point Restriction: Legal bull elk taken must have at least 3 antler points on one side only. Antler points may include eye guards, but antler points on the lower half of the main beam must be at least four (4) inches long measured from antler tip to nearest edge of beam; all other antler points must be at least one (1) inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: All of Western Washington except for GMUs 454, 564, 568, 574, 578, and 588 and Muzzleloader Area 941.

GMUs Closed to Elk Hunting: 418 (Nooksack), and 437 (Sauk) except for ML Elk Area 941, 485 (Green River), 490 (Cedar River), 522 (Loo-wit) and 636 (Skokomish).

Special Permits: Only hunters with elk tag prefix identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs except permit only in GMUs 127 and 130 for modern firearm hunters and permit only for all hunters in GMUs 157 and 371. Modern firearm restrictions in GMU 334.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs except closed in GMUs 418, 437 (except for Muzzleloader Area 941), 485, 490, 522, 636 and modern firearm restrictions in portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 064 in GMU 638 (Quinault) is open to AHE hunters only. Elk hunting by permit only in GMUs 524, 556, 621, and PLWMA 600 (Pysht).

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

Modern Firearm Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid modern firearm elk tag as listed below on his/her person for the area hunted.

Hunting Method: May use rifle, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Area	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Eastern Washington	EF	109 east of Aladdin-Northport Road, 113 through 117, 124 east of Hwy 395	Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any bull
		157				Permit only
		145 through 154, 162 through 186, 249, that part of GMU 250 south of Hwy 2, 251, 328, 329, 335 through 368	Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Spike bull
		372	Sept. 1-Oct. 13	Sept. 1-15	Aug. 31-Sept.13	Antlerless
			Oct. 28-Nov. 5	Oct. 1-5	Sept. 14-15	Any elk
					Oct. 6-7	Antlerless
				Oct. 6-15	Oct. 8-11	Any elk
			Dec. 9-13	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any elk
		101, 105, 109 west of Aladdin-Northport Road, 121, 124 west of Hwy 395, 127-142, 382	Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any elk

PERMANENT

Hunt Area	Elk Area	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Western Washington	WF	407, 448, 460, 466, 504 through 520, 530, 550, 558, 560, 572, 601 through 618, 624 through 633, 638 through 684. Except AHE hunters only in Elk Area 064 in GMU 638, and Elk Area 066 in GMU 660.	Nov. 4-12	Nov. 3-11	Nov. 2-10	3 pt. min.
		501	Nov. 4-12	Nov. 3-11	Nov. 2-10	3 pt. min. or antlerless
		564, 568, 574 through 588	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
		454	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any bull
		524, 556, 621, PLWMA 600	Nov. 4-12	Nov. 3-11	Nov. 2-10	Permit only

Archery Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.

Hunting Method: Bow and arrow only as defined by WAC 232-12-054.

Special Notes: Archery tag holders can hunt only during archery seasons. Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Early Archery Elk Seasons						
Eastern Washington	EA	101 through 142, 243, 247, 249, 250, 334	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any elk
		145, 149, 163 through 186	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull
		154, 162 excluding National Forest and Rainwater Wildlife Area, 328, 329, 330, 335, 336, 340, 352, 356, 364	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull or antlerless
		113-117	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any elk
Western Washington	WA	454, 564, 568, 574, 578, 588	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any elk
		407, 448, 501 through 505, 550, 554, 558, 560, 572, 652 ^a , 654, 660, 663, 666, 667 through 673, 684 and Long Island	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min. or antlerless
		460, 466, 506, 510, 513, 516, 520, 530, 601, 602, 603, 612 through 618, 624 through 633, 638 through 651, 653, 658, 681. AHE hunters only in Elk Area 064 in GMU 638, and Elk Area 066 in GMU 660. Permit only in PLWMA 600 in GMU 603.	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min.
Late Archery Elk Seasons						
Eastern Washington	EA	101, 105, 117 through 127	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		372		Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		178	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Antlerless only
		328, 335, 336, 346, 352, 364, 368	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Spike bull or antlerless
		That part of GMUs 352 and 360 south of Upper Nile Loop Road Bridge and north of Lower Nile Loop Road Bridge (near Woodshed Restaurant) and north and east of Nile elk fence.		Nov. 22-Jan. 31, 2002	Nov. 20, 2002-Jan. 31, 2003	Antlerless only

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Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Western Washington	WA	407, 505, 652 ^a , 666, 667, 672, 681, Elk Area 066 in GMU 660 and Long Island. In GMU 681 closed between US Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallacut River.	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	3 pt. min. or antlerless
		454, 564, 588	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	Any elk
		603, 612, 615, 638, and 648, except closed in PLWMA 600 in GMU 603. AHE hunters only in Elk Area 064 in GMU 638.	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	3 pt. min.
		506, 520, 530		Nov. 21-Dec. 2	Nov. 20-Dec. 1	3 pt. min. or antlerless
		506, 520, 530		Dec. 3-15	Dec. 2-15	3 pt. min.

^aThat portion of GMU 652 bounded by Highways 167, 410, and 164. Not legal for antlerless.

Muzzleloader Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

Hunting Method: Muzzleloader only as defined by WAC 232-12-051.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Early Muzzleloader Elk Seasons						
Eastern Washington	EM	109, 247	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any bull
		127 through 142	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any elk
		172, 245, 250, 251 ^b , 342, 356, 368	Oct. 7-13	Oct. 6-12	Oct. 5-11	Spike bull
		ML 911	Aug. 19-Sept. 10	Aug. 15-Sept. 15	Aug. 15-Sept. 15	Spike bull or antlerless
		That part of GMU 368 east of the following boundary: Jump Off Road and the power lines to South Fork Cowiche Creek, west along South Fork Cowiche Creek to Road A 5500, east on A 5500 Road and south on A 5000 Road to North Fork Ahtanum Creek Road, south and west on North Fork Ahtanum Creek Road to A 2000, A 2000 to A 2400 Road, A 2400 Road to A 1000 Road and South Fork of Ahtanum Creek.	Oct. 7-13	Oct. 6-12	Oct. 5-11	Spike bull or Antlerless
Western Washington	WM	454, 564, 568, 684	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any elk
		460, 504, 513, 530, 554, 602, 603, 607, 654, 660	Oct. 7-13	Oct. 6-12	Oct. 5-11	3 pt. min.
		501, 652 ^a , 666, 667	Oct. 7-13	Oct. 6-12	Oct. 5-11	3 pt. min. or antlerless

PERMANENT

Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Late Muzzleloader Elk Seasons						
Eastern Washington	EM	101, 105, 121, that part of 124 west of Hwy 395		Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any Elk
		130 through 142	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		346	Nov. 11-15	Nov. 10-14	Nov. 9-13	Spike bull or antlerless
		ML Area 944	Nov. 22-Dec. 8			Spike bull or antlerless
		ML Area 911		Dec. 1-31	Dec. 1-31	Spike bull or antlerless
		That part of GMU 368 east of the following boundary: Jump Off Road and the power lines to South Fork Cowiche Creek, west along South Fork Cowiche Creek to Road A 5500, east on A 5500 Road and south on A 5000 Road to North Fork Ahtanum Creek Road, south and west on North Fork Ahtanum Creek Road to A 2000, A 2000 to A 2400 Road, A 2400 Road to A 1000 Road and South Fork of Ahtanum Creek.	Nov. 11-15	Nov. 10-14	Nov. 9-13	Spike bull or antlerless
Western Washington	WM	501, 505, 652 ^a , 666, 667	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	3 pt. min. or antlerless
		454, 564, 568, 684	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	Any elk
		574, 578	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		504, 550, 601	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	3 pt. min.

^aThat portion of GMU 652 bounded by Highways 167, 410, and 164. Not legal for antlerless.

^bGMU 251 (Mission) closed in the following area: Beginning at the junction of Naneum Ridge (WDFW Rd. 9) and Ingersol (WDFW Rd. 1) roads; north and east on Ingersol Road to Colockum Road; east on Colockum Road and Colockum Creek to the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd. 14) and North Fork Road (WDFW Rd. 10.10) to Colockum Rd. (WDFW Rd. 10); south-west on Colockum Road to the Naneum Ridge Road (WDFW Rd. 9); west on Naneum Ridge to Ingersol to the point of beginning.

Special Elk Hunts Open to Specified Tag Holders

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below. In firearm restriction areas modern firearm hunters may hunt with a muzzleloader equipped with a scope.

Hunt Area	Elk Tag	Game Management Units	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Eastern Washington	EA, EM, EF	127 through 142, Advanced Hunter Education Graduates only.	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		Grant, Adams, Douglas, Franklin, Okanogan, and Benton (south of the Yakima River), and Chelan County (north of Hwy 2, except closed within 1/2 mile of the Columbia River in Douglas and Grant counties)	Oct. 28-Nov. 15	Oct. 27-Nov. 15	Oct. 26-Nov. 15	Any elk
	EM	ML Area 911, Advanced Hunter Education Graduates only.	Nov. 24-Dec. 3	Nov. 24-30	Nov. 23-30	Spike bull or antlerless

PERMANENT

Hunt Area	Elk Tag	Game Management Units	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Western Washington	WF	568, 574, 578, 588	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
	WF, WA, WM	564 (archery and muzzleloader methods only, modern firearm elk tag holders may hunt, but must use archery, muzzleloader or revolver type handgun equipment)	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
	WM	Muzzleloader Area 941 (muzzleloader only)	11/1/2000 - 1/31/2001	11/1/2001 - 1/31/2002	11/1/2002 - 1/31/2003	Any elk
	WA	Muzzleloader Area 941 (archery only)	Oct. 1-31	Oct. 1-31	Oct. 1-31	Any elk

Special Elk Permit Hunting Seasons

(Open to Permit Holders Only)

Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see elk tag prefix required to apply for each hunt).

PERMANENT

Hunt Name	2002 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2002 Permits
Modern Firearm Bull Permit Hunts					
Blue Creek A	Oct. 21-Nov. 3	Any Bull	EF	GMU 154	3
Watershed ^c	Oct. 26-Nov. 3	3 Pt. Min. or Antlerless	EA, EF, EM	GMU 157	40
Wenaha A	Oct. 21-Nov. 3	Any Bull	EF	GMU 169	5
Mountain View A	Oct. 21-Nov. 3	Any Bull	EF	GMU 172	5
Couse A	Oct. 21-Nov. 3	Any Bull	EF	GMU 181	1
Naneum A	Oct. 21-Nov. 3	Any Bull	EF	GMU 328	6
Quilomene A	Oct. 21-Nov. 3	Any Bull	EF	GMU 329	8
Teaway A	Oct. 21-Nov. 3	Any Bull	EF	GMU 335	6
Peaches Ridge A	Oct. 21-Nov. 3	Any Bull	EF	GMUs 336, 346	103
Goose Prairie A	Oct. 21-Nov. 3	Any Bull	EF	GMUs 352, 356	114
Bethel A	Oct. 21-Nov. 3	Any Bull	EF	GMU 360	64
Rimrock A	Oct. 21-Nov. 3	Any Bull	EF	GMU 364	112
Cowiche A	Oct. 21-Nov. 3	Any Bull	EF	GMU 368	28
Margaret A	Nov. 2-10	3 Pt. Min.	WF	GMU 524	18
Toutle A	Nov. 2-10	3 Pt. Min.	WF	GMU 556	90
Olympic A	Nov. 2-10	3 Pt. Min.	WF	GMU 621 ^h	21

^cPermit season is open for archery and muzzleloader, but hunt is the same as modern firearm and all hunters must wear hunter orange.

^hThat part of GMU 621 south of the BPA power lines.

Modern Firearm Elk Permit Hunts (Only modern firearm and muzzleloader elk tag holders may apply.)

Three Forks	Oct. 26-Nov. 3	Any Elk	EF or EM	GMU 109	15
Selkirk	Oct. 26-Nov. 3	Any Elk	EF or EM	GMU 113	15
49 Degrees North	Oct. 26-Nov. 3	Any Elk	EF or EM	GMU 117	15
Mount Spokane	Oct. 26-Nov. 3	Any Elk	EF or EM	124 (E. of SR 395)	75
Blue Creek E	Oct. 26-Nov. 3	Antlerless	EF or EM	GMUs 149, 154	100
Dayton A ^(a)	Oct. 26-Nov. 3	Antlerless	EF or EM	GMUs ((162 , 163)) <u>163 and part of 162^a</u>	200
Dayton B ^(b)	Oct. 26-Nov. 3	Antlerless	EF or EM	GMU ((162 , 163)) <u>162^a</u>	50
Shushuskin ^j	Dec. 1-31	Antlerless	EF or EM	Elk Area 031	75
Malaga A ^j	Aug. 17-Sept. 29	Antlerless	EF or EM	Elk Area 032	75

Malaga B ⁱ	Sept. 7-15	Any Elk	EF or EM	Elk Area 032	10
Malaga C	Nov. 4-Dec. 31	Antlerless	EF or EM	Elk Area 032	75
Malaga E	Nov. 11-17	Any Elk	EF or EM	Elk Area 032	5
Peshastin A ⁱ	Aug. 17-25	Antlerless	EF or EM	Elk Area 033	20
Peshastin B	Aug. 19-25	Any Elk	EF or EM	Elk Area 033	5
Peshastin C	Sept. 16-29	Antlerless	EF or EM	Elk Area 033	20
Peshastin D	Sept. 21-29	Any Elk	EF or EM	Elk Area 033	5
Peshastin E	Nov. 30-Jan. 12, 2003	Antlerless	EF or EM	Elk Area 033	20
Peshastin F	Dec. 7-Jan. 12, 2003	Any Elk	EF or EM	Elk Area 033	5
West Bar A	Oct. 22-31	Antlerless	EF or EM	GMU 330	10
West Bar B	Nov. 1-4	Antlerless	EF or EM	GMU 330	10
Taneum	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 336	200
Manastash	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 340	400
Observatory A	Oct. 21-Nov. 3	Any Elk	EF or EM	GMUs 340, 342, 371	62
Umtanum A	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 342	400
Cleman ⁱ	Dec. 9-31	Antlerless	EF or EM	ML Area 944	100
Little Naches A	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 346	250
Little Naches B	Oct. 1-10	Any Bull	EF or EM	GMU 346	25
Nile	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 352	300
Bumping	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 356	215
Bethel B	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 360	105
Rimrock B	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 364	100
Cowiche B	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 368	180
Willapa Hills	Nov. 6-10	Antlerless	WF or WM	GMU 506	50
Raymond A	Nov. 6-10	3-Pt. Min. or Antlerless	WF or WM	Part of GMU 506, 672 and 673 ^a	20
Raymond B	Dec. 16-31	Antlerless	WF or WM	Part of GMUs 506, 672 and 673 ^a	30
Raymond C	Jan. 1-31, 2003	Antlerless	WF or WM	Part of GMUs 506, 672 and 673 ^a	15
Raymond D	Feb. 1-28, 2003	Antlerless	WF or WM	Part of GMUs 506, 672 and 673 ^a	15
Winston	Nov. 6-10	Antlerless	WF or WM	GMU 520	15
Margaret B	Nov. 6-10	Antlerless	WF or WM	GMU 524	10
Ryderwood	Nov. 6-10	Antlerless	WF or WM	GMU 530	40
Coweeman	Nov. 6-10	Antlerless	WF or WM	GMU 550	20
Toutle B	Nov. 6-10	Antlerless	WF or WM	GMU 556	30
Marble	Nov. 6-10	Antlerless	WF or WM	GMU 558	60
Carlton	Oct. 1-10	3-Pt. Min.	WF or WM	Elk Area 057	5
West Goat Rocks	Oct. 1-10	3-Pt. Min.	WF or WM	Elk Area 058	5
Mt. Adams	Oct. 1-10	3-Pt. Min.	WF or WM	Elk Area 059	5
Lewis River	Nov. 6-10	Antlerless	WF or WM	GMU 560	75
Siouxon	Nov. 6-10	Antlerless	WF or WM	GMU 572	50
Dungeness A	Nov. 28-Dec. 2	Antlerless	WF or WM	Part of GMU 621 ⁱ	6
Dungeness B	Dec. 5-9	Antlerless	WF or WM	Part of GMU 621 ⁱ	6
Dungeness C	Dec. 12-16	Antlerless	WF or WM	Part of GMU 621 ⁱ	6
Satsop A	Dec. 1-15	Antlerless	WF or WM	GMU 651	30
Puyallup A	Jan. 15-23, 2003	Antlerless	WF or WM	GMU 652	25

Mashel A	Dec. 15-23	Antlerless	WF or WM	Part of GMU 654 ^m	50
Mashel B	Jan. 12-21, 2003	Antlerless	WF or WM	Part of GMU 654 ^m	100
North Minot A	Oct. 20-31	Antlerless	WF or WM	Elk Area 067	60
Deschutes A	Jan. 15-23, 2003	Antlerless	WF or WM	GMU 666	10
Williams Creek	Nov. 6-10	Antlerless	WF or WM	GMU 673	40
North Shore A	Nov. 6-10	Antlerless	WF or WM	Elk Area 068	5

~~((i)) That part of GMUs 162 and 163 excluding National Forest lands and Rainwater Wildlife Area.~~

^jDamage hunt.

^kThat part of GMUs 506, 672 and 673 within 1 mile of SR 6 between the east end of elk Prairie Rd and the Mallis Landing Rd.

~~((H))~~ ^lThat part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River.

~~((f))~~ ^mThat part of GMU 654 south of the Puyallup River.

ⁿThat part of GMU 162 east of North Touchet Road excluding National Forest.

^qThat part of GMU 162 west of North Touchet Road excluding National Forest and Rainwater Wildlife Area.

Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)

Note-Fire Closures may limit access during early October seasons

Blue Creek B	Oct. 1-11	Any Bull	EM	GMU 154	1
Wenaha C	Oct. 1-11	Any Bull	EM	GMU 169	1
Mountain View B	Oct. 1-11	Any Bull	EM	GMU 172	1
Couse B	Oct. 1-11	Any Bull	EM	GMU 181	1
Naneum B	Oct. 1-11	Any Bull	EM	GMU 328	1
Quilomene B	Oct. 1-11	Any Bull	EM	GMU 329	2
Teaway B	Oct. 1-11	Any Bull	EM	GMU 335	1
Peaches Ridge B	Oct. 1-11	Any Bull	EM	GMUs 336, 346	15
Goose Prairie B	Oct. 1-11	Any Bull	EM	GMUs 352, 356	17
Bethel C	Oct. 1-11	Any Bull	EM	GMU 360	11
Rimrock C	Oct. 1-11	Any Bull	EM	GMU 364	16
Cowiche C	Oct. 1-11	Any Bull	EM	GMU 368	10
Margaret C	Oct. 1-11	3 Pt. Min.	WM	GMU 524	4
Toutle C	Oct. 1-11	3 Pt. Min.	WM	GMU 556	16
Olympic B	Oct. 1-11	3 Pt. Min.	WM	GMU 621	3

Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)

Blue Creek C ⁱ	12/1/02-1/31/03	Antlerless	EM	GMU 154	60
Columbia A ^(†)	Dec. 1-31	Antlerless	EM	Part of GMU 162 ⁿ ((:)) and GMU 163	100
Columbia B ^(†)	Jan. 1-31, 2003	Antlerless	EM	Part of GMU 162 ⁿ ((:)) and GMU 163	100
Columbia C ^(†)	Dec. 20-Jan. 31, 2003	Antlerless	EM	Part of GMU 162 ⁿ	50
Couse C ⁱ	Dec. 1-31	Antlerless	EM	GMU 181	25
Couse D ⁱ	Jan. 1-31, 2003	Antlerless	EM	GMU 181	25
West Bar C	Oct. 1-11	Antlerless	EM	GMU 330	10
Observatory B	Oct. 1-11	Any Elk	EM	GMUs 340, 342, 371	14
Umtanum B	Oct. 6-12	Antlerless	EM	GMU 342	350
Stella A ^j	Nov. 26-Dec. 15	Antlerless	WM	GMU 504	100
Stella B ^j	Jan. 1-16, 2003	Antlerless	WM	GMU 504	25
Toledo A ⁱ	Jan. 1-16, 2003	Antlerless	WM	Elk Area 029	30
Malaga F ⁱ	Oct. 8-27	Antlerless	EM	Elk Area 032	75
Malaga G ⁱ	Oct. 8-27	Any Elk	EM	Elk Area 032	10
Mossyrock A ^j	Jan. 1-16, 2003	Antlerless	WM	Elk Area 052	20

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Randle A ^j	Jan. 1-16, 2003	Antlerless	WM	Elk Area 053	15
Boistfort ^j	Jan. 1-16, 2003	Antlerless	WM	Elk Area 054	40
Yale ^j	Nov. 26-Dec. 15	3 Pt. Min. or Antlerless	WM	GMU 554	75
Satsop B	Oct. 6-11	Antlerless	WM	GMU 651	10
North River ^j	Nov. 26-Dec. 15	Antlerless	WM	GMU 658	20
North Minot B ^j	Oct. 6-11	Antlerless	WM	Elk Area 067	60
Raymond E ^j	Oct. 1-31	Antlerless	WM	Part of GMUs 506, 672 and 673 ^k	30

^jDamage hunt.

^kThat part of GMUS 506 and 673 within 1 mile of SR6 between the east end of Elk Prairie Rd. and the Mallis Landing Rd.

^lThat part of GMU 162 east of North Touchet Rd., excluding National Forest. Mostly private land, winter road closures in GMU 162.

^qThat part of GMU 162 west of North Touchet Rd., excluding National Forest and Rainwater Wildlife Area.

Archery Permit Hunts (Only archery elk tag holders may apply.)

Note-Fire closures may limit access during September seasons.

Blue Creek D	Sept. 1-14	Any Bull	EA	GMU 154	2
Wenaha D	Sept. 1-14	Any Bull	EA	GMU 169	2
Mountain View C	Sept. 1-14	Any Bull	EA	GMU 172	5
Couse F	Sept. 1-14	Any Bull	EA	GMU 181	1
Naneum C	Sept. 1-14	Any Bull	EA	GMU 328	35
Quilomene C	Sept. 1-14	Any Bull	EA	GMU 329	12
Teanaway C	Sept. 1-14	Any Bull	EA	GMU 335	35
Peaches Ridge C	Sept. 1-14	Any Bull	EA	GMUs 336, 346	126
Observatory C	Sept. 1-14	Any Elk	EA	GMUs 340, 342, 371	71
Goose Prairie C	Sept. 1-14	Any Bull	EA	GMUs 352, 356	267
Bethel D	Sept. 1-14	Any Bull	EA	GMU 360	62
Rimrock D	Sept. 1-14	Any Bull	EA	GMU 364	117
Cowiche D	Sept. 1-14	Any Bull	EA	GMU 368	27
Peshastin G	Sept. 1-14	Any Elk	EA	Elk Area 033	10
Margaret D	Sept. 1-14	3 Pt. Min.	WA	GMU 524	7
Toutle D	Sept. 1-14	3 Pt. Min.	WA	GMU 556	61
Olympic C	Sept. 1-14	3 Pt. Min.	WA	GMU 621 ^h	5
Quinault	Nov. 21-Dec. 15	Antlerless	WA	That part of GMU 638 in the Quinault drainage	40
Mashel B ⁱ	Jan. 12-21, 2003	Antlerless	WA	Part of GMU 654 ^m	40
Raymond F ⁱ	Nov. 16-30	Antlerless	WA	Part of GMUs 506, 672 and 673 ^k	60
Satsop C	Sept. 1-14	3 Pt. Min. or Antlerless	WA	GMU 651	30

^hThat part of GMU 621 south of the BPA power lines.

^jDamage hunt.

^kThat part of GMUs 506, 672 and 673 within 1 mile of SR 6 between the east end of Elk Prairie Rd and the Mallis Landing Rd.

^lThat part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River.

^mThat part of GMU 654 south of the Puyallup River.

Advanced Hunter Education (AHE) Graduate Special Elk Permit Hunts (only AHE graduates may apply).

Toledo B	Jan. 17-31, 2003	Antlerless	Any Elk Tag	Elk Area 029	20
Mossyrock B	Jan. 17-31, 2003	Antlerless	Any Elk Tag	Elk Area 052	20
Randle B	Jan. 17-31, 2003	Antlerless	Any Elk Tag	Elk Area 053	15

Quinault Ridge	Oct. 1-10	3-Pt. Min or Antlerless	Any Elk Tag	GMU 638	5
Chehalis Valley A	Sept. 15-30	Antlerless	Any Elk Tag	Elk Area 066 ^a	10
Chehalis Valley B	Oct. 1-31	Antlerless	Any Elk Tag	Elk Area 066 ^a	10
Chehalis Valley C	Nov. 6-10	Antlerless	Any Elk Tag	Elk Area 066 ^a	30
Chehalis Valley E	Nov. 15-30	Antlerless	Any Elk Tag	Elk Area 066 ^a	15
Chehalis Valley F	Jan. 1-31, 2003	Antlerless	Any Elk Tag	Elk Area 066 ^a	15
Chehalis Valley G	Feb. 1-28, 2003	Antlerless	Any Elk Tag	Elk Area 066 ^a	15

Persons of Disability Only - Special Elk Permit Hunts

Observatory D	Oct. 24-Nov. 7	Any Elk	EF or EM	GMUs 340, 342	6
Little Naches C	Oct. 1-10	Any Elk	EF, EM, EA	GMU 346	6
Little Naches D	Oct. 30-Nov. 7	Antlerless	EF, EM, EA	GMU 346	10
Centralia Mine A	Oct. 26-27	Antlerless	Any Elk Tag	Portion of GMU 667 ^o	2
Centralia Mine B	Nov. 2-3	Antlerless Only	Any Elk Tag	Portion of GMU 667 ^o	2
North Shore B	Oct. 1-31	Antlerless	Any Elk Tag	Elk Area 068	5
North Shore C	Dec. 16-31	Antlerless	Any Elk Tag	Elk Area 068	5
North Shore D	Jan. 1-31, 2003	Antlerless	Any Elk Tag	Elk Area 068	5
North Shore E	Feb. 1-28, 2003	Antlerless	Any Elk Tag	Elk Area 068	5
Skookumchuck A	Nov. 17-25	Antlerless	Any Elk Tag	GMU 667	4
Skookumchuck B	Dec. 6-16	Antlerless	Any Elk Tag	GMU 667	4
Skookumchuck C	Jan. 1-31, 2003	Antlerless	Any Elk Tag	GMU 667	10
Chehalis Valley D	Dec. 1-31	Antlerless	Any Elk Tag	Elk Area 066	15

^oPortion of GMU 667 within Centralia Mine.

^aFirearm Restriction Area.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-425 2001-02 Migratory waterfowl seasons and regulations.

**WSR 02-18-016
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD
[Filed August 22, 2002, 12:59 p.m.]**

Date of Adoption: July 11, 2002.

Purpose: Amends WAC 136-04-020 Inquiry by the county road administration board. Amendment changes when the board will approve the standard of goods practice questionnaire from the first quarterly meeting of the calendar year to the last quarterly meeting of the calendar year.

Citation of Existing Rules Affected by this Order: Amending Title 136 WAC.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Adopted under notice filed as WSR 02-11-120 on May 21, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 9, 2002

Jay P. Weber
Executive Director

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-04-020 Inquiry by the county road administration board. The executive director shall formulate a questionnaire for use by the counties designed to demonstrate to the county road administration board each county's level of compliance with pertinent laws and regulations. The proposed questionnaire shall be reviewed and approved by the

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county road administration board at ~~((its first))~~ the last regularly scheduled meeting of each calendar year and may be revised and modified from year to year to reflect changes in statutory and regulatory requirements. The approved questionnaire shall be distributed to all counties no later than ~~((fifteen days after said meeting))~~ January 31 of the year following its approval.

WAC 136-10-035	Charter counties.
WAC 136-10-040	Organization of county road department.
WAC 136-10-050	Written policy.
WAC 136-10-060	Forwarding of written policy.

WSR 02-18-017
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed August 22, 2002, 1:00 p.m.]

Date of Adoption: July 11, 2002.

Purpose: Repeals chapter 136-10 WAC, Relationship of county engineer and county legislative authority. Repeals entire chapter to be replaced with new chapter 136-50 WAC to better identify the statutory relationship between the county engineer and county legislative authority and adopts written policies.

Citation of Existing Rules Affected by this Order: Repealing chapter 136-10 WAC.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Adopted under notice filed as WSR 02-11-122 on May 21, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 9, 2002

Jay P. Weber

Executive Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 136-10-010	Purpose and authority.
WAC 136-10-020	Duties of county legislative authority.
WAC 136-10-030	Duties of the county engineer.

WSR 02-18-018
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed August 22, 2002, 1:01 p.m.]

Date of Adoption: July 11, 2002.

Purpose: Amends chapter 136-12 WAC, Standards of good practice—Vacancy in position of county engineer. Amends WAC 136-12-010, 136-12-020, 136-12-060, 136-12-070 and 136-12-080 and adds a new section WAC 136-12-040 to better identify the county's responsibility in reporting a county engineer vacancy in the county.

Citation of Existing Rules Affected by this Order: Amending chapter 136-12 WAC.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Adopted under notice filed as WSR 02-11-121 on May 21, 2002.

Changes Other than Editing from Proposed to Adopted Version: Sentence added to WAC 136-12-020 to recognize that it is unavoidable that a vacancy in county engineer may occur. In WAC 136-12-045 asks for an e-mail address if available instead of required. In WAC 136-12-070 expands title to identify when a county employs a part-time county engineer or a contract county engineer.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 9, 2002

Jay P. Weber

Executive Director

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AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-12-010 Purpose and authority. The laws of the state of Washington make detailed provisions in chapter 36.80 RCW, for the employment of a county engineer in each county. This chapter specifies that ~~((he/she shall be employed full-time: Provided, That in counties with a population of less than eight thousand he/she may be employed on a part-time basis and may be the county engineer of another county))~~ the county legislative authority of each county shall employ a county road engineer on either a full-time or part-time basis, or by contracting with another county for the engineering services of a county road engineer; that he/she shall be a registered and licensed professional civil engineer under the laws of this state; that he/she shall have supervision, under the direction of the county legislative authority, of all activities related to the county roads of the county, including maintenance; that he/she shall certify to the county legislative authority all bills with respect to county roads; that he/she shall keep complete public records of all road department activities; that he/she shall prepare plans and specifications for all construction work on the county road system. ~~((Since it is unavoidable that vacancies will occur from time to time in the position of county engineer, the following rule has been formulated to cover an interim period.))~~

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-12-020 Procedure during vacancy. It is unavoidable that vacancies will occur from time to time in the position of county engineer. When a vacancy occurs in the office of county engineer due to resignation, retirement, death or for any other reason, the county legislative authority shall take immediate steps to find a replacement, either by promotion from within the organization if a competent and eligible person is available, or by advertisement for, and interview of, qualified applicants. The county legislative authority or county executive shall ~~((immediately)),~~ within five working days, notify the county road administration board of the vacancy, and of the procedure to be followed during the period of vacancy.

NEW SECTION

WAC 136-12-045 Notification of hiring. When final arrangements for the employment of a new county engineer have been made, the county legislative authority or the county executive shall, within five working days, notify the county road administration board in writing and shall include the following information: Name of new county engineer, Washington registration number, start date, and contact information, including an e-mail address if available. In addition, the notification shall include a copy of the organization chart detailing the responsibilities of the county engineer.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-12-060 Failure to comply ~~((with ruling))~~. ~~((When the county legislative authority has made final arrangements for the employment of a new county engineer meeting the requirements of chapter 36.80 RCW the county road administration board shall be notified accordingly.))~~ ~~((no such))~~ notification is not received within ~~((six months of the beginning of the vacancy))~~ the time frame established in WAC 136-12-045, the matter of the vacancy will be considered at the next regular meeting of the county road administration board. The county road administration board may require that all day labor construction projects be shut down and/or that all distribution of gas tax funds to the county cease: Provided however, That it may continue to grant reasonable extensions in the event the affected county can give adequate proof or demonstrate at the next regularly scheduled board meeting that a diligent effort has been made to secure the services of a qualified engineer.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-12-070 County engineer in counties ~~((with a population of less than eight thousand))~~ that choose to employ a part-time county engineer or a contract county engineer. When the county legislative authority ~~((of a county with a population of less than eight thousand))~~ chooses to employ a county engineer on a part-time basis the terms of such employment shall be set forth in a contract adopted by resolution of the legislative authority. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the legislative authority, travel expenses and relationship with regular employees. A copy of such resolution and contract shall be forwarded to the office of the county road administration board.

When the legislative authority chooses to contract with another county for services such contract shall be approved by resolution of both legislative authorities. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the legislative authority, travel expenses and relationship with regular employees. A copy of the contract and both resolutions shall be forwarded to the office of the county road administration board. Any such contract shall be in accordance with the procedures of the Interlocal Cooperation Act, chapter 39.34 RCW.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-12-080 Assistant county engineer in counties with a ~~((population of less than eight thousand))~~ part-time county engineer or a contract county engineer. When a legislative authority of a county ~~((with a population of less than eight thousand))~~ chooses to employ a licensed professional civil engineer on a part-time basis or contract with another county for the services of its licensed professional

civil engineer, it shall designate by resolution a full-time employee as assistant county engineer. In such cases, the designated assistant county engineer shall perform the day to day supervision of the road department under the county engineer in accordance with policies established by the legislative authority.

WSR 02-18-019
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed August 22, 2002, 1:02 p.m.]

Date of Adoption: July 11, 2002.

Purpose: Amends chapter 136-18 WAC, Standards of good practice—Day labor construction. Amends chapter 136-18 WAC by adding new section WAC 136-18-085 Determination day labor compliance by the county road administration board. Identifies a list for the county road administration board to consider when determining if a county has unreasonably exceeded its statutory day labor limit for the proceeding calendar year, as indicated in RCW 36.77.065(d).

Citation of Existing Rules Affected by this Order: Amending chapter 136-18 WAC.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Adopted under notice filed as WSR 02-11-119 on May 21, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 9, 2002

Jay P. Weber

Executive Director

NEW SECTION

WAC 136-18-085 Determination of day labor compliance by the county road administration board. At its second regular meeting of each calendar year, the county road administration board shall determine if any county has unreasonably exceeded its statutory day labor limit for the preceding calendar year, as indicated in RCW 36.77.065. In

determining what is unreasonable, the county road administration board shall consider the following:

(1) Did the county provide prior notification of the possible day labor limit violation in writing to the county road administration board?

(2) What is the amount of the excess day labor expenditure compared to the total annual county road construction expenditure for the same time period?

(3) Are there extenuating circumstances beyond the control of the county that resulted in exceeding the statutory day labor limit?

(4) What is the past record of the county regarding day labor compliance?

WSR 02-18-020
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed August 22, 2002, 1:04 p.m.]

Date of Adoption: July 11, 2002.

Purpose: Creates chapter 136-50 WAC, Standards of good practice—Statutory relationship between county engineer and county legislative authority—Adoption of written policies. Creates a new standard of good practice to identify the statutory relationship between the county engineer and county legislative authority.

Citation of Existing Rules Affected by this Order: Chapter 136-10 WAC has been repealed as a result of adoption of chapter 136-50 WAC.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Adopted under notice filed as WSR 02-11-118 on May 21, 2002.

Changes Other than Editing from Proposed to Adopted Version: Remove "The purpose of these laws is to designate the county engineer as the chief administrative officer of the county road department" from WAC 136-50-010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 9, 2002

Jay P. Weber

Executive Director

Chapter 136-50 WAC

STANDARDS OF GOOD PRACTICE—STATUTORY
RELATIONSHIP BETWEEN COUNTY ENGINEER
AND COUNTY LEGISLATIVE AUTHORITY—ADOPTION OF WRITTEN POLICIESNEW SECTION

WAC 136-50-010 Purpose and authority. The powers and duties of the county legislative authority in relation to roads and bridges, and the qualifications and duties of the county engineer are detailed in Title 36 RCW. This chapter reiterates the formal relationship between the legislative authority and its county engineer and requires that certain written policies be adopted to insure the efficient and productive operation of the road department.

In this chapter and throughout Title 136 WAC, the term "county engineer" shall mean both "county road engineer" and "county engineer," as those terms are used in Title 36 RCW.

NEW SECTION

WAC 136-50-020 Duties of county legislative authority. Certain specific powers and duties are set forth in RCW 36.75.040, 36.75.050, 36.80.010, 36.81.121, and 36.81.130. In addition to these specific statutory duties, the county legislative authority shall have the duty to develop written policies, regarding county road department operation for the information and guidance of the county engineer.

NEW SECTION

WAC 136-50-030 Duties of the county engineer. The various duties and responsibilities of the county engineer are set forth in chapter 36.80 RCW. In addition to these specifically defined duties, the county engineer shall be guided by written policies regarding county road department operation as promulgated by the county legislative authority.

NEW SECTION

WAC 136-50-035 Charter counties. In counties that have adopted a home rule charter, as provided for in Article 11 subsection 4 of the state Constitution, the duties and responsibilities of the county engineer set forth in chapter 36.80 RCW may be modified by the county legislative authority as allowed by existing constitutional law, statutory law, and the county's charter.

NEW SECTION

WAC 136-50-050 Written policy. In order to implement the requirements of this chapter, the county legislative authority shall develop and by resolution adopt written policies, within the limits of existing state law, that cover any matters relating to road department operation as they may see fit. At a minimum, written policies must be adopted to cover the issues listed in WAC 136-50-051 through 136-50-055.

NEW SECTION

WAC 136-50-051 Policy regarding organization. It shall be the duty of the county engineer to organize the road department in accordance with the policies of the county legislative authority, into such departments, divisions, districts, or units as may be necessary to meet statutory requirements and to perform such additional services as may be directed by policy of the legislative authority.

The county legislative authority shall adopt a written policy, including a chart or pictorial representation, designating the interrelationships of all positions in the road department from the county legislative authority through all employees. The chart shall clearly show the complete chain of command throughout the entire organization. Copies of such chart shall be retained in the office of the county engineer and in all road department shops in such a manner that it will be readily available to all road department employees and the general public.

NEW SECTION

WAC 136-50-052 Policy regarding personnel practices. The county legislative authority shall adopt a written policy outlining all road department personnel practices. The policy shall address recruitment, appointment, promotion, dismissal, hours of work, overtime, annual leave, sick leave, military leave, holidays, classification, union relationship where applicable, and general work rules, and may also include other topics as desired by the legislative authority. Copies of such policy shall be retained in the office of the county engineer and in all road department shops in such a manner that it will be readily available to all road department employees and prospective employees.

NEW SECTION

WAC 136-50-053 Policy regarding handling of complaints. The county legislative authority shall adopt a written policy establishing the method by which complaints from the general public and others related to any road department activity will be handled. The purpose is to assure that each county will have an orderly procedure to insure that citizen complaints receive prompt attention.

NEW SECTION

WAC 136-50-054 Policy regarding approval of work for other public agencies and county departments. The county legislative authority shall adopt a written policy regarding approval of work for other public agencies and county departments. The policy shall include, but is not limited to, the following:

(1) Statement of intent indicating whether or not the legislative authority will accept requests for work for other public agencies or other county departments.

(2) Statement indicating procedures to be followed in processing such requests in accordance with applicable statutes.

(3) Statement indicating any delegation of authority in processing such requests.

NEW SECTION

WAC 136-50-055 Policy regarding accommodation of utilities on county road rights of way. The county legislative authority shall adopt a written policy outlining the county's administrative, procedural, and technical requirements regarding the installation, replacement, adjustment, relocation, and maintenance of all utilities in, on, or above the county road right of way.

NEW SECTION

WAC 136-50-070 Submittal of policies to the county road administration board. Each county legislative authority shall submit to the office of the county road administration board one copy of each policy required in WAC 136-50-051 through 136-50-055, and any subsequent revisions thereto, adopted pursuant to this regulation. The county road administration board shall maintain a current file of all such adopted policies for each county.

WSR 02-18-024
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed August 23, 2002, 9:11 a.m.]

Date of Adoption: August 8, 2002.

Purpose: The rule-making action adds gamma-butyrolactone (GBL) to the listing of precursor substances in chapter 246-889 WAC to make state law consistent with federal law. GBL is used as a precursor substance to manufacture the controlled substance gamma-hydroxybutyric (GHB). GHB is known to be abused by high school and college students at "rave parties," by [body] builders for its alleged anabolic effects, and in cases of sexual assault.

Citation of Existing Rules Affected by this Order: Amending WAC 246-889-020.

Statutory Authority for Adoption: RCW 69.43.050, 18.64.005.

Adopted under notice filed as WSR 02-11-152 on May 22, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 8, 2002

Donna Dockter

Chair

AMENDATORY SECTION (Amending WSR 94-07-105, filed 3/18/94, effective 3/18/94)

WAC 246-889-020 Precursor substance defined. (1) For the purpose of this chapter a precursor substance is any of the following substances or their salts or isomers:

- (a) Anthranilic acid;
- (b) Barbituric acid;
- (c) Chlorophedrine;
- (d) Diethyl malonate;
- (e) D-lysergic acid;
- (f) Ephedrine;
- (g) Ergotamine tartrate;
- (h) Ethylamine;
- (i) Ethyl malonate;
- (j) Ethylephedrine;
- (k) Gamma-butyrolactone (GBL);
- (l) Hydriodic acid;
- (~~((h))~~) (m) Lead acetate;
- (~~((m))~~) (n) Malonic acid;
- (~~((n))~~) (o) Methylamine;
- (~~((o))~~) (p) Methylformamide;
- (~~((p))~~) (q) Methylephedrine;
- (~~((q))~~) (r) Methylpseudoephedrine;
- (~~((r))~~) (s) N-acetylanthranilic acid;
- (~~((s))~~) (t) Norpseudoephedrine;
- (~~((t))~~) (u) Phenylacetic acid;
- (~~((u))~~) (v) Phenylpropanolamine;
- (~~((v))~~) (w) Piperidine;
- (~~((w))~~) (x) Pseudoephedrine; and
- (~~((x))~~) (y) Pyrrolidine.

Provided, that this definition shall not include any drug that contains ephedrine, phenylpropanolamine, or pseudoephedrine or any cosmetic if that drug or cosmetic can be lawfully sold, transferred, or furnished over-the-counter without a prescription or by a prescription under chapter 69.04 or 69.41 RCW.

(2) The board finds that the reference to methylformamide in RCW 69.43.010, was intended to refer to methylformamide and corrects that reference by deleting "methylformamide" and adding "methylformamide." This change is based upon the finding that this revision conforms to the tests set forth in RCW 69.43.010(2).

(3) Registrants should be aware that precursor substances in subsection (1)(a), (f), (k), (l), (n), (o), (p), (t), and (w) of this section are also regulated as schedule II immediate precursors pursuant to WAC 246-887-150 and all applicable rules and laws governing the distribution of schedule II controlled substances must also be complied with.

WSR 02-18-025
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Dispensing Optician)

[Filed August 23, 2002, 9:14 a.m.]

Date of Adoption: August 7, 2002.

Purpose: Update and clarify rules for licensure of dispensing opticians related to credentialing by endorsement and appeal of examination results. For apprentice dispensing opticians, update and clarify definitions and appropriate registration and supervision.

Citation of Existing Rules Affected by this Order: Amending WAC 246-824-010, 246-824-020, 246-824-070, and 246-824-071.

Statutory Authority for Adoption: RCW 18.34.070, 43.70.040.

Adopted under notice filed as WSR 02-13-062 on June 14, 2002.

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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 21, 2002

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-824-010 Definitions. ~~((For the purpose of administering and recording apprenticeship training, in accordance with the conditions specified by RCW 18.34.070 (5)(a), one year shall be defined as))~~ (1) "Secretary" means the secretary of the department of health.

(2) "Primary supervisor" is a physician licensed under chapter 18.57 or 18.71 RCW, an optometrist licensed under chapter 18.53 RCW, or a dispensing optician licensed under chapter 18.34 RCW, who is responsible for the acts of the apprentice and provides the majority of the training and direct supervision received by the apprentice.

(3) "One year of apprenticeship" is 2,000 hours of training under the supervision of a licensed physician, optometrist or dispensing optician. ((This definition will not be used to extend the limit of apprenticeship training as specified in RCW 18.34.030.

~~(1) No apprentice shall engage in the work of dispensing optician except in the course and scope of apprenticeship training under the direct supervision of a duly licensed physician, optometrist, or dispensing optician. In those situations where the apprentice or the supervisor rotates within the same eye care organization or business operation, the provisions of WAC 308-26-010(2) (as amended February 23, 1976) will apply.~~

~~(2))~~ (4) "Direct supervision" ((shall)) means ((that)) the supervising optometrist, physician, or dispensing optician shall:

(a) Inspect a substantial portion of the apprentice's work;

(b) Be physically present on the premises where the apprentice is working and available for consultation with the apprentice a minimum of 80% of the time claimed as apprenticeship training ~~((Thus, of the 2,000 training hours in one year of apprenticeship, the supervisor must be on the premises simultaneously with the apprentice for 1,600 hours, and have available at each location where an apprentice is working a monthly log with verification by initial of both the licensed supervisor and the apprentice to be shown upon request made by the state)); and~~

(c) ~~((Except that in the case of the))~~ When fitting or adjusting ((of)) contact lenses, "direct supervision" ((shall require that)) means the supervising optician, optometrist, or physician inspect all ~~((of))~~ the apprentice's work and be physically present on the premises at all times.

~~((Provided, however, That if the supervisor is absent for extended periods of time, the apprentice shall be supervised by another licensed physician, optometrist, or dispensing optician, and provided further that "direct supervision" shall not require that the supervisor while on the premises inspect all of the apprentice's work, nor shall it require that the supervisor and apprentice be constantly in the same room.))~~

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-824-020 Registration of apprentices. (1) The primary supervisor shall apply for registration of an apprentice ((shall be requested by the physician, optometrist or dispensing optician who intends to provide the training for and direct supervision of the apprentice's work, on a)) on forms provided by the secretary.

(2) Separate registrations shall be required if an individual receives his or her apprenticeship training from more than one ~~((licensee))~~ primary supervisor.

(3) ~~((In determining whether or not an individual has completed his or her apprenticeship, within the minimum of three years or the maximum of six years, only the apprenticeship training received subsequent to the date that the apprentice was formally registered with the secretary will be considered. Provided, That an individual who has been registered in an apprentice-type program by an agency of the state of Washington, which program has been approved by the secretary, and who has been trained and directly supervised by a licensed physician, optometrist, or dispensing optician while in such program, may have all such training considered toward fulfillment of his or her apprenticeship, whether such training occurred before or after his or her formal registration~~

with the secretary. ~~Provided, further, That this exemption is not to be construed or applied in any manner which would except any person from any provision of RCW 18.34.030. Provided, further, That before such training may be considered toward fulfillment of an apprenticeship, formal registration of the individual must be requested by the physician, optometrist, or dispensing optician who has trained and supervised the individual, in retrospective accordance with subsections (1), (2) and (4) of this section, on a form provided by the secretary.~~

~~(4) The licensee initially requesting the registration of an apprentice shall notify the secretary whenever he or she terminates the apprenticeship training, unless such termination is concluded by reason of the apprentice becoming licensed as a dispensing optician.)~~ Once registered by the primary supervisor, the apprentice may thereafter, at the business or place of employment of the primary supervisor, receive training and direct supervision from a physician, optometrist or dispensing optician. No physician, optometrist or dispensing optician may have more than two apprentices in training or under their direct supervision at any one time.

(4) Only the apprenticeship training received subsequent to the date the apprentice was formally registered with the secretary will be credited toward the required 6,000 apprenticeship hours. No apprentice may engage in the work of a dispensing optician unless formally registered as an apprentice with the secretary. An apprentice must complete his or her apprenticeship training in no less than three or no more than six years.

(5) An individual registered by the Washington State Apprenticeship and Training Council or other similar program with substantially equivalent standards administered by an agency of the state of Washington may have dispensing optician training hours credited toward the required 6,000 apprenticeship hours, if:

(a) The program is approved by the secretary;

(b) The apprentice received training and direct supervision from a licensed physician, optometrist or dispensing optician; and

(c) The apprentice is formally registered as an apprentice with the secretary by the licensed physician, optometrist or dispensing optician who has provided or does provide the supervision referred to in (b) of this subsection.

(6) The primary supervisor and registered apprentice shall maintain a record of all apprenticeship hours. This record shall be verified by initial of both the primary supervisor and apprentice and shall be available upon request by the secretary or secretary's designee.

(7) The primary supervisor shall notify the secretary whenever the apprenticeship training is terminated and provide the total number of apprenticeship hours accumulated during the training period.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-824-070 Examination appeal procedures.

(1) Any candidate who ~~((takes)) does not pass~~ the ~~((state)) examination ((for licensure and does not pass))~~ may request informal review of his or her examination results by the dis-

ensing optician examining committee ~~((of his or her examination results))~~. This request must be in writing and must be received by the department within thirty days ~~((of the post-mark of notification))~~ of receipt of the examination results. The committee will not set aside its prior determination unless the candidate shows ~~((by a preponderance of evidence;))~~ error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The committee will not consider any challenges to examination scores unless the total revised score ~~((could result in issuance of a license))~~ on any examination section would result in a passing score on that section of the examination.

(2) The procedure for filing an informal review is as follows:

(a) Contact the department of health office in Olympia for an appointment to appear personally to review incorrect answers on the written portion of failed examination, and score sheets on the failed practical portion of the examination.

(b) The candidate will be provided a form to complete in the department of health office in Olympia in defense of examination answers.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

~~((d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the examining committee.~~

~~(e) The candidate may not bring in notes or texts for use while completing the informal review form.~~

~~(f) The candidate will not be allowed to take any notes or materials from the office upon leaving.~~

~~(g) The examining committee will schedule a closed session meeting to review the examinations, score sheets and forms completed by the candidate for the purpose of informal review.~~

~~(h) The candidate will be notified in writing of the results.)~~

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a ~~((written))~~ request for a formal hearing to be held before the dispensing optician examining committee ~~((pursuant to the administrative procedures act)).~~ ~~((Such written))~~ This request ((for hearing)) must be in writing and must be received by the department ~~((of health))~~ within ~~((twenty))~~ thirty days of ~~((the post-mark))~~ receipt of the results of the committee's informal examination review ~~((of the examination results))~~. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The examining committee will not set aside its prior determination unless the candidate shows ~~((by a preponderance of evidence;))~~ error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The committee will not consider any challenges to examination scores unless the total revised score ~~((could result in issuance of a license))~~ on any individ-

ual examination section would result in a passing score on that section of the examination.

~~(4) ((Before the hearing is scheduled either party may request a prehearing conference before an administrative law judge to consider the following:~~

~~(a) The simplification of issues;~~

~~(b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;~~

~~(c) The possibility of obtaining stipulations, admission of facts and documents;~~

~~(d) The limitation of the number of expert witnesses;~~

~~(e) A schedule for completion of all discovery; and,~~

~~(f) Such other matters as may aid in the disposition of the proceeding.~~

~~(5) In the event there is a prehearing conference, the administrative law judge shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.~~

~~(6) Candidates will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the bases for his or her challenge of the examination results unless amended by a prehearing order. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order.)~~ The formal hearing will be held pursuant to the Administrative Procedure Act, chapter 34.05 RCW, and the model procedural rules for adjudicative proceeding of the department of health, chapter 246-10 WAC.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-824-071 Licensure by endorsement~~((— Definitions)). (1) ((For the purpose of licensure by endorsement the following definitions will apply:~~

~~(a) "Credential in another state" means the applicant holds a current valid license to practice as a dispensing optician in another state.~~

~~(b) "Substantially equivalent" means the applicant has successfully completed an examination administered by or authorized by either a national professional association or a state other than Washington state. The examination shall cover the same subject matter as the Washington state examination. The licensing law under which the applicant is licensed shall, at a minimum, include the duties described in RCW 18.34.060.)~~ A license to practice as a dispensing optician may be issued without examination to an individual who is currently licensed in another state that has licensing standards substantially equivalent to those currently applicable in Washington state.

~~(2) The department will issue a license by endorsement ((unless there is a basis for denial of the license or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160. A person applying for a license by endorsement must submit to the department)) upon receipt of:~~

~~(a) A completed application ((on a form provided by the department)) and application fee;~~

~~(b) ((An application fee, and if the application is approved, an original license fee;~~

~~(c) Evidence satisfactory to the department that the education and examination requirements of the other state are substantially equivalent to that of Washington;~~

~~(d))~~ The applicant will provide documentation from the state in which the applicant is currently licensed sufficient to establish that the state's licensing standards are substantially equivalent to the licensing standards currently applicable in Washington state;

~~(c) A completed open-book state law ((examination provided by the department)) questionnaire;~~

~~((e) Applicants must complete))~~ Documentation of completion of four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8(:);

~~((3) Written documentation shall be submitted directly))~~ (e) Verification from all states in which the applicant ((is or has been licensed, verifying)) has ever held a license, whether active or inactive, indicating that the applicant is ((in good standing and)) not subject to charges or disciplinary action for unprofessional conduct or impairment.

~~((4))~~ (3) If licensure by endorsement is ((denied)) not granted, and the applicant is otherwise qualified for the licensing examination, he or she may apply for licensure by examination in accordance with RCW 18.34.070 and WAC 246-824-040.

~~((5))~~ (4) Endorsement application fees may be applied towards the examination fee if licensure by endorsement is ((denied)) not granted.

WSR 02-18-026

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed August 23, 2002, 9:17 a.m., effective October 1, 2002]

Date of Adoption: July 17, 2002.

Purpose: Chapter 246-335 WAC implements legislation enacted in March 2000, revising chapter 70.127 RCW, which establishes a single license for all in-home services providers, including home health, hospice and home care agencies. It also establishes a new category of in-home services provider, hospice care centers. The rules merge the existing requirements for home health, hospice and home care agencies, and create requirements to implement the new category of hospice care centers.

Citation of Existing Rules Affected by this Order: Repealing chapters 246-331, 246-327 and 246-336 WAC; and amending chapter 246-335 WAC.

Statutory Authority for Adoption: Chapter 70.127 RCW.

Adopted under notice filed as WSR 02-12-103 on June 5, 2002.

Changes Other than Editing from Proposed to Adopted Version: Minor technical changes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 58, Repealed 48.

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: October 1, 2002.

August 21, 2002

M. C. Selecky

Secretary

PART 1

REQUIREMENTS FOR IN-HOME SERVICES AGENCIES LICENSED TO PROVIDE HOME HEALTH, HOME CARE, HOSPICE, AND HOSPICE CARE CENTER SERVICES

NEW SECTION

WAC 246-335-001 Scope and purpose. (1) These rules implement chapter 70.127 RCW which requires the department of health to set minimum health and safety standards for in-home services agencies licensed to provide home health, home care, hospice, and hospice care center services.

(2) Applicants and licensees must meet the requirements of this chapter and other applicable state and local laws.

(3) This chapter does not apply to services provided by persons exempt from requirements of chapter 70.127 RCW as provided for in RCW 70.127.040 and 70.127.050.

NEW SECTION

WAC 246-335-010 Applicability. The requirements in Part 1 of this chapter apply to all in-home services agencies licensed to provide home health, home care, and hospice services unless otherwise noted in the specific sections. The requirements in Part 1 of this chapter also apply to hospice care centers as identified in Part 2. The fee requirements in Part 3 of this chapter apply to all in-home services agencies licensed to provide home health, home care, hospice and hospice care center services.

NEW SECTION

WAC 246-335-015 Definitions. For the purposes of this chapter, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "AAA" means the area agency on aging designated by the aging and adult services administration to contract for home care services with the department of social and health services.

(2) "Acute care" means care provided by an in-home services agency licensed to provide home health services for patients who are not medically stable or have not attained a satisfactory level of rehabilitation. These patients require frequent monitoring by a licensed nurse, therapist, dietician, or social worker to assess health status and progress.

(3) "Administrator" means an individual responsible for managing the operation of an in-home services agency.

(4) "Agency" means an in-home services agency licensed to provide home health, home care, hospice or hospice care center services.

(5) "Assessment" means:

(a) For home health and hospice agencies and hospice care centers, an evaluation of patient needs by an appropriate health care professional; or

(b) For home care agencies, an on-site visit by appropriate agency personnel to determine services requested or recommended to meet client needs.

(6) "Authenticated" means a written signature or unique identifier verifying accuracy of information.

(7) "Authorizing practitioner" means an individual authorized to approve a home health, hospice or hospice care center plan of care.

(a) For home health services:

(i) A physician licensed under chapter 18.57 or 18.71 RCW;

(ii) A podiatric physician and surgeon licensed under chapter 18.22 RCW; or

(iii) An advanced registered nurse practitioner (ARNP), as authorized under chapter 18.79 RCW;

(b) For hospice and hospice care center services:

(i) A physician licensed under chapter 18.57 or 18.71 RCW; or

(ii) An advanced registered nurse practitioner (ARNP), as authorized under chapter 18.79 RCW;

(8) "Bereavement" means care provided to the patient's family with the goal of alleviating the emotional and spiritual discomfort associated with the patient's death.

(9) "Client" means an individual receiving home care services.

(10) "Construction" for the purposes of hospice care centers means:

(a) New building(s) to be used as a hospice care center;

(b) Addition(s) to or conversion(s), either in whole or in part, of an existing building or buildings to be used as a hospice care center or a portion thereof; or

(c) Alteration or modification to a hospice care center.

(11) "Contractor" means an individual, person, or licensee who has a written contract with a licensee to provide patient or client care services or equipment.

(12) "Deemed status" means a designation assigned by the department for an in-home services agency licensed to provide home health, home care, or hospice services meeting the provisions of WAC 246-335-050, certified or accredited by organizations recognized by RCW 70.127.085, or monitored under contract with the department of social and health services under RCW 70.127.085 to provide home care services.

(13) "Department" means the Washington state department of health.

(14) "Dietician" means a person certified under chapter 18.138 RCW or registered by the American Dietetic Association.

(15) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, or related services that support the plan of care provided by in-home services agencies licensed to provide home health, hospice or hospice care center services.

(16) "Document" means the process of recording information relating to patient or client care verified by signature or unique identifier, title, and date.

(17) "Family" means an individual or individuals who are important to, and designated in writing by, the patient or client and need not be relatives, or who are legally authorized to represent the patient or client.

(18) "Health care professional" means an individual who provides health or health-related services within the individual's authorized scope of practice and who is licensed, registered or certified under Title 18 RCW, Business and professions.

(19) "Home care agency" or "in-home services agency licensed to provide home care services" means a person administering or providing home care services directly or through a contract arrangement to clients in places of permanent or temporary residence.

(20) "Home care aide" means an individual providing home care services.

(21) "Home care services" means nonmedical services and assistance provided to ill, disabled, infirm or vulnerable clients that enables them to remain in their residences. Home care services include, but are not limited to: Personal care such as assistance with dressing, feeding and personal hygiene to facilitate self-care; homemaker assistance with household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; respite care assistance and support provided to the family; or other nonmedical tasks, as defined in this section.

(22) "Home health agency" or "in-home services agency licensed to provide home health services" means a person administering or providing two or more home health services directly or through a contract arrangement to patients in places of permanent or temporary residence. A person administering or providing only nursing services may elect to be an in-home services agency licensed to provide home health services.

(23) "Home health aide" means an individual registered or certified as a nursing assistant under chapter 18.88A RCW.

(24) "Home health aide services" means services provided by home health aides in an in-home services agency

licensed to provide home health, hospice, or hospice care center services under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist. Such care may include ambulation and exercise, medication assistance level 1 and level 2, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services, and other nonmedical tasks, as defined in this section.

(25) "Home health services" means services provided to ill, disabled, infirm, or vulnerable patients. These services include, but are not limited to, nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, home medical supplies or equipment services, and professional medical equipment assessment services.

(26) "Home medical supplies or equipment services" means providing diagnostic, treatment, and monitoring equipment and supplies used in the direct care of patients or clients as stated in a plan of care.

(27) "Homelike" for the purposes of a hospice care center means an environment having the qualities of a home, including privacy, comfortable surroundings, opportunities for patient self-expression, and supporting interaction with the family, friends, and community.

(28) "Hospice agency" or "in-home services agency licensed to provide hospice services" means a person administering or providing hospice services directly or through a contract arrangement to patients in places of permanent or temporary residence under the direction of an interdisciplinary team.

(29) "Hospice care center" or "in-home services agency licensed to provide hospice care center services" means a homelike, noninstitutional facility where hospice services are provided, and that meet the requirements for operation under RCW 70.127.280 and applicable rules.

(30) "Hospice care center service category" means the different levels of care provided in a hospice care center, including continuous care, general inpatient care, inpatient respite care, and routine home care.

(a) "Continuous care" means care for patients requiring a minimum of eight hours of one-to-one services in a calendar day, with assessment and supervision by an RN. An RN, LPN or home health aide may provide the care or treatment, according to practice acts and the rules adopted thereunder, of acute or chronic symptoms, including a crisis in their caregiving.

(b) "General inpatient care" means care for patients requiring an RN on-site twenty-four hours a day, for assessment and supervision. An RN, LPN or home health aide may provide the care or treatment, according to practice acts and the rules adopted thereunder, of acute or chronic symptoms, including a crisis in their caregiving.

(c) "Inpatient respite care" means care for patients whose caregivers require short-term relief of their caregiving duties.

(d) "Routine home care" means the core level of service for patients not receiving continuous care, general inpatient care, or inpatient respite care.

(31) "Hospice care center services" means hospice services provided in a hospice care center and may include any

of the levels of care defined as hospice care center service categories.

(32) "Hospice services" means symptom and pain management provided to a terminally ill patient, and emotional, spiritual and bereavement support for the patient and family in a place of temporary or permanent residence, including hospice care centers, and may include the provision of home health and home care services for the terminally ill patient through an in-home services agency licensed to provide hospice or hospice care center services.

(33) "In-home services agency" or "in-home services licensee" means a person licensed to administer or provide home health, home care, hospice or hospice care center services directly or through a contract arrangement to patients or clients in a place of temporary or permanent residence.

(34) "In-home services category" means home health, home care, hospice, or hospice care center services.

(35) "Interdisciplinary team" means the group of individuals involved in patient care providing hospice services or hospice care center services including, at a minimum, a physician, registered nurse, social worker, spiritual counselor and volunteer.

(36) "Licensed practical nurse" or "LPN" means an individual licensed as a practical nurse under chapter 18.79 RCW.

(37) "Licensed nurse" means a licensed practical nurse or registered nurse.

(38) "Licensee" means the person to whom the department issues the in-home services license.

(39) "Maintenance care" means care provided by in-home services agencies licensed to provide home health services that are necessary to support an existing level of health, to preserve a patient from further failure or decline, or to manage expected deterioration of disease. These patients require periodic monitoring by a licensed nurse, therapist, dietician, or social worker to assess health status and progress.

(40) "Managed care plan" means a plan controlled by the terms of the reimbursement source.

(41) "Medical director" means a physician licensed under chapter 18.57 or 18.71 RCW responsible for the medical component of patient care provided in an in-home services agency licensed to provide hospice and hospice care center services according to WAC 246-335-055 (4)(a).

(42) "Medication assistance level 1" means home health aide assistance with medications that are ordinarily self-administered by the patients of an in-home services agency licensed to provide home health, hospice or hospice care center services and are under the direction of appropriate agency health care personnel. The assistance must be provided in accordance with nursing assistant scope of practice as defined in chapter 18.88A RCW and the rules adopted thereunder.

(43) "Medication assistance level 2" means assistance with medications as defined by the board of pharmacy in chapter 246-888 WAC.

(44) "Nonmedical tasks" means those tasks which do not require clinical judgment and which can be performed by unlicensed individuals. These tasks are ordinarily performed by the patient or client, which if not for the patient or client's

cognitive or physical limitation(s), would be completed independently by the patient, client, or family. These tasks may be completed by home health aides or home care aides. These nonmedical tasks include, but are not limited to:

(a) "Ambulation" which means assisting the patient or client to move around. Ambulation includes supervising or guiding the patient or client when walking alone or with the help of a mechanical device such as a walker, assisting with difficult parts of walking such as climbing stairs, supervising or guiding the patient or client if the patient or client is able to propel a wheelchair, pushing of the wheelchair, and providing constant or standby physical assistance to the patient or client if totally unable to walk alone or with a mechanical device.

(b) "Bathing" which means assisting the patient or client to wash. Bathing includes supervising or guiding the patient or client to bathe, assisting the patient or client with difficult tasks such as getting in or out of the tub or washing the back, and completely bathing the patient or client if totally unable to wash self.

(c) "Body care" which means skin care including the application of over the counter ointments or lotions. "Body care" excludes foot care for patients or clients who are diabetic or have poor circulation.

(d) "Feeding" which means assistance with eating. Feeding includes supervising or guiding the patient or client when able to feed self, assisting with difficult tasks such as cutting food or buttering bread, and orally feeding the patient or client when unable to feed self.

(e) "Medication assistance level 2" which means assistance with medications as defined in the board of pharmacy rules, chapter 246-888 WAC, and consistent with nursing assistant rules under chapter 18.88A RCW.

(f) "Positioning" which means assisting the patient or client to assume a desired position, and with turning and exercises to prevent complications, such as contractures and pressure sores. Range of motion ordered as part of a physical therapy treatment is not included, unless such activity is authorized in agency policies and procedures and is supervised by a licensed physical therapist in a home health or hospice agency or hospice care center.

(g) "Protective supervision" which means being available to provide safety guidance protection to the patient or client who cannot be left alone due to impaired judgment.

(h) "Toileting" which means helping the patient or client to and from the bathroom, assisting with bedpan routines, using incontinent briefs, cleaning the patient or client after elimination, and assisting the patient or client on and off the toilet.

(i) "Transfer" which means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising or guiding the patient or client when able to transfer, providing steadying, and helping the patient or client when the patient or client assists in own transfer. This does not include transfers when the patient or client is unable to assist in their own transfer or needs assistive devices unless specific training or skills verification has occurred consistent with agency policies and procedures.

(45) "One-time visit" means a single visit by one individual to provide home health, hospice or home care services with no predictable need for continuing visits, not to exceed twenty-four hours.

(46) "On-site" means the location where services are provided.

(47) "Patient" means an individual receiving home health, hospice, or hospice care center services.

(48) "Person" means any individual, business, firm, partnership, corporation, company, association, joint stock association, public or private organization, or the legal successor thereof that employs or contracts with two or more individuals.

(49) "Personnel" means individuals employed and compensated by the licensee.

(50) "Plan of care" means a written document based on assessment of patient or client needs that identifies services to meet these needs.

(51) "Pressure relationships" of air to adjacent areas means:

(a) Positive (P) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H₂O pressure differential with the adjacent area, the room doors are closed, and air is flowing out of the room; or

(ii) Sum of the air flow at the supply air outlets (in CFM) exceeds the sum of the air flow at the exhaust/return air outlets by at least 70 CFM with the room doors and windows closed;

(b) Negative (N) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H₂O pressure differential with the adjacent area, the room doors are closed, and air is flowing into the room; or

(ii) Sum of the air flow at the exhaust/return air outlets (in CFM) exceeds the sum of the air flow at the supply air outlets by at least 70 CFM with the room doors and windows closed;

(c) Equal (E) pressure is present in a room when the:

(i) Room sustains a pressure differential range of plus or minus 0.0002 inches of H₂O with the adjacent area, and the room doors are closed; or

(ii) Sum of the air flow at the supply air outlets (in CFM) is within ten percent of the sum of the air flow at the exhaust/return air outlets with the room doors and windows closed.

(52) "Professional medical equipment assessment services" means periodic care provided by a licensed nurse, therapist or dietician, within their scope of practice, for patients who are medically stable, for the purpose of assessing the patient's medical response to prescribed professional medical equipment, including, but not limited to, measurement of vital signs, oximetry testing, and assessment of breath sounds and lung function (spirometry).

(53) "Quality improvement" means reviewing and evaluating appropriateness and effectiveness of services provided under this chapter.

(54) "Registered nurse" or "RN" means an individual licensed under chapter 18.79 RCW.

(55) "Service area" means the geographic area in which the department has given approval to a licensee to provide in-

home services based on criteria in WAC 246-335-055 (1)(a)(vi). Service areas do not apply to hospice care centers.

(56) "Sink" means one of the following:

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

(c) "Hand wash sink" means a plumbing fixture of adequate size and proper design to minimize splash and splatter and permit hand washing without touching fixtures with hands, with adjacent soap dispenser with foot control or equivalent and single service hand drying device.

(57) "Social worker" means an individual regulated under chapter 18.19 or 18.225 RCW.

(58) "Spiritual counseling" means services provided or coordinated by an individual with knowledge of theology, pastoral counseling or an allied field.

(59) "Statement of deficiencies" means a written notice of any violation of chapter 70.127 RCW or the rules adopted thereunder which describes the reasons for noncompliance.

(60) "Statement of charges" means a document which initiates enforcement action against a licensee or applicant and which creates the right to an adjudicative proceeding. The department shall prepare a statement of charges in accordance with WAC 246-10-201.

(61) "Supervisor of direct care services" means an individual responsible for services that support the plan of care provided by an in-home services agency licensed to provide home care services.

(62) "Survey" means an inspection or investigation, announced or unannounced, conducted by the department to evaluate and monitor a licensee's compliance with this chapter.

(63) "Therapist" means an individual who is:

(a) A physical therapist, licensed under chapter 18.74 RCW;

(b) A respiratory therapist, licensed under chapter 18.89 RCW;

(c) An occupational therapist, licensed under chapter 18.59 RCW; or

(d) A speech therapist licensed under chapter 18.35 RCW.

(64) "Therapy assistant" means a licensed occupational therapy assistant defined under chapter 18.59 RCW or physical therapist assistant defined under chapter 18.74 RCW.

(65) "Volunteer" means an individual who provides direct care to a patient or client and who:

(a) Is not compensated by the in-home services licensee; and

(b) May be reimbursed for personal mileage incurred to deliver services.

(66) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW.

NEW SECTION

WAC 246-335-020 License required. A person must possess a current license issued by the department before

advertising, operating, managing, conducting, opening or maintaining an in-home services agency unless exempt under RCW 70.127.040 or 70.127.050.

NEW SECTION

WAC 246-335-025 Initial application. An applicant for initial licensure or additional in-home service category must:

(1) Submit to the department:

(a) A completed application on forms provided by the department;

(b) Evidence of current professional liability insurance in the amount of one hundred thousand dollars per occurrence and public liability and property damage insurance in the amount of two hundred thousand dollars per occurrence as a minimum. This subsection does not apply to hospice applicants that provide in-home hospice care without receiving compensation for delivery of services;

(c) Disclosure statements and criminal history background checks obtained within three months of the application date for the administrator and director of clinical services or supervisor of direct care services in accordance with RCW 43.43.830 through 43.43.845;

(d) The following information:

(i) Name of managing personnel, officers, administrator, director of clinical services or supervisor of direct care services, and partners or individuals owning ten percent or more of the applicant's assets;

(ii) A description of the organizational structure;

(iii) A description of the in-home services categories to be offered directly or under contract;

(iv) Name, address, and phone numbers of all office locations that provide services within the state;

(v) A copy of the current business license(s);

(vi) A description of the service area for which the applicant is requesting to provide services;

(vii) Other information as required by the department;

(viii) Fees specified in WAC 246-335-990; and

(2) Develop and approve policies and procedures addressing the content of this chapter; and

(3) Meet the requirements of this chapter as determined by an initial survey conducted by the department.

NEW SECTION

WAC 246-335-030 Renewal. At least thirty days before the expiration date of the current license, the licensee must submit the following to the department:

(1) A completed application on forms provided by the department;

(2) Evidence of continuing insurance coverage according to WAC 246-335-025 (1)(b);

(3) Disclosure statements and criminal history background checks obtained within three months of the renewal date for the administrator and director of clinical services or supervisor of direct care services when these individuals are new to the agency since initial licensure or the last renewal, in accordance with RCW 43.43.830 through 43.43.845;

(4) Documentation required under WAC 246-335-050, if initially applying or reapplying for deemed status;

(5) A written request for continuation of deemed status, when applicable, including:

(a) The most recent decisions and findings; and

(b) Any changes in accreditation status, from the accrediting organization; and

(6) Information listed in WAC 246-335-025 (1)(d).

NEW SECTION

WAC 246-335-035 Change of ownership. At least thirty days prior to changing ownership of an in-home services agency:

(1) The licensee must submit in writing to the department:

(a) The full name, address and phone number of the current and prospective owner;

(b) The name, address, and phone number of the currently licensed in-home services agency and the name under which the prospective agency will operate;

(c) Date of the proposed change of ownership; and

(d) Any change in office location and service area, if relevant;

(2) The prospective new owner must submit:

(a) Information listed in WAC 246-335-025 (1)(b) through (d); and

(b) The change of ownership fee specified in WAC 246-335-990.

NEW SECTION

WAC 246-335-040 Applicant or licensee rights and responsibilities. (1) An applicant or licensee must:

(a) Comply with the provisions of chapter 70.127 RCW and this chapter;

(b) Display the license issued by the department in an area accessible to the public;

(c) Notify the department in writing:

(i) When there are changes of administrator, director of clinical services, or supervisor of direct care services;

(ii) Within thirty days of beginning or ceasing operation of any office location(s);

(iii) Thirty or more days before ceasing operation of any in-home services category licensed by the department;

(iv) To request approval to expand home health, hospice or home care service areas. An agency must submit information based on the criteria in WAC 246-335-055 (1)(a)(vi) and receive approval for service area expansion prior to providing services in the proposed expanded service area;

(v) When decreasing home health, hospice or home care service areas; and

(vi) Within thirty days of receipt, for deemed agencies only, of all decisions and findings from an accrediting entity, including any changes in accreditation or monitored status;

(d) Cooperate with the department during surveys which may include reviewing licensee records and conducting on-site visits with patient or client consent;

(e) Respond to a statement of deficiencies by submitting to the department:

(i) Within ten working days of receipt, a written plan of correction for each deficiency. All corrections must be completed within sixty days after the survey exit date, unless otherwise specified by the department; and

(ii) No longer than ninety days after the survey exit date, a progress report describing corrections made and ongoing monitoring actions, unless otherwise specified by the department.

(2) An applicant or licensee will:

(a) Receive a written statement of deficiencies found during a survey; and

(b) Receive written service area approval or denial;

(3) An applicant or licensee may:

(a) Discuss findings observed during a survey with the surveyor; and

(b) Discuss the statement of deficiencies, denial of service area under WAC 246-335-045 (2)(f), or denial of an exemption under WAC 246-335-125 or 246-335-295 with the department's manager;

(4) An applicant or licensee has the right to respond to and contest a statement of charges according to the following provisions:

(a) RCW 43.70.115, department of health authority for license approval, denial, restriction, conditioning, modification, suspension and revocation;

(b) Chapter 34.05 RCW, the Administrative Procedure Act; and

(c) Chapter 246-10 WAC, Adjudicative proceedings.

NEW SECTION

WAC 246-335-045 Department responsibilities. (1) The department may, in accordance with chapter 70.127 RCW:

(a) Issue an initial license including the in-home services category(ies) and department approved service area(s), if applicable, for twelve months following submission of a completed application and appropriate fee, and following a survey that documents the applicant meets all the requirements of this chapter;

(b) Issue a renewal license including the in-home services category(ies) and department approved service area(s), if applicable, for a twenty-four month period following submission of a completed application and appropriate fee;

(c) Issue a license for change of ownership including the in-home services category(ies) and department approved service area(s), if applicable, to the new licensee for the remainder of the current license period following submission of the required information and appropriate fee, under WAC 246-335-035.

(2) The department may:

(a) Conduct surveys at any time and at least once during a licensure period to determine compliance with chapter 70.127 RCW and this chapter, except for agencies with deemed status under WAC 246-335-050 (2) and (3);

(b) Conduct one licensing survey inclusive of all in-home services categories;

(c) Investigate any person suspected of:

(i) Advertising, operating, managing, conducting, opening or maintaining an in-home services agency or providing

in-home services, including hospice care center services, without a license unless exempt from licensure under RCW 70.127.040 and 70.127.050; or

(ii) Survey a licensee at anytime if the department has reason to believe the licensee is providing unsafe, insufficient, inadequate or inappropriate care;

(d) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.845, when necessary, in consultation with law enforcement personnel;

(e) Require licensees to complete additional disclosure statements and background inquiries for an individual associated with the licensee or having direct contact with children under sixteen years of age, people with developmental disabilities, or vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement and criminal background inquiry;

(f) Approve, deny or revoke requests by home health, hospice or home care agencies for initial service area or service area expansion based on:

(i) The licensee's demonstrated ability or inability to comply with this chapter as illustrated by substantiated complaint history, survey outcomes or enforcement action; and

(ii) Evidence of the licensee's ability or inability to manage and supervise services throughout the approved service area under criteria listed in WAC 246-335-055 (1)(a)(vi);

(g) Approve, deny, restrict, condition, modify, suspend, or revoke a license under this chapter under RCW 70.127.170 and 70.127.180(3);

(h) Issue a statement of deficiencies following a survey which identifies noncompliance with chapter 70.127 RCW and this chapter; and

(i) Prepare and serve upon the licensee or applicant at the earliest practical time a statement of charges following a survey which identifies noncompliance with chapter 70.127 RCW and this chapter. The statement of charges shall be accompanied by a notice that the licensee or applicant may request a hearing to contest the charges.

NEW SECTION

WAC 246-335-050 Deemed status. (1) A home health or hospice licensee that is certified by the federal Medicare program, or accredited by the community health accreditation program, or the joint commission on accreditation of healthcare organizations is not subject to a state licensure survey when exempt under subsection (3) of this section or the department has granted deemed status under subsection (6) of this section.

(2) An in-home services licensee under contract with and monitored by the department of social and health services or AAA to provide home care services must notify the department when the contract is initiated. The licensee is not required to submit the information noted in subsection (4) of this section and is not subject to a state licensure survey when the department has granted deemed status under subsection (6) of this section.

(3) An agency certified by the federal Medicare program is automatically granted deemed status for state licensure sur-

vey and is not required to submit the information noted in subsection (4) of this section.

(4) An agency accredited by the community health accreditation program or the joint commission on accreditation of healthcare organizations requesting deemed status, except as provided in subsection (5) of this section, must submit to the department:

- (a) A written request to be considered for deemed status;
- (b) Verification of accreditation; and
- (c) A copy of the decisions and findings of the accrediting organization based on an on-site survey within the twenty-four month period preceding the request for deemed status.

(5) A licensee may not request deemed status for an initial license or the survey conducted during the initial licensure period.

(6) The department shall grant deemed status to an in-home services category when:

(a) The department determines, using a liberal interpretation, the survey standards used at the time of certification, accreditation, or monitoring are substantially equivalent to chapter 70.127 RCW; and

(b) The licensee meets the requirements of this chapter and otherwise qualifies for licensure.

(7) If the department determines that the survey standards are not substantially equivalent to those required by this chapter, the department will notify the affected licensees with:

(a) A detailed description of the deficiencies in the alternate survey process; and

(b) An explanation concerning the risk to the consumer.

(8) The department may conduct validation surveys of agencies with deemed status according to RCW 70.127.085.

(9) The department retains authority to:

(a) Survey those in-home services categories not accredited, certified or monitored by the organizations specified in this section; and

(b) Investigate complaints against a deemed agency.

NEW SECTION

WAC 246-335-055 Plan of operation. (1) The applicant or licensee must establish and implement policies and procedures which include:

- (a) A written plan of operation identifying:
 - (i) A description of the organizational structure;
 - (ii) Personnel job descriptions;
 - (iii) Responsibilities of contractors and volunteers;
 - (iv) Services to be provided;
 - (v) The days and hours of agency operation; and
 - (vi) Criteria for management and supervision of services throughout the service area(s) or hospice care center which include:

(A) For home health, hospice or hospice care center applicants or licensees:

(I) How the initial assessment and development of the plan of care will be completed per WAC 246-335-080 and 246-335-085;

(II) How patient needs will be met when assigned personnel, volunteers, or contractors are unable to serve the patient;

(III) How supervision of personnel and volunteers and monitoring of services provided by contractors will occur which meet the requirements of WAC 246-335-095 and 246-335-100;

(IV) How performance evaluations for personnel and volunteers and evaluation of services provided by contractors will be conducted per WAC 246-335-065 (10) and (11); and

(V) How the quality improvement program required in WAC 246-335-115 will be applied throughout the entire service area;

(B) For home care applicants or licensees:

(I) How the initial intake and development of the plan of care will be completed per WAC 246-335-090;

(II) How client needs will be met when assigned personnel, volunteers or contractors are unable to serve the client;

(III) How supervision of personnel and volunteers and monitoring of services provided by contractors will occur which meet the requirements of WAC 246-335-105;

(IV) How performance evaluations for personnel and volunteers and evaluation of services provided by contractors will be conducted per WAC 246-335-065 (10) and (11); and

(V) How the quality improvement program required in WAC 246-335-115 will be applied throughout the entire service area;

(b) A process to inform patients or clients of alternative services prior to ceasing operation or when the licensee is unable to meet the patient's or client's needs;

(c) A plan for preserving records, including the process to preserve or dispose of records prior to ceasing operation; and

(d) Time frames for filing documents in the patient or client records.

(2) The licensee must continue to update policies and procedures to reflect current practice, services provided by the agency, and state and local laws.

(3) The applicant or licensee must identify an administrator who is responsible to:

(a) Oversee the management and fiscal affairs of the licensee;

(b) Implement the provisions of this section;

(c) Designate in writing an alternate to act in the administrator's absence;

(d) Provide management and supervision of services throughout the approved service area or in the hospice care center;

(e) Arrange for necessary services;

(f) Keep contracts current;

(g) Serve as a liaison between the licensee, personnel, contractors and volunteers;

(h) Assure personnel, contractors and volunteers are currently credentialed by the state of Washington, when appropriate, according to applicable practice acts;

(i) Assure personnel, contractors and volunteers comply with the licensee's policies and procedures;

(j) Implement a quality improvement process;

(k) Manage recordkeeping according to this chapter;

(l) Assure supplies and equipment are available and maintained in working order;

(m) Assure the accuracy of public information materials; and

(n) Assure current written policies and procedures are accessible to personnel, contractors and volunteers during hours of operation.

(4) Hospice and hospice care center applicants or licensees must include in the plan of operation:

(a) Responsibilities and availability of the medical director to include:

(i) Advising the licensee on policies and procedures;

(ii) Serving as liaison with a patient's authorizing practitioner;

(iii) Providing patient care and family support;

(iv) Approving modifications in individual plans of care; and

(v) Participating in interdisciplinary team conferences as required by WAC 246-335-085, hospice plan of care and WAC 246-335-155 (9)(a), hospice care center plan of care;

(b) Availability of a bereavement program for up to one year after a patient's death;

(c) Availability of social services, spiritual counseling, volunteer services, and respite care; and

(d) Assuring direct care personnel, contractors and volunteers have training specific to the needs of the terminally ill and their families.

NEW SECTION

WAC 246-335-060 Delivery of services. The applicant or licensee must establish and implement policies and procedures that describe:

(1) Admission, transfer, discharge and referral processes;

(2) Specific services, including nonmedical tasks, available to meet patient or client, or family needs as identified in plans of care;

(3) Agency personnel, contractor, and volunteer roles and responsibilities related to medication assistance level 1 and level 2;

(4) Coordination of care, including:

(a) Coordination among services being provided by the in-home services agency; and

(b) Coordination with other agencies when care being provided impacts patient or client health;

(5) Actions to address patient or client, or family communication needs;

(6) Infection control practices for direct care personnel, contractors, and volunteers consistent with local health authorities;

(7) Actions to take when personnel, volunteers, contractors, or patients or clients exhibit or report symptoms of a communicable disease in an infectious stage in accordance with chapter 246-100 WAC, Communicable and certain other diseases and chapter 246-101 WAC, Notifiable conditions;

(8) Management of patient or client medications and treatments in accordance with appropriate practice acts;

(9) Food storage, preparation and handling;

(10) Reporting of patient/client abuse and neglect according to chapter 74.34 RCW;

(11) Emergency care of patient or client;

(12) Actions to be taken upon death of a patient or client;

(13) Implementation of advanced directives in accordance with the Natural Death Act; and

(14) Plans for service delivery when natural or man-made emergencies occur that prevent normal agency operation.

NEW SECTION

WAC 246-335-065 Personnel, contractor, and volunteer policies. The applicant or licensee must establish and implement policies and procedures regarding the following:

(1) Employment criteria consistent with chapter 49.60 RCW, Discrimination—Human rights commission;

(2) Job descriptions commensurate with responsibilities and consistent with health care professional credentialing and scope of practice as defined in relevant practice acts and rules adopted thereunder;

(3) References for personnel, contractors and volunteers;

(4) Credentials of health care professionals that are current and in good standing;

(5) In-person contact with personnel, contractors and volunteers prior to service provision;

(6) Orientation to current agency policies and procedures and verification of skills or training specific to the care needs of patients or clients;

(7) Ongoing training pertinent to patient or client care needs;

(8) Current cardiopulmonary resuscitation training consistent with agency policies and procedures for direct care personnel and contractors in home health and hospice agencies, and hospice care centers;

(9) Infection control practices including communicable disease testing, immunization, and vaccination according to current local health authorities and availability of equipment necessary to implement plans of care and infection control policies and procedures;

(10) Annual performance evaluations of all personnel and volunteers providing direct patient or client care, including on-site observation of care and skills specific to the care needs of patients or clients;

(11) Annual evaluations of services provided by contractors providing direct patient or client care; and

(12) Washington state patrol criminal background inquiries and disclosure statements under RCW 43.43.830 through 43.43.845 for the administrator, director of clinical services or supervisor of direct care services per WAC 246-335-025 (1)(c), 246-335-030(3), and 246-335-035 and personnel, contractors, volunteers, students, and any other individual associated with the licensee having direct contact with children under sixteen years of age, people with developmental disabilities or vulnerable adults.

NEW SECTION

WAC 246-335-070 Personnel, contractor and volunteer records. The applicant or licensee must maintain

records on all personnel and volunteers and have access to records on all contractors to include:

- (1) Current practice certification, credential or licensure, as applicable;
- (2) Documentation of references;
- (3) Evidence of orientation to current agency policies and procedures;
- (4) Verification of personnel, contractor, and volunteer skills or training specific to meeting the care needs of patients or clients;
- (5) Evidence of disclosure statement and Washington state patrol criminal background inquiry according to RCW 43.43.830 through 43.43.845;
- (6) Training on current and revised agency policies and procedures, including patient or client care issues;
- (7) Current CPR training for direct care personnel and contractors in home health and hospice agencies, and hospice care centers;
- (8) Communicable disease testing, immunization, and vaccination according to current local health authorities; and
- (9) Documentation of evaluations of personnel and volunteers providing direct patient or client care and evaluations of services provided by contractors providing direct patient or client care as required in WAC 246-335-065 (10) and (11).

NEW SECTION

WAC 246-335-075 Bill of rights. (1) An in-home services licensee at the time of admission must provide each patient or client, or designated family member with a written bill of rights affirming each individual's right to:

- (a) A listing of the services offered by the in-home services licensee and those being provided;
- (b) The name of the individual supervising the care and the manner in which that individual may be contacted;
- (c) A description of the process for submitting and addressing complaints;
- (d) Submit complaints without retaliation and to have the complaint addressed by the licensee;
- (e) Be informed of the state complaint hotline number;
- (f) A statement advising the patient or client, or designated family member of the right to ongoing participation in the development of the plan of care;
- (g) A statement providing that the patient or client, or designated family member is entitled to information regarding access to the department's listing of providers and to select any licensee to provide care, subject to the individual's reimbursement mechanism or other relevant contractual obligations;
- (h) Be treated with courtesy, respect, privacy, and freedom from abuse and discrimination;
- (i) Refuse treatment or services;
- (j) Have property treated with respect;
- (k) Privacy of personal information and confidentiality of health care records;
- (l) Be cared for by properly trained personnel, contractors and volunteers with coordination of services;
- (m) A fully itemized billing statement upon request, including the date of each service and the charge. Licensees

providing services through a managed care plan are not required to provide itemized billing statements; and

- (n) Be informed about advanced directives and the licensee's responsibility to implement them.
- (2) An in-home services licensee must ensure that the rights under this section are implemented and updated as appropriate.

NEW SECTION

WAC 246-335-080 Home health plan of care. (1) Home health licensees must, except as provided in subsections (2) and (3) of this section:

- (a) Develop and implement a written home health plan of care for each patient with input from the patient or designated family member and authorizing practitioner;
- (b) Assure each plan of care is developed by appropriate agency personnel and is based on a patient assessment, except when providing one-time visits under subsection (3) of this section;
- (c) Assure the home health plan of care includes:
 - (i) Current diagnoses and information on health status;
 - (ii) Goals or outcome measures;
 - (iii) Types and frequency of services to be provided;
 - (iv) Home medical equipment and supplies used by the patient;
 - (v) Orders for treatments and their frequency to be provided and monitored by the licensee;
 - (vi) Special nutritional needs and food allergies;
 - (vii) Orders for medications to be administered and monitored by the licensee including name, dose, route, and frequency;
 - (viii) Medication allergies;
 - (ix) The patient's physical, cognitive and functional limitations;
 - (x) Discharge and referral plan;
 - (xi) Patient and family education needs pertinent to the care being provided by the licensee;
 - (xii) Resuscitation status of the patient according to documentation consistent with the Natural Death Act and advance directives, chapter 70.122 RCW; and
 - (xiii) The level of medication assistance to be provided.
- (d) Develop and implement a system to:
 - (i) Assure the plan of care is reviewed and updated by appropriate agency personnel according to the following time frames:
 - (A) For patients requiring acute care services, every two months;
 - (B) For patients requiring maintenance services, every six months; and
 - (C) For patients requiring only professional medical equipment assessment services or home health aide only services, every twelve months.
 - (ii) Assure the plan of care is signed or authenticated and dated by appropriate agency personnel and the authorizing practitioner, according to the time frames in (d)(i)(A), (B) or (C) of this subsection;
 - (iii) Assure the plan care is returned to the agency within sixty days of the initial date of service or date of review and update;

(iv) Inform the authorizing practitioner regarding changes in the patient's condition that indicate a need to change the plan of care;

(v) Obtain approval from the authorizing practitioner for additions and modifications;

(vi) Assure all verbal orders for modification to the plan of care are immediately documented in writing and signed or authenticated and dated by an agency individual authorized within the scope of practice to receive the order and signed or authenticated by the authorizing practitioner and returned to the agency within sixty days of the date the verbal orders were received.

(2) Home health agencies providing home health aide only services to a patient may develop a modified plan of care by providing only the following information on the plan of care:

- (a) Types and frequency of services to be provided;
- (b) Home medical equipment and supplies used by the patient;
- (c) Special nutritional needs and food allergies;
- (d) The patient's physical, cognitive and functional limitations; and
- (e) The level of medication assistance to be provided.

(3) Home health agencies providing a one-time visit for a patient may provide the following written documentation in lieu of the home health plan of care and patient record requirements in WAC 246-335-110 (1)(c):

- (a) Patient name, age, current address, and phone number;
- (b) Confirmation that the patient was provided a written bill of rights under WAC 246-335-075;
- (c) Patient consent for services to be provided;
- (d) Authorizing practitioner orders; and
- (e) Documentation of services provided.

NEW SECTION

WAC 246-335-085 Hospice plan of care. (1) Hospice licensees must, except as provided in subsection (2) of this section:

(a) Develop and implement a written hospice plan of care for each patient with input from the authorizing practitioner, appropriate interdisciplinary team members, and the patient or designated family member;

(b) Assure each plan of care is developed by appropriate agency personnel and is based on a patient and family assessment;

(c) Assure the hospice plan of care includes:

- (i) Current diagnoses and information on health status;
- (ii) Goals or outcome measures;
- (iii) Symptom and pain management;
- (iv) Types and frequency of services to be provided;
- (v) Home medical equipment and supplies used by the patient;

(vi) Orders for treatments and their frequency to be provided and monitored by the licensee;

(vii) Special nutritional needs and food allergies;

(viii) Orders for medications to be administered and monitored by the licensee including name, dose, route, and frequency;

(ix) Medication allergies;

(x) The patient's physical, cognitive and functional limitations;

(xi) Patient and family education needs pertinent to the care being provided by the licensee;

(xii) Resuscitation status of the patient according to documentation consistent with the Natural Death Act and advance directives, chapter 70.122 RCW; and

(xiii) The level of medication assistance to be provided;

(d) Develop and implement a system to:

(i) Assure and document the plan of care is reviewed by the appropriate interdisciplinary team members within the first week of admission and every two weeks thereafter;

(ii) Assure the plan of care is signed or authenticated and dated by appropriate agency personnel and the authorizing practitioner;

(iii) Assure the plan of care is returned to the agency within sixty days from the initial date of service;

(iv) Inform the authorizing practitioner regarding changes in the patient's condition that indicates a need to change the plan of care;

(v) Obtain approval from the authorizing practitioner for additions and modifications; and

(vi) Assure all verbal orders for modification to the plan of care are immediately documented in writing and signed or authenticated and dated by an agency individual authorized within the scope of practice to receive the order and signed or authenticated by the authorizing practitioner and returned to the agency within sixty days from the date the verbal orders were received.

(2) Hospice agencies providing a one-time visit for a patient may provide the following written documentation in lieu of the hospice plan of care and patient record requirements in WAC 246-335-110 (1)(c):

(a) Patient's name, age, current address, and phone number;

(b) Confirmation that the patient was provided a written bill of rights under WAC 246-335-075;

(c) Patient consent for services to be provided;

(d) Authorizing practitioner orders; and

(e) Documentation of services provided.

NEW SECTION

WAC 246-335-090 Home care plan of care. (1) Home care licensees must, except as provided in subsection (2) of this section:

(a) Develop and implement a written home care plan of care for each client with input and written approval by the client or designated family member;

(b) Assure each plan of care is developed by appropriate agency personnel, lists services requested or recommended to meet client needs, and is based on an on-site visit, under agency policies and procedures;

(c) Assure the home care plan of care includes:

(i) The client's functional limitations;

(ii) Nutritional needs and food allergies for meal preparation;

(iii) Home medical equipment and supplies relevant to the plan of care;

- (iv) Type and schedule of services to be provided; and
- (v) Nonmedical tasks requested;

(d) Assure the plan of care is reviewed on-site, updated, approved and signed by appropriate agency personnel and the client or designated family member every twelve months and as necessary based on changing client needs.

(2) Home care agencies providing a one-time visit for a client may provide the following written documentation in lieu of the home care plan of care and client record requirements in WAC 246-335-110 (1)(c):

- (a) Client name, age, current address, and phone number;
- (b) Confirmation that the client was provided a written bill of rights under WAC 246-335-075;
- (c) Client consent for services to be provided; and
- (d) Documentation of services provided.

NEW SECTION

WAC 246-335-095 Supervision of home health care.

The following supervision requirements only apply to home health agencies:

- (1) A licensee must employ a director of clinical services;
- (2) The director of clinical services or designee must be available during all hours patient care is being provided;
- (3) The director of clinical services must designate in writing a similarly qualified alternate to act in the director's absence;
- (4) The director of clinical services or designee must assure:
 - (a) Coordination, development and revision of written patient care policies and procedures related to each service provided;
 - (b) Supervision of all patient care provided by personnel and volunteers;
 - (c) Evaluation of services provided by contractors;
 - (d) Coordination of services when one or more licensee is providing care to the patient;
 - (e) Compliance with the plan of care;
 - (f) All direct care personnel, contractors, and volunteers observe and recognize changes in the patient's conditions, and report any changes to the director or designee; and
 - (g) All direct care personnel, contractors, and volunteers initiate emergency procedures according to agency policy;
- (5) The licensee must document supervision including, but not limited to:
 - (a) RN supervision when using the services of a RN or LPN, in accordance with chapter 18.79 RCW;
 - (b) For patients receiving acute care services, supervision of the home health aide services during an on-site visit with or without the home health aide present must occur once a month to evaluate compliance with the plan of care and patient satisfaction with care. The supervisory visit must be conducted by a licensed nurse or therapist in accordance with the appropriate practice acts;
 - (c) For patients receiving maintenance care or home health aide only services, supervision of the home health aide services during an on-site visit with or without the home health aide present must occur every six months to evaluate compliance with the plan of care and patient satisfaction with

care. The supervisory visit must be conducted by a licensed nurse or licensed therapist in accordance with the appropriate practice acts; and

(d) Supervision by a licensed therapist when using the services of a therapy assistant in accordance with the appropriate practice acts; and

(6) The licensee using home health aides must assure:

(a) Each home health aide reviews the plan of care or written instructions for the care of each patient prior to providing home health aide services and whenever there is a change in the plan of care; and

(b) Each home health aide assists with medications according to WAC 246-335-015, and agency policy.

NEW SECTION

WAC 246-335-100 Supervision of hospice care. The following supervision requirements only apply to hospice agencies:

- (1) A licensee must employ a director of clinical services;
- (2) The director of clinical services or designee must be available twenty-four hours per day, seven days per week;
- (3) The director of clinical services must designate in writing a similarly qualified alternate to act in the director's absence;
- (4) The director of clinical services or designee must assure:
 - (a) Coordination, development and revision of written patient and family care policies and procedures related to each service provided;
 - (b) Supervision of all patient and family care provided by personnel and volunteers;
 - (c) Evaluation of services provided by contractors;
 - (d) Coordination of services when one or more licensee is providing care to the patient and family;
 - (e) Compliance with the plan of care;
 - (f) All direct care personnel, contractors, and volunteers observe and recognize changes in the patient's condition, and report any changes to the director or designee; and
 - (g) All direct care personnel, contractors, and volunteers initiate emergency procedures according to agency policy;
- (5) The licensee must document supervision including, but not limited to:
 - (a) RN supervision when using the services of a RN or LPN, in accordance with chapter 18.79 RCW;
 - (b) Licensed nurse supervision of home health aide services during an on-site visit with or without the home health aide present once a month to evaluate compliance with the plan of care and patient and family satisfaction with care;
 - (c) Supervision by a licensed therapist when using the services of a therapy assistant in accordance with the appropriate practice acts; and
 - (6) The licensee using home health aides must assure:
 - (a) Each home health aide reviews written instructions for the care of each patient and family prior to providing home health aide services and whenever there is a change to the plan of care; and
 - (b) Each home health aide assists with medications according to WAC 246-335-015, and agency policy.

NEW SECTION

WAC 246-335-105 Supervision of home care. The following supervision requirements only apply to home care agencies:

- (1) The licensee must employ a supervisor of direct care services;
- (2) The supervisor or designee must be available during all hours of client care;
- (3) The supervisor of direct care services must designate in writing a similarly qualified alternate to act in the supervisor's absence;
- (4) The supervisor of direct care services must assure:
 - (a) Supervision of all client care provided by personnel and volunteers;
 - (b) Evaluation of services provided by contractors;
 - (c) Coordination, development and revision of written client care policies;
 - (d) Participation in coordination of services when more than one licensee is providing care to the client;
 - (e) Compliance with the plan of care;
 - (f) All direct care personnel, contractors, and volunteers observe and recognize changes in the client's needs, and report any changes to the director or designee;
 - (g) All direct care personnel, contractors, and volunteers initiate emergency procedures according to agency policy;
 - (h) Each home care aide reviews the plan of care or written instructions for the care of each client prior to providing home care aide services and whenever there is a change in the plan of care; and
 - (i) Each home care aide assists with medications according to WAC 246-335-015, and agency policy; and
- (5) The licensee must document supervision including, but not limited to, client contact every six months by phone or visit to evaluate compliance with the plan of care and to assess client satisfaction.

NEW SECTION

WAC 246-335-110 Patient/client records. (1) The licensee must:

- (a) Maintain a current record for each patient or client consistent with chapter 70.02 RCW, Medical records—Health care information access and disclosure;
- (b) Assure that the record is:
 - (i) Accessible, in an integrated document, in the licensee's office site for review by appropriate direct care personnel, volunteers, contractors, and the department;
 - (ii) Written legibly in permanent ink or retrievable by electronic means;
 - (iii) On the licensee's standardized forms;
 - (iv) In a legally acceptable manner;
 - (v) Kept confidential;
 - (vi) Chronological in its entirety or by the service provided;
 - (vii) Fastened together to avoid loss of record contents; and
 - (viii) Kept current with all documents filed according to agency time frames per agency policies and procedures;

(c) Include documentation of the following in each record, unless exempted in (d) of this subsection:

- (i) Patient or client's name, age, current address and phone number;
 - (ii) Patient's or client's consent for service, care, and treatment;
 - (iii) Payment source and patient or client responsibility for payment;
 - (iv) Initial assessment when providing home health, hospice and hospice care center services, except when providing home health aide only services under WAC 246-335-080(5);
 - (v) Plan of care according to WAC 246-335-080, 246-335-085, 246-335-090, and 246-335-155(9), depending upon the service provided;
 - (vi) Signed or authenticated and dated notes documenting and describing services provided during each patient or client contact;
 - (vii) Observations and changes in the patient's or client's condition or needs;
 - (viii) For patients receiving home health, hospice and hospice care center services, with the exception of home health aide only services per WAC 246-335-080(5), authorized practitioner orders and documentation of response to medications and treatments ordered;
 - (ix) Supervision of home health aide and home care aide services according to WAC 246-335-095 (5)(b) and (c), 246-335-100 (5)(b), and 246-335-105(5); and
 - (x) Other documentation as required by this chapter;
- (d) For patients receiving a one-time visit under WAC 246-335-080(3), 246-335-085(2) or 246-335-090(2), provide the documentation required in these sections;
- (e) Consider the records as property of the licensee and allow the patient or client access to his or her own record; and
 - (f) Upon request and according to agency policy and procedure, provide patient or client information or a summary of care when the patient or client is transferred or discharged to another agency or facility.

(2) The licensee must maintain records for:

- (a) Adults—three years following the date of termination of services; and
 - (b) Minors—three years after attaining age eighteen, or five years following discharge, whichever is longer.
- (3) The licensee must:
- (a) Store records to prevent loss of information and to maintain the integrity of the record and protect against unauthorized use;
 - (b) Maintain or release records after a patient's or client's death according to chapter 70.02 RCW, Medical records—Health care information access and disclosure; and
 - (c) After ceasing operation, retain or dispose of records in a confidential manner according to the time frames in subsection (2) of this section.

NEW SECTION

WAC 246-335-115 Quality improvement. Every in-home services licensee must maintain a quality improvement program to assure the quality of care and services provided throughout its service area or within a hospice care center that includes, at a minimum:

(1) A complaint process that includes a procedure for the receipt, investigation, and disposition of complaints regarding services provided under RCW 70.127.120(2);

(2) A method to identify, monitor, evaluate, and correct problems identified by patients or clients, families, personnel, contractors, or volunteers; and

(3) A system to assess patient or client satisfaction.

NEW SECTION

WAC 246-335-120 Home medical supplies and equipment. This section applies only to home health and hospice agencies and hospice care centers providing or contracting for medical supplies or equipment services. The applicant or licensee must:

(1) If the applicant or licensee provides medical supplies or equipment services, develop and implement policies and procedures to:

(a) Maintain medical supplies and equipment;

(b) Clean, inspect, repair and calibrate equipment per the manufacturers' recommendations, and document the date and name of individual conducting the activity;

(c) Assure safe handling and storage of medical supplies and equipment;

(d) Inform the patient or designated family member of the cost and method of payment for equipment, equipment repairs and equipment replacement;

(e) Document the patient or designated family member's approval;

(f) Instruct each patient or family to use and maintain supplies and equipment in a language or format the patient or family understands, using one or more of the following:

(i) Written instruction;

(ii) Verbal instruction; or

(iii) Demonstration;

(g) Document the patient or family understanding of the instructions provided;

(h) Replace supplies and equipment essential for the health or safety of the patient; and

(i) Identify and replace equipment recalled by the manufacturer.

(2) If the applicant or licensee contracts for medical supplies or equipment services, develop and implement policies and procedures to assure that contractors have policies and procedures consistent with subsection (1) of this section.

NEW SECTION

WAC 246-335-125 Exemptions and alternative methods. (1) To request an exemption from the minimum requirements in this chapter, the licensee must submit a written request to the department, including:

(a) A description of the requested exemption and alternatives, if appropriate;

(b) Rationale for the exemption;

(c) Impact of the exemption on public health and safety; and

(d) Any other information the department requests.

(2) The department may grant the licensee an exemption from a requirement of this chapter if:

(a) The department determines the exemption will not jeopardize public health or safety; and

(b) The exemption is not contrary to the intent of chapter 70.127 RCW and the requirements of this chapter, a specific requirement of this chapter.

(3) The licensee must retain a copy of each approved exemption and have them available at all times.

(4) An exemption is limited to a specific requirement and for the licensee who receives it. The exemption does not apply to any new applicants or other existing licensees.

PART 2

REQUIREMENTS SPECIFIC TO HOSPICE CARE CENTERS

NEW SECTION

WAC 246-335-130 Applicability. The requirements in Part 2 of this chapter only apply to hospice care centers.

NEW SECTION

WAC 246-335-135 Definitions. The definitions for Part 2 of this chapter are located in WAC 246-335-015.

NEW SECTION

WAC 246-335-140 License required. (1) A person must possess a current license issued by the department before advertising, operating, managing, conducting, opening or maintaining a hospice care center.

(2) Prior to being issued a license as a hospice care center, an applicant must:

(a) Be licensed as an in-home services agency licensed to provide hospice services;

(b) Obtain a certificate of need under chapter 70.38 RCW;

(c) Complete the construction review process;

(d) Receive a certificate of occupancy by local building officials;

(e) Submit a completed application and appropriate fee;

(f) Develop policies and procedures addressing the content of this chapter; and

(g) Meet the requirements of this chapter as determined by an initial survey completed by the department.

NEW SECTION

WAC 246-335-145 Initial application. An applicant for initial licensure must submit to the department:

(1) A completed application on forms provided by the department;

(2) Evidence of current professional liability insurance in the amount of one hundred thousand dollars per occurrence and public liability and property damage insurance in the amount of two hundred thousand dollars per occurrence as a minimum;

(3) Disclosure statements and criminal history background checks obtained within three months of the applica-

tion date for the administrator and director of clinical services in accordance with RCW 43.43.830 through 43.43.845;

(4) The following information:

(a) Name of managing personnel, officers, administrator, director of clinical services and partners or individuals owning ten percent or more of the applicant's assets;

(b) A description of the organizational structure;

(c) A description of the hospice care center service categories to be offered directly or under contract;

(d) Documentation that no more than forty-nine percent of patient care days, in the aggregate on a biennial basis will be provided in a hospice care center, under RCW 70.127.280 (1)(d);

(e) Name, address, and phone numbers of the center location(s) within the state;

(f) A copy of their current business license;

(5) Other information as required by the department; and

(6) Fees specified in WAC 246-335-990.

NEW SECTION

WAC 246-335-150 Renewal. At least thirty days before the expiration date of the current license, a licensee must submit the following to the department:

(1) A completed application on forms provided by the department;

(2) Evidence of continuing insurance coverage according to WAC 246-335-145(2);

(3) Disclosure statements and criminal history background checks obtained within three months of renewal for the administrator and director of clinical services when these individuals are new to the hospice care center since initial licensure or the last renewal, in accordance with RCW 43.43.830 through 43.43.845; and

(4) Information and fees listed in WAC 246-335-145 (4) through (6).

NEW SECTION

WAC 246-335-155 Other general hospice care center licensing requirements. (1) Change of ownership. A hospice care center licensee must meet the change of ownership requirements in WAC 246-335-035.

(2) Applicant or licensee rights and responsibilities. A hospice care center applicant or licensee must meet the applicant or licensee responsibility requirements in WAC 246-335-040.

(3) Department responsibilities. The department responsibility requirements in WAC 246-335-045 apply to hospice care center licensees and applicants.

(4) Plan of operation. A hospice care center applicant or licensee must meet the plan of operation requirements in WAC 246-335-055, and assure pets or animals living on the premises:

(a) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state;

(b) Be veterinarian certified as free of diseases transmissible to humans;

(c) Are restricted from food preparation areas; and

(d) Include only those customarily considered domestic pets.

(5) Delivery of services. A hospice care center applicant or licensee must:

(a) Meet the delivery of services requirements in WAC 246-335-060; and

(b) Establish and implement policies and procedures that assure:

(i) Auditory and physical privacy for the patient and family during the admitting process;

(ii) Patient rooms are private, unless the patient requests a roommate. Only two patients may share a room;

(iii) Each patient is provided a bed with a mattress appropriate to the special needs and size of the patient; and

(iv) Availability of clean bed and bath linens that are in good condition and free of holes and stains.

(6) Personnel, contractor, and volunteer policies. A hospice care center applicant or licensee must:

(a) Meet the personnel, contractor and volunteer policy requirements in WAC 246-335-065; and

(b) Assure training in the safe storage and handling of oxygen containers and other equipment as necessary.

(7) Personnel, contractor, and volunteer records. A hospice care center applicant or licensee must meet the personnel, contractor, and volunteer records requirements in WAC 246-335-070.

(8) Bill of rights. A hospice care center applicant or licensee must:

(a) Meet the bill of rights requirements in WAC 246-335-075; or

(b) For patients already being served by the hospice agency operating the hospice care center, assure:

(i) The bill of rights requirements have been provided to the patient and designated family member; and

(ii) Provide any additional information needed specific to the hospice care center.

(9) Plan of care. A hospice care center applicant or licensee must:

(a) Meet the plan of care requirements in WAC 246-335-085; or

(b) For patients already being served by the hospice agency operating the hospice care center, review the plan of care for any necessary revisions, and maintain the plan of care with any revisions in the hospice care center.

(10) Supervision. A hospice care center applicant or licensee must:

(a) Meet the supervision requirements in WAC 246-335-100; and

(b) Develop any necessary supervision requirements specific to:

(i) The hospice care center service category staffing requirements; and

(ii) Supervising personnel, volunteers and evaluating contractor services who are employed by a separately licensed hospice agency.

(11) Patient records. A hospice care center applicant or licensee must meet the requirements in WAC 246-335-110.

(12) Quality improvement. A hospice care center applicant or licensee must:

(a) Meet the quality improvement requirements in WAC 246-335-115; or

(b) Assure the hospice agency operating the hospice care center has a quality improvement program that applies to the hospice care center; or

(c) Implement any needed changes or additions to the current hospice agency quality improvement program.

(13) Home medical supplies and equipment. A hospice care center applicant or licensee must meet the home medical supplies and equipment requirements in WAC 246-335-120.

(14) Staffing requirements. A hospice care center applicant or licensee must implement the following staffing requirements:

(a) There must be adequate staffing on duty at all times. Considerations for determining adequate staffing include, but are not limited to:

(i) Number of patients currently admitted and residing in the center;

(ii) Specific patient care requirements;

(iii) Family care needs; and

(iv) Availability of support from other interdisciplinary team members;

(b) Two people, who may either be personnel, contractors or volunteers, must be on duty twenty-four hours per day, seven days per week;

(c) A registered nurse must be available twenty-four hours per day for consultation and direct participation in nursing care;

(d) A registered nurse must be on-site when required to perform duties specified in chapter 18.79 RCW;

(e) When providing general inpatient services, a hospice care center must comply with the staffing requirements in (a) through (d) of this subsection, and assure:

(i) A registered nurse is present twenty-four hours per day, seven days per week, to direct nursing services; and

(ii) Care is provided by either a RN, LPN or home health aide to meet the needs of each patient in accordance with the plan of care; and

(f) When providing continuous care services, a hospice care center must, in addition to the staffing requirements in (a) through (d) of this subsection, assure:

(i) One-on-one staffing, directed by an RN, for a minimum of eight hours to a maximum of twenty-four hours per calendar day; and

(ii) Care is provided by either a RN, LPN or home health aide to meet the needs of each patient in accordance with the plan of care.

(15) A hospice care center may either be owned or leased. If the hospice agency leases space, all delivery of interdisciplinary services, including staffing and management, must be done by the hospice agency per RCW 70.127-.280 (1)(g).

NEW SECTION

WAC 246-335-160 Nutritional services. (1) Nutritional services must be supervised by an RN or dietician.

(2) Appropriate nutritional consultation must be provided to the patient and family regarding the patient's dietary needs.

(3) Food must be prepared and served at intervals appropriate to the needs of patients, recognizing the unique dietary needs and changes of the terminally ill.

(4) Nutritional services must either be provided directly or through written agreement with a food service company.

(5) Food service sanitation must meet the requirements of chapter 246-215 WAC.

(6) Policies and procedures on nutritional services must include:

(a) Food storage;

(b) Food preparation;

(c) Food service; and

(d) Scheduled cleaning of all food service equipment and work areas.

(7) A copy of the procedures must be kept within or adjacent to the food service area and must be available for reference by nutritional service personnel and other personnel at all times.

NEW SECTION

WAC 246-335-165 Infection control. A hospice care center applicant or licensee must develop and implement written policies and procedures addressing infection control pertinent to the hospice care center and consistent with WAC 246-335-060 (6) and (7).

NEW SECTION

WAC 246-335-170 Emergency preparedness. A hospice care center applicant or licensee must:

(1) Develop and implement written policies and procedures governing emergency preparedness and fire protection;

(2) Develop an acceptable written plan, periodically rehearsed with personnel, contractors, and volunteers, to be followed in the event of an internal or external emergency, and for the care of casualties of the patient and family, personnel, contractors, and volunteers arising from such emergencies; and

(3) Develop a fire protection plan to include:

(a) Instruction for all personnel, contractors or volunteers in use of alarms, fire fighting equipment, methods of fire containment, evacuation routes and procedures for calling the fire department and the assignment of specific tasks to all personnel, contractors and volunteers in response to an alarm; and

(b) Fire drills for each shift of personnel.

NEW SECTION

WAC 246-335-175 Pharmaceutical services. The licensee must assure that all pharmaceutical services are provided consistent with chapter 246-865 WAC and the following requirements:

(1) Pharmaceutical services must be available twenty-four hours per day to provide medications and supplies through a licensed pharmacy;

(2) A pharmacist must provide sufficient on-site consultation to ensure that medications are ordered, prepared, disposed, secured, stored, accounted for and administered in

accordance with the policies of the center and chapter 246-865 WAC;

(3) Medications must be administered only by individuals authorized to administer medications;

(4) Medications may be self-administered or administered by a designated family member in accordance with WAC 246-865-060 (7)(f);

(5) Drugs for external use must be stored apart from drugs for internal use;

(6) Poisonous or caustic medications and materials including housekeeping and personal grooming supplies must show proper warning or poison labels and must be stored safely and separately from other medications and food supplies;

(7) The hospice care center must maintain an emergency medication kit appropriate to the needs of the center;

(8) Medications brought into the hospice care center by patients to be administered by an appropriate health care professional while in the center must be specifically ordered by an authorizing practitioner and must be identified by a pharmacist or licensed nurse with pharmacist consultation prior to administration;

(9) Drugs requiring refrigeration must be kept in a separate refrigeration unit;

(10) Schedule II - IV controlled substances must be:

(a) Kept in a separate keyed storage unit; and

(b) When heat sensitive, be kept in a locked refrigeration unit;

(11) Schedule II - IV controlled substances no longer needed by the patient must be disposed in compliance with chapter 246-865 WAC;

(12) The hospice care center must provide for continuation of drug therapy for patients when temporarily leaving the center in accordance with WAC 246-865-070;

(13) If planning to use an automated drug distribution device, the hospice care center must first receive board of pharmacy approval; and

(14) If planning to provide pharmacy services beyond the scope of services defined in this section, the hospice care center must comply with the requirements for a licensed pharmacy in chapter 246-869 WAC.

PHYSICAL ENVIRONMENT REQUIREMENTS SPECIFIC TO HOSPICE CARE CENTERS

NEW SECTION

WAC 246-335-180 Applicability. The purpose of the following construction regulations is to provide minimum standards for a safe, homelike, and effective patient care environment in hospice care centers consistent with other applicable rules and regulations without redundancy and contradictory requirements. Rules allow flexibility in achieving desired outcomes and enable hospice care centers to respond to changes in technologies and health care innovations.

(1) These regulations apply to all construction as defined in WAC 246-335-015.

(2) The requirements in this section in effect at the time the application, fee, and construction documents are submit-

ted to the department for review will apply for the duration of the construction project.

NEW SECTION

WAC 246-335-185 Application and approval. (1) A hospice care center applicant must submit an application and construction documents under WAC 246-335-195 and provide documentation of approval from local zoning commissions, fire departments, and building departments, if applicable, to the department for review and approval for all construction as defined in WAC 246-335-015.

(2) A hospice care center applicant must:

(a) Respond in writing when the department requests additional or corrected construction documents;

(b) Complete construction in accordance with the final "department approved" documents;

(c) Submit to the department for review any change orders, addenda or modifications to the construction documents for review and approval;

(d) Notify the department in writing when construction is completed;

(e) Submit to the department a copy of the local jurisdictions' certificate of occupancy; and

(f) Submit 8 1/2 by 11 inch floor plans.

(3) The department shall notify the hospice care center in writing when:

(a) The construction documents are approved; or

(b) The construction documents are not approved. If the construction documents are not approved, the department shall submit a letter to the applicant identifying sections of this chapter for which a requirement is stated and there is a deficiency.

(4) A hospice care center applicant must not begin construction until the construction documents are approved by the department and the local jurisdictions have issued the appropriate permits.

NEW SECTION

WAC 246-335-190 Construction and design codes. A hospice care center applicant must, through its design, construction and necessary permits demonstrate compliance with the following codes and local jurisdiction standards:

(1) As adopted by the state building code council, and the *Uniform Building Code Standards*, as published by the International Conference of Building Officials as amended and adopted by the Washington state building code council and published as chapter 51-40 WAC;

(2) *The Uniform Mechanical Code*, (as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials) as amended and adopted by the Washington state building code council and published as chapter 51-42 WAC;

(3) *Fire Code and Uniform Fire Code Standards*, as published by the International Conference of Building Officials and the Western Fire Chiefs Association as amended and adopted by the Washington state building code council and published as chapters 51-44 and 51-45 WAC;

(4) *Plumbing Code and Uniform Plumbing Code Standards*, as published by the International Association of Plumbing and Mechanical Officials, as amended and adopted by the Washington state building code council and published as chapters 51-46 and 51-47 WAC;

(5) *State Ventilation and Indoor Air Quality Code*, as adopted by the Washington state building code council and filed as chapter 51-13 WAC;

(6) *The Washington State Energy Code*, as amended and adopted by the Washington state building code council and filed as chapter 51-13 WAC;

(7) Electric Code of the National Fire Protection Association (NFPA-70) as adopted by the Washington state department of labor and industries including chapter 296-46A WAC;

(8) *Accepted Procedure and Practice in Cross-contamination Control*, Pacific Northwest Edition, 9th Edition, American Water Works Association;

(9) If planning on caring for patients with mycobacterium tuberculosis, *Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis in Health Care Facilities*, 1994. Morbidity and Mortality Weekly Report (MMWR), Volume 43, October 28, 1994; and

(10) *National Fire Protection Association Standards 99*, 1999 Edition.

NEW SECTION

WAC 246-335-195 Construction documents. (1) Construction documents submitted to the department for review and approval must include:

(a) A written functional program that contains information concerning services to be provided and operational methods to be used;

(b) Two sets of coordinated and dimensioned construction drawings, drawn to scale, including:

(i) Site plan showing the location of utility lines, parking, driveways, access for emergency vehicles, sufficient space for garbage storage and disposal, oxygen tank or bulk storage, and delivery areas separated from mechanical air intakes per ventilation and mechanical codes;

(ii) Floor plans identifying each room by number, designating the function of each room, and identifying fixed and moveable equipment and furnishings;

(iii) Interior and exterior elevations;

(iv) Building sections and construction details;

(v) Schedules of room finishes, doors, finish hardware, and windows;

(vi) Mechanical, including plumbing, heating, ventilation, and air conditioning;

(vii) Electrical, including lighting, power, and communication systems;

(viii) Fire and life safety showing paths of egress, rated partitions and interim life safety to the point of egress;

(ix) Two sets of the fire sprinkler shop drawings, hydraulic calculations and equipment specifications, stamped by the fire sprinkler system designer; and

(x) Two sets of the fire alarm shop drawings and equipment specifications;

(c) One copy of the specifications that fully describes the workmanship, finishes, and materials; and

(d) If the project is a remodel of an existing facility, a plan that shows how they will ensure the health and safety of occupants during construction and installation of finishes must be submitted for review and approval prior to construction. This includes taking appropriate infection control measures, keeping the surrounding area free of dust and fumes, and assuring rooms or areas are well-ventilated, unoccupied, and unavailable for use until free of volatile fumes and odors.

(2) Drawings and specifications for construction must be prepared by, or under the direction of, an architect registered under chapter 18.08 RCW. The services of a consulting engineer registered under chapter 18.43 RCW must be used for the various branches of the work where appropriate. The services of a registered professional engineer may be used in lieu of the services of an architect if work involves engineering only. All drawings submitted by a registered professional must be stamped and signed.

(3) Compliance with these standards and regulations does not relieve the hospice care center of the need to comply with applicable state and local building and zoning codes.

NEW SECTION

WAC 246-335-200 Site and site development. A hospice care center applicant or licensee must provide a site with utilities that meet uniform building code and local regulations including:

(1) Potable water supply meeting requirements in chapters 246-270, 246-290, and 246-291 WAC;

(2) Natural drainage or properly designed/engineered drainage system;

(3) Public or on-site sanitary sewage utilities meeting requirements in chapter 246-271 or 246-272 WAC;

(4) Physical access to community emergency services;

(5) Parking area, drives, and walkways:

(a) Convenient for patients, personnel, contractors, volunteers, and visitors, while avoiding interference with patient privacy and comfort;

(b) With surfaces useable in all weather and traffic conditions; and

(c) Illuminated at night.

GENERAL HOSPICE CARE CENTER DESIGN REQUIREMENTS

NEW SECTION

WAC 246-335-205 General requirements. A hospice care center applicant or licensee must meet the following general design elements for patient and family care and support areas as described in this chapter.

(1) Design of the hospice care center must take into account:

(a) The number of patient rooms planned which must not include more than twenty patient beds;

(b) The requirements for patient rooms as specified in WAC 246-335-265; and

(c) The family, personnel and public area requirements for space, which may include multiuse areas, as specified in WAC 246-335-275.

(2) A hospice care center may either be freestanding or a separate portion of another building.

(3) The hospice care center must have a separate external entrance, clearly identifiable to the public.

(4) If the hospice care center provides optional services not authorized in this chapter, those services must be physically separate from the area providing hospice care center services by a one-hour fire barrier wall.

(5) Ceiling heights in occupied areas or areas intended for patient use must be sufficiently high to meet the functional needs and equipment requirements of the space. Suspended tracks, rails, lights, or other obstructions located in path of travel can not be less than seven feet above finished floor to lowest point of obstruction.

(6) A corridor system throughout the hospice care center designed for traffic circulation must provide patient safety with:

(a) A width of six feet for hospice care centers accommodating six or more patients and restrictions of no more than seven inches for egress of patient care areas; or

(b) A width of four feet for hospice care centers accommodating five or less patients and restrictions of no more than seven inches for egress of patient care areas.

(7) If patient rooms are located above grade level, the hospice care center must have at least one elevator or lift designed for patient transport by gurney or equivalent.

(8) Doors must be designed with:

(a) Nominal four foot width for patient room doors in the path of egress designed to prevent swinging into corridor widths;

(b) Provision for personnel, contractors, and volunteers to gain immediate emergency access to patient occupied rooms or areas;

(c) Ability to swing outward from patient toilet and bathing rooms; and

(d) Vision panels in all pairs of opposite swinging doors.

(9) The hospice care center must provide a fire suppression system conforming to *National Fire Protection Association 13 Standard for the Installation of Sprinkler Systems*, 1999 Edition.

(10) Stairways must be designed with slip-resistant floor surfaces and ramps with slip-resistant or carpeted floor surfaces are required.

(11) Design and construction must address the prevention of entrance and infestation by pests.

(12) Interior finishes must be suitable to the function of an area including:

(a) Floors must be finished with:

(i) Easily cleanable and/or maintainable surfaces;

(ii) Slip-resistant surfaces at entrances and other areas;

(iii) Edges covered and top set base with toe at all wall junctures; and

(b) Carpets are not permitted in toilets, bathrooms, kitchens, utility rooms, janitor closets, and other areas where flooding or infection control is an issue;

(c) Ceiling finishes must be easily cleanable or maintainable;

(d) Walls must be:

(i) Protected from impact in high traffic areas;

(ii) Finished with easily cleanable surfaces; and

(iii) Finished with water-resistant paint, glaze, or similar water-resistant finish extending above the splash line in all rooms or areas subject to splash or spray.

(13) The design must include space and adequate storage for facility drawings, records, and operation manuals.

NEW SECTION

WAC 246-335-210 Furnishings. Furnishings of the hospice care center must be home-like and include lounge furniture in addition to furnishings in patient rooms. Accessories such as wallpaper, bedspreads, carpets and lamps must be:

(1) Selected to create a home-like atmosphere; and

(2) Installed per uniform building and fire codes and per manufacturer installation standards.

NEW SECTION

WAC 246-335-220 Pharmaceutical services area. (1) Pharmaceutical services area(s) must be accessible only to authorized personnel.

(2) A hospice care center must provide pharmacy services area(s) consistent with WAC 246-865-050 which include adequate space for:

(a) A work counter;

(b) A handwash sink;

(c) A soap and paper towel dispenser;

(d) Drug storage units constructed of metal, solid wood, or plywood which provide:

(i) Locked storage for all drugs;

(ii) Separate keyed storage for Schedule II - IV controlled substances;

(iii) Segregated storage for each patient's drugs;

(e) A lockable refrigerator for storage of heat sensitive drugs; and

(f) Other storage needed according to the hospice care center's functional program.

NEW SECTION

WAC 246-335-225 Food preparation. (1) A hospice care center applicant or licensee must:

(a) Locate food preparation areas to prevent objectionable heat, noise and odors to patient rooms;

(b) Provide a nourishment center for use by patients and family with:

(i) A refrigerator capable of maintaining 45°F or less;

(ii) A two-compartment sink;

(iii) A range with exhaust hood and/or microwave;

(iv) Work surfaces;

(v) Storage for single service utensils and food items;

(vi) Soap and paper towel dispensers or equivalent;

(vii) Space for waste containers; and

(viii) A self-dispensing ice machine (if not provided elsewhere in the hospice care center);

(2) The following requirements only apply if the hospice care center is planning to prepare meals and snacks for patients on-site:

(a) When primarily preparing individual meals or snacks for patients, in addition to the requirements in subsection (1) of this section, the nourishment center must include:

(i) A separate refrigerator for patients' food items capable of maintaining 45°F or less;

(ii) Separate storage for patient food items, cooking and eating utensils;

(iii) A handwash sink; and

(iv) A domestic dishwasher with a continuous supply of 155°F of water;

(b) When primarily preparing meals for fifteen or fewer patients at a time, the kitchen for preparation of patient meals and snacks must comply with chapter 246-215 WAC, Food sanitation, except, the hospice care center may use domestic or home type kitchen appliances including mechanical dishwashers, provided the licensee:

(i) Operates the appliances according to manufacturer's direction; and

(ii) Provides a continuous supply of water maintained at 155°F or more to the dishwasher(s); and

(c) When primarily preparing meals for sixteen or more patients at a time, the kitchen for preparation of patient meals and snacks must comply with chapter 246-215 WAC, Food sanitation.

NEW SECTION

WAC 246-335-230 Linen handling facilities. A hospice care center applicant or licensee must provide linen handling facilities with the capacity for receiving, holding, sorting, and separating soiled and clean linens either in clean and soiled utility rooms meeting the requirements of WAC 246-335-200 or in a separate linen handling facility meeting the following requirements:

(1) Floor drain(s) located in the soiled linen area;

(2) Handwash sink in soiled and clean processing areas;

(3) Negative air pressure gradient with direction of air flow from clean side of room to dirty side of room if room is shared;

(4) A folding area on clean side of room; and

(5) Separate clean linen storage located to avoid sources of moist or contaminated air with:

(a) Storage for reserve supply of linens, blankets, and pillows; and

(b) Space for carts and/or shelves.

NEW SECTION

WAC 246-335-235 Laundry facilities. A hospice care center applicant or licensee must provide laundry service through the use of:

(1) A commercial laundry service; or

(2) On-site laundry facilities with:

(a) A system to avoid through traffic or excessive heat, noise and odors to travel to patient rooms;

(b) Equipment capacity for processing laundry;

(c) Arrangement for uninterrupted work flow from soiled to clean function;

(d) Washing machine(s);

(e) Floor drains as required for equipment;

(f) Dryer(s);

(g) Dryer exhaust to the exterior and make-up air; and

(h) A handwash sink.

NEW SECTION

WAC 246-335-240 Utility rooms. (1) A hospice care center applicant or licensee must provide a clean utility room with no direct connection to soiled utility services, including:

(a) Sufficient clean storage and handling area(s);

(b) Closed storage for clean and sterile supplies and equipment;

(c) A work surface;

(d) Handwash sink;

(e) Soap and towel dispenser; and

(f) A self-closing door.

(2) The hospice care center must provide a soiled utility room on each floor of the center with no direct connection to clean utility services, including:

(a) A clinic service sink, siphon jet or equivalent with bedpan flushing attachment unless bedpan flushing devices are furnished in all patient toilets;

(b) Counter top, two-compartment sink, and gooseneck spout or equivalent;

(c) Storage for cleaning supplies and equipment;

(d) Soap and towel dispenser;

(e) Locked storage for chemicals; and

(f) Self-closing door.

PHYSICAL ENVIRONMENT—SPECIFIC DESIGN REQUIREMENTS

NEW SECTION

WAC 246-335-245 Plumbing. An applicant must design and install plumbing, including:

(1) Backflow prevention with devices on plumbing fixtures, equipment, facilities, buildings, premises, or areas which may cause actual or potential cross-connections of systems in order to prevent the backflow of water or other liquids, gases, mixtures, or substances into a water distribution system or other fixtures, equipment, facilities, buildings, or areas;

(2) Trap primers in floor drains and stand pipes subject to infrequent use;

(3) Wrist, knee or foot faucet controls or equivalent and gooseneck spouts without aerators on handwash sinks;

(4) Insulation on:

(a) Hot water piping systems;

(b) Cold water and drainage piping; and

(c) Piping exposed to outside temperatures; and

(5) Equipment to deliver hot water at point of use as follows:

- (a) 120°F or less for handwash sinks and bathing fixtures;
- (b) 160°F or more for laundry washers;
- (c) 120°F or more for laundry washers using chemical sanitization;
- (d) 120°F or more for mechanical dishwashers using chemical sanitization;
- (e) 140°F or more for mechanical dishwashers using high temperature sanitization; and
- (f) 180°F or more for sanitization cycle in high temperature mechanical dishwashers.

NEW SECTION

WAC 246-335-250 Medical gases. If oxygen is stored or used on the premises, the following must apply in addition to other codes and regulations:

- (1) Electrical equipment used in oxygen-enriched environments must be properly designed for use with oxygen and should be labeled for use with oxygen; and
- (2) "No smoking" signs must be posted where oxygen is being administered.

NEW SECTION

WAC 246-335-255 Heating, ventilating and air conditioning. (1) Hospice care centers must have systems to provide individual temperature control for patient rooms to assure patient preference and comfort. The hospice care center must have the capacity to maintain:

- (a) Patient rooms at 70°F in summer and 80°F in winter; and
- (b) Nonpatient care areas at 75°F in summer and 70°F in winter.
- (2) Total air circulation rates measured in air changes per hour (ACH) and ventilation air quantities must be provided in the following areas, if applicable, as follows:
 - (a) Patient rooms - 4 ACH circulated, 2 ACH outside air;
 - (b) Corridors - 2 ACH with 20% minimum outside air;
 - (c) Toilets, bathing facilities, locker rooms, housekeeping closets, soiled linen handling facilities, soiled utility rooms and laundry rooms - minimum 10 ACH total or a minimum of 70 CFM exhausted directly to the outdoors;
 - (d) Clean linen handling facilities, clean utility rooms, and medication distribution rooms - 4 ACH total or a minimum of 70 CFM;
 - (e) Food preparation areas - 10 ACH with 2 ACH outside air; and
 - (f) All other areas not specifically addressed above must be designed in accordance with Table 2 of ASHRAE Standard 62-1999.

(3) Heating and air conditioning system fans must continuously operate to maintain required pressure differences. Heating and air conditioning system air flows must be balanced to maintain pressure differences as follows:

- (a) Provide negative pressure for any of the following areas, if applicable:

- (i) Toilet rooms and showers;
- (ii) Janitor rooms;
- (iii) Soiled utility rooms; and
- (iv) Food service areas and other areas where moisture or odors are generated;
- (b) Provide positive pressure for any of the following areas, if applicable:
 - (i) Medication distribution rooms;
 - (ii) Clean utility rooms; and
 - (iii) Other similar areas.
- (4) System outdoor air inlets must be located at least ten feet from any exhaust fan outlet, plumbing vent, combustion appliance vent, or other sources of contaminated air.

(5) A kitchen grease hood must be installed, and the applicant must provide a section drawing showing listed assembly type(s), fan discharge type and direction, curb venting, all required clearances both above and below the roof, materials, cleanouts, access doors, hood overhang of cooking equipment and other details in accordance with NFPA 96, Uniform Mechanical Code Sections 507 and 508, WAC 388-78A-070 (2)(e)(ii)(E) and 388-78A-290 (1)(a).

(6) Independent cooling system must be in place for elevator machine rooms.

(7) Combination fire smoke dampers must be in place for penetrations of corridor walls and of occupancy separations required around mechanical rooms, laundry rooms and storage rooms used in common.

NEW SECTION

WAC 246-335-260 Electrical service and distribution. A hospice care center applicant or licensee must provide general electrical service including:

- (1) Tamperproof receptacles in patient rooms, toilets, and bathing facilities, and family, and public areas;
- (2) Ground fault circuit interrupter (GFCI) receptacle when located within five feet of water source and above counters that contain sinks;
- (3) Emergency electrical service with:
 - (a) Adequate emergency lighting in patient rooms;
 - (b) At a minimum, provisions must be made for emergency lighting for means of egress; and
 - (c) Power, appropriate to provide continuous operation of life support equipment;
- (4) Lighting fixtures with:
 - (a) Number, type, and location to provide illumination for the functions of each area;
 - (b) A reading light and control, conveniently located for patient use at each bed in the patient rooms; and
 - (c) Protective lens or protective diffusers on overhead light fixtures:
 - (i) Over patient beds;
 - (ii) In areas where patient care equipment and supplies are processed; and
 - (iii) In nourishment centers or kitchen areas;
 - (d) A night light or equivalent low level illumination;
 - (e) Night light switches and general illumination switches located adjacent to the opening side of patient room doors; and

(5) An electronic means of communication that notifies on-duty personnel, contractors, or volunteers and that must:

- (a) Be located at the head of the bed in patient rooms and in all common areas accessible by the patients;
- (b) Be physically or verbally accessible by patients slumped forward on the floors of either the toilet, bathing facility, or dressing room; and
- (c) Consider the patient's communication needs.

PATIENT AREAS

NEW SECTION

WAC 246-335-265 Patient rooms. (1) A hospice care center applicant or licensee must locate patient rooms to exclude through traffic and minimize the penetration of objectionable odors and noise from other areas of the center.

(2) Hospice care centers must assure each patient room is:

- (a) Directly accessible from a corridor; and
- (b) A minimum of one hundred square feet for private rooms and one hundred sixty square feet for rooms allowing a roommate.
- (3) All operable windows or openings that serve for ventilation must be provided with screening.
- (4) Patient room must be located above grade level.
- (5) Patient beds must be placed so they do not interfere with entrance, exit or traffic flow within the room.
- (6) Patient rooms must be safe, private, clean and comfortable, allowing the patient to use personal belongings to the extent possible and include:

- (a) Seating for several family members, with provision for at least one sleeping accommodation in patient rooms;
- (b) A window with a view of landscaping to the exterior;
- (c) A noncoin-operated telephone readily available for the patient and family to make and receive confidential calls; and
- (d) A space suitable for hanging full-length garments and secure storage of personal belongings within the patient room.

NEW SECTION

WAC 246-335-270 Patient toilets and bathing facilities. (1) Each patient toilet must adjoin the patient room and include:

- (a) Bedpan flushing equipment if bedpan flushing equipment is not located in a soiled utility room;
- (b) Grab bars located per chapter 51-40 WAC and securely mounted on both sides of the water closet, with at least one horizontal grab bar extending eighteen inches beyond the front of the water closet;
- (c) A handwash sink;
- (d) Single service soap and towel dispensers;
- (e) Slip-resistant floor surfaces;
- (f) Toilet paper holder;
- (g) Backing to support mounting of all accessories; and
- (h) Mirror and shelving or equivalent at each handwash sink.

(2) There must be at least one patient toilet in the hospice care center meeting the accessibility requirements in chapter 51-40 WAC for every four patient beds. A minimum of one patient toilet meeting the accessibility requirements is required for each hospice care center.

(3) Bathing facilities, which may be separate from patient toilet rooms, must include:

- (a) With ten or fewer beds, one barrier free roll-in shower or accessible tub designed for ease of entry;
- (b) With eleven or more beds one barrier free roll-in shower or accessible tub, and one additional shower or tub, neither of which need to be barrier free or accessible;
- (c) Slip resistant floors;
- (d) An adequate supply of hot water available at all times;
- (e) A towel bar, hook, or ring;
- (f) A robe hook; and
- (g) Grab bars that are easily cleanable, resistant to corrosion, functionally designed, and securely mounted at patient bathing facilities in accordance with WAC 51-30-1100 including:
 - (i) One vertical bar at the faucet end; and
 - (ii) Bars located on two sides of each standard bathtub and shower.

FAMILY, PERSONNEL, VOLUNTEER, CONTRACTOR AND PUBLIC AREAS

NEW SECTION

WAC 246-335-275 Family, personnel, volunteer, contractor, and public areas. (1) A hospice care center applicant or licensee must provide family use areas with:

- (a) A minimum of two hundred square feet;
- (b) Comfortable seating for several family members;
- (c) Provision for families and patients to share meals;
- (d) Drinking water;
- (e) Public telephone;
- (f) Information desk or directory signage; and
- (g) Exterior, clear glass windows with a maximum sill height of thirty-six inches.

(2) Hospice care centers must provide a private space at least one hundred fifty square feet in size for every ten beds and an additional seventy-five square feet for every additional five beds. The private space should be designed for:

- (a) Private group, family and individual interviews and counseling;
- (b) Interdisciplinary weekly conferences and personnel, contractor, and volunteer breaks; and
- (c) Spiritual services.

(3) Hospice care centers must provide additional space for personnel, contractors and volunteers. This space must be designed to accommodate:

- (a) Secure storage for medical records;
- (b) Personnel, contractor, and volunteer break areas;
- (c) Personnel, contractor, and volunteer work areas;
- (d) General storage; and
- (e) At least one personnel, contractor, and volunteer toilet room with handwash sink.

(4) Hospice care centers must provide one visitor toilet room with handwash sink for every ten beds.

FACILITY SUPPORT

NEW SECTION

WAC 246-335-280 Environmental services facilities.

(1) The hospice care center must provide a waste handling area including storage area in a separate, well-ventilated area designed to maintain pest control and to preclude objectionable odors in other areas of the hospice care center, or in an outside, enclosed space with:

- (a) A handwash sink located adjacent to the path of travel back into patient care areas;
- (b) If planned, a waste container wash area with floor drain connected to a sanitary sewage system and hose bibs with hot and cold water;
- (c) If planned, waste dumpsters and compactor storage area with drain connected to a sanitary sewage system and hose bibs with hot and cold water.

(2) The hospice care center must provide a locked housekeeping supply room on each floor with:

- (a) A service sink or equivalent;
- (b) Soap and towel dispenser;
- (c) A mop rack storage area for mobile housekeeping equipment and supplies; and
- (d) Storage for chemicals.

NEW SECTION

WAC 246-335-285 Maintenance facilities. A hospice care center applicant or licensee must:

(1) If planning a maintenance shop, assure it is located and designed for easy delivery and removal of equipment and to minimize noise and dust to the rest of the hospice care center with:

- (a) Storage for solvents, flammable and combustible liquids; and
- (b) Storage for supplies and equipment; and

(2) Provide a separate room or area specifically for repair, and testing of electronic or other medical equipment according to the functional program.

NEW SECTION

WAC 246-335-290 Receiving, storage and distribution facilities. A hospice care center applicant or licensee must:

(1) Provide bulk and general supply storage constructed to control pests, and prevent spoilage, contamination, damage, and corrosion of goods including:

- (a) Protection against inclement weather;
 - (b) Secured spaces with appropriate environmental conditions in accordance with federal and state laws and rules on supplies and medication storage if pharmaceuticals are stored; and
 - (c) Off-floor storage when required to prevent contamination and water damage to stores;
- (2) Provide receiving and unloading area with:
- (a) Administrative work space;
 - (b) Security and protection for supplies; and
 - (c) Location to prevent vehicle exhaust from entering the hospice care center; and
- (3) Provide storage if needed for:
- (a) Flammable and combustible liquid storage;
 - (b) Laboratory chemicals;
 - (c) Medical compressed gases;
 - (d) Gaseous oxidizing materials;
 - (e) Pesticides, cleaning compounds, and toxic substances; and
 - (f) Mobile housekeeping equipment.

EXEMPTIONS AND ALTERNATIVE METHODS

NEW SECTION

WAC 246-335-295 Exemptions and alternative methods. Hospice care centers applying for an exemption to any of the requirements of this chapter must comply with the requirements in WAC 246-335-125.

**PART 3
FEES**

NEW SECTION

WAC 246-335-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) An initial twelve-month license fee of one thousand five hundred dollars for each service category for new persons not currently licensed in that category to provide in-home services in Washington state, or currently licensed businesses which have had statement of charges filed against them;

(b) A twenty-four month renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, or the number of beds, as follows:

(c) For single service category licenses:

# of FTEs	Home Health	Hospice	Home Care	# of Beds	Hospice Care Center
5 or less	\$1,500.00	\$750.00	\$450.00	5 or less	\$500.00
6 to 15	\$2,110.00	\$790.00	\$815.00	6 to 10	\$1,000.00
16 to 50	\$2,400.00	\$1,174.99	\$875.00	11 to 15	\$1,500.00
51 to 100	\$3,025.00	\$1,882.29	\$1,025.00	16 to 20	\$2,000.00
101 or more	\$3,115.00	\$1,980.00	\$1,100.00		

PERMANENT

(d) For multiple service category licenses:

(i) One hundred percent of the home health category fee and seventy-five percent of the appropriate service category fee for each additional service category (hospice, home care, hospice care center); or

(ii) One hundred percent of the hospice category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice care center); and

(e) A change of ownership fee of one hundred fifty dollars for each licensed service category. A new license will be issued and valid for the remainder of the current license period.

(2) The department may charge and collect from a licensee a fee of seven hundred fifty dollars for:

(a) A second on-site visit resulting from failure of the licensee to adequately respond to a statement of deficiencies:

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(3) A licensee with deemed status shall pay fees according to this section.

(4) A licensee shall submit an additional late fee in the amount of twenty-five dollars per day, not to exceed five hundred dollars, from the renewal date (which is thirty days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark.

WSR 02-18-032

PERMANENT RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. TO-000712, General Order No. R-500—Filed August 26, 2002, 1:41 p.m.]

In the matter of amending, adopting, and repealing chapter 480-75 WAC relating to hazardous liquid, gas, oil and petroleum pipeline companies—Safety.

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 02-12-132, filed with the code reviser on June 5, 2002. The commission brings this proceeding pursuant to RCW 80.01.040 and 80.04.160.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts this rule to be effective on the date that this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule,

and responses reflecting the commission's consideration of the comments.

5 The commission often includes a discussion of those matters in its rule adoption order. In addition, most rule-making proceedings involve extensive work by commission staff that includes summaries in memoranda of stakeholder comments, commission decisions, and staff recommendations in each of those areas.

6 In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing and at the open meetings where the commission considered whether to begin a rule making and whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

7 REFERENCE TO AFFECTED RULES: This order repeals the following sections of the Washington Administrative Code: WAC 480-75-002 Application of rules, 480-75-005 Compliance with federal standards, 480-75-010 Annual reports, 480-75-223 Civil penalty for violation of chapter 81.88 RCW or regulations issued thereunder—Maximum amount, and 480-75-230 Modification/waivers.

8 This order amends the following section of the Washington Administrative Code: WAC 480-75-999 Adoption by reference.

9 This order adopts the following sections of the Washington Administrative Code:

GENERAL RULES: WAC 480-75-100 Definitions, 480-75-200 Application of rules, 480-75-210 Additional requirements, 480-75-220 Severability, 480-75-250 Civil penalty for violation of 81.88 RCW, and 480-75-260 Exemptions for rules in chapter 480-75 WAC.

DESIGN: WAC 480-75-300 Leak detection, 480-75-310 Geological considerations, 480-75-320 Overpressure protection, 480-75-330 Overfill protection, 480-75-340 Cathodic protection test station location, 480-75-350 Design specifications for new pipeline projects, 480-75-360 Class locations, 480-75-370 Design factor (F) for steel pipe, and 480-75-380 Location of pump stations and breakout tanks for hazardous liquid pipelines.

CONSTRUCTION AND REPAIR: WAC 480-75-400 Backfill and bedding requirements, 480-75-410 Coatings, 480-75-420 Hydrostatic test requirements, 480-75-430 Welding procedures, 480-75-440 Pipeline repairs, 480-75-450 Construction specifications, and 480-75-460 Welding inspection requirements.

OPERATION AND MAINTENANCE: WAC 480-75-500 Moving and lowering hazardous liquid pipelines, 480-75-510 Remedial action for corrosion deficiencies, 480-75-520 Inspections during excavation, 480-75-530 Right of way inspections, 480-75-540 Pipeline markers and above ground facilities, and 480-75-550 Change in class location.

REPORTING: WAC 480-75-600 Maps, drawings, and records of hazardous liquid facilities, 480-75-610 Reporting requirements for proposed construction, 480-75-620 Pressure testing reporting requirements, 480-75-630 Incident report-

ing, 480-75-640 Depth-of-cover survey, 480-75-650 Annual reports, and 480-75-660 Operations safety plan requirements.

10 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: The commission filed a preproposal statement of inquiry (CR-101) on August 21, 2000, at WSR 00-17-134.

11 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT: The statement advised interested persons that the commission was considering entering a rule making to amend or adopt rules for intrastate hazardous liquid pipeline companies as required by section 5, chapter 191, Laws of 2000, and to review chapter 480-75 WAC in light of standards set forth in Executive Order No. 97-02 regarding regulatory improvement. The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all regulated intrastate hazardous liquid pipeline companies and the commission's list of interested persons of hazardous liquid pipeline related rule makings. The commission posted the relevant rule-making information on its internet website at www.wutc.wa.gov.

12 Prior to filing its rule proposal, the commission solicited written comments and held workshops relating to the content of rules that address design, construction and repair, operation and maintenance, and reporting requirements for intrastate hazardous liquid pipeline companies. After considering and incorporating many of the suggestions made by stakeholders, the commission offered the draft proposed rules for comment.

13 MEETINGS OR WORKSHOPS; ORAL COMMENTS: The commission held three workshops to address design, construction and repair, operation and maintenance, and reporting requirements for intrastate hazardous liquid pipeline companies. Representatives from the following companies, organizations, agencies and municipalities attended some or all of the workshops: Olympic Pipeline Company - BP Pipelines North America, Inc., McChord Pipeline Company, Tidewater Terminal Company, Kaneb Pipeline Company, Agrium US., Inc., Accufacts, Inc., Adsistor Tech., Washington State Department of Emergency Management, King County Department of Natural Resources, Tumwater Fire Department, Port of Seattle, City of Bellingham, City of SeaTac, City of Spokane, City of Kent, City of Auburn, City of Seattle, City of Redmond. Sarah Spence commented as an individual interested person.

14 All rules were discussed at the workshops. Items of greatest interest included discussions relating to design, construction and repair, and operation and maintenance of new and repaired pipelines, as well as reporting requirements for pipeline companies. Agreement was reached on all issues raised by various stakeholders.

15 NOTICE OF PROPOSED RULE MAKING: The commission filed a notice of proposed rule making (CR-102) on June 5, 2002, at WSR 02-12-132. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 02-12-132 at 9:30 a.m., Wednesday, July 10, 2002, in the Commission's Hearing Room, Second Floor, Chandler Plaza

Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission.

16 COMMENTERS (WRITTEN COMMENTS): During the rule-making process, the commission called for seven rounds of comments on discussion drafts of rules. Following the notice of proposed rule making (CR-102), the commission received written comments from the following companies and agencies: Olympic Pipeline Company - BP Pipelines North America, Inc., (Olympic), McChord Pipeline Company, (McChord), Energy Facility Site Evaluation Council (EFSEC), and Washington State Department of Ecology (DOE). Agreement was reached on all issues raised by various stakeholders.

17 RULE-MAKING HEARING: The commission originally scheduled this matter for oral comment and adoption under WSR 02-12-132, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on July 10, 2002, at the commission's offices in Olympia, Washington. The commission continued the rule adoption on July 10, 2002, to July 26, 2002. On July 26, 2002, Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, and Commissioner Patrick J. Oshie considered the rule proposal for adoption, pursuant to notice during the commission's regularly scheduled open public meeting. The commission heard oral comments from Sondra Walsh representing commission staff, Rebecca Post representing DOE, and Dave Knoelke representing Olympic.

18 COMMISSION ACTION: After considering all of the information regarding this proposal, the commission repealed, adopted, and amended the rules in the CR-102 at WSR 02-12-132 with the changes described below.

19 CHANGES FROM PROPOSAL: The commission adopted the proposal with the following changes from the text noticed at WSR 02-12-132.

20 WAC 480-75-100 Definitions.

- The phrase "segment of pipeline" is deleted from the definition of "maximum operating pressure (MOP)."
- The defined term "company" is removed from "company" "pipeline" "pipeline system" or "hazardous liquid pipeline," and added to the defined terms for the definition of "pipeline company" or "hazardous liquid pipeline company."
- Definitions of "high stress" and "high stress pipeline" are deleted.
- At the request of Olympic, the defined term "reconstruction" is changed to "construction," and "reconditioning" is deleted from the defined term for the definition of "major reconstruction" or "reconditioning."
- At the request of Olympic, the phrase "a replacement of an existing pipeline of 100 feet or longer" is deleted from the definition of "new pipeline."

21 At the request of EFSEC, WAC 480-75-200 Application of rules, is clarified to identify which companies are subject to chapter 480-75 WAC.

22 At the request of the DOE, the term "landslides" in WAC 480-75-310 Geological considerations, is replaced with "earth movement."

23 At the request of Olympic, WAC 480-75-320 Over-pressure protection, is redrafted for clarity.

24 Language in subsections (3)(a) and (3)(b) of WAC 480-75-360 Class locations, is combined to clarify when a Class 1, 2 or 3 location must be adjusted.

25 At the request of Olympic, WAC 480-75-380 Location of pump stations and breakout tanks for hazardous liquid pipelines, is revised to change the phrase "other areas" to "areas not zoned."

26 At the request of Olympic, WAC 480-75-400 Backfill requirements, adds the word "bedding" to the title and to subsection (1) of the rule.

27 At the request of Olympic and McChord, WAC 480-75-420 Hydrostatic test requirements, is redrafted in performance-based language.

28 At the request of DOE, subsection (9) is added to WAC 480-75-420 to inform companies that prior to conducting a hydrostatic test, they need to consider DOE rules for the disposal of testing water at the conclusion of the test.

29 At the request of Olympic and McChord, language in WAC 480-75-460 Welding inspection requirements, is revised to clarify that 100% radiography or ultrasonic testing must be conducted on all new girth welds.

30 Errors in WAC references in WAC 480-75-550 Change in class location, are corrected to reference WAC 480-75-360 and 480-75-370.

31 At the request of Olympic, language in WAC 480-75-610 Reporting requirements for proposed construction, is revised to clarify when the commission must be notified in the event of an emergency.

32 WAC 480-75-630 Incident reporting.

- Subsection (1) language is revised to clarify that an incident must be reported within two hours of discovery.
- The words "or more" are added to subsection (1)(c) following the phrase "spills of five gallons."
- The combined total cost of damage to the property of the company and others in subsection (1)(d) is revised from five thousand dollars to twenty-five thousand dollars.

33 WAC 480-75-999 Adoption by reference, is revised to include all appropriate references cited in chapter 480-75 WAC.

34 WAC 480-75-390 Valve spacing and rapid shutdown. The commission finds that there is a need to continue discussions about the language in this section. Accordingly, the commission, at this time, is not adopting this rule as previously proposed.

35 Other nonsubstantive grammar and punctuation changes were made after a final review by the commission.

36 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: In reviewing the entire record, the commission determines that WAC 480-75-002, 480-75-005, 480-75-010, 480-75-223, and 480-75-230 should be repealed.

37 The commission determines that WAC 480-75-390 should be further discussed. Accordingly the commission does not adopt this rule as previously proposed.

38 The commission determines that WAC 480-75-999 should be amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

39 The commission also determines that WAC 480-75-100, 480-75-200, 480-75-210, 480-75-220, 480-75-250, 480-75-260, 480-75-300, 480-75-310, 480-75-320, 480-75-330, 480-75-340, 480-75-350, 480-75-360, 480-75-370, 480-75-380, 480-75-400, 480-75-410, 480-75-420, 480-75-430, 480-75-440, 480-75-450, 480-75-460, 480-75-500, 480-75-510, 480-75-520, 480-75-530, 480-75-540, 480-75-550, 480-75-600, 480-75-610, 480-75-620, 480-75-630, 480-75-640, 480-75-650, and 480-75-660 should be adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 35, Amended 1, Repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 35, Amended 1, 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 0, Repealed 0.

ORDER

40 THE COMMISSION ORDERS That:

41 WAC 480-75-002, 480-75-005, 480-75-010, 480-75-223, and 480-75-230 are repealed.

42 WAC 480-75-999 is amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

43 WAC 480-75-100, 480-75-200, 480-75-210, 480-75-220, 480-75-250, 480-75-260, 480-75-300, 480-75-310, 480-75-320, 480-75-330, 480-75-340, 480-75-350, 480-75-360, 480-75-370, 480-75-380, 480-75-400, 480-75-410, 480-75-420, 480-75-430, 480-75-440, 480-75-450, 480-75-460, 480-75-500, 480-75-510, 480-75-520, 480-75-530, 480-75-540, 480-75-550, 480-75-600, 480-75-610, 480-75-620, 480-75-630, 480-75-640, 480-75-650, and 480-75-660 are adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

44 This order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code

reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 26th day of August, 2002.

Washington Utilities and Transportation Commission
Marilyn Showalter, Chairwoman
Richard Hemstad, Commissioner
Patrick J. Oshie, Commissioner

Chapter 480-75 WAC

HAZARDOUS LIQUID, GAS, OIL AND PETROLEUM PIPELINE COMPANIES—SAFETY

GENERAL RULES

NEW SECTION

WAC 480-75-100 Definitions. "Backfill" means the material filled over the pipe after the pipe is lowered into a trench.

"Bedding" means the material placed in the bottom of a trench prior to laying a pipe.

"Breakout tank" means a tank that is used to relieve surges in a hazardous liquid pipeline system, or a tank used to receive and store hazardous liquid transported by a pipeline for reinjection and continued transportation by pipeline.

"Company," "pipeline company," or "hazardous liquid pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid or carbon dioxide. A "pipeline company" does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

"Hazardous liquid" means (a) petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 CFR Part 195 and (b) carbon dioxide.

"Independent level alarm" means an alarm function actuated by a primary level sensing device that is separate and independent from any tank gauging equipment on the tank.

"Major construction" means any change in pipeline routing, either horizontally or depth, or replacement of existing pipe of one hundred feet or more in length.

"Maximum operating pressure (MOP)" means the maximum operating pressure at which a pipeline may be operated under 49 CFR Part 195.

"New pipeline" means a new pipeline that did not previously exist, or an extension of an existing pipeline for one hundred feet or longer.

"Operator" means a person who owns or operates pipeline facilities.

"Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any political subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

"Pipeline," "pipeline system," or "hazardous liquid pipeline" means all parts of a pipeline facility through which hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. Pipeline or pipeline system does not include process or transfer pipelines.

"Pipeline facility" means new and existing pipeline, rights of way and any equipment, facility, or building used in the transportation of hazardous liquids or carbon dioxide.

"Release" means when hazardous liquid escapes from the pipeline.

"Subsoiling" means the agricultural practice of breaking compact subsoil.

"Telephonic notification" means verbal notification by telephone to the Washington utilities and transportation commission, pipeline safety division.

NEW SECTION

WAC 480-75-200 Application of rules. The rules in this chapter apply to hazardous liquid pipeline companies that are subject to the jurisdiction of the commission under chapter 81.88 RCW. The purpose of the rules is to provide minimum safety standards and reporting requirements for the transportation of hazardous liquids by pipeline.

NEW SECTION

WAC 480-75-210 Additional requirements. (1) These rules do not relieve any company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any company in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

WAC 480-75-220 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 480-75-250 Civil penalty for violation of chapter 81.88 RCW. (1) Any company that violates any public safety provision of chapter 81.88 RCW or regulation issued thereunder, required for compliance with the Federal Pipeline Safety Law, 49 U.S.C. Section 60101, is subject to a civil penalty not to exceed twenty-five thousand dollars for each violation for each day that the violation persists. The maximum civil penalty under this subsection for a related series of violations is five hundred thousand dollars. This subsection applies to violations of public safety requirements including any commission order or chapter 480-75 WAC.

(2) In determining the amount of the penalty, the commission will consider the appropriateness of the penalty in relation to the position of the person charged with the violation.

NEW SECTION

WAC 480-75-260 Exemption for rules in chapter 480-75 WAC. (1) The commission may grant an exemption from the provisions of any rule in this chapter if consistent with the public interest, with the purposes underlying regulation, and with applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purpose of the rule.

(5) The commission will enter an order granting or denying the request, or setting it for hearing pursuant to chapter 480-09 WAC.

DESIGN

NEW SECTION

WAC 480-75-300 Leak detection. (1) Companies must rapidly locate leaks from their pipeline. Companies must provide leak detection for under flow and no flow conditions.

(2) Leak detection systems must be capable of detecting an eight percent of maximum flow leak within fifteen minutes or less.

(3) Companies must have a leak detection procedure and a procedure for responding to alarms. The operator must maintain leak detection maintenance and alarm records.

NEW SECTION

WAC 480-75-310 Geological considerations. New pipeline designs must consider potential impacts from seismic activity and earth movement.

NEW SECTION

WAC 480-75-320 Overpressure protection. A company must conduct a surge analysis to ensure that the surge pressure does not exceed one hundred ten percent of the MOP. The pressure relief system must be designed and oper-

ated as determined in the surge analysis, at or below the MOP except under surge conditions.

NEW SECTION

WAC 480-75-330 Overfill protection. Break out tanks must have an independent level alarm.

NEW SECTION

WAC 480-75-340 Cathodic protection test station location. Each cathodically protected pipeline must have test stations and other electrical measurement contact points that are located at pipe casings and at locations sufficient to facilitate cathodic protection testing.

NEW SECTION

WAC 480-75-350 Design specifications for new pipeline projects. New pipeline projects must be designed in accordance with ASME B31.4 "Pipeline Transportation Systems for Liquid Hydrocarbon and Other Liquids." Information about the ASME edition adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference.

NEW SECTION

WAC 480-75-360 Class locations. (1) This section classifies pipeline locations for the design of new pipelines. The following criteria apply to classifications under this section.

(a) A "class location unit" is an onshore area that extends 220 yards (200 meters) on either side of the centerline of any continuous 1 mile (1.6 kilometers) of pipeline.

(b) Each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.

(2) Except as provided in subsection (3) of this section, pipeline locations are classified as follows:

(a) A Class 1 location is:

(i) An offshore area; or

(ii) Any class location unit that has ten or fewer buildings intended for human occupancy.

(b) A Class 2 location is any class location unit that has more than ten but fewer than forty-six buildings intended for human occupancy.

(c) A Class 3 location is:

(i) Any class location unit that has forty-six or more buildings intended for human occupancy; or

(ii) An area where the pipeline lies within 100 yards (91 meters) of either a building or a small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by twenty or more persons on at least five days a week for ten weeks in any twelve-month period. (The days and weeks need not be consecutive.)

(d) A Class 4 location is any class location unit where buildings with four or more stories above ground are prevalent.

(3) The continuous one-mile of pipeline must be adjusted to include all buildings in the higher class location. The class location unit must encompass the highest classification of buildings.

NEW SECTION

WAC 480-75-370 Design factor (F) for steel pipe.

Except as otherwise provided in subsections (1), (2) and (3) of this section, the design factor to be used in the design formula in 49 CFR 195.106 for new pipelines is determined in accordance with the following table. Information about the Code of Federal Regulation regarding the version adopted and where to obtain it is set out in WAC 480-75-999, Adoption by reference.

Class location	Design factor (F)
1	0.72
2	0.60
3	0.50
4	0.40

(1) For Class 1 locations a design factor of 0.60 or less must be used in the design formula in 49 CFR 195.106 for steel pipe in Class 1 locations that:

- (a) Crosses the right of way of an unimproved public road, without a casing;
- (b) Crosses without a casing, or makes a parallel encroachment on the right of way of either a hard-surfaced road, a highway, a public street, or a railroad;
- (c) Is supported by a vehicular, pedestrian, railroad, or pipeline bridge; or
- (d) Is used in a fabricated assembly (including mainline valve assemblies, cross-connections, and river crossing headers).

(2) For Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in 49 CFR 195.106 for uncased steel pipe that crosses the right of way of a hard-surfaced road, a highway, a public street, or a railroad.

(3) For Class 1 and Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in 49 CFR 195.106 for:

- (a) Steel pipe in a pump station; and
- (b) Steel pipe (including a pipe riser, on a platform located offshore or in inland navigable waters).

NEW SECTION

WAC 480-75-380 Location of pump stations and breakout tanks for hazardous liquid pipelines.

No new pump station will be located on any hazardous liquid pipeline or be constructed in any zoned area without prior approval of the appropriate zoning authority and acquisition of required permits. In areas not zoned, the distance between any pump station and any existing building intended for human occupancy and not under the control of the company will not be less than five hundred feet. When locating new pump stations and breakout tanks, the operator must consider such hazards as overhead power lines, geologic faults, areas prone

to flooding, landslides, and rock fall. This requirement only applies prior to facility construction.

CONSTRUCTION AND REPAIRS

NEW SECTION

WAC 480-75-400 Backfill and bedding requirements.

(1) For new pipelines or when conducting maintenance activity for existing pipelines backfilling and bedding must be provided in a manner that will provide firm support for the pipeline and in a manner that neither the pipe nor the pipe coating is damaged by the backfill material or by subsequent surface activities.

(2) Where the backfill material contains rocks or hard lumps that could damage the coating, care must be taken to protect the pipe and the pipe coating from damage by such means as the use of mechanical shield material.

(3) Backfilling procedures must not cause distortion of the pipe cross-section that would be detrimental to the operation of the piping, passage of cleaning, or internal inspection devices.

(4) Backfilling must be performed in such a manner as to prevent excessive subsidence or erosion of the backfill and support material. Where a ditch is flooded, care must be exercised so that the pipe is not floated from the bottom of the ditch prior to backfill completion.

(5) For open trench installations that cross paved areas subject to vehicular loading, the backfill must be compacted in layers to a minimum of ninety-five percent relative density.

(6) Bedding material must be clean sand or soil and must not contain stones having a maximum dimension larger than one-half inch. Material must be placed to a minimum depth of six inches under the pipe and six inches over the top of the pipe. The remaining backfill must not contain rock larger than six inches. Organic material and wood is not permitted for bedding and backfill.

NEW SECTION

WAC 480-75-410 Coatings.

All new coated pipe used to transport hazardous liquids must be electrically inspected prior to backfilling, using a holiday detector to check for faults not observable by visual examination. The holiday detector must be operated in accordance with the manufacturer's instructions and at the voltage level appropriate for the electrical characteristics of the pipeline system being tested.

NEW SECTION

WAC 480-75-420 Hydrostatic test requirements.

New or existing hazardous liquid pipelines while being hydrostatically tested must have, at a minimum, the following:

(1) When a manifold is used for hydrostatic testing, then an isolation valve must be provided between the pressure testing manifold and the pipeline being tested. The isolation valve must be rated for the manifold test pressure when in the closed position. The pressure testing manifold in the actual

PERMANENT

pressure test must be separately pressure tested to at least 1.2 times the pipeline test pressure but not less than the discharge pressure of the pump used for the pressure testing.

(2) When a pressure relief valve is used to protect the pipe, then the pressure relief valve(s) must be of adequate capacity and set to relieve at ten percent above the hydrostatic test pressure. The relief valves must be calibrated within one month prior to the hydrotest.

(3) A bleed valve may be provided to protect the pipeline from overpressure. When a bleed valve is used, it must be readily accessible in case immediate depressurization is required.

(4) A test chart or other recording method that shows that the pressure was maintained at the minimum test pressure throughout the entire test must be documented for all hydrostatic tests. A company representative must sign and date the test to certify the validity of the test. All equipment such as hoses, piping, and other equipment used to hydrostatically test the pipe must be rated for at least the target pressure. Each hydrostatic test of a pipeline must be documented to show:

- (a) Test date;
 - (b) Signature of the certifying agent;
 - (c) Beginning and ending times of the test;
 - (d) Beginning and ending temperatures; and
 - (e) Highest and lowest pressure achieved.
- (5) Precautions such as warning signs must be posted indicating a pipeline is under test conditions.

(6) Companies must notify public officials who have jurisdiction encompassing the area affected by the pipeline test.

(7) No additional water is allowed to be added to the pipeline once the hydrostatic test has started. As pressure varies significantly with changing test water temperatures, each operator must take into consideration temperature variation in the test water before accepting the test.

(8) Before conducting a hydrostatic test, a company needs to consider Washington state department of ecology regulations for disposal of testing water.

NEW SECTION

WAC 480-75-430 Welding procedures. (1) For new and existing pipelines, all welding procedures and welders must be qualified to the API Standard 1104 or section 2001 of the ASME Boiler and Pressure Vessel Code. Information about the API standards and the ASME edition adopted, and where to obtain them, are set out in WAC 480-75-999, Adoption by reference. Each welder qualification test result must be recorded and kept for a period of five years, and:

(a) Operators must use testing equipment necessary to measure the essential variables during welder qualification or requalification, and also for procedure qualification or requalification. All essential variables must be recorded as performed during the welding qualification.

(b) Qualified welding procedures must be on-site where welding is being performed.

(2) Welders must carry appropriate identification and qualification cards showing the name of welder, their qualifications, date of qualification expiration, and the company

whose procedures were followed for the qualification. Welders' qualification cards will be subject to commission inspection at all times when personnel are working on facilities subject to commission jurisdiction.

NEW SECTION

WAC 480-75-440 Pipeline repairs. Pipeline repairs must be made in accordance with ASME B31.4 "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids." Information about the ASME edition adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference.

NEW SECTION

WAC 480-75-450 Construction specifications. New pipeline construction must conform to the requirements of ASME B31.4. Information about the ASME edition adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference. The longitudinal seams of connecting pipe joints must be offset by at least two inches. In addition, the longitudinal seams must be located on the upper half of the pipe when laid in the trench. Seamless pipe is exempted from the requirements of the longitudinal seam orientation.

NEW SECTION

WAC 480-75-460 Welding inspection requirements. All new girth welds on new or repaired sections of pipe must be one hundred percent inspected by radiography or automatic ultrasonic testing in accordance with API 1104. Information about the API standards adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference. Companies must keep a log of each weld inspected and keep all inspection records for the life of the pipeline.

OPERATION AND MAINTENANCE

NEW SECTION

WAC 480-75-500 Moving and lowering hazardous liquid pipelines. Prior to moving or lowering any hazardous liquid pipeline, hazardous liquid pipeline companies must prepare a study, to determine whether the proposed action will cause an unsafe condition. This study must be reviewed and approved by a person designated by the company who is qualified to review the study, and retained in the company's files for the life of the pipeline. The study must include pipe stress calculations based on API RP 1117 "Movement of In-Service Pipelines." Information about the API standards adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference.

NEW SECTION

WAC 480-75-510 Remedial action for corrosion deficiencies. Companies must initiate remedial action as necessary to correct deficiencies observed during corrosion moni-

toring, but no later than ninety days after acknowledging the deficiencies.

NEW SECTION

WAC 480-75-520 Inspections during excavation.

Whenever a pipe is exposed for any reason, the operator must examine the pipe for evidence of mechanical damage or external corrosion, including inspecting the coating for evidence of damage. Mechanical damage must be evaluated and repaired as necessary, in accordance with company repair procedures. Coating damage must be repaired prior to reburying the pipeline. If the operator finds active corrosion, general corrosion, or corrosion that has caused a leak, the operator must investigate further to determine the extent of corrosion. The pipeline must be inspected prior to and during backfilling of the exposed section. The results of this inspection must be documented and maintained for the life of the pipeline.

NEW SECTION

WAC 480-75-530 Right of way inspections. Right of way inspections must be scheduled at least once each calendar week. If weather impedes the ability to conduct a fly-over inspection for a consecutive two week period, the weather condition must be noted and the pipeline right of way inspection must be driven or walked within the two week period.

NEW SECTION

WAC 480-75-540 Pipeline markers and above ground facilities. Proper pipeline markers must be placed where hazardous liquid pipelines and any associated facilities are exposed. All hazardous liquid pipelines attached to bridges or otherwise spanning an area must have pipeline markers that are visible and readable at both ends of the suspended pipeline. Each operator must inspect all markers annually. Pipeline markers that are found damaged or missing must be replaced within thirty days.

NEW SECTION

WAC 480-75-550 Change in class location. Companies complying with WAC 480-75-360 and 480-75-370 must reevaluate their maximum operating pressure when there is a change in class location. The class location must be reevaluated periodically but not less often than once every five years.

REPORTING

NEW SECTION

WAC 480-75-600 Maps, drawings, and records of hazardous liquid facilities. (1) All companies must prepare, maintain, and provide to the commission, upon request, copies of maps, drawings, and records that pertain to hazardous liquid pipeline facilities. The maps, drawings, and records

must be of sufficient scale and detail as is necessary to show the size and type of material of all facilities.

(2) Each company must make books, records, reports, and other information available to the commission, so the commission or its authorized representatives can determine whether the company is in compliance with state and federal regulations.

(3) When pipeline facilities are modified, all construction records, revision to maps, and operating history made available to appropriate operations personnel must be updated within six months.

NEW SECTION

WAC 480-75-610 Reporting requirements for proposed construction. (1) At least forty-five days prior to any major construction of any hazardous liquid pipeline intended to be operated at twenty percent or more of the specified minimum yield strength of the pipe used, a report must be filed with the commission setting forth the proposed route and the specifications for such pipeline. The forty-five-day reporting requirement may be waived in the event of an emergency. In the event of an emergency, the company must notify the commission as soon as practical. The report must include, but is not limited to, the following items:

- (a) Description and purpose of the proposed pipeline;
- (b) Pipe specifications and route map;
- (c) Maximum operating pressure for which the pipeline is being constructed;
- (d) Location and construction details of all river crossings or other unusual construction requirements encountered en route; i.e., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways and encroachments, and other areas requiring special or unusual design and construction considerations;
- (e) Corrosion control plan that includes the specifications for coating and for wrapping;
- (f) Welding specifications and welding inspection methods and procedures required during construction of the pipeline;
- (g) Required bending procedures; and
- (h) Location and specification of all mainline block valves indicating whether the valves will be operated by manual or remote control. Indicate other auxiliary equipment to be installed as a part of the pipeline system to be constructed.

(2) For pipelines operating under twenty percent specified minimum yield strength, companies must submit to the commission a written notice at least forty-five days prior to the proposed construction. The notice must include a project description and timeline.

NEW SECTION

WAC 480-75-620 Pressure testing reporting requirements. If pressure testing is to be used to increase the maximum operating pressure of a pipeline, companies must file a report with the commission at least forty-five days prior to pressure testing. The report must include the change in the

maximum operating pressure and include the information required to qualify the pipeline for higher operating pressure.

NEW SECTION

WAC 480-75-630 Incident reporting. (1) Every company must give prompt telephonic notice to the commission within two hours of discovery of an incident such as a release of a hazardous liquid resulting in:

- (a) A fatality;
- (b) Personal injury requiring hospitalization;
- (c) Spills of five gallons or more of product (the commission request voluntary compliance with 49 CFR, Part 195.50 (b). If the Washington state legislature adopts this change, then notice of the five-gallon spill will be mandatory);
- (d) Damage to the property of the company and others of a combined total cost exceeding twenty-five thousand dollars (automobile collisions and other equipment accidents not involving hazardous liquid or hazardous-liquid-handling equipment need not be reported under this rule);
- (e) A significant occurrence in the judgment of the company, even though it does not meet the criteria of (a) through (d) of this subsection;
- (f) The news media reports the occurrence, even though it does not meet the criteria of (a) through (e) of this subsection.

(2) A written report must be sent to the commission within one month of the incident. The report must include the following:

- (a) Name(s) and address(es) of any person or persons injured or killed or whose property was damaged;
- (b) The extent of injuries and damage;
- (c) A description of the incident including date, time, and place;
- (d) A description and maximum operating pressure of the hazardous liquid facilities implicated in the incident and the system operating pressure at the time of the incident;
- (e) The date and time the hazardous liquid facility returns to safe operations; and
- (f) The date, time, and type of any temporary or permanent repair.

(3) An operator must give the commission telephonic notification within twenty-four hours of emergency situations including emergency shutdowns, material defects, or physical damage that impairs the serviceability of the pipeline.

NEW SECTION

WAC 480-75-640 Depth-of-cover survey. For pipelines constructed after April 1, 1970. Every five years depth-of-cover surveys must be conducted in rights of way to ensure the minimum depth-of-cover as required by subsections (1) and (2) of this section has been maintained for the entire pipeline. In areas subject to erosion and subsoiling, the survey period is every three years.

(1) Unless specifically exempted in this section, all pipe must be buried so that it is below the level of cultivation. Except as provided in subsection (2) of this section, the pipe must be installed so that the cover between the top of the pipe

and the ground level, road bed, river bottom, or sea bottom, as applicable, complies with the following table:

Location	Cover (inches) For normal excavation	Cover (inches) For rock excavation
Industrial, commercial, and residential areas	36	30
Crossings of inland bodies of water with a width of at least 100 ft. from high water mark to high water mark	48	18
Drainage ditches at public roads and railroads	36	36
Deepwater port safety zone	48	24
Any other area	30	18

Note: Rock excavation is any excavation that requires blasting or removal by equivalent means.

(2) Less cover than the minimum required by subsection (1) of this section may be used if:

- (a) It is impracticable to comply with the minimum cover requirements; and
- (b) Additional protection is provided that is equivalent to the minimum required cover.

NEW SECTION

WAC 480-75-650 Annual reports. (1) The annual report form No. 6 promulgated by the Federal Energy Regulatory Commission (FERC) is hereby adopted for hazardous liquid pipeline companies. At the close of each calendar year, hazardous liquid pipeline companies must secure from the FERC two copies of the annual report forms. The annual report must be completed for the calendar year's operations. One completed copy of the annual report must be submitted to the commission no later than April 1 of the succeeding year. The second completed copy must be retained by the company.

(2) For those companies not required to file form No. 6 the commission requires those companies to file annual report form 224-225 prescribed by the commission. The annual report will be mailed to each company by February 15 of each year. Companies must submit an annual report to the commission no later than April 1 of the succeeding year.

NEW SECTION

WAC 480-75-660 Operations safety plan requirements. (1) Each company must prepare an operations safety plan (plan) that demonstrates the pipeline system is designed, constructed, operated, and periodically modified to provide for protection of the public and the environment. Facility operations must follow the plan. The plan must be thorough

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and contain enough information, analysis, and supporting documentation to demonstrate the company's ability to meet the requirements of this chapter. The plan may be incorporated into a company's existing operation, maintenance, or emergency plan as required by 49 CFR 195.402.

(2) A log sheet must be included in the plan to record amendments. The log sheet must include the date the old section was eliminated, any new sections that were added, the date, the initials of the individual making the change, and the signature of the person responsible for reviewing the amendment. A description of the amendment(s) and its purpose must be included.

(a) At a minimum, the plan must include the following:

(i) The requirements in chapter 480-75 WAC;

(ii) A schedule of inspection and testing of all the mechanical components and electronic components within the pipeline system;

(iii) Structural integrity of all pipelines determined through pressure testing, in-line inspection surveys, or other appropriate techniques;

(iv) Failsafe systems including emergency shutdown and isolation procedures;

(v) Emergency management training for operators;

(vi) Procedures for responding to earthquakes that must include a threshold for line shutoff, and procedures for integrity monitoring prior to restart; and

(vii) Procedure for assessing the potential for impacts on the pipeline system due to landslides. Operators with facilities located within potential landslide areas must develop monitoring and remediation procedures for ensuring that pipeline integrity is maintained in these areas.

(3) Companies must submit a plan to the commission within twelve months after the adoption of this rule. New companies must submit a plan to the commission no later than sixty days prior to startup.

The plan must be submitted to:

Washington Utilities and Transportation Commission
Pipeline Safety Division
P.O. Box 47250

1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

(4) Amendments to the plan must be submitted to the commission within thirty days of the change.

(5) Companies must ensure that appropriate personnel are trained and familiar with the plan's content.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-75-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

~~((Title 49 Code of Federal Regulations, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.~~

~~(1) The commission adopts the version in effect on July 1, 2001.~~

~~(2) This publication is referenced in WAC 480-75-005.~~

~~(3)) (1) Title 49 Code of Federal Regulations, cited as 49 CFR, Parts 195 and 199 including all appendices and amendments except for 195.0, 195.1, 199.1 and 199.2 published by the United States Government Printing Office.~~

~~(a) The commission adopts the version in effect on June 1, 2002.~~

~~(b) This publication is referenced in WAC 480-75-005.~~

~~(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.~~

~~(2) *The American Society of Mechanical Engineers (ASME) B31.4, 1998 edition.*~~

~~(a) This publication is referenced in WAC 480-75-350, 480-75-440, 480-75-450.~~

~~(b) Copies of ASME B31.4 are available from The American Society of Mechanical Engineers, Park Avenue New York, New York.~~

~~(3) The 2001 edition of *Section IX of the ASME Boiler and Pressure Vessel Code.*~~

~~(a) This publication is referenced in WAC 480-75-430.~~

~~(b) Copies of *Section IX of the ASME Boiler and Pressure Vessel Code* is available from The American Society of Mechanical Engineers, Park Avenue New York, New York.~~

~~(4) The commission adopts *American Petroleum Institute (API) standard 1104 18th edition.*~~

~~(a) This publication is referenced in WAC 480-75-430, 480-75-460.~~

~~(b) Copies of API standard 1104 18th edition are available from the Office of API Publishing Services in Washington DC.~~

~~(5) The commission adopts *API RP standard 1117 Second Edition, August 1996.*~~

~~(a) This publication is referenced in WAC 480-75-500.~~

~~(b) Copies of API standard 1117 Second Edition are available from the Office of API Publishing Services in Washington DC.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-75-002 Application of rules.

WAC 480-75-005 Compliance with federal standards.

WAC 480-75-010 Annual reports.

WAC 480-75-223 Civil penalty for violation of chapter 81.88 RCW or regulations issued thereunder—
Maximum amount.

WAC 480-75-230 Modification/ waivers.

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WSR 02-18-033
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. A-020379, General Order No. R-501—Filed August 26, 2002, 1:42 p.m.]

In the matter of amending and adopting several rules in Title 480 WAC relating to adoption-by-reference date revisions and other minor administrative changes.

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 02-12-131 for an expedited rule making, filed with the code reviser on June 5, 2002. The commission brings this proceeding pursuant to RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts this rule on the date that this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the commission's consideration of the comments.

5 In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing and at the open meetings where the commission considered whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 REFERENCE TO AFFECTED RULES: This rule amends or adopts the following sections of the Washington Administrative Code:

Affected Rules			
Action	WAC No.	Rule Title	Changes
Chapter 480-14 WAC, Motor carriers excluding household goods carriers and common brokers.			
Amend	480-14-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of-Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-15 WAC, Household goods carriers.			
Amend	480-15-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of-Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-30 WAC, Auto transportation companies.			
Amend	480-30-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of-Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-31 WAC, Private, nonprofit transportation providers.			
Amend	480-31-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of-Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-40 WAC, Passenger charter carriers.			
Amend	480-40-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of-Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001

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Chapter 480-62 WAC, Railroad companies—Operations.			
Amend	480-62-999	Adoption by reference.	1. Adoption by reference dates changed as follows: Title 49 Code of Federal Regulations, October 1, 2001 MUTCD – no change WSDOT Chapter 480-95 WAC – no change ANSI Z308.1, December 31, 1998 (replaces L&I rules) L&I Chapter 296-24 WAC – repealed ANSI/ISEA 107, no change Title 49 United States Code, January 2, 2002
Amend	480-62-240	Passenger carrying vehicles—Equipment.	1. Changes in subsection (1)(h) removes reference to repealed L&I rules, WAC 296-24-06145 and 296-24-06160, Appendix 2 and replaces the repealed rules with the ANSI standard, ANSI Z308.1 (Minimum Requirements for Workplace First Aid Kits). A cross reference directing the reader to WAC 480-62-999 is also added.
Chapter 480-70 WAC, Solid waste collection companies.			
Amend	480-70-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of-Service Criteria, April 1, 2002 Title 40 Code of Federal Regulations, July 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-90 WAC, Gas companies—Operations.			
Amend	480-90-999	Adoption by reference.	1. Adoption by reference dates changed as follows: Title 18 Code of Federal Regulations, April 1, 2002
Amend	480-90-203	Accounting system requirements.	1. Change in subsection (1) identifies the specific part of Title 18 CFR that applies to accounting requirements - Part 201. 2. New subsection (4) added to clarify that adopting the most current version of FERC requirements does not supercede prior commission orders directing companies to treat accounting items in a specific manner such as depreciation accounting.
Amend	480-90-208	Financial reporting requirements.	1. Change in subsection (1)(a) identifies the specific part of Title 18 that applies to accounting requirements - Part 260.
Chapter 480-100 WAC, Electric companies.			
Amend	480-100-999	Adoption by reference.	1. Adoption by reference dates changed as follows: Title 18 Code of Federal Regulations, April 1, 2002 National Electrical Code, 2002 ANSI C12.1, 2001 2. Change in subsection (3) corrects National Electric Code reference to National Electrical Code.
Amend	480-100-163	Service entrance facilities.	1. Changes in subsection (2) corrects National Electric Code reference to National Electrical Code.
Amend	480-100-203	Accounting system requirements.	1. Change in subsection (1) identifies the specific part of Title 18 CFR that applies to accounting requirements - Part 101. 2. New subsection (4) added to clarify that adopting the most current version of FERC requirements does not supercede prior commission orders directing companies to treat accounting items in a specific manner such as depreciation accounting.
Amend	480-100-208	Financial reporting requirements.	1. Change in subsection (1)(a) identifies the specific part of Title 18 that applies to accounting requirements - Part 141.

Chapter 480-110 WAC, Water companies.			
New Section	480-110-999	Adoption by reference.	1. New section created so the section number will be consistent throughout Title 480 WAC chapters. 2. Adoption by reference dates added as follows: Uniform System of Accounts for Water Utilities, 1996 Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies, 1985 3. Cross-references added that identify the sections within this chapter that refer to adopted material.
Amend	480-110-275	Accounting and reporting requirements, and regulatory fees.	1. A punctuation correction is made to the rule title. 2. Change in subsection (1) adds a cross-reference to WAC 480-110-999.
Amend	480-110-485	Retention and preservation of records and reports.	1. Change in subsection (2) adds a cross-reference to WAC 480-110-999

7 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: A preproposal statement of inquiry is not required under RCW 34.05.353, Expedited rule making.

8 NOTICE OF EXPEDITED RULEMAKING: The commission filed notice of expedited rule making (CR-105) on June 5, 2002, at WSR 02-12-131. The notice informed interested persons that the rules were being proposed under an expedited rule-making process as required by RCW 34.05.353. The commission provided notice of its expedited rule making to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.353, and by sending notice to all companies affected by the adoption-by-reference rule proposal. The notice provided interested persons the opportunity to submit written comments to the commission not later than August 5, 2002. The commission posted the relevant rule-making information on its internet website at www.wutc.wa.gov.

9 COMMENTERS (WRITTEN COMMENTS): The Washington State Patrol submitted written comments supporting the proposed rules.

10 RULE-MAKING HEARING: The rule proposal was considered for adoption, pursuant to the notice, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on August 14, 2002, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad and Commissioner Patrick J. Oshie. No interested person commented.

11 COMMISSION ACTION: After considering all of the information regarding this proposal, the commission amended and adopted the rules as proposed in the CR-105 at WSR 02-12-131.

12 CHANGES FROM PROPOSAL: The commission adopted the proposal without changes from the text noticed at WSR 02-12-131.

13 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: In reviewing the entire record, the commission determines that WAC 480-14-999, 480-15-999, 480-30-999,

480-31-999, 480-40-999, 480-62-999, 480-62-240, 480-70-999, 480-90-999, 480-90-203, 480-90-208, 480-100-999, 480-100-163, 480-100-203, 480-100-208, 480-110-275, and 480-110-485 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

14 The commission also determines that WAC 480-110-999 should be adopted to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

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 17, 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.

ORDER

15 THE COMMISSION ORDERS That:

16 WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-40-999, 480-62-999, 480-62-240, 480-70-999, 480-90-999, 480-90-203, 480-90-208, 480-100-999, 480-100-163, 480-100-203, 480-100-208, 480-110-275, and 480-110-485 are amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission,

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to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

17 WAC 480-110-999 is adopted to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the code reviser pursuant to RCW 34.05.380(2).

18 This order and the rules set out in Appendix A, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 26th day of August, 2002.

Washington Utilities and Transportation Commission
Marilyn Showalter, Chairwoman
Richard Hemstad, Commissioner
Patrick J. Oshie, Commissioner

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-14-999 Adoption of reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2001)) 2002.

(b) This publication is referenced in WAC 480-14-360, 480-14-370 and 480-14-390.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2000)) 2001.

(b) This publication is referenced in WAC 480-14-040, 480-14-070, 480-14-250, 480-14-360, 480-14-370, 480-14-380, 480-14-390 and 480-14-400.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-15-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available

for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2001)) 2002.

(b) This publication is referenced in WAC 480-15-560.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2000)) 2001.

(b) This publication is referenced in WAC 480-15-560 and 480-15-570.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-30-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2001)) 2002.

(b) This publication is referenced in WAC 480-30-097 and 480-30-100.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2000)) 2001.

(b) This publication is referenced in WAC 480-30-095 and 480-30-100.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-31-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2001))~~ 2002.

(b) This publication is referenced in WAC 480-31-120.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ~~((2000))~~ 2001.

(b) This publication is referenced in WAC 480-31-100, 480-31-120, 480-31-130 and 480-31-140.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-40-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2001))~~ 2002.

(b) This publication is referenced in WAC 480-40-065.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ~~((2000))~~ 2001.

(b) This publication is referenced in WAC 480-40-070 and 480-40-075.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. TR-981102, General Order No. R-477, filed 1/30/01, effective 3/2/01)

WAC 480-62-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) Title 49 Code of Federal Regulations, cited as 49 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((January 29))~~ October 1, 2001.

(b) This publication is referenced in WAC 480-62-160, 480-62-200, 480-62-205, 480-62-210, 480-62-215, 480-62-235 and 480-62-240.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle Office of the Government Printing Office and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices**, cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-230, 480-62-235 and 480-62-245.

(c) Copies of the MUTCD are available from the Seattle Office of the Government Printing Office and from various third-party vendors.

(3) **Washington state department of transportation rules**, cited as chapter 468-95 WAC, are published by the statute law committee.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-230.

(c) Copies of the Washington state department of transportation rules are available from the department of transportation or on the internet website for the office of the code reviser (slc.leg.wa.gov).

~~((Washington state department of labor and industries rules, cited as chapter 296-24 WAC, are published by the statute law committee.~~

~~(a) The commission adopts the version in effect on January 29, 2001.~~

~~(b) This publication is referenced in WAC 480-62-240.~~

~~(c) Copies of the Washington state department of labor and industries rules are available from the department of labor and industries or on the internet website for the office of the code reviser (slc.leg.wa.gov).)) **ANSI Z308.1 - 1998 American National Standard for Minimum Require-**~~

ments for Workplace First Aid Kits is published by the American National Standards Institute.

(a) The commission adopts the version in effect on December 31, 1998.

(b) This publication is referenced in WAC 480-62-240.

(c) Copies of ANSI Z308.1 - 1998 American National Standard for Minimum Requirements for Workplace First Aid Kits are available from the American National Standards Institute, 11 West 42nd Street, NY, NY 10036 or on the internet website for the American National Standards Institute (<http://web.ansi.org/>).

(5) ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel is published by the American National Standards Institute.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-235.

(c) Copies of ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel are available from the American National Standards Institute, 11 West 42nd Street, NY, NY 10036 or on the internet website for the American National Standards Institute (<http://web.ansi.org/>).

(6) Title 49 United States Code, cited as 49 U.S.C., is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on January 2, 2002.

(b) This publication is referenced in WAC 480-62-200.

(c) Copies of Title 49 United States Code are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. TR-981102, General Order No. R-477, filed 1/30/01, effective 3/2/01)

WAC 480-62-240 Passenger carrying vehicles—Equipment. (1) Equipment requirements for all vehicles.

(a) Vehicles must comply with all applicable equipment requirements of Title 46 RCW.

(b) Vehicles must have exhaust systems that prevent exposure of passengers to the vehicle's emissions.

(c) Vehicles must have two external rear vision mirrors, one at each side of the cab. The mirrors must be firmly attached to the motor vehicle at a point where the driver is provided a view of the highway to the rear along both sides of the vehicle. An outside mirror may be placed only on the driver's side on vehicles in which the driver has a view to the rear by means of an interior mirror.

(d) Vehicles must be equipped with a steering system maintained to insure that lash or preplay do not exceed those values set forth in 49 CFR, Parts 570.7 and 570.60 (Vehicle in Use Inspection Standards). Information about Title 49 CFR regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(e) Vehicles must have a heating system that will maintain an ambient temperature of at least fifty-five degrees in passenger areas.

(f) Vehicles must have at least three red-burning fuses, three red portable emergency reflectors, or at least two red

cloth flags suitable for warning the motoring public in an emergency. The driver must ensure that such equipment is in the vehicle and is maintained in good condition. Any devices that may create a spark or open flame must be carried in a separate compartment or a closed metal container provided for that purpose.

(g) Vehicles must have a two and one-half pound dry chemical fire extinguisher or its equivalent, properly filled and located where it is readily accessible for use. The extinguisher must allow visual determination of the state of its charge at all times. The extinguishing agent must be nontoxic and preferably noncorrosive. The fire extinguisher must be suitable for attachment to the motor vehicle, bear the label of approval by the Underwriters Laboratories, Inc., and be kept in good working condition at all times.

(h) Vehicles must have a first-aid kit located where it is readily accessible. The kit must contain all of the items specified in (~~WAC 296-24-06145 and 296-24-06160, Appendix 2, adopted by the department of labor and industries~~) ANSI 2308.1, Minimum Requirements for Workplace First Aid Kits. Additionally, the kit must contain gloves capable of preventing exposure to bloodborne pathogens. Items used from first-aid kits must be replaced before the next shift, and kits must be checked for compliance with this rule if the seal on the kit is broken. Information about (~~chapter 296-24 WAC~~) ANSI 2308.1 regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) Equipment requirements for specified vehicles.

(a) Coupling devices used on a vehicle equipped with retractable flange wheels for operation on railroad tracks must be substantial and made of metal. The devices must be equipped with safety chains or straps of sufficient strength to prevent separation in the event of accidental uncoupling.

(b) A passenger compartment separate from the cab of the vehicle must be made of metal and be fastened directly to the frame of the vehicle. The compartment must have an interior lining sufficient to absorb condensation, and padded seats and backrests firmly secured in place. The floor of the compartment must be constructed to bear the weight of all cargo and passengers. The floor must not have unnecessary openings, and it must be constructed to prevent the entry of noxious fumes or permeation with flammable materials. The compartment must have a curtain of nonpermeable material of sufficient weight and size to close off the rear opening and a tailgate which must be closed whenever the vehicle is in motion. If the bottom of the entrance to the passenger compartment is more than three feet six inches above ground level, the vehicle must have permanent or temporary steps designed for the safe boarding and discharge of passengers.

(c) Communication between a cab and a separated passenger compartment must be provided by means of a light or audible device mounted in the cab of the vehicle that may be activated by a passenger in the rear compartment.

(d) On vehicles designed to transport nine or more passengers, an emergency exit must be placed at the end of the vehicle opposite the regular entrance. The exit must be at least six and one-half square feet in area, and the smallest dimension must be at least eighteen inches. The route to and from the emergency exit must be unobstructed at all times.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-49 i, filed 9/28/01, effective 10/29/01)

WAC 480-70-999 Adoption by reference. In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **The North American Uniform Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, (~~2001~~) 2002.

(b) This publication is referenced in WAC 480-70-201.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 40 Code of Federal Regulations**, cited as 40 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on July 1, (~~2001~~) 2002.

(b) This publication is referenced in WAC 480-70-041.

(c) Copies of Title 40 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations**, cited as 49 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, (~~2000~~) 2001.

(b) This publication is referenced in WAC 480-70-201, 480-70-431 and 480-70-486.

(c) Copies of Title 49 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. UG-990294, General Order No. R-484, filed 5/3/01, effective 6/3/01)

WAC 480-90-203 Accounting system requirements.

(1) Gas utilities in the state of Washington must use the uniform system of accounts applicable to major and nonmajor gas utilities as published by the Federal Energy Regulatory Commission (FERC) in Title 18 of the Code of Federal Regulations, Part 201. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-90-999, Adoption by reference.

(2) Gas utilities having multistate operations must maintain records in such detail that the costs of property located and business done in Washington can be readily ascertained in accordance with geographic boundaries.

(3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will be accomplished only after due notice and order of this commission.

(4) This rule does not supercede any commission order regarding accounting treatments.

AMENDATORY SECTION (Amending Docket No. UG-990294, General Order No. R-484, filed 5/3/01, effective 6/3/01)

WAC 480-90-208 Financial reporting requirements.

(1) **Annual reports.**

(a) Gas utilities must use the annual report form (FERC Form No. 2) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 260, for purposes of annual reporting to this commission. Data required by RCW 80.04.080, Annual reports, but not included in the FERC Form No. 2, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 2 regarding the version adopted and where to obtain it is set out in WAC 480-90-999, Adoption by reference.

(b) Utilities must also submit to this commission, in essentially the same format and content as the FERC Form No. 2, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales;

(c) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation schemes for rate-making purposes is accomplished only by commission order;

(d) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

(2) **Commission basis reports (annual).**

(a) The intent of the "commission basis" report is to depict the gas operations of a utility under normal temperature and gas supply conditions during the reporting period. The commission basis report must include the following:

(i) Booked results of gas operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(ii) Actual adjusted results of operations for out-of-period, nonoperating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(iii) Adjusted booked revenues and gas supply expenses to reflect operations under normal temperature conditions before the achieved return on rate base is calculated;

(b) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes dur-

ing a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission;

(c) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of gas operations for the state of Washington;

(d) Commission basis reports are due within four months of the end of a utility's fiscal year.

(3) **Quarterly reports.** Gas utilities must file a report of actual results for Washington operations within forty-five days of the end of each quarter. The results of operations report must contain each of the three monthly balances and the latest twelve months' ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

(4) **Additional reports.** This section does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

AMENDATORY SECTION (Amending Docket No. UG-990294, General Order No. R-484, filed 5/3/01, effective 6/3/01)

WAC 480-90-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ~~((2000))~~ 2002.

(b) This publication is referenced in WAC 480-90-203, Accounting system requirements, and WAC 480-90-208, Financial reporting requirements.

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-90-228, Retention and preservation of records and reports.

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-163 Service entrance facilities. (1) An electric utility may require customers to:

(a) Provide service entrance facilities at the easiest access point to the utility's distribution system; and

(b) Comply with reasonable requirements to keep those facilities free from tampering or interference.

(2) In order to permit the required clearances, utilities may require their customers to provide a structurally sound point of attachment for the utility's service conductors pursuant to the National ~~((Electric))~~ Electrical Code. Information about the National ~~((Electric))~~ Electrical Code regarding the version adopted and where to obtain it is set out in WAC 480-100-999 Adoption by reference.

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-203 Accounting system requirements. (1) Electric utilities in the state of Washington must use the uniform system of accounts applicable to major and nonmajor electric utilities as published by the Federal Energy Regulatory Commission (FERC) in Title 18 of the Code of Federal Regulations, Part 101. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(2) Electric utilities having multistate operations must maintain records in such detail that the costs of property located and business done in the state of Washington can be readily ascertained in accordance with geographic boundaries.

(3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will be accomplished only after due notice and order of this commission.

(4) This rule does not supercede any commission order regarding accounting treatments.

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-208 Financial reporting requirements. (1) **Annual reports.**

(a) Electric utilities must use the annual report form (FERC Form No. 1) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 141, for purposes of annual reporting to this commission. Data required by RCW 80.04.080 Annual reports, but not included in the FERC Form No. 1, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Infor-

mation about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(b) Utilities must also submit to this commission, in essentially the same format and content as the FERC Form No. 1, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales;

(c) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation schemes for rate-making purposes is accomplished only by commission order;

(d) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

(2) Commission basis reports (annual).

(a) The intent of the "commission basis" report is to depict the electric operations of a utility under normal temperature and power supply conditions during the reporting period. The commission basis report must include the following:

(i) Booked results of electric operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(ii) Actual adjusted results of operations for out-of-period, nonoperating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(iii) Adjusted booked revenues and power supply expenses to reflect operations under normal temperature and power supply conditions before the achieved return on rate base is calculated;

(b) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission.

(c) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of electric operations for the state of Washington;

(d) Commission basis reports are due within four months of the end of a utility's fiscal year.

(3) **Quarterly reports.** Electric utilities must file a report of actual results for Washington operations within forty-five days of the end of each quarter. The results of operations report must contain each of the three monthly balances and the latest twelve months ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

(4) **Additional reports.** This section does not supersede any reporting requirement specified in a commission order or

limit the commission's ability to request additional information.

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ~~((2000))~~ 2002.

(b) This publication is referenced in WAC 480-100-203, Accounting system requirements and WAC 480-100-208, Financial reporting requirements;

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-100-228, Retention and preservation of records and reports.

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.;

(3) The National ~~((Electric))~~ Electrical Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the version published in ~~((1999))~~ 2002.

(b) This publication is referenced in WAC 480-100-163, Service entrance facilities;

(c) The National ~~((Electric))~~ Electrical Code is a copyrighted document. Copies are available from the NFPA, in Quincy, Massachusetts.

(4) The American National Standard for Electric Meters: Code for Electricity Metering, ANSI C12.1 is published by the American National Standards Institute.

(a) The commission adopts the version published in ~~((1995))~~ 2001.

(b) This publication is referenced in WAC 480-100-318, Meter readings, multipliers, and test constants; WAC 480-100-338, Accuracy requirements for electric meters; and WAC 480-100-343, Statement of meter test procedures.

(c) The ANSI C12.1 is a copyrighted document. Copies are available from Global Engineering Documents in Englewood, Colorado.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-275 Accounting and reporting requirements, and regulatory fees. (1) Water companies must use the uniform system of accounts (USOA) published by the National Association of Regulatory Utility Commissioners (NARUC). Information about the USOA regarding the version adopted and where to obtain it is set out in WAC 480-110-999, Adoption by reference. The USOA sets out the accounting requirements for class A, B, and C water companies.

Water companies are classified by revenues.

Class	Annual Gross Operating Revenue
A	\$1,000,000 or more
B	\$200,000 to \$999,999
C	Less than \$200,000

(2) A water company may use the accounting requirements for a higher class if it chooses.

(3) The commission will distribute an annual report form that each water company must complete and file with the commission for the prior calendar year. The annual report must be filed, and the company's regulatory fee paid, no later than May 1 of each year.

(4) A written request for the extension of the time for filing the annual report can be made prior to May 1. The commission does not grant an extension of time for payment of regulatory fees.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-485 Retention and preservation of records and reports. (1) The water company must retain all records and reports for three years unless otherwise specified in subsection (2) of this section.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas and Water Companies*, published by the National Association of Regulatory Utility Commissioners is prescribed as the requirement for the state of Washington. ~~((This document is available at the commission branch of the Washington state library. The commission secretary will provide a copy of the document on request, subject to any charge, or it may be ordered directly from the National Association of Regulatory Utility Commissioners.))~~ Information about the *Regulations to Govern the Preservation of Records of Electric, Gas and Water Companies* regarding the version adopted and where to obtain it is set out in WAC 480-110-999, Adoption by reference.

NEW SECTION

WAC 480-110-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references

within this chapter, and availability of the resources are as follows:

(1) The *Uniform System of Accounts for Water Utilities* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1996.

(b) This publication is referenced in WAC 480-110-275, Accounting, and reporting requirements and regulatory fees.

(c) The *Uniform System of Account for Water Utilities* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-110-485, Retention and preservation of records and reports.

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

WSR 02-18-036

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed August 26, 2002, 3:11 p.m.]

Date of Adoption: August 26, 2002.

Purpose: WAC 458-29A-400 provides information about exemptions from the leasehold excise tax and currently implements RCW 82.29A.130 and 82.29A.132. The rule has been revised to incorporate recent legislative changes. This revised rule now contains information from the following statutes:

- RCW 82.29A.134 (chapter 4, Laws of 2000 2nd sp.s.), which provides a leasehold excise tax exemption for all leasehold interests in property of a regional transit authority or public corporation created under RCW 81.112.320 under an agreement under RCW 81.112.300; and
- RCW 82.29A.136 (chapter 26, Laws of 2001), which provides a leasehold excise tax exemption for leasehold interests consisting of three thousand or more residential and recreational lots that are or may be subleased for residential and recreational purposes.

WAC 458-29A-400 also incorporates information from Excise Tax Advisory 552.99.29A, which will be canceled in conjunction with the effective date of this revised rule. WAC 458-29A-400 has also been revised to slightly modify subsection (3) describing the exemption for leasehold interests in student housing at public or nonprofit schools or colleges, and subsection (11) describing the exemption for properties rented for residential purposes on a month-to-month basis pending destruction or removal for construction of a public highway or building. The result is that the language of the rule more closely conforms to the statutory language.

PERMANENT

Citation of Existing Rules Affected by this Order:
Amending WAC 458-29A-400 Leasehold excise tax—
Exemptions.

Statutory Authority for Adoption: RCW 82.29A.140.

Adopted under notice filed as WSR 02-13-106 on June 18, 2002.

Changes Other than Editing from Proposed to Adopted Version: In subsection (8), "Yakima tribe" was changed to "Yakama Nation."

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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 26, 2002

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 99-20-053, filed 10/1/99, effective 11/1/99)

WAC 458-29A-400 Leasehold excise tax—Exemptions. (1) **Introduction.** This rule explains the exemptions from leasehold excise tax provided by RCW 82.29A.130 ((establishes a number of exemptions from the leasehold excise tax)), 82.29A.132, 82.29A.134, and 82.29A.136. To be exempt from the leasehold excise tax, the property subject to the leasehold interest must be used exclusively for the purposes for which the exemption is granted.

(2) **Operating properties of a public utility.** All leasehold interests that are part of the operating properties of a public utility are exempt from leasehold excise tax if the leasehold interest is assessed and taxed as part of the operating property of a public utility under chapter 84.12 RCW.

For example, tracks leased to a railroad company at the Port of Seaside are exempt from leasehold excise tax because the railroad is a public utility assessed and taxed under chapter 84.12 RCW and the tracks are part of the railroad's operating properties.

(3) **Student housing at public and nonprofit schools and colleges.** All leasehold interests in facilities owned or used by a ((public)) school, college, or university ((to)) which leasehold provides housing to students are exempt from leasehold excise tax if the student housing is exempt from property tax under RCW 84.36.010 and 84.36.050.

For example, the leasehold interest associated with a building used as a dormitory for Public University students is exempt from the leasehold excise tax.

(4) **Subsidized housing.** All leasehold interests of subsidized housing are exempt from leasehold excise tax if the property is owned in fee simple by the United States, the state of Washington((;)) or any of its political subdivisions, ((owns the property in fee simple)) and residents of the housing are subject to specific income qualification requirements.

For example, a leasehold interest in an apartment house that is subsidized by the ((Federal)) United States Department of Housing and Urban Development is exempt from leasehold excise tax if the property is owned by the state of Washington and residents are subject to income qualification requirements.

(5) **Nonprofit fair associations.** All leasehold interests used for fair purposes of a nonprofit fair association are exempt from leasehold excise tax if the fair association sponsors or conducts a fair or fairs supported by revenues collected under RCW 67.16.100 and allocated by the director of the department of agriculture. The property must be owned in fee simple by the United States, the state of Washington((;)) or any ((public)) of its political subdivisions. However, if a nonprofit association subleases exempt property to a third party, the sublease is a taxable leasehold interest.

For example, a leasehold interest held by the Local Nonprofit Fair Association is considered exempt from leasehold excise tax. However, if buildings on the fairgrounds are rented to private parties for storage during the winter, these rentals may be subject to the leasehold excise tax.

(6) **Public employee housing.** All leasehold interests in public property used as a residence by an employee of the public owner are exempt from leasehold excise tax if the employee is required to live on the public property as a condition of his or her employment. ((For example, a cabin used as a residence by a forest ranger in the Northwest National Forest is exempt from leasehold excise tax if the cabin is owned by the United States, the ranger is employed by the U.S. Forest Service (an agency of the United States government), and the ranger is required to live in the Northwest National Forest as a condition of his/her employment.)) The "condition of employment" requirement is met only when the employee is required to accept the lodging in order to enable the employee to properly perform the duties of his or her employment. However, the "condition of employment" requirement can be met even if the employer does not compel an employee to reside in a publicly owned residence.

The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The status of each situation must be determined after a review of all of the facts and circumstances.

(a) A park ranger employed by the National Park Service, an agency of the United States government, resides in a house furnished by the agency at a national park. The ranger is required to be on call twenty-four hours a day to respond to requests for assistance from park visitors staying at an adjacent overnight campground. The use of the house is exempt from leasehold excise tax because the lodging enables the ranger to properly perform her duties.

(b) An employee of the Washington department of fish and wildlife resides in a house furnished by the agency at a fish hatchery although, under the terms of a collective bargaining agreement, the agency may not compel the employee to live in the residence as a condition of employment. In exchange for receiving use of the housing provided by the agency, the employee is required to perform additional duties, including regularly monitoring certain equipment at the hatchery during nights and on weekends and escorting public visitors on tours of the hatchery on weekends. The use of the house is exempt from leasehold excise tax because the lodging enables the employee to properly perform the duties of his employment. The use is exempt even though the employee would continue to be employed by the agency if the additional duties were not performed and even though state employees of an equal job classification are not required to perform the additional duties.

(c) A professor employed by State University is given the choice of residing in university-owned campus housing free of charge or of residing elsewhere and receiving a cash allowance in addition to her regular salary. If she elects to reside in the campus housing free of charge, the value of the lodging furnished to the professor would be subject to leasehold excise tax because her residence on campus is not required for her to perform properly the duties of her employment.

(7) Interests held by enrolled Indians. Leasehold interests held by enrolled Indians are exempt from leasehold excise tax if the lands are owned or held by any Indian or Indian tribe, and the fee ownership of the land is vested in or held in trust by the United States, unless the leasehold interests are subleased to a lessee which would not qualify under chapter 82.29A RCW, RCW 84.36.451 and 84.40.175 and the tax on the lessee is not preempted due to the balancing test (see WAC 458-20-192).

Any leasehold interest held by an enrolled Indian or a tribe, where the leasehold is located within the boundaries of an Indian reservation, on trust land, on Indian country, or is associated with the treaty fishery or some other treaty right, is not subject to leasehold excise tax. For example, if an enrolled member of the Puyallup Tribe leases port land at which the member keeps his or her boat, and the boat is used in a treaty fishery, the leasehold interest is exempt from the leasehold tax. For more information on excise tax issues related to enrolled Indians, see WAC 458-20-192 (Indians—Indian (~~reservations~~) ~~country~~).

(8) Leases on Indian lands to non-Indians. Leasehold interests held by non-Indians (not otherwise exempt from tax due to the application of the balancing test described in WAC 458-20-192) in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or subject to a restriction against alienation imposed by the United States ((that are held by a non-Indian not otherwise exempt from tax due to the application of the balancing test under WAC 458-20-192)) are exempt from leasehold excise tax if the amount of contract rent paid is greater than or equal to ninety percent of fair market rental value. In determining whether the contract rent of such lands meets the required level of ninety percent of market value, the depart-

ment will use the same criteria used to establish taxable rent under RCW 82.29A.020 (2)(b) ((~~t~~) and WAC 458-29A-200(~~t~~)).

For example, Harry leases land held in trust by the United States for the ((~~Yakima tribe~~) Yakama Nation) for the sum of \$900 per month. The fair market value for similar lands used for similar purposes is \$975 per month. The lease is exempt from the leasehold excise tax because Harry pays at least ninety percent of the fair market value for the qualified lands. For more information on the preemption analysis and other tax issues related to Indians, see WAC 458-20-192.

(9) Annual taxable rent is less than two hundred fifty dollars. Leasehold interests for which the taxable rent is less than \$250 per year are exempt from leasehold excise tax. For the purposes of this exemption, if the same lessee has a leasehold interest in two or more contiguous parcels of property owned by the same public lessor, the taxable rent for each contiguous parcel will be combined and the combined taxable rent will determine whether the threshold established by this exemption has been met. To be considered contiguous, the parcels must be in closer proximity than merely within the boundaries of one piece of property. When determining the annual leasehold rent, the department will rely upon the actual substantive agreement between the parties. Rent payable pursuant to successive leases between the same parties for the same property within a twelve-month period will be combined to determine annual rent; however, a single lease for a period of less than one year will not be projected on an annual basis.

The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The status of each situation must be determined after a review of all of the facts and circumstances.

(a) The yacht club rents property from the Port of Bay City for its clubhouse and moorage. It also rents a parking stall for its commodore. The parking stall is separated from the clubhouse only by a common walkway. The parking stall lease is a part of the clubhouse lease because it is contiguous to the clubhouse, separated only by a necessary walkway.

(b) Ace Flying Club rents hangars, tie downs, and ramps from the Port of Desert City. It has separate leases for several parcels. The hangars are separated from the tie down space by a row of other hangars, each of which is leased to a different party. Common ramps and roadways also separate the club's hangars from its tie-downs. The hangars, because they are adjacent to one another, create a single leasehold interest. The tie downs are a separate taxable leasehold interest because they are not contiguous with the hangars used by Ace Flying Club.

(c) Grace leases a lot from the City of Flora, from which she sells crafts at different times throughout the year. She pays \$50 per month for the lot, and has a separate lease for each season during which she sells. She has one lease from May through September, and a separate lease for the time between Thanksgiving and Christmas, which might run thirty to forty days, depending on the year. The leases will be combined for the purposes of determining the leasehold excise tax. They relate to the same piece of property, for the same activity by the same lessee, and occur within the same year.

(d) Elizabeth owns a Christmas tree farm. Every year she rents a small lot from the Port of Capital City, adjacent to its airport, to sell Christmas trees. She pays \$125 to the port to rent the lot for 6 weeks. It is the only time during the year that she rents the lot. Her lease is exempt from the leasehold excise tax, because it does not exceed \$250 per year in taxable rent.

(10) **Leases for a continuous period of less than thirty days.** Leasehold interests that provide use and possession of public property for a continuous period of less than thirty days are exempt from leasehold excise tax. In determining the duration of the lease, the department will rely upon the actual agreement and/or practice between the parties. If a single lessee is given successive leases or lease renewals of the same property, the arrangement is considered a continuous use and possession of the property by the same lessee. A leasehold interest does not give use and possession for a period of less than thirty days based solely on the fact that the public lessor has reserved the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(11) **Month-to-month leases in residential units to be demolished or removed.** Leasehold interests in properties rented for residential purposes on a month-to-month basis pending destruction or removal for construction of a public highway or public building are exempt from the leasehold excise tax. ~~((For example))~~ Thus, if the state or other public entity has acquired private ~~((properties))~~ property for purposes of building or expanding a highway ((expansion)), or for the construction of public buildings at an airport ((expansion)), ((or)) the capitol campus ((expansion)), or some other public facility, and the public entity rents ((those residential units)) the property for residential purposes on a month-to-month basis pending ((their)) destruction or removal for construction, these leases do not create taxable leasehold interests. This exemption does not require evidence of imminent removal of the residential units; the term "pending" merely means "while awaiting." The exemption is based upon the purpose for which the public entity holds the units.

For example, State University has obtained capital development funding for the construction of new campus buildings, and has purchased a block of residential property adjacent to campus for the sole purpose of expansion. Jim leases these houses from State University pursuant to a month-to-month rental agreement and rents them to students. Construction of the new buildings is not scheduled to begin for two years. Jim is not subject to the leasehold excise tax, because State University is holding the residential properties for the sole purpose of expanding its facilities, and Jim is leasing them pending their certain, if not imminent, destruction.

(12) **Public works contracts.** Leasehold interests in publicly owned real or personal property held by a contractor solely for the purpose of a public improvements contract or work to be executed under the public works statutes of Washington state or the United States are exempt from leasehold excise tax. To receive this exemption, the contracting parties must be the public owner of the property and the contractor that performs the work under the public works statutes.

For example, during construction of a second deck on the Nisqually Bridge pursuant to a public works contract between the state of Washington and Tinker Construction, any leasehold interest in real or personal property created for Tinker solely for the purpose of performing the work necessary under the terms of the contract is exempt from leasehold excise tax.

(13) **Correctional industries in state adult correctional facilities.** Leasehold interests for the use and possession of state adult correctional facilities for the operation of correctional industries under RCW 72.09.100 are exempt from leasehold excise tax.

For example, a profit or nonprofit organization operating and managing a business within a state prison under an agreement between it and the department of corrections is exempt from leasehold excise tax for its use and possession of state property.

(14) **Camp facilities for disabled persons.** Leasehold interests in a camp facility are exempt from leasehold excise tax if the property is used to provide organized and supervised recreational activities for disabled persons of all ages, and for public recreational purposes, by a nonprofit organization, association, or corporation which would be exempt from property tax under RCW 84.36.030(1) if it owned the property.

For example, a county park with camping facilities leased to a nonprofit charitable organization is exempt from leasehold excise tax if the nonprofit allows the property to be used by the general public for recreational activities throughout the year, and to be used as a camp for disabled persons for two weeks during the summer.

(15) **Public or entertainment areas of certain baseball stadiums.** Leasehold interests in public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy, located in a county with a population of over one million people, with a seating capacity of over forty thousand, and constructed on or after January 1, 1995, are exempt from leasehold excise tax.

"Public or entertainment areas" for the purposes of this exemption include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public areas, public rest rooms, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or that are used for the production of the entertainment event or other public usage, and any other personal property used for such purposes. "Public or entertainment areas" does not include locker rooms or private offices used exclusively by the lessee.

(16) **Public or entertainment areas of certain football stadiums and exhibition centers.** Leasehold interests in the public or entertainment areas of an open-air stadium suitable for national football league football and for Olympic and world cup soccer, with adjacent exhibition facilities, parking facilities, and other ancillary facilities constructed on or after

January 1, 1998, are exempt from leasehold excise tax. For the purpose of this exemption, the term "public and entertainment areas" has the same meaning as set forth in subsection (15) above.

(17) **Public facilities districts.** All leasehold interests in public facilities districts, as provided in chapter 36.100 or 35.57 RCW are exempt from leasehold excise tax.

(18) **State route 16 corridor transportation systems.** All leasehold interests in the state route number 16 corridor transportation systems and facilities constructed and operated under chapter 47.46 RCW are exempt from leasehold excise tax. RCW 82.29A.132.

(19) **Sales/leasebacks by regional transit authorities.** All leasehold interests in property of a regional transit authority or public corporation created under RCW 81.112.320 under an agreement under RCW 81.112.300 are exempt from leasehold excise tax. This exemption is effective July 28, 2000. RCW 82.29A.134.

(20) **Interests consisting of three thousand or more residential and recreational lots.** All leasehold interests consisting of three thousand or more residential and recreational lots that are or may be subleased for residential and recreational purposes are exempt from leasehold excise tax. Any combination of residential and recreational lots totaling at least three thousand satisfies the requirement of this exemption. This exemption is effective January 1, 2002. RCW 82.29A.136.

WSR 02-18-037

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed August 26, 2002, 3:52 p.m.]

Date of Adoption: August 23, 2002.

Purpose: The proposed amendments will establish performance-based leadership standards for principal preparation and certification, thus providing a framework to implement a continuum of principal development. The amendments also include a number of clarifying amendments, including clarification of the time period for renewal credits for the professional certificate.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-79A-015, 180-79A-020 and 180-79A-022; and amending WAC 180-78A-010, 180-78A-100, 180-78A-200, 180-78A-250, 180-78A-270, 180-78A-325, 180-78A-400, 180-78A-500, 180-78A-505, 180-78A-535, 180-78A-540, 180-79A-131, 180-79A-140, 180-79A-145, 180-79A-150, 180-79A-211, 180-79A-250, and 180-82-120.

Statutory Authority for Adoption: RCW 28A.305.130 and 28A.410.010.

Adopted under notice filed as WSR 02-14-109 on July 2, 2002.

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 18, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 18, Repealed 3.

Effective Date of Rule: Thirty-one days after filing.

August 26, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 01-19-080, filed 9/19/01, effective 10/20/01)

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 a candidate for accreditation or is 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 of Colleges and Universities;
- (e) Southern Association of Colleges and Schools;
- (f) Western Association of Schools and Colleges: Accrediting Commission for Junior and Senior Colleges.

(7) "An approved performance-based 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.

(9) "Collaboration" (as used in WAC 180-78A-500 through 180-78A-540) means ongoing communication among the professional growth team members using a variety of formats (e.g., conferences, electronic mail, conference calls, etc.) to reach consensus regarding the content - course work, experiences, competencies, knowledges and skills - of the candidate's professional growth plan.

(10) "Professional growth team,"

(a) Teacher "professional growth team" means a team (~~of persons~~) comprised of the candidate for professional certification, a colleague specified by the candidate, a college or university advisor appointed by the college or university, and a representative from the school district in which the candidate teaches.

(b) Principal/program administrator "professional growth team," for the purpose of professional certification, means a team comprised of the candidate for the professional certificate, a district representative or designee, a professional association representative, and a college or university advisor. "Professional growth team," for the purpose of renewal of the professional certificate, means a team comprised of the individual renewing the certificate and the superintendent, or superintendent designee or appointed representative.

(11) "Individual professional growth plan" means the document which identifies the specific competencies, knowledges, skills and experiences needed to meet the standards set forth in WAC 180-78A-540. The individual professional growth plan shall meet requirements set forth in WAC 180-78A-535 (4)(a).

(12) "Preassessment seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate, in collaboration with members of his/her professional growth team, identifies specific competencies, knowledges, skills and/or experiences needed to meet standards for the certificate as required by WAC 180-78A-540. The preassessment seminar shall meet requirements set forth in WAC 180-78A-535 (4)(a).

(13) "Culminating seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance, and positive impact on student learning. The culminating seminar shall meet requirements set forth in WAC 180-78A-535 (4)(e).

AMENDATORY SECTION (Amending WSR 00-09-049, filed 4/14/00, effective 5/15/00)

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. Colleges and universities may permit individuals accepted into preparation programs on or before August 31, 2000, to obtain certification by meeting requirements of programs approved under approval standards described in chapter 180-78 WAC if the individuals complete the program on or before August 31, 2003, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2003: Provided, That the state board of education or its designee may waive this deadline on a case-by-case basis.

(2) All principal/program administrator programs shall be reviewed for approval under the 2002 program approval standards of chapter 180-78A WAC by August 31, 2004. Colleges and universities may permit individuals accepted into principal/program administrator programs on or before August 31, 2004, to obtain certification by meeting requirements of programs approved under 1997 approval standards described in chapter 180-78A WAC if the individuals complete the program on or before August 31, 2006, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2006. Provided, That the state board of education or its designee may waive this deadline on a case-by-case basis.

(3) 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.

~~((3))~~ (4) 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.

~~((4))~~ (5) 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.

~~((5))~~ (6) 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.

~~((6))~~ (7) 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.

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

WAC 180-78A-200 (~~Candidate admission policies.~~)

Basic skills. (~~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 statewide 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).) See RCW 28A.410.220.~~

AMENDATORY SECTION (Amending WSR 01-13-106, filed 6/20/01, effective 7/21/01)

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.

The college or university has submitted the approved executive summary to the state board of education.

(7) The professional education advisory board for administrator preparation programs participated in the candidate selection process for principal preparation programs.

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

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 knowledge and skills for each endorsement area for which the candidate is applying (chapter 180-82 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 research-based 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.

(a) Effective August 31, 1997, through August 31, 2004, 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:

((+)) (i) Specific performance domains. An approved preparation program shall require the candidate to demonstrate in course work and the internship the following:

((+)) (A) **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.

((+)) (B) **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.

((+)) (C) **Problem analysis:** Identifying the important elements of a problem situation by analyzing relevant information; framing problems; identifying possible causes; iden-

tifying additional needed information; framing and reframing possible solutions; exhibiting conceptual flexibility; assisting others to form reasoned opinions about problems and issues.

((+)) (D) **Judgment:** Reaching logical conclusions and making high quality, timely decisions given the best available information.

((+)) (E) **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.

((+)) (F) **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.

((+)) (G) **Delegation:** Assigning projects or tasks together with clear authority to accomplish them and responsibility for their timely and acceptable completion.

((+)) (H) **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.

((+)) (I) **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.

((+)) (J) **Student guidance and development:** Providing for student guidance, counseling, and auxiliary services; utilizing community organizations; responding to family needs; enlisting the participation of appropriate people and groups to design and conduct these programs and to connect schooling with plans for adult life; planning for a comprehensive program of student activities.

((+)) (K) **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.

((+)) (L) **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))~~ **(M) 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))~~ **(N) 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))~~ **(O) 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))~~ **(P) 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))~~ **(Q) Written expression:** Expressing ideas clearly in writing; writing appropriately for different audiences such as students, teachers, and parents; preparing brief memoranda.

~~((xviii))~~ **(R) 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))~~ **(S) 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))~~ **(T) 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))~~ **(U) 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))~~ **(ii) 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.

(b) Effective September 1, 2004, principal and program administrator candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

(i) Successful demonstration of standards. A school administrator is an educational leader who promotes the success of all students by:

(A) Facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community;

(B) Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth;

(C) Ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment;

(D) Collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources;

(E) Acting with integrity, fairness, and in an ethical manner; and

(F) Understanding, responding to, and influencing the larger political, social, economic, legal and cultural context.

(ii) Performance assessment. An approved preparation program for principals shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the state board of education and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior state board approval. All candidates shall exit the residency certificate program with a draft professional growth 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, career and technical education, 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.

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

WAC 180-78A-325 Program approval requirement—Field experience for all administrators. 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 certification is sought. Components of the required internship shall include demonstration by the candidate that he or she has the appropriate, specific relevant skills pursuant to WAC 180-78A-270. 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 (2)(a) or (b): 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)) an approved preparation program for principals shall require for those individuals entering the program on or after September 1, 2004, an internship that shall include demonstration by the candidate that she or he has the appropriate, specific skills pursuant to the standards identified in WAC 180-78A-270 (2)(b) and meets, at minimum, the standards-based benchmarks approved by the state board of education and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior state board approval.

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

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). Principal and program administrator interns admitted to programs before September 1, 2004, shall demonstrate competency in the performance domains identified as needing development by the mentor administrator, college/university, and the intern, pursuant to either WAC 180-78A-270(2)(a) or (b) pursuant to WAC 180-78A-100. Principal and program administrator interns admitted to programs on or after September 1, 2004, 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(2)(b).

(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.

AMENDATORY SECTION (Amending WSR 00-13-064, filed 6/16/00, effective 7/17/00)

WAC 180-78A-500 Professional certificate program approval. All professional certificate programs for teachers and principals/program administrators shall be approved pursuant to the requirements in WAC 180-78A-520 through 180-78A-540. Only colleges/universities with state board of education approved residency certificate teacher and principals/program administrator preparation programs are eligible to apply for approval to offer professional certificate programs.

AMENDATORY SECTION (Amending WSR 00-03-049 [02-14-111], filed 1/14/00 [7/2/02], effective 2/14/00 [8/2/02])

WAC 180-78A-505 Overview—Teacher professional certificate program. By September 1, 2001, all colleges and universities offering a professional certificate program must be in compliance with the new program standards. To obtain a professional certificate, the residency teacher will need to complete provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school and will need to complete 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 as defined in WAC 180-78A-010(8).

The candidate and college or university shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation and collaboration (WAC 180-78A-010(9)) with his/her professional growth team.

The individual 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 set forth in WAC 180-78A-540.

The individual 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 set forth in WAC 180-78A-540.

The final component of the program will be a culminating assessment seminar in which the residency teacher's ability to demonstrate the standards and criteria cited above 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 program administrator 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.))~~

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

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

NEW SECTION

WAC 180-78A-507 Overview—Principal/program administrator professional certificate program. By September 1, 2004, all colleges and universities offering a professional certificate program for principals/program administrators must be in compliance with the new program standards. To obtain a professional certificate, the residency principal/program administrator will need to complete a state board of education approved professional certificate program, have satisfactory district evaluations for an administrator role, and document three contracted school years of employment as a principal or assistant principal.

The professional certificate requires successful demonstration of six standards at the professional certification benchmark levels, or above, and the candidate will need to provide evidence that he/she has had a positive impact on student learning.

The candidate and college or university shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation and collaboration with his/her professional growth team. The individual growth plan shall address the six knowledge and skills standards, focus on activities that enhance student learning, and be informed by the performance evaluation process, and an analysis of the administrative context and assignment.

AMENDATORY SECTION (Amending WSR 01-09-004, filed 4/5/01, effective 5/6/01)

WAC 180-78A-535 Approval standard—Program design. The following requirements shall govern the design of the professional certificate program:

(1) **Teacher.**

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract 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: Provided, That a candidate for the professional teacher's certificate may enroll in and complete the preassessment seminar described in subsection (4)(a) of this section prior to admission to a professional certificate program.

((2)) (b) The professional certificate program must be available to all qualified candidates.

((3)) (c) Using the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without prior state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

((4)) (d) Each program shall consist of:

((a)) (i) A preassessment seminar which considers input from the candidate's "professional growth team" (WAC 180-78A-505), the candidate's past experience, the context in which he/she teaches, information from past annual evalua-

tions if the individual chooses, the candidate's personal and professional goals, his/her self-evaluation, and evidences of the candidate's impact on student learning.

The seminar will culminate in preparation and approval of the candidate's individual professional growth plan designed to provide the candidate with the knowledge and skills needed to demonstrate successfully the standards and criteria required by WAC 180-78A-540.

A representative of the college/university and the candidate shall develop the professional growth plan to be reviewed and agreed upon after input from and consultation and "collaboration" (WAC 180-78A-010(9)) with his/her "professional growth team" (WAC 180-78A-010(10)).

The individual professional growth plan shall be based on:

((i)) (A) An analysis of the instructional context and teaching assignment(s) to determine strategies which the teacher should use to achieve a positive impact on student learning.

((ii)) (B) An assessment of the candidate's ability to demonstrate successfully the professional certificate standards and criteria.

((iii)) (C) Specifications of assistance and instructional components needed and any required course work.

((b)) (ii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "effective teaching" as defined in WAC 180-78A-540(1).

((e)) (iii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "professional development" as defined in WAC 180-78A-540(2).

((d)) (iv) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "leadership" as defined in WAC 180-78A-540(3).

((e)) (v) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; identification of future goals and professional/career interests; and specification of areas for continuing education and development. The candidate must provide multiple forms of evidence which shall include, but are not limited to, the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without prior state board approval.

((5)) (vi) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for appropriate assistance and instruction.

~~((6))~~ (vii) No limits shall be placed on the number of times a candidate with a valid residency certificate may participate in the culminating seminar.

(2) Principal/program administrator.

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as an administrator for which the credential is required in a public school or state board of education approved private school.

(b) The professional certificate program must be available to all qualified candidates.

(c) Using the six knowledge and skills standards, and the standards-based benchmarks as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar during which the professional growth plan shall be developed. The plan will be agreed upon after input from and consultation with his/her professional growth team (WAC 180-78A-010 (10)(b)). The individual professional growth plan shall be based on an assessment of the candidate's ability to demonstrate six standards at the professional certificate benchmark level (WAC 180-78A-270 (2)(b)), performance evaluation data, and an analysis of the administrative context and assignment.

(ii) Formalized learning opportunities, past and current experience, professional development opportunities, and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill, and performance at the professional certificate benchmark level, or above, on all standards as defined in WAC 180-78A-270 (2)(b).

(iii) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; development of a professional growth plan that includes the identification of future goals and professional/career interests as well as a five-year plan for professional development designed to meet the requirements for certificate renewal.

(e) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for assistance.

(f) No limit shall be placed on the number of times a candidate with a valid residency certificate may enroll in the culminating seminar.

AMENDATORY SECTION (Amending WSR 00-03-049, filed 1/14/00, effective 2/14/00)

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) **Teacher.** A successful candidate for the teacher professional certificate shall demonstrate:

(a) The knowledge and skills for effective teaching which ensure student learning by:

~~((a))~~ (i) Using effective teaching practices, including classroom management;

~~((b))~~ (ii) Using assessment to monitor and improve instruction;

~~((c))~~ (iii) Establishing and maintaining a positive, student-focused, learning environment;

~~((d))~~ (iv) Designing and/or adapting challenging curriculum that is developmentally appropriate;

~~((e))~~ (v) Demonstrating cultural sensitivity in teaching and in relationships with students, parents, and community members;

~~((f))~~ (vi) Using information about student achievement and performance to advise and involve students and families;

~~((g))~~ (vii) Integrating technology into instruction and assessment;

~~((h))~~ (viii) Informing, involving, and collaborating with parents and families as partners in the educational process instrumental to student success; and

~~((i))~~ (ix) Employing democratic principles in instruction.

~~((2))~~ (b) A successful candidate for the professional certificate shall demonstrate the knowledge and skills for professional development by:

~~((a))~~ (i) Evaluating the effects of his/her teaching through feedback and reflection;

~~((b))~~ (ii) Designing and implementing professional growth programs, including new directions in career development and goals; and

~~((c))~~ (iii) Remaining current in subject area(s), theories, practice, research and ethical practice.

~~((3))~~ (c) A successful candidate for the professional certificate shall demonstrate leadership that contributes to the improvement of the school, community, and the profession by:

~~((a))~~ (i) Participating in activities within the school community to improve curriculum and instructional practices;

~~((b))~~ (ii) Participating in professional and/or community organizations;

~~((c))~~ (iii) Advocating for curriculum, instruction, and learning environments which meet the diverse needs of students;

~~((d))~~ (iv) Demonstrating communication skills and/or strategies that facilitate group decision making; and

~~((e))~~ (v) Participating collaboratively in school improvement activities.

(2) Principal/program administrator. A successful candidate for the principal/program administrator professional certificate shall demonstrate the knowledge and skills at the professional certificate benchmark levels for the six standards pursuant to WAC 180-78A-270 (2)(b).

AMENDATORY SECTION (Amending WSR 02-13-027, filed 6/12/02, effective 7/13/02)

WAC 180-79A-140 Types of certificates. ~~((Six))~~ Five 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 career and technical education certificate authorizes service in career and technical education 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))~~ assistant principal.

(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) Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC 180-79A-231:

(a) Conditional certificate.

(b) Substitute certificate.

(c) Emergency certificate.

(d) Emergency substitute certificate.

(e) Nonimmigrant alien exchange teacher.

(f) Intern substitute teacher certificate.

~~((g))~~ (g) Transitional certificate.

AMENDATORY SECTION (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

WAC 180-79A-131 Use of fee for certification. (1) Certification fees will be used solely for precertification preparation, professional in-service training programs, teachers' institutes and/or workshops, and evaluations thereof in accordance with this chapter.

(2) Precertification preparation:

(a) ~~((A subcommittee of the state professional education advisory committee as established in WAC 180-78-015 and 180-78A-015 shall assist the superintendent of public instruction in administration of precertification program funds by annually establishing priorities and procedures for distribution of funds available for precertification activities.))~~ The

primary utilization shall be to support collaborative efforts essential to program development, program evaluation, and assessment of candidates' entry and exit competency.

(b) Funds set aside for recertification shall not supplant funds already available to any participating agency.

(c) A single educational service district shall be designated to administer the funds allocated for precertification programs. The designated educational service district shall be permitted to retain a percentage of the precertification fees at a rate to be negotiated by the superintendent of public instruction and the educational service district for costs related to administering these funds.

(d) Each quarter every educational service district shall forward the moneys designated for precertification programs to the educational service district designated to administer such programs.

(3) Professional in-service training programs and teachers' institutes and/or workshops:

(a) Each educational service district, or cooperative thereof as specified in (d) of this subsection, shall establish an in-service committee composed of an educational service district representative; at least one district superintendent; one principal; one educational staff associate; one elementary, one junior high and one senior high teacher; one representative from the elementary or secondary level of private schools within the educational service district; and one representative selected by the chief administrative officer responsible for professional education from a college/university having a state board of education approved teacher education program. Teacher representatives shall be selected by agreement among the presidents of the local education associations within the respective educational service district or cooperative thereof.

(b) The educational service district representative shall serve as chairperson of the in-service committee and provide liaison with the superintendent of public instruction and the state board of education.

(c) The in-service committee will be responsible for coordinating in-service/staff development model programs within the educational service district and shall submit to the superintendent of public instruction and the state board of education a plan for soliciting and selecting model programs which shall include procedures for conducting needs assessments, determining priorities and carrying out program evaluation.

(d) Cooperative agreements may be made among educational service districts to provide quality in-service education programs.

(e) Funds designated for in-service programs shall not supplant funds already available for such programs.

(4) Allowable expenditures. Funds may be used to support costs related to training, such as the payment of professional contractual services, per diem, travel costs, materials, printing, or released time. Nonallowable costs are college/university tuition and fees.

(5) Annual reporting. The superintendent of public instruction shall prepare and present to the state board of education an annual report concerning the use of certification fees for precertification and in-service activities.

AMENDATORY SECTION (Amending WSR 01-09-004, filed 4/5/01, effective 5/6/01)

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 and after August 31, 2004, initial and continuing principal and program administrator 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) The following levels of certificates will be issued to teachers, administrators, and educational staff associates commencing with the dates indicated below:

(a) Residency certificate. The residency certificate will be issued beginning September 1, 2000, to teachers and beginning no later than September 1, 2004, to administrators and educational staff associates. 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 will be issued beginning September 1, 2001, to teachers and beginning no later than September 1, 2004, to administrators and educational staff associates. The professional certificate is valid for five years and shall be subject to renewal pursuant to WAC 180-79A-250. Provided, That a professional teacher's certificate based on the possession of a valid teacher's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 180-79A-257 (3)(b) or 180-79A-206 (3)(a) shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(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.

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

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 career and technical education 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 career and technical education certificate must give evidence of good moral character and personal fitness as specified in WAC 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-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-257, and 180-79A-231, 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,))~~ **(5) Certificates.**

(a) Candidates for principal's certificates must hold or have held:

(i) A valid teacher's certificate, excluding certificates issued under WAC 180-79A-231, or comparable out-of-state certificates; or

(ii) A valid educational staff associate certificate and have demonstrated successful school-based experience in an instructional role with students. Persons whose teacher or educational staff associate certificates were revoked, suspended, or surrendered are not eligible for principal's certificates.

(b) Candidates for superintendent's certificates must hold a valid teacher, educational staff associate, program administrator, or principal certificate; excluding certificates issued under WAC 180-79A-231, or comparable out-of-state certificates.

(6) Assessments. See RCW 28A.410.220.

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

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 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) Principal.

(a) Initial.

(i) The candidate shall hold an approved 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 P-12 teaching in a public or private school system. No more than sixty days substitute or equivalent teaching experience may be included for this requirement.)) The candidate shall have documented successful school-based experience in an instructional role with students.~~

(b) Residency.

(i) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of principals.

(ii) The candidate shall have documented successful school-based experience in an instructional role with students.

(c) 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 hold an approved master's degree and 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 pursuant to chapter 180-85 WAC, 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-270 (2)(a) or (b);

(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.

(ii) Provided, That a candidate who held a valid initial principal's certificate on August 31, 1998, may meet the academic requirement for the continuing certificate described in WAC 180-79A-211 (2)((b))(c)(i), if the candidate meets requirements for and applies for the continuing certificate by the expiration date on that initial certificate.

(iv) The candidate must meet requirements for a principal's certificate pursuant to WAC 180-79A-150(4).

(v) 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.

(vi) Provided, That a candidate who held a valid initial principal's certificate on August 31, 1998, may meet the one hundred-eighty day experience requirement described in WAC 180-79A-211 (2)((b))(c)(v), if that candidate meets requirements and applies for the continuing certificate by the expiration date on that initial certificate.

(d) Professional certificate.

(i) The candidate shall have completed an approved professional certificate program.

(ii) The candidate shall have satisfactory evaluations while serving in the principal or assistant principal role as verified by a school district or a state board of education approved private school.

(iii) The candidate shall have documentation of three contracted school years of employment as a principal or assistant principal.

(3) Program administrator.

(a) Initial.

(i) The candidate shall hold an approved master's degree 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) Residency certificate.

(i) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of principals.

(ii) The candidate shall have documented successful school-based experience in an instructional role with students.

(c) Continuing.

(i) The candidate shall hold an approved master's degree 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.

(d) Professional certificate.

(i) The candidate shall have completed an approved professional certificate program.

(ii) The candidate shall have satisfactory evaluations while serving in a program administrator role as verified by a school district or a state board of education approved private school.

AMENDATORY SECTION (Amending WSR 01-13-111, filed 6/20/01, effective 7/21/01)

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/professional 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) Teachers.

(i) Individuals who hold, or have held, a residency certificate and who qualify for admission to a professional certificate program pursuant to WAC 180-78A-535 (1)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in and is making satisfactory progress in a state approved professional certificate program.

~~((b))~~ (ii) Individuals who hold, or have held, residency certificates who do not qualify for admission to a professional certificate program pursuant to WAC 180-78A-535 (1)(a) may have their residency certificates renewed for one additional five-year period 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.

(b) Principals/program administrators.

(i) Individuals who hold, or have held, a residency certificate and who qualify for admission to a professional certificate program pursuant to WAC 180-78A-535 (2)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator in which the candidate is enrolled, that the candidate is making satisfactory progress.

(ii) Individuals who hold, or have held, residency certificates who do not qualify for admission to a professional certificate program under WAC 180-78A-535 (2)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) plus an internship approved by a college or university with a state board approved residency certificate program and taken since the issuance of the last residency certificate.

~~(c) ((All other individuals who hold, or have held, residency certificates))~~ Renewals based on conditions other than those described in WAC 180-79A-250 (2)(a) and (b) may ((have their certificates renewed only by appeal)) be appealed to the state board of education, or its designated appeals committee. The following conditions apply to such appeals:

(i) ((Teachers)) Individuals 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, to include the filing 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) Teachers.

(i) A valid professional certificate may be renewed for additional five year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter 180-85 WAC since the certificate was issued. An expired professional certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application. All continuing education credit hours shall relate to either (a)(i)(A) or ((b)) (B) of this subsection: Provided, That both categories (a)(i)(A) and ((b)) (B) of this subsection must be represented in the one hundred fifty continuing education credit 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)) (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.

((5)) (ii) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(b) Principals/program administrators.

(i) A professional certificate may be renewed for additional five year periods for individuals employed as a principal, assistant principal or program administrator in a public school or state board approved private school by:

(A) Completion of a professional growth plan that is developed and approved with the superintendent, superintendent designee, or appointed representative (e.g., educational service district personnel, professional association or organization staff, or peer from another district), and that documents formalized learning opportunities and professional development activities that:

(I) Emphasize continuous learning;

(II) Positively impact student learning;

(III) Relate to the six standards and "career level" benchmarks defined in WAC 180-78A-270 (2)(b);

(IV) Explicitly connect to the evaluation process;

(V) Reflect contributions to the school, district, and greater professional community; and

(VI) Identify areas in which knowledge and skills need to be enhanced.

(B) Verification of satisfactory performance evaluations for the five year periods; and

(C) Documented evidence of results of the professional growth plan on student learning.

(ii) Individuals not employed as a principal, assistant principal, or program administrator in a public school or state board approved private school may have their professional certificate renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the professional certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) plus an internship approved by a college or university with a state board approved professional certificate program, and taken since the issuance of the last professional certificate.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-79A-015	Washington advisory council for professional certification standards—Purpose and selection.
WAC 180-79A-020	Washington advisory council for professional teaching standards—Duties.
WAC 180-79A-022	Washington advisory councils for professional administrator standards and professional educational staff associates standards—Duties.

AMENDATORY SECTION (Amending WSR 99-04-008, filed 1/21/99, effective 2/21/99)

WAC 180-82-120 Assignment of principals and ~~((vice principals))~~ assistant 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.)~~ No person shall be assigned within the basic program of education to serve as principal or assistant principal unless such person holds a certificate or permit pursuant to WAC 180-79A-140(3).

WSR 02-18-038

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed August 26, 2002, 3:54 p.m.]

Date of Adoption: August 23, 2002.

Purpose: Editorial amendment.

Citation of Existing Rules Affected by this Order:
Amending WAC 180-82-105.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 02-14-108 on July 2, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 26, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

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))~~ 180-82-202.

(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 career and technical 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).

WSR 02-18-039
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed August 26, 2002, 3:54 p.m.]

Date of Adoption: August 23, 2002.

Purpose: This amendment clarifies that, because two programs have now been approved through which candidates can seek certification based on business and industry work experience, candidates must complete an approved program in order to obtain certification.

Citation of Existing Rules Affected by this Order: Amending WAC 180-77-041.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 02-14-106 on July 2, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 26, 2002

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

WAC 180-77-041 Requirements for candidates seeking career and technical education certification on the basis of business and industry work experience. Candidates for certification who have not completed approved programs set forth in WAC 180-82-322 shall complete the following requirements in addition to those set forth in WAC 180-79A-150 (1) and (2) and 180-79A-155 (1) and (2).

(1) Initial.

(a) Candidates for the initial certificate shall provide documentation of three years (six thousand hours) of paid occupational experience in the specific career and technical education subcategory for which certification is sought. One year (two thousand hours) must be within the past six years. If all or part of the two thousand hours is more than six years

old, candidates must complete an additional three hundred hours of recent (occurring in the last two years) occupational experience.

(b) Candidates for the initial certificate shall complete a state board of education approved program under WAC 180-77A-029 in which they demonstrate competence in the general standards for all career and technical education teacher certificate candidates pursuant to WAC 180-77A-165, which include but are not limited to knowledge and skills in the following areas:

- (i) General and specific safety;
- (ii) Career and technical education teaching methods;
- (iii) Occupational analysis;
- (iv) Course organization and curriculum design;
- (v) Philosophy of vocational education;
- (vi) Personal student development and leadership techniques.

~~(c) ((Provided, until such time as two or more programs are approved by the SBE under WAC 180-77A-029, candidates shall complete a minimum of twenty five quarter hours or two hundred fifty hours of career and technical education educator training and/or technical education/upgrading of which a minimum of ten quarter hours or one hundred clock hours of competency-based course work must be in the above areas.~~

~~(d))~~ Candidates for the initial certificate shall also demonstrate knowledge and skills in the following areas:

- (i) School law;
- (ii) Issues related to abuse as specified in WAC 180-77A-165(7).

~~((e))~~ (d) In addition, candidates for initial certification in diversified occupations or coordinator of work based learning shall demonstrate competency in knowledge and skills described in WAC 180-77A-180.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of career and technical education educator training in the subject matter certified to teach since the initial certificate was issued or renewed.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least nine quarter hours or ninety clock hours of career and technical education educator training in the career and technical education subject matter to be certified completed subsequent to the issuance of the initial certificate.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years of teaching/coordination in the career and technical education subject matter certified to teach with an authorized employer—i.e., school district(s) or skills center(s).

(4) Continuing certificate renewal.

(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued one of the following:

(i) Six quarter hours or sixty clock hours of career and technical education educator training;

- (ii) Three quarter hours or thirty clock hours of career and technical education educator training and three quarter hours or thirty clock hours of technical education/upgrading;
- (iii) Three quarter hours or thirty clock hours of career and technical education educator training and three hundred hours of occupational experience.

WSR 02-18-043
PERMANENT RULES
GAMBLING COMMISSION

[Order 416-A—Filed August 27, 2002, 2:14 p.m.]

Date of Adoption: August 9, 2002.

Purpose: On August 9, 2002, the commission adopted a rules package to implement bingo legislation that was adopted during the 2002 legislative session. At the meeting on August 9, 2002, the commission voted to repeal WAC 230-04-315. When the bingo rules package was filed on August 13, 2002, this repealer was inadvertently omitted from WSR 02-17-035. This filing is being made to reflect the commission's vote to repeal this rule at the August 9, 2002, commission meeting.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-04-315.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 02-13-111 on June 19, 2002.

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 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 27, 2002

Susan Arland

Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-04-315 Change of schedule.

WSR 02-18-044
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)
 [Filed August 28, 2002, 9:55 a.m.]

Date of Adoption: August 8, 2002.

Purpose: Adopt WAC 460-10A-215. Clarify that a viatical or life settlement agreement can be a security if it constitutes an investment contract, risk capital, or otherwise satisfies the definition of "security" in RCW 21.20.005(12).

Statutory Authority for Adoption: RCW 21.20.450.

Adopted under notice filed as WSR 02-13-050 on June 13, 2002.

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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: No rule may be made unless the director of the Department of Financial Institutions finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW. The director hereby makes such a finding with respect to this proposal.

Effective Date of Rule: Thirty-one days after filing.

August 22, 2002

Mark Thomson

Acting Director

NEW SECTION

WAC 460-10A-215 Security—Viatical and life settlement agreements. (1) A viatical or life settlement agreement constitutes a security if the agreement falls within the definition of "security" under RCW 21.20.005(12) as an investment contract; an investment of money or other consideration in the risk capital of a venture with the expectation of some valuable benefit to the investor where the investor does not receive the right to exercise practical and actual control over the managerial decisions of the venture; or otherwise.

(2) For purpose of this section, a "viatical or life settlement agreement" means an agreement for consideration for the purchase, assignment, transfer, sale, devise or bequest of any portion of the death benefit under, or ownership of, either

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an insurance policy or certificate of insurance. A viatical or life settlement agreement does not include:

- (a) Any agreement for the original issuance of an insurance policy or certificate of insurance;
- (b) An assignment, transfer, sale, devise or bequest of a death benefit under, or ownership of, either an insurance policy or certificate of insurance by the original owner, or a person who has an insurable interest in the insured, to any of the following:
 - (i) The insured;
 - (ii) A person who has an insurable interest in the insured;
 - (iii) A dealer; or
 - (iv) A person who is engaged in the business of purchasing the death benefit under, or ownership of, either insurance policies or certificates of insurance;
- (c) An assignment of an insurance policy or certificate of insurance to any bank, savings bank, savings and loan association, credit union, or other licensed lending institution as collateral for a loan; or
- (d) The exercise of accelerated benefits pursuant to the life insurance policy.

WSR 02-18-045
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed August 28, 2002, 1:31 p.m.]

Date of Adoption: August 28, 2002.

Purpose: This public employees' retirement system (PERS) WAC explains what compensation can be reported for retirement service credit. The purpose of this filing is to correct an error. At the same time, the Department of Retirement Services (DRS) is making one grammatical change.

Citation of Existing Rules Affected by this Order: Amending WAC 415-108-445 What compensation can be reported? (PERS).

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: RCW 41.40.010(8).

Adopted under notice filed as WSR 02-15-073 on [July 15, 2002].

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.

August 28, 2002

John Charles

Director

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-108-445 What compensation can be reported? (1) Compensation earnable:

(a) Compensation earnable must meet the definition in RCW 41.40.010(8) and:

(i) Be earned as a salary or wage for personal services provided during a ~~((fiscal year))~~ payroll period and be paid by an employer to an employee; or

(ii) Qualify as compensation earnable under WAC 415-108-464 through 415-108-470.

(b) The department determines whether payments to an employee are compensation earnable based on the nature, not the name, of the payment. The department considers the reason for the payment and whether the reason brings the payment within the statutory definition of compensation earnable.

Example: "Longevity pay" conditioned on retirement is not for services provided and is therefore not compensation earnable.

(c) "Compensation earnable" is defined in very similar terms for all three PERS plans. Any differences among plans are specifically noted in WAC 415-108-443 through 415-108-488.

(2) Reportable compensation:

(a) Reportable compensation is the compensation paid by an employer to an employee that the employer must report to the department.

(b) An employer must report all of an employee's compensation earnable ~~((of an employee))~~, as defined by RCW 41.40.010(8) and WAC 415-108-445(1), to the department.

(c) An employer must report compensation for the month in which it was earned. Compensation is earned when the service is provided, rather than when payment is made.

Example: A member is paid in July for work performed during June. The employer must report the compensation to the department as "June earnings."

WSR 02-18-046
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed August 28, 2002, 1:35 p.m., effective September 30, 2002]

Date of Adoption: August 28, 2002.

Purpose: Consolidate law enforcement officers' and fire fighters' (LEOFF) WAC 415-104-011 - 415-104-0125 into one section, revise into "plain English" as needed, and correct WAC 415-104-225. Consolidate school employees' retirement system (SERS) WAC 415-110-010 - 415-110-0111 into

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one section and revise into "plain English" as needed. Consolidate teachers' retirement system (TRS) WAC 415-112-015 - 415-112-0167 into one section and revise into "plain English" as needed. Consolidate portability WAC 415-113-030 - 415-113-0309 into one section and revise into "plain English" as needed. Modify all of these WACs by adding a reference to WAC 415-02-030. Modify WAC 415-108-010 by adding a reference to WAC 415-02-030. Update references in other WACs in these chapters so that the references are to the correct citations for the definitions as revised.

Citation of Existing Rules Affected by this Order: Amending WAC 415-104-011, 415-104-225, 415-104-235, 415-108-010, 415-108-680, 415-108-700, 415-108-710, 415-108-725, 415-108-726, 415-108-728, 415-110-010, 415-110-680, 415-110-690, 415-110-700, 415-110-725, 415-110-728, 415-112-015, 415-112-125, 415-112-130, 415-112-135, 415-112-155, 415-112-156, 415-112-541, 415-113-030, 415-113-041, 415-113-042, 415-113-045, 415-113-055, 415-113-057, 415-113-065, 415-113-070, 415-113-080, 415-113-082, 415-113-084, 415-113-090 and 415-113-100; and repealing WAC 415-104-0111, 415-104-0112, 415-104-0113, 415-104-0114, 415-104-0115, 415-104-0117, 415-104-0118, 415-104-0120, 415-104-0121, 415-104-0122, 415-104-0125, 415-110-0102, 415-110-0103, 415-110-0104, 415-110-0108, 415-110-0109, 415-110-0110, 415-110-0111, 415-112-0151, 415-112-0154, 415-112-0156, 415-112-0157, 415-112-0158, 415-112-0159, 415-112-0160, 415-112-0161, 415-112-0162, 415-112-0163, 415-112-0165, 415-112-0167, 415-113-0301, 415-113-0302, 415-113-0303, 415-113-0304, 415-113-0305, 415-113-0306, 415-113-0307, 415-113-0308, and 415-113-0309.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: Chapter 41.26 RCW (for chapter 415-104 WAC); chapter 41.32 RCW (for chapter 415-112 WAC); chapter 41.35 RCW (for chapter 415-110 WAC); chapter 41.40 RCW (for chapter 415-108 WAC); and chapter 41.54 RCW (for chapter 415-113 WAC).

Adopted under notice filed as WSR 02-15-153 on July 23, 2002.

Changes Other than Editing from Proposed to Adopted Version: Additional grammatical, numbering, and cross-reference changes. Clarity change to the beginning of WAC 415-108-726.

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 36, Repealed 39.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These

changes primarily affect DRS internal operations. Business requirements will be positively impacted by using a September 30, 2002, effective date to meet internal regulatory reform goals.

Effective Date of Rule: September 30, 2002.

August 28, 2002

John Charles

Director

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

WAC 415-104-011 Definitions. All definitions in RCW 41.26.030 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.26 RCW are defined in this chapter.

(1) **Commissioned** means that an employee is employed as an officer of a general authority Washington law enforcement agency and is empowered by that employer to enforce the criminal laws of the state of Washington.

(2) **Director of public safety** means a person who is employed on or after January 1, 1993, by a city or town on a full-time, fully compensated basis to administer the programs and personnel of a public safety department.

This definition applies only to cities or towns in which the population did not exceed ten thousand at the time the person became employed as a director of public safety.

(3) **Elective employer** means the employer of the LEOFF Plan 1 elected official during the member's leave of absence from the LEOFF employer for the purpose of serving in elective office.

(4) **Full time employee** means an employee who is regularly scheduled to earn basic salary from an employer for a minimum of one hundred sixty hours each calendar month.

(5) **Fully compensated employee** means an employee who earns basic salary and benefits from an employer in an amount comparable to the salary received by other full-time employees of the same employer who:

(a) Hold the same or similar rank; and

(b) Are employed in a similar position.

(6) **LEOFF** means the law enforcement officers' and fire fighters' retirement system established by chapter 41.26 RCW.

(7) **LEOFF employer** means the employer, as defined in RCW 41.26.030, who employs the member as a law enforcement officer or fire fighter.

(8) **LEOFF Plan 1 elected official** means a LEOFF Plan 1 member who is a civil service employee on leave of absence because he or she has been elected or appointed to an elective public office and who chooses to preserve retirement rights as an active LEOFF member under the procedure described in this chapter.

(9) **Plan 1 and Plan 2.**

(a) "Plan 1" means the law enforcement officers' and fire fighters' retirement system providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(b) "Plan 2" means the law enforcement officers' and fire fighters' retirement system providing the benefits and fund-

ing provisions covering persons who first became members of the system on and after October 1, 1977.

(10) Public safety officer means a person who is employed on or after January 1, 1993, on a full-time, fully compensated basis by a city or town to perform both law enforcement and fire fighter duties.

This definition applies only to cities or towns in which the population did not exceed ten thousand at the time the person became employed as a public safety officer.

(11) Uniformed fire fighter position means a position which may only be filled by uniformed personnel as that term is defined in RCW 41.56.030 (7)(e) as in effect on July 1, 1995. A position only qualifies as a uniformed fire fighter position if the employer has identified it as such for all purposes. An employer may designate a position as uniformed regardless of whether the employer is covered by public employees' collective bargaining under chapter 41.56 RCW.

AMENDATORY SECTION (Amending WSR 96-01-045, filed 12/14/95, effective 1/14/96)

WAC 415-104-225 Am I a LEOFF member? If you are employed by an employer as a full-time, fully compensated law enforcement officer or fire fighter, you are required to be a LEOFF member.

(1) Law enforcement officers.

(a) You are a law enforcement officer only if you are commissioned and employed on a full-time, fully compensated basis as a:

(i) City police officer;

(ii) Town marshal or deputy marshal;

(iii) County sheriff;

(iv) Deputy sheriff, if you passed a civil service exam for deputy sheriff and you possess all of the powers, and may perform any of the duties, prescribed by law to be performed by the sheriff;

(b) Effective January 1, 1994, "law enforcement officer" also includes commissioned persons employed on a full-time, fully compensated basis as a:

(i) General authority Washington peace officer under RCW 10.93.020(3);

(ii) Port district general authority law enforcement officer and you are commissioned and employed by a port district general authority law enforcement agency;

(iii) State university or college general authority law enforcement officer; or

(c) Effective January 1, 1993, "law enforcement officer" also includes commissioned persons employed on a full-time, fully compensated basis as a public safety officer or director of public safety of a city or town if, at the time you first became employed in this position, the population of the city or town did not exceed ten thousand. See RCW 41.26.030(3).

(d) If you meet the requirements of (a), (b) or (c) of this subsection, you qualify as a law enforcement officer regardless of your rank or status as a probationary or permanent employee.

(e) You are not a law enforcement officer if you are employed in either:

(i) A position that is clerical or secretarial in nature and you are not commissioned; or

(ii) A corrections officer position and the only training required by the Washington criminal justice training commission for your position is basic corrections training under WAC 139-10-210.

(2) **Fire fighters.** You are a fire fighter if you are employed in a uniformed fire fighter position by an employer on a full-time, fully compensated basis, and as a consequence of your employment, you have the legal authority and responsibility to direct or perform fire protection activities that are required for and directly concerned with preventing, controlling ((☞)) and extinguishing fires.

(a) "Fire protection activities" may include incidental functions such as housekeeping, equipment maintenance, grounds maintenance, fire safety inspections, lecturing, performing community fire drills and inspecting homes and schools for fire hazards. These activities qualify as fire protection activities only if the primary duty of your position is preventing, controlling ((☞)) and extinguishing fires.

(b) You are a fire fighter if you qualify as supervisory fire fighter personnel.

(c) If your employer requires fire fighters to pass a civil service examination, you must be actively employed in a position that requires passing such an examination in order to qualify as a fire fighter unless you qualify as supervisory fire fighter personnel.

(d) You are a fire fighter if you meet the requirements of this section regardless of your rank or status as a probationary or permanent employee or your particular specialty or job title.

(e) You do not qualify for membership as a fire fighter if you are a volunteer fire fighter or resident volunteer fire fighter.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Commissioned" - WAC ((415-104-0111)) 415-104-011.

(b) "Director of public safety" - WAC ((415-104-0112)) 415-104-011.

(c) "Employer" - RCW 41.26.030.

(d) "Fire fighter" - RCW 41.26.030.

(e) "Full time" - WAC ((415-104-0114)) 415-104-011.

(f) "Fully compensated" - WAC ((415-104-0115)) 415-104-011.

(g) "Law enforcement officer" - RCW 41.26.030.

(h) "Member" - RCW 41.26.030.

(i) "Public safety officer" - WAC ((415-104-0120)) 415-104-011.

(j) "Uniformed fire fighter position" - WAC ((415-104-0125)) 415-104-011.

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

WAC 415-104-235 Can I terminate my status as a LEOFF member? (1) Your membership in the retirement system is terminated if you:

(a) Die;

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- (b) Separate from service; or
 (c) Cease to be employed full time as a law enforcement officer or fire fighter.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Fire fighter" - RCW 41.26.030 and WAC 415-104-225(2).

(b) "Full-time employee" - WAC ((415-104-0114)) 415-104-011.

(c) "Law enforcement officer" - RCW 41.26.030 and WAC 415-104-225(1).

(d) "Member" - RCW 41.26.030.

(e) "Service" - RCW 41.26.030.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 415-104-0111	Commissioned—Definition.
WAC 415-104-0112	Director of public safety—Definition.
WAC 415-104-0113	Elective employer—Definition.
WAC 415-104-0114	Full time—Definition.
WAC 415-104-0115	Fully compensated—Definition.
WAC 415-104-0117	LEOFF employer—Definition.
WAC 415-104-0118	LEOFF Plan I elected official—Definition.
WAC 415-104-0120	Public safety officer—Definition.
WAC 415-104-0121	Plan I and Plan II—Definition.
WAC 415-104-0122	LEOFF—Definition.
WAC 415-104-0125	Uniformed fire fighter position—Definition.

AMENDATORY SECTION (Amending WSR 01-21-090, filed 10/22/01, effective 11/22/01)

WAC 415-108-010 Definitions in the public employees' retirement system. All definitions in RCW 41.40.010 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.40 RCW are defined in this chapter.

(1) **Annual leave** means leave provided by an employer for the purpose of taking regularly scheduled work time off with pay. Annual leave does not usually include leave for illness, personal business if in addition to and different from vacation leave, or other paid time off from work. However, if an employer authorizes only one type of leave, covering paid leave for vacation, illness, and any other excused absence

from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

(2) **Level of union organization** means a union or a lodge or division of a union.

(3) **Normally** as used in the definition of eligible position under RCW 41.40.010 means a position is eligible if it is expected to require at least five months of seventy or more hours of compensated service each month during each of two consecutive years. Once a position is determined to be eligible, it will continue to be eligible if it requires at least five months of seventy or more hours of compensated service during at least one year in any two-year period.

(4) **Project position** means a position, established by an employer, which has a specific goal and end date.

(5) **Public corporation** means a public corporation created under RCW 35.21.730. A public corporation may be admitted as an "employer" under the definition in RCW 41.40.010(4).

(6) **Report** means an employer's reporting of an employee's hours of service, compensation and contributions to the department on the monthly transmittal report.

(7) **Reportable compensation** means compensation earnable as that term is defined in RCW 41.40.010(8).

(8) **Retirement plan** as used in RCW 41.40.023 and in this chapter, means any plan operated wholly or in part by the state or a political subdivision. This includes, but is not limited to:

(*) (a) The retirement systems listed under RCW 41.50.030;

(*) (b) The retirement systems of the cities of Seattle, Spokane and Tacoma; or

(*) (c) Any higher education plan authorized under RCW 28B.10.400.

(9) **System acronyms** used in this chapter are defined as follows:

(*) (a) "PERS" means the public employees' retirement system.

(*) (b) "TRS" means the teachers' retirement system.

(*) (c) "SERS" means the school employees' retirement system.

(10) **Union** means a labor guild, labor association, and/or labor organization.

(11) **Union employer** means a union or a union lodge or other division of a union which has verified that it meets the definition of a Plan 1 employer in RCW 41.40.010.

(12) **Year** means any twelve consecutive month period established and applied consistently by an employer to evaluate the eligibility of a specific position. The term may include, but is not limited to, a school year, calendar year or fiscal year.

Example: An employer has used the twelve consecutive month period from July 1 to June 30 to evaluate the eligibility of positions. When the employer hires a new employee to fill an existing position, the employer must continue to use the July 1 through June 30 period to define a year for the position.

Example: If the same employer in the above example hires a person to work in a project position beginning in

November, the employer will use the twelve-month period beginning in November to evaluate the eligibility of the new position. The employer must consistently apply this twelve-month period to evaluate the eligibility of this position.

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

WAC 415-108-680 Am I eligible for membership? (1)

You are eligible for membership if you are employed in an eligible position. Your position is eligible under RCW 41.40.010 if the position, as defined by your employer, normally requires at least five months of seventy or more hours of compensated service per month during each year.

(2) **If you leave an eligible position to serve in a project position, you may retain eligibility.** If you are a member and you leave employment in an eligible position to serve in a project position, the project position is eligible if:

(a) The position, as defined by the employer, normally requires at least five months of seventy or more hours of compensated service each month; or

(b) The position requires at least seventy hours per month and you take the position with the understanding that you are expected to return to your permanent eligible position at the completion of the project.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.40.010.

(b) "Employer" - RCW 41.40.010.

(c) "Member" - RCW 41.40.010.

(d) "Membership" - RCW 41.40.023.

(e) "Normally" - WAC 415-108-0102.

~~((e))~~ (f) "Project position" - WAC ~~((415-108-0103))~~ 415-108-010.

~~((f))~~ (g) "Year" - WAC ~~((415-108-0108))~~ 415-108-010.

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

WAC 415-108-700 Can I qualify for membership if I work in more than one ineligible position with the same employer? (1) All of your monthly work for an employer counts as one position. If you are employed with the same employer in two ineligible positions during a year which, when combined, equate to an eligible position and your employer expects you to continue in this employment for a second consecutive year, your employer will report the total hours you work in both positions to the department as an eligible position.

Example: A person normally works for one employer as a cook for forty hours each month and as a bus driver for forty hours each month. The person is eligible for membership because he works a total of eighty hours each month for at least five months each year and this is the normal pattern of his employment.

Example: A person normally works for one employer for forty hours each month as a cook. For one year only, she takes on extra duties by also working

forty hours per month as a bus driver. Although she worked eighty hours each month for five or more months during one year, she is not eligible for membership because these hours are not the normal pattern of her employment.

Example: A person works for one employer for forty hours each month as a cook and also works for another employer for forty hours each month as a bus driver. The person is not eligible for membership because he cannot combine the hours of employment with these separate employers to establish membership.

(2) **You may be reported in TRS if you work in two positions and one position is covered under TRS.** See WAC 415-108-728.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.40.010.

(b) "Employer" - RCW 41.40.010.

(c) "Ineligible position" - RCW 41.40.010.

(d) "Membership" - RCW 41.40.023.

(e) "Normally" - WAC ~~((415-108-0102))~~ 415-108-010.

(f) "Report" - WAC ~~((415-108-0104))~~ 415-108-010.

(g) "Year" - WAC ~~((415-108-0108))~~ 415-108-010.

AMENDATORY SECTION (Amending WSR 02-02-060, filed 12/28/01, effective 1/1/02)

WAC 415-108-710 How will returning to work affect my PERS monthly benefit? (1) You may work for an employer after retirement and continue to receive your retirement allowance if:

(a) You are employed in an ineligible position no sooner than one calendar month after your retirement accrual date;

(b) You are an active member of a higher education retirement plan and are employed no sooner than one calendar month after your retirement benefit accrues;

(c) You are employed as a bona fide independent contractor as defined by WAC 415-02-110;

(d) You are employed as an elected or appointed official directly by the governor under RCW 41.40.150(4) no sooner than one month after your retirement benefit accrues and do not reenter membership;

(e) Your only employment is as an elected official of a city or town and you end your PERS membership under RCW 41.40.023 (3)(b); or

(f) You are employed in an eligible position:

(i) No sooner than one calendar month after your retirement benefit accrues; and

(ii) The time you work does not exceed the "work limit" defined in subsection (2) of this section.

(2) **What is the work limit for eligible positions?**

(a) Plan 1 retiree working for an employer as defined in RCW 41.40.010 (4)(a): Fifteen hundred hours in a calendar year; or

(b) Plan 2 or 3 retiree working in an eligible position as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW

41.26.030: Eight hundred sixty-seven hours in a calendar year.

(c) The Plan 1 limits will be applied to retirees from both a Plan 1 and a Plan 2 or 3 in another pension plan.

(d) The TRS Plan 1 rules will be applied to retirees from both TRS Plan 1 and PERS Plan 1.

(3) What happens if I work more than the work limit?

(a) The department will suspend your retirement allowance effective the day after the day in which you exceed the work limit. All hours worked for all covered employers in eligible positions are considered in determining the work limit.

(b) You have the option to return to membership in PERS if you are otherwise eligible. The option to return to membership is prospective from the first day of the month following the month in which you request to return to membership.

(4) How will the suspension of benefits affect my retirement allowance?

(a) The department will:

(i) Prorate your retirement allowance for the month during which you exceeded the work limit; and

(ii) Suspend all future retirement allowances while you are working until the next calendar year except that it will:

(iii) Adjust for any overpayments made to you for the month(s) in which you exceeded the work limit, as required by RCW 41.50.130.

(b) If you separate from service, your retirement allowance will resume effective the first day of the month following the date of separation.

(5) Can I return to PERS membership?

(a) If you are a PERS retiree, you may choose to return to membership if you are employed by a PERS employer and meet the eligibility criteria. If you return to membership the department will stop your retirement allowance effective from the first of the month during which you return to employment. Membership will be prospective under RCW 41.40.023(12).

(b) If you reenter membership and later choose to retire again, the department will recalculate your retirement allowance under the applicable statutes and regulations.

(c) If you are a retiree from another retirement system that the department administers, and are eligible to enter PERS membership, you may choose to return to membership. The option to return to membership is prospective from the first day of the month following the month in which you request to return to membership.

Example 1:

Kirk is a PERS Plan 2 retiree. He separates from service on August 15th. His accrual date (retirement) is effective September 1st. Kirk returns to work in a PERS Plan 2 eligible position on January 2nd of the following year. On June 1st he realizes that on or about July 8th, he is going to exceed his eight hundred sixty-seven hour limit for the year. On July 5th he notifies his employer in writing that he chooses to reenter PERS Plan 2 membership.

On July 12th, Kirk works his eight hundred sixty-eighth hour. He is no longer eligible for his PERS Plan 2 retirement

benefit as of July 12th. The retirement benefit is stopped for the remainder of July. On August 1st, Kirk is returned to membership and resumes making retirement contributions.

Example 2:

Kristal is a PERS Plan 1 retiree. She separated from service on June 20th. Her accrual date (retirement) is effective July 1st. She begins working in a PERS eligible position the following January. By October 1st, Kristal has exceeded the fifteen hundred hour work limit, and her benefit is suspended. Kristal separates from service on November 15th and her benefit is reinstated December 1st. Kristal qualifies to begin another fifteen hundred hour work period on January 1st.

Example 3:

Millie is a PERS Plan 2 retiree. She separated from service on June 20th. Her accrual date (retirement) is effective July 1st. She begins working in a PERS eligible position on February 1st of the following year. By September 1st, Millie has worked eight hundred sixty-seven hours and continues to work. Millie's benefit is suspended from September 2nd until January 1st if she continues to work.

(6) How soon can I return to work as a retiree? If you return to work sooner than one full calendar month after your accrual date under RCW 41.40.037, your retirement allowance will be reduced by 5.5% for every eight hours worked each month, until you separate for one full calendar month. See RCW 41.40.037.

Example 4:

John's last day of work is September 15th. His accrual date is October 1st. If John wants to return to work after he retires, he will need to wait until at least November 1st to avoid receiving the daily percentage reduction in his retirement allowance.

Example 5:

Tony's last day of work is September 15th. His accrual date is October 1st. Tony returns to work for five work days between October 10th and October 17th. His October retirement allowance will be reduced by five and one-half percent for every eight hours worked in October (RCW 41.40.037); this will be reflected in Tony's November benefit. Tony does not return to work. On December 1st, Tony will qualify to return to work under the work limits described in subsection (2) of this section.

Example 6:

Ruth's last day of work is September 15th. Her accrual date is October 1st. She returns to work on October 10th and continues working. Ruth's retirement benefit will be reduced by 5.5% for each eight hours she works. Under RCW 41.40.037, Ruth's benefit reduction will accrue up to one hundred sixty hours per month. If she stops working, Ruth's full retirement benefit will resume after she remains separated for one full calendar month. Any benefit reduction over one hundred percent will be applied to Ruth's allowance in subsequent months.

(7) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed:

- (a) "Accrual date" - RCW 41.40.193, 41.40.680, 41.40.801.
- (b) "Eligible position" - RCW 41.40.037(2).
- (c) "Employer" - RCW 41.40.010(4).
- (d) "Ineligible position" - RCW 41.40.010.
- (e) "Law enforcement officer" - RCW 41.26.030.
- (f) "Membership" - RCW 41.40.023.
- (g) "Report" - WAC ((415-108-0104)) 415-108-010.

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

WAC 415-108-725 If I have retired from another retirement plan or am eligible to retire, am I excluded from participating in PERS? (1) If you have retired or are eligible to retire from another retirement system authorized by the laws of this state you cannot participate in PERS membership unless:

- (a) You established membership in PERS prior to March 1, 1976; or
- (b) You accrued less than fifteen years of service credit in the other retirement plan.

(2) If you are receiving a disability allowance from any retirement system administered by the department you can not participate in PERS unless you established membership in PERS prior to March 1, 1976.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Membership" - RCW 41.40.023.
- (b) "Retirement plan" - WAC ((415-108-0105)) 415-108-010.
- (c) "Service" - RCW 41.40.010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-108-726 ((415-108-0105)) Can I ((accrue)) earn service credit in PERS and another retirement plan at the same time((, may I participate in PERS))? (1)(a) Yes. You may earn service credit in PERS and any of the following First Class City Retirement Systems (FCCRS) at the same time if:

(i) You work for a PERS employer and an employer covered by a retirement system of the city of Seattle, Spokane or Tacoma ((First Class City Retirement System)) FCCRS); and

(ii) You cannot report service for the ((First Class City Retirement System)) FCCRS in PERS;

(b) The combined service credit under PERS and the retirement system listed in (a) of this subsection may not exceed one month of service for a calendar month of employment.

(c) To qualify for PERS service credit, it is up to the employee to initiate the process by applying under subsection (2) of this section.

Example: A member works part time for the City of Seattle and part time for the University of Washington (UW). She may receive partial service

credit in PERS for the UW service since she cannot report the time she works for Seattle under PERS.

Note: The combined service credit under PERS and the City of Seattle Retirement System may not exceed one month of service for a calendar month of employment. To receive PERS service credit she must apply to the department.

(2) How do I apply?

(a) To apply for membership and service credit under subsection (1) of this section you must send the department an application. The application is a statement that you want membership and/or service credit in PERS. Include:

- (i) Your name;
- (ii) Your SSN;
- (iii) All period(s) of service that you want to receive service credit for;
- (iv) All PERS and non-PERS employer(s) that you worked for during the periods of service referenced in (a)(iii) of this subsection.

(b) After the department receives your application, it will contact your employer(s) to verify how much service credit you have earned. When the department receives the necessary information, it will determine how much service credit you will receive. At that time the department will send you a bill for member contributions and interest that must be paid in order to establish the service credit.

(3) When should I submit my payment?

You should pay contributions and interest required under subsection (2)(b) of this section within twenty-four consecutive months from the last day of the calendar year for which you claim service credit. After that date, you must pay the actuarial cost of purchasing the service credit under RCW 41.40.104 and 41.50.165.

(4) What if I worked before this WAC became effective?

If you worked for a PERS employer and for one of the retirement systems listed in subsection (1) of this section, before this WAC became effective, you have until December 31, 2000, to apply in order to purchase service credit by paying member contributions plus interest. After December 31, 2000, you must pay the actuarial cost of purchasing the service credit under RCW 41.40.104 and 41.50.165.

(5) You may participate in PERS if you are concurrently employed, as described in WAC 415-113-200, in a SERS position.

(6) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Membership" - RCW 41.40.023.
- (b) "Retirement plan" - WAC ((415-108-0105)) 415-108-010.
- (c) "Service" - RCW 41.40.010.
- (d) "Normally" - WAC ((415-108-0102)) 415-108-010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-108-728 If I work in both a PERS position and TRS position during the same school year, which sys-

tem will I be in? (1) If you work in both a PERS and TRS position during the same year, your membership status and the nature of your positions will determine the system your

employer will report you in. You will be reported in either PERS or TRS according to the following table:

Former TRS Plan 1 Members ^{1/}

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a PERS-eligible position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.
	A TRS employer and non-TRS employer	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, you must elect either to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time teaching position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must elect to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

TRS Plan 1 Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must elect either to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for PERS position.
A full-time or less than full-time TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	TRS - for the TRS position only; your ineligible PERS position is not reportable.

PERMANENT

TRS Plan 2 Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for TRS position only; your ineligible PERS position is not reported.
	A TRS employer and non-TRS employer	TRS - for TRS position only; your ineligible PERS position is not reported.
An eligible TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions. ^{3/}
	A TRS employer and non-TRS employer	You must elect either to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

PERS Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible PERS position and an ineligible TRS or substitute position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for the PERS position only, unless you qualify for and elect to establish membership in TRS at the end of the school year under WAC 415-112-125(1). If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.
	A TRS employer and non-TRS employer	PERS - for the PERS position only. You will not be reported for the TRS position unless you elect to either: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

Neither TRS Nor PERS Member

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible PERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate employers, TRS or non-TRS	Neither position reported.
A substitute teaching position and an ineligible PERS position	Same employer	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate employers, TRS or non-TRS	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

^{1/} "Former TRS 1 member", as used here, means you terminate your membership by withdrawing your contributions.

^{2/} Means during the same school year.

- 2/ EXAMPLE: A TRS 2 member teaches in an eligible position and during the summer, she works for a state agency in an eligible position under PERS. Because the member has established membership in TRS 2 through employment as a teacher, her state agency employer must report her service and compensation from the PERS position to the Department in TRS 2.
- EXAMPLE: A TRS 2 member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible PERS position. Because he is a TRS 2 member, School District B employer must report his service and compensation from the PERS position to the Department in TRS 2. If the member terminates his employment in the TRS position with School District A, School District B will report him in PERS for the PERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.40.010.
- (b) "Employer" - RCW 41.40.010 (PERS); RCW 41.32.-010 (TRS).
- (c) "Ineligible position" - RCW 41.40.010.
- (d) "Member" - RCW 41.40.010.
- (e) "Membership" - RCW 41.40.023.
- (f) "Report" - WAC ((415-108-0104)) 415-108-010.
- (g) "Service" - RCW 41.40.010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-010 Definitions. All definitions in RCW 41.35.010 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41:35 RCW are defined in this chapter.

(1) **Annual leave** means leave provided by an employer for the purpose of taking regularly scheduled work time off with pay. Annual leave does not include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work. However, if an employer authorizes only one type of leave to provide paid leave for vacation and illness as well as any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

(2) **Normally** as used in the definition of eligible position under RCW 41.35.010 means a position is eligible if it is expected to require at least five months of seventy or more hours of compensated service each month during each of two consecutive years. Once a position is determined to be eligible, it will continue to be eligible if it requires at least five months of seventy or more hours of compensated service during at least one year in any two-year period.

(3) **Project position** means a position, established by an employer, that has a specific goal and end date.

(4) **Report** means an employer's reporting of an employee's hours of service, compensation and contributions to the department on the monthly transmittal report.

(5) **Reportable compensation** means compensation earnable as that term is defined in RCW 41.35.010(6).

(6) **System acronyms** used in this chapter are defined as follows:

(a) **"PERS"** means the public employees' retirement system.

(b) **"SERS"** means the school employees' retirement system.

(c) **"TRS"** means the teachers' retirement system.

(7) **Year** means any twelve consecutive month period established and applied consistently by an employer to evaluate the eligibility of a specific position. The term may include, but is not limited to, a school year, calendar year, or fiscal year.

Example: An employer has used the twelve consecutive month period from September 1 to August 31 to evaluate the eligibility of positions. When the employer hires a new employee to fill an existing position, the employer must continue to use the September 1 through August 31 period to define a year for the position.

Example: If the same employer in the above example hires a person to work in a project position beginning in November, the employer will use the twelve-month period beginning in November to evaluate the eligibility of the new position. The employer must consistently apply this twelve-month period to evaluate the eligibility of this position.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-680 Am I eligible for membership? (1) You are eligible for membership if you are employed in an eligible position. Your position is eligible under RCW 41.35.010 if the position, as defined by your employer, normally requires at least five months of seventy or more hours of compensated service per month during each year.

(2) **If you leave an eligible position to serve in a project position, you may retain eligibility.** If you are a member and you leave employment in an eligible position to serve in a project position, the project position is eligible if:

(a) The position, as defined by the employer, normally requires at least five months of seventy or more hours of compensated service each month; or

(b) The position requires at least seventy hours per month and you take the position with the understanding that you are expected to return to your permanent eligible position at the completion of the project.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.35.010.
- (b) "Employer" - RCW 41.35.010.
- (c) "Member" - RCW 41.35.010.
- (d) "Membership" - RCW 41.35.030.
- (e) "Normally" - WAC ((415-110-0102)) 415-110-010.
- (f) "Project position" - WAC ((415-110-0103)) 415-110-010.
- (g) "Year" - WAC ((415-110-0108)) 415-110-010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-690 How is my eligibility evaluated? (1) Your eligibility is based on your position. In evaluating whether your position is eligible, your employer will

determine only whether the position meets the criteria of an eligible position under RCW 41.35.010. Your employer will not consider your membership status or individual circumstances unless you:

(a) Leave employment in an eligible position to serve in a project position (see WAC 415-110-680); or

(b) Work in both a SERS and TRS position during the same school year (see WAC 415-110-728).

(2) **Your employer will evaluate your position's eligibility for a particular year at the beginning of the year.**

(3) **Your employer or the department may reclassify your position's eligibility based upon your actual work history.** If your employer declares your position to be ineligible at the beginning of a year and by the end of the year, you have actually worked five or more months of seventy or more hours, your employer will, at that time, review your position's eligibility. If at the end of the first year:

(a) Your employer believes your position meets the requirements for an eligible position and declares the position as eligible, you will enter membership and your employer will report you to the department effective from the date your employer declares the position as eligible; or

(b) Your employer believes that the position will not meet the criteria for an eligible position during the next year, your employer may continue to define your position as ineligible. However, if during the next year the position actually requires you to again work seventy or more hours each month for at least five months, the department will declare your position as eligible. You will enter membership in the retirement system.

(i) Except as provided in (b)(ii) of this subsection, your employer will report you to the department effective from the first month of the first year in which your position required you to work for seventy or more hours.

(ii) If:

(A) Your employer has monitored the work history of your position for eligibility;

(B) Has notified you in writing when you entered the position that the position was not considered eligible; and
You will enter membership prospectively.

(4) **The department will not reclassify your position's eligibility until history of the position shows that it meets the criteria for an eligible position.** If your employer has declared your position ineligible, the department will not reclassify your position as eligible until history of the position shows a period of two consecutive years of at least five months of seventy or more hours of compensated employment each month.

(5) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.35.010.

(b) "Employer" - RCW 41.35.010.

(c) "Ineligible position" - RCW 41.35.010.

(d) "Membership" - RCW 41.35.030.

(e) "Project position" - WAC ((~~415-110-0103~~)) 415-110-010.

(f) "Report" - WAC ((~~415-110-0104~~)) 415-110-010.

(g) "Year" - WAC ((~~415-110-0108~~)) 415-110-010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-700 Can I qualify for membership if I work in more than one ineligible position with the same employer? (1) **All of your monthly work for an employer counts as one position.** If you are employed with the same employer in two ineligible positions during a year which, when combined, equate to an eligible position and your employer expects you to continue in this employment for a second consecutive year, your employer will report the total hours you work in both positions to the department as an eligible position.

Example: A person normally works for one employer as a cook for forty hours each month and as a bus driver for forty hours each month. The person is eligible for membership because he works a total of eighty hours each month for at least five months each year and this is the normal pattern of his employment.

Example: A person normally works for one employer for forty hours each month as a cook. For one year only, she takes on extra duties by also working forty hours per month as a bus driver. Although she worked eighty hours each month for five or more months during one year, she is not eligible for membership because these hours are not the normal pattern of her employment.

Example: A person works for one employer for forty hours each month as a cook and also works for another employer for forty hours each month as a bus driver. The person is not eligible for membership because he cannot combine the hours of employment with these separate employers to establish membership.

(2) **You may be reported in TRS if you work in two positions and one position is covered under TRS.** See WAC 415-110-728.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.35.010.

(b) "Employer" - RCW 41.35.010.

(c) "Ineligible position" - RCW 41.35.010.

(d) "Membership" - RCW 41.35.030.

(e) "Normally" - WAC ((~~415-110-0102~~)) 415-110-010.

(f) "Report" - WAC ((~~415-110-0104~~)) 415-110-010.

(g) "Year" - WAC ((~~415-110-0108~~)) 415-110-010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-725 If I have retired from another retirement plan or am eligible to retire, am I excluded from participating in SERS? (1) If you have retired or are eligible to retire from another retirement system authorized by the laws of this state, you cannot participate in SERS membership unless you accrued less than fifteen years of service credit in the other retirement plan.

(2) If you are receiving a disability allowance from any retirement system administered by the department, you cannot participate in SERS.

(3) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Membership" - RCW 41.35.030.

(b) "Retirement plan" - WAC ((415-110-0105)) 415-110-010.

(c) "Service" - RCW 41.35.010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-728 If I work in both a SERS position and TRS position during the same school year, which system will I be in? (1) If you work in both a SERS and TRS position during the same year, your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either SERS or TRS according to the following table:

Former TRS Plan 1 Members ^{1/}

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a SERS-eligible position	Same SERS employer	SERS - for both positions.
	Separate SERS employers	SERS - for SERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in SERS will be transferred to TRS.
A full-time teaching position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.

TRS Plan 1 Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.
A full-time or less than full-time TRS position and an ineligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.

TRS Plan 2 or 3 Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for TRS position only; your ineligible SERS position is not reported.
An eligible TRS position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions. ^{3/}

SERS Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible SERS position and an ineligible TRS or substitute position	Same employer	SERS - for both positions.
	Separate SERS employers	SERS - for the SERS position only, unless you qualify for and elect to establish membership in TRS at the end of the school year under WAC 415-112-125(1). If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in SERS will be transferred to TRS.

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Neither TRS Nor SERS Member

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible SERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate SERS employers	Neither position reported.
A substitute teaching position and an ineligible SERS position	Same employer	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate SERS employers	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

^{1/} "Former TRS 1 member," as used here, means you terminate your membership by withdrawing your contributions.

^{2/} Means during the same school year.

^{3/} EXAMPLE: A TRS 2 member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible SERS position. Because he is a TRS 2 member, School District B employer must report his service and compensation from the SERS position to the department in TRS 2. If the member terminates his employment in the TRS position with School District A, School District B will report him in SERS for the SERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(b) "Employer" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(c) "Ineligible position" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(d) "Member" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(e) "Membership" - RCW 41.35.030 (SERS).

(f) "Report" - WAC ~~((415-110-0104))~~ 415-110-010.

(g) "Service" - RCW 41.35.010 (SERS); RCW 41.32.-010 (TRS).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 415-110-0102 Normally—Definition.
- WAC 415-110-0103 Project position—Definition.
- WAC 415-110-0104 Report—Definition.
- WAC 415-110-0108 Year—Definition.
- WAC 415-110-0109 System acronyms—Definition.
- WAC 415-110-0110 Reportable compensation—Definition.
- WAC 415-110-0111 Annual leave—Definition.

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

WAC 415-112-015 Definitions. (1) All definitions in RCW 41.32.010 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.32 RCW are defined in this chapter.

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

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

(3) **Contract period** for Plan 1 members as used in RCW 41.32.345 means the period from July 1 to June 30 of the following year.

(4) **Ineligible position** means a position which does not qualify as an eligible position under RCW 41.32.010.

(5) **Pension benefit** means that portion of a retiree's monthly retirement allowance that is funded by the state of Washington and the retiree's former employer or employers.

(6) **Public educational institution** means a school district, the state school for the deaf, the state school for the blind, educational service districts, institutions of higher education, or community colleges.

(7)(a) **Public school** as defined in RCW 41.32.010 includes school districts, educational service districts, the state school for the deaf, and the state school for the blind but does not include the office of the superintendent of public instruction.

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(b) As applied to other TRS employers, "public school" means an institution, fifty percent or more of whose employees are "qualified to teach," whose primary function is to educate students. See subsection (8) of this section.

(8) **Qualified to teach** as used under RCW 41.32.010 means either:

(a) Having the authority to provide instruction at a common school as defined under RCW 28A.150.020 pursuant to:

(i) A valid teaching certificate issued by the office of the superintendent of public instruction under WAC 180-75-055; or

(ii) A permit to teach issued by lawful authority of this state under RCW 28A.405.010; or

(b) Being employed under a contract to teach with an institution of higher education as defined in RCW 28A.150.020.

(9) **Reportable compensation** means earnable compensation as that term is defined in RCW 41.32.010(10).

(10)(a) **School year** for Plan 1 members means the fiscal year running from July 1 to June 30.

(b) "School year" for Plan 2 and 3 members means the twelve-month period from September 1 of one year to August 31 of the following year.

(11) **Service in an administrative or supervisory capacity** as used under RCW 41.32.010 and in this chapter:

(a) Means:

(i) Service in a managerial role relating to the administration of a public school; or

(ii) Service involving the exercise of direction over employees of the public school.

(b) Includes, but is not limited to, service as: Principal, assistant principal, superintendent, assistant superintendent, personnel manager and business manager.

(12) **Service in an instructional capacity** means a qualified teacher performing services as a classroom teacher.

(13) **Spousal consent** requires written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, duly executed and filed with the department, shall constitute "spousal consent."

(14) **System acronyms** used in this chapter are defined as follows:

- "PERS" means the public employees' retirement system.

- "SERS" means the school employees' retirement system.

- "TRS" means the teachers' retirement system.

AMENDATORY SECTION (Amending WSR 00-10-015, filed 4/21/00, effective 5/22/00)

WAC 415-112-125 If I am eligible, how can I establish membership? (1) If you met the conditions in the following table, you established TRS membership. Your plan status depends upon the date you established membership, as indicated in the following table:

Period of Service	Type of Employment	Plan
Prior to 10/01/77 ^{1/2}	If you were contracted to teach full-time you were mandated into membership. If you were employed under a less than full-time contract and you exercised your option to establish membership prior to 10/01/77, you had the option to apply for membership under RCW 41.32.240, if you worked 90 or more full-time days ^{2/2} during a fiscal year.	Plan 1
10/01/77 through 06/06/90	If you were contracted to teach full-time you were required to be a member. If you were employed as a substitute teacher or under a less than full-time contract, you have the option to apply for membership under RCW 41.32.240 if you worked a minimum of 90 full-time days ^{2/2} during a school year, provided 1 month had at least 90 hours.	Plan 2
6/07/90 through 08/31/91	You must have been employed in an eligible position as defined in Section 2, Chapter 274, Laws of 1990, (requiring two or more consecutive months of at least 90 hours of compensated employment each month during a school year). For substitute teachers: If you met the above criteria, you may apply for membership and service credit under RCW 41.32.013 and WAC 415-112-140.	Plan 2
9/01/91 forward	You must be employed in an eligible position (requiring at least 5 months of 70 hours or more of compensated employment each month during a school year). For substitute teachers: If you meet the above criteria, you may apply for membership/service credit under RCW 41.32.013 and WAC 415-112-140.	Plan 2
7/01/96	You must be employed in an eligible position (requiring at least 5 months of 70 hours or more of compensated employment each month during the school year). For substitute teachers: If you meet the above criteria, you may apply for membership/service credit under RCW 41.32.013 and WAC 415-112-140.	Plan 3

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¹ If you previously established Plan 1 membership as detailed above, you may reestablish Plan 1 membership after October 1, 1977.

² "Ninety days of employment," under RCW 41.32.240 and this section means either:

- (a) Ninety full-time calendar days, or the equivalent, during a school year if you were employed as a teacher under a contract; or
- (b) Ninety full-time days of actual, compensated service, or the equivalent, during a school year if you were employed as a substitute teacher.
- (c) The "equivalent" of a full-time day of employment under (a) and (b) of this subsection is the sum of partial days which, when added together, equals one full-time day.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Member" - RCW 41.32.010.
- (b) "Eligible position" - RCW 41.32.010.
- (c) "Employer" - RCW 41.32.010.
- (d) "Full-time" - RCW 41.32.240
- (e) "Service" - RCW 41.32.010.
- (f) "Substitute teacher" - RCW 41.32.010.
- (g) "Teacher" - RCW 41.32.010.
- (h) "School year" - WAC ((415-112-0161)) 415-112-015.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-112-130 If I separate from, and then reenter employment, can I continue to participate in TRS? (1) If you are a TRS Plan 1 member, you will participate in TRS Plan 1 if you become reemployed with a TRS employer. If you are a Plan 1 member and have separated from service without withdrawing contributions, you will participate in the system again if you become reemployed with a TRS employer, even if you are not working as a teacher.

(2) **If you terminate TRS Plan 1 membership, you will not reenter TRS Plan 1 unless you requalify for membership or repay withdrawn contributions as a dual member.** If you were a Plan 1 member and have terminated your membership, you can reestablish your membership and be eligible to participate in the system again only if you:

- (a) Become reemployed as a teacher in a position or positions meeting the membership eligibility criteria under RCW 41.32.240 and WAC 415-112-125(1); or
- (b) Repaid withdrawn contributions as a dual member under portability. See RCW 41.54.020(2).

(3) **If you have service credit in TRS Plan 2, you will only reestablish membership if you work as a teacher in an eligible position.** If you were a Plan 2 member who separated from service, you will reestablish membership and be eligible to participate in the system again only if you:

- (a) Become reemployed as a teacher; and
- (b) Render service in a position or positions meeting the membership eligibility criteria under WAC 415-112-125(1) or 415-112-140(1).

(4) **If you have service credit in TRS Plan 3, you will only reestablish membership if you work as a teacher in an eligible position.** If you were a Plan 3 member who separated from service, you will reestablish membership and be eligible to participate in the system again only if you:

- (a) Become reemployed as a teacher; and

(b) Render service in a position or positions meeting the membership eligibility criteria under WAC 415-112-125(1) or 415-112-140(1).

(5) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Dual member" - RCW 41.54.010 and WAC 415-113-041.
- (b) "Eligible position" - RCW 41.32.010.
- (c) "Employer" - RCW 41.32.010.
- (d) "Member" - RCW 41.32.010.
- (e) "Service" - RCW 41.32.010.
- (f) "Service in an administrative or supervisory capacity" - WAC ((415-112-0162)) 415-112-015.
- (g) "Service in an instructional capacity" - WAC 415-112-0163.
- (h) "Teacher" - RCW 41.32.010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-112-135 Can I be a member if I work as an educational staff associate? (1) You are eligible for membership if you are certificated and employed as an educational staff associate. You are a teacher for purposes of TRS membership if you:

(a) Possess a valid educational staff associate certificate issued by the office of the superintendent of public instruction under WAC 180-75-055(3); and

(b) Serve in an educational staff associate position.

(2) **Positions which qualify as an educational staff associate.** "Educational staff associate," includes but is not limited to a person employed by a public school in any of the following positions: Communications disorder specialist, occupational therapist, physical therapist, reading resource technician, school counselor, school nurse, school psychologist, school social worker and school librarian.

(3) **If you were enrolled in PERS before June 7, 1984, based on your employment as an educational staff associate, you may remain in PERS.** If you were enrolled in the PERS prior to June 7, 1984, based on employment as an educational staff associate, you will remain in PERS unless you choose either to:

(a) Transfer your membership to TRS within the time limits established in RCW 41.32.032; or

(b) Terminate your membership in PERS by withdrawing your accumulated contributions.

(4) **If you were enrolled in PERS prior to June 7, 1984, based on employment as an educational staff associate and converted to SERS you may maintain your SERS membership.** If you were enrolled in the PERS prior to June 7, 1984, based on employment as an educational staff associate, and were converted to SERS membership under RCW 41.40.750, you will remain in SERS unless you choose either to:

(a) Transfer your membership to TRS within the time limits established in RCW 41.32.032; or

(b) Terminate your membership in SERS Plan 2 by withdrawing your accumulated contributions.

(5) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Member" - RCW 41.32.010.
- (b) "Employer" - RCW 41.32.010.
- (c) "Public school" - RCW 41.32.010 and WAC ((415-112-0158)) 415-112-015.
- (d) "Service" - RCW 41.32.010.
- (e) "Teacher" - RCW 41.32.010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-112-155 If I work in both a TRS position and PERS position during the same school year, which system will I be in? (1) If you work in both a TRS and PERS position during the same school year, your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either TRS or PERS according to the following tables:

Former TRS Plan 1 Members ^u

Type of Employment ^z	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a PERS-eligible position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.
	A TRS employer and non-TRS employer	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, you must elect either to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time teaching position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must elect to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

TRS Plan 1 Members

Type of Employment ^z	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must elect either to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

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TRS Plan 1 Members

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	TRS - for the TRS position only; your ineligible PERS position is not reportable.

TRS Plan 2 Members

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for TRS position only; your ineligible PERS position is not reported.
	A TRS employer and non-TRS employer	TRS - for TRS position only; your ineligible PERS position is not reported.
An eligible TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions. ²
	A TRS employer and non-TRS employer	You must elect either to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

PERS Members

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
An eligible PERS position and an ineligible TRS or substitute position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for the PERS position only, unless you qualify for and elect to establish membership in TRS at the end of the school year under WAC 415-112-125 (1). If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.
	A TRS employer and non-TRS employer	PERS - for the PERS position only. You will not be reported for the TRS position unless you elect to either: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions:or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

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Neither TRS Nor PERS Member

Type of Employment ^{1/}	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible PERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate employers, TRS or non-TRS	Neither position reported.
A substitute teaching position and an ineligible PERS position	Same employer	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate employers, TRS or non-TRS	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

^{1/} "Former TRS 1 member", as used here, means you terminate your membership by withdrawing your contributions.

^{2/} Means during the same school year.

^{3/} EXAMPLE: A TRS 2 member teaches in an eligible position and during the summer, she works for a state agency in an eligible position under PERS. Because the member has established membership in TRS 2 through employment as a teacher, her state agency employer must report her service and compensation from the PERS position to the Department in TRS 2.

EXAMPLE: A TRS 2 member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible PERS position. Because he is a TRS 2 member, School District B employer must report his service and compensation from the PERS position to the Department in TRS 2. If the member terminates his employment in the TRS position with School District A, School District B will report him in PERS for the PERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.32.010 (TRS); RCW 41.40.010 (PERS).

(b) "Employer" - RCW 41.40.010 (PERS); RCW 41.32.010 (TRS).

(c) "Full time" - RCW 41.32.240.

(d) "Ineligible position" - WAC ((415-112-0154)) 415-112-015 (TRS); RCW 41.40.010 (PERS).

(e) "Member" - RCW 41.40.010.

(f) "Membership" - RCW 41.40.023.

(g) "Report" - WAC 415-108-0104.

(h) "Service" - RCW 41.40.010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-112-156 If I work in both a TRS position and SERS position during the same school year, which system will I be in? (1) If you work in both a TRS and SERS position during the same year, your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either TRS and SERS according to the following table:

Former TRS Plan 1 Members ^{1/}

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a SERS-eligible position	Same SERS employer	SERS - for both positions.
	Separate SERS employers	SERS - for SERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in SERS will be transferred to TRS.
A full-time teaching position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.

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TRS Plan 1 Members

Type of Employment ^{1/}	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.
A full-time or less than full-time TRS position and an ineligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.

TRS Plan 2 or 3 Members

Type of Employment ^{1/}	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for TRS position only; your ineligible SERS position is not reported.
An eligible TRS position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions. ^{2/}

SERS Members

Type of Employment ^{1/}	Type of Employer(s)	System You Will Be Reported In
An eligible SERS position and an ineligible TRS or substitute position	Same employer	SERS - for both positions.
	Separate SERS employers	SERS - for the SERS position only, unless you qualify for and elect to establish membership in TRS at the end of the school year under WAC 415-112-125 (1). If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in SERS will be transferred to TRS.

Neither TRS Nor SERS Member

Type of Employment ^{1/}	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible SERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate SERS employers	Neither position reported.
A substitute teaching position and an ineligible SERS position	Same employer	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate SERS employers	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

^{1/} "Former TRS 1 member," as used here, means you terminate your membership by withdrawing your contributions.

^{2/} Means during the same school year.

^{3/} EXAMPLE: A TRS 2 member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible SERS position. Because he is a TRS 2 member, School District B employer must report his service and compensation from the SERS position to the

department in TRS 2. If the member terminates his employment in the TRS position with School District A, School District B will report him in SERS for the SERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

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- (a) "Eligible position" - RCW 41.35.010(SERS); RCW 41.32.010 (TRS).
- (b) "Employer" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).
- (c) "Ineligible position" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).
- (d) "Member" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).
- (e) "Membership" - RCW 41.35.030 (SERS).
- (f) "Report" - WAC ((~~415-110-0104~~)) 415-110-010 (SERS).
- (g) "Service" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

AMENDATORY SECTION (Amending WSR 02-02-060, filed 12/28/01, effective 1/1/02)

WAC 415-112-541 How will returning to work affect my TRS Plan 1 monthly pension? This section implements RCW 41.32.570, which limits employment for TRS Plan 1 retirees with public educational institutions to fifteen hundred hours regardless of the nature of service.

(1) You may return to any type of service with a public education institution for up to fifteen hundred hours per school year as defined in WAC ((~~415-112-0161~~)) 415-112-015 without affecting your TRS Plan 1 monthly pension under RCW 41.32.570, provided you have been retired from service for one full calendar month (see WAC 415-112-520 and 415-112-525 for more information).

(a) Your employer must notify the department when you return to work. Your employer must report hours and compensation.

(b) If you are a TRS Plan 1 retiree and you work more than fifteen hundred hours during a fiscal year, the department will suspend your monthly pension. The pension is suspended until the first of the next fiscal year or termination of your employment, whichever comes first.

(c) The TRS Plan 1 limits will be applied to retirees from both TRS Plan 1 and a Plan 2 or 3 in another pension plan.

(d) The TRS Plan 1 limits will be applied to retirees from both TRS Plan 1 and PERS Plan 1.

(e) If you are a TRS Plan 1 retiree working for a public education institution as a bona fide independent contractor as determined under WAC 415-02-110, you are not considered an employee of the institution and are not subject to the work limitations.

(2) If the department suspends your benefit because of your reemployment, the department will reinstate the original amount of your pension, less deductions to recover any overpayment, effective the day following your termination of employment, or at the beginning of the next fiscal year, whichever comes first.

(3) You must repay any monthly pension payment that you receive in excess of the amounts allowed under this section.

(4) You may choose to return to membership if you are employed by a public education institution and are otherwise eligible. Membership will be prospective from the month in which you opt into membership.

(5) Defined terms used. Definitions for the following term used in this section may be found in the section listed.

Public educational institution: WAC ((~~415-112-0157~~)) 415-112-015.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 415-112-0151	Contract period—Definition.
WAC 415-112-0154	Ineligible position—Definition.
WAC 415-112-0156	Pension benefit—Definition.
WAC 415-112-0157	Public educational institution—Definition.
WAC 415-112-0158	Public school—Definition.
WAC 415-112-0159	Qualified to teach—Definition.
WAC 415-112-0160	Reportable compensation—Definition.
WAC 415-112-0161	School year—Definition.
WAC 415-112-0162	Service in an administrative or supervisory capacity—Definition.
WAC 415-112-0163	Service in an instructional capacity—Definition.
WAC 415-112-0165	Spousal consent—Definition.
WAC 415-112-0167	System acronyms—Definition.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-113-030 Definitions for purposes of ((~~WAC 415-113-035 through 415-113-200~~)) chapter 415-113 WAC. (1) All definitions in RCW 41.54.010 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.54 RCW are defined in this chapter ((~~at WAC 415-113-0301 through 415-113-0310~~)).

(2) Average compensation means the compensation used by a particular retirement system to calculate a dual member's service retirement allowance. The actual meaning of the term varies depending upon the retirement system. With respect to each dual member system, "average compensation" means:

(a) First class city retirement systems: Final compensation as defined in RCW 41.28.010;

(b) LEOFF Plan 2: Final average salary as defined in RCW 41.26.030 (12)(b);

(c) PERS: Average final compensation as defined in RCW 41.40.010(17);

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(d) SERS: Average final compensation as defined in RCW 41.35.010(14);

(e) Statewide cities retirement systems: Final compensation as defined in 41.44.030(14).

(f) TRS:

(i) Plan 1: Average earnable compensation as defined in RCW 41.32.497 and 41.32.498;

(ii) Plans 2 and 3: Average final compensation as defined in RCW 41.32.010(30); and

(g) WSPRS: Average final salary as defined in RCW 43.43.120(15).

(3) Dual member system refers to the state and city retirement systems admitted to participate under chapter 41.54 RCW. These systems include:

(a) First class city retirement systems of Seattle, Tacoma and Spokane;

(b) Law enforcement officers' and fire fighters' retirement system (LEOFF) Plan 2;

(c) Public employees' retirement system (PERS) Plans 1, 2 and 3;

(d) School employees' retirement system (SERS) Plans 2 and 3;

(e) Statewide cities employees' retirement system (SCERS);

(f) Teachers' retirement system (TRS) Plans 1, 2 and 3; and

(g) Washington state patrol retirement system (WSPRS) Plans 1 and 2.

(4) First class city retirement systems means the retirement systems for the non-LEOFF member employees of the cities of Seattle, Spokane and Tacoma authorized by chapter 41.28 RCW.

(5) Member participant.

(a) For all dual member systems administered by the department other than TRS Plan 1, "member participant" means a person who is employed for compensation in a dual member system qualifying position and is admitted into the membership of the system.

(b) For TRS Plan 1, "member participant" includes persons meeting the definition of (a) of this subsection and also includes members who are not employed for compensation but have accumulated contributions standing to their credit with TRS.

(c) This definition may not apply to first class city systems. See RCW 41.54.061 and WAC 415-113-005. If you have a question, you should contact the appropriate first class city system.

(6) Multiple system benefit means retirement allowances from two or more dual member systems calculated under chapter 41.54 RCW.

(7) Multiple system participant means a person who is a participant in two or more dual member systems.

(8) Multiple system retiree means a person who chooses to retire under the provisions of chapter 41.54 RCW.

(9)(a) Nonmember participant means a person who is no longer employed in a dual member system qualifying position but has not withdrawn his or her accumulated employee contributions.

(b) This definition does not apply to TRS Plan 1. A TRS Plan 1 member who meets the criteria of (a) of this subsection is a member participant.

(c) This subsection applies only to the retirement systems listed in RCW 41.50.030.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-113-041 Am I a dual member? You must meet all of the following criteria to be a dual member:

(1) You must be a participating member of a dual member system. You must be a current member participant in at least one of the systems listed in WAC 415-113-030 to be a dual member. You may have established dual member status if you are or were a member participant in one of those systems on or after:

(a) July 1, 1988, for current or former members of all plans of PERS, SERS, TRS, SCERS or WSPRS;

(b) July 25, 1993, for current or former members of LEOFF Plan 2; or

(c) January 1, 1994, for current or former members of a first class city retirement system;

(2) You must also be a former or current member of at least one other system listed in WAC ((415-113-030)) 415-113-030.

(3) You must not have been retired for service from a retirement system. You are not a dual member if you have ever been retired for service from any retirement system administered by the department of retirement systems or a first class city retirement system.

(4) If you are receiving a disability retirement allowance or disability leave benefits from a dual member system or LEOFF Plan 1, you cannot be a dual member.

(a) If you have received a lump sum disability benefit from PERS Plan 2 or 3, SERS Plan 2 or 3, TRS Plan 2 or 3 or LEOFF Plan 2 you are in receipt of a disability benefit unless the department has found that you are no longer disabled.

(b) You are not receiving a disability retirement allowance or disability leave benefits if you:

(i) Previously received disability benefits and the department has subsequently found that you are no longer disabled, and has terminated your disability benefit; or

(ii) Retired for disability from service from WSPRS Plan 1 or 2.

Example 1: A former PERS Plan 1 member who has never been retired and becomes a member participant in TRS Plan 2 through employment with a TRS employer becomes a dual member.

(5) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Dual member" - RCW 41.54.010(4).

(b) "Dual member system" - WAC ((415-113-030)) 415-113-030.

(c) "Member participant" - WAC ((415-113-030)) 415-113-030.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-113-042 What can terminate my status as a dual member? (1) **If you terminate your status as a participating member, you also terminate your status as a dual member.** If you are no longer a member participant in any dual member system, you are no longer a dual member. If you later become a member of a dual member system, you again become a dual member.

Example 2: Upon separation from TRS Plan 2 eligible employment, the person in Example 1 (see WAC 415-113-041) is no longer a member of TRS Plan 2 nor a dual member.

(2) **If you retire, you are no longer a dual member.** When you retire from any or all dual member systems, you are no longer a dual member except for the purpose of receiving a deferred retirement allowance under RCW 41.54.030(3) and WAC 415-113-070.

(3) **If you terminate dual membership, you may still be eligible to receive a multiple system benefit if otherwise eligible.** The accrual date of your retirement allowance will vary depending upon the provisions of the particular system. You can find the accrual dates of different dual member systems in the following provisions:

- (a) **LEOFF 2:** RCW 41.26.490;
- (b) **PERS 1:** RCW 41.40.193;
- (c) **PERS 2:** RCW 41.40.680;
- (d) **PERS 3:** RCW 41.40.801;
- (e) **SERS 2:** RCW 41.35.450;
- (f) **SERS 3:** RCW 41.35.640;
- (g) **TRS 1:** WAC 415-112-520;
- (h) **TRS 2:** RCW 41.32.795;
- (i) **TRS 3:** RCW 41.32.855.

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Dual member" - RCW 41.54.010(4), WAC 415-113-041.
- (b) "Dual member system" - WAC ((415-113-0303)) 415-113-030.
- (c) "Member participant" - WAC ((415-113-0305)) 415-113-030.
- (d) "Multiple system benefit" - WAC ((415-113-0306)) 415-113-030.

AMENDATORY SECTION (Amending WSR 99-22-043, filed 10/29/99, effective 11/29/99)

WAC 415-113-045 Can I reestablish service credit in a prior system? (1) **You may reestablish service credit terminated by a withdrawal of contributions from a prior system.** If you repay contributions you withdrew from a prior dual member system plus interest from the date of withdrawal you will recover the service terminated by the withdrawal. To qualify, you must repay the contributions plus interest within twenty-four consecutive months from the date you became a dual member.

(a) The twenty-four-month restoration period continues to run even if you terminate dual member status.

(b) If you terminate your dual member status but later become a dual member again, you have twenty-four consecutive months from the date you regain dual member status to repay withdrawn contributions.

Example 3: A person becomes a dual member on January 1, 1994. She has until December 31, 1995, to restore any previously withdrawn contributions for service credit in a prior system regardless of whether she subsequently loses her status as a dual member.

Example 4: A person becomes a dual member on January 1, 1994, separates from membership on January 1, 1995, and then reenters membership on January 1, 1996. He has until December 31, 1997, twenty-four consecutive months from the date he regained dual member status, to restore withdrawn contributions in any prior system.

(c) If you have previous service in LEOFF Plan 2 or a first class city system:

(i) If you were a dual member on July 25, 1993, and you used to be a member of LEOFF Plan 2, you have until July 24, 1995, to repay your withdrawn contributions.

(ii) If you were a dual member on January 1, 1994, and you used to be a member of a first class city retirement system, you have until December 31, 1995, to repay your withdrawn contributions.

Example 5: A person is a member participant in PERS Plan 2 and has previous service in LEOFF Plan 2. LEOFF Plan 2 was newly admitted to participate under the portability provisions of chapter 41.54 RCW on July 25, 1993. Therefore, the person has until July 24, 1995, to restore her prior LEOFF Plan 2 service.

(2) **You may reestablish TRS Plan 1 membership.** If a PERS member restores withdrawn TRS Plan 1 contributions under this section he or she:

- (a) Reestablishes membership in TRS Plan 1; and
- (b) Will participate prospectively in TRS Plan 1 if employed by a state agency, school district or other TRS employer.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Dual member" - RCW 41.54.010(4), WAC 415-113-041.
- (b) "Dual member system" - WAC ((415-113-0303)) 415-113-030.
- (c) "First class city retirement system" - WAC ((415-113-0304)) 415-113-030.

AMENDATORY SECTION (Amending WSR 96-20-004, filed 9/19/96, effective 10/20/96)

WAC 415-113-055 Am I eligible for a multiple system benefit? To be eligible for a multiple system benefit, you must meet the criteria listed in this section.

(1) **You may retire for service or disability.** You may retire with a multiple system benefit if you retire from all systems for service. You may also retire with a disability retirement from your current system, other than a benefit provided by RCW 41.40.220 or WSPRS, and a service retirement from your prior system.

(2) **You must retire from all systems.** You may only retire with a multiple system benefit if you retire from all dual member systems that you participate in.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Accumulated contributions" - WAC ((415-113-0304)) 415-113-030.

(b) "Dual member system" - WAC ((415-113-0303)) 415-113-030.

(c) "Multiple system benefit" - WAC ((415-113-0306)) 415-113-030.

AMENDATORY SECTION (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

WAC 415-113-057 Am I required to retire with a multiple system benefit? You are not required to retire with a multiple system benefit. You may elect to retire from a system or systems without the benefits or restrictions of chapter 41.54 RCW. If you choose to retire from more than one system without receiving a multiple system benefit, you are not subject to the maximum benefit limitation of RCW 41.54.070 and WAC 415-113-090(1).

(1) **Waiver of benefits.** If you decide not to receive a multiple system benefit, you waive the right to:

(a) Substitute your base salary between retirement systems for purposes of calculating a retirement allowance; or

(b) Combining your service from each system for purposes of determining retirement eligibility.

(2) **You are not required to retire with a multiple system benefit even if you repaid contributions as a dual member.** If you repaid previously withdrawn contributions from a prior dual member system under RCW 41.54.020, you may still elect to retire from one or more systems without receiving a multiple system benefit.

(3) **If you decline a multiple system benefit, you may withdraw your contributions.** If you elect to retire without receiving a multiple system benefit, you may withdraw your accumulated contributions from a system in lieu of receiving a retirement allowance, provided that withdrawal is otherwise permissible under the systems' provisions.

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Accumulated contributions" - WAC ((415-113-0304)) 415-113-030.

(b) "Base salary" - RCW 41.54.010(1).

(c) "Dual member" - RCW 41.54.010(4), WAC ((415-113-0303)) 415-113-030.

(d) "Dual member system" - WAC ((415-113-0303)) 415-113-030.

(e) "Multiple system benefit" - WAC ((415-113-0306)) 415-113-030.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-113-065 Can I substitute salary from one system to another? (1) You can substitute base salary between systems.

(a) If you choose to retire with a multiple system benefit, you may substitute your base salary under one dual member system for your includable compensation in a second dual member system for purposes of computing a retirement allowance from the second system. Using the substituted salary, the department will compute your average compensation under each system's own requirements.

Example 6: At retirement, Sandy is a member participant in PERS Plan 2 and has prior creditable service in TRS Plan 1. She earned her highest compensation during her PERS Plan 2 service. Sandy's PERS Plan 2 retirement allowance will be based on her PERS Plan 2 average compensation. For purposes of computing her TRS average compensation and retirement allowance, Sandy may substitute her PERS Plan 2 base salary earned over two consecutive fiscal years for her earnable compensation in TRS.

Example 7: At retirement, Pat is a member participant in TRS Plan 1 and has prior creditable service in PERS Plan 1. He earned his highest compensation during his membership in TRS Plan 1 and received a sick-leave cashout. Pat may substitute his base salary earned while a member in TRS Plan 1 for his PERS Plan 1 compensation earnable. However, because Pat may substitute only his base salary from TRS Plan 1 for his compensation earnable in PERS, his PERS average compensation will not include the cash-out payments from his TRS employer.

(b) If you do not have sufficient service credit months in one dual member system to complete an average compensation period under that system, the department will substitute the appropriate number of months of base salary from another system to complete the average compensation period.

Example 8: Tim has creditable service in TRS Plan 1 and PERS Plan 2. He retires at age sixty-five after accruing twenty-four months of service in PERS Plan 2. Under PERS Plan 2, a member's average compensation period is the member's highest consecutive sixty-month period of compensation. To compute Tim's PERS Plan 2 retirement allowance, the department will substitute his highest consecutive thirty-six service credit months of TRS base salary to complete the PERS sixty-month average compensation period.

(2) **Adjusted full-time salary is not base salary.** A multiple system retiree's adjusted full-time salary under RCW 41.32.345 shall not constitute base salary for purposes of computing the retiree's multiple system benefit.

(3) **Includable compensation defined.** For purposes of this chapter, "includable compensation" means:

(a) Earnable compensation under TRS Plan 1, 2 or 3 as defined in RCW 41.32.010(10);

(b) Compensation earnable under PERS Plan 1, 2 or 3 as defined in RCW 41.40.010(8);

(c) Basic salary under LEOFF Plan 2 as defined in RCW 41.26.030 (13)(b);

(d) Monthly salary under WSPRS Plan 1 or 2 as defined in RCW 43.43.120(23) (~~and WAC 415-103-010~~); and

(e) Compensation earnable under SERS Plan 2 or 3 as defined in RCW 41.35.010(6).

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Average compensation" - WAC (~~(415-113-0302)~~) 415-113-030.

(b) "Base salary" - RCW 41.54.010(1).

(c) "Dual member system" - WAC (~~(415-113-0303)~~) 415-113-030.

(d) "Member participant" - WAC (~~(415-113-0305)~~) 415-113-030.

(e) "Multiple system benefit" - WAC (~~(415-113-0306)~~) 415-113-030.

(f) "Multiple system retiree" - WAC (~~(415-113-0308)~~) 415-113-030.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-113-070 If I retire as a dual member, must I receive benefits from both systems immediately? (1) If you qualify to retire in one system but not the second system, you may nonetheless choose to retire *from both systems* and receive a multiple system benefit.

(2) If you retire with a multiple system benefit, before you have become eligible in a second system(s), you must either:

(a) Take an actuarial reduction in the retirement allowance you receive from the second system(s); or

(b) Defer receipt of your retirement allowance in the second system(s) under RCW (~~(41-554-030)~~) 41.54.030(3).

(3) If you take an actuarial reduction under subsection (2)(a) of this section, the reduction will account for the difference between your age at the time you begin to receive the retirement allowance and the earliest age when you would be fully eligible based on your combined service. You are "fully eligible" when you meet the age and service qualifications for retirement for each system.

(4) If you defer receipt of your retirement allowance under subsection (2)(b) of this section:

(a) You will retain dual member status for the sole purpose of receiving a deferred retirement allowance from the second system(s); and

(b) You may not subsequently withdraw accumulated contributions from the second system(s).

Example 9: A sixty-two year old dual member of PERS Plan 1 and TRS Plan 2 retires. He chooses to receive PERS Plan 1 benefits but defers receipt of a TRS Plan 2 retirement allowance. If he

becomes reemployed in a TRS Plan 2 eligible position, he will reenter TRS Plan 2 membership if otherwise eligible and terminate his dual member status, but he will continue to receive his PERS Plan 1 retirement allowance until he works more than the work-limit in a calendar year under WAC 415-108-710. The member's eligibility to retire from TRS Plan 2 will be based solely on his accrued service credit in TRS Plan 2 and his TRS Plan 2 retirement allowance will be based solely on his compensation while he was a member participant in TRS Plan 2.

Example 10: Assume the retiree in Example 9 above became reemployed in a PERS position rather than a TRS Plan 2 position. He could work in this position up to the work-limit in a calendar year under WAC 415-108-710 without having his PERS retirement allowance suspended. If the retiree works over the work-limit:

- The department would suspend his retirement allowance until the next calendar year. He would remain a dual member. He would be able to retire in TRS 2 if otherwise eligible;
- The retiree could choose to reenter PERS Plan 1 membership at any time, if otherwise eligible, and terminate his dual member status. His choice for membership is not retroactive. The effect on the person's right to a TRS Plan 2 benefit is the same as in Example 9. See WAC 415-108-710.

(5) **If you defer your retirement allowance and die before you begin receiving the allowance, your survivor may receive a continuing benefit.** If you defer receipt of your retirement allowance from a system and die before you choose to begin receiving the allowance:

(a) Your surviving spouse, if any, must choose to receive either:

(i) A joint and one hundred percent survivor option from the deferred system. If your surviving spouse selects this option, your base salary under one system may be substituted for your includable compensation in the deferred system to compute the survivor retirement allowance from the deferred system; or

(ii) A refund of your accumulated contributions from the deferred system.

(b) If you do not have a surviving spouse, the department will pay your accumulated contributions from the deferred system to:

(i) Your designated beneficiary or beneficiaries; or

(ii) Your estate, if there are no living beneficiaries.

(6) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Dual member system" - WAC (~~(415-113-0303)~~) 415-113-030.

(b) "Includable compensation" - WAC 415-113-065(3).

(c) "Member participant" - WAC (~~(415-113-0305)~~) 415-113-030.

- (d) "Multiple system participant" - WAC ((415-113-0307)) 415-113-030.
- (e) "Nonmember participant" - WAC ((415-113-0309)) 415-113-030.
- (f) "System" - RCW 41.54.010(6).

AMENDATORY SECTION (Amending WSR 99-22-043, filed 10/29/99, effective 11/29/99)

WAC 415-113-080 Can I retire retroactively? You may retire retroactively. If you retire from all dual member systems, your retirement allowance from a prior system will be retroactive back to your accrual date under the prior system.

(1) **Accrual date determined.** The department will determine your accrual date in each system by combining your total service and applying the statute or rule designating accrual dates in the particular system. Your accrual date for purposes of this section is the date that your combined service first makes you eligible for an unreduced benefit.

Example 11: A person is a fifty-five year old member participant in PERS Plan 2 and a nonmember participant in LEOFF Plan 2. The person decides not to retire from LEOFF Plan 2 until he is eligible to retire with full benefits from PERS Plan 2 at age sixty-five. Upon retirement, he will be entitled to a LEOFF Plan 2 retirement allowance effective on his accrual date under LEOFF Plan 2 (i.e., age fifty-five).

Example 12: A person with twenty years of prior service in TRS Plan 1 becomes a member participant in PERS Plan 2 on her fifty-fourth birthday. By combining her service in both systems under chapter 41.54 RCW, she will become eligible to retire under TRS Plan 1 at age fifty-nine with twenty-five total years of service. Assume she retires from both systems at age sixty-five. Her TRS Plan 1 retirement allowance will be effective back to the date it accrued under TRS Plan 1 (i.e., the first of month following the month she turns fifty-nine).

(2) **You cannot use salary earned after your accrual date in calculating your retroactive benefit.** If you retire

retroactively from a prior system, the department will not use any of the salary you earned after your accrual date to compute your benefit from the prior system.

Example 13: A PERS Plan 1 member receives a salary of \$3,000 per month. She has 30 years of service credit at age 50 and is eligible to retire with an unreduced (full) benefit.

Subsequently, she is offered a TRS Plan 3 covered position at a monthly salary of \$3,500. If she accepts the TRS Plan 3 position, will she be able to use its higher monthly salary of \$3,500 as base salary to calculate her PERS Plan 1 retirement benefit when she does retire? **No, she will not.** The TRS Plan 3 salary would have been earned after the PERS Plan 1 accrual date: The date that she first became eligible to retire with an unreduced benefit under PERS Plan 1 rules.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Dual member system" - WAC ((415-113-0303)) 415-113-030.

(b) "Member participant" - WAC ((415-113-0305)) 415-113-030.

(c) "Nonmember participant" - WAC ((415-113-0309)) 415-113-030.

AMENDATORY SECTION (Amending WSR 99-22-043, filed 10/29/99, effective 11/29/99)

WAC 415-113-082 Could retroactive retirement cancel my membership in a subsequent system? (1) If you retire retroactively from a prior system, you could cancel your membership in a subsequent system. If your membership in a subsequent system would have been prohibited under RCW 41.04.270 but for your status as a dual member, and you retire retroactively from a prior system, the department will cancel your membership and refund your contributions in the subsequent system under RCW 41.54.020(1). Your retroactive retirement from a prior system may cancel your membership in a subsequent system according to the following table:

How much service did you earn in your prior system?	Were you eligible to retire in the prior system before you became a member of your subsequent system?	Will retroactive retirement from your prior system cancel your membership in subsequent system?
15 years or more	No	No (See Example 13)
15 years or more	Yes	Yes, unless you retire from both the prior and subsequent system under RCW 41.54.030(2). (See Example 14)
Less than 15 years	No	No (See Example 15)
Less than 15 years	Yes	No (See Example 15)

See RCW 41.54.020(1) and RCW 41.04.270.

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Example 14: A nonmember participant in LEOFF Plan 2 who has accrued sixteen years of service in LEOFF Plan 2 became a member of PERS Plan 2 at age fifty-four. Because she became a member participant of PERS Plan 2 at age fifty-four, prior to attaining retirement eligibility under LEOFF Plan 2 (i.e., age fifty-five), she may later retire retroactively from LEOFF Plan 2, subject to LEOFF Plan 2 criteria, while continuing membership in PERS Plan 2.

Example 15: A nonmember participant in LEOFF Plan 2 with sixteen years of accrued service became a member of PERS Plan 2 at age fifty-five. If he attempts to retire from LEOFF Plan 2 while continuing membership in PERS Plan 2, the department will cancel his PERS Plan 2 membership and refund his PERS contributions. However, if he retires from both systems, he is entitled to retain the benefits of his PERS Plan 2 membership.

Example 16: Assume either of the retirees in Examples 13 and 14 above had accrued less than fifteen years of service in LEOFF Plan 2. In this case, RCW 41.04.270 would not apply to prevent the retirees from establishing PERS Plan 2 membership. Either person could retire retroactively from the LEOFF Plan 2 without canceling membership and participation in PERS Plan 2.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Dual member" - RCW 41.54.010(4), WAC 415-113-041.

(b) "Member participant" - WAC ((415-113-0305)) 415-113-030.

(c) "Nonmember participant" - WAC ((415-113-0309)) 415-113-030.

AMENDATORY SECTION (Amending WSR 99-22-043, filed 10/29/99, effective 11/29/99)

WAC 415-113-084 How will my benefit be computed if I retire retroactively from LEOFF Plan 2? (1) Computation of your retroactive LEOFF Plan 2 retirement allowance. If you retire with a multiple system benefit and one of your retirement allowances is a retroactive LEOFF Plan 2 allowance, the department will compute your LEOFF Plan 2 allowance based upon the greater of:

(a) Your LEOFF Plan 2 final average salary, substituting some or all of your base salary under the second system which you earned prior to the date your LEOFF Plan 2 retirement allowance began to accrue (i.e., age fifty-five); or

(b) An indexed retirement allowance under RCW 41.26.530(2) using your LEOFF Plan 2 average compensation.

Example 17: A person who is a nonmember participant of LEOFF Plan 2 and a member participant of PERS Plan 2 retires from both systems at age

sixty-five. If he had accrued twenty-one years of creditable service in LEOFF Plan 2, the multiple system retiree's LEOFF Plan 2 retirement allowance may be based upon either: His substituted PERS Plan 2 base salary which he earned prior to attaining retirement eligibility in LEOFF at age fifty-five; or the LEOFF Plan 2 indexed retirement allowance under RCW 41.26.530(2) using his LEOFF Plan 2 average compensation. The department will use the method which results in the largest retirement allowance.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Member participant" - WAC ((415-113-0305)) 415-113-030.

(b) "Multiple system benefit" - WAC ((415-113-0306)) 415-113-030.

(c) "Multiple system retiree" - WAC ((415-113-0308)) 415-113-030.

(d) "Nonmember participant" - WAC ((415-113-0309)) 415-113-030.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-113-090 What is the maximum retirement benefit that I may receive under chapter 41.54 RCW? (1) Your multiple system benefit may not exceed the highest maximum benefit which you would be permitted to receive under any one of the dual member systems from which you are retiring if all of your service had been provided in one system. See RCW 41.54.070.

(2) **The department will compute your maximum multiple system benefit in the following order:**

(a) **Calculate the maximum benefit you could receive under each system.** The department will compute your maximum benefit according to the benefit limitation provisions of each system as if you had earned your total career service and compensation in that system. In computing your maximum benefit under each system, the department will:

(i) Apply the provisions of each system governing the calculation of your average compensation in that system; and

(ii) Assume you earned all of your career service with your last employer for purposes of determining any limitations on the inclusion of leave cashouts in your average compensation.

Example 18: A multiple system retiree retires from TRS Plan 1 state employment with prior creditable PERS Plan 1 service. His PERS employer pays him an accrued sick leave cashout at termination. Because a sick leave cashout from a state agency employer is not includable as TRS earnable compensation, the department will not include the cashout in the retiree's average compensation for purposes of computing either his PERS Plan 1 or TRS Plan 1 maximum benefit.

Example 19: A multiple system retiree retires from PERS Plan 1 local government employment and receives a sick leave cashout. Because a sick leave cashout from a local government employer may be included as earnable compensation, the department will include the sick leave cashout to compute the retiree's maximum benefits under both PERS Plan 1 and TRS Plan 1.

(b) **Determine your retirement allowances from each system.** After computing your maximum benefit, the department will determine the retirement allowances to which you are entitled from each system under chapter 41.54 RCW before making any reduction under RCW 41.54.070. If applicable, the department will then reduce the amount of your retirement allowances provided by either of the dual member systems for:

(i) Your status as a nonmember participant of WSPRS Plan 1 or 2 pursuant to RCW 43.43.280(2); or

(ii) Your choice to retire early from a Plan 2 system under RCW 41.40.630(2), 41.32.765(2), 41.35.420(2), and 41.26.430(2) or Plan 3 system under RCW 41.32.875(2), 41.35.680(2), and 41.40.820(2).

(c) **Compute your total multiple system benefit.** Upon computing your retirement allowances from each system and making any applicable reductions under (b) of this subsection, the department will add the systems' allowances to compute your total multiple system benefit.

(d) **Compare your total multiple system benefit with your maximum benefit and, if necessary, proportionately reduce your retirement allowances.** The department will then compare your total multiple system benefit with your maximum benefit calculated in (a) of this subsection. If your total multiple system benefit exceeds your maximum benefit, the department will proportionately reduce your retirement allowances provided by each system as follows:

(i) Calculate what proportion your total multiple system benefit is provided by each system separately; and

(ii) Proportionately reduce the benefit provided by each system to account for the excess of your total multiple system benefit over your maximum benefit.

Example 20: A person with twenty-nine years of prior service in TRS Plan 1 and one year of subsequent service in PERS Plan 2 retires from both systems at age sixty-five. The retiree's TRS Plan 1 average compensation is thirty thousand dollars. The TRS Plan 1 maximum benefit is sixty percent of average compensation. The retiree's maximum TRS benefit is eighteen thousand dollars or one thousand five hundred dollars per month. The retiree's PERS Plan 2 average compensation is twenty-eight thousand dollars. The retiree's maximum PERS 2 benefit is sixteen thousand eight hundred dollars or one thousand four hundred dollars per month. The retiree's maximum benefit is the higher of the two amounts, one thousand five hundred dollars per month.

Assume the retiree's accrued service is such that her actual TRS Plan 1 monthly benefit is one thousand four hundred fifty dollars and her PERS Plan 2 monthly benefit is one hundred dollars. The retiree's total multiple system benefit is the sum of her TRS Plan 1 and PERS Plan 2 benefits, or one thousand five hundred fifty dollars. Because the retiree's total multiple system benefit exceeds her maximum benefit by fifty dollars, the department would proportionately reduce her TRS Plan 1 and PERS Plan 2 benefits. Her TRS Plan 1 benefit is 29/30 of her total service or ninety-seven percent, and her PERS Plan 2 benefit is 1/30 of total service, or three percent. The department would reduce her TRS Plan 1 benefit by ninety-seven percent of the overage, or forty-eight dollars and fifty cents (50 x .97) and her PERS Plan 2 benefit by three percent of the overage, or one dollar and fifty cents (50 x .03).

(3) **If you select a benefit payment option, the department will reduce your multiple system benefit to account as appropriate.** After making any applicable maximum benefit reductions, the department will further reduce your benefit if you choose:

(a) To withdraw your accumulated contributions at the time you retire from TRS Plan 1;

(b) A survivor benefit option; or

(c) A cost-of-living adjustment (COLA) option.

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Average compensation" - WAC ((415-113-0302)) 415-113-030.

(b) "Dual member" - RCW 41.54.010(4), WAC 415-113-041.

(c) "Dual member system" - WAC ((415-113-0303)) 415-113-030.

(d) "First class city system" - WAC ((415-113-0304)) 415-113-030.

(e) "Member participant" - WAC ((415-113-0305)) 415-113-030.

(f) "Multiple system benefit" - WAC ((415-113-0306)) 415-113-030.

(g) "Multiple system retiree" - WAC ((415-113-0308)) 415-113-030.

(h) "Nonmember participant" - WAC ((415-113-0309)) 415-113-030.

AMENDATORY SECTION (Amending WSR 99-22-043, filed 10/29/99, effective 11/29/99)

WAC 415-113-100 Am I eligible for a lump sum retirement allowance? (1) If you retire with a multiple system benefit and one of your retirement allowances is less than fifty dollars per month, you may receive a lump sum payment as allowed under RCW 41.54.090.

(2) Unless you are retiring from TRS Plan 1, the department will use your standard retirement allowance to deter-

mine your eligibility for lump sum cashouts under RCW 41.54.090.

(3) If you are retiring from TRS Plan 1, the department will use your maximum retirement allowance under TRS Plan 1 to determine your eligibility for lump sum cashouts under RCW 41.54.090.

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed: "Multiple system benefit" - WAC ((415-113-0306)) 415-113-030.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 415-113-0301 Accumulated contributions—Definition.
- WAC 415-113-0302 Average compensation—Definition.
- WAC 415-113-0303 Dual member system—Definition and system acronyms.
- WAC 415-113-0304 First class city retirement systems—Definition.
- WAC 415-113-0305 Member participant—Definition.
- WAC 415-113-0306 Multiple system benefit—Definition.
- WAC 415-113-0307 Multiple system participant—Definition.
- WAC 415-113-0308 Multiple system retiree—Definition.
- WAC 415-113-0309 Nonmember participant—Definition.

**WSR 02-18-047
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed August 28, 2002, 1:40 p.m., effective September 1, 2002]

Date of Adoption: August 28, 2002.

Purpose: To provide a "plain English" explanation of the new LEOFF Plan 2 part-time leave of absence, for law enforcement only, interpreting SB 6378 (chapter 28, Laws of 2002).

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: RCW 41.26.520.

Adopted under notice filed as WSR 02-15-152 on July 23, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The statute has been in effect since June 13, 2002. It is important to get this "plain English" interpretation to the public as soon as possible.

Effective Date of Rule: September 1, 2002.

August 28, 2002

John Charles

Director

NEW SECTION

WAC 415-104-374 LEOFF Plan 2 part-time leave of absence. (1) What are the LEOFF Plan 2 part-time leave rules for law enforcement officers?

(a) You must be a current LEOFF Plan 2 *law enforcement* member;

(b) Your employer must authorize you to work part time and go on an unpaid part-time leave of absence;

(c) While in part-time work/part-time leave status, you cannot do any other work for pay for your employer; and

(d) When you return to full-time employment, the employment must be with the same employer who granted you the part-time leave.

(2) May I purchase service credit for periods of part-time leave?

(a) You may purchase service credit for any periods of any type of unpaid leave of absence, but only up to a *lifetime* maximum of two years of service credit.

(b) In purchasing service credit, you must pay the member, employer, and state contributions, plus interest. The contributions required will be based on the average of your basic salary at the time the employer granted your authorized leave of absence and your basic salary at the time you resumed full-time employment.

(c) You must complete the service credit purchase within five years of your return to full-time employment, or prior to your retirement, whichever is earlier.

(d) If you fail to complete the service credit purchase within five years of your return to full-time employment, you may purchase the service credit by paying the amount required under RCW 41.50.165(2) prior to retirement.

PERMANENT

WSR 02-18-048
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed August 28, 2002, 1:44 p.m., effective September 1, 2002]

Date of Adoption: August 28, 2002.

Purpose: The Office of the State Actuary published a 1995 - 2000 actuarial experience study in January 2002 which included updated actuarial factors. The Department of Retirement Systems (DRS) is updating WACs to reflect new actuarial projections. At the same time, DRS is making the WACs easier to understand and including examples to help members, retirees, and beneficiaries understand how to use the charts. DRS is also consolidating the charts, and putting them all into one location in the WACs.

Citation of Existing Rules Affected by this Order: Amending WAC 415-104-108, 415-108-340, 415-110-340, and 415-112-040.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: Chapter 41.45 RCW.

Adopted under notice filed as WSR 02-15-154 on July 23, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These WACs must go into effect September 1, 2002, to match the effective date mandated by the Office of the State Actuary.

Effective Date of Rule: September 1, 2002.

August 28, 2002

John Charles

Director

**ACTUARIAL TABLES,
SCHEDULES, AND FACTORS**

NEW SECTION

WAC 415-02-300 How does the department use actuarial tables, schedules, and factors? (1) The department uses actuarial tables, schedules, and factors to calculate optional retirement allowances for members, retirees, and beneficiaries.

(2) The department adopted these tables, schedules, and factors upon the office of the state actuary's (OSA) recom-

mendation, following OSA's investigation into the mortality, service, compensation, and other experience of retirement plan members, retirees, and beneficiaries.

(3) These tables, schedules, and factors may be amended from time to time, based upon subsequent actuarial investigation.

(4) The department uses the tables, schedules, and factors in effect at the time of the member's retirement to calculate the member's retirement allowance.

(5) The department will use these tables, schedules, and factors to process any payments when there is a death in service.

(6) The tables, schedules, and factors in this chapter apply to the calculation of retirement allowances for those who retire on or after September 1, 2002, (until subsequent amendment).

NEW SECTION

WAC 415-02-320 Early retirement factors. (1) **What are early retirement factors (ERF)?** Early retirement factors (ERFs) are the factors the department uses to reduce your normal monthly benefit payments to reflect an earlier starting date of paying benefits and a longer payment schedule.¹

¹ The actuarial reduction takes into account that (1), retirees who begin drawing benefits at a younger age generally receive benefits over a longer time, and (2), member and employer contributions intended to provide for the defined benefit at the typical retirement age will be adequate to fund only a smaller benefit at an earlier age.

(2) **What is a "normal" monthly benefit payment?** A "normal" monthly benefit payment is the amount you would receive if you met the plan-specific criteria as to age and length of service before you retire.

(3) **What happens if you die before becoming eligible for a normal monthly benefit payment?**

(a) Generally speaking, within the plans listed in the table in this section, the department may pay a monthly benefit to your surviving spouse or minor children. If you die before being eligible for retirement, or when you are eligible only for retirement with an actuarially reduced benefit, the department will reduce the benefit paid to your surviving spouse or minor children by the ERF corresponding to the amount of time between your age at death and the age at which you would have been eligible for an unreduced retirement benefit. (Exception: A TRS Plan 1 reduction is based on the earliest date a member would have first qualified if the member had continued in service.)

(b) There are differences among plans; please consult your plan for specific, detailed information.

LEOFF Plan 2:	RCW 41.26.460	WAC 415-104-211 and 415-104-215
PERS Plan 1:	RCW 41.40.188	WAC 415-108-324 and 415-108-326
PERS Plan 2:	RCW 41.40.660	WAC 415-108-324 and 415-108-326
PERS Plan 3:	RCW 41.40.845	WAC 415-108-324 and 415-108-326
SERS Plans 2/3:	RCW 41.35.220	WAC 415-110-324 and 415-110-326

TRS Plan 1:	RCW 41.32.530	WAC 415-112-710 to 415-112-727
TRS Plan 2:	RCW 41.32.785	WAC 415-112-710 to 415-112-727
TRS Plan 3:	RCW 41.32.851	WAC 415-112-710 to 415-112-727
WSPRS Plan 1:	RCW 43.43.278	WAC 415-103-215
WSPRS Plan 2:	RCW 43.43.271	WAC 415-103-225

(4) Examples

(a) Example (a) (early retirement):

Sandy, a PERS Plan 2 member, applies for retirement at age 56 years and one month with a total of 21.11 years of service. Her average final compensation (AFC) is \$3,500.00. PERS Plan 2 provides for two percent (.02) of AFC per year of service. Within PERS Plan 2, age 65 is the normal retirement age, but an actuarially reduced monthly retirement is available at an age as young as 55 if the member has at least 20 years of service credit. If Sandy retires now, she would be doing so eight years and eleven months early. According to the table, the ERF for retirement eight years and eleven months early is .4025. To determine the reduced monthly benefit, PERS will multiply Sandy's AFC of \$3,500 x .02 x 21.11 (service credit years) x .4025 (ERF). Sandy's monthly retirement benefit will be \$594.77.

(b) Example (b) (member's death):

Robert, a 56-year-old TRS Plan 1 active member, dies April 1, 2003, with 23.17 years of service. His AFC was \$3,171.74. TRS Plan 1 allows for normal retirement at age 55 with 25 years of service. Since Robert was not fully qualified for retirement, his wife, Karen, who is 58 years old, is eligible for an actuarially reduced benefit based on the earliest date Robert would have first qualified for the normal retirement benefit, reduced by the Option 2 survivor factor. Survivor factors are based on the age difference between the member and the survivor. Robert was over 55; if he had continued in service, he would be eligible for retirement in one year and ten months, when he would have completed 25 years of service. According to the actuary tables, the ERF for one year and ten months is .8530, and the Option 2 survivor factor for a beneficiary two years older is .913 (see WAC 415-02-380(11)). To determine the reduced monthly benefit to which Karen is entitled, TRS would multiply 23.17 (Robert's service credit years) x .02 x \$3,171.74 (AFC) x .8530 (ERF) x .913 (the Option 2 factor). Karen's monthly benefit will be \$1,144.65.

(5) Table - Early retirement factors (ERF) for these systems/plans: LEOFF Plan 2, WSP Plan 2, PERS Plan 1, TRS Plan 1, and WSP Plan 1 and 2 vested/terminated members:

Yrs Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
0	1.000	.9933	.9866	.9799	.9732	.9665	.9598	.9531	.9464	.9397	.9330	.9263
1	.9200	.9133	.9066	.8999	.8932	.8865	.8798	.8731	.8664	.8597	.8530	.8463
2	.8400	.8333	.8266	.8199	.8132	.8065	.7998	.7931	.7864	.7797	.7730	.7663
3	.7600	.7558	.7516	.7474	.7432	.7390	.7348	.7306	.7264	.7222	.7180	.7138
4	.7100	.7058	.7016	.6974	.6932	.6890	.6848	.6806	.6764	.6722	.6680	.6638
5	.6600	.6558	.6516	.6474	.6432	.6390	.6348	.6306	.6264	.6222	.6180	.6138
6	.6100	.6058	.6016	.5974	.5932	.5890	.5848	.5806	.5764	.5722	.5680	.5638
7	.5600	.5558	.5516	.5474	.5432	.5390	.5348	.5306	.5264	.5222	.5180	.5138
8	.5100	.5067	.5034	.5001	.4968	.4935	.4902	.4869	.4836	.4803	.4770	.4737
9	.4700	.4667	.4634	.4601	.4568	.4535	.4502	.4469	.4436	.4403	.4370	.4337
10	.4300	.4267	.4234	.4201	.4168	.4135	.4102	.4069	.4036	.4003	.3970	.3937
11	.3900	.3867	.3834	.3801	.3768	.3735	.3702	.3669	.3636	.3603	.3570	.3537
12	.3500	.3467	.3434	.3401	.3368	.3335	.3302	.3269	.3236	.3203	.3170	.3137
13	.3100	.3083	.3066	.3049	.3032	.3015	.2998	.2981	.2964	.2947	.2930	.2913
14	.2900	.2883	.2866	.2849	.2832	.2815	.2798	.2781	.2764	.2747	.2730	.2713
15	.2700	.2683	.2666	.2649	.2632	.2615	.2598	.2581	.2564	.2547	.2530	.2513
16	.2500	.2483	.2466	.2449	.2432	.2415	.2398	.2381	.2364	.2347	.2330	.2313
17	.2300	.2283	.2266	.2249	.2232	.2215	.2198	.2181	.2164	.2147	.2130	.2113
18	.2100	.2092	.2084	.2076	.2068	.2060	.2052	.2044	.2036	.2028	.2020	.2012
19	.2000	.1992	.1984	.1976	.1968	.1960	.1952	.1944	.1936	.1928	.1920	.1912
20	.1900	.1892	.1884	.1876	.1868	.1860	.1852	.1844	.1836	.1828	.1820	.1812
21	.1800	.1792	.1784	.1776	.1768	.1760	.1752	.1744	.1736	.1728	.1720	.1712
22	.1700	.1692	.1684	.1676	.1668	.1660	.1652	.1644	.1636	.1628	.1620	.1612
23	.1600	.1592	.1584	.1576	.1568	.1560	.1552	.1544	.1536	.1528	.1520	.1512
24	.1500	.1492	.1484	.1476	.1468	.1460	.1452	.1444	.1436	.1428	.1420	.1412
25	.1400	.1392	.1384	.1376	.1368	.1360	.1352	.1344	.1336	.1328	.1320	.1312
26	.1300	.1292	.1284	.1276	.1268	.1260	.1252	.1244	.1236	.1228	.1220	.1212
27	.1200	.1192	.1184	.1176	.1168	.1160	.1152	.1144	.1136	.1128	.1120	.1112

PERMANENT

Yrs Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
28	.1100	.1092	.1084	.1076	.1068	.1060	.1052	.1044	.1036	.1028	.1020	.1012
29	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
30	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
31	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
32	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
33	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
34	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
35	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
36	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
37	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
38	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
39	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
40	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000

(6) Table - Early retirement factors (ERF) for these systems/plans: PERS Plans 2 and 3, SERS Plans 2 and 3, TRS Plans 2 and 3, and PERS Plan 1 vested/terminated members:

Yrs Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
0	1.000	.9925	.9850	.9775	.9700	.9625	.9550	.9475	.9400	.9325	.9250	.9175
1	.9100	.9025	.8950	.8875	.8800	.8725	.8650	.8575	.8500	.8425	.8350	.8275
2	.8200	.8125	.8050	.7975	.7900	.7825	.7750	.7675	.7600	.7525	.7450	.7375
3	.7300	.7250	.7200	.7150	.7100	.7050	.7000	.6950	.6900	.6850	.6800	.6750
4	.6700	.6650	.6600	.6550	.6500	.6450	.6400	.6350	.6300	.6250	.6200	.6150
5	.6100	.6050	.6000	.5950	.5900	.5850	.5800	.5750	.5700	.5650	.5600	.5550
6	.5500	.5450	.5400	.5350	.5300	.5250	.5200	.5150	.5100	.5050	.5000	.4950
7	.4900	.4850	.4800	.4750	.4700	.4650	.4600	.4550	.4500	.4450	.4400	.4350
8	.4300	.4275	.4250	.4225	.4200	.4175	.4150	.4125	.4100	.4075	.4050	.4025
9	.4000	.3975	.3950	.3925	.3900	.3875	.3850	.3825	.3800	.3775	.3750	.3725
10	.3700	.3675	.3650	.3625	.3600	.3575	.3550	.3525	.3500	.3475	.3450	.3425
11	.3400	.3375	.3350	.3325	.3300	.3275	.3250	.3225	.3200	.3175	.3150	.3125
12	.3100	.3075	.3050	.3025	.3000	.2975	.2950	.2925	.2900	.2875	.2850	.2825
13	.2800	.2783	.2766	.2749	.2732	.2715	.2698	.2681	.2664	.2647	.2630	.2613
14	.2600	.2583	.2566	.2549	.2532	.2515	.2498	.2481	.2464	.2447	.2430	.2413
15	.2400	.2383	.2366	.2349	.2332	.2315	.2298	.2281	.2264	.2247	.2230	.2213
16	.2200	.2183	.2166	.2149	.2132	.2115	.2098	.2081	.2064	.2047	.2030	.2013
17	.2000	.1983	.1966	.1949	.1932	.1915	.1898	.1881	.1864	.1847	.1830	.1813
18	.1800	.1792	.1784	.1776	.1768	.1760	.1752	.1744	.1736	.1728	.1720	.1712
19	.1700	.1692	.1684	.1676	.1668	.1660	.1652	.1644	.1636	.1628	.1620	.1612
20	.1600	.1592	.1584	.1576	.1568	.1560	.1552	.1544	.1536	.1528	.1520	.1512
21	.1500	.1492	.1484	.1476	.1468	.1460	.1452	.1444	.1436	.1428	.1420	.1412
22	.1400	.1392	.1384	.1376	.1368	.1360	.1352	.1344	.1336	.1328	.1320	.1312
23	.1300	.1292	.1284	.1276	.1268	.1260	.1252	.1244	.1236	.1228	.1220	.1212
24	.1200	.1192	.1184	.1176	.1168	.1160	.1152	.1144	.1136	.1128	.1120	.1112
25	.1100	.1092	.1084	.1076	.1068	.1060	.1052	.1044	.1036	.1028	.1020	.1012
26	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
27	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
28	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
29	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
30	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
31	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
32	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
33	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000

PERMANENT

Yrs Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
34	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
35	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
36	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
37	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
38	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
39	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
40	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
41	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
42	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
43	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
44	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
45	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000

NEW SECTION

WAC 415-02-340 Monthly benefit per \$1.00 of accumulation for defined benefit plans. (1) How does the department use the information in the table called "monthly benefit per \$1.00 of accumulation for defined benefit plans"? The department uses this information to:

- (a) Determine what a future lifetime monthly benefit is worth in present-day dollars;
- (b) Determine the equivalent value of a lump sum when compared with monthly payments; and
- (c) Reduce the monthly retirement benefit in TRS Plan 1 if you take a lump sum cash out for some or all of your funds.²

² This option is only available in TRS Plan 1.

(2) **What type of information is in this table?** The information in this table reflects the expected duration of lifetime payments for recipients over a range of ages. These values differ by system and plan, and all reflect an assumed rate of return of 8.0%.³

³ The younger a person is, the longer the anticipated lifetime of payments would be, and the greater the sum required to provide for these payments. Put another way, the amount of monthly lifetime benefit that a present-day dollar buys goes up as the remaining life expectancy of the recipient goes down.

(3) Examples

(a) Example (a):

Celina is a 65-year-old PERS Plan 2 member who is eligible to receive \$45.00 per month. She wants to know how much money she could receive if she accepted a lump sum payment instead. Celina looks at the row in the table for age 65 in the PERS Plan 2 column and learns that \$0.0072458 per month for life is equivalent to one dollar in cash for this system, plan, and age class. Celina divides \$45.00 by 0.0072458 and learns that her lump sum payment would be \$6,210.49.

(b) Example (b):

Fred is a 58-year-old TRS Plan 1 member. The balance in Fred's account is \$124,934.00. Upon retirement, Fred chooses to withdraw the \$124,934.00 (as only members of TRS Plan 1 can do). From the row in the table for age 58 in the TRS Plan 1 column, Fred learns that \$0.0077573 per month for life is the equivalent to one dollar in cash for this system, plan, and age class. Fred multiplies the lump sum cash-out amount of \$124,934.00 by 0.0077573, and learns that his monthly retirement will be reduced by \$969.15 per month because of the lump sum cash out made at retirement.

(4) Table - Monthly benefit per \$1.00 of accumulation for defined benefit plans:

Based on the 1995-2000 actuarial experience study monthly benefit per \$1.00 of accumulation defined benefit (DB) single life pension:

Age	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 2
20	0.0039835	0.0043310	0.0065444	0.0043102	0.0042786	0.0065267	0.0042774	0.0043319
21	0.0039997	0.0043459	0.0065518	0.0043243	0.0042911	0.0065329	0.0042897	0.0043469
22	0.0040168	0.0043615	0.0065598	0.0043390	0.0043042	0.0065396	0.0043027	0.0043626
23	0.0040347	0.0043780	0.0065684	0.0043546	0.0043181	0.0065468	0.0043165	0.0043791
24	0.0040535	0.0043955	0.0065778	0.0043710	0.0043327	0.0065546	0.0043309	0.0043966
25	0.0040734	0.0044139	0.0065878	0.0043884	0.0043481	0.0065630	0.0043462	0.0044150
26	0.0040943	0.0044333	0.0065987	0.0044067	0.0043644	0.0065720	0.0043622	0.0044346
27	0.0041163	0.0044539	0.0066105	0.0044261	0.0043816	0.0065818	0.0043792	0.0044552
28	0.0041396	0.0044757	0.0066232	0.0044466	0.0043997	0.0065924	0.0043971	0.0044771
29	0.0041641	0.0044988	0.0066370	0.0044682	0.0044189	0.0066038	0.0044161	0.0045002
30	0.0041899	0.0045231	0.0066517	0.0044911	0.0044391	0.0066162	0.0044361	0.0045246
31	0.0042171	0.0045488	0.0066676	0.0045152	0.0044605	0.0066295	0.0044572	0.0045503
32	0.0042456	0.0045758	0.0066845	0.0045405	0.0044830	0.0066438	0.0044795	0.0045774

PERMANENT

Age	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 2
33	0.0042755	0.0046042	0.0067025	0.0045672	0.0045067	0.0066592	0.0045031	0.0046059
34	0.0043069	0.0046340	0.0067217	0.0045952	0.0045316	0.0066756	0.0045278	0.0046358
35	0.0043398	0.0046654	0.0067421	0.0046247	0.0045578	0.0066930	0.0045539	0.0046672
36	0.0043745	0.0046984	0.0067639	0.0046558	0.0045854	0.0067116	0.0045812	0.0047004
37	0.0044109	0.0047333	0.0067873	0.0046886	0.0046145	0.0067315	0.0046101	0.0047353
38	0.0044494	0.0047701	0.0068123	0.0047233	0.0046452	0.0067527	0.0046404	0.0047723
39	0.0044900	0.0048091	0.0068393	0.0047600	0.0046777	0.0067754	0.0046725	0.0048114
40	0.0045330	0.0048505	0.0068682	0.0047988	0.0047120	0.0067998	0.0047065	0.0048529
41	0.0045784	0.0048944	0.0068994	0.0048400	0.0047483	0.0068261	0.0047423	0.0048969
42	0.0046266	0.0049409	0.0069329	0.0048837	0.0047868	0.0068543	0.0047803	0.0049436
43	0.0046777	0.0049904	0.0069690	0.0049300	0.0048275	0.0068846	0.0048206	0.0049932
44	0.0047319	0.0050430	0.0070078	0.0049791	0.0048706	0.0069172	0.0048632	0.0050460
45	0.0047894	0.0050989	0.0070495	0.0050312	0.0049163	0.0069523	0.0049084	0.0051021
46	0.0048504	0.0051584	0.0070945	0.0050866	0.0049647	0.0069900	0.0049562	0.0051617
47	0.0049153	0.0052218	0.0071429	0.0051455	0.0050161	0.0070305	0.0050070	0.0052253
48	0.0049844	0.0052894	0.0071953	0.0052082	0.0050707	0.0070740	0.0050609	0.0052932
49	0.0050581	0.0053617	0.0072519	0.0052752	0.0051287	0.0071210	0.0051183	0.0053657
50	0.0051368	0.0054390	0.0073132	0.0053466	0.0051905	0.0071717	0.0051793	0.0054432
51	0.0052210	0.0055218	0.0073796	0.0054231	0.0052564	0.0072265	0.0052444	0.0055264
52	0.0053104	0.0056098	0.0074510	0.0055044	0.0053265	0.0072858	0.0053139	0.0056147
53	0.0054060	0.0057042	0.0075283	0.0055914	0.0054014	0.0073500	0.0053881	0.0057094
54	0.0055084	0.0058054	0.0076121	0.0056846	0.0054813	0.0074191	0.0054671	0.0058110
55	0.0056182	0.0059141	0.0077029	0.0057845	0.0055668	0.0074939	0.0055515	0.0059201
56	0.0057354	0.0060302	0.0078008	0.0058912	0.0056581	0.0075749	0.0056420	0.0060367
57	0.0058601	0.0061539	0.0079058	0.0060049	0.0057557	0.0076627	0.0057388	0.0061608
58	0.0059937	0.0062865	0.0080192	0.0061265	0.0058600	0.0077573	0.0058422	0.0062940
59	0.0061368	0.0064287	0.0081415	0.0062566	0.0059712	0.0078589	0.0059524	0.0064368
60	0.0062900	0.0065812	0.0082732	0.0063959	0.0060901	0.0079685	0.0060703	0.0065898
61	0.0064540	0.0067444	0.0084149	0.0065448	0.0062172	0.0080866	0.0061963	0.0067538
62	0.0066294	0.0069191	0.0085668	0.0067036	0.0063529	0.0082138	0.0063311	0.0069292
63	0.0068167	0.0071058	0.0087294	0.0068729	0.0064976	0.0083506	0.0064751	0.0071168
64	0.0070165	0.0073050	0.0089030	0.0070531	0.0066517	0.0084970	0.0066285	0.0073169
65	0.0072307	0.0075186	0.0090893	0.0072458	0.0068158	0.0086537	0.0067919	0.0075315
66	0.0074600	0.0077474	0.0092891	0.0074517	0.0069903	0.0088208	0.0069657	0.0077614
67	0.0077052	0.0079921	0.0095028	0.0076715	0.0071765	0.0090000	0.0071514	0.0080073
68	0.0079692	0.0082556	0.0097332	0.0079076	0.0073755	0.0091921	0.0073497	0.0082721
69	0.0082539	0.0085400	0.0099823	0.0081620	0.0075879	0.0093974	0.0075612	0.0085580
70	0.0085622	0.0088479	0.0102523	0.0084366	0.0078162	0.0096186	0.0077883	0.0088676
71	0.0088938	0.0091793	0.0105419	0.0087308	0.0080615	0.0098577	0.0080327	0.0092008
72	0.0092539	0.0095393	0.0108558	0.0090487	0.0083261	0.0101166	0.0082964	0.0095628
73	0.0096446	0.0099300	0.0111955	0.0093919	0.0086093	0.0103939	0.0085784	0.0099559
74	0.0100684	0.0103538	0.0115628	0.0097624	0.0089142	0.0106939	0.0088826	0.0103824
75	0.0105280	0.0108135	0.0119604	0.0101627	0.0092422	0.0110180	0.0092104	0.0108451
76	0.0110267	0.0113124	0.0123914	0.0105960	0.0095951	0.0113678	0.0095637	0.0113472
77	0.0115688	0.0118547	0.0128599	0.0110662	0.0099757	0.0117460	0.0099450	0.0118933
78	0.0121597	0.0124460	0.0133705	0.0115778	0.0103875	0.0121558	0.0103575	0.0124885
79	0.0128051	0.0130919	0.0139278	0.0121352	0.0108344	0.0126012	0.0108049	0.0131389
80	0.0135111	0.0137984	0.0145368	0.0127433	0.0113202	0.0130863	0.0112914	0.0138505
81	0.0142843	0.0145725	0.0152030	0.0134074	0.0118492	0.0136157	0.0118211	0.0146303
82	0.0151240	0.0154130	0.0159279	0.0141293	0.0124242	0.0141938	0.0123986	0.0154769
83	0.0160353	0.0163252	0.0167162	0.0149136	0.0130497	0.0148256	0.0130286	0.0163958
84	0.0170241	0.0173149	0.0175726	0.0157650	0.0137302	0.0155137	0.0137139	0.0173927

PERMANENT

Age	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 2
85	0.0180966	0.0183884	0.0185016	0.0166876	0.0144701	0.0162628	0.0144589	0.0184740
86	0.0192583	0.0195513	0.0195059	0.0176841	0.0152736	0.0170771	0.0152680	0.0196456
87	0.0205119	0.0208062	0.0205851	0.0187541	0.0161432	0.0179605	0.0161446	0.0209102
88	0.0218550	0.0221507	0.0217347	0.0198932	0.0170791	0.0189147	0.0170905	0.0222656
89	0.0232781	0.0235752	0.0229444	0.0210916	0.0180779	0.0199388	0.0181048	0.0237021
90	0.0247625	0.0250609	0.0241977	0.0223336	0.0191323	0.0210275	0.0191823	0.0252008
91	0.0262789	0.0265782	0.0254717	0.0235975	0.0202301	0.0221705	0.0203134	0.0267317
92	0.0278427	0.0281429	0.0267640	0.0248804	0.0213620	0.0233525	0.0214834	0.0283116
93	0.0294384	0.0297392	0.0280581	0.0261661	0.0225126	0.0245532	0.0226729	0.0299249
94	0.0310505	0.0313517	0.0293389	0.0274402	0.0236656	0.0257646	0.0238739	0.0315562
95	0.0326651	0.0329665	0.0305940	0.0286908	0.0248057	0.0269704	0.0250708	0.0331914
96	0.0342704	0.0345719	0.0318149	0.0299099	0.0259197	0.0281559	0.0262493	0.0348186
97	0.0358572	0.0361585	0.0329987	0.0310951	0.0269980	0.0293096	0.0273986	0.0364281
98	0.0374173	0.0377185	0.0341503	0.0322517	0.0280348	0.0304239	0.0285118	0.0380114
99	0.0389423	0.0392433	0.0352857	0.0333956	0.0290309	0.0314979	0.0295884	0.0395582

NEW SECTION

WAC 415-02-360 What is the optional cost-of-living adjustment (COLA) for PERS Plan 1 and TRS Plan 1? (1) At the time of retirement, if you are a PERS Plan 1 or TRS Plan 1 member, you can choose initially reduced retirement payment benefits that will provide you with annual cost of living adjustments in the future.

For more information, see:

PERS Plan 1: RCW 41.40.188 (1)(e); WAC 415-108-326(4)

TRS Plan 1: RCW 41.32.530 (1)(d); WAC 415-112-727(4)

(2) By opting to receive a lower dollar amount at the beginning of your retirement, you will receive a progressively higher amount as the payments continue.

(3) Examples

(a) Example (a):

Ernie, a TRS Plan 1 member, retires at age 55 with 30 years of service and chooses the COLA option. TRS Plan 1 provides two percent (.02) of average final compensation (AFC) per year of service. At the time he retires, Ernie's AFC is \$4,295.33. As shown in the "Plan 1 Optional COLA" table

below, Ernie would receive 0.7408 of his normal retirement benefit as the starting amount of the COLA-protected benefit. TRS would calculate the benefit as follows: 30.00 (years of service credit) x .02 x \$4,295.33 (AFC) = \$2,577.20 (monthly benefit without the COLA option). TRS would then multiply \$2,577.20 x .7408 = \$1,909.19 (the COLA-protected starting benefit Ernie would receive).

(b) Example (b):

Tina is a PERS Plan 1 member with 30 years of service credit at age 52 and eight months. Because she has reached 30 years of service, there is no reduction for an early retirement. However, Tina chooses the optional COLA. Tina would receive .7388 of her normal retirement benefit as the starting amount of the COLA-protected benefit. Her normal retirement benefit is \$2,295.00; her COLA-reduced benefit will be \$1,695.55.

(4) Table - The optional cost-of-living adjustment (COLA) table is based on the 1995-2000 actuarial experience study.

Use these factors to convert from standard option monthly benefit payments without a COLA to the same option with a COLA.

Plan 1 Optional COLA

Age	PERS 1 Factor	TRS 1 Factor	Age	PERS 1 Factor	TRS 1 Factor
20	0.6586	0.6554	61	0.7778	0.7662
21	0.6600	0.6566	62	0.7825	0.7708
22	0.6615	0.6580	63	0.7873	0.7754
23	0.6630	0.6593	64	0.7922	0.7801
24	0.6645	0.6607	65	0.7972	0.7849
25	0.6661	0.6622	66	0.8022	0.7897
26	0.6678	0.6638	67	0.8073	0.7946
27	0.6696	0.6654	68	0.8124	0.7996
28	0.6714	0.6670	69	0.8176	0.8046
29	0.6732	0.6687	70	0.8229	0.8097
30	0.6752	0.6705	71	0.8282	0.8149

PERMANENT

Plan 1 Optional COLA

Age	PERS 1 Factor	TRS 1 Factor		Age	PERS 1 Factor	TRS 1 Factor
31	0.6772	0.6723		72	0.8335	0.8201
32	0.6793	0.6742		73	0.8389	0.8253
33	0.6814	0.6762		74	0.8443	0.8306
34	0.6836	0.6783		75	0.8497	0.8359
35	0.6859	0.6804		76	0.8551	0.8413
36	0.6883	0.6826		77	0.8605	0.8467
37	0.6908	0.6849		78	0.8659	0.8521
38	0.6933	0.6872		79	0.8713	0.8575
39	0.6960	0.6896		80	0.8766	0.8628
40	0.6987	0.6921		81	0.8819	0.8682
41	0.7015	0.6947		82	0.8871	0.8735
42	0.7044	0.6974		83	0.8922	0.8788
43	0.7074	0.7002		84	0.8971	0.8840
44	0.7105	0.7031		85	0.9020	0.8891
45	0.7137	0.7060		86	0.9066	0.8941
46	0.7170	0.7091		87	0.9111	0.8989
47	0.7204	0.7122		88	0.9153	0.9036
48	0.7238	0.7154		89	0.9192	0.9080
49	0.7274	0.7188		90	0.9230	0.9123
50	0.7311	0.7222		91	0.9264	0.9162
51	0.7349	0.7256		92	0.9296	0.9200
52	0.7388	0.7293		93	0.9326	0.9234
53	0.7427	0.7331		94	0.9353	0.9266
54	0.7468	0.7369		95	0.9378	0.9296
55	0.7510	0.7408		96	0.9401	0.9323
56	0.7552	0.7448		97	0.9423	0.9348
57	0.7595	0.7489		98	0.9444	0.9372
58	0.7640	0.7531		99	0.9464	0.9394
59	0.7685	0.7574				
60	0.7731	0.7618				

PERMANENT

NEW SECTION

WAC 415-02-380 Survivor options factors. (1) What is a "surviving beneficiary"? A surviving beneficiary is a person you designate when you retire who will receive benefit payments for the duration of his or her life, beginning at your death.

(2) Will selecting a surviving beneficiary affect my retirement benefits? Yes. Retirees who select a surviving beneficiary retirement option receive smaller benefit payments upon retirement than those retirees who do not select this option.

(3) Does it matter if I am married? Yes. If you are married, you must provide your spouse's written consent to the option you select. If you are married, and you and your spouse do not give written consent to an option, the department will pay you a joint and fifty percent survivor benefit

and record your spouse as the beneficiary. For details, please review:

- LEOFF Plan 2: RCW 41.26.460(2) WAC 415-104-211 and 415-104-215
- PERS Plan 1: RCW 41.40.188(2) WAC 415-108-324 and 415-108-326
- PERS Plan 2: RCW 41.40.660(2) WAC 415-108-324 and 415-108-326
- PERS Plan 3: RCW 41.40.845(2) WAC 415-108-324 and 415-108-326
- SERS Plans 2/3: RCW 41.35.220(2) WAC 415-110-324 and 415-110-326
- TRS Plan 1: RCW 41.32.530(2) WAC 415-112-710 to 415-112-727
- TRS Plan 2: RCW 41.32.785(2) WAC 415-112-710 to 415-112-727
- TRS Plan 3: RCW 41.32.851(2) WAC 415-112-710 to 415-112-727
- WSPRS Plan 2: RCW 43.43.271(2) WAC 415-103-225

(4) **Why does the surviving beneficiary's age matter?** The surviving beneficiary's age is used in determining the amount of the payments. The younger the surviving beneficiary, the longer he or she is expected to receive payments. The monthly benefit must be reduced accordingly.

(5) **What are the survivor options?** The survivor options are described in detail within each plan. For details, please see the list in subsection (3) of this section.

To summarize:

- Option 2 - Joint and 100 percent survivorship
- Option 3 - Joint and 50 percent survivorship
- Option 4 - Joint and 66.67 percent survivorship

(6) **Examples**

(a) **Example (a):**

Kendra, a PERS Plan 2 member, chooses Option 3 (joint and 50 percent survivorship) at retirement. She names her nephew, Steve, as her surviving beneficiary. This means that Steve would receive half of Kendra's benefit amount after Kendra's death. Steve is 30 years younger than Kendra. PERS would use the survivor option factor table ("member older") to calculate the adjustment. With a 30-year age difference (member minus beneficiary), the value correspond-

ing to PERS Plan 2 and Option 3 is 0.753. This value, 0.753, is multiplied against the amount Kendra would have received under Option 1. Kendra's retirement benefits will be reduced to about 75% of her Option 1 level.

(b) **Example (b):**

Mark, a LEOFF Plan 2 member, chooses Option 2 (joint and 100 percent survivorship) at retirement. He names his wife, Susan, as his surviving beneficiary. This means Susan would receive the same benefit amount Mark had received prior to his death. Mark is five years younger than Susan. LEOFF would use the survivor option factors table ("member younger") to calculate the adjustment for the age difference. With a 5-year age difference (member minus beneficiary), the value corresponding to LEOFF Plan 2 and Option 2 is 0.894. This value, 0.894, will be multiplied against the amount Mark would have received under Option 1. Mark's retirement benefits will be reduced to about 89 percent of his Option 1 level.

(7) **Table - Member older (PERS and SERS)**

Survivor option factor: Member older than beneficiary

Age difference: Member age minus beneficiary age

Age Difference	PERS 1 Opt. 2 100%	PERS 1 Opt. 3 50%	PERS 1 Opt. 4 66 2/3%	PERS 2/3 Opt. 2 100%	PERS 2/3 Opt. 3 50%	PERS 2/3 Opt. 4 66 2/3%	SERS 2/3 Opt. 2 100%	SERS 2/3 Opt. 3 50%	SERS 2/3 Opt. 4 66 2/3%
0	.870	.930	.909	.791	.883	.850	.799	.888	.857
1	.862	.926	.904	.778	.875	.840	.773	.872	.836
2	.857	.923	.900	.767	.868	.832	.760	.864	.826
3	.844	.915	.890	.758	.863	.825	.748	.856	.816
4	.840	.913	.887	.751	.858	.819	.741	.851	.811
5	.836	.910	.884	.743	.853	.813	.734	.846	.805
6	.831	.908	.881	.736	.848	.807	.726	.841	.799
7	.818	.900	.871	.728	.843	.801	.719	.836	.793
8	.814	.897	.867	.721	.838	.795	.712	.832	.787
9	.809	.895	.864	.713	.833	.789	.705	.827	.782
10	.805	.892	.861	.706	.828	.783	.698	.822	.776
11	.802	.890	.858	.699	.823	.777	.692	.818	.771
12	.787	.881	.847	.693	.818	.772	.685	.813	.766
13	.784	.879	.845	.686	.814	.766	.679	.809	.760
14	.780	.876	.842	.680	.809	.761	.673	.805	.755
15	.777	.874	.839	.673	.805	.756	.667	.800	.750
16	.773	.872	.836	.667	.801	.751	.662	.796	.746
17	.770	.870	.834	.662	.796	.746	.656	.792	.741
18	.767	.868	.832	.656	.792	.741	.651	.789	.737
19	.764	.866	.829	.651	.788	.736	.646	.785	.732
20	.762	.865	.827	.645	.785	.732	.641	.781	.728
21	.759	.863	.825	.640	.781	.728	.637	.778	.724
22	.756	.861	.823	.636	.777	.724	.632	.775	.720
23	.754	.860	.821	.631	.774	.720	.628	.771	.717
24	.752	.858	.820	.627	.771	.716	.624	.768	.713
25	.750	.857	.818	.622	.767	.712	.620	.765	.710
26	.748	.856	.817	.618	.764	.709	.616	.762	.707
27	.746	.855	.815	.615	.761	.705	.613	.760	.703
28	.744	.853	.814	.611	.758	.702	.609	.757	.700
29	.743	.852	.812	.607	.756	.699	.606	.755	.697

PERMANENT

Age Difference	PERS 1 Opt. 2 100%	PERS 1 Opt. 3 50%	PERS 1 Opt. 4 66 2/3%	PERS 2/3 Opt. 2 100%	PERS 2/3 Opt. 3 50%	PERS 2/3 Opt. 4 66 2/3%	SERS 2/3 Opt. 2 100%	SERS 2/3 Opt. 3 50%	SERS 2/3 Opt. 4 66 2/3%
30	.741	.851	.811	.604	.753	.696	.603	.752	.695
31	.740	.850	.810	.601	.751	.693	.600	.750	.692
32	.738	.849	.809	.598	.748	.690	.597	.748	.690
33	.737	.849	.808	.595	.746	.688	.594	.745	.687
34	.736	.848	.807	.592	.744	.685	.592	.743	.685
35	.735	.847	.806	.589	.742	.683	.589	.741	.683
36	.734	.846	.805	.587	.740	.680	.587	.740	.680
37	.733	.846	.804	.584	.738	.678	.585	.738	.678
38	.732	.845	.804	.582	.736	.676	.582	.736	.677
39	.731	.844	.803	.580	.734	.674	.580	.734	.675
40	.730	.844	.802	.578	.732	.672	.578	.733	.673

(8) Table - Member younger (PERS and SERS)

Survivor option factors: Member younger than beneficiary

Age difference: Member age minus beneficiary age

Age Difference	PERS 1 Opt. 2 100%	PERS 1 Opt. 3 50%	PERS 1 Opt. 4 66 2/3%	PERS 2/3 Opt. 2 100%	PERS 2/3 Opt. 3 50%	PERS 2/3 Opt. 4 66 2/3%	SERS 2/3 Opt. 2 100%	SERS 2/3 Opt. 3 50%	SERS 2/3 Opt. 4 66 2/3%
-20	.958	.978	.971	.939	.969	.959	.949	.974	.965
-19	.955	.977	.970	.935	.967	.956	.946	.972	.963
-18	.952	.976	.968	.931	.964	.953	.942	.970	.961
-17	.949	.974	.966	.927	.962	.950	.938	.968	.958
-16	.947	.973	.964	.922	.959	.947	.934	.966	.955
-15	.944	.971	.962	.917	.957	.943	.930	.964	.952
-14	.940	.969	.959	.912	.954	.940	.926	.961	.949
-13	.937	.968	.957	.907	.951	.936	.921	.959	.946
-12	.934	.966	.955	.902	.948	.932	.917	.956	.943
-11	.930	.964	.953	.896	.945	.928	.912	.954	.939
-10	.927	.962	.950	.890	.942	.924	.907	.951	.936
-9	.923	.960	.948	.884	.938	.919	.901	.948	.932
-8	.920	.958	.945	.878	.935	.915	.896	.945	.928
-7	.916	.956	.942	.871	.931	.910	.890	.942	.924
-6	.912	.954	.940	.865	.927	.905	.885	.939	.920
-5	.908	.952	.937	.858	.924	.901	.879	.935	.916
-4	.901	.948	.931	.848	.918	.893	.873	.932	.911
-3	.896	.945	.928	.840	.913	.887	.863	.927	.905
-2	.889	.941	.923	.826	.905	.877	.853	.920	.897
-1	.879	.935	.916	.805	.892	.861	.834	.909	.883
0	.870	.930	.909	.791	.883	.850	.799	.888	.857

(9) Table - Member older (LEOFF Plan 2 and WSPRS Plan 2)

Survivor option factors: Member older than beneficiary

Age difference: Member age minus beneficiary age

Age Difference	LEOFF 2 Option 2 100%	LEOFF 2 Option 3 50%	LEOFF 2 Option 4 66 2/3%	WSP 2 Option 2 100%	WSP 2 Option 3 50%	WSP 2 Option 4 66 2/3%
0	0.870	0.930	0.909	0.870	0.930	0.909
1	0.865	0.927	0.905	0.865	0.927	0.905
2	0.860	0.924	0.902	0.860	0.924	0.902
3	0.855	0.922	0.898	0.855	0.922	0.898
4	0.850	0.919	0.894	0.850	0.919	0.894
5	0.845	0.916	0.891	0.845	0.916	0.891

PERMANENT

PERMANENT

Age Difference	LEOFF 2 Option 2 100%	LEOFF 2 Option 3 50%	LEOFF 2 Option 4 66 2/3%	WSP 2 Option 2 100%	WSP 2 Option 3 50%	WSP 2 Option 4 66 2/3%
6	0.840	0.913	0.887	0.840	0.913	0.887
7	0.835	0.910	0.883	0.835	0.910	0.883
8	0.830	0.907	0.880	0.830	0.907	0.880
9	0.825	0.904	0.876	0.825	0.904	0.876
10	0.821	0.902	0.873	0.821	0.902	0.873
11	0.816	0.899	0.870	0.816	0.899	0.870
12	0.812	0.896	0.866	0.812	0.896	0.866
13	0.808	0.894	0.863	0.808	0.894	0.863
14	0.803	0.891	0.860	0.803	0.891	0.860
15	0.799	0.888	0.857	0.799	0.888	0.857
16	0.795	0.886	0.854	0.795	0.886	0.854
17	0.792	0.884	0.851	0.792	0.884	0.851
18	0.788	0.881	0.848	0.788	0.881	0.848
19	0.784	0.879	0.845	0.784	0.879	0.845
20	0.781	0.877	0.842	0.781	0.877	0.842
21	0.777	0.875	0.840	0.777	0.875	0.840
22	0.774	0.873	0.837	0.774	0.873	0.837
23	0.771	0.871	0.835	0.771	0.871	0.835
24	0.768	0.869	0.832	0.768	0.869	0.832
25	0.765	0.867	0.830	0.765	0.867	0.830
26	0.763	0.865	0.828	0.763	0.865	0.828
27	0.760	0.864	0.826	0.760	0.864	0.826
28	0.757	0.862	0.824	0.757	0.862	0.824
29	0.755	0.860	0.822	0.755	0.860	0.822
30	0.753	0.859	0.820	0.753	0.859	0.820
31	0.750	0.857	0.818	0.750	0.857	0.818
32	0.748	0.856	0.817	0.748	0.856	0.817
33	0.746	0.855	0.815	0.746	0.855	0.815
34	0.744	0.853	0.814	0.744	0.853	0.814
35	0.742	0.852	0.812	0.742	0.852	0.812
36	0.741	0.851	0.811	0.741	0.851	0.811
37	0.739	0.850	0.809	0.739	0.850	0.809
38	0.737	0.849	0.808	0.737	0.849	0.808
39	0.736	0.848	0.807	0.736	0.848	0.807
40	0.734	0.847	0.806	0.734	0.847	0.806

(10) Table - Member younger (LEOFF Plan 2 and WSPRS Plan 2)

Survivor option factors: Member younger than beneficiary

Age difference: Member age minus beneficiary age

Age Difference	LEOFF 2 Option 2 100%	LEOFF 2 Option 3 50%	LEOFF 2 Option 4 66 2/3%	WSP 2 Option 2 100%	WSP 2 Option 3 50%	WSP 2 Option 4 66 2/3%
-20	0.953	0.976	0.968	0.953	0.976	0.968
-19	0.950	0.974	0.966	0.950	0.974	0.966
-18	0.947	0.973	0.964	0.947	0.973	0.964
-17	0.944	0.971	0.962	0.944	0.971	0.962
-16	0.940	0.969	0.959	0.940	0.969	0.959
-15	0.937	0.967	0.957	0.937	0.967	0.957
-14	0.933	0.965	0.954	0.933	0.965	0.954
-13	0.929	0.963	0.952	0.929	0.963	0.952
-12	0.925	0.961	0.949	0.925	0.961	0.949

Age Difference	LEOFF 2 Option 2 100%	LEOFF 2 Option 3 50%	LEOFF 2 Option 4 66 2/3%	WSP 2 Option 2 100%	WSP 2 Option 3 50%	WSP 2 Option 4 66 2/3%
-11	0.921	0.959	0.946	0.921	0.959	0.946
-10	0.917	0.957	0.943	0.917	0.957	0.943
-9	0.913	0.954	0.940	0.913	0.954	0.940
-8	0.908	0.952	0.937	0.908	0.952	0.937
-7	0.904	0.949	0.934	0.904	0.949	0.934
-6	0.899	0.947	0.930	0.899	0.947	0.930
-5	0.894	0.944	0.927	0.894	0.944	0.927
-4	0.890	0.942	0.924	0.890	0.942	0.924
-3	0.885	0.939	0.920	0.885	0.939	0.920
-2	0.880	0.936	0.916	0.880	0.936	0.916
-1	0.875	0.933	0.913	0.875	0.933	0.913
0	0.870	0.930	0.909	0.870	0.930	0.909

(11) Table - Member older (TRS)

Survivor option factors: Member younger than beneficiary

Age difference: Member age minus beneficiary age

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
-20	0.968	0.984	0.979	0.952	0.975	0.967
-19	0.966	0.983	0.977	0.949	0.974	0.965
-18	0.964	0.982	0.976	0.945	0.972	0.963
-17	0.962	0.981	0.974	0.942	0.970	0.960
-16	0.960	0.979	0.973	0.938	0.968	0.958
-15	0.957	0.978	0.971	0.934	0.966	0.955
-14	0.955	0.977	0.969	0.929	0.963	0.952
-13	0.952	0.976	0.968	0.925	0.961	0.949
-12	0.950	0.974	0.966	0.921	0.959	0.946
-11	0.947	0.973	0.964	0.916	0.956	0.942
-10	0.944	0.971	0.962	0.911	0.953	0.939
-9	0.942	0.970	0.960	0.906	0.951	0.935
-8	0.939	0.968	0.958	0.900	0.948	0.931
-7	0.936	0.967	0.956	0.895	0.945	0.927
-6	0.933	0.965	0.954	0.889	0.941	0.923
-5	0.927	0.962	0.950	0.884	0.938	0.919
-4	0.923	0.960	0.947	0.877	0.934	0.914
-3	0.918	0.957	0.944	0.865	0.928	0.906
-2	0.913	0.955	0.941	0.855	0.922	0.899
-1	0.907	0.951	0.936	0.839	0.912	0.887
0	0.898	0.946	0.930	0.815	0.898	0.869

(12) Table - Member younger (TRS)

Survivor option factors: Member older than beneficiary

Age difference: Member age minus beneficiary age

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
0	0.898	0.946	0.930	0.815	0.898	0.869
1	0.892	0.943	0.925	0.801	0.889	0.858
2	0.888	0.941	0.922	0.790	0.883	0.849
3	0.877	0.935	0.915	0.781	0.877	0.842
4	0.873	0.932	0.912	0.772	0.871	0.835

PERMANENT

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
5	0.869	0.930	0.909	0.765	0.867	0.830
6	0.858	0.924	0.901	0.758	0.862	0.824
7	0.855	0.922	0.898	0.751	0.858	0.819
8	0.851	0.920	0.896	0.744	0.853	0.813
9	0.848	0.918	0.893	0.737	0.849	0.808
10	0.845	0.916	0.891	0.730	0.844	0.802
11	0.842	0.914	0.889	0.724	0.840	0.797
12	0.839	0.912	0.887	0.717	0.835	0.792
13	0.836	0.911	0.884	0.711	0.831	0.787
14	0.824	0.904	0.875	0.705	0.827	0.782
15	0.821	0.902	0.873	0.699	0.823	0.777
16	0.819	0.900	0.871	0.694	0.819	0.773
17	0.816	0.899	0.869	0.688	0.815	0.768
18	0.814	0.897	0.868	0.683	0.812	0.764
19	0.812	0.896	0.866	0.678	0.808	0.760
20	0.809	0.895	0.864	0.673	0.805	0.755
21	0.807	0.893	0.863	0.668	0.801	0.751
22	0.805	0.892	0.861	0.664	0.798	0.748
23	0.803	0.891	0.860	0.660	0.795	0.744
24	0.802	0.890	0.858	0.655	0.792	0.740
25	0.800	0.889	0.857	0.651	0.789	0.737
26	0.798	0.888	0.856	0.648	0.786	0.734
27	0.797	0.887	0.855	0.644	0.783	0.731
28	0.796	0.886	0.854	0.640	0.781	0.728
29	0.794	0.885	0.853	0.637	0.778	0.725
30	0.793	0.885	0.852	0.634	0.776	0.722
31	0.792	0.884	0.851	0.631	0.774	0.719
32	0.791	0.883	0.850	0.628	0.771	0.717
33	0.790	0.882	0.849	0.625	0.769	0.714
34	0.789	0.882	0.848	0.622	0.767	0.712
35	0.788	0.881	0.848	0.620	0.765	0.710
36	0.787	0.881	0.847	0.617	0.763	0.708
37	0.786	0.880	0.846	0.615	0.762	0.706
38	0.785	0.880	0.846	0.613	0.760	0.704
39	0.785	0.879	0.845	0.611	0.758	0.702
40	0.784	0.879	0.845	0.609	0.757	0.700

PERMANENT

NEW SECTION

WAC 415-103-300 Actuarial tables, schedules, and factors. See chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors the department uses for calculating optional retirement allowances of members of the Washington state patrol retirement system plan 2.

AMENDATORY SECTION (Amending WSR 96-03-100, filed 1/19/96, effective 2/19/96)

WAC 415-104-108 Actuarial tables, schedules, and factors. ((This chapter contains)) See chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors ((adopted by the director of the department of retire-

ment systems)) the department uses for calculating optional retirement allowances of members of the Washington state law enforcement officers' and fire fighters' retirement system. ((These tables, schedules, and factors were adopted by the director upon the recommendation of the state actuary based upon the actuary's investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of the law enforcement officers' and fire fighters' retirement system.

(1) Except as provided in subsection (2) of this section, the tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring on or after January 1, 1996, until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state

actuary. The retirement allowances of members retiring before January 1, 1996, shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement.

(2) The early retirement factors govern the retirement allowances of members retiring on or after January 1, 1993.

(3) Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances only of members retiring after the effective date of such new tables, schedules, and factors.

LAW- ENFORCEMENT OFFICERS- AND FIRE FIGHTERS- RETIREMENT SYSTEM- PLAN I		LAW- ENFORCEMENT OFFICERS AND- FIRE FIGHTERS RETIREMENT- SYSTEM- PLAN II	
Monthly Benefit per \$1.00 of Accumulation		Monthly Benefit per \$1.00 of Accumulation	
20	.0025142	20	.0039808
21	.0025304	21	.0039997
22	.0025472	22	.0040196
23	.0025647	23	.0040405
24	.0025828	24	.0040624
25	.0026017	25	.0040855
26	.0026214	26	.0041098
27	.0026418	27	.0041353
28	.0026632	28	.0041622
29	.0026854	29	.0041905
30	.0027086	30	.0042204
31	.0027327	31	.0042518
32	.0027579	32	.0042850
33	.0027842	33	.0043200
34	.0028117	34	.0043569
35	.0028404	35	.0043958
36	.0028704	36	.0044370
37	.0029018	37	.0044805
38	.0029346	38	.0045266
39	.0029690	39	.0045752
40	.0030050	40	.0046267
41	.0030427	41	.0046810
42	.0030823	42	.0047384
43	.0031237	43	.0047988
44	.0031672	44	.0048626
45	.0032128	45	.0049298
46	.0032607	46	.0050007
47	.0033111	47	.0050753
48	.0033640	48	.0051539
49	.0034197	49	.0052369
50	.0034785	50	.0053245
51	.0035404	51	.0054172
52	.0036059	52	.0055155
53	.0036751	53	.0056199
54	.0037485	54	.0057310
55	.0038265	55	.0058496
56	.0039096	56	.0059764
57	.0039981	57	.0061122
58	.0040928	58	.0062578
59	.0041941	59	.0064139
60	.0043026	60	.0065811

LAW- ENFORCEMENT OFFICERS- AND FIRE FIGHTERS- RETIREMENT SYSTEM- PLAN I		LAW- ENFORCEMENT OFFICERS AND- FIRE FIGHTERS RETIREMENT- SYSTEM- PLAN II	
Monthly Benefit per \$1.00 of Accumulation		Monthly Benefit per \$1.00 of Accumulation	
61	.0044195	61	.0067600
62	.0045451	62	.0069511
63	.0046805	63	.0071548
64	.0048266	64	.0073714
65	.0049847	65	.0076011
66	.0051560	66	.0078441
67	.0053424	67	.0081009
68	.0055445	68	.0083721
69	.0057645	69	.0086591
70	.0060046	70	.0089634
71	.0062678	71	.0092866
72	.0065554	72	.0096299
73	.0068706	73	.0099940
74	.0072168	74	.0103786
75	.0075947	75	.0107825
76	.0080069	76	.0112040
77	.0084560	77	.0116408
78	.0089449	78	.0120905
79	.0094696	79	.0125511
80	.0100369	80	.0130204
81	.0106372	81	.0134944
82	.0112701	82	.0139758
83	.0119271	83	.0144609
84	.0126119	84	.0149489
85	.0133170	85	.0154388
86	.0140467	86	.0159282
87	.0147922	87	.0164153
88	.0155623	88	.0168983
89	.0163745	89	.0173754
90	.0172295	90	.0178441
91	.0181323	91	.0183008
92	.0190934	92	.0187436
93	.0201303	93	.0191730
94	.0212247	94	.0195820
95	.0223693	95	.0199697
96	.0236226	96	.0203443
97	.0250062	97	.0207038
98	.0265426	98	.0210462
99	.0282645	99	.0213706

LAW ENFORCEMENT OFFICERS AND FIRE
FIGHTERS RETIREMENT SYSTEM PLAN II
Early Retirement Factors
by Year and Month

0	0	1.000
	1	.9921
	2	.9843
	3	.9764
	4	.9686
	5	.9607
	6	.9529

PERMANENT

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN II

Early Retirement Factors
by Year and Month

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN II

Early Retirement Factors
by Year and Month

	7	.9450		5	0	.6177
	8	.9372			1	.6131
	9	.9293			2	.6085
	10	.9215			3	.6040
	11	.9136			4	.5994
1	0	.9058			5	.5949
	1	.8988			6	.5903
	2	.8918			7	.5857
	3	.8847			8	.5812
	4	.8777			9	.5766
	5	.8707			10	.5720
	6	.8637			11	.5675
	7	.8567		6	0	.5629
	8	.8496			1	.5588
	9	.8426			2	.5547
	10	.8356			3	.5506
	11	.8286			4	.5465
2	0	.8216			5	.5423
	1	.8153			6	.5382
	2	.8090			7	.5341
	3	.8027			8	.5300
	4	.7964			9	.5259
	5	.7902			10	.5218
	6	.7839			11	.5177
	7	.7776		7	0	.5135
	8	.7713			1	.5098
	9	.7650			2	.5061
	10	.7587			3	.5024
	11	.7524			4	.4987
3	0	.7462			5	.4950
	1	.7405			6	.4912
	2	.7349			7	.4875
	3	.7292			8	.4838
	4	.7236			9	.4801
	5	.7180			10	.4764
	6	.7123			11	.4727
	7	.7067		8	0	.4689
	8	.7011			1	.4656
	9	.6954			2	.4622
	10	.6898			3	.4589
	11	.6841			4	.4555
4	0	.6785			5	.4521
	1	.6734			6	.4488
	2	.6684			7	.4454
	3	.6633			8	.4421
	4	.6582			9	.4387
	5	.6532			10	.4353
	6	.6481			11	.4320
	7	.6430		9	0	.4286
	8	.6379			1	.4256
	9	.6329			2	.4225
	10	.6278			3	.4195
	11	.6227			4	.4164

PERMANENT

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN II

Early Retirement Factors
by Year and Month

2809	10	
2788	11	
2767	0	14
2748	1	
2730	2	
2711	3	
2692	4	
2673	5	
2654	6	
2635	7	
2616	8	
2598	9	
2579	10	
2560	11	15
2541	0	
2524	1	
2507	2	
2489	3	
2472	4	
2455	5	
2438	6	
2420	7	
2403	8	
2386	9	
2369	10	
2352	11	16
2334	0	
2319	1	
2303	2	
2287	3	
2272	4	
2256	5	
2240	6	
2225	7	
2209	8	
2193	9	
2177	10	
2162	11	17
2146	0	
2132	1	
2117	2	
2103	3	
2089	4	
2074	5	
2060	6	
2046	7	
2031	8	
2017	9	
2003	10	
1988	11	18
1974	0	
1961	1	
1948	2	

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN II

Early Retirement Factors
by Year and Month

4134	5	
4104	6	
4073	7	
4043	8	
4012	9	
3982	10	
3951	11	
3921	0	10
3893	1	
3866	2	
3838	3	
3811	4	
3783	5	
3755	6	
3728	7	
3700	8	
3673	9	
3645	10	
3617	11	11
3590	0	
3565	1	
3540	2	
3515	3	
3490	4	
3465	5	
3439	6	
3414	7	
3389	8	
3364	9	
3339	10	
3314	11	12
3289	0	
3266	1	
3244	2	
3221	3	
3198	4	
3175	5	
3153	6	
3130	7	
3107	8	
3084	9	
3061	10	
3039	11	
3016	0	13
2995	1	
2975	2	
2954	3	
2933	4	
2912	5	
2892	6	
2871	7	
2850	8	
2830	9	

PERMANENT

LAW ENFORCEMENT OFFICERS AND FIRE
FIGHTERS RETIREMENT SYSTEM PLAN II
Early Retirement Factors
by Year and Month

LAW ENFORCEMENT OFFICERS AND FIRE
FIGHTERS RETIREMENT SYSTEM PLAN II
Early Retirement Factors
by Year and Month

	3	-1935		8	-1346
	4	-1922		9	-1337
	5	-1908		10	-1328
	6	-1895		11	-1319
	7	-1882	23	0	-1309
	8	-1869		1	-1301
	9	-1856		2	-1292
	10	-1843		3	-1284
	11	-1830		4	-1276
19	0	-1817		5	-1267
	1	-1805		6	-1259
	2	-1793		7	-1250
	3	-1781		8	-1242
	4	-1769		9	-1233
	5	-1757		10	-1225
	6	-1745		11	-1216
	7	-1733	24	0	-1208
	8	-1721		1	-1200
	9	-1709		2	-1192
	10	-1697		3	-1184
	11	-1685		4	-1177
20	0	-1673		5	-1169
	1	-1662		6	-1161
	2	-1651		7	-1153
	3	-1640		8	-1146
	4	-1629		9	-1138
	5	-1618		10	-1130
	6	-1607		11	-1122
	7	-1596	25	0	-1115
	8	-1585		1	-1107
	9	-1574		2	-1100
	10	-1563		3	-1093
	11	-1552		4	-1086
21	0	-1541		5	-1079
	1	-1531		6	-1072
	2	-1521		7	-1065
	3	-1511		8	-1057
	4	-1501		9	-1050
	5	-1491		10	-1043
	6	-1481		11	-1036
	7	-1470	26	0	-1029
	8	-1460		1	-1022
	9	-1450		2	-1016
	10	-1440		3	-1009
	11	-1430		4	-1003
22	0	-1420		5	-0996
	1	-1411		6	-0989
	2	-1402		7	-0983
	3	-1392		8	-0976
	4	-1383		9	-0970
	5	-1374		10	-0963
	6	-1365		11	-0957
	7	-1356			

PERMANENT

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN II

Early Retirement Factors
by Year and Month

27	0	-.0950
	1	-.0944
	2	-.0938
	3	-.0932
	4	-.0926
	5	-.0920
	6	-.0914
	7	-.0908
	8	-.0902
	9	-.0896
	10	-.0890
	11	-.0884
28	0	-.0878
	1	-.0872
	2	-.0866
	3	-.0861
	4	-.0855
	5	-.0850
	6	-.0844
	7	-.0839
	8	-.0833
	9	-.0828
	10	-.0822
	11	-.0816
29	0	-.0811
	1	-.0806
	2	-.0801
	3	-.0796
	4	-.0790
	5	-.0785
	6	-.0780
	7	-.0775
	8	-.0770
	9	-.0765
	10	-.0760
	11	-.0755
30	0	-.0749
	1	-.0745
	2	-.0740
	3	-.0735
	4	-.0731
	5	-.0726
	6	-.0721
	7	-.0716
	8	-.0712
	9	-.0707
	10	-.0702
	11	-.0698
31	0	-.0693
	1	-.0689
	2	-.0684
	3	-.0680
	4	-.0676

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN II

Early Retirement Factors
by Year and Month

	5	-.0671
	6	-.0667
	7	-.0663
	8	-.0658
	9	-.0654
	10	-.0649
	11	-.0645
32	0	-.0641
	1	-.0637
	2	-.0633
	3	-.0629
	4	-.0625
	5	-.0621
	6	-.0617
	7	-.0613
	8	-.0609
	9	-.0605
	10	-.0601
	11	-.0597
33	0	-.0593
	1	-.0589
	2	-.0585
	3	-.0582
	4	-.0578
	5	-.0574
	6	-.0571
	7	-.0567
	8	-.0563
	9	-.0560
	10	-.0556
	11	-.0552
34	0	-.0548
	1	-.0545
	2	-.0542
	3	-.0538
	4	-.0535
	5	-.0531
	6	-.0528
	7	-.0525
	8	-.0521
	9	-.0518
	10	-.0514
	11	-.0511
35	0	-.0508
	1	-.0505
	2	-.0502
	3	-.0499
	4	-.0496
	5	-.0493
	6	-.0490
	7	-.0487
	8	-.0484
	9	-.0481

PERMANENT

Age Difference	Member Older			Early Retirement Factors by Year and Month	
	OPTION II (100%)	OPTION IV (66-2/3%)	OPTION III (50%)		
24	0.616	0.707	0.763	2	.9830
25	0.612	0.703	0.760	3	.9746
26	0.608	0.700	0.757	4	.9661
27	0.604	0.696	0.754	5	.9576
28	0.601	0.694	0.751	6	.9491
29	0.598	0.690	0.748	7	.9407
30	0.595	0.688	0.746	8	.9322
31	0.592	0.685	0.744	9	.9237
32	0.589	0.682	0.741	10	.9152
33	0.586	0.680	0.739	11	.9068
34	0.583	0.677	0.737	12	.8983
35	0.581	0.675	0.735	1	.8908
36	0.578	0.673	0.733	2	.8834
37	0.576	0.671	0.731	3	.8759
38	0.574	0.669	0.729	4	.8685
39	0.571	0.666	0.727	5	.8610
40	0.569	0.664	0.725	6	.8536
AGE DIFFERENCE - MEMBER'S AGE MINUS BENEFICIARY AGE					
* For converting the Normal Form (Option I) to Option II or III.)					
AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)					
WAC 415-108-340 Actuarial tables, schedules, and factors. ((This section contains)) See chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors the department uses for calculating optional retirement allowances ((and postretirement adjustments)) of members of the Washington state public employees' retirement system ((PERS)). ((These tables, schedules, and factors were adopted by the director upon the recommendation of the state actuary after investigation into the mortality, service, compensation, and other experience of the PERS members and beneficiaries.					
(1) These tables, schedules and factors may be amended from time to time, based upon subsequent actuarial investigation.					
(2) The department will use the tables, schedules and factors in effect upon the member's retirement to calculate the member's retirement allowance. Accordingly, these values apply to the calculation of retirement allowances for those who retire on or after January 1, 1996 (until subsequent amendment).					
(3) The department will use these tables, schedules and factors to calculate postretirement adjustments that become effective on or after January 1, 1996, even though the member's retirement allowance was initially calculated using a prior set of tables, schedules and factors.					
PUBLIC EMPLOYEES RETIREMENT SYSTEM					
PLAN 1					
Early Retirement Factors by Year and Month					
0	0	1.0000		10	.6718
	1	.9915		11	.6660

PERMANENT

Early Retirement Factors
by Year and Month

Early Retirement Factors
by Year and Month

4	0	.6601
	1	.6550
	2	.6498
	3	.6446
	4	.6395
	5	.6343
	6	.6291
	7	.6240
	8	.6188
	9	.6136
	10	.6085
	11	.6033
5	0	.5981
	1	.5935
	2	.5889
	3	.5843
	4	.5797
	5	.5751
	6	.5705
	7	.5659
	8	.5613
	9	.5567
	10	.5521
	11	.5475
6	0	.5429
	1	.5388
	2	.5347
	3	.5306
	4	.5265
	5	.5224
	6	.5182
	7	.5141
	8	.5100
	9	.5059
	10	.5018
	11	.4977
7	0	.4936
	1	.4899
	2	.4862
	3	.4825
	4	.4789
	5	.4752
	6	.4715
	7	.4678
	8	.4642
	9	.4605

	10	.4568
	11	.4531
8	0	.4494
	1	.4461
	2	.4428
	3	.4395
	4	.4362
	5	.4329
	6	.4296
	7	.4263
	8	.4230
	9	.4197
	10	.4164
	11	.4131
9	0	.4098
	1	.4068
	2	.4039
	3	.4009
	4	.3979
	5	.3950
	6	.3920
	7	.3890
	8	.3860
	9	.3831
	10	.3801
	11	.3771
10	0	.3742
	1	.3715
	2	.3688
	3	.3661
	4	.3635
	5	.3608
	6	.3581
	7	.3554
	8	.3528
	9	.3501
	10	.3474
	11	.3447
11	0	.3420
	1	.3396
	2	.3372
	3	.3348
	4	.3324
	5	.3300
	6	.3275
	7	.3251

PERMANENT

Early Retirement Factors
by Year and Month

	8	.3227
	9	.3203
	10	.3179
	11	.3154
12	0	.3130
	1	.3108
	2	.3087
	3	.3065
	4	.3043
	5	.3021
	6	.2999
	7	.2977
	8	.2955
	9	.2933
	10	.2912
	11	.2890
13	0	.2868
	1	.2848
	2	.2828
	3	.2808
	4	.2789
	5	.2769
	6	.2749
	7	.2729
	8	.2709
	9	.2689
	10	.2670
	11	.2650
14	0	.2630
	1	.2612
	2	.2594
	3	.2576
	4	.2558
	5	.2540
	6	.2522
	7	.2504
	8	.2486
	9	.2468
	10	.2450
	11	.2432
15	0	.2414
	1	.2398
	2	.2381
	3	.2365
	4	.2348
	5	.2332

Early Retirement Factors
by Year and Month

	6	.2316
	7	.2299
	8	.2283
	9	.2267
	10	.2250
	11	.2234
16	0	.2218
	1	.2203
	2	.2188
	3	.2173
	4	.2158
	5	.2143
	6	.2128
	7	.2113
	8	.2098
	9	.2084
	10	.2069
	11	.2054
17	0	.2039
	1	.2025
	2	.2012
	3	.1998
	4	.1985
	5	.1971
	6	.1957
	7	.1944
	8	.1930
	9	.1917
	10	.1903
	11	.1890
18	0	.1876
	1	.1864
	2	.1851
	3	.1839
	4	.1826
	5	.1814
	6	.1802
	7	.1789
	8	.1777
	9	.1764
	10	.1752
	11	.1740
19	0	.1727
	1	.1716
	2	.1705
	3	.1693

PERMANENT

Early Retirement Factors
by Year and Month

	4	-.1682
	5	-.1671
	6	-.1659
	7	-.1648
	8	-.1637
	9	-.1625
	10	-.1614
	11	-.1603
20	0	-.1591
	1	-.1581
	2	-.1571
	3	-.1560
	4	-.1550
	5	-.1540
	6	-.1529
	7	-.1519
	8	-.1509
	9	-.1498
	10	-.1488
	11	-.1478
21	0	-.1467
	1	-.1458
	2	-.1448
	3	-.1439
	4	-.1429
	5	-.1420
	6	-.1410
	7	-.1401
	8	-.1391
	9	-.1382
	10	-.1372
	11	-.1363
22	0	-.1353
	1	-.1345
	2	-.1336
	3	-.1327
	4	-.1319
	5	-.1310
	6	-.1301
	7	-.1293
	8	-.1284
	9	-.1275
	10	-.1267
	11	-.1258
23	0	-.1249
	1	-.1241

Early Retirement Factors
by Year and Month

	2	-.1233
	3	-.1225
	4	-.1217
	5	-.1209
	6	-.1201
	7	-.1193
	8	-.1185
	9	-.1177
	10	-.1169
	11	-.1161
24	0	-.1153
	1	-.1146
	2	-.1139
	3	-.1132
	4	-.1124
	5	-.1117
	6	-.1110
	7	-.1102
	8	-.1095
	9	-.1088
	10	-.1080
	11	-.1073
25	0	-.1066
	1	-.1059
	2	-.1052
	3	-.1046
	4	-.1039
	5	-.1032
	6	-.1025
	7	-.1019
	8	-.1012
	9	-.1005
	10	-.0998
	11	-.0992
26	0	-.0985
	1	-.0979
	2	-.0973
	3	-.0966
	4	-.0960
	5	-.0954
	6	-.0948
	7	-.0942
	8	-.0936
	9	-.0929
	10	-.0923
	11	-.0917

PERMANENT

Early Retirement Factors
by Year and Month

27	0	.0911
	1	.0905
	2	.0899
	3	.0894
	4	.0888
	5	.0882
	6	.0877
	7	.0871
	8	.0865
	9	.0860
	10	.0854
	11	.0848
28	0	.0842
	1	.0837
	2	.0832
	3	.0827
	4	.0822
	5	.0816
	6	.0811
	7	.0806
	8	.0801
	9	.0795
	10	.0790
	11	.0785
29	0	.0780
	1	.0775
	2	.0770
	3	.0765
	4	.0760
	5	.0755
	6	.0751
	7	.0746
	8	.0741
	9	.0736
	10	.0731
	11	.0726
30	0	.0722
	1	.0717
	2	.0713
	3	.0708
	4	.0704
	5	.0699
	6	.0695
	7	.0690
	8	.0686
	9	.0682

Early Retirement Factors
by Year and Month

	10	.0677
	11	.0673
31	0	.0668
	1	.0664
	2	.0660
	3	.0656
	4	.0652
	5	.0648
	6	.0644
	7	.0639
	8	.0635
	9	.0631
	10	.0627
	11	.0623
32	0	.0619
	1	.0615
	2	.0611
	3	.0608
	4	.0604
	5	.0600
	6	.0596
	7	.0592
	8	.0589
	9	.0585
	10	.0581
	11	.0577
33	0	.0573
	1	.0570
	2	.0566
	3	.0563
	4	.0559
	5	.0556
	6	.0552
	7	.0549
	8	.0545
	9	.0542
	10	.0538
	11	.0535
34	0	.0531
	1	.0528
	2	.0525
	3	.0522
	4	.0518
	5	.0515
	6	.0512
	7	.0509

PERMANENT

Early Retirement Factors		56	.0056837
by Year and Month		57	.0058025
8	.0506	58	.0059296
9	.0502	59	.0060657
10	.0499	60	.0062116
11	.0496	61	.0063676
35 or more	.0493	62	.0065347

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 Plans 2 and 3 Option 1
 Monthly Benefit per \$1.00
 of Accumulation

20	.0039357	68	.0078066
21	.0039525	69	.0080711
22	.0039702	70	.0083537
23	.0039887	71	.0086558
24	.0040081	72	.0089785
25	.0040286	73	.0093230
26	.0040500	74	.0096898
27	.0040726	75	.0100792
28	.0040963	76	.0104910
29	.0041213	77	.0109250
30	.0041476	78	.0113811
31	.0041753	79	.0118589
32	.0042044	80	.0123587
33	.0042351	81	.0128793
34	.0042675	82	.0134243
35	.0043015	83	.0139934
36	.0043375	84	.0145880
37	.0043756	85	.0152103
38	.0044157	86	.0158600
39	.0044581	87	.0165374
40	.0045029	88	.0172413
41	.0045502	89	.0179682
42	.0046001	90	.0187162
43	.0046528	91	.0194835
44	.0047084	92	.0202654
45	.0047670	93	.0210569
46	.0048287	94	.0218459
47	.0048939	95	.0226265
48	.0049626	96	.0234038
49	.0050352	97	.0241752
50	.0051120	98	.0249356
51	.0051933	99	.0256785
52	.0052795		
53	.0053712		
54	.0054687		
55	.0055727		

PERMANENT

Public Employees Retirement System PERS I Optional COLA*	Public Employees Retirement System Plan I Option I Monthly Benefit per \$1.00 of Accumulation	Public Employees Retirement System PERS I Optional COLA*	Public Employees Retirement System Plan I Option I Monthly Benefit per \$1.00 of Accumulation
Age		Age	
20 0.6369	20 .0061792	63 0.7783	63 .0086255
21 0.6386	21 .0061891	64 0.7835	64 .0088128
22 0.6404	22 .0061997	65 0.7887	65 .0090135
23 0.6422	23 .0062111	66 0.7939	66 .0092282
24 0.6441	24 .0062232	67 0.7992	67 .0094577
25 0.6460	25 .0062362	68 0.8046	68 .0097029
26 0.6480	26 .0062501	69 0.8099	69 .0099651
27 0.6501	27 .0062650	70 0.8154	70 .0102454
28 0.6522	28 .0062809	71 0.8208	71 .0105455
29 0.6544	29 .0062979	72 0.8263	72 .0108665
30 0.6567	30 .0063162	73 0.8317	73 .0112093
31 0.6590	31 .0063357	74 0.8372	74 .0115744
32 0.6614	32 .0063566	75 0.8426	75 .0119617
33 0.6639	33 .0063790	76 0.8480	76 .0123709
34 0.6665	34 .0064030	77 0.8534	77 .0128014
35 0.6691	35 .0064286	78 0.8588	78 .0132528
36 0.6718	36 .0064561	79 0.8641	79 .0137246
37 0.6747	37 .0064856	80 0.8693	80 .0142169
38 0.6775	38 .0065173	81 0.8745	81 .0147281
39 0.6805	39 .0065512	82 0.8796	82 .0152621
40 0.6836	40 .0065875	83 0.8846	83 .0158184
41 0.6867	41 .0066263	84 0.8896	84 .0163986
42 0.6899	42 .0066677	85 0.8945	85 .0170045
43 0.6932	43 .0067119	86 0.8993	86 .0176361
44 0.6966	44 .0067590	87 0.9040	87 .0182936
45 0.7001	45 .0068091	88 0.9086	88 .0189757
46 0.7036	46 .0068624	89 0.9131	89 .0196789
47 0.7073	47 .0069190	90 0.9174	90 .0204015
48 0.7111	48 .0069792	91 0.9216	91 .0211420
49 0.7149	49 .0070432	92 0.9255	92 .0218957
50 0.7188	50 .0071114	93 0.9294	93 .0226575
51 0.7229	51 .0071843	94 0.9329	94 .0234160
52 0.7270	52 .0072621	95 0.9363	95 .0241655
53 0.7312	53 .0073455	96 0.9395	96 .0249116
54 0.7355	54 .0074351	97 0.9424	97 .0256520
55 0.7399	55 .0075313	98 0.9452	98 .0263822
56 0.7444	56 .0076350	99 0.9477	99 .0270961
57 0.7490	57 .0077467		
58 0.7537	58 .0078672		
59 0.7585	59 .0079972		
60 0.7633	60 .0081375		
61 0.7682	61 .0082885		
62 0.7733	62 .0084509		

PERMANENT

PERMANENT

PERS I Survivor Option Factors				Age Difference	OPTION II (100%)	OPTION IV (66-2/3%)	OPTION III (50%)
Member Younger							
Age Difference	OPTION II (100%)	OPTION IV (66-2/3%)	OPTION III (50%)				
20	0.948	0.965	0.973	21	0.692	0.772	0.818
-19	0.945	0.963	0.972	22	0.689	0.769	0.816
-18	0.940	0.959	0.969	23	0.686	0.767	0.814
-17	0.936	0.956	0.967	24	0.683	0.764	0.812
-16	0.933	0.954	0.965	25	0.681	0.763	0.811
-15	0.929	0.951	0.963	26	0.679	0.761	0.809
-14	0.925	0.949	0.961	27	0.677	0.759	0.808
-13	0.921	0.946	0.959	28	0.675	0.758	0.806
-12	0.916	0.943	0.956	29	0.673	0.756	0.805
-11	0.910	0.938	0.953	30	0.671	0.754	0.804
-10	0.906	0.935	0.950	31	0.669	0.753	0.802
-9	0.900	0.931	0.948	32	0.668	0.752	0.801
-8	0.895	0.928	0.945	33	0.667	0.750	0.800
-7	0.889	0.923	0.941	34	0.666	0.749	0.799
-6	0.882	0.918	0.937	35	0.664	0.747	0.798
-5	0.876	0.914	0.934	36	0.663	0.747	0.797
-4	0.868	0.908	0.930	37	0.662	0.746	0.796
-3	0.860	0.902	0.925	38	0.661	0.745	0.796
-2	0.849	0.894	0.918	39	0.660	0.744	0.795
-1	0.836	0.884	0.911	40	0.659	0.743	0.794

Age difference = member's age minus beneficiary's age

PERS Plans 2 and 3 Survivor Option Factors							
Member Older				Member Younger			
Age Difference	OPTION II (100%)	OPTION IV (66-2/3%)	OPTION III (50%)	Age Difference	OPTION II (100%)	OPTION IV (66-2/3%)	OPTION III (50%)
0	0.822	0.874	0.902	-20	0.928	0.951	0.962
1	0.808	0.863	0.894	-19	0.925	0.949	0.961
2	0.796	0.854	0.886	-18	0.922	0.946	0.959
3	0.787	0.848	0.881	-17	0.919	0.945	0.958
4	0.782	0.844	0.878	-16	0.916	0.942	0.956
5	0.778	0.840	0.875	-15	0.912	0.940	0.954
6	0.773	0.837	0.872	-14	0.908	0.937	0.952
7	0.766	0.831	0.868	-13	0.904	0.933	0.949
8	0.757	0.824	0.862	-12	0.898	0.930	0.946
9	0.746	0.815	0.854	-11	0.892	0.925	0.943
10	0.736	0.807	0.848	-10	0.885	0.920	0.939
11	0.729	0.801	0.843	-9	0.879	0.916	0.935
12	0.724	0.798	0.840	-8	0.873	0.911	0.932
13	0.720	0.794	0.837	-7	0.865	0.906	0.927
14	0.715	0.790	0.834	-6	0.857	0.900	0.923
15	0.711	0.787	0.832	-5	0.849	0.894	0.918
16	0.708	0.784	0.829	-4	0.839	0.887	0.912
17	0.704	0.781	0.827	-3	0.828	0.878	0.906
18	0.702	0.779	0.825	-2	0.813	0.867	0.897
19	0.698	0.776	0.822	-1	0.797	0.855	0.887
20	0.695	0.774	0.820				

Age Difference	Member Older			PUBLIC EMPLOYEES RETIREMENT SYSTEM PLANS 2 AND 3		
	OPTION II (100%)	OPTION IV (66-2/3%)	OPTION III (50%)	Early Retirement Factors by Year and Month		
0	0.779	0.841	0.876	0	0	1.0000
1	0.763	0.829	0.866		1	.9910
2	0.748	0.817	0.856		2	.9821
3	0.735	0.807	0.848		3	.9731
4	0.725	0.798	0.841		4	.9641
5	0.716	0.791	0.835		5	.9551
6	0.708	0.785	0.830		6	.9462
7	0.698	0.777	0.823		7	.9372
8	0.687	0.767	0.815		8	.9282
9	0.674	0.757	0.806		9	.9193
10	0.662	0.747	0.797		10	.9103
11	0.653	0.739	0.791		11	.9013
12	0.646	0.733	0.786	1	0	.8923
13	0.640	0.728	0.781		1	.8845
14	0.634	0.722	0.776		2	.8767
15	0.628	0.717	0.772		3	.8688
16	0.622	0.712	0.767		4	.8610
17	0.616	0.707	0.763		5	.8531
18	0.611	0.702	0.759		6	.8453
19	0.606	0.698	0.755		7	.8374
20	0.602	0.694	0.751		8	.8296
21	0.596	0.689	0.747		9	.8217
22	0.591	0.684	0.743		10	.8139
23	0.587	0.681	0.740		11	.8061
24	0.582	0.676	0.736	2	0	.7982
25	0.577	0.672	0.732		1	.7913
26	0.573	0.668	0.729		2	.7844
27	0.569	0.665	0.726		3	.7776
28	0.565	0.661	0.722		4	.7707
29	0.562	0.658	0.720		5	.7638
30	0.558	0.655	0.717		6	.7569
31	0.555	0.652	0.714		7	.7500
32	0.552	0.649	0.712		8	.7431
33	0.549	0.647	0.709		9	.7363
34	0.546	0.644	0.707		10	.7294
35	0.543	0.641	0.705		11	.7225
36	0.540	0.638	0.702	3	0	.7156
37	0.538	0.637	0.700		1	.7096
38	0.535	0.634	0.698		2	.7035
39	0.533	0.632	0.696		3	.6975
40	0.531	0.630	0.695		4	.6914
					5	.6853
					6	.6793
					7	.6732
					8	.6672

Age difference = member's age minus beneficiary's age

PERMANENT

Early Retirement Factors by Year and Month

Early Retirement Factors by Year and Month

	9	.6611
	10	.6551
	11	.6490
4	0	.6429
	1	.6376
	2	.6322
	3	.6269
	4	.6215
	5	.6162
	6	.6109
	7	.6055
	8	.6002
	9	.5948
	10	.5895
	11	.5841
5	0	.5788
	1	.5740
	2	.5693
	3	.5646
	4	.5598
	5	.5551
	6	.5504
	7	.5456
	8	.5409
	9	.5362
	10	.5314
	11	.5267
6	0	.5220
	1	.5178
	2	.5136
	3	.5094
	4	.5052
	5	.5010
	6	.4968
	7	.4926
	8	.4884
	9	.4842
	10	.4800
	11	.4758
7	0	.4716
	1	.4678
	2	.4641
	3	.4603
	4	.4566
	5	.4529
	6	.4491

	7	.4454
	8	.4416
	9	.4379
	10	.4342
	11	.4304
8	0	.4267
	1	.4234
	2	.4200
	3	.4167
	4	.4134
	5	.4100
	6	.4067
	7	.4033
	8	.4000
	9	.3967
	10	.3933
	11	.3900
9	0	.3867
	1	.3837
	2	.3807
	3	.3777
	4	.3747
	5	.3718
	6	.3688
	7	.3658
	8	.3628
	9	.3598
	10	.3569
	11	.3539
10	0	.3509
	1	.3482
	2	.3456
	3	.3429
	4	.3402
	5	.3375
	6	.3349
	7	.3322
	8	.3295
	9	.3269
	10	.3242
	11	.3215
11	0	.3188
	1	.3165
	2	.3141
	3	.3117
	4	.3093

PERMANENT

Early Retirement Factors by Year and Month

Early Retirement Factors by Year and Month

	5	.3069		3	.2151
	6	.3045		4	.2136
	7	.3021		5	.2120
	8	.2997		6	.2104
	9	.2973		7	.2088
	10	.2949		8	.2072
	11	.2925		9	.2057
12	0	.2901		10	.2041
	1	.2879		11	.2025
	2	.2858	16	0	.2009
	3	.2836		1	.1995
	4	.2815		2	.1980
	5	.2793		3	.1966
	6	.2771		4	.1952
	7	.2750		5	.1937
	8	.2728		6	.1923
	9	.2707		7	.1909
	10	.2685		8	.1894
	11	.2664		9	.1880
13	0	.2642		10	.1866
	1	.2623		11	.1851
	2	.2603	17	0	.1837
	3	.2584		1	.1824
	4	.2564		2	.1811
	5	.2545		3	.1798
	6	.2526		4	.1785
	7	.2506		5	.1772
	8	.2487		6	.1759
	9	.2467		7	.1746
	10	.2448		8	.1733
	11	.2429		9	.1720
14	0	.2409		10	.1707
	1	.2392		11	.1694
	2	.2374	18	0	.1681
	3	.2357		1	.1670
	4	.2339		2	.1658
	5	.2322		3	.1646
	6	.2304		4	.1634
	7	.2287		5	.1623
	8	.2269		6	.1611
	9	.2252		7	.1599
	10	.2234		8	.1587
	11	.2216		9	.1575
15	0	.2199		10	.1564
	1	.2183		11	.1552
	2	.2167			

PERMANENT

Early Retirement Factors by Year and Month

19	0	.1540
	1	.1529
	2	.1519
	3	.1508
	4	.1497
	5	.1487
	6	.1476
	7	.1465
	8	.1455
	9	.1444
	10	.1433
	11	.1422
20	0	.1412
	1	.1402
	2	.1392
	3	.1383
	4	.1373
	5	.1363
	6	.1353
	7	.1344
	8	.1334
	9	.1324
	10	.1315
	11	.1305
21	0	.1295
	1	.1286
	2	.1277
	3	.1269
	4	.1260
	5	.1251
	6	.1242
	7	.1233
	8	.1224
	9	.1215
	10	.1207
	11	.1198
22	0	.1189
	1	.1181
	2	.1173
	3	.1165
	4	.1157
	5	.1149
	6	.1140
	7	.1132
	8	.1124
	9	.1116

Early Retirement Factors by Year and Month

	10	.1108
	11	.1100
23	0	.1092
	1	.1085
	2	.1077
	3	.1070
	4	.1063
	5	.1055
	6	.1048
	7	.1041
	8	.1033
	9	.1026
	10	.1018
	11	.1011
24	0	.1004
	1	.0997
	2	.0990
	3	.0984
	4	.0977
	5	.0970
	6	.0963
	7	.0957
	8	.0950
	9	.0943
	10	.0937
	11	.0930
25	0	.0923
	1	.0917
	2	.0911
	3	.0905
	4	.0898
	5	.0892
	6	.0886
	7	.0880
	8	.0874
	9	.0868
	10	.0862
	11	.0856
26	0	.0849
	1	.0844
	2	.0838
	3	.0833
	4	.0827
	5	.0821
	6	.0816
	7	.0810

PERMANENT

Early Retirement Factors by Year and Month

Early Retirement Factors by Year and Month

	8	.0804
	9	.0799
	10	.0793
	11	.0788
27	0	.0782
	1	.0777
	2	.0772
	3	.0767
	4	.0761
	5	.0756
	6	.0751
	7	.0746
	8	.0741
	9	.0736
	10	.0731
	11	.0725
28	0	.0720
	1	.0716
	2	.0711
	3	.0706
	4	.0701
	5	.0697
	6	.0692
	7	.0687
	8	.0683
	9	.0678
	10	.0673
	11	.0668
29	0	.0664
	1	.0659
	2	.0655
	3	.0651
	4	.0646
	5	.0642
	6	.0638
	7	.0634
	8	.0629
	9	.0625
	10	.0621
	11	.0616
30	0	.0612
	1	.0608
	2	.0604
	3	.0600
	4	.0596
	5	.0592

	6	.0588
	7	.0584
	8	.0580
	9	.0576
	10	.0572
	11	.0568
31	0	.0564
	1	.0561
	2	.0557
	3	.0553
	4	.0550
	5	.0546
	6	.0543
	7	.0539
	8	.0535
	9	.0532
	10	.0528
	11	.0524
32	0	.0521
	1	.0517
	2	.0514
	3	.0511
	4	.0507
	5	.0504
	6	.0501
	7	.0497
	8	.0494
	9	.0491
	10	.0487
	11	.0484
33	0	.0481
	1	.0478
	2	.0475
	3	.0471
	4	.0468
	5	.0465
	6	.0462
	7	.0459
	8	.0456
	9	.0453
	10	.0450
	11	.0447
34	0	.0444
	1	.0441
	2	.0438
	3	.0435

PERMANENT

Early Retirement Factors by Year and Month

Early Retirement Factors by Year and Month

	4	.0433
	5	.0430
	6	.0427
	7	.0424
	8	.0421
	9	.0418
	10	.0416
	11	.0413
35	0	.0410
	1	.0407
	2	.0405
	3	.0402
	4	.0400
	5	.0397
	6	.0394
	7	.0392
	8	.0389
	9	.0387
	10	.0384
	11	.0381
36	0	.0379
	1	.0376
	2	.0374
	3	.0372
	4	.0369
	5	.0367
	6	.0364
	7	.0362
	8	.0360
	9	.0357
	10	.0355
	11	.0352
37	0	.0350
	1	.0348
	2	.0346
	3	.0343
	4	.0341
	5	.0339
	6	.0337
	7	.0335
	8	.0332
	9	.0330
	10	.0328
	11	.0326
38	0	.0324
	1	.0322

	2	.0320
	3	.0318
	4	.0316
	5	.0313
	6	.0311
	7	.0309
	8	.0307
	9	.0305
	10	.0303
	11	.0301
39	0	.0299
	1	.0297
	2	.0296
	3	.0294
	4	.0292
	5	.0290
	6	.0288
	7	.0286
	8	.0284
	9	.0282
	10	.0281
	11	.0279
40	0	.0277
	1	.0275
	2	.0273
	3	.0272
	4	.0270
	5	.0268
	6	.0266
	7	.0265
	8	.0263
	9	.0261
	10	.0260
	11	.0258
41	0	.0256
	1	.0255
	2	.0253
	3	.0251
	4	.0250
	5	.0248
	6	.0247
	7	.0245
	8	.0243
	9	.0242
	10	.0240
	11	.0239

PERMANENT

Early Retirement Factors by Year and Month

42	0	.0237
	1	.0236
	2	.0234
	3	.0233
	4	.0231
	5	.0230
	6	.0228
	7	.0227
	8	.0225
	9	.0224
	10	.0222
	11	.0221
43	0	.0219
	1	.0218
	2	.0217
	3	.0215
	4	.0214
	5	.0213
	6	.0211
	7	.0210
	8	.0209
	9	.0207
	10	.0206
	11	.0205
44	0	.0203
	1	.0202
	2	.0201
	3	.0199
	4	.0198
	5	.0197
	6	.0196
	7	.0194
	8	.0193
	9	.0192
	10	.0191
	11	.0189
45	or more	.0188))

ommendation of the state actuary based on the actuary's investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of school employees' retirement system. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from September 1, 2000, until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state actuary. Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances calculated at the time of retirement only of members retiring after the adoption of such new tables, schedules, and factors.

SCHOOL EMPLOYEES RETIREMENT SYSTEM
 Plant 2 Option 1
 Monthly Benefit per \$1.00
 of Accumulation

20	.0039357
21	.0039525
22	.0039702
23	.0039887
24	.0040081
25	.0040286
26	.0040500
27	.0040726
28	.0040963
29	.0041213
30	.0041476
31	.0041753
32	.0042044
33	.0042351
34	.0042675
35	.0043015
36	.0043375
37	.0043756
38	.0044157
39	.0044581
40	.0045029
41	.0045502
42	.0046001
43	.0046528
44	.0047084
45	.0047670
46	.0048287
47	.0048939
48	.0049626
49	.0050352
50	.0051120
51	.0051933
52	.0052795

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-340 Actuarial tables, schedules, and factors. ((This chapter contains)) See chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors ((adopted by the director of the department of retirement systems)) the department uses for calculating optional retirement allowances of members of the Washington state school employees' retirement system. ((These tables, schedules, and factors were adopted by the director upon the rec-

PERMANENT

PERMANENT

		SERS-2 Survivor Option Factors			
		Member Younger			
		Age	OPTION II	OPTION IV	OPTION III
		Difference	(100%)	(66-2/3%)	(50%)
53	.0053712				
54	.0054687				
55	.0055727	-20	0.928	0.951	0.962
56	.0056837	-19	0.925	0.949	0.961
57	.0058025	-18	0.922	0.946	0.959
58	.0059296	-17	0.919	0.945	0.958
59	.0060657	-16	0.916	0.942	0.956
60	.0062116	-15	0.912	0.940	0.954
61	.0063676	-14	0.908	0.937	0.952
62	.0065347	-13	0.904	0.933	0.949
63	.0067134	-12	0.898	0.930	0.946
64	.0069044	-11	0.892	0.925	0.943
65	.0071085	-10	0.885	0.920	0.939
66	.0073263	-9	0.879	0.916	0.935
67	.0075587	-8	0.873	0.911	0.932
68	.0078066	-7	0.865	0.906	0.927
69	.0080711	-6	0.857	0.900	0.923
70	.0083537	-5	0.849	0.894	0.918
71	.0086558	-4	0.839	0.887	0.912
72	.0089785	-3	0.828	0.878	0.906
73	.0093230	-2	0.813	0.867	0.897
74	.0096898	-1	0.797	0.855	0.887
75	.0100792				
76	.0104910				
77	.0109250				
		Member Older			
		Age	OPTION II	OPTION IV	OPTION III
		Difference	(100%)	(66-2/3%)	(50%)
78	.0113811	0	0.779	0.841	0.876
79	.0118589	1	0.763	0.829	0.866
80	.0123587	2	0.748	0.817	0.856
81	.0128793	3	0.735	0.807	0.848
82	.0134243	4	0.725	0.798	0.841
83	.0139934	5	0.716	0.791	0.835
84	.0145880	6	0.708	0.785	0.830
85	.0152103	7	0.698	0.777	0.823
86	.0158600	8	0.687	0.767	0.815
87	.0165374	9	0.674	0.757	0.806
88	.0172413	10	0.662	0.747	0.797
89	.0179682	11	0.653	0.739	0.791
90	.0187162	12	0.646	0.733	0.786
91	.0194835	13	0.640	0.728	0.781
92	.0202654	14	0.634	0.722	0.776
93	.0210569	15	0.628	0.717	0.772
94	.0218459	16	0.622	0.712	0.767
95	.0226265	17	0.616	0.707	0.763
96	.0234038	18	0.611	0.702	0.759
97	.0241752	19	0.606	0.698	0.755
98	.0249356				
99	.0256785				

Age Difference	OPTION II (100%)	OPTION IV (66.2/3%)	OPTION III (50%)	Early Retirement Factors by Year and Month		
				Year	Month	
20	0.602	0.694	0.751	7	.8374	
21	0.596	0.689	0.747	8	.8296	
22	0.591	0.684	0.743	9	.8217	
23	0.587	0.681	0.740	10	.8139	
24	0.582	0.676	0.736	11	.8061	
25	0.577	0.672	0.732	2	0	.7982
26	0.573	0.668	0.729	1	.7913	
27	0.569	0.665	0.726	2	.7844	
28	0.565	0.661	0.722	3	.7776	
29	0.562	0.658	0.720	4	.7707	
30	0.558	0.655	0.717	5	.7638	
31	0.555	0.652	0.714	6	.7569	
32	0.552	0.649	0.712	7	.7500	
33	0.549	0.647	0.709	8	.7431	
34	0.546	0.644	0.707	9	.7363	
35	0.543	0.641	0.705	10	.7294	
36	0.540	0.638	0.702	11	.7225	
37	0.538	0.637	0.700	3	0	.7156
38	0.535	0.634	0.698	1	.7096	
39	0.533	0.632	0.696	2	.7035	
40	0.531	0.630	0.695	3	.6975	

Age difference = member's age minus beneficiary's age

SCHOOL EMPLOYEES RETIREMENT SYSTEM
PLAN 2

Early Retirement Factors
by Year and Month

0	0	1.0000			
	1	.9910			
	2	.9821			
	3	.9731			
	4	.9641			
	5	.9551			
	6	.9462			
	7	.9372			
	8	.9282			
	9	.9193			
	10	.9103			
	11	.9013			
1	0	.8923			
	1	.8845			
	2	.8767			
	3	.8688			
	4	.8610			
	5	.8531			
	6	.8453			

PERMANENT

Early Retirement Factors-
by Year and Month

Early Retirement Factors-
by Year and Month

	5	.5551		3	.3777
	6	.5504		4	.3747
	7	.5456		5	.3718
	8	.5409		6	.3688
	9	.5362		7	.3658
	10	.5314		8	.3628
	11	.5267		9	.3598
6	0	.5220		10	.3569
	1	.5178		11	.3539
	2	.5136	10	0	.3509
	3	.5094		1	.3482
	4	.5052		2	.3456
	5	.5010		3	.3429
	6	.4968		4	.3402
	7	.4926		5	.3375
	8	.4884		6	.3349
	9	.4842		7	.3322
	10	.4800		8	.3295
	11	.4758		9	.3269
7	0	.4716		10	.3242
	1	.4678		11	.3215
	2	.4641	11	0	.3188
	3	.4603		1	.3165
	4	.4566		2	.3141
	5	.4529		3	.3117
	6	.4491		4	.3093
	7	.4454		5	.3069
	8	.4416		6	.3045
	9	.4379		7	.3021
	10	.4342		8	.2997
	11	.4304		9	.2973
8	0	.4267		10	.2949
	1	.4234		11	.2925
	2	.4200	12	0	.2901
	3	.4167		1	.2879
	4	.4134		2	.2858
	5	.4100		3	.2836
	6	.4067		4	.2815
	7	.4033		5	.2793
	8	.4000		6	.2771
	9	.3967		7	.2750
	10	.3933		8	.2728
	11	.3900		9	.2707
9	0	.3867		10	.2685
	1	.3837		11	.2664
	2	.3807			

PERMANENT

Early Retirement Factors
by Year and Month

13	0	.2642
	1	.2623
	2	.2603
	3	.2584
	4	.2564
	5	.2545
	6	.2526
	7	.2506
	8	.2487
	9	.2467
	10	.2448
	11	.2429
14	0	.2409
	1	.2392
	2	.2374
	3	.2357
	4	.2339
	5	.2322
	6	.2304
	7	.2287
	8	.2269
	9	.2252
	10	.2234
	11	.2216
15	0	.2199
	1	.2183
	2	.2167
	3	.2151
	4	.2136
	5	.2120
	6	.2104
	7	.2088
	8	.2072
	9	.2057
	10	.2041
	11	.2025
16	0	.2009
	1	.1995
	2	.1980
	3	.1966
	4	.1952
	5	.1937
	6	.1923
	7	.1909
	8	.1894
	9	.1880

Early Retirement Factors
by Year and Month

	10	.1866
	11	.1851
17	0	.1837
	1	.1824
	2	.1811
	3	.1798
	4	.1785
	5	.1772
	6	.1759
	7	.1746
	8	.1733
	9	.1720
	10	.1707
	11	.1694
18	0	.1681
	1	.1670
	2	.1658
	3	.1646
	4	.1634
	5	.1623
	6	.1611
	7	.1599
	8	.1587
	9	.1575
	10	.1564
	11	.1552
19	0	.1540
	1	.1529
	2	.1519
	3	.1508
	4	.1497
	5	.1487
	6	.1476
	7	.1465
	8	.1455
	9	.1444
	10	.1433
	11	.1422
20	0	.1412
	1	.1402
	2	.1392
	3	.1383
	4	.1373
	5	.1363
	6	.1353
	7	.1344

PERMANENT

Early Retirement Factors
by Year and Month

	8	-.1334
	9	-.1324
	10	-.1315
	11	-.1305
21	0	-.1295
	1	-.1286
	2	-.1277
	3	-.1269
	4	-.1260
	5	-.1251
	6	-.1242
	7	-.1233
	8	-.1224
	9	-.1215
	10	-.1207
	11	-.1198
22	0	-.1189
	1	-.1181
	2	-.1173
	3	-.1165
	4	-.1157
	5	-.1149
	6	-.1140
	7	-.1132
	8	-.1124
	9	-.1116
	10	-.1108
	11	-.1100
23	0	-.1092
	1	-.1085
	2	-.1077
	3	-.1070
	4	-.1063
	5	-.1055
	6	-.1048
	7	-.1041
	8	-.1033
	9	-.1026
	10	-.1018
	11	-.1011
24	0	-.1004
	1	-.0997
	2	-.0990
	3	-.0984
	4	-.0977
	5	-.0970

Early Retirement Factors
by Year and Month

	6	-.0963
	7	-.0957
	8	-.0950
	9	-.0943
	10	-.0937
	11	-.0930
25	0	-.0923
	1	-.0917
	2	-.0911
	3	-.0905
	4	-.0898
	5	-.0892
	6	-.0886
	7	-.0880
	8	-.0874
	9	-.0868
	10	-.0862
	11	-.0856
26	0	-.0849
	1	-.0844
	2	-.0838
	3	-.0833
	4	-.0827
	5	-.0821
	6	-.0816
	7	-.0810
	8	-.0804
	9	-.0799
	10	-.0793
	11	-.0788
27	0	-.0782
	1	-.0777
	2	-.0772
	3	-.0767
	4	-.0761
	5	-.0756
	6	-.0751
	7	-.0746
	8	-.0741
	9	-.0736
	10	-.0731
	11	-.0725
28	0	-.0720
	1	-.0716
	2	-.0711
	3	-.0706

PERMANENT

Early Retirement Factors
by Year and Month

	4	.0701
	5	.0697
	6	.0692
	7	.0687
	8	.0683
	9	.0678
	10	.0673
	11	.0668
29	0	.0664
	1	.0659
	2	.0655
	3	.0651
	4	.0646
	5	.0642
	6	.0638
	7	.0634
	8	.0629
	9	.0625
	10	.0621
	11	.0616
30	0	.0612
	1	.0608
	2	.0604
	3	.0600
	4	.0596
	5	.0592
	6	.0588
	7	.0584
	8	.0580
	9	.0576
	10	.0572
	11	.0568
31	0	.0564
	1	.0561
	2	.0557
	3	.0553
	4	.0550
	5	.0546
	6	.0543
	7	.0539
	8	.0535
	9	.0532
	10	.0528
	11	.0524
32	0	.0521
	1	.0517

Early Retirement Factors
by Year and Month

	2	.0514
	3	.0511
	4	.0507
	5	.0504
	6	.0501
	7	.0497
	8	.0494
	9	.0491
	10	.0487
	11	.0484
33	0	.0481
	1	.0478
	2	.0475
	3	.0471
	4	.0468
	5	.0465
	6	.0462
	7	.0459
	8	.0456
	9	.0453
	10	.0450
	11	.0447
34	0	.0444
	1	.0441
	2	.0438
	3	.0435
	4	.0433
	5	.0430
	6	.0427
	7	.0424

AMENDATORY SECTION (Amending WSR 96-03-100, filed 1/19/96, effective 2/19/96)

WAC 415-112-040 Actuarial tables, schedules, and factors. ((This chapter contains)) See chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors ((adopted by the director of the department of retirement systems)) the department uses for calculating optional retirement allowances of members of the Washington state teachers' retirement system. ((These tables, schedules, and factors were adopted by the director upon the recommendation of the state actuary based on the actuary's investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of teachers' retirement system. The tables, schedules, and factors contained in this chapter govern the retirement allowances only of members retiring on or after January 1, 1996, until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state

PERMANENT

actuary. The retirement allowances of members retiring before January 1, 1996, shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement. Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances only of members retiring after the adoption of such new tables, schedules, and factors.

PERMANENT

Teachers Retirement System- TRS I Optional COLA*		Teachers Retirement System TRS I- Option I Monthly Benefit per \$1.00 of Accumulation	
20	0.6315	20	.0061484
21	0.6330	21	.0061561
22	0.6345	22	.0061643
23	0.6361	23	.0061732
24	0.6378	24	.0061828
25	0.6395	25	.0061930
26	0.6413	26	.0062039
27	0.6432	27	.0062156
28	0.6451	28	.0062281
29	0.6471	29	.0062414
30	0.6491	30	.0062558
31	0.6512	31	.0062711
32	0.6534	32	.0062875
33	0.6556	33	.0063050
34	0.6579	34	.0063238
35	0.6603	35	.0063440
36	0.6628	36	.0063655
37	0.6653	37	.0063886
38	0.6679	38	.0064133
39	0.6706	39	.0064398
40	0.6734	40	.0064682
41	0.6762	41	.0064988
42	0.6792	42	.0065315
43	0.6822	43	.0065666
44	0.6853	44	.0066042
45	0.6885	45	.0066444
46	0.6918	46	.0066874
47	0.6952	47	.0067334
48	0.6986	48	.0067823
49	0.7022	49	.0068345
50	0.7058	50	.0068901
51	0.7095	51	.0069492
52	0.7133	52	.0070122
53	0.7173	53	.0070794
54	0.7213	54	.0071512
55	0.7254	55	.0072280
56	0.7296	56	.0073102
57	0.7339	57	.0073984
58	0.7382	58	.0074931
59	0.7427	59	.0075950
60	0.7473	60	.0077049
61	0.7520	61	.0078235
62	0.7567	62	.0079521
63	0.7615	63	.0080907
64	0.7665	64	.0082407
65	0.7714	65	.0084029
66	0.7765	66	.0085784

Teachers Retirement System- TRS I Optional COLA*		Teachers Retirement System TRS I- Option I Monthly Benefit per \$1.00 of Accumulation	
67	0.7816	67	.0087680
68	0.7868	68	.0089727
69	0.7920	69	.0091936
70	0.7972	70	.0094312
71	0.8025	71	.0096865
72	0.8078	72	.0099604
73	0.8132	73	.0102542
74	0.8185	74	.0105696
75	0.8239	75	.0109088
76	0.8292	76	.0112739
77	0.8346	77	.0116669
78	0.8399	78	.0120898
79	0.8452	79	.0125439
80	0.8504	80	.0130304
81	0.8557	81	.0135505
82	0.8608	82	.0141057
83	0.8659	83	.0146979
84	0.8710	84	.0153295
85	0.8760	85	.0160001
86	0.8810	86	.0167200
87	0.8859	87	.0174922
88	0.8908	88	.0183233
89	0.8956	89	.0192217
90	0.9003	90	.0201938
91	0.9049	91	.0212433
92	0.9095	92	.0223781
93	0.9140	93	.0236079
94	0.9184	94	.0249403
95	0.9227	95	.0263868
96	0.9269	96	.0279635
97	0.9310	97	.0296927
98	0.9350	98	.0315504
99	0.9390	99	.0335425

* For converting from the normal form Option 0 without a COLA, to Option 0 with a COLA

**TEACHERS
RETIREMENT SYSTEM
PLAN I
Early Retirement Factors
by Year and Month**

0	0	1.0000
	1	.9927
	2	.9854
	3	.9780
	4	.9707
	5	.9634
	6	.9561
	7	.9488
	8	.9414
	9	.9341
	10	.9268
	11	.9195

Early Retirement Factors
by Year and Month

Early Retirement Factors
by Year and Month

1	0	.9122
	1	.9056
	2	.8990
	3	.8924
	4	.8858
	5	.8792
	6	.8727
	7	.8661
	8	.8595
	9	.8529
	10	.8463
	11	.8397
2	0	.8331
	1	.8272
	2	.8213
	3	.8153
	4	.8094
	5	.8034
	6	.7975
	7	.7916
	8	.7856
	9	.7797
	10	.7737
	11	.7678
3	0	.7619
	1	.7565
	2	.7511
	3	.7457
	4	.7404
	5	.7350
	6	.7296
	7	.7243
	8	.7189
	9	.7135
	10	.7082
	11	.7028
4	0	.6974
	1	.6926
	2	.6877
	3	.6829
	4	.6780
	5	.6731
	6	.6683
	7	.6634
	8	.6586
	9	.6537

	10	.6489
	11	.6440
5	0	.6391
	1	.6347
	2	.6303
	3	.6259
	4	.6215
	5	.6171
	6	.6127
	7	.6083
	8	.6039
	9	.5995
	10	.5951
	11	.5907
6	0	.5863
	1	.5823
	2	.5783
	3	.5743
	4	.5703
	5	.5663
	6	.5623
	7	.5583
	8	.5543
	9	.5503
	10	.5463
	11	.5423
7	0	.5383
	1	.5346
	2	.5310
	3	.5273
	4	.5237
	5	.5201
	6	.5164
	7	.5128
	8	.5092
	9	.5055
	10	.5019
	11	.4982
8	0	.4946
	1	.4913
	2	.4880
	3	.4847
	4	.4813
	5	.4780
	6	.4747
	7	.4714

PERMANENT

Early Retirement Factors
by Year and Month

Early Retirement Factors
by Year and Month

	8	.4681		6	.3414
	9	.4648		7	.3391
	10	.4615		8	.3368
	11	.4582		9	.3345
9	0	.4548		10	.3322
	1	.4518		11	.3299
	2	.4488	13	0	.3276
	3	.4458		1	.3254
	4	.4428		2	.3233
	5	.4397		3	.3212
	6	.4367		4	.3191
	7	.4337		5	.3170
	8	.4307		6	.3149
	9	.4276		7	.3128
	10	.4246		8	.3107
	11	.4216		9	.3085
10	0	.4186		10	.3064
	1	.4158		11	.3043
	2	.4131	14	0	.3022
	3	.4103		1	.3003
	4	.4076		2	.2983
	5	.4048		3	.2964
	6	.4020		4	.2945
	7	.3993		5	.2925
	8	.3965		6	.2906
	9	.3938		7	.2887
	10	.3910		8	.2867
	11	.3882		9	.2848
11	0	.3855		10	.2828
	1	.3830		11	.2809
	2	.3804	15	0	.2790
	3	.3779		1	.2772
	4	.3754		2	.2754
	5	.3729		3	.2736
	6	.3704		4	.2719
	7	.3678		5	.2701
	8	.3653		6	.2683
	9	.3628		7	.2665
	10	.3603		8	.2648
	11	.3578		9	.2630
12	0	.3552		10	.2612
	1	.3529		11	.2594
	2	.3506	16	0	.2577
	3	.3483		1	.2560
	4	.3460		2	.2544
	5	.3437		3	.2528

PERMANENT

Early Retirement Factors- by Year and Month		Early Retirement Factors- by Year and Month	
	4 .2511		2 .1860
	5 .2495		3 .1848
	6 .2479		4 .1836
	7 .2462		5 .1824
	8 .2446		6 .1813
	9 .2430		7 .1801
	10 .2413		8 .1789
	11 .2397		9 .1778
17	0 .2381		10 .1766
	1 .2366		11 .1754
	2 .2351	21	0 .1743
	3 .2336		1 .1732
	4 .2321		2 .1721
	5 .2306		3 .1710
	6 .2291		4 .1699
	7 .2276		5 .1689
	8 .2261		6 .1678
	9 .2246		7 .1667
	10 .2231		8 .1656
	11 .2216		9 .1646
18	0 .2201		10 .1635
	1 .2187		11 .1624
	2 .2173	22	0 .1613
	3 .2159		1 .1603
	4 .2146		2 .1593
	5 .2132		3 .1583
	6 .2118		4 .1573
	7 .2104		5 .1563
	8 .2090		6 .1554
	9 .2077		7 .1544
	10 .2063		8 .1534
	11 .2049		9 .1524
19	0 .2035		10 .1514
	1 .2023		11 .1504
	2 .2010	23	0 .1494
	3 .1997		1 .1485
	4 .1984		2 .1476
	5 .1972		3 .1466
	6 .1959		4 .1457
	7 .1946		5 .1448
	8 .1934		6 .1439
	9 .1921		7 .1430
	10 .1908		8 .1421
	11 .1896		9 .1411
20	0 .1883		10 .1402
	1 .1871		11 .1393

PERMANENT

Early Retirement Factors-
by Year and Month

Early Retirement Factors-
by Year and Month

24	0	.1384
	1	.1375
	2	.1367
	3	.1358
	4	.1350
	5	.1341
	6	.1333
	7	.1325
	8	.1316
	9	.1308
	10	.1299
	11	.1291
25	0	.1282
	1	.1274
	2	.1267
	3	.1259
	4	.1251
	5	.1243
	6	.1235
	7	.1227
	8	.1220
	9	.1212
	10	.1204
	11	.1196
26	0	.1188
	1	.1181
	2	.1174
	3	.1167
	4	.1159
	5	.1152
	6	.1145
	7	.1138
	8	.1131
	9	.1123
	10	.1116
	11	.1109
27	0	.1102
	1	.1095
	2	.1088
	3	.1082
	4	.1075
	5	.1068
	6	.1062
	7	.1055
	8	.1048
	9	.1041

	10	.1035
	11	.1028
28	0	.1021
	1	.1015
	2	.1009
	3	.1003
	4	.0997
	5	.0991
	6	.0984
	7	.0978
	8	.0972
	9	.0966
	10	.0960
	11	.0953
29	0	.0947
	1	.0942
	2	.0936
	3	.0930
	4	.0924
	5	.0919
	6	.0913
	7	.0907
	8	.0902
	9	.0896
	10	.0890
	11	.0884
30	0	.0879
	1	.0873
	2	.0868
	3	.0863
	4	.0858
	5	.0852
	6	.0847
	7	.0842
	8	.0836
	9	.0831
	10	.0826
	11	.0820
31	0	.0815
	1	.0810
	2	.0805
	3	.0801
	4	.0796
	5	.0791
	6	.0786
	7	.0781

PERMANENT

Early Retirement Factors
by Year and Month

	8	.0776
	9	.0771
	10	.0766
	11	.0761
32	0	.0756
	1	.0752
	2	.0747
	3	.0743
	4	.0738
	5	.0734
	6	.0729
	7	.0725
	8	.0720
	9	.0716
	10	.0711
	11	.0707
33	0	.0702
	1	.0698
	2	.0694
	3	.0689
	4	.0685
	5	.0681
	6	.0677
	7	.0673
	8	.0668
	9	.0664
	10	.0660
	11	.0656
34	0	.0652
	1	.0648
	2	.0644
	3	.0640
	4	.0636
	5	.0632
	6	.0628
	7	.0624
	8	.0620
	9	.0617
	10	.0613
	11	.0609
35	0	.0605
	1	.0554
	2	.0504
	3	.0454
	4	.0403
	5	.0353

Early Retirement Factors
by Year and Month

	6	.0302
	7	.0252
	8	.0202
	9	.0151
	10	.0101
	11	.0050

TRS I Survivor Options
Member Younger

Age Difference	OPTION II (100%)	OPTION IV (66-2/3%)	OPTION III (50%)
-20	0.956	0.971	0.978
-19	0.955	0.969	0.977
-18	0.952	0.967	0.975
-17	0.950	0.966	0.974
-16	0.947	0.964	0.973
-15	0.944	0.962	0.971
-14	0.942	0.960	0.970
-13	0.939	0.958	0.968
-12	0.936	0.956	0.967
-11	0.933	0.954	0.965
-10	0.929	0.952	0.963
-9	0.927	0.950	0.962
-8	0.923	0.948	0.960
-7	0.920	0.945	0.958
-6	0.917	0.943	0.956
-5	0.913	0.940	0.955
-4	0.910	0.938	0.953
-3	0.904	0.934	0.950
-2	0.897	0.929	0.946
-1	0.887	0.922	0.940

Member Older

Age Difference	OPTION II (100%)	OPTION IV (66-2/3%)	OPTION III (50%)
0	0.877	0.914	0.934
1	0.867	0.907	0.929
2	0.857	0.900	0.923
3	0.850	0.894	0.919
4	0.844	0.890	0.916
5	0.840	0.887	0.913
6	0.835	0.884	0.910
7	0.831	0.881	0.908
8	0.828	0.878	0.906
9	0.824	0.876	0.904
10	0.821	0.873	0.902
11	0.818	0.871	0.900
12	0.814	0.868	0.898
13	0.811	0.865	0.895
14	0.806	0.862	0.893
15	0.799	0.857	0.888
16	0.795	0.853	0.886
17	0.791	0.850	0.883
18	0.789	0.849	0.882

PERMANENT

PERMANENT

Age Difference	OPTION II (100%)	OPTION IV (66-2/3%)	OPTION III (50%)	Monthly Benefit per \$1.00 of Accumulation	
19	0.786	0.847	0.880	41	.0043934
20	0.784	0.845	0.879	42	.0044346
21	0.782	0.843	0.877	43	.0044781
22	0.780	0.841	0.876	44	.0045240
23	0.778	0.840	0.875	45	.0045725
24	0.776	0.838	0.874	46	.0046237
25	0.774	0.837	0.872	47	.0046777
26	0.772	0.835	0.871	48	.0047347
27	0.770	0.834	0.870	49	.0047948
28	0.769	0.833	0.869	50	.0048583
29	0.767	0.831	0.868	51	.0049252
30	0.766	0.831	0.867	52	.0049959
31	0.765	0.830	0.867	53	.0050707
32	0.763	0.828	0.865	54	.0051499
33	0.762	0.827	0.865	55	.0052339
34	0.761	0.827	0.864	56	.0053230
35	0.760	0.826	0.864	57	.0054178
36	0.759	0.825	0.863	58	.0055186
37	0.758	0.824	0.862	59	.0056262
38	0.757	0.824	0.862	60	.0057410
39	0.756	0.823	0.861	61	.0058637
40	0.755	0.822	0.860	62	.0059953
Age difference = member's age minus beneficiary age				63	.0061358
TEACHERS RETIREMENT SYSTEM PLAN 2				64	.0062864
Monthly Benefit per \$1.00 of Accumulation				65	.0064475
20		.0038822		66	.0066200
21		.0038963		67	.0068046
22		.0039111		68	.0070018
23		.0039267		69	.0072122
24		.0039430		70	.0074365
25		.0039602		71	.0076750
26		.0039783		72	.0079285
27		.0039972		73	.0081977
28		.0040171		74	.0084836
29		.0040380		75	.0087870
30		.0040600		76	.0091089
31		.0040831		77	.0094497
32		.0041074		78	.0098095
33		.0041329		79	.0101882
34		.0041598		80	.0105851
35		.0041882		81	.0109995
36		.0042180		82	.0114309
37		.0042494		83	.0118787
38		.0042826		84	.0123425
39		.0043175		85	.0128212
40		.0043544		86	.0133167

Age Difference (50%) OPTION III
 Age Difference (66.2/3%) OPTION IV
 Age Difference (100%) OPTION II

Monthly Benefit per \$1-00 of Accumulation

Age	OPTION III	OPTION IV	OPTION II
87	0.138277		
88	0.143534		
89	0.148925		
90	0.154423		
91	0.159988		
92	0.165585		
93	0.171179		
94	0.176717		
95	0.182139		
96	0.187396		
97	0.192453		
98	0.197237		
99	0.201727		
100			

FRS II Survivor Options
 Member Younger

Age Difference (100%) OPTION II
 Age Difference (66.2/3%) OPTION IV
 Age Difference (50%) OPTION III

Age	OPTION III	OPTION IV	OPTION II
10	0.915	0.942	0.965
11	0.919	0.945	0.966
12	0.924	0.948	0.968
13	0.928	0.951	0.969
14	0.932	0.954	0.971
15	0.936	0.956	0.971
16	0.939	0.958	0.972
17	0.941	0.960	0.972
18	0.945	0.962	0.973
19	0.947	0.964	0.974
20	0.949	0.965	0.974
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			

Age difference = member's age minus beneficiary age

TEACHERS RETIREMENT SYSTEM PLAN 2

Early Retirement Factors by Year and Month

Age	OPTION II (100%)	OPTION IV (66.2/3%)	OPTION III (50%)
1	0.814	0.868	0.897
2	0.797	0.855	0.887
3	0.784	0.845	0.879
4	0.777	0.839	0.875
5	0.770	0.834	0.870
6	0.763	0.829	0.866
7	0.757	0.824	0.862
8	0.751	0.819	0.858
9	0.746	0.815	0.855
10	0.740	0.810	0.851
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
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31			
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33			
34			
35			
36			
37			
38			
39			
40			

PERMANENT

Early Retirement Factors
by Year and Month

Early Retirement Factors
by Year and Month

	3	.8768	5	0	.5980
	4	.8693		1	.5934
	5	.8619		2	.5887
	6	.8545		3	.5841
	7	.8470		4	.5794
	8	.8396		5	.5748
	9	.8322		6	.5701
	10	.8247		7	.5654
	11	.8173		8	.5608
2	0	.8099		9	.5561
	1	.8033		10	.5515
	2	.7967		11	.5468
	3	.7901	6	0	.5422
	4	.7835		1	.5380
	5	.7769		2	.5338
	6	.7704		3	.5297
	7	.7638		4	.5255
	8	.7572		5	.5214
	9	.7506		6	.5172
	10	.7440		7	.5130
	11	.7374		8	.5089
3	0	.7308		9	.5047
	1	.7250		10	.5005
	2	.7191		11	.4964
	3	.7133	7	0	.4922
	4	.7074		1	.4885
	5	.7016		2	.4847
	6	.6957		3	.4810
	7	.6899		4	.4773
	8	.6840		5	.4735
	9	.6781		6	.4698
	10	.6723		7	.4661
	11	.6664		8	.4623
4	0	.6606		9	.4586
	1	.6554		10	.4549
	2	.6502		11	.4511
	3	.6449	8	0	.4474
	4	.6397		1	.4441
	5	.6345		2	.4407
	6	.6293		3	.4374
	7	.6241		4	.4340
	8	.6189		5	.4307
	9	.6137		6	.4273
	10	.6085		7	.4239
	11	.6032		8	.4206
				9	.4172

PERMANENT

Early Retirement Factors
by Year and Month

Early Retirement Factors
by Year and Month

	10	.4139		8	.2912
	11	.4105		9	.2890
9	0	.4072		10	.2868
	1	.4042		11	.2846
	2	.4012	13	0	.2823
	3	.3981		1	.2803
	4	.3951		2	.2783
	5	.3921		3	.2763
	6	.3891		4	.2743
	7	.3861		5	.2723
	8	.3831		6	.2703
	9	.3800		7	.2683
	10	.3770		8	.2663
	11	.3740		9	.2643
10	0	.3710		10	.2623
	1	.3683		11	.2603
	2	.3656	14	0	.2582
	3	.3628		1	.2564
	4	.3601		2	.2546
	5	.3574		3	.2528
	6	.3547		4	.2510
	7	.3520		5	.2491
	8	.3493		6	.2473
	9	.3465		7	.2455
	10	.3438		8	.2437
	11	.3411		9	.2419
11	0	.3384		10	.2400
	1	.3359		11	.2382
	2	.3335	15	0	.2364
	3	.3310		1	.2348
	4	.3286		2	.2331
	5	.3261		3	.2315
	6	.3237		4	.2298
	7	.3212		5	.2282
	8	.3188		6	.2265
	9	.3163		7	.2248
	10	.3139		8	.2232
	11	.3114		9	.2215
12	0	.3089		10	.2199
	1	.3067		11	.2182
	2	.3045	16	0	.2166
	3	.3023		1	.2151
	4	.3001		2	.2136
	5	.2979		3	.2121
	6	.2956		4	.2106
	7	.2934		5	.2091

PERMANENT

Early Retirement Factors
by Year and Month

Early Retirement Factors
by Year and Month

	6	.2076
	7	.2061
	8	.2046
	9	.2031
	10	.2016
	11	.2001
17	0	.1986
	1	.1972
	2	.1959
	3	.1945
	4	.1931
	5	.1918
	6	.1904
	7	.1890
	8	.1877
	9	.1863
	10	.1849
	11	.1836
18	0	.1822
	1	.1810
	2	.1797
	3	.1785
	4	.1772
	5	.1760
	6	.1747
	7	.1735
	8	.1723
	9	.1710
	10	.1698
	11	.1685
19	0	.1673
	1	.1662
	2	.1650
	3	.1639
	4	.1628
	5	.1616
	6	.1605
	7	.1594
	8	.1582
	9	.1571
	10	.1560
	11	.1548
20	0	.1537
	1	.1527
	2	.1516
	3	.1506

	4	.1496
	5	.1485
	6	.1475
	7	.1465
	8	.1454
	9	.1444
	10	.1433
	11	.1423
21	0	.1413
	1	.1403
	2	.1394
	3	.1384
	4	.1375
	5	.1366
	6	.1356
	7	.1347
	8	.1337
	9	.1328
	10	.1318
	11	.1309
22	0	.1299
	1	.1291
	2	.1282
	3	.1274
	4	.1265
	5	.1256
	6	.1248
	7	.1239
	8	.1230
	9	.1222
	10	.1213
	11	.1205
23	0	.1196
	1	.1188
	2	.1180
	3	.1172
	4	.1164
	5	.1156
	6	.1149
	7	.1141
	8	.1133
	9	.1125
	10	.1117
	11	.1109
24	0	.1101
	1	.1094

PERMANENT

Early Retirement Factors by Year and Month			Early Retirement Factors by Year and Month		
	2	-.1087	28	0	-.0795
	3	-.1079		1	-.0790
	4	-.1072		2	-.0785
	5	-.1065		3	-.0780
	6	-.1058		4	-.0775
	7	-.1051		5	-.0769
	8	-.1043		6	-.0764
	9	-.1036		7	-.0759
	10	-.1029		8	-.0754
	11	-.1022		9	-.0749
25	0	-.1014		10	-.0744
	1	-.1008		11	-.0739
	2	-.1001	29	0	-.0734
	3	-.0994		1	-.0729
	4	-.0988		2	-.0724
	5	-.0981		3	-.0720
	6	-.0975		4	-.0715
	7	-.0968		5	-.0710
	8	-.0961		6	-.0705
	9	-.0955		7	-.0701
	10	-.0948		8	-.0696
	11	-.0941		9	-.0691
26	0	-.0935		10	-.0687
	1	-.0929		11	-.0682
	2	-.0923	30	0	-.0677
	3	-.0917		1	-.0673
	4	-.0911		2	-.0669
	5	-.0904		3	-.0664
	6	-.0898		4	-.0660
	7	-.0892		5	-.0656
	8	-.0886		6	-.0651
	9	-.0880		7	-.0647
	10	-.0874		8	-.0643
	11	-.0868		9	-.0638
27	0	-.0862		10	-.0634
	1	-.0856		11	-.0630
	2	-.0851	31	0	-.0625
	3	-.0845		1	-.0621
	4	-.0840		2	-.0617
	5	-.0834		3	-.0613
	6	-.0828		4	-.0609
	7	-.0823		5	-.0605
	8	-.0817		6	-.0602
	9	-.0812		7	-.0598
	10	-.0806		8	-.0594
	11	-.0801		9	-.0590

PERMANENT

Early Retirement Factors
by Year and Month

Early Retirement Factors
by Year and Month

	10	.0586
	11	.0582
32	0	.0578
	1	.0574
	2	.0570
	3	.0567
	4	.0563
	5	.0559
	6	.0556
	7	.0552
	8	.0548
	9	.0545
	10	.0541
	11	.0537
33	0	.0534
	1	.0530
	2	.0527
	3	.0524
	4	.0520
	5	.0517
	6	.0514
	7	.0510
	8	.0507
	9	.0503
	10	.0500
	11	.0497
34	0	.0493
	1	.0490
	2	.0487
	3	.0484
	4	.0481
	5	.0478
	6	.0475
	7	.0472
	8	.0469
	9	.0465
	10	.0462
	11	.0459
35	0	.0456
	1	.0453
	2	.0450
	3	.0448
	4	.0445
	5	.0442
	6	.0439
	7	.0436

	8	.0433
	9	.0430
	10	.0428
	11	.0425
36	0	.0422
	1	.0419
	2	.0417
	3	.0414
	4	.0411
	5	.0409
	6	.0406
	7	.0403
	8	.0401
	9	.0398
	10	.0396
	11	.0393
37	0	.0390
	1	.0388
	2	.0385
	3	.0383
	4	.0381
	5	.0378
	6	.0376
	7	.0373
	8	.0371
	9	.0368
	10	.0366
	11	.0364
38	0	.0361
	1	.0359
	2	.0357
	3	.0354
	4	.0352
	5	.0350
	6	.0348
	7	.0345
	8	.0343
	9	.0341
	10	.0339
	11	.0336
39	0	.0334
	1	.0332
	2	.0330
	3	.0328
	4	.0326
	5	.0324

PERMANENT

Early Retirement Factors
by Year and Month

Early Retirement Factors
by Year and Month

	6	.0322
	7	.0320
	8	.0318
	9	.0316
	10	.0313
	11	.0311
40	0	.0309
	1	.0307
	2	.0306
	3	.0304
	4	.0302
	5	.0300
	6	.0298
	7	.0296
	8	.0294
	9	.0292
	10	.0290
	11	.0288
41	0	.0286
	1	.0285
	2	.0283
	3	.0281
	4	.0279
	5	.0278
	6	.0276
	7	.0274
	8	.0272
	9	.0271
	10	.0269
	11	.0267
42	0	.0265
	1	.0264
	2	.0262
	3	.0260
	4	.0259
	5	.0257
	6	.0255
	7	.0254
	8	.0252
	9	.0251
	10	.0249
	11	.0247
43	0	.0246
	1	.0244
	2	.0243
	3	.0241

	4	.0240
	5	.0238
	6	.0237
	7	.0235
	8	.0234
	9	.0232
	10	.0231
	11	.0229
44	0	.0228
	1	.0226
	2	.0225
	3	.0223
	4	.0222
	5	.0221
	6	.0219
	7	.0218
	8	.0216
	9	.0215
	10	.0214
	11	.0212
45 or more	0	.0211))

WSR 02-18-050
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed August 28, 2002, 3:43 p.m.]

Date of Adoption: August 23, 2002.

Purpose: The purpose of the amendment and new section is to expand the definition of continuing education and credit hours to include service on a professional growth team.

Citation of Existing Rules Affected by this Order: Amending WAC 180-85-025.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 02-14-107 on July 2, 2002.

Changes Other than Editing from Proposed to Adopted Version: The incentive created for teachers and administrators to serve on professional growth teams is extended to encourage certificated staff to serve on school accreditation site visit teams.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

PERMANENT

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 27, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 97-04-086, filed 2/5/97, effective 3/8/97)

WAC 180-85-025 Continuing education—Definition.

As used in this chapter, the term "continuing education" shall mean:

(1) All college and/or university credit, normally 100 level or higher, awarded by a regionally accredited institution of higher education, pursuant to WAC 180-78-010(6).

(2) All continuing education credit hours awarded by a vocational-technical college pursuant to WAC 180-85-030(3) and all continuing education credit hours awarded in conformance with the in-service education procedures and standards specified in this chapter by an approved in-service education agency.

(3) All continuing education credit hours awarded through a business, industry, or government internship that meets the requirements of chapter 180-83 WAC.

(4) All continuing education credit hours awarded through membership on a professional growth team in conformance with WAC 180-85-033.

NEW SECTION

WAC 180-85-033 Continuing education credit hour—Definition—Professional growth team consultation and collaboration—School accreditation site visit team participation. (1) Notwithstanding any provisions of this chapter to the contrary, for consultation and collaboration as a member of an approved professional growth team, as defined by WAC 180-78A-010 and 180-78A-505, members of a professional growth team, excluding the candidate, shall receive the equivalent of ten continuing education credit hours. The team member may not receive more than the equivalent of twenty continuing education credit hours, as defined by this section, during a calendar year period.

(2) A person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of ten continuing education credit hours for serving on a school accreditation site visit team. The person may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period.

WSR 02-18-052

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed August 28, 2002, 3:46 p.m.]

Date of Adoption: August 23, 2002.

Purpose: Repeal chapter 180-23 WAC and incorporate necessary sections into chapter 180-22 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-22-105; and amending WAC 180-22-100, 180-22-140, and 180-22-150.

Statutory Authority for Adoption: RCW 28A.310.020, 28A.210.080.

Adopted under notice filed as WSR 02-14-118 on July 2, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 3, Repealed 23.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 3, Repealed 23.

Number of Sections Adopted Using Negotiated Rule Making: New 6, Amended 3, Repealed 23; 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 28, 2002

Larry Davis

Executive Director

EDUCATIONAL SERVICE DISTRICTS—ORGANIZATION

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-22-100 Purpose and authority. (1) The ((authority for)) purpose of this chapter is ((RCW 28A.310.020 which authorizes the state board of education to make)) to establish the procedures for making changes in the number and boundaries of educational service districts, and the procedures for electing the members of the boards of directors of the educational service districts.

(2) The authority for this chapter is RCW 28A.310.020 and 28A.310.080.

AMENDATORY SECTION (Amending Order 9-84, filed 10/4/84)

WAC 180-22-140 Territorial organization of educational service districts. It shall be the purpose of the state-wide territorial organization of educational service districts to more readily and efficiently adapt to the changing economic pattern and educational program in the state so that the chil-

dren of the state will be provided more equal and equitable educational (~~opportunity~~) opportunities.

AMENDATORY SECTION (Amending WSR 98-05-003, filed 2/4/98, effective 3/7/98)

WAC 180-22-150 Educational service districts—Criteria for organization. The establishment of educational service districts shall be in accordance with the criteria (~~herein after~~) set forth below. In making a determination (~~of~~) about the boundaries of an educational service district, reasonable weight shall be given by the state board of education to each criterion individually and to all criteria collectively. Failure to meet any single criterion shall not necessarily prohibit the establishment of an educational service district, if in the judgment of the state board of education, the establishment of the educational service district is warranted by a collective consideration of all the criteria.

(1) Program and staff. An educational service district shall have the ability to support an administrative unit of sufficient staff to provide a program of educational services (~~including but not limited to leadership and consultant services in administration and finance, in service education programs for teachers and administrators, special services for the handicapped and educationally talented, planning of school facilities, counseling and guidance, instructional materials, and development of projects and proposals under various federal acts~~) that meet the requirements of RCW 28A.310.010, 28A.310.180, 28A.310.190, and 28A.310.350.

(2) Size. An educational service district should have no more than a maximum area of 7,500 square miles (~~(;)~~) nor (~~should an educational district have~~) less than a minimum area of 1,700 square miles.

(3) School enrollment. An educational service district (~~shall~~) should have a potential of 15,000 students (~~within the clearly foreseeable future~~) or more.

(4) Topography and climate. In establishing the boundaries of an educational service district, consideration shall be given to topography and climate as these factors may affect the educational services to be provided and the economic efficiency of the program.

EDUCATIONAL SERVICE DISTRICTS—ELECTION OF BOARD MEMBERS

NEW SECTION

WAC 180-22-201 Election of educational service district board members. (1) The procedures governing the election of members to the boards of directors of educational service districts are set forth under RCW 18A.310.080 through 28A.310.110 and WAC 180-22-205 through 180-22-225.

(2) Elections for members of boards of educational service districts shall be conducted biennially in odd-numbered years.

NEW SECTION

WAC 180-22-205 Elector provisions. (1) It shall be the responsibility of the educational service districts to assure that the secretary to the state board of education is provided current and correct information necessary to the conduct of the elections provided for in this chapter. Forms published by the secretary to the state board of education for the purpose of providing the following essential information shall be obtained, completed and submitted on a current basis:

(a) The name, legal residence, mailing address and board-member district number of persons serving on the educational service district board of directors; and

(b) The position numbers for which appointments have been made to fill unexpired terms.

(2) On August 21st of the year of election or, if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding such date, the secretary to the state board of education shall certify a tentative list of electors consisting of all persons eligible to vote if the election were held on that date.

(3) The list of eligible voters shall remain open for changes and deletions until 5:00 p.m. September 26th or, in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The secretary to the state board of education as soon thereafter as is practical shall certify the list of electors.

NEW SECTION

WAC 180-22-210 Publicity and call of election. (1) The secretary to the state board of education shall biennially provide reasonable public information concerning the election of educational service district board members through press and publication releases beginning in May of the year the elections are to be called.

(2) Call of election. See RCW 28A.310.080.

NEW SECTION

WAC 180-22-215 Candidate qualifications—Forms—Filing—Withdrawal of candidacy. (1) Eligibility. A person is eligible to be a candidate for membership on an educational service district board if he or she is a registered voter and a resident of the board-member district for which the candidate files. Restriction on other service pursuant to RCW 28A.310.070.

(2) Declaration and affidavit of candidacy. A person who desires to file for candidacy shall complete and file with the state board of education a declaration and affidavit of candidacy form as a condition to having his or her name placed on the official ballot. The form is available through the state board of education office in Olympia or through the local educational service district office.

(3) Optional biographical form. A person who desires to file for candidacy has the option of completing and filing with the state board of education, for inclusion with balloting information, a biographical form not to exceed two pages. The form is available through the state board of education

office in Olympia or through the local educational service district office.

(4) Filing period. The filing period is set forth under RCW 28A.310.080. The filing period for candidates for any position on an educational service district board is from September 1st through September 16th. Any declaration and affidavit of candidacy that is postmarked on or before midnight September 16th and received by mail prior to the printing of ballots shall be accepted. Any declaration and affidavit of candidacy that is received by United States mail on or before 5:00 p.m. September 21st and is not postmarked or legibly postmarked shall be accepted.

(5) Any candidate may withdraw his or her declaration and affidavit of candidacy by delivering a written, signed and notarized statement of withdrawal to the secretary to the state board of education on or before 5:00 p.m. September 21st. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

NEW SECTION

WAC 180-22-220 Balloting. (1) Ballots shall be prepared by the secretary to the state board of education. The ballot for each position subject to election shall contain the name of each candidate eligible for the particular position. There shall be a separate listing of the candidates for each board-member district open in the particular educational service district. A board-member district position shall be stricken from the ballot if no candidate files for the position within the timelines specified in RCW 28A.310.080 and WAC 180-22-215.

(2)(a) The secretary to the state board of education shall develop voting instructions which shall accompany the ballots. Biographical forms submitted under WAC 180-22-215(3) shall also accompany the ballots.

(b) On or before October 1st, ballots shall be mailed to voters with two envelopes to be used for voting.

(i) The outer, larger envelope (i.e., official ballot envelope) shall be labeled "official ballot"; be preaddressed with the "secretary to the state board of education" as addressee; and have provision for the identification of the voter, mailing address, his or her school district, and his or her educational service district.

(ii) The inner, smaller envelope shall be unlabeled and unmarked.

(3) Marking of ballots. Each member of a public school district board of directors may vote for one of the candidates in each board-member district named on his or her ballot by placing an "X" or other mark in the space provided next to the name of a candidate.

(4) Return of ballots. Each member of a public school district board of directors shall complete voting by placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same; placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same; if not already designated, completing the following information on the face of the official ballot envelope: Name, mailing address, identification of school district and educational service district;

and placing the official ballot envelope in the United States mail to the secretary to the state board of education.

NEW SECTION

WAC 180-22-225 Counting—Ineligible votes—Recount—Certification of election—Special election.

(1)(a) As official ballot envelopes are received by the secretary to the state board of education, a preliminary determination shall be made as to the eligibility of the voter and a record shall be made on the list of eligible voters that the voter has voted.

(b) Official ballot envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

(2)(a) The election board shall convene for the purpose of counting votes on October 25th or, if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding **or following** such date at a date, time and place designated by the secretary to the state board of education.

(b) Official ballot envelopes that are accepted by the election board shall be opened and the inner envelopes containing ballots shall be removed and placed aside, still sealed. The inner envelopes shall then be opened and the votes counted by the election board.

(c) No record shall be made or maintained of the candidate for which any voter cast his or her vote.

(3) Ineligible votes. the following ballots and votes shall be declared void and shall not be accepted:

(a) Votes for write-in candidates.

(b) Votes cast on other than an official ballot.

(c) Ballots which contain a vote for more than one candidate in a board-member district.

(d) Ballots contained in other than the official ballot envelope.

(e) Ballots contained in the official ballot envelope upon which the voter's name is not designated.

(f) Ballots received after 5:00 p.m. October 16th. However, any ballot that is postmarked on or before midnight October 16th and received prior to the initial counting of votes by the election board shall be accepted. Any ballot received pursuant to the United States mail on or before 5:00 p.m. on October 21st that is not postmarked or legibly postmarked shall be accepted.

(g) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful.

(4)(a) Recounts. Automatic. A recount of votes cast shall be automatic if the electoral vote difference between any two candidates for the same position is one vote or less than one percent of electoral votes on a single ballot cast for the position, whichever is greater.

(b) Recounts. Upon request. A recount of votes cast shall be afforded any candidate as a matter of right. The request shall be made in writing and received by the secretary to the state board of education within seven calendar days after the date upon which the votes were counted by the election board.

(5) Certification of election. Within ten calendar days after the date upon which the votes were counted, and no sooner than eight calendar days after the votes are counted by the election board, the secretary to the state board of education shall officially certify to the county auditor of the headquarters county of the educational service district the name or names of candidates elected to membership on the educational service district board of directors.

(6) Special election. See RCW 28A.310.100.

WAC 180-23-110	Recount of votes cast— Automatic—By request.
WAC 180-23-115	Certification of election.
WAC 180-23-120	Special elections.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-22-105 Purpose.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 180-23-037	Authority.
WAC 180-23-040	Purpose.
WAC 180-23-043	Election officer.
WAC 180-23-047	Biennial elections.
WAC 180-23-050	Information necessary for the conduct of elections— Responsibility of school officials.
WAC 180-23-055	Publicity.
WAC 180-23-058	Tentative certification of electors.
WAC 180-23-060	Call of election.
WAC 180-23-065	Candidates—Eligibility— Filing.
WAC 180-23-070	Declaration and affidavit of candidacy form.
WAC 180-23-075	Biographical data form.
WAC 180-23-077	Withdrawal of candidacy.
WAC 180-23-078	Certification of electors.
WAC 180-23-080	Ballots—Contents.
WAC 180-23-085	Ballots and envelopes— Mailing to voters.
WAC 180-23-090	Voting—Marking and return of ballots.
WAC 180-23-095	Election board—Appointment and composition.
WAC 180-23-100	Receipt of ballots and count of votes.
WAC 180-23-105	Ineligible votes.

**WSR 02-18-053
PERMANENT RULES
STATE BOARD OF EDUCATION**

[Filed August 28, 2002, 3:48 p.m.]

Date of Adoption: August 23, 2002.
 Purpose: Amend language for technical purposes.
 Citation of Existing Rules Affected by this Order: Amending WAC 180-16-162, 180-16-191, and 180-16-215.
 Statutory Authority for Adoption: RCW 28A.150-.220(4).
 Adopted under notice filed as WSR 02-14-126 on July 2, 2002.
 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 3, 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: Thirty-one days after filing.
 August 28, 2002
 Larry Davis
 Executive Director

AMENDATORY SECTION (Amending Order 10-79, filed 9/12/79)

WAC 180-16-162 Strike defined—Presumption of approved program operation—Strikes—Exception—Approval/disapproval of program during strike period—Work stoppages and maintenance of approved programs for less than one hundred eighty days not condoned. (1) Strike defined. For the purpose of this section the term "strike" shall mean: A concerted work stoppage by employees of a school district of which there has been a formal declaration by their recognized representative and notice of the declaration has been provided to the district by the recognized representative at least two calendar school days in advance of the actual stoppage.

(2) Presumption of approved program. It shall be presumed that all school days conducted during a school year for

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which the state board of education has granted annual program approval are conducted in an approved manner, except for school days conducted during the period of a strike. The following shall govern the approval or disapproval of a program conducted during the period of a strike:

~~((1))~~ (a) Upon the submission of a written complaint of substandard program operation by a credible observer, the state superintendent of public instruction may investigate the complaint and program being operated during the strike.

~~((2))~~ (b) The district's program shall be deemed disapproved if the investigation of the state superintendent establishes a violation of ~~((any))~~ one or more of the following standards or, as the case may be, such deviations as have been approved by the state board:

~~((a))~~ (i) All administrators must have proper credentials;

~~((b))~~ (ii) WAC 180-16-220(2) which requires that all teachers have proper credentials;

~~((c))~~ (iii) The school district shall provide adequate instruction for all pupils in attendance;

~~((d))~~ ~~WAC 180-16-240 (2)(g) which requires that adequate provisions must be made for the health and safety of all pupils;~~

~~((e))~~ (iv) Adequate provisions must be made for the health and safety of all pupils;

(v) The local district shall have a written plan for continuing the school program during this period; and

~~((f))~~ (vi) The required ratio of enrolled pupils to certificated personnel for the first five days shall not exceed 60 to 1, for the next five days shall not exceed 45 to 1 and thereafter shall not exceed 30 to 1.

~~((3))~~ (c) Program disapproval shall be effective as of the day following transmittal of a notice of disapproval by the state superintendent and shall apply to those particular school days encompassed in whole or in part by the remainder of the strike period.

~~((4))~~ (d) The decision of the state superintendent shall be final except as it may be reviewed by and at the option of the state board of education.

~~((5))~~ (e) The program shall be deemed approved during those days of operation for which a trial court order ~~((is in effect))~~ ordering striking employees to work is in effect.

(3) Work stoppages. Nothing in this section or WAC 180-16-191 through 180-16-225 shall be construed as condoning or authorizing any form of work stoppage which disrupts any portion of the planned educational program of a district or the maintenance of an approved program for less than the minimum number of school days required by law, except as excused for apportionment purposes by the superintendent of public instruction pursuant to RCW 28A.150.290.

AMENDATORY SECTION (Amending Order 2-84, filed 5/17/84)

WAC 180-16-191 Programs subject to basic education allocation entitlement requirements. The requirements, procedures and other provisions set forth in this chapter shall apply to kindergarten programs~~((;))~~ and to such portion of the grade one through twelve program, including

related vocational instruction, as a school district provides for students enrolled in kindergarten through grade twelve.

AMENDATORY SECTION (Amending WSR 01-24-092, filed 12/4/01, effective 1/4/02)

WAC 180-16-215 Minimum one hundred eighty school day year. (1)(a) **One hundred eighty school day requirement.** Each school district shall conduct a school year of no less than ((a)) one hundred eighty school days ~~((program each school year))~~ in such grades as are conducted by ~~((such))~~ the school district, and one hundred eighty half-days of instruction, or the equivalent, in kindergarten. If a school district schedules a kindergarten program other than one hundred eighty half-days, the district shall attach an explanation of its kindergarten schedule when providing compliance documentation to the state board of education staff.

(b) **Waiver option, application and renewal procedures.** See WAC 180-18-050 for waiver process.

(2) **School day defined.** A school day shall mean each day of the school year on which pupils enrolled in the common schools of a school district are engaged in educational activity planned by and under the direction of the school district staff, as directed by the administration, and pursuant to written policy and board of directors of the district.

(3) **Accessibility of program.** Each school district's program shall be accessible to all legally eligible students, including students ~~((of disability))~~ with disabilities, who are five years of age and under twenty-one years of age who have not completed high school graduation requirements.

(4) **Five-day flexibility - Students graduating from high school.** A school district may schedule the last five school days of the one hundred eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student.

WSR 02-18-054

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed August 28, 2002, 3:50 p.m.]

Date of Adoption: August 23, 2002.

Purpose: Merge chapters and make technical changes as a result of review by the State Board of Education Mandate Review Committee.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-08-003 and 180-08-005.

Statutory Authority for Adoption: RCW 34.05.220, 28A.305.130.

Adopted under notice filed as WSR 02-14-115 on July 2, 2002.

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 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 0, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 5, Amended 0, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 28, 2002

Larry Davis

Executive Director

Chapter 180-08 WAC

PRACTICE ((AND)), PROCEDURE, AND ACCESS TO PUBLIC RECORDS

NEW SECTION

WAC 180-08-001 Purpose and authority. (1) The purpose of this chapter is to establish the formal and informal procedures of the state board of education relating to rules adoption, protection of public records, and access to public records.

(2) The authority for this chapter is RCW 34.05.220 and 42.17.250 through 42.17.348.

NEW SECTION

WAC 180-08-002 General description of organization. (1) The state board of education is created by law in chapter 28A.305 RCW. The board consists of one voting member from each congressional district in the state, elected by the members of school district boards of directors in the congressional district, who serve staggered four-year terms; the superintendent of public instruction, who serves as an ex officio member and chief executive officer of the board and votes only to break ties; and one member elected at large by members of the boards of directors of approved private schools, who serves a four-year term. A secretary (executive director) is appointed by the board.

(2) General policy powers of the board relate to educator preparation and certification requirements, school construction, high school graduation requirements, school district approval for basic education funding purposes, waivers from basic education requirements, school accreditation, school district boundaries, approval of private schools, and other matters.

(3) The state board typically meets six times a year and publishes a schedule of its meetings and notices of proposed rule-making actions in the *Washington State Register*. The meetings may be scheduled in various locations across the state. The secretary (executive director) to the state board of

education maintains a complete record of all board proceedings and supporting materials.

NEW SECTION

WAC 180-08-004 Definitions. (1) As used in this chapter, "public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the state board of education, regardless of physical form or characteristics. Personal and other records cited in RCW 42.17.310 are exempt from the definition of public record.

(2) As used in this chapter, "writing" means handwriting, typewriting, printing, photostating, photographing, use of facsimile and electronic communication, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, disks, drums, diskettes, sound recordings, and other documents including existing data compilations from which data may be obtained or translated.

(3) The state board of education shall hereafter be referred to as the "board" or "state board."

NEW SECTION

WAC 180-08-006 Public records officer—Access to public records—Requests for public records—Determination regarding exempt records—Review of denials of public record requests—Protection of public records—Copying—Office hours. (1) The state board's public records officer shall be the board's secretary (executive director) located in the administrative office of the board located in the Old Capitol Building, 600 South Washington, Olympia, Washington 98504-7206. The secretary (executive director) shall be responsible for implementation of the board's rules and regulations regarding release of public records and generally ensuring compliance by staff with the public records disclosure requirements in chapter 42.17 RCW.

(2) Access to public records in the state board of education shall be provided in compliance with the provisions of RCW 42.17.260.

(3) Requests for public records must comply with the following procedures:

(a) A request shall be made in writing to the secretary (executive director) or designee of the board. The request may be brought to the administrative office of the board during customary office hours or may be mailed, delivered by facsimile, or by electronic mail. The request shall include the following information:

(i) The name of the person requesting the record;

(ii) The time of day and calendar date on which the request was made;

(iii) The nature of the request;

(iv) If the matter requested is referenced within the current index maintained by the secretary (executive director), a

reference to the requested information as it is described in such current index;

(v) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested shall be provided.

(b) In all cases in which a member of the public is making a request, it shall be the obligation of the secretary (executive director), or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

(4)(a) The board reserves the right to determine that a public record requested in accordance with subsection (3) of this section is exempt under the provisions of RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the secretary (executive director) or an assistant attorney general assigned to the board.

(b) Pursuant to RCW 42.17.260, the board reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy: Provided, however, In each case, the justification for the deletion shall be explained fully in writing.

(c) Response to requests for a public record must be made promptly. Within five business days of receiving a public record request, the board shall respond by either:

(i) Providing the record;

(ii) Acknowledging that the board has received the request and providing a reasonable estimate of the time the board will require to respond to the request; or

(iii) Denying the public record request.

(d) Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the agency may ask the requester to clarify what information the requester is seeking. If the requester fails to clarify the request within five working days of being asked for said clarification, the board need not respond to it.

(5) All denials of request for public records must be accompanied by a written statement, signed by the secretary (executive director) or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.

(6)(a) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(b) The written request by a person petitioning for prompt review of a decision denying a public record shall be submitted to the board's secretary (executive director) or designee.

(c) Within two business days after receiving a written request by a person petitioning for a prompt review of a deci-

sion denying a public record, the secretary (executive director) or designee shall complete such review.

(d) During the course of the review the secretary (executive director) or designee shall consider the obligations of the board to comply fully with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the agency to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

(7) Public records and a facility for their inspection will be provided by the secretary (executive director) or designee. Such records shall not be removed from the place designated for their inspection. Copies of such records may be arranged for according to the provisions of subsection (8) of this section.

(8) No fee shall be charged for the inspection of public records. The board may impose a charge for providing copies of public records and for the use by any person of agency equipment to copy public records. Copying charges shall be reasonable and conform with RCW 42.17.300. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate official. All charges must be paid by money order, check, or cash in advance.

(9) Public records shall be available for inspection and copying during the customary office hours of the administrative office of the board. 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 legal holidays and dates of official state board of education business requiring all board staff to be away from the office.

NEW SECTION

WAC 180-08-008 Administrative practices regarding hearings and rule proceedings. (1) Administrative practices before and pertaining to the state board of education are governed by the state Administrative Procedure Act, chapter 34.05 RCW, the Washington State Register Act, chapter 34.08 RCW, and the Office of Administrative Hearings Act, chapter 34.12 RCW. These acts govern the conduct of "agency action"; the conduct of "adjudicative proceedings"; and "rule making" as these terms are defined in RCW 34.05.-010.

(2) The rules of the state code reviser (currently set forth in chapters 1-08 and 1-21 WAC) and the rules of the office of administrative hearings (currently set forth in chapter 10-08 WAC) shall govern procedures and practices before the state board of education for the following: Petitions for declaratory rulings; petitions for adoption, amendment, or repeal of a rule; and the conduct of adjudicative proceedings. All other regulatory actions and hearings conducted by the state board of education may be conducted informally at the discretion of the state board of education.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-08-003	Authority.
WAC 180-08-005	Administrative practices regarding hearings and rule proceedings.

WSR 02-18-055
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed August 28, 2002, 3:52 p.m.]

Date of Adoption: August 23, 2002.

Purpose: To make amendments to and repeal sections in chapter 180-20 WAC, School bus driver qualifications.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-20-030, 180-20-034, 180-20-090, 180-20-095, 180-20-115, 180-20-123, 180-20-125 and 180-20-130; and amending WAC 180-20-005, 180-20-031, 180-20-101, 180-20-111, 180-20-120, and 180-20-135.

Statutory Authority for Adoption: RCW 28A.160.210.

Adopted under notice filed as WSR 02-14-116 on July 2, 2002.

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 6, Repealed 8.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 6, Repealed 8.

Number of Sections Adopted Using Negotiated Rule Making: New 2, Amended 6, Repealed 8; 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 28, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-005 Purpose and authority. (~~RCW 28A.160.210 authorizes the state board of education to adopt rules and regulations governing the training, qualifications, and eligibility requirements for school bus drivers.~~) (1) The purpose of this chapter is to set the minimum standards and qualifications for public school district employees and contractors operating school buses for the transportation of school children.

(2) The authority for this chapter is RCW 28A.160.210.

NEW SECTION

WAC 180-20-007 Chapter requirements—Employment. The requirements in this chapter shall not limit discharge, nonrenewal of contracts, or other employment action by employers of such drivers.

NEW SECTION

WAC 180-20-009 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Student" means the following:

(a) Any person enrolled in a school program who is under the supervision, direction, or control of the motor vehicle operator authorized under this chapter;

(b) Any person enrolled in a school program in any public school served by the motor vehicle operator;

(c) Any person enrolled in a school program in any public school while attending a school related activity at which the motor vehicle operator is performing professional duties; or

(d) Any former student who is under eighteen years of age and who has been under the supervision, direction, or control of the motor vehicle operator. Former student, for the purpose of this section, includes, but is not limited to, drop-outs, graduates, and students who transfer to other districts or schools.

(2) "School bus driver" means a person, who is employed by a school district including contracted drivers under WAC 180-20-031 (1) and (2) and as part of that employment or contract, operates a school bus as defined in WAC 392-143-010, as well as other motor vehicles for the regularly scheduled transportation of students between home and school, and for school related activities on routinely scheduled routes. School buses shall be operated by authorized drivers when transporting students. An authorized school bus driver may also transport students on field trips and other school related activities.

(3) "A school bus driver's authorization" means an authorization issued by the superintendent of public instruction indicating that the person has met state board of education requirements to operate a school bus or other motor vehicle for the purpose of transporting students to and from school routinely on scheduled routes and/or school activities.

(4) "School bus driver instructor's endorsement" means an endorsement issued by the superintendent of public instruction to a person successfully completing the superintendent of public instruction approved school bus driver instructor course. This endorsement qualifies a person to train and verify the training of school bus drivers. This endorsement shall lapse unless the holder successfully completes an annual school bus driver instructor's in-service course.

(5) "School bus driver training course" means a course established by the superintendent of public instruction and taught by a qualified school bus driver instructor. This

course shall be successfully completed by all applicants for a continuing school bus driver's authorization.

(6) "School bus driver annual in-service training course" means an annual course taught by a qualified school bus driver instructor. The content and minimum time requirements of such course shall be annually determined by the superintendent of public instruction and shall be required to be completed by the end of the school year by all authorized school bus drivers.

(7) "School bus driver instructor's course" means a training program authorized by the superintendent of public instruction to qualify a person as a school bus driver instructor.

(8) "Instructor's annual in-service course" means an annual required course, the content of which shall be determined by the superintendent of public instruction. Successful completion of this course prevents the instructor's qualification from lapsing.

(9) "Serious behavioral problem" includes, but is not limited to, conduct which indicates unfitness to carry out the responsibilities related to the occupation or job performance of transporting children, such as: Dishonesty; immorality; or misuse of alcohol, a controlled substance, or a prescription drug; or furnishing alcohol or controlled substances to a minor or student.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-031 Application to contractors. (1) Every contract between a school district and a private school bus contractor for pupil transportation services shall provide for compliance with the requirements of this chapter and establish the responsibility of the contractor or school district, or both, to assure compliance with such requirements.

(2) Each driver employed by a private school bus contractor under contract with a school district to provide pupil transportation services shall meet the requirements of this chapter, and shall be subject to the denial, suspension, and revocation of authority to operate a motor vehicle under this chapter.

(3) Every contract between a school district and a charter bus carrier or excursion carrier, or subcontracted carrier shall require a carrier profile report indicating a satisfactory rating from the Washington utilities and transportation commission before any service is provided. No driver under this subsection shall have unsupervised access to children. Supervision of children under this subsection shall be provided by a responsible employee of the school district.

AMENDATORY SECTION (Amending WSR 99-08-004, filed 3/25/99, effective 4/25/99)

WAC 180-20-101 Minimum qualifications of school bus drivers. (1) Every school bus driver must meet and continue to meet the following minimum requirements:

(a) Be at least twenty-one years of age.

(b) Have a valid driver's license or commercial driver's license, as required by law, issued by the state department of licensing.

(c) Have at least one year of experience as a driver of a truck or commercial vehicle requiring a special endorsement or, in the alternative, at least three years of experience as a driver of a passenger vehicle.

(d) Hold a current and valid first aid card or equivalent which certifies that the applicant has completed a course in the basic principles of first aid.

(e) Submit to the school district a disclosure of all crimes against children or other persons and all civil adjudications in a dependency action or in a domestic relation action and all disciplinary board final decisions of sexual abuse or exploitation or physical abuse as required by RCW 43.43.834(2) and disclosure of all convictions which may be grounds for denial of authorization under (h), (i), and (j) of this subsection.

(f) Submit to a criminal record check according to chapter 28A.400 RCW which shows that no offenses have been committed which would be grounds for denial of an authorization.

(g) Shall not have misrepresented or concealed a material fact in obtaining a school bus driver's authorization or in reinstatement thereof in the previous five years.

(h) Shall not have had a driving license privilege suspended or revoked within the preceding three years; a certified copy of the suspension or revocation order issued by the department of licensing being conclusive evidence of the suspension or revocation.

(i) Shall not have incurred three or more speeding tickets in excess of ten miles per hour over the speed limit within any twelve-month period, within the last thirty-six months.

(j) Shall not have been convicted of any misdemeanor, gross misdemeanor, or felony (including instances in which a plea of guilty or nolo contendere is the basis for the conviction) ~~((or any proceedings in which the charge has been))~~ nor under a deferred ((from)) prosecution under chapter 10.05 RCW ((or the sentence has been deferred or suspended, and)) where the conduct or alleged conduct is related to the occupation of a school bus driver, including but not limited to the following:

(i) Any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, sexual exploitation of a child under chapter 9.68A RCW; sexual offenses under chapter 9A.44 RCW where a minor is the victim; promoting prostitution of a minor under chapter 9A.88 RCW; the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction;

(ii) Any crime involving the use, sale, possession, or transportation of any controlled substance or prescription within the last seven years: Provided, That in the case of felony convictions, the applicable time limit shall be ten years;

(iii) Any crime involving driving when a driver's license is suspended or revoked, hit and run driving, driving while intoxicated, being in physical control of motor vehicle while intoxicated, reckless driving, negligent driving of a serious nature, vehicular assault or vehicular homicide, within the last three years;

(iv) Any crime against children or other persons as defined in RCW 43.43.830(5) when the date of the conviction or prison release, which ever is more recent, is within ten

years of the date of the job application for felonies and within seven years for other crimes.

(k) Shall not have been found in any dependency action under RCW 13.34.030 to have sexually assaulted or exploited any minor or to have physically abused any minor, within the last seven years.

(l) Shall not have been found by a court in a domestic relation proceeding under Title 26 RCW, to have sexually abused or exploited any minor or to have physically abused any minor, within the last seven years.

(m) Shall not have been found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person, within the last seven years.

(n) Shall not have intentionally and knowingly transported public school students within the state of Washington within the previous five years with an expired, lapsed, surrendered, or revoked authorization in a position for which authorization is required under this chapter.

(o) Shall not have a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, bus drivers, or other colleagues. ~~((For the purpose of this chapter, a serious behavioral problem includes, but is not limited to, conduct which indicates unfitness to carry out the responsibilities related to the occupation or job performance of transporting children, such as: Dishonesty; immorality; or misuse of alcohol, a controlled substance, or a prescription drug; or furnishing alcohol or controlled substances to a minor or student.))~~ This subsection shall not be applied so as to deny, revoke, or suspend authorizations to any individual for the orderly exercise during off-duty hours of any rights guaranteed under the law to citizens generally, except where such conduct indicates a safety risk for the transportation of students.

(2) Every school bus driver must also meet and continue to meet the following requirements:

(a) ~~((Be certified))~~ Verification by a local school district that the person seeking a school bus driver authorization:

(i) Is physically able to maneuver and control a school bus under all driving conditions; and

(ii) Is physically able to use all hand/or foot operated controls and equipment found on state minimum specified school buses; and

(iii) Is physically able to perform daily routine school bus vehicle safety inspections and necessary emergency roadside services; and

(iv) Has sufficient strength and agility to move about in a school bus as required to provide assistance to students in evacuating the bus. The driver must be able to move from a seated position in a sixty-five passenger school bus, or the largest school bus the driver will be operating, to the emergency door, open the emergency door, and exit the bus through the emergency door, all within twenty-five seconds.

(b) Provide ~~((certification))~~ verification of passing a ~~((physical))~~ medical examination every twenty-four months in accordance with the standards established in 49 C.F.R. 391.41 through 391.49, of the Federal Motor Carrier Safety Regulations. School bus drivers must continue to meet these ~~((physical))~~ medical examination requirements during the time between examinations. This requirement does not pre-

vent a school district from requesting a more frequent examination.

(c) Satisfactorily complete a comprehensive school bus driver training course and each year thereafter, satisfactorily complete a school bus driver in-service training course.

AMENDATORY SECTION (Amending WSR 99-08-004, filed 3/25/99, effective 4/25/99)

WAC 180-20-111 Authorization required—Duration—Issuing procedures ~~((for school bus driver))~~—Temporary authorizations. (1) Every school bus driver shall meet the requirements for a school bus driver's authorization or temporary school bus driver's authorization issued in accordance with the provisions of this chapter. An authorization is no longer valid if suspended, lapsed, or revoked.

(2) A school bus driver's authorization shall continue in effect from year to year as long as the person continues to meet the requirements of this chapter or until the authorization lapses or is suspended or revoked.

(3) School bus driver authorizations shall be issued by the superintendent of public instruction upon request by an authorized representative of the employing school district ~~((subject to compliance with the following provisions: (2)))~~. The employing school district shall forward to the superintendent of public instruction an application for a school bus driver authorization prior to issuance.

(4) The following verifications relating to the applicant must be provided by the employing school district:

(a) Verification by a ~~((qualified training))~~ school bus driver instructor of successful completion of the school bus driver training course~~((;))~~ as ~~((defined in))~~ required by this chapter.

(b) Verification ~~((by the employing school district))~~ that it has on file a ~~((physical))~~ medical health certification ~~((or statement))~~ as required by this chapter.

(c) Verification ~~((by the employing school district))~~ that it has on file a current five-year complete driver's abstract, including departmental actions, of the applicant's employment and nonemployment driving record issued by the department of licensing verifying compliance with all provisions of this chapter. The issue date of this abstract must be within sixty calendar days of the date the application is being submitted for authorization.

(d) Verification that the applicant has a current and valid first aid card or equivalent.

(e) Verification ~~((by the employing school district))~~ that it has on file a disclosure statement in compliance with pre-employment inquiry regulations in WAC 162-12-140, signed by the applicant, specifying all convictions which relate to fitness to perform the job of a school bus driver under WAC 180-20-101 and all crimes against children or other persons, that meets the requirements of RCW 43.43.834(2).

(f) Verification that ~~((the school district))~~ it has on file the results of a criminal record check as required under chapter 28A.400 RCW and that such results establish that the applicant has not committed any offense which constitutes grounds for denying, suspending, or revoking an authorization under this chapter.

(g) Verification (~~((by the school district))~~) that it has on file an applicant's disclosure of all serious behavioral problems which explains the nature of all such problems and/or conditions, a listing of the names, addresses, and telephone numbers of all doctors, psychologists, psychiatrists, counselors, therapists, or other health care practitioners of any kind or hospitals, clinics, or other facilities who have examined and/or treated the applicant for such problems and/or conditions and dates of examinations, therapy, or treatment and the school district has determined that any reported serious behavioral problem does not endanger the education welfare or personal safety of students, teachers, bus drivers, or other colleagues.

(h) Verification (~~((by the employing school district))~~) that the applicant complies with all of the requirements for school bus drivers set forth in this chapter.

~~((3))~~ (5)(a) Upon approval of an application, the superintendent of public instruction shall issue a notice of school bus driver authorization to the employing school district.

~~((4))~~ (b) Subsequent authorizations for an individual driver with new or additional employing school districts must be issued from the superintendent of public instruction to such districts prior to the operation of any motor vehicle for the transportation of children.

~~((5))~~ (6) On or before August 15 of each year, the superintendent of public instruction will provide each school district with a list of authorized drivers and their status.

(7) A temporary authorization may be issued by an educational service district superintendent upon application by an authorized representative of the employing school district subject to compliance with the following provisions:

(a) Issuing procedure.

(i) Application for a temporary authorization must be approved by an authorized representative of the employing school district, verified by said school official that the applicant meets the qualification requirements set forth in WAC 180-20-101 (except for a course in first aid and/or the results of a requested criminal record check), and further verified by a school bus driver instructor that the applicant has satisfactorily completed the school bus driver training course, as defined in this chapter. The application shall be submitted to the educational service district superintendent for approval.

(ii) Upon approval of the application by the educational service district superintendent, the temporary authorization will be transmitted to the employing school district.

(b) Effective period. The temporary authorization shall be valid for a period of sixty calendar days and shall be non-renewable: Provided, That the issuing educational service district superintendent may extend such period for a reasonable number of days when extenuating circumstances exist.

AMENDATORY SECTION (Amending WSR 99-08-004, filed 3/25/99, effective 4/25/99)

WAC 180-20-120 Discipline—Grounds for denial, suspension, or revocation of authorization—Emergency suspension—Appeals—Adjudicative proceedings. (1) A request for an authorization may be denied or an authorization issued under this chapter may be suspended(~~(;)~~) or

revoked for failure to meet any of the minimum requirements set forth in WAC 180-20-101, established by a preponderance of the evidence.

(2) Conduct, which by a preponderance of the evidence, amounts to a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, bus drivers, or other colleagues is grounds for denial, suspension, or revocation whether or not the conduct constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to denial, suspension, or revocation action. Upon such conviction, however, the judgment and sentence is conclusive evidence at the ensuing hearing of the guilt of the authorized driver or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based.

(3)(a) Any person in treatment for alcohol or other drug misuse shall have his or her authorization suspended until successful treatment is satisfactorily completed and the completion is confirmed by a state-approved alcohol or other drug treatment program at which time the authorization will be reinstated.

(b) In all cases of deferred prosecution under chapter 10.05 RCW, the authorization shall be suspended until the court confirms successful completion of the court approved treatment program at which time the authorization will be reinstated.

(4) Emergency suspension. If the superintendent of public instruction finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, emergency suspension of an authorization may be ordered pending proceedings for revocation or other action. In such cases, the superintendent of public instruction shall expedite all due process actions as quickly as possible.

(5)(a) Appeals and adjudicative proceedings. Any person desiring to appeal a denial, suspension, or revocation of a school bus driver authorization may do so to the superintendent of public instruction or designee in accordance with the adjudicative proceedings in RCW 34.05.413 through 34.05.-494, and the administrative practices and procedures of the superintendent of public instruction in chapter 392-101 WAC.

(b) The superintendent of public instruction may assign the adjudicative proceeding to the office of administrative hearings and may delegate final decision-making authority to the administrative law judge conducting the hearing.

(c) The superintendent of public instruction may appoint a person to review initial orders and to prepare and enter final agency orders in accordance with RCW 34.05.464.

(d) Any person who disagrees with the school district's determination of failure to meet any school bus driver authorization qualifications may request that the school district forward the pertinent records to the superintendent of public instruction. After review or investigation, the superintendent of public instruction shall grant, deny, suspend, or revoke the authorization.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-135 School bus driver—Reporting. (1)

Every person authorized under this chapter to operate a motor vehicle to transport children shall, within twenty calendar days, notify his or her employer in writing of the filing of any criminal charge involving conduct not meeting the standards in WAC 180-20-101(1). The authorized driver shall also notify his or her employer of any disqualifying traffic convictions, or license suspension or revocation orders issued by the department of licensing. In cases where the employer is providing transportation services through a contract with the school district, the contractor shall immediately notify the school district superintendent or designee.

(2) The notification in writing shall identify the name of the authorized driver, his or her authorization number, the court in which the action is commenced, and the case number assigned to the action.

(3) The failure of an authorized driver to comply with the provisions of this section is an act of unprofessional conduct and constitutes grounds for authorization suspension or revocation by the superintendent of public instruction.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-20-030 Purpose and application.
- WAC 180-20-034 Definitions.
- WAC 180-20-090 Authorization required.
- WAC 180-20-095 Duration of authorization.
- WAC 180-20-115 Issuing procedures for temporary school bus driver authorization—Effective period.
- WAC 180-20-123 Applicability of chapter to off-duty hours.
- WAC 180-20-125 Discipline—Emergency suspension.
- WAC 180-20-130 Discipline—Appeals—Adjudicative proceedings.

**WSR 02-18-056
PERMANENT RULES
STATE BOARD OF EDUCATION**

[Filed August 28, 2002, 3:57 p.m.]

Date of Adoption: August 23, 2002.

Purpose: Amend language as recommended by the State Board of Education Accreditation Advisory Committee to align school accreditation and school district approval with the continuing implementation of a performance-based education system.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-16-006, 180-18-020, 180-53-005, 180-53-010, 180-53-020, 180-53-025, 180-53-030, 180-53-035, 180-53-040, 180-53-045, 180-53-050, 180-53-055, 180-53-060 and 180-53-070; and amending WAC 180-16-002, 180-16-195, 180-16-220, 180-18-010, 180-55-005, 180-55-015, and 180-55-020.

Statutory Authority for Adoption: RCW 28A.150-220(4), 28A.305.140, 28A.305.130(6).

Adopted under notice filed as WSR 02-14-117 on July 2, 2002.

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 7, Repealed 33.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 7, Repealed 33.

Number of Sections Adopted Using Negotiated Rule Making: New 3, Amended 7, Repealed 33; 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 28, 2002

Larry Davis

Executive Director

PERMANENT

AMENDATORY SECTION (Amending WSR 98-08-039, filed 3/24/98, effective 4/24/98)

WAC 180-16-002 Purpose and authority. (1) In support of improving student learning and growth, the purpose of this chapter is to establish the policies and procedures for state board of education approval of school district programs for entitlement to state basic education allocation funding.

(2) ~~The authority for this chapter is RCW 28A.150-220(4) ((which requires the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements of RCW 28A.150.250, 28A.150.260, and 28A.150.220 and such related basic program of education requirements as may be established by the state board of education)).~~

AMENDATORY SECTION (Amending WSR 99-10-091, filed 5/4/99, effective 6/4/99)

WAC 180-16-195 Annual reporting and review process. (1) **Annual school district reports.** A review of each school district's kindergarten through twelfth grade program shall be conducted annually for the purpose of determining compliance or noncompliance with ~~((these))~~ basic education ~~((allocation entitlement))~~ program approval requirements. On or before the ~~((third))~~ first Monday in ~~((October))~~ November of each school year, each school district superin-

tendent shall complete and return the program ~~((data report))~~ assurance form ~~((s) prepared and)~~ (OSPI Form 1497) distributed by the ~~((superintendent of public instruction))~~ state board of education. ~~((Such))~~ The form(s) shall be designed to elicit data necessary to a determination of a school district's compliance or noncompliance with ~~((these entitlement))~~ basic education program approval requirements. Data reported ~~((on any such form(s)))~~ by a school district shall accurately represent the actual status of the school district's program as of the first school day in October and as thus far provided and scheduled for the entire current school year. ~~((Such))~~ The form(s) shall be signed by:

- (a) The school board president or chairperson, and
- (b) The superintendent of the school district.

(2) State board staff review.

(a) State board of education staff shall review each school district's program ((data report and such supplemental state reports as staff deems necessary)) assurance form, conduct on-site monitoring visits of randomly selected school districts, as needed and subject to funding support, and prepare recommendations and ((supporting)) reports for presentation to the state board of education: Provided, That, if a school district's initial program ((data report and any other state reports considered do)) assurance form does not establish compliance with ((these)) the basic education ((allocation entitlement)) program approval requirements, the district shall be provided the opportunity to explain the deficiency ((and provide supplemental data)) or deficiencies. School districts which foresee that they will not be able to comply with ((these entitlement)) the program approval requirements, or that are deemed by the state board to be in noncompliance, may petition for a waiver on the basis of ((the limited ground of)) substantial lack of classroom space as set forth in WAC 180-16-225 and instructional hours offering requirements under WAC 180-18-030.

(b) School districts may use the personnel and services of the educational service district to assist the district and schools in the district that are out of compliance with basic education program approval requirements.

(3) Annual certification of compliance or noncompliance—Withholding of funds for noncompliance.

(a) At the annual ~~((March))~~ spring meeting of the state board of education, or at such other meeting as the board shall designate, the board shall certify by motion each school district as being in compliance or noncompliance with ~~((these))~~ the basic education ((allocation entitlement)) program approval requirements.

(b) A certification of compliance shall be effective for the then current school year subject to any subsequent ad hoc review and determination of noncompliance as may be deemed necessary by the state board of education or advisable by the superintendent of public instruction. In addition, a certification of compliance shall be effective tentatively for the succeeding school year until such time as the state board takes its annual action certifying compliance or noncompliance with ~~((these entitlement))~~ the program approval requirements.

(c) A certification of noncompliance shall be effective until program compliance is assured by the school district to

the satisfaction of state board of education staff, subject to review by the state board. Basic education allocation funds shall be deducted from the basic education allocation of a school district that has been certified as being in noncompliance unless such district has received a waiver ~~((pursuant to WAC 180-16-225,))~~ from the state board for such noncompliance, pursuant to WAC 180-16-225 or 180-18-030, or assurance of program compliance is subsequently provided for the school year previously certified as in noncompliance and is accepted by the state board.

(d) The withholding of basic education allocation funding from a school district shall not occur for a noncompliance ~~((provided that))~~ if the school district has ~~((been given a reasonable amount of time to remediate))~~ remediated the noncompliance situation ~~((, not to exceed forty))~~ within sixty school business days from the time the district receives notice of the noncompliance from the state board of education. ~~((It is presumed that forty school business days is a reasonable time for school districts to correct an existing noncompliance.))~~ The state board of education may extend ~~((such))~~ the sixty days timeline only if the district demonstrates ~~((,))~~ by clear and convincing evidence ~~((,))~~ that ~~((such timeline))~~ sixty days is not reasonable to make the necessary corrections. For the purposes of this section, a school business day shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

(e) The superintendent of public instruction, or his/her designee, after notification by the state board of education to a school district regarding an existing noncompliance, shall enter into a compliance agreement with the school district that shall include, but not be limited to, the following criteria:

(i) A deadline for school district remediation of the noncompliance(s), not to exceed ~~((forty))~~ sixty school business days per noncompliance as specified in (d) of this subsection.

(ii) A listing of all the noncompliance areas and the necessary terms that must be satisfied in each area in order for the school district to gain compliance status. This listing also shall specify additional deadlines for the accomplishment of the stated terms if different from the final deadline as specified in subsection (1) of this section.

(iii) A closing statement specifying that a school district's failure to remediate a noncompliance by the determined deadline shall result in the immediate withholding of the district's basic education allocation funding by the superintendent of public instruction.

(iv) The date and the signatures of the superintendent of the school district, ~~((or his/her designee))~~ the chair of the district's board of directors, and the superintendent of public instruction, or his/her designee, to the agreement. A copy of the completed compliance agreement shall be sent to the chairperson of the school district's board of directors and the school district superintendent.

(f) In the event a school district fails to sign the compliance agreement within five school business days from the date of issuance or does not satisfy the terms of the signed compliance agreement within the designated amount of time,

the superintendent of public instruction shall withhold state funds for the basic education allocation until program compliance is assured(~~(-~~

~~(g) The superintendent of public instruction shall withhold state funds for the basic education allocation to a school district)) based on the following procedure:~~

(i) For the first month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold twenty-five percent of the state funds for the basic education allocation to a school district.

(ii) For the second month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold fifty percent of the state funds for the basic education allocation to a school district.

(iii) For the third month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold seventy-five percent of the state funds for the basic education allocation to a school district.

(iv) For the fourth month, and every month thereafter, that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold one hundred percent of the state funds for the basic education allocation to a school district until compliance is assured.

~~((h))~~ (g) Any school district may appeal to the state board of education the decision of noncompliance by the state board of education (~~(staff)~~). Such appeal shall be limited to the interpretation and application of these rules (~~(and regulations)~~) by (~~(such superintendent of public instruction)~~) the state board of education. Such appeal shall not stay the withholding of any state funds pursuant to this section. The state board of education may not waive any of the basic education entitlement requirements as set forth in this chapter, except as provided in WAC 180-16-225 or 180-18-030.

(4) The provisions of subsection (3)(f) of this section shall not apply if the noncompliance is related to the district's fiscal condition and results in the implementation of a financial plan under RCW 28A.505.140(3).

AMENDATORY SECTION (Amending WSR 99-10-091, filed 5/4/99, effective 6/4/99)

WAC 180-16-220 Supplemental (~~(program and)~~) basic education (~~(allocation entitlement)~~) program approval requirements. The following requirements(~~(, while not imposed by the "Basic Education Act of 1977," is)~~) are hereby established by the state board of education as ((a)) related supplemental condition to a school district's entitlement to state basic education allocation funds, as authorized by RCW 28A.150.220(4).

(1) Current and valid certificates. Every school district employee required by WAC 180-79A-140 to possess (~~(a professional)~~) an education permit, certificate, or credential issued by the superintendent of public instruction for his/her position of employment, shall have a current and valid permit, certificate or credential. In addition, ((effective August

31, 1987,)) classroom teachers, principals, vice principals, and educational staff associates shall be required to possess endorsements as required by WAC 180-82-105, 180-82-120, and 180-82-125, respectively.

(2) Annual school building approval.

(a) Each school in the district shall be approved annually by the school district board of directors under an approval process determined by the district board of directors.

(b) At a minimum the annual approval shall require each school to have in place, and reviewed annually for implementation progress and possible changes, a school improvement plan or process that is data driven and promotes a positive impact on student learning. For the purpose of this section "positive impact on student learning" shall mean:

(i) Supporting the goal of basic education under RCW 28A.150.210, "... to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives ...";

(ii) Promoting continuous improvement of student achievement of the state learning goals and essential academic learning requirements; and

(iii) Recognizing nonacademic student learning and growth related, but not limited to: Public speaking, leadership, interpersonal relationship skills, teamwork, self-confidence, and resiliency.

(c) The school improvement plan or process shall be based on a self-review of the school's program for the purpose of annual building approval by the district. The self-review shall include active participation and input by building staff, students, parents, and community members.

(d) The school improvement plan or process shall address, but is not limited to:

(i) The characteristics of successful schools as identified by the superintendent of public instruction and the educational service districts, including safe and supportive learning environments;

(ii) Educational equity factors such as, but not limited to: Gender, race, ethnicity, culture, language, and physical/mental ability, as these factors relate to having a positive impact on student learning. The state board of education strongly encourages that equity be viewed as giving each student what they need and when and how they need it to reach their achievement potential;

(iii) The use of technology to facilitate instruction and a positive impact on student learning; and

(iv) Parent and community involvement, as these factors relate to having a positive impact on student learning.

(3) Nothing in this section shall prohibit a school improvement plan or process from focusing on one or more characteristics of effective schools during the ensuing three school years.

(4) School involvement with school improvement assistance under the state accountability system or involvement with school improvement assistance through the federal Elementary and Secondary Education Act shall constitute a sufficient school improvement plan or process for the purposes of this section.

NEW SECTION

WAC 180-16-227 Implementation timeline for WAC 180-16-220(2). The provisions of WAC 180-16-220(2) shall take effect beginning the 2003-04 school year. If a school district already requires its schools to have a school improvement plan or process, but such plan or process does not include some or all of the required elements listed in WAC 180-16-220 (2)(c) and (d) as of the beginning of the 2003-04 school year, the district may request from the state board of education an extension of the timeline to the beginning of the 2004-05 school year.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-16-006 Purpose.

AMENDATORY SECTION (Amending WSR 98-05-001, filed 2/4/98, effective 3/7/98)

WAC 180-18-010 Purpose and authority. (1) The purpose of this chapter is to support local educational improvement efforts by establishing policies and procedures by which schools and school districts may request waivers from basic education program approval requirements.

(2) ~~The authority for this chapter is RCW 28A.305.140 and ((28A.630.945 which authorizes the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements and such related requirements as may be established by the state board of education)) 28A.655.180(1).~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-18-020 Purpose.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 180-53-005 Authority.
 WAC 180-53-010 Purpose.
 WAC 180-53-020 Self-study schedule.
 WAC 180-53-025 Self-study criteria.
 WAC 180-53-030 Elementary school—Joint self-study process.
 WAC 180-53-035 Initial self-study cycle.
 WAC 180-53-040 Self-study cycles.

WAC 180-53-045 Initial self-study cycle plan—Report to superintendent of public instruction.
 WAC 180-53-050 Subsequent self-study cycle plan—Report to superintendent of public instruction.
 WAC 180-53-055 Biennial report—To superintendent of public instruction.
 WAC 180-53-060 Waiver for economic reasons.
 WAC 180-53-070 Waiver option, application and renewal procedures.

AMENDATORY SECTION (Amending WSR 91-04-015, filed 1/28/91, effective 2/28/91)

WAC 180-55-005 ((Statutory)) Purposes and authority. ~~((Pursuant to provision of RCW 28A.305.130(6), the state board of education hereby establishes standards and procedures for accreditation of all schools as hereinafter set forth-))~~ (1) Purposes. The provision of school accreditation procedures by the state board of education is designed to serve the following purposes:

(a) Support the state board's long-term vision of a performance-based education system under WAC 180-51-001 by aligning school accreditation requirements to continuous improvement of student learning, achievement, and growth;

(b) Promote educational excellence and equity for every student through enhancement of the quality and effectiveness of the school's educational program in safe and supportive learning environments;

(c) Promote staff growth and commitment to the learning of every student;

(d) Build stronger links with the community by reaching consensus about educational expectations through community involvement;

(e) Provide a statement of accountability to the public;

(f) Assure that school districts, under the district policy on recognizing earned credits under WAC 180-51-050, shall accept credits earned from schools or programs, accredited by the state board of education, the Northwest Association of Schools, Colleges and Universities, or other accrediting body as may be recognized by the state board of education pursuant to WAC 180-55-150; and

(g) Facilitate the sharing of effective schools practices and positive impacts on student learning through an external appraisal process.

(2) Authority. The authority for this chapter is RCW 28A.305.130(6).

AMENDATORY SECTION (Amending WSR 91-04-015, filed 1/28/91, effective 2/28/91)

WAC 180-55-015 Definitions. (1) An "accredited school" is a public or ~~((an))~~ state board of education approved private school that meets ((the regulations)) statutory requirements and rules established by the state board of education, and one that has satisfactorily completed the accreditation

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procedures described by the state ((superintendent of public instruction)) board of education pursuant to RCW 28A.305-130(6) and WAC 180-55-005 through ((180-55-135)) 180-55-032.

(2) "Approved private school" shall mean a school approved by the state board of education pursuant to chapter 28A.195 RCW and chapter 180-90 WAC.

(3) "Accredited" status shall be assigned to public or state board of education approved private schools that:

(a) Complete and meet fully ((the)) state board of education requirements for accreditation as described in WAC 180-55-020 ((through 180-55-135)), or;

(b) Participate and qualify in accordance with standards and procedures established by the Northwest Association of Schools ((and)) Colleges and Universities ((NASC)) NASCU (see WAC 180-55-032).

((3) "Standards review" shall mean an appraisal whereby requirements established by the state board of education are applied to an individual school. The standards review shall take place during the application process and implementation update.

(4) "Self study" shall mean an approved comprehensive set of needs assessment and program improvement plan procedures as described in WAC 180-55-050.

(5) "Plan for school improvement" shall mean a formal document produced as a result of the self study procedure for implementation at an accredited school.) (4) "School improvement plan or process" shall mean the same as described under WAC 180-16-220(2).

(5) "Self-review" shall mean the same as described under WAC 180-16-220(2).

(6) ((("Validation")) "Appraisal" shall mean an objective, external ((review)) appraisal of a school's ((accreditation)) self-review activities ((for the purposes of establishing their correctness, accuracy and thoroughness, including an objective, external review of the self study process, the plan for program improvement, and the accreditation standards as part of the application process and implementation update as described in WAC 180-55-035.

(7) "Implementation update" shall mean an interim report submitted to the superintendent of public instruction by an accredited school after three years in the standard accreditation status. The implementation update shall include a status report on the implementation of the plan for school improvement and an accreditation standards review.

(8) "Northwest Association of Schools and Colleges alternative" shall mean the accreditation activities provided through school membership in the NASC and shall be accepted by the state board of education in lieu of state board accreditation procedures.

(9) "Approved private school" shall mean a school approved by the state board of education pursuant to chapter 180-90 WAC.

(10) "Vocational technical institute" shall mean a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area for persons sixteen years of age or older without regard to residence, pursuant to laws and rules and regulations pertaining to the maintenance, operation, and funding of vocational technical

institutes. In applying the provisions of this chapter the terms "school" and "principal" shall mean a vocational technical institute and director of such institute, respectively)) and school improvement plan or process pursuant to WAC 180-55-020(5).

AMENDATORY SECTION (Amending WSR 91-01-068, filed 12/14/90, effective 1/14/91)

WAC 180-55-020 Compliance with requirements for entitlement to basic education allocation funds ((or)) is prerequisite to application for accreditation by public schools—Compliance with requirements for approved private school status is prerequisite to application for accreditation by private schools—Types of accreditation—Conditions—Effective periods—Administration of accreditation procedures. ((1) Public schools.

(a) District compliance. Certification by the state board of education of compliance by a school district's program pursuant to provisions of "basic education allocation entitlement requirements" or receipt of waiver therefrom (WAC 180-16-191 through 180-16-225) shall be prerequisite to a public school's participation in accreditation activities and to a public school's receipt of any accreditation status from the state board of education. Such requirements hereby are included within the standards upon which accreditation is conditioned.

(b) School contribution to district compliance with requirements for entitlement to basic education allocation funds. Each public school engaged in the state board of education's accreditation program shall be in compliance with such entitlement requirements (WAC 180-16-191 through 180-16-225).

(c) Assessment of school compliance with supplemental program standards. Each public school engaged in the state board of education's accreditation program shall be in compliance with the supplemental program standards (WAC 180-16-240).

(d) Vocational technical institutes—Additional requirement. Certification by the state board of education of compliance with the program approval provisions of chapter 180-58 WAC shall be conditional to the receipt of accreditation status by a vocational technical institute.

(2) Private schools. Certification by the state board of education of compliance by a private school with the approval requirements of chapter 180-90 WAC shall be prerequisite to a private school's participation in the state board of education's accreditation activities and to a private school's receipt of any accreditation status from the state board of education. Such requirements hereby are included within the standards upon which accreditation is conditioned.) (1)(a) Certification by the state board of education of compliance by a school district with basic education program approval requirements under WAC 180-16-220, or receipt of a waiver from WAC 180-16-225 or 180-18-030, shall be prerequisite to a public school's application to the state board of education for accreditation under WAC 180-55-015 (3)(b).

(b) Certification by the state board of education of compliance with private school approval requirements under

chapter 28A.190 RCW and chapter 180-90 WAC shall be prerequisite to a private school's application to the state board of education for accreditation under WAC 180-55-015 (3)(b).

(2) **Standard accreditation - six years**, shall be granted to a school after a satisfactory external appraisal of the school's self-review activities and improvement plan or process and approval by the state board of education of the appraisal findings and recommendations by the superintendent of public instruction under WAC 180-55-030.

(3) **Conditional accreditation - one year**, for a school where the external appraisal identifies omissions, inaccuracies or weaknesses in the building's self-review activities or school improvement plan or process.

(4) **Application**. Application for school accreditation shall be made to the state board of education. Such application shall be submitted jointly by the appropriate officials of the school and school district, or school and governing board in the case of private schools, in accordance with procedures and timelines established by the state board of education.

(5)(a) **External appraisal**. The state superintendent of public instruction shall direct an external appraisal program for school accreditation purposes. The state superintendent may place yearly limits on the number of schools that may participate in the external appraisal program. The external appraisal shall be conducted by persons external to the school and district.

(b) The external appraisal shall focus on the provisions of WAC 180-16-220 (2)(c) and (d), and 180-55-005(1). The appraisal shall give weight to the district's school approval process and focus on, but not be restricted to, an appraisal of the progress and impact of the school improvement plan or process.

NEW SECTION

WAC 180-55-034 Temporary extension of accreditation status. (1) The state board of education may, in its discretion, grant to a school an extension of its accreditation status for a period not to exceed two school years under the following conditions:

(a) Staffing and resources directly or indirectly available to the state board for administration of the accreditation program are insufficient to timely process applications for accreditation under regular procedures;

(b)(i) The school has current accredited status through the state board accreditation process; or

(ii) The school has current accredited status through the Northwest Association of Schools, Colleges and Universities (NASCU) accreditation process and desires to switch to the state board process upon termination of the validity period of its NASCU accreditation; or

(iii) The school began the process for first-time accreditation or renewal accreditation, using the state board of education accreditation option, before January 1, 2001.

(2) In order to be considered for a temporary extension of accredited status, a school must submit to the state board a written request for an extension, signed by the building principal.

(3) This section shall expire June 30, 2003, unless program staffing and funding support issues are not resolved.

NEW SECTION

WAC 180-55-150 Standards and criteria study and report. (1) The accreditation committee of the state board of education shall study and recommend for adoption to the state board formal standards and criteria for recognizing organizations that offer accreditation services and designations.

(2) The committee shall submit its study findings and recommendations to the state board not later than the board's fall 2002 meeting.

(3) This section shall expire not later than January 31, 2003.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-55-010	Intent and purposes.
WAC 180-55-025	Types of accreditation— Conditions—Effective periods.
WAC 180-55-030	Administration of accreditation procedures.
WAC 180-55-035	Validation of accreditation activities.
WAC 180-55-050	Self-study—Common guidelines.
WAC 180-55-070	Standards—General conditions.
WAC 180-55-075	Standards—Elementary and secondary—Professional preparation of staff.
WAC 180-55-080	Standards—Elementary and secondary—Guidance services.
WAC 180-55-085	Standards—Elementary and secondary—School health services.
WAC 180-55-090	Standards—Elementary and secondary—Textbook and supplementary reference materials.
WAC 180-55-095	Standards—Elementary and secondary—Equipment and materials.
WAC 180-55-100	Standards—Elementary and secondary—Facilities.
WAC 180-55-105	Standards—Elementary— Program offerings.

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WAC 180-55-110	Standards—Elementary— Number and time assignment of personnel.
WAC 180-55-115	Standards—Elementary— Instructional and learning resources.
WAC 180-55-120	Standards—Secondary— Unit of credit.
WAC 180-55-125	Standards—Secondary— Minimum program offerings.
WAC 180-55-130	Standards—Secondary— Number and time assignment of personnel.
WAC 180-55-135	Standards—Secondary— Instructional and learning resources.

Chapter 180-37 WAC

PUPILS—NONPUBLIC AGENCIES

NEW SECTION

WAC 180-37-005 Purpose and authority. (1) The purpose of this chapter is to identify the process for providing services to special education students through contracts between school districts and nonpublic agencies.

(2) The authority for this chapter is RCW 28A.155.060.

NEW SECTION

WAC 180-37-010 Nonpublic agency approval procedure. (1) Nonpublic agencies shall be approved in accordance with the provisions of WAC 392-172-219 through 392-172-226, and comply with the application requirements set forth by the office of the superintendent of public instruction (OSPI) and available on the OSPI website.

(2) On a case-by-case basis, the state board of education may approve a nonpublic agency to provide services for fewer than one hundred eighty days if the rationale and evidence is compelling and the needs of the student, the student's parent(s) or legal guardian(s), and the school district would be best met for a period of fewer than one hundred eighty days.

WSR 02-18-060

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed August 29, 2002, 9:09 a.m.]

Date of Adoption: August 23, 2002.

Purpose: Add new sections to chapter 180-37 WAC.

Statutory Authority for Adoption: RCW 28A.305.13 [28A.305.130], 28A.210.160.

Adopted under notice filed as WSR 02-14-120 on July 2, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 2, 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.

August 28, 2002

Larry Davis

Executive Director

WSR 02-18-061

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed August 29, 2002, 9:13 a.m.]

Date of Adoption: August 23, 2002.

Purpose: Amend language defining teacher educator, educational grant, process of selection, selection review committee, Professional Educator Advisory Board, and award for excellence in teacher preparation.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-97-005, 180-97-015, 180-97-020, 180-97-050, 180-97-070, 180-97-090 and 180-97-100; and amending WAC 180-97-003, 180-97-010, 180-97-040, 180-97-060, and 180-97-080.

Statutory Authority for Adoption: RCW 28A.625.360.

Adopted under notice filed as WSR 02-14-121 on July 2, 2002.

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 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 7.

PERMANENT

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 5, Repealed 7; 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 28, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

WAC 180-97-003 Purpose and authority. (1) The purpose of this chapter is to set forth policies, selection criteria, and administrative procedures for establishing an annual Washington award for excellence in education for higher education teacher educators.

(2) The authority for this chapter is ((Title 28A)) RCW ((which authorizes the state board of education to adopt rules relating to the administration of a Washington award for excellence in education for higher education teacher educators)) 28A.625.380.

AMENDATORY SECTION (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

WAC 180-97-010 Definitions((—Teacher educator)). ((As used in this chapter,)) (1) The term "teacher educator" means: A person employed by a college or university with a state board of education approved teacher preparation program who serves as a faculty member or administrator in the approved teacher education program.

(2) The term "professional education advisory board" means: One of the professional education advisory boards approved by the state board of education as defined in WAC 180-78A-075(1) (Professional education advisory board for teacher preparation programs).

(3) The term "educational grant" means an amount not exceeding two thousand five hundred dollars for a professional education advisory board which shall be awarded by the state board of education upon receipt of a grant application identifying the educational purpose for which the grant will be used, submitted pursuant to WAC 180-97-100. The professional education advisory board shall use the educational grant funds to enhance the recipient's competencies.

AMENDATORY SECTION (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

WAC 180-97-040 Selection of recipients—Nomination form. (1) Any teacher professional education advisory board, or individual, may nominate a higher education teacher education faculty member on the form provided by the superintendent of public instruction for that purpose. ((The nomination form and information about the awards program shall be disseminated to all teacher professional education advisory boards and to each of the deans and directors of education at colleges and universities with state board of education approved teacher education programs.))

(2) The nomination application form shall include at a minimum:

(a) The name of the person nominated.

(b) The college or university name and address where the person is employed.

(c) Evidence related to the nominee's:

(i) Involvement in creating or implementing innovative developments in the nominee's teacher preparation program.

(ii) Leadership among professional colleagues and with students or the community.

(iii) Contributions to the field, such as education related curriculum, research, and/or field services activities.

(iv) Excellence in teaching.

(v) Communicating with legislators, common school teachers, and administrators and others about the nominee's teacher preparation program.

(vi) Contributions in preparing teacher candidates to implement the state learning goals and essential academic learning requirements to have a positive impact on K-12 student learning.

(d) The evidence presented for (c)(i) through (v) of this subsection is encouraged to reflect the nominee's years of service with the teacher preparation program.

AMENDATORY SECTION (Amending WSR 98-01-024, filed 12/8/97, effective 1/8/98)

WAC 180-97-060 Selection of recipients—Review committee. ((Recipients shall be selected as follows:

A committee composed of no fewer than five members of the professional education advisory committee shall be appointed by the chairperson of the professional education advisory committee as defined in WAC 180-78-015. Committee membership shall include individuals selected from no fewer than three of the following categories:

(1) Teachers.

(2) School administrators.

(3) Higher education representatives.

(4) Persons from the other groups represented on the professional education advisory committee.

Provided,)) (1) The president of the state board of education shall appoint annually a committee to review and select the recipient for the Washington award for excellence in teacher preparation. The committee shall include:

(a) The chair or other member of the state board's professional development and certification committee;

(b) Two members representing higher education teacher preparation programs;

(c) Two teachers; and

(d) The chairs of the legislative education and higher education committees.

(2) No person who represents a higher education teacher education institution from which a nomination has been received, or is a member of that college or university's professional education advisory board, shall be allowed to vote on that individual's nomination.

(3) In making the selection, the committee may give consideration to the nominees' recent contributions to the field and shall be guided by the criteria under WAC 180-97-040.

AMENDATORY SECTION (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

WAC 180-97-080 Award ~~((for the teacher educator))~~. The Washington award for excellence in teacher preparation shall include:

(1) A certificate presented by the governor, the president of the state board of education, and the superintendent of public instruction at a public ceremony; and

(2)(a) A grant which shall not exceed two thousand five hundred dollars to the professional education advisory board of the institution from which the teacher educator is selected.

(b) The professional education advisory board must submit the grant application within one year after the award is received by the recognized recipient. The grant application shall identify the educational purpose toward which the grant will be used and shall be awarded by the superintendent of public instruction after the state board of education has approved the application.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-97-005	Purpose.
WAC 180-97-015	Definition—Professional education advisory board.
WAC 180-97-020	Definition—Educational grant.
WAC 180-97-050	Selection of recipients—Necessary information.
WAC 180-97-070	Selection criteria.
WAC 180-97-090	Award for the professional education advisory board.
WAC 180-97-100	Application—Professional education advisory board.

**WSR 02-18-062
PERMANENT RULES
STATE BOARD OF EDUCATION**

[Filed August 29, 2002, 9:15 a.m.]

Date of Adoption: August 23, 2002.

Purpose: Amend sections for technical purposes.

Citation of Existing Rules Affected by this Order: Amending WAC 180-43-005, 180-43-010, and 180-43-015.

Statutory Authority for Adoption: RCW 28A.600.200.

Adopted under notice filed as WSR 02-14-123 on July 2, 2002.

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 3, 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: Thirty-one days after filing.

August 28, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-43-005 Purpose and ((application)) authority. (1) The purpose of this chapter is to ((establish rules and regulations which)) implement certain statutory provisions relating to student participation in interscholastic activities.

(2) The authority for this chapter is RCW 28A.600.200 ~~((1) and (3))~~.

AMENDATORY SECTION (Amending WSR 95-08-028, filed 3/29/95, effective 4/29/95)

WAC 180-43-010 Annual report. (1)(a) The Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW 28A.600.200, shall submit an annual report to the state board of education ~~((of student appeal determinations, assets, and financial receipts and disbursements))~~.

~~((1))~~ (b) The annual report shall be delivered in writing to the executive director of the state board not later than December 15 of each calendar year and presented to the state board at its winter meeting.

(2) The annual report shall include:

(a) The standard financial statement for the preceding fiscal year of the association or entity, prepared in accordance with generally accepted accounting principles. The financial statements shall include adequate information to inform the state board of education of the activities of the interscholastic activities association during the year reported upon. At a minimum, the certified financial statements as prepared by a certified public accountant or licensed public accountant shall list all assets and liabilities in a statement of financial position; a statement of cash receipts and disbursements; and other exhibits detailing salary expenses, office expenses, state tournament finances, and the basis for distributing profits to the school districts(~~(-~~

~~(3) The annual report shall include~~); and

(b) A section summarizing student eligibility appeal cases by local interscholastic activities association districts for the preceding school year (September 1 through August

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31). Details of the summary shall include student's school, the rule and factual issue involved, interscholastic activities association district disposition and date, and if ruled ineligible at the district level, interscholastic activities association executive director and/or executive board disposition and date.

AMENDATORY SECTION (Amending WSR 95-08-028, filed 3/29/95, effective 4/29/95)

WAC 180-43-015 Rules and policies. (1) All rules and policies applied by the Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW 28A.600.200, and which govern student participation in any interschool activity, shall be written and subject to the annual review and approval of the state board of education.

(2) No such participation rule or policy shall be valid and enforceable during any school year unless first approved by the state board for that particular school year. All such rules or policies shall be submitted annually by the association and other nonprofit entities to the state board office on or before May 1 for final action by the board at its May meeting. The state board may modify the foregoing schedule of submissions and actions in its discretion at the request of the association or other nonprofit entity.

WSR 02-18-064

PERMANENT RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed August 29, 2002, 9:42 a.m.]

Date of Adoption: August 21, 2002.

Purpose: To amend time specified for determining a response to a request for public records from one day to five.

Citation of Existing Rules Affected by this Order: Amending WAC 106-276-100.

Statutory Authority for Adoption: RCW 28B.10.528.

Other Authority: RCW 28B.35.120(12).

Adopted under notice filed as WSR 02-12-018 on May 28, 2002.

Changes Other than Editing from Proposed to Adopted Version: Change response time to public records requests from one day to five.

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 Mak-

ing: 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 21, 2002

Jerilyn S. McIntyre

President

AMENDATORY SECTION (Amending Order CWU AO 76, filed 10/3/94, effective 11/3/94)

WAC 106-276-100 Determination regarding exempt records. (1) The university reserves the right to determine that a public record requested in accordance with the procedures of this chapter is exempt under the provisions of RCW 42.17.310. Such determination may be made in consultation with any of the records officers of the university, president of the university, or an assistant attorney general assigned to the university.

(2) Responses to requests for records must be made promptly. For the purpose of these rules, a prompt response occurs if the person requesting the public record is notified within ~~((one))~~ five business days as to whether or not the request for a public record will be granted or denied.

(3) No denial of a request for public records shall be valid unless accompanied by a written statement, signed by the public records officer or designee, specifying the specific reasons therefore.

WSR 02-18-077

PERMANENT RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed August 30, 2002, 1:12 p.m.]

Date of Adoption: August 27, 2002.

Purpose: Amend parking and traffic regulations and monetary penalty schedule to reflect procedural changes and provide a greater deterrent to parking infractions. Amend two sections defining the use of skateboards on campus to allow alternative transportation within defined guidelines.

Citation of Existing Rules Affected by this Order: Amending WAC 106-116-103, 106-116-201, 106-116-208, 106-116-304, 106-116-305, 106-116-308, 106-116-514, 106-116-601, 106-116-603, 106-116-701, 106-116-856, and 106-116-859.

Statutory Authority for Adoption: RCW 28B.10.528 and 28B.35.120(12).

Adopted under notice filed as WSR 02-15-116 on July 18, 2002.

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 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 27, 2002

David L. Soltz, Provost
Senior Vice-President
for Academic Affairs

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-103 Additional or replacement vehicles. If you have a current CWU parking permit and obtain an additional or different motor vehicle, you must register that vehicle with ~~((the auxiliary services))~~ parking ~~((office, Barge Hall))~~ services.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-201 Permitted parking areas. University-owned parking areas are 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))~~ 2:00 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 106-116-208 Fire lanes and service drives. Parking is not allowed at any time in the service drives or fire lanes of any campus building. Fire lanes and service drives may be used by service and emergency vehicles. After the required load/unload permit has been obtained, vendor and student-owned vehicles may use the service drives to load or unload items. These permits are available at the public safety and police services department or the parking kiosk.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-304 Disability parking permit. Any university employee, student, or visitor who can show physical disability may apply at ~~((the student affairs ADA office))~~ disability support services for a disability parking permit. Certification by a physician may be required. Disability 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 WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-305 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 and the parking kiosk.

(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 WSR 98-23-022, filed 11/9/98, effective 12/10/98)

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 may be replaced for a ~~(((\$5.00))~~ \$10.00 processing fee.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

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))~~ parking ~~((office, Barge Hall))~~ services, 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 parking office within fifteen days of the date of the infraction notice. The appeal must be reviewed by the university parking appeal board. 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 parking office))~~. Documents relating to the appeal shall immediately be forwarded 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 WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-601 Traffic regulation signs, markings, barricades, etc. (1) The director of the public safety and police services department (~~and the director of business services and contracts office~~) or designee 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~~) director of public safety and police services (~~and the director of business services and contracts~~) or designee, 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~~) director of public safety and police services.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-603 Monetary penalty schedule.

Offense	Penalty
(1) Improper display of permit	((\$5.00)) <u>\$ 15.00</u>
(2) Parking faculty-staff area	((15.00)) <u>25.00</u>
(3) Parking yellow stripe or curb	((15.00)) <u>25.00</u>
(4) Parking outside designated parking area	((15.00)) <u>25.00</u>
(5) Obstructing traffic	((25.00)) <u>30.00</u>
(6) Parking at improper angle or using more than one stall	((7.00)) <u>15.00</u>
(7) Violation of the bicycle parking rules in WAC 106-116-901	((7.00)) <u>15.00</u>
(8) Reserved parking area	((15.00)) <u>25.00</u>
(9) No parking area	((15.00)) <u>25.00</u>
(10) Overtime parking	((10.00)) <u>15.00</u>
(11) Using counterfeit, falsely made, or altered permit	((100.00)) <u>150.00</u>
(12) Illegal use of permit	((100.00)) <u>150.00</u>

Offense	Penalty
(13) No current permit	((12.00)) <u>15.00</u>
(14) Parking service drive	((15.00)) <u>25.00</u>
(15) Parking/driving sidewalks, malls	((15.00)) <u>25.00</u>
(16) Parking/driving lawns	((20.00)) <u>25.00</u>
(17) Parking fire lane	((25.00)) <u>30.00</u>
(18) Parking fire hydrant	((25.00)) <u>30.00</u>
(19) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	((12.00)) <u>15.00</u>
(20) Other violations of the objectives of the CWU parking and traffic regulations	((7.00 to 12.00)) <u>15.00 to 25.00</u>
(21) Parking in a space marked "disabled person permit only"	((by statute)) <u>250.00</u>
(22) Continuous parking	((20.00)) <u>25.00</u>
(23) <u>No parking 2:00 a.m. to 6:00 a.m.</u>	<u>25.00</u>

Parking infraction notices shall qualify for a 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 reduction in the monetary penalty. The cashier's office is open Monday through Friday, 8:00 a.m. to 5:00 p.m.

Failure to respond within (~~(fifteen)~~) twenty-eight 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)~~) doubling of the original monetary penalty and a \$2.00 administrative fee. However, 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; and/or
- (d) Referral to collection agency.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-701 Impounding procedures. (1) Any vehicle parked upon the Central Washington University campus lands in violation of these regulations, including the motor vehicle and other traffic laws of the state of Washing-

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ton and the traffic code of the city of Ellensburg, may be impounded and taken to such place for storage as the ~~((chief))~~ director of public safety and police services selects.

(2) The expense of such impounding and storage shall be charged to the owner or operator of the vehicle and paid prior to the release of the vehicle.

(3) CWU and its employees shall not be liable for loss or damage of any kind resulting from such immobilization, impounding and storage.

AMENDATORY SECTION (Amending Order 63, filed 5/18/88)

WAC 106-116-856 ((Skateboard)) Alternative transportation regulations. ~~((Skateboards may not be used on campus.))~~ The use of bicycles, electric bicycles, skateboards, nonmotorized scooters, electric scooters and in-line skates shall be allowed only as a means of transportation on pedestrian malls, sidewalks, walkways and vehicular traffic ways of CWU. Anyone using a bicycle, electric bicycle, skateboard, nonmotorized scooter, electric scooter or in-line skates on CWU property shall give right of way to any pedestrian and shall travel at a reasonable, safe and prudent speed. Under no circumstance will bicycling, skateboarding or in-line skating be allowed on ramps, curbs, benches, steps or stairs or other such structures. The use of bicycles, electric bicycles, skateboards, nonmotorized scooters, electric scooters or in-line skates shall not be permitted inside any building or within twenty feet of a building entrance or exit. While in use, bicycles, skateboards, scooters and in-line skates shall be operated in a safe, reasonable and prudent manner such as all wheels shall remain on the ground.

AMENDATORY SECTION (Amending Order 63, filed 5/18/88)

WAC 106-116-859 Enforcement. ~~((A skateboard user who refuses to abide by these regulations will be asked to leave the campus. Refusal to obey will subject the person to being cited for trespass under the provisions of chapter 9A.52 RCW.~~

If the user is a student, the student will be asked to remove the skateboard from use on campus.)) A person refusing to abide by these regulations will be asked to leave the campus. Refusal to leave will subject the person to being cited for trespass under the provisions of RCW 9A.52.070 and/or 9A.52.080, the Revised Code of Washington. If the violator is a student, they will be asked to abide by the regulations. If the student refuses, a proceeding may be initiated under chapter 106-120 WAC, the student judicial code.

WSR 02-18-078

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed August 30, 2002, 4:15 p.m.]

Date of Adoption: August 30, 2002.

Purpose: These rules clarify the application of Washington's estate tax imposed by chapter 83.100 RCW. The rules explain the nature of the estate tax, how property is valued, what property is subject to estate tax, how to calculate the tax, how to determine the tax liability of nonresidents, how to file the estate tax return and remit payment of the tax, and how the tax is administered.

The revised rules clarify when an estate tax return must be filed with Washington but not with the federal government, the due date for a state tax return and under what conditions an extension of such due date is available when an estate is required to file a state estate return but not a federal estate return, and that under Washington law 100% of the state death tax credit is to be collected. The new WAC 458-57-017 explains what property is subject to the generation-skipping transfer tax and the calculation of the tax.

Citation of Existing Rules Affected by this Order: Amending chapter 458-57 WAC, Estate and Transfer Tax Act, amending WAC 458-57-005 Nature of estate tax, definitions, 458-57-015 Valuation of property, property subject to estate tax, how to calculate the tax, 458-57-025 Determining the tax liability of nonresidents, 458-57-035 Washington estate tax return to be filed—Penalty for late filing—Interest on late payments—Waiver or cancellation of penalty—Application of payment and 458-57-045 Administration of the tax—Releases, amended returns, refunds, heirs of escheat estates; and new section WAC 458-57-017 Property subject to generation-skipping tax, how to calculate the tax, allocation of generation-skipping transfer exemption.

Statutory Authority for Adoption: RCW 83.100.200.

Adopted under notice filed as WSR 02-15-142 on July 22, 2002.

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 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 5, 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.

August 30, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 99-15-095, filed 7/21/99, effective 8/21/99)

WAC 458-57-005 Nature of estate tax, definitions. (1) Introduction. This rule describes the nature of Washington

state's estate tax as it is imposed by chapter 83.100 RCW (Estate and Transfer Tax Act). It also defines terms that will be used throughout chapter 458-57 WAC (Washington Estate and Transfer Tax Reform Act Rules).

(2) **Nature of Washington's estate tax.** The estate tax is neither a property tax nor an inheritance tax. It is a tax imposed on the transfer of the entire taxable estate and not upon any particular legacy, devise, or distributive share. (~~Washington's estate tax is structured so that if an estate does not exceed the unified credit allowed by the Internal Revenue Service (IRS), it will not owe any estate tax to the state of Washington. The state tax effectively shifts a portion of the federal estate tax obligation to the state. Details of the federal estate tax can be found in part 20, subchapter B, chapter I, title 26, Code of Federal Regulations (or chapter 11 of subtitle B of the Internal Revenue Code).)~~)

(a) The state of Washington operates under RCW 83.100.020, which references the Internal Revenue Code (IRC) as it existed January 1, 2001. Federal estate tax law changes enacted after January 1, 2001, do not apply to the reporting requirements of Washington's estate tax. For deaths occurring January 1, 2002, and after, Washington has different estate tax reporting requirements than those of the federal government. There will be estates that must file an estate tax return with the state of Washington, even though they are not required to file with the federal government. Washington will continue to collect 100% of the available state death tax credit under the 2001 IRC for all estates that must file a Washington return. The Washington State Estate and Transfer Tax Return and the instructions for completing the return can be found on the department's website at <http://www.dor.wa.gov/> under the heading titled forms. The return and instructions can also be obtained by calling the estate tax section at 360-753-5547 or 360-753-7518 or by writing to the following address:

State of Washington
Department of Revenue
Special Programs Division
P.O. Box 448
Olympia, WA 98507-0448

(b) The estate tax does not apply to completed absolute lifetime transfers. Section 2035(d) of the 2001 Internal Revenue Code generally exempts such transfers. To the extent permitted by this provision, lifetime transfers are not subject to Washington estate tax. The state of Washington does not have a gift tax.

(3) **Definitions.** The following terms and definitions are applicable throughout chapter 458-57 WAC:

- (a) "Decedent" means a deceased individual;
- (b) "Department" means the department of revenue, the director of that department, or any employee of the department exercising authority lawfully delegated to him by the director;
- (c) "Escheat" of an estate means that whenever any person dies, whether a resident of this state or not, leaving property in an estate subject to the jurisdiction of this state and without being survived by any person entitled to that same property under the laws of this state, such estate property

shall be designated escheat property and shall be subject to the provisions of RCW 11.08.140 through 11.08.280.

(d) "Federal credit" means the maximum amount of the credit for state taxes allowed by section 2011 of the 2001 Internal Revenue Code. This credit is calculated using an "adjusted taxable estate" figure, which is simply the taxable estate, less sixty thousand dollars. However, when the term "federal credit" is used in reference to a generation-skipping transfer (GST), it means the maximum amount of the credit for state taxes allowed by section 2604 of the 2001 Internal Revenue Code;

(e) "Federal return" means any tax return required by chapter 11 (Estate tax) or chapter 13 (Tax on generation-skipping transfers) of the 2001 Internal Revenue Code;

(f) "Federal tax" means tax under chapter 11 (Estate tax) of the 2001 Internal Revenue Code. However, when used in reference to a GST, "federal tax" means the tax under chapter 13 (Tax on generation skipping transfers) of the 2001 Internal Revenue Code;

(g) "Generation-skipping transfer" or "GST" means a "generation-skipping transfer" as defined and used in section 2611 of the 2001 Internal Revenue Code;

(h) "Gross estate" means "gross estate" as defined and used in section 2031 of the 2001 Internal Revenue Code;

(i) "Internal Revenue Code" or "IRC" means the United States Internal Revenue Code of 1986, as amended or renumbered on January 1, ((1995)) 2001;

(j) "Nonresident" means a decedent who was domiciled outside Washington at the time of death;

(k) "Person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity and, to the extent permitted by law, any federal, state, or other governmental unit or subdivision or agency, department, or instrumentality thereof;

(l) "Person required to file the federal return" means any person required to file a return required by chapter 11 or 13 of the 2001 Internal Revenue Code, such as the personal representative of an estate, a transferor, trustee, or beneficiary of a generation-skipping transfer, or a qualified heir with respect to qualified real property, as defined and used in section 2032A(c) of the 2001 Internal Revenue Code;

(m) "Person responsible," means the person responsible for filing the federal and state returns and is the same person described in subsection (l) above;

(n) "Property," when used in reference to an estate tax transfer, means property included in the gross estate. However, when used in reference to a generation-skipping transfer, "property" means all real and personal property subject to the federal tax;

(o) "Resident" means a decedent who was domiciled in Washington at time of death;

(p) "State return" means the Washington Estate Tax Return required by RCW 83.100.050;

(q) "Transfer" means "transfer" as used in section 2001 of the 2001 Internal Revenue Code, or a disposition or cessation of qualified use as defined and used in section 2032A of the 2001 Internal Revenue Code; and

(r) "Trust" means "trust" under Washington law and any arrangement described in section 2652 of the 2001 Internal Revenue Code.

AMENDATORY SECTION (Amending WSR 99-15-095, filed 7/21/99, effective 8/21/99)

WAC 458-57-015 Valuation of property, property subject to estate tax, how to calculate the tax. (1) **Introduction.** This rule is intended to help taxpayers determine and pay the correct amount of estate tax with their state return. It explains the necessary steps for determining the tax, and provides examples of how the federal estate tax unified credit relates to the amount that must be reported on the state return. (If a nonresident decedent has property located within Washington at the time of death refer to WAC 458-57-025 to determine the amount of tax payable to Washington.)

(2) **Valuation.** The value of every item of property in a decedent's gross estate is its fair market value. However, the personal representative may elect to use the alternate valuation method under section 2032 of the 2001 Internal Revenue Code (IRC), and in that case the value is the fair market value at that date, including the adjustments prescribed in that section of the IRC.

The valuation of certain farm property and closely held business property, properly made for federal estate tax purposes pursuant to an election authorized by section 2032A of the 2001 IRC, is binding for state estate tax purposes.

(3) **Property subject to estate tax.** The estate tax is imposed on transfers of the taxable estate, as defined in section 2051 of the 2001 IRC.

(a) The first step in determining the value of the decedent's taxable estate is to determine the total value of the gross estate. The value of the gross estate includes the value of all the decedent's tangible and intangible property at the time of death. In addition, the gross estate may include property in which the decedent did not have an interest at the time of death. A decedent's gross estate for federal estate tax purposes may therefore be different from the same decedent's estate for local probate purposes. Sections 2031 through 2046 of the 2001 IRC provide a detailed explanation of how to determine the value of the gross estate. The following are examples of items that may be included in a decedent's gross estate and not in the probate estate:

- (i) Certain property transferred by the decedent during the decedent's lifetime without adequate consideration;
- (ii) Property held jointly by the decedent and others;
- (iii) Property over which the decedent had a general power of appointment;
- (iv) Proceeds of certain policies of insurance on the decedent's life annuities; and
- (v) Dower and curtesy of a surviving spouse or a statutory estate in lieu thereof.

(b) The value of the taxable estate is determined by subtracting the authorized exemption and deductions from the value of the gross estate. Under various conditions and limitations, deductions are allowable for expenses, indebtedness, taxes, losses, charitable transfers, and transfers to a surviving spouse. Sections 2051 through 2056A of the 2001 IRC provide

a detailed explanation of how to determine the value of the taxable estate.

(4) **Imposition of Washington's estate tax.** A tax in an amount equal to the federal credit is imposed by RCW 83.100.030 upon the taxable estate of every decedent. Washington's estate tax is due in every case in which the ~~((federal))~~ gross estate tax exceeds the unified credit as specified in section 2010 of the 2001 IRC, and there is credit available to be taken, with the exception that all applicable federal estate tax credits are to be applied to the estate's ~~((federal))~~ tax liability before the state estate tax liability is computed. ~~((In no event will an estate pay more than the amount of the credit available to be taken.))~~

(a) The following tables ~~((is))~~ are taken from the 2001 IRC. ~~((It))~~ They show ~~((s))~~ the maximum amount of federal credit available for state death taxes. The amount of federal credit computed is also the amount of Washington estate tax due.

(i)

Worksheet

Adjusted Taxable Estate

1. Taxable estate (from Tax Computation, WA Form REV 85-0046, Line 3) \$.
2. Adjustment \$60,000
3. Adjusted taxable estate. Subtract line 2 from line 1. Use this amount to compute maximum credit for state death taxes in Table (ii).

(ii)

(A)—Taxable estate, equal to or more than...	(B)—and, Taxable estate, less than...	(C)—Base credit on amount in column (A)	(D)—Rate of credit on excess over amount in column (A) (AS A PERCENT)
\$ 0	\$ 40,000	\$ 0	0.0
\$ 40,000	\$ 90,000	\$ 0	0.8
\$ 90,000	\$ 140,000	\$ 400	1.6
\$ 140,000	\$ 240,000	\$ 1,200	2.4
\$ 240,000	\$ 440,000	\$ 3,600	3.2
\$ 440,000	\$ 640,000	\$ 10,000	4.0
\$ 640,000	\$ 840,000	\$ 18,000	4.8
\$ 840,000	\$ 1,040,000	\$ 27,600	5.6
\$ 1,040,000	\$ 1,540,000	\$ 38,800	6.4
\$ 1,540,000	\$ 2,040,000	\$ 70,800	7.2
\$ 2,040,000	\$ 2,540,000	\$ 106,800	8.0
\$ 2,540,000	\$ 3,040,000	\$ 146,800	8.8
\$ 3,040,000	\$ 3,540,000	\$ 190,800	9.6
\$ 3,540,000	\$ 4,040,000	\$ 238,800	10.4
\$ 4,040,000	\$ 5,040,000	\$ 290,800	11.2
\$ 5,040,000	\$ 6,040,000	\$ 402,800	12.0
\$ 6,040,000	\$ 7,040,000	\$ 522,800	12.8
\$ 7,040,000	\$ 8,040,000	\$ 650,800	13.6
\$ 8,040,000	\$ 9,040,000	\$ 786,800	14.4
\$ 9,040,000	\$ 10,040,000	\$ 930,800	15.2
\$ 10,040,000	\$ 1,082,800	16.0

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(b) The following are examples of how the estate tax is applied. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.

~~((i) A married woman dies, leaving her husband and children surviving. Her taxable estate, computed after allowance of the marital deduction, is \$700,000. The adjusted taxable estate is \$640,000 (\$700,000 - \$60,000). The Washington state estate tax due is \$18,000 (the base credit shown in column (C) on the first \$640,000).~~

~~(ii) A married man dies with all of his property passing to his wife, outright under a community property agreement. His marital deduction under section 2056 of the IRC reduces his federal taxable estate to zero. Because his taxable estate is zero, no Washington estate tax is due.~~

~~(iii) The federal taxable estate of a recent decedent is \$100,000. The adjusted taxable estate is \$40,000 (\$100,000 - \$60,000). No Washington estate tax is due. Section 2011 of the IRC provides for no credit unless the adjusted taxable estate exceeds \$40,000.~~

~~(iv) One year before a widower's death, he makes an absolute transfer of almost all of his property to his son. The widower's federal tax liability was computed on the basis of an "adjusted taxable gifts" value of \$750,000 (the amount of the transfer to the son) and a taxable estate of \$3,000 (the remainder of the widower's estate). Since no federal credit is available on an estate valued at \$3,000, no Washington estate tax is due, and there is no Washington gift tax.~~

~~(v) A widow dies, leaving a taxable estate of \$290,000. The amount of tax payable to the state of Washington, equivalent to the federal death tax credit, is computed as follows: Taxable estate of \$290,000, less \$60,000, equals an adjusted taxable estate of \$230,000. The unified credit (IRC Section 2011) on the first \$140,000 is \$1,200. The credit for the \$90,000 increment (\$230,000 - \$140,000) is \$2,160 (2.4% of \$90,000). The total Washington estate tax liability is \$3,360 (\$1,200 + \$2,160).~~

~~(vi) A widower dies, leaving a taxable estate of \$678,000. The amount of tax payable to the state of Washington, equivalent to the federal credit for state death taxes (section 2011 of the IRC), is computed as follows: Taxable estate of \$678,000, less \$60,000, equals an adjustable taxable estate of \$618,000. The table in subsection (4)(a) of this rule shows that the federal credit for state death taxes on the first \$440,000 is \$10,000. The credit for the \$178,000 increment (\$618,000 - \$440,000) is \$7,120 (.04 x \$178,000). The total Washington estate tax liability appears to be \$17,120 (\$10,000 + \$7,120).~~

~~However, when the person responsible calculates the federal estate tax and files the federal estate tax return for this widower's estate, he/she is able to apply other applicable federal estate tax credits before any of the credit for state death taxes is applied. In the end, only \$10,360 of the credit for state death taxes is applied to the federal estate tax, which leaves no payment due on the federal return. Since the amount of state estate tax liability cannot exceed the amount of state death tax credit actually applied to the federal tax, the amount of state estate tax due on the state return is limited to \$10,360.))~~

(i) A married woman dies in the year 2002, leaving her husband and children surviving. Her taxable estate, computed after allowance of the marital deduction, is \$900,000. The adjusted taxable estate is \$840,000 (\$900,000 - \$60,000). The Washington state estate tax due is \$27,600 (the base credit shown in column (C) on the first \$840,000).

(ii) A married man dies with all of his property passing to his wife, outright under a community property agreement. His marital deduction under section 2056 of the 2001 IRC reduces his federal taxable estate below the applicable exclusion amount. Because his taxable estate is below the applicable exclusion amount, no Washington estate tax is due.

(iii) The federal taxable estate of a decedent is \$100,000 (before gifts are added, which place the estate into a taxable category). The adjusted taxable estate is \$40,000 for state estate tax purposes (\$100,000 - \$60,000). No Washington estate tax is due because section 2011 of the 2001 IRC provides for no credit unless the adjusted taxable estate exceeds \$40,000. *Gifts can push an estate into a taxable category.

(iv) A widow dies in 2003, leaving a taxable estate of \$725,000. The amount of tax payable to the state of Washington is computed as follows: Taxable estate of \$725,000 less \$60,000 equals an adjusted taxable estate of \$665,000. The state death tax credit (2001 IRC section 2011) on the first \$640,000 is \$18,000. The state death tax credit for the \$25,000 increment (\$665,000 - \$640,000) is \$1,200 (4.8% of \$25,000). The total Washington estate tax liability is \$19,200 (\$18,000 + \$1,200) however, the state estate tax cannot exceed the adjusted gross estate tax (line 14) which in this case would be \$9,250. Therefore, the state estate tax would be \$9,250 because it is the lower of the two. This occurs in a small window over the applicable exemption threshold amount.

NEW SECTION

WAC 458-57-017 Property subject to generation-skipping transfer tax, how to calculate the tax, allocation of generation-skipping transfer exemption. (1) Introduction. This rule is intended to help taxpayers determine and pay the correct amount of generation-skipping transfer (GST) tax with their state return. It explains what property is subject to the tax, the calculation of the tax, and the allocation of the generation-skipping transfer exemption.

(2) Property subject to generation-skipping transfer tax. If real or tangible personal property subject to federal GST tax, as defined and used in section 2611 of the 2001 IRC, is located in this state or if the trust has its principal place of administration in this state at the time of the generation-skipping transfer, a tax in an amount equal to the federal credit provided by section 2604 of the 2001 IRC is imposed on every generation-skipping transfer.

(3) Calculation of the tax. The allowable Washington credit equals the federal GST tax on the transfer multiplied by 5% (.05). If state GST tax credit was paid to another state(s), the taxpayer must attach evidence of the credit paid to the Washington return. The Washington State Estate and Transfer Tax Return and the instructions for calculating the GST tax can be found on the department's website at

<http://www.dor.wa.gov/> under the heading titled forms. The return and instructions can also be obtained by calling the estate tax section at 360-753-5547 or 360-753-7518 or by writing to the following address:

State of Washington
Department of Revenue
Special Programs Division
P.O. Box 448
Olympia, WA 98507-0448

(4) Allocation of generation-skipping transfer exemption. The allocation(s) of the GST exemption for Washington purposes will be the same as the allocation(s) made for federal GST exemption purposes up to the amount allowed by section 2631 of the 2001 IRC.

AMENDATORY SECTION (Amending WSR 99-15-095, filed 7/21/99, effective 8/21/99)

WAC 458-57-025 Determining the tax liability of nonresidents. (1) **Introduction.** This rule discusses how property of nonresident decedents is taxed if that property is located within Washington at the time of death.

(2) **Nonresident decedents and Washington's estate tax.** If any decedent has tangible personal property and/or real property located in Washington state at the time of death, that property is subject to Washington's estate tax.

(a) **The reciprocity exemption.** A nonresident decedent's estate is exempt from Washington's estate tax if the nonresident's state of domicile exempts the property of Washington residents from estate, inheritance, or other death taxes normally imposed by the domicile state. The nonresident decedent must have been a citizen and resident of the United States at the time of death. Also, at the time of death the laws of the domicile state must have made specific reference to this state, or must have contained a reciprocal provision under which nonresidents of the domicile state were exempted from applicable death taxes with respect to property or transfers otherwise subject to the jurisdiction of that state.

In those instances where application of this provision results in loss of available federal credit which would otherwise be allowed for federal tax purposes, Washington will absorb that proportional share which is applicable to property within the jurisdiction of this state. Application of this provision will not act to increase the total tax obligation of the estate.

(b) **Property of a nonresident's estate which is located in Washington.** A nonresident decedent's estate may have either real property or tangible personal property located in Washington at the time of death.

(i) All real property physically situated in this state, with the exception of federal trust lands, and all interests in such property, are deemed "located in" Washington. Such interests include, but are not limited to:

- (A) Leasehold interests;
- (B) Mineral interests;
- (C) The vendee's (but not the vendor's) interest in an executory contract for the purchase of real property;
- (D) Trusts (beneficial interest in trusts of realty); and

(E) Decedent's interest in jointly owned property (e.g., tenants in common, joint with right of survivorship).

(ii) Tangible personal property of a nonresident decedent shall be deemed located in Washington only if:

(A) At the time of death the property is situated in Washington; and

(B) It is present for a purpose other than transiting the state.

(iii) For example, consider a nonresident decedent who was a construction contractor doing business as a sole proprietor. The decedent was constructing a large building in Washington. At the time of death, any of the decedent's equipment that was located at the job site in Washington, such as tools, earthmovers, bulldozers, trucks, etc., would be deemed located in Washington for estate tax purposes. Also, the decedent had negotiated and signed a purchase contract for speculative property in another part of Washington. For estate tax purposes, that real property should also be considered a part of the decedents' estate located in Washington.

(c) **Formula to calculate Washington's estate tax for nonresident decedents.** The amount of tax payable to Washington for a nonresident decedent equals the amount of federal credit multiplied by a fraction, the numerator of which is the value of the property located in Washington, and the denominator of which is the value of the decedent's gross estate. Restated: $\text{Federal Credit} \times (\text{Gross Value of Property in Washington} / \text{Decedent's Gross Estate}) = \text{Amount of Washington Estate Tax Due}$. This formula uses the gross value determined for ((federal)) estate tax purposes of any property located in Washington. No reduction will be allowed for any mortgages, liens, or other encumbrances or debts associated with such property except to the extent allowable in computing the gross estate for ((federal)) estate tax purposes.

AMENDATORY SECTION (Amending WSR 00-19-012, filed 9/7/00, effective 10/8/00)

WAC 458-57-035 Washington estate tax return to be filed—Penalty for late filing—Interest on late payments—Waiver or cancellation of penalty—Application of payment. (1) **Introduction.** This rule discusses the due date for filing of Washington's estate tax return and payment of the tax due. It explains that a penalty is imposed on the taxes due with the state return when the return is not filed on or before the due date, and that interest is imposed when the tax due is not paid by the due date. The rule also discusses the limited circumstances under which the law allows the department of revenue to cancel or waive the penalty, and the procedure for requesting that cancellation or waiver. The Washington State Estate and Transfer Tax Return and the instructions for completing return can be found on the department's website at <http://www.dor.wa.gov/> under the heading titled forms. The return and instructions can also be obtained by calling the estate tax section at 360-753-5547 or 360-753-7518 or by writing to the following address:

State of Washington
Department of Revenue
Special Programs Division
P.O. Box 448

Olympia, WA 98507-0448

(2) Filing the state return—Payment of the tax due.

The Washington estate tax return (state return) referred to in RCW 83.100.050 and a copy of the federal estate tax return (federal return), if one must be filed ((on or before the date that the federal return is required to be filed)), is due nine months from the date of the decedent's death. The tax due with the state return must be paid on or before the due date ((that the federal estate tax is required to be paid)).

(a) Section 6075 of the 2001 Internal Revenue Code (IRC) requires that the federal return be filed within nine months after the date of the decedent's death. In the case of any estate for which a federal return must be filed under the current IRC, a state return must be filed with the Washington state department of revenue (department) on or before the date on which the federal return is required to be filed. (This may include a federally granted extension of time for filing. See subsection (2)(b).)

(b) Extensions to file or extensions for payment of tax for estates that must file a federal estate tax return.

(i) Section 6081 of the 2001 IRC permits the granting of a reasonable extension of time for filing the federal return, generally not to exceed six months from the original due date. If a federal extension of the time to file is granted, the personal representative is required to file a true copy of that extension with the department on or before the original due date, or within thirty days of the issuance of the federal extension, whichever is later. RCW 83.100.050(2). If the personal representative fails to do so, the department may require the personal representative to file the state return on the date that the federal return would have been due had the federal extension not been granted.

~~((e))~~ (ii) When the personal representative obtains an extension of time for payment of the federal tax, or elects to pay that tax in installments, the personal representative may choose to pay the state estate tax over the same time period and in the same manner as the federal tax. The personal representative is required to file a true copy of that extension with the department on or before the original due date, or within thirty days of the issuance of the federal extension, whichever is later. RCW 83.100.060(2). If the personal representative fails to do so, the department may require the personal representative to pay the state tax on the date that the federal tax would have been due had the federal extension not been granted.

(c) Extensions to file for estates that are not required to file a federal estate tax return. For those estates that are not required to file a federal return, the personal representative may request a one-time automatic six-month extension to file. The request must be in writing and acknowledge that interest will begin to accrue from the original due date of the state return. The written request for the extension must be made prior to the date the state return is due.

(d) Extension to pay tax owed for estates that are not required to file a federal estate tax return. For those estates that are not required to file a federal return, the personal representative may request an extension of time for paying the tax owed when payment of the tax would cause an undue hardship upon the estate or for a payment plan for

closely held businesses. The granting of an extension of time to pay the tax owed or for a payment plan for closely held business will not operate to prevent the running of interest. RCW 83.100.070.

(i) Hardship extensions to pay.

(A) In any case in which the department finds that payment, on the due date prescribed, or any part of a deficiency would impose undue hardship upon the estate, the department may extend the time for payment for a period or periods not to exceed one year for any one period and for all periods not to exceed four years from the original due date of payment.

(B) The extension will not be granted upon a general statement of hardship. The term "undue hardship" means more than an inconvenience to the estate. It must appear that a substantial financial loss, for example, due to the sale of property at a sacrifice price, will result to the estate from making payment of the tax owed at the date payment is due. If a market exists, a sale of property at the current market price is not ordinarily considered as resulting in an undue hardship. No extension will be granted if the deficiency is due to negligence or intentional disregard of rules and regulations or to fraud with intent to evade the tax.

(C) An application for such an extension must be in writing and must contain, or be supported by, information in a written statement declaring that it is made under penalties of perjury showing the undue hardship that would result to the estate if the extension were refused. The application, with the supporting information, must be filed with the department. When received, it will be examined, and, if possible, within thirty days will be denied, granted, or tentatively granted subject to certain conditions of which the personal representative will be notified. The department will not consider an application for such an extension unless it is applied for on or before the due date for payment. If the personal representative desires to obtain an additional extension, it must be applied for on or before the date of the expiration of the previous extension.

(D) The amount of tax owed for which an extension is granted, along with interest as determined by RCW 83.100.070, shall be paid on or before the expiration of the period of extension without the necessity of notice and demand from the department.

(ii) Payment plans for closely held businesses. The department will abide by the provisions of section 6166 of the 2001 IRC for the granting of payment plans for closely held businesses.

(e) The department shall issue a release when Washington's estate tax has been paid. Upon issuance of a release, all property subject to the tax shall be free of any claim for the tax by the state. RCW 83.100.080.

(3) The late filing penalty. If the state return is not filed by the due date, or any extension of the state return's due date, the person required to file the ~~((federal))~~ return may be subject to a late filing penalty.

(a) When does the penalty apply? This penalty applies if the person required to file the ~~((federal))~~ return has not timely filed the state return with the department prior to being notified by the department, in writing, of the necessity to file the state return. The late payment penalty is equal to five per-

cent of the tax due for each month during which the state return has not been filed, not to exceed the lesser of twenty-five percent of the tax or one thousand five hundred dollars. RCW 83.100.070.

~~((a))~~ (b) **How is the penalty computed?** The penalty is the equivalent of five percent for each month, but is accrued on a daily basis for those periods less than a month. For any portion of a month, it is calculated by taking the five percent monthly rate and dividing it by the number of days from the beginning of the month through the date the return is filed, including the filing date.

For example, assume a state return is due on February 3rd but is not filed until April 20th of the same year. The state return is delinquent starting with February 4th. The amount of tax due with the state return is \$10,000.

(i) The penalty should be computed as follows:

Feb 4-Mar 3	\$10,000 tax at 5% per month	\$500.00
Mar 4-Apr 3	\$10,000 tax at 5% per month	\$500.00
Apr 4-Apr 20	\$10,000 tax at .1667% x 17 days	\$283.39
Total delinquent penalty due on April 20th filing date		\$1,283.39

(ii) In this example, the first two calendar months are complete and incur the full five percent penalty. The last portion of a month is a total of seventeen days, including both April 4th and April 20th. Since April has thirty days total, the five percent monthly rate is divided by the thirty days in April to arrive at a daily rate of .001667 (or .1667 percent). The daily rate is then multiplied by the seventeen days of penalty accrual to arrive at the total percentage of penalty due for that portion of a month (.001667 x 17 days = .028339 or 2.8339 percent).

~~((b) If a federal extension of the due date is requested, the penalty provided for late filing of the state return will be imposed if the state return is filed after the due date and the federal extension is ultimately denied.))~~

(4) **Interest is imposed on late payment.** The department is required by law to impose interest on the tax due with the state return if payment of the tax is not made on or before the due date. RCW 83.100.070. Interest applies to the delinquent tax only, and is calculated from the due date until the date of payment. Interest imposed for periods after December 31, 1996, will be computed at the annual variable interest rate described in RCW 82.32.050(2). Interest imposed for periods prior to January 1, 1997, will be computed at the rate of twelve percent per annum.

(5) **Waiver or cancellation of penalties.** RCW 83.100.070(3) authorizes the department to waive or cancel the penalty for late filing of the state return under limited circumstances.

(a) **Claiming the waiver.** A request for a waiver or cancellation of penalties should contain all pertinent facts and be accompanied by such proof as may be available. The request must be made in the form of a letter and submitted to the department's special programs division. The person responsible bears the burden of establishing that the circumstances were beyond the responsible person's control and directly caused the late filing. The department will cancel or waive

the late filing penalty imposed on the state return when the delinquent filing is the result of circumstances beyond the control of the person responsible for filing of the state return. The person responsible for filing the state return is the same person who is responsible for filing the federal return.

(b) **Circumstances eligible for waiver.** In order to qualify for a waiver of penalty the circumstances beyond the control of the person responsible for filing the state return must directly cause the late filing of the return. These circumstances are generally immediate, unexpected, or in the nature of an emergency. Such circumstances result in the person responsible not having reasonable time or opportunity to obtain an extension of their due date (see subsection (2)(b)) or to otherwise timely file the state return. Circumstances beyond the control of the responsible person include, but are not necessarily limited to, the following:

(i) The delinquency was caused by the death or serious illness of the person responsible for filing the state return or a member of the responsible person's immediate family. In order to qualify for penalty waiver, the death or serious illness must directly prevent the person responsible from having reasonable time or opportunity to arrange for timely filing of the state return. Generally, the death or serious illness must have occurred within sixty days prior to the due date, provided that a valid state return is filed within sixty days of the due date.

(ii) The delinquency was caused by an unexpected and unavoidable absence of the person responsible. Generally, this absence must be within sixty days prior to the due date, provided that a valid state return is filed within sixty days of the due date. "Unavoidable absence of the person responsible" does not include absences because of business trips, vacations, personnel turnover, or personnel terminations.

(iii) The delinquency was caused by the destruction by fire or other casualty of estate records necessary for completion of the state return.

(iv) An estate tax return was timely filed, but was filed incorrectly with another state due to an issue of the decedent's domicile.

(v) A Washington estate tax return was properly prepared and timely filed, but was sent to the location for filing of the federal estate tax return.

(6) **Waiver or cancellation of interest.** Title 83 RCW (Estate Taxation) does not provide any circumstances that allow for waiver of the interest, even though penalty may be waived under limited circumstances (see subsection (5)).

(7) **Application of payment towards liability.** The department will apply taxpayer payments first to interest, next to penalties, and then to the tax, without regard to any direction of the taxpayer.

AMENDATORY SECTION (Amending WSR 00-19-012, filed 9/7/00, effective 10/8/00)

WAC 458-57-045 Administration of the tax—Releases, amended returns, refunds, heirs of escheat estates. (1) Introduction. This rule contains information on releases issued by the department for state estate taxes paid. It explains how and when an amended state return should be

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filed. The rule also gives several requirements for notification to the department when a claimed heir to an escheat estate is located.

(2) **Releases.** When the state estate taxes have been paid in full, the department will issue a release to the personal representative upon request. The request will include a completed state return and a copy of the completed federal return, if one was filed. The final determination of the amount of taxes due from the estates that have filed federal returns is contingent on receipt of a copy of the final closing letter issued by the Internal Revenue Service (IRS). The department may require additional information to substantiate information provided by ~~((the))~~ those estates that are not required to file federal returns. The release issued by the department will not bind or estop the department in the event of a misrepresentation of facts.

(3) **Amended returns.** An amended state return must be filed with the department within five days after any amended federal return is filed with the IRS and must be accompanied by a copy of the amended federal return. For those estates that are not required to file a federal return, an amended estate tax return must be received within three years from the date the original estate tax return was filed or within two years of paying the tax, whichever is later.

(a) Any time that the amount of federal tax due is adjusted or when there is a final determination of the federal tax due the person responsible must give written notification to the department. This notification must include copies of any final examination report, any compromise agreement, the state tax closing letter, and any other available evidence of the final determination.

(b) If any amendment, adjustment or final determination results in additional state estate tax due, interest will be calculated on the additional tax due at the annual variable interest rate described in RCW 82.32.050(2).

(4) **Refunds.** Only the personal representative or the personal representative's retained counsel may make a claim for a refund of overpaid tax. If the application for refund, with supporting documents, is filed within four months after an adjustment or final determination of tax liability, the department shall pay interest until the date the refund is mailed. If the application for refund, with supporting documents, is filed after four months after the adjustment or final determination, the department shall pay interest only until the end of the four-month period. Any refund issued by the department will include interest at the existing statutory rate defined in RCW 82.32.050(2), computed from the date the overpayment was received by the department until the date it is mailed to the estate's representative. RCW 83.100.130(2).

(5) **Heirs of escheat estates.** Heirs to an estate may be located after the estate escheats to Washington. The personal representative of an escheat estate or a claimed heir must provide the department with all information and documentary evidence available that supports the heir's claim. All supporting documents must be in the English language when submitted to the department. The English translation of any foreign document shall be authenticated as reasonably required by the department.

(a) In all cases where there is a court hearing or the taking of a deposition on the question of a claimed heir, the personal representative shall give the department twenty days' written notice of such hearing or matter.

(b) The personal representative must give the department at least twenty days' written notice of the hearing on the final account and petition for distribution.

(c) The department has no statutory authority to pay interest on escheat refunds.

WSR 02-18-083
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 30, 2002, 4:26 p.m., effective October 1, 2002]

Date of Adoption: August 30, 2002.

Purpose: Amend existing rule to comply with federal requirements.

The Division of Employment and Assistance Programs is amending WAC 388-434-0010 How do I get recertified for food assistance benefits?, to comply with federal regulations on clients applying for food assistance after their certification period in WAC 388-416-0005 has ended.

Citation of Existing Rules Affected by this Order: Amending WAC 388-434-0010.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.04.510.

Other Authority: Title 7, Chapter II, Part 273 of the Code of Federal Regulations.

Adopted under notice filed as WSR 02-15-118 on July 18, 2002.

Changes Other than Editing from Proposed to Adopted Version: The only change from the proposed rule was editorial and does not change the meaning of the rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: October 1, 2002.

August 29, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

PERMANENT

AMENDATORY SECTION (Amending WSR 01-15-011, filed 7/6/01, effective 8/1/01)

WAC 388-434-0010 How do I get ~~((recertified for))~~ food assistance benefits after my certification period has ended? To keep getting food assistance benefits after your certification period in WAC 388-416-0005 has ended, we must determine if you are still eligible for benefits. This is called recertification.

(1) ~~To ~~((complete the recertification process))~~ be recertified for food assistance, you must:~~

(a) ~~((Submit))~~ Turn in and sign an application for benefits as required under WAC 388-406-0010. If you complete an electronic application, your signature is the password you use to complete the electronic application; ~~((and))~~

(b) Complete an interview if you are required to have an interview under WAC 388-452-0005; and

(c) ~~Submit needed proof of your circumstances if we ~~((the department))~~ ask for it.~~

(2) ~~((You have thirty days after your certification period ends to complete the recertification process. However,))~~ If you reapply timely and ~~((complete the recertification process))~~ get recertified before your certification period ends, we will keep depositing your benefits ~~((continue to be deposited))~~ into your EBT (electronic benefit transfer) account on the same day of the month. To reapply timely, we must get your application ~~((no later than))~~ by:

(a) The fifteenth day of the last month of your certification period; or

(b) The fifteenth day after you get ~~((a notice of eligibility))~~ your approval letter for food assistance when your certification period is two months or less.

(3) When we decide if you are eligible for benefits, we will send you a letter to tell you that your benefits have been approved or denied as required under chapter 388-458 WAC. If you reapply timely and complete the ~~((recertification process))~~ steps required in subsection (1), you get ~~((a notice of))~~ the approval or denial letter:

(a) By the end of your current certification period if you completed the steps required in subsection (1) by the fifteenth day of the last month of your certification period; or

(b) By the thirtieth day after you got your last benefit amount ~~((in full))~~ if you were certified for one month.

(4) ~~((If you reapply before your certification period ends, but fail to take a required action such as completing an interview or providing proof of your eligibility, we may deny your benefits:~~

~~(a) At that time; or~~

~~(b) At the end of the certification period; or~~

~~(c) At the end of thirty days))~~ If you do not turn in an application form by the end of your current certification period, you have not taken the action we require for you to get ongoing food assistance benefits. Your food assistance benefits stop at the end of your certification period.

(5) ~~If you ~~((take the required action))~~ turn in your application before your certification period ends, we start your food assistance from the first of the month of your new certification period ~~((~~~~

~~(6) If you take the required action within thirty days after your certification period ends, we start your food assistance from:~~

~~(a) The first of the month of your new certification period if we caused the delay; or~~

~~(b) The first of the month of your new certification period if we rescheduled a second interview per your request and you attended the rescheduled interview; or~~

~~(c) The date you take the required action.~~

~~(7) If you reapply after your certification period ends, your request is treated like an initial application and will be approved or denied under WAC 388-406-0035.~~

~~(8) See chapter 388-458 WAC for adequate notice and translation requirements))~~ after we determine if you are eligible for food assistance. If you do not reapply timely, your benefits for the first month of your new certification period may be delayed.

(6) If you turn in your application after your certification period ends, we treat the application as a new application for benefits. We start your food assistance from the date you turned in the application after we determine if you are eligible for food assistance.

WSR 02-18-087

PERMANENT RULES

HEALTH CARE AUTHORITY

[Order 02-02—Filed September 3, 2002, 10:12 a.m.]

Date of Adoption: September 3, 2002.

Purpose: (1) To implement the health insurance program for blind vendors and adopt rules to effectuate changes to participation provisions applicable to K-12 school districts and educational service districts that participate in the Public Employees Benefits Board (PEBB) benefits program, as enacted by the 2002 legislature; and (2) to clarify the requirements for certification of disabled dependents and clarify the effective date of the provision which allows PEBB retirees to waive medical and dental.

Citation of Existing Rules Affected by this Order: Amending WAC 182-12-111, 182-12-119, 182-12-132, and 182-12-230.

Statutory Authority for Adoption: RCW 41.05.160.

Adopted under notice filed as WSR 02-15-177 on July 24, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 3, 2002

Melodie H. Bankers

Rules Coordinator

AMENDATORY SECTION (Amending Order 99-04, filed 9/8/99, effective 10/9/99)

WAC 182-12-111 Eligible entities and individuals.

The following entities and individuals shall be eligible to participate in PEBB insurance plans subject to the terms and conditions set forth below:

(1) State agencies. Every department, division, or separate agency of state government, including all state higher education institutions, including the higher education coordinating board, and the state board for community and technical colleges is eligible and required to participate in all PEBB approved plans. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

Employees of technical colleges previously enrolled in a benefits trust may terminate PEBB coverage by January 1, 1996, or the expiration of the current collective bargaining agreements, whichever is later. Employees electing to terminate PEBB coverage have a one-time re-enrollment option after a five year wait. Employees of a bargaining unit may terminate only as an entire bargaining unit. All administrative or managerial employees may terminate only as an entire unit.

Technical colleges with employees enrolled in a benefits trust shall remit to the HCA a retiree remittance as specified in the omnibus appropriations act, for each full-time employee equivalent. The remittance may be prorated for employees receiving a prorated portion of benefits.

(2) ~~((Employees—of))~~ Employee organizations, Employee organizations representing state civil service employees, ~~((at the option of each employee organization,))~~ and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, may participate in PEBB-sponsored benefits at the option of ((such)) each employee organization provided:

(a) All eligible employees of the entity transfer to PEBB plan coverage as a unit. If the group meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group, and the nonrepresented employees may elect to participate separately from the whole group provided all nonrepresented employees join as a group.

(b) The PEBB medical plans are the only employer sponsored medical plans available to all eligible employees.

(c) The legislative authority of the entity or the board of directors submits an application together with employee census data and, if available, prior claims experience of the entity to the HCA. The application to participate in the PEBB plans is subject to the approval of the HCA.

(d) The legislative authority or the board of directors agrees to maintain its PEBB plan participation for a mini-

um of one full year, and then through the end of the plan year.

(e) The terms and conditions for the payment of the insurance premiums shall be set forth in the provisions of the bargaining agreement or terms of employment and shall comply with the employer contribution requirements specified in the governing statute. These provisions, including eligibility, shall be subject to review and approval by the HCA at the time of application for participation. Any substantive changes will be submitted to HCA.

(f) The eligibility requirements for dependents shall be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(g) The legislative authority or the board of directors shall provide the HCA written notice of its intent to terminate PEBB plan participation no later than thirty days prior to the effective date of termination. If the employee organization terminates coverage in PEBB insurance plans, retired and disabled employees who began participating after September 15, 1991, will no longer be eligible to participate in PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

(3) Blind vendors as defined in RCW 74.18.200: Vendors actively operating a business enterprise program facility in the state of Washington and deemed eligible by the department of services for the blind may voluntarily participate in PEBB insurance programs.

(a) Vendors that do not enroll when first eligible may enroll during the annual open enrollment period offered by the health care authority or first of the month following loss of other coverage.

(b) Department of services for the blind will notify eligible vendors of their eligibility in advance of the date that they are eligible to apply for enrollment in PEBB insurance programs.

(c) The eligibility requirements for dependents of blind vendors shall be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

~~((3))~~ (4) Local governments: Employees of a ~~((school district, educational service district,))~~ county, municipality, or other political subdivision of the state may participate in PEBB insurance programs provided:

(a) All eligible employees of the entity transfer to PEBB plan coverage as a unit. If the employer group meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group, and the nonrepresented employees may elect to participate separately from the whole group provided all nonrepresented employees join as a group.

~~((The legislative authority or the board of directors obligates itself to participate in all PEBB insurance plans.))~~ The PEBB medical ~~((must be))~~ plans are the only employer sponsored medical plans available to all eligible employees.

(c) The legislative authority of the entity or the board of directors submits an application together with employee census data and, if available, prior claims experience of the entity to the HCA. The application to participate in the PEBB plans is subject to the approval of the HCA.

(d) The legislative authority or the board of directors agrees to maintain its PEBB plan participation for a minimum of one full year, and then through the end of the plan year.

(e) The terms and conditions for the payment of the insurance premiums shall be set forth in the provisions of the bargaining agreement or terms of employment and shall comply with the employer contribution requirements specified in the governing statute. These provisions, including eligibility, shall be subject to review and approval by the HCA at the time of application for participation. Any substantive changes will be submitted to HCA.

(f) The eligibility requirements for dependents of local government employees shall be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(g) The legislative authority or the board of directors shall provide the HCA written notice of its intent to terminate PEBB plan participation no later than thirty days prior to the effective date of termination. If a county, municipality, or political subdivision (~~(, or employees of employee organizations as defined in WAC 182-12-111(2))~~) terminates coverage in PEBB insurance plans, retired and disabled employees who began participating after September 15, 1991, will no longer be eligible to participate in PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

~~((4))~~ (5) K-12 school districts and educational service districts: Employees of school districts or educational service districts may participate in PEBB insurance programs provided:

(a) All eligible employees of the entity transfer to PEBB plan coverage as a unit. If the K-12 school district or educational service district meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group. For the purpose of enrolling by bargaining unit, all nonrepresented employees will be considered a single bargaining unit.

(b) The school district or educational service district must submit an application together with employee census data and, if available, prior claims experience of the entity to the HCA. The application to participate in the PEBB plans is subject to the approval of the HCA.

(c) The school district or educational service district obligates itself to participate in all PEBB insurance plans. The PEBB medical plans are the only employer sponsored medical plans available to all eligible employees.

(d) The school district or educational service district agrees to maintain its PEBB plan participation for a minimum of one full year, and then through the end of the plan year.

(e) School districts or educational service districts that begin participation on or after September 1, 2002, will pay the same composite rate as state agencies. The premium charged to eligible employees will be the same as that charged to state employees. The eligibility requirements for employees will be the same as those for state employees as defined in WAC 182-12-115.

(f) The eligibility requirements for dependents of K-12 school district and educational service district employees

shall be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(g) The school district or educational district shall provide the HCA written notice of its intent to terminate PEBB plan participation no later than thirty days prior to the effective date of termination.

(6) Eligible nonemployees:

(a) Dislocated forest products workers enrolled in the employment and career orientation program pursuant to chapter 50.70 RCW shall be eligible for PEBB medical and dental plan coverage while enrolled in that program.

(b) School board members or students eligible to participate under RCW 28A.400.350.

AMENDATORY SECTION (Amending Order 00-02, filed 12/19/00, effective 1/19/01)

WAC 182-12-119 Eligible dependents. "Eligible dependents." The following are eligible as dependents under the PEBB eligibility rules:

(1) Lawful spouse or "qualified domestic partner" (same sex domestic partner qualified through the declaration certificate issued by the health care authority).

(2) Dependent children through age nineteen. The term "children" includes the subscriber's natural children, stepchildren, legally adopted children, children for whom the subscriber has assumed a legal obligation for total or partial support of a child in anticipation of adoption of the child, children of the subscriber's qualified domestic partner, or children specified in a court order or divorce decree. Married children who qualify as dependents of the subscriber under the Internal Revenue Code, and extended dependents approved by the HCA are included. To qualify for HCA approval, the subscriber must demonstrate legal custody for the child with a court order, and:

(a) Be living with the subscriber in a parent-child relationship;

(b) Be dependent upon the subscriber for financial support; and

(c) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(3) Dependent children age twenty through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters or two semesters and for the quarter following graduation provided the employee/retiree is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(4) Dependent children of any age who are incapable of self-support due to developmental or physical disability, provided such condition occurs prior to age twenty or during the time the dependent was covered under a PEBB plan as a full-time student. Proof of such disability (~~and dependency~~) must be furnished prior to the dependent's attainment of age

twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(5) Dependent parents. Dependent parents covered under a PEBB medical plan before July 1, 1990, may continue enrollment on a self-pay basis as long as:

(a) The parent maintains continuous coverage in a PEBB-sponsored medical plan;

(b) The parent continues to qualify under the Internal Revenue Code as a dependent of an eligible subscriber;

(c) The subscriber who claimed the parent as a dependent continues enrollment in a PEBB program; and

(d) The parent is not covered by any other group medical insurance. Dependent parents may be enrolled in a different PEBB plan than that selected by the eligible subscriber; however, dependent parents may not add additional family members to their coverage.

(6) Surviving dependents.

(a) The following surviving dependents may continue their medical and dental coverages on a self-pay basis:

(i) If a dependent loses eligibility under a PEBB plan due to the death of the employee, the dependent(s) may continue coverage under a retiree plan provided the dependent(s) will immediately begin receiving a monthly benefit from any state of Washington-sponsored retirement system (the Federal Civil Service Retirement System shall be considered a Washington sponsored retirement system for Washington State University cooperative extension service employees who held a federal civil service appointment and who were covered under the PEBB program at the time of death).

(ii) If a surviving dependent of a PEBB employee is not eligible for a monthly retirement income benefit, or lump-sum payment because the monthly pension payment would be less than \$50, the dependent may be eligible for continued coverage under COBRA.

(iii) Dependents of retirees enrolled in the retiree's PEBB plan or waiving coverage under a PEBB plan while eligible for an employer sponsored medical plan at the time of the retiree's death are eligible to continue PEBB retiree coverage.

(iv) Surviving spouses and/or eligible dependent children of a deceased school district or educational service district employee who were not enrolled in a PEBB plan at the time of death may continue coverage provided the employee died on or after October 1, 1993 and the dependent(s) immediately began receiving a retirement benefit allowance under chapter 41.32 or 41.40 RCW.

(b) Application for surviving dependent(s) coverage must be made in writing on the enrollment form approved by the health care authority within sixty days from the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree coverage terminated subject to the payment of the premium. In order to avoid duplication of group medical coverage, surviving dependents may defer or waive their enrollment in the PEBB coverage each full calendar month in which they maintain coverage under an employer sponsored medical plan. Notice of intent to waive PEBB coverage must be sent in writing to the Washington state health care authority. When an employer sponsored medical plan ends, surviving dependent(s) must submit an application to enroll in a PEBB plan within sixty days of the last day of coverage under the employer sponsored medical

plan. Satisfactory evidence of continuous enrollment in an employer sponsored medical plan will be required by the Washington state health care authority prior to enrollment in a PEBB plan. The employee's or retiree's spouse or qualified domestic partner may continue coverage indefinitely; other dependents may continue coverage until they lose eligibility under PEBB rules.

AMENDATORY SECTION (Amending Order 00-02, filed 12/19/00, effective 1/19/01)

WAC 182-12-132 Waiving or deferring coverage. Beginning January 1, 2001, retirees may waive PEBB medical and dental coverage for themselves and all dependents if they are covered under another comprehensive employer sponsored medical plan. (Other coverage may be attained through the retiree's reemployment or the spouse's employment.) In order to continue retiree term life coverage, coverage must be selected upon retirement and premiums must continue to be paid during reemployment status. In order to waive medical and dental coverage, the retiree must submit a PEBB enrollment form indicating their desire to waive coverage to the health care authority. This must be accomplished prior to the date coverage is waived or within sixty days of the date they are eligible to apply for PEBB sponsored retiree benefits. When the retiree again ceases active employment, the retiree may enroll in PEBB medical and dental coverage with evidence of continuous coverage within sixty days of the loss of coverage. Coverage will become effective the first of the month following the date other coverage ended.

AMENDATORY SECTION (Amending Order 01-09, filed 3/29/02, effective 4/29/02)

WAC 182-12-230 Employer groups. This section applies to all employer groups participating in PEBB insurance programs.

(1) For purposes of this section, "employer group" means those employee organizations representing state civil service employees, blind vendors, K-12 school districts, educational service districts, county, municipality, and political subdivisions that meet the participation requirements of WAC 182-12-111 (2), (3) and (4) and that participate in PEBB insurance programs.

(2)(a) Each employer group shall determine an employee's eligibility for PEBB insurance coverage in accordance with the applicable sections of this chapter (chapter 182-12 WAC) and chapter 41.05 RCW.

(b) Each employer group applying for participation in PEBB insurance programs shall submit required documentation and meet all participation requirements set forth in the then-current PEBB Coverage K-12 and Political Subdivisions booklet(s).

(3)(a) Each employer group applying for participation in PEBB insurance programs shall sign an interlocal agreement with the health care authority.

(b) Each employer group already participating in PEBB insurance programs as of the effective date of this section shall sign an interlocal agreement with the health care authority no later than June 30, 2002. Failure to sign such an agree-

ment by that date will result in termination of the employer group's participation in PEBB insurance programs effective as of the end of the month of the last full premium payment, and disenrollment of all employees of the employer group. Termination and disenrollment are subject to subsections (8) and (9) of this section.

(c) Each interlocal agreement shall be renewed no less frequently than once in every two-year period.

(4) At least twenty days prior to the premium due date, the health care authority shall cause each employer group to be sent a monthly billing statement. The statement of premium due will be based upon the enrollment information provided by the employer group.

(a) Changes in enrollment status shall be submitted to the health care authority prior to the twentieth day of the month during which the change occurs. Changes submitted after the twentieth day of each month may not be reflected on the billing statement until the following month.

(b) Changes submitted more than one month late shall be accompanied by a full explanation of the circumstances of the late notification.

(5) Beginning with the July 2002 premium (billed to employer groups no later than June 26, 2002, and due no later than July 20, 2002), an employer group shall remit the monthly premium as billed or as reconciled by it.

(a) If an employer group determines that the invoiced amount requires one or more changes, the employer group may adjust its remittance only if an insurance eligibility adjustment form detailing the adjustment accompanies the remittance. The proper form for reporting adjustments will be attached to the interlocal agreement as Exhibit A.

(b) Each employer group is solely responsible for the accuracy of the amount remitted and the completeness and accuracy of the insurance eligibility adjustment form.

(6) Each employer group shall remit the entire monthly premium due including the employee share, if any. The employer group is solely responsible for the collection of any employee share of the premium. The employer shall not withhold portions of the monthly premium due because it has failed to collect the entire employee share.

(7) Nonpayment of the full premium when due will subject the employer group to disenrollment and termination of each employee of the group.

(a) Prior to termination for nonpayment of premium, the health care authority shall cause a notice of overdue premium to be sent to the employer group, which notice will provide a one-month grace period for payment of all overdue premium.

(b) An employer group that does not remit the entirety of its overdue premium no later than the last day of the grace period will be disenrolled effective the last day of the last month for which premium has been paid in full.

(c) Upon disenrollment, notification will be sent to both the employer group and each affected employee.

(d) Employer groups disenrolled due to nonpayment of premium shall have the right to a dispute resolution hearing in accordance with the terms of the interlocal agreement.

(e) Employees terminated due to the nonpayment of premium by the employer group are not eligible for continuation of group health plan coverage according to the terms of the Consolidated Omnibus Budget Reconciliation Act

(COBRA). Terminated employees shall have conversion rights to an individual insurance policy as provided for by the employer group.

(f) Claims incurred by terminated employees of a disenrolled group after the effective date of disenrollment will not be covered.

(g) The employer group is solely responsible for refunding any employee share paid by the employee to the employer group and not remitted to the health care authority.

(8) A disenrolled employer group may apply for reinstatement in PEBB insurance programs under the following conditions:

(a) Reinstatement must be requested and all delinquent premium paid in full no later than ninety days after the date the premium was first due, as well as a reinstatement fee of one thousand dollars.

(b) Reinstatement requested more than ninety days after the effective date of disenrollment will be denied.

(c) Employer groups may be reinstated only once in any two-year period and will be subject to immediate disenrollment if, after the effective date of any such reinstatement, subsequent premiums become more than thirty days delinquent.

(9) Upon written petition by the employer group, disenrollment of an employer group or denial of reinstatement may be waived by the administrator upon a showing of good cause.

WSR 02-18-088

PERMANENT RULES

HEALTH CARE AUTHORITY

[Order 02-03—Filed September 3, 2002, 10:13 a.m.]

Date of Adoption: September 3, 2002.

Purpose: The purpose of this rule making is to provide access to the employer contribution for employees placed on mandatory unpaid leave as directed by proviso in section 906, chapter 371, Laws of 2002. WAC 182-12-220 is amended to clarify the requirement for employees to pay their portion of premiums related to medical, optional life and optional LTD.

Citation of Existing Rules Affected by this Order: Amending WAC 182-08-190 and 182-12-220.

Statutory Authority for Adoption: RCW 41.05.160.

Adopted under notice filed as WSR 02-15-178 on July 24, 2002.

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 1, Repealed 0.

PERMANENT

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 3, 2002

Melodie H. Bankers

Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-08-042, filed 3/29/96, effective 4/29/96)

WAC 182-08-190 Employer contribution. (1) Every department, division, or agency of state government, and such county, municipal or other political subdivisions as are covered under the PEBB plans, shall provide premium contributions to the HCA for insurance benefits for its employees and their dependents. State employer contributions shall be set by the HCA and are subject to the approval of the governor. Employer contributions shall include an amount determined by the HCA to pay administrative costs to administer the plans for employees of these groups. Each eligible state employee in pay status for eight or more hours during a calendar month or for each eligible employee on family and medical leave shall be eligible for the employer contribution.

(2) For the period of July 1, 2002, to June 30, 2003, eligible state employees placed on temporary unpaid leave in order to implement the 2002 supplemental appropriations act are not required to have eight hours of pay status in order to maintain eligibility for the employer contribution for each month that they are on mandatory leave.

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-220 Eligibility during appeal of dismissal. Employees awaiting hearing of a dismissal action before the personnel appeals board, higher education personnel board or court may continue their PEBB coverages by self-payment of premium on the same terms as an employee who is granted leave without pay. If the hearing board or court upholds the dismissal, coverages shall terminate at the end of the month in which the board or court's decision is made. If the hearing board or court sustains the employee in the appeal and directs reinstatement of employer paid coverages retroactively, the employer must forward to the HCA the full employer contribution for the period directed by the hearing board or court. PEBB will refund to the employee any premiums the employee paid that will be provided for ((coverages provided)) by the reinstatement of the employer contribution provided the employee makes retroactive payment of any employee contribution amounts associated with the coverage. All optional life and long term disability insurance which was in force at the time of dismissal shall be reinstated retroactively, provided the employee makes retroactive payment of premium for any such optional coverage which was not continued by self-payment during the appeal process. If the employee chooses not to pay the retroactive premium,

evidence of insurability will be required to obtain such optional coverage.

WSR 02-18-089

PERMANENT RULES

HEALTH CARE AUTHORITY

[Order 02-04—Filed September 3, 2002, 10:14 a.m., effective October 1, 2002]

Date of Adoption: September 3, 2002.

Purpose: Addition of language (new section WAC 182-20-250) to provide special dental and interpreter grant funding for transition immigrant population from DSHS/MAA per ESSB 6387 for nonprofit community clinics funded under the community health services program.

Statutory Authority for Adoption: RCW 41.05.220.

Adopted under notice filed as WSR 02-15-179 on July 24, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Effective date October 1, 2002. Pursuant to requirements of section 212(7), Laws of 2002, this will allow a contract amendment date of October 1, 2002, to provide orderly and efficient funding for the noncitizen immigrant population dental services.

Effective Date of Rule: October 1, 2002.

September 3, 2002

Melodie H. Bankers

Rules Coordinator

NEW SECTION

WAC 182-20-250 Allocation of state noncitizen immigrant funds. The authority will allocate available funds to existing CHS contracted nonprofit community clinic contractors as of July 1, 2002, based on the following criteria:

(1) The initial time period covered for noncitizen immigrant funding is October 1, 2002, through June 30, 2003.

(2) The funding available will be targeted to noncitizen immigrants who are below one hundred percent of the federal poverty level.

(3) Awards will be by contract amendments.

(4) Starting October 1, 2002, the noncitizen immigrant funds will be distributed in three allocations to contractors based upon the following formula:

(a) For the first allocation on October 1, 2002:

(i) Five percent of all available funds will be shared equally among participating contractors.

(ii) Thirty-five percent of all available funds will be distributed based on a ratio derived from payments made by Medical Assistance Administration (MAA) for the period July 1, 2001, through December 31, 2001, specific to the non-citizen immigrant population, to CHS contractors (subset of MAA list of top fifty dental providers and clinics). Each clinic ratio will then be multiplied against the thirty-five percent of the total money available.

(b) For the second allocation to be awarded on or about February 15, 2003:

Thirty percent of all available funds (referred to as the second allocation base) will be distributed based on the following formula:

(i) Twenty percent will be distributed based on the ratio of the contractor's primary health care (PHC) noncitizen immigrant dental sliding fee users divided by the total noncitizen immigrant dental sliding fee users of all contractors as reported between October 1, 2002, and December 31, 2002.

individual contractor's dental noncitizen immigrant sliding fee users

_____ X 20% second allocation base

total of all contractor's dental noncitizen immigrant sliding fee users

(ii) Eighty percent will be distributed based on the ratio of the contractor's primary health care (PHC) noncitizen immigrant dental sliding fee relative value units (RVUs), as defined in WAC 182-20-010(7), divided by the total noncitizen immigrant dental sliding fee RVUs of all contractors as reported between October 1, 2002, and December 31, 2002.

individual contractor's dental noncitizen immigrant sliding fee RVUs

_____ X 80% second allocation base

total of all contractor's dental noncitizen immigrant sliding fee RVUs

(iii) Interpreter services not available from any other source, and paid for by the contractor, will be reportable and will be counted as each ten minutes of interpreter time equals one RVU.

(c) For the third allocation to be awarded on or about May 15, 2003:

Thirty percent of all available funds (referred to as the third allocation base) will be distributed based on the following formula:

(i) Twenty percent will be distributed based on the ratio of the contractor's primary health care (PHC) noncitizen immigrant dental sliding fee users divided by the total noncit-

izen immigrant dental sliding fee users of all contractors as reported between January 1, 2003, and March 31, 2003.

individual contractor's dental noncitizen immigrant sliding fee users

_____ X 20% second allocation base

total of all contractor's dental noncitizen immigrant sliding fee users

(ii) Eighty percent will be distributed based on the ratio of the contractor's primary health care (PHC) noncitizen immigrant dental sliding fee RVUs divided by the total non-citizen immigrant dental sliding fee RVUs of all contractors as reported between January 1, 2003, and March 31, 2003.

individual contractor's dental noncitizen immigrant sliding fee RVUs

_____ X 80% second allocation base

total of all contractor's dental noncitizen immigrant sliding fee RVUs

(iii) Interpreter services not available from any other source, and paid for by the contractor, will be reportable and will be counted as each ten minutes of interpreter time equals one RVU.

**WSR 02-18-105
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed September 3, 2002, 3:32 p.m.]

Date of Adoption: August 30, 2002.

Purpose: The amended rules will correct the information about electronic benefit transfer accounts becoming inactive to indicate that they do not become inactive. It will also provide information on how cash assistance benefits can be claimed once an EBT account has been cancelled because of inactivity.

Citation of Existing Rules Affected by this Order: Amending WAC 388-412-0020 and 388-412-0025.

Statutory Authority for Adoption: RCW 74.04.510 and 74.08.090.

Adopted under notice filed as WSR 02-15-146 on July 22, 2002.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made as a result of public comments:

WAC 388-412-0025 (1)(a), added after "EBT" the words, "electronic benefits card which is a direct deposit into a DSHS account that you access with a debit card called Quest."

WAC 388-412-0025 (5)(b), added after the first sentence: "You can contact department of revenue at 1-800-435-2429."

PERMANENT

WAC 388-412-0025(1), the sequence of subsections (a), (b) and (c) were reordered without other changes than punctuation. All other changes were editorial only and did not change the effect of the 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 30, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-054, filed 8/30/01, effective 9/30/01)

WAC 388-412-0020 When do I get my benefits? (1) If you get your ~~((on-going))~~ cash benefits on an electronic benefits card (EBT), you get your cash benefits deposited on the first ~~((the))~~ each month.

(2) ~~((You get your on-going food assistance within the first ten days of the month. The day of the month that))~~ If you get your cash benefits deposited directly to your bank account, electronic funds transfer (EFT), your money is deposited on the first working day of the month. When the first of the month is a federal holiday or a Sunday, the benefits are deposited the following day.

(3) If you get food assistance your benefits are issued by the tenth day of each month. The day you get your benefits is the same as the last number of your food assistance AU number. If the last number of your assistance unit (AU) number is zero, you get your benefits on the tenth.

AMENDATORY SECTION (Amending WSR 01-18-054, filed 8/30/01, effective 9/30/01)

WAC 388-412-0025 How do I get my benefits? (1) Your cash benefits are sent to you by either:

(a) Electronic benefit transfer (EBT), electronic benefits card which is a direct deposit into a DSHS account that you access with a debit card called Quest;

(b) ~~((Direct deposit into your own bank account))~~ Electronic funds transfer((-)) (EFT), which is a direct deposit into your own bank account; or

(c) ~~((Warrant if you have))~~ A check to:

(i) A payee who is not approved for direct deposit ((you receive ADATSA,)); or

(ii) You, if you get diversion, additional requirements for emergent needs or clothing and personal incidentals (CPI) payments.

(2) You use a ~~((quest))~~ debit card to access your benefits in your EBT account. You get a personal identification number (PIN) that you must enter when using this card.

(3) Your food assistance benefits are deposited into your EBT account under time frames in WAC 388-412-0020.

(4) We establish an EBT account for each AU that receives their benefits by EBT.

~~((5))~~ ~~((Your EBT account becomes inactive when you do not use it for ninety days. If you want to use the account after it becomes inactive, you must contact your local office and ask us to reactivate it.~~

~~((6))~~ Your cash and food assistance are canceled when you do not use your EBT benefits for three hundred sixty-five days. ~~((Your food assistance))~~

(a) Food benefits that have not been used for three hundred sixty-five days cannot be replaced.

~~((7))~~ (b) You have two years to contact department of revenue in order to replace cash benefits that were canceled because you did not use them for three hundred sixty-five days. You can contact department of revenue at 1-800-435-2429. After that time, you must contact the state treasurer to claim any canceled funds.

(6) When you move to a state where you cannot use your EBT account we convert your food assistance to coupons ~~((when you move to a state where you cannot use your EBT account))~~. There may be up to one dollar and ninety-nine cents left in your EBT account after conversion. You must use the remaining balance ~~((left))~~ in your EBT account within seven days after we convert your benefits from EBT to coupons. We cancel these benefits if you do not use them within the seven days.

~~((8-Cash))~~ (7) EBT benefits cannot be converted ~~((to warrants))~~ into checks. You must use your cash benefits from your EBT account.

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

WSR 02-18-106

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed September 3, 2002, 3:33 p.m.]

Date of Adoption: August 30, 2002.

Purpose: The purpose of these rule amendments are to implement chapter 104, Laws of 2002, to include former clients of community voice mail as eligible for the Washington telephone assistance program (WTAP) and define their eligibility period; and to clarify language to be consistent with rules of the state Utilities and Transportation Commission.

Citation of Existing Rules Affected by this Order: Amending WAC 388-273-0020 and 388-273-0025.

Statutory Authority for Adoption: RCW 74.08.090, 80.36.440, chapter 104, Laws of 2002.

Adopted under notice filed as WSR 02-02-053 on December 27, 2001, and supplemental notice filed as WSR 02-13-072 on June 14, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 29, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-09-023, filed 4/9/01, effective 6/1/01)

WAC 388-273-0020 Who may receive WTAP

(1) To receive WTAP benefits, you must:

~~((+))~~

(a) Be age eighteen or older or, if under eighteen, be the responsible head of household, and either:

~~((+))~~ (b) Be receiving one of the following programs from us:

~~((+))~~ (i) Temporary assistance for needy families (TANF);

~~((+))~~ (ii) State family assistance (SFA);

~~((+))~~ (iii) General assistance;

~~((+))~~ (iv) Refugee assistance;

~~((+))~~ (v) Food assistance;

~~((+))~~ (vi) State Supplemental Security Income (SSI);

~~((+))~~ (vii) Medical assistance, including Medicare cost sharing programs;

~~((+))~~ (viii) Community options program entry system (COPEs); ~~((+))~~

~~((+))~~ (ix) Chore services; ~~((+))~~; or

(c) Have completed using community service voice mail services, and been identified to the department as eligible for WTAP by the community agency that provided your community service voice mail program; and

~~((+))~~ (2) ~~((Be age eighteen or older or, if under eighteen, be the responsible head of household;~~

~~((+))~~ (3) Apply to ~~((the))~~ a local exchange company ~~((that provides your local))~~ for WTAP and request the lowest available flat rate telephone service at the WTAP rate. In exchange areas where wireline service is not available without service extension, you may apply to ~~((an eligible))~~ a wireless carrier;

(a) **"Local exchange company"** means ~~((an eligible telecommunication carrier providing local service, i.e., the))~~ a telephone company that is required by the Washington utilities and transportation commission to offer WTAP benefits and offers local calling, i.e., calling without long distance charges.

(b) **"Flat rate service"** is telephone service with a single monthly payment that allows unlimited local calling for a specified length of time. The local exchange flat rate includes any federal end user access charges and other charges necessary to obtain the service;

~~((4))~~ Have the lowest available flat rate service; and
~~((5))~~; and

(3) You must have the local telephone service billed in your name.

AMENDATORY SECTION (Amending WSR 01-09-023, filed 4/9/01, effective 6/1/01)

WAC 388-273-0025 Benefits you receive as a WTAP participant. (1) WTAP participants receive a:

(a) Discount on local telephone flat rate services, when the flat rate is more than the WTAP assistance rate;

(b) Waiver of deposit requirements on local telephone service; and

(c) Fifty percent discount on service connection fees. Any connection fee discounts available from other programs are added to the WTAP discount, to pay part or all of the remaining fifty percent.

(2) WTAP benefits are limited to one residential line per household.

(3) The deposit waiver and the discount on connection fees are available once per service year. **"Service year"** means the period beginning July 1 and ending June 30 of the following calendar year.

(4) Your benefits begin the date you are approved for WTAP assistance and continue through the next June 30, except if you qualified for telephone assistance through using the community services voice mail programs, you will receive one additional service year of benefits.

(5) WTAP benefits do not include charges for line extension, optional extended area service, optional mileage, customer premises equipment, applicable taxes or delinquent balances owed to the telephone company.

WSR 02-18-115
PERMANENT RULES
DEPARTMENT OF HEALTH
[Filed September 4, 2002, 11:25 a.m.]

Date of Adoption: August 19, 2002.

Purpose: The proposed changes adjust the transient accommodations licensing fees. The fee increase is needed to defray the cost of administering the transient accommodations program as mandated under RCW 43.70.250.

Citation of Existing Rules Affected by this Order:
Amending WAC 246-360-990.

Statutory Authority for Adoption: RCW 43.70.250.

Other Authority: Chapter 371, Laws of 2002.

Adopted under notice filed as WSR 02-12-104 on June 5, 2002.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of the rules reflect a 46% fee increase, which is less than the proposed 59% fee increase.

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 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 4, 2002

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 01-15-093, filed 7/18/01, effective 8/18/01)

WAC 246-360-990 Fees. (1) The licensee or applicant must submit:

(a) An annual fee according to the following schedule:

NUMBER OF LODGING UNITS	FEE
3 - 10	((\$102.50)) <u>\$ 150.00</u>
11 - 49	((\$205.50)) <u>\$ 300.00</u>
50 - over	((\$411.00)) <u>\$ 600.00</u>

(b) A late fee of fifty dollars, in addition to the full license renewal fee, if the full license renewal fee is not delivered or mailed to the department at least thirty days prior to the license expiration date;

(c) An additional fee of fifty dollars for an amended license due to changing the number of lodging units or the name of the transient accommodation.

(2) The department shall refund fees only when all the following conditions are met:

(a) A prospective new owner applies for initial licensure prior to taking ownership as required by WAC 246-360-020 (4)(b);

(b) Transfer of ownership is not finalized;

(c) The applicant requests a refund in writing; and

(d) The department receives the fee and the request for refund in the same biennium.

PERMANENT

WSR 02-18-004
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-207—Filed August 21, 2002, 3:46 p.m., effective August 24, 2002, 7:00 a.m.]

Date of Adoption: August 21, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-56-33000N; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency regulation is necessary to open the remaining portion of Marine Area 7 to the recreational crab fishery except for the Alden Bank area where high percentages of soft shelled crab were observed. In other areas Dungeness crab meet or exceed hard shell criteria and are available for recreational harvest in Marine Areas 4, 5, 6, 9, 10, 11, 12, 13, 8-1 and 8-2. The daily restrictions in Marine Areas 8-1 and 8-2 are to maintain allocation goals. 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: August 24, 2002, 7:00 a.m.

August 21, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-33000P Crab—Areas and seasons. Notwithstanding the provisions of WAC 220-56-330, effective immediately until further notice, it is unlawful to fish for crab for personal use in all waters of Puget Sound except as provided herein:

(1) Effective immediately until further notice, it is lawful to fish for crab for personal use in Marine Areas 4, 5, 6, 9, 10, 11, 12 and 13.

(2) Effective immediately until further notice, it is lawful to fish for crab for personal use in Marine Areas 8-1 and 8-2. The fishery is open Fridays through Mondays.

(3) Effective 7:00 a.m. August 24, 2002, until further notice, it is lawful to fish for crab for personal use in Marine Area 7 except for the Alden Bank area as defined by waters within a line drawn from the northern BG "A" buoy to the eastern green C "5" buoy and thence to the southern RG "B" buoy and thence back up to the northern BG "A" buoy.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:00 a.m. August 24, 2002:

WAC 220-56-33000N Crab—Areas and seasons.
 (02-152)

WSR 02-18-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-210—Filed August 21, 2002, 4:23 p.m.]

Date of Adoption: August 21, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-47-902.

Statutory Authority for Adoption: RCW 77.12.047.

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: Management plans for 2002 Puget Sound commercial salmon fisheries were negotiated and agreed to at North of Falcon/Pacific Fishery Management Council meetings earlier this year. Regulations implementing those plans have been filed with the Washington Code Reviser's Office but are not yet effective. This emergency order is necessary to initiate the gill net fishery in Areas 7B and 7C until the new permanent regulations take effect.

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.

August 21, 2002

J. P. Koenings

Director

fishery is deemed by the National Marine Fisheries Service as not likely to have negative impacts on listed fish species. 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: August 24, 2002, 12:01 a.m.

August 21, 2002

J. P. Koenings

Director

NEW SECTION

WAC 220-47-902 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of WAC 220-47-411, waters of Puget Sound Salmon Management and Catch Reporting Areas 7B and 7C are open for salmon fishing with gill nets using 7 inch minimum mesh from 7:00 p.m. Thursday, August 22, 2002, through 8:00 a.m. Friday, August 23, 2002.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 25, 2002:

WAC 220-47-902 Puget Sound all-citizen commercial salmon fishery.

NEW SECTION

WAC 232-28-61900F Exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective August 24, 2002 until further notice in those waters of the Columbia River from Buoy 10 line to Rocky Point - Tongue Point Line - daily limit two salmon of which only one may be a chinook.

(2) Effective immediately through October 15, 2002, it is lawful to fish for salmon in those waters of the Columbia River from Priest Rapids Dam upstream to Wells Dam and between the Highway 173 Bridge at Brewster and Highway 17 Bridge at Bridgeport. Daily limit is six salmon, no more than two adults. Release sockeye and coho salmon.

(3) Effective immediately through October 15, 2002, it is lawful to fish for salmon in those waters of the Okanogan River downstream of the Highway 97 Bridge to the mouth. Daily limit is six salmon, no more than two adults. Release sockeye and coho salmon.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900W Exceptions to statewide rules—Columbia River. (02-144)

**WSR 02-18-008
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-204—Filed August 21, 2002, 4:24 p.m., effective August 24, 2002, 12:01 a.m.]

Date of Adoption: August 21, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900W; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The catch rates for chinook at Buoy 10 are better than average and the fishery is on track to exceed preseason expectations. A strong run of summer chinook will pass Priest Rapids Dam in 2002. The expected spawning escapement will greatly surpass hatchery broodstock needs and allows for a significant increase over brood levels of natural escapement. There will be surplus fish available for harvest. This stock is stable to increasing, not listed under the Endangered Species Act, and the proposed

EMERGENCY

WSR 02-18-009
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-205—Filed August 21, 2002, 4:30 p.m.]

Date of Adoption: August 21, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-62000G; and amending WAC 232-28-620.

Statutory Authority for Adoption: RCW 77.12.047.

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 harvestable quota of salmon has been taken in Areas 2 and 2-2 (west of the Buoy 13 line). 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.

August 21, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-62000H Coastal salmon seasons. Notwithstanding the provisions of WAC 232-28-620, it is unlawful to fish for or possess salmon taken for personal use from Area 1 west of the Buoy 10 line, Area 2, Area 2-2 west of the Buoy 13 line, and Areas 3 and 4, except:

(1) Area 1 - Open immediately through September 30, 2002. Daily limit 2 salmon except release chinook and wild coho.

(2) Areas 2 and 2-2 west of the Buoy 13 line - Closed.

(3) Area 3 - Open immediately until further notice. Daily limit 2 salmon except release chinook and wild coho.

(4) Area 4 - Open immediately until further notice. Daily limit 2 salmon except release chinook, chum and wild coho.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-62000G Coastal salmon seasons. (02-202)

WSR 02-18-010
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-206—Filed August 21, 2002, 4:32 p.m., effective August 22, 2002, 12:01 a.m.]

Date of Adoption: August 21, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-24-04000H; and amending WAC 220-24-040.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. 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: August 22, 2002, 12:01 a.m.

August 21, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-24-04000H All-citizen commercial salmon troll. Notwithstanding the provisions of WAC 220-24-040,

effective immediately until further notice it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3 and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open August 22 through August 28, 2002. It is unlawful to possess wild coho. It is unlawful to possess hatchery coho taken from Areas 2, 3, or 4. Coho must be landed south of Leadbetter Point. The Cape Flattery and Columbia River Control Zones are closed.

(2) Minimum size for chinook salmon is 28 inches in length. Minimum size for coho is 16 inches in length. No minimum size for pink, sockeye or chum salmon.

(3) Lawful troll gear is restricted to single point, single shank barbless hooks. In Areas 2, 3 and 4 legal gear is restricted to plugs with a one piece body that is at least six inches long, not including hooks or attachments.

(4) No vessel may possess, land or deliver more than 250 chinook for the entire seven day period.

(5) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land within the Salmon Management and Catch Reporting Areas fished, or within an adjacent Salmon Management and Catch Reporting Area closed to all-citizen troll fishing.

(6) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ: and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(7) Columbia Control Zone - An area at the Columbia River mouth, bounded on the west by a line running north-east/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(8) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon, and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(9) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279 or faxing the information to (360) 902-2949 or E-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch

area, the species. The total number for each species and the total weight for each species including halibut.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 29, 2002:

WAC 220-24-04000H All-citizen commercial salmon troll.

**WSR 02-18-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-208—Filed August 21, 2002, 4:34 p.m.]

Date of Adoption: August 21, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900F; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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 hatchery summer steelhead that will be passed upstream of the upper hatchery for the next few years are part of a study to measure the ability of hatchery-reared steelhead (spawned from wild Kalama stock) to successfully spawn and produce viable offspring in the wild. Catch and release regulations are needed to ensure that the hatchery and wild fish passed upstream have equal opportunity to spawn. These rules are interim until permanent rules take effect.

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.

August 21, 2002
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900G Exceptions to statewide rules—Kalama River. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to retain hatchery steelhead in those waters listed below:

- (1) Effective immediately until further notice, in those waters of the Kalama River from 1000' above fishway at upper salmon hatchery upstream to Summers Creek.
- (2) Effective immediately until further notice, in those waters of the Kalama River from Summers Creek upstream to the CLOSED WATERS deadline at the 6420 Road (about 1 mile above the gate at the end of the county road).
- (3) Effective immediately until further notice, in those waters of Gobar Creek (a tributary to the Kalama River).
- (4) Effective immediately until further notice, in those tributaries to the Kalama River which are 1000 feet above the fishway above the upper salmon hatchery.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900F Exceptions to statewide rules—Kalama River. (02-74)

**WSR 02-18-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-211—Filed August 22, 2002, 2:52 p.m.]

Date of Adoption: August 22, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100J; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to meet allocation, conservation and management agreements. Closures are consistent with these elements: This regulation closes the spot shrimp fishery in Regions 1B and 2W, and all shrimp fishing in Region 2N (Catch Areas 24A, 24D and northern portion of 24C). Shrimp quotas are projected to be

completed in the areas closed by this rule. 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.

August 22, 2002
Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-52-05100K Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 1B, 1C, 2, 3, and 6 are open to harvest of all shrimp species until further notice, except as provided below:

(i) Effective immediately it is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23A-W, 24A, 24D, and 24C north of line from Lowell Point to East Point, and unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23D, 25D, 26D and Crustacean Management Regions 1C and 2E (described in 1(g)).

(ii) Effective immediately, until further notice, it is unlawful to exceed 100 pounds of spot shrimp per week from Marine Fish-Shellfish Catch and Reporting Area 23A-E, and unlawful to exceed 200 pounds of spot shrimp per week in Marine Fish-Shellfish Catch and Reporting Area 23B and Crustacean Management Region 1B.

(iii) Effective 9:00 p.m. August 25, 2002, until further notice, it is unlawful to harvest spot shrimp for commercial purposes in Crustacean Management Regions 1B and 2W (described in 1(g)).

(b) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2W (described in 1(g)), and 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish

Catch and Reporting Areas 23C, 29, and 23A-S described in ((1)(e)(f)) or any combination of these areas, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(c) above.

(e) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, then south of the shores of Lopez Island to Point Colville shall be considered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(f) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into three subareas: 23A-E (east) is those waters of Catch Area 23A east of a line projected 122.59° N longitude. 23A-W (west) is those waters of Catch Area 23A east of a line projected 335 degrees true from the Dungeness lighthouse and west of a line projected 122.59°N longitude. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(g) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Crustacean Management Region 2 is divided into two subareas: 2E; those waters of Marine Fish-Shellfish Catch and Reporting Areas 24A, 24B, 24C, 24D, and 26A-E; 2W; those waters of Marine Fish-Shellfish Catch and Reporting Areas 25B, 25D, and 26A-W.

(2) Shrimp beam trawl gear:

(a) Marine Fish-Shellfish Catch and Reporting Area 20A - open immediately until further notice.

(b) Crustacean Management Regions 1B and 3 - Open until further notice, except as provided below:

(i) Marine Fish-Shellfish Catch and Reporting Areas 20B and 23AW - closed immediately until further notice.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(e) For purpose of shrimp trawl catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(3) It is unlawful to harvest shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in the Discovery Bay Shrimp District, the Port Angeles Shrimp District, the Sequim Bay Shrimp District, the Hood Canal Shrimp District, and the Carr Inlet Shrimp District.

(5) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100J	Puget Sound shrimp pot and beam trawl fishery—Seasons and weekly trip limits. (02-197)
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**WSR 02-18-022
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-209—Filed August 22, 2002, 2:54 p.m., effective August 26, 2002, 6:00 a.m.]

Date of Adoption: August 22, 2002.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100Y; and amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 77.12.047.

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 sea cucumbers are available in sea cucumber districts listed. Prohibition of all diving within two days of scheduled sea cucumber 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: August 26, 2002, 6:00 a.m.

August 22, 2002

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-52-07100Z Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1 and 2 on August 26, 2002 from 6:00 a.m. to one-half hour before official sunset.

(2) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 4 on August 26 and September 2, 2002 from 6:00 a.m. to one-half hour before official sunset of each day.

(3) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 5 on Mondays, Tuesdays, and Wednesdays of each week from 6:00 a.m. to one-half hour before official sunset of each day.

(4) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on August 24, 25, 31 and September 1, 7, 8, 14, and 15, 2002.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. August 26, 2002:

WAC 220-52-07100Y Sea cucumbers. (02-203)

WSR 02-18-051

EMERGENCY RULES

STATE BOARD OF EDUCATION

[Filed August 28, 2002, 3:44 p.m.]

Date of Adoption: August 23, 2002.

Purpose: Amend language to be in compliance with SHB 2834 enacted during the 2002 legislative session and language to address a potential vaccine shortage.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-38-010, 180-38-025, 180-38-030, 180-38-035, 180-38-040, 180-38-055, 180-38-060, 180-38-065 and 180-38-070; amending WAC 180-38-005, 180-38-020, 180-38-045 and 180-38-050; and new section WAC 180-38-080.

Statutory Authority for Adoption: RCW 28A.210.160.

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 language changes impact students entering school next month. The rules need to be effective immediately to ensure student safety and clarify procedures.

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 4, Repealed 9.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 4, Repealed 9.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 4, Repealed 9; 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.

August 28, 2002

Larry Davis

Executive Director

EMERGENCY

Chapter 180-38 WAC

PUPILS—IMMUNIZATION REQUIREMENT AND LIFE-THREATENING HEALTH CONDITION

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-38-005 Purpose and authority. (1) The ((authority for)) purpose of this chapter is ((RCW 28A.210.160 which authorizes the state board of education to adopt rules which)) to establish the procedural and substantive due process requirements governing the exclusion of students from public and private schools for failure to comply with the immunization requirement of the state of Washington or, in the case of public schools only, failure to present a medication or treatment order for a life-threatening health condition.

(2) The authority for this chapter is RCW 28A.210.160 and 28A.210.xxx.

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-020 Definitions((—Student)). ((As used in this chapter, the term)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Student" shall mean the same as defined for "child" in ((WAC 248-100-163 (1)(f) by the state board of health)) RCW 28A.210.070(6).

(2) "Chief administrator" shall mean the same as defined in RCW 28A.210.070(1).

(3) "Full immunization" shall mean the same as defined in RCW 28A.210.070(2).

(4) "Schedule of immunization" shall mean the beginning or continuing of a course of immunization, including the conditions for school attendance when a child is not fully immunized, as prescribed by the state board of health (WAC 246-100-166(5)).

(5) "Certificate of exemption" shall mean the filing of a statement exempting the child from immunizations with the chief administrator of the school, on a form prescribed by the department of health, which complies with RCW 28A.210-090.

(6) "Life-threatening condition" shall mean a health condition that will put the child in danger of death during the school day if a medication or treatment order and a nursing plan are not in place.

(7) "Medication or treatment order" shall mean the authority a registered nurse obtains under RCW 18.79.-260(2). The order shall be signed by a licensed health care practitioner listed under RCW 18.79.260(2).

(8) "Nursing plan" shall mean a plan of care developed for the student consistent with the standards of nursing conduct or practice set out in department of health regulations, WAC 246-840-700 et. seq.

(9) "Exclusion" shall mean the case or instance when the student is denied initial or continued attendance:

(a) Due to failure to submit a schedule of immunization, or a certificate of exemption; or

(b) In the case of a life-threatening health condition, due to failure to submit a medication or treatment order.

(10) "School day" shall mean the same as in RCW 28A.150.030 and shall be inclusive of school or district sponsored field trip experiences and extracurricular activities and summer school.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-38-045 School attendance ((condition)) conditioned upon ((compliance)) presentation of proofs. ((It is the public policy of this state, as codified in RCW 28A.210.080, that "[t]he attendance of every . . . [student] in the state . . . shall be conditioned upon the presentation before or on each . . . [student's] first day of attendance at a particular school . . . of proof of . . . [.] (1) full immunization, (2) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (3) a certificate of exemption as provided for in RCW 28A.210.090. [See WAC 180-38-040]"

The statutory scheme requires exclusion from school prior to a termination hearing on the implied basis that such students are an immediate and continuing danger to themselves or others—i.e., the constitutional basis for an emergency expulsion from public schools and the exemption from providing a pretermination due process hearing.) (1) The initial attendance of every student at every public and private school in the state is conditioned upon proof of immunization as set forth in RCW 28A.210.080.

(2) The chief administrator of each public or private school shall prohibit the further presence at school of each student already in attendance and who has failed to provide proof of immunization in accordance with RCW 28A.210.080(1). Such exclusion shall be preceded by written notice as set forth in WAC 180-38-050. If written notice has not been provided, any exclusion shall be stayed until notice is received by a parent, guardian or other adult in loco parentis.

(3) The initial attendance of every student at every public school who has a life-threatening health condition is conditioned upon presentation of a medication or treatment order addressing any life-threatening health condition the child has that may require medical services to be performed at the school.

(4) The chief administrator of each public school shall prohibit the further attendance of each student already in attendance for whom a medication or treatment order has not been provided if the child has a life-threatening health condition that may require medical services to be performed at the school. Any such exclusion shall be preceded by written notice as set forth in WAC 180-38-050. If written notice has not been provided, any exclusion shall be stayed until notice is received by a parent, guardian or other adult in loco parentis. The school shall continue to prohibit the child's presence until such medication or treatment order has been provided.

(5) Upon receipt of a medication or treatment order, the school shall develop a nursing plan.

(6) The requirements of this chapter shall be applied consistent with the requirements of section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA).

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-38-050 Written notice prior to exclusions from school. ((It is the public policy of this state, as codified in RCW 28A.210.120, that "each school . . . shall provide written notice to the parent(s) or legal guardian(s) of each . . . [student] or to the adult(s) in loco parentis to each . . . [student] who is not in compliance with . . . [the public policy stated in WAC 180-38-045]," prior to the exclusion of such student.)) (1) Schools must provide written notice to parents, guardians or adults in loco parentis prior to excluding students from school for failure to comply with WAC 180-38-045.

(2) The written notice for public school students shall:

(a) Be delivered in person or by certified mail and provided to parents in their native language if feasible.

(b) Inform the appropriate parents of the applicable laws and implementing rules. In addition to notification of the applicable laws and regulations, a copy of the laws and regulations shall be included with the notice.

(c) In cases of exclusion due to lack of proof of immunization, provide information regarding immunization services that are available from or through the local health department and other public agencies.

(d) Order the student excluded from school and state that such order is effective immediately upon receipt of the notice.

(e) Describe the rights of the parents and student to a hearing, describe the hearing process, and explain that the exclusion continues until either the necessary proof of immunization, or medication or treatment plan is received, or until a hearing officer determines that the student is no longer excluded from school.

(3) The written notice for private school students shall:

(a) Inform the appropriate party of the applicable laws and provide copies of such law and implementing rules.

(b) Provide information regarding immunization services that are available from or through the local health department or other public agencies.

(c) Order the exclusion of the student from school and state that such order is effective upon receipt of the notice.

NEW SECTION

WAC 180-38-080 Prehearing and hearing process.

(1) If a request for hearing is received by the school district, it shall schedule a hearing. The hearing must be scheduled within three school days of receiving the request. The hearing may be continued to a later date if the parent requests a longer period.

(2) The school district shall establish a hearing process consistent with the procedures set forth for disciplinary cases under chapter 180-40 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-38-010	Purpose.
WAC 180-38-025	Definition—Chief administrator.
WAC 180-38-030	Definition—Full immunization.
WAC 180-38-035	Definition—Schedule of immunization.
WAC 180-38-040	Definition—Certificate of exemption.
WAC 180-38-055	Public schools—Content of written notice.
WAC 180-38-060	Private schools—Content of written notice.
WAC 180-38-065	Exclusion of students for failure to comply.
WAC 180-38-070	Supplementing rules of SPI.

**WSR 02-18-057
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-213—Filed August 28, 2002, 4:35 p.m.]

Date of Adoption: August 28, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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 earthen dam forming the Lewis River Power Canal breached at Swift No. 2 Powerhouse in the spring of 2002, draining most of the water from the canal. It is no longer appropriate to manage it as a "lake," and we will no longer be stocking this area with trout. Access to this area is restricted due to safety concerns. This rule is interim until permanent rules are adopted in September 2002.

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.

August 28, 2002

B. J. Bjork
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900I Exceptions to statewide rules—Lewis River Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, it is unlawful to fish in those waters of The Lewis River Power Canal and Old Lewis River streambed between Swift powerhouse No. 1 and Swift No. 2.

WSR 02-18-058

**EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-212—Filed August 28, 2002, 4:37 p.m., effective August 30, 2002]

Date of Adoption: August 28, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900H; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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: Natural escapement objectives for summer chinook upstream of Wells Dam is 3,500 fish. Recent run counts past Wells Dam have exceeded 53,000 adults, with three additional weeks remaining for migration. Unseasonable cool Okanogan River temperatures have encouraged the chinook to migrate upstream of the confluence with the Columbia River. The summer chinook run for 2002 will provide for all the upper Columbia River hatchery brood stock fish needed, and will allow for more than an average number of fish to spawn naturally. Remaining will be enough fish for a sport fishery. The stock is stable, not

listed under ESA, and the proposed fishery is deemed by NMFS, to not likely have negative impacts on listed fish species. 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: August 30, 2002.

August 28, 2002

B. J. Bjork
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900H Exceptions to statewide rules—Okanogan and Similkameen rivers. Notwithstanding the provisions of WAC 232-28-619, effective August 30, through September 15, 2002, it is lawful to fish for chinook salmon in the following waters:

(1) Okanogan River (Okanogan Co.) Those waters upstream of the Highway 97 bridge at Brewster to 1/4 mile below the railroad trestle near Zosel Dam. Special daily limit of six chinook salmon, no more than two adults. All sockeye, coho salmon and steelhead must be released immediately. Night closure in effect.

(2) Similkameen River (Okanogan Co.) Those waters from the confluence with the Okanogan River upstream to the city bridge at Oroville. Special daily limit of six chinook salmon, no more than two adults. All sockeye, coho salmon and steelhead must be released immediately. Night closure in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective one hour after official sunset on September 15, 2002:

WAC 232-28-61900H Exceptions to statewide rules—Okanogan and Similkameen rivers.

EMERGENCY

WSR 02-18-059
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-215—Filed August 28, 2002, 4:40 p.m., effective August 28, 2002, 6:00 p.m.]

Date of Adoption: August 28, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-52-05100K; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to meet allocation, conservation and management agreements. Closures are consistent with these elements: This regulation closes the spot shrimp fishery in Catch Areas 23B and 25A and all shrimp fishing in Catch Area 23A-E. Shrimp quotas are projected to be completed in the areas closed by this rule. The opening for nonspot shrimp and pot limits in the Discovery Bay Shrimp District portion of 25A is being implemented to provide additional, but restricted, commercial opportunity in an area of available state allocation of nonspot shrimp. 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: August 28, 2002, 6:00 p.m.

August 28, 2002

B. J. Bjork
 for Jeff Koenings
 Director

NEW SECTION

WAC 220-52-05100L Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 1B, 1C, 2, 3, and 6 are open to harvest of all shrimp species until further notice, except as provided below:

(i) Effective immediately it is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23A-W, 24A, 24D, and 24C north of line from Lowell Point to East Point, and unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23D, 25D, 26D and Crustacean Management Regions 1B, 1C, 2E, and 2W (described in 1(g)).

(ii) Effective 6:00 p.m. August 28, 2002, until further notice, it is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 23A-E and it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 23B.

(iii) Effective 6:00 p.m. August 30, 2002, until further notice, it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 25A.

(iv) Effective 5:00 a.m., August 31, 2002 it is lawful to harvest all shrimp species except spot shrimp in the Discovery Bay Shrimp District portion of Marine Fish Shellfish Catch and Reporting Area 25A.

(a) There is a 10-pot per vessel limit when fishing in this portion of Catch Area 25A.

(b) For purposes of shrimp harvest allocation and catch reporting, landings from this area must be hailed as coming from the Discovery Bay Shrimp District portion of Marine Fish Shellfish Catch and Reporting Area 25A.

(b) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Region 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C, 29, and 23A-S described in ((1)(e)(f)) or any combination of these areas, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Catch Reporting Area while in posses-

sion of shrimp harvested from another Marine Fish-Shellfish Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(c) above.

(e) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, then south of the shores of Lopez Island to Point Colville shall be considered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(f) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into three subareas: 23A-E (east) is those waters of Catch Area 23A east of a line projected 122.59°N longitude. 23A-W (west) is those waters of Catch Area 23A east of a line projected 335 degrees true from the Dungeness lighthouse and west of a line projected 122.59°N longitude. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(g) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Crustacean Management Region 2 is divided into two subareas: 2E; those waters of Marine Fish-Shellfish Catch and Reporting Areas 24A, 24B, 24C, 24D, and 26A-E; 2W; those waters of Marine Fish-Shellfish Catch and Reporting Areas 25B, 25D, and 26A-W.

(2) Shrimp beam trawl gear:

(a) Marine Fish-Shellfish Catch and Reporting Area 20A - open immediately until further notice.

(b) Crustacean Management Regions 1B and 3 - Open until further notice, except as provided below:

(i) Marine Fish-Shellfish Catch and Reporting Areas 20B and 23AW - closed immediately until further notice.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(e) For purpose of shrimp trawl catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(3) It is unlawful to harvest shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in the Discovery Bay Shrimp District, the Port Angeles Shrimp District, the Sequim Bay Shrimp District, the Hood Canal Shrimp District, and the Carr Inlet Shrimp District.

(5) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

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.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. August 28, 2002.

WAC 220-52-05100K Puget Sound shrimp pot and beam trawl fishery—Seasons and weekly trip limits. (02-211)

WSR 02-18-073 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 02-214—Filed August 29, 2002, 3:30 p.m.]

Date of Adoption: August 29, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary for protection of the sturgeon population that migrates within the Columbia River between Lake Roosevelt and upstream areas in British Columbia. Research indicates that no successful reproduction is occurring in this population. Angling has already been closed in B.C. and a recovery plan is being developed. These rules are interim until permanent rules are adopted in September 2002.

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.

August 29, 2002

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900J Exceptions to statewide rules—Sturgeon. Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice it is unlawful to fish for sturgeon in the following waters:

(1) Roosevelt Lake tributaries (between Grand Coulee Dam and State Highway 25 Bridge at Northport except Barnaby Creek, Nancy Creek and tributaries listed elsewhere in Special Rules).

(2) Rufus Woods Lake tributaries (Douglas/Okanogan Counties)

(3) San Poil River (Ferry County)

(4) Spokane River (Spokane County) In those waters from the mouth to the Monroe Street Dam.

WSR 02-18-079

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 02-216—Filed August 30, 2002, 4:17 p.m., effective September 4, 2002, 6:00 a.m.]

Date of Adoption: August 30, 2002.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100U; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.12.047.

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: Modifies the Spring Creek Hatchery sanctuary for the second two fishing periods. The escapement at the hatchery is expected to be exceeded and reduced sanctuary will allow surplus fish to be harvested. Allows commercial sale from platform and hook and line fishery. Allows sale of fish caught in the Klickitat River to be sold when the Klickitat River is open and the Columbia River is open to commercial sale. Harvestable numbers of salmon are available. Impacts on ESA-listed stocks are expected to be within the guidelines of the 2002 fall management agreement and the biological opinion. The biological opinion covering fall fisheries has been signed. Consistent with compact action of August 30, 2002, and August 15, 2002. Conforms

state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 4, 2002, 6:00 a.m.

August 30, 2002

J. P. Koenings

Director

NEW SECTION

WAC 220-32-05100V Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. September 4 to 6:00 p.m. September 7, 2002

6:00 a.m. September 11 to 6:00 p.m. September 14, 2002

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: Gillnet 8-inch minimum mesh restriction

c) Allowable sale includes: salmon and shad

d) Spring Creek Hatchery Sanctuary: Those waters of the Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway are closed.

2) Open Periods: immediately until further notice

a) Open Areas: SMCRA 1F, 1G, 1H, and the Klickitat River

b) Gear: Hoop nets, dip bag nets, or hook and line.

c) Allowable sale includes: salmon, shad.

d) Fish taken in the Klickitat River may be sold when the Klickitat River is open pursuant to lawfully enacted tribal rules. Klickitat River seasons are Tuesdays through Saturdays, weekly, from August 20 through September 14.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. September 4, 2002:

WAC 220-32-05100U Columbia River salmon seasons above Bonneville Dam. (02-201)

**WSR 02-18-080
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-217—Filed August 30, 2002, 4:19 p.m., effective September 3, 2002, 12:01 a.m.]

Date of Adoption: August 30, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62000H; and amending WAC 232-28-620.

Statutory Authority for Adoption: RCW 77.12.047.

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 harvestable coho quota in Catch Area 1 will have been achieved. 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 3, 2002, 12:01 a.m.
August 30, 2002

J. P. Koenings
Director

NEW SECTION

WAC 232-28-62000I Coastal salmon seasons. Notwithstanding the provisions of WAC 232-28-620, it is unlawful to fish for or possess salmon taken for personal use from

Area 1 west of the Buoy 10 line, Area 2, Area 2-2 west of the Buoy 13 line, and Areas 3 and 4, except:

(1) Area 1 - Closed

(2) Areas 2 and 2-2 west of the Buoy 13 line - Closed.

(3) Area 3 - Open immediately until further notice. Daily limit 2 salmon except release chinook and wild coho.

(4) Area 4 - Open immediately until further notice. Daily limit 2 salmon except release chinook, chum and wild coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 3, 2002:

WAC 232-28-62000H Coastal salmon seasons. (02-205)

**WSR 02-18-081
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-218—Filed August 30, 2002, 4:21 p.m., effective September 1, 2002, 12:01 a.m.]

Date of Adoption: August 30, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000M; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

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: Trawling for groundfish with limited entry trawl gear in coastal waters is being prohibited by National Marine Fisheries Service effective September 1, 2002. Although walleye pollock is not classified as a groundfish under the federal groundfish fishery management plan, the pollock fishery is conducted with limited entry trawl gear and incidentally takes federally managed groundfish. Pacific whiting are one of the species taken incidentally. Whiting have been declared overfished and the 2002 harvest quota has been achieved. Effective September 1, NMFS is prohibiting further landings of this species. Therefore this emergency regulation is necessary for conservation and to maintain consistency with federal regulations. 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 1, 2002, 12:01 a.m.

August 30, 2002

J. P. Koenigs
Director

NEW SECTION

WAC 220-44-05000N Coastal bottom fish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice: (1) It is unlawful to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 67, No. 143, published July 25, 2002. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(a) Effective 12:01 a.m. September 1, 2002, until further notice it is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63.

(3) At the time of landing of coastal bottom fish into a Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket, in the space reserved for dealer's use, all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(4) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS

research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 1, 2002:

WAC 220-44-05000M Coastal bottomfish catch limits. (02-172)

WSR 02-18-090
EMERGENCY RULES
HEALTH CARE AUTHORITY
(Basic Health)

[Order 02-05—Filed September 3, 2002, 10:16 a.m.]

Date of Adoption: September 3, 2002.

Purpose: This rule is necessary to enable basic health to comply with the requirements of SSB 6833 (chapter 366, Laws of 2002) and budget proviso language, which require basic health to offer coverage to medical assistance clients whose program is ending September 30, 2002. These rules modify the application requirements to allow temporary eligibility based on medical assistance documentation and revise the definition of "dependent" to allow for enrollment of children whose guardian is neither the parent nor a court-ordered legal guardian.

Citation of Existing Rules Affected by this Order: Amending WAC 182-25-010.

Statutory Authority for Adoption: RCW 70.47.050.

Other Authority: RCW 74.08A.100 and chapter 371, Laws of 2002.

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: 2002 legislation and budget proviso language require basic health to offer coverage to about 27,000 covered under a medical assistance program that is ending September 30, 2002. The HCA administrator finds for good cause that rules for basic health enrollment must be temporarily modified in order to effectuate the

immediate enrollment of this large group in a short period of time. Because basic health processes differ from medical assistance processes and eligibility standards differ, some of these clients could not be enrolled in basic health coverage without these changes. Additionally, many of the children affected live with family members or other adults under guardianship arrangements without a court order, the definition of "dependent" in WAC 182-25-010(9) is revised to allow for enrollment of children whose guardian is neither the parent nor a court-ordered legal guardian. The agency plans to adopt these changes as permanent rules under Administrative Order 02-06. WAC 182-25-041 is created to allow a temporary exception to application requirements for this group of applicants. This section will not be adopted as a permanent rule, because the need for the rule will end December 31, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 3, 2002

Melodie H. Bankers

Rules Coordinator

AMENDATORY SECTION (Amending Order 00-08, filed 4/4/01, effective 5/5/01)

WAC 182-25-010 Definitions. The following definitions apply throughout these rules.

(1) "Administrator" means the administrator of the Washington state health care authority (HCA) or designee.

(2) "Appeal procedure" means a formal written procedure for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction.

(3) "Basic health plan" (or BHP) means the system of enrollment and payment for basic health care services administered by the administrator through managed health care systems.

(4) "BHP plus" means the program of expanded benefits available to children through coordination between the department of social and health services (DSHS) and basic health plan. Eligibility for BHP Plus is determined by the department of social and health services, based on Medicaid eligibility criteria. To be eligible for the program children must be under age nineteen, with a family income at or below

two hundred percent of federal poverty level, as defined by the United States Department of Health and Human Services. They must be Washington state residents, not eligible for Medicare, and may be required to meet additional DSHS eligibility requirements.

(5) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a health care provider or to the MHCS.

(6) "Covered services" means those services and benefits in the BHP schedule of benefits (as outlined in the member handbook issued to the enrollee, or to a subscriber on behalf of the enrollee), which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments.

(7) "Disenrollment" means the termination of covered services in BHP for a subscriber and dependents, if any.

(8) "Effective date of enrollment" means the first date, as established by BHP, on which an enrollee is entitled to receive covered services from the enrollee's respective managed health care system.

(9) "Dependent" means:

(a) The subscriber's lawful spouse, not legally separated, who resides with the subscriber; or

(b) The unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, ~~((legal guardianship, or))~~ placement pending adoption, or under a guardianship agreement, who is:

(i) Younger than age nineteen, and who has not been relinquished for adoption by the subscriber or the subscriber's dependent spouse; or

(ii) Younger than age twenty-three, and a registered student at an accredited secondary school, college, university, technical college, or school of nursing, attending full time, other than during holidays, summer and scheduled breaks; or

(c) A person of any age who is ~~((under legal guardianship of the subscriber or the subscriber's dependent spouse, and who is incapable of self-support due to disability))~~ incapable of self-support due to disability, and who is the unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, or legal guardianship.

(10) "Eligible full-time employee" means an employee who meets all eligibility requirements in WAC 182-25-030 and who is regularly scheduled to work thirty or more hours per week for an employer. The term includes a self-employed individual (including a sole proprietor or a partner of a partnership, and may include an independent contractor) if the individual:

(a) Is regularly scheduled to work thirty hours or more per week; and

(b) Derives at least seventy-five percent of his or her income from a trade or business that is licensed to do business in Washington.

Persons covered under a health benefit plan pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements.

(11) "Eligible part-time employee" means an employee who meets all the criteria in subsection (10) of this section, but who is regularly scheduled to work fewer than thirty hours per week for an employer.

(12) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

(13) "Employer" means an enterprise licensed to do business in Washington state, as defined by RCW 50.04.080, with employees in addition to the employer, whose wages or salaries are paid by the employer.

(14) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in BHP, and for whom applicable premium payments have been made.

(15) "Family" means an individual or an individual and spouse, if not legally separated, and dependents. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family.

(16) "Financial sponsor" means a person, organization or other entity, approved by the administrator, that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any dependents.

(17) "Gross family income" means total cash receipts, as defined in (a) of this subsection, before taxes, from all sources, for subscriber and dependents whether or not they are enrolled in BHP, with the exceptions noted in (b) of this subsection.

(a) Income includes:

(i) Money wages, tips and salaries before any deductions;

(ii) Net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses);

(iii) Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);

(iv) Regular payments from Social Security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance, alimony, child support, military family allotments, private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments;

(v) Work study or training stipends;

(vi) Dividends and interest accessible to the enrollee without a penalty;

(vii) Net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

(b) Income does not include the following types of money received:

(i) Capital gains;

(ii) Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;

(iii) Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation);

(iv) Noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance;

(v) Income earned by dependent children;

(vi) Income of a family member who resides in another household when such income is not available to the subscriber or dependents seeking enrollment in BHP;

(vii) College or university scholarships, grants, fellowships and assistantships;

(viii) Payments from the department of social and health services adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145;

(ix) Documented child care expenses for the care of a dependent child of a subscriber may be deducted (at a rate set by the administrator and consistent with Internal Revenue Service requirements) when calculating gross family income. To qualify for this deduction, the subscriber must be employed during the time the child care expenses were paid, and payment may not be paid to a parent or step parent of the child or to a dependent child of the subscriber or his/her spouse.

(18) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence, and is licensed by the department of social and health services (DSHS) as a home care agency. In order to qualify, the agency must be under contract with one of the following DSHS programs: Chore, Medicaid Personal Care, Community Options Program Entry System (COPES) or Respite Care (up to level three).

(19) "Institution" means a federal, state, county, city or other government correctional or detention facility or government-funded facility where health care historically has been provided and funded through the budget of the operating agency, and includes, but is not limited to: Washington state department of corrections institutions; federal, county and municipal government jail and detention institutions; Washington state department of veterans affairs soldiers' and veterans' homes; department of social and health services state hospitals and facilities and juvenile rehabilitation institutions and group homes. An institution does not include: Educational institutions; government-funded acute health care or mental health facilities except as provided above; chemical dependency facilities; and nursing homes.

(20) "Institutionalized" means to be confined, voluntarily or involuntarily, by court order or health status, in an institution, as defined in subsection (19) of this section. This does not include persons on work release or who are residents of higher education institutions, acute health care facilities, alcohol and chemical dependency facilities, or nursing homes.

(21) "Insurance broker" or "agent" means a person who is currently licensed as a disability insurance broker or agent, according to the laws administered by the office of the insurance commissioner under chapter 48.17 RCW.

(22) "Managed health care system" (or "MHCS") means:

(a) Any health care organization (including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof) which has entered into a contract with the HCA to provide basic health care services; or

(b) A self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

(23) "Maternity benefits through medical assistance," also known as S-Medical, means the coordinated program between BHP and DSHS for eligible pregnant women. This program includes all Medicaid benefits, including maternity coverage. Eligible members must be at or below one hundred eighty-five percent of the federal poverty level. Eligibility for this program is determined by DSHS, based on Medicaid eligibility criteria.

(24) "Medicaid" means the Title XIX Medicaid program administered by the department of social and health services, and includes the medical care programs provided to the "categorically needy" and the "medically needy" as defined in chapter 388-503 WAC.

(25) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(26) "Nonsubsidized enrollee" or "full premium enrollee" means an individual who enrolls in BHP, as the subscriber or dependent, and who pays or on whose behalf is paid the full costs for participation in BHP, without subsidy from the HCA.

(27) "Open enrollment" means a time period designated by the administrator during which enrollees may enroll additional dependents or apply to transfer their enrollment from one managed health care system to another.

(28) "Participating employee" means an employee of a participating employer or home care agency who has met all the eligibility requirements and has been enrolled for coverage under BHP.

(29) "Participating employer" means an employer who has been approved for enrollment in BHP as an employer group.

(30) "Preexisting condition" means any illness, injury or condition for which, in the six months immediately preceding an enrollee's effective date of enrollment in BHP:

(a) Treatment, consultation or a diagnostic test was recommended for or received by the enrollee; or

(b) Medication was prescribed or recommended for the enrollee; or

(c) Symptoms existed which would ordinarily cause a reasonably prudent individual to seek medical diagnosis, care or treatment.

(31) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which an individual, their employer or a financial sponsor makes to BHP for subsidized or nonsubsidized enrollment in BHP.

(32) "Program" means subsidized BHP, nonsubsidized BHP, BHP Plus, or maternity benefits through medical assistance.

(33) "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.

(34) "Rate" means the amount, including administrative charges and any applicable premium and prepayment tax imposed under RCW 48.14.020, negotiated by the adminis-

trator with and paid to a managed health care system, to provide BHP health care benefits to enrollees.

(35) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments, as described in the member handbook.

(36) "Service area" means the geographic area served by a managed health care system as defined in its contract with HCA.

(37) "Subscriber" is a person who applies to BHP on his/her own behalf and/or on behalf of his/her dependents, if any, who meets all applicable eligibility requirements, is enrolled in BHP, and for whom the monthly premium has been paid. Notices to a subscriber and, if applicable, a financial sponsor or employer shall be considered notice to the subscriber and his/her enrolled dependents.

(38) "Subsidized enrollee" or "reduced premium enrollee" means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA. To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, "subsidized enrollee" also means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA.

(39) "Subsidy" means the difference between the amount of periodic payment the HCA makes to a managed health care system on behalf of a subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

NEW SECTION

WAC 182-25-041 Exception to application requirements. (1) A temporary exception to the requirements in WAC 182-25-040 (1) and (2) will be made for October 2002 through December 2002 coverage for former medical assistance clients:

(a) Who, solely by reason of their immigration status, are not eligible for Medicaid coverage of their nonemergent medical care needs; and

(b) Who apply by October 31, 2002, but have not provided complete documentation; and

(c) Whose income information has been provided by the department of social and health services medical assistance administration; and

(d) Who are enrolling under the mandates of section 1, chapter 366, Laws of 2002, and the supplemental budget proviso in section 212(7), chapter 371, Laws of 2002.

(2) To continue coverage after December 2002, enrollees who enroll under this temporary exception must meet all requirements of continued enrollment and must send complete documentation according to BHP requirements.

**WSR 02-18-103
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

· (Economic Services Administration)

[Filed September 3, 2002, 3:30 p.m., effective October 1, 2002]

Date of Adoption: August 30, 2002.

Purpose: Amending WAC 388-478-0060 What are my income limits for food assistance? The Division of Employment and Assistance Program is implementing federal changes in maximum benefit amounts, gross income limits, net income limits, and the 165% of poverty level on an annual basis.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0060.

Statutory Authority for Adoption: RCW 74.04.057, 74.04.500, 74.04.510, 7 C.F.R. 273.9.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The United States Department of Agriculture, Food and Nutrition Service (FNS) requires states to update maximum benefit amounts, gross income limits, net income limits, and the 165% of poverty level on an

annual basis. FNS rules (7 C.F.R. 273.9) require that these changes take effect on October 1, 2002.

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 1, Repealed 0.

Effective Date of Rule: October 1, 2002.

August 29, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-21-059, filed 10/16/01, effective 12/1/01)

WAC 388-478-0060 What are ~~((my))~~ the income limits and maximum benefit amounts for food assistance? If your assistance unit (AU) meets all other eligibility requirements for food assistance, your AU must have income at or below the limits in column ~~((f))B((g))~~ and ~~((f))C((g))~~ to get food assistance, unless you meet one of the exceptions listed below~~((:))~~. The maximum monthly food assistance benefit your AU could receive is listed in column D.

EFFECTIVE 10-1-~~((2001))~~ 2002

Column A Number of Eligible AU Members	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
1	\$(931) <u>960</u>	\$(716) <u>739</u>	\$(135) <u>139</u>	\$(1,182) <u>1,219</u>
2	((1,258)) <u>1,294</u>	((968)) <u>995</u>	((248)) <u>256</u>	((1,597)) <u>1,642</u>
3	((1,585)) <u>1,628</u>	((1,220)) <u>1,252</u>	((356)) <u>366</u>	((2,012)) <u>2,066</u>
4	((1,913)) <u>1,961</u>	((1,471)) <u>1,509</u>	((452)) <u>465</u>	((2,427)) <u>2,489</u>
5	((2,240)) <u>2,295</u>	((1,723)) <u>1,765</u>	((537)) <u>553</u>	((2,843)) <u>2,913</u>
6	((2,567)) <u>2,629</u>	((1,975)) <u>2,022</u>	((644)) <u>663</u>	((3,258)) <u>3,336</u>
7	((2,894)) <u>2,962</u>	((2,226)) <u>2,279</u>	((712)) <u>733</u>	((3,673)) <u>3,760</u>
8	((3,221)) <u>3,296</u>	((2,478)) <u>2,535</u>	((814)) <u>838</u>	((4,088)) <u>4,183</u>

EMERGENCY

EFFECTIVE 10-1-((2001)) 2002

Column A	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
Number of Eligible AU Members				
9	((3,549)) <u>3,630</u>	((2,730)) <u>2,792</u>	((916)) <u>943</u>	((4,504)) <u>4,607</u>
10	((3,877)) <u>3,964</u>	((2,982)) <u>3,049</u>	((1,018)) <u>1,048</u>	((4,920)) <u>5,031</u>
Each Additional Member	+((328)) <u>334</u>	+((252)) <u>257</u>	+((102)) <u>105</u>	+((416)) <u>424</u>

Exceptions:

(1) If your AU is categorically eligible as under WAC 388-414-0001, your AU does not have to meet the gross or net income standards in columns ((f))B((g)) and ((f))C((g)). ((However,)) We do budget your AU's income to decide the amount of food assistance your AU will receive.

(2) If your AU includes a member who is sixty years of age or older or has a disability, your income must be at or below the limit in column ((f))C((g)) only.

(3) If you are sixty years of age or older and cannot buy and cook your own meals because of a permanent disability, we will use column ((f))E((g)) to decide if you can be a separate AU.

(4) If your AU has zero income, your benefits are the maximum allotment in column ((f))D((g)), based on the number of eligible members in your AU.

ual to \$3,000 to meet the requirements of the Farm Security and Rural Investment Act of 2002 - Title IV, Section 4107(1). This law was enacted on May 13, 2002, and requires this rule change be made effective October 1, 2002, to be in compliance with federal statute.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: October 1, 2002.

August 29, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-18-104

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed September 3, 2002, 3:31 p.m., effective October 1, 2002]

Date of Adoption: August 30, 2002.

Purpose: Amend existing rule to comply with federal requirements. The Division of Employment and Assistance Programs is amending WAC 388-470-0005 Resource eligibility and limits, to implement new federal statutes on resource limits for households containing a disabled individual.

Citation of Existing Rules Affected by this Order: Amending WAC 388-470-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.04.510.

Other Authority: Farm Security and Rural Investment Act of 2002, Title IV, Section 4107(1), U.S. Food and Nutrition Service Administrative Notice 02-33.

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: WAC 388-470-0005 changes the resource limit for assistance units with a disabled individ-

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-470-0005 Resource eligibility and limits.

(1) A resource is personal property or real property or certain types of payments that are not considered income that is owned by and available to a client.

(2) A client may own and keep excluded resources or countable resources up to the resource limit.

(3) For SSI-related medical a resource is considered available when the client or spouse:

- (a) Owns the resource; and
- (b) Has the authority to convert the resource to cash; and
- (c) Is not legally restricted from using the resource for the person's support and maintenance.

(4) For an SSI-related client a resource is available on the first day of the month following receipt of the resource.

(5) Available resources may be:

(a) Excluded which means it is not counted toward the resource limit;

EMERGENCY

(b) Partially excluded:

(i) The resource is not counted up to a specified dollar amount; but

(ii) Any amount over that amount is counted toward the resource limit; or

(c) Countable which means the entire value is counted toward the resource limit.

(6) For medical programs, if the household consists of more than one medical assistance unit (MAU), the resources for each MAU are considered according to the related program.

(7) An assistance unit's resources are determined by:

(a) Disregarding all excluded resources;

(b) Adding the value of:

(i) Resources that are in excess of the excluded dollar amounts; and

(ii) Resources that are countable; and

(c) Comparing the total countable resources to the applicable resource limit for the assistance unit;

(d) If the total resources exceed the applicable resource limit, the assistance unit's benefits are denied or terminated except for institutional medical programs as described in WAC 388-513-1395.

(8) The value of a resource is the equity value. The equity value is the amount a person could receive for the resource (fair market value) minus the legal amount still owing. Limits for countable resources are:

(a) For cash assistance and TANF-related medical, an eligible assistance unit's countable resources must be at or below one thousand dollars;

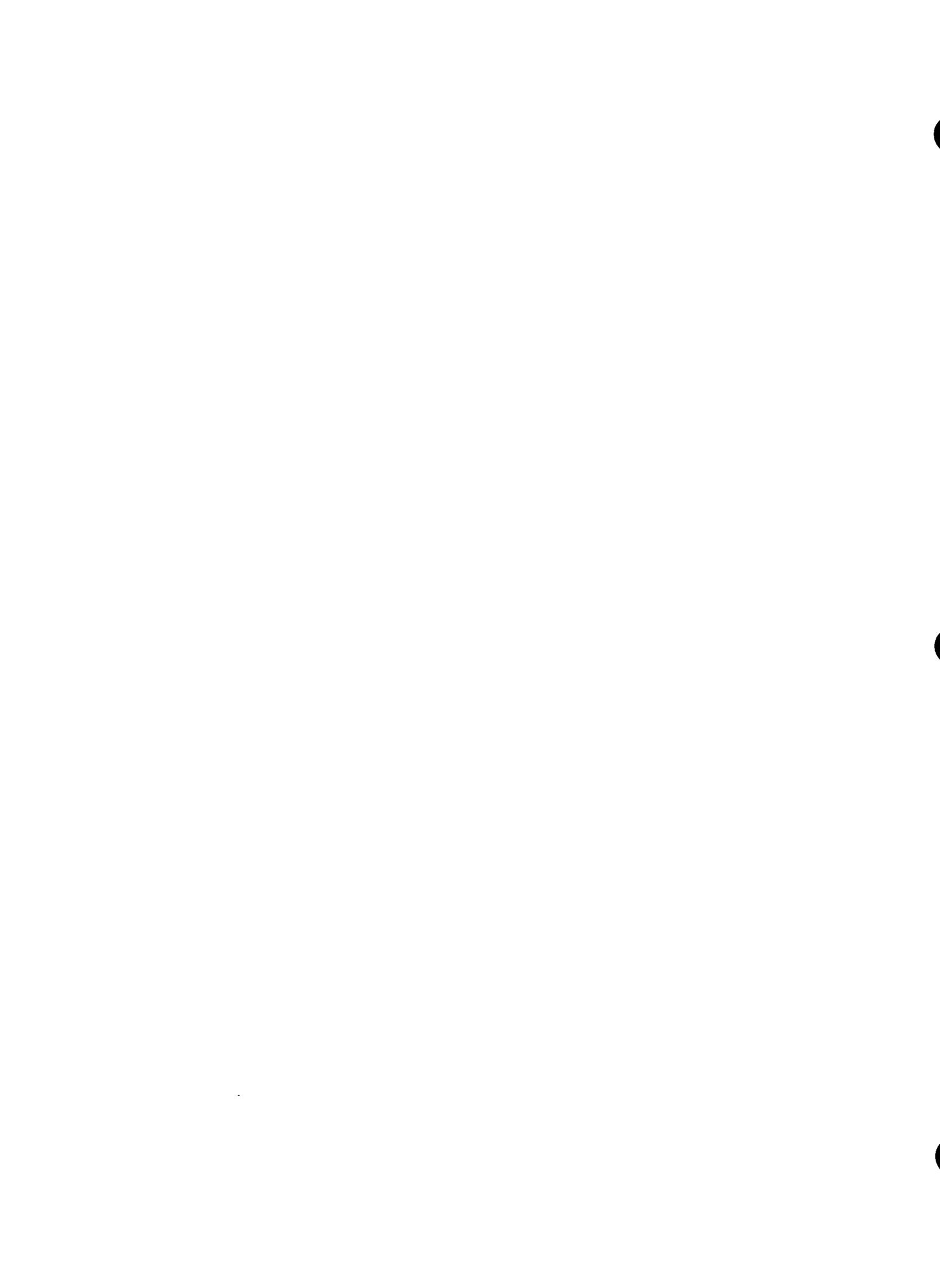
(b) For food assistance, an eligible assistance unit's countable resources must be at or below:

(i) Three thousand dollars for any household with either an elderly or disabled member; or

(ii) Two thousand dollars for all other households.

(9) For food assistance, assistance units in which all members are receiving cash assistance or SSI do not have to meet the resource limits in subsection (8)(b) of this section.

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



WSR 02-18-002
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LOTTERY
 (Lottery Commission)
 [Memorandum—August 21, 2002]

Amended Meeting Schedule for
 2002 Lottery Commission

Following is the meeting schedule for the final regular meeting of the Washington State Lottery Commission for 2002.

November 14, 2002 Vancouver, Washington

WSR 02-18-003
ATTORNEY GENERAL'S OFFICE
 [Filed August 21, 2002, 3:45 p.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by September 25, 2002. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested, information about the Attorney General's Opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s):

02-08-04 Request by Terry Bergeson
Superintendent of Public Instruction

- 1). **Does RCW 28A.320.015 have the effect of granting school boards authority above and beyond the specific authority granted by any other section of the Revised Code of Washington?**
- 2). **Assuming that the locally elected school district board of directors has complied with the procedural requirements of RCW 28A.320.015, can the board adopt a policy pursuant to the statute that autho-**

rizes the district to solicit and generate non-public funds in order to promote the education of K-12 students or to promote the effective operation of the district?

WSR 02-18-006
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
 [Filed August 21, 2002, 3:58 p.m.]

Issuance of Interpretive Statement
ETA 2009—BTA nonacquiescences

This announcement of the issuance of this interpretive statement is published in the Washington State Register pursuant to the requirements of RCW 34.05.230.

The Board of Tax Appeals (BTA) is a separate agency from the Department of Revenue (department) that decides appeals from determinations made by the department. A BTA decision binds the department only for the individual taxpayer's case and for the time period under appeal. In some cases the department needs to inform the public, tax practitioners, and the department's employees as to whether it agrees or disagrees with an adverse BTA decision in order to avoid misunderstandings about how the department will apply the BTA decision to other taxpayer's situations.

ETA 2009 has been issued to identify three recent BTA decisions to which the department does not acquiesce.

A copy of this advisory is available via the Internet at <http://dor.wa.gov/docs/rules/eta/2009.pdf>. Alternatively, a request for a copy of this advisory may be directed to Roseanna Hodson, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6119, fax (360) 664-0693.

Alan R. Lynn
 Rules Coordinator

WSR 02-18-029
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed August 23, 2002, 4:07 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-70 MAA.
 Subject: New reimbursement methodology for dialysis sessions billed by free-standing kidney centers.
 Effective Date: September 1, 2002.

Document Description: **Effective for dates of service on and after September 1, 2002**, the Medical Assistance Administration (MAA) will apply the new reimbursement methodology to billings from free-standing kidney centers for dialysis sessions.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical

Assistance Administration, Division of Program Support,
P.O. Box 45533, Olympia, WA 98504-5533, phone (360)
725-1344 or go to website <http://maa.dshs.wa.gov> (click on
Numbered Memorandum link), TDD 1-800-848-5429, fax
(360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

August 20, 2002

E. A. Myers, Manager

Rules and Publications Section

WSR 02-18-030

NOTICE OF PUBLIC MEETINGS

BATES TECHNICAL COLLEGE

[Memorandum—August 21, 2002]

Annual Meeting Schedule—Board of Trustees

Pursuant to RCW 42.30.075, following is Bates Techni-
cal College board of trustees' regularly scheduled meetings
for the year 2002-2003.

The board of trustees of Bates Technical College regu-
larly meets on the third Wednesday of each month except
August. All meetings begin at 3 p.m.

Date (2002-03)	Location
September 18, 2002	Bates Technical College 2201 South 78th Tacoma, WA 98409 (South Campus)
October 16, 2002	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
November 20, 2002	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
December 18, 2002	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
January 15, 2003	Bates Technical College 2201 South 78th Tacoma, WA 98409 (South Campus)
February 19, 2003	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
March 19, 2003	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)

April 16, 2003	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
May 21, 2003	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
June 18, 2003	Bates Technical College 2201 South 78th Tacoma, WA 98409 (South Campus)
July 16, 2003	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)

WSR 02-18-063

NOTICE OF PUBLIC MEETINGS

**OFFICE OF THE
INTERAGENCY COMMITTEE**

(Interagency Committee for Outdoor Recreation)

[Memorandum—August 27, 2002]

**Iac Meeting, September 19, 2002
Seattle, Washington
DoubleTree Hotel Seattle Airport**

Note change in location and date!!

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, September 19, 2002, beginning at 8:45 a.m. at the DoubleTree Hotel Seattle Airport, 18740 Pacific Highway South, Seattle, WA.

This one day meeting is a funding recommendation ses-
sion for projects in all seven categories of the Washington
wildlife and recreation program, the general and education
categories of the national recreational trails program, land
and water conservation fund program, and the boating infra-
structure grant program. Additional agenda items include
adoption of the 2003 IAC meeting schedule, evaluation
instruments for the nonhighway off-road vehicle activities
(NOVA) ORV and NHR programs, and management update
reports.

If you plan to participate or have materials for committee
review, please submit information to our office no later than
September 5, 2002. This will allow for distribution to com-
mittee members in a timely fashion.

IAC public meetings are held in locations accessible to
people with disabilities. Arrangements for individuals with
hearing or visual impairments can be provided by contacting
IAC by September 5 at (360) 902-2637 or TDD (360) 902-
1996.

MISC.

WSR 02-18-075**NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD**

[Memorandum—August 29, 2002]

Washington State Workforce Training and Education Coordinating Board (WTECB), November 20, 2002, Meeting Cancellation

Since WTECB is hosting the Workforce Strategies 2002: The Leadership Difference Conference on November 21-22, 2002, the November 20, 2002, WTECB meeting has been cancelled and will be rescheduled to a one-half day in December.

Please give Caroline Haggard a call at 753-5677 if you have any questions.

WSR 02-18-076**NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD**

[Filed August 30, 2002, 1:11 p.m.]

MEETING NOTICE: October 10, 2002
County Road Administration Board
2404 Chandler Court S.W., Suite 240
Olympia, WA 98504
1:00 p.m. to 5:00 p.m.

MEETING NOTICE: October 11, 2002
County Road Administration Board
2404 Chandler Court S.W., Suite 240
Olympia, WA 98504
9:00 a.m. to 12:00 p.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Gale Mitchell at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

WSR 02-18-085**NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED
CONTROL BOARD**

[Memorandum—August 29, 2002]

The November meeting of the Washington State Noxious Weed Control Board will be held as follows: On November 19, at 8:30 a.m., Washington Cattlemen's Association, 1301 North Dolarway, Ellensburg, WA.

WSR 02-18-096**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed September 3, 2002, 3:25 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing instructions.
Subject: HIV/AIDS case management.
Effective Date: September 2002.

Document Description: These are billing instructions for HIV/AIDS case management providers to use when billing for services rendered to medical assistance clients. Included in this document are definitions, purpose of program, client eligibility, billable services, billing information, fee schedule, and how to complete the HCFA-1500 claim form.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Billing Instructions link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

August 29, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-18-097**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed September 3, 2002, 3:26 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-73 MAA.
Subject: Disease management program - UPDATE.
Effective Date: September 1, 2002.

Document Description: Effective April 2002, the Medical Assistance Administration (MAA) implemented a disease management program that provides additional resources for eligible clients' current medical care. **This numbered memorandum provides detailed information about the DM program and client eligibility requirements. There are approximately 20,000 fee-for-service (FFS) clients in Washington who may qualify to participate in this program.**

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on

Numbered Memorandum link), TDD 1-800-848-5429, fax
(360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

August 29, 2002

E. A. Myers, Manager
Rules and Publications Section

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
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- 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.

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4-25-530	AMD-P	02-13-022	16-154-050	REP-P	02-04-109	16-157-220	NEW	02-10-090
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4-25-721	AMD	02-04-064	16-156-035	REP-P	02-04-109	16-157-280	NEW	02-10-090
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4-25-756	NEW	02-04-064	16-157-010	NEW-P	02-04-109	16-158-030	REP-P	02-04-109
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4-25-793	NEW	02-04-064	16-157-030	NEW	02-10-090	16-158-090	REP-P	02-04-109
4-25-795	AMD	02-04-064	16-157-100	NEW-P	02-04-109	16-158-100	REP-P	02-04-109
4-25-820	AMD	02-04-064	16-157-100	NEW	02-10-090	16-158-100	REP-P	02-04-109
4-25-830	AMD	02-04-064	16-157-110	NEW-P	02-04-109	16-158-110	REP-P	02-04-109
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Table of WAC Sections Affected

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16-228-12351	NEW-P	02-07-080	16-302-260	AMD	02-12-060	16-324-398	AMD	02-12-010
16-228-12351	NEW-C	02-11-070	16-302-330	PREP	02-05-083	16-324-401	AMD-P	02-08-087
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16-228-12352	NEW-E	02-06-048	16-302-330	AMD	02-12-060	16-324-431	AMD-P	02-08-087
16-228-12352	NEW-P	02-07-080	16-302-385	PREP	02-05-083	16-324-431	AMD	02-12-010
16-228-12352	NEW-C	02-11-070	16-302-385	AMD-P	02-09-059	16-324-720	AMD-P	02-08-087
16-228-12352	NEW	02-12-017	16-302-385	AMD	02-12-060	16-324-720	AMD	02-12-010
16-228-1237	NEW-E	02-06-048	16-302-390	PREP	02-05-083	16-324-730	AMD-P	02-08-087
16-228-1237	NEW-P	02-07-080	16-302-390	AMD-P	02-09-059	16-324-730	AMD	02-12-010
16-228-1237	NEW-C	02-11-070	16-302-390	AMD	02-12-060	16-324-740	AMD-P	02-08-087
16-228-1237	NEW	02-12-017	16-302-410	PREP	02-05-083	16-324-740	AMD	02-12-010
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16-228-2020	REP-C	02-18-023	16-303-200	PREP	02-03-127	16-403-142	AMD	02-12-011
16-228-2025	NEW-P	02-14-092	16-303-200	AMD-P	02-09-060	16-403-190	PREP	02-03-128
16-228-2025	NEW-C	02-18-023	16-303-200	AMD	02-12-061	16-403-190	AMD-P	02-07-118
16-228-2030	REP-P	02-14-092	16-303-210	PREP	02-03-127	16-403-190	AMD-C	02-12-005
16-228-2030	REP-C	02-18-023	16-303-210	AMD-P	02-09-060	16-403-190	AMD	02-12-011
16-228-2035	NEW-P	02-14-092	16-303-210	AMD	02-12-061	16-403-280	AMD-P	02-07-118
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16-458	PREP	02-14-128	16-489-020	NEW-P	02-10-123	16-674-040	AMD	02-15-141
16-458-075	AMD-E	02-14-127	16-489-020	NEW	02-13-125	16-674-055	NEW-P	02-12-128
16-458-075	AMD-P	02-17-101	16-489-030	NEW-P	02-10-123	16-674-055	NEW	02-15-141
16-458-080	REP-E	02-14-127	16-489-030	NEW	02-13-125	16-674-065	REP-P	02-12-128
16-458-080	REP-P	02-17-101	16-489-040	NEW-P	02-10-123	16-674-065	REP	02-15-141
16-458-085	AMD-E	02-14-127	16-489-040	NEW	02-13-125	16-674-080	REP-P	02-12-128
16-458-085	AMD-P	02-17-101	16-489-050	NEW-P	02-10-123	16-674-080	REP	02-15-141
16-459	PREP	02-16-089	16-489-050	NEW	02-13-125	16-674-090	REP-P	02-12-128
16-462-015	AMD-P	02-08-085	16-489-060	NEW-P	02-10-123	16-674-090	REP	02-15-141
16-462-015	AMD	02-11-100	16-489-060	NEW	02-13-125	16-674-095	AMD-P	02-12-128
16-462-020	AMD-P	02-08-085	16-489-070	NEW-P	02-10-123	16-674-095	AMD	02-15-141
16-462-020	AMD	02-11-100	16-489-070	NEW	02-13-125	16-675	PREP	02-08-083
16-462-021	AMD-P	02-08-085	16-501-005	NEW-P	02-13-132	16-675	AMD-P	02-12-129
16-462-021	AMD	02-11-100	16-501-005	NEW	02-16-045	16-675	AMD	02-15-140
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16-462-022	AMD	02-11-100	16-501-010	NEW	02-16-045	16-675-010	AMD	02-15-140
16-462-025	AMD-P	02-08-085	16-501-015	NEW-P	02-13-132	16-675-030	AMD-P	02-12-129
16-462-025	AMD	02-11-100	16-501-015	NEW	02-16-045	16-675-030	AMD	02-15-140
16-462-030	AMD-P	02-08-085	16-532-020	AMD-P	02-06-130	16-675-040	AMD-P	02-12-129
16-462-030	AMD	02-11-100	16-532-020	AMD-W	02-12-099	16-675-040	AMD	02-15-140
16-462-050	AMD-P	02-08-085	16-532-025	NEW-P	02-06-130	16-675-050	NEW-P	02-12-129
16-462-050	AMD	02-11-100	16-532-025	NEW-W	02-12-099	16-675-050	NEW	02-15-140
16-462-055	AMD-P	02-08-085	16-532-040	AMD-P	02-06-130	16-675-060	NEW-P	02-12-129
16-462-055	AMD	02-11-100	16-532-040	AMD-W	02-12-099	16-675-060	NEW	02-15-140
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16-470-810	NEW-P	02-06-131	16-557-010	REP-W	02-11-083	16-750	PREP	02-17-089
16-470-810	NEW-E	02-07-120	16-557-020	REP-C	02-09-005	16-752	PREP	02-05-089
16-470-810	NEW	02-09-099	16-557-020	REP-W	02-11-083	16-752-610	AMD-P	02-09-098
16-470-820	NEW-P	02-06-131	16-557-025	REP-C	02-09-005	16-752-610	AMD	02-12-030
16-470-820	NEW-E	02-07-120	16-557-025	REP-W	02-11-083	36- 12	PREP	02-13-139
16-470-820	NEW	02-09-099	16-557-030	REP-C	02-09-005	36- 12-010	REP	02-03-069
16-470-830	NEW-P	02-06-131	16-557-030	REP-W	02-11-083	36- 12-011	AMD	02-03-069
16-470-830	NEW-E	02-07-120	16-557-040	REP-C	02-09-005	36- 12-011	AMD-P	02-16-060
16-470-830	NEW	02-09-099	16-557-040	REP-W	02-11-083	36- 12-011	AMD-W	02-17-059
16-470-840	NEW-P	02-06-131	16-557-041	REP-C	02-09-005	36- 12-011	AMD-P	02-17-103
16-470-840	NEW-E	02-07-120	16-557-041	REP-W	02-11-083	36- 12-020	AMD	02-03-069
16-470-840	NEW	02-09-099	16-557-050	REP-C	02-09-005	36- 12-030	AMD	02-03-069
16-470-850	NEW-P	02-06-131	16-557-050	REP-W	02-11-083	36- 12-030	AMD-P	02-16-060
16-470-850	NEW-E	02-07-120	16-557-060	REP-C	02-09-005	36- 12-030	AMD-W	02-17-059
16-470-850	NEW	02-09-099	16-557-060	REP-W	02-11-083	36- 12-030	AMD-P	02-17-103
16-470-860	NEW-P	02-06-131	16-557-070	REP-C	02-09-005	36- 12-040	AMD	02-03-069
16-470-860	NEW-E	02-07-120	16-557-070	REP-W	02-11-083	36- 12-050	AMD	02-03-069
16-470-860	NEW	02-09-099	16-557-080	REP-C	02-09-005	36- 12-060	REP	02-03-069
16-470-870	NEW-P	02-06-131	16-557-080	REP-W	02-11-083	36- 12-070	AMD	02-03-069
16-470-870	NEW-E	02-07-120	16-585	AMD-P	02-10-121	36- 12-080	REP	02-03-069
16-470-870	NEW	02-09-099	16-585	AMD	02-14-091	36- 12-100	AMD	02-03-069
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16-484-210	AMD	02-12-009	16-585-010	AMD	02-14-091	36- 12-100	AMD-W	02-17-059
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16-484-230	AMD	02-12-009	16-662-105	AMD	02-12-029	36- 12-110	AMD-W	02-17-059
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36- 12-140	AMD-W	02-17-059	36- 13-060	REP-P	02-17-103	44- 10-150	AMD-P	02-10-060
36- 12-140	AMD-P	02-17-103	36- 13-070	REP-P	02-16-060	44- 10-150	AMD	02-12-093
36- 12-150	AMD	02-03-069	36- 13-070	REP-W	02-17-059	44- 10-160	AMD-P	02-10-060
36- 12-160	REP	02-03-069	36- 13-070	REP-P	02-17-103	44- 10-160	AMD	02-12-093
36- 12-170	AMD	02-03-069	36- 13-080	REP-P	02-16-060	44- 10-170	AMD-P	02-10-060
36- 12-170	AMD-P	02-16-060	36- 13-080	REP-W	02-17-059	44- 10-170	AMD	02-12-093
36- 12-170	AMD-W	02-17-059	36- 13-080	REP-P	02-17-103	44- 10-200	AMD-P	02-10-060
36- 12-170	AMD-P	02-17-103	36- 13-090	REP-P	02-16-060	44- 10-200	AMD	02-12-093
36- 12-190	AMD	02-03-069	36- 13-090	REP-W	02-17-059	44- 10-210	AMD-P	02-10-060
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36- 12-195	AMD-W	02-17-059	36- 13-100	REP-P	02-16-060	44- 10-221	AMD-P	02-10-060
36- 12-195	AMD-P	02-17-103	36- 13-100	REP-W	02-17-059	44- 10-221	AMD	02-12-093
36- 12-200	AMD	02-03-069	36- 13-100	REP-P	02-17-103	44- 10-222	AMD-P	02-10-060
36- 12-200	AMD-P	02-16-060	36- 13-110	AMD-P	02-16-060	44- 10-222	AMD	02-12-093
36- 12-200	AMD-W	02-17-059	36- 13-110	AMD-W	02-17-059	44- 10-300	AMD-P	02-10-060
36- 12-200	AMD-P	02-17-103	36- 13-110	AMD-P	02-17-103	44- 10-300	AMD	02-12-093
36- 12-210	REP	02-03-069	36- 13-120	AMD-P	02-16-060	44- 10-310	AMD-P	02-10-060
36- 12-220	REP	02-03-069	36- 13-120	AMD-W	02-17-059	44- 10-310	AMD	02-12-093
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36- 12-240	AMD-P	02-16-060	36- 13-130	AMD-P	02-16-060	51- 11-0530	AMD-E	02-14-032
36- 12-240	AMD-W	02-17-059	36- 13-130	AMD-W	02-17-059	51- 11-0533	AMD-E	02-14-032
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36- 12-290	AMD	02-03-069	36- 14-106	NEW-W	02-17-059	98- 08-001	NEW-P	02-14-058
36- 12-300	AMD	02-03-069	36- 14-106	NEW-P	02-17-103	98- 08-010	REP-P	02-14-058
36- 12-310	AMD	02-03-069	36- 14-110	AMD-P	02-16-060	98- 08-030	REP-P	02-14-058
36- 12-320	AMD	02-03-069	36- 14-110	AMD-W	02-17-059	98- 08-040	REP-P	02-14-058
36- 12-330	REP	02-03-069	36- 14-110	AMD-P	02-17-103	98- 08-050	REP-P	02-14-058
36- 12-340	REP	02-03-069	36- 14-120	NEW-P	02-16-060	98- 08-060	REP-P	02-14-058
36- 12-350	REP	02-03-069	36- 14-120	NEW-W	02-17-059	98- 08-070	REP-P	02-14-058
36- 12-360	AMD	02-03-069	36- 14-120	NEW-P	02-17-103	98- 08-080	REP-P	02-14-058
36- 12-363	REP	02-03-069	36- 14-400	AMD-P	02-16-060	98- 08-090	REP-P	02-14-058
36- 12-364	AMD	02-03-069	36- 14-400	AMD-W	02-17-059	98- 08-100	REP-P	02-14-058
36- 12-465	AMD	02-03-069	36- 14-400	AMD-P	02-17-103	98- 08-110	REP-P	02-14-058
36- 12-465	AMD-P	02-16-060	36- 14-410	AMD-P	02-16-060	98- 08-120	REP-P	02-14-058
36- 12-465	AMD-W	02-17-059	36- 14-410	AMD-W	02-17-059	98- 08-130	REP-P	02-14-058
36- 12-465	AMD-P	02-17-103	36- 14-410	AMD-P	02-17-103	98- 08-140	REP-P	02-14-058
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36- 12-475	AMD-W	02-17-059	44- 10-010	AMD-P	02-10-060	98- 08-170	REP-P	02-14-058
36- 12-475	AMD-P	02-17-103	44- 10-010	AMD	02-12-093	98- 08-190	REP-P	02-14-058
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36- 13-010	AMD-P	02-16-060	44- 10-050	AMD	02-12-093	98- 08-210	REP-P	02-14-058
36- 13-010	AMD-W	02-17-059	44- 10-060	AMD-P	02-10-060	98- 08-220	REP-P	02-14-058
36- 13-010	AMD-P	02-17-103	44- 10-060	AMD	02-12-093	98- 08-370	REP-P	02-14-058
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36- 13-020	AMD-W	02-17-059	44- 10-070	AMD	02-12-093	98- 08-390	REP-P	02-14-058
36- 13-020	AMD-P	02-17-103	44- 10-080	AMD-P	02-10-060	98- 08-400	REP-P	02-14-058
36- 13-030	AMD-P	02-16-060	44- 10-080	AMD	02-12-093	98- 08-410	REP-P	02-14-058
36- 13-030	AMD-W	02-17-059	44- 10-100	AMD-P	02-10-060	98- 08-420	REP-P	02-14-058
36- 13-030	AMD-P	02-17-103	44- 10-100	AMD	02-12-093	98- 08-430	REP-P	02-14-058
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36- 13-040	AMD-W	02-17-059	44- 10-110	AMD-P	02-10-060	98- 08-450	REP-P	02-14-058
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36- 13-050	AMD-W	02-17-059	44- 10-130	AMD-P	02-10-060	98- 08-480	REP-P	02-14-058
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98- 08-520	REP-P	02-14-058	118- 65-050	AMD	02-12-053	132H-140-060	REP-P	02-09-071
98- 08-530	REP-P	02-14-058	118- 65-060	AMD-P	02-09-072	132H-140-060	REP	02-14-007
98- 08-540	REP-P	02-14-058	118- 65-060	AMD	02-12-053	132H-140-065	NEW-P	02-09-071
98- 08-550	REP-P	02-14-058	118- 65-070	AMD-P	02-09-072	132H-140-065	NEW	02-14-007
98- 08-560	REP-P	02-14-058	118- 65-070	AMD	02-12-053	132H-140-070	AMD-P	02-09-071
98- 08-570	REP-P	02-14-058	118- 65-081	AMD-P	02-09-072	132H-140-070	AMD	02-14-007
98- 08-580	REP-P	02-14-058	118- 65-081	AMD	02-12-053	132H-140-080	REP-P	02-09-071
98- 08-590	REP-P	02-14-058	118- 65-090	AMD-P	02-09-072	132H-140-080	REP	02-14-007
98- 14-050	AMD-P	02-14-058	118- 65-090	AMD	02-12-053	132H-140-085	NEW-P	02-09-071
98- 14-060	AMD-P	02-14-058	130- 14-010	AMD-P	02-03-131	132H-140-085	NEW	02-14-007
98- 14-070	AMD-P	02-14-058	130- 14-010	AMD	02-06-043	132H-140-090	REP-P	02-09-071
98- 14-080	AMD-P	02-14-058	130- 14-030	AMD-P	02-03-131	132H-140-090	REP	02-14-007
98- 15-010	NEW-P	02-14-058	130- 14-030	AMD	02-06-043	132H-140-100	REP-P	02-09-071
98- 15-020	NEW-P	02-14-058	130- 14-050	AMD-P	02-03-131	132H-140-100	REP	02-14-007
98- 40-010	REP-P	02-14-058	130- 14-050	AMD	02-06-043	132H-140-110	AMD-P	02-09-071
98- 40-020	REP-P	02-14-058	130- 14-060	AMD-P	02-03-131	132H-140-110	AMD	02-14-007
98- 40-030	REP-P	02-14-058	130- 14-060	AMD	02-06-043	132H-140-120	NEW-P	02-09-071
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98- 40-050	REP-P	02-14-058	131- 12-041	AMD-E	02-15-035	132H-140-900	REP-P	02-09-071
98- 40-060	REP-P	02-14-058	131- 12-041	AMD-P	02-15-133	132H-140-900	REP	02-14-007
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98- 40-080	REP-P	02-14-058	132G-104-010	AMD-P	02-06-127	132H-152-135	AMD-P	02-08-082
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98- 80-030	NEW-P	02-14-058	132G-104-020	AMD	02-11-090	132H-160-190	AMD	02-14-008
98- 80-040	NEW-P	02-14-058	132G-104-030	REP-P	02-06-127	132H-410-010	NEW-P	02-03-107
98- 80-050	NEW-P	02-14-058	132G-104-030	REP	02-11-090	132H-410-010	NEW	02-10-070
98- 80-060	NEW-P	02-14-058	132H-106-030	AMD-P	02-05-052	132H-410-020	NEW-P	02-03-107
98- 80-070	NEW-P	02-14-058	132H-106-030	AMD	02-10-067	132H-410-020	NEW	02-10-070
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106-116-208	AMD	02-18-077	132H-120-200	AMD	02-10-069	132H-410-050	NEW	02-10-070
106-116-304	AMD-P	02-15-116	132H-120-200	AMD	02-10-069	132H-410-050	NEW	02-10-070
106-116-304	AMD	02-18-077	132H-120-220	AMD-P	02-03-106	132H-410-060	NEW-P	02-03-107
106-116-305	AMD-P	02-15-116	132H-120-220	AMD	02-10-069	132H-410-060	NEW	02-10-070
106-116-305	AMD	02-18-077	132H-120-300	AMD-P	02-03-106	132H-410-070	NEW-P	02-03-107
106-116-308	AMD-P	02-15-116	132H-120-300	AMD	02-10-069	132H-410-070	NEW	02-10-070
106-116-308	AMD	02-18-077	132H-120-350	AMD-P	02-03-106	132H-410-080	NEW-P	02-03-107
106-116-514	AMD-P	02-15-116	132H-120-350	AMD	02-10-069	132H-410-080	NEW	02-10-070
106-116-514	AMD	02-18-077	132H-120-410	AMD-P	02-03-106	132H-410-090	NEW-P	02-03-107
106-116-601	AMD-P	02-15-116	132H-120-410	AMD	02-10-069	132H-410-090	NEW	02-10-070
106-116-601	AMD	02-18-077	132H-120-420	AMD-P	02-03-106	132H-410-090	NEW	02-10-070
106-116-603	AMD-P	02-15-116	132H-120-420	AMD	02-10-069	132H-410-100	NEW-P	02-03-107
106-116-603	AMD	02-18-077	132H-120-420	AMD	02-10-069	132H-410-100	NEW	02-10-070
106-116-701	AMD-P	02-15-116	132H-120-440	AMD-P	02-03-106	132H-410-100	NEW	02-10-070
106-116-701	AMD	02-18-077	132H-120-440	AMD	02-10-069	132H-410-110	NEW-P	02-03-107
106-116-856	AMD-P	02-15-116	132H-120-440	AMD	02-10-069	132H-410-110	NEW	02-10-070
106-116-856	AMD	02-18-077	132H-120-450	AMD-P	02-03-106	132H-450-010	NEW-P	02-05-053
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106-116-859	AMD	02-18-077	132H-122-020	AMD-P	02-09-038	132H-450-010	AMD-X	02-18-084
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106-276-100	AMD	02-18-064	132H-133-040	AMD-X	02-18-112	132N-144-020	REP	02-04-068
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118- 65-020	AMD	02-12-053	132H-140	PREP	02-05-051	132N-150-020	NEW	02-04-068
118- 65-030	AMD-P	02-09-072	132H-140-020	AMD-P	02-09-071	132N-150-030	NEW	02-04-068
118- 65-030	AMD	02-12-053	132H-140-020	AMD	02-14-007	132N-150-040	NEW	02-04-068
118- 65-040	AMD-P	02-09-072	132H-140-030	AMD-P	02-09-071	132N-150-050	NEW	02-04-068
			132H-140-030	AMD	02-14-007	132N-150-060	NEW	02-04-068
			132H-140-040	AMD-P	02-09-071	132N-150-070	NEW	02-04-068
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132N-150-120	NEW	02-04-068	132Z-116-100	NEW-E	02-12-056	136- 04-020	AMD	02-18-016
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132N-150-140	NEW	02-04-068	132Z-116-110	NEW-E	02-04-061	136- 10-010	REP	02-18-017
132N-150-150	NEW	02-04-068	132Z-116-110	NEW	02-11-048	136- 10-020	REP-P	02-11-122
132N-150-160	NEW	02-04-068	132Z-116-110	NEW-E	02-12-056	136- 10-020	REP	02-18-017
132N-150-170	NEW	02-04-068	132Z-116-200	NEW-P	02-03-089	136- 10-030	REP-P	02-11-122
132N-150-180	NEW	02-04-068	132Z-116-200	NEW-E	02-04-061	136- 10-030	REP	02-18-017
132N-150-190	NEW	02-04-068	132Z-116-200	NEW	02-11-048	136- 10-035	REP-P	02-11-122
132N-150-200	NEW	02-04-068	132Z-116-200	NEW-E	02-12-056	136- 10-035	REP	02-18-017
132N-150-210	NEW	02-04-068	132Z-116-210	NEW-P	02-03-089	136- 10-040	REP-P	02-11-122
132N-150-220	NEW	02-04-068	132Z-116-210	NEW-E	02-04-061	136- 10-040	REP	02-18-017
132N-150-230	NEW	02-04-068	132Z-116-210	NEW	02-11-048	136- 10-050	REP-P	02-11-122
132N-150-240	NEW	02-04-068	132Z-116-210	NEW-E	02-12-056	136- 10-050	REP	02-18-017
132N-150-250	NEW	02-04-068	132Z-116-220	NEW-P	02-03-089	136- 10-060	REP-P	02-11-122
132N-150-260	NEW	02-04-068	132Z-116-220	NEW-E	02-04-061	136- 10-060	REP	02-18-017
132N-150-270	NEW	02-04-068	132Z-116-220	NEW	02-11-048	136- 12-010	AMD-P	02-11-121
132N-150-280	NEW	02-04-068	132Z-116-220	NEW-E	02-12-056	136- 12-010	AMD	02-18-018
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132Z-116-005	NEW-E	02-04-061	132Z-116-230	NEW-E	02-12-056	136- 12-045	NEW-P	02-11-121
132Z-116-005	NEW	02-11-048	132Z-116-240	NEW-P	02-03-089	136- 12-045	NEW	02-18-018
132Z-116-005	NEW-E	02-12-056	132Z-116-240	NEW-E	02-04-061	136- 12-060	AMD-P	02-11-121
132Z-116-010	NEW-P	02-03-089	132Z-116-240	NEW	02-11-048	136- 12-060	AMD	02-18-018
132Z-116-010	NEW-E	02-04-061	132Z-116-240	NEW-E	02-12-056	136- 12-070	AMD-P	02-11-121
132Z-116-010	NEW	02-11-048	132Z-116-240	NEW-E	02-12-056	136- 12-070	AMD	02-18-018
132Z-116-010	NEW-E	02-12-056	132Z-116-250	NEW-P	02-03-089	136- 12-080	AMD-P	02-11-121
132Z-116-020	NEW-P	02-03-089	132Z-116-250	NEW-E	02-04-061	136- 12-080	AMD	02-18-018
132Z-116-020	NEW-E	02-04-061	132Z-116-250	NEW	02-11-048	136- 18-085	NEW-P	02-11-119
132Z-116-020	NEW	02-11-048	132Z-116-250	NEW-E	02-12-056	136- 18-085	NEW	02-18-019
132Z-116-020	NEW-E	02-12-056	132Z-116-260	NEW-P	02-03-089	136- 50-010	NEW-P	02-11-118
132Z-116-030	NEW-P	02-03-089	132Z-116-260	NEW-E	02-04-061	136- 50-010	NEW	02-18-020
132Z-116-030	NEW-E	02-04-061	132Z-116-260	NEW	02-11-048	136- 50-020	NEW-P	02-11-118
132Z-116-030	NEW	02-11-048	132Z-116-260	NEW-E	02-12-056	136- 50-020	NEW	02-18-020
132Z-116-030	NEW-E	02-12-056	132Z-116-270	NEW-E	02-03-089	136- 50-030	NEW-P	02-11-118
132Z-116-040	NEW-P	02-03-089	132Z-116-270	NEW-P	02-04-061	136- 50-030	NEW	02-18-020
132Z-116-040	NEW-E	02-04-061	132Z-116-270	NEW-E	02-11-048	136- 50-035	NEW-P	02-11-118
132Z-116-040	NEW	02-11-048	132Z-116-270	NEW-E	02-12-056	136- 50-035	NEW	02-18-020
132Z-116-040	NEW-E	02-12-056	132Z-116-280	NEW-P	02-03-089	136- 50-050	NEW-P	02-11-118
132Z-116-050	NEW-P	02-03-089	132Z-116-280	NEW-E	02-04-061	136- 50-050	NEW	02-18-020
132Z-116-050	NEW-E	02-04-061	132Z-116-280	NEW	02-11-048	136- 50-050	NEW	02-18-020
132Z-116-050	NEW	02-11-048	132Z-116-280	NEW-E	02-12-056	136- 50-051	NEW-P	02-11-118
132Z-116-050	NEW-E	02-12-056	132Z-116-280	NEW-E	02-12-056	136- 50-051	NEW	02-18-020
132Z-116-060	NEW-P	02-03-089	132Z-116-300	NEW-P	02-03-089	136- 50-052	NEW-P	02-11-118
132Z-116-060	NEW-E	02-04-061	132Z-116-300	NEW-E	02-04-061	136- 50-052	NEW	02-18-020
132Z-116-060	NEW	02-11-048	132Z-116-300	NEW	02-11-048	136- 50-053	NEW-P	02-11-118
132Z-116-060	NEW-E	02-12-056	132Z-116-300	NEW-E	02-12-056	136- 50-053	NEW	02-18-020
132Z-116-070	NEW-P	02-03-089	132Z-116-310	NEW-P	02-03-089	136- 50-054	NEW-P	02-11-118
132Z-116-070	NEW-E	02-04-061	132Z-116-310	NEW-E	02-04-061	136- 50-054	NEW	02-18-020
132Z-116-070	NEW	02-11-048	132Z-116-310	NEW	02-11-048	136- 50-055	NEW-P	02-11-118
132Z-116-070	NEW-E	02-12-056	132Z-116-310	NEW-E	02-12-056	136- 50-055	NEW	02-18-020
132Z-116-080	NEW-P	02-03-089	132Z-116-320	NEW-P	02-03-089	136- 50-070	NEW-P	02-11-118
132Z-116-080	NEW-E	02-04-061	132Z-116-320	NEW-E	02-04-061	136- 50-070	NEW	02-18-020
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132Z-116-080	NEW-E	02-12-056	132Z-116-320	NEW-E	02-12-056	136-130-030	AMD	02-11-008
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132Z-116-090	NEW-E	02-04-061	132Z-116-400	NEW-E	02-04-061	136-130-070	AMD	02-11-008
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132Z-116-090	NEW-E	02-12-056	132Z-116-410	NEW-E	02-12-056	137- 28-160	AMD-P	02-09-002
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137- 28-240	AMD	02-12-023	173- 50-160	AMD-P	02-11-151	173-222-010	REP-W	02-07-098
137- 28-260	AMD-P	02-09-002	173- 50-170	AMD-P	02-11-151	173-222-010	REP-X	02-07-099
137- 28-260	AMD	02-12-023	173- 50-180	AMD-P	02-11-151	173-222-010	REP	02-11-149
137- 28-310	AMD-P	02-09-002	173- 50-190	AMD-P	02-11-151	173-222-015	REP-X	02-07-038
137- 28-310	AMD	02-12-023	173- 50-200	AMD-P	02-11-151	173-222-015	REP-W	02-07-098
137- 28-350	AMD-P	02-09-002	173- 50-210	AMD-P	02-11-151	173-222-015	REP-X	02-07-099
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137- 28-380	AMD-P	02-09-002	173-153-010	AMD-P	02-17-062	173-222-020	REP-X	02-07-038
137- 28-380	AMD	02-12-023	173-153-020	AMD-P	02-17-062	173-222-020	REP-W	02-07-098
139- 05-915	PREP	02-08-015	173-153-030	AMD-P	02-17-062	173-222-020	REP-X	02-07-099
139- 05-915	AMD-P	02-12-027	173-153-040	AMD-P	02-17-062	173-222-020	REP	02-11-149
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139- 06-010	NEW-P	02-18-066	173-153-043	NEW-P	02-17-062	173-222-030	REP-W	02-07-098
139- 06-020	NEW-P	02-18-066	173-153-045	NEW-P	02-17-062	173-222-030	REP-X	02-07-099
139- 06-030	NEW-P	02-18-066	173-153-050	AMD-P	02-17-062	173-222-030	REP	02-11-149
139- 06-040	NEW-P	02-18-066	173-153-060	AMD-P	02-17-062	173-222-040	REP-X	02-07-038
139- 06-050	NEW-P	02-18-066	173-153-070	AMD-P	02-17-062	173-222-040	REP-W	02-07-098
139- 06-060	NEW-P	02-18-066	173-153-080	AMD-P	02-17-062	173-222-040	REP-X	02-07-099
139- 06-070	NEW-P	02-18-066	173-153-090	AMD-P	02-17-062	173-222-040	REP	02-11-149
139- 06-080	NEW-P	02-18-066	173-153-100	NEW-P	02-17-062	173-222-050	REP-X	02-07-038
139- 06-090	NEW-P	02-18-066	173-153-110	AMD-P	02-17-062	173-222-050	REP-W	02-07-098
139- 06-100	NEW-P	02-18-066	173-153-120	AMD-P	02-17-062	173-222-050	REP-X	02-07-099
139- 06-110	NEW-P	02-18-066	173-153-130	AMD-P	02-17-062	173-222-050	REP	02-11-149
139- 06-120	NEW-P	02-18-066	173-153-140	AMD-P	02-17-062	173-222-060	REP-X	02-07-038
139- 06-130	NEW-P	02-18-066	173-153-150	AMD-P	02-17-062	173-222-060	REP-W	02-07-098
139- 06-140	NEW-P	02-18-066	173-153-160	AMD-P	02-17-062	173-222-060	REP-X	02-07-099
139- 06-150	NEW-P	02-18-066	173-153-170	AMD-P	02-17-062	173-222-060	REP	02-11-149
139- 06-160	NEW-P	02-18-066	173-153-180	AMD-P	02-17-062	173-222-070	REP-X	02-07-038
139- 10-221	PREP	02-18-067	173-153-190	AMD-P	02-17-062	173-222-070	REP-W	02-07-098
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139- 35-010	PREP	02-18-068	173-157-020	NEW-P	02-15-181	173-222-080	REP-X	02-07-038
139- 35-015	AMD-P	02-08-016	173-157-030	NEW-P	02-15-181	173-222-080	REP-W	02-07-098
139- 35-015	AMD-W	02-14-037	173-157-040	NEW-P	02-15-181	173-222-080	REP-X	02-07-099
139- 35-015	PREP	02-18-069	173-157-050	NEW-P	02-15-181	173-222-080	REP	02-11-149
139- 35-025	AMD-P	02-08-016	173-157-100	NEW-P	02-15-181	173-222-090	REP-X	02-07-038
139- 35-025	AMD-W	02-14-037	173-157-110	NEW-P	02-15-181	173-222-090	REP-W	02-07-098
139- 35-025	PREP	02-18-070	173-157-120	NEW-P	02-15-181	173-222-090	REP-X	02-07-099
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148-100-040	NEW-P	02-17-002	173-157-170	NEW-P	02-15-181	173-222-100	REP	02-11-149
148-100-050	NEW-P	02-17-002	173-157-180	NEW-P	02-15-181	173-222-110	REP-X	02-07-038
148-100-200	NEW-P	02-17-002	173-157-200	NEW-P	02-15-181	173-222-110	REP-W	02-07-098
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173- 50-020	AMD-P	02-11-151	173-157-220	NEW-P	02-15-181	173-222-110	REP	02-11-149
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173- 50-100	AMD-P	02-11-151	173-170	PREP	02-18-095	173-224-040	REP-X	02-07-038
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173-224-050	AMD	02-12-059	173-350-220	NEW-P	02-14-061	173-700-222	NEW-W	02-12-058
173-224-060	REP-X	02-07-038	173-350-230	NEW-P	02-14-061	173-700-223	NEW-W	02-12-058
173-224-060	REP-W	02-07-098	173-350-240	NEW-P	02-14-061	173-700-224	NEW-W	02-12-058
173-224-080	REP-X	02-07-038	173-350-300	NEW-P	02-14-061	173-700-230	NEW-W	02-12-058
173-224-080	REP-W	02-07-098	173-350-310	NEW-P	02-14-061	173-700-231	NEW-W	02-12-058
173-224-090	REP-X	02-07-038	173-350-320	NEW-P	02-14-061	173-700-232	NEW-W	02-12-058
173-224-090	REP-W	02-07-098	173-350-330	NEW-P	02-14-061	173-700-233	NEW-W	02-12-058
173-224-100	REP-X	02-07-038	173-350-350	NEW-P	02-14-061	173-700-234	NEW-W	02-12-058
173-224-100	REP-W	02-07-098	173-350-360	NEW-P	02-14-061	173-700-235	NEW-W	02-12-058
173-224-110	REP-X	02-07-038	173-350-400	NEW-P	02-14-061	173-700-240	NEW-W	02-12-058
173-224-110	REP-W	02-07-098	173-350-410	NEW-P	02-14-061	173-700-241	NEW-W	02-12-058
173-224-120	REP-X	02-07-038	173-350-490	NEW-P	02-14-061	173-700-250	NEW-W	02-12-058
173-224-120	REP-W	02-07-098	173-350-500	NEW-P	02-14-061	173-700-251	NEW-W	02-12-058
173-226-090	AMD	02-05-055	173-350-600	NEW-P	02-14-061	173-700-252	NEW-W	02-12-058
173-303	PREP	02-05-054	173-350-700	NEW-P	02-14-061	173-700-253	NEW-W	02-12-058
173-303-045	AMD-P	02-11-101	173-350-710	NEW-P	02-14-061	173-700-254	NEW-W	02-12-058
173-303-070	AMD-P	02-11-101	173-350-715	NEW-P	02-14-061	173-700-255	NEW-W	02-12-058
173-303-071	AMD-E	02-04-030	173-350-900	NEW-P	02-14-061	173-700-256	NEW-W	02-12-058
173-303-071	AMD-P	02-11-101	173-350-990	NEW-P	02-14-061	173-700-257	NEW-W	02-12-058
173-303-071	AMD-E	02-11-102	173-400-075	AMD-X	02-10-107	173-700-258	NEW-W	02-12-058
173-303-100	AMD-P	02-11-101	173-400-075	AMD	02-15-068	173-700-300	NEW-W	02-12-058
173-303-110	AMD-P	02-11-101	173-401	PREP	02-05-011	173-700-310	NEW-W	02-12-058
173-303-140	AMD-P	02-11-101	173-401-200	AMD-P	02-10-031	173-700-311	NEW-W	02-12-058
173-303-170	AMD-P	02-11-101	173-401-300	AMD-P	02-10-031	173-700-320	NEW-W	02-12-058
173-303-200	AMD-P	02-11-101	173-401-500	AMD-P	02-10-031	173-700-330	NEW-W	02-12-058
173-303-283	AMD-P	02-11-101	173-401-530	AMD-P	02-10-031	173-700-340	NEW-W	02-12-058
173-303-380	AMD-P	02-11-101	173-401-615	AMD-P	02-10-031	173-700-350	NEW-W	02-12-058
173-303-390	AMD-P	02-11-101	173-401-710	AMD-P	02-10-031	173-700-351	NEW-W	02-12-058
173-303-400	AMD-P	02-11-101	173-401-722	AMD-P	02-10-031	173-700-352	NEW-W	02-12-058
173-303-500	AMD-P	02-11-101	173-422	PREP	02-05-071	173-700-353	NEW-W	02-12-058
173-303-505	AMD-P	02-11-101	173-422-020	AMD-P	02-09-066	173-700-354	NEW-W	02-12-058
173-303-506	AMD-P	02-11-101	173-422-020	AMD	02-12-072	173-700-355	NEW-W	02-12-058
173-303-510	AMD-P	02-11-101	173-422-030	AMD-P	02-09-066	173-700-356	NEW-W	02-12-058
173-303-520	AMD-P	02-11-101	173-422-030	AMD	02-12-072	173-700-357	NEW-W	02-12-058
173-303-522	AMD-P	02-11-101	173-422-031	AMD-P	02-09-066	173-700-357	NEW-W	02-12-058
173-303-525	AMD-P	02-11-101	173-422-031	AMD	02-12-072	173-700-358	NEW-W	02-12-058
173-303-578	AMD-P	02-11-101	173-422-060	AMD-P	02-09-066	173-700-359	NEW-W	02-12-058
173-303-645	AMD-P	02-11-101	173-422-060	AMD	02-12-072	173-700-360	NEW-W	02-12-058
173-303-646	AMD-P	02-11-101	173-422-065	AMD-P	02-09-066	173-700-361	NEW-W	02-12-058
173-303-690	AMD-P	02-11-101	173-422-065	AMD	02-12-072	173-700-370	NEW-W	02-12-058
173-303-691	AMD-P	02-11-101	173-422-065	AMD	02-12-072	173-700-371	NEW-W	02-12-058
173-303-692	AMD-P	02-11-101	173-422-070	AMD-P	02-09-066	173-700-372	NEW-W	02-12-058
173-303-806	AMD-P	02-11-101	173-422-070	AMD	02-12-072	173-700-373	NEW-W	02-12-058
173-303-830	AMD-P	02-11-101	173-422-075	AMD-P	02-09-066	173-700-374	NEW-W	02-12-058
173-303-920	NEW-P	02-11-101	173-422-075	AMD	02-12-072	173-700-375	NEW-W	02-12-058
173-312-010	AMD	02-05-070	173-422-190	AMD-P	02-09-066	173-700-376	NEW-W	02-12-058
173-312-020	AMD	02-05-070	173-422-190	AMD	02-12-072	173-700-380	NEW-W	02-12-058
173-312-040	AMD	02-05-070	173-422-195	AMD-P	02-09-066	173-700-390	NEW-W	02-12-058
173-312-050	AMD	02-05-070	173-422-195	AMD	02-12-072	173-700-391	NEW-W	02-12-058
173-312-060	AMD	02-05-070	173-434	PREP	02-07-097	173-700-392	NEW-W	02-12-058
173-312-070	AMD	02-05-070	173-700-010	NEW-W	02-12-058	173-700-393	NEW-W	02-12-058
173-312-080	AMD	02-05-070	173-700-020	NEW-W	02-12-058	173-700-394	NEW-W	02-12-058
173-312-090	AMD	02-05-070	173-700-030	NEW-W	02-12-058	173-700-395	NEW-W	02-12-058
173-312-100	AMD	02-05-070	173-700-040	NEW-W	02-12-058	173-700-400	NEW-W	02-12-058
173-350-010	NEW-P	02-14-061	173-700-100	NEW-W	02-12-058	173-700-401	NEW-W	02-12-058
173-350-020	NEW-P	02-14-061	173-700-200	NEW-W	02-12-058	173-700-402	NEW-W	02-12-058
173-350-025	NEW-P	02-14-061	173-700-201	NEW-W	02-12-058	173-700-403	NEW-W	02-12-058
173-350-030	NEW-P	02-14-061	173-700-202	NEW-W	02-12-058	173-700-404	NEW-W	02-12-058
173-350-040	NEW-P	02-14-061	173-700-203	NEW-W	02-12-058	173-700-405	NEW-W	02-12-058
173-350-100	NEW-P	02-14-061	173-700-204	NEW-W	02-12-058	173-700-410	NEW-W	02-12-058
			173-700-205	NEW-W	02-12-058	173-700-411	NEW-W	02-12-058

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-700-412	NEW-W	02-12-058	180- 16-002	AMD-E	02-08-038	180- 20-123	REP	02-18-055
173-700-413	NEW-W	02-12-058	180- 16-002	AMD-E	02-14-114	180- 20-125	REP-P	02-14-116
173-700-414	NEW-W	02-12-058	180- 16-002	AMD-P	02-14-117	180- 20-125	REP	02-18-055
173-700-415	NEW-W	02-12-058	180- 16-002	AMD	02-18-056	180- 20-130	REP-P	02-14-116
173-700-416	NEW-W	02-12-058	180- 16-006	REP-E	02-08-038	180- 20-130	REP	02-18-055
173-700-420	NEW-W	02-12-058	180- 16-006	REP-E	02-14-114	180- 20-135	AMD-P	02-14-116
173-700-421	NEW-W	02-12-058	180- 16-006	REP-P	02-14-117	180- 20-135	AMD	02-18-055
173-700-422	NEW-W	02-12-058	180- 16-006	REP	02-18-056	180- 22	PREP	02-08-045
173-700-423	NEW-W	02-12-058	180- 16-162	AMD-P	02-14-126	180- 22-100	AMD-P	02-14-118
173-700-500	NEW-W	02-12-058	180- 16-162	AMD	02-18-053	180- 22-100	AMD	02-18-052
173-700-501	NEW-W	02-12-058	180- 16-191	AMD-P	02-14-126	180- 22-105	REP-P	02-14-118
173-700-502	NEW-W	02-12-058	180- 16-191	AMD	02-18-053	180- 22-105	REP	02-18-052
173-700-503	NEW-W	02-12-058	180- 16-195	AMD-E	02-08-038	180- 22-140	AMD-P	02-14-118
173-700-504	NEW-W	02-12-058	180- 16-195	AMD-E	02-14-114	180- 22-140	AMD	02-18-052
173-700-505	NEW-W	02-12-058	180- 16-195	AMD-P	02-14-117	180- 22-150	AMD-P	02-14-118
173-700-600	NEW-W	02-12-058	180- 16-195	AMD	02-18-056	180- 22-150	AMD	02-18-052
173-700-610	NEW-W	02-12-058	180- 16-215	AMD-P	02-14-126	180- 22-201	NEW-P	02-14-118
173-700-611	NEW-W	02-12-058	180- 16-215	AMD	02-18-053	180- 22-201	NEW	02-18-052
173-700-612	NEW-W	02-12-058	180- 16-220	AMD-E	02-08-038	180- 22-205	NEW-P	02-14-118
173-700-620	NEW-W	02-12-058	180- 16-220	AMD-E	02-14-114	180- 22-205	NEW	02-18-052
173-700-630	NEW-W	02-12-058	180- 16-220	AMD-P	02-14-117	180- 22-210	NEW-P	02-14-118
173-700-700	NEW-W	02-12-058	180- 16-220	AMD	02-18-056	180- 22-210	NEW	02-18-052
173-700-710	NEW-W	02-12-058	180- 16-227	NEW-E	02-08-038	180- 22-215	NEW-P	02-14-118
173-700-720	NEW-W	02-12-058	180- 16-227	NEW-E	02-14-114	180- 22-215	NEW	02-18-052
173-700-730	NEW-W	02-12-058	180- 16-227	NEW-P	02-14-117	180- 22-220	NEW-P	02-14-118
173-700-731	NEW-W	02-12-058	180- 16-227	NEW	02-18-056	180- 22-220	NEW	02-18-052
173-700-732	NEW-W	02-12-058	180- 18	PREP	02-08-039	180- 22-225	NEW-P	02-14-118
173-700-740	NEW-W	02-12-058	180- 18-010	AMD-E	02-08-038	180- 22-225	NEW	02-18-052
173-700-750	NEW-W	02-12-058	180- 18-010	AMD-E	02-14-114	180- 23	PREP	02-08-045
173-700-800	NEW-W	02-12-058	180- 18-010	AMD-P	02-14-117	180- 23-037	REP-P	02-14-118
180- 08	PREP	02-08-041	180- 18-010	AMD	02-18-056	180- 23-037	REP	02-18-052
180- 08	AMD-P	02-14-115	180- 18-020	REP-E	02-08-038	180- 23-040	REP-P	02-14-118
180- 08	AMD	02-18-054	180- 18-020	REP-E	02-14-114	180- 23-040	REP	02-18-052
180- 08-001	NEW-P	02-14-115	180- 18-020	REP-P	02-14-117	180- 23-043	REP-P	02-14-118
180- 08-001	NEW	02-18-054	180- 18-020	REP	02-18-056	180- 23-043	REP	02-18-052
180- 08-002	NEW-P	02-14-115	180- 20	PREP	02-10-049	180- 23-047	REP-P	02-14-118
180- 08-002	NEW	02-18-054	180- 20	PREP	02-10-084	180- 23-047	REP	02-18-052
180- 08-003	REP-P	02-14-115	180- 20-005	AMD-P	02-14-116	180- 23-050	REP-P	02-14-118
180- 08-003	REP	02-18-054	180- 20-005	AMD	02-18-055	180- 23-050	REP	02-18-052
180- 08-004	NEW-P	02-14-115	180- 20-007	NEW-P	02-14-116	180- 23-055	REP-P	02-14-118
180- 08-004	NEW	02-18-054	180- 20-007	NEW	02-18-055	180- 23-055	REP	02-18-052
180- 08-005	REP-P	02-14-115	180- 20-009	NEW-P	02-14-116	180- 23-058	REP-P	02-14-118
180- 08-005	REP	02-18-054	180- 20-009	NEW	02-18-055	180- 23-058	REP	02-18-052
180- 08-006	NEW-P	02-14-115	180- 20-030	REP-P	02-14-116	180- 23-060	REP-P	02-14-118
180- 08-006	NEW	02-18-054	180- 20-030	REP	02-18-055	180- 23-060	REP	02-18-052
180- 08-008	NEW-P	02-14-115	180- 20-031	AMD-P	02-14-116	180- 23-065	REP-P	02-14-118
180- 08-008	NEW	02-18-054	180- 20-031	AMD	02-18-055	180- 23-065	REP	02-18-052
180- 10	PREP	02-08-041	180- 20-034	REP-P	02-14-116	180- 23-070	REP-P	02-14-118
180- 10-001	REP-P	02-14-115	180- 20-034	REP	02-18-055	180- 23-070	REP	02-18-052
180- 10-003	REP-P	02-14-115	180- 20-090	REP-P	02-14-116	180- 23-075	REP-P	02-14-118
180- 10-005	REP-P	02-14-115	180- 20-090	REP	02-18-055	180- 23-075	REP	02-18-052
180- 10-007	REP-P	02-14-115	180- 20-095	REP-P	02-14-116	180- 23-077	REP-P	02-14-118
180- 10-010	REP-P	02-14-115	180- 20-095	REP	02-18-055	180- 23-077	REP	02-18-052
180- 10-015	REP-P	02-14-115	180- 20-101	AMD-P	02-14-116	180- 23-078	REP-P	02-14-118
180- 10-020	REP-P	02-14-115	180- 20-101	AMD	02-18-055	180- 23-078	REP	02-18-052
180- 10-025	REP-P	02-14-115	180- 20-111	AMD-P	02-14-116	180- 23-080	REP-P	02-14-118
180- 10-030	REP-P	02-14-115	180- 20-111	AMD	02-18-055	180- 23-080	REP	02-18-052
180- 10-035	REP-P	02-14-115	180- 20-115	REP-P	02-14-116	180- 23-085	REP-P	02-14-118
180- 10-040	REP-P	02-14-115	180- 20-115	REP	02-18-055	180- 23-085	REP	02-18-052
180- 10-045	REP-P	02-14-115	180- 20-120	AMD-P	02-14-116	180- 23-090	REP-P	02-14-118
180- 16	PREP	02-08-039	180- 20-120	AMD	02-18-055	180- 23-090	REP	02-18-052
180- 16	PREP	02-08-044	180- 20-123	REP-P	02-14-116	180- 23-095	REP-P	02-14-118

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180- 23-095	REP	02-18-052	180- 38-055	REP-P	02-14-140	180- 53-050	REP	02-18-056
180- 23-100	REP-P	02-14-118	180- 38-055	REP-E	02-18-051	180- 53-055	REP-E	02-08-038
180- 23-100	REP	02-18-052	180- 38-060	REP-P	02-14-140	180- 53-055	REP-E	02-14-114
180- 23-105	REP-P	02-14-118	180- 38-060	REP-E	02-18-051	180- 53-055	REP-P	02-14-117
180- 23-105	REP	02-18-052	180- 38-065	AMD-P	02-14-140	180- 53-055	REP	02-18-056
180- 23-110	REP-P	02-14-118	180- 38-065	REP-E	02-18-051	180- 53-060	REP-E	02-08-038
180- 23-110	REP	02-18-052	180- 38-070	REP-P	02-14-140	180- 53-060	REP-E	02-14-114
180- 23-115	REP-P	02-14-118	180- 38-070	REP-E	02-18-051	180- 53-060	REP-P	02-14-117
180- 23-115	REP	02-18-052	180- 38-080	NEW-E	02-18-051	180- 53-060	REP	02-18-056
180- 23-120	REP-P	02-14-118	180- 39	PREP	02-06-061	180- 53-070	REP-E	02-08-038
180- 23-120	REP	02-18-052	180- 40	PREP	02-06-062	180- 53-070	REP-E	02-14-114
180- 24	PREP	02-06-052	180- 41	PREP	02-06-063	180- 53-070	REP-P	02-14-117
180- 24-400	AMD-E	02-08-035	180- 43	PREP	02-08-042	180- 53-070	REP	02-18-056
180- 24-400	AMD-P	02-10-053	180- 43-005	AMD-P	02-14-123	180- 55	PREP	02-08-039
180- 24-400	AMD	02-14-113	180- 43-005	AMD	02-18-062	180- 55-005	AMD-E	02-08-038
180- 24-405	REP-E	02-08-035	180- 43-010	AMD-P	02-14-123	180- 55-005	AMD-E	02-14-114
180- 24-405	REP-P	02-10-053	180- 43-010	AMD	02-18-062	180- 55-005	AMD-P	02-14-117
180- 24-405	REP	02-14-113	180- 43-015	AMD-P	02-14-123	180- 55-005	AMD	02-18-056
180- 24-410	AMD-E	02-08-035	180- 43-015	AMD	02-18-062	180- 55-010	REP-E	02-08-038
180- 24-410	AMD-P	02-10-053	180- 44	PREP	02-06-064	180- 55-010	REP-E	02-14-114
180- 24-410	AMD	02-14-113	180- 46	PREP	02-06-065	180- 55-010	REP-P	02-14-117
180- 24-415	AMD-E	02-08-035	180- 50	PREP	02-06-066	180- 55-010	REP	02-18-056
180- 24-415	AMD-P	02-10-053	180- 50-135	PREP	02-15-026	180- 55-015	AMD-E	02-08-038
180- 24-415	AMD	02-14-113	180- 52-070	NEW-P	02-08-092	180- 55-015	AMD-E	02-14-114
180- 25	PREP	02-06-053	180- 52-070	NEW-P	02-10-089	180- 55-015	AMD-P	02-14-117
180- 26	PREP	02-06-054	180- 52-070	NEW	02-14-125	180- 55-015	AMD	02-18-056
180- 27	PREP	02-06-055	180- 53	PREP	02-08-039	180- 55-020	AMD-E	02-08-038
180- 29	PREP	02-06-056	180- 53-005	REP-E	02-08-038	180- 55-020	AMD-E	02-14-114
180- 31	PREP	02-06-057	180- 53-005	REP-E	02-14-114	180- 55-020	AMD-P	02-14-117
180- 32	PREP	02-06-058	180- 53-005	REP-P	02-14-117	180- 55-020	AMD	02-18-056
180- 33	PREP	02-06-059	180- 53-005	REP	02-18-056	180- 55-025	REP-E	02-08-038
180- 34	PREP	02-08-046	180- 53-010	REP-E	02-08-038	180- 55-025	REP-E	02-14-114
180- 34-005	REP-P	02-14-119	180- 53-010	REP-E	02-14-114	180- 55-025	REP-P	02-14-117
180- 34-010	REP-P	02-14-119	180- 53-010	REP-P	02-14-117	180- 55-025	REP	02-18-056
180- 36	PREP	02-06-060	180- 53-010	REP	02-18-056	180- 55-030	REP-E	02-08-038
180- 37-005	PREP	02-10-051	180- 53-020	REP-E	02-08-038	180- 55-030	REP-E	02-14-114
180- 37-005	NEW-P	02-14-120	180- 53-020	REP-E	02-14-114	180- 55-030	REP-P	02-14-117
180- 37-005	NEW	02-18-060	180- 53-020	REP-P	02-14-117	180- 55-030	REP	02-18-056
180- 37-010	PREP	02-10-051	180- 53-020	REP	02-18-056	180- 55-032	NEW-E	02-08-038
180- 37-010	NEW-P	02-14-120	180- 53-025	REP-E	02-08-038	180- 55-032	NEW-E	02-14-114
180- 37-010	NEW	02-18-060	180- 53-025	REP-E	02-14-114	180- 55-032	NEW-P	02-14-117
180- 38	PREP	02-08-043	180- 53-025	REP-P	02-14-117	180- 55-034	NEW-E	02-08-038
180- 38	AMD-P	02-14-140	180- 53-025	REP	02-18-056	180- 55-034	NEW-E	02-14-114
180- 38	AMD-E	02-18-051	180- 53-030	REP-E	02-08-038	180- 55-034	NEW-P	02-14-117
180- 38-005	AMD-P	02-14-140	180- 53-030	REP-E	02-14-114	180- 55-034	NEW	02-18-056
180- 38-005	AMD-E	02-18-051	180- 53-030	REP-P	02-14-117	180- 55-035	REP-E	02-08-038
180- 38-010	REP-P	02-14-140	180- 53-030	REP	02-18-056	180- 55-035	REP-E	02-14-114
180- 38-010	REP-E	02-18-051	180- 53-035	REP-E	02-08-038	180- 55-035	REP-P	02-14-117
180- 38-020	AMD-P	02-14-140	180- 53-035	REP-E	02-14-114	180- 55-035	REP	02-18-056
180- 38-020	AMD-E	02-18-051	180- 53-035	REP-P	02-14-117	180- 55-050	REP-E	02-08-038
180- 38-025	REP-P	02-14-140	180- 53-035	REP	02-18-056	180- 55-050	REP-E	02-14-114
180- 38-025	REP-E	02- 8-051	180- 53-040	REP-E	02-08-038	180- 55-050	REP-P	02-14-117
180- 38-030	REP-P	02-14-140	180- 53-040	REP-E	02-14-114	180- 55-050	REP	02-18-056
180- 38-030	REP-E	02-18-051	180- 53-040	REP-P	02-14-117	180- 55-070	REP-E	02-08-038
180- 38-035	REP-P	02-14-140	180- 53-040	REP	02-18-056	180- 55-070	REP-E	02-14-114
180- 38-035	REP-E	02-18-051	180- 53-045	REP-E	02-08-038	180- 55-070	REP-P	02-14-117
180- 38-040	REP-P	02-14-140	180- 53-045	REP-E	02-14-114	180- 55-070	REP	02-18-056
180- 38-040	REP-E	02-18-051	180- 53-045	REP-P	02-14-117	180- 55-075	REP-E	02-08-038
180- 38-045	AMD-P	02-14-140	180- 53-045	REP	02-18-056	180- 55-075	REP-E	02-14-114
180- 38-045	AMD-E	02-18-051	180- 53-050	REP-E	02-08-038	180- 55-075	REP-P	02-14-117
180- 38-050	AMD-P	02-14-140	180- 53-050	REP-E	02-14-114	180- 55-075	REP	02-18-056
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180-55-080	REP-P	02-14-117	180-77-041	AMD	02-04-018	180-79A-015	REP	02-18-037
180-55-080	REP	02-18-056	180-77-041	PREP	02-10-048	180-79A-020	REP-P	02-14-109
180-55-085	REP-E	02-08-038	180-77-041	AMD-P	02-14-106	180-79A-020	REP	02-18-037
180-55-085	REP-E	02-14-114	180-77-041	AMD	02-18-039	180-79A-022	REP-P	02-14-109
180-55-085	REP-P	02-14-117	180-77-068	AMD	02-04-018	180-79A-022	REP	02-18-037
180-55-085	REP	02-18-056	180-77-070	AMD	02-04-018	180-79A-030	AMD	02-04-015
180-55-090	REP-E	02-08-038	180-77-075	AMD	02-04-018	180-79A-107	NEW-E	02-14-036
180-55-090	REP-E	02-14-114	180-77-080	AMD	02-04-018	180-79A-117	AMD	02-04-018
180-55-090	REP-P	02-14-117	180-77-110	AMD	02-04-018	180-79A-130	AMD	02-04-018
180-55-090	REP	02-18-056	180-77-120	AMD	02-04-018	180-79A-131	AMD-P	02-14-109
180-55-095	REP-E	02-08-038	180-77-122	AMD	02-04-018	180-79A-131	AMD	02-18-037
180-55-095	REP-E	02-14-114	180-77A	AMD	02-04-018	180-79A-140	AMD	02-04-018
180-55-095	REP-P	02-14-117	180-77A	PREP	02-06-069	180-79A-140	AMD	02-13-027
180-55-095	REP	02-18-056	180-77A-004	AMD	02-04-018	180-79A-140	AMD-P	02-14-109
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180-55-100	REP-E	02-14-114	180-77A-025	AMD	02-04-018	180-79A-145	AMD-P	02-14-109
180-55-100	REP-P	02-14-117	180-77A-029	AMD	02-04-018	180-79A-145	AMD	02-18-037
180-55-100	REP	02-18-056	180-77A-030	AMD	02-04-018	180-79A-150	AMD	02-04-018
180-55-105	REP-E	02-08-038	180-77A-033	AMD	02-04-018	180-79A-150	PREP	02-10-050
180-55-105	REP-E	02-14-114	180-77A-037	AMD	02-04-018	180-79A-150	AMD-P	02-14-109
180-55-105	REP-P	02-14-117	180-77A-040	AMD	02-04-018	180-79A-150	AMD	02-18-037
180-55-105	REP	02-18-056	180-77A-057	AMD	02-04-018	180-79A-155	PREP	02-16-008
180-55-110	REP-E	02-08-038	180-77A-165	AMD	02-04-018	180-79A-206	PREP	02-05-061
180-55-110	REP-E	02-14-114	180-77A-180	AMD	02-04-018	180-79A-206	AMD-P	02-10-085
180-55-110	REP-P	02-14-117	180-77A-195	AMD	02-04-018	180-79A-206	AMD	02-14-111
180-55-110	REP	02-18-056	180-78A	PREP	02-06-070	180-79A-211	AMD	02-04-018
180-55-115	REP-E	02-08-038	180-78A-010	AMD-P	02-14-109	180-79A-211	AMD-P	02-14-109
180-55-115	REP-E	02-14-114	180-78A-010	AMD	02-18-037	180-79A-211	AMD	02-18-037
180-55-115	REP-P	02-14-117	180-78A-100	AMD-P	02-14-109	180-79A-231	AMD	02-13-027
180-55-115	REP	02-18-056	180-78A-100	AMD	02-18-037	180-79A-231	PREP	02-16-010
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180-55-120	REP-E	02-14-114	180-78A-200	AMD	02-18-037	180-79A-250	AMD-P	02-10-087
180-55-120	REP-P	02-14-117	180-78A-209	AMD	02-04-018	180-79A-250	AMD-W	02-12-123
180-55-120	REP	02-18-056	180-78A-220	AMD	02-04-014	180-79A-250	AMD-P	02-14-109
180-55-125	REP-E	02-08-038	180-78A-250	AMD-P	02-14-109	180-79A-250	AMD	02-18-037
180-55-125	REP-E	02-14-114	180-78A-250	AMD	02-18-037	180-81	PREP	02-06-072
180-55-125	REP-P	02-14-117	180-78A-255	AMD	02-04-014	180-82	PREP	02-06-073
180-55-125	REP	02-18-056	180-78A-261	AMD	02-04-014	180-82-105	AMD	02-04-018
180-55-130	REP-E	02-08-038	180-78A-264	AMD	02-04-014	180-82-105	PREP	02-10-045
180-55-130	REP-E	02-14-114	180-78A-270	AMD	02-04-018	180-82-105	AMD-P	02-14-108
180-55-130	REP-P	02-14-117	180-78A-270	AMD-P	02-14-109	180-82-105	AMD	02-18-038
180-55-130	REP	02-18-056	180-78A-270	AMD	02-18-037	180-82-110	PREP	02-16-009
180-55-135	REP-E	02-08-038	180-78A-325	AMD-P	02-14-109	180-82-120	AMD-P	02-14-109
180-55-135	REP-E	02-14-114	180-78A-325	AMD	02-18-037	180-82-120	AMD	02-18-037
180-55-135	REP-P	02-14-117	180-78A-400	AMD-P	02-14-109	180-82-202	AMD	02-04-018
180-55-135	REP	02-18-056	180-78A-400	AMD	02-18-037	180-82-322	AMD	02-04-018
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180-55-150	NEW-E	02-14-114	180-78A-500	AMD	02-18-037	180-82-350	AMD	02-04-018
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180-55-150	NEW	02-18-056	180-78A-505	AMD-P	02-10-085	180-82A-004	NEW-W	02-13-028
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180-72	PREP	02-06-067	180-78A-505	AMD	02-14-111	180-82A-201	NEW-W	02-13-028
180-77	AMD	02-04-018	180-78A-505	AMD	02-18-037	180-82A-202	NEW	02-04-013
180-77	PREP	02-06-068	180-78A-507	NEW-P	02-14-109	180-82A-204	NEW	02-04-013
180-77-002	AMD	02-04-018	180-78A-507	NEW	02-18-037	180-82A-206	NEW	02-04-013
180-77-003	AMD	02-04-018	180-78A-535	AMD-P	02-14-109	180-82A-215	NEW	02-04-013
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180-77-020	AMD	02-04-018	180-78A-700	PREP	02-15-028	180-85-025	AMD-P	02-14-107
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180-85-035	AMD	02-04-017	180-90-119	REP-W	02-14-110	180-97-060	AMD-E	02-08-034
180-85-075	AMD	02-04-017	180-90-119	REP-P	02-14-124	180-97-060	AMD-P	02-14-121
180-85-075	PREP	02-06-081	180-90-120	REP-E	02-08-037	180-97-060	AMD	02-18-061
180-85-075	AMD-P	02-10-086	180-90-120	REP-P	02-10-088	180-97-070	REP-E	02-08-034
180-85-075	AMD	02-14-112	180-90-120	REP-W	02-14-110	180-97-070	REP-P	02-14-121
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180-86-011	AMD-P	02-14-122	180-90-123	REP-P	02-10-088	180-97-080	AMD-P	02-14-121
180-86-013	AMD-P	02-10-052	180-90-123	REP-W	02-14-110	180-97-080	AMD	02-18-061
180-86-013	AMD-P	02-14-122	180-90-123	REP-P	02-14-124	180-97-090	REP-E	02-08-034
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180-86-020	REP-P	02-10-052	180-90-125	REP-P	02-10-088	180-97-090	REP	02-18-061
180-86-020	REP-P	02-14-122	180-90-125	REP-W	02-14-110	180-97-100	REP-E	02-08-034
180-86-030	AMD-P	02-10-052	180-90-125	REP-P	02-14-124	180-97-100	REP-P	02-14-121
180-86-030	AMD-P	02-14-122	180-90-130	AMD-E	02-08-037	180-97-100	REP	02-18-061
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180-86-055	REP-P	02-14-122	180-90-130	AMD-P	02-14-124	182	PREP	02-11-035
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180-86-065	AMD-P	02-14-122	180-90-133	REP-P	02-10-088	182-08-190	AMD	02-18-088
180-86-070	AMD-P	02-10-052	180-90-133	REP-W	02-14-110	182-12-111	AMD-P	02-15-177
180-86-070	AMD-P	02-14-122	180-90-133	REP-P	02-14-124	182-12-111	AMD	02-18-087
180-86-075	AMD-P	02-10-052	180-90-135	REP-E	02-08-037	182-12-119	AMD-P	02-15-177
180-86-075	AMD-P	02-14-122	180-90-135	REP-P	02-10-088	182-12-119	AMD	02-18-087
180-86-100	AMD-P	02-10-052	180-90-135	REP-W	02-14-110	182-12-132	AMD-P	02-15-177
180-86-100	AMD-P	02-14-122	180-90-135	REP-P	02-14-124	182-12-132	AMD	02-18-087
180-86-116	AMD-P	02-10-052	180-90-137	REP-E	02-08-037	182-12-220	AMD-P	02-15-178
180-86-116	AMD-P	02-14-122	180-90-137	REP-P	02-10-088	182-12-220	AMD	02-18-088
180-86-130	AMD-P	02-10-052	180-90-137	REP-W	02-14-110	182-12-230	NEW-P	02-05-078
180-86-130	AMD-P	02-14-122	180-90-137	REP-P	02-14-124	182-12-230	NEW	02-08-047
180-86-140	AMD-P	02-10-052	180-90-141	AMD-E	02-08-037	182-12-230	AMD-P	02-15-177
180-86-140	AMD-P	02-14-122	180-90-141	AMD-P	02-10-088	182-12-230	AMD	02-18-087
180-86-145	AMD-P	02-10-052	180-90-141	AMD-W	02-14-110	182-20-250	NEW-P	02-15-179
180-86-145	AMD-P	02-14-122	180-90-141	AMD-P	02-14-124	182-20-250	NEW	02-18-089
180-86-160	AMD-P	02-10-052	180-90-160	AMD-E	02-08-037	182-25-010	PREP	02-18-086
180-86-160	AMD-P	02-14-122	180-90-160	AMD-P	02-10-088	182-25-010	AMD-E	02-18-090
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180-86-180	AMD-P	02-10-052	180-95	PREP	02-06-079	182-25-041	NEW-E	02-18-090
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180-86-185	AMD-P	02-14-122	180-97-003	AMD-E	02-08-034	182-25-090	AMD-P	02-15-180
180-87	PREP	02-06-077	180-97-003	AMD-P	02-14-121	192-16-013	REP-X	02-08-071
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180-90-105	AMD-E	02-08-037	180-97-005	REP-E	02-08-034	192-16-021	REP	02-08-072
180-90-105	AMD-P	02-10-088	180-97-005	REP-P	02-14-121	192-16-033	REP-E	02-03-074
180-90-105	AMD-W	02-14-110	180-97-005	REP	02-18-061	192-16-033	PREP	02-07-064
180-90-105	AMD-P	02-14-124	180-97-010	AMD-E	02-08-034	192-16-033	REP-E	02-07-065
180-90-110	REP-E	02-08-037	180-97-010	AMD-P	02-14-121	192-16-036	REP-E	02-03-074
180-90-110	REP-P	02-10-088	180-97-010	AMD	02-18-061	192-16-036	PREP	02-07-064
180-90-110	REP-W	02-14-110	180-97-015	REP-E	02-08-034	192-16-036	REP-P	02-07-065
180-90-110	REP-P	02-14-124	180-97-015	REP-P	02-14-121	192-16-040	REP-E	02-03-074
180-90-112	AMD-E	02-08-037	180-97-015	REP	02-18-061	192-16-040	PREP	02-07-064
180-90-112	AMD-P	02-10-088	180-97-020	REP-E	02-08-034	192-16-040	REP-P	02-07-065
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180-90-112	AMD-P	02-14-124	180-97-020	REP	02-18-061	192-16-042	PREP	02-07-064
180-90-115	REP-E	02-08-037	180-97-040	AMD-E	02-08-034	192-16-042	REP-P	02-07-065
180-90-115	REP-P	02-10-088	180-97-040	AMD-P	02-14-121	192-16-045	REP-E	02-03-074
180-90-115	REP-W	02-14-110	180-97-040	AMD	02-18-061	192-16-045	PREP	02-07-064
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192- 16-047	REP-P	02-07-065	204- 91A-060	AMD	02-07-056	212- 12-040	AMD-P	02-11-038
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192-150-055	NEW	02-14-035	204- 91A-120	AMD	02-07-056	212- 12-044	PREP	02-07-018
192-150-060	NEW	02-08-072	204- 91A-130	AMD	02-07-056	212- 12-044	AMD-P	02-11-038
192-170-050	NEW	02-08-072	204- 91A-140	AMD	02-07-056	212- 12-044	AMD	02-16-023
192-180-012	NEW	02-08-072	204- 91A-170	AMD	02-07-056	212- 12-200	NEW-E	02-03-060
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192-210-005	AMD-E	02-12-127	204- 95	PREP	02-11-037	212- 12-210	NEW-E	02-03-060
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192-210-020	NEW-E	02-12-127	208-424-010	NEW	02-14-038	212- 12-230	NEW-E	02-03-060
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192-240-015	NEW-E	02-03-074	208-424-020	NEW	02-14-038	212- 12-240	NEW-E	02-03-060
192-240-020	NEW-E	02-03-074	208-424-030	NEW-P	02-11-010	212- 12-240	NEW-P	02-17-102
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192-240-030	NEW-E	02-07-065	208-472-010	AMD	02-04-094	212- 12-260	NEW-E	02-03-060
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192-240-040	NEW-E	02-07-065	208-472-020	AMD	02-04-094	212- 12-270	NEW-P	02-17-102
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196- 26-020	REP-P	02-08-075	208-472-041	REP	02-04-094	212- 12-290	NEW-P	02-17-102
196- 26-020	REP	02-13-080	208-472-045	REP	02-04-094	212- 12-300	NEW-E	02-03-060
196- 26-030	REP-P	02-08-075	208-472-050	REP	02-04-094	212- 12-300	NEW-P	02-17-102
196- 26-030	REP	02-13-080	208-472-060	REP	02-04-094	212- 12-310	NEW-E	02-03-060
196- 26A-010	NEW-P	02-08-075	208-472-065	REP	02-04-094	212- 12-310	NEW-P	02-17-102
196- 26A-010	NEW	02-13-080	208-472-070	REP	02-04-094	212- 12-320	NEW-E	02-03-060
196- 26A-020	NEW-P	02-08-075	208-472-075	REP	02-04-094	212- 12-320	NEW-P	02-17-102
196- 26A-020	NEW	02-13-080	208-472-080	REP	02-04-094	212- 12-330	NEW-E	02-03-060
196- 26A-025	NEW-P	02-08-075	208-620-160	AMD-P	02-12-004	212- 12-330	NEW-P	02-17-102
196- 26A-025	NEW	02-13-080	208-660-125	AMD-P	02-12-003	212- 12-340	NEW-E	02-03-060
196- 26A-030	NEW-P	02-08-075	212- 12-001	PREP	02-07-018	212- 12-340	NEW-P	02-17-102
196- 26A-030	NEW	02-13-080	212- 12-001	AMD-P	02-11-038	212- 12-350	NEW-E	02-03-060
196- 26A-035	NEW-P	02-08-075	212- 12-001	AMD	02-16-023	212- 12-350	NEW-P	02-17-102
196- 26A-035	NEW	02-13-080	212- 12-005	PREP	02-07-018	212- 12-360	NEW-E	02-03-060
196- 26A-040	NEW-P	02-08-075	212- 12-005	AMD-P	02-11-038	212- 12-360	NEW-P	02-17-102
196- 26A-040	NEW	02-13-080	212- 12-005	AMD	02-16-023	212- 12-370	NEW-E	02-03-060
196- 26A-045	NEW-P	02-08-075	212- 12-010	PREP	02-07-018	212- 12-370	NEW-P	02-17-102
196- 26A-045	NEW	02-13-080	212- 12-010	AMD-P	02-11-038	212- 12-380	NEW-E	02-03-060
196- 26A-050	NEW-P	02-08-075	212- 12-010	AMD	02-16-023	212- 12-380	NEW-P	02-17-102
196- 26A-050	NEW	02-13-080	212- 12-011	PREP	02-07-018	212- 12-390	NEW-E	02-03-060
196- 26A-055	NEW-P	02-08-075	212- 12-011	AMD-P	02-11-038	212- 12-390	NEW-P	02-17-102
196- 26A-055	NEW	02-13-080	212- 12-011	AMD	02-16-023	212- 12-400	NEW-E	02-03-060
196- 26A-060	NEW-P	02-08-075	212- 12-015	PREP	02-07-018	212- 12-400	NEW-P	02-17-102
196- 26A-060	NEW	02-13-080	212- 12-015	AMD-P	02-11-038	212- 12-410	NEW-E	02-03-060
196- 26A-070	NEW-P	02-08-075	212- 12-015	AMD	02-16-023	212- 12-410	NEW-P	02-17-102
196- 26A-070	NEW	02-13-080	212- 12-020	PREP	02-07-018	212- 12-420	NEW-E	02-03-060
196- 27-010	REP-P	02-15-139	212- 12-020	AMD-P	02-11-038	212- 12-420	NEW-P	02-17-102
196- 27-020	REP-P	02-15-139	212- 12-020	AMD	02-16-023	220- 12-005	NEW-P	02-13-107
196- 27A-010	NEW-P	02-15-139	212- 12-025	PREP	02-07-018	220- 12-090	NEW-P	02-13-107
196- 27A-020	NEW-P	02-15-139	212- 12-025	AMD-P	02-11-038	220- 12-09000A	NEW-E	02-15-001
196- 27A-030	NEW-P	02-15-139	212- 12-025	AMD	02-16-023	220- 16-028	AMD	02-08-048
204- 24-030	AMD-P	02-15-072	212- 12-030	PREP	02-07-018	220- 16-410	AMD-W	02-05-035
204- 24-050	AMD-P	02-15-072	212- 12-030	AMD-P	02-11-038	220- 16-480	AMD	02-08-027
204- 36-030	AMD	02-07-055	212- 12-030	AMD	02-16-023	220- 16-760	NEW	02-08-048
204- 36-040	AMD	02-07-055	212- 12-035	PREP	02-07-018	220- 16-760	AMD-P	02-13-088
204- 36-060	AMD	02-07-055	212- 12-035	AMD-P	02-11-038	220- 16-760	NEW-W	02-15-088

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220-16-780	NEW	02-08-048	220-32-05100U	NEW-E	02-17-064	220-47-401	AMD-X	02-11-073
220-16-780	AMD-P	02-13-088	220-32-05100U	REP-E	02-18-079	220-47-401	AMD	02-16-004
220-16-780	NEW-W	02-15-088	220-32-05100V	NEW-E	02-18-079	220-47-411	AMD-X	02-11-073
220-16-780	AMD	02-17-017	220-32-05500E	NEW-E	02-11-146	220-47-411	AMD	02-16-004
220-16-78000A	NEW-E	02-10-118	220-32-05500E	REP-E	02-11-146	220-47-42700B	NEW-E	02-17-042
220-16-790	NEW	02-08-048	220-32-05700P	NEW-E	02-11-146	220-47-428	AMD-X	02-11-073
220-16-790	AMD-P	02-13-088	220-32-05700P	REP-E	02-11-146	220-47-428	AMD	02-16-004
220-16-790	NEW-W	02-15-088	220-33-01000I	NEW-E	02-04-077	220-47-430	AMD-X	02-11-073
220-16-790	AMD	02-17-017	220-33-01000I	REP-E	02-04-077	220-47-430	AMD	02-16-004
220-16-79000A	NEW-E	02-10-118	220-33-01000J	NEW-E	02-05-056	220-47-901	NEW-E	02-16-056
220-16-800	NEW-W	02-15-088	220-33-01000J	REP-E	02-05-056	220-47-902	NEW-E	02-18-007
220-20-001	NEW-P	02-13-085	220-33-01000J	REP-E	02-07-010	220-47-902	REP-E	02-18-007
220-20-001	NEW	02-16-069	220-33-01000K	NEW-E	02-07-010	220-48-005	AMD	02-08-026
220-20-010	AMD	02-08-048	220-33-01000K	REP-E	02-07-010	220-48-015	AMD-W	02-15-086
220-20-015	AMD-X	02-15-025	220-33-01000K	REP-E	02-07-094	220-48-01500P	NEW-E	02-17-012
220-20-016	PREP	02-06-107	220-33-01000L	NEW-E	02-07-094	220-48-029	AMD-P	02-13-108
220-20-016	AMD-X	02-11-073	220-33-01000L	REP-E	02-07-094	220-48-029	AMD-W	02-15-086
220-20-016	AMD-C	02-16-002	220-33-01000L	REP-E	02-08-014	220-48-032	AMD-P	02-13-108
220-20-020	AMD-X	02-15-025	220-33-01000M	NEW-E	02-08-014	220-49-013	AMD	02-08-026
220-20-025	AMD	02-08-048	220-33-01000M	REP-E	02-08-025	220-49-056	AMD	02-08-026
220-20-025	AMD-X	02-15-025	220-33-01000N	NEW-E	02-08-025	220-52-03000R	NEW-E	02-11-043
220-20-075	NEW	02-05-046	220-33-01000N	REP-E	02-08-025	220-52-03000R	REP-E	02-11-043
220-20-080	NEW-P	02-13-134	220-33-01000P	NEW-E	02-16-063	220-52-04000F	REP-E	02-03-068
220-20-08000A	NEW-E	02-14-089	220-33-01000P	REP-E	02-16-063	220-52-04000G	NEW-E	02-15-124
220-20-100	NEW	02-08-048	220-33-01000Q	NEW-E	02-17-021	220-52-04000G	REP-E	02-15-124
220-20-100	NEW-W	02-15-088	220-33-01000Q	REP-E	02-17-021	220-52-04600A	REP-E	02-03-024
220-24-04000B	NEW-E	02-10-078	220-33-01000R	NEW-E	02-17-063	220-52-04600B	NEW-E	02-03-024
220-24-04000B	REP-E	02-10-078	220-33-01000R	REP-E	02-17-063	220-52-04600B	REP-E	02-03-050
220-24-04000B	REP-E	02-10-120	220-33-03000S	NEW-E	02-11-014	220-52-04600C	NEW-E	02-03-050
220-24-04000C	NEW-E	02-10-120	220-33-03000S	REP-E	02-11-014	220-52-04600C	REP-E	02-04-093
220-24-04000C	REP-E	02-10-120	220-33-04000N	REP-E	02-04-072	220-52-04600D	NEW-E	02-04-093
220-24-04000C	REP-E	02-13-003	220-33-04000P	NEW-E	02-04-072	220-52-04600D	REP-E	02-07-037
220-24-04000D	NEW-E	02-14-090	220-33-04000P	REP-E	02-04-072	220-52-04600E	NEW-E	02-07-037
220-24-04000D	REP-E	02-14-090	220-33-04000P	REP-E	02-04-102	220-52-04600E	REP-E	02-07-075
220-24-04000E	NEW-E	02-15-041	220-33-04000Q	NEW-E	02-04-102	220-52-04600F	NEW-E	02-07-075
220-24-04000E	REP-E	02-15-041	220-33-04000Q	REP-E	02-04-102	220-52-04600F	REP-E	02-08-070
220-24-04000F	NEW-E	02-16-013	220-33-04000Q	REP-E	02-06-036	220-52-04600G	NEW-E	02-08-070
220-24-04000F	REP-E	02-16-013	220-33-04000R	NEW-E	02-06-036	220-52-04600G	REP-E	02-08-070
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220-24-04000G	REP-E	02-17-010	220-36-02300B	NEW-E	02-16-050	220-52-05000E	NEW-E	02-15-013
220-24-04000H	NEW-E	02-18-010	220-36-02300B	REP-E	02-16-103	220-52-05100A	NEW-E	02-10-004
220-24-04000H	REP-E	02-18-010	220-36-02300C	NEW-E	02-16-103	220-52-05100A	REP-E	02-10-043
220-32-05100K	REP-E	02-04-073	220-40-02100W	NEW-E	02-15-040	220-52-05100B	NEW-E	02-10-043
220-32-05100L	NEW-E	02-04-073	220-40-02100W	REP-E	02-15-040	220-52-05100B	REP-E	02-13-023
220-32-05100L	REP-E	02-04-073	220-40-027	AMD-X	02-11-072	220-52-05100C	NEW-E	02-13-023
220-32-05100L	REP-E	02-07-011	220-40-027	AMD	02-16-021	220-52-05100C	REP-E	02-14-068
220-32-05100M	NEW-E	02-07-011	220-44-05000H	REP-E	02-04-060	220-52-05100D	NEW-E	02-14-068
220-32-05100M	REP-E	02-07-011	220-44-05000I	NEW-E	02-04-060	220-52-05100D	REP-E	02-15-031
220-32-05100M	REP-E	02-07-044	220-44-05000I	REP-E	02-07-093	220-52-05100E	NEW-E	02-15-031
220-32-05100N	NEW-E	02-07-044	220-44-05000J	NEW-E	02-07-093	220-52-05100E	REP-E	02-15-104
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220-32-05100P	NEW-E	02-10-042	220-44-05000K	NEW-E	02-11-042	220-52-05100F	REP-E	02-16-011
220-32-05100P	REP-E	02-10-042	220-44-05000K	REP-E	02-15-036	220-52-05100G	NEW-E	02-16-011
220-32-05100Q	NEW-E	02-11-003	220-44-05000L	NEW-E	02-15-036	220-52-05100G	REP-E	02-16-049
220-32-05100Q	REP-E	02-11-003	220-44-05000L	REP-E	02-16-019	220-52-05100H	NEW-E	02-16-049
220-32-05100R	NEW-E	02-11-049	220-44-05000M	NEW-E	02-16-019	220-52-05100H	REP-E	02-17-020
220-32-05100R	REP-E	02-11-049	220-44-05000M	REP-E	02-18-081	220-52-05100I	NEW-E	02-17-020
220-32-05100S	NEW-E	02-11-085	220-44-05000N	NEW-E	02-18-081	220-52-05100I	REP-E	02-17-037
220-32-05100S	REP-E	02-11-085	220-47-301	AMD-X	02-11-073	220-52-05100J	NEW-E	02-17-037
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220-52-05100K	REP-E	02-18-059	220-56-235	AMD	02-09-001	220-56-32500Y	NEW-E	02-12-054
220-52-05100L	NEW-E	02-18-059	220-56-23500L	NEW-E	02-03-002	220-56-32500Y	REP-E	02-14-004
220-52-05100Y	NEW-E	02-09-021	220-56-23500L	REP-E	02-07-004	220-56-32500Z	NEW-E	02-14-004
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220-52-05100Z	REP-E	02-10-004	220-56-23500N	NEW-E	02-15-003	220-56-33000D	REP-E	02-05-001
220-52-071	AMD-P	02-13-090	220-56-25000C	NEW-E	02-15-105	220-56-33000E	NEW-E	02-05-001
220-52-071	AMD	02-17-016	220-56-25000D	NEW-E	02-07-025	220-56-33000E	REP-E	02-07-037
220-52-07100W	NEW-E	02-15-002	220-56-25000D	REP-E	02-07-025	220-56-33000F	NEW-E	02-07-037
220-52-07100W	REP-E	02-16-012	220-56-255	AMD-W	02-15-087	220-56-33000F	REP-E	02-07-075
220-52-07100X	NEW-E	02-16-012	220-56-25500A	NEW-E	02-14-139	220-56-33000G	NEW-E	02-07-075
220-52-07100X	REP-E	02-17-066	220-56-25500A	REP-E	02-15-024	220-56-33000G	REP-E	02-08-070
220-52-07100Y	NEW-E	02-17-066	220-56-25500B	NEW-E	02-15-024	220-56-33000H	NEW-E	02-08-070
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220-52-07100Z	NEW-E	02-18-022	220-56-25500C	REP-E	02-15-109	220-56-33000H	REP-E	02-11-094
220-52-073	AMD-P	02-13-090	220-56-25500D	NEW-E	02-15-109	220-56-33000I	NEW-E	02-11-050
220-52-073	AMD	02-17-016	220-56-25500X	NEW-E	02-09-045	220-56-33000I	REP-E	02-11-094
220-52-07300Q	REP-E	02-03-025	220-56-25500X	REP-E	02-12-014	220-56-33000J	NEW-E	02-11-094
220-52-07300R	NEW-E	02-03-025	220-56-25500Y	NEW-E	02-12-014	220-56-33000J	REP-E	02-11-132
220-52-07300R	REP-E	02-03-067	220-56-25500Y	REP-E	02-13-044	220-56-33000K	NEW-E	02-11-132
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220-52-07300T	NEW-E	02-03-090	220-56-265	AMD	02-08-048	220-56-33000L	REP-E	02-14-025
220-52-07300T	REP-E	02-04-035	220-56-270	AMD	02-08-048	220-56-33000M	NEW-E	02-14-025
220-52-07300U	NEW-E	02-04-035	220-56-27000L	REP-E	02-06-036	220-56-33000M	REP-E	02-15-039
220-52-07300U	REP-E	02-04-078	220-56-27000M	NEW-E	02-06-036	220-56-33000N	NEW-E	02-15-039
220-52-07300V	NEW-E	02-04-078	220-56-27000M	REP-E	02-06-036	220-56-33000N	REP-E	02-18-004
220-52-07300V	REP-E	02-07-046	220-56-282	AMD	02-08-048	220-56-33000P	NEW-E	02-18-004
220-52-07300W	NEW-E	02-07-092	220-56-28200D	NEW-E	02-06-017	220-56-335	AMD	02-08-048
220-52-07300W	REP-E	02-07-092	220-56-28200D	REP-E	02-06-017	220-56-350	AMD	02-08-048
220-52-07500D	NEW-E	02-09-021	220-56-28200E	NEW-E	02-10-119	220-56-350	AMD-P	02-13-091
220-52-07500D	REP-E	02-10-004	220-56-28200F	NEW-E	02-15-014	220-56-350	AMD	02-17-019
220-52-07500E	NEW-E	02-10-004	220-56-28200F	REP-E	02-15-095	220-56-35000J	REP-E	02-06-035
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220-55-001	AMD	02-16-070	220-56-28500B	NEW-E	02-05-010	220-56-35000K	REP-E	02-10-029
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220-55-100	AMD-P	02-13-084	220-56-28500C	NEW-E	02-11-006	220-56-35000L	REP-E	02-13-011
220-55-100	AMD	02-16-070	220-56-28500C	REP-E	02-11-006	220-56-35000M	NEW-E	02-13-011
220-55-200	NEW-P	02-12-130	220-56-28500C	REP-E	02-11-039	220-56-355	AMD	02-08-048
220-55-200	NEW	02-15-038	220-56-28500D	NEW-E	02-11-039	220-56-355	AMD-P	02-13-091
220-55-20000A	REP-P	02-12-130	220-56-307	REP	02-08-048	220-56-355	AMD	02-17-019
220-55-20000A	REP	02-15-038	220-56-310	AMD	02-08-048	220-56-35500B	NEW-E	02-07-076
220-55-20000B	NEW-E	02-13-045	220-56-31000U	NEW-E	02-09-003	220-56-35500C	NEW-E	02-15-120
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220-56-105	AMD	02-08-048	220-56-315	AMD	02-08-048	220-56-36000L	REP-E	02-03-053
220-56-115	AMD	02-09-001	220-56-315	AMD-P	02-15-106	220-56-36000L	REP-E	02-04-039
220-56-116	AMD	02-08-048	220-56-31500A	NEW-E	02-09-003	220-56-36000M	NEW-E	02-04-039
220-56-124	AMD-X	02-10-127	220-56-31500A	REP-E	02-09-003	220-56-36000M	REP-E	02-04-039
220-56-124	AMD	02-15-097	220-56-31500B	NEW-E	02-11-020	220-56-36000N	NEW-E	02-07-012
220-56-128	AMD	02-08-048	220-56-32500A	NEW-E	02-15-125	220-56-36000N	REP-E	02-07-012
220-56-15600A	NEW-E	02-10-108	220-56-32500A	REP-E	02-16-044	220-56-36000P	NEW-E	02-10-012
220-56-193	NEW-P	02-10-124	220-56-32500B	NEW-E	02-16-044	220-56-36000P	REP-E	02-10-012
220-56-193	NEW	02-13-026	220-56-32500T	NEW-E	02-08-028	220-56-36000Q	NEW-E	02-11-012
220-56-194	NEW-P	02-10-124	220-56-32500T	REP-E	02-09-003	220-56-36000Q	REP-E	02-11-012
220-56-194	NEW	02-13-026	220-56-32500U	NEW-E	02-10-028	220-56-380	AMD	02-08-048
220-56-195	AMD-X	02-10-127	220-56-32500U	REP-E	02-11-013	220-56-38000C	REP-E	02-06-035
220-56-195	AMD	02-15-097	220-56-32500V	NEW-E	02-11-013	220-56-38000D	NEW-E	02-06-035
220-56-19500I	NEW-E	02-11-086	220-56-32500V	REP-E	02-11-041	220-56-38000D	REP-E	02-10-029
220-56-19500I	REP-E	02-11-086	220-56-32500W	NEW-E	02-11-041	220-56-38000E	NEW-E	02-10-029
220-56-19500J	NEW-E	02-17-038	220-56-32500W	REP-E	02-11-134	220-69	PREP	02-10-105
220-56-19500J	REP-E	02-17-038	220-56-32500X	NEW-E	02-11-134	220-69-240	AMD-P	02-13-134

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220- 69-24000A	NEW-E	02-10-004	230- 04-203	AMD-P	02-13-111	232- 12-147	REP	02-08-048
220- 69-24000A	REP-E	02-10-043	230- 04-203	AMD-W	02-16-024	232- 12-151	REP	02-08-048
220- 69-24000B	NEW-E	02-10-043	230- 04-203	AMD-P	02-17-032	232- 12-168	AMD	02-08-048
220- 69-24000B	REP-E	02-13-023	230- 04-204	AMD-P	02-17-032	232- 12-16800B	NEW-E	02-07-095
220- 69-24000C	NEW-E	02-13-023	230- 04-315	REP-P	02-13-111	232- 12-16800B	REP-E	02-07-095
220- 69-24000C	REP-E	02-14-068	230- 04-315	REP	02-18-043	232- 12-181	AMD-P	02-17-118
220- 69-24000D	NEW-E	02-14-068	230- 08-017	AMD-P	02-17-032	232- 12-243	AMD-P	02-13-133
220- 69-241	AMD-P	02-13-134	230- 08-255	AMD-P	02-06-037	232- 12-243	AMD	02-17-013
220- 74-020	AMD-P	02-06-109	230- 08-255	AMD	02-10-002	232- 12-245	NEW-W	02-11-025
220- 74-020	AMD	02-10-023	230- 12-045	NEW-P	02-07-081	232- 12-253	NEW	02-05-021
220- 77-020	AMD	02-06-018	230- 12-045	NEW	02-11-084	232- 12-253	AMD-P	02-10-125
220- 77-040	AMD	02-06-018	230- 12-050	AMD-P	02-07-081	232- 12-253	AMD	02-16-043
220- 77-09000A	NEW-E	02-04-069	230- 12-050	AMD	02-11-084	232- 12-267	AMD-P	02-10-128
220- 77-09000A	REP-E	02-04-089	230- 12-090	AMD-P	02-13-111	232- 12-267	AMD	02-15-018
220- 77-09000B	NEW-E	02-04-089	230- 12-090	AMD	02-17-035	232- 12-272	NEW	02-08-048
220- 77-095	AMD-P	02-13-136	230- 12-330	AMD-P	02-06-038	232- 12-619	AMD	02-08-048
220- 77-095	AMD	02-17-015	230- 12-330	AMD	02-10-003	232- 12-828	AMD-P	02-13-135
220- 77-100	NEW-W	02-11-027	230- 12-340	AMD-P	02-06-038	232- 28-02220	AMD-P	02-06-124
220- 77-105	NEW-W	02-11-027	230- 12-340	AMD	02-10-003	232- 28-02220	AMD	02-11-069
220- 88C-04000	NEW-E	02-13-051	230- 20-002	NEW-P	02-13-111	232- 28-02240	AMD-P	02-06-124
220- 95-100	AMD-P	02-13-086	230- 20-002	NEW	02-17-035	232- 28-02240	AMD	02-11-069
220- 95-100	AMD	02-17-014	230- 20-005	NEW-P	02-13-111	232- 28-248	AMD-P	02-06-124
220- 95-110	AMD-P	02-13-086	230- 20-005	NEW	02-17-035	232- 28-248	AMD	02-11-069
220- 95-110	AMD	02-17-014	230- 20-070	AMD-P	02-13-111	232- 28-266	AMD-P	02-06-121
220-130-040	AMD-W	02-02-089	230- 20-070	AMD	02-17-035	232- 28-273	AMD-P	02-06-121
222- 10-040	AMD-P	02-05-087	230- 20-104	AMD-P	02-13-111	232- 28-273	AMD	02-11-069
222- 10-040	AMD	02-11-075	230- 20-104	AMD	02-17-035	232- 28-276	AMD-P	02-10-128
222- 10-041	AMD-P	02-05-087	230- 20-111	REP-P	02-07-081	232- 28-276	AMD	02-15-018
222- 10-041	AMD	02-11-075	230- 20-111	REP	02-11-084	232- 28-277	AMD-P	02-06-125
222- 16-050	AMD-E	02-05-086	230- 20-125	REP-P	02-07-081	232- 28-277	REP-P	02-10-128
222- 16-050	PREP	02-07-023	230- 20-125	REP	02-11-084	232- 28-277	AMD	02-11-069
222- 16-050	AMD-P	02-11-138	230- 20-170	AMD-P	02-13-111	232- 28-277	REP	02-15-019
222- 16-050	AMD-E	02-15-083	230- 20-170	AMD	02-17-035	232- 28-278	AMD-P	02-06-126
222- 16-050	AMD	02-17-099	230- 20-230	REP-P	02-07-081	232- 28-278	AMD	02-11-069
222- 21	PREP	02-17-098	230- 20-230	REP	02-11-084	232- 28-279	AMD-P	02-06-123
222- 21-010	AMD	02-05-084	230- 20-244	AMD	02-06-006	232- 28-279	AMD	02-11-069
222- 21-020	AMD	02-05-084	230- 20-246	AMD	02-06-006	232- 28-279	AMD-P	02-13-138
222- 21-045	AMD	02-05-084	230- 20-249	AMD	02-06-006	232- 28-279	AMD	02-18-005
222- 21-050	AMD	02-05-084	230- 30-033	AMD	02-06-007	232- 28-282	NEW-P	02-10-128
222- 21-061	NEW	02-05-084	230- 30-045	AMD	02-06-007	232- 28-282	NEW	02-15-019
226- 01-040	AMD-X	02-03-038	230- 30-072	AMD	02-06-007	232- 28-299	AMD-P	02-10-128
226- 01-040	AMD	02-08-076	230- 30-106	AMD-P	02-06-038	232- 28-299	AMD	02-15-018
226- 01-050	AMD-X	02-03-038	230- 30-106	AMD	02-10-003	232- 28-425	REP-P	02-13-137
226- 01-050	AMD	02-08-076	230- 40-120	AMD-W	02-14-103	232- 28-425	REP	02-18-005
226- 12-080	AMD-X	02-03-038	230- 40-610	AMD-P	02-12-076	232- 28-42500C	NEW-E	02-03-052
226- 12-080	AMD	02-08-076	230- 40-610	AMD	02-17-033	232- 28-42500C	REP-E	02-03-052
226- 16-160	AMD-X	02-03-038	230- 40-800	AMD-P	02-07-081	232- 28-426	NEW-P	02-13-137
226- 16-160	AMD	02-08-076	230- 40-800	AMD	02-11-084	232- 28-426	NEW	02-18-005
226- 20-010	AMD-X	02-03-038	230- 40-897	REP-P	02-07-081	232- 28-619	AMD	02-08-048
226- 20-010	AMD	02-08-076	230- 40-897	REP	02-11-084	232- 28-619	AMD-X	02-10-127
230- 02-145	REP-P	02-07-081	230- 50-010	AMD-P	02-13-111	232- 28-619	AMD-P	02-13-088
230- 02-145	REP	02-11-084	230- 50-010	AMD	02-17-035	232- 28-619	AMD	02-15-097
230- 02-205	AMD-S	02-03-077	232- 12-011	AMD-P	02-06-122	232- 28-619	AMD-P	02-15-106
230- 02-205	AMD-W	02-16-083	232- 12-011	AMD	02-08-048	232- 28-61900A	NEW-E	02-08-022
230- 04-064	AMD-P	02-06-037	232- 12-011	AMD	02-11-069	232- 28-61900A	REP-E	02-11-001
230- 04-064	AMD	02-10-002	232- 12-014	AMD-P	02-06-122	232- 28-61900A	NEW-E	02-15-159
230- 04-180	AMD-P	02-13-112	232- 12-014	AMD	02-11-069	232- 28-61900A	REP-E	02-15-159
230- 04-180	AMD	02-17-034	232- 12-016	NEW-P	02-13-107	232- 28-61900B	NEW-E	02-08-004
230- 04-202	AMD-W	02-02-090	232- 12-01600A	NEW-E	02-15-001	232- 28-61900B	REP-E	02-08-004
230- 04-202	AMD-P	02-13-111	232- 12-017	AMD-P	02-13-107	232- 28-61900B	NEW-E	02-16-001
230- 04-202	AMD-W	02-16-024	232- 12-019	AMD	02-08-048	232- 28-61900B	REP-E	02-16-001
230- 04-202	AMD-P	02-17-032	232- 12-073	NEW-P	02-13-089	232- 28-61900C	NEW-E	02-09-023

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232- 28-61900C	REP-E	02-09-023	232- 28-61900U	NEW-E	02-06-100	246-100-060	NEW-P	02-16-102
232- 28-61900C	NEW-E	02-16-022	232- 28-61900U	REP-E	02-06-100	246-100-065	NEW-P	02-16-102
232- 28-61900C	REP-E	02-17-041	232- 28-61900U	NEW-E	02-13-052	246-100-070	NEW-P	02-16-102
232- 28-61900D	REP-E	02-05-075	232- 28-61900U	REP-E	02-14-046	246-100-166	PREP	02-10-066
232- 28-61900D	NEW-E	02-09-009	232- 28-61900V	NEW-E	02-06-099	246-100-166	AMD-E	02-14-075
232- 28-61900D	REP-E	02-10-063	232- 28-61900V	REP-E	02-06-099	246-100-206	AMD-P	02-08-018
232- 28-61900D	NEW-E	02-17-036	232- 28-61900V	NEW-E	02-14-046	246-100-206	AMD	02-12-106
232- 28-61900E	NEW-E	02-10-024	232- 28-61900V	REP-E	02-15-032	246-100-207	AMD-P	02-08-018
232- 28-61900E	REP-E	02-10-024	232- 28-61900W	NEW-E	02-07-061	246-100-207	AMD	02-12-106
232- 28-61900E	NEW-E	02-17-041	232- 28-61900W	REP-E	02-07-061	246-100-208	AMD-P	02-08-018
232- 28-61900F	NEW-E	02-10-077	232- 28-61900W	NEW-E	02-15-030	246-100-208	AMD	02-12-106
232- 28-61900F	NEW-E	02-18-008	232- 28-61900W	REP-E	02-18-008	246-101-505	AMD-P	02-16-102
232- 28-61900F	REP-E	02-18-011	232- 28-61900X	NEW-E	02-07-019	246-145-001	NEW	02-11-109
232- 28-61900G	NEW-E	02-10-062	232- 28-61900X	REP-E	02-07-019	246-145-010	NEW	02-11-109
232- 28-61900G	NEW-E	02-18-011	232- 28-61900X	NEW-E	02-15-032	246-145-020	NEW	02-11-109
232- 28-61900H	REP-E	02-03-014	232- 28-61900X	REP-E	02-17-036	246-145-030	NEW	02-11-109
232- 28-61900H	NEW-E	02-10-063	232- 28-61900Y	NEW-E	02-07-066	246-145-040	NEW	02-11-109
232- 28-61900H	REP-E	02-11-006	232- 28-61900Y	REP-E	02-07-066	246-215-150	AMD-P	02-04-091
232- 28-61900H	NEW-E	02-18-058	232- 28-61900Y	NEW-E	02-15-037	246-215-150	AMD	02-09-028
232- 28-61900H	REP-E	02-18-058	232- 28-61900Y	REP-E	02-15-037	246-217-025	AMD-P	02-18-031
232- 28-61900I	NEW-E	02-03-022	232- 28-61900Z	NEW-E	02-07-096	246-224	AMD-P	02-07-021
232- 28-61900I	REP-E	02-03-022	232- 28-61900Z	REP-E	02-07-096	246-224	AMD	02-14-050
232- 28-61900I	NEW-E	02-11-001	232- 28-61900Z	NEW-E	02-15-095	246-224-0001	NEW-P	02-07-021
232- 28-61900I	NEW-E	02-18-057	232- 28-61900Z	REP-E	02-16-022	246-224-0001	NEW	02-14-050
232- 28-61900J	NEW-E	02-03-023	232- 28-620	AMD-X	02-10-127	246-224-001	REP-P	02-07-021
232- 28-61900J	NEW-E	02-11-006	232- 28-620	AMD	02-15-097	246-224-001	REP	02-14-050
232- 28-61900J	REP-E	02-11-039	232- 28-62000D	NEW-E	02-11-086	246-224-0010	NEW-P	02-07-021
232- 28-61900J	NEW-E	02-18-073	232- 28-62000D	REP-E	02-11-086	246-224-0010	NEW	02-14-050
232- 28-61900K	NEW-E	02-03-014	232- 28-62000D	REP-E	02-15-121	246-224-0020	NEW-P	02-07-021
232- 28-61900K	NEW-E	02-11-039	232- 28-62000E	NEW-E	02-15-121	246-224-0020	NEW	02-14-050
232- 28-61900K	REP-E	02-11-039	232- 28-62000E	REP-E	02-17-011	246-224-0030	NEW-P	02-07-021
232- 28-61900L	NEW-E	02-03-015	232- 28-62000F	NEW-E	02-17-011	246-224-0030	NEW	02-14-050
232- 28-61900L	REP-E	02-03-015	232- 28-62000F	REP-E	02-17-065	246-224-0030	NEW	02-14-050
232- 28-61900L	NEW-E	02-11-040	232- 28-62000G	NEW-E	02-17-065	246-224-0040	NEW-P	02-07-021
232- 28-61900M	NEW-E	02-03-066	232- 28-62000G	REP-E	02-18-009	246-224-0040	NEW	02-14-050
232- 28-61900M	REP-E	02-10-063	232- 28-62000H	NEW-E	02-18-009	246-224-0050	NEW-P	02-07-021
232- 28-61900M	NEW-E	02-11-068	232- 28-62000H	REP-E	02-18-080	246-224-0050	NEW	02-14-050
232- 28-61900M	REP-E	02-11-068	232- 28-62000I	NEW-E	02-18-080	246-224-0060	NEW-P	02-07-021
232- 28-61900N	NEW-E	02-04-019	232- 28-621	AMD	02-08-048	246-224-0060	NEW	02-14-050
232- 28-61900N	REP-E	02-04-019	232- 28-621	AMD-X	02-10-127	246-224-0070	NEW-P	02-07-021
232- 28-61900N	NEW-E	02-11-071	232- 28-621	AMD	02-15-097	246-224-0070	NEW	02-14-050
232- 28-61900N	REP-E	02-11-071	232- 28-62100G	NEW-E	02-11-086	246-224-0080	NEW-P	02-07-021
232- 28-61900P	NEW-E	02-04-103	232- 28-62100G	REP-E	02-11-086	246-224-0080	NEW	02-14-050
232- 28-61900P	REP-E	02-12-013	232- 28-62100G	REP-E	02-14-069	246-224-0090	NEW-P	02-07-021
232- 28-61900Q	NEW-E	02-05-007	232- 28-62100H	NEW-E	02-14-069	246-224-0090	NEW	02-14-050
232- 28-61900Q	REP-E	02-11-040	232- 28-62100H	REP-E	02-15-033	246-224-010	REP-P	02-07-021
232- 28-61900Q	NEW-E	02-11-086	232- 28-62100I	NEW-E	02-15-033	246-224-010	REP	02-14-050
232- 28-61900Q	REP-E	02-11-086	232- 28-62100I	REP-E	02-15-096	246-224-0100	NEW-P	02-07-021
232- 28-61900Q	REP-E	02-12-013	232- 28-62100J	NEW-E	02-15-096	246-224-0100	NEW	02-14-050
232- 28-61900R	NEW-E	02-05-008	236- 48	PREP	02-16-025	246-224-0110	NEW-P	02-07-021
232- 28-61900R	REP-E	02-05-008	236- 48-002	PREP	02-16-025	246-224-0110	NEW	02-14-050
232- 28-61900R	NEW-E	02-11-114	236- 48-003	PREP	02-16-025	246-224-0120	NEW-P	02-07-021
232- 28-61900R	REP-E	02-11-114	236- 49	PREP	02-16-026	246-224-0120	NEW	02-14-050
232- 28-61900S	NEW-E	02-05-010	236- 70	PREP	02-13-127	246-224-020	REP-P	02-07-021
232- 28-61900S	REP-E	02-09-009	246- 12-040	AMD-X	02-09-042	246-224-020	REP	02-14-050
232- 28-61900S	NEW-E	02-12-013	246- 50	PREP-W	02-09-027	246-224-050	REP-P	02-07-021
232- 28-61900S	REP-E	02-13-052	246-100-011	AMD-P	02-16-102	246-224-050	REP	02-14-050
232- 28-61900T	NEW-E	02-05-075	246-100-036	AMD-P	02-16-102	246-224-060	REP-P	02-07-021
232- 28-61900T	REP-E	02-07-096	246-100-040	NEW-P	02-16-102	246-224-060	REP	02-14-050
232- 28-61900T	NEW-E	02-12-019	246-100-045	NEW-P	02-16-102	246-224-070	REP-P	02-07-021
232- 28-61900T	REP-E	02-12-019	246-100-050	NEW-P	02-16-102	246-224-070	REP	02-14-050
232- 28-61900U	REP-E	02-03-022	246-100-055	NEW-P	02-16-102	246-224-090	REP-P	02-07-021
						246-224-090	REP	02-14-050

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246-224-100	REP-P	02-07-021	246-320-990	AMD	02-13-061	246-331-095	REP	02-18-026
246-224-100	REP	02-14-050	246-322-990	AMD-P	02-10-131	246-331-100	REP-P	02-12-103
246-229-0001	NEW-P	02-07-021	246-322-990	AMD	02-13-061	246-331-100	REP	02-18-026
246-229-0001	NEW	02-14-050	246-323-990	AMD-P	02-13-058	246-331-105	REP-P	02-12-103
246-229-001	REP-P	02-07-021	246-323-990	AMD	02-16-068	246-331-105	REP	02-18-026
246-229-001	REP	02-14-050	246-324-990	AMD-P	02-10-131	246-331-115	REP-P	02-12-103
246-229-0010	NEW-P	02-07-021	246-324-990	AMD	02-13-061	246-331-115	REP	02-18-026
246-229-0010	NEW	02-14-050	246-325-990	AMD-P	02-13-059	246-331-125	REP-P	02-12-103
246-229-0020	NEW-P	02-07-021	246-326-990	AMD-P	02-13-059	246-331-125	REP	02-18-026
246-229-0020	NEW	02-14-050	246-327-010	REP-P	02-12-103	246-331-135	REP-P	02-12-103
246-229-0030	NEW-P	02-07-021	246-327-010	REP	02-18-026	246-331-135	REP	02-18-026
246-229-0030	NEW	02-14-050	246-327-025	REP-P	02-12-103	246-331-165	REP-P	02-12-103
246-229-0040	NEW-P	02-07-021	246-327-025	REP	02-18-026	246-331-165	REP	02-18-026
246-229-0040	NEW	02-14-050	246-327-030	REP-P	02-12-103	246-331-185	REP-P	02-12-103
246-229-0050	NEW-P	02-07-021	246-327-030	REP	02-18-026	246-331-185	REP	02-18-026
246-229-0050	NEW	02-14-050	246-327-035	REP-P	02-12-103	246-331-990	REP-P	02-12-103
246-229-0060	NEW-P	02-07-021	246-327-035	REP	02-18-026	246-331-990	REP	02-18-026
246-229-0060	NEW	02-14-050	246-327-065	REP-P	02-12-103	246-333-010	REP-X	02-10-132
246-229-0070	NEW-P	02-07-021	246-327-065	REP	02-18-026	246-333-010	REP	02-15-164
246-229-0070	NEW	02-14-050	246-327-077	REP-P	02-12-103	246-333-020	REP-X	02-10-132
246-229-0080	NEW-P	02-07-021	246-327-077	REP	02-18-026	246-333-020	REP	02-15-164
246-229-0080	NEW	02-14-050	246-327-085	REP-P	02-12-103	246-333-030	REP-X	02-10-132
246-229-0090	NEW-P	02-07-021	246-327-085	REP	02-18-026	246-333-030	REP	02-15-164
246-229-0090	NEW	02-14-050	246-327-090	REP-P	02-12-103	246-333-040	REP-X	02-10-132
246-229-0100	NEW-P	02-07-021	246-327-090	REP	02-18-026	246-333-040	REP	02-15-164
246-229-0100	NEW	02-14-050	246-327-095	REP-P	02-12-103	246-335-001	NEW-P	02-12-103
246-229-020	REP-P	02-07-021	246-327-095	REP	02-18-026	246-335-001	NEW	02-18-026
246-229-020	REP	02-14-050	246-327-105	REP-P	02-12-103	246-335-010	NEW-P	02-12-103
246-229-030	REP-P	02-07-021	246-327-105	REP	02-18-026	246-335-010	NEW	02-18-026
246-229-030	REP	02-14-050	246-327-115	REP-P	02-12-103	246-335-015	NEW-P	02-12-103
246-229-050	REP-P	02-07-021	246-327-115	REP	02-18-026	246-335-015	NEW	02-18-026
246-229-050	REP	02-14-050	246-327-125	REP-P	02-12-103	246-335-020	NEW-P	02-12-103
246-229-060	REP-P	02-07-021	246-327-125	REP	02-18-026	246-335-020	NEW	02-18-026
246-229-060	REP	02-14-050	246-327-135	REP-P	02-12-103	246-335-025	NEW-P	02-12-103
246-229-070	REP-P	02-07-021	246-327-135	REP	02-18-026	246-335-025	NEW	02-18-026
246-229-070	REP	02-14-050	246-327-145	REP-P	02-12-103	246-335-030	NEW-P	02-12-103
246-229-080	REP-P	02-07-021	246-327-145	REP	02-18-026	246-335-030	NEW	02-18-026
246-229-080	REP	02-14-050	246-327-165	REP-P	02-12-103	246-335-035	NEW-P	02-12-103
246-229-090	REP-P	02-07-021	246-327-165	REP	02-18-026	246-335-035	NEW	02-18-026
246-229-090	REP	02-14-050	246-327-185	REP-P	02-12-103	246-335-040	NEW-P	02-12-103
246-229-100	REP-P	02-07-021	246-327-185	REP	02-18-026	246-335-040	NEW	02-18-026
246-229-100	REP	02-14-050	246-327-990	REP-P	02-12-103	246-335-045	NEW-P	02-12-103
246-229-110	REP-P	02-07-021	246-327-990	REP	02-18-026	246-335-045	NEW	02-18-026
246-229-110	REP	02-14-050	246-328-200	REP-X	02-14-054	246-335-050	NEW-P	02-12-103
246-252-030	AMD-X	02-11-021	246-328-990	REP-X	02-14-054	246-335-050	NEW	02-18-026
246-252-030	AMD	02-17-005	246-329-990	AMD-P	02-10-131	246-335-055	NEW-P	02-12-103
246-254-053	AMD-P	02-04-034	246-329-990	AMD	02-13-061	246-335-055	NEW	02-18-026
246-254-053	AMD	02-07-085	246-331-010	REP-P	02-12-103	246-335-060	NEW-P	02-12-103
246-254-070	AMD	02-04-025	246-331-010	REP	02-18-026	246-335-060	NEW	02-18-026
246-254-080	AMD	02-04-025	246-331-025	REP-P	02-12-103	246-335-065	NEW-P	02-12-103
246-254-090	AMD	02-04-025	246-331-025	REP	02-18-026	246-335-065	NEW	02-18-026
246-254-100	AMD	02-04-025	246-331-030	REP-P	02-12-103	246-335-070	NEW-P	02-12-103
246-254-120	AMD	02-04-025	246-331-030	REP	02-18-026	246-335-070	NEW	02-18-026
246-272	PREP	02-03-137	246-331-035	REP-P	02-12-103	246-335-075	NEW-P	02-12-103
246-282-990	AMD-P	02-12-102	246-331-035	REP	02-18-026	246-335-075	NEW	02-18-026
246-282-990	AMD	02-15-094	246-331-065	REP-P	02-12-103	246-335-080	NEW-P	02-12-103
246-310	PREP	02-14-047	246-331-065	REP	02-18-026	246-335-080	NEW	02-18-026
246-310-990	AMD-P	02-10-064	246-331-077	REP-P	02-12-103	246-335-085	NEW-P	02-12-103
246-310-990	AMD	02-14-051	246-331-077	REP	02-18-026	246-335-085	NEW	02-18-026
246-320	PREP	02-11-076	246-331-085	REP-P	02-12-103	246-335-090	NEW-P	02-12-103
246-320	PREP-W	02-17-056	246-331-085	REP	02-18-026	246-335-090	NEW	02-18-026
246-320-990	AMD-P	02-10-131	246-331-095	REP-P	02-12-103	246-335-095	NEW-P	02-12-103

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246-335-100	NEW-P	02-12-103	246-335-260	NEW-P	02-12-103	246-388-010	REP-P	02-13-075
246-335-100	NEW	02-18-026	246-335-260	NEW	02-18-026	246-388-010	REP	02-17-001
246-335-105	NEW-P	02-12-103	246-335-265	NEW-P	02-12-103	246-388-020	REP-P	02-13-075
246-335-105	NEW	02-18-026	246-335-265	NEW	02-18-026	246-388-020	REP	02-17-001
246-335-110	NEW-P	02-12-103	246-335-270	NEW-P	02-12-103	246-388-030	REP-P	02-13-075
246-335-110	NEW	02-18-026	246-335-270	NEW	02-18-026	246-388-030	REP	02-17-001
246-335-115	NEW-P	02-12-103	246-335-275	NEW-P	02-12-103	246-388-040	REP-P	02-13-075
246-335-115	NEW	02-18-026	246-335-275	NEW	02-18-026	246-388-040	REP	02-17-001
246-335-120	NEW-P	02-12-103	246-335-280	NEW-P	02-12-103	246-388-050	REP-P	02-13-075
246-335-120	NEW	02-18-026	246-335-280	NEW	02-18-026	246-388-050	REP	02-17-001
246-335-125	NEW-P	02-12-103	246-335-285	NEW-P	02-12-103	246-388-060	REP-P	02-13-075
246-335-125	NEW	02-18-026	246-335-285	NEW	02-18-026	246-388-060	REP	02-17-001
246-335-130	NEW-P	02-12-103	246-335-290	NEW-P	02-12-103	246-388-070	REP-P	02-13-075
246-335-130	NEW	02-18-026	246-335-290	NEW	02-18-026	246-388-070	REP	02-17-001
246-335-135	NEW-P	02-12-103	246-335-295	NEW-P	02-12-103	246-388-072	REP-P	02-13-075
246-335-135	NEW	02-18-026	246-335-295	NEW	02-18-026	246-388-072	REP	02-17-001
246-335-140	NEW-P	02-12-103	246-335-990	NEW-P	02-12-103	246-388-080	REP-P	02-13-075
246-335-140	NEW	02-18-026	246-335-990	NEW	02-18-026	246-388-080	REP	02-17-001
246-335-145	NEW-P	02-12-103	246-336-010	REP-P	02-12-103	246-388-090	REP-P	02-13-075
246-335-145	NEW	02-18-026	246-336-010	REP	02-18-026	246-388-090	REP	02-17-001
246-335-150	NEW-P	02-12-103	246-336-025	REP-P	02-12-103	246-388-100	REP-P	02-13-075
246-335-150	NEW	02-18-026	246-336-025	REP	02-18-026	246-388-100	REP	02-17-001
246-335-155	NEW-P	02-12-103	246-336-030	REP-P	02-12-103	246-388-110	REP-P	02-13-075
246-335-155	NEW	02-18-026	246-336-030	REP	02-18-026	246-388-110	REP	02-17-001
246-335-160	NEW-P	02-12-103	246-336-035	REP-P	02-12-103	246-388-120	REP-P	02-13-075
246-335-160	NEW	02-18-026	246-336-035	REP	02-18-026	246-388-120	REP	02-17-001
246-335-165	NEW-P	02-12-103	246-336-065	REP-P	02-12-103	246-388-130	REP-P	02-13-075
246-335-165	NEW	02-18-026	246-336-065	REP	02-18-026	246-388-130	REP	02-17-001
246-335-170	NEW-P	02-12-103	246-336-077	REP-P	02-12-103	246-388-140	REP-P	02-13-075
246-335-170	NEW	02-18-026	246-336-077	REP	02-18-026	246-388-140	REP	02-17-001
246-335-175	NEW-P	02-12-103	246-336-085	REP-P	02-12-103	246-388-150	REP-P	02-13-075
246-335-175	NEW	02-18-026	246-336-085	REP	02-18-026	246-388-150	REP	02-17-001
246-335-180	NEW-P	02-12-103	246-336-095	REP-P	02-12-103	246-388-160	REP-P	02-13-075
246-335-180	NEW	02-18-026	246-336-095	REP	02-18-026	246-388-160	REP	02-17-001
246-335-185	NEW-P	02-12-103	246-336-100	REP-P	02-12-103	246-388-170	REP-P	02-13-075
246-335-185	NEW	02-18-026	246-336-100	REP	02-18-026	246-388-170	REP	02-17-001
246-335-190	NEW-P	02-12-103	246-336-105	REP-P	02-12-103	246-388-180	REP-P	02-13-075
246-335-190	NEW	02-18-026	246-336-105	REP	02-18-026	246-388-180	REP	02-17-001
246-335-195	NEW-P	02-12-103	246-336-115	REP-P	02-12-103	246-388-190	REP-P	02-13-075
246-335-195	NEW	02-18-026	246-336-115	REP	02-18-026	246-388-190	REP	02-17-001
246-335-200	NEW-P	02-12-103	246-336-125	REP-P	02-12-103	246-388-200	REP-P	02-13-075
246-335-200	NEW	02-18-026	246-336-125	REP	02-18-026	246-388-200	REP	02-17-001
246-335-205	NEW-P	02-12-103	246-336-135	REP-P	02-12-103	246-388-210	REP-P	02-13-075
246-335-205	NEW	02-18-026	246-336-135	REP	02-18-026	246-388-210	REP	02-17-001
246-335-210	NEW-P	02-12-103	246-336-165	REP-P	02-12-103	246-388-220	REP-P	02-13-075
246-335-210	NEW	02-18-026	246-336-165	REP	02-18-026	246-388-220	REP	02-17-001
246-335-220	NEW-P	02-12-103	246-336-990	REP-P	02-12-103	246-388-230	REP-P	02-13-075
246-335-220	NEW	02-18-026	246-336-990	REP	02-18-026	246-388-230	REP	02-17-001
246-335-225	NEW-P	02-12-103	246-338-020	PREP	02-03-138	246-388-240	REP-P	02-13-075
246-335-225	NEW	02-18-026	246-338-020	AMD-P	02-09-026	246-388-240	REP	02-17-001
246-335-230	NEW-P	02-12-103	246-338-020	AMD	02-12-105	246-388-250	REP-P	02-13-075
246-335-230	NEW	02-18-026	246-338-020	PREP	02-03-138	246-388-250	REP	02-17-001
246-335-235	NEW-P	02-12-103	246-338-990	AMD-P	02-09-026	246-388-260	REP-P	02-13-075
246-335-235	NEW	02-18-026	246-338-990	AMD	02-12-105	246-388-260	REP	02-17-001
246-335-240	NEW-P	02-12-103	246-360-990	AMD-P	02-12-104	246-388-270	REP-P	02-13-075
246-335-240	NEW	02-18-026	246-360-990	AMD	02-18-115	246-388-270	REP	02-17-001
246-335-245	NEW-P	02-12-103	246-361-010	AMD-X	02-17-054	246-388-280	REP-P	02-13-075
246-335-245	NEW	02-18-026	246-361-025	AMD-X	02-17-054	246-388-280	REP	02-17-001
246-335-250	NEW-P	02-12-103	246-380-990	AMD-P	02-13-059	246-388-290	REP-P	02-13-075
246-335-250	NEW	02-18-026	246-388	PREP	02-08-017	246-388-290	REP	02-17-001
246-335-255	NEW-P	02-12-103	246-388-001	REP-P	02-13-075	246-388-300	REP-P	02-13-075

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246-388-300	REP	02-17-001	246-790-050	AMD-P	02-07-020	246-811-250	NEW	02-07-084
246-388-310	REP-P	02-13-075	246-790-050	AMD	02-11-107	246-811-260	NEW	02-07-084
246-388-310	REP	02-17-001	246-790-065	AMD-P	02-07-020	246-811-270	NEW	02-07-084
246-388-320	REP-P	02-13-075	246-790-065	AMD	02-11-107	246-811-990	AMD	02-07-083
246-388-320	REP	02-17-001	246-790-070	AMD-P	02-07-020	246-814-010	NEW-P	02-16-101
246-388-330	REP-P	02-13-075	246-790-070	AMD	02-11-107	246-814-020	NEW-P	02-16-101
246-388-330	REP	02-17-001	246-790-080	AMD-P	02-07-020	246-814-030	NEW-P	02-16-101
246-388-340	REP-P	02-13-075	246-790-080	AMD	02-11-107	246-814-040	NEW-P	02-16-101
246-388-340	REP	02-17-001	246-790-085	AMD-P	02-07-020	246-814-990	NEW-P	02-16-101
246-388-350	REP-P	02-13-075	246-790-085	AMD	02-11-107	246-817-110	PREP	02-15-160
246-388-350	REP	02-17-001	246-790-090	AMD-P	02-07-020	246-817-120	PREP	02-15-160
246-388-360	REP-P	02-13-075	246-790-090	AMD	02-11-107	246-824-010	AMD-P	02-13-062
246-388-360	REP	02-17-001	246-790-100	AMD-P	02-07-020	246-824-010	AMD	02-18-025
246-388-370	REP-P	02-13-075	246-790-100	AMD	02-11-107	246-824-020	AMD-P	02-13-062
246-388-370	REP	02-17-001	246-790-120	AMD-P	02-07-020	246-824-020	AMD	02-18-025
246-388-380	REP-P	02-13-075	246-790-120	AMD	02-11-107	246-824-070	AMD-P	02-13-062
246-388-380	REP	02-17-001	246-790-130	AMD-P	02-07-020	246-824-070	AMD	02-18-025
246-388-390	REP-P	02-13-075	246-790-130	AMD	02-11-107	246-824-071	AMD-P	02-13-062
246-388-390	REP	02-17-001	246-808-101	REP-W	02-11-105	246-824-071	AMD	02-18-025
246-388-400	REP-P	02-13-075	246-808-320	REP-W	02-11-105	246-826-080	PREP-W	02-11-105
246-388-400	REP	02-17-001	246-808-330	REP-W	02-11-105	246-826-100	AMD	02-06-115
246-388-410	REP-P	02-13-075	246-808-340	REP-W	02-11-105	246-826-300	NEW	02-06-115
246-388-410	REP	02-17-001	246-808-350	REP-W	02-11-105	246-826-301	NEW	02-06-115
246-388-420	REP-P	02-13-075	246-808-360	REP-W	02-11-105	246-826-302	NEW	02-06-115
246-388-420	REP	02-17-001	246-808-370	REP-W	02-11-105	246-826-303	NEW	02-06-115
246-388-430	REP-P	02-13-075	246-808-380	REP-W	02-11-105	246-828	PREP-W	02-11-105
246-388-430	REP	02-17-001	246-808-390	REP-W	02-11-105	246-828-080	PREP-W	02-11-105
246-388-440	REP-P	02-13-075	246-808-640	REP-W	02-11-105	246-828-090	PREP-W	02-11-105
246-388-440	REP	02-17-001	246-808-700	REP-W	02-11-105	246-828-100	PREP-W	02-11-105
246-388-450	REP-P	02-13-075	246-809-600	NEW	02-11-108	246-828-290	AMD	02-14-052
246-388-450	REP	02-17-001	246-809-610	NEW	02-11-108	246-828-320	PREP-W	02-11-105
246-388-990	REP-P	02-13-075	246-809-620	NEW	02-11-108	246-834	PREP	02-17-052
246-388-990	REP	02-17-001	246-809-630	NEW	02-11-108	246-834-250	PREP	02-17-053
246-455	PREP	02-18-114	246-809-640	NEW	02-11-108	246-840-020	PREP	02-04-033
246-491-001	NEW-P	02-16-100	246-809-650	NEW	02-11-108	246-840-030	PREP	02-04-033
246-491-010	NEW-P	02-16-100	246-810-320	REP	02-09-041	246-840-040	PREP	02-04-033
246-491-029	AMD-P	02-16-100	246-810-321	REP	02-09-041	246-840-050	PREP	02-04-033
246-491-039	AMD-P	02-16-100	246-810-332	REP	02-09-041	246-840-060	PREP	02-04-033
246-491-149	AMD-P	02-16-100	246-810-340	REP	02-09-041	246-840-070	PREP	02-04-033
246-562-080	PREP	02-12-100	246-810-520	REP	02-09-041	246-840-080	PREP	02-04-031
246-562-080	AMD-P	02-15-161	246-810-521	REP	02-09-041	246-840-090	PREP	02-04-031
246-562-160	AMD-P	02-15-161	246-810-532	REP	02-09-041	246-840-311	NEW-P	02-14-048
246-650	PREP	02-03-136	246-810-540	REP	02-09-041	246-840-700	AMD	02-06-117
246-650	PREP-W	02-04-024	246-810-600	REP	02-11-108	246-840-705	AMD	02-06-117
246-760-001	AMD-P	02-15-163	246-810-610	REP	02-11-108	246-840-710	AMD	02-06-117
246-760-020	AMD-P	02-15-163	246-810-620	REP	02-11-108	246-840-715	REP	02-06-117
246-760-030	AMD-P	02-15-163	246-810-630	REP	02-11-108	246-843-015	REP-X	02-06-116
246-760-040	AMD-P	02-15-163	246-810-640	REP	02-11-108	246-843-015	REP	02-17-055
246-760-050	AMD-P	02-15-163	246-810-650	REP	02-11-108	246-843-150	AMD-P	02-11-106
246-760-060	AMD-P	02-15-163	246-810-660	REP	02-11-108	246-843-180	AMD-P	02-11-106
246-760-070	AMD-P	02-15-163	246-810-720	REP	02-09-041	246-843-220	PREP-W	02-11-105
246-760-080	AMD-P	02-15-163	246-810-721	REP	02-09-041	246-843-330	AMD-P	02-11-106
246-760-090	AMD-P	02-15-163	246-810-732	REP	02-09-041	246-851	PREP-W	02-11-105
246-760-100	AMD-P	02-15-163	246-810-740	REP	02-09-041	246-851-150	AMD-C	02-04-090
246-762-001	AMD-P	02-15-162	246-811	PREP-W	02-11-105	246-851-150	AMD	02-10-065
246-762-010	AMD-P	02-15-162	246-811-081	NEW	02-07-083	246-851-160	AMD-C	02-04-090
246-762-020	AMD-P	02-15-162	246-811-082	NEW	02-07-083	246-851-160	AMD	02-10-065
246-762-030	AMD-P	02-15-162	246-811-200	NEW	02-07-084	246-851-200	REP	02-10-134
246-762-040	AMD-P	02-15-162	246-811-210	NEW	02-07-084	246-851-250	AMD-C	02-04-090
246-762-050	AMD-P	02-15-162	246-811-220	NEW	02-07-084	246-851-250	AMD	02-10-065
246-790-010	AMD-P	02-07-020	246-811-230	NEW	02-07-084	246-851-300	AMD-C	02-04-090
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246-851-310	AMD	02-10-065	246-976-820	AMD	02-12-107	251- 14-030	REP-P	02-12-111
246-851-330	AMD-C	02-04-090	246-976-886	NEW-P	02-09-043	251- 14-030	REP	02-15-048
246-851-330	AMD	02-10-065	246-976-886	NEW	02-12-107	251- 14-040	REP-E	02-12-052
246-851-520	AMD-C	02-04-090	246-976-887	NEW-P	02-09-043	251- 14-040	REP-P	02-12-111
246-851-520	AMD	02-10-065	246-976-887	NEW	02-12-107	251- 14-040	REP	02-15-048
246-873-090	PREP	02-12-101	246-976-935	AMD	02-04-045	251- 14-042	REP-E	02-12-052
246-883-020	AMD-X	02-07-086	246-976-960	AMD-P	02-10-133	251- 14-042	REP-P	02-12-111
246-883-020	AMD	02-14-049	246-976-960	AMD	02-14-053	251- 14-042	REP	02-15-048
246-883-050	REP-W	02-11-105	246-976-970	AMD-P	02-10-133	251- 14-050	REP-E	02-12-052
246-887-160	PREP-W	02-11-105	246-976-970	AMD	02-14-053	251- 14-050	REP-P	02-12-111
246-887-160	AMD-X	02-13-060	250- 20-021	AMD-P	02-14-134	251- 14-050	REP	02-15-048
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246-937-050	AMD	02-11-022	251- 04-040	REP-E	02-12-048	251- 14-080	REP-E	02-12-052
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246-976-500	AMD	02-12-107	251- 08-005	AMD-E	02-12-049	251- 14-085	REP-E	02-12-052
246-976-510	AMD-P	02-09-043	251- 08-005	AMD-P	02-12-116	251- 14-085	REP-P	02-12-111
246-976-510	AMD	02-12-107	251- 08-005	AMD	02-15-049	251- 14-085	REP	02-15-048
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246-976-550	AMD	02-12-107	251- 08-021	AMD-P	02-12-116	251- 14-086	REP-P	02-12-111
246-976-560	AMD-P	02-09-043	251- 08-021	AMD	02-15-049	251- 14-086	REP	02-15-048
246-976-560	AMD	02-12-107	251- 08-051	REP-E	02-12-049	251- 14-087	REP-E	02-12-052
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246-976-600	AMD	02-12-107	251- 08-051	REP	02-15-049	251- 14-087	REP	02-15-048
246-976-610	AMD-P	02-09-043	251- 08-060	REP-E	02-12-049	251- 14-090	REP-E	02-12-052
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251-30-030	NEW	02-17-114	284-18A-430	NEW-P	02-16-092	296-17-90401	AMD-P	02-17-105
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251-30-040	NEW-P	02-13-131	284-18A-910	NEW-P	02-16-092	296-17-90403	REP-P	02-17-105
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251-30-055	NEW-P	02-13-131	284-22-020	AMD-P	02-14-154	296-17-90409	AMD-P	02-17-105
251-30-055	NEW	02-17-114	284-22-050	AMD-P	02-14-154	296-17-90410	NEW-P	02-17-105
251-30-057	NEW-E	02-13-056	284-22-060	AMD-P	02-14-154	296-17-90411	NEW-P	02-17-105
251-30-057	NEW-P	02-13-131	284-22-080	AMD-P	02-14-154	296-17-90412	REP-P	02-17-105
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251-30-060	NEW-P	02-13-131	284-24A-010	NEW-P	02-14-155	296-17-90415	REP-P	02-17-105
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284-07-060	AMD-X	02-16-091	296-05-007	AMD	02-10-083	296-17-90447	AMD-P	02-17-105
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296- 17-90490	AMD-P	02-17-105	296- 24-40503	REP-P	02-07-100	296- 33-010	NEW	02-06-024
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296- 24-145	PREP	02-09-088	296- 28-030	REP	02-17-106	296- 52-501	REP	02-03-125
296- 24-145	REP-P	02-13-118	296- 28-035	REP-P	02-07-101	296- 52-505	REP	02-03-125
296- 24-14501	REP-P	02-13-118	296- 28-035	REP	02-17-106	296- 52-509	REP	02-03-125
296- 24-14503	REP-P	02-13-118	296- 28-040	REP-P	02-07-101	296- 52-510	REP	02-03-125
296- 24-14505	REP-P	02-13-118	296- 28-040	REP	02-17-106	296- 52-550	REP	02-03-125
296- 24-14507	REP-P	02-13-118	296- 28-045	REP-P	02-07-101	296- 52-552	REP	02-03-125
296- 24-14509	REP-P	02-13-118	296- 28-045	REP	02-17-106	296- 52-555	REP	02-03-125
296- 24-14511	REP-P	02-13-118	296- 28-050	REP-P	02-07-101	296- 52-600	NEW-W	02-06-102
296- 24-14513	REP-P	02-13-118	296- 28-050	REP	02-17-106	296- 52-60005	NEW	02-03-125
296- 24-14515	REP-P	02-13-118	296- 30	PREP	02-18-092	296- 52-60010	NEW	02-03-125
296- 24-14517	REP-P	02-13-118	296- 32	AMD-S	02-10-025	296- 52-60015	NEW	02-03-125
296- 24-14519	REP-P	02-13-118	296- 32	AMD-W	02-15-132	296- 52-60020	NEW	02-03-125
296- 24-23003	AMD-X	02-05-077	296- 32-240	AMD-P	02-05-080	296- 52-60020	AMD-X	02-15-165
296- 24-23003	AMD	02-12-098	296- 32-240	AMD-W	02-15-132	296- 52-60025	NEW-W	02-06-102

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296- 52-60030	NEW	02-03-125	296- 52-64085	NEW	02-03-125	296- 52-67185	NEW	02-03-125
296- 52-60035	NEW	02-03-125	296- 52-64090	NEW	02-03-125	296- 52-67190	NEW	02-03-125
296- 52-60040	NEW-W	02-06-102	296- 52-64095	NEW	02-03-125	296- 52-67195	NEW	02-03-125
296- 52-60045	NEW	02-03-125	296- 52-64100	NEW	02-03-125	296- 52-67200	NEW	02-03-125
296- 52-60050	NEW	02-03-125	296- 52-650	NEW	02-03-125	296- 52-67205	NEW-W	02-06-102
296- 52-60055	NEW	02-03-125	296- 52-65005	NEW	02-03-125	296- 52-67210	NEW	02-03-125
296- 52-60060	NEW	02-03-125	296- 52-65010	NEW	02-03-125	296- 52-67215	NEW	02-03-125
296- 52-60065	NEW	02-03-125	296- 52-65015	NEW	02-03-125	296- 52-67220	NEW	02-03-125
296- 52-60070	NEW-W	02-06-102	296- 52-65020	NEW	02-03-125	296- 52-67225	NEW	02-03-125
296- 52-60075	NEW	02-03-125	296- 52-65025	NEW	02-03-125	296- 52-67230	NEW	02-03-125
296- 52-60080	NEW	02-03-125	296- 52-65030	NEW	02-03-125	296- 52-67235	NEW	02-03-125
296- 52-60085	NEW	02-03-125	296- 52-660	NEW	02-03-125	296- 52-67240	NEW	02-03-125
296- 52-60090	NEW	02-03-125	296- 52-66005	NEW	02-03-125	296- 52-67245	NEW	02-03-125
296- 52-60095	NEW	02-03-125	296- 52-66010	NEW	02-03-125	296- 52-67250	NEW-W	02-06-102
296- 52-60100	NEW	02-03-125	296- 52-66015	NEW	02-03-125	296- 52-68005	NEW-W	02-06-102
296- 52-60105	NEW	02-03-125	296- 52-66020	NEW	02-03-125	296- 52-68010	NEW	02-03-125
296- 52-60110	NEW-W	02-06-102	296- 52-66025	NEW-W	02-06-102	296- 52-68015	NEW	02-03-125
296- 52-60115	NEW	02-03-125	296- 52-66030	NEW	02-03-125	296- 52-68020	NEW	02-03-125
296- 52-60120	NEW	02-03-125	296- 52-66035	NEW	02-03-125	296- 52-68025	NEW	02-03-125
296- 52-60125	NEW	02-03-125	296- 52-66040	NEW	02-03-125	296- 52-68030	NEW	02-03-125
296- 52-60130	NEW	02-03-125	296- 52-66045	NEW	02-03-125	296- 52-68035	NEW-W	02-06-102
296- 52-60130	AMD-X	02-15-165	296- 52-66050	NEW	02-03-125	296- 52-68040	NEW	02-03-125
296- 52-61005	NEW	02-03-125	296- 52-66055	NEW	02-03-125	296- 52-68045	NEW	02-03-125
296- 52-61010	NEW	02-03-125	296- 52-66060	NEW	02-03-125	296- 52-68050	NEW	02-03-125
296- 52-61015	NEW	02-03-125	296- 52-67005	NEW-W	02-06-102	296- 52-68055	NEW	02-03-125
296- 52-61020	NEW	02-03-125	296- 52-67010	NEW	02-03-125	296- 52-68060	NEW	02-03-125
296- 52-61025	NEW	02-03-125	296- 52-67015	NEW-W	02-06-102	296- 52-68065	AMD-X	02-15-165
296- 52-61030	NEW	02-03-125	296- 52-67020	NEW	02-03-125	296- 52-68070	NEW	02-03-125
296- 52-61035	NEW	02-03-125	296- 52-67025	NEW	02-03-125	296- 52-68075	NEW-W	02-06-102
296- 52-61040	NEW	02-03-125	296- 52-67030	NEW	02-03-125	296- 52-68080	NEW	02-03-125
296- 52-61045	NEW	02-03-125	296- 52-67035	NEW	02-03-125	296- 52-68085	NEW	02-03-125
296- 52-61050	NEW	02-03-125	296- 52-67040	NEW	02-03-125	296- 52-69005	NEW	02-03-125
296- 52-62005	NEW	02-03-125	296- 52-67045	NEW	02-03-125	296- 52-69010	NEW	02-03-125
296- 52-62010	NEW	02-03-125	296- 52-67050	NEW	02-03-125	296- 52-69010	AMD-X	02-15-165
296- 52-62020	NEW-W	02-06-102	296- 52-67055	NEW	02-03-125	296- 52-69015	NEW	02-03-125
296- 52-62025	NEW	02-03-125	296- 52-67060	NEW	02-03-125	296- 52-69015	AMD-X	02-15-165
296- 52-62030	NEW	02-03-125	296- 52-67065	NEW	02-03-125	296- 52-69020	NEW	02-03-125
296- 52-62035	NEW	02-03-125	296- 52-67065	AMD-X	02-15-165	296- 52-69025	NEW	02-03-125
296- 52-62040	NEW	02-03-125	296- 52-67070	NEW	02-03-125	296- 52-69030	NEW	02-03-125
296- 52-62045	NEW	02-03-125	296- 52-67075	NEW	02-03-125	296- 52-69035	NEW	02-03-125
296- 52-63005	NEW	02-03-125	296- 52-67080	NEW	02-03-125	296- 52-69040	NEW	02-03-125
296- 52-63010	NEW	02-03-125	296- 52-67085	NEW	02-03-125	296- 52-69045	NEW	02-03-125
296- 52-63015	NEW-W	02-06-102	296- 52-67090	NEW	02-03-125	296- 52-69050	NEW	02-03-125
296- 52-63020	NEW	02-03-125	296- 52-67095	NEW	02-03-125	296- 52-69055	NEW	02-03-125
296- 52-63025	NEW	02-03-125	296- 52-67100	NEW	02-03-125	296- 52-69060	NEW	02-03-125
296- 52-63030	NEW	02-03-125	296- 52-67105	NEW	02-03-125	296- 52-69065	NEW	02-03-125
296- 52-64005	NEW	02-03-125	296- 52-67110	NEW	02-03-125	296- 52-69070	NEW	02-03-125
296- 52-64010	NEW-W	02-06-102	296- 52-67115	NEW	02-03-125	296- 52-69075	NEW-W	02-06-102
296- 52-64015	NEW-W	02-06-102	296- 52-67120	NEW-W	02-06-102	296- 52-69080	NEW	02-03-125
296- 52-64020	NEW	02-03-125	296- 52-67125	NEW	02-03-125	296- 52-69085	NEW	02-03-125
296- 52-64025	NEW-W	02-06-102	296- 52-67130	NEW	02-03-125	296- 52-69090	NEW	02-03-125
296- 52-64030	NEW	02-03-125	296- 52-67135	NEW	02-03-125	296- 52-69095	NEW	02-03-125
296- 52-64035	NEW	02-03-125	296- 52-67140	NEW	02-03-125	296- 52-69095	AMD-X	02-15-165
296- 52-64040	NEW	02-03-125	296- 52-67145	NEW	02-03-125	296- 52-69100	NEW-W	02-06-102
296- 52-64045	NEW	02-03-125	296- 52-67150	NEW-W	02-06-102	296- 52-69105	NEW	02-03-125
296- 52-64050	NEW	02-03-125	296- 52-67155	NEW-W	02-06-102	296- 52-69110	NEW	02-03-125
296- 52-64055	NEW	02-03-125	296- 52-67160	NEW	02-03-125	296- 52-69115	NEW	02-03-125
296- 52-64060	NEW-W	02-06-102	296- 52-67160	AMD-X	02-15-165	296- 52-69120	NEW	02-03-125
296- 52-64065	NEW	02-03-125	296- 52-67165	NEW	02-03-125	296- 52-69125	NEW	02-03-125
296- 52-64070	NEW-W	02-06-102	296- 52-67170	NEW	02-03-125	296- 52-69125	NEW	02-03-125
296- 52-64075	NEW	02-03-125	296- 52-67175	NEW-W	02-06-102	296- 52-69125	AMD-X	02-15-165
296- 52-64080	NEW	02-03-125	296- 52-67180	NEW	02-03-125	296- 52-69130	NEW-X	02-15-165

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-52-700	NEW	02-03-125	296-62-07304	AMD-X	02-05-077	296-67-053	AMD-X	02-15-166
296-52-70005	NEW	02-03-125	296-62-07304	AMD	02-12-098	296-67-291	AMD-X	02-15-166
296-52-70010	NEW	02-03-125	296-62-07312	AMD-X	02-05-077	296-78-56501	AMD	02-03-124
296-52-70010	AMD-X	02-15-165	296-62-07312	AMD	02-12-098	296-78-56505	AMD	02-03-124
296-52-70015	NEW	02-03-125	296-62-07314	AMD-X	02-05-077	296-78-71015	AMD-P	02-07-100
296-52-70020	NEW	02-03-125	296-62-07314	AMD	02-12-098	296-78-71015	AMD	02-15-102
296-52-70025	NEW	02-03-125	296-62-07421	AMD-X	02-05-077	296-79-140	AMD-X	02-05-077
296-52-70030	NEW	02-03-125	296-62-07421	AMD	02-12-098	296-79-140	AMD	02-12-098
296-52-70035	NEW	02-03-125	296-62-07501	AMD-X	02-05-077	296-86A-010	REP-P	02-09-095
296-52-70040	NEW	02-03-125	296-62-07501	AMD	02-12-098	296-86A-010	REP	02-12-022
296-52-70045	NEW	02-03-125	296-62-07527	AMD-X	02-05-077	296-86A-020	REP-P	02-09-095
296-52-70050	NEW	02-03-125	296-62-07527	AMD	02-12-098	296-86A-020	REP	02-12-022
296-52-70055	NEW	02-03-125	296-62-07540	AMD-X	02-05-077	296-86A-025	REP-P	02-09-095
296-52-70060	NEW	02-03-125	296-62-07540	AMD	02-12-098	296-86A-025	REP	02-12-022
296-52-70065	NEW	02-03-125	296-62-080	AMD-P	02-09-092	296-86A-028	REP-P	02-09-095
296-52-70070	NEW	02-03-125	296-62-080	AMD	02-16-047	296-86A-028	REP	02-12-022
296-52-70075	NEW-W	02-06-102	296-62-11021	AMD-P	02-07-100	296-86A-030	REP-P	02-09-095
296-52-70080	NEW	02-03-125	296-62-11021	AMD	02-15-102	296-86A-030	REP	02-12-022
296-52-70085	NEW	02-03-125	296-62-130	AMD-P	02-09-092	296-86A-040	REP-P	02-09-095
296-52-710	NEW	02-03-125	296-62-130	AMD	02-16-047	296-86A-040	REP	02-12-022
296-52-710	AMD-X	02-15-165	296-62-14105	AMD-X	02-05-077	296-86A-060	REP-P	02-09-095
296-52-71005	NEW-W	02-06-102	296-62-14105	AMD	02-12-098	296-86A-060	REP	02-12-022
296-52-71010	NEW-W	02-06-102	296-62-14110	AMD-X	02-05-077	296-86A-065	REP-P	02-09-095
296-52-71015	NEW	02-03-125	296-62-14110	AMD	02-12-098	296-86A-065	REP	02-12-022
296-52-71020	NEW	02-03-125	296-62-14155	AMD-X	02-05-077	296-86A-070	REP-P	02-09-095
296-52-71020	AMD-X	02-15-165	296-62-14155	AMD	02-12-098	296-86A-070	REP	02-12-022
296-52-71025	NEW	02-03-125	296-62-14171	AMD-X	02-05-077	296-86A-073	REP-P	02-09-095
296-52-71030	NEW-W	02-06-102	296-62-14171	AMD	02-12-098	296-86A-073	REP	02-12-022
296-52-71035	NEW	02-03-125	296-62-410	REP	02-11-141	296-86A-074	REP-P	02-09-095
296-52-71040	NEW	02-03-125	296-62-41001	REP	02-11-141	296-86A-074	REP	02-12-022
296-52-71040	AMD-X	02-15-165	296-62-41003	REP	02-11-141	296-86A-075	REP-P	02-09-095
296-52-71045	NEW	02-03-125	296-62-41010	REP	02-11-141	296-86A-075	REP	02-12-022
296-52-71045	AMD-X	02-15-165	296-62-41011	REP	02-11-141	296-86A-080	REP-P	02-09-095
296-52-71050	NEW-W	02-06-102	296-62-41013	REP	02-11-141	296-86A-080	REP	02-12-022
296-52-71055	NEW	02-03-125	296-62-41015	REP	02-11-141	296-96	PREP	02-04-106
296-52-71060	NEW	02-03-125	296-62-41017	REP	02-11-141	296-96	PREP	02-09-090
296-52-71065	NEW	02-03-125	296-62-41019	REP	02-11-141	296-96-01010	AMD-P	02-09-095
296-52-71070	NEW-W	02-06-102	296-62-41020	REP	02-11-141	296-96-01010	AMD	02-12-022
296-52-71075	NEW	02-03-125	296-62-41021	REP	02-11-141	296-96-01012	NEW-P	02-09-095
296-52-71080	NEW	02-03-125	296-62-41023	REP	02-11-141	296-96-01012	NEW	02-12-022
296-52-71085	NEW-W	02-06-102	296-62-41025	REP	02-11-141	296-96-01015	REP-P	02-09-095
296-52-71090	NEW	02-03-125	296-62-41030	REP	02-11-141	296-96-01015	REP	02-12-022
296-52-71095	NEW	02-03-125	296-62-41031	REP	02-11-141	296-96-01025	AMD-P	02-09-095
296-52-71100	NEW	02-03-125	296-62-41033	REP	02-11-141	296-96-01025	AMD	02-12-022
296-52-71105	NEW	02-03-125	296-62-41035	REP	02-11-141	296-96-01027	AMD-P	02-09-095
296-52-720	NEW	02-03-125	296-62-41040	REP	02-11-141	296-96-01027	AMD	02-12-022
296-52-725	NEW	02-03-125	296-62-41041	REP	02-11-141	296-96-01030	AMD-P	02-09-095
296-62	PREP	02-04-107	296-62-41042	REP	02-11-141	296-96-01030	AMD	02-12-022
296-62	PREP	02-10-130	296-62-41043	REP	02-11-141	296-96-01035	AMD-P	02-09-095
296-62	PREP	02-13-114	296-62-41044	REP	02-11-141	296-96-01035	AMD	02-12-022
296-62	PREP	02-13-116	296-62-41045	REP	02-11-141	296-96-01040	AMD-P	02-09-095
296-62-054	AMD-P	02-18-094	296-62-41046	REP	02-11-141	296-96-01040	AMD	02-12-022
296-62-055	NEW-P	02-18-094	296-62-41047	REP	02-11-141	296-96-01045	AMD-P	02-09-095
296-62-05510	NEW-P	02-18-094	296-62-41060	REP	02-11-141	296-96-01045	AMD	02-12-022
296-62-05520	NEW-P	02-18-094	296-62-41061	REP	02-11-141	296-96-01050	AMD-P	02-09-095
296-62-060	AMD-P	02-09-092	296-62-41063	REP	02-11-141	296-96-01050	AMD	02-12-022
296-62-060	AMD	02-16-047	296-62-41080	REP	02-11-141	296-96-01055	AMD-P	02-09-095
296-62-070	AMD-P	02-09-092	296-62-41081	REP	02-11-141	296-96-01055	AMD	02-12-022
296-62-070	AMD	02-16-047	296-62-41082	REP	02-11-141	296-96-01060	AMD-P	02-09-095
296-62-071	PREP	02-11-140	296-62-41084	REP	02-11-141	296-96-01060	AMD	02-12-022
296-62-07302	AMD-X	02-05-077	296-62-41085	REP	02-11-141	296-96-01065	AMD-P	02-09-095
296-62-07302	AMD	02-12-098	296-62-41086	REP	02-11-141	296-96-01065	AMD	02-12-022

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-104	PREP	02-04-105	296-150V-3000	AMD	02-12-022	296-155-706	NEW-P	02-06-114
296-104	PREP	02-08-090	296-155	PREP	02-09-091	296-155-706	NEW	02-13-115
296-104-010	AMD-P	02-17-120	296-155	AMD-S	02-10-025	296-155-707	NEW-P	02-06-114
296-104-020	AMD-P	02-17-120	296-155	AMD-W	02-15-132	296-155-707	NEW	02-13-115
296-104-021	NEW-P	02-17-120	296-155-110	AMD-P	02-05-080	296-155-708	NEW-P	02-06-114
296-104-050	AMD-P	02-17-120	296-155-110	AMD-W	02-15-132	296-155-708	NEW	02-13-115
296-104-055	AMD-P	02-09-094	296-155-165	AMD-P	02-05-080	296-155-709	NEW-P	02-06-114
296-104-055	AMD	02-12-021	296-155-165	AMD-W	02-15-132	296-155-709	NEW	02-13-115
296-104-060	AMD-P	02-09-094	296-155-200	AMD-P	02-05-080	296-155-710	REP-P	02-06-114
296-104-060	AMD	02-12-021	296-155-200	AMD-W	02-15-132	296-155-710	REP	02-13-115
296-104-060	AMD-P	02-17-120	296-155-24525	AMD-X	02-05-077	296-155-711	NEW-P	02-06-114
296-104-125	AMD-P	02-17-120	296-155-24525	AMD	02-12-098	296-155-711	NEW	02-13-115
296-104-140	AMD-P	02-17-120	296-155-441	AMD-X	02-05-077	296-155-714	NEW-P	02-06-114
296-104-145	AMD-P	02-17-120	296-155-441	AMD	02-12-098	296-155-714	NEW	02-13-115
296-104-150	AMD-P	02-17-120	296-155-525	AMD-X	02-05-077	296-155-715	REP-P	02-06-114
296-104-151	AMD-P	02-17-120	296-155-525	AMD	02-12-098	296-155-715	REP	02-13-115
296-104-155	AMD-P	02-17-120	296-155-530	AMD-X	02-05-077	296-155-716	NEW-P	02-06-114
296-104-170	AMD-P	02-17-120	296-155-530	AMD	02-12-098	296-155-716	NEW	02-13-115
296-104-200	AMD-P	02-17-120	296-155-601	NEW-P	02-05-080	296-155-717	NEW-P	02-06-114
296-104-230	AMD-P	02-17-120	296-155-601	NEW-W	02-15-132	296-155-717	NEW	02-13-115
296-104-240	REP-P	02-17-120	296-155-602	NEW-P	02-05-080	296-155-720	REP-P	02-06-114
296-104-256	RECOD-P	02-17-120	296-155-602	NEW-W	02-15-132	296-155-720	REP	02-13-115
296-104-260	A/R-P	02-17-120	296-155-603	NEW-P	02-05-080	296-155-72401	NEW-P	02-06-114
296-104-265	RECOD-P	02-17-120	296-155-603	NEW-W	02-15-132	296-155-72401	NEW-W	02-13-115
296-104-270	A/R-P	02-17-120	296-155-604	NEW-P	02-05-080	296-155-72402	NEW-P	02-06-114
296-104-273	A/R-P	02-17-120	296-155-604	NEW-W	02-15-132	296-155-72402	NEW-W	02-13-115
296-104-300	RECOD-P	02-17-120	296-155-605	AMD-P	02-05-080	296-155-72403	NEW-P	02-06-114
296-104-305	RECOD-P	02-17-120	296-155-605	AMD-W	02-15-132	296-155-72403	NEW-W	02-13-115
296-104-307	RECOD-P	02-17-120	296-155-606	NEW-P	02-05-080	296-155-72404	NEW-P	02-06-114
296-104-310	RECOD-P	02-17-120	296-155-606	NEW-W	02-15-132	296-155-72404	NEW-W	02-13-115
296-104-320	RECOD-P	02-17-120	296-155-607	NEW-P	02-05-080	296-155-72405	NEW-P	02-06-114
296-104-502	AMD-P	02-17-120	296-155-607	NEW-W	02-15-132	296-155-72405	NEW-W	02-13-115
296-104-700	AMD-P	02-09-094	296-155-608	NEW-P	02-05-080	296-155-72406	NEW-P	02-06-114
296-104-700	AMD	02-12-021	296-155-608	NEW-W	02-15-132	296-155-72406	NEW-W	02-13-115
296-104-700	AMD-P	02-17-120	296-155-609	NEW-P	02-05-080	296-155-960	AMD-X	02-05-077
296-130	PREP	02-11-139	296-155-609	NEW-W	02-15-132	296-155-960	AMD	02-12-098
296-150C-0800	AMD-P	02-09-095	296-155-610	AMD-P	02-05-080	296-200A-080	AMD-P	02-09-095
296-150C-0800	AMD	02-12-022	296-155-610	AMD-W	02-15-132	296-200A-080	AMD	02-12-022
296-150C-3000	AMD-P	02-09-095	296-155-611	NEW-P	02-05-080	296-200A-900	AMD-P	02-09-095
296-150C-3000	AMD	02-12-022	296-155-611	NEW-W	02-15-132	296-200A-900	AMD	02-12-022
296-150F-3000	AMD-E	02-14-073	296-155-612	NEW-P	02-05-080	296-305	PREP	02-13-114
296-150M-0020	AMD	02-03-048	296-155-612	NEW-W	02-15-132	296-305-04001	AMD-X	02-05-077
296-150M-0020	AMD-E	02-14-073	296-155-615	AMD-P	02-05-080	296-305-04001	AMD	02-12-098
296-150M-0049	NEW	02-03-048	296-155-615	AMD-W	02-15-132	296-305-05003	AMD-X	02-05-077
296-150M-0049	AMD-E	02-14-073	296-155-655	AMD-P	02-05-080	296-305-05003	AMD	02-12-098
296-150M-0050	AMD-E	02-14-073	296-155-655	AMD-W	02-15-132	296-305-05011	AMD-X	02-15-166
296-150M-0051	NEW-E	02-14-073	296-155-66405	AMD-X	02-05-077	296-307	PREP	02-04-107
296-150M-0140	AMD	02-03-048	296-155-66405	AMD	02-12-098	296-307-039	AMD-X	02-05-077
296-150M-0302	NEW	02-03-048	296-155-66411	AMD-X	02-05-077	296-307-039	AMD	02-12-098
296-150M-0304	NEW-W	02-09-070	296-155-66411	AMD	02-12-098	296-307-08009	AMD-X	02-05-077
296-150M-0320	AMD-E	02-14-073	296-155-700	REP-P	02-06-114	296-307-08009	AMD	02-12-098
296-150M-0322	NEW-E	02-14-073	296-155-700	REP	02-13-115	296-307-14520	PREP	02-07-103
296-150M-3000	AMD-E	02-14-073	296-155-701	NEW-P	02-06-114	296-307-16303	AMD-X	02-17-109
296-150P-3000	AMD-P	02-09-095	296-155-701	NEW	02-13-115	296-307-452	NEW	02-11-141
296-150P-3000	AMD	02-12-022	296-155-702	NEW-P	02-06-114	296-307-45210	NEW	02-11-141
296-150R-3000	AMD-P	02-09-095	296-155-702	NEW	02-13-115	296-307-45220	NEW	02-11-141
296-150R-3000	AMD	02-12-022	296-155-703	NEW-P	02-06-114	296-307-45230	NEW	02-11-141
296-150T-3000	AMD-P	02-09-095	296-155-703	NEW	02-13-115	296-307-45240	NEW	02-11-141
296-150T-3000	AMD	02-12-022	296-155-704	NEW-P	02-06-114	296-307-45400	NEW	02-11-141
296-150V-0800	AMD-P	02-09-095	296-155-704	NEW	02-13-115	296-307-45410	NEW	02-11-141
296-150V-0800	AMD	02-12-022	296-155-705	REP-P	02-06-114	296-307-45420	NEW	02-11-141
296-150V-3000	AMD-P	02-09-095	296-155-705	REP	02-13-115	296-307-45430	NEW	02-11-141

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296-307-45450	NEW	02-11-141	296-403A-110	NEW-P	02-09-097	296-800-20005	AMD	02-16-047
296-307-45600	NEW	02-11-141	296-403A-120	NEW-P	02-09-097	296-800-23010	AMD-P	02-09-092
296-307-45610	NEW	02-11-141	296-403A-130	NEW-P	02-09-097	296-800-23010	AMD	02-16-047
296-307-45620	NEW	02-11-141	296-403A-140	NEW-P	02-09-097	296-800-23020	AMD-P	02-09-092
296-307-45800	NEW	02-11-141	296-403A-150	NEW-P	02-09-097	296-800-23020	AMD	02-16-047
296-307-46000	NEW	02-11-141	296-403A-160	NEW-P	02-09-097	296-800-25015	AMD-P	02-09-092
296-400A	PREP	02-09-089	296-403A-170	NEW-P	02-09-097	296-800-25015	AMD	02-16-047
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296-400A	AMD	02-14-074	296-403A-190	NEW-P	02-09-097	296-800-28040	AMD	02-16-047
296-400A-005	AMD-P	02-09-096	296-403A-195	NEW-P	02-09-097	296-800-28045	AMD-P	02-09-092
296-400A-005	AMD	02-14-074	296-403A-200	NEW-P	02-09-097	296-800-28045	AMD	02-16-047
296-400A-020	AMD-P	02-09-096	296-403A-210	NEW-P	02-09-097	296-800-32025	AMD-P	02-09-092
296-400A-020	AMD	02-14-074	296-403A-220	NEW-P	02-09-097	296-800-32025	AMD	02-16-047
296-400A-025	AMD-P	02-09-096	296-403A-230	NEW-P	02-09-097	296-800-35030	AMD-P	02-09-092
296-400A-026	AMD-P	02-09-096	296-403A-240	NEW-P	02-09-097	296-800-35030	AMD	02-16-047
296-400A-030	AMD-P	02-09-096	296-800	PREP	02-04-107	296-800-35040	AMD-P	02-09-092
296-400A-030	AMD	02-14-074	296-800-110	AMD-P	02-09-092	296-800-35040	AMD	02-16-047
296-400A-031	AMD-P	02-09-096	296-800-110	AMD	02-16-047	296-800-35056	AMD-P	02-09-092
296-400A-031	AMD	02-14-074	296-800-11040	NEW-P	02-09-092	296-800-35056	AMD	02-16-047
296-400A-035	AMD-P	02-09-096	296-800-11040	NEW	02-16-047	296-800-35076	AMD-P	02-09-092
296-400A-035	AMD	02-14-074	296-800-11045	NEW-P	02-09-092	296-800-35076	AMD	02-16-047
296-400A-045	AMD-P	02-09-096	296-800-11045	NEW	02-16-047	296-800-370	AMD-P	02-09-092
296-400A-045	AMD	02-14-074	296-800-130	AMD-P	02-09-092	296-800-370	AMD	02-16-047
296-400A-070	AMD-P	02-09-096	296-800-130	AMD	02-16-047	296-817	PREP	02-13-114
296-400A-070	AMD	02-14-074	296-800-13005	REP-P	02-09-092	296-824-100	NEW	02-11-141
296-400A-100	AMD-P	02-09-096	296-800-13005	REP	02-16-047	296-824-100	AMD-X	02-15-166
296-400A-100	AMD	02-14-074	296-800-13010	REP-P	02-09-092	296-824-110	NEW	02-11-141
296-400A-120	AMD-P	02-09-096	296-800-13010	REP	02-16-047	296-824-110	AMD-X	02-15-166
296-400A-120	AMD	02-14-074	296-800-13015	REP-P	02-09-092	296-824-11010	NEW	02-11-141
296-400A-121	AMD-P	02-09-096	296-800-13015	REP	02-16-047	296-824-11010	AMD-X	02-15-166
296-400A-121	AMD	02-14-074	296-800-13020	NEW-P	02-09-092	296-824-11020	NEW	02-11-141
296-400A-122	NEW-P	02-09-096	296-800-13020	NEW	02-16-047	296-824-11020	AMD-X	02-15-166
296-400A-122	NEW	02-14-074	296-800-13025	NEW-P	02-09-092	296-824-11050	NEW	02-11-141
296-400A-130	AMD-P	02-09-096	296-800-13025	NEW	02-16-047	296-824-11050	AMD-X	02-15-166
296-400A-130	AMD	02-14-074	296-800-13030	NEW-P	02-09-092	296-824-11060	NEW	02-11-141
296-400A-140	AMD-P	02-09-096	296-800-13035	NEW-P	02-09-092	296-824-11060	AMD-X	02-15-166
296-400A-140	AMD	02-14-074	296-800-13040	NEW-P	02-09-092	296-824-12010	NEW	02-11-141
296-400A-430	NEW-P	02-09-096	296-800-150	AMD-P	02-09-092	296-824-12010	AMD-X	02-15-166
296-400A-430	NEW	02-14-074	296-800-150	AMD	02-16-047	296-824-12020	NEW	02-11-141
296-401B-340	AMD-P	02-18-093	296-800-15030	NEW-P	02-09-092	296-824-12020	AMD-X	02-15-166
296-401B-700	AMD-P	02-09-095	296-800-15030	NEW	02-16-047	296-824-12030	NEW	02-11-141
296-401B-700	AMD	02-12-022	296-800-15035	NEW-P	02-09-092	296-824-12030	AMD-X	02-15-166
296-402A-040	AMD-P	02-09-097	296-800-15035	NEW	02-16-047	296-824-12040	NEW	02-11-141
296-402A-410	AMD-P	02-09-097	296-800-15040	NEW-P	02-09-092	296-824-12040	AMD-X	02-15-166
296-402A-630	AMD-P	02-09-097	296-800-15040	NEW	02-16-047	296-824-12050	NEW	02-11-141
296-403-010	REP-P	02-09-097	296-800-16050	AMD-P	02-09-092	296-824-12050	AMD-X	02-15-166
296-403-020	REP-P	02-09-097	296-800-16050	AMD	02-16-047	296-824-12060	NEW	02-11-141
296-403-030	REP-P	02-09-097	296-800-16070	AMD-P	02-09-092	296-824-12060	AMD-X	02-15-166
296-403-040	REP-P	02-09-097	296-800-16070	AMD	02-16-047	296-824-13010	NEW	02-11-141
296-403-050	REP-P	02-09-097	296-800-170	AMD-P	02-09-092	296-824-13010	AMD-X	02-15-166
296-403-060	REP-P	02-09-097	296-800-170	AMD	02-16-047	296-824-13020	NEW	02-11-141
296-403-070	REP-P	02-09-097	296-800-17020	AMD-P	02-09-092	296-824-13020	AMD-X	02-15-166
296-403-080	REP-P	02-09-097	296-800-17020	AMD	02-16-047	296-824-13030	NEW	02-11-141
296-403-090	REP-P	02-09-097	296-800-17025	AMD-P	02-09-092	296-824-13030	AMD-X	02-15-166
296-403-100	REP-P	02-09-097	296-800-17025	AMD	02-16-047	296-824-14010	NEW	02-11-141
296-403-110	REP-P	02-09-097	296-800-17030	AMD-P	02-09-092	296-824-14010	AMD-X	02-15-166
296-403-120	REP-P	02-09-097	296-800-17030	AMD	02-16-047	296-824-15010	NEW	02-11-141
296-403-130	REP-P	02-09-097	296-800-18010	AMD-P	02-09-092	296-824-15010	AMD-X	02-15-166
296-403-140	REP-P	02-09-097	296-800-18010	AMD	02-16-047	296-824-200	NEW-X	02-15-166
296-403-150	REP-P	02-09-097	296-800-18015	AMD-P	02-09-092	296-824-20005	NEW-X	02-15-166
296-403-160	REP-P	02-09-097	296-800-18015	AMD	02-16-047	296-824-300	NEW-X	02-15-166

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296-824-400	NEW-X	02-15-166	296-835-11025	NEW-P	02-07-100	296-839-30015	NEW-P	02-18-094
296-824-40005	NEW-X	02-15-166	296-835-11025	NEW	02-15-102	296-839-400	NEW-P	02-18-094
296-824-40010	NEW-X	02-15-166	296-835-11030	NEW-P	02-07-100	296-839-40005	NEW-P	02-18-094
296-824-500	NEW-X	02-15-166	296-835-11030	NEW	02-15-102	296-839-500	NEW-P	02-18-094
296-824-50005	NEW-X	02-15-166	296-835-11035	NEW-P	02-07-100	296-860-100	NEW-P	02-07-101
296-824-50010	NEW-X	02-15-166	296-835-11035	NEW	02-15-102	296-860-100	NEW	02-17-106
296-824-50015	NEW-X	02-15-166	296-835-11040	NEW-P	02-07-100	296-860-10005	NEW-P	02-07-101
296-824-50020	NEW-X	02-15-166	296-835-11040	NEW	02-15-102	296-860-10010	NEW-P	02-07-101
296-824-50025	NEW-X	02-15-166	296-835-11045	NEW-P	02-07-100	296-860-10020	NEW-P	02-07-101
296-824-50030	NEW-X	02-15-166	296-835-11045	NEW	02-15-102	296-860-10025	NEW-P	02-07-101
296-824-600	NEW-X	02-15-166	296-835-11050	NEW-P	02-07-100	296-860-10030	NEW-P	02-07-101
296-824-60005	NEW-X	02-15-166	296-835-11050	NEW	02-15-102	296-860-10040	NEW-P	02-07-101
296-824-60010	NEW-X	02-15-166	296-835-120	NEW-P	02-07-100	296-860-10050	NEW-P	02-07-101
296-824-60015	NEW-X	02-15-166	296-835-120	NEW	02-15-102	296-860-10060	NEW-P	02-07-101
296-824-700	NEW-X	02-15-166	296-835-12005	NEW-P	02-07-100	296-860-10070	NEW-P	02-07-101
296-824-70005	NEW-X	02-15-166	296-835-12005	NEW	02-15-102	296-860-10100	NEW-P	02-07-101
296-824-800	NEW-X	02-15-166	296-835-12010	NEW-P	02-07-100	296-860-200	NEW	02-17-106
296-832-100	NEW	02-16-087	296-835-12010	NEW	02-15-102	296-860-20010	NEW	02-17-106
296-832-10000	NEW-X	02-08-080	296-835-12015	NEW-P	02-07-100	296-860-20020	NEW	02-17-106
296-832-10005	NEW-X	02-08-080	296-835-12015	NEW	02-15-102	296-860-20030	NEW	02-17-106
296-832-10010	NEW-X	02-08-080	296-835-12020	NEW-P	02-07-100	296-860-20040	NEW	02-17-106
296-832-10015	NEW-X	02-08-080	296-835-12020	NEW	02-15-102	296-860-20050	NEW	02-17-106
296-832-10020	NEW-X	02-08-080	296-835-12025	NEW-P	02-07-100	296-860-20060	NEW	02-17-106
296-832-10025	NEW-X	02-08-080	296-835-12025	NEW	02-15-102	296-860-20070	NEW	02-17-106
296-832-200	NEW	02-16-087	296-835-12030	NEW-P	02-07-100	296-860-20080	NEW	02-17-106
296-832-20005	NEW	02-16-087	296-835-12035	NEW-P	02-07-100	296-860-300	NEW	02-17-106
296-832-20010	NEW	02-16-087	296-835-12035	NEW	02-15-102	296-878-100	NEW-P	02-13-118
296-832-300	NEW	02-16-087	296-835-12040	NEW-P	02-07-100	296-878-10005	NEW-P	02-13-118
296-832-30005	NEW	02-16-087	296-835-12040	NEW	02-15-102	296-878-110	NEW-P	02-13-118
296-832-30010	NEW	02-16-087	296-835-12045	NEW-P	02-07-100	296-878-11005	NEW-P	02-13-118
296-832-30015	NEW	02-16-087	296-835-12045	NEW	02-15-102	296-878-120	NEW-P	02-13-118
296-833-100	NEW-X	02-17-107	296-835-12050	NEW-P	02-07-100	296-878-12005	NEW-P	02-13-118
296-833-10010	NEW-X	02-17-107	296-835-12050	NEW	02-15-102	296-878-130	NEW-P	02-13-118
296-833-200	NEW-X	02-17-107	296-835-12055	NEW-P	02-07-100	296-878-13005	NEW-P	02-13-118
296-833-20005	NEW-X	02-17-107	296-835-12055	NEW	02-15-102	296-878-13010	NEW-P	02-13-118
296-833-20010	NEW-X	02-17-107	296-835-12060	NEW-P	02-07-100	296-878-140	NEW-P	02-13-118
296-833-300	NEW-X	02-17-107	296-835-12060	NEW	02-15-102	296-878-14005	NEW-P	02-13-118
296-833-30005	NEW-X	02-17-107	296-835-12065	NEW-P	02-07-100	296-878-150	NEW-P	02-13-118
296-833-30010	NEW-X	02-17-107	296-835-12065	NEW	02-15-102	296-878-15005	NEW-P	02-13-118
296-833-30015	NEW-X	02-17-107	296-835-130	NEW-P	02-07-100	296-878-15010	NEW-P	02-13-118
296-833-30020	NEW-X	02-17-107	296-835-130	NEW	02-15-102	296-878-15015	NEW-P	02-13-118
296-833-400	NEW-X	02-17-107	296-835-13005	NEW-P	02-07-100	296-878-15020	NEW-P	02-13-118
296-833-40005	NEW-X	02-17-107	296-835-13005	NEW	02-15-102	296-878-15025	NEW-P	02-13-118
296-833-40010	NEW-X	02-17-107	296-835-13010	NEW-P	02-07-100	296-878-160	NEW-P	02-13-118
296-833-500	NEW-X	02-17-107	296-835-13010	NEW	02-15-102	296-878-16005	NEW-P	02-13-118
296-833-50005	NEW-X	02-17-107	296-835-13015	NEW-P	02-07-100	296-878-170	NEW-P	02-13-118
296-833-50010	NEW-X	02-17-107	296-835-13015	NEW	02-15-102	296-878-17005	NEW-P	02-13-118
296-833-600	NEW-X	02-17-107	296-835-13020	NEW-P	02-07-100	296-878-180	NEW-P	02-13-118
296-833-60005	NEW-X	02-17-107	296-835-13020	NEW	02-15-102	296-878-18005	NEW-P	02-13-118
296-833-60010	NEW-X	02-17-107	296-835-13025	NEW-P	02-07-100	296-878-18010	NEW-P	02-13-118
296-835-100	NEW-P	02-07-100	296-835-13025	NEW	02-15-102	296-878-18015	NEW-P	02-13-118
296-835-100	NEW	02-15-102	296-835-13030	NEW-P	02-07-100	296-878-18020	NEW-P	02-13-118
296-835-110	NEW-P	02-07-100	296-835-13030	NEW	02-15-102	296-878-190	NEW-P	02-13-118
296-835-110	NEW	02-15-102	296-835-140	NEW-P	02-07-100	296-878-19005	NEW-P	02-13-118
296-835-11005	NEW-P	02-07-100	296-835-140	NEW	02-15-102	296-878-19010	NEW-P	02-13-118
296-835-11005	NEW	02-15-102	296-839-100	NEW-P	02-18-094	296-878-200	NEW-P	02-13-118
296-835-11010	NEW-P	02-07-100	296-839-200	NEW-P	02-18-094	296-878-20005	NEW-P	02-13-118
296-835-11010	NEW	02-15-102	296-839-20005	NEW-P	02-18-094	296-878-20010	NEW-P	02-13-118
296-835-11015	NEW-P	02-07-100	296-839-20010	NEW-P	02-18-094	296-878-20015	NEW-P	02-13-118
296-835-11015	NEW	02-15-102	296-839-300	NEW-P	02-18-094	296-878-210	NEW-P	02-13-118
296-835-11020	NEW-P	02-07-100	296-839-30005	NEW-P	02-18-094	296-878-21005	NEW-P	02-13-118

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308- 08-600	AMD	02-11-011	308- 14-135	AMD-P	02-08-074	308- 48-520	AMD-P	02-14-059
308- 12-010	AMD-P	02-04-114	308- 14-135	AMD-W	02-11-057	308- 48-600	AMD-P	02-14-059
308- 12-010	AMD	02-11-082	308- 14-210	AMD-P	02-08-074	308- 48-700	REP-P	02-14-059
308- 12-031	AMD-P	02-04-114	308- 14-210	AMD-W	02-11-057	308- 48-710	REP-P	02-14-059
308- 12-031	AMD	02-11-082	308- 15-040	PREP	02-05-079	308- 48-720	REP-P	02-14-059
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308- 12-050	AMD	02-11-082	308- 15-040	AMD-W	02-16-095	308- 48-740	REP-P	02-14-059
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308- 12-081	AMD	02-11-082	308- 15-140	NEW-P	02-09-011	308- 48-760	REP-P	02-14-059
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308- 12-324	REP	02-11-082	308- 20-150	REP	02-04-012	308- 56A-270	PREP	02-05-016
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308- 12-325	REP	02-11-082	308- 20-171	REP	02-04-012	308- 56A-295	PREP	02-05-019
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308- 13-005	AMD	02-07-047	308- 20-310	REP	02-04-012	308- 56A-315	PREP	02-05-014
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308-93-243	AMD-P	02-18-012	308-96A-101	AMD-P	02-08-036	308-124A-605	NEW	02-03-080
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314- 11-040	AMD-P	02-04-110	315- 38-040	NEW-P	02-12-080	316- 02-640	AMD-X	02-08-029
314- 11-040	AMD	02-11-054	315- 38-040	NEW	02-15-122	316- 02-640	AMD	02-14-013
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314- 11-045	AMD	02-11-054	315- 38-050	NEW	02-15-122	316- 02-650	AMD	02-14-013
314- 11-060	AMD-P	02-04-110	315- 38-060	NEW-P	02-12-080	316- 02-660	AMD-X	02-08-029
314- 11-060	AMD	02-11-054	315- 38-060	NEW	02-15-122	316- 02-660	AMD	02-14-013
314- 11-065	AMD-P	02-04-110	315- 38-070	NEW-P	02-12-080	316- 02-820	AMD-X	02-08-029
314- 11-065	AMD	02-11-054	315- 38-070	NEW	02-15-122	316- 02-820	AMD	02-14-013
314- 11-070	AMD-P	02-04-110	315- 38-080	NEW-P	02-12-080	316- 65-005	AMD-X	02-08-029
314- 11-070	AMD	02-11-054	315- 38-080	NEW	02-15-122	316- 65-005	AMD	02-14-013
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314- 11-095	AMD-P	02-04-110	315- 38-100	NEW-P	02-12-080	332- 30-106	AMD-S	02-14-157
314- 11-095	AMD	02-11-054	315- 38-100	NEW	02-15-122	332- 30-106	AMD-C	02-17-058
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332- 30-115	AMD-S	02-14-157	356- 18-080	AMD	02-15-053	356- 42-070	REP-E	02-12-052
332- 30-115	AMD-C	02-17-058	356- 18-100	AMD	02-03-061	356- 42-070	REP-P	02-12-111
332- 30-139	AMD-P	02-03-111	356- 18-100	AMD-P	02-12-109	356- 42-070	REP	02-15-048
332- 30-139	AMD-S	02-14-157	356- 18-100	AMD	02-15-045	356- 42-080	REP-E	02-12-052
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356- 06-065	NEW-E	02-12-050	356- 30-260	AMD	02-15-053	356- 56-070	NEW-E	02-07-053
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356- 14-026	AMD-E	02-12-049	356- 42-020	REP-P	02-12-111	356- 60-010	NEW	02-17-114
356- 14-026	AMD-P	02-12-116	356- 42-020	REP	02-15-048	356- 60-020	NEW-E	02-13-056
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356-60-060	NEW	02-17-114	388-02-0535	REP-P	02-17-091	388-14A-4303	PREP	02-03-010
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388- 15-073	NEW	02-15-098	388- 15-141	NEW-P	02-03-118	388- 71-0202	NEW-P	02-16-080
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388- 15-093	NEW	02-17-045	388- 15-204	REP-P	02-16-080	388- 71-0450	AMD-P	02-16-080
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388- 15-097	NEW	02-15-098	388- 15-205	PREP-W	02-05-066	388- 71-0500	AMD	02-10-117
388- 15-097	NEW	02-17-045	388- 15-205	REP-P	02-16-080	388- 71-0500	AMD-P	02-16-080
388- 15-101	NEW-P	02-03-118	388- 15-207	PREP-W	02-05-064	388- 71-0515	PREP	02-04-096
388- 15-101	NEW	02-15-098	388- 15-214	PREP-W	02-05-064	388- 71-0515	AMD-P	02-16-080
388- 15-101	NEW	02-17-045	388- 15-215	PREP-W	02-05-064	388- 71-0520	AMD	02-10-117
388- 15-105	NEW-P	02-03-118	388- 15-219	PREP-W	02-05-064	388- 71-0525	REP	02-10-117
388- 15-105	NEW	02-15-098	388- 15-600	PREP-W	02-05-064	388- 71-0530	REP	02-10-117
388- 15-105	NEW	02-17-045	388- 15-620	PREP-W	02-05-064	388- 71-0535	REP	02-10-117
388- 15-109	NEW-P	02-03-118	388- 15-630	PREP-W	02-05-064	388- 71-0540	AMD	02-10-117
388- 15-109	NEW	02-15-098	388- 15-650	PREP	02-15-056	388- 71-05910	NEW	02-10-117
388- 15-109	NEW	02-17-045	388- 15-650	PREP-W	02-15-058	388- 71-05911	NEW	02-10-117
388- 15-113	NEW-P	02-03-118	388- 15-651	PREP	02-15-056	388- 71-05912	NEW	02-10-117
388- 15-113	NEW	02-15-098	388- 15-651	PREP-W	02-15-058	388- 71-05913	NEW	02-10-117
388- 15-113	NEW	02-17-045	388- 15-652	PREP	02-15-056	388- 71-05914	NEW	02-10-117
388- 15-117	NEW-P	02-03-118	388- 15-652	PREP-W	02-15-058	388- 71-05915	NEW	02-10-117
388- 15-117	NEW	02-15-098	388- 15-653	PREP	02-15-056	388- 71-05916	NEW	02-10-117
388- 15-117	NEW	02-17-045	388- 15-653	PREP-W	02-15-058	388- 71-05917	NEW	02-10-117
388- 15-121	NEW-P	02-03-118	388- 15-654	PREP	02-15-056	388- 71-05918	NEW	02-10-117
388- 15-121	NEW	02-15-098	388- 15-654	PREP-W	02-15-058	388- 71-05919	NEW	02-10-117
388- 15-121	NEW	02-17-045	388- 15-655	PREP	02-15-056	388- 71-05920	NEW	02-10-117
388- 15-125	NEW-P	02-03-118	388- 15-655	PREP-W	02-15-058	388- 71-05921	NEW	02-10-117
388- 15-125	NEW	02-15-098	388- 15-656	PREP	02-15-056	388- 71-05922	NEW	02-10-117
388- 15-125	NEW	02-17-045	388- 15-656	PREP-W	02-15-058	388- 71-05923	NEW	02-10-117
388- 15-129	NEW-P	02-03-118	388- 15-657	PREP	02-15-056	388- 71-05924	NEW	02-10-117
388- 15-129	NEW	02-15-098	388- 15-657	PREP-W	02-15-058	388- 71-05925	NEW	02-10-117
388- 15-129	NEW	02-17-045	388- 15-658	PREP	02-15-056	388- 71-05926	NEW	02-10-117
388- 15-130	REP-P	02-03-118	388- 15-658	PREP-W	02-15-058	388- 71-05927	NEW	02-10-117
388- 15-130	REP	02-15-098	388- 15-659	PREP	02-15-056	388- 71-05928	NEW	02-10-117
388- 15-130	REP	02-17-045	388- 15-659	PREP-W	02-15-058	388- 71-05929	NEW	02-10-117
388- 15-131	REP-P	02-03-118	388- 15-660	PREP	02-15-056	388- 71-05930	NEW	02-10-117
388- 15-131	REP	02-15-098	388- 15-660	PREP-W	02-15-058	388- 71-05931	NEW	02-10-117
388- 15-131	REP	02-17-045	388- 15-661	PREP	02-15-056	388- 71-05932	NEW	02-10-117
388- 15-132	REP-P	02-03-118	388- 15-661	PREP-W	02-15-058	388- 71-05933	NEW	02-10-117
388- 15-132	REP	02-15-098	388- 15-662	PREP	02-15-056	388- 71-05934	NEW	02-10-117

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388-71-05936	NEW	02-10-117	388-76-64055	NEW-S	02-14-161	388-97-555	AMD-P	02-17-094
388-71-05937	NEW	02-10-117	388-76-655	AMD-S	02-11-032	388-97-565	AMD-P	02-07-116
388-71-05938	NEW	02-10-117	388-76-655	AMD	02-15-065	388-97-565	AMD	02-14-063
388-71-05939	NEW	02-10-117	388-76-660	AMD-S	02-11-032	388-97-570	AMD-P	02-07-116
388-71-05940	NEW	02-10-117	388-76-660	AMD	02-15-065	388-97-570	PREP	02-11-066
388-71-05941	NEW	02-10-117	388-76-710	AMD-P	02-03-117	388-97-570	AMD	02-14-063
388-71-05942	NEW	02-10-117	388-76-710	AMD	02-15-081	388-97-575	AMD-P	02-07-116
388-71-05943	NEW	02-10-117	388-76-765	REP-P	02-15-135	388-97-575	AMD	02-14-063
388-71-05944	NEW	02-10-117	388-76-76505	NEW-P	02-15-135	388-97-580	AMD-P	02-07-116
388-71-05945	NEW	02-10-117	388-76-76510	NEW-P	02-15-135	388-97-580	AMD	02-14-063
388-71-05946	NEW	02-10-117	388-76-76515	NEW-P	02-15-135	388-97-585	AMD-P	02-07-116
388-71-05947	NEW	02-10-117	388-76-76520	NEW-P	02-15-135	388-97-585	AMD	02-14-063
388-71-05948	NEW	02-10-117	388-78A-050	AMD-S	02-11-031	388-97-595	AMD-P	02-07-116
388-71-05949	NEW-S	02-11-129	388-78A-050	AMD	02-15-066	388-97-595	AMD	02-14-063
388-71-05949	NEW	02-15-064	388-78A-060	AMD-W	02-11-059	388-97-605	NEW-P	02-07-116
388-71-05950	NEW	02-10-117	388-78A-265	PREP	02-09-047	388-97-605	NEW	02-14-063
388-71-05951	NEW	02-10-117	388-78A-265	AMD-P	02-14-062	388-97-610	NEW-P	02-07-116
388-71-05952	NEW	02-10-117	388-78A-265	AMD	02-17-027	388-97-610	NEW	02-14-063
388-71-05953	NEW-W	02-10-036	388-79-010	AMD-P	02-11-067	388-97-615	NEW-P	02-07-116
388-71-0600	PREP	02-04-096	388-79-020	AMD-P	02-11-067	388-97-615	NEW	02-14-063
388-71-0600	AMD-P	02-16-080	388-79-030	AMD-P	02-11-067	388-97-620	NEW-P	02-07-116
388-71-0805	PREP	02-18-082	388-79-040	AMD-P	02-11-067	388-97-620	NEW	02-14-063
388-71-0810	PREP	02-18-082	388-96-713	AMD-E	02-04-011	388-97-625	NEW-P	02-07-116
388-71-0815	PREP	02-18-082	388-96-901	AMD-E	02-04-011	388-97-625	NEW	02-14-063
388-71-0820	PREP	02-04-096	388-97	PREP	02-11-066	388-97-630	NEW-P	02-07-116
388-71-0820	AMD-P	02-12-067	388-97-005	AMD-P	02-07-116	388-97-630	NEW	02-14-063
388-71-0820	AMD	02-15-138	388-97-005	AMD	02-14-063	388-97-635	NEW-P	02-07-116
388-71-0820	PREP	02-18-082	388-97-043	AMD-P	02-07-116	388-97-635	NEW	02-14-063
388-71-0840	PREP	02-18-082	388-97-043	AMD	02-14-063	388-97-640	NEW-P	02-07-116
388-76-535	AMD-P	02-03-117	388-97-07005	AMD-P	02-07-116	388-97-640	NEW	02-14-063
388-76-535	AMD	02-15-081	388-97-07005	AMD	02-14-063	388-97-645	NEW-P	02-07-116
388-76-540	PREP	02-04-096	388-97-07040	AMD-P	02-07-116	388-97-645	NEW	02-14-063
388-76-540	AMD-P	02-16-080	388-97-07040	AMD	02-14-063	388-97-650	NEW-P	02-07-116
388-76-570	AMD-S	02-11-032	388-97-07050	AMD-P	02-07-116	388-97-650	NEW	02-14-063
388-76-570	AMD	02-15-065	388-97-07050	AMD	02-14-063	388-97-655	NEW-P	02-07-116
388-76-59100	REP-S	02-11-032	388-97-076	AMD-P	02-07-116	388-97-655	NEW	02-14-063
388-76-59100	REP	02-15-065	388-97-076	AMD	02-14-063	388-97-660	NEW-P	02-07-116
388-76-59110	REP-S	02-11-032	388-97-160	AMD-P	02-07-116	388-97-660	NEW	02-14-063
388-76-59110	REP	02-15-065	388-97-160	AMD	02-14-063	388-97-665	NEW-P	02-07-116
388-76-59120	REP-S	02-11-032	388-97-162	AMD-P	02-07-116	388-97-665	NEW	02-14-063
388-76-59120	REP	02-15-065	388-97-162	AMD	02-14-063	388-97-670	NEW-P	02-07-116
388-76-61510	AMD-P	02-03-117	388-97-180	AMD-P	02-07-116	388-97-670	NEW	02-14-063
388-76-61510	AMD	02-15-081	388-97-180	AMD	02-14-063	388-97-675	NEW-P	02-07-116
388-76-640	REP-P	02-03-117	388-97-202	AMD-P	02-07-116	388-97-675	NEW	02-14-063
388-76-640	REP-S	02-14-161	388-97-202	AMD	02-14-063	388-97-680	NEW-P	02-07-116
388-76-64005	NEW-P	02-03-117	388-97-203	NEW-P	02-07-116	388-97-680	NEW	02-14-063
388-76-64005	NEW-S	02-14-161	388-97-203	NEW	02-14-063	388-97-685	NEW-P	02-07-116
388-76-64010	NEW-P	02-03-117	388-97-204	NEW-P	02-07-116	388-97-685	NEW	02-14-063
388-76-64010	NEW-S	02-14-161	388-97-204	NEW	02-14-063	388-97-690	NEW-P	02-07-116
388-76-64015	NEW-P	02-03-117	388-97-205	AMD-P	02-07-116	388-97-690	NEW	02-14-063
388-76-64015	NEW-S	02-14-161	388-97-205	AMD	02-14-063	388-97-695	NEW-P	02-07-116
388-76-64020	NEW-P	02-03-117	388-97-260	AMD-P	02-07-116	388-97-695	NEW	02-14-063
388-76-64020	NEW-S	02-14-161	388-97-260	AMD	02-14-063	388-98-001	REP-P	02-07-116
388-76-64025	NEW-P	02-03-117	388-97-285	AMD-P	02-07-116	388-98-001	REP	02-14-063
388-76-64025	NEW-S	02-14-161	388-97-285	AMD	02-14-063	388-98-003	REP-P	02-07-116
388-76-64030	NEW-P	02-03-117	388-97-35040	AMD-P	02-07-116	388-98-003	REP	02-14-063
388-76-64030	NEW-S	02-14-161	388-97-35040	AMD	02-14-063	388-98-010	REP-P	02-07-116
388-76-64035	NEW-P	02-03-117	388-97-550	PREP	02-11-126	388-98-010	REP	02-14-063
388-76-64035	NEW-S	02-14-161	388-97-550	AMD-E	02-14-082	388-98-015	REP-P	02-07-116
388-76-64040	NEW-S	02-14-161	388-97-550	AMD-P	02-17-094	388-98-015	REP	02-14-063
388-76-64045	NEW-S	02-14-161	388-97-555	PREP	02-11-126	388-98-020	REP-P	02-07-116

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388-98-020	REP	02-14-063	388-112-0050	NEW	02-15-065	388-112-0205	NEW	02-15-066
388-98-300	REP-P	02-07-116	388-112-0055	NEW-S	02-11-032	388-112-0210	NEW-S	02-11-031
388-98-300	REP	02-14-063	388-112-0055	NEW	02-15-065	388-112-0210	NEW	02-15-066
388-98-320	REP-P	02-07-116	388-112-0060	NEW-S	02-11-032	388-112-0215	NEW-S	02-11-031
388-98-320	REP	02-14-063	388-112-0060	NEW	02-15-065	388-112-0215	NEW	02-15-066
388-98-330	REP-P	02-07-116	388-112-0065	NEW-S	02-11-032	388-112-0220	NEW-S	02-11-031
388-98-330	REP	02-14-063	388-112-0065	NEW	02-15-065	388-112-0220	NEW	02-15-066
388-98-340	REP-P	02-07-116	388-112-0070	NEW-S	02-11-032	388-112-0225	NEW-S	02-11-031
388-98-340	REP	02-14-063	388-112-0070	NEW	02-15-065	388-112-0225	NEW	02-15-066
388-98-700	REP-P	02-07-116	388-112-0075	NEW-S	02-11-032	388-112-0230	NEW-S	02-11-031
388-98-700	REP	02-14-063	388-112-0075	NEW	02-15-065	388-112-0230	NEW	02-15-066
388-98-750	REP-P	02-07-116	388-112-0080	NEW-S	02-11-032	388-112-0235	NEW-S	02-11-031
388-98-750	REP	02-14-063	388-112-0080	NEW	02-15-065	388-112-0235	NEW	02-15-066
388-98-810	REP-P	02-07-116	388-112-0085	NEW-S	02-11-032	388-112-0240	NEW-S	02-11-031
388-98-810	REP	02-14-063	388-112-0085	NEW	02-15-065	388-112-0240	NEW	02-15-066
388-98-830	REP-P	02-07-116	388-112-0090	NEW-S	02-11-032	388-112-0245	NEW-S	02-11-031
388-98-830	REP	02-14-063	388-112-0090	NEW	02-15-065	388-112-0245	NEW	02-15-066
388-98-870	REP-P	02-07-116	388-112-0095	NEW-S	02-11-032	388-112-0250	NEW-S	02-11-031
388-98-870	REP	02-14-063	388-112-0095	NEW	02-15-065	388-112-0250	NEW	02-15-066
388-98-890	REP-P	02-07-116	388-112-0100	NEW-S	02-11-032	388-112-0255	NEW-S	02-11-031
388-98-890	REP	02-14-063	388-112-0100	NEW	02-15-065	388-112-0255	NEW	02-15-066
388-105	AMD-E	02-14-081	388-112-0105	NEW-S	02-11-032	388-112-0260	NEW-S	02-11-031
388-105	PREP	02-14-099	388-112-0105	NEW	02-15-065	388-112-0260	NEW	02-15-066
388-105	AMD-P	02-18-099	388-112-0110	NEW-S	02-11-032	388-112-0265	NEW-S	02-11-031
388-105-0005	AMD-E	02-14-081	388-112-0110	NEW	02-15-065	388-112-0265	NEW	02-15-066
388-105-0005	AMD-P	02-18-099	388-112-0115	NEW-S	02-11-032	388-112-0270	NEW-S	02-11-031
388-105-0030	NEW-E	02-14-081	388-112-0115	NEW	02-15-065	388-112-0270	NEW	02-15-066
388-105-0030	NEW-P	02-18-099	388-112-0120	NEW-S	02-11-032	388-112-0275	NEW-S	02-11-031
388-105-0035	NEW-E	02-14-081	388-112-0120	NEW	02-15-065	388-112-0275	NEW	02-15-066
388-105-0035	NEW-P	02-18-099	388-112-0125	NEW-S	02-11-032	388-112-0280	NEW-S	02-11-031
388-105-0040	NEW-E	02-14-081	388-112-0125	NEW	02-15-065	388-112-0280	NEW	02-15-066
388-105-0040	NEW-P	02-18-099	388-112-0130	NEW-S	02-11-032	388-112-0285	NEW-S	02-11-031
388-110-020	PREP	02-04-096	388-112-0130	NEW	02-15-065	388-112-0285	NEW	02-15-066
388-110-020	AMD-P	02-16-080	388-112-0135	NEW-S	02-11-032	388-112-0290	NEW-S	02-11-031
388-110-110	REP-S	02-11-032	388-112-0135	NEW	02-15-065	388-112-0290	NEW	02-15-066
388-110-110	REP	02-15-065	388-112-0140	NEW-S	02-11-032	388-112-0295	NEW-S	02-11-031
388-110-210	PREP	02-04-096	388-112-0140	NEW	02-15-065	388-112-0295	NEW	02-15-066
388-110-210	REP-P	02-16-080	388-112-0145	NEW-S	02-11-032	388-112-0300	NEW-S	02-11-031
388-110-230	PREP	02-04-096	388-112-0145	NEW	02-15-065	388-112-0300	NEW	02-15-066
388-110-230	REP-P	02-16-080	388-112-0150	NEW-S	02-11-032	388-112-0305	NEW-S	02-11-031
388-110-250	REP-P	02-16-080	388-112-0150	NEW	02-15-065	388-112-0305	NEW	02-15-066
388-112-0001	NEW-S	02-11-032	388-112-0155	NEW-S	02-11-032	388-112-0310	NEW-S	02-11-031
388-112-0001	NEW	02-15-065	388-112-0155	NEW	02-15-065	388-112-0310	NEW	02-15-066
388-112-0005	NEW-S	02-11-032	388-112-0160	NEW-S	02-11-032	388-112-0315	NEW-S	02-11-031
388-112-0005	NEW	02-15-065	388-112-0160	NEW	02-15-065	388-112-0315	NEW	02-15-066
388-112-0010	NEW-S	02-11-032	388-112-0165	NEW-S	02-11-032	388-112-0320	NEW-S	02-11-031
388-112-0010	NEW	02-15-065	388-112-0165	NEW	02-15-065	388-112-0320	NEW	02-15-066
388-112-0015	NEW-S	02-11-032	388-112-0170	NEW-S	02-11-032	388-112-0325	NEW-S	02-11-031
388-112-0015	NEW	02-15-065	388-112-0170	NEW	02-15-065	388-112-0325	NEW	02-15-066
388-112-0020	NEW-S	02-11-032	388-112-0175	NEW-S	02-11-032	388-112-0330	NEW-S	02-11-031
388-112-0020	NEW	02-15-065	388-112-0175	NEW	02-15-065	388-112-0330	NEW	02-15-066
388-112-0025	NEW-S	02-11-032	388-112-0180	NEW-S	02-11-032	388-112-0335	NEW-S	02-11-031
388-112-0025	NEW	02-15-065	388-112-0180	NEW	02-15-065	388-112-0335	NEW	02-15-066
388-112-0030	NEW-S	02-11-032	388-112-0185	NEW-S	02-11-032	388-112-0340	NEW-S	02-11-031
388-112-0030	NEW	02-15-065	388-112-0185	NEW	02-15-065	388-112-0340	NEW	02-15-066
388-112-0035	NEW-S	02-11-032	388-112-0190	NEW-S	02-11-032	388-112-0345	NEW-S	02-11-031
388-112-0035	NEW	02-15-065	388-112-0190	NEW	02-15-065	388-112-0345	NEW	02-15-066
388-112-0040	NEW-S	02-11-032	388-112-0195	NEW-S	02-11-032	388-112-0350	NEW-S	02-11-031
388-112-0040	NEW	02-15-065	388-112-0195	NEW	02-15-065	388-112-0350	NEW	02-15-066
388-112-0045	NEW-S	02-11-032	388-112-0200	NEW-S	02-11-031	388-112-0355	NEW-S	02-11-031
388-112-0045	NEW	02-15-065	388-112-0200	NEW	02-15-066	388-112-0355	NEW	02-15-066
388-112-0050	NEW-S	02-11-032	388-112-0205	NEW-S	02-11-031	388-112-0360	NEW-S	02-11-031

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388-112-0360	NEW	02-15-066	388-148-0630	AMD-E	02-14-042	388-148-1245	NEW-E	02-15-137
388-112-0365	NEW-S	02-11-031	388-148-0700	PREP	02-06-083	388-148-1250	NEW-E	02-08-031
388-112-0365	NEW	02-15-066	388-148-0700	AMD-E	02-14-042	388-148-1250	NEW-E	02-15-137
388-112-0370	NEW-S	02-11-031	388-148-0720	PREP	02-06-083	388-148-1255	NEW-E	02-08-031
388-112-0370	NEW	02-15-066	388-148-0720	AMD-E	02-14-042	388-148-1255	NEW-E	02-15-137
388-112-0375	NEW-S	02-11-031	388-148-0722	PREP	02-06-083	388-148-1260	NEW-E	02-08-031
388-112-0375	NEW	02-15-066	388-148-0722	NEW-E	02-14-042	388-148-1260	NEW-E	02-15-137
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415-112-0165	REP	02-18-046	415-113-0310	REP	02-03-120	434-228-050	DECOD	02-09-007
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415-112-060	NEW	02-14-009	415-113-057	AMD-P	02-15-153	434-236-030	DECOD	02-09-007
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415-112-070	NEW	02-14-009	415-113-065	AMD	02-03-120	434-236-040	REP	02-07-028
415-112-125	AMD-P	02-15-153	415-113-065	AMD-P	02-15-153	434-236-050	REP-P	02-03-133
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415-113-0302	PREP	02-06-041	434-208-060	AMD-E	02-14-088	434-236-120	DECOD	02-09-007
415-113-0302	REP-P	02-15-153	434-208-060	AMD	02-15-156	434-236-140	AMD-P	02-03-133
415-113-0302	REP	02-18-046	434-215-005	RECOD	02-09-007	434-236-140	AMD	02-07-028
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415-113-0304	REP-P	02-15-153	434-215-050	RECOD	02-09-007	434-236-180	DECOD	02-09-007
415-113-0304	REP	02-18-046	434-215-060	RECOD	02-09-007	434-236-200	DECOD	02-09-007
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415-113-0306	PREP	02-06-041	434-215-080	NEW-P	02-11-133	434-238-020	RECOD	02-09-007
415-113-0306	REP-P	02-15-153	434-215-080	NEW-E	02-14-088	434-238-025	RECOD	02-09-007
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434-240-025	REP	02-07-028	434-333-040	RECOD	02-09-007	434-334-170	DECOD	02-09-007
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434-240-060	AMD	02-07-028	434-333-060	RECOD	02-09-007	434-670-030	NEW-X	02-17-009
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434-240-080	NEW	02-07-028	434-333-065	RECOD	02-09-007	434-670-050	NEW-X	02-17-009
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434-240-120	AMD	02-07-028	434-333-085	RECOD	02-09-007	434-670-090	NEW-X	02-17-009
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434-240-205	AMD-P	02-03-133	434-333-145	RECOD	02-09-007	458-12-270	REP-S	02-14-056
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458- 30-500	AMD-X	02-15-107	465- 10-110	NEW-X	02-13-092	478-117-040	NEW	02-08-023
458- 30-590	AMD	02-03-041	465- 20-010	NEW-X	02-13-093	478-117-050	NEW-P	02-03-085
458- 30-700	NEW	02-05-043	465- 20-020	NEW-X	02-13-093	478-117-050	NEW-E	02-04-087
458- 30-700	AMD-X	02-15-107	465- 20-030	NEW-X	02-13-093	478-117-050	NEW	02-08-023
458- 40-610	PREP	02-08-068	465- 30-010	NEW-X	02-13-094	478-117-060	NEW-P	02-03-085
458- 40-610	AMD-P	02-15-079	465- 40-010	NEW-X	02-13-095	478-117-060	NEW-E	02-04-087
458- 40-660	PREP	02-06-031	468- 06-040	AMD	02-10-021	478-117-060	NEW	02-08-023
458- 40-660	AMD-P	02-10-136	468- 38-075	AMD-P	02-03-049	478-117-070	NEW-P	02-03-085
458- 40-660	AMD	02-14-019	468- 38-075	AMD	02-06-106	478-117-070	NEW-E	02-04-087
458- 40-660	PREP	02-17-078	468- 38-120	PREP	02-10-058	478-117-070	NEW	02-08-023

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
478-117-080	NEW-P	02-03-085	478-118-030	NEW-E	02-06-042	478-118-500	NEW	02-15-174
478-117-080	NEW-E	02-04-087	478-118-030	NEW-P	02-08-066	478-118-510	NEW-E	02-06-042
478-117-080	NEW	02-08-023	478-118-030	NEW	02-15-174	478-118-510	NEW-P	02-08-066
478-117-090	NEW-P	02-03-085	478-118-040	NEW-E	02-06-042	478-118-510	NEW	02-15-174
478-117-090	NEW-E	02-04-087	478-118-040	NEW-P	02-08-066	478-136-012	AMD	02-06-020
478-117-090	NEW	02-08-023	478-118-040	NEW	02-15-174	478-136-015	AMD	02-06-020
478-117-100	NEW-P	02-03-085	478-118-050	NEW-E	02-06-042	478-136-030	AMD-E	02-03-102
478-117-100	NEW-E	02-04-087	478-118-050	NEW-P	02-08-066	478-136-030	AMD	02-06-020
478-117-100	NEW	02-08-023	478-118-050	NEW	02-15-174	478-160-125	AMD	02-06-021
478-117-110	NEW-P	02-03-085	478-118-060	NEW-E	02-06-042	478-160-130	AMD	02-06-021
478-117-110	NEW-E	02-04-087	478-118-060	NEW-P	02-08-066	478-160-140	AMD	02-06-021
478-117-110	NEW	02-08-023	478-118-060	NEW	02-15-174	478-160-163	NEW	02-06-021
478-117-200	NEW-P	02-03-085	478-118-070	NEW-E	02-06-042	478-160-175	AMD	02-06-021
478-117-200	NEW-E	02-04-087	478-118-070	NEW-P	02-08-066	480- 14-999	AMD-X	02-12-131
478-117-200	NEW	02-08-023	478-118-070	NEW	02-15-174	480- 14-999	AMD	02-18-033
478-117-210	NEW-P	02-03-085	478-118-080	NEW-E	02-06-042	480- 15-999	AMD-X	02-12-131
478-117-210	NEW-E	02-04-087	478-118-080	NEW-P	02-08-066	480- 15-999	AMD	02-18-033
478-117-210	NEW	02-08-023	478-118-080	NEW	02-15-174	480- 30-999	AMD-X	02-12-131
478-117-220	NEW-P	02-03-085	478-118-090	NEW-E	02-06-042	480- 30-999	AMD	02-18-033
478-117-220	NEW-E	02-04-087	478-118-090	NEW-P	02-08-066	480- 31-999	AMD-X	02-12-131
478-117-220	NEW	02-08-023	478-118-090	NEW	02-15-174	480- 31-999	AMD	02-18-033
478-117-230	NEW-P	02-03-085	478-118-100	NEW-E	02-06-042	480- 40-999	AMD-X	02-12-131
478-117-230	NEW-E	02-04-087	478-118-100	NEW-P	02-08-066	480- 40-999	AMD	02-18-033
478-117-230	NEW	02-08-023	478-118-100	NEW	02-15-174	480- 40-999	AMD	02-18-033
478-117-240	NEW-P	02-03-085	478-118-200	NEW-E	02-06-042	480- 62-240	AMD-X	02-12-131
478-117-240	NEW-E	02-04-087	478-118-200	NEW-P	02-08-066	480- 62-240	AMD	02-18-033
478-117-240	NEW	02-08-023	478-118-200	NEW	02-15-174	480- 62-999	AMD-X	02-12-131
478-117-250	NEW-P	02-03-085	478-118-200	NEW-P	02-08-066	480- 62-999	AMD	02-18-033
478-117-250	NEW-E	02-04-087	478-118-210	NEW-E	02-06-042	480- 70	PREP	02-10-055
478-117-250	NEW	02-08-023	478-118-210	NEW-P	02-08-066	480- 70-411	AMD-P	02-17-088
478-117-260	NEW-P	02-03-085	478-118-210	NEW	02-15-174	480- 70-999	AMD-X	02-12-131
478-117-260	NEW-E	02-04-087	478-118-220	NEW-E	02-06-042	480- 70-999	AMD	02-18-033
478-117-260	NEW	02-08-023	478-118-220	NEW-P	02-08-066	480- 75	AMD-P	02-12-132
478-117-270	NEW-P	02-03-085	478-118-220	NEW	02-15-174	480- 75	AMD	02-18-032
478-117-270	NEW-E	02-04-087	478-118-230	NEW-E	02-06-042	480- 75-002	REP-P	02-12-132
478-117-270	NEW	02-08-023	478-118-230	NEW-P	02-08-066	480- 75-002	REP	02-18-032
478-117-280	NEW-P	02-03-085	478-118-230	NEW	02-15-174	480- 75-005	REP-P	02-12-132
478-117-280	NEW-E	02-04-087	478-118-240	NEW-E	02-06-042	480- 75-005	REP	02-18-032
478-117-280	NEW	02-08-023	478-118-240	NEW-P	02-08-066	480- 75-010	REP-P	02-12-132
478-117-300	NEW-P	02-03-085	478-118-240	NEW	02-15-174	480- 75-010	REP	02-18-032
478-117-300	NEW-E	02-04-087	478-118-250	NEW-E	02-06-042	480- 75-100	NEW-P	02-12-132
478-117-300	NEW	02-08-023	478-118-250	NEW-P	02-08-066	480- 75-100	NEW	02-18-032
478-117-310	NEW-P	02-03-085	478-118-250	NEW	02-15-174	480- 75-100	NEW	02-18-032
478-117-310	NEW-E	02-04-087	478-118-260	NEW-E	02-06-042	480- 75-200	NEW-P	02-12-132
478-117-310	NEW	02-08-023	478-118-260	NEW-P	02-08-066	480- 75-200	NEW	02-18-032
478-117-320	NEW-P	02-03-085	478-118-260	NEW	02-15-174	480- 75-210	NEW-P	02-12-132
478-117-320	NEW-E	02-04-087	478-118-270	NEW-E	02-06-042	480- 75-210	NEW	02-18-032
478-117-320	NEW	02-08-023	478-118-270	NEW-P	02-08-066	480- 75-220	NEW-P	02-12-132
478-117-400	NEW-P	02-03-085	478-118-270	NEW	02-15-174	480- 75-220	NEW	02-18-032
478-117-400	NEW-E	02-04-087	478-118-280	NEW-E	02-06-042	480- 75-223	REP-P	02-12-132
478-117-400	NEW	02-08-023	478-118-280	NEW-P	02-08-066	480- 75-223	REP	02-18-032
478-117-410	NEW-P	02-03-085	478-118-280	NEW	02-15-174	480- 75-230	REP-P	02-12-132
478-117-410	NEW-E	02-04-087	478-118-400	NEW-E	02-06-042	480- 75-230	REP	02-18-032
478-117-410	NEW	02-08-023	478-118-400	NEW-P	02-08-066	480- 75-240	NEW	02-03-016
478-118	PREP	02-04-037	478-118-400	NEW	02-15-174	480- 75-250	NEW-P	02-12-132
478-118-010	NEW-E	02-06-042	478-118-400	NEW-E	02-06-042	480- 75-250	NEW	02-18-032
478-118-010	NEW-P	02-08-066	478-118-410	NEW-P	02-08-066	480- 75-260	NEW-P	02-12-132
478-118-010	NEW	02-15-174	478-118-410	NEW	02-15-174	480- 75-260	NEW	02-18-032
478-118-020	NEW-E	02-06-042	478-118-420	NEW-E	02-06-042	480- 75-300	NEW-P	02-12-132
478-118-020	NEW-P	02-08-066	478-118-420	NEW-P	02-08-066	480- 75-300	NEW	02-18-032
478-118-020	NEW	02-15-174	478-118-500	NEW-E	02-06-042	480- 75-310	NEW-P	02-12-132
			478-118-500	NEW-P	02-08-066	480- 75-310	NEW	02-18-032
						480- 75-320	NEW-P	02-12-132
						480- 75-320	NEW	02-18-032

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480- 75-330	NEW-P	02-12-132	480- 80-040	REP	02-11-081	480- 80-350	REP	02-11-081
480- 75-330	NEW	02-18-032	480- 80-041	REP	02-11-081	480- 80-360	REP	02-11-081
480- 75-340	NEW-P	02-12-132	480- 80-045	REP	02-11-081	480- 80-370	REP	02-11-081
480- 75-340	NEW	02-18-032	480- 80-050	REP	02-11-081	480- 80-380	REP	02-11-081
480- 75-350	NEW-P	02-12-132	480- 80-060	REP	02-11-081	480- 90	PREP	02-10-055
480- 75-350	NEW	02-18-032	480- 80-070	REP	02-11-081	480- 90-113	AMD-P	02-17-088
480- 75-360	NEW-P	02-12-132	480- 80-080	REP	02-11-081	480- 90-118	AMD-P	02-17-088
480- 75-360	NEW	02-18-032	480- 80-090	REP	02-11-081	480- 90-193	AMD	02-11-081
480- 75-370	NEW-P	02-12-132	480- 80-100	REP	02-11-081	480- 90-194	NEW	02-11-081
480- 75-370	NEW	02-18-032	480- 80-101	NEW	02-11-081	480- 90-195	NEW	02-11-081
480- 75-380	NEW-P	02-12-132	480- 80-102	NEW	02-11-081	480- 90-197	NEW	02-11-081
480- 75-380	NEW	02-18-032	480- 80-103	NEW	02-11-081	480- 90-198	NEW	02-11-081
480- 75-390	NEW-P	02-12-132	480- 80-104	NEW	02-11-081	480- 90-199	NEW	02-11-081
480- 75-400	NEW-P	02-12-132	480- 80-105	NEW	02-11-081	480- 90-203	AMD-X	02-12-131
480- 75-400	NEW	02-18-032	480- 80-110	REP	02-11-081	480- 90-203	AMD	02-18-033
480- 75-410	NEW-P	02-12-132	480- 80-111	NEW	02-11-081	480- 90-208	AMD-X	02-12-131
480- 75-410	NEW	02-18-032	480- 80-112	NEW	02-11-081	480- 90-208	AMD	02-18-033
480- 75-420	NEW-P	02-12-132	480- 80-121	NEW	02-11-081	480- 90-999	AMD-X	02-12-131
480- 75-420	NEW	02-18-032	480- 80-122	NEW	02-11-081	480- 90-999	AMD	02-18-033
480- 75-430	NEW-P	02-12-132	480- 80-123	NEW	02-11-081	480- 93-240	NEW	02-03-016
480- 75-430	NEW	02-18-032	480- 80-124	NEW	02-11-081	480-100	PREP	02-10-055
480- 75-440	NEW-P	02-12-132	480- 80-125	REP	02-11-081	480-100-113	AMD-P	02-17-088
480- 75-440	NEW	02-18-032	480- 80-130	REP	02-11-081	480-100-118	AMD-P	02-17-088
480- 75-450	NEW-P	02-12-132	480- 80-131	NEW	02-11-081	480-100-148	PREP	02-10-055
480- 75-450	NEW	02-18-032	480- 80-132	NEW	02-11-081	480-100-148	AMD-P	02-17-088
480- 75-460	NEW-P	02-12-132	480- 80-133	NEW	02-11-081	480-100-163	AMD-X	02-12-131
480- 75-460	NEW	02-18-032	480- 80-134	NEW	02-11-081	480-100-163	AMD	02-18-033
480- 75-500	NEW-P	02-12-132	480- 80-140	REP	02-11-081	480-100-193	AMD	02-11-081
480- 75-500	NEW	02-18-032	480- 80-141	NEW	02-11-081	480-100-194	NEW	02-11-081
480- 75-510	NEW-P	02-12-132	480- 80-142	NEW	02-11-081	480-100-195	NEW	02-11-081
480- 75-510	NEW	02-18-032	480- 80-143	NEW	02-11-081	480-100-197	NEW	02-11-081
480- 75-520	NEW-P	02-12-132	480- 80-150	REP	02-11-081	480-100-198	NEW	02-11-081
480- 75-520	NEW	02-18-032	480- 80-160	REP	02-11-081	480-100-199	NEW	02-11-081
480- 75-530	NEW-P	02-12-132	480- 80-170	REP	02-11-081	480-100-203	AMD-X	02-12-131
480- 75-530	NEW	02-18-032	480- 80-180	REP	02-11-081	480-100-203	AMD	02-18-033
480- 75-540	NEW-P	02-12-132	480- 80-190	REP	02-11-081	480-100-208	AMD-X	02-12-131
480- 75-540	NEW	02-18-032	480- 80-200	REP	02-11-081	480-100-208	AMD	02-18-033
480- 75-550	NEW-P	02-12-132	480- 80-201	NEW	02-11-081	480-100-999	AMD-X	02-12-131
480- 75-550	NEW	02-18-032	480- 80-202	NEW	02-11-081	480-100-999	AMD	02-18-033
480- 75-600	NEW-P	02-12-132	480- 80-203	NEW	02-11-081	480-110	PREP	02-10-055
480- 75-600	NEW	02-18-032	480- 80-204	NEW	02-11-081	480-110-275	AMD-X	02-12-131
480- 75-610	NEW-P	02-12-132	480- 80-205	NEW	02-11-081	480-110-275	AMD	02-18-033
480- 75-610	NEW	02-18-032	480- 80-206	NEW	02-11-081	480-110-335	AMD-P	02-17-088
480- 75-620	NEW-P	02-12-132	480- 80-210	REP	02-11-081	480-110-485	AMD-X	02-12-131
480- 75-620	NEW	02-18-032	480- 80-220	REP	02-11-081	480-110-485	AMD	02-18-033
480- 75-630	NEW-P	02-12-132	480- 80-230	REP	02-11-081	480-110-999	NEW-X	02-12-131
480- 75-630	NEW	02-18-032	480- 80-240	REP	02-11-081	480-110-999	NEW	02-18-033
480- 75-640	NEW-P	02-12-132	480- 80-241	NEW	02-11-081	480-120-011	AMD-P	02-12-055
480- 75-640	NEW	02-18-032	480- 80-242	NEW	02-11-081	480-120-015	AMD-P	02-12-055
480- 75-650	NEW-P	02-12-132	480- 80-250	REP	02-11-081	480-120-017	NEW-P	02-12-055
480- 75-650	NEW	02-18-032	480- 80-260	REP	02-11-081	480-120-019	NEW-P	02-12-055
480- 75-660	NEW-P	02-12-132	480- 80-270	REP	02-11-081	480-120-021	AMD-P	02-12-055
480- 75-660	NEW	02-18-032	480- 80-280	REP	02-11-081	480-120-029	REP-P	02-12-055
480- 75-999	AMD-P	02-12-132	480- 80-290	REP	02-11-081	480-120-031	REP-P	02-12-055
480- 75-999	AMD	02-18-032	480- 80-300	REP	02-11-081	480-120-032	REP-P	02-12-055
480- 80-010	AMD	02-11-081	480- 80-310	REP	02-11-081	480-120-033	REP-P	02-12-055
480- 80-015	NEW	02-11-081	480- 80-320	REP	02-11-081	480-120-041	REP-P	02-12-055
480- 80-020	AMD	02-11-081	480- 80-325	REP	02-11-081	480-120-042	REP-P	02-12-055
480- 80-025	NEW	02-11-081	480- 80-326	REP	02-11-081	480-120-043	REP	02-11-081
480- 80-030	AMD	02-11-081	480- 80-330	REP	02-11-081	480-120-043	REP-P	02-12-055
480- 80-031	NEW	02-11-081	480- 80-335	REP	02-11-081	480-120-045	REP-P	02-12-055
480- 80-035	REP	02-11-081	480- 80-340	REP	02-11-081	480-120-046	REP-P	02-12-055

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-120-051	REP-P	02-12-055	480-120-202	NEW-P	02-08-081	480-120-543	REP-P	02-12-055
480-120-052	REP	02-11-080	480-120-203	NEW-P	02-08-081	480-120-544	REP-P	02-12-055
480-120-056	REP-P	02-12-055	480-120-204	NEW-P	02-08-081	480-120-545	REP-P	02-12-055
480-120-057	REP-P	02-12-055	480-120-205	NEW-P	02-08-081	480-120-999	NEW-P	02-12-055
480-120-058	REP	02-11-080	480-120-206	NEW-P	02-08-081	480-121-010	REP	02-11-080
480-120-061	AMD-P	02-12-055	480-120-207	NEW-P	02-08-081	480-121-011	NEW	02-11-080
480-120-081	REP-P	02-12-055	480-120-208	NEW-P	02-08-081	480-121-015	AMD	02-11-080
480-120-087	REP-P	02-12-055	480-120-209	NEW-P	02-08-081	480-121-016	NEW	02-11-080
480-120-088	REP-P	02-12-055	480-120-211	NEW-P	02-08-081	480-121-017	NEW	02-11-080
480-120-089	REP-P	02-12-055	480-120-212	NEW-P	02-08-081	480-121-018	NEW	02-11-080
480-120-101	REP-P	02-12-055	480-120-213	NEW-P	02-08-081	480-121-020	AMD-S	02-07-041
480-120-102	NEW-P	02-12-055	480-120-214	NEW-P	02-08-081	480-121-020	AMD	02-11-080
480-120-103	NEW-P	02-12-055	480-120-215	NEW-P	02-08-081	480-121-023	REP	02-11-080
480-120-104	NEW-P	02-12-055	480-120-216	NEW-P	02-08-081	480-121-026	AMD	02-11-080
480-120-105	NEW-P	02-12-055	480-120-251	NEW-P	02-12-055	480-121-030	REP	02-11-080
480-120-106	REP-P	02-12-055	480-120-252	NEW-P	02-12-055	480-121-040	AMD	02-11-080
480-120-107	NEW-P	02-12-055	480-120-253	NEW-P	02-12-055	480-121-050	REP	02-11-080
480-120-108	NEW-P	02-12-055	480-120-254	NEW-P	02-12-055	480-121-060	AMD	02-11-080
480-120-112	NEW-P	02-12-055	480-120-255	NEW-P	02-12-055	480-121-061	AMD	02-11-080
480-120-116	REP-P	02-12-055	480-120-256	NEW-P	02-12-055	480-121-062	AMD	02-11-080
480-120-121	REP-P	02-12-055	480-120-257	NEW-P	02-12-055	480-121-063	AMD-S	02-07-041
480-120-122	NEW-P	02-12-055	480-120-261	NEW-P	02-12-055	480-121-063	AMD	02-11-080
480-120-123	NEW-P	02-12-055	480-120-262	NEW-P	02-12-055	480-121-064	AMD	02-11-080
480-120-124	NEW-P	02-12-055	480-120-263	NEW-P	02-12-055	480-121-065	NEW	02-11-081
480-120-125	NEW-P	02-12-055	480-120-264	NEW	02-11-080	480-121-070	REP	02-11-080
480-120-126	REP-P	02-12-055	480-120-265	NEW-P	02-12-055	480-122-010	AMD	02-03-017
480-120-127	NEW	02-11-080	480-120-301	NEW-P	02-12-055	480-122-020	AMD	02-03-017
480-120-128	NEW-P	02-12-055	480-120-302	NEW-P	02-12-055	480-122-030	REP	02-03-017
480-120-131	REP-P	02-12-055	480-120-303	NEW-P	02-12-055	480-122-040	REP	02-03-017
480-120-132	NEW-P	02-12-055	480-120-304	NEW-P	02-12-055	480-122-060	AMD	02-03-017
480-120-133	NEW-P	02-12-055	480-120-305	NEW-P	02-12-055	480-122-070	REP	02-03-017
480-120-136	REP-P	02-12-055	480-120-311	NEW-P	02-12-055	480-122-080	AMD	02-03-017
480-120-138	REP-P	02-12-055	480-120-312	NEW-P	02-12-055	480-122-090	REP	02-03-017
480-120-139	REP-P	02-12-055	480-120-321	NEW-P	02-12-055	495C-120-040	AMD	02-04-022
480-120-141	REP-P	02-12-055	480-120-322	NEW-P	02-12-055	495C-120-041	AMD	02-04-022
480-120-144	REP-P	02-08-081	480-120-323	NEW-P	02-12-055	504- 15-060	REP-P	02-11-092
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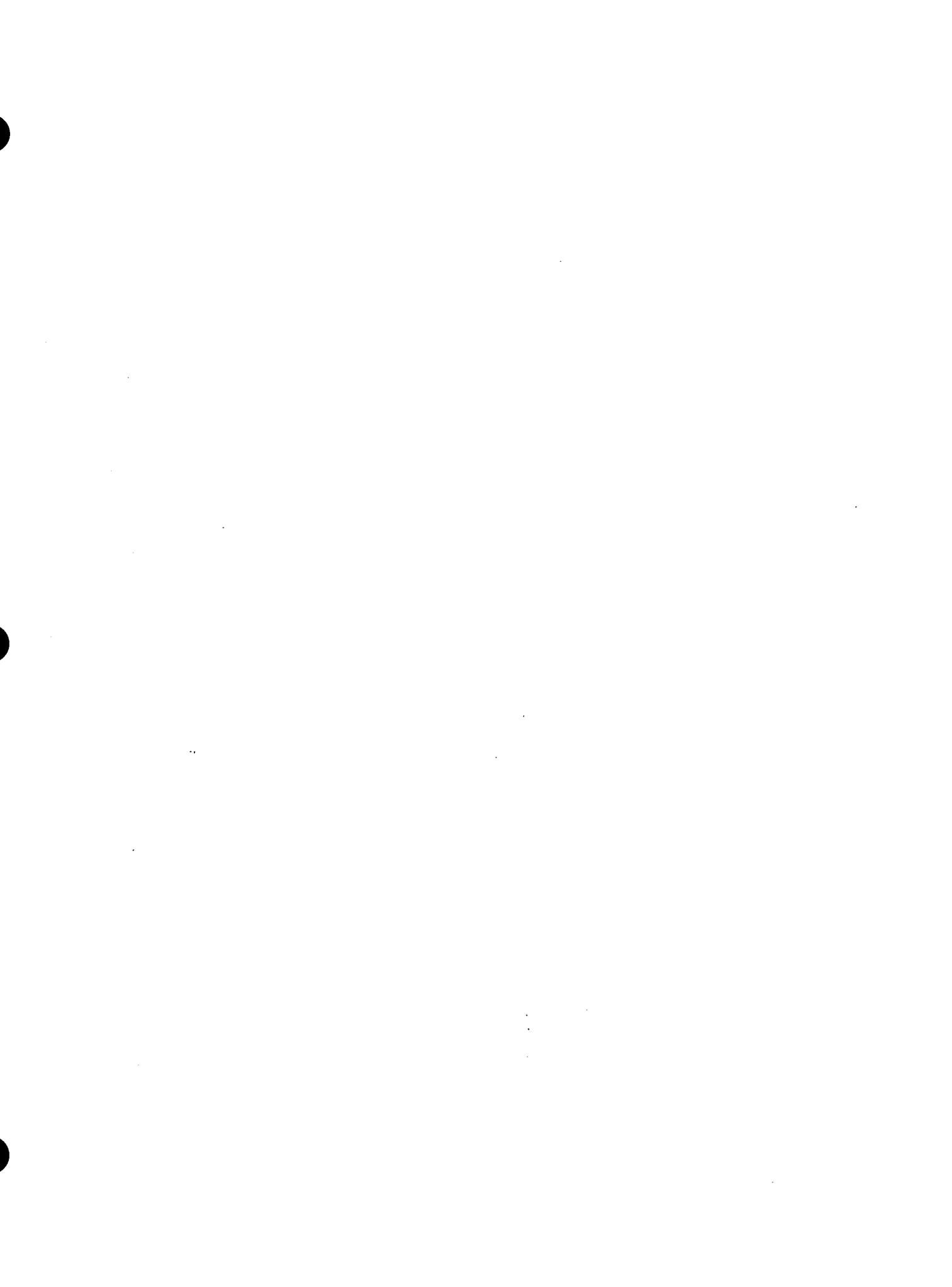
(Citation in **bold type** refer to material in this issue)

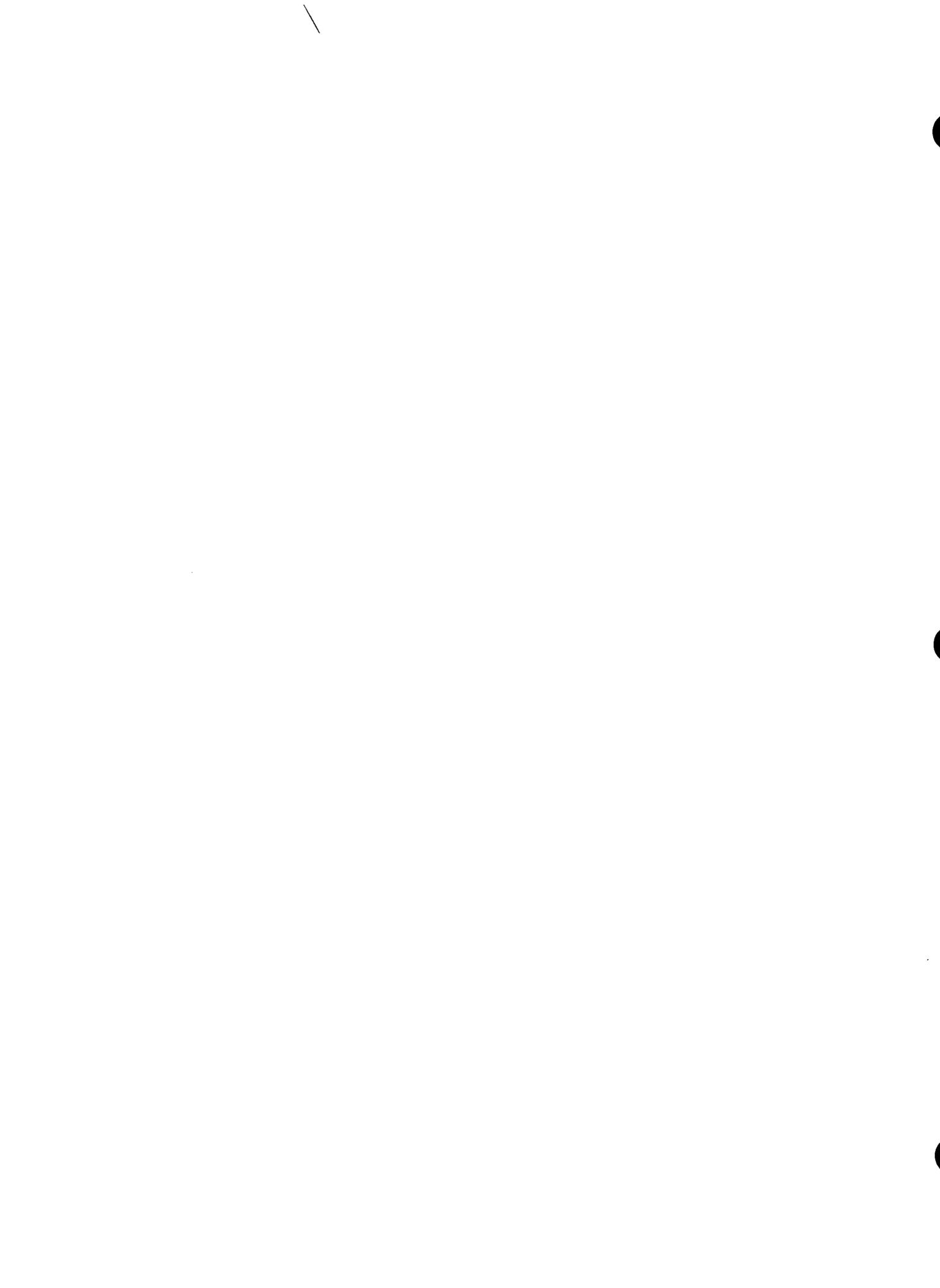
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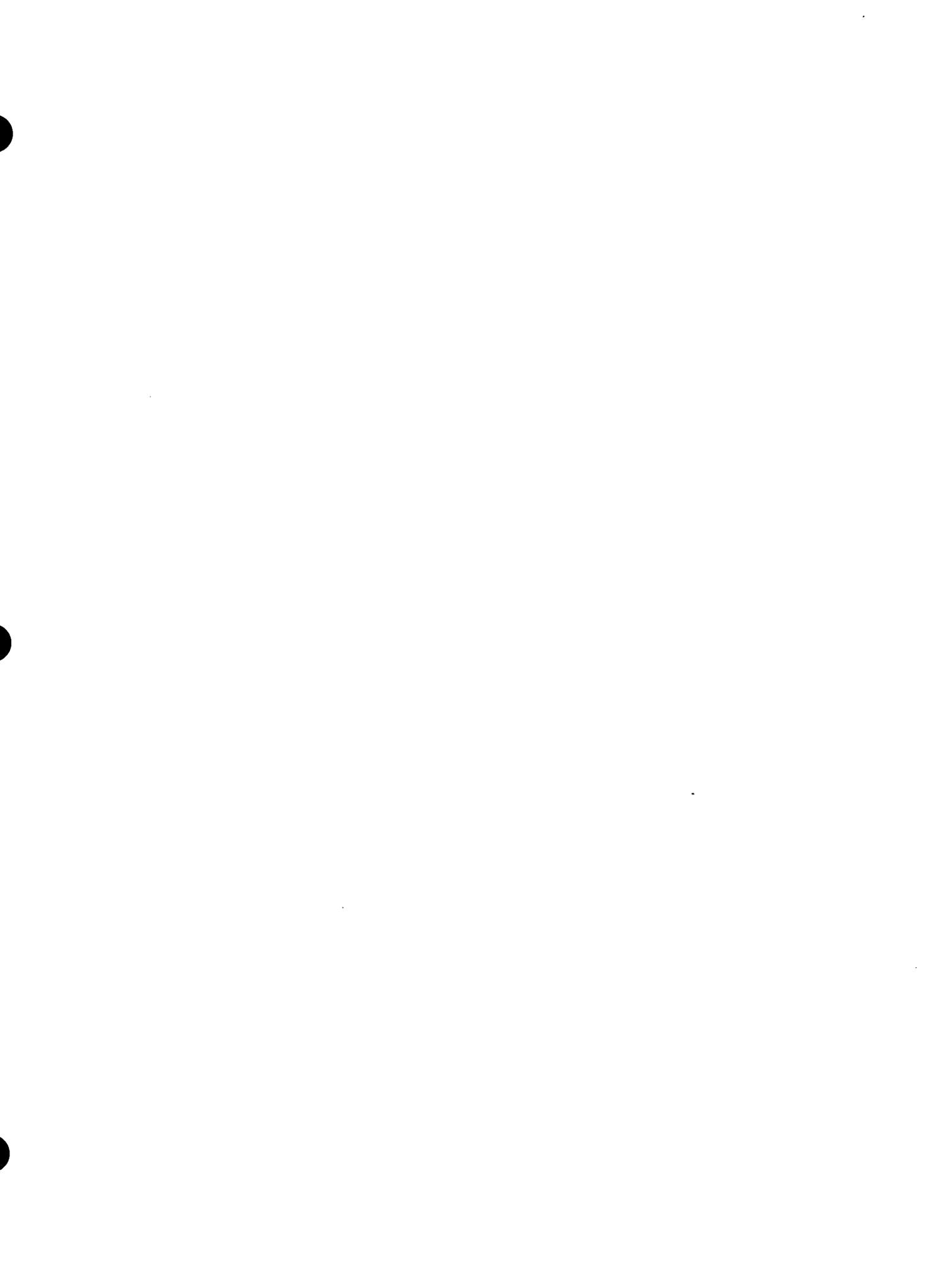












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