

Washington State Register

SEPTEMBER 15, 1993

OLYMPIA, WASHINGTON

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filed not later than September 1, 1993

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.

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

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 1993 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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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PROPOSED**-includes the full text of preproposal comments, original proposals, continuances, supplemental notices, and withdrawals.
- (b) **PERMANENT**-includes the full text of permanently adopted rules.
- (c) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (d) **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.
- (e) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (f) **INDEX**-includes a combined subject matter and agency index.

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE IF RULES

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

5. EDITORIAL CORRECTIONS

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

1993 - 1994
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
93-16	Jul 7	Jul 21	Aug 4	Aug 18	Sep 7
93-17	Jul 21	Aug 4	Aug 18	Sep 1	Sep 21
93-18	Aug 4	Aug 18	Sep 1	Sep 15	Oct 5
93-19	Aug 25	Sep 8	Sep 22	Oct 6	Oct 26
93-20	Sep 8	Sep 22	Oct 6	Oct 20	Nov 9
93-21	Sep 22	Oct 6	Oct 20	Nov 3	Nov 23
93-22	Oct 6	Oct 20	Nov 3	Nov 17	Dec 7
93-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
93-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1994
94-01	Nov 24	Dec 8	Dec 22, 1993	Jan 5, 1994	Jan 25
94-02	Dec 8	Dec 22, 1993	Jan 5, 1994	Jan 19	Feb 8
94-03	Dec 22, 1993	Jan 5, 1994	Jan 19	Feb 2	Feb 22
94-04	Jan 5	Jan 19	Feb 2	Feb 16	Mar 8
94-05	Jan 19	Feb 2	Feb 16	Mar 2	Mar 22
94-06	Feb 2	Feb 16	Mar 2	Mar 16	Apr 5
94-07	Feb 23	Mar 9	Mar 23	Apr 6	Apr 26
94-08	Mar 9	Mar 23	Apr 6	Apr 20	May 10
94-09	Mar 23	Apr 6	Apr 20	May 4	May 24
94-10	Apr 6	Apr 20	May 4	May 18	Jun 7
94-11	Apr 20	May 4	May 18	Jun 1	Jun 21
94-12	May 4	May 18	Jun 1	Jun 15	Jul 5
94-13	May 25	Jun 8	Jun 22	Jul 6	Jul 26
94-14	Jun 8	Jun 22	Jul 6	Jul 20	Aug 9
94-15	Jun 22	Jul 6	Jul 20	Aug 3	Aug 23
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94-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
94-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
94-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1995

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

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

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

Regulatory Fairness Act

The Regulatory Fairness Act, chapter 19.85 RCW, was adopted in 1982 to minimize the impacts of state regulations on small business. RCW 43.31.025 defines small business as “any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.” The act requires review and mitigation of proposed rules that have an economic impact on more than 20 percent of the businesses of all industries or more than 10 percent of the businesses in any one industry (as defined by any three-digit SIC code).

When the above criteria is met, agencies must prepare a small business economic impact statement (SBEIS) that identifies and analyzes compliance costs and determines whether proposed rules impact small businesses disproportionately when compared to large businesses. When a proportionately higher burden is imposed on small businesses, agencies must mitigate those impacts. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, are subject to review to determine if the requirements of the Regulatory Fairness Act apply. Impact statements are filed with the Office of the Code Reviser as part of the required notice of hearing.

AN SBEIS IS REQUIRED

When:

The proposed rule has any economic impact on more than 20 percent of all industries or more than 10 percent of any one industry; or

The proposed rule IMPOSES costs to business that are not minor and negligible.

AN SBEIS IS NOT REQUIRED

When:

The rule is proposed only to comply or conform with a Federal law or regulation;

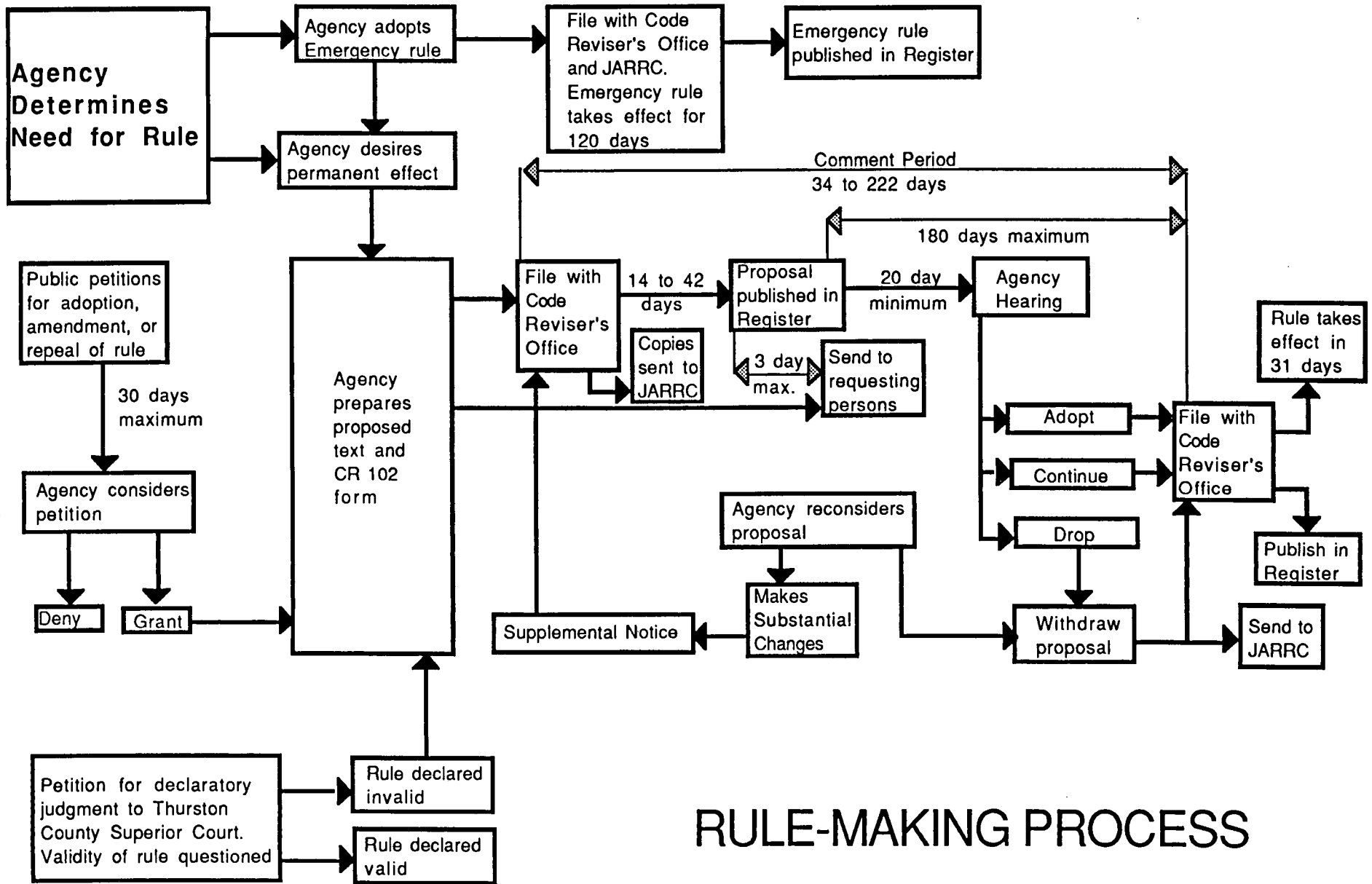
There is no economic impact on business;

The rule REDUCES costs to business;

There is only minor or negligible economic impact;

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

The rule is pure restatement of statute.



RULE-MAKING PROCESS

WSR 93-18-008
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)
[Filed August 20, 1993, 1:07 p.m.]

Original Notice.

Title of Rule: Chapter 440-22 WAC, Certification requirements for chemical dependency treatment service providers.

Purpose: Repeals chapter 275-19 WAC and creates new chapter 440-22 WAC. Establishes the current level of quality care standards for alcohol and drug treatment, addresses patient needs and services and outcomes, reorganizes format and wording to be user-friendly, promotes compatibility with national and state funding sources and trends, addresses newly-recognized needs of priority populations, and promotes compliance with related state laws.

Statutory Authority for Adoption: Chapter 70.96A RCW.

Statute Being Implemented: Chapter 70.96A RCW.

Summary: Provides options for abbreviated regulation (branch applications, off-site treatment, DUI). Removes duplications or overlap with other agencies and removes internal redundancies. The "small business economic impact statement" shows that increased costs are more than off-set by savings achieved, and shows cost mitigation considerations for small businesses.

Reasons Supporting Proposal: RCW 19.85.050 requires agencies to periodically review and update all policies and rules. The Department of Social and Health Services paperwork management manual requires sunset review of materials every two years. Prior reviews have not been as extensive as this one.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Fran Moellman, Division of Alcohol and Substance Abuse, 438-8054.

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: Same as above.

Proposal Changes the Following Existing Rules: See above.

Small Business Economic Impact Statement: Chapter 440-22 WAC is proposed to replace chapter 275-19 WAC, dealing with certification requirements for chemical dependency treatment providers.

RCW 19.85.050 requires agencies to periodically review and update all policies and rules. The Department of Social and Health Services paperwork management manual requires sunset review of materials every two years.

This represents a comprehensive review and revision of current WAC, including coordination with new laws, DSHS initiatives (e.g., nondiscrimination, ADA, first steps, family initiatives), federal mandates and national trends. It establishes the current level of quality care standards for alcohol and drug treatment; addresses patient needs, services, and outcomes; reorganizes format and wording to be user-friendly; promotes compatibility with national and state

funding sources and trends; recognizes needs of priority populations; promotes compliance with related state laws; provides options for abbreviated regulation (branch applications, approval for off-site treatment, deeming, DUI); and removes duplications covered by other agencies and internal redundancies.

Industry involvement in drafting the rules: These rules have been in the process of revision for two and a half years. The process included establishment and operation of a WAC oversight committee composed of industry representatives and representatives of related organizations. It included over 100 industry volunteers working on eight focus groups to develop the initial draft. Two versions of the draft have been distributed to over 2,500 interested persons, each time, for review and comments. Regional meetings and meetings with professional organizations have occurred to discuss the drafts and seek input. Suggestions have been incorporated into this third draft with the approval of the WAC oversight committee.

Industries affected: Chemical dependency (drug and alcohol) treatment providers listed with the Department of Revenue (DOR) under SIC numbers: 8069, Specialty hospitals, except psychiatric; 8093, Specialty outpatient facilities, not elsewhere classified; 8322, Individual and family social services; and 8361, Residential care.

Total number of all types of businesses registered under the four IRS CATEGORIES MOST LIKELY TO INCLUDE CHEMICAL DEPENDENCY TREATMENT PROVIDERS IS: 1,464

Number of all types of businesses in these four categories WITH 50 OR LESS EMPLOYEES IS: 335

NUMBER OF CHEMICAL DEPENDENCY TREATMENT AGENCIES LISTED, WITH 50 OR LESS EMPLOYEES IS: 83

STRATIFIED LIST OF GROSS INCOME REPORTED BY CD TREATMENT PROVIDERS IS

Under \$100,000	21 providers
Between \$100,000 and \$500,000	53
Between \$500,000 and \$1,000,000	7
Over \$1,000,000	<u>2</u>
	83

Since DASA certifies about 393 treatment providers, it seems that most of the providers are not reporting in the categories anticipated by the IRS. The providers involved may be reporting under individual names, or under the umbrella of another entity. We have no other means to obtain provider financial information.

A statewide staffing survey was done in 1991 by the Division of Alcohol and Substance Abuse. The survey indicated the total number of full and part-time employees statewide, by agency. It addresses staff gender and ethnicity. A further analysis of that data was done for purposes of this impact statement.

The total number of providers in the study was 337, about a 90% of the providers. It revealed that over two thirds of the providers had ten or less full time employees (FTEs). Only five providers had more than 50 employees, as shown below:

Number of FTEs	Number of Providers	% of providers responding
0 - 10	230	68
11 - 20	60	18
21 - 30	23	7

31 - 40	9	3
41 - 50	10	3
51 +	5	1

ADDRESSES OF BUSINESSES: All listed in the Division of Alcohol and Substance Abuse's Directory of Certified Chemical Dependency Assessment and Treatment Service Agencies.

THESE PROPOSED RULES AFFECT 100% OF THE INDUSTRY AND THE MAJORITY OF THE CHEMICAL DEPENDENCY TREATMENT PROVIDERS IN WASHINGTON STATE EMPLOY FEWER THAN 50 FTEs. THEREFORE, AN SBEIS IS REQUIRED.

COST CONSIDERATIONS. This page was distributed to DASA staff and provider representatives who met for two days (June 23 and 29, 1993) to reach consensus on the economic impact of each proposed WAC requirement.

Business size; Compare costs of largest and smallest agencies:

- 0- 10 employees
- 11- 20
- 21- 30
- 31- 40
- 41- 50
- 50 +

Profitability, ability to pay. Businesses seek not to show a profit for tax purposes even though all expenses have been well met.

Range of impact, on a scale of 1 penny to 1 dollar. Three, five or twenty pennies may be minor to negligible. When impact becomes significant or major, it is worthy of consideration and no longer negligible.

Duration of impact. One time versus ongoing or escalating costs.

COSTS OVER \$50 ARE NOT MINOR AND REQUIRE AN SBEIS.

Describe costs based on:

- Cost per hour of labor
- Cost per employee
- Cost per 10 or 100 patients served
- Any combination of the above.

Administrative:

- Keeping records
- Reporting
- Staff training/retraining
- Developing new policy/procedures
- Equipment
- Supplies
- Space

Human resources:

- Hiring new staff
- Dedicating existing staff:
 - # hours:
- Contracting for professional services

Document areas of estimated costs and savings.

Mitigation provisions considered for small agencies: Consideration of extended time frames for compliance for development of new policies, to spread the need for dedicated staff time over a longer period; proposed to develop model policies for new policy requirements that are not easily accomplished by providers; assurance of technical assistance and consultation; established interpretive guide-

lines to aid in compliance, and phone numbers of other entities that may assist; deleted repetitious federal methadone requirements; provided for short-cut applications to save time of existing providers seeking certification of a branch; provided for a simplified survey for providers with national accreditation by a recognized certification body; deleted a significant number of previous requirements which off-set new requirements; some areas are "new" to our providers but have been required by law much longer. Compliance with laws cannot be waived; there are essentially no reporting requirements, except for reporting of the rare death of a patient on the premises and decreased reporting for DUI patients; proposed timeframes to advise DASA of ownership and relocation changes which would suffice for timely DASA response; and used a two and a half year long review and revision process to maximize input of all providers, with several mass mailings with instructions on how to participate and comment and on the status of revisions, followed by numerous work group meetings. This has resulted in a final draft with a high degree of consensus.

Presolicitation and research efforts:

Conducted workshops and presentations with the business community professional associations as follows: National Association of Addiction Treatment Programs: 3-22-91; Chemical Dependency Professionals of WA state: 4-6-91; NW Chemical Dependency Educators Consortium: 4-12-91, fall of 1992 and spring of 1993; Misdemeanant Corrections Association: 5-6-91; Department of Corrections Substance Abuse Steering Committee: 6-5-91; and Chemical Dependency Women's Coalition: Spring and fall, 1992, and fall of 1993, in Seattle and Spokane.

Conducted six regional workshops during August and September of 91 to discuss rough draft contents and solicit input now and in drafts to be distributed as described below.

Conducted a survey and sought comments from 2,500 individual affected agencies, professional organizations, and involved individuals with Draft #1 in March of 1992 and Draft #2 in November of 1992. Comments included suggestions for change to reduce costs and still meet program and legal objectives. (All comments on file at DASA.)

Reviewed and compiled all comments and incorporated suggestions to improve standards and reduce costs after Drafts 1, 2, and now #3, with the approval and further suggestions of the WAC Oversight Committee (WOC), over twelve separate one and two day meetings.

Special meeting in March, 1993, of provider representatives to achieve consensus on making contents of Draft #3 more feasible for implementation, prior to WOC approval.

Work group in June, 1993 with representative providers and DASA staff to conduct cost analysis between current and proposed WAC.

Above notices mailed to directory of individual chemical dependency assessment and treatment providers and their professional trade associations throughout this two and a half year process. The same persons will again be notified through the state register and notification from DSHS to attend public hearings on this draft later in 1993.

One section of the proposed WAC, on MICA (Mentally Ill Chemical Abusers) was deleted from the proposal as being too costly and experimental. It is being tested instead through pilot projects.

A number of providers have indicated verbally that they have already been conducting business as proposed, and now have already developed policies and procedures as the drafts suggest - because it is good practice and will gain them immediate compliance.

COST COMPARISON OF PROPOSED AND CURRENT WAC: Costs were expressed in terms of: Slight, minor, moderate, major or significant. Significant differences are noted. In most cases the changes apply to only some or a few of the 393 providers. Areas of policy development apply to all providers. Where a policy is not simple to accomplish, DASA will provide model policies and only require implementation thirty days after the models are distributed. In other areas, there are minor to significant cost savings for providers, which seem to more than [than] offset the increases.

A detailed 124-page analysis is available on request.

Hearing Location: On October 27, 1993, at 1:00 to 3:00 p.m., Broadview Public Library, North 130th Street and 12755 Greenwood Avenue North, Seattle, WA 98133; and on October 28, 1993, at 1:00 to 3:00 p.m., Public Works Building, Conference Room 2-B, West 1026 Broadway, Spokane, WA 99260.

If you need sign language assistance, please contact the Office of Vendor Services by October 13, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by October 13, 1993.

Date of Intended Adoption: November 23, 1993.

August 20, 1993
Dewey Brock, Chief
Office of Vendor Services
Administrative Services Division

Chapter 440-22 WAC

Certification Requirements For Chemical Dependency Treatment Service Providers

NEW SECTION

WAC 440-22-001 Purpose. Rules relating to the certification of chemical dependency treatment services are hereby adopted under the authority and purposes of chapters:

(1) 10.05 RCW, Deferred Prosecution—Courts of Limited Jurisdiction;

(2) 46.61 RCW, Rules of the Road;

(3) 49.60 RCW, Discrimination—Human Rights Commission;

(4) 70.96A RCW, Treatment for Alcoholism, Intoxication and Drug Addiction; and

(5) 74.50 RCW, Alcoholism and Drug Addiction Treatment and Support Act (ADATSA).

NEW SECTION

WAC 440-22-005 Definitions. Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter:

(1) "Administrator" means the person responsible for the day-to-day operation of the certified treatment service;

(2) "Adolescent" means a child twelve through seventeen years of age;

(3) "Adult" means a person eighteen years of age or older. "Young adult" means an adult who is not yet twenty-one years of age;

(4) "AIDS" means acquired immunodeficiency syndrome, the clinical syndrome of a person's HIV-related illness, as defined by the board of health;

(5) "Alcoholic" means a person who suffers from the disease of alcoholism;

(6) "Alcoholism" means a primary, chronic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. It is characterized by impaired control over drinking, preoccupation with the drug alcohol, use of alcohol despite adverse consequences, and distortions in thinking, most notably denial. Each of these symptoms may be continuous or periodic;

(7) "Authenticated" means written, permanent verification of an entry in a patient treatment record by means of an original signature including the first initial, last name, and professional designation or job title, or initials of the name if the file includes an authentication record, and the date of the entry;

(8) "Authentication record" means a document which is part of a patient's treatment record, with legible identification of all persons initialing entries in the treatment record, and includes:

(a) Full printed name;

(b) Signature including the first initial and last name; and

(c) Initials and abbreviations indicating professional designation or job title.

(9) "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. The pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV);

(10) "Branch service site" means a physically separate certified unit where qualified staff provide a certified treatment service and are governed by a parent organization;

(11) "Certified treatment service" means a discrete program of chemical dependency treatment offered by a service provider who has a certificate of approval from the department of social and health services, as evidence the provider meets the standards of chapter 440-22 WAC;

(12) "Chemical dependency" means a person's alcoholism or drug addiction or both;

(13) "Chemical dependency counseling" means face-to-face individual or group contact using therapeutic techniques and:

(a) Led by a chemical dependency counselor (CDC) or a CDC intern under direct CDC supervision;

(b) Directed toward patients and others who are harmfully affected by the use of mood-altering chemicals or are chemically dependent; and

(c) Directed toward a goal of abstinence for chemically dependent persons.

(14) "Chemical dependency counselor (CDC)" means a person registered, certified, or exempted by the state department of health, and qualified as a CDC as described under WAC 440-22-200 through 440-22-270 or WAC 440-22-288

through 440-22-298. Categories of chemical dependency counselors are:

(a) "Assessment officer" means a person employed at a certified district or municipal court treatment program who meets the requirements of a CDC and assessment officer, or is grandparented as meeting those requirements;

(b) "Youth chemical dependency counselor" means a person who meets WAC 440-22-240 through 440-22-250 requirements.

(15) "Chemical dependency counselor (CDC) intern" means a person who meets the standards for CDC interns described under WAC 440-22-200 and 440-22-205, or 440-22-292 and 440-22-294, and is supervised by a CDC in a certified treatment agency, as described under WAC 440-22-260 or 440-22-270;

(16) "Child" means a person less than eighteen years of age, also known as youth, juvenile, or minor:

(a) An infant is a child from birth to one year of age;

(b) An adolescent is a child twelve through seventeen years of age.

(17) "Counselor" means a practitioner or therapist who engages in the practice of counseling to the public for a fee and is subject to registration or certification as a counselor by the department of health, unless exempt under 18.19.040 RCW;

(18) "County coordinator" means the person designated by the chief executive officer of a county to carry out administrative and oversight responsibilities of the county chemical dependency program;

(19) "Criminal background check" means a search by the Washington state patrol for any record of convictions or civil adjudication related to crimes against children or other persons, including developmentally disabled and vulnerable adults, per RCW 43.43.830 through 43.43.842 relating to the Washington state patrol;

(20) "Department" means the Washington state department of social and health services;

(21) "Detoxification" or "detox" means care and treatment of a person while the person recovers from the transitory effects of acute or chronic intoxication or withdrawal from alcohol or other drugs:

(a) "Acute detox" means provision of medical supervision and medications because of physical, neurological, and psychiatric complications;

(b) "Subacute detox" means provision of services without the use of medication or need for medical supervision.

(22) "Disability, person with a" means a person who:

(a) Has a physical or mental impairment that substantially limits one or more major life activities of the person;

(b) Has a record of such an impairment; or

(c) Is regarded as having such an impairment.

(23) "Discrete treatment service" means a chemical dependency treatment service that:

(a) Provides distinct chemical dependency supervision and treatment separate from other services provided within the facility;

(b) Provides a separate treatment area for ensuring confidentiality of chemical dependency treatment services; and

(c) Has separate accounting records and documents identifying the provider's funding sources and applications

of all funds received for the provision of chemical dependency services.

(24) "Domestic violence" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or

(b) Sexual assault of one family or household member by another.

(25) "Drug addiction" means a primary, chronic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. Drug addiction is characterized by impaired control over use of drugs, preoccupation with drugs, use of a drug despite adverse consequences, and distortions in thinking, most notably denial. Each of these symptoms may be continuous or periodic;

(26) "DUI" means driving while under the influence, or in physical control of a vehicle while under the influence of intoxicating liquor or other drugs per chapter 46.61 RCW. It can refer to a person's DUI arrest or conviction or services rendered to a person with a DUI arrest or conviction;

(27) "First Steps" means a program available across the state for low-income pregnant women and their infants. First Steps provides maternal and child health care and support services;

(28) "Governing body" means the legal entity responsible for the operation of the chemical dependency treatment service;

(29) "Guardian" means a person legally placed in charge of the affairs of a minor or of a person incapable of managing one's own affairs;

(30) "HIV/AIDS brief risk intervention (BRI)" means an individual face-to-face interview with a client or patient, to help that person assess personal risk for HIV/AIDS infection and discuss methods to reduce infection transmission;

(31) "HIV/AIDS education" means education, in addition to the brief risk intervention, designed to provide a person with information regarding HIV/AIDS risk factors, HIV antibody testing, HIV infection prevention techniques, the impact of alcohol and other drug use on risks and the disease process, and trends in the spread of the disease;

(32) "Licensed nurse" means either a:

(a) Registered nurse, described under chapter 18.88 RCW; or

(b) Licensed practical nurse, described under chapter 18.78 RCW.

(33) "Medical practitioner" means a physician, certified nurse practitioner, or certified physician's assistant. Nurse practitioners and midwives with prescriptive authority may perform practitioner functions related only to indicated specialty services;

(34) "Misuse" means use of alcohol or other drugs by a person in:

(a) Violation of any law; or

(b) Breach of agency policies relating to the drug-free work place.

(35) "Off-site treatment" means provision of treatment by a certified provider at a location where treatment is not the primary purpose of the site;

(36) "Parent" means:

(a) A biological or adoptive parent who has legal custody of a child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of a child.

(37) "Patient" is a person receiving chemical dependency treatment services from a certified program;

(38) "Patient contact" means counselor time spent with a client or patient to do assessments, individual or group counseling, or education;

(39) "Physician" means a person licensed under chapter 18.71 RCW to practice medicine, or under chapter 18.57 RCW to practice osteopathic medicine in the state of Washington;

(40) "Probation assessment service" means a certified assessment service offered by a misdemeanor probation department or unit within a county or municipality;

(41) "Progress notes" are a permanent record of ongoing assessments of a patient's participation in and response to treatment, and progress in recovery;

(42) "Service provider" or "provider" means a legally operated entity certified by the department to provide chemical dependency treatment services. The components of a service provider are:

(a) Legal entity/owner;

(b) Facility; and

(c) Staff and services.

(43) "Sexual abuse" means sexual assault, incest, or sexual exploitation;

(44) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct when:

(a) Submission to such conduct is made explicitly or implicitly a term or condition of employment or treatment;

(b) Such conduct interferes with work performance or creates an intimidating, hostile, or offensive work or treatment environment.

(45) "Substance abuse" means a recurring pattern of alcohol or other drug use which substantially impairs a person's functioning in one or more important life areas, such as familial, vocational, psychological, physical, or social;

(46) "Summary suspension" means an immediate suspension of certification by the department pending administrative proceedings for suspension, revocation, or other actions deemed necessary by the department;

(47) "Supervision" means:

(a) Regular monitoring of the administrative, clinical, or clerical work performance of a staff member, intern, student, volunteer, or employee on contract by a person with the authority to give directions and require change; and

(b) "Direct supervision" means the supervisor is on the premises and available for immediate consultation.

(48) "Suspend" means termination of the department's certification of a provider's treatment services for a specified period or until specific conditions have been met and the department notifies the provider of reinstatement;

(49) "Treatment services" means the broad range of emergency, detoxification, residential, and outpatient services and care. Treatment services include diagnostic evaluation, chemical dependency education, individual and group counseling, medical, psychiatric, psychological, and social

services, vocational rehabilitation and career counseling which may be extended to alcoholics and other drug addicts and their families; persons incapacitated by alcohol or other drugs, and intoxicated persons;

(50) "Urinalysis" means the analysis of a patient's urine sample for the presence of alcohol or controlled substances by a licensed laboratory or a provider who is exempted from licensure by the department of health;

(a) "Negative urine" is a urine sample in which the lab does not detect specific levels of alcohol or other specified drugs; and

(b) "Positive urine" is a urine sample in which the lab confirms specific levels of alcohol or other specified drugs.

(51) "Vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for oneself.

NEW SECTION

WAC 440-22-010 Certified treatment services. (1) The department may certify a provider to offer the following types of chemical dependency treatment services:

(a) Detoxification services, which assist patients in withdrawing from drugs including alcohol. Types of detox are:

(i) Acute detox, which provides medical care and physician supervision for withdrawal from alcohol or other drugs; and

(ii) Sub-acute detox, which is nonmedical detoxification provided in a home-like environment.

(b) Residential treatment services, which provide chemical dependency treatment for patients and include room and board in a twenty-four-hour-a-day supervised facility. Types of residential services are:

(i) Intensive inpatient, a concentrated program of individual and group counseling, education, and activities for detoxified alcoholics and addicts, and their families;

(ii) Recovery house, a program of care and treatment with social, vocational, and recreational activities to aid in patient adjustment to abstinence and to aid in job training, employment, or other types of community activities; and

(iii) Long-term treatment, a program of treatment with personal care services for chronically impaired alcoholics and addicts with impaired self-maintenance capabilities. These patients need personal guidance to maintain abstinence and good health.

(c) Outpatient treatment services, which provide chemical dependency treatment to patients less than twenty-four hours a day. Types of outpatient services are:

(i) Intensive outpatient, a concentrated program of individual and group counseling, education, and activities for detoxified alcoholics and addicts and their families; and

(ii) Outpatient, individual and group treatment services of varying duration and intensity according to a prescribed plan.

(d) Assessment services, which include:

(i) ADATSA assessments, alcohol and other drug assessments of clients seeking financial assistance from the department due to the incapacity of chemical dependency. Services include assessment, referral, case monitoring, and assistance with employment; and

(ii) DUI assessments, diagnostic services requested by the courts to determine a client's involvement with alcohol and other drugs and to recommend a course of action.

(e) Information and assistance services, which include:

(i) Alcohol and drug information school, an education program about the use and abuse of alcohol and other drugs, for persons referred by the courts and others, who do not present a significant chemical dependency problem, to help those persons make informed decisions about the use of alcohol and other drugs;

(ii) Information and crisis services, response to persons having chemical dependency related needs, by phone or in person; and

(iii) Emergency service patrol, assistance provided to intoxicated persons in the streets and other public places.

(2) The department may certify a provider for more than one of the treatment services listed under subsection (1) of this section when the provider complies with the specific requirements of the selected treatment services; and

(3) A provider may choose to provide methadone outpatient services by meeting both outpatient and methadone service requirements.

NEW SECTION

WAC 440-22-015 Application for certification. (1)

A potential chemical dependency treatment service provider, otherwise referred to as applicant, seeking certification for one or more treatment services, as described under section 440-22-010 of this WAC chapter, shall:

(a) Request from the department an application packet of information on how to become a certified chemical dependency treatment service provider; and

(b) Obtain a license from the department of health if planning to offer residential services.

(2) The applicant shall submit a completed application including:

(a) The applicant's name and address if the applicant is a sole proprietor; of every member if the applicant is a partnership; and the names and addresses of its officers, board of directors, and trustees if the applicant is a corporation or unit of government;

(b) A copy of the application for certificate of authorization to do business in Washington, if the applicant is an out-of-state corporation;

(c) The name of the individual administrator under whose management or supervision the services will be provided;

(d) A copy of the report of findings from a criminal background check of any owner of five percent or more of the assets and the administrator. The background check shall be conducted by the Washington state patrol or the law enforcement agency of the previous state of residence if the person was not a resident of Washington for one year before the date of application;

(e) Additional disclosure statements or background inquiries if the department has reason to believe that offenses, specified under RCW 43.43.830, have occurred since completion of the original application;

(f) The location of the facility where services will be provided including, in the case of a location known only by postal route and box numbers, the street address;

(g) A declaration indicating all permits, licenses, and inspections required by governmental entities, and department of health license if a residential facility, have been obtained and are current.

(h) A plan of the premises assuring the chemical dependency treatment service is discrete from other programs, indicating capacities of buildings for intended uses;

(i) Floor plan showing use of each room and location of:

(i) Windows and doors;

(ii) Restrooms;

(iii) Floor to ceiling walls;

(iv) Areas serving as confidential counseling rooms;

(v) Other therapy and recreation areas and rooms;

(vi) Confidential patient records storage; and

(vii) Sleeping rooms, if a residential facility.

(j) Completed self-evaluation showing compliance with the Americans with Disabilities Act;

(k) Policy and procedure manuals specific to the agency and proposed site:

(i) Administrative manual;

(ii) Personnel manual; and

(iii) Clinical manual.

(l) Sample patient records for each modality; and
(m) Evidence of sufficient qualified staff to deliver services.

(3) The agency owner or legal representative, and the administrator when the administrator is not the owner, shall:

(a) Sign the completed application form and submit the original and two copies to the department;

(b) Send a copy of the completed application form to the county coordinator in the county where services will be provided;

(c) Submit the application fee with the application materials; and

(d) Report any changes occurring during the certification process.

NEW SECTION

WAC 440-22-020 Application for certification of a branch agency. (1) A chemical dependency treatment provider, with a currently certified agency, who wishes to apply for a branch service site shall request an application packet from the department.

(2) The applicant shall submit the completed abbreviated application, including:

(a) Notification of any changes in ownership;

(b) The name of the individual administrator providing management or supervision of the services;

(c) A copy of the report of findings from a criminal background check of any new owner of five percent or more of the assets and a new administrator who was not a prior employee. The background check shall be conducted by the Washington state patrol or the law enforcement agency of the previous state of residence if the person was not a resident of Washington for one year before the date of application;

(d) Any new or amended administrative, personnel, or clinical policies and procedures specific to the modality and proposed site, including at a minimum:

- (i) An organization chart, showing job types and lines of authority; and
 - (ii) Staff qualifications.
- (e) Evidence of meeting the requirements of:
- (i) WAC 440-22-015 (1)(b);
 - (ii) WAC 440-22-015 (2)(f) through (j) and (l) and (m); and
 - (iii) WAC 440-22-015(3).

NEW SECTION

WAC 440-22-025 Request for approval of off-site treatment. (1) If a certified provider wishes to offer treatment services, for which the provider is approved, at a site where clients are located primarily for purposes other than chemical dependency treatment, the provider shall:

(a) Request approval for off-site treatment services from the department;

(b) Sixty days before serving patients off-site.

(2) The provider's request for approval of off-site treatment shall include policies and procedures for:

(a) The services to be offered; and

(b) Promotion of patient and staff safety, ensuring:

(i) The provider complies with WAC 440-22-165; and

(ii) Relevant administrative, personnel, and clinical practices.

(3) Except for in-home services, the provider's request for approval of off-site treatment shall specify:

(a) The site address;

(b) The floor plan for the treatment service area; and

(c) Hours of operation and duration of the program.

NEW SECTION

WAC 440-22-030 Application for methadone service. In addition to WAC 440-22-015 requirements, a potential methadone service provider shall submit to the department:

(1) Evidence of licensure from the county served, or evidence the county has authorized a specific certified agency to provide methadone treatment, per RCW 70.96A.400 through 70.96A.420;

(2) A copy of registration with the Washington state board of pharmacy;

(3) A copy of the application to the Federal Drug Enforcement Administration;

(4) A copy of the application to the Federal Food and Drug Administration; and

(5) Policies and procedures identified under WAC 440-22-500 through 440-22-530.

NEW SECTION

WAC 440-22-035 Application for free-standing ADATSA assessment service. A potential free-standing ADATSA assessment service provider shall:

(1) Provide application information in accord with WAC 440-22-015; and

(2) Demonstrate the capacity to meet WAC 440-22-550 requirements.

NEW SECTION

WAC 440-22-040 Application for DUI assessment service. A potential DUI assessment service provider shall:

(1) Provide application information in accord with WAC 440-22-015; and

(2) Have the capacity to meet WAC 440-22-560 and 440-22-565 requirements.

NEW SECTION

WAC 440-22-045 Application for information school service. A certified provider may offer information school services by:

(1) Submitting a letter of request to offer this service; and

(2) Demonstrating the capacity to meet information school WAC 440-22-600 requirements.

NEW SECTION

WAC 440-22-050 Application for information and crisis service. A potential provider of information and crisis services shall:

(1) Provide application information in accord with WAC 440-22-015; and

(2) Have the capacity to meet WAC 440-22-610 requirements.

NEW SECTION

WAC 440-22-055 Application for emergency service patrol. A certified provider may offer emergency service patrol services by:

(1) Submitting a letter of request to offer this service; and

(2) Demonstrating the capacity to meet emergency service patrol requirements under WAC 440-22-620.

NEW SECTION

WAC 440-22-060 Examination of nonresidential facilities. The department shall conduct an on-site examination of each new applicant's facility or branch facility. The department shall determine if the applicant's facility is:

(1) Substantially as described;

(2) Suitable for the purposes intended; and

(3) Approved as meeting all building and safety requirements.

NEW SECTION

WAC 440-22-065 Disqualification, denial. The department shall consider the ability of each person named in the application to operate in accord with this chapter before the department grants or renews certification of a chemical dependency treatment service.

(1) The department shall deny an applicant's certification when any of the following conditions occurred and was not satisfactorily resolved, or when any owner or administrator:

(a) Had a license or certification for a chemical dependency treatment service or health care agency denied, revoked, or suspended;

(b) Was convicted of child abuse or adjudicated as a perpetrator of substantiated child abuse;

(c) Obtained or attempted to obtain a health provider license, certification, or registration by fraudulent means or misrepresentation;

(d) Committed, permitted, aided, or abetted the commission of an illegal act or unprofessional conduct as defined under chapter 18.130.180 RCW;

(e) Demonstrated cruelty, abuse, negligence, misconduct, or indifference to the welfare of a patient or displayed acts of discrimination;

(f) Misappropriated patient property or resources;

(g) Failed to meet financial obligations or contracted service commitments that impact on patient care;

(h) Has a history of noncompliance with state or federal regulations in an agency with which the applicant has been affiliated;

(i) Knowingly, or with reason to know, made a false statement of fact or failed to submit necessary information in:

(i) The application or materials attached; and

(ii) Any matter under department investigation.

(j) Refused to allow the department access to records, files, books, or portions of the premises relating to operation of the chemical dependency treatment service;

(k) Willfully interfered with the preservation of material information or attempted to impede the work of an authorized department representative;

(l) Is in violation of any provision of chapter 70.96A RCW; or

(m) Does not meet criminal background check requirements.

(2) The department may deny certification when an applicant:

(a) Fails to provide satisfactory application materials; or

(b) Advertises itself as certified when certification has not been granted, or has been revoked or canceled.

(3) The applicant may appeal department decisions in accord with chapter 34.05 RCW, the Washington Administrative Procedures Act.

NEW SECTION

WAC 440-22-070 Provisional certification. (1) The department may grant an applicant provisional certification after a review of application materials and an on-site visit confirms the applicant has the capacity to operate in compliance with this chapter.

(2) A provisional provider's failure to meet and maintain conditions of the provisional certification may result in summary suspension of the provisional certification.

NEW SECTION

WAC 440-22-075 Exemptions. (1) The department may grant a provider an exemption from compliance with specific requirements in this chapter when such an exemption may be made in an individual case without:

(a) Jeopardizing the safety, health, or treatment of patients; and

(b) Impeding fair competition of another service provider.

(2) The department shall approve or deny all exemption requests in writing.

(3) The department and the service provider shall maintain a copy of the decision.

NEW SECTION

WAC 440-22-080 Certification fee and expiration date. (1) Certification as an approved chemical dependency treatment service provider is effective for one year from the date of issuance unless:

(a) The department has taken action for noncompliance under WAC 440-22-065, 440-22-115, or 440-22-120; or

(b) The provider does not pay required fees.

(2) The department shall specify on the certificate:

(a) Treatment services certified;

(b) The location where the services will be provided; and

(c) The issuance, effective, and expiration dates.

(3) The provider shall submit certification fees, as set by the department, at the time of:

(a) Receiving the invoice for standard approval; or

(b) Thirty days before the annual expiration date.

(4) The provider shall post the current certificate or provisional approval letter in a conspicuous place.

NEW SECTION

WAC 440-22-085 Change of ownership. (1) When a certified chemical dependency service provider plans a change of ownership, the current service provider shall notify the department, in writing, sixty or more days before the proposed date of ownership change.

(2) The current provider shall submit the following information to the department:

(a) Name and address of each present owner;

(b) Name and address of each prospective owner;

(c) Current and proposed name of the affected facility;

(d) Date of the proposed transaction;

(e) Kind of transaction;

(f) If a corporation or partnership, the names and addresses of the responsible officers or partners;

(g) A statement ensuring continuation of compliance with rules of this chapter and implementation of plans of correction for deficiencies relating to this chapter, when applicable; and

(h) A statement regarding the disposition and management of patient records, as described under 42 CFR, Part 2 and WAC 440-22-330.

(3) The department shall determine which, if any, WAC 440-22-015 requirements apply to the potential service provider, depending on the extent of ownership and operational changes.

(4) The department may grant certification to the new owner when the new owner successfully completes the application process.

NEW SECTION

WAC 440-22-090 Relocation and remodeling. When a certified chemical dependency service provider plans to relocate or change the physical structure of a facility in a manner that affects patient care, the provider shall:

(1) Notify the department, in writing, sixty or more days before the proposed date of relocation or change;

(2) Submit application information as identified under WAC 440-22-015 (2)(f) through (k); and

(3) Provide for department examination of nonresidential premises before approval, as described under WAC 440-22-060.

NEW SECTION

WAC 440-22-100 Certification maintenance. A service provider's continued certification and renewal is contingent upon:

(1) Payment of certification fees within thirty days of the date of the bill;

(2) Findings during periodic on-site surveys and complaint investigations to determine the provider's compliance with this chapter. During on-site surveys and complaint investigations, provider representatives shall allow or assist department representatives to:

(a) Examine any part of the facility at reasonable times and as needed;

(b) Review and evaluate records, including patient clinical records, personnel files, policies, procedures, fiscal records, data, and other documents as the department requires to determine compliance;

(c) Conduct individual interviews with patients and staff; and

(d) Observe treatment sessions, as appropriate.

(3) The provider shall post the notice of a scheduled department on-site survey in a conspicuous place accessible to patients and staff; and

(4) The provider shall correct compliance deficiencies found at such surveys immediately or as agreed by a plan of correction submitted to and approved by the department.

NEW SECTION

WAC 440-22-105 Deeming of national certification.

(1) The department may deem certification by a national chemical dependency certification body, recognized by the department as meeting state requirements, if the treatment provider was initially certified by the department and when:

(a) A major portion of the national certification body requirements meet or exceed chapter 440-22 WAC requirements;

(b) The national certification time intervals meet or exceed state expectations;

(c) The provider notifies the department of scheduled on-site surveys;

(d) The provider promptly sends a copy of survey findings, corrective action plans, and follow-up responses to the department; and

(e) WAC 440-22-001 through 440-22-125 continue to apply at all times.

(2) The department may apply an abbreviated department survey which includes requirements specific to Washington state at its regular certification intervals.

(3) The department shall act upon:

(a) Complaints received; and

(b) Deficiencies cited by the national certification body for which there is no evidence of correction.

NEW SECTION

WAC 440-22-110 Penalties. When the department determines a service provider fails to comply with provider entry requirements or ongoing requirements of this chapter, the department may:

(1) Assess fees to cover costs of added certification activities;

(2) Order stop-placement of new patients who are recipients of state or federal funds; and

(3) Notify the local alcohol and drug coordinator and local media of stop-placements, involuntary cancellations, suspensions, revocations, or nonrenewal of certification.

NEW SECTION

WAC 440-22-115 Certification cancellation. The department may cancel a provider's certification if the provider:

(1) Ceases to provide services for which the provider is certified;

(2) Voluntarily cancels certification;

(3) Fails to submit required certification fees;

(4) Changes ownership without prior notification and approval; or

(5) Relocates without prior notification and approval.

NEW SECTION

WAC 440-22-120 Suspension, revocation. The department may suspend or revoke a provider's certification when:

(1) A disqualifying situation described under WAC 440-22-065 applies to a current service provider; or

(2) Any of the following provider deficiencies or circumstances occur:

(a) Violation of a rule threatens or results in harm to a patient;

(b) A reasonably prudent provider should have been aware of a condition resulting in significant violation of a law or rule;

(c) A provider failed to investigate or take corrective or preventive action to deal with a suspected or identified patient care problem;

(d) Noncompliance occurs repeatedly in the same or similar areas;

(e) There is an inability to attain compliance with laws or rules within a reasonable period of time;

(f) Personnel are insufficient in number or unqualified to provide appropriate care to patients;

(g) The provider fails to submit an acceptable and timely plan of correction for cited deficiencies;

(h) The provider fails to correct cited deficiencies; or

(i) A residential provider loses department of health licensure.

NEW SECTION

WAC 440-22-125 Hearings, appeals. (1) In the event of involuntary certification cancellation, suspension, or revocation of the certification, or a penalty for noncompliance, the department shall:

(a) Notify the service provider and the county coordinator of any action to be taken; and

(b) Inform the provider of hearing and appeal rights under the Administrative Procedures Act, chapter 34.05 RCW.

(2) The department may order a summary suspension of the provider's certification pending completion of the appeal process when the preservation of public health, safety, or welfare requires emergency action.

NEW SECTION

WAC 440-22-150 Governing body. The provider's governing body, legally responsible for the conduct and quality of services provided, shall:

- (1) Maintain required state, county, and city licenses, permits, and approvals current;
- (2) Appoint an administrator responsible for the day-to-day operation of the program;
- (3) Maintain a current job description for the administrator including the administrator's authority and duties;
- (4) Establish the philosophy and overall objectives for the treatment services;
- (5) Provide personnel, facilities, equipment, and supplies necessary for the care of patients;
- (6) If a nonresidential provider, ensure:
 - (a) Safety of patients and staff; and
 - (b) Maintenance and operation of the facility.
- (7) Review and approve written administrative, personnel, and clinical policies and procedures required under WAC 440-22-160, 440-22-175, and 440-22-320; and
- (8) Ensure the administration and operation of the agency is in compliance with:
 - (a) Chapter 440-22 WAC requirements; and
 - (b) Applicable federal, state, and local laws and rules.

NEW SECTION

WAC 440-22-155 Administrator responsibilities. (1) The administrator shall be responsible for the day-to-day operation of the certified treatment service, including:

- (a) All administrative matters;
 - (b) Patient care services; and
 - (c) Meeting all applicable rules and ethical standards.
- (2) When the administrator is not on duty or on call, a staff person shall be delegated the authority and responsibility to act in the administrator's behalf.
- (3) The administrator shall ensure administrative, personnel, and clinical policy and procedure manuals are:
- (a) Developed and adhered to; and
 - (b) Reviewed and revised as necessary, and at least annually.

NEW SECTION

WAC 440-22-160 Administrative manual. Each service provider shall have and adhere to an administrative manual which is reviewed and revised at least annually and contains at a minimum:

- (1) A cover sheet with a log of all policies and procedures, including:
 - (a) Dates of reviews and revisions;
 - (b) Purposes of reviews and revisions; and
 - (c) Signatures of the persons completing the reviews or revisions.

- (2) The organization's:
 - (a) Articles of incorporation showing the state seal if the owner is a corporation;
 - (b) Partnership agreement if the owner is a partnership;
 or
 - (c) Statement of sole proprietorship.
- (3) The agency's bylaws if the owner is a corporation;
- (4) Copies of a current master license and state business licenses or a current declaration statement that they are updated as required;
- (5) The provider's philosophy on and objectives of chemical dependency treatment with a goal of total abstinence, consistent with RCW 70.96A.011;
- (6) Policies and procedures describing how services will be made sensitive to the needs of each patient, including assurance that:
 - (a) Certified interpreters or other acceptable alternatives are available for persons with limited English speaking proficiency and persons having a sensory impairment; and
 - (b) Assistance will be provided to persons with disabilities in the event of an emergency.
- (7) A policy addressing special needs and protection for youth and young adults, and for determining whether a youth or young adult can fully participate in treatment, before admission of:
 - (a) A youth to a treatment service caring for adults; or
 - (b) A young adult to a treatment service caring for youth.
- (8) An organization chart specifying:
 - (a) The governing body;
 - (b) Each staff position by job title, including volunteers, students, and persons on contract; and
 - (c) The number of full- or part-time persons for each position.
- (9) A delegation of authority policy;
- (10) A copy of current fee schedules;
- (11) Policies and procedures implementing state and federal regulations on patient confidentiality including provision of a summary of 42 CFR Part 2.22 (a)(1) and (2) to each patient;
- (12) Policies and procedures for reporting suspected child abuse and neglect;
- (13) Policies and procedures for reporting the death of a patient to the department when:
 - (a) The patient is in residence; or
 - (b) An outpatient dies on the premises.
- (14) Patient grievance policy and procedures;
- (15) Policies and procedures on reporting of incidents and actions taken;
- (16) Smoking policies consistent with the Washington Clean Indoor Air Act, chapter 70.160 RCW;
- (17) Policies and procedures for meeting WAC 440-22-150, 440-22-155, and 440-22-165 requirements.
- (18) For a residential provider, a facility security policy and procedures, including:
 - (a) Preventing entry of unauthorized visitors; and
 - (b) Use of passes for leaves of patients.
- (19) For a nonresidential provider, an evacuation plan for use in the event of a disaster, addressing:
 - (a) Communication methods for patients, staff, and visitors including persons with a visual or hearing impairment;

- (b) Evacuation of mobility-impaired persons;
- (c) Evacuation of children if child care is offered;
- (d) Different types of disasters;
- (e) Placement of posters showing routes of exit; and
- (f) The need to mention evacuation routes at public meetings.

NEW SECTION

WAC 440-22-165 Facilities. (1) The administrator shall ensure the treatment service site:

- (a) Is accessible to a person with a disability;
- (b) Has a reception area separate from living and therapy areas;
- (c) Has adequate private space for personal consultation with a patient, staff charting, and therapeutic and social activities, as appropriate;
- (d) Has secure storage of active and closed confidential patient records; and
- (e) Has one private room available if youth are admitted to a detox or residential facility.

(2) The administrator of a nonresidential facility shall ensure:

- (a) Evidence of an annual fire inspection approval;
- (b) Facilities and furnishings are kept clean, in good repair;
- (c) Adequate lighting, heating, and ventilation; and
- (d) Separate and secure storage of toxic substances, which are used only by staff or supervised persons.

NEW SECTION

WAC 440-22-175 Personnel manual. The administrator shall have and adhere to a personnel manual which contains, at a minimum:

(1) A description of how the provider will meet WAC 440-22-200 through 440-22-298 requirements, as applicable;

(2) Assurance that personnel shall be employed in sufficient numbers and qualifications to:

(a) Provide for the chemical dependency treatment and special needs of patients served and:

(i) A full-time chemical dependency counselor (CDC) or CDC intern shall not exceed one hundred twenty (120) hours of patient contact per month; and

(ii) For each full-time intern assigned for supervision, the CDC's patient contact shall be decreased by twenty-five hours.

(b) Maintain patient security in residential facilities.

(3) Methods to meet RCW 43.43.830 through 43.43.842 requirements relating to criminal background checks;

(4) Drug free work place policy and procedures which include:

(a) Philosophy of nontolerance of illegal drug-related activity;

(b) Agency standards of prohibited conduct; and

(c) Actions taken in the event of a staff member's misuse of alcohol or other drugs.

(5) If a nonresidential provider, communicable disease policies and procedures for prevention and control of:

(a) Bloodborne pathogens, including:

(i) HIV/AIDS;

(ii) Hepatitis B; and

(iii) Other bloodborne diseases as appropriate.

(b) Tuberculosis; and

(c) Other communicable diseases, as appropriate.

(6) Current job descriptions for all staff providing or supervising direct patient care, including contract staff, volunteers, and students, which include:

(a) Minimum qualifications;

(b) Job title;

(c) Summary of duties and responsibilities;

(d) Positions supervised;

(e) The title of the immediate supervisor; and

(f) Dated signature of the employee and supervisor.

(7) Methods to ensure all staff have evidence of TB test results or evidence of completion of approved treatment when results are positive;

(8) Designation of a person responsible for management of personnel files, and procedures for file completion and retention;

(9) Methods of informing all new employees of employment conditions, including:

(a) Conduct and staff ethical standards, including reporting of unprofessional conduct to appropriate authorities;

(b) Hours of work; and

(c) Grievance procedures.

(10) Assurance that an employee who is or was a patient of any treatment service shall have personnel records:

(a) Separate from clinical records; and

(b) With no indication of current or previous patient status.

(11) Formal agreements when specialized patient care services are obtained on a regular basis from another organization or person. The nature and extent of involvement by the organization or person shall be documented;

(12) At least annual performance evaluations of patient care staff:

(a) Conducted by the immediate supervisor of each staff member; and

(b) With the completed evaluation form signed and dated by the employee and the supervisor.

(13) Orientation of all staff to the administrative and personnel manuals before assigning the staff work without direct supervision. The provider shall ensure the following occurs upon hire:

(a) All staff shall sign and date a commitment to maintain confidentiality, per 42 CFR, Part 2; and

(b) All staff shall be trained on the evacuation plan.

(14) The clinical supervisor orienting all clinical staff to the clinical manual before assigning clinical duties; and

(15) Assurance that training on bloodborne pathogens and TB prevention and control is provided to all staff:

(a) At the time of staff's initial assignment to tasks where occupational exposure may take place;

(b) Annually thereafter; and

(c) Documented for all employees, volunteers, students, and treatment consultants on contract.

NEW SECTION

WAC 440-22-180 Personnel files. (1) The administrator shall ensure there is a current personnel file for each employee, intern, student, volunteer, and contract staff person providing or supervising patient care which includes:

(a) Verification of qualifications for the assigned position;

(b) A copy of the current job description or agreement;

(c) A record of orientation;

(d) Documentation of training on bloodborne pathogens, including HIV/AIDS and hepatitis B;

(e) Documentation of current cardiopulmonary resuscitation (CPR) and first aid training for at least one person on each shift in a residential facility;

(f) Written performance evaluations for each year of employment;

(g) A copy of the results of a tuberculin skin test or evidence the person has completed a course of treatment approved by a physician or local health officer if the results are positive;

(h) Documentation of health department training and approval for any staff administering or reading a TB test; and

(i) A signed and dated commitment to maintain confidentiality.

(2) Each qualified counselor, assessment officer, intern, and information school instructor shall provide sufficient evidence in the personnel file to determine whether each person has the training and education necessary to meet and maintain qualified status required under WAC 440-22-200 through 440-22-275, or 440-22-288 through 440-22-298. The personnel file shall include:

(a) The date the person became a qualified counselor, assessment officer, or information school instructor;

(b) A copy of a current license, certificate, or registration with the department of health for all counselors and counselor interns, and all persons requiring such documentation to practice; and

(c) If an employee is a counselor intern or assessment officer intern, the file shall also contain:

(i) The date training began;

(ii) The education and training plan;

(iii) A copy of the counselor intern's quarterly review;

(iv) Documentation of four hours tutoring per month;

and

(v) The name of the supervising counselor.

NEW SECTION

WAC 440-22-200 Chemical dependency counselor (CDC) intern eligibility. To become a CDC intern, and before performing functions of a CDC intern, a person shall:

(1) Not have a history of alcohol or other drug misuse:

(a) For a period of two years immediately before the person is assigned as a CDC intern; and

(b) Throughout the time of the internship.

(2) Have obtained nine quarter or six semester credits from an accredited college or university with distinct courses in the following topic areas, before employment as a CDC intern:

(a) Survey of chemical dependency;

(b) Physiological actions of alcohol and other drugs; and

(c) Chemical dependency counseling techniques.

(3) Be registered or certified as a counselor with the department of health, or have a written statement of exemption from the department of health.

NEW SECTION

WAC 440-22-205 Internship completion. To complete chemical dependency counselor (CDC) internship, a person shall:

(1) Obtain an additional twenty-four quarter or sixteen semester credits from an accredited college or university with distinct courses in the following topic areas:

(a) Group process in chemical dependency treatment;

(b) Chemical dependency in the family;

(c) Case management and record keeping for chemically dependent patients;

(d) Ethics in chemical dependency treatment;

(e) Chemical dependency and the laws;

(f) Human growth and development; and

(g) Introductory or general psychology.

(2) Obtain an additional one hundred eighty hours of state-approved training or equivalent credit from an accredited college or university in the following topic areas:

(a) Relapse prevention;

(b) Youth chemical dependency assessment and counseling;

(c) Cultural awareness;

(d) Other courses that will enhance skills as a chemical dependency counselor.

(3) Have completed two thousand clock hours of directly supervised experience as a CDC intern in a department-certified chemical dependency treatment agency. The internship shall include a minimum of one hundred sixty hours in each of the following clinical areas:

(a) Conducting assessments;

(b) Individual counseling; and

(c) Group counseling.

(4) Students under supervision of a college may apply both the academic credits and supervised field experience toward the requirements of this section.

NEW SECTION

WAC 440-22-210 Chemical dependency counselor (CDC) qualification. To be a CDC, a person shall:

(1) Not have a history of alcohol or other drug misuse for a period of three years before employment as a CDC;

(2) Be registered or certified as a counselor with the department of health under chapter 18.19 RCW, or have a written statement of exemption from the department of health;

(3) Have completed HIV/AIDS brief risk intervention training for CDCs, as approved by the department; and

(4) Have completed all requirements for a CDC intern.

(5) A probation assessment officer with only assessment experience who seeks other chemical dependency treatment employment shall first qualify by obtaining the experience required under WAC 440-22-205.

NEW SECTION

WAC 440-22-215 Maintaining chemical dependency counselor (CDC) qualification. To remain qualified, a CDC shall:

(1) Not display evidence of misuse of alcohol or other drugs while a CDC; and

(2) Have completed sixty clock hours of continuing education:

(a) During each two-calendar year period beginning in January of the year following the initial qualification; and

(b) In subject areas that increase knowledge and skills in counseling and aiding chemically dependent persons and their families in recovery, and increase knowledge of special populations and their issues.

NEW SECTION

WAC 440-22-220 Probation assessment officer interns. A probation assessment officer intern shall:

(1) Meet the requirements for a qualified chemical dependency counselor, as described under WAC 440-22-200, 440-22-205, and 440-22-260;

(2) Be considered as meeting WAC 440-22-205(1) requirements if the probation officer intern has a bachelor's degree in a social or health sciences field;

(3) Be directly supervised and tutored by a qualified assessment officer who shall:

(a) Develop and maintain an individualized training and education plan to bring the intern to qualified assessment officer status, including:

(i) Orientation to the various laws and regulations that apply to the delivery of chemical dependency assessment and treatment services;

(ii) Instruction in assessment methods;

(iii) Instruction on standards of professional conduct and ethics; and

(iv) Observation of the intern conducting assessments.

(b) Document an evaluation of the progress of each intern:

(i) Quarterly;

(ii) On an assessment officer quarterly review form.

NEW SECTION

WAC 440-22-225 Probation assessment officer continuing education. To maintain qualification, a probation assessment officer shall:

(1) Meet WAC 440-22-215 requirements; and

(2) Ensure the training is in subject areas intended to increase knowledge and skills in assessing, diagnosing, and referring a chemically dependent person and the person's family.

NEW SECTION

WAC 440-22-230 Chemical dependency counselor (CDC) and assessment officer grandparenting. The department shall:

(1) Deem a person qualified as a CDC or assessment officer before January 1, 1997, under WAC 440-22-288 through 440-22-298 requirements, as having fulfilled all requirements;

(2) Require a CDC and assessment officer to have a two-year degree, or its academic equivalent, from an accredited college or university after January 1, 1997. The CDC or assessment officer's course work shall include WAC 440-22-200 and 440-22-205 requirements.

NEW SECTION

WAC 440-22-240 Youth chemical dependency counselor (CDC) interns. (1) Effective January 1, 1997, a youth CDC intern shall meet WAC 440-22-200 through 440-22-270 requirements; except, the youth CDC intern shall obtain work experience as follows:

(a) If the person is not yet a CDC, one thousand of the two thousand hours of work experience shall be in a certified program where the majority of the experience is in providing youth chemical dependency treatment; or

(b) If the person is already a CDC, work experience in a counseling capacity in other youth settings may be credited toward the one thousand hours of required youth experience.

(2) In addition to the internship completion requirements of WAC 440-22-205, youth CDC interns shall attain five quarter or three semester academic credits, or seventy-five department-approved clock hours of continuing education covering the following topic areas:

(a) Adolescent assessment;

(b) Adolescent and child development; and

(c) Assessing and treating culturally diverse youth.

NEW SECTION

WAC 440-22-245 Youth chemical dependency counselor (CDC) continuing education. (1) A youth CDC shall obtain sixty clock hours of continuing education every two years as described under WAC 440-22-215(2).

(2) The youth CDC shall include youth specific or related training as twenty or more of the required sixty hours of continuing education.

NEW SECTION

WAC 440-22-250 Youth chemical dependency counselor (CDC) grandparenting. A person qualified as a CDC and who has one thousand hours work experience in a certified program where the majority of the work experience was with youth, before January 1, 1997, shall be considered a youth CDC by the department.

NEW SECTION

WAC 440-22-260 Supervision of chemical dependency counselor (CDC) interns. (1) The administrator shall assign a CDC to directly supervise each CDC intern (CI), provided:

(a) A CDC intern supervisor having caseload responsibility shall not be responsible for more than two full-time CIs or three part-time CIs; and

(b) A CDC intern supervisor not having a caseload may supervise up to four full-time CIs.

(2) The service provider shall reduce the number of hours of patient contact of a CDC by a minimum of twenty-five hours each month for each full-time equivalent CI assigned for supervision.

(3) The CDC shall provide direct supervision and tutoring and document all required activities for each CI supervised. The CDC shall:

(a) Be responsible for each patient assigned to the CI:

(i) Review, sign, and date all assessments, treatment plans, plan reviews, progress notes, discharge plans, dis-

charge summaries, and other documentation entered in each patient's record by the CI;

(ii) According to the treatment plan review requirements of each modality.

(b) Assist the CI in preparing and maintaining:

(i) An individualized chemical dependency training and education plan; and

(ii) The plan to include a date for completion of course work and experience requirements.

(c) Once each three months, or more often, document the CI's progress toward achieving goals in the education and training plan;

(d) Provide and document a minimum of four hours of tutoring each month. The CDC shall ensure tutoring includes:

(i) Orienting the CI to relevant laws and rules that apply to the delivery of chemical dependency treatment services;

(ii) Instructing the CI in assessment and counseling theories and techniques; and

(iii) Instructing the CI on accepted standards of professional ethics and conduct for counselors.

(e) Directly supervise and document observations of the CI in all clinical activities, including:

(i) Client intakes and assessments;

(ii) Individual and group counseling;

(iii) Family counseling;

(iv) Crisis intervention;

(v) Relapse prevention;

(vi) Referral;

(vii) Continuing care after discharge; and

(viii) Patient file maintenance.

(f) Provide the CI with patient case consultation.

(4) The supervising CDC shall:

(a) Authenticate a verification form approved by the department indicating the agency where the experience was completed;

(b) Retain the verification form in the CI's personnel file, and provide a copy to the CI; and

(c) Document at a minimum:

(i) The dates the person interned at the agency;

(ii) The number of hours of supervised experience the CI obtained for each clinical area, as described under WAC 440-22-205 (5)(a), (b), and (c);

(iii) Whether each clinical experience area was or was not successfully completed;

(iv) Date of completion of the two thousand hours of work experience; and

(v) A statement by the supervising counselor as to whether the overall internship was or was not satisfactorily completed.

NEW SECTION

WAC 440-22-270 Students. (1) The treatment provider shall have a written agreement with each education agency wanting to use the treatment agency as a setting for student practice.

(2) The treatment provider shall ensure the written agreement describes the nature and scope of student activity at the treatment setting and ensures supervision of student activities.

(3) Students and academic supervisors shall sign a confidentiality statement which the provider shall retain; and

(4) Students may serve as counselor interns provided the students meet WAC 440-22-200 and 440-22-260 requirements.

NEW SECTION

WAC 440-22-275 Information school instructors.

(1) An information school instructor shall:

(a) Have a certificate of completion of the alcohol and other drug information school instructor's training course approved by the department; and

(b) Not have a history of alcohol or other drug misuse for two years before being qualified by the department.

(2) To remain qualified, the information school instructor shall:

(a) Not display misuse of alcohol or other drugs while serving as an information school instructor; and

(b) Maintain information school instructor status by completing fifteen clock hours of continuing education:

(i) During each two-year period beginning January of the year following initial qualification; and

(ii) In subject areas that increase knowledge and skills in training, teaching techniques, curriculum planning and development, presentation of educational material, laws and rules, and new developments in the chemical dependency field.

NEW SECTION

WAC 440-22-280 Volunteers. (1) Each volunteer offering assistance to a provider shall be oriented as required under WAC 440-22-175 (12), (13), and (14), personnel manual.

(2) A volunteer shall meet the qualifications of the position to which the person is assigned.

(3) A volunteer may provide counseling services when the person meets the requirements for a counselor intern or is a chemical dependency counselor.

NEW SECTION

WAC 440-22-285 Optional requirements for counselor and probation assessment officer interns.

(1) A chemical dependency counselor intern or a probation assessment officer intern who can complete internship requirements by December 31, 1996, may elect to meet the relevant requirements of WAC 440-22-288 through 440-22-298 instead of the requirements under WAC 440-22-200 through 440-22-220.

(2) On January 1, 1997, the department shall repeal WAC 440-22-288 through 440-22-298.

NEW SECTION

WAC 440-22-288 Chemical dependency counselors (CDCs). A CDC shall:

(1) Not have a history of alcohol or other drug misuse for a period of two years immediately before employment as a CDC, and shall not misuse alcohol or other drugs while employed as a CDC;

(2) Be registered or certified as a counselor with the Washington state department of health, under chapter 18.19

RCW, or have a written statement of exemption from this requirement from the department of health;

(3) Have obtained a minimum of twenty-four quarter or sixteen semester credits of course work from an accredited college or university which includes distinct courses in:

- (a) Survey of chemical dependency;
- (b) Physiological actions of alcohol and other drugs;
- (c) Chemical dependency counseling techniques;
- (d) Group process in chemical dependency treatment;
- (e) Chemical dependency in the family; and
- (f) Case management of the chemically dependent client.

(g) The CDC's remaining credits may be in other courses that enhance competency in chemical dependency counseling, such as alcoholism and other drug problems, counseling, psychology, sociology, speech, and social work.

(4) Have completed HIV/AIDS training approved by the department; and

(5) Have completed and documented two thousand hours of work experience as a counselor intern in a department certified chemical dependency treatment service agency. The CDC intern's work experience shall be:

- (a) Supervised by a CDC; and
- (b) Verified by a letter signed by the agency director or supervising counselor from the agency the experience was obtained. The director or supervising counselor shall specify:

(i) The dates the counselor intern worked in a counseling capacity; and

(ii) The number of hours worked under the supervision of the CDC.

NEW SECTION

WAC 440-22-290 Maintaining chemical dependency counselor (CDC) status. To remain qualified:

(1) The CDC shall complete sixty clock hours of continuing education:

(a) During each two-calendar year period, beginning in January of the year following the initial qualification; and

(b) In subject areas that increase knowledge and skills in counseling and aiding the chemically dependent person and the person's family in recovery.

(2) The department shall consider each college quarter credit equivalent to fifteen clock hours of continuing education, and each college semester credit equivalent to twenty-two and one-half clock hours;

(3) The CDC shall verify each course taken by a college transcript or certificate of completion; and

(4) The CDC shall provide a copy of each course description, which includes:

- (a) The course title;
- (b) Course training dates;
- (c) Training site;
- (d) Name of the instructors;
- (e) The number of clock or credit hours; and
- (f) A brief description of the course content if not specified elsewhere.

NEW SECTION

WAC 440-22-292 Chemical dependency counselor (CDC) interns. A CDC intern shall:

(1) Not have a history of alcohol or other drug misuse:

- (a) For a period of one year immediately before becoming an intern; and
- (b) While employed as an intern.

(2) Be registered or certified as a counselor, with the department of health, as required under chapter 18.19 RCW or be exempt by the department of health; and

(3) Be directly supervised by a CDC.

NEW SECTION

WAC 440-22-294 Chemical dependency counselor (CDC) intern supervision. Supervision of counselor interns shall be in accord with WAC 440-22-260.

NEW SECTION

WAC 440-22-296 Probation assessment officers. A probation assessment officer shall:

(1) Be employed as a probation officer for a district or municipal court; and

(2) Meet the requirements of a qualified chemical dependency counselor as described under WAC 440-22-288 through 440-22-294.

NEW SECTION

WAC 440-22-298 Assessment officer interns. An assessment officer intern shall:

(1) Be employed as a probation officer intern for a district or municipal court;

(2) Not have a history of alcohol or other drug misuse for one year immediately before employment as an assessment officer intern, and shall not misuse alcohol or other drugs while employed as an intern; and

(3) Be directly supervised and tutored by a qualified assessment officer who shall:

(a) Develop and maintain an individualized training and education plan to bring the intern to qualified assessment officer status, including:

(i) Orientation to the various laws and regulations that apply to the delivery of chemical dependency assessment and treatment services;

(ii) Instruction in assessment methods;

(iii) Instruction on standards of professional conduct and ethics; and

(iv) Observation of the intern conducting assessments.

(b) Document an evaluation of the progress of each intern:

(i) Quarterly; and

(ii) On an assessment officer quarterly review form.

NEW SECTION

WAC 440-22-300 Patients' rights. (1) Each service provider shall ensure each patient:

(a) Is admitted to treatment without regard to race, color, creed, national origin, religion, sex, sexual orientation, age, or disability, except for bona fide program criteria;

- (b) Is reasonably accommodated in the event of sensory or physical disability, limited ability to communicate, and cultural differences;
- (c) Is treated in a manner sensitive to individual needs and which promotes dignity and self-respect;
- (d) Is protected from invasion of privacy except that staff may conduct reasonable searches to detect and prevent possession or use of contraband on the premises;
- (e) Has all clinical and personal information treated in accord with state and federal confidentiality regulations;
- (f) Has the opportunity to review the patient's own treatment records in the presence of the administrator or designee;
- (g) Has the opportunity to have clinical contact with a same gender counselor, if requested and determined appropriate by the supervisor, either at the agency or by referral;
- (h) Is fully informed regarding fees charged, including fees for copying records to verify treatment and methods of payment available;
- (i) Is provided reasonable opportunity to practice the religion of choice as long as the practice does not infringe on the rights and treatment of others or the treatment service. The patient has the right to refuse participation in any religious practice;
- (j) Is allowed necessary communication:
 - (i) Between a minor and a custodial parent or legal guardian;
 - (ii) With an attorney; and
 - (iii) In an emergency situation.
 - (k) Is protected from abuse by staff at all times, or from other patients who are on agency premises, including:
 - (i) Sexual abuse or harassment;
 - (ii) Sexual or financial exploitation;
 - (iii) Racism or racial harassment; and
 - (iv) Physical abuse or punishment.
 - (l) Is fully informed and receives a copy of counselor disclosure requirements described under RCW 18.19.060;
 - (m) Receives a copy of patient grievance procedures upon request; and
 - (n) In the event of an agency closure or treatment service cancellation, each patient shall be:
 - (i) Given thirty days notice;
 - (ii) Assisted with relocation;
 - (iii) Given refunds to which the person is entitled; and
 - (iv) Advised how to access records to which the person is entitled.
 - (2) A service provider shall obtain patient consent for each release of information to any other person or entity. This consent for release of information shall include:
 - (a) Name of the consenting patient;
 - (b) Name or designation of the provider authorized to make the disclosure;
 - (c) Name of the person or organization to whom the information is to be released;
 - (d) Nature of the information to be released, as limited as possible;
 - (e) Purpose of the disclosure, as specific as possible;
 - (f) Specification of the date or event on which the consent expires;
 - (g) Statement that the consent can be revoked at any time, except to the extent that action has been taken in reliance on it;

- (h) Signature of the patient or parent, guardian, or authorized representative, when required, and the date; and
- (i) A statement prohibiting further disclosure unless expressly permitted by the written consent of the person to whom it pertains.
- (3) A service provider shall notify patients that outside persons or organizations which provide services to the agency are required by written agreement to protect patient confidentially.
- (4) A service provider shall notify an ADATSA recipient of the recipient's additional rights to:
 - (a) Report back to the department's community service office in case of a patient's disciplinary discharge from the program; and
 - (b) Request a fair hearing to challenge any departmental action which affects a patient's eligibility for ADATSA treatment or shelter assistance.
- (5) The administrator shall give a copy of patients' rights to each patient receiving services, both at admission and in case of disciplinary discharge.
- (6) The administrator shall post a copy of patients' rights in a conspicuous place in the facility accessible to patients and staff.

NEW SECTION

- WAC 440-22-310 Chemical dependency assessments.**
 A chemical dependency counselor (CDC), or a CDC intern under supervision of a CDC, shall conduct and document an assessment of each client's involvement with alcohol and other drugs. The counselor's assessment shall include:
- (1) A face-to-face diagnostic interview with each client to obtain, review, evaluate, and document the following:
 - (a) A history of the client's involvement with alcohol and other drugs, including:
 - (i) The type of substances used;
 - (ii) The route of administration; and
 - (iii) Amount, frequency, and duration of use.
 - (b) History of alcohol or drug treatment or education;
 - (c) The client's self-assessment of use of alcohol and other drugs; and
 - (d) A relapse history.
 - (2) An assessment of the person's:
 - (a) Motivation for recovery;
 - (b) Ability to attain and maintain abstinence;
 - (c) Risk of relapse; and
 - (d) Strengths and needs.
 - (3) If an assessment is conducted on a youth, the counselor shall assess the following elements:
 - (a) Parental use of drugs;
 - (b) The developmental stage of the youth;
 - (c) Reading level and grade;
 - (d) Psychological and emotional stability;
 - (e) Child or adolescent developmental problems associated with the use of chemicals;
 - (f) Identification of school assessments and referrals;
 - (g) Historical and current parental or custodial status, including risk of abuse or neglect;
 - (h) History of learning disabilities and special education;
 - (i) Running away, out-of-home placements, and institutional care or custody;
 - (j) Social networks;

(k) Support from significant adults and extended family; and

(l) Attempts shall be made to obtain information from parents and legal guardians, and from prior medical records and psychological evaluations with proper consent.

(4) An assessment of other factors affecting treatment, including:

- (a) Current and historical psychosocial data;
- (b) Issues relating to personal safety;
- (c) Medical history, including:
 - (i) Physical status;
 - (ii) Mental status; and
 - (iii) Availability and use of medical care.
- (d) For women, likelihood of a current pregnancy; and
- (e) Legal history, including:
 - (i) Past charges; and
 - (ii) Current charges and courts of jurisdiction.
- (5) Documentation of the information collected, including:

(a) A written summary of the assessment;

(b) A diagnostic assessment statement including signs, symptoms, and progression of client involvement with alcohol and other drugs;

(c) A statement regarding provision of an HIV/AIDS brief risk intervention, referrals made, and any significant findings;

(d) Evidence the client:

- (i) Was notified of the assessment results; and
- (ii) Signed a document showing treatment options provided, and indicating the client's choice; or
- (iii) If the client was not notified of the results and advised of referral options, the reason shall be documented.

(6) Documentation of the type and length of treatment recommended;

(7) Completion and submission of all reports required by the courts, department of licensing, and department of social and health services in a timely manner; and

(8) Referral of an adult or minor who requires assessment for involuntary chemical dependency treatment to the county-designated chemical dependency specialist.

NEW SECTION

WAC 440-22-320 Clinical manual. Each chemical dependency service provider shall have and adhere to a clinical manual containing patient care policies and procedures reviewed and revised at least annually, including:

(1) A cover sheet containing a log of all policies and procedures including:

- (a) Dates of reviews and revisions;
- (b) Purposes of reviews and revisions; and
- (c) Signatures of the persons making the review or revision.

(2) How the provider meets WAC 440-22-300 through 440-22-335 requirements;

(3) How the provider will meet applicable certification modality requirements of WAC 440-22-350 through 440-22-620, including a description of each service offered, detailing:

(a) The number of hours of treatment and education for each certified treatment service; and

(b) Allowance of up to twenty percent of education time to consist of film or video presentations.

(4) Identification of resources and referral options so staff can make referrals required by law and as indicated by patient needs;

(5) Assurance that the clinical supervisor:

- (a) Is a chemical dependency counselor (CDC);
- (b) Reviews a sample of patient records of each CDC quarterly; and
- (c) Implements treatment, continuing care, transfer and discharge plans in accord with WAC 440-22-325.

(6) Patient admission and discharge criteria:

(a) The administrator shall not admit or retain a person unless the person's treatment needs can be met;

(b) A chemical dependency counselor (CDC) shall assess and refer each patient to the appropriate treatment service; and

(c) A person needing detoxification shall immediately be referred to a detoxification provider, unless the person needs acute care in a hospital.

(7) Tuberculosis screening for prevention and control of TB in all detox, residential, and outpatient programs, including:

(a) Obtaining a history of preventive or curative therapy;

(b) Screening and related procedures for coordinating with the local health department; and

(c) Implementing the TB control program as provided by the department of health TB control program.

(8) HIV/AIDS information, brief risk intervention, and referral;

(9) Limitation of group counseling sessions to twelve persons or less;

(10) Counseling sessions with nine to twelve youths to include a second adult staff member;

(11) Provision of education to each patient on:

- (a) Alcohol and alcoholism;
- (b) Drugs and drug addiction;
- (c) Relapse prevention; and
- (d) HIV/AIDS, hepatitis and TB.

(12) Provision of education or information to each patient on:

(a) The impact of chemical use during pregnancy, risks to the fetus, and the importance of informing medical practitioners of chemical use during pregnancy;

(b) Emotional, physical, and sexual abuse; and

(c) Nicotine addiction.

(13) An outline of each lecture and education session included in the service, sufficient in detail for another trained staff person to deliver the session in the absence of the regular instructor;

(14) Assigning of work to a patient by a CDC when the assignment:

(a) Is part of the treatment program; and

(b) Has therapeutic value.

(15) Use of self-help groups;

(16) Patient rules and responsibilities, including disciplinary sanctions for noncomplying patients;

(17) If youth are admitted, a policy and procedure for accessing the need for family reconciliation services and for out-of-home placement if necessary;

(18) Implementation of the deferred prosecution program;

(19) Policy and procedures for reporting status of persons convicted under chapter 46.61 RCW to the department of licensing; and

(20) Nonresidential providers shall have policies and procedures on:

- (a) Medical emergencies;
- (b) Suicidal and mentally ill patients;
- (c) Medical oversight, including provision of a physical examination by a medical practitioner, on a person who:
 - (i) Is dependent on barbiturates or benzodiazepines; or
 - (ii) Used intravenous drugs within thirty days of admission.
- (d) Laboratory tests;
- (e) Services and resources for pregnant women:
 - (i) A pregnant women who is not seen by a private physician shall be referred to a physician or the local First Steps maternity care program for determination of prenatal care needs; and
 - (ii) Services include discussion of pregnancy specific issues and resources.
- (f) If using medication services:
 - (i) A medical practitioner shall evaluate each patient who is taking disulfiram at least once every ninety days;
 - (ii) Patient medications are stored, disbursed, and recorded in accord with chapter 246-326 WAC; and
 - (iii) Only a licensed nurse or medical practitioner may administer medication.

NEW SECTION

WAC 440-22-325 Treatment, continuing care, transfer, and discharge plans. (1) A chemical dependency counselor (CDC) shall be responsible for assessments and the overall treatment plan for each patient, including:

- (a) Patient participation;
 - (b) Completeness of patient records; and
 - (c) Documentation of progress toward patient attainment of goals.
- (2) A CDC or an intern under direct supervision of a CDC shall:
- (a) Develop the individualized treatment plan;
 - (b) Evaluate the patient and conduct ongoing assessments;
 - (c) Conduct individual and group counseling;
 - (d) Update the treatment plan as problems arise or are resolved, including domestic violence and abuse issues if applicable;
 - (e) Develop the continuing care plan; and
 - (f) Complete the discharge summary.
- (3) A CDC shall also include, in the treatment plan for youth:
- (a) Structured drug free social and recreational activities;
 - (b) Developmental concerns, including education on sexuality and safer sex;
 - (c) Referral for identification and treatment of sexually transmitted diseases and other services as needed; and
 - (d) Referral to school and community support services.
- (4) A CDC shall follow up when a patient misses an appointment to:
- (a) Try to motivate the patient to stay in treatment; and
 - (b) Report a noncompliant patient to the committing authority as appropriate.

(5) A CDC shall involve each patient's family or other support persons, when the patient gives written consent:

- (a) In the treatment program; and
 - (b) In self-help groups.
- (6) When transferring a patient from one certified treatment service to another within the same agency, at the same location, a CDC shall:
- (a) Update the patient assessment and treatment plan; and
 - (b) Provide a summary report of the patient's treatment and progress, in the patient's record.
- (7) Except in detox and for a patient who leaves treatment without notice, staff shall meet with each patient at the time of discharge from any treatment agency, to:
- (a) Finalize a continuing care plan;
 - (b) Assist the patient in making contact with necessary agencies or services; and
 - (c) Provide the patient a copy of the plan.
- (8) When transferring a patient to another treatment provider, the current provider shall forward copies of the following information to the receiving provider when a release of confidential information is signed by the patient:
- (a) Patient intake form;
 - (b) Diagnostic assessment statement and other assessment information, including:
 - (i) Documentation of the HIV/AIDS intervention;
 - (ii) TB test result;
 - (iii) A record of the patient's detox and treatment history;
 - (iv) The reason for the transfer; and
 - (v) Court-mandated or agency-recommended follow-up treatment.
 - (c) Discharge summary; and
 - (d) The plan for continuing care or treatment.
- (9) A CDC shall complete a discharge summary, within seven days of each patient's discharge from the agency, which includes:
- (a) The date of discharge or transfer;
 - (b) A summary of the patient's progress toward each treatment goal, except in detox; and
 - (c) In detox, a summary of the patient's physical condition.

NEW SECTION

WAC 440-22-330 Patient record system. Each provider shall have a comprehensive centralized patient record system maintained in accord with recognized principles of health record management. The provider shall ensure:

- (1) A designated individual is responsible for the record system;
- (2) A secure storage system which:
 - (a) Promotes confidentiality of and limits access to both active and inactive records; and
 - (b) Protects active and inactive files from damage during storage.
- (3) Patient record policies and procedures on:
 - (a) Who has access to records;
 - (b) Content of active and inactive patient records;

(c) A systematic method of identifying and filing individual patient records so each can be readily retrieved;

(d) Assurance that each patient record is complete and authenticated by the person providing the observation, evaluation, or service; and

(e) Retention of patient records for a minimum of five years after the discharge or transfer of the patient.

(4) In the event of an agency closure, the provider closing its treatment agency shall make arrangements for the continued management of all patient records. The provider shall notify the department in writing of the mailing address of the location where records will be stored and specify the contact entity or person managing the records. The provider may:

(a) Continue to manage the records and give assurance they will respond to authorized requests for copies of patient records within a reasonable period of time;

(b) Transfer records of patients who have given written consent to another certified provider;

(c) Enter into a qualified service organization agreement with a certified provider to store and manage records, when the outgoing provider will no longer be a chemical dependency treatment provider; or

(d) In the event none of the arrangements listed in (a) through (c) of this section can be made, the closing provider shall make arrangements for transfer of patient records to the department.

NEW SECTION

WAC 440-22-335 Patient record content. The provider shall ensure patient record content includes:

(1) Demographic intake information;

(2) A chemical dependency assessment and history of involvement with alcohol and other drugs;

(3) Documentation the patient was informed of the diagnostic assessment and options for referral;

(4) A report of a physical examination by a medical practitioner in accord with a nonresidential provider's policy on medical oversight, when a patient was dependent on barbiturates or benzodiazepines, or used intravenous drugs within thirty days of admission;

(5) Documentation the patient was informed of federal confidentiality requirements and received a copy of the patient notice required under 42 CFR, Part 2;

(6) Treatment service rules, translated when needed, signed and dated by the patient before beginning treatment;

(7) Voluntary consent to treatment signed and dated by the patient, parent or legal guardian, except as authorized by law for protective custody and involuntary treatment;

(8) Evidence of counselor disclosure information, acknowledged by the provider and patient by signature and date;

(9) Evidence of a tuberculosis test and results;

(10) Evidence of the HIV/AIDS brief risk intervention;

(11) Initial and updated individual treatment plans, including results of the initial assessment and periodic reviews, addressing:

(a) Patient biopsychosocial problems;

(b) Short- and long-range treatment goals;

(c) Approaches to resolve the problems;

(d) Estimated dates for completion of each treatment goal;

(e) Identification of persons responsible;

(f) Medical orders, if appropriate; and

(g) Treatment plan reviews.

(12) Documentation of referrals made for specialized care or services;

(13) At least weekly individualized documentation of ongoing services in residential services, and as required in intensive outpatient and outpatient services, including:

(a) Date, duration, and content of counseling and other treatment sessions;

(b) Ongoing assessments of each patient's participation in and response to treatment and other activities;

(c) Progress notes as events occur, each shift in detox, and treatment plan reviews as specified under each treatment service modality of this WAC chapter; and

(d) Documentation of follow-up on missed appointments.

(14) Medication records, if applicable;

(15) Laboratory reports, if applicable;

(16) Properly completed authorizations for release of information;

(17) Copies of all correspondence related to the patient, including reports of noncompliance;

(18) A copy of the continuing care plan signed and dated by the counselor and the patient; and

(19) The discharge summary.

NEW SECTION

WAC 440-22-350 Detoxification providers. Detoxification services include acute and subacute programs. To be certified to offer detoxification services, a provider shall:

(1) Meet WAC 440-22-001 through 440-22-355 requirements; and

(2) Meet relevant requirements of chapter 246-326 WAC.

NEW SECTION

WAC 440-22-355 Detox services. (1) The provider shall ensure:

(a) A chemical dependency counselor (CDC) shall assess, counsel, and attempt to motivate each patient for referral;

(b) Other staff as necessary to provide services needed by the patients;

(c) All personnel providing patient care, except licensed staff and CDCs, shall complete a minimum of forty hours of documented training before assignment of patient care duties. The personnel training shall include:

(i) Chemical dependency;

(ii) HIV/AIDS and hepatitis B education;

(iii) TB prevention and control; and

(iv) Detox screening, admission, and signs of trauma.

(d) All personnel providing patient care shall have current training in:

(i) Cardio-pulmonary resuscitation (CPR); and

(ii) First aid.

(e) Sleeping arrangements permit observation of patients; and

(f) Youths and adults shall not share the same sleeping room.

(2) The provider shall ensure detoxification services include:

(a) Screening of each person before admission by a person knowledgeable about alcoholism and other addictions and skilled in observation and eliciting information;

(b) A chemical dependency assessment, which shall be attempted within forty-eight hours of a patient's admission;

(c) Counseling of each patient by a CDC or CDC intern at least once:

(i) Regarding the patient's chemical dependency; and

(ii) Attempting to motivate each person to accept referral into a continuum of care for chemical dependency treatment.

(d) Referral of each patient to other appropriate treatment services. A potentially eligible patient shall be referred to the ADATSA program.

NEW SECTION

WAC 440-22-400 Residential providers. To be certified to offer intensive inpatient, recovery, or long-term residential services, a provider shall meet the requirements of:

(1) WAC 440-22-001 through 440-22-335;

(2) WAC 440-22-405 through 440-22-430 as applicable; and

(3) WAC 246-326 as required for department of health licensing.

NEW SECTION

WAC 440-22-405 Residential providers admitting youth. A residential provider admitting youth shall ensure:

(1) A youth shall be admitted only with the written permission of a parent or legal guardian;

(2) The youth shall agree to, and both the youth and parent or legal guardian shall sign the following when possible:

(a) Statement of patient rights and responsibilities;

(b) Treatment or behavioral contracts; and

(c) Any consent or release form.

(3) Youth chemical dependency treatment shall include:

(a) Group meetings to promote personal growth; and

(b) Recreational, leisure, and other therapy and related activities.

(4) A certified teacher or tutor shall provide each youth one or more hours per day, five days each week, of supervised academic tutoring or instruction when the youth is unable to attend school for an estimated period of four weeks or more. The provider shall:

(a) Document the patient's most recent academic placement and achievement level; and

(b) Obtain school work from the patient's home school or provide schoolwork and assignments consistent with the person's academic level and functioning.

(5) Adult staff shall lead or supervise seven or more hours of structured recreation each week;

(6) Staff shall conduct room checks frequently and regularly when patients are in their rooms;

(7) Youth and adults shall not share the same sleeping room;

(8) Adult staff whose primary task is supervision of patients, shall be available:

(a) Between 8:00 a.m. and 11:00 p.m.:

(i) One adult for one through eight youth patients; and
(ii) One more adult for every one through eight youth patients thereafter.

(b) Between 11:00 p.m. and 8:00 a.m.:

(i) One awake adult for one through ten youth patients; and
(ii) One more awake adult for every one through ten youth patients thereafter.

(9) In co-ed programs, there shall be at least one adult staff person of each gender present or on call at all times;

(10) There shall be at least one chemical dependency counselor for every ten youth patients;

(11) Staff shall document attempts to notify the parent or legal guardian within two hours of any change in the status of a youth;

(12) For routine discharge, each youth shall be discharged to the care of the youth's legal custodian; and

(13) For emergency discharge and when the custodian is not available, the provider shall contact the appropriate authority.

NEW SECTION

WAC 440-22-410 Intensive inpatient services. A chemical dependency counselor (CDC) shall:

(1) Complete the initial treatment plan within five days of admission;

(2) Conduct at least one face-to-face individual chemical dependency counseling session with each patient each week;

(3) Provide a minimum of twenty hours of treatment services, with a minimum of ten hours of chemical dependency counseling with each patient each week;

(4) Document a treatment plan review, at least weekly, which updates patient status and progress toward goals; and

(5) Refer each patient for ongoing treatment or support, as necessary, upon completion of treatment.

NEW SECTION

WAC 440-22-420 Recovery services. (1) A chemical dependency counselor (CDC) shall provide a minimum of five hours of treatment, for each patient each week, consisting of:

(a) Education regarding drug-free and sober living; and

(b) Individual or group counseling.

(2) A CDC shall review and update patient records at least monthly; and

(3) Staff shall assist patients with general re-entry living skills and, for youth, continuation of educational or vocational training.

NEW SECTION

WAC 440-22-430 Long-term treatment services. Each chemical dependency service provider shall ensure each patient receives:

(1) Education regarding alcohol, other drugs, and other addictions, at least two hours each week;

(2) Individual and group counseling by a chemical dependency counselor, a minimum of two hours each week;

- (3) Education on social and coping skills;
- (4) Social and recreational activities;
- (5) Assistance in seeking employment, when appropriate;
- (6) Patient record review and update at least monthly;
- (7) Assistance with re-entry living skills; and
- (8) A living arrangement plan.

NEW SECTION

WAC 440-22-450 Outpatient providers. To be certified to provide intensive or other outpatient services, a chemical dependency service provider shall meet the requirements of:

- (1) WAC 440-22-001 through 440-22-335;
- (2) WAC 440-22-450 through 440-22-465, as applicable; and
- (3) WAC 440-22-500 through 440-22-530, if offering methadone services.

NEW SECTION

WAC 440-22-455 Intensive outpatient services. (1) Each chemical dependency service provider shall ensure the following services are provided:

- (a) A minimum of seventy-two hours of treatment services within a maximum of twelve weeks for adults and sixteen weeks for youth;
 - (b) The first four weeks of treatment shall consist of:
 - (i) At least three sessions each week for adults and two for youth;
 - (ii) Each group session lasting at least one hour and not more than two hours for youth; and
 - (iii) Each session on separate days of each week.
 - (c) Self-help group attendance in addition to the required seventy-two hours;
 - (d) Individual chemical dependency counseling sessions with each patient every twenty hours of treatment, or more if clinically indicated; and
 - (e) Education regarding alcohol, other drugs, other addictions, relapse prevention, HIV/AIDS, hepatitis B, and TB prevention totaling not more than fifty percent of the treatment services.
- (2) A chemical dependency counselor (CDC) shall conduct and document a review of each patient's treatment plan, to assess adequacy and attainment of goals, every twenty hours of treatment.
- (3) Upon completion of intensive outpatient treatment, a CDC shall refer each patient for ongoing treatment or support, as necessary.

NEW SECTION

WAC 440-22-460 Outpatient services. A chemical dependency counselor (CDC) shall:

- (1) Complete an admission assessment within ten calendar days of admission, or by the second visit, unless participation in this outpatient modality is part of the same provider's continuum of care;
- (2) Conduct group or individual chemical dependency counseling sessions for each patient, each month, according to an individual treatment plan; and

(3) Assess and document the adequacy of each patient's treatment and attainment of goals:

- (a) Once a month for the first three months; and
- (b) Quarterly thereafter or sooner if required by other laws.

NEW SECTION

WAC 440-22-465 Outpatient services in a school setting. Any certified chemical dependency treatment provider may offer school-based services by:

- (1) Meeting WAC 440-22-025 requirements;
- (2) Ensuring counseling is provided by a chemical dependency counselor (CDC) or by a youth CDC when available; and
- (3) Ensuring the supervisor is a youth CDC, when available.

NEW SECTION

WAC 440-22-500 Outpatient methadone providers. An outpatient methadone provider shall meet requirements of:

- (1) WAC 440-22-001 through 440-22-335;
- (2) WAC 440-22-450 and 440-22-460; and
- (3) WAC 440-22-500 through 440-22-530.

NEW SECTION

WAC 440-22-505 Methadone medical management. (1) A program physician shall provide oversight for determination of opiate physical addiction for each patient before admission unless the patient is exempted by the Federal Food and Drug Administration, and:

- (a) Be available for consultation when an opiate physical addiction determination is conducted by anyone other than the program physician; and
 - (b) Conduct the opiate physical addiction determination for all youth patients.
- (2) A physical examination shall be conducted on each patient:
- (a) By a program physician or other medical practitioner; and
 - (b) Within twenty-one days of admission.
- (3) Following the patient's initial dose of methadone, the program physician shall establish adequacy of dose, considering:
- (a) Signs and symptoms of withdrawal;
 - (b) Patient comfort; and
 - (c) Side effects from over-medication.
- (4) A program physician shall approve an individual detoxification schedule for each patient being detoxified.

NEW SECTION

WAC 440-22-510 Urinalysis. (1) The provider shall obtain a urine sample from each patient for urinalysis:

- (a) At least once each month; and
 - (b) Randomly, without notice to the patient.
- (2) Staff shall observe collection of each urine sample and ensure:
- (a) The sample is sealed immediately, with a numbered seal, in the patient's presence;

(b) The log of sample numbers is kept confidential and away from other records; and

(c) Contaminated samples and those with broken seals are discarded.

(3) When a patient refuses to provide a urine sample or initial the log of sample numbers, staff shall consider the urine positive; and

(4) Staff shall document a positive urine and discuss the findings with the patient in a counseling session within seven days of receiving the results of the test.

NEW SECTION

WAC 440-22-515 Methadone dispensary services.

(1) Each methadone treatment provider shall comply with applicable portions of 21 CFR, Part 1301 requirements, as now or later amended.

(2) The administrator shall ensure written policies and procedures to verify the identity of patients.

(3) Dispensary staff shall maintain a file with a photograph of each patient. Dispensary staff shall ensure pictures are updated when:

(a) The patient's physical appearance changes significantly; or

(b) Every two years, whichever comes first.

(4) In addition to notifying the Food and Drug Administration, the administrator shall immediately notify the department and the state board of pharmacy of any theft or significant loss of a controlled substance.

NEW SECTION

WAC 440-22-520 Methadone counseling services.

(1) A chemical dependency counselor (CDC) shall provide individual or group counseling sessions once each:

(a) Week, for the first ninety days, for a new patient or a patient readmitted more than ninety days since the person's most recent discharge from methadone treatment;

(b) Week, for the first month, for a patient readmitted within ninety days of the most recent discharge from methadone treatment; and

(c) Month, for a patient transferring from another methadone program where the patient stayed for ninety or more days.

(2) A CDC shall conduct and document an individual counseling session with each patient to review progress and discuss facts about methadone:

(a) Between six and seven months after admission; and

(b) Once every six months thereafter.

(3) A CDC shall provide counseling in a location that is physically separate from other activities.

(4) The administrator shall ensure at least one full-time CDC for each fifty patients:

(a) A CDC with one or more CDC interns may be assigned as primary counselor for up to seventy-five patients, including those assigned to the intern; and

(b) A CDC intern may be assigned up to thirty-five patients.

(5) A pregnant woman, and any other patient who requests, shall receive at least one-half hour of counseling and education each month on:

(a) Matters relating to pregnancy and street drugs;

(b) Pregnancy spacing and planning; and

(c) The effects of methadone treatment on the woman and fetus, when methadone is taken during pregnancy.

(6) Staff shall provide at least one-half hour of counseling on family planning for each patient through either individual or group counseling; and

(7) The administrator shall ensure there is one staff member who has training in family planning, prenatal health care, and parenting skills.

NEW SECTION

WAC 440-22-525 Methadone take-home medications. (1) A methadone chemical dependency service provider may authorize take-home medications for a patient when:

(a) The medication is for a Sunday or legal holiday, as identified under RCW 1.16.050; or

(b) Travel to the facility presents a safety risk for patients or staff due to inclement weather.

(2) A service provider may permit take-home medications on other days for stabilized patients who:

(a) Have been receiving methadone for a minimum of ninety days; and

(b) Have negative urines for the last sixty days.

(3) The provider shall meet 21 CFR, Part 291 requirements; and

(4) The provider may arrange for methadone doses to be administered by licensed staff or self-administered by a pregnant woman receiving treatment at a certified residential treatment agency when:

(a) The woman had been receiving methadone for ninety or more days; and

(b) The woman's use of methadone can be supervised.

NEW SECTION

WAC 440-22-530 Methadone provider meetings. Methadone providers shall participate in periodic meetings, closed to the public and scheduled by the department, for the purpose of identifying duplicate patient admissions. Each methadone provider shall:

(1) Ensure attendance by at least one staff person;

(2) Provide a clear, recent photograph of each active patient; and

(3) Identify all patients admitted since the previous provider meeting.

NEW SECTION

WAC 440-22-550 Free-standing ADATSA assessment providers and services. (1) A certified ADATSA assessment provider shall conduct an ADATSA assessment for each eligible patient and be governed by the requirements under:

(a) WAC 440-22-001 through 440-22-310;

(b) WAC 440-22-320, 440-22-330, and 440-22-335 (1),

(2), (3), (5), (10), (14), and (15); and

(c) Chapter 388-240 WAC.

NEW SECTION

WAC 440-22-560 DUI assessment providers. (1) If located in a district or municipal probation department, each DUI service provider shall meet the requirements of:

- (a) WAC 440-22-001 through 440-22-125;
- (b) WAC 440-22-160, the administrative manual, subsections (1), (5), (8) through (12), (14), and (15);
- (c) WAC 440-22-165, facilities, subsections (1)(b), (c), (d), and (2)(b);
- (d) WAC 440-22-175, the personnel manual, subsections (1), (2) except (i) and (ii), (5), (6), (7), (8), (13), (14), and (15);
- (e) WAC 440-22-180, personnel files, subsections (1)(a) through (d), (g), and (i), and (2)(a), (b), and (c);
- (f) WAC 440-22-200 through 440-22-230, and 440-22-260, counselor and probation assessment officer internship, qualifications, grandparenting, and supervision;
- (g) WAC 440-22-280, volunteers;
- (h) WAC 440-22-300, patients rights;
- (i) WAC 440-22-310, assessments;
- (j) WAC 440-22-320, clinical manual, subsections (1), (2), (3), (8), (15), (20), and (21);
- (k) WAC 440-22-330, patient record system, subsections (3)(a) through (d), and (4);
- (l) WAC 440-22-335, record content, subsections (1), (2), (3), (5), (8), (10), (14), and (15); and
- (m) WAC 440-22-565, DUI assessment services.

(2) If located in another certified chemical dependency treatment facility, the DUI service provider shall meet the requirements of:

- (a) WAC 440-22-001 through 440-22-310;
- (b) WAC 440-22-320, 440-22-330 and 440-22-335 as noted in subsection (1) of this section; and
- (c) 440-22-565.

NEW SECTION

WAC 440-22-565 DUI assessment services. (1) The administrator shall limit clients to persons who have been arrested for a violation of driving while under the influence of intoxicating liquor or other drugs or in physical control of a vehicle as defined under Chapter 46.61 RCW;

(2) A chemical dependency counselor or a probation assessment officer shall conduct each client assessment and ensure the assessment includes, in addition to the requirements under WAC 440-22-310:

- (a) Evaluation of the client's blood alcohol level and other drug levels at the time of arrest, if available; and
- (b) Assessment of the client's self-reported driving record and the client's abstract of the legal driving record.

NEW SECTION

WAC 440-22-600 Alcohol and other drug information school. (1) Alcohol and other drug information school providers shall be governed under:

- (a) WAC 440-22-001 through 440-22-125; and
 - (b) This section.
- (2) The provider shall:
- (a) Inform each student of fees at the time of enrollment; and

- (b) Ensure adequate and comfortable seating in well-lit and ventilated rooms.

(3) A certified information school instructor shall teach the course and:

- (a) Advise each student there is no assumption the student is an alcoholic or drug addict, and this is not a therapy session;

- (b) Discuss the class rules;

- (c) Review the course objectives;

- (d) Follow curriculum contained in "Alcohol and Other Drugs, Information School Training Curriculum," published in 1991, or later amended;

- (e) Ensure not less than eight and not more than fifteen hours of class room instruction;

- (f) Administer the post-test from the above reference to each enrolled student after the course is completed;

- (g) Ensure individual client records include:

- (i) Intake form;

- (ii) Hours and date or dates in attendance;

- (iii) Source of referral;

- (iv) Copies of all reports, letters, certificates, and other correspondence;

- (v) A record of any referrals made; and

- (vi) A copy of the scored post-test.

- (h) Complete and submit reports required by the courts and the department of licensing, in a timely manner.

NEW SECTION

WAC 440-22-610 Information and crisis services.

(1) Information and crisis service providers shall be governed under:

- (a) WAC 440-22-001 through 440-22-125; and

- (b) This section.

(2) The information and crisis service administrator shall:

- (a) Ensure a chemical dependency counselor is available or on staff;

- (b) Maintain a current directory of certified chemical dependency treatment service providers in the state;

- (c) Maintain a current list of local resources for legal, employment, education, interpreter, and social and health services;

- (d) Have services available twenty-four hours a day, seven days a week;

- (e) Ensure all staff complete forty hours of training that covers the following areas before assigning unsupervised duties:

- (i) Chemical dependency crisis intervention techniques;

- (ii) Alcoholism and drug abuse; and

- (iii) Prevention and control of TB and bloodborne pathogens.

- (f) Have policies and procedures for provision of emergency services, by phone or in person, to a person incapacitated by alcohol or other drugs, or to the person's family, such as:

- (i) General assessments;

- (ii) Interviews for diagnostic or therapeutic purposes;

- (iii) Crisis counseling; and

- (iv) Referral.

- (g) Maintain records of each patient contact, including:

- (i) The presenting problem;

- (ii) The outcome;
- (iii) A record of any referral made;
- (iv) The signature of the person handling the case; and
- (v) The name, age, sex, and race of the patient.

NEW SECTION

WAC 440-22-620 Emergency service patrol. (1) The emergency service patrol provider shall ensure staff providing the service:

- (a) Have proof of a valid Washington state driver's license;
- (b) Possess annually updated verification of first aid and cardiopulmonary resuscitation training;
- (c) Have completed forty hours of training in chemical dependency crisis intervention techniques, and alcoholism and drug abuse, to improve skills in handling crisis situations; and
- (d) Have training on communicable diseases, including:
 - (i) TB prevention and control; and
 - (ii) Bloodborne pathogens such as HIV/AIDS and hepatitis.

(2) Emergency service patrol staff shall:

(a) Respond to calls from police, merchants, and other persons for assistance with an intoxicated person in a public place;

(b) Patrol assigned areas and give assistance to a person intoxicated in a public place; and

(c) Conduct a preliminary assessment of a person's condition relating to the state of inebriation and presence of a physical condition needing medical attention:

(i) When a person is intoxicated, but subdued and willing, transport the person home, to a certified treatment provider, or a health care facility;

(ii) When a person is incapacitated, unconscious, or has threatened or inflicted harm on another person, staff shall make reasonable efforts to:

(A) Take the person into protective custody; and

(B) Transport the person to an appropriate treatment or health care facility.

(3) Emergency service patrol staff shall maintain a log including:

(a) The time and origin of each call received for assistance;

(b) The time of arrival at the scene;

(c) The location of the person at the time of the assist;

(d) The name and sex of the person transported;

(e) The destination of the transport and time of arrival; and

(f) In case of nonpickup of a person, a notation shall be made about why the pickup did not occur.

NEW SECTION

WAC 440-22-900 Outpatient child care when a parent is in treatment. A certified outpatient chemical dependency treatment provider may offer child care services when the provider:

(1) Notifies the department of the provider's intent to offer child care services;

(2) Submits a plan indicating numbers of children to be served and physical space available for the child care service which meets WAC 440-22-165 requirements;

(3) Demonstrates capability of meeting WAC 440-22-905 through 440-22-925 requirements; and

(4) Has an approval letter from the department to provide child care services.

NEW SECTION

WAC 440-22-905 Admission and health history of a child. (1) A chemical dependency service provider shall have and implement written policies and procedures to ensure:

(a) A parent serves as the responsible caregiver; and

(b) Each child admitted is free of serious medical conditions and not in need of nursing care.

(2) The provider shall have a file for each child which includes a health history of each child, obtained on admission, including:

(a) Name and phone number of the child's physician;

(b) Date of last physical examination;

(c) Statement of allergies and reactions, if any;

(d) Notation of special health problems;

(e) Immunization status; and

(f) Notation of medications currently being taken.

NEW SECTION

WAC 440-22-910 Child care policies. The administrator shall ensure implementation of child care policies which include:

(1) Encouragement of each parent to obtain health care for each child when necessary;

(2) What to do in the event of a medical emergency;

(3) Protection from child abuse, neglect, and exploitation; and

(4) Reporting of child abuse and neglect.

NEW SECTION

WAC 440-22-915 Child care activity program. The person designated responsible for the child care program shall:

(1) Address the developmental, cultural and individual needs of each child served.

(2) Offer a variety of activity choices;

(3) Offer each child daily opportunities for small and large muscle activities;

(4) Implement a planned program of activities, as evidenced by a current, written activity schedule;

(5) Provide a variety of easily accessible, culturally and developmentally appropriate learning and play materials; and

(6) Promote a nurturing, respectful, supportive and responsive environment.

NEW SECTION

WAC 440-22-920 Behavior management and discipline in child care. (1) The provider and the person responsible for child care shall ensure behavior management and disciplinary practices promote:

(a) Each child's developmentally appropriate social behavior, self-control, and respect for the rights of others; and

(b) Fair, reasonable, and consistent practices related to a child's behavior.

(2) The following practices are prohibited by any person:

- (a) Corporal punishment, including biting, jerking, shaking, spanking, slapping, hitting, striking, or kicking a child, or other means of inflicting physical pain or causing bodily harm;
- (b) Use of a physical restraint method injurious to a child;
- (c) Use of a mechanical restraint, locked time-out room or closet;
- (d) Withholding of food; and
- (e) Use of derogatory terms.

NEW SECTION

WAC 440-22-925 Diaper changing. The administrator shall ensure diaper changing policies and procedures are approved by the person developing health care policies and include:

- (1) A designated place for diaper changing that is:
 - (a) Separate from food preparation areas;
 - (b) Adjacent to a handwashing sink;
 - (c) Sanitized between use for different children;
 - (d) Impervious to moisture; and
 - (e) Safe, with safety rails or straps.
- (2) Appropriateness of changing diapers in the child's bed;
- (3) Posting of diaper changing procedures accessible to staff and parents;
- (4) Removal of soiled disposable diapers daily;
- (5) Removal of soiled reusable diapers according to a commercial diaper service schedule; and
- (6) Handwashing procedures.

NEW SECTION

WAC 440-22-930 Child care food service. The service provider shall have policies that address:

- (1) Feeding schedules for infants and children;
- (2) Safe and sanitary formula preparation and storage;
- (3) Storage and handling of bottles and nipples in a sanitary manner, separate from diaper changing areas;
- (4) Identification of prepared bottles with each child's name and date of preparation; and
- (5) Promotion of a safe and nurturing method for child feeding including:
 - (a) Holding infants in a semi-sitting position unless against medical advice or the child is able to sit in a high chair;
 - (b) Interacting with the infant; and
 - (c) Not propping bottles.

NEW SECTION

WAC 440-22-935 Staffing for child care services. (1) The service provider shall designate a person responsible for the child care program who:

- (a) Meets relevant personnel requirements under WAC 440-22-175 and 440-22-180;
- (b) Is eighteen years of age or older; and
- (c) Is capable of implementing WAC 440-22-905 through 440-22-925.

(2) The service provider shall maintain staffing ratios as follows:

- (a) One adult for up to and including four infants through eleven months of age;
 - (b) One adult for up to and including five children twelve through twenty-nine months of age;
 - (c) One adult for every ten children thirty months through five years of age; and
 - (d) One adult for every fifteen children five years of age or older.
- (3) When there are children of mixed ages, the service provider shall maintain the ratio prescribed for the youngest child in the mixed group.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 275-19 WAC, Alcohol and drug treatment facilities.

WSR 93-18-011
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed August 20, 1993, 4:28 p.m.]

Continuance of WSR 93-12-044.

Title of Rule: Secondary and operational area containment for bulk pesticides and fertilizers, new chapters 16-229 and 16-201 WAC.

Purpose: To protect the state's groundwater from contamination by agricultural chemicals at sites where large amounts of bulk products are stored or where large amounts of pesticide products are mixed and transferred into application equipment.

Statutory Authority for Adoption: Chapters 15.54 and 15.58 RCW.

Statute Being Implemented: RCW 15.54.800 and 15.58.040.

Summary: The rules require that facilities which store bulk pesticides and fertilizers build secondary and operational area containment.

Reasons Supporting Proposal: For the protection of groundwater from contamination by agricultural chemicals. Far West Fertilizer and Agrichemical Association requested that the department write rules.

Name of Agency Personnel Responsible for Drafting: Lee Faulconer, P.O. Box 42589, Olympia, WA 98504-2589, (206) 902-2050; Implementation: William E. Brookreson, Assistant Director, P.O. Box 42589, Olympia, WA 98504-2589, (206) 902-2010; and Enforcement: Cliff Weed, Program Manager, P.O. Box 42589, Olympia, WA 98504-2589, (206) 902-2040.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The department is extending the adoption date for three weeks.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules require that facilities which store bulk pesticides and fertilizers build secondary and operational area containment in order to protect the state's groundwater from contamination by agricultural chemicals at sites where large amounts of bulk products are stored or where large amounts of pesticide products are mixed and transferred into application equipment. The rules are written to protect against both catastrophic spills from large tanks and small incremental spills accumulating over time.

Proposal does not change existing rules.

Small Business Economic Impact Statement: [No information supplied by agency.]

Date of Intended Adoption: September 10, 1993.

August 20, 1993

William E. Brookreson
Assistant Director

WSR 93-18-013
PROPOSED RULES
STATE TOXICOLOGIST
[Filed August 23, 1993, 2:00 p.m.]

Original Notice.

Title of Rule: Administration of breath test program.

Purpose: Addressing changes in program with respect to simulator preparers, and change of address.

Statutory Authority for Adoption: RCW 46.61.506.

Summary: Rules are being changed to insure availability of adequate supplies of simulator solution for the BAC Verifier DataMaster program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. Barry Logan, State Toxicology Lab, 2203 Airport Way South #360, Seattle, WA 98134-2027, (206) 343-5435.

Name of Proponent: Dr. Barry Logan, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 448-13-080 authorization of additional preparers of simulator solution, present permittees cannot address the current demand; and WAC 448-13-200 address change for Office of the State Toxicologist.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State Toxicology Lab, 2203 Airport Way South #360, Seattle, WA 98134-2027, on October 27, 1993, at 9-10 a.m.

Submit Written Comments to: Dr. Barry Logan, Washington State Toxicology Laboratory, 2203 Airport Way South #360, Seattle, WA 98134-2027, by October 25, 1993.

Date of Intended Adoption: October 28, 1993.

August 23, 1993

Barry K. Logan
State Toxicologist

AMENDATORY SECTION (Amending WSR 91-21-040, filed 10/11/91, effective 11/11/91)

WAC 448-13-080 Preparation and certification of external standard simulator solution. The external standard simulator solutions shall be purchased from a vendor approved by the state toxicologist, and shall be supplied with documentation regarding their preparation, testing by gas chromatography, and manufacturers certification. In the alternative, they shall be prepared (~~by the forensic toxicology staff~~) in the state toxicology laboratory, using standard laboratory procedures, in such a manner that when used in a BAC Verifier DataMaster the external standard test performed as part of a person's breath test pursuant to WAC 448-13-050, will read between .090 and .110 inclusive, at the time of the test. The principle used for the preparation of the simulator solutions is that a 0.123g/100mL solution will give a vapor ethanol concentration at 34°C of 0.100g/210L. The protocol which shall be followed for the preparation and certification of the external standard simulator solution will be that protocol currently approved and authorized by the state toxicologist according to WAC 448-13-130 and conforming to WAC 448-14-010. Details of the currently approved and authorized protocols and vendors are available upon request from the office of the state toxicologist. (~~Sworn statements from the analyst regarding the preparation, testing, and certification of the simulator solution are available under the provisions of CrRLJ 6.13.-)~~)

AMENDATORY SECTION (Amending WSR 91-06-022, filed 2/26/91, effective 3/29/91)

WAC 448-13-210 Address for correspondence. Persons seeking information regarding currently approved protocols and procedures, or information regarding those persons currently authorized as operators, instructors, solution changers, or technicians for the BAC Verifier DataMaster, shall direct their request to the State Toxicologist, State Toxicology Laboratory, (~~Harborview Medical Center ZA 88, 325 9th Avenue~~) Department of Laboratory Medicine, University of Washington, 2203 Airport Way S., Suite 360, Seattle, Washington ((98104)) 98134.

WSR 93-18-014
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
[Filed August 24, 1993, 9:49 a.m.]

Continuance of WSR 93-14-127.

Title of Rule: Adopt Sections 7.01, 7.03, 7.05, and 7.07 of Regulation I.

Purpose: Continue adoption hearing from August 12, 1993, to October 28, 1993.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on October 28, 1993, at 9:00 a.m.

Submit Written Comments to: Laurie Halvorson, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, by October 18, 1993.

Date of Intended Adoption: October 28, 1993.

August 19, 1993
David S. Kircher
Manager - Engineering

WSR 93-18-017
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE

[Filed August 24, 1993, 12:30 p.m.]

Subject of Possible Rule Making: Amending chapter 458-61 WAC, Real estate excise tax.

Persons may comment on this subject in writing or by attending one of the public meetings scheduled at: Gonzaga University, Jepson Center Auditorium, Astor and Boone Street, Southwest Corner of Campus, Spokane, Washington, on September 21, 1993, at 1:00 p.m.; and at the Attorney General Training Center, Bank of California, 24th Floor, 900 4th Avenue, Suite 2400, Seattle, WA, on October 1, 1993, at 10:00 a.m. Written comments will be accepted through October 6, 1993, and should be addressed to: Laurel Costen, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467.

Other Information or Comments by Agency at this Time, if any: The department plans to implement chapter 25, Laws of 1993 1st sp.s., by repealing, amending, and adding new sections to existing chapter 458-61 WAC. This legislation required certain changes including the imposition of the real estate excise tax upon the transfer on acquisition of a controlling interest of an entity owning real property in Washington. Additionally, other language has been clarified and paragraph numbering has been added to rules formerly unnumbered. Emergency rules have been in effect since July 1, 1993, and will be renewed until permanent rules are adopted. A copy of the rule draft is available upon request. Contact Roseanna Hodson, (206) 586-4281.

August 24, 1993
Les Jaster
Rules Coordinator

WSR 93-18-018
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 24, 1993, 3:39 p.m.]

Original Notice.

Title of Rule: WAC 392-122-110 Definition—State handicapped program—Handicapped program certificated instructional staff salary and mix factor variable for the allocation formula.

Purpose: Used in apportionment of state handicapped program moneys.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: The Biennial Operating Appropriations Act.

Summary: Revision extends definition to include all certificated instructional staff variables defined in chapter 392-121 WAC.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Old Capitol Building, Olympia, 753-2298; Implementation: Thomas Case, Old Capitol Building, Olympia, 753-6708; and Enforcement: Dr. David Moberly, Old Capitol Building, Olympia, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

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

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Old Capitol Building, Wanamaker Conference Room, 2nd Floor, Olympia, Washington 98504-7200, on October 8, 1993, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, P.O. Box 47200, Olympia, WA 98504-7200, by October 5, 1993.

Date of Intended Adoption: October 20, 1993.

August 24, 1993
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 2, filed 1/23/91, effective 2/23/91)

WAC 392-122-110 Definition—State handicapped program—Handicapped program certificated instructional staff salary and mix factor variables for the allocation formula. Handicapped program certificated instructional staff salary and mix factor variables used in the handicapped allocation formula shall be defined the same as those defined in WAC ((~~392-121-285~~)) 392-121-200 through ((~~392-121-298~~)) 392-121-299: *Provided*, That the words "state handicapped program" shall be substituted for "basic education" throughout those definitions.

WSR 93-18-019
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 24, 1993, 3:41 p.m.]

Original Notice.

Title of Rule: WAC 392-140-450 through 392-140-497, 1991-92 through 1994-95 K-3 staff enhancement.

Purpose: Used to apportion state basic education moneys.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: The Biennial Operating Appropriations Act.

Summary: Revision continues existing rules through the 1994-95 biennium.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Old Capitol Building, 753-2298; Implementation: Thomas Case, Old Capitol Building, 753-6708; and Enforcement: Dr. David Moberly, Old Capitol Building, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

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

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Old Capitol Building, Wanamaker Conference Room, 2nd Floor, Olympia, Washington 98504-7200, on October 8, 1993, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, P.O. Box 47200, Olympia, WA 98504-7200, by October 5, 1993.

Date of Intended Adoption: October 20, 1993.

August 24, 1993

Judith A. Billings

Superintendent of

Public Instruction

determine the amount of moneys to be provided to school districts for certificated instructional staff above that set forth in RCW 28A.150.260 (2)(c).

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-460 ((1991-93)) K-3 staff enhancement—Definition—Academic year. As used in WAC 392-140-450 through 392-140-497, "academic year" means any nine-month period within the school year in which the minimum one hundred eighty school days required by law is conducted.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-461 ((1991-93)) K-3 staff enhancement—Definition—SPI Form S-275. "SPI Form S-275" means the same as defined in WAC 392-121-220.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-462 ((1991-93)) K-3 staff enhancement—Definition—SPI Form S-277. "SPI Form S-277" means the form provided by the superintendent of public instruction on which school districts report information about each classified employee of the school district as of October 1 of the school year including the employee's name, Social Security number, working hours, assignments, rate of pay, and benefits.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-463 ((1991-93)) K-3 staff enhancement—Definition—SPI Form 1158. "SPI Form 1158" means the form provided by the superintendent of public instruction on which school districts report supplemental full-time equivalent (FTE) staff and/or supplemental K-3 FTE staff for the school year.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-464 ((1991-93)) K-3 staff enhancement—Definition—SPI Report 1159. "SPI Report 1159" means the report produced by the superintendent of public instruction displaying the calculations of K-3 certificated instructional staffing and K-3 apportionment ratios and other information as necessary.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-465 ((1991-93)) K-3 staff enhancement—Definition—SPI Form 1160. "SPI Form 1160" means the form provided by the superintendent of public instruction on which school districts may select the period of enrollment the superintendent of public instruction shall use to calculate staffing ratios.

((1991-93)) 1991-92 THROUGH 1994-95 K-3 STAFF ENHANCEMENT

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-450 ((1991-93)) K-3 staff enhancement—Applicable provisions. The provisions of WAC 392-140-450 through 392-140-497 apply to the determination of staff/student ratios used in apportionment of state basic education moneys to school districts for the 1991-92 (~~and 1992-93~~) through 1994-95 school years based on the district's kindergarten through third grade (K-3) staff and students. Compliance with these sections does not assure compliance with:

(1) RCW 28A.150.100(2), which requires each school district to maintain a ratio of at least forty-six basic education certificated instructional staff per thousand annual average full-time equivalent students; or

(2) RCW 28A.150.250, which requires that the ratio of students per classroom teacher in grades kindergarten through three be no greater than the ratio of students per classroom teacher in grades four and above.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-451 ((1991-93)) K-3 staff enhancement—Authority. The authority for WAC 392-140-450 through 392-140-497 is:

(1) ~~((Section 502(11), chapter 16, Laws of 1991 1st sess. (the state Operating Appropriations Act)))~~ The biennial Operating Appropriations Act established by the legislature for each school year; and

(2) RCW 28A.150.290(1).

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-452 ((1991-93)) K-3 staff enhancement—Purpose. The purpose of WAC 392-140-450 through 392-140-497 is to set forth the policies and procedures used by the superintendent of public instruction to

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-466 ((1991-93)) K-3 staff enhancement—Definition—SPI Form 1230. "SPI Form 1230" means the form provided by the superintendent of public instruction on which school districts report 1989-90 FTE K-3 basic education classified instructional assistants.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-470 ((1991-93)) K-3 staff enhancement—Definition—FTE K-3 basic education enrollment. "FTE K-3 basic education enrollment" means the school district's enrollment for October or for such other period selected by the school district on SPI Form 1160 determined as follows:

- (1) Sum FTE K-3 students reported by a school district pursuant to WAC 392-121-122; and subtract
- (2) Handicapped FTE students of ages six through eight calculated pursuant to WAC 392-122-131 based on enrollment reported by a school district pursuant to WAC 392-122-106.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-471 ((1991-93)) K-3 staff enhancement—Definition—FTE basic education certificated instructional employee. "FTE basic education certificated instructional employee" means for a basic education certificated instructional employee as defined in WAC 392-121-210, the FTE calculated pursuant to WAC 392-121-215.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-472 ((1991-93)) K-3 staff enhancement—Definition—FTE K-3 basic education certificated instructional employee. "FTE K-3 basic education certificated instructional employee" means for a FTE basic education certificated instructional employee the following:

- (1) If the basic education certificated instructional employee serves only K-3 students, one hundred percent of the FTE assigned to basic education; or
- (2) If the basic education certificated instructional employee serves K-3 students and students of one or more other grades, multiply the FTE assigned to basic education by:
 - (a) The proportion of time spent serving K-3 students to all time serving students;
 - (b) The proportion of K-3 students served to all students served; or
 - (c) Any combination of (a) or (b) of this subsection as appropriate.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-473 ((1991-93)) K-3 staff enhancement—Definition—FTE K-3 basic education certificated instructional staff. "FTE K-3 basic education certificated

instructional staff" means the sum of FTE K-3 basic education certificated instructional employees for a school district.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-474 ((1991-93)) K-3 staff enhancement—Definition—Average basic education certificated instructional staff salary for the purpose of apportionment. "Average basic education certificated instructional staff salary for purpose of apportionment" means the average salary allocation amount for basic education certificated instructional staff determined by the superintendent of public instruction for general apportionment of state basic education moneys to a school district pursuant to WAC 392-121-299.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-475 ((1991-93)) K-3 staff enhancement—Definition—Basic education classified instructional assistant. "Basic education classified instructional assistant" means a person who is assigned in whole or in part to:

- (1) Program 01-basic education,
 - 31-vocational, basic, state, or
 - 45-skills center, basic, state; and
- (2) Activity 27-teaching; and
- (3) Duty 910-aide.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-476 ((1991-93)) K-3 staff enhancement—Definition—Basic education classified instructional assistant FTE. "Basic education classified instructional assistant FTE" means the number determined for a basic education classified instructional assistant as follows:

- (1) Multiplying the hours per day times the days per year that the employee is assigned as a basic education classified instructional assistant; and
- (2) Divide by 2080.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-477 ((1991-93)) K-3 staff enhancement—Definition—FTE K-3 basic education classified instructional assistants. "FTE K-3 basic education classified instructional assistants" means the number determined for a school district as follows:

- (1) For each basic education classified instructional assistant serving K-3 students determine an FTE as follows:
 - (a) If the basic education classified instructional assistant serves only K-3 students, one hundred percent of the FTE determined pursuant to WAC 392-140-476.
 - (b) If the basic education classified instructional assistant serves K-3 students and students of one or more other grades, multiply the FTE determined pursuant to WAC 392-140-476 by:
 - (i) The proportion of time spent serving K-3 students to all time serving students;
 - (ii) The proportion of K-3 students served to all students served; or

(iii) Any combination of (b)(i) or (ii) of this subsection as appropriate.

(2) Sum the FTEs determined pursuant to subsection (1) of this section for all basic education classified instructional assistants of the school district.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-478 ((1991-93)) K-3 staff enhancement—Definition—Instructional FTE. As used in WAC 392-140-450 through 392-140-497, "instructional FTE" means:

(1) For a basic education certificated instructional employee, the FTE determined pursuant to WAC 392-140-471.

(2) For a basic education classified instructional assistant, the FTE determined pursuant to WAC 392-140-476.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-480 ((1991-93)) K-3 staff enhancement—Definition—K-3 addition FTE. "K-3 addition FTE" means the increase in FTE calculated pursuant to WAC 392-140-483 for a K-3 basic education certificated instructional employee or a K-3 basic education classified instructional assistant who is not reported on SPI Form S-275 (for a certificated employee) or on SPI Form S-277 (for a classified employee) or whose instructional FTE increases after October 1 of the school year.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-481 ((1991-93)) K-3 staff enhancement—Definition—K-3 reduction FTE. "K-3 reduction FTE" means the decrease in K-3 FTE calculated pursuant to WAC 392-140-483 for a basic education certificated instructional employee or a basic education classified instructional assistant who is no longer employed or whose instructional FTE decreases after October 1 of the school year.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-482 ((1991-93)) K-3 staff enhancement—Definition—K-3 reassignment FTE. "K-3 reassignment FTE" means the change in K-3 FTE calculated pursuant to WAC 392-140-483 for a basic education certificated instructional employee or a basic education classified instructional assistant after October 1 whose K-3 FTE changes as a result of reassignment but whose total instructional FTE does not change.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-483 ((1991-93)) K-3 staff enhancement—Calculation of addition, reduction, and reassignment FTE. Addition, reduction, and reassignment FTE shall be calculated as follows:

(1) Determine the K-3 basic education FTE that would have been reported for the employee on SPI Form S-275 (for

a certificated instructional employee) or SPI Form S-277 (for a classified instructional assistant) if the employee had served the full academic year at the level of service after the change in service;

(2) Subtract the K-3 basic education FTE as of October 1 as reported for the employee on SPI Form S-275 (for a certificated instructional employee) or on SPI Form S-277 (for a classified instructional assistant) from the result obtained in subsection (1) of this section;

(3) Multiply the result obtained in subsection (2) of this section by the number of months remaining in the academic year that the employee serves at the level of service after the change in service, including the month of the change; and

(4) Divide the result obtained in subsection (3) of this section by nine.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-485 ((1991-93)) K-3 staff enhancement—Definition—Supplemental FTE K-3 basic education certificated instructional staff. "Supplemental FTE K-3 basic education certificated instructional staff" means the sum of a school district's K-3 addition, reduction, and reassignment FTEs for K-3 basic education certificated instructional staff.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-486 ((1991-93)) K-3 staff enhancement—Definition—Supplemental FTE K-3 basic education classified instructional assistants. "Supplemental FTE K-3 basic education classified instructional assistants" means the sum of a school district's K-3 addition, reduction, and reassignment FTEs for K-3 basic education classified instructional assistants.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-490 ((1991-93)) K-3 staff enhancement—Definition—K-3 certificated instructional staffing ratio. "K-3 certificated instructional staffing ratio" means the ratio calculated for a school district for a school year as follows:

(1) Add FTE K-3 basic education certificated instructional staff as reported on SPI Form S-275 and any supplemental FTE K-3 basic education certificated instructional staff as reported on SPI Form 1158;

(2) Divide the result of subsection (1) of this section by FTE K-3 basic education enrollment; and

(3) Multiply the result obtained in subsection (2) of this section by 1000.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-491 ((1991-93)) K-3 staff enhancement—Definition—Actual average salary for basic education classified instructional assistants. "Actual average salary for basic education classified instructional assistants" means the dollar amount determined for a school district for a school year as follows:

(1) For each basic education classified instructional assistant reported on SPI Form S-277 for the school year multiply the hours per day times the days per year times the hourly rate as reported on Form S-277.

(2) Sum the dollar amounts determined pursuant to subsection (1) of this section; and

(3) Divide the result of subsection (2) of this section by the sum of the school district's FTE basic education classified instructional assistants for the school year as reported on Form S-277.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-492 ((1991-93)) K-3 staff enhancement—Definition—Increase in K-3 basic education classified instructional assistants from 1989-90. "Increase in K-3 basic education classified instructional assistants from 1989-90" means the greater of zero and the number calculated for a school district as follows:

(1) Sum FTE K-3 basic education classified instructional assistants reported on SPI Form S-277 and any supplemental FTE K-3 basic education classified instructional assistants as reported on SPI Form 1158; and subtract

(2) 1989-90 K-3 basic education classified instructional assistants as reported on SPI Form 1230.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-493 ((1991-93)) K-3 staff enhancement—Definition—Recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants. "Recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants" means the number calculated for a school district with a K-3 certificated instructional staffing ratio of 51.00 or greater and an increase in K-3 basic education classified instructional assistants from 1989-90 as follows:

(1) Divide the increase in K-3 basic education classified instructional assistants from 1989-90 by FTE K-3 basic education enrollment;

(2) Multiply the result of subsection (1) of this section by 1000;

(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 certificated instructional staff salary for the purpose of apportionment;

(4) The lesser of 1.30 and the result of subsection (3) of this section is the school district's recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-494 ((1991-93)) K-3 staff enhancement—School district reporting—Required reports. Each school district shall report to the superintendent of public instruction on SPI Forms S-275 and S-277 the school district's FTE K-3 basic education certificated instructional staff and FTE K-3 basic education classified instructional

assistants as of October 1 of the school year. School districts shall report pursuant to instructions provided by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-495 ((1991-93)) K-3 staff enhancement—School district reporting—Optional reports. At any time prior to September 30 of the following school year school districts may report to the superintendent of public instruction:

(1) Supplemental FTE K-3 staff for the school year on SPI Form 1158;

(2) One of the following optional periods of enrollment on SPI Form 1160:

(a) Enrollment for any month of the school year; or

(b) Annual average enrollment for the school year; and

(3) 1989-90 FTE K-3 classified instructional assistants on SPI Form 1230.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-496 ((1991-93)) K-3 staff enhancement—Calculation of K-3 apportionment ratios. The superintendent of public instruction shall calculate each school district's ratio of state allocated certificated instructional staff units per one thousand K-3 students for state basic education apportionment as follows:

(1) If the school district's K-3 certificated instructional staffing ratio is 49.00 or less, the district's K-3 apportionment ratio shall be 49.00.

(2) If the school district's K-3 certificated instructional staffing ratio is greater than 49.00, and less than 51.00, the district's K-3 apportionment ratio shall be the same as the district's K-3 certificated instructional staffing ratio.

(3) If the school district's K-3 certificated instructional staffing ratio is 51.00 or greater, the district's K-3 apportionment ratio shall be the lesser of:

(a) 54.30; and

(b) The sum of the district's K-3 certificated instructional staffing ratio and, if applicable, the district's recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants.

AMENDATORY SECTION (Amending Order 92-01, filed 1/7/92, effective 2/7/92)

WAC 392-140-497 ((1991-93)) K-3 staff enhancement—Reporting by the superintendent of public instruction. The superintendent of public instruction shall report to school districts as follows:

(1) Prior to January 31 of each school year the superintendent of public instruction shall provide each school district an initial SPI Report 1159. The report shall include any supplemental data received from the school district prior to January 1 of the school year.

(2) Within thirty days of receiving any of the following data from a school district the superintendent of public instruction shall provide the school district with an interim SPI Report 1159:

(a) Supplemental FTE K-3 staff on SPI Form 1158;

(b) Selection of optional enrollment on SPI Form 1160;
 (c) Corrections to FTE K-3 basic education certificated instructional staff on SPI Form S-275; or

(d) Corrections to FTE K-3 basic education classified instructional assistants on SPI Form S-277.

(3) Prior to January 1 of the following school year, the superintendent of public instruction shall provide each school district a final SPI Report 1159. The report shall include supplemental data for the school year received from the school district prior to September 30 of the following school year.

(4) Reports shall show the school district's K-3 certificated instructional staffing ratio, recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants, and K-3 apportionment ratio for the school year.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-140-300 1989-91 Certificated instructional staff enhancement mon-
eys—Applicable provisions.
- WAC 392-140-301 1989-91 Certificated instructional staff enhancement mon-
eys—Authority.
- WAC 392-140-302 1989-91 Certificated instructional staff enhancement mon-
eys—Purpose.
- WAC 392-140-303 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—School district.
- WAC 392-140-304 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—SPI Form E-
672.
- WAC 392-140-305 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Full-time
equivalent basic education
enrollment.
- WAC 392-140-306 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Full-time
equivalent kindergarten through
third grade basic education
enrollment.
- WAC 392-140-307 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Full-time
equivalent kindergarten through
third grade basic education
enrollment including handi-
capped enrollment.
- WAC 392-140-308 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—SPI Form S-
275.

- WAC 392-140-309 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—School year.
- WAC 392-140-310 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Current
school year.
- WAC 392-140-311 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Following
school year.
- WAC 392-140-312 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Academic
year.
- WAC 392-140-313 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Full-time
equivalent basic education
certificated instructional em-
ployee.
- WAC 392-140-314 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Full-time
equivalent kindergarten through
third grade basic education
certificated instructional em-
ployee.
- WAC 392-140-315 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Full-time
equivalent kindergarten through
third grade basic education
certificated instructional staff.
- WAC 392-140-316 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Addition full-
time equivalent.
- WAC 392-140-317 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Reduction
full-time equivalent.
- WAC 392-140-318 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Reassignment
full-time equivalent.
- WAC 392-140-319 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Supplemental
full-time equivalent staff.
- WAC 392-140-320 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Supplemental
full-time equivalent kindergar-
ten through third grade staff.
- WAC 392-140-321 1989-91 Certificated instructional staff enhancement mon-
eys—Definition—Kindergarten
through third grade staffing
ratio.
- WAC 392-140-322 1989-91 Certificated instructional staff enhancement mon-

	eys—Definition—Kindergarten through twelfth grade staffing ratio.				ratios for a school district with a 1988-89 kindergarten through third grade staffing ratio equal to or greater than fifty-one per thousand.
WAC 392-140-323	1989-91 Certificated instructional staff enhancement mon- eys—Definition—SPI Form 1157.		WAC 392-140-340		1990-91 additional 1.3 staff units—Applicable provisions.
WAC 392-140-324	1989-91 Certificated instructional staff enhancement mon- eys—Definition—SPI Form 1158.		WAC 392-140-341		1990-91 additional 1.3 staff units—Authority.
WAC 392-140-325	1989-91 Certificated instructional staff enhancement mon- eys—Definition—SPI Form 1159.		WAC 392-140-342		1990-91 additional 1.3 staff units—Purpose.
WAC 392-140-326	1989-91 Certificated instructional staff enhancement mon- eys—Definition—SPI Form 1160.		WAC 392-140-343		1990-91 additional 1.3 staff units—General provisions.
WAC 392-140-327	1989-91 Certificated instructional staff enhancement mon- eys—General provisions.		WAC 392-140-345		1990-91 additional 1.3 staff units—Definition—School year.
WAC 392-140-328	1989-91 Certificated instructional staff enhancement mon- eys—School district reporting—Required reports.		WAC 392-140-346		1990-91 additional 1.3 staff units—Definition—Academic year.
WAC 392-140-329	1989-91 Certificated instructional staff enhancement mon- eys—School district reporting—Optional report—Staff changes.		WAC 392-140-347		1990-91 additional 1.3 staff units—Definition—Full-time equivalent basic education enrollment.
WAC 392-140-330	1989-91 Certificated instructional staff enhancement mon- eys—School district reporting—Optional report—Enrollment changes.		WAC 392-140-348		1990-91 additional 1.3 staff units—Definition—Full-time equivalent kindergarten through third grade basic education enrollment.
WAC 392-140-331	1989-91 Certificated instructional staff enhancement mon- eys—Initial report by the superintendent of public instruction.		WAC 392-140-349		1990-91 additional 1.3 staff units—Definition—Full-time equivalent basic education certificated instructional staff.
WAC 392-140-332	1989-91 Certificated instructional staff enhancement mon- eys—Interim report by the superintendent of public instruction.		WAC 392-140-350		1990-91 additional 1.3 staff units—Definition—Full-time equivalent kindergarten through third grade basic education certificated instructional staff.
WAC 392-140-333	1989-91 Certificated instructional staff enhancement mon- eys—Final report by the superintendent of public instruction.		WAC 392-140-351		1990-91 additional 1.3 staff units—Definition—SPI form S-275.
WAC 392-140-334	1989-91 Certificated instructional staff enhancement mon- eys—Kindergarten through third grade apportionment ratios a school district with a 1988-89 kindergarten through third grade staffing ratio less than fifty-one per thousand.		WAC 392-140-352		1990-91 additional 1.3 staff units—Definition—SPI form 1158.
WAC 392-140-335	1989-91 Certificated instructional staff enhancement mon- eys—Kindergarten through third grade apportionment		WAC 392-140-353		1990-91 additional 1.3 staff units—Definition—Supplemental basic education certificated instructional staff.
			WAC 392-140-354		1990-91 additional 1.3 staff units—Definition—Supplemental full-time equivalent kindergarten through third grade staff.
			WAC 392-140-355		1990-91 additional 1.3 staff units—Definition—Kindergarten through third grade basic education certificated instructional staffing ratio.
			WAC 392-140-356		1990-91 additional 1.3 staff units—Definition—1990-91 average basic education certificated instructional staff salary

	for the purpose of apportionment.	WAC 392-140-370	1990-91 additional 1.3 staff units—Definition—
WAC 392-140-357	1990-91 additional 1.3 staff units—Definition—SPI form S-277.		Supplemental full-time equivalent kindergarten through third grade basic education classified instructional assistants.
WAC 392-140-358	1990-91 additional 1.3 staff units—Definition—Classified instructional assistant.	WAC 392-140-371	1990-91 additional 1.3 staff units—Definition—
WAC 392-140-359	1990-91 additional 1.3 staff units—Definition—Classified instructional assistant full-time equivalent.		Supplemental full-time equivalent fourth through twelfth grade basic education classified instructional assistants.
WAC 392-140-360	1990-91 additional 1.3 staff units—Definition—Basic education classified instructional assistant.	WAC 392-140-372	1990-91 additional 1.3 staff units—Definition—SPI Form 1230.
WAC 392-140-361	1990-91 additional 1.3 staff units—Definition—Basic education classified instructional assistant full-time equivalent.	WAC 392-140-373	1990-91 additional 1.3 staff units—Definition—
WAC 392-140-362	1990-91 additional 1.3 staff units—Definition—Full-time equivalent basic education classified instructional assistants.		Kindergarten through third grade basic education classified instructional assistant staffing ratio.
WAC 392-140-363	1990-91 additional 1.3 staff units—Definition—Full-time equivalent kindergarten through third grade basic education classified instructional assistants.	WAC 392-140-374	1990-91 additional 1.3 staff units—Definition—Change in kindergarten through third grade basic education classified instructional assistant staffing ratios from 1989-90 to 1990-91.
WAC 392-140-364	1990-91 additional 1.3 staff units—Definition—Full-time equivalent fourth through twelfth grade basic education classified instructional assistants.	WAC 392-140-375	1990-91 additional 1.3 staff units—Definition—Certificated instructional staff ratio equivalent of the change in kindergarten through third grade basic education classified instructional assistant staffing ratios from 1989-90 to 1990-91.
WAC 392-140-365	1990-91 additional 1.3 staff units—Definition—1990-91 actual average salary for basic education classified instructional assistants.	WAC 392-140-376	1990-91 additional 1.3 staff units—Definition—Recognized change in kindergarten through third grade basic education certificated instructional staffing ratio from 1989-90 to 1990-91.
WAC 392-140-366	1990-91 additional 1.3 staff units—Definition—Addition full-time equivalent basic education classified instructional assistant.	WAC 392-140-377	1990-91 additional 1.3 staff units—Definition—Combined change in kindergarten through third grade basic education instructional staffing ratios from 1989-90 to 1990-91.
WAC 392-140-367	1990-91 additional 1.3 staff units—Definition—Reduction full-time equivalent basic education classified instructional assistant.	WAC 392-140-378	1990-91 additional 1.3 staff units—Definition—Change in fourth through twelfth grade basic education certificated instructional staff from 1989-90 to 1990-91.
WAC 392-140-368	1990-91 additional 1.3 staff units—Definition—Reassignment full-time equivalent basic education classified instructional assistant.	WAC 392-140-379	1990-91 additional 1.3 staff units—Definition—Change in fourth through twelfth grade basic education classified instructional assistants from 1989-90 to 1990-91.
WAC 392-140-369	1990-91 additional 1.3 staff units—Definition—Supplemental full-time equivalent basic education classified instructional assistants.		

- WAC 392-140-380 1990-91 additional 1.3 staff units—Definition—Certificated instructional staff equivalent of the change in fourth through twelfth grade basic education classified instructional assistants from 1989-90 to 1990-91.
- WAC 392-140-381 1990-91 additional 1.3 staff units—Definition—Kindergarten through third grade certificated instructional staffing ratio equivalent of fourth through twelfth grade basic education instructional staff changes from 1989-90 to 1990-91.
- WAC 392-140-390 1990-91 additional 1.3 staff units—School district reporting of basic education classified instructional assistants.
- WAC 392-140-391 1990-91 additional 1.3 staff units—Reporting by the superintendent of public instruction.
- WAC 392-140-392 1990-91 additional 1.3 staff units—Determination of school district additional kindergarten through third grade staffing ratio enhancements.
- WAC 392-140-393 1990-91 additional 1.3 staff units—Determination of credit for fourth through twelfth grade staff increases.

WSR 93-18-022
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health)

[Filed August 25, 1993, 10:55 a.m.]

Original Notice.

Title of Rule: Amending WAC 248-14-001 Definitions, 248-14-080 Licensure—Disqualification, 248-14-240 Personnel, and 248-14-249 Criminal history disclosure and background inquiries; new WAC 248-14-075 Nursing home fees; and repealing WAC 248-14-071 Nursing home fees.

Purpose: Criminal history: Incorporate legislative requirements; revise procedure for nursing homes requesting criminal history inquiries; simplify and condense several current WAC sections into one.

Nursing home change of ownership: Administrative change to assure department review when controlling interest in a corporation changes.

Nursing home licensing fees: Allow the department to establish licensing fees and set fee amount annually. Current WAC on nursing home licensing fees extends through June 30, 1993, only.

Statutory Authority for Adoption: RCW 74.42.620, 43.43.830, 18.51.070, 43.43.842, and 18.51.050.

Statute Being Implemented: RCW 74.42.620, 43.43.842, 43.43.830, 18.51.070, and 18.51.050.

Summary: Criminal history: Sets out specific crimes not automatically disqualifying an applicant from employment in a nursing home; allows inquiry results to be effective for three years under certain circumstances; allows nursing homes to request criminal history inquiry results from another nursing home.

Nursing home change of ownership: Adds change of controlling interest in a corporation to the definition of change of ownership.

Nursing home licensing fees: Allow the department to establish licensing fees according to certain criteria, and set fee amount annually.

Reasons Supporting Proposal: Criminal history: Incorporate legislative requirements; revise procedures for nursing homes requesting criminal history inquiries; simplify and condense several current WAC sections into one.

Nursing home change of ownership: Administrative change to assure department review when controlling interest in a corporation change.

Nursing home licensing fees: Current nursing home licensing fee schedule extends only through June 30, 1993.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pat Lashway, Criminal History, Aging and Adult Services, 438-7939 and Peggy Brown, Licensing Fee, Association, 493-2630.

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: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on October 26, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by October 12, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by October 19, 1993.

Date of Intended Adoption: October 27, 1993.

August 25, 1993

Dewey Brock, Chief

Office of Vendor Services

Administrative Services Division

AMENDATORY SECTION (Amending Order 3057, filed 8/21/90, effective 9/21/90)

WAC 248-14-001 Definitions. (1) All adjectives and adverbs such as adequate, approved, immediately, qualified, reasonable, reputable, satisfactory, sufficient, or suitable, used in these nursing home regulations to qualify a requirement shall be as determined by the department with the advice and guidance of the nursing home advisory council and the state board of health.

(2) "Activity director" means an employee responsible for the development, implementation, and maintenance of a

program for residents intended to provide activities to meet the residents' needs and interests.

(3) "Alterations" means physical, mechanical, or electrical changes made to existing facilities except for painting or repair.

(4) "Ambulatory person" means a person, who, unaided by another person, is physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

(5) "Attending physician" means the doctor responsible for a particular person's total medical care.

(6) "Authorized practitioner" means:

(a) A certified registered nurse under chapter 18.88 RCW when authorized by the board of nursing;

(b) An osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners; or

(c) A physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners.

(7) "Background inquiry" means a written request to the department determining if an individual has a record of any of the following:

(a) Conviction of a crime against persons as defined under RCW 43.43.830;

(b) Conviction of crimes relating to financial exploitation (~~of a vulnerable adult~~) as defined under RCW 43.43.830;

(c) Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult as defined under RCW 43.43.830;

(d) Found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;

(e) Found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(f) Found by a court in a domestic relations proceeding under Title 26 RCW to have abused or financially exploited a vulnerable adult.

(8) "Bathing facility" means a bathtub or shower.

(9) "Berm" means a bank of earth piled against a wall.

(10) "Change of ownership" means a change in the individual or legal organization responsible for the daily operation of a nursing home.

(a) Events which change ownership include, but are not limited to, the following:

(i) The form of legal organization of the licensee is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Title to the nursing home business enterprise is transferred by the licensee to another party;

(iii) Where the licensee is a partnership, any event occurs which dissolves the partnership;

(iv) Where the licensee is a corporation, fifty percent or more of the corporation's stock is transferred, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation; or

(v) Any other event occurs which results in a change of operating entity.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the licensee to manage the enterprise as the licensee's agent, i.e., subject to the licensee's general approval of daily operating decisions; or

(ii) ~~((If the licensee is a corporation, some or all of its stock is transferred or;~~

~~(iii)))~~ The real property or personal property assets associated with the nursing home change ownership or are leased, or a lease of them is terminated, without a change of operating entity.

(11) "Citation" means the finding written by a surveyor on an official state and/or federal statement of deficiencies form following a full survey, post survey, or complaint investigation.

(12) "Cognitively impaired" means a diminished perception, reasoning, intuition or memory, and absence or reduction of intellectual faculties as in dementia, including Alzheimer's disease or a related disorder.

(13) "Contact with animals" means close proximity to animals to allow for close observation, interaction, handling, or petting achieved by either animals:

(a) Being brought into the nursing home on a regular basis; or

(b) Allowed to live on the nursing home premises.

(14) "Department" means the state department of social and health services.

(15) "Dialysis" means the process of separating crystalloids and colloids in solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial, semipermeable membrane.

(a) "Acute dialysis" means hemodialysis or peritoneal dialysis in the treatment of a person with renal failure for a period of time during which it is medically determined whether renal function may be restored or the failure is irreversible.

(b) "Dialysis helper" means a health care assistant trained by a kidney center under RCW 18.135.060.

(16) "Dialysis room" means a room where a patient undergoes dialysis.

(17) "Dietetic service supervisor" means a person who:

(a) Is a dietitian; or

(b) Has completed or is enrolled with a set date of completion in a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association; or

(c) Has completed or is enrolled with a set date of completion in a state-approved training program providing ninety or more hours of classroom instruction in food service supervision, and has experience in a health care institution.

(18) "Dietitian" means a person who is eligible for registration by the commission on dietetic registration of the American Dietetic Association based on the 1982 criteria for registration. A person not meeting this definition but employed in that capacity by a nursing home or homes on or before the effective date of this regulation will be deemed to meet the requirement of WAC 248-14-230(5). This grandfather clause is only effective as long as the:

(a) Person continues employment with the same nursing home or homes; and

(b) Nursing home has no serious deficiencies in dietary services.

(19) "Disclosure statement" means a signed statement by an individual indicating whether or not the individual was:

(a) Convicted of any crime against persons as defined under RCW 43.43.830;

(b) Convicted of crimes relating to financial exploitation ~~((of a vulnerable adult or {as}))~~ as defined under RCW 43.43.830;

(c) Found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor;

(d) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;

(e) Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult; or

(f) Found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult.

(20) "Drug" means:

(a) A substance recognized as a drug in the official *United States Pharmacopoeia*, *Official Homeopathic Pharmacopoeia of the United States*, or any supplement to any of the listed publications;

(b) A substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man;

(c) "Drug administration" means the direct application of a drug by injection, inhalation, ingestion, or any other means to the body of a resident;

(d) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, under the order, the proper selection, measuring, labeling, packaging, and issuance of the drug or biological to a residential care unit; and

(e) "Legend drug" means a drug bearing the legend, "caution, federal law prohibits dispensing without a prescription."

(21) "Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

(22) "End stage renal disease (ESRD)" means the stage of renal impairment, virtually always irreversible and permanent, requiring dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life.

(23) "Facilities" means a room or area and/or equipment to serve one or more specific functions.

(24) "Grade" means the level of ground adjacent to the building floor level measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

(25) "Immediate supervision" means on-site supervision of one or more persons.

(26) "Kidney center" means a hospital-based or independent dialysis facility, as defined and certified by the federal government, to provide dialysis and related services and provide services as specified in WAC 248-30-090.

(27) "Lavatory" means a handwashing sink.

(28) "Licensed nurse" means either a registered nurse or a licensed practical nurse.

(a) "Licensed practical nurse" means a person duly licensed under the provisions of the Licensed Practical Nurse Act of the state of Washington, chapter 18.78 RCW.

(b) "Registered nurse" means a person duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

(29) "New construction" means the following, when the preliminary plans have not been reviewed and accepted at the time of adoption of these regulations:

(a) New buildings to be used as a nursing home;

(b) Additions to buildings used as a nursing home;

(c) Conversions of existing buildings including previously licensed nursing homes; and

(d) Alterations.

(30) "Nursing care" means services designed to maintain or promote achievement of optimal independent function and health status planned, supervised, and evaluated by a registered nurse in the context of an overall individual plan of care.

(31) "Nursing home" means any home or institution operating or maintaining facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours.

(a) A nursing home cares for three or more residents not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable to properly care for themselves.

(b) Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as:

(i) Administration of medicines;

(ii) Preparation of special diets;

(iii) Giving of bedside nursing care;

(iv) Application of dressings and bandages; and

(v) Carrying out of treatment prescribed by a duly licensed practitioner of the healing arts.

(c) Nothing in the nursing home definition shall be construed to include facilities precluded by RCW 18.51.010 and 18.51.170; and

(d) Licensed nursing home beds shall not be licensed for any other purpose or use specifically regulated under state law; except, beds dually licensed for five years or more may continue to be dually licensed if the licensing does not adversely affect the quality of care provided.

(32) "Nursing services" means an organized department under the direction of a registered nurse, the members of which provide nursing care.

(33) "Outpatient service" means any service provided to a nonresident of the nursing home.

(34) "Patient" means a person receiving preventive, diagnostic, therapeutic, habilitative, rehabilitative, maintenance, or palliative health-related services under professional direction.

(a) "Inpatient" means a resident receiving services with board and room in a nursing home on a continuous twenty-four-hour-a-day basis.

(b) "Outpatient" means a nonresident of the nursing home receiving services at a nursing home not providing the

nonresident the services with room and board on a continuous twenty-four-hour-a-day basis.

(c) "Resident requiring skilled nursing care" means a resident whose condition, needs, and/or services are of such complexity and sophistication to require the frequent or continuous observation and intervention of a registered nurse, and the supervision of a licensed physician. A resident requires ongoing assessments of physiological and/or psychological needs, and the development and implementation of a comprehensive plan of care involving interdisciplinary planning input and coordination. Resident needs include ongoing evaluations, care plan revisions, and the teaching necessary to provide for residents whose condition is unstable and/or complex.

(d) "Residents requiring intermediate nursing care" means residents whose physiological and psychological functioning is stable, but require individually planned treatment and services under the daily direction of a registered nurse or a licensed nurse with registered nurse consultation as provided by exemption and the supervision of a licensed physician. The program is directed toward maintenance of maximum independence and return to the community whenever possible. The program includes an established treatment regimen involving more than supervision, assistance with personal care, and protection.

(e) "Residents requiring care for mental retardation or related conditions" means residents found eligible by the division of developmental disabilities and requiring health care services under subsection (34)(c) or (d) of this section, and are in need of a comprehensive habilitative and/or developmental program incorporated into a twenty-four-hour overall program plan.

(35) "Peninsular (or island) bathtub" means a bathtub having sufficient clearances around both sides and one end to accommodate residents, equipment, and attendants.

(36) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy under the provisions of chapter 18.64 RCW.

(37) "Pharmacy" means a place where the practice of pharmacy is conducted, properly licensed under the provisions of chapter 18.64 RCW.

(38) "Physician's assistant" means a person acting as an extender for a designated physician and under a plan of utilization approved by the board of medical examiners or the board of osteopathic medicine and surgery and is registered under the provisions of the law regulating the practice of physician's assistant in the state of Washington, chapters 18.57A or 18.71A RCW.

(39) "Practitioner" means a:

(a) Physician under chapter 18.71 RCW;

(b) An osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW;

(c) A dentist under chapter 18.32 RCW;

(d) A podiatrist under chapter 18.22 RCW;

(e) A certified registered nurse under chapter 18.88 RCW as authorized by the board of nursing;

(f) An osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners;

(g) A physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners; or

(h) A pharmacist under chapter 18.64 RCW.

(40) "Protective unit" means a separate physical and functional section of a nursing home for the cognitively impaired and offers the cognitively-impaired residents increased space for ambulation and a reduction in anxiety-provoking stimuli.

(41) "Resident" means an inpatient.

(42) "Residential care unit" means a separate, physical, and functional unit including resident rooms, toilets, bathing facilities, and basic service facilities as identified in WAC 248-14-120 (2)(a).

(43) "Respiratory isolation" means a procedure for the prevention of transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

(44) "Responsible party" means a legally responsible person to whom the rights of a client have legally devolved.

(45) "Supervision" means the process of overseeing performance while having the responsibility and authority to guide or direct and critically evaluate.

(46) "Toilet fixture" means a bowl-shaped plumbing fixture fitted with a seat and a device for flushing the bowl with water.

(47) "Toilet room" means a room containing at least one toilet fixture.

(48) "Unit-dose" means the ordered amount of a drug in a dosage form ready for administration to a particular person.

(49) "Unit-dose drug distribution system" means a system of drug dispensing and control characterized by the dispensing of the majority of drugs in unit doses. For most drugs, not more than a forty-eight-hour supply of doses is available at the residential care unit at any time.

(50) "Usable floor space" excludes areas taken up by passage door swings, closets, wardrobes, portable lockers, and toilet rooms.

(51) "Volunteer" means a person who is a regularly scheduled person not receiving payment for services and having unsupervised access to a nursing home resident.

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

NEW SECTION

WAC 248-14-075 Nursing home fees. The department shall establish nursing home license fees at an amount adequate to reimburse the department in full for all costs of its licensing activities for nursing homes, adjusted to cover the department's cost of reimbursing such fees through Medicaid. The department shall set the amount of such fees annually, effective July 1st of each year.

AMENDATORY SECTION (Amending Order 3057, filed 8/21/90, effective 9/21/90)

WAC 248-14-080 Licensure—Disqualification. (1) The department shall consider separately and jointly as applicants each individual named in an application for a nursing home license. If the department finds any individual unqualified, the department shall deny, suspend, or revoke the license in accordance with the law or these rules, regulations, and standards.

(2) The department shall not grant a license to an individual who, in the state of Washington or in any other place, has previously been denied a license to operate a hospital or facility for the care of children, or adults who are developmentally disabled, aged, ill, or infirm. The department shall not grant a license to an applicant convicted of operating such a facility without a license, or who has had their license revoked.

(3) The department shall disqualify the following individual, even though the premises meet minimum requirements:

- (a) Engaging in the illegal use of drugs or the excessive use of alcohol;
- (b) With a poor credit history;
- (c) Convicted of a felony or a crime against persons if the conviction reasonably relates to the competency of the individual to own or operate a nursing home, and who, the department determines, is not sufficiently rehabilitated to warrant public trust.

(4) The department shall deny, suspend, or revoke a license for failure or refusal to comply with the requirements established by chapter 18.51 RCW or rules, regulations, and standards adopted thereunder, or for any of the following:

- (a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation;
- (b) Permitting, aiding, or abetting the commission of any illegal act on the nursing home premises;
- (c) Cruelty or indifference to the welfare of the patients;
- (d) Maintaining insufficient numbers of staff to properly care for the number and type of residents;
- (e) Maintaining staff lacking training, experience, or temperament to care for the type of residents in the facility;
- (f) Misappropriation of the property of the patients; or
- (g) Failure or inability to meet financial obligations as they fall due in the normal course of business.

(5) The department shall not issue or renew a license if the applicant or licensee allows access to residents by any person employed directly or by contract, or as a volunteer or student who:

- (a) Was convicted of a crime against persons as defined under RCW 43.43.830;
- (b) Was convicted of crimes related to financial exploitation (~~of a vulnerable adult~~) as defined under RCW 43.43.830;
- (c) Was found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;
- (d) Was found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult;
- (e) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or
- (f) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

(6) The department shall deny a nursing home license to any applicant with a history of significant noncompliance with federal or state nursing home requirements.

(7) In making a determination to deny a nursing home license, the department shall review the information con-

tained in the application. In addition, other documents the department deems relevant may be reviewed, including survey and complaint investigation findings in each facility the applicant is or has been affiliated during the past ten years.

(8) The department may consider, but is not limited to, the following criteria in conducting a review relating to noncompliance with federal or state regulation:

- (a) Whether the violations threatened or resulted in significant harm to the health, safety, or welfare of any patient;
- (b) Whether a reasonably prudent nursing home operator should have been aware of the conditions resulting in the violation or violations;
- (c) Whether the applicant promptly investigated the circumstances surrounding any violation and took steps to correct and prevent recurrences of the violations;
- (d) The overall frequency of noncompliance as well as the recurrence of violations in the same or similar areas; or
- (e) Inability to attain compliance within a reasonable period of time.

(9) All applications for nursing home licensure are subject to review under this chapter. Applications for renewal are not considered applicants under this chapter. The department will not commence review of an incomplete application. The department requires a minimum of sixty days to review a completed application.

(10) Failure to provide any authorization the department requires in order to verify information contained in the application or to verify additional information the department deems relevant to the application shall result in denial of the license. If the department deems additional information is necessary to process the application, the applicant shall respond to such a request in a timely fashion.

(11) Any applicant denied a license shall be afforded an opportunity for an administrative hearing if a hearing is requested within twenty days after receipt by the applicant of notice of denial as required under RCW 18.51.065. All hearings shall be conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 3057, filed 8/21/90, effective 9/21/90)

WAC 248-14-240 Personnel. The nursing home shall:

- (1) Have personnel available in sufficient numbers and qualifications to meet the requirements of this chapter.
- ~~((a))~~ (2) Maintain and review written evaluations of work performance with the employee once a year or more often.
- ~~((b))~~ (3) Ensure staff, including consultants and pool personnel, are appropriately licensed or certified at the time of their assignment to duties.
- ~~((c))~~ (4) Ensure any employee giving direct resident care or treatment shall be eighteen years of age or older unless the employee is enrolled in or successfully completes a bona fide nurse or nurse aide training program. The employee's nurse aide training shall be completed within four months of employment.
- ~~((d))~~ (5) Ensure no employee currently working shall evidence signs or symptoms of infectious diseases, such as running sores or fever.

~~((e))~~ (6) Ensure each employee shall have at the time of employment a tuberculin skin test by the Mantoux method with PPD, *except*, when there is documentation of a Mantoux test administered after the employee's eighteenth birthday or a documented history of adequately treated tuberculosis, no further skin testing is necessary.

~~((ii))~~ (a) An employee thirty-five years of age or older with a reaction of less than ten millimeters induration within forty-eight to seventy-two hours after administration of the antigen shall have a second skin test within one to three weeks after the first test.

~~((iii))~~ (b) An employee with a reaction of ten or more millimeters induration within forty-eight to seventy-two hours after either test shall have a chest x-ray within thirty days.

~~((iv))~~ (c) Any employee believing the tuberculin skin test by the Mantoux method presents a hazard to the employee's health because of conditions peculiar to the employee's own physiology may present supporting medical data to this effect to the tuberculosis control program, department of health. The department of health shall decide whether a waiver is granted to the individual employee and shall notify the employee accordingly. An employee granted a waiver from the tuberculin skin test shall have an examination for tuberculosis as directed by the state tuberculosis control officer.

~~((v))~~ (d) The facility shall retain a record of findings for the duration of the employee's employment. The employee shall be provided a copy of the tuberculosis screening record.

~~((2))~~ Except as provided under WAC 248-14-249(2), no nursing home shall employ any person, directly or by contract, or accept as a volunteer or student any person who may have unsupervised access to residents when the person:

~~(a) Was convicted of a crime against persons as defined under RCW 43.43.830;~~

~~(b) Was convicted of a crime relating to financial exploitation of a vulnerable adult as defined under RCW 43.43.830;~~

~~(c) Was found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;~~

~~(d) Was found in a final decision issued by any disciplinary board to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult;~~

~~(e) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or~~

~~(f) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.)~~

AMENDATORY SECTION (Amending Order 3057, filed 8/21/90, effective 9/21/90)

WAC 248-14-249 Criminal history disclosure and background inquiries. (1) Except as provided in ~~((subsection (2) of))~~ this section, ~~((e))~~ no nursing home shall ~~((not hire or retain any employee))~~ employ any person, directly or by contract, or accept ~~((any))~~ as a volunteer or student any

person who may have unsupervised access to residents if the person:

~~(a) ((With a criminal history))~~ Was convicted of a crime against persons as ~~((described in RCW 10.97.030 and))~~ defined under RCW 43.43.830;

~~(b) ((Having a protection))~~ Was convicted of crimes relating to financial exploitation as defined under RCW 43.43.830;

~~(c) Was subject to an order ((issued against them)) of protection under chapter 74.34 RCW for abuse or financial exploitation of a vulnerable adult ((as described under chapter 74.34 RCW));~~

~~((e))~~ (d) Was found in ~~((any disciplinary board))~~ a final decision ~~((to have abused or financially exploited any vulnerable adult or))~~ issued by a disciplinary board to have:

~~(i) Sexually or physically abused or exploited any minor or developmentally disabled person; or~~

~~(ii) Abused or financially exploited any vulnerable adult;~~

~~((d))~~ (e) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

~~((e))~~ (f) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

(2) A nursing home may consider employment of a person with a conviction if the conviction is:

(a) Simple assault, assault in the fourth degree, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) Prostitution, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) Theft in the second degree, or the same offense as it may hereafter be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(d) Theft in the third degree, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment; or

(e) Forgery, or the same offense as it may hereafter be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

~~((2))~~ (3) A nursing home may conditionally employ a person pending a background inquiry provided the nursing home requests the inquiry within seventy-two hours of the conditional employment.

~~((3))~~ (4) A nursing home licensed under chapter 18.51 RCW shall make a background inquiry request to:

(a) The Washington state patrol;

(b) The department;

(c) The most recent employer licensed under chapter 18.51 RCW, provided termination of that employment was within twelve months of the current employment application and provided the inquiry was completed by the department or completed by the Washington state patrol within the three years before the current date of application; or

(d) A nurse pool agency licensed under chapter 18.52C RCW, or hereafter renamed, provided the background

inquiry was completed by the department or the Washington state patrol within three years before the current date of employment in the nursing home.

(5) Before a nursing home employs, directly or by contract, or accepts any person as a volunteer or student, a nursing home shall:

(a) Inform the person the Washington state patrol shall ((make)) complete a background inquiry; or

(b) Inform the person that the person may make a request for a copy of a completed background inquiry as provided for under subsection (4); and

(c) Require the person to sign a disclosure statement;

((e)) (d) Require the person to sign a statement authorizing the nursing home ((and)), the department and the Washington state patrol to make a background inquiry request; ((d)) and

(e) Verbally inform the person of the background inquiry results within seventy-two hours of receipt((;

(e) Not employ any person either directly or by contract or accept any volunteer or student whose background inquiry reveals the person committed any of the offenses as specified under WAC 248-14-249 (1)(a), (b), (c), (d), and (e); and

(f) Notify the appropriate licensing or certifying agency of any person resigning or terminated as a result of having a record)).

((4)) (6) Nursing homes:

(a) Shall require all current direct or contract employees, volunteers, and students to sign disclosure statements;

(b) Shall request a background inquiry of any person employed, directly or by contract, or accepted as a volunteer or student on or after July 23, 1989;

(c) Shall request a background ((check by the Washington state patrol through the department)) inquiry for any employee, volunteer, or student if the licensee reasonably believes ((has)) that person may have a criminal conviction record ((as specified under WAC 248-14-001(7))); ((and))

(d) May request a background inquiry of any person employed, directly or by contract, or accepted as a volunteer or student before July 23, 1989; and

(e) Shall notify appropriate licensing or certification agency of any person resigning or terminated as a result of having a record.

((5)) (7) The nursing home shall establish procedures ensuring:

(a) All disclosure statements and background inquiry responses and all copies are maintained in a confidential and secure manner;

(b) Disclosure statements and background inquiry responses are used for employment purposes only; and

(c) Disclosure statements and background inquiry responses are not disclosed to any person except:

(i) The person about whom the nursing home made the disclosure or background inquiry;

(ii) Authorized state and federal employees; ((and))

(iii) The Washington state patrol auditor; and

(iv) Potential employers licensed under chapter 18.51 RCW who are making a request as provided for under subsection (4) of this section.

(d) A record of findings shall be retained by the facility for ((the duration of employment)) twelve months beyond the date of termination of employment.

~~(((6) Except as provided in WAC 248-14-249(2), no nursing home shall employ any person, directly or by contract, or accept as a volunteer or student any person who may have unsupervised access to residents if the person:~~

~~(a) Was convicted of a crime against persons as defined under RCW 43.43.830;~~

~~(b) Was convicted of crimes relating to financial exploitation of a vulnerable adult as defined under RCW 43.43.830;~~

~~(c) Was subject to an order of protection under chapter 74.34 RCW for abuse or financial exploitation of a vulnerable adult;~~

~~(d) Was found in a final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult;~~

~~(e) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or~~

~~(f) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-14-071, Nursing home fees.

WSR 93-18-027
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed August 25, 1993, 12:55 p.m.]

Supplemental Notice to WSR 93-12-106.

Title of Rule: Degree Authorization Act, chapter 250-62 WAC.

Purpose: Higher Education Coordinating Board needs rules in order to administer the Degree Authorization Act for certain degree-granting institutions which are required to be authorized by this agency in order to operate on [in] the state of Washington.

Statutory Authority for Adoption: RCW 28B.80.370.

Statute Being Implemented: Chapter 28B.85 RCW.

Summary: Incorporates proposed amendments to original rules published in WSR 93-12-106. These rules provide a basis for administrative implementation of the Degree Authorization Act and are intended to serve as a supplement to the act, focusing on provisions that require elaboration.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Elaine Jones, 917 Lakeridge Way, Olympia, WA 98504-3430, (206) 586-4595.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The act provides that all nonexempted institutions

must be authorized by the Higher Education Coordinating Board; pay an authorization fee; post a surety bond; and agree to comply with certain standards. In the event of a complaint or other evidence of a violation of these requirements, the institution is liable to certain fines, criminal sanctions, orders to cease and desist, judgments against their bond, and court injunctions. The rules provide a basis for administrative implementation of the act and elaborate the provisions of the act. The rules will strengthen exemption eligibility criteria; improve consumer protection and enhance educational standards; clarify the scope of the act; and streamline the application and review process.

Proposal Changes the Following Existing Rules: WAC 250-61-010 through 250-61-180 repealed.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Higher Education Coordinating Board, 3rd Floor, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, on October 6, 1993, at 9:00 a.m.

Submit Written Comments to: Elaine Jones, Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, by October 6, 1993.

Date of Intended Adoption: October 28, 1993.

August 20, 1993
 Elson S. Floyd
 Executive Director

**Chapter 250-62 WAC
 REGULATIONS FOR THE DEGREE AUTHORIZATION ACT**

NEW SECTION

WAC 250-62-010 Scope and purpose. The Degree Authorization Act, chapter 28B.85 RCW establishes a requirement that degree-granting institutions operating in Washington obtain authorization from the Washington higher education coordinating board, unless specifically exempted from the authorization requirement by the act. This chapter is promulgated by the board as a supplement to the act in order to establish necessary regulations for the authorization of degree-granting institutions. The standards set forth in this chapter also supplement the federal regulations governing institutions seeking approval from the appropriate Washington state approving agency (Washington higher education coordinating board or Washington work force training and education coordinating board) to offer degrees to persons eligible to receive benefits from the United States Department of Veterans' Affairs.

The purpose of the act is to insure fair business practices and adequate quality among degree-granting institutions operating in the state of Washington and to protect citizens against substandard, fraudulent, and deceptive practices.

The act applies to degree programs and academic credit courses offered within the state. The act does not apply to degree programs and academic credit courses offered exclusively from outside the state through individual and private interstate communication.

A degree-granting institution shall not operate, conduct business, grant or offer to grant any courses or degree programs unless the institution has obtained authorization

from the board or has been determined by the board to be exempt.

Institutions domiciled in Washington and accredited by the Northwest Association of Schools and Colleges seeking approval to offer degrees to persons eligible to receive benefits from the United States Department of Veterans' Affairs shall meet the requirements of the appropriate Washington state approving agency.

Institutions domiciled in Washington and accredited by another association recognized by the United States Department of Education and out-of-state institutions operating in Washington accredited by any association recognized by the United States Department of Education seeking approval to offer degrees to persons eligible to receive benefits from the United States Department of Veterans' Affairs shall first be authorized by the board and shall meet the requirements of the appropriate Washington state approving agency.

Nonaccredited institutions domiciled in Washington and nonaccredited out-of-state institutions operating in Washington seeking approval to offer degrees to persons eligible to receive benefits from the United States Department of Veterans' Affairs shall first be authorized by the board and shall meet the requirements of the appropriate Washington state approving agency.

Institutions seeking approval for their professional education programs from the state board of education first must be accredited by an accrediting association recognized by the United States Department of Education and authorized or exempted by the board.

NEW SECTION

WAC 250-62-020 Previous regulations repealed. Regulations previously adopted by this agency pursuant to chapter 28B.85 are repealed and superseded by this chapter. Degree-granting institutions authorized under the previous regulations shall be governed by the previous regulations, and are not required to reapply for authorization, until the expiration date of such authorization. Degree-granting private vocational schools exempted under the previous regulations shall be required to apply for authorization within six months of the effective date of these regulations. Religious institutions exempted under the previous regulations shall be required to apply for religious exemption under these regulations within six months of the effective date of these regulations.

NEW SECTION

WAC 250-62-030 Delegation and board supervision. (See RCW 28B.80.430)

(1) Unless otherwise indicated, the board delegates authority for administering the act and these regulations to the executive director.

(2) Any action taken pursuant to these regulations by the executive director shall be subject to supervision by the board.

(3) All actions taken by the executive director pursuant to these regulations shall be reported periodically to the board for its review.

NEW SECTION

WAC 250-62-040 Duties of executive director. In addition to other administrative responsibilities vested in the executive director of the higher education coordinating board under the act and this chapter, the executive director shall carry out the following administrative responsibilities:

(1) Process authorization applications, fee payments, and bonds or security deposits, including the denial, issuance, and suspension of authorization.

(2) Process exemption applications, including the denial and issuance of exemption.

(3) Cause the payment of any unsatisfied final judgment against an authorized institution from the resources available through the institution's surety bond or other security deposit.

(4) Upon written notice from an authorized institution, release the surety on the institution's bond or return the institution's security deposit.

(5) In the event of impaired liability of the surety upon a bond, notify the institution of suspension until the bond liability in the required amount, unimpaired by unsatisfied judgment claims, shall have been furnished.

(6) To the extent that there is a payment by a surety, release the bond to the extent of the payment.

(7) Establish and maintain all records stipulated under the provisions of the act and this chapter.

(8) Maintain a current inventory of degree-granting institutions authorized or exempted under this chapter, including student complaints against such institutions.

(9) The executive director may waive or modify the authorization requirements contained in this chapter for a particular institution if the executive director finds that such waiver or modification will not frustrate the purposes of this chapter and that literal application of this chapter creates a manifestly unreasonable hardship on the institution.

NEW SECTION

WAC 250-62-050 Definitions. The definitions set forth in this section are intended to supplement the definitions in chapter 28B.85 RCW and shall apply throughout this chapter.

(1) "Act" means the Degree Authorization Act, chapter 28B.85 RCW.

(2) "Board" means the Washington higher education coordinating board.

(3) "Executive director" means the executive director of the board or the executive director's designee.

(4) "Accrediting association" means a national, regional, or professional/specialized accrediting association which is recognized by the United States Department of Education.

(5) "Degree-granting institution" means an entity that offers educational credentials, instruction, or services prerequisite to or indicative of a degree.

(6) "College" means an institution which offers two-year and/or four-year programs culminating with associate and/or baccalaureate degrees. In some instances, a college may also offer first professional degree programs and/or graduate programs culminating with master's degrees.

(7) "University" means a multi-unit institution with varied educational roles including instruction, promotion of scholarship, preservation and discovery of knowledge,

research and public service. Such institutions provide a wide range of undergraduate and graduate studies, programs in professional fields, and may also provide programs leading to the doctorate.

(8) "Seminary" means an institution which offers one or more professional programs to candidates for the ministry, rabbinate, or priesthood.

(9) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of the requirements of an academic program of study beyond the secondary school level.

(a) "Associate degree" means a lower division undergraduate degree that requires no fewer than sixty semester hours or ninety quarter hours.

(b) "Baccalaureate degree" means an undergraduate degree that requires no fewer than one hundred twenty semester hours or one hundred eighty quarter hours.

(c) "Master's degree" means a graduate degree that requires no fewer than twenty-four semester hours or thirty-six quarter hours beyond the baccalaureate degree.

(d) "Doctorate" degree means a postgraduate degree that requires no fewer than three years of full-time study beyond the baccalaureate degree.

(10) "Program of study" means any course or grouping of courses prerequisite to or indicative of a degree.

(11) "Resident-based instruction" means a course or series of courses or degree programs which are taught by faculty at a specific location where students physically attend the course or program.

(12) "Telecommunication instruction" means a course or series of courses or degree programs which have as their primary mode of delivery television, video, computer, film, or other electronic communications.

(13) "Credit hour" means the unit by which an institution measures its course work. The number of credit hours assigned to a course is defined by the number of hours per week in class and preparation and the number of weeks in a term. One credit hour is usually assigned for three hours of student work per week or its equivalent. The three hours of student work per week is usually comprised of a combination of one hour of lecture and two of homework or three hours of laboratory. Semester and quarter credit hours are the most common systems of measuring course work. A semester credit hour is based on at least a fifteen week calendar or its equivalent. A quarter credit hour is based on at least a ten week calendar or its equivalent.

(14) "Full-time faculty" means personnel who are appointed as such and have an employment agreement related to teaching, research, and/or other aspects of the instructional programs of the institution. These personnel participate in faculty meetings, staff development activities, and in the design of the curriculum.

(15) "Permanent part-time faculty" means personnel who are appointed as such and have an employment agreement for teaching less than full-time. These personnel participate in faculty meetings, staff development activities, and in the design of the curriculum.

(16) "Part-time faculty" means personnel usually assigned to teach one or more specific classes and perform class-related activities.

(17) "To operate" means to do business and/or to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are granted directly or through contracting.

(a) Offering courses in person, by correspondence, or electronic media, at any Washington location for degree credit, including electronic courses transmitted into the state of Washington.

(b) Granting or offering to grant degrees in Washington for credit obtained within or outside the state.

(c) Maintaining or advertising a Washington location, mailing address, or telephone number for any purpose or any other function of a degree-granting institution, other than contact with the institution's former students for any legitimate purpose related to their having attended.

(18) "To offer" means to provide, advertise, or publicize education or educational credentials directly or through contracting. "To offer" also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(19) "Suspend" means that because of deficiencies, the board interrupts the institution's authority to recruit and enroll new students, but it may continue serving currently enrolled students for the remainder of the term.

NEW SECTION

WAC 250-62-060 Exemptions. The provisions of this chapter do not apply to:

(1) Honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other education credentials in compliance with state law.

(2) Any public college, public university, public community college, or public technical college or institute operating as part of the public higher education system of Washington state.

(3) Any institution domiciled in Washington that is accredited and in good standing with the Northwest Association of Schools and Colleges, and accredited at the level(s) of the degree(s) proposed. Accreditation that is modified by probationary status shall disqualify an institution from this exemption provision.

(4) Any branch campus, extension center, or off-campus facility of an out-of-state institution operating in Washington that is separately accredited and in good standing with the Northwest Association of Schools and Colleges, and accredited at the level(s) of the degree(s) proposed. Accreditation that is modified by probationary status shall disqualify an institution from this exemption provision.

(5) Institutions offering instruction on a federal enclave solely to federal employees and their dependents. If the institution offers instruction for other persons, the institution shall be subject to authorization.

(6) Tribally controlled Native American colleges.

(7) Institutions which offer program(s) of study of which the sole stated objective is training in the religious beliefs of the controlling religious organization and/or preparation of students for occupations that are primarily church-related and are represented in an accurate manner in institutional catalogs and other official publications: *Provided*, That an institution's degree programs, in title, curricu-

lum content, and objectives, reflect the strictly religious nature of the institution.

(a) The following procedures shall be employed in the implementation of this subsection:

(i) The chief academic officer shall contact board staff and arrange for a preliminary conference to discuss the religious exemption standards and the application/review procedures.

(ii) A religious institution which is granted an exemption under this regulation shall place the following statement in a prominent position on the front page of any catalog, general bulletins, and course schedules: "The Washington Higher Education Coordinating Board has determined that (name of institution) qualifies for religious exempt status from the Degree Authorization Act for the following programs: (list). Any person desiring information about the requirements of the act or the applicability of those requirements to the institution may contact the board at P.O. Box 43430, Olympia, WA 98504-3430."

(iii) A religious institution which is granted a religious exemption is subject to biennial reporting, and maintenance of the conditions under which exemption is granted. Such institutions are prohibited from publicizing that they are accredited, unless they are accredited by an association recognized by the United States Department of Education and identify that association in any such statements or publicity.

(iv) In the case of a religious institution that offers both religious and secular programs of instruction, the requirements of chapter 28B.85 RCW and this chapter shall pertain only to the secular programs of the institution.

(b) The executive director shall suspend or revoke an institution's religious exemption if it is found that:

(i) Any statement contained in the application for exemption is untrue.

(ii) The institution has failed to maintain the conditions under which the exemption was granted.

(iii) Advertising or representations made on behalf of and sanctioned by the institution are deceptive or misleading.

(iv) The institution has violated any provision of the religious exemption regulations.

(c) Suspension or revocation shall be made only after the institution has been informed in writing of its deficiencies and has been given a reasonable time to regain compliance.

(8) Institutions not otherwise exempt which offer only workshops and seminars lasting no longer than three calendar days and for which academic credit is not awarded.

NEW SECTION

WAC 250-62-070 Interagency agreement for degree-granting private vocational schools. Degree-granting private vocational schools' programs shall be regulated pursuant to the terms of an interagency agreement between the higher education coordinating board and the work force training and education coordinating board. Copies of the agreement shall be available from either agency upon request.

NEW SECTION

WAC 250-62-080 Authorization standards. The following standards form the basis for review of an institution by board staff and guide decisions of the executive director and the board. To receive and maintain authorization, an institution shall meet each of the following requirements for administration, academic programs, and instructional resource and support services, as well as specific requirements of this chapter.

NEW SECTION

WAC 250-62-090 Administrative requirements. (1) **Name.** The official name of the institution shall be consistent with and appropriate to the program(s) of study offered.

(2) **Purpose.** The institution shall clearly define its mission or purpose in an official statement which describes its role in higher education. The statement shall reflect the actual practice of the institution.

(3) **Administration and governance.** The institution shall be governed by policies, regulations, or bylaws that clearly define the chain of responsibility or authority.

(a) Administrators shall be graduates of accredited institutions and shall be qualified by education and experience to provide competent leadership in their area of responsibility. The backgrounds of administrators, as a group, shall reflect diverse educational and professional experiences consistent with the mission of the institution.

(b) The main campus of the institution shall have, as a minimum, a chief executive officer, an academic officer, a registrar, a business officer, a student services officer, a library director, and, if financial aid services are offered, a financial aid officer. These officers shall be accessible to students, faculty, and other personnel located at the main campus and at educational sites or centers in Washington.

(i) The chief executive and academic officers shall possess at least the master's degree and experience in college-level management, teaching, and academic administration, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(ii) The registrar, business, and student services officers shall possess at least the baccalaureate degree and experience in admissions/student records, accounting/managerial services, and student services respectively, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(iii) The financial aid officer and library director shall possess at least the baccalaureate degree and experience in their assigned areas, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(c) The institution shall specify an individual who will serve as the principal contact person for each educational site or academic center in Washington. This institutional representative shall be responsible for instructional program coordination and student services.

(d) The institution shall have policies and provisions for the involvement of faculty in the academic affairs, curriculum development, and governance of the institution. The institution also shall have policies and provisions for faculty

selection, orientation, teaching load, supervision, evaluation, and professional development.

NEW SECTION

WAC 250-62-100 Academic program requirements. (1) **Educational programs.** Each program shall require the completion of a prescribed program of study leading to the attainment of competence in an interdisciplinary area or specific field of study. Programs shall generally meet the guidelines or standards of the accrediting association(s) to which the institution would apply for institutional or program accreditation.

(a) An associate degree shall require at least ninety quarter credits or sixty semester credits. An associate degree intended for occupational preparation shall require, as a minimum, general education requirements consistent with the standards established by the Washington state board for community and technical colleges. The general education requirements of all other associate degrees shall be consistent with the current guidelines of the Washington inter-college relations commission.

(b) The following associate degree designations shall be acceptable:

(i) The associate in arts (A.A.), associate in sciences (A.S.) and associate in arts and sciences (A.A.S.) degrees for programs which emphasize the liberal arts and sciences. These programs generally satisfy the general education requirements for a baccalaureate degree and are transfer oriented.

(ii) The associate in applied technology (A.A.T.), associate in technical arts (A.T.A.), associate in technology (A.T.) etc., for programs which emphasize preparation for occupations at the technical level. These programs generally do not satisfy the general education requirements for a baccalaureate degree and are not transfer oriented.

(c) The baccalaureate degree shall require at least one hundred eighty quarter credits, one hundred twenty semester credits, or four full academic years of postsecondary study. The degree shall require approximately two academic years of study in a distinct major and related subjects and, as a minimum, twenty-five percent of the program shall be in general education curricula.

(d) Master's degree programs shall require a least thirty-six quarter credits, twenty-four semester credits, or one full academic year of postgraduate study, specialization in a academic or professional area, and a demonstration of mastery.

(e) The following master's degree designations shall be acceptable:

(i) The master of arts (M.A.) and master of science (M.S.) for programs which advance study and exploration in the discipline. The majority of credit for M.A. and M.S. degrees shall be at the graduate level in the major field.

(ii) The master of business administration (M.B.A.), master of fine arts (M.F.A.), master of education (M.Ed.), etc., for programs which emphasize professional preparation. For students with disparate academic backgrounds, it may be appropriate to require a limited number of introductory courses in the field.

(f) Doctoral degree programs shall provide a broad range of advanced course offerings, faculty in ancillary and

supporting fields, access to adequate laboratory and research facilities, and a wide range of current reference materials in the subject field. A doctoral degree shall require at least three full academic years of specialized postbaccalaureate study. To obtain a doctoral degree a student shall be required to demonstrate, through comprehensive examination, the ability to perform research at the level of the professional scholar or perform the work of a professional that involves the highest levels of knowledge and expertise.

(g) The following doctoral degree designations shall be acceptable:

(i) The doctor of philosophy (Ph.D.) degree for programs which are oriented toward original research and require a dissertation.

(ii) A professional doctoral degree (Ed.D., etc.) for programs which emphasize technical knowledge and professional competence and require either a research thesis or a project involving the solution of a substantial problem of professional interest.

(h) Home study, correspondence, and electronic media degree programs shall be comparable in content and faculty/academic support resources to those offered in residency, and include student-faculty interaction by computer, telephone, mail, and face-to-face meetings.

(i) Undergraduate credit for noncollegiate learning may be awarded when validated through a portfolio or similar procedure. The institution shall maintain copies of examinations, portfolios, and evaluations used in this process. Noncollegiate learning credit shall constitute no more than twenty-five percent of an undergraduate degree program.

(j) No credit shall be awarded for noncollegiate learning at the graduate level.

(2) **Faculty.** Faculty shall be professionally prepared with degree levels and professional experience demonstrably higher than the instructional activities for which they are responsible. Faculty shall be graduates of accredited institutions and, as a group, the institutions from which they earned their degrees shall be diverse. The composition and qualifications of faculty shall generally meet the standards of the accrediting association(s) to which the institution would apply for institutional or program accreditation.

(a) Faculty teaching in an undergraduate degree program shall possess a master's degree in the assigned or related program area. Faculty teaching specialized courses of a vocational-technical nature shall possess educational credentials and practical experience compatible with their teaching assignment.

(b) Faculty teaching at the master's degree level in programs which emphasize advanced study and exploration in a discipline shall possess an earned doctorate in a related field and experience in teaching and directing independent study and research. Faculty teaching in master's programs which emphasize professional preparation shall possess, as a minimum, a master's degree and documented achievement in a related field.

(c) Faculty teaching at the doctoral level shall possess an earned doctorate in a related field and experience in teaching and directing independent study and research.

(d) Faculty shall be sufficient in number and kind and in the proportion of full-time and part-time positions to sustain rigorous courses, programs, and services. At least twenty-five percent of the curriculum of each program

offered each year at each location shall be taught by full-time faculty.

(3) **Admissions.** Admission requirements shall be based on the institution's objectives and consistently applied to each program of study. Through preenrollment assessments, testing and advising (based on the characteristics of the institution) the institution shall determine the readiness and ability of each student to succeed in his/her degree program. Institutions shall use only those aptitude and/or achievement tests reviewed and approved by the American Council on Education.

(a) High school graduation or the equivalent shall be required for freshman admission. A baccalaureate degree or the equivalent shall be required for admission into graduate programs.

(b) This subsection is not intended to prohibit early admissions and dual-degree programs for which systematic procedures have been established and published in the institution's catalog.

(4) **Enrollment contract.** The institution shall discuss all terms and provisions of the enrollment contract with the student prior to the student's execution of the enrollment contract. The enrollment contract shall contain an acknowledgement section directly above the student's signature blank for the student to acknowledge that the institution discussed all terms and provisions of the contract with the student and that the student understands all financial obligations and responsibilities.

(5) **Evaluation.** The institution shall provide provisions for continual evaluation of educational programs, improvement of instruction, and overall operations of the institution.

(a) Student, alumni, and employer evaluations of the effectiveness of the curricula shall be considered in these evaluations.

(b) All areas of the institution and its employees and authorized programs shall be evaluated periodically to determine their effectiveness in fulfilling institutional objectives and meeting the standards set forth in these regulations or implied in the statute. At a minimum, every three years the institution's chief academic officer or designee shall conduct an on-site review of the Washington operation to ensure it meets institutional and authorization standards and submit the results of the review to board staff.

NEW SECTION

WAC 250-62-110 Instructional resources and support services requirements. (1) **Student services.** The institution shall provide adequate services for students in addition to formal instruction. These services normally shall include admissions, advising and guidance, financial assistance, student records, and job placement.

(a) Student records shall be maintained in accordance with the guidelines established by the United States Department of Education.

(b) Students with disabilities shall have access to and reasonable accommodations in all programs for which they are qualified consistent with the provisions of the Americans with Disabilities Act.

(c) Placement services and employment opportunities shall be accurately described.

(d) Financial aid administration and distribution shall be performed according to institutional, state, and federal policies.

(e) Advising and guidance services shall be readily available to students to assist them in program planning, course selection, and other academic activities.

(2) **Facilities and academic support resources.** The institution shall have space, facilities and equipment, instructional materials, and staff to support quality education and services.

(a) The institution shall comply with all applicable ordinances, laws, codes, and regulations concerning the safety, health, and access of all persons on its premises.

(b) The institution shall provide reasonable accommodations for students and employees with disabilities. The institution shall inform students and employees of local, state, and federal laws regarding discrimination against people with disabilities.

(3) **Library.** The institution shall provide accessible library resources and facilities to support the educational needs of students and faculty.

(a) If the institution, educational site, or academic center does not maintain its own library on site, it must demonstrate that it can provide sufficient library resources to meet the needs of the program(s) through a written agreement with another institution or organization, or through other mechanisms.

(b) The institution shall provide a biennial library operating budget which appropriates sufficient financial support to sustain library holdings, facilities, and services for the needs of the program(s) of study.

(4) **Finances.** The institution shall possess and maintain adequate financial resources necessary to sustain its purpose and commitment to students.

(a) Financial management and fiscal practices shall be consistent with the generally accepted standards issued by the financial accounting standards board and the National Association of College and University Business Officers.

(b) The institution shall be audited annually by an independent certified public accountant according to generally accepted auditing standards.

(5) **Recruitment and publications.** All publications relating to the institution, including advertisements, catalogs, and other communications shall be accurate and not misleading.

(a) The institution shall provide disclosure statements in its catalog regarding its state degree authorization and its accreditation status.

(b) Authorized institutions shall not advertise or publicize that they are approved, recommended, accredited, or otherwise endorsed by the board. Such institutions may only state that they are authorized by the board.

(6) **Educational credentials.** The institution shall provide accurate and appropriate transcripts of credit for enrolled students and diplomas for graduates.

(a) For each student, the institution shall maintain and make available a transcript that specifies the name of the institution, the name of the student, all courses completed, and an explanation of the institution's evaluation system. Each course entry shall include a title, the number of credits awarded, and a grade or written evaluation. The transcript shall distinguish credits awarded by transfer, for prior

learning experience, correspondence, and credit by examination.

(b) The institution shall not be required to make copies of transcripts available unless all tuition and fees and other expenses owed by the student to the institution have been paid.

(c) In addition to transcripts, the institution shall maintain records to document the performance and progress of each student, including, but not limited to: Financial transactions, admissions records, and records of interruption for unsatisfactory progress or conduct. Transcripts, records, and accounts shall be kept permanently after a student has discontinued enrollment.

NEW SECTION

WAC 250-62-120 Catalog requirements. (1) An institution shall publish a catalog, supplemented as necessary by other published materials, at least every two years. The catalog shall include at least the following information:

(a) Official name, address, and telephone number of institution.

(b) Identifying data, such as volume number, date of publication, and year(s) for which the catalog is effective.

(c) A statement of purpose, objectives, and educational program of the institution.

(d) A list of faculty and administrators, including their titles and academic qualifications.

(e) A list of owners and/or board members, including their firms, professional titles, and residence.

(f) A description of the objectives, requirements, and length of each program offered.

(g) Admission, retention, and degree completion requirements.

(h) A schedule of tuition and fees and other student charges.

(i) Cancellation and refund policies.

(j) Policies and procedures relative to the granting of credit for previous education and experience.

(k) A statement of the institution's policy on acceptance of transfer credits and credits by examination.

(l) A statement explaining the transferability of the institution's credits to other institutions and the process by which a student may determine whether the institution's credits are transferrable to another institution.

(m) Policies and procedures for the development of individualized courses and programs.

(n) A description of the types of financial aid assistance available to students.

(o) A description of student support services and auxiliary services available to students.

(p) A description of the institution's library, facilities, and equipment.

(q) A table of contents and appropriate indexes.

(r) An institutional calendar showing legal holidays, beginning and ending dates of each term, and other important dates.

(s) Policies outlining students' academic responsibilities, standards of academic progress, grading policies, and reentrance policies for students dismissed for unsatisfactory progress.

(t) Regulations of conduct and disciplinary procedures.

(u) Name, title, and address/office location of personnel responsible for handling student complaints.

(v) An authorization statement on the cover or front page of the catalog which reads: "The (name of institution) is authorized by the Washington Higher Education Coordinating Board and meets the requirements and minimum educational standards established for degree-granting institutions under the Degree Authorization Act. This authorization is valid until (expiration date) and authorizes (name of institution) to offer the following degree programs: (list). Any person desiring information about the requirements of the act or the applicability of those requirements to the institution may contact the board office at PO Box 43430, Olympia, WA 98504-3430." This authorization statement shall also be prominently displayed at each Washington instructional site.

(2) An institutional catalog and other official publications shall not include accreditation statements unless the institution is accredited by an association recognized by the United States Department of Education and the statements identify the association.

NEW SECTION

WAC 250-62-130 Cancellation and refund requirements. (1) An institution shall publish its cancellation and refund policies in clear language that can be easily understood by prospective students. No student shall be enrolled without having received the explanatory materials. These policies shall apply to all terminations for any reason, by either party.

(2) The refund policy for nonaccredited institutions shall comply with the federal guidelines established by the United States Department of Education.

(3) The refund policy for accredited institutions shall comply with the federal guidelines established by the United States Department of Education and the standards established by the institution's accrediting association.

NEW SECTION

WAC 250-62-140 Surety bond requirement. (1) Before an institution shall be authorized, the institution shall provide the board with a surety bond or other security acceptable to the executive director. The amount of the surety bond or other security shall be ten percent of the preceding year's total tuition and fee charges received for educational services in Washington, but not less than twenty-five thousand dollars nor more than two hundred fifty thousand dollars.

(2) In the case of new institutions, the bond or security amount for the first year shall be twenty-five thousand dollars.

(3) Release of surety bonds and other securities shall be made in compliance with chapter 28B.85 RCW.

NEW SECTION

WAC 250-62-150 Closure requirements. (1) In the event an institution proposes to discontinue its operation, the chief administrative officer of the institution shall:

(a) Immediately notify the executive director by certified mail.

(b) Furnish enrolled students with a written notice explaining reasons for closure, procedures required to secure refunds and official records, and what arrangements have been made for providing continuing instruction at other institutions.

(c) Provide for the permanent maintenance of official records acceptable to the executive director.

(2) In the event it appears to the executive director that the official records of an institution discontinuing its operation are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the students and the board, the executive director may seek a court order to take possession of the records and provide for their permanent maintenance.

NEW SECTION

WAC 250-62-160 Application requirements. (1) **Initial application requirements.**

(a) To apply for authorization, an institution based outside of Washington must be authorized to do business in the state in which it is primarily located, and must furnish evidence that the institution is in good standing with its accrediting association and that the association has either approved of or been notified of the proposed Washington operation(s).

(b) Institutions seeking initial authorization shall contact the board staff and arrange for a preliminary conference to discuss the authorization standards and application/review procedures.

(c) At least one year prior to operation, an institution shall apply to the board for authorization by completing an application form.

(d) Within six months of the effective date of these regulations, degree granting private vocational schools exempted under the previous regulations shall apply to the board for authorization by completing an application form.

(e) As a minimum, the application shall include:

(i) Name and address of institution.

(ii) Purpose of institution.

(iii) Names and addresses of the owner(s) and shareholders holding more than ten percent interest in the institution, and if applicable, members of the institution's board.

(iv) Names and addresses of the chief administrative officer and representative(s) of the institution in Washington.

(v) Bylaws and regulations established for the governance and operation of the institution.

(vi) Bank or other financial institution that may be consulted as a financial reference.

(vii) Resumes for administrators and faculty and their respective duties, course assignments, and full-time/part-time employment status.

(viii) A description of the degrees to be offered, including course syllabi as requested, and provisions for evaluating the achievement of stated objectives.

(ix) Projected enrollments.

(x) A description of the facilities, equipment, and academic support resources.

(xi) A signed written statement from the chief administrative officer attesting to the truth and accuracy of the information provided and pledging that the institution shall comply with the requirements of the act and this chapter.

(f) An application shall be accompanied by the following:

(i) An initial application fee payable to the Washington state treasurer for two thousand dollars.

(ii) A surety bond or other form of security as specified in chapter 28B.85 RCW and this chapter.

(iii) A financial statement prepared by an independent certified public accountant and consistent with the general accounting principles established by the financial accounting standards board or the National Association of College and University Business Officers, and a two-year budget for the proposed Washington operation.

(iv) A copy of enrollment agreements or student contracts.

(v) A copy of the institution's articles of incorporation and bylaws filed with the Washington state office of the secretary of state.

(vi) A copy of the institution's catalog.

(vii) Documentation verifying the institution's accreditation status and authorization status in primary location.

(viii) Documentation that fire, safety, and health codes are met by the institutional facility in Washington.

(g) If additional program(s) of study or new locations for existing programs are proposed during the current authorization period, the institution shall submit a supplemental application at least ninety days before the program is expected to be offered. The program(s) of study and location(s) shall be authorized prior to operation, which includes advertising and recruitment.

(2) **Biennial renewal application requirements.**

(a) At least six months prior to the expiration date of the institution's current authorization, the institution shall:

(i) Submit a renewal application fee payable to the Washington state treasurer for one thousand dollars.

(ii) Provide evidence of continued compliance with the surety bond or security requirement.

(iii) Submit a financial statement prepared by an independent certified public accountant and consistent with the general accounting principles established by the financial accounting standards board or National Association of Colleges and University Business Officers, and a two-year budget for the continuing Washington operation.

(iv) File a renewal application with a signed, written statement from the chief administrative officer, attesting to the truth and accuracy of the information provided in the renewal application and pledging continued compliance with all the requirements of the act and this chapter.

(b) A change of ownership or control of an institution shall nullify any previous authorization, and the chief administrator representing the new owner(s), shall comply with all the application requirements applicable to the initial application for authorization outlined in this section. If the chief administrator furnishes a written statement asserting that all conditions set forth in the act and these regulations are being met or will be met before offering instruction, the executive director may issue a temporary certificate of authorization for a maximum of ninety days.

NEW SECTION

WAC 250-62-170 Application review procedures.

(1) **Staff analysis.** Following receipt of a complete application, board staff shall review and analyze the application and supporting documentation.

(2) **Site visit and additional documentation.** In the case of an application where the board staff determines it is necessary to verify or supplement the information provided in the application, the staff shall require additional written documentation and/or arrange for a site visit.

(3) **Outside consultants.** At their discretion, board staff shall use the expertise of other higher education professionals to assist in a site visit and in the evaluation of the documentation submitted.

(4) **Staff report.** Following the analysis, board staff shall summarize their findings and develop a recommendation for the executive director's consideration. This recommendation shall be shared with the applicant and shall include one of the following three findings:

(a) That the institution be granted authorization, subject to biennial reporting and compliance with the standards set forth in these regulations or implied in the statute.

(b) That the institution be granted conditional authorization, subject to annual reporting and compliance with the standards set forth in these regulations or implied in the statute.

(c) That the institution be denied authorization.

(5) **Authorization notification.** Following the executive director's decision to authorize or deny the institution's request, a letter signifying the action shall be sent from the executive director to the chief academic officer of the institution. The letter shall serve as official authorization for the institution to operate in Washington and offer the stated program(s) of study at the stated location(s).

(6) To receive reconsideration for authorization, an institution denied authorization shall file a new application.

NEW SECTION

WAC 250-62-180 Complaints. A student with a complaint against an authorized institution shall make a reasonable effort to resolve the complaint directly with the institution. If a mutually satisfactory solution cannot be reached, the following procedure shall be followed:

(1) Upon written receipt of a complaint that an institution has failed or is failing to comply with provisions of the act or this chapter, and documentation that a reasonable effort was made to resolve the complaint directly with the institution, the executive director shall notify the institution by mail of the nature of the complaint and shall conduct an investigation.

(2) If preliminary findings indicate that a violation(s) may have occurred or is occurring, the executive director shall attempt, through mediation and conciliation, to effect compliance and achieve a settlement.

(3) If no agreement is reached, the executive director shall file a formal complaint with the board and notify the institution of the conduct which prompted the complaint. Final resolution of the complaint shall be subject to hearing procedures provided for in this chapter and the institution may be subject to a summary suspension of its authorization,

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pending further proceedings for revocation, suspension or other actions deemed proper after the hearing.

(4) To be considered by the board, a complaint shall be filed within one year after the student's last recorded date of attendance.

NEW SECTION

WAC 250-62-190 Suspension and revocation of authorization. (1) The executive director shall suspend or revoke an institution's authorization if it is found that:

(a) Any statement contained in the application for authorization is untrue.

(b) The institution has failed to maintain faculty, facilities, equipment, and programs of study on the basis of which the authorization was granted.

(c) Advertising or representations made on behalf of and sanctioned by the institution are deceptive or misleading.

(d) The institution has violated any provision of this chapter.

(2) Suspension or revocation shall be made only after the institution has been informed in writing of its deficiencies and has been given reasonable time to restore itself to the level of the required standards.

(3) Actions of the executive director and the board are subject to due process hearing procedures of the Washington Administrative Procedure Act.

NEW SECTION

WAC 250-62-200 Appeal. Any dispute arising from the following actions shall require a hearing pursuant to this chapter:

(1) A denial of exemption.

(2) A denial of authorization.

(3) A cease and desist order issued under the provisions of chapter 28B.85 RCW.

NEW SECTION

WAC 250-62-210 Hearings. Any hearing called for under the act shall be conducted in accordance with the Washington Administrative Procedure Act, chapter 34.05 RCW.

(1) The presiding officer, who shall be the executive director or the hearing officer designated by the executive director, shall conduct the hearing under the provisions of chapter 34.05 RCW and shall enter an initial order under RCW 34.05.461 (2) through (9).

(2) The board shall review the initial order under RCW 34.05.464 and either enter a final order or remand the matter for further proceedings under RCW 34.05.464(7).

(3) If the challenged agency action is upheld, the party that initiated the hearing process shall pay the costs of the administrative hearing within sixty days following final disposition of the matter.

(4) Any further review of final action must be taken in accordance with RCW 34.05.510 et seq.

Original Notice.

Title of Rule: WAC 136-310-010 Certification of county arterial mileage.

Purpose: To include rural arterials (Federal Functional Classes 02 and 06) in definition of "arterials" for county arterial preservation program eligibility.

Statutory Authority for Adoption: RCW 36.78.070 and 46.68.095(4).

Statute Being Implemented: RCW 46.68.095(4).

Summary: To include rural arterials (Federal Functional Classes 02 and 06) in the definition of "arterials" for county arterial preservation program eligibility.

Reasons Supporting Proposal: The intent of the county arterial preservation program is to preserve all county roads not classified as access roads.

Name of Agency Personnel Responsible for Drafting: Dave Whitcher, County Road Administration Board, (206) 753-5989; Implementation and Enforcement: Vern Wagar, County Road Administration Board, (206) 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: When WAC 136-310-010 was adopted, the definition of "arterials" named the federal functional classes applicable to county roads. Recently, additional federal functional classes are applicable. The purpose of this rule is to comply with the intent of the county arterial preservation program, by including all nonaccess roads in the definition of "arterials." No county will be adversely affected by this rule.

Proposal Changes the Following Existing Rules: The definition of "arterials" for county arterial preservation program eligibility is revised to include all nonaccess road federal functional classes.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Chautauqua Lodge, P.O. Box 757, Long Beach, WA 98631, on October 6, 1993, at 10:00 a.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, by October 1, 1993.

Date of Intended Adoption: October 6, 1993.

August 24, 1993
 Vern E. Wagar
 Executive Director

AMENDATORY SECTION (Amending Order 81, filed 11/6/90, effective 12/7/90)

WAC 136-310-010 Certification of county arterial mileage. (1) Classification. The act specifies that expenditure of CAPA funds is restricted to paved arterials in the unincorporated area of each county. Arterials are defined as being those county roads:

(a) In urban areas, classified as arterials (Federal Functional Classes 12, 13, 14, 15, and 16) or classified as collectors (Federal Functional Class 17);

(b) In rural areas, classified as arterials (Federal Functional Classes 02 and 06) or classified as major collectors (Federal Functional Class 07) or minor collectors (Federal Functional Class 08).

Paved roads are defined as those roads which, at the time of CAPA allocation determination, are hard-surfaced through the application of a bituminous surface treatment (BST), asphaltic concrete pavement (ACP), or portland cement concrete (PCC). Brick or block surfaces shall also be considered as paved.

(2) Source of information. The master county road log as maintained by the CRABoard in accordance with chapter 136-60 WAC shall be the source of official paved road mileages to be used for CAPA distribution.

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PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD
 [Filed August 25, 1993, 1:54 p.m.]

Original Notice.

Title of Rule: Amending WAC 136-110-020 Computation of land area ratio.

Purpose: Change fixed values to a biennially update method.

Other Identifying Information: RCW 36.79.040.

Statutory Authority for Adoption: RCW 36.79.060.

Statute Being Implemented: RCW 36.79.040.

Summary: Proposed revision provides for a biennial update of land area ratios.

Reasons Supporting Proposal: The existing language does not make any provisions for a biennial update as required by statute.

Name of Agency Personnel Responsible for Drafting and Implementation: Reid Wheeler, 2404 Chandler Court S.W., Olympia, 98504-0913, (206) 753-5989; and Enforcement: Vern Wagar, 2404 Chandler Court S.W., Olympia, 98504-0913, (206) 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The revision will provide for biennial adjustment to the rural-urban land area ratio as per RCW 36.79.040.

Proposal Changes the Following Existing Rules: Changes from a fixed regional ratio to a process for calculating it each biennium effective for the 93-95 biennial regional fund apportionments.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Chautauqua Lodge, Long Beach, Washington, on October 6, 1993, at 10:00 a.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, 98504-0913, by September 30, 1993.

Date of Intended Adoption: October 6, 1993.

August 24, 1993
 Vern E. Wagar
 Executive Director

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

WAC 136-110-020 Computation of land area ratio.
 ((The rural land areas of each region, and the ratio which they bear to the total rural land area of the state are shown as follows:

REGION	RURAL	% OF
	LAND AREA	TOTAL RURAL
	SQ. MILE	LAND AREA
Puget Sound	5,005	7.71
Northwest	8,069	12.43
Northeast	26,711	41.14
Southeast	14,748	22.72
Southwest	10,387	16.00
TOTAL	64,920	100.00))

The ratio which the total county rural land area of each region bears to the total rural land area of all counties of the state shall be computed from information provided by the Secretary of Transportation as of July 1, 1993, and each two years thereafter.

WSR 93-18-032
PROPOSED RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES
 [Filed August 26, 1993, 10:20 a.m.]

Original Notice.

Title of Rule: WAC 131-16-045.

Purpose: Transfers to and from retirement plans other than TIAA/CREF.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Chapter 28B.50 RCW.

Summary: Allows for portability of retirement plans other than TIAA/CREF. Allows an employee of the Washington State Board for Community and Technical Colleges or the state system of community and technical colleges to transfer or accept other retirement plans if authorized by employer to do so.

Reasons Supporting Proposal: It is a good benefit for higher education employees.

Name of Agency Personnel Responsible for Drafting and Implementation: Larry Lael, Personnel Director, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, WA, 753-3661; and Enforcement: Larry Lael and Rich Montecucco, Assistant Attorney General, Education Division, 586-1197.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Permits other employer retirement plans authorized by the Internal Revenue Code directly to transfer to other

TIAA/CREF plans provided the employer's plan permits the transferability and allows the employee already enrolled in TIAA/CREF to transfer their account plans to a new employer provided that employer will accept the transferred balances.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Columbia Basin College, Administrative Board Room, 2600 North 20th, Pasco, WA 99302, on October 14, 1993, at 10 a.m.

Submit Written Comments to: Larry Lael, Personnel Director, State Board for Community and Technical Colleges, 319 7th Avenue or P.O. Box 42495, Olympia, WA 98504-2495, by October 8, 1993.

Date of Intended Adoption: October 14, 1993.

August 26, 1993
 Claire C. Krueger
 Executive Assistant
 Agency Rules Coordinator

NEW SECTION

WAC 131-16-045 Transfers to and from plans other than TIAA/CREF. (1) A participant employed in a Washington state community or technical college or the state board for community and technical colleges may directly transfer into his or her TIAA/CREF account any account balances from other employers' retirement plans: *Provided*, That such other plans are authorized under Section 403(b) of the Internal Revenue Code, and: *Provided further*, That such other employers' plans permit transfers out of their plans.

(2) A participant who leaves the employment of all Washington state community and technical colleges and the state board for community and technical colleges, may choose to transfer his or her existing TIAA/CREF account balances, subject to the rules established by TIAA/CREF for transfers, to any other employer's retirement plan authorized under Section 403(b) of the Internal Revenue Code: *Provided*, That such other employer's plans will accept the transferred balances.

**WSR 93-18-035
 PROPOSED RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Public Assistance)**

[Filed August 26, 1993, 11:50 a.m.]

Original Notice.

Title of Rule: WAC 388-84-105 Medical application, and 388-84-110 Application—Disposition.

Purpose: Clarify original intent of the department by removing obsolete language, and clarify technical language.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Clarify department intent for field staff.

Reasons Supporting Proposal: Clarification of technical language. Remove obsolete language.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

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: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on October 5, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by September 21, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by September 28, 1993.

Date of Intended Adoption: October 6, 1993.

August 26, 1993
 Dewey Brock, Chief
 Office of Vendor Services
 Administrative Services Division

AMENDATORY SECTION (Amending Order 3516, filed 2/24/93, effective 3/27/93)

WAC 388-84-105 Medical application. (1) The department shall accept and process applications for medical programs as described under subsections of WAC 388-38-010, 388-38-030, 388-38-040, 388-38-045, and 388-38-050 except as specified under this section.

(2) The department shall accept applications for medical programs without delay.

(a) The department shall provide clients with:

(i) ~~((An explanation of the))~~ A Civil Rights Act explanation;

(ii) Fair hearing information;

(iii) ~~((Information about))~~ Early and periodic screening, diagnosis, and treatment (EPSDT) information also known as the healthy kids program, when appropriate; and

(iv) ~~((Information about))~~ Family planning information, when appropriate.

(v) ~~((Information about))~~ The special supplemental food program for women, infants and children's (WIC) information, when appropriate.

(b) The request for medical programs shall be ~~((in writing))~~ on a department designated form.

(c) A relative or representative may complete the application on a client's behalf, when the client is unable to complete the application or if the client dies.

(3) The department shall complete the application process by conducting a face-to-face interview in the local community services office ~~((the))~~ CSO, unless the client ~~((or their representative))~~:

(a) Or the client's representative requests the office interview be waived and the:

(i) Client is unable to come to the CSO; ~~((and))~~ or

(ii) Client has no representative to complete the interview; or

(iii) Client is unable to name a representative to complete the interview; and

(iv) Department has adequate information to determine eligibility for medical programs without a face-to-face interview.

(b) Is a pregnant woman and the application is for a pregnancy-related medical program.

(c) Is a child (~~under nineteen~~) eighteen years of age or younger and the application is (~~only~~) for a medical program for children.

~~(4) (The department shall not require a face to face interview for a pregnant woman when determining eligibility for a medical program.~~

~~(5) If~~) When the client meets the requirements of subsection (3)~~((a))~~, the department may complete the application process through:

(a) A face-to-face (~~home visit~~) interview in the client's home;

(b) A telephone interview; or

(c) The mail.

~~((6))~~ (5) The department shall find clients who receive continuing cash assistance (~~under AFDC, FIP, SSI, or state supplement~~) eligible for a medical (~~assistance~~) program without a separate application.

~~((7) A spouse)~~ (6) An aged, blind, or disabled client ineligible for SSI benefits solely because of the spouse's income level shall apply (~~individually~~) for a medical program.

~~((8))~~ (7) A Washington state resident temporarily out of the state may make application (~~directly~~) to the CSO in the resident's area of the state through either a person or agency acting in the client's behalf.

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

AMENDATORY SECTION (Amending Order 2906, filed 12/1/89, effective 1/1/90)

WAC 388-84-110 Application—Disposition. (1) The department shall act on a request for medical assistance within:

(a) Sixty calendar days for (~~applicants based on~~) a client requiring a disability decision;

(b) Forty-five calendar days for all other categories except a pregnant woman as described under subsection (1)(c) of this section; and

(c) Fifteen working days for a pregnant woman, including an interview within five working days (~~and~~) if an interview is requested by the client.

~~((c) Forty five days for all other categories)~~ (d) When applying subsection (1) (a), (b), or (c) of this section, the department shall count as day one the date following the date of application.

(2) The department shall:

(a) Not use the standards for timely processing of applications as a waiting period for determining eligibility; and

(b) Act on each application as quickly as possible.

(3) When the department has otherwise acted promptly at all stages of the application process, the department may

extend the time standard if the department cannot reach a timely eligibility decision because the:

(a) (~~Applicant~~) Client or an examining physician delays or fails to provide information or fails to take a required action; or

(b) Eligibility determination depends upon out-of-state or intercity correspondence and no other verification is available to establish the eligibility factor at issue; or

~~(c) (Occurrence of an administrative or other emergency is beyond the control of the department. Administrative burdens do not justify delayed processing of applications; or~~

~~(d))~~ Eligibility determination depends on receipt of medical expense documentation as described under WAC 388-99-030 and 388-100-020.

~~(4) (For cash assistance except consolidated emergency assistance program (CEAP), approval of the medical assistance is concurrent.~~

~~(5))~~ The department shall notify (~~applicants for~~) a medical (~~assistance~~) program client of departmental action by letter.

~~((6))~~ (5) Approval, denial, or withdrawal of the application for medical assistance, medical care services, or the limited casualty program will follow cash assistance standards and criteria in chapter 388-38 WAC, with the exception of WAC 388-38-110. For time limits for disposal of a medical application, subsections (1), (2) and (3) of this section shall apply.

~~((7))~~ (6) The department may rescind a denial and approve assistance based on a denied application when:

(a) The (~~applicant~~) client, within thirty days from the date of denial, provides additional information needed to establish eligibility; or

(b) Following this thirty-day period, the (~~applicant~~) client:

(i) Timely requests a fair hearing to appeal the denial; and

(ii) Provides the additional information needed to establish eligibility.

WSR 93-18-039

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed August 27, 1993, 10:13 a.m.]

Original Notice.

Title of Rule: WAC 388-86-022 School medical services for special education students.

Purpose: Expands the provider type of who can provide Medicaid services in schools. Adds licensed registered nurse; licensed physical therapist or physiatrist; occupational therapist; speech pathologists or audiologists.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Adds licensed registered nurse; licensed physical therapist or physiatrist; occupational therapist; speech pathologists or audiologists.

Reasons Supporting Proposal: Expands the provider type of who can provide Medicaid services in schools. The provider types are expanded and will be in place for federal

financial participation of the services provided to the students at the beginning of the school year.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on October 5, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by September 21, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by September 28, 1993.

Date of Intended Adoption: October 6, 1993.

August 27, 1993
 Dewey Brock, Chief
 Office of Vendor Services
 Administrative Services Division

AMENDATORY SECTION (Amending Order 3474, filed 10/28/92, effective 11/28/92)

WAC 388-86-022 School medical services for special education students. (1) The department shall pay school districts or educational service districts (ESD) for medical services to an eligible categorically needy or medically needy child when a school district or ESD furnishes the medical services to a special education student as part of the child's individualized education program (IEP) or individualized family service plan (IFSP).

(2) Such medical services shall be provided by:

(a) Qualified Medicaid providers as described under WAC (~~((388-87-007)-f)~~) 388-87-005 (h);

(b) Psychologists, licensed by the state of Washington or granted an educational staff associate certificate (ESA) by the state board of education; or

(c) A person trained and supervised by a:

- (i) Licensed registered nurse;
- (ii) Licensed physical therapist or physiatrist;
- (iii) Licensed occupational therapist; or
- (iv) Speech pathologist or audiologist, who has been granted a certificate of clinical competence by the American speech, hearing, and language association or a person who completed the equivalent educational and work experience necessary for such a certificate.

(3) The department shall require recommendations and referrals to be updated at least annually.

(4) The department shall pay for ~~((such))~~ school-based medical services according to the department-established rate or the billed amount, whichever is lower.

(5) The department shall not pay individual school practitioners who provide school-based medical services.

(6) ~~((For medical services billed to Medicaid,))~~ The department shall require school districts or ESD to pursue third-party resources for medical services billed to Medicaid.

WSR 93-18-041
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed August 27, 1993, 10:47 a.m.]

Original Notice.

Title of Rule: WAC 392-127-015 Certificated instructional staff ratio—FTE enrollment—Definition.

Purpose: Used in K-12 compliance ratio calculation.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: RCW 28A.150.100(2).

Summary: Removes running start students from enrollment used in calculation of school district student/staff ratios.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Old Capitol Building, Olympia, 753-2298; Implementation: Thomas Case, Old Capitol Building, Olympia, 753-6708; and Enforcement: Dr. David Moberly, Old Capitol Building, Olympia, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Clarification required due to changes in the enrollment reporting system. Running start students were included in the past.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Old Capitol Building, Wanamaker Conference Room, 2nd Floor, Olympia, Washington, on October 8, 1993, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, P.O. Box 47200, Olympia, WA 98504-7200, by October 5, 1993.

Date of Intended Adoption: October 20, 1993.

August 27, 1993
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 10, filed 6/1/90, effective 7/2/90)

WAC 392-127-015 FTE enrollment—Definition. As used in this chapter, "full-time equivalent enrollment" means for the period selected by ~~((the))~~ a school district~~((-~~

~~((+)))~~, the total full-time equivalent students reported by a school district pursuant to WAC 392-121-122((+)) minus the following:

~~((+))~~ (1) Handicapped full-time equivalent students calculated pursuant to WAC 392-122-131 and based on the

enrollment reported by a school district pursuant to WAC 392-122-106; (~~minus~~)

(2) Full-time equivalent students enrolled in community or technical colleges pursuant to RCW 28A.600.300 through 28A.600.400 (running start) reported by a school district as required by the superintendent of public instruction; and

(3) Prior to the 1993-94 school year, full-time equivalent students enrolled in learning centers reported by a school district (~~as required by the superintendent of public instruction~~) pursuant to WAC 392-122-200 through 392-122-275.

WSR 93-18-042
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE

[Filed August 27, 1993, 1:41 p.m.]

Subject of Possible Rule Making: Amending WAC 458-20-258 Tour operators, guided tours and guided charters.

Persons may Comment on this Subject in the Following Ways: Written comments should be addressed to: Anne Roys, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (206) 664-0972. Public meeting scheduled at: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on September 29, 1993, at 1:30 p.m. Written comments will be accepted to the date of adoption, but to assure full consideration, comments should be sent prior to September 30, 1993.

Other Information or Comments by Agency at this Time, if any: The Department of Revenue plans to amend this WAC to explain the tax liability of persons selling guided tours and guided charters. These activities became retail sales effective July 1, 1993, (chapter 25, Laws of 1993 1st s.p.s.). The rule will include apportionment provisions when the tour is both within and without Washington. The department has prepared a draft of the rule changes for discussion proposes. You may request a copy of the draft from Roseanna Hodson, (206) 586-4281.

August 27, 1993
Les Jaster
Rules Coordinator

WSR 93-18-046
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed August 30, 1993, 9:31 a.m.]

Continuance of WSR 93-14-065.

Title of Rule: New WAC 356-22-125 Examinations—Desirable qualifications.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

WSR 93-18-047
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed August 30, 1993, 9:32 a.m.]

Continuance of WSR 93-14-062.

Title of Rule: WAC 356-26-110 Certifications—Actions required.

Purpose: This rule requires agencies to report actions taken on certifications.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA 98504, on September 9, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by September 7, 1993.

Date of Intended Adoption: September 9, 1993.

August 10, 1993
Dennis Karras
Secretary

WSR 93-18-048
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed August 30, 1993, 9:35 a.m.]

Continuance of WSR 93-14-056 and 93-10-028.

Title of Rule: New WAC 356-05-157 Essential functions, and 356-22-005 Recruitment—Essential functions.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA 98504, on September 9, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by September 7, 1993.

Date of Intended Adoption: September 9, 1993.
 August 10, 1993
 Dennis Karras
 Secretary

WSR 93-18-049
PROPOSED RULES
PERSONNEL RESOURCES BOARD
 [Filed August 30, 1993, 9:36 a.m.]

Continuance of WSR 93-14-064.

Title of Rule: WAC 356-10-050 Employee appointment status—Upward reallocation, and 356-10-060 Allocation—Request for review.

Purpose: WAC 356-10-050 provides information on how employees in positions which are reallocated upward are affected. WAC 356-10-060 provides guidelines on requesting an informal review by the director or designee on allocations or reallocations of a position.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA 98504, on September 9, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by September 7, 1993.

Date of Intended Adoption: September 9, 1993.
 August 10, 1993
 Dennis Karras
 Secretary

WSR 93-18-050
PROPOSED RULES
PERSONNEL RESOURCES BOARD
 [Filed August 30, 1993, 9:37 a.m.]

Continuance of WSR 93-14-063.

Title of Rule: Repealing chapter 356-47 WAC, Career executive program.

Purpose: This chapter of Title 356 WAC established the career executive program which provides for career development of recognized managers and to provide mobility of such employees among agencies.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA 98504, on September 9, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by September 7, 1993.

Date of Intended Adoption: September 9, 1993.
 August 10, 1993
 Dennis Karras
 Secretary

WSR 93-18-051
PROPOSED RULES
PERSONNEL RESOURCES BOARD
 [Filed August 30, 1993, 9:39 a.m.]

Original Notice.

Title of Rule: New WAC 356-26-075 Certification—Registers—Exception—Agencies merging.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: When agencies are being merged this proposal would allow employees of both agencies to be considered as agency promotional candidates.

Reasons Supporting Proposal: There are currently no rules which allow this to happen.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Legislative action has directed a number of agency mergers. This rule proposal allows agencies to request from the Department of Personnel, to certify employees from both affected agencies, as agency promotional candidates. There are no existing rules which allow this action and this proposal will create flexibility for the appointing authority as well as allow additional opportunities for affected employees prior to the effective date of the merger.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA 98504, on October 14, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by October 12, 1993.

Date of Intended Adoption: October 14, 1993.

August 10, 1993
Dennis Karras
Secretary

WSR 93-18-061
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed August 30, 1993, 3:53 p.m.]

NEW SECTION

WAC 356-26-075 Certification—Registers—Exception—Agencies merging. When agencies, or portions of agencies are merging, the appointing authorities may request the director to certify affected employees of each agency as agency promotional provided:

(1) That the written request to the director shall specify:

(a) the agencies, or portions of the agencies, affected by the merger;

(b) the effective date of the merger;

(c) the affected employee organizations are notified.

(2) The appointing authority shall notify the employees of the affected divisions or agencies as soon as possible following the written approval by the director.

(3) This section is not intended to modify any requirements contained in collective bargaining agreements.

WSR 93-18-052
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed August 30, 1993, 9:45 a.m.]

Continuance of WSR 93-14-060, 93-12-084, 93-08-072, and *93-14-059.

Title of Rule: New WAC *356-05-171, 356-18-145, and 356-18-150; and amending WAC 356-18-110, 356-15-030, 356-18-060, and 356-14-260.

Purpose: These rules all apply to different kinds of leave usage.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is necessary because of federal law, Family and Medical Leave Act of 1993.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA 98504, on September 9, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by September 7, 1993.

Date of Intended Adoption: September 9, 1993.

August 10, 1993
Dennis Karras
Secretary

Original Notice.

Title of Rule: Rules restricting the use of mevinphos (Phosdrin) in chapters 16-228 and 16-219 WAC.

Purpose: To further restrict the use of mevinphos (Phosdrin).

Statutory Authority for Adoption: Chapters 15.58 and 17.21 RCW.

Statute Being Implemented: Chapters 15.58 and 17.21 RCW.

Summary: The proposed rule would prohibit the distribution, use and application of Phosdrin.

Reasons Supporting Proposal: Phosdrin is a highly toxic pesticide that has been used in apple and pear orchards to control aphids and the department is concerned about human health and safety after eleven incidents of poisoning reported last month.

Name of Agency Personnel Responsible for Drafting and Enforcement: Cliff Weed, Program Manager, Compliance, P.O. Box 42589, Olympia, WA, (206) 902-2040; and Implementation: William E. Brookreson, Assistant Director, P.O. Box 42589, Olympia, WA, (206) 902-2010.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: To prohibit the application, distribution and use of Phosdrin.

Proposal Changes the Following Existing Rules: Repeal existing restrictions on the use of Phosdrin.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Wenatchee Gas Company, 614 North Mission, Wenatchee, WA, on October 6, 1993, at 7:00 p.m.; Yakima County Courthouse, 128 North 2nd Street, Rooms 231 and 232, Yakima, WA, on October 7, 1993, at 7:00 p.m.; and WSU Research and Extension Unit, 1468 Memorial Highway, Mt. Vernon, WA, on October 12, 1993, at 7:00 p.m.

Submit Written Comments to: Cliff Weed, Program Manager, Compliance, Washington State Department of Agriculture, P.O. Box 42589, Olympia, WA 98504-2589, by October 12, 1993, 5:00 p.m.

Date of Intended Adoption: October 29, 1993.

August 30, 1993
William E. Brookreson
Assistant Director

NEW SECTION

WAC 16-228-228 Mevinphos (Phosdrin)—Restrictions. The distribution, use and application of all formulations containing the active ingredient mevinphos (Phosdrin) shall be prohibited throughout the state of Washington.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-219-015 Restricted use pesticides—Mevinphos (Phosdrin).
- WAC 16-219-020 Application requirements—Mevinphos (Phosdrin).
- WAC 16-219-025 Restricted entry interval—Posting—Mevinphos (Phosdrin).
- WAC 16-219-030 Training—Mevinphos (Phosdrin).

**WSR 93-18-062
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed August 30, 1993, 3:54 p.m.]

Original Notice.

Title of Rule: Chapter 392-139 WAC, Finance—Maintenance and operation levies.

Purpose: Defines calculations of school district excess general fund levy authority and local effort assistance eligibility.

Statutory Authority for Adoption: RCW 84.52.0531(10) and 28A.150.290.

Statute Being Implemented: Chapters 410 and 465, Laws of 1993.

Summary: School district levy authority percentages are increased by four percent for the 1994 and 1995 calendar years. Local effort assistance allocations for 1994 and 1995 are based on 12% rather than 10% equalization and allocations are reduced pro rata to stay within amounts appropriated. Districts are guaranteed 96.4% of 1991-93 biennial allocations.

Reasons Supporting Proposal: Needed to implement 1993 legislation.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Old Capitol Building, 753-2298; Implementation: Thomas Case, Old Capitol Building, 753-6708; and Enforcement: Dr. David Moberly, Old Capitol Building, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Levy authority is increased for 1994 and 1995. School districts will be able to collect additional maintenance and operation levy amounts if approved by voters. Local effort assistance is reduced for 1994 and 1995. State funding is limited to amounts appropriated.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, Olympia, Washington, on October 8, 1993, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, P.O. Box 47200, Olympia, WA 98504-7200, by October 5, 1993.
Date of Intended Adoption: October 20, 1993.

August 31, 1993
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-007 Organization of this chapter. This chapter contains rules for excess levy authority and state matching money for excess levies also known as local effort assistance. The general organization of the chapter is as follows:

- Sections 001-099 General provisions and definitions.
- Sections 100-299 Definitions for excess levy authority.
- Sections 300-399 Determination of excess levy authority.
- Sections 600-649 Definitions for local effort assistance.
- Sections 660-~~(699)~~ 679 Determination of local effort assistance for 1993, 1996 and thereafter.
- Sections 680-699 Determination of local effort assistance for 1994 and 1995.
- Sections 900-999 Notification (~~(provisions)~~), petitions and requests for review.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-055 Definition—Calendar year. As used in this chapter, ~~(the term)~~ "calendar year" means the period commencing on January 1 and ending on December 31. Unless otherwise stated, calendar year references including numeric references (e.g., 1994) are to the calendar year for which levy authority and local effort assistance are being calculated pursuant to this chapter.

NEW SECTION

WAC 392-139-058 Definition—Prior year and prior calendar year. As used in this chapter, "prior year" and "prior calendar year" mean the calendar year preceding the year for which levy authority and local effort assistance are being calculated pursuant to this chapter.

AMENDATORY SECTION (Amending Order 92-07, filed 9/21/92, effective 10/22/92)

WAC 392-139-310 Determination of excess levy base. The superintendent of public instruction shall calculate each school district's excess levy base as ~~((follows))~~ provided in this section. Levy base adjustments pursuant to WAC 392-139-901 shall be included in revenues shown in this section.

- (1) Sum the following state and federal allocations for the prior school year:
 - (a) The basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;
 - (b) The state and federal categorical allocations for the following:
 - (i) Pupil transportation. Allocations for pupil transportation include allocations for the following accounts:

4199 Transportation - operations; and

4499 Transportation reimbursement - depreciation.

(ii) Handicapped education. Allocations for handicapped education include allocations for the following accounts:

4121 Education of handicapped children;

6124 Handicapped supplemental, EHA, Part B; and

6127 Handicapped deinstitutionalized.

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations identified by account 4174 Highly capable.

(iv) Compensatory education. Allocations for compensatory education include allocations identified by the following accounts:

4155 Learning assistance;

4165 Transitional bilingual;

6151 Remediation, ESSIA, Chapter 1;

6153 Migrant, ESSIA, Chapter 1;

6162 Refugee programs;

6164 Bilingual, Title VII, P.L. 95-561 (SPI);

6167 Indian education, JOM;

6264 Bilingual, Title VII, P.L. 95-561 (direct); and

6268 Indian education, P.L. 92-318.

(v) Food services. Allocations for food services include allocations identified by the following accounts:

4198 School food services (state);

6198 School food services (federal); and

6998 USDA commodities.

(vi) State-wide block grant programs. Allocations for state-wide block grant programs include allocations identified by the following accounts:

4175 Local education program enhancement; and

6176 Targeted assistance, ESSIA, Chapter 2, P.L. 100-297.

(c) General federal programs. Allocations for general federal programs identified by the following accounts:

5200 General purpose direct grants, unassigned;

6100 Special purpose, SPI, unassigned;

6138 Secondary vocational education, P.L. 98-524;

6146 Skills center;

6177 Mathematics and science;

6200 Direct special purpose grants; and

6246 Skills center, direct federal grant.

(2) Increase the result obtained in subsection (1) of this section by ~~((the following percentage:~~

~~(a) For 1992, the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year.~~

~~(b) For 1993 and thereafter,))~~ the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year as stated in the state Operating Appropriations Act divided by 0.55.

(3) Revenue accounts referenced in ~~((subsection (1) of))~~ this section are from the September 1989 accounting manual for public school districts in the state of Washington, revised 1990.

(4) The dollar amount of revenues for state and federal categorical allocations identified in this section shall come from the following sources:

(a) The following state and federal categorical allocations are taken from the Report 1197 Column A (Annual Allotment Due):

4121 Education of handicapped children;

4155 Learning assistance;

4165 Transitional bilingual;

4174 Highly capable;

4175 Local education program enhancement;

4198 School food services (state);

4199 Transportation - operations;

4499 Transportation reimbursement - depreciation;

6124 Handicapped supplemental, EHA, Part B;

6127 Handicapped deinstitutionalized;

6138 Secondary vocational education, P.L. 98-524;

6146 Skills center;

6151 Remediation, ESSIA, Chapter 1;

6153 Migrant, ESSIA, Chapter 1;

6162 Refugee programs;

6176 Targeted assistance, ESSIA, Chapter 2, P.L. 100-297;

6177 Mathematics and science; and

6198 School food services (federal).

(b) The following state and federal allocations are taken from the F-195:

5200 General purpose direct grants, unassigned;

6100 Special purpose, SPI, unassigned;

6164 Bilingual, Title VII, P.L. 95-561 (SPI);

6167 Indian education, JOM;

6200 Direct special purpose grants;

6246 Skills center, direct federal grant;

6264 Bilingual, Title VII, P.L. 95-561 (direct);

6268 Indian education, P.L. 92-318; and

6998 USDA commodities.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-320 Determination of maximum excess levy percentage. (1) For 1994 and 1995, each school district's maximum excess levy percentage equals the district's 1993 excess levy percentage plus four percent (e.g., 21.5% plus 4% equals 25.5%).

(2) For 1993, 1996 and thereafter, the superintendent of public instruction shall calculate each school district's maximum excess levy percentage ((for the next calendar year)) as the greater of twenty percent or the percentage calculated as follows:

~~((1))~~ (a) Multiply the district's excess levy base determined pursuant to WAC 392-139-310 by:

(i) For 1993, 1997 and thereafter, the school district's maximum excess levy percentage for the ((current)) prior calendar year;

~~((2))~~ (ii) For 1996, the school district's maximum levy percentage for 1993;

(b) Subtract from the result obtained in (a) of this subsection ((1) of this section)) the school district's levy reduction funds for the year of the levy; and

~~((3))~~ (c) Divide the result obtained in (b) of this subsection ((2) of this section)) by the school district's excess levy base.

NEW SECTION

WAC 392-139-606 Definition—District twelve percent levy amount. As used in this chapter, "district twelve percent levy amount" means the dollar amount determined for each school district as follows:

- (1) Perform the calculations pursuant to WAC 392-139-300 (1) and (2) to arrive at the school district excess levy authority after excess levy transfers but before subtracting maximum local effort assistance;
- (2) Divide the result by the school district maximum excess levy percentage calculated pursuant to WAC 392-139-320; and
- (3) Multiply the result by twelve percent.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-610 Definition—District ten percent levy rate. As used in this chapter, "district ten percent levy rate" means the district ten percent levy amount divided by the district adjusted assessed valuation for taxes collected in the ~~((current))~~ prior calendar year.

NEW SECTION

WAC 392-139-611 Definition—District twelve percent levy rate. As used in this chapter, "district twelve percent levy rate" means the district twelve percent levy amount divided by the district adjusted assessed valuation for taxes collected in the prior calendar year.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-615 Definition—State-wide average ten percent levy rate. As used in this chapter, "state-wide average ten percent levy rate" means ten percent of the total excess levy bases for the next calendar year determined pursuant to WAC 392-139-310 ~~((summed))~~ for all school districts divided by the total adjusted assessed valuation for all school districts for taxes collected in the ~~((current))~~ prior calendar year.

NEW SECTION

WAC 392-139-616 Definition—State-wide average twelve percent levy rate. As used in this chapter, "state-wide average percent levy rate" means twelve percent of the total excess levy bases determined pursuant to WAC 392-139-310 for all school districts divided by the total adjusted assessed valuation for all school districts for taxes collected in the prior calendar year.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-620 Definition—Eligible district—1993, 1996 and thereafter. As used in this chapter, "eligible school district" for 1993, 1996 and thereafter means a school district whose ten percent levy rate exceeds the state-wide average ten percent levy rate.

NEW SECTION

WAC 392-139-621 Definition—Eligible district—1994 and 1995. As used in this chapter, "eligible district" in 1994 and 1995 means a school district whose twelve percent levy rate exceeds the state-wide average twelve percent levy rate.

AMENDATORY SECTION (Amending Order 88-6, filed 1/8/88)

WAC 392-139-625 Definition—State matching ratio—1993, 1996 and thereafter. As used in this chapter, "state matching ratio" for 1993, 1996 and thereafter, means the ratio calculated for each school district as follows:

- (1) Subtract the state-wide average ten percent levy rate from the district ten percent levy rate; and
- (2) Divide the result by the state-wide average ten percent levy rate.

NEW SECTION

WAC 392-139-626 Definition—State matching ratio—1994 and 1995. As used in this chapter, "state matching ratio" for 1994 and 1995 means the ratio calculated for each school district as follows:

- (1) Subtract the state-wide average twelve percent levy rate from the district twelve percent levy rate; and
- (2) Divide the result by the state-wide average twelve percent levy rate.

DETERMINATION OF LOCAL EFFORT ASSISTANCE FOR 1993, 1996 AND THEREAFTER

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-660 Determination of maximum local effort assistance—1993, 1996 and thereafter. The superintendent of public instruction shall calculate maximum local effort assistance for each eligible school district for ~~((the next))~~ calendar years 1993, 1996 and thereafter as follows:

- (1) Subtract the state-wide average ten percent levy rate ~~((for the next calendar year))~~ from the district ten percent levy rate ~~((for the next calendar year))~~;
- (2) Divide the result obtained in subsection (1) of this section by the district ten percent levy rate ~~((for the next calendar year))~~; and
- (3) Multiply the result obtained in subsection (2) of this section by the district ten percent levy amount ~~((for the next calendar year))~~.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-670 Local effort assistance allocations—1993, 1996 and thereafter. The superintendent of public instruction shall calculate each eligible school district's local effort assistance entitlement for 1993, 1996 and thereafter as the lesser of the following amounts:

- (1) The school district's certified excess levy for the calendar year as reported to the superintendent of public instruction pursuant to WAC 392-139-665 times the school

district's state matching ratio for the calendar year calculated pursuant to WAC 392-139-625; or

(2) The school district's maximum local effort assistance for the calendar year calculated pursuant to WAC 392-139-660.

AMENDATORY SECTION (Amending Order 92-07, filed 9/21/92, effective 10/22/92)

WAC 392-139-676 ((Allocation)) Monthly payments of local effort assistance—1993, 1996 and thereafter. For ((the)) 1993 ((calendar year)), 1996 and thereafter, the superintendent of public instruction shall distribute local effort assistance moneys pursuant to the schedule provided in RCW 28A.500.010 (4)(b).

DETERMINATION OF LOCAL EFFORT ASSISTANCE FOR 1994 AND 1995

NEW SECTION

WAC 392-139-680 Determination of maximum local effort assistance—1994 and 1995. The superintendent of public instruction shall calculate maximum local effort assistance for each eligible school district for 1994 and 1995 as follows:

(1) Subtract the state-wide average twelve percent levy rate from the district twelve percent levy rate;

(2) Divide the result of subsection (1) of this section by the district twelve percent levy rate;

(3) Multiply the result of subsection (2) of this section by the district twelve percent levy amount;

(4) Multiply the result of subsection (3) of this section by the proration percentage determined pursuant to WAC 392-139-690;

(5) Add the result of subsection (4) of this section and the district's safety net allocation for the year determined pursuant to WAC 392-139-685. This amount is the district's maximum local effort assistance.

NEW SECTION

WAC 392-139-681 Determination of local effort assistance allocations—1994 and 1995. Each district's local effort assistance allocation for 1994 and 1995 shall be calculated as follows:

(1) Determine local effort assistance before proration by taking the lesser of the district's maximum local effort assistance before proration or the district's state matching ratio times the district certified excess general fund levy.

(2) Multiplying the result of subsection (1) of this section by the proration percentage pursuant to WAC 392-139-690.

(3) Add the result of subsection (2) of this section and the district's safety net allocation calculated pursuant to WAC 392-139-685. This amount is the district's local effort assistance allocation for the year.

NEW SECTION

WAC 392-139-685 Determination of safety net allocations. Each school district's safety net allocation for 1994 and 1995 shall be calculated as follows:

(1) Determine the actual 1991-93 state biennium local effort allocations by adding:

- 45% of the actual 1991 allocation,
- 100% of the actual 1992 allocation, and
- 55% of the actual 1993 allocation.

(2) Determine 96.5% of the 1991-93 allocations by multiplying the result of subsection (1) of this section by 0.965.

(3) Calculate the local effort assistance allocations that would have been made during the 1993-95 biennium under the law in effect January 1, 1993, (i.e., using the formula for 1993 local effort assistance provided in this chapter). When performing calculations for 1994, assume that local effort assistance will be equal in calendar years 1994 and 1995 unless it is known to be otherwise.

(4) Determine the 1993-95 biennium local effort assistance allocation by adding:

- 45% of the actual 1993 allocation,
- 100% of the 1994 allocation, and
- 55% of the 1995 allocation.

(a) For 1994, the 1994 allocation excludes safety net moneys and the 1995 allocation is assumed to equal the 1994 allocation unless it is known to be otherwise.

(b) For 1995, the 1994 allocation includes safety net moneys and the 1995 allocation excludes 1995 safety net moneys.

(5) If the result of subsection (3) of this section exceeds the result of subsection (1) of this section and the result of subsection (4) of this section is less than the result of subsection (2) of this section then the district is eligible for safety net moneys.

(a) For 1994 and eligible district's safety net allocation equals 64.5% (100/155) of the difference between the result of subsections (2) and (4) of this section.

(b) For 1995 an eligible district's safety net allocation equals 100% of the difference between the results of subsections (2) and (4) of this section.

NEW SECTION

WAC 392-139-690 Determination of proration percentages. The superintendent of public instruction shall prorate local effort assistance allocations as necessary for 1994 and 1995 in order to reduce total local effort assistance allocations for the 1993-95 state biennium (July 1, 1993, through June 30, 1995,) to the level provided in the state Operating Appropriations Act. In determining the necessary 1994 proration percentage the superintendent of public instruction shall assume that total local effort assistance eligibility for 1994 and 1995 is equal.

NEW SECTION

WAC 392-139-691 Monthly payments of local effort assistance—1994 and 1995. (1) For 1994 the superintendent of public instruction shall distribute local effort assistance moneys with monthly apportionment payments pursuant to the schedule provided in RCW 28A.500.010 (4)(b).

(2) For the 1995 the superintendent of public instruction shall distribute local effort assistance moneys as follows:

(a) Local effort assistance allocations excluding the safety net allocation shall be distributed pursuant to the schedule provided in RCW 28A.500.010 (4)(b).

(b) Safety net moneys determined pursuant to WAC 392-139-685 shall be distributed with monthly apportionment payments pursuant to the following schedule:

April	54.55%
May	41.82%
June	3.63%

NOTIFICATION ((PROVISIONS)), PETITIONS AND REQUESTS FOR REVIEW

NEW SECTION

WAC 392-139-901 Petitions for levy base adjustments. School districts may request levy base adjustments as follows:

(1) At any time prior to September 15 of the prior calendar year, two or more school districts may petition the superintendent of public instruction to transfer levy base revenues between school districts for revenues generated by nonresident students served in an interdistrict cooperative for which no transfer is made pursuant to WAC 392-139-330 or 392-139-340. The petition shall state the revenue account(s) and dollar amounts to be transferred to and from each district. Net transfers for all districts shall equal zero. The petition shall be signed by the superintendent or authorized official of each participating school district. If the superintendent of public instruction finds that revenues were generated by services to nonresident students each district's levy base shall be adjusted accordingly.

(2) At any time prior to September 15 of the prior calendar year, a school district may petition the superintendent of public instruction to credit school district revenues which have been redirected to an educational service district to the school district levy base. The petition shall be signed by the superintendent or authorized official of the school district and the educational service district. If the superintendent of public instruction finds that revenues were generated by resident students of the school district, revenues shall be credited to the school district levy base accordingly.

NEW SECTION

WAC 392-139-902 Requests for review. At any time prior to October 15 of the prior calendar year, a school district may request review of calculations made pursuant to this chapter. The request shall be in writing and shall be signed by the school district superintendent or authorized official. The superintendent of public instruction will review calculations and respond to the district on or before November 1.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-139-056	Definition—Current calendar year.
WAC 392-139-057	Definition—Next calendar year.

WAC 392-139-675 Allocation of local effort assistance—1992 Calendar year.

**WSR 93-18-066
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE
[Filed August 30, 1993, 4:43 p.m.]**

Subject of Possible Rule Making: Amending chapter 458-16 WAC, Exempt property rules.

Persons may comment on this subject in writing or by attending one of the public meetings scheduled at: Lacey Governmental Center, 1009 College Street S.E., Lacey, WA, on Tuesday, October 5, 1993, at 9:00 a.m.; and at the Epic Conference Center, 2902 Castlevale Road, Suite A, Yakima, WA, on Thursday, October 7, 1993, at 10:00 a.m..

Written comments should be submitted by October 7, 1993, to assure full consideration, but will be accepted up to the date of adoption. Address comments to: Kim M. Qually, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467.

Other Information or Comments by Agency at this Time, if any: These rules are being amended for purposes of clarification and to comply with recent statutory changes. A copy of the draft rules is available upon request. Contact Pat Baxter, (206) 753-1382.

August 30, 1993
Linda Lethlean
Deputy Assistant Director

**WSR 93-18-067
PROPOSED RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES
[Filed August 31, 1993, 8:37 a.m.]**

Original Notice.

Title of Rule: Chapter 131-48 WAC, Certificate of educational competence.

Purpose: To formally transfer the authority from the Superintendent of Public Instruction's Office to the State Board for Community and Technical Colleges to adopt rules governing the eligibility of persons sixteen years of age or older to take the general educational development (GED) test subject to rules adopted by the State Board of Education.

Statutory Authority for Adoption: RCW 28B.50.915.

Summary: The permanent rule adoption initiates and establishes chapter 131-48 WAC relating to the certificate of educational competence.

Name of Agency Personnel Responsible for Drafting and Implementation: Pat Green and Joe-Ann Helms, Office of Adult Literacy, 319 7th Avenue, Olympia, 3-3662; and Enforcement: Pat Green and Joe-Ann Helms, Office of Adult Literacy, 319 7th Avenue, Olympia, 3-3662 and Rich Montecucco, Assistant Attorney General, Education Division, 586-1197.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes the eligibility of persons sixteen years of age or older to take the general educational development (GED) test subject to rules adopted by the State Board of Education. It also sets guidelines regarding the issuance of certificates of educational competence for persons who have not graduated from high school and are not enrolled in a regular or alternative high school program.

Proposal Changes the Following Existing Rules: The rule reflects the legislative changes made during the 1993 legislative session and formally transfers administration of the program from the Superintendent of Public Instruction's Office to the State Board for Community and Technical Colleges.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Columbia Basin College, Administrative Board Room, 2600 North 20th Street, Pasco, WA 99302, on October 14, 1993, at 10:30 a.m.

Submit Written Comments to: Pat Green and Joe-Ann Helms, Office of Adult Literacy, 319 7th Avenue, Olympia, WA 98504, by October 8, 1993.

Date of Intended Adoption: October 14, 1993.

August 31, 1993

Claire C. Krueger

Executive Assistant

Agency Rules Coordinator

Chapter 131-48 WAC

CERTIFICATE OF EDUCATIONAL COMPETENCE

NEW SECTION

WAC 131-48-010 Authority. The authority for this chapter is RCW 28B.50.915 which authorizes the state board for community and technical colleges to adopt rules governing the eligibility of persons sixteen years of age or older to take the general educational development (GED) test subject to rules adopted by the state board of education.

NEW SECTION

WAC 131-48-020 Purpose. The purpose of this chapter is to set forth policies and procedures governing the administration of the GED test and the issuance of certificates of educational competence for persons who have not graduated from high school and are not enrolled in a regular or alternative high school program.

NEW SECTION

WAC 131-48-030 Certificate of educational competence. As used in this chapter, the term "certificate of educational competence" means a certificate issued jointly by the state board for community and technical colleges and the superintendent of public instruction which indicates that the holder thereof has attained standard scores at or above the minimum proficiency level prescribed by the state board for community and technical colleges on the general educational development (GED) test, which is a measure of high school equivalency in the areas of writing skills, social studies, science, reading skills, and mathematics.

NEW SECTION

WAC 131-48-040 General educational development test—Definition. As used in this chapter, the term "general educational development test" means the most recent general educational development test of the American Council on Education.

NEW SECTION

WAC 131-48-050 Minimum proficiency level—Definition. As used in this chapter, the term "minimum proficiency level" means a standard score of at least forty on each of the five portions of the general educational development test, and an average standard score of at least forty-five on the entire test.

NEW SECTION

WAC 131-48-060 Official GED testing center—Definition. As used in this chapter, the term "official GED testing center" means public or private agencies which have agreed to comply with the provisions of this chapter and with policies and regulations of the GED Testing Service, and which have been designated by the state board for community and technical colleges, administrator of the GED testing program to administer the general educational development test. Additional official GED testing centers and local GED examiners shall be approved by the state administrator of the GED testing program at the state board for community and technical colleges when the following have been documented:

- (1) Need for a new testing site in a specific region or location;
- (2) Need for new or replacement examiner at a testing center;
- (3) Commitment of the governing board or, if none, the chief official of the proposed new testing center to meet all testing center requirements described in the *GED Examiner's Manual* published by GED Testing Service of the American Council on Education; and
- (4) Availability of testing center personnel who meet the qualifications specified in the *GED Examiner's Manual* published by the GED Testing Service of the American Council on Education.

NEW SECTION

WAC 131-48-070 Restrictions on use of general educational development tests. GED tests are designed and validated to enable persons who did not graduate from high school to earn a GED credential. Permission to use the GED tests or test results for other purposes must be obtained from the Commission on Educational Credit or GED Testing Service staff. Misuses of the tests include, but are not limited to using a GED test:

- (1) For the purposes of grade placement or promotion;
- (2) As measures of student progress in instructional programs;
- (3) As means of awarding academic credit (e.g., Carnegie units);
- (4) As means for awarding alternative credentials to currently enrolled high school students; or

(5) As means of awarding high school diplomas or credentials.

NEW SECTION

WAC 131-48-080 Compliance with rules. Testing centers shall comply with the requirements of the testing program, and administer GED tests only to those who have reached the age of nineteen unless an applicant who is sixteen, seventeen, or eighteen years of age has been adjudged by a school district official in accordance with rules of the state board of education to have a substantial and warranted reason for leaving the regular high school program.

NEW SECTION

WAC 131-48-090 Annual contracts. The annual contract between official testing centers, SBCTC and the GED Testing Service shall provide assurances that all state and national requirements shall be met. Failure to meet any requirement may result in cancellation of the approval and authorization of a public or private agency to act as an official GED testing center.

NEW SECTION

WAC 131-48-100 Eligibility to take the GED test. The following individuals shall be eligible to take the general educational development test in official GED testing centers, provided that they are not enrolled in a public, private, or home-based instruction of high school or high school completion program at the time the test is administered:

- (1) Any person age nineteen or over who has not graduated from a public or private high school.
- (2) Any person between the ages of sixteen and nineteen who has not graduated from a public or private high school and who has been adjudged by a school district in accordance with rules of the state board of education to have a substantial and warranted reason for leaving the regular high school education program.
- (3) Any student age sixteen or over who has completed an education center individual student program in accordance with the provisions of chapter 392-185 WAC.
- (4) Any person between the ages of sixteen and nineteen who has not graduated from a public or private high school, and who has completed a program of home-based instruction in compliance with RCW 28A.225.010(4) as certified by the written and notarized statement of the parent(s) or legal guardian(s) who provided the home-based instruction.
- (5) Any person who is an active member of the military, national guard, or reserves.
- (6) Adjudicated youth under the director of prisons, jails, detention centers, parole and probation offices, and other corrections facilities while enrolled in school if so ordered by a court or officer of the court.

NEW SECTION

WAC 131-48-110 Eligibility for award of certificate of educational competence. The certificate of educational competence shall be awarded jointly by the state board for community and technical colleges and the superintendent of

public instruction to persons who achieve the minimum proficiency level on the general educational development test and who meet the following:

- (1) Are residents of Washington state; and
- (2) Are nineteen years of age or older on the date of issuance; or
- (3) Have been adjudged by a district as possessing a substantial and warranted reason for leaving the regular high school education program.
- (4) Have completed a program of home-based instruction in compliance with RCW 28A.225.010(4) and chapter 28A.220 RCW.
- (5) Are active members of the military, national guard, or reserves.
- (6) Are adjudicated youth under the director of prisons, jails, detention centers, parole and probation offices, and other corrections facilities and so ordered by a court or officer of the court.

NEW SECTION

WAC 131-48-120 Identification necessary to take the GED test. All persons taking the GED test must provide picture identification utilizing one of the following:

- (1) State-issued driver's license or a state-issued identification card with a photograph.
- (2) United States passport.
- (3) Certificate of United States citizenship.
- (4) Certificate of naturalization.
- (5) Unexpired foreign passport.
- (6) Alien registration card with photograph.
- (7) Armed forces identification card.
- (8) Other forms of comparable identification which the GED examiner judges to be credible including, but not limited to, one or more of the following:
 - (a) Other forms of picture identification;
 - (b) Birth certificates in combination with other sources that confirm identity; and
 - (c) Confirmation of identity by a law enforcement, social service, or penal agency.

NEW SECTION

WAC 131-48-130 Application form for certificate of educational competence. The state board for community and technical colleges shall supply each official GED testing center with forms for applicants to request certificates of educational competence. Such forms shall request data necessary for processing of the application, including the applicant's scores on the GED test certified by an appropriate official of the GED testing center, the applicant's Social Security number and such additional information as the state board for community and technical colleges administrator for GED testing program deems necessary for any authorized research project associated with the implementation or administration of this chapter.

NEW SECTION

WAC 131-48-140 Effect of certificate of educational competence. The award by the state board for community and technical colleges and superintendent of public instruction of a certificate of educational competence shall not

preclude such persons from returning to high school to obtain a regular high school diploma if changes in the person's personal situation allow completion of a regular high school education program. However, the GED certificate or test scores may not be used as a means of awarding academic credit (e.g., Carnegie units) or as part or all of the requirements for completing the regular high school diploma.

Receipt of a certificate of educational competence also shall not preclude such persons from enrolling in an adult high school completion program at one of the state's community or technical colleges. However, the GED certificate or test scores may not be used as a means of awarding academic credit or as part or all of the requirements for completing the adult high school completion program and receiving the adult high school diploma.

WSR 93-18-068
PROPOSED RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Filed August 31, 1993, 8:38 a.m.]

Original Notice.

Title of Rule: Chapter 180-72 WAC, Adult education program.

Purpose: To formally transfer the authority from the Superintendent of Public Instruction's Office to the State Board for Community and Technical Colleges to administer the adult education program for the state of Washington.

Statutory Authority for Adoption: RCW 28B.50.915.

Summary: The permanent rule adoption initiates and establishes chapter 180-72 WAC relating to the adult basic education program and its administration.

Name of Agency Personnel Responsible for Drafting and Implementation: Pat Green, Assistant Director, Office of Adult Literacy, 319 7th Avenue, Olympia, 3-3662; and Enforcement: Pat Green and Rich Montecucco, Assistant Attorney General, Educational Division, 586-1197.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The basic education program for adult education in the state of Washington remains the same, however, administration of the program is formally transferred from the Superintendent of Public Instruction's Office to the State Board for Community and Technical Colleges.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Columbia Basin College, Administrative Board Room, 2600 North 20th, Pasco, WA 99302, on October 14, 1993, at 10:15 a.m.

Submit Written Comments to: Pat Green, Office of Adult Literacy, 319 7th Avenue, Olympia, WA 98504, by October 8, 1993.

Date of Intended Adoption: October 14, 1993.

August 31, 1993
Claire C. Krueger
Executive Assistant
Agency Rules Coordinator

Chapter 180-72 WAC
ADULT EDUCATION PROGRAM

AMENDATORY SECTION (Amending Order 5-70, filed 4/28/70)

WAC 180-72-040 Purpose—Cooperation policy. The major purpose of adult education in the state of Washington is to raise the educational level of adults in the state who have not obtained an education consistent with their ability to learn and to provide adults disadvantaged through lack of a high school diploma with the opportunity to complete their high school education and to obtain proper recognition for it.

The several statutes relating to adult education have vested authority and responsibility for conduct of adult education programs in the community and technical colleges (~~(and the common schools and)~~) for administration and promulgation of rules and regulations in the (~~(superintendent of public instruction, the state board of education and the)~~) state board for community and technical college education. (~~(In view of the interrelated responsibilities, cooperation in the development and conduct of adult education programs by the educational agencies concerned is essential to achievement of the major purpose herein stated. The provisions of this chapter therefore are designed to reflect and facilitate such cooperation.)~~)

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-72-045 Authority—Regulatory provisions recognize intent of specific acts. The policies, rules and regulations hereinafter in WAC 180-72-050 through 180-72-075 set forth recognize the intent of (1) chapter 28B.50 RCW to (a) place major responsibility for adult education in the community and technical colleges, (b) provide for the conduct of adult education programs by the community and technical colleges, community-based organizations, and common schools under arrangements between the appropriate community or technical college (~~(and common)~~) school district, (c) permit the issuance of high school diplomas by the community and technical colleges under rules and regulations promulgated by the superintendent of public instruction and the state board of education, and (d) provide for the administration of certain federally supported adult education programs by the (~~(superintendent of public instruction in cooperation with the state director of community)~~) executive director of the state board for community and technical colleges; (2) RCW 28A.225.220 to permit boards of directors of common school districts to make arrangements with adults wishing to attend school; and (3) chapter 28A.305 RCW which provides that the state board of education in cooperation with the state board for community and technical colleges shall prescribe course requirements for high school completion.

AMENDATORY SECTION (Amending Order 5-70, filed 4/28/70)

WAC 180-72-050 Adult education defined. For the purpose of this chapter "adult education" shall be defined as set forth in RCW 28B.50.030(11) which provides as follows: "Adult education" shall mean all education or instruction, including academic, vocational education or training, and "occupational education" provided by public educational institutions(~~(, including common school districts))~~ and community-based organizations for persons who are eighteen years of age and over or who hold a high school diploma or certificate: *Provided*, That "adult education" shall not include basic skills instruction, English as a second language, academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate: *Provided further*, That "adult education" shall not include education or instruction provided by any four year public institution of higher education((~~And provided further, That "adult education" shall not include education or instruction provided by a vocational technical institute~~)).

AMENDATORY SECTION (Amending Order 5-70, filed 4/28/70)

WAC 180-72-060 Adult high school completion education—Community college and common school district participation. (1) **Program authorization.** A community or technical college district and a common school district under provisions of RCW 28B.50.530 may enter into agreement for the conduct of an adult education program by the common school district ((~~it~~)) on behalf of the community or technical college district when such program will not conflict with an existing program of the same nature and in the same geographical area conducted by the community or technical college district: *Provided*, That such program shall be established, administered and operated in accordance with procedures and guidelines prescribed by the ((~~superintendent of public instruction in cooperation with the state~~)) executive director of community and technical colleges.

(2) **Cooperative study of needs.** Community and technical colleges, community-based organizations, and common school districts are encouraged to study cooperatively the needs in their own communities for educational services designed for adults to complete their high school training and, consistent with statutory provisions and requirements prescribed in this chapter, to provide appropriate programs to meet such needs.

AMENDATORY SECTION (Amending Order 14-84, filed 10/4/84)

WAC 180-72-065 Community college high school diploma programs. (1) **Minimum requirements for high school diploma.** The minimum requirements and procedures for the issuance of a high school diploma by or through a community or technical college district shall be as prescribed by the state board of education in this section and chapters 180-51 and 180-56 WAC.

(2) **Provisions governing program for persons eighteen years of age and over.**

(a) The appropriate school district ((~~or~~)), community college or technical college education official shall evaluate the previous educational records of the student and may provide evaluative testing to determine the student's educational level and shall recommend an appropriate course or courses of study upon the successful completion of which the student will be eligible for the high school diploma.

(b) Satisfaction of minimum course requirements may be met by one or more of the following methods—actual completion of courses regularly conducted in high school, ((~~vocational technical institute~~)) technical college and/or community college; approved correspondence or extension courses; supervised independent study; or testing in specific subject areas.

(c) The appropriate education official shall exercise reasonable judgment in appraising the educational experience of the student either in or out of a formal school program to determine the degree to which the student has satisfied the minimum credit requirements for completion of the high school program. Consideration may be given to work experience, vocational training, civic responsibilities discharged by the adult and other evidences of educational attainment.

(d) A high school diploma shall be granted to each individual who satisfactorily meets the requirements for high school completion herein and hereinbefore in subsection (1) set forth, the said diploma to be issued by the appropriate school district ((~~or~~)), community college or technical college: *Provided*, That in the event the school district and the community college or technical college are unable to agree as to which educational agency shall issue the said diploma, the superintendent of public instruction shall make the decision and designate the issuing agency. Records of diplomas issued under the provisions of this subsection shall be maintained by the issuing agency.

(3) **Provisions governing program for persons under eighteen years of age.**

(a) The high school principal shall evaluate the previous educational record of the individual and prior to his enrollment in courses and in cooperation with the appropriate education official of a community college or ((~~vocational technical institute~~)) technical college shall approve the program of studies leading to the high school diploma.

(b) The student must be assigned a program supervisor.

(c) Satisfaction of the minimum credit requirements may be met by one or more of the following methods—actual completion of courses regularly conducted in high school, ((~~vocational technical institute~~)) technical college, and/or community college; approved correspondence or extension courses; or approved supervised independent study.

(d) The school district shall grant the regular high school diploma or certificate of graduation to each individual who satisfactorily meets the requirements for high school completion herein and hereinbefore in subsection (1) set forth: *Provided*, That the school district may delegate the responsibility for granting such a diploma or certificate to the appropriate community college or ((~~vocational technical institute~~)) technical college. Records of diplomas issued under provisions of this subsection shall be maintained by the issuing agency.

(4) Each fiscal year each community or technical college district shall file a statistical report with the state board for community and technical colleges and the state board of education, and with the review committee established by the subsection. The statistical report shall consist of, but not be restricted to, the number of high school diplomas issued for that fiscal year with subdivisions indicating students under eighteen years of age, over eighteen years of age, and those diplomas issued through special authorities such as PREP. Additional reports may be filed by the committee established herein with the state board of education and with the local board of trustees of the community college district. The form and content of these additional reports shall be determined by the ~~((state superintendent of public instruction after consultation with the))~~ executive director of the office of the state board for community ~~(college education)~~ and technical colleges in consultation with the superintendent of public instruction.

A review committee shall be established in each community and technical college district composed of professional educators working within that district. The executive director of the state board for community and technical colleges and the superintendent of public instruction shall appoint one superintendent, one high school principal, one high school counselor, and one high school teacher to serve on such committee. The president of the community or technical college district may appoint one adult educator to serve on the committee.

This committee shall meet at the direction of the superintendent of public instruction for the purpose of reviewing not more than once each year the high school diploma program at the community or technical college in relationship to its compliance with high school diploma requirements established in chapters 180-51, 180-56 and 180-72 WAC. After each review, the committee shall prepare and submit an oral and written report to the board of trustees of the college district and a written report to the state board of education which sets forth the committee's findings and suggestions for any improvements in the program deemed necessary or advisable.

The individual members of the review committee, who are employees of a school district may request from the community or technical college district reimbursement for travel and expenses at such rates and for such purposes as are allowed state employees by law and rules of the office of program planning and fiscal management. The superintendent of public instruction may reimburse for substitutes required in connection with teacher members of the committee as provided by law.

(5) Any high school graduation diploma issued by or through a community or technical college district shall certify that the diploma is issued in compliance with high school graduation requirements established by the state board of education and procedures established by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 5-70, filed 4/28/70)

WAC 180-72-070 Federal programs for adult education. It is the responsibility of the ~~((superintendent of public instruction in cooperation with the state))~~ executive

director of community and technical colleges to administer the programs of adult education supported in whole or in part by federal monies made available for such purpose to the state board of ~~((education and/or the superintendent of public instruction))~~ community and technical colleges, and to authorize the operation of such programs by the common school districts of the state in accordance with procedures established by the ~~((superintendent of public instruction))~~ state board of community and technical colleges: *Provided*, That the administration and operation of such adult education programs shall be consistent with the policy hereinbefore in WAC 180-72-040 set forth.

WSR 93-18-069
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
[Filed August 31, 1993, 10:38 a.m.]

Original Notice.

Title of Rule: Amending Regulation I, Section 5.11 and Regulation II, Section 2.07; and adopting Regulation II, Section 2.09.

Purpose: To incorporate recent amendments to the Washington Administrative Code into PSAPCA regulations.

Other Identifying Information: Section 5.11 pertains to Registration of Oxygenated Gasoline Blenders; Section 2.07 pertains to Gasoline Stations; and Section 2.09 pertains to Oxygenated Gasoline.

Statutory Authority for Adoption: Chapter 70.94 RCW.
Statute Being Implemented: RCW 70.94.141.

Summary: Amendments would describe the annual registration and reporting requirements for blenders of oxygenated gasoline and would amend deadlines for installation of Stage 2 vapor recovery systems. New section would detail requirements for selling or dispensing oxygenated gasoline.

Reasons Supporting Proposal: To bring PSAPCA regulations in line with state rules.

Name of Agency Personnel Responsible for Drafting: Gerry Pade, 110 Union Street, #500, Seattle, 98101, 689-4065; Implementation: Harry Twomey, 110 Union Street, #500, Seattle, 98101, 689-4020; and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, 98101, 689-4053.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule reduces air pollution by requiring gas stations to install vapor recovery nozzles on the pumps, chapter 173-491 WAC, and by requiring the sale of oxygenated gasoline during the winter months, chapter 173-492 WAC.

Proposal does not change existing rules.

Proposal would codify in PSAPCA regulations the requirements of chapter 173-491 WAC, Sources emitting gasoline vapors and chapter 173-492 WAC, Oxygenated gasoline.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on October 14, 1993, at 9:00 a.m.

Submit Written Comments to: Arthur Davidson, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, by October 4, 1993.

Date of Intended Adoption: October 14, 1993.

August 30, 1993

Gerald S. Pade

Air Pollution Engineer

AMENDATORY SECTION

REGULATION I SECTION 5.11 ((1994 SURCHARGE FOR BLENDEES)) REGISTRATION OF OXYGENATED GASOLINE BLENDEES

~~((a) The Agency shall levy the following registration surcharges to defray the costs of administering the oxygenated gasoline blender registration and field compliance program mandated by WAC 173-492-))~~

(a) Blenders of oxygenated gasoline shall register with the Agency on an annual basis. Each request for registration shall be on forms supplied by the Agency and shall be accompanied by a fee to compensate for the cost of administering the program. The following fee table, based upon the average monthly sales of gasoline sold during the previous November, December, January and February, shall apply:

~~((November 1, 1992 to March 1, 1993 Average Monthly Sales:))~~ Volume (gallons)

less than 100,000	\$	500.00
100,000 or more but less than 1,000,000	\$	1,000.00
1,000,000 or more but less than 15,000,000	\$	10,000.00
15,000,000 or more	\$	25,000.00

~~((b) Upon assessment by the Agency, this registration ((surecharge)) fee is due and payable within 30 days. It shall be deemed delinquent if not fully paid within 90 days and shall be subject to an additional fee equal to 3 times the original fee.~~

(c) Blenders of oxygenated gasoline shall, upon request by the Agency, submit periodic reports summarizing how the requirements of Section 2.09 of Regulation II were met. Each report shall be submitted on forms supplied by the Agency within 30 days of receipt of forms.

AMENDATORY SECTION

REGULATION II SECTION 2.07 GASOLINE STATIONS

(a) Section 2.07(b) shall apply to:

(1) All gasoline stations ~~((including any gasoline dispensing facility))~~ in existence on January 1, 1979 with a total annual gasoline ~~((output))~~ throughput greater than

200,000 gallons and total gasoline storage capacity greater than 10,000 gallons; and

(2) All stationary gasoline storage tanks, greater than 1,000 gallons capacity, installed or reconstructed after January 1, 1979.

(b) It shall be unlawful for any person to cause or allow the transfer of gasoline from any transport tank into any stationary storage tank unless the following conditions are met:

(1) Such stationary storage tank shall be equipped with a permanent submerged fill pipe and "CARB-certified" Stage 1 vapor recovery system that is maintained and operated according to the manufacturer's specifications;

(2) Such transport tank shall be equipped to balance vapors; and

(3) All vapor return lines shall be connected between the transport tank and the stationary storage tank, and the Stage 1 vapor recovery system shall be operating. All vapor return couplings shall have vapor-tight gasket seals and all vapor return ~~((elam))~~ cam locks shall be in good working order and be locked.

(c) Section 2.07 (d) and (e) shall apply to:

(1) All gasoline stations ~~((including any gasoline dispensing facility))~~ in existence on August 2, 1991 located in ozone nonattainment areas with a total annual gasoline ~~((output))~~ throughput greater than 600,000 gallons and a total gasoline storage capacity greater than 10,000 gallons; and

(2) All gasoline stations ~~((including any gasoline dispensing facility))~~ in existence on August 2, 1991 located in ozone attainment areas with a total annual gasoline ~~((output))~~ throughput greater than 840,000 gallons and a total gasoline storage capacity greater than 10,000 gallons; and

(3) All stationary gasoline storage tanks, greater than 1,000 gallons capacity, installed or reconstructed after August 2, 1991.

(d) It shall be unlawful for the owner or operator of a gasoline station to cause or allow the transfer of gasoline from any stationary storage tank into any motor vehicle ~~((except motorcycle))~~ fuel tank (except motorcycles) unless all of the following requirements are met:

(1) Each gasoline dispenser shall be equipped with a "CARB-certified" Stage 2 vapor recovery system, approved under Article 6 of Regulation I, and installed in accordance with the schedule in Section 2.07(e);

(2) All vapor return lines shall be connected between the stationary storage tank and the motor vehicle fuel tank;

(3) All Stage 2 vapor recovery equipment shall be installed in accordance with the system's certification requirements and shall be maintained to be leak-free, vapor-tight, and in good working order;

(4) Whenever a Stage 2 vapor recovery system component is determined to be defective, the owner or operator shall take the system out of service until it has been repaired, replaced, or adjusted, as necessary. The operator shall inspect each nozzle bellows daily;

(5) The owner or operator of each gasoline station utilizing a Stage 2 vapor recovery system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly using the vapor recovery nozzles and include a warning against topping off. Additionally, the instructions shall include a prominent display of the Depart-

ment of Ecology's toll-free telephone number for complaints regarding the operation and condition of the vapor recovery nozzles.

(e) The owner or operator of an existing gasoline station shall install a Stage 2 vapor recovery system in accordance with the following schedule(±):

(1) Businesses that own 10 or more gasoline stations in Washington:

(A) At least 50% of facilities with an annual throughput greater than 1,200,000 gallons by May 1, 1993;

(B) The remaining facilities with an annual throughput greater than 1,200,000 gallons by May 1, 1994; and

(C) All other facilities by December 31, 1998. (See Section 2.07(c) of this Regulation.)

(2) Businesses that own 10 or more gasoline stations in King, Pierce, Snohomish, and Clark Counties:

(A) At least 50% of facilities with an annual throughput greater than 840,000 gallons by May 1, 1994;

(B) The remaining facilities with an annual throughput greater than 840,000 gallons by May 1, 1995; and

(C) All other facilities by December 31, 1998. (See Section 2.07(c) of this Regulation.)

(3) Businesses that own fewer than 10 gasoline stations in Washington:

(A) All facilities with an annual throughput greater than 1,200,000 gallons by May 1, 1994; and

(B) All other facilities by December 31, 1998. (See Section 2.07(c) of this Regulation.)

((Table 2.07(e))

Type of Gasoline-Dispensing Facility or Gas Station	Notice of Construction Application by	Stage-2 System Installed by
(1) All-new or upgraded facilities with storage tank greater than 4,000 gallons	30 days before installation	5/1/93 or before startup
(2) Existing facility with a throughput of 1,200,000 gallons or more/year and owner has 10 or more WA stations	7/1/93	5/1/93 for 50% of stations
(3) Existing facility with a throughput of 1,200,000 gallons or more per year	7/1/93	5/1/94
(4) Existing facility in ozone nonattainment areas with a throughput of 600,000 gallons or more per year	12/31/96	12/31/98
(5) Existing facility in ozone attainment areas with a throughput of 840,000 gallons or more per year	12/31/96	12/31/98

NEW SECTION

REGULATION II SECTION 2.09 OXYGENATED GASOLINE

(a) This section shall apply to gasoline intended as a final product for fueling of motor vehicles within King, Pierce, and Snohomish Counties during the months of November, December, January, and February.

(b) It shall be unlawful for any person to sell, make available for sale, or dispense gasoline with an oxygen content less than 2.0% by weight.

(c) It shall be unlawful for any blender to supply gasoline with an oxygen content less than 2.7% by weight,

averaged over each 2-month interval (November-December and January-February).

(d) It shall be unlawful for any gasoline station to dispense oxygenated gasoline unless the fuel dispensing system is conspicuously labeled as follows: The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles.

**WSR 93-18-070
PROPOSED RULES
HORSE RACING COMMISSION**
[Filed August 31, 1993, 12:28 p.m.]

Original Notice.

Title of Rule: Amending WAC 260-44-060 Weighing out—Equipment not included.

Purpose: To comply with the national mandate to allow jockeys to wear safety vests without the weight being included.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: Enable jockeys to wear safety vests during the riding of a race without the weight of the vest being included in the weight of the jockey.

Reasons Supporting Proposal: Provide more protection to the jockey in the case of a spill, allow more protection to the chest and rib area.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Allow jockeys to wear safety vests for protection of the chest and rib area in the case of a spill from a horse, without the weight of the vest included in the weight of the jockey.

Proposal Changes the Following Existing Rules: In WAC 260-44-060, the language is added to allow for the vest not to be included in the weight of the jockey.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The enactment above is not anticipated to affect more than 20 percent of all industries nor more than 10 percent of any one industry as defined by section 2(3), chapter, Laws of 1982. Therefore, a small business economic impact statement has not been prepared

Hearing Location: Washington Horse Racing Commission Office, 7912 Martin Way, Suite D, Olympia, WA 98506, on October 6, 1993, at 1:00 p.m.

Submit Written Comments to: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, by October 7, 1993.

Date of Intended Adoption: October 6, 1993.

August 30, 1993
Bruce Batson
Executive Secretary

August 30, 1993
 Bruce Batson
 Executive Secretary

AMENDATORY SECTION (Amending Rule 302, filed 4/21/61)

WAC 260-44-060 Weighing out—Equipment not included. None of the following items (~~should~~) shall be included in a jockey's weight: Whip, or a substitute for a whip, head number, bridle, bit, reins, number cloth, blinkers, ~~(or)~~ protective helmet or safety vest.

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

NEW SECTION

WAC 260-32-115 Safety vests. Effective January 1, 1994 it shall be mandatory that jockeys wear a safety vest when riding in any official race. The safety vest shall weigh no more than two pounds and shall be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association (BETA). The safety vest shall not be counted in the jockey's weight.

**WSR 93-18-071
 PROPOSED RULES
 HORSE RACING COMMISSION**
 [Filed August 31, 1993, 12:30 p.m.]

**WSR 93-18-072
 PROPOSED RULES
 HORSE RACING COMMISSION**
 [Filed August 31, 1993, 12:32 p.m.]

Original Notice.
 Title of Rule: New section WAC 260-32-115 Safety vests.

Purpose: To comply with national mandate that jockeys wear safety vests.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: Comply with a national mandate that all jockeys, by January 1, 1994, wear safety vests that shall weigh no more than two pounds, designed to protect the chest and rib area, with a rating of at least five as defined by the British Equestrian Trade Association. The vest shall not be counted in the jockey's weight.

Reasons Supporting Proposal: The National Association of Racing Commissioners has mandated that all jockeys must wear a safety vest by January 1, 1994. We are complying with this mandate.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This enactment will provide for more protection for the jockey in the case of a spill from a horse, the safety vest will provide extra protection to the chest and rib area.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The enactment above is not anticipated to affect more than 20 percent of all industries nor more than 10 percent of any one industry as defined by section 2(3), chapter, Laws of 1982. Therefore, a small business economic impact statement has not been prepared.

Hearing Location: Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, on October 6, 1993, at 1:00 p.m.

Submit Written Comments to: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, by October 7, 1993.

Date of Intended Adoption: October 6, 1993.

Original Notice.

Title of Rule: Amending WAC 260-70-025 Bleeder list.
 Purpose: To alleviate a licensed person from being detained in a detention stall for a four hour period after the administration of medication shot.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: To alleviate costs, it will not be mandatory for a horse on the bleeder list to be stalled in a security stall, but only at the discretion of the commission and/or the board of stewards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To save costs by eliminating the need for a licensed person to be detained at a detention stall for four hours after the administration of a medication shot for horses that have been identified as bleeders.

Proposal Changes the Following Existing Rules: Amends WAC 260-70-025 to allow for the commission and/or the board of stewards, at their discretion, to detain a horse designated as a bleeder to be quarantined in a designated stall and have a licensed person in close proximity during the four hour period prior to the horse racing in a race.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The enactment above is not anticipated to affect more than 20 percent of all industries nor more than 10 percent of any one industry as defined by section 2(3), chapter, Laws of 1982. Therefore, a small business economic impact statement has not been prepared.

Hearing Location: Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, on October 6, 1993, at 1:00 p.m.

Submit Written Comments to: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912

Martin Way, Suite D, Olympia, WA 98506, by October 7, 1993.

Date of Intended Adoption: October 6, 1993.

August 30, 1993

Bruce Batson

Executive Secretary

AMENDATORY SECTION (Amending Resolution No. 87-03, filed 7/8/87)

WAC 260-70-025 Bleeder list. A horse which during the race or following the race, or which during exercise or following exercise is found to be hemorrhaging from one or both nostrils or is found to have bled into the trachea is eligible to be placed on a bleeder list and treated on race day to prevent bleeding during its race. In order to obtain authorization for race day treatment of the bleeder, the trainer must obtain a certificate of examination from the commission veterinarian and the horse is then placed on the official bleeder list. The commission veterinarian must, by examination, and/or in consultation with the stewards, establish that the horse did in fact hemorrhage from one or both nostrils or that an endoscopic examination in the test barn or receiving barn showed observable amounts of free blood in the respiratory tract. When confirmed by the commission veterinarian, the horse shall be placed on the bleeder list which is maintained by the commission veterinarian. Once on the list, a horse shall be removed from the bleeder list only upon the directions of the commission veterinarian, who must certify in writing to the commission his recommendation for removal of the horse from the list. The list is a state-wide list that applies only at all race meetings at Longacres, Playfair, and Yakima Meadows and not at any other track.

If the commission so orders, horses placed on the bleeders list shall (~~Once a horse is placed on the bleeder list, the horse must~~) be assigned to a prerace security stall, to be known as a detention stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start. The detention stall is assigned by the commission veterinarian and may at his discretion be the stall regularly assigned that horse for its customary stabling. Once placed in the detention stall, a horse (~~must~~) shall remain there until it is taken to the receiving barn or to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the secured stall to engage in exercise blowouts or warm-up heats. If the horse on the bleeder list is assigned as a detention stall its regular stall, that stall (~~must~~) shall be posted and the stall (~~must~~) shall be under direct observation of a responsible, licensed employee of the trainer or the owner.

Where facilities permit, the commission veterinarian may designate a secured area and assign stalls within that secured area to those horses on the bleeder list who are entered to race that day or night.

WSR 93-18-073

PROPOSED RULES

HORSE RACING COMMISSION

[Filed August 31, 1993, 12:35 p.m.]

Original Notice.

Title of Rule: Amending WAC 260-70-028 Detention stall.

Purpose: To define the stewards ability to assign detention stalls.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: To benefit the public and industry, immediate amendment of this rule is necessary to enable the stewards to oversee the horse bleeder medication program in a more cost effective manner.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To define the stewards ability to assign detention stalls. To benefit the public and industry, immediate amendment of this rule is necessary to enable the stewards to oversee the horse bleeder medication program in a more cost effective manner.

Proposal Changes the Following Existing Rules: Only at the stewards discretion will a horse be held in a detention stall to quarantine the horse in order to administer bleeder medication prior to the running of the race and a groom must remain in close proximity for the period prior to the race to ensure that no tampering has been done to this horse. This amendment will allow the stewards to, at their order, select a horse to be held in the detention stall.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The enactment above is not anticipated to affect more than 20 percent of all industries nor more than 10 percent of any one industry as defined by section 2(3), chapter, Laws of 1982. Therefore, a small business economic impact statement has not been prepared.

Hearing Location: Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, on October 6, 1993, at 1:00 p.m.

Submit Written Comments to: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, by October 7, 1993.

Date of Intended Adoption: October 6, 1993.

August 30, 1993

Bruce Batson

Executive Secretary

AMENDATORY SECTION (Amending Order 84-01, filed 3/7/84)

WAC 260-70-028 Detention stall. If so ordered by the commission, a (~~Every~~) trainer whose horse is on the bleeder list and is to be administered bleeder medication in accordance with the rules, (~~must~~) shall obtain a detention stall assignment from the commission veterinarian and will

be provided a detention stall sign. The trainer (~~(must)~~) shall post the detention stall sign in a readily visible location at the detention stall to be used and the trainer must have a responsible, licensed person remain in close proximity to that stall between the time the horse has been administered the bleeder medication and the time it leaves for the receiving barn or paddock in preparation for a race. Close proximity means that the licensed person (~~(must)~~) shall be in a position to observe and to prevent any unauthorized person from approaching the horse. If the horse is found to be unattended during that period or found to have been tampered with during that period, the trainer will be deemed negligent in the performing of required duties.

No unauthorized person shall approach the posted detention stall. If any unauthorized person does approach the posted detention stall, a report of the incident is to be made immediately to the commission veterinarian or to the stewards.

**WSR 93-18-074
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER**

[Filed August 31, 1993, 2:47 p.m.]

Continuance of WSR 93-15-092 and 93-15-093.

Title of Rule: Participating provider contracts - standards.

Purpose: Continuation of intended adoption date to September 30, 1993.

Date of Intended Adoption: September 30, 1993.

August 31, 1993
Deborah Senn
Insurance Commissioner

**WSR 93-18-075
PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY**

[Filed August 31, 1993, 3:17 p.m.]

Original Notice.

Title of Rule: Spokane County Air Pollution Control Authority Regulation I, Article VI, Section 6.14, Standards for Control of Particulate Matter on Paved Surfaces.

Purpose: Reduce the impact of winter traction sand on ambient air quality and bring the Spokane area into compliance with federal clean air standards.

Statutory Authority for Adoption: RCW 70.94.151.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: Establish standards for traction materials placed on paved surfaces. Require submittal of plans for clean up of paved surfaces that will reduce particulate emissions to the atmosphere to a level that will meet air quality standards for PM10.

Reasons Supporting Proposal: The Spokane metropolitan area fails to meet the federal clean air standards. Exceeding the standards is a threat to public health. The state of Washington is required by the Federal Clean Air Act

to submit a plan to bring Spokane into compliance with the standards.

Name of Agency Personnel Responsible for Drafting and Implementation: Ronald J. Edgar, Spokane, Washington, (509) 456-4727 x. 111; and Enforcement: Mabel Caine, Spokane, Washington, (509) 456-4727 x. 120.

Name of Proponent: Spokane County Air Pollution Control Authority, West 1101 College Avenue, Suite 403, Spokane, WA 99201, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Requires use of hard or more durable traction sand on roadways by anyone who uses traction sand. Requires that government agencies in the PM10 nonattainment area who maintain the streets submit plans that would reduce the emissions to the air of particulate matter from those streets. The overall reduction in emissions should be around 70% of the maximum 24-hour emission rate for particulate from paved surfaces. Some methods of reduction are increased sweeping, reduced use of traction material in favor of deicers and plowing, use of dust suppressants. This rule should eliminate exceedances of the PM10 standard because of paved surface emissions.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Spokane County Public Works Building, West 1026 Broadway, Hearing Room, Lower Level, Spokane, WA, on October 7, 1993, at 8:30 a.m.

Submit Written Comments to: Ronald J. Edgar, Spokane County Air Pollution Control Authority, West 1101 College Avenue, Suite 403, Spokane, WA 99201, by October 6, 1993.

Date of Intended Adoption: October 7, 1993.

August 26, 1993
Ronald J. Edgar
Chief of Technical Services

REGULATION I

NEW SECTION

SECTION 6.14 STANDARDS FOR CONTROL OF PARTICULATE MATTER ON PAVED SURFACES

- A. Applicability. The provisions of Section 6.14 shall apply to any state, county, city or local government or private company that applies sanding materials to or mechanically sweeps or vacuums paved surfaces within the Spokane PM10 Nonattainment area. This Section shall also apply to all suppliers of sanding materials to be used by these affected entities.
- B. Definitions.
 - 1. Affected Entities are any state, county, city or local government or private company that applies sanding material to, or mechanically sweeps or vacuums paved surfaces within the Spokane PM10 Nonattainment area.
 - 2. Approved Laboratory means a certified or approved facility capable of performing the specified tests in

a competent, professional, and unbiased manner in accordance with ASTM testing procedures.

3. The Authority is the Spokane County Air Pollution Control Authority
4. Base Sanding Amount is the average amount of sanding materials applied per lane mile by each affected entity within the Spokane PM10 Nonattainment Area, during the 1992 - 1993 season data or another base season, as requested by an affected entity and approved by the Authority.
5. Durability Index means the percent loss of weight as determined using ASTM "Standard Test Method for Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine", designated C131-89, or other approved ASTM procedure.
6. Full Deployment means that all priority roadways targeted for treatment during a snow/ice event are sanded.
7. Percent Fines means the percent material passing a #100 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", Designation C136-84A (1988) (American Highway and Transportation Officials designation T27-88), or other approved ASTM procedure.
8. Priority Roadway means any street, arterial, or highway, within the Spokane PM10 Nonattainment Area, with more than 15,000 average daily traffic count, and any connecting entrance or exit ramp.
9. Recycled Sanding Materials means previously used sanding materials which have been collected from roadway or paved areas and are then re-used as is, after washing, or after blending with new sanding materials.
10. Sanding Materials means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.
11. Season means the period beginning, November 1, in one calendar year and concluding on April 30, the next calendar year.

C. Emission reduction and control plan. Each affected governmental entity shall submit to the authority a plan, including an implementation schedule describing the programs and methods to be used to reduce PM10 emissions from paved surfaces, within 30 days after the effective date of this regulation. In reviewing the plan, the Authority shall allow consideration of mobility and transportation safety factors. Approval of any plan shall require that the Authority determine, in consultation with the Washington State Department of Ecology, that the cumulative effect of the plans and programs submitted by all affected entities achieve and maintain at least a 70% reduction, from the 1992 - 1993 base season, in the 24 hour PM10 emissions from paved surfaces.

1. Each plan is subject to approval by the Authority and shall address but not necessarily be limited to all of the following:
 - a. Base sanding amount;
 - b. Percent sanding reduction goal;
 - c. Sanding materials specifications to be employed;
 - d. Identification of priority roadways.
 - e. Locations, application rates, and circumstances for the use of chemical deicers and other sanding alternatives;
 - f. Street sweeping frequency and technology to be employed;
 - g. Factors for determining when and where to initiate street sweeping following a sanding event, with the goal of expeditious removal when safety and mobility requirements have been satisfied.
 - h. An implementation schedule giving the estimated dates of start and completion, if applicable, of each part of the plan.
 2. Beginning 30 days after the effective date of this regulation, the plans submitted shall be implemented by each affected entity. Upon approval of each plan, the affected entity shall implement the approved plan.
 3. Within 45 days of submittal of the reports required in Subsection G. of this Section, the Authority shall determine if the plan commitments have been met and shall notify any entity that has failed to meet plan commitments.
 4. If the Authority determines that any governmental entity has failed to meet the plan commitments, the Authority, shall require that any affected governmental entity submit a revised plan within 30 days of notification by the Authority. The revised plan shall establish methods for meeting the plan commitments. Any revised plan must be implemented upon approval by the Authority.
 5. If the Authority, after consultation with the affected governmental entities, the Washington Department of Ecology, and the United States Environmental Protection Agency, determines that the emission reduction and control plans do not provide for sufficient reduction in PM10 emissions to meet the emission reduction credit for paved road surfaces as contained in the State Implementation Plan, the Authority may require the affected governmental entities to modify their plans in order to achieve additional reductions.
- D. Sweeping requirements. Beginning the effective date of this regulation, the City of Spokane, Spokane County, and the Washington State Department of Transportation or their contractors shall clean all priority roadways in an expeditious manner following each sanding event when road conditions are appropriate and safety and mobility requirements have been satisfied. Cleaning shall be accomplished with broom sweepers or a more effective technique approved by the Authority.

E. Sanding Materials Specifications

1. **Material Standards.** No affected entity shall use sanding materials, whether new or recycled, which equal or exceed 3% fines and 25% durability index.
2. **Contractual Requirements.** After the effective date of this regulation, no affected entity shall execute a contract for the purchase of sanding materials unless the contract includes standards at least as stringent as those set forth in Subsection E.1. of this Section.

F. Testing

1. Supplier Testing Requirements

- a. Suppliers of sanding materials shall have tests performed by an approved laboratory to determine the percent fines and durability index on representative samples of their sanding materials which are supplied to affected entities.
- b. The sampling and test frequency and methodology used shall ensure that the samples are representative and enable the supplier to certify to the affected entity that the actual sanding materials supplied for use will meet the requirements of Subsection E. of this Section.

2. **User Requirements.** Affected entities or their contractors, shall have at least one test performed by an approved laboratory to determine the percent fines and durability index on all recycled materials at least once for the first 250 tons of recycled materials used each season and at least once for every 500 tons of recycled materials used thereafter during the same season.

3. **Authority Audits.** The Authority may enter the site of any affected entity or supplier of sanding materials subject to this Section for the purpose of obtaining a sample of sanding materials to determine if the materials meet the requirements of Subsection E. of this section.

G. Reporting

1. **Supplier Reporting Requirements.** Prior to, or upon, delivery of sanding materials, suppliers shall provide affected entities that use their sanding materials a report demonstrating that the supplier has met all testing requirements of this Section applicable to the time period in which deliveries are made. The supplier shall certify in writing to the affected entity that the sanding materials meet the requirements of Subsection E. of this Section.

2. Affected Entity Reporting Requirements

- a. Affected entities that use recycled sanding materials shall submit to the Authority copies of the results of testing conducted according to Subsection F.2. of this Section no later than 30 days after the tests are conducted.
- b. No later than June 30, of each year, affected governmental entities shall submit a report to

the Authority containing information for the preceding season on:

- (1) the total amount of sanding materials (both new and recycled) and salt and other deicing chemicals used;
- (2) the number of lane miles sanded, salted and deiced; and
- (3) the number of full deployment episodes; and
- (4) the same information specified in b.(1), b.(2), and b.(3), for all private companies performing sanding, salting, or deicing services under a contract with the affected governmental entity.

- c. No later than June 30, of each year, private companies that use 250 tons of sanding materials or more per season for non-governmental applications within the PM10 nonattainment area shall submit a report to the Authority containing information for the preceding season on the total amount of sanding materials (both new and recycled) and salt and other deicing chemicals used;

- d. Within 7 calendar days of awarding a contract for the purchase of sanding materials to a supplier, an affected entity shall notify the Authority of the supplier's name and location of the aggregate sources from which the materials will be supplied.

- e. Affected entities shall maintain on file reports received under the provisions of Subsection G.1. of this Section for a period of three (3) years.

3. Sweeper Reporting Requirements

- a. Affected entities shall maintain monthly records to document the information described below. No later than June 30, of each year, each affected governmental entity shall submit a report to the Authority which shall contain the information described below for each priority roadway.

- (1) Date of each sweeping operation;
- (2) Lane miles swept;
- (3) Type of equipment used;
- (4) Number of passes.

4. **Authority Audits.** All records generated under the provisions of this Section shall be made available for inspection upon request by the Authority.

H. Alternate Test Methods and Standards. Alternate percent fines and durability index test procedures may be approved by the Authority should they be determined to provide a measure that is equivalent to the test procedures of this Section.

- I. Alternate Sanding Materials. Experimentation with new sanding materials may be approved by the Authority provided the Authority finds that the impact of such experiments will not cause or contribute to a violation of the National Ambient Air Quality Standard (NAAQS) for PM10.
- J. Failure to comply with this Section will subject affected entities and/or suppliers to penalties as provided in Article II of this Regulation.

WSR 93-18-076
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed August 31, 1993, 3:37 p.m.]

Continuance of WSR 93-10-095.

Title of Rule: Commercial fishing rules.

Purpose: Continue rule proposal for adoption at a later date.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Change sturgeon size limits.

Reasons Supporting Proposal: Conservation of sturgeon resource and conformity with Oregon.

Name of Agency Personnel Responsible for Drafting:

E. Jacoby, P.O. Box 43147, Olympia, WA 98504, 902-2930; Implementation: G. DiDonato, P.O. Box 43149, Olympia, WA 98504, 902-2625; and Enforcement: D. Matthews, P.O. Box 43147, Olympia, WA 98504, 902-2927.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Changes minimum and maximum size limit for sport caught sturgeon and reduces yearly bag limit. This will recruit breeding sturgeon into the protected size limit and increase recreational and commercial opportunity. This also conforms Washington and Oregon sturgeon size limits in concurrent waters of the Columbia River.

Proposal Changes the Following Existing Rules: Sturgeon size and bag limits.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

This rule affects recreational fishers only.

Date of Intended Adoption: September 30, 1993.

August 31, 1993

Judith Freeman

Deputy

for Robert Turner

Director

WSR 93-18-079
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed August 31, 1993, 3:46 p.m.]

Continuance of WSR 93-07-069.

Title of Rule: Amending WAC 458-20-119 Sales of meals.

Purpose: This continuance is filed because the department will be including the 1993 law changes which made management services, including managing of food preparation facilities, subject to the selected business services classification.

Other Identifying Information: See also proposed revisions to WAC 458-20-124, chapter 25, Laws of 1993 1st sp.s.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Title 82 RCW.

Summary: This rule explains how caterers and food service contractors are taxed. The rule will clarify that hospitals operating cafeterias are subject to the retailing and retail sales tax on meals provided to staff under some conditions.

Name of Agency Personnel Responsible for Drafting and Implementation: Les Jaster, 711 Capitol way, #303, Olympia, (206) 586-7150; and Enforcement: Russ Brubaker, 711 Capitol Way, #303, Olympia, (206) 586-0257.

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 rule explains how sales of meals are taxed. It provides tax reporting information to persons who provide meals without a specific charge. The rule discusses the taxability of caterers and food service contractors. The tax consequences of meals furnished to employees are also discussed. The rule will indicate that restaurant management services are taxable under other selected business services B&O tax classification.

Proposal Changes the Following Existing Rules: Some items previously contained in WAC 458-20-119 have been placed in WAC 458-20-124, which deals with sales of meals by restaurants.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reason(s): This amendment clarifies existing department policy and removes language that no longer complies with existing statutes; and the amendment creates no additional economic administrative burden on any taxpayer.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on October 11, 1993, at 9:30 a.m.

Submit Written Comments to: Les Jaster, Rules Coordinator, Department of Revenue, P.O. Box 47467, FAX (206) 664-0972, Olympia, WA 98504-7467, by October 11, 1993.

Date of Intended Adoption: October 18, 1993.

August 31, 1993

Russell W. Brubaker

Legislation and Policy Manager

AMENDATORY SECTION (Amending Order ET 86-1, filed 1/7/86)

WAC 458-20-119 Sales of meals.

((BUSINESS AND OCCUPATION TAX

All persons making sales of meals, upon which the retail sales tax applies under the provisions set forth in this ruling, are required to pay the business and occupation tax under the retailing classification upon the gross proceeds derived from such sales.

RETAIL SALES TAX

~~RESTAURANTS AND OTHER EATING PLACES.~~

~~Sales of meals by hotels, restaurants, cafeterias, clubs, boarding houses and other eating places are subject to the retail sales tax. Sales to such eating places of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.~~

~~In the case of boarding houses and American plan hotels the price of meals must be segregated from the charges made for rooms on bills rendered guests and on the books of the taxpayer. (See WAC 458-20-124 Restaurants, etc.)~~

~~RAILROAD, PULLMAN CAR, STEAMSHIP, AIRPLANE, OR OTHER TRANSPORTATION COMPANY DINERS.~~ Sales of meals by railroad, Pullman car, steamship, airplane, or other transportation companies served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retail sales tax.

Where no specific charge is made for meals separate and apart from the transportation charge, the entire amount so charged is deemed a charge for transportation and the retail sales tax is not applicable to any portion thereof. In such case the transportation company will be liable to its vendors for retail sales tax upon the purchase of the food supplies or meals.

~~HOSPITALS AND INSTITUTIONS.~~ The serving of meals by hospitals, rest homes, sanitariums and similar institutions to patients as a part of the service rendered in the conduct of such institutions is not subject to the retail sales tax. In cases where compensation of nurses or attendants employed by hospitals includes the furnishing of meals in addition to the stated cash wage, the same rule applies. Sales of food and beverage products to such institutions for use in preparing such meals are sales for consumption and are subject to the tax.

However, many hospitals have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses and other employees, and certain hospitals have agreements whereby nurses employed are paid a fixed cash wage in full payment for services rendered, which does not include the charge made for meals. Under those circumstances, all sales of meals to such persons are subject to the retail sales tax.

Since it is impracticable for hospitals, at the time of purchasing food products, to determine the portion that will be used in furnishing the services rendered by them, hospitals may, in lieu of accurate accounting, determine sales tax liability, upon sales of meals served to other than patients, in the following manner:

(1) Retail sales tax should be paid to hospitals' vendors upon all purchases of food products, irrespective of the amount thereof to be served to patients.

(2) Retail sales tax should be collected upon all sales of meals made to doctors and visitors and to nurses and all other employees whose compensation does not include the furnishing of meals.

(3) In computing sales tax liability, hospitals may take a deduction of 50% from the gross sales, in lieu of refund of sales tax paid by them to their vendors upon the original purchase of food used in preparing meals for sale to doctors and visitors and to nurses and others whose compensation does not include the furnishing of meals.

~~FRATERNITIES AND SORORITIES.~~ Fraternities, sororities and other groups of individuals who reside in one place and jointly share the expenses of the household including expense of meals are not considered to be making sales when meals are furnished to members. Sales of food and beverage products to such groups to be used in preparing meals are sales for consumption and are subject to the retail sales tax.

However, when such groups do not provide their own meals, but the meals are provided by caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax. Sales to such caterers or concessionaires of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

~~MEALS FURNISHED TO EMPLOYEES.~~ Sales of meals by logging companies, mills, contractors, transportation companies and other business and industrial concerns to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served to each employee, based upon the actual cost of the food. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the department of revenue. Where meals furnished are not recorded as sales the tax due on meals shall be presumed to apply according to the following formula for determining meal count: (a) Those employees working shifts up to five hours, one meal; (b) employees working shifts of more than five hours, two meals.

Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.

~~SCHOOL, COLLEGE, OR UNIVERSITY DINING ROOMS.~~ Public schools, high schools, colleges, universities or private schools operating lunch rooms, cafeterias or dining rooms for the exclusive purpose of providing students and faculty with meals are not considered to be engaged in the business of making retail sales.

~~Where any such cafeteria, lunch or dining room eaters to the public the school, college or university operating it is considered to be making retail sales and the retail sales tax must be collected from all persons to whom the meals are furnished.~~

~~SALES OF MEALS, BEVERAGES, AND FOOD AT PRICES INCLUDING SALES TAX. Persons who advertise and/or sell meals, alcoholic or other beverages, or any kind of food products upon which retail sales tax is due should refer to WAC 458-20-244 (Food products) and WAC 458-20-107 (Advertised prices including sales tax—Warranties, maintenance agreements, service contracts). Effective on April 15, 1985 the former special provisions of this rule applicable to restaurants, taverns, concessionaires, and sellers of alcoholic beverages, which sell at prices including sales tax were superseded by the provisions of WAC 458-20-107.~~

~~CLASS H LICENSE LOCATIONS. When an operator elects to sell drinks at a price which, after addition of sales tax is rounded off to an even amount, this pricing method for drinks must be used in all areas of the location. This means that the price posting requirements must be met wherever drinks are sold so that the customer can identify readily the items billed inclusive of tax and those billed exclusive of tax. Therefore, drink totals which include tax and food totals which do not include tax must be shown separately so that all dinner checks involving both food and liquor charges shall be presented to the customer with amounts due shown in the following order: Food, sales tax on food, liquor, total. Persons who elect to post prices to show amounts of tax included but who fail to comply with these requirements are subject to business and occupation tax and retail sales tax measured by the gross bar and cocktail lounge receipts.~~

~~GRATUITIES. Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the retailing classification of the business and occupation tax and the retail sales tax.~~

~~Effective May 1, 1982.)~~

~~(1) **Introduction.** This section explains Washington's B&O and retail sales tax applications to the sales of meals. This section also gives tax reporting information to persons who provide meals without a specific charge. It explains how meals furnished to employees are taxed. Persons in the business of operating restaurants should also refer to WAC 458-20-124 and persons operating hotels, motels, boarding houses, or similar businesses should refer to WAC 458-20-166.~~

~~(2) **Business and occupation tax.** The sales of meals and the providing of meals as a part of services rendered are subject to tax as follows:~~

~~(a) **Retailing.** The retailing B&O tax applies as follows.~~

~~(i) **Restaurants, cafeterias and other eating places.** Sales of meals to consumers by restaurants, cafeterias, clubs, and other eating places are subject to the retailing tax. (See WAC 458-20-124—Restaurants, etc).~~

~~(ii) **Caterers.** Sales of meals and prepared food by caterers are subject to the retailing tax when sold to consum-~~

ers. "Caterer" means a person who provides, prepares and serves meals for immediate consumption at a location selected by the customer. The tax liability is the same whether the meals are prepared at the customer's site or the caterer's site. The retailing tax also applies when caterers prepare and serve meals using ingredients provided by the customer. Persons providing a food service for others should refer to the subsection below entitled "Food service contractors".

(iii) **Hotels, motels, bed and breakfast facilities, resort lodges and other establishments offering meals and transient lodging.** Sales of meals by hotels, motels and other persons who provide transient lodging are subject to the retailing tax.

(iv) **Boarding houses, American plan hotels, and other establishments offering meals and nontransient lodging.** Sales of meals by boarding houses and other such places are subject to retailing tax.

(A) Except for guest ranches and summer camps, when a lump sum is charged to non-transients for providing both lodging and meals, the fair selling price of the meals is subject to the retailing tax. Unless accounts are kept showing the fair selling price, the tax will be computed upon double the cost of the meals served. This cost includes the price paid for food and drinks served, the cost of preparing and serving meals, and all other incidental costs, including an appropriate portion of overhead expenses.

(B) It will be presumed that guest ranches and summer camps are not making sales of meals when a lump sum is charged for the furnishing of lodging, and meals are included.

(v) **Railroad, Pullman car, ship, airplane, or other transportation company diners.** Sales of meals by a railroad, Pullman car, ship, airplane, or other transportation company served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retailing tax.

Where no specific charge is made for meals separate and apart from the transportation charge, the entire amount charged is deemed a charge for transportation and the retailing tax does not apply to any part of the charge.

(vi) **Hospitals, nursing homes, and other similar institutions.** The serving of meals by hospitals, nursing homes, sanitariums and similar institutions to patients as a part of the service rendered in the conduct of such institutions is not a sale at retail. However, many hospitals and similar institutions have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses and other employees. Some of these institutions have agreements where the employees are paid a fixed wage in payment for services rendered and are provided meals at no charge. Under those circumstances, all sales of meals to such persons are subject to the retailing tax, including the value of meals provided at no charge to employees. Refer to the subsection below entitled "Meals furnished to employees".

(vii) **School, college, or university dining rooms.** Public schools, high schools, colleges, universities or private schools operating lunch rooms, cafeterias, dining rooms, or snack bars for the exclusive purpose of providing students and faculty with meals or prepared foods are not considered to be engaged in the business of making retail sales of

meals. This tax reporting provision applies when the educational institution operates the facility itself or contracts with a third party to operate the facility. However, if guests are permitted to dine with students or faculty in such areas, the sales of meals to the guests are subject to the retailing tax. (Refer also to WAC 458-20-167).

(A) To be considered as exclusively operated for students and faculty, the lunch room, cafeteria, dining room, or snack bar must have a posted sign stating that the area is only open to students and faculty. The actual policy in practice in these areas must be consistent with the posted policy.

(B) If the cafeteria, lunch room, dining room, or snack bar is generally open to the public, the facility is considered to be making retail sales and the income from all sales of meals is subject to the retailing tax.

(viii) Fraternities and sororities. Fraternities, sororities and other groups of individuals who reside in one place and jointly share the expenses of the household including expense of meals are not considered to be making sales when meals are furnished to members.

(b) Wholesaling-other. Persons making sales of prepared meals to persons who will be reselling the meals are subject to the wholesaling-other tax classification. (See WAC 458-20-102).

(c) Service and other business activities. Private schools, which do not meet the definition of "educational institution", operating lunch rooms, cafeterias, or dining rooms for the exclusive purpose of providing meals to students and faculty are subject to the service and other business activities B&O tax on the charges to students and faculty for meals. See WAC 458-20-114 and WAC 458-20-167 for definitions of private schools and educational institutions. Persons managing a food service operation for a private school should refer to the subsection below entitled "Food management."

(3) Retail sales tax. The sales of meals, upon which the retailing tax applies under the provisions set forth above, are generally subject to tax under the retail sales tax classification. However, a retail sales tax exemption is available for the following sales of meals:

(a) Prepared meals sold under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38.040(6).

(b) Prepared meals sold to or for senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW. However, this exemption does not apply to purchases of prepared meals by not-for-profit organizations, such as hospitals, which provide the meals to patients as a part of the services they render.

(c) Prepared meals sold to the federal government. (See WAC 458-20-190). However, meals sold to federal employees are taxable, even if the federal employee will be reimbursed for the cost of the meals by the federal government.

(4) Deferred sales or use tax. If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(a) Purchases of dishes, kitchen utensils, linens, and items which do not become an ingredient of the meal, are subject to retail sales tax.

(b) Retail sales tax or use tax applies to purchases of equipment, repairs, appliances, and construction.

(c) The retail sales or use tax does not apply to purchases of food or beverage products which are ingredients of meals being sold at retail or wholesale.

(d) Purchases of prepared meals by persons who are not in the business of selling meals at retail or wholesale are subject to the retail sales tax.

(e) Private schools, educational institutions, nursing homes, and similar institutions who are not making sales of meals at retail or wholesale are required to pay retail sales tax on all purchases of paper plates, paper cups, paper napkins, toothpicks, or any other articles which are furnished to customers, the first actual use of which renders such articles unfit for further use. However, purchases of such items by restaurants and similar businesses which are making retail or wholesale sales of meals are not subject to the retail sales or use tax.

(f) Transportation companies not segregating their charges for meals, and transporting persons for hire in interstate commerce, generally will be liable to their vendors for retail sales tax upon the purchase of the food supplies or prepared meals to the extent that the meals will be served to passengers in Washington. Certain food items are statutorily exempt of retail sales or use tax. See WAC 458-20-244.

(5) Sales by persons having a food and beverage worker's permit. Retail vendors who are required by law to have a food and beverage service worker's permit under RCW 69.06.010 are subject to the retailing and retail sales taxes on sales of prepared food products. (See RCW 82.08.0293). This includes, but is not limited to, sales of sandwiches prepared or chicken cooked on the premises, deli trays, home delivered pizzas, etc. However, sales of the following food products are exempt of sales tax even though sold by a person required to have a food and beverage service worker's permit:

(a) Raw meat prepared by persons who slaughter animals, including fish and fowl, or dress or wrap slaughtered raw meat such as fish dealers, butchers, or meat wrappers;

(b) Meat and cheese sliced and/or wrapped, in any quantity determined by the buyer, sold by vendors such as meat markets, delicatessens, and grocery stores;

(c) Baked goods sold by bakeries which sell no food products other than baked goods, including bakeries located in grocery stores;

(d) Bulk food products sold from bins or barrels, including but not limited to, flour, fruits, vegetables, sugar, salt, candy, chips and cocoa.

(6) Food service contractors. The term "food service contractor" means a person who operates a food service at a kitchen, cafeteria, dining room, or similar facility owned by an institution or business. Food service contractors are generally subject to the retailing B&O and retail sales taxes upon their gross income, or gross proceeds of sales. For example, the operation of a cafeteria which provides meals to employees of a manufacturing or financial facility is a retail activity.

(a) However, in some cases income received by a food service contractor may be subject to the service B&O tax.

(i) For periods prior to July 1, 1993, income derived from the management of a food service operation is subject to the service and other business activities B&O tax, but only when the staff actually preparing the meals or prepared foods are employed by the institution or business hiring the food service contractor. For periods after June 30, 1993, persons managing food service operations should refer to subsection (7) below entitled "Food management."

(ii) The service and other business activities B&O tax applies to income received for meals or prepared foods sold to students or faculty at an educational institution or private school, but only when the cafeteria, lunch room, or similar facility is operated for the exclusive use of students or faculty. The service and other business activities B&O tax applies whether the institution, student, or faculty member remits payment to the food service contractor. Sales of meals or prepared foods to guests in such areas are, however, subject to the retailing and retail sales taxes. Refer also to the subsection above entitled "School, college, or university dining rooms".

(iii) The service and other business activities B&O tax applies to income received for meals or prepared foods served to patients or residents of a hospital, nursing home, or similar institution, when the meal or prepared food is provided as a part of the service rendered by the institution. Meals sold to doctors, nurses, visitors, and other employees are subject to the retailing and retail sales taxes. Refer also to the subsection above entitled "Hospitals, nursing homes, and other similar institutions".

(b) Income received for meals for prepared foods which the business or institution resells at retail or wholesale is subject to the wholesaling B&O tax.

(c) In all cases where the meals are prepared at offsite facilities not owned by the institution or business, retailing and retail sales taxes apply to the gross proceeds of sale, or gross income.

(7) Food management. On and after July 1, 1993, income derived from the management of a food service operation is subject to the selected business services classification of the B&O tax. (See section 201, chapter 25, Laws of Washington 1993, 1st Special Session.) Prior to this date, income derived from the management of a food service operation was subject to the service and other business activities B&O tax. (Refer also to subsection (6)(a)(i) above.)

(8) Meals furnished to employees. Sales of meals to employees are sales at retail and subject to the retailing B&O and retail sales taxes. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered.

(a) Where a specific and reasonable charge is made to the employee, the measure of the tax is the sales value.

(b) Where no specific charge is made, the measure of the tax will be average cost per meal served to each employee, based upon the actual cost of the food.

(c) It is often impracticable to collect the retail sales tax from employees on such sales. The employer may, in lieu of collecting such tax from employees, pay the tax directly to the department of revenue.

(d) Where meals furnished to employees are not recorded as sales, the tax due shall be presumed to apply according to the following formula for determining meal count:

(i) Those employees working shifts up to five hours, one meal; and

(ii) employees working shifts of more than five hours, two meals.

(9) Sales of meals, beverages, and food at prices including sales tax. Persons who advertise and/or sell meals, alcoholic or other beverages, or any kind of food products upon which retail sales tax is due should refer to WAC 458-20-244 (Food products), WAC 458-20-124 (Restaurants, etc.), and WAC 458-20-107 (Advertised prices including sales tax). The taxability of persons operating class H licensed restaurants is specifically addressed in WAC 458-20-124.

(10) Gratuities. Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the retailing classification of the B&O tax and the retail sales tax.

(11) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(a) ABC Hospital operates a cafeteria and sells meals to physicians and to persons who are visiting patients in the hospital. Meals are also provided to its employees at no charge. However, there is no accounting for the number of meals consumed by the employees. Payroll records do record the number of hours worked. On average, employees working shifts of up to five hours consume one meal while those working shifts of more than five hours consume two meals.

ABC Hospital is subject to retailing and retail sales taxes on the gross proceeds derived from the sales of meals to physicians and visitors. The retailing and retail sales taxes also apply to value of the meals consumed by ABC's employees. The value subject to tax is determined by the average cost of meals consumed by the employees, based upon the actual cost of the food items, multiplied by the number of meals as determined through a review of the payroll records. While the presumption is that employees working shifts of up to five hours consume one meal with those working shifts of five to eight hours consuming two, this presumption may be rebutted under particular circumstances.

(b) Company B is a food service contractor operating an onsite cafeteria for Nursing Home C. Company B has contracted to purchase unprepared food products as an agent for Nursing Home C. The contract also requires Company B to develop menus, train Nursing Home C's food service staff and provide supervisors to direct food preparation at the nursing home by the nursing home's staff. All meals are provided, at no charge, to patients and employees. Company B is not selling prepared foods or meals to the Nursing Home C, but is providing food service management.

Company B is subject to the service and other business activities tax on the gross income derived from the management services.

(c) Hospital D contracts with GH Food Service to operate an on-site cafeteria. GH Food Service is responsible for all aspects of the food service operation and all food service staff and supervisors are employed by GH. GH Food Service charges the hospital for each meal provided to a patient. Employees and guests are charged for meals served in the cafeteria. The charges to Hospital D for the meals served to patients are subject to the service B&O tax. These meals are provided to the patients as a part of the services rendered by Hospital D. The sales of meals to the employees and guests are, however, subject to the retailing and retail sales taxes.

(d) X operates a boarding house and provides lodging and meals to ten non-transient residents. Each resident is charged a lump sum to cover both lodging and meals with no accounting for a fair selling price for the meals. X is making retail sales of meals to its residents. Retailing and retail sales taxes are due on the value of the meals served. This value must be computed as double the cost of the meal, including the cost of the food and drink ingredients, costs of meal preparation, and other costs associated with the meal preparation such as overhead expenses.

(e) Y Motor Inn contracts with Z Company to provide catering services for a function to be held at the motor inn. During discussions concerning the services to be provided, Z Company is informed that a 15% gratuity is generally recommended. Z Company negotiates the gratuity percentage to 10% and signs a catering contract stating that the agreed gratuity will be added. The gratuity charged to Z Company is subject to both the retailing and retail sales taxes. This is not a voluntary gratuity since it is required to be paid as a condition of the contract. Gratuities are not part of the selling price only when they are strictly voluntary.

(f) L College operates a campus snack bar for the exclusive purpose of serving prepared foods to its students and faculty. However, while not open to the general public, the snack bar does serve invited guests. L College has posted a sign indicating that the snack bar is only open to students and faculty.

The sales of prepared foods to L College's students and faculty are not retail sales. The policy in practice at this snack bar is to not serve the general public, and a sign indicating this policy has been posted. L College is considered to be operating the snack bar for the exclusive use of students and faculty. However, the sales to the invited guests are retail sales and subject to the retailing and retail sales taxes.

most management services, including restaurant management services, taxable under the other selected business services classification.

Other Identifying Information: See proposed revisions to WAC 458-20-119 and chapter 25, Laws of 1993 1st sp.s. Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Title 82 RCW.

Summary: This rule explains the effect discounts, such as "2 for 1" promotions have on the measure of tax liability. The rule proposes that class H license holders may use different pricing methods for drinks sold in different areas of the business.

Name of Agency Personnel Responsible for Drafting and Implementation: Les Jaster, 711 Capitol Way, #303, Olympia, (206) 586-7150; and Enforcement: Russ Brubaker, 711 Capitol Way, #303, Olympia, (206) 586-0257.

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 rule explains the application of the business and occupation and retail sales taxes to sales by restaurants and similar businesses. It discusses the sales of meals, beverages, and foods at prices including retail sales tax. This rule also clarifies how discounts and promotional meals are taxed. Persons performing restaurant management services are taxable under the selected business service classification.

Proposal Changes the Following Existing Rules: Some items previously contained in WAC 458-20-124 have been placed in WAC 458-20-119 Sales of meals.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reason(s): This amendment clarifies existing department policy and makes no change in reporting requirements; allowing Class H license holds to determine their own pricing policy may relieve small business from some economic administrative burden; and the amendment creates no additional economic administrative burden on any taxpayer.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on October 11, 1993, at 9:30 a.m.

Submit Written Comments to: Les Jaster, Rules Coordinator, Department of Revenue, P.O. Box 47467, FAX (206) 664-0972, Olympia, WA 98504-7467, by October 11, 1993.

Date of Intended Adoption: October 18, 1993.

August 31, 1993

Russell W. Brubaker

Legislation and Policy Manager

WSR 93-18-080

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed August 31, 1993, 3:49 p.m.]

Continuance of WSR 93-07-070.

Title of Rule: Amending WAC 458-20-124 Restaurants, soda fountains, cocktail bars, beer parlors, etc.

Purpose: This continuance is filed because the department will be incorporating 1993 law changes which made

AMENDATORY SECTION (Amending Order ET 83-17, filed 3/15/83)

WAC 458-20-124 Restaurants, ((soda fountains,)) cocktail bars, ((beer parlors, etc)) taverns and similar businesses. ((As used herein,)) (1) Introduction. This section explains Washington's B&O and retail sales tax applications to sales by restaurants and similar businesses. It discusses the sales of meals, beverages and foods at prices inclusive of the retail sales tax. This section also explains how discounted and promotional meals are taxed. Persons operating restaurants and similar businesses should also refer to WAC 458-20-119 and WAC 458-20-244. Persons who merely manage the operations of a restaurant or similar business should refer to WAC 458-20-119 to determine their tax liability. The term "restaurants, ((soda fountains,)) cocktail bars, ((beer parlors, etc,)) taverns, and similar businesses" means every place where prepared foods and beverages are sold and served to individuals, generally for consumption on the premises where sold.

~~((The retail sales tax applies upon all sales of foods and beverages made to consumers by persons operating restaurants, soda fountains, cocktail bars, beer parlors, etc.~~

SALES OF ALCOHOLIC BEVERAGES BY CLASS H LICENSEES, TAVERNS, AND CONCESSIONAIRES.

~~Businesses authorized under license or permit issued by the Washington state liquor control board to sell liquor, beer, and wine by the drink under conditions of business such as to render impracticable the separate collection of the retail sales tax may, upon compliance with the following requirements and conditions, include the retail sales tax in the selling price of the item sold: (1) The establishment must display a chart, in type large enough to be read by customers, posted in a conspicuous place, which separately lists each item by name, the selling price, sales tax, and total charge, and (2) the chart must be posted at a location where the customer can easily read the chart without being required to enter employee work areas or without special request that the chart be furnished to him. This procedure is permissible only for sale of alcoholic beverages and not to sales of meals or other menu items. A list of prices which merely shows number combinations which add up to even nickel or dime amounts does not meet the foregoing requirements. An operator who elects to report sales tax in the manner herein provided but fails to follow the foregoing requirements shall be subject to business and occupation tax and retail sales tax upon gross receipts.~~

CLASS H LICENSE LOCATIONS. When an operator elects pursuant to the foregoing, to sell drinks at a price which, after addition of sales tax is rounded off to an even amount, this pricing method must be used in all areas of the location. This means that the price posting requirements must be met wherever drinks are sold so that the customer can identify readily the items billed inclusive of tax and those billed exclusive of tax. Therefore, drink totals and food totals must be shown separately so that all dinner checks involving both food and liquor charges shall be presented to the customer with amounts due shown in the following order: Food, sales tax on food, liquor, total. Persons who elect to post prices to show amounts of tax included but who fail to comply with these requirements are

~~subject to business and occupation tax and retail sales tax measured by the gross bar and cocktail lounge receipts.~~

~~The retail sales tax also applies upon all sales of dishes, kitchen utensils, linens, furniture and fixtures, and the like, made by supply houses to such operators.~~

~~The retail sales tax does not apply upon sales of foodstuffs and beverages made by supply houses to persons operating restaurants, soda fountains, cocktail bars, beer parlors, etc. Likewise, that tax does not apply upon sales to said persons of paper plates, paper cups, paper napkins, toothpicks, or any other articles which are furnished to customers, the first actual use of which renders such articles unfit for further use. (See WAC 458-20-119 Sales of meals.))~~

(2) Business and occupation tax. The tax liability of restaurants, cocktail bars, taverns and similar businesses is as follows:

(a) Retailing. Sales to consumers of meals and prepared foods by restaurants, cocktail bars, taverns and similar businesses are subject to the retailing tax classification. Meals provided to employees are presumed to be in exchange for services received from the employee and are retail sales and also subject to the retailing tax. (See WAC 458-20-119—Sales of meals.)

(b) Wholesaling. Persons making sales of prepared meals to persons who will be reselling the meals are subject to the wholesaling-other tax classification. (See WAC 458-20-102.)

(c) Service. Compensation received from owners of coin-operated machines for allowing the placement of those machines at the restaurant, cocktail bar, tavern, or similar business is subject to the service and other business activities tax. Persons operating games of chance should refer to WAC 458-20-131.

(3) Retail sales tax. Sales to consumers of meals and prepared foods by restaurants, cocktail bars, taverns and similar businesses are generally subject to retail sales tax. This includes the meals sold or furnished to the employees of the business. A retail sales tax exemption is available for the following sales of meals:

(a) Prepared meals sold under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38.040(6);

(b) Prepared meals sold to or for senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW;

(c) Prepared meals sold to the federal government. (See WAC 458-20-190). However, meals sold to federal employees are taxable, even if the federal employee will be reimbursed for the cost of the meals by the federal government.

(4) Deferred sales or use tax. If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(a) Purchases of dishes, kitchen utensils, linens, and items which do not become an ingredient of the meal, are subject to retail sales tax.

(b) Retail sales tax or use tax applies to purchases of equipment, repairs, appliances, and construction.

(c) The retail sales or use tax does not apply to purchases of food or beverage products which are ingredients of the meals being sold.

(d) Purchases of paper plates, paper cups, paper napkins, toothpicks, or any other articles which are furnished to customers, the first actual use of which renders such articles unfit for further use, are not subject to retail sales tax when purchased by restaurants and similar businesses making actual sales of meals.

(5) **Combination businesses.** Persons operating a combination of two kinds of food sales businesses, of which one is the sale of food for immediate consumption (i.e., a bakery selling food products ready for consumption and in bulk quantities), are required to keep their accounting records and sales receipts segregated between taxable and tax exempt sales. Persons operating a combination business should refer to WAC 458-20-244.

(6) **Discounted and promotional meals.** Persons who sell meals on a "two for one" or similar basis are not giving away a free meal, but rather are selling two meals at a discounted price. Both the retailing B&O and retail sales taxes should be calculated on the reduced price actually received by the seller.

Persons who provide meals free of charge to promote sales are consumers of those meals. Use tax is due on the "value of the article used", which is the retail sales value of each meal. (See WAC 458-20-178—Use tax). However, many persons provide prepared foods without charge in their lounge or bar area to encourage sales of drinks. If the customer is required to purchase drinks to be entitled to the prepared foods, these foods are considered to be sold with the drink.

(7) **Sales of meals, beverages and food at prices including sales tax.** Persons may advertise and/or sell meals, beverages, or any kind of food product at prices including sales tax. Any person electing to advertise and/or make sales in this manner must clearly indicate this pricing method on the menus and other price information.

If sales slips, sales invoices, or dinner checks are given to the customer, the sales tax must be separately stated on all such sales slips, sales invoices, or dinner checks. If not separately stated on the sales slips, sales invoices, or dinner checks, it will be presumed that retail sales tax was not collected. In such cases the measure of tax will be gross receipts. (Refer also to WAC 458-20-107.)

(8) **Class H restaurants.** Restaurants operating under the authority of a class H liquor license generally have both dining and cocktail lounge areas. Customers purchasing beverages or food in lounge areas are generally not given sales invoices, sales slips, or dinner checks, nor are they generally provided with menus.

(a) Many class H restaurants elect to sell beverages or food at prices inclusive of the sales tax in the cocktail lounge area. If this pricing method is used, notification that retail sales tax is included in the price of the beverages or foods must be posted in the lounge area in a manner and location so that customers can see the notice without entering employee work areas. It will be presumed that no retail sales tax has been collected or is included in the gross receipts when a notice is not posted and the customer does not receive a sales slip or sales invoice separately stating the retail sales tax.

(b) The election to include retail sales tax in the selling price in one area of a location does not preclude the restaurant operator from selling beverages or food at a price exclusive of sales tax in another. For example, an operator of a class H restaurant may elect to include the retail sales tax in the price charged for beverages in the lounge area, while the price charged in the dining area is exclusive of the sales tax.

(c) Class H restaurants are not required to post actual drink prices in the cocktail lounge areas. However, if actual prices are posted, the advertising requirements expressed in WAC 458-20-107 must be met.

(9) **Gratuities.** Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the retailing ((classification of the business and occupation tax)) B&O and ((the)) retail sales ((tax)) taxes. (Refer also to WAC 458-20-119.)

(10) **Vending machines and amusement devices.** Persons owning and operating vending machines and amusement devices should refer to WAC 458-20-187 (Coin operated vending machines, amusement devices and service machines).

(11) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(a) ABC Coffee Shop has its own bakery and also a counter and tables where it sells pastries and coffee for immediate consumption. ABC also sells donuts and other bakery items for consumption off the premises. No beverages are sold in unsealed containers except for consumption on the premises. ABC accounts separately for its sales of products which are not intended for immediate consumption through a coding maintained by the cash register. ABC is operating a combination business. It is required to collect retail sales tax on items sold for consumption on the premises, but is not required to collect retail sales tax on baked goods intended for consumption off the premises.

(b) XYZ Restaurant operates both a cocktail bar and a dining area. XYZ has elected to sell drinks and appetizers in the bar at prices including the retail sales tax while selling drinks and meals served in the dining area at prices exclusive of the sales tax. There is a sign posted in the bar area advising customers that all prices include retail sales tax. Customers in the dining area are given sales invoices which separately state the retail sales tax. As an example, a typical well drink purchased in the bar for \$2.50 inclusive of the sales tax, is sold for \$2.50 plus sales tax in the dining area. The pricing requirements have been satisfied and the drink and food totals are correctly reflected on the customers' dinner checks. XYZ may factor the retail sales tax out of the cocktail bar gross receipts when determining its retailing and retail sales tax liability.

(c) RBS Restaurant operates both a cocktail bar and a dining area. RBS has elected to sell drinks at prices inclusive of retail sales tax for all areas where drinks are served. It has a sign posted to inform customers in the bar

area of this fact and a statement is also on the dinner menu indicating that any charges for drinks includes retail sales tax. Dinner checks are given to customers served in the dining area which state the price of the meal exclusive of sales tax, sales tax on the meal, and the drink price including retail sales tax. Because the business has met the sign posting requirement in the bar area and has indicated on the menu that sales tax is included in the price of the drinks, RBS may factor the sales tax out of the gross receipts received from its drink sales when determining its taxable retail sales.

(d) Z Tavern sells all foods and drinks at a price inclusive of the retail sales tax. However, there is no mention of this pricing structure on its menus or reader boards. The gross receipts from Z Tavern's food and drink sales are subject to the retailing and retail sales taxes. Z Tavern has failed to meet the conditions for selling foods and drinks at prices including tax. Z Tavern may not assume that the gross receipts include any sales tax and may not factor the retail sales tax out of the gross receipts.

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 93-18-081

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 93-24—Filed August 31, 1993, 4:05 p.m.]

Original Notice.

Title of Rule: WAC 173-19-3506 City of Gig Harbor shoreline master program.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for the city of Gig Harbor.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Linda Witcher, Washington Department of Ecology, Box 47600, Olympia, 98504-7600, (206) 459-6789; Implementation and Enforcement: D. Rodney Mack, Box 47600, Olympia, 98504-7600, (206) 459-6777.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This is a revised and updated shoreline master program for the city of Gig Harbor. It provides goals, objectives, policies and regulations to guide development within the shoreline area.

Proposal Changes the Following Existing Rules: This amends chapter 173-19 WAC, Shoreline Management Act of 1971, state master program.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Gig Harbor City Council Chambers, 3105 Judson Street, Gig Harbor, WA, on October 6, 1993, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, P.O. Box 47692, Olympia, WA 98504-7692, by October 16, 1993.

Date of Intended Adoption: December 21, 1993.

August 30, 1993

Mary Riveland

Director

AMENDATORY SECTION (Amending Order DE 80-50, filed 12/11/80)

WAC 173-19-3506 Gig Harbor, town of. Town of Gig Harbor master program approved September 10, 1975. Revision approved December 10, 1980. Revision approved December 21, 1993.

WSR 93-18-082

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 91-68—Filed August 31, 1993, 4:08 p.m.]

Continuance of WSR 93-07-062.

Title of Rule: Chapter 173-401 WAC, Operating permit regulation.

Purpose: To extend the adoption date from September 17, 1993, to October 4, 1993.

Date of Intended Adoption: October 4, 1993.

August 25, 1993

Mary Riveland

Director

WSR 93-18-084

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed August 31, 1993, 4:40 p.m.]

The Department of Social and Health Services is withdrawing chapter 388-88 WAC filed as a proposal with the office of the code reviser under WSR 93-16-005 on July 22, 1993. Withdrawal of proposed new sections WAC 388-88-096, 388-88-150, 388-88-155, 388-88-170, 388-88-180, and 388-88-190; amended sections WAC 388-88-095, 388-88-097, and 388-88-098; and repealed sections WAC 388-33-080, 388-88-099, 388-88-102, 388-88-130, and 388-88-145.

Dewey Brock, Chief
Office of Vendor Services
Administrative Services

WSR 93-18-086
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed August 31, 1993, 4:44 p.m.]

Original Notice.

Title of Rule: Chapter 388-88 WAC, Medical care—Nursing home care. Amending WAC 388-88-095 Nursing facility placement, 388-88-097 Preadmission screening, and 388-88-098 Identification screening for current residents; new WAC 388-88-096 Preadmission screening and annual resident review (PASARR), 388-88-150 PASARR Determination and appeal rights, 388-88-155 Utilization review, 388-88-170 Discharge planning and coordination, 388-88-180 Transfer and discharge rights, procedures, and appeals, and 388-88-190 Relocation due to decertification, license revocation, closure; and repealing WAC 388-88-080 Utilization review, 388-88-099 Specialized service assessments for current residents, 388-88-102 Discharge planning and resident relocation, 388-88-130 Completion of resident assessment instrument, and 388-88-145 Notice of relocation determination and appeal rights.

Purpose: To comply with federal regulations implementing the preadmission screening and annual resident review (PASARR) requirements for nursing facilities published in the November 30, 1992, federal register and effective January 29, 1993. To simplify/clarify state discharge/transfer and utilization review regulations and ensure compliance with federal 42 CFR 431, as amended, 42 CFR 483.12 and 483.100 through 483.138, and other federal requirements. Amends discharge planning and relocation.

Statutory Authority for Adoption: RCW 18.51.070 and 74.42.620.

Statute Being Implemented: RCW 18.51.070 and 74.42.620.

Summary: Implement the preadmission screening and annual resident review (PASARR) requirements for nursing facilities. Clarifies requirements related to utilization review, transfer and discharge, rights and appeals, discharge planning, and relocation.

Reasons Supporting Proposal: To clarify requirements related to utilization review, transfer and discharge, rights and appeals, discharge planning, and relocation. Implement the preadmission screening and annual resident review (PASARR) requirements for nursing facilities.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Fay Helmon, Aging and Adult Services Administration, 438-8978 and Kevin Krueger, Aging and Adult Services Administration, 493-2578.

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

Rule is necessary because of federal law, 42 CFR 431, 42 CFR 483.12, 42 CFR 483.100 through 483.138.

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on October 26, 1993, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by October 12, 1993. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by October 19, 1993.

Date of Intended Adoption: October 27, 1993.

August 31, 1993

Dewey Brock, Chief
Office of Vendor Services
Administrative Services Division

AMENDATORY SECTION (Amending WSR 92-08-074, filed 3/30/92, effective 4/30/92)

WAC 388-88-095 Nursing facility placement. (1) Nursing facility care (~~(must)~~) shall be requested by a person's attending physician or Christian Science practitioner before the person's admission to a medicaid-certified facility.

(2) A medicaid certified nursing facility shall not admit any person unless an identification screen is completed as required under WAC 388-88-097.

(3) A person identified as having a serious mental illness or a developmental disability, as defined (~~(in WAC 388-88-097(5))~~) under 42 CFR § 483.102 or as subsequently amended, shall be assessed under WAC 388-88-097 before the person's (~~(placement in)~~) admission to a medicaid-certified nursing facility.

(4) A medicaid applicant or recipient shall not be admitted to a medicaid-certified nursing facility unless the department has assessed and determined the person needs nursing facility care as defined under WAC 388-88-081.

(5) There shall be no payment for nursing facility services for a medicaid applicant or recipient until the department has authorized such services.

~~((5))~~ (6) There shall be no retroactive payment authorized for any medicaid applicant or recipient admitted to a nursing facility in violation of this section.

NEW SECTION

WAC 388-88-096 Pre-admission screening and annual resident review (PASARR). (1) The department shall assess a nursing facility applicant or resident having a serious mental illness or developmental disability according to the preadmission screening and annual resident review requirements under 42 CFR § 431 and § 483. Under the PASARR, the department, through a designee, shall determine whether a nursing facility applicant or resident having a serious mental illness or developmental disability needs nursing facility care and specialized services under 42 CFR § 438.106. The department shall determine need for nursing facility care using the nursing facility care definition under WAC 388-88-081. Need for specialized services shall be determined as follows:

(a) For a nursing facility applicant or resident likely to have a serious mental illness, a qualified mental health professional, under chapter 275-56 WAC, shall verify whether the person has a serious mental illness and, if so, shall recommend whether the applicant needs specialized services;

(b) For a nursing facility applicant or resident likely to have a developmental disability, a psychologist, meeting the qualifications of a qualified mental retardation professional, shall verify whether the person has a developmental disability. For a nursing facility applicant or resident verified by a psychologist as having a developmental disability, staff of the division of developmental disabilities shall assess and make a final determination as to whether the person requires specialized services.

(2) "Specialized services" for a person with mental retardation or related conditions is defined under 42 CFR § 483.120 (a)(2), § 483.120(2), § 483.440 (a)(1). Specialized services does not include services to maintain a generally independent person who is able to function with little supervision or in the absence of a treatment program.

(3) "Specialized services" for a person having a serious mental illness is defined under 42 CFR § 483.120 (a)(1). Specialized services are generally considered acute psychiatric inpatient care, emergency respite care or stabilization and crisis services.

(4) The department's designee may exempt a nursing facility applicant or resident from PASARR if the person:

(a) Is admitted directly from an acute care hospital after receiving acute inpatient care and certified by a physician as likely to require less than thirty days care in a nursing facility;

(b) Is certified by a physician to be terminally ill as defined under section 1861 (dd)(3)(A) of the Social Security Act;

(c) Has a severe physical illness such as coma, ventilator dependence, functioning at a brain stem level, or diagnoses which result in level of impairment so severe that the person could not be expected to benefit from specialized services, which may include:

- (i) Chronic obstructive pulmonary disease;
- (ii) Parkinson's disease;
- (iii) Huntington's disease;
- (iv) Amyotrophic lateral sclerosis; or
- (v) Congestive heart failure.

(d) Has a primary diagnosis of dementia, including Alzheimer's disease or a related disorder;

(5) If a resident has continuously resided in a nursing facility for at least thirty months, and is determined by the department not to require nursing facility services, but to require specialized services for a serious mental illness or developmental disability, the department shall:

(a) Offer the resident the choice of remaining in the facility or of receiving services in an alternative appropriate setting;

(b) Inform the resident of the institutional and noninstitutional alternatives covered under the state medicaid plan for the resident;

(c) Clarify the effect on eligibility for medicaid services under the state plan if the resident chooses to leave the facility, including its effect on readmission to the facility.

AMENDATORY SECTION (Amending WSR 92-08-074, filed 3/30/92, effective 4/30/92)

WAC 388-88-097 Preadmission screening. (1) ~~((An applicant))~~ A person requesting admission to a medicaid-certified nursing facility shall be screened ~~((prior to))~~ before

admission to identify whether the ~~((applicant))~~ person may have a serious mental illness or a developmental disability as defined under 42 CFR 483.102 or as subsequently amended. The identification screen shall be performed by the referring hospital, physician, or other referral source or the nursing facility, using a standardized form specified by the department. The nursing facility shall place a copy of the completed form ((shall be placed)) in each resident's clinical record.

(2) ~~((Any))~~ A nursing facility applicant identified through the identification screen as likely to have a serious mental illness or a developmental disability shall not be admitted to a medicaid-certified nursing facility unless the person:

(a) ~~((In the case of a medicaid applicant, the department determines the applicant requires nursing facility care, under WAC 388-88-081; and~~

~~((b) The applicant))~~ Has been assessed under the preadmission screening and annual resident review (PASARR)((-

~~(3) An applicant identified as likely to have a serious mental illness or a developmental disability shall be exempt from the PASARR requirement under subsection (2)(b) of this section if:~~

~~(a) The department or its designee determines the applicant:~~

~~(i) Is admitted directly from an acute care hospital after receiving acute inpatient care and certified by a physician as likely to require less than thirty days care in a nursing facility;~~

~~(ii) Is certified by a physician to be terminally ill as defined under section 1861 (dd)(3)(A) of the Social Security Act;~~

~~(iii) Is comatose, ventilator dependent, functioning at the brain stem level, or has similar diagnoses significantly impacting the applicant's level of functioning and ability to participate in specialized services, such as:~~

- ~~(A) Chronic obstructive pulmonary disease;~~
- ~~(B) Severe Parkinson's disease;~~
- ~~(C) Huntington's Chorea;~~
- ~~(D) Amyotrophic lateral sclerosis; or~~
- ~~(E) Congestive heart failure.~~

~~(iv) The applicant has a primary diagnosis of dementia, including Alzheimer's disease or a related disorder; ((+)))~~, as described under WAC 388-88-096;

(b) Has been transferred from one nursing facility to another nursing facility; or

(c) Has been exempted by the department from PASARR because the person:

(i) Has been admitted to the nursing facility for respite care, under WAC 248-14-298; or

~~((+)))~~ (ii) Cannot accurately be diagnosed because of delirium; or

~~((b) The applicant is:~~

~~(i))~~ (iii) Has been readmitted to a nursing facility ((after a short stay in)) from an acute care hospital((-or))

~~((ii) Admitted from one nursing facility to another nursing facility.~~

~~(4) Under the PASARR, the department, through a designee, shall determine whether the applicant needs nursing facility care and specialized services. Need for nursing facility care shall be determined under WAC, 388-~~

88-081. Need for specialized services shall be determined as follows:

(a) For an applicant likely to have a serious mental illness, a qualified mental health professional, under chapter 275-56 WAC, shall verify whether the applicant has a serious mental illness and, if so, shall recommend whether the applicant needs specialized services;

(b) For an applicant likely to have a developmental disability, a psychologist, meeting the qualifications of a qualified mental retardation professional, shall verify whether the applicant has a developmental disability. For any applicant verified by a psychologist as having a developmental disability, the department shall assess and make a final determination as to whether the applicant requires specialized services.

(5) For purposes of this regulation, the following definitions shall apply:

(a) "Applicant" shall mean any individual seeking admission to a nursing facility;

(b) "Serious mental illness" means a person has a current primary or secondary diagnosis of a major mental disorder, as defined in the *Diagnostic and Statistical Manual of Mental Disorders*, third edition, limited to schizophrenia, paranoid, major affective, schizoaffective disorder, and atypical psychosis, and does not have a primary diagnosis of dementia, including Alzheimer's disease or a related disorder;

(c) "Developmental disability" means mental retardation or related conditions:

(i) "Mental retardation" means a person has a level of mild, moderate, severe, or profound retardation as described in the *American Association of Mental Deficiency's Manual on Terminology and Classification*. Mental retardation refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

(ii) A person with "related conditions" means a person having a severe, chronic disability meeting all of the following conditions:

(A) Related conditions attributable to:

(I) Cerebral palsy or epilepsy; or

(II) Any other condition other than mental illness found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to a mentally retarded person and requires treatment or services similar to those required for that person.

(B) It is manifested before the person reaches twenty-two years of age;

(C) It is likely to continue indefinitely; and

(D) It results in substantial functional limitations in three or more of the following areas of major life activity:

(I) Self-care;

(II) Understanding and use of language;

(III) Learning;

(IV) Mobility;

(V) Self-direction; and

(VI) Capacity for independent living.

(d) "Specialized services" for a person with mental retardation or related conditions means a continuous program for each person which includes:

(i) Aggressive, consistent implementation of a program of specialized and generic training;

(ii) Treatment, health services, and related services directed toward the acquisition of the behaviors necessary for the person to function with as much self-determination and independence as possible; and

(iii) The prevention or deceleration of regression or loss of current optimal functional status.

Specialized services does not include services to maintain a generally independent person able to function with little supervision or in the absence of a treatment program; and

(e) "Specialized services" for a person with serious mental illness means the implementation of an individualized plan of care, developed under and supervised by a physician and other qualified mental health professionals, prescribing specific therapies and activities for the treatment of a person experiencing an acute episode of severe mental illness necessitating twenty-four hour supervision by trained mental health personnel).

AMENDATORY SECTION (Amending WSR 92-08-074, filed 3/30/92, effective 4/30/92)

WAC 388-88-098 Identification screening for current residents. (1) ~~((By July 1, 1989, every))~~ Each ~~medicaid certified nursing facility shall ((complete an))~~ have ~~a completed~~ identification screen ((;)) ~~for each resident, to identify ((residents likely to have))~~ a resident's likelihood of having a serious mental illness or a developmental disability as defined ~~((in WAC 388-88-097(5):~~

~~(a)))~~ under 42 CFR § 483.102 or as subsequently amended. The nursing facility shall record this information on a form designated by the department((;

~~(b) For every resident of the nursing facility, except for a resident for whom a pre-admission screen has been completed under WAC 388-88-097).~~

(2) The nursing facility shall ~~((be responsible for reviewing and updating a resident's identification screen to ensure that it accurately reflects the resident's current condition:~~

~~(3) The original of the));~~

(a) Record the identification screen information or subsequent changes on the resident assessment instrument according to the schedule required under 42 CFR § 483.20;

(b) Maintain the identification screen form ((shall be maintained)) and applicable PASARR assessment information in the resident's ((medical)) clinical record((;

~~(4) The nursing facility shall notify the department or designee of those residents identified through the identification screen as likely to have a serious mental illness or a developmental disability:~~

~~(5)); and~~

(c) Refer each resident to the department or department's designee when the resident requires a PASARR assessment under WAC 388-88-096.

(4) The department shall deny payment to a nursing facility for any resident for whom an identification screen has not been completed as required under this section.

NEW SECTION

WAC 388-88-150 PASARR determination and appeal rights. (1) A nursing facility applicant or resident who has been adversely impacted by a PASARR determination may appeal the department's determination of:

- (a) Not in need of nursing facility care as defined under WAC 388-88-081 and 42 CFR § 483.130 (m)(2),(5), or (6);
- (b) Not in need of specialized services as defined under WAC 388-88-096 and 42 CFR § 483.130 (m)(1),(2),(3), or (6); or
- (c) Need for specialized services as defined under WAC 388-88-096, 42 CFR § 483.130 (4), and (5) and 42 CFR § 483.132 (a)(4).

(2) The nursing facility shall assist the nursing facility applicant or resident, or the person's representative, as needed in requesting a hearing to appeal the department's PASARR determination.

(3) If the department's PASARR determination requires that a resident be transferred or discharged, the department shall:

(a) Provide the required notice of transfer or discharge to the resident and, if known, a family member or the resident's representative thirty days or more before the date of transfer or discharge;

(b) Attach a hearing request form to the transfer or discharge notice;

(c) Inform the resident, in writing in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge;

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of appeals on or before the date of transfer or discharge set forth in the written transfer or discharge notice; and

(iii) That the resident shall be ineligible for medicaid nursing home payment:

(A) Thirty days after the receipt of written notice of transfer or discharge; or

(B) If the resident appeals under subsection (1)(a) of this section, thirty days after the final order is entered upholding the department's decision to transfer or discharge a resident.

(4) Aging and adult field services may grant extension of a resident's medicaid nursing home payment after the time specified in subsection (3)(c)(iii) of this section, when the department determines a location appropriate to the resident's medical and other needs is not available.

(5) The department shall:

(a) Send a copy of the required notice to the resident's attending physician, the nursing facility and, where appropriate, the resident's family member;

(b) Suspend transfer or discharge pending the outcome of the appeal when the resident's appeal request is received by the office of appeals on or before the date of transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged; and

(c) Provide assistance to the resident for relocation necessitated by the department's PASARR determination.

(6) Resident appeals of PASARR determinations shall be in accordance with 42 CFR § 431 Subpart E, Chapter 388-08 WAC, and the procedures defined in this section. In the event of a conflict between a provision in this chapter and a provision in Chapter 388-08 WAC, the provision in this chapter shall prevail.

NEW SECTION

WAC 388-88-155 Utilization review. (1) To assure appropriate use of medicaid services, the medicaid certified nursing facility shall:

(a) Be responsible to determine whether each resident's health has improved sufficiently so the resident no longer needs nursing facility care;

(b) Base such determination on an accurate, comprehensive assessment process and documentation by the resident's physician.

(2) When a nursing facility determines that a resident who is a medicaid applicant or recipient no longer needs nursing facility care, except for residents the department is responsible to assess for PASARR under WAC 388-88-096(1), the nursing facility shall initiate transfer or discharge in compliance with WAC 388-88-180 and 42 C.F.R. § 483.12 or as subsequently amended.

(3) When a nursing facility initiates a transfer or discharge of a medicaid recipient under subsection (2) of this section:

(a) The resident shall be ineligible for medicaid nursing home payment:

(i) Thirty days after the receipt of written notice of transfer or discharge; or

(ii) If the resident appeals the facility determination, thirty days after the final order is entered upholding the nursing home's decision to transfer or discharge a resident.

(b) Aging and adult field services may grant extension of a resident's medicaid nursing facility payment after the time specified in subsection (3)(a) of this section, when aging and adult field services staff determine:

(i) The nursing facility is making a good faith effort to relocate the resident; and

(ii) A location appropriate to the resident's medical and other needs is not available.

(4) Department designees may review any assessment or determination made by a nursing facility of a resident's need for nursing facility care.

NEW SECTION

WAC 388-88-170 Discharge planning and coordination. (1) A resident has the right to reside in the least restrictive care setting available and appropriate to meet the resident's individual care needs. Therefore, the nursing home shall:

(a) Utilize a formal resident discharge planning system with identical policies and practices for all residents regardless of source of payment;

(b) Inform the resident in writing of the nursing home's discharge planning system when the resident is admitted or as soon as practical thereafter, including:

(i) Specific resources available to assist the resident in locating a lesser care setting;

(ii) The name of the nursing home's discharge coordinator; and

(iii) In the case of a medicaid-certified nursing facility, the address and telephone number for the local aging and adult field services office.

(2) The nursing home shall prepare a detailed, written transfer or discharge plan for each resident determined to have potential for transfer or discharge within the next three months. The nursing home shall:

(a) In the case of a medicaid resident, coordinate the plan with aging and adult field services staff;

(b) Develop and implement the plan with the active participation of the resident and, where appropriate, the resident's representative;

(c) Ensure the plan is an integral part of the resident's comprehensive plan of care and, as such, includes measurable objectives and timetables for completion;

(d) Incorporate in the plan relevant factors to include, but not be limited to, the resident's preferences, support system, assessments and plan of care, and the availability of appropriate resources to match the resident's preferences and needs;

(e) Identify in the plan specific options for more independent placement; and

(f) Provide in the plan for the resident's continuity of care and mitigation of potential transfer trauma, including, but not limited to, pretransfer visit to the new location whenever possible.

(3) For a resident whose transfer or discharge is not anticipated in the next three months, the nursing home shall:

(a) Document the specific reasons transfer or discharge is not anticipated in that timeframe;

(b) Review the resident's potential for transfer or discharge at the time of comprehensive care plan review; and

(c) Initiate discharge planning:

(i) When the resident's situation or status indicate transfer or discharge potential within the next three months; and

(ii) At the request of the resident or the resident's representative.

(4) Each resident has the right to request transfer or discharge and to choose a new location. If the resident's choice of new location is available and appropriate to the resident's medical and other care needs, the nursing home shall coordinate the resident's transfer or discharge. The resident, resident's representative or nursing facility may request assistance from aging and adult field services in the transfer or discharge planning and implementation process.

(5) The nursing home shall coordinate all transfers and discharges, and communicate resident information in written form to the resident's new location. The nursing home shall ensure such information, at a minimum, includes:

(a) A brief recap of the resident's stay;

(b) A final summary of the resident's status at the time of transfer or discharge; and

(c) A post transfer or discharge plan of care.

(6) The nursing home shall ensure information in subsection (5) of this section is made available for release only to authorized persons and agencies with the consent of the resident or legal representative where appropriate.

NEW SECTION

WAC 388-88-180 Transfer and discharge rights, procedures, and appeals. (1) The Medicare certified skilled nursing facility and the medicaid certified nursing facility shall comply with all applicable federal requirements under 42 C.F.R. § 483.10 and § 483.12, or as subsequently amended regarding resident transfer and discharge rights.

(2) The Medicare certified skilled nursing facility and the medicaid certified nursing facility that initiates transfer or discharge shall:

(a) Provide the required notice of transfer or discharge to the resident and, if known, a family member or the resident's representative;

(b) Attach a department-designated hearing request form to the transfer or discharge notice;

(c) Inform the resident in writing in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge; and

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of appeals on or before the date of the transfer or discharge set forth in the written transfer or discharge notice; and

(d) Assist the resident, or the resident's representative, as needed in requesting a hearing to appeal the transfer or discharge decision;

(3) The Medicare-certified skilled nursing facility or the medicaid nursing facility shall suspend transfer or discharge pending the outcome of the appeal when the resident's appeal is received by the office of appeals on or before the date of the transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged.

(4) The medicaid certified nursing facility shall send a copy of the federally required transfer or discharge notice to:

(a) The resident's attending physician;

(b) Aging and adult field services in cases where the nursing facility has determined the resident's health has improved sufficiently so that the resident no longer needs the services provided by the facility; and

(c) The appropriate nursing home services district manager when the transfer or discharge is for any of the following reasons:

(i) The resident's needs cannot be met in the facility;

(ii) The health or safety of individuals in the facility is endangered; or

(iii) The resident has failed to pay for, or to have paid under Medicare or medicaid, a stay at the facility.

(5) The state appeals process for facility transfers and discharges mandated by sections 1819 (e)(3) and 1919 (e)(3) of the Federal Social Security Act and federal regulations promulgated thereunder, is set forth in chapter 388-08 WAC and in this chapter. In such appeals, the following shall apply:

(a) In the event of a conflict between a provision in this chapter and a provision in chapter 388-08 WAC, the provision in this chapter shall prevail;

(b) The resident shall be the appellant and the skilled nursing facility or the nursing facility shall be the respondent;

(c) The department shall be notified of the appeal and may choose whether to participate in the proceedings. The role of the department is to represent the state's interest in assuring that skilled nursing facility and nursing facility transfer and discharge actions comply substantively and procedurally with the law and with federal requirements necessary for federal funds;

(d) When a nursing home's decision to transfer or discharge a resident from a nursing home is not upheld, and the resident has been relocated, the resident has the right to readmission immediately upon the first available bed in a semi-private room if the resident requires and is eligible for the services provided by the nursing home.

NEW SECTION

WAC 388-88-190 Relocation due to decertification, license revocation, closure. (1) When the department or the federal Health Care Financing Administration terminates or does not renew a nursing home's medicaid certification, or the department revokes or suspends the nursing home's license or orders emergency closure of a nursing home, the department shall:

(a) Notify residents and, when appropriate, resident representatives of the action; and

(b) Upon request by the resident or the nursing home, assist with the resident's relocation and specify the location of possible alternative locations.

(2) When a resident's relocation occurs due to a nursing home's voluntary closure, or voluntary termination of its medicaid contract:

(a) The nursing home shall send written notification, sixty days before closure or contract termination, to the appropriate nursing home services district manager and to all residents; and

(b) The department may provide a resident assistance with relocation.

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 388-88-080 Utilization review.
- WAC 388-88-099 Specialized service assessments for current residents.
- WAC 388-88-102 Discharge planning and resident relocation.
- WAC 388-88-130 Completion of resident assessment instrument.
- WAC 388-88-145 Notice of relocation determination and appeal rights.

WSR 93-18-087
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed September 1, 1993, 9:44 a.m.]

Original Notice.

Title of Rule: Property tax levy rules, new sections WAC 458-19-005 Definitions, 458-19-010 Levy rate calculations, 458-19-015 Assessor to determine one hundred six

percent levy limit—Exceptions, 458-19-020 One hundred six percent levy limit—Method of calculation, 458-19-025 One hundred six percent levy limit—Restoration of regular levy, 458-19-030 One hundred six percent levy limit—Consolidation of districts, 458-19-035 One hundred six percent levy limit—Annexation, 458-19-040 One hundred six percent levy limit—Newly formed taxing district, 458-19-045 One hundred six percent levy limit—Removal of limit (lid lift), 458-19-050 Port district levies, 458-19-055 One hundred six percent levy limit—Proration of earmarked funds, 458-19-060 Emergency medical service levy, 458-19-065 One hundred six percent levy limit—Protection of future levy capacity, 458-19-070 Procedure to adjust consolidated levy rate for taxing districts when limits exceeded, 458-19-075 Constitutional one percent levy limit calculation, and 458-19-080 City annexed by fire protection and/or library districts.

Purpose: To implement statutes relative to the operation of property tax levies.

Statutory Authority for Adoption: RCW 84.55.060 and 84.08.070.

Statute Being Implemented: Chapters 84.52 and 84.55 RCW.

Summary: These rules implement the statutes relative to the operation of property tax levies.

Name of Agency Personnel Responsible for Drafting: James Winterstein, 711 Capitol Way, #303, Olympia, (206) 586-4283; Implementation: Les Jaster, 711 Capitol Way, #303, Olympia, (206) 586-7150; and Enforcement: William Rice, 6004 Capitol Boulevard, Tumwater, (206) 753-5503.

Name of Proponent: Department of Revenue.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules implement the statutes relative to the operation of property tax levies.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reason(s): The new rules are made to conform to mandates of the legislature and the department is given no discretionary latitude; and the department is not aware of any new or additional administrative responsibilities placed on a business as a result of these rules.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on October 8, 1993, at 9:30 a.m.

Submit Written Comments to: Jim Winterstein, Counsel, Department of Revenue, Legislation and Policy, P.O. Box 47467, FAX (206) 664-0972, Olympia, WA 98504-7467, by October 8, 1993.

Date of Intended Adoption: October 15, 1993.

August 31, 1993
William N. Rice
Assistant Director

NEW SECTION

WAC 458-19-005 Definitions. Unless the context clearly requires otherwise, the following definitions apply throughout this chapter:

(1) "Annexation" is the act of one taxing district adding an area or other dissimilar taxing district from outside the annexing taxing district's boundary and includes a merger of a portion of a fire protection district under chapter 52.06 RCW.

(2) "Assessed value" is the value of taxable property placed on the assessment rolls. The term is often abbreviated with the initials "A.V."

(3) "Certified property tax levy" is the levy certified by a taxing district to the county assessor, either through the county legislative authority or to the assessor directly.

(4) "Certified property tax levy rate" is the tax rate calculated by the county assessor in accordance with law, to produce the lawful amount of the certified property tax levy.

(5) "Consolidated levy rate" means:

(a) For purposes of the statutory aggregate dollar rate levy limit (\$5.90), the sum of all regular levy rates set for collection exclusive of rates set for port and public utility districts, emergency medical services under RCW 84.52.069, conservation futures under RCW 84.34.230, and levies to finance affordable housing under RCW 84.52.____;

(b) For purposes of the constitutional one percent levy limit, the sum of all regular levy rates set for collection exclusive of rates set for port and public utility districts.

(6) "Consolidation" is the act of combining two or more similar taxing districts into one taxing district; for example, the combination of two fire protection districts into one fire protection district.

(7) "Constitutional limit" or "Constitutional one percent levy limit" means the levy limit established by Article VII, section 2 of the state Constitution, which prohibits the aggregate of all tax levies on real and personal property from exceeding one percent (\$10 per \$1,000) of the true and fair value of property. This limit does not apply to excess levies, levies by port districts, and levies by public utility districts. This limit is also stated in RCW 84.52.050.

(8) "Department" means the department of revenue of the state of Washington.

(9) "Excess levy" means the lawfully authorized levy by a taxing district, other than a port or public utility district, of additional taxes in excess of the statutory aggregate dollar rate limit, the statutory dollar rate limit, or the constitutional one percent levy limit, when authorized so to do by the voters of such taxing district in the manner specified in the state Constitution (Article VII, section 2).

(10) "Improvement" means any valuable change in or addition to real property, including the subdivision or segregation of parcels of real property or the merger of parcels of real property.

(11) "Joint taxing district" means a taxing district that exists in two or more counties but the term does not include the state nor does it include an inter-county rural library district.

(12) "Junior taxing district" means a taxing district other than the state, a county, a county road district, a city, a town, a port district, or a public utility district.

(13) "Levy rate" means the dollar amount per thousand dollars of assessed value applied to property within a taxing district and is calculated by dividing the total amount of a statutorily authorized levy of a taxing district by the total assessed value of that district, divided by one thousand, and is expressed in dollars and cents per one thousand dollars of assessed value.

(14) "New construction" means the construction or alteration of any property for which a building permit was issued, or should have been issued, under chapter 19.27, 19.27A, or 19.28 RCW or other laws providing for building permits, which results in an increase in the value of the property.

(15) "One hundred six percent limit" is the statutorily established limit that prohibits a taxing district other than the state from levying regular property taxes in any year that exceed one hundred six percent of the highest amount of regular property taxes that could have been lawfully levied in that taxing district in any year since 1985, plus an additional dollar amount calculated by multiplying the increase in the assessed value in the taxing district due to new construction, improvements to property and the increase in the value of state assessed property by the levy rate of that district for the preceding year. The state is prohibited from levying regular property taxes in any year that exceed one hundred six percent of the amount of regular property taxes lawfully levied in the highest of the three most recent years, plus the additional dollar amount calculated in the same manner as for other taxing districts.

(16) "Regular property tax levy" means a property tax levy by or for a taxing district, which levy is subject to the statutory aggregate dollar rate limit set forth in RCW 84.52.043 and the constitutional one percent levy limit set forth in RCW 84.52.050 or a levy imposed by or for a port district or a public utility district.

(17) "Regular property taxes" are those taxes resulting from regular property tax levies.

(18) "Senior taxing district" means the state (for support of common schools), a county, a county road district, a city or a town.

(19) "Statutory aggregate dollar rate limit" means the maximum aggregate regular property tax levy rate within a county established by law for senior and junior taxing districts, other than the state.

(20) "Statutory dollar rate limit" means the maximum regular property tax levy rate established by law for a particular class of taxing district.

(21) "Super majority" means a majority of at least three-fifths of the registered voters of a taxing district approving a proposition authorizing a levy, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters of the taxing district voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total votes cast in such taxing district in the last preceding general election.

(22) "Tax code area" means a geographical area made up of a unique mix of one or more taxing districts, which is established for the purpose of properly calculating, collecting

and distributing taxes. Only one tax code area will have the same combination of taxing districts, with limited exceptions.

(23) "Taxing district" means the state and any county, city, town, township, port district, school district, road district, metropolitan park district, water district or other municipal corporation, now or hereafter existing, having the power or authorized by law to impose burdens upon property within the district on an ad valorem basis, for the purpose of obtaining revenue for public purposes, as distinguished from municipal corporations authorized to impose burdens, or for which burdens may be imposed for public purposes, upon property in proportion to the benefits accruing thereto.

NEW SECTION

WAC 458-19-010 Levy rate calculations. (1) **Assessor sets levy rates.** The county assessor shall calculate the certified property tax levy rate necessary to collect the amount of taxes authorized in the certified property tax levy of each taxing district, within the limitations provided by law.

(2) **Joint taxing district.** For a joint taxing district, the assessor of the county in which is located the greatest amount of assessed value of the joint taxing district shall calculate the levy rate for the joint taxing district.

(3) **Intercounty rural library district.** The board of trustees of an intercounty rural library district shall calculate the levy rate for such district in consultation with the respective county assessors and certify that rate to the respective county legislative authorities.

NEW SECTION

WAC 458-19-015 Assessor to determine one hundred six percent levy limit—Exceptions. (1) The one hundred six percent levy limit for all taxing districts levying regular property tax levies shall be determined by the county assessor, except that for intercounty rural library districts and the state, the one hundred six percent levy limit shall be determined as follows:

(a) The one hundred six percent levy limit for an intercounty rural library district shall be determined by the board of trustees of the intercounty rural library district in consultation with the respective county assessors of the counties involved;

(b) The levy limit for the state levy shall be determined by the department.

NEW SECTION

WAC 458-19-020 One hundred six percent levy limit—Method of calculation. (RCW 84.55.010 AND 84.55.092).

(1) The amount of regular property taxes that can be levied by a taxing district in any year shall be limited to an amount that will not exceed the amount resulting from the following calculation, except as otherwise provided in WAC 458-19-045 (Lid lift):

(a) Multiply the highest amount that could have been lawfully levied by the taxing district (other than the state) since 1985 for 1986 collection, by one hundred six percent; add

(b) A dollar component resulting from multiplying the increase in assessed value of the district from the previous year attributable to new construction, improvements to property, and any increase in the assessed value of state assessed property, by the actual regular property tax levy rate of that district for the preceding year.

(2) The one hundred six percent levy limit for the state shall be calculated in the same manner as for other taxing districts except that one hundred six percent is multiplied by the highest amount that was lawfully levied by the state in the three most recent years in which such taxes were levied.

NEW SECTION

WAC 458-19-025 One hundred six percent levy limit—Restoration of regular levy. (RCW 84.55.015)

(1) When a taxing district elects to impose a regular property tax levy, after not having imposed such a levy in any one of the three most recent years, the regular property tax payable as a result of the restored levy shall not exceed the lesser of:

(a) The combination of the following:

(i) the amount that could have been lawfully levied in 1973 plus,

(ii) a dollar component calculated by adding the increase in assessed value of property in the district attributable to new construction, improvements to property and any increase in the assessed value of state assessed property, starting with 1974 through the current year. Multiply that total by the levy rate that is proposed to be restored. The levy rate that is proposed to be restored shall be determined by dividing the total dollar amount of the levy that could have been made in 1973 by the current year's assessed value after deducting the accumulated assessed value attributable to new construction, improvements to property and any increase in the assessed value of state assessed property since 1974; or

(b) The maximum amount which could be lawfully levied by that district in the year such a restored levy is proposed, subject to the statutory aggregate dollar rate limitation, the constitutional limit, and the statutory dollar rate limit contained in the taxing district's authorizing statute, without considering the calculation used in subsection (1)(a) of this section.

(c) **Example.** Taxing district "A" has not levied a regular levy in any of the three most recent years. Taxing district "A" could have levied \$10,000 in 1973 based upon 1973 assessed value and all lawful limitations at that time. The total of increases in assessed value of property resulting from new construction, improvements to property and increase in the assessed value of state assessed property beginning in 1974 through the current year is \$3,000,000. The assessed value of taxing district "A" for the current year is \$15,000,000. The calculation for (a) of this subsection is as follows:

Current year A.V. -	\$15,000,000
Subtract increases in new construction, etc. since 1973 -	3,000,000
	\$12,000,000
Levy amount allowable in 1973 -	\$10,000
Current year A.V. less increases in new construction -	÷\$12,000,000
Levy rate proposed to be restored -	.000833

Increases in new construction, etc. -	x \$3,000,000
Calculated dollar amount -	\$ 2,500
Allowable 1973 levy -	+ 10,000
Allowable levy for current year (under (a)) -	\$ 12,500

The amount calculated under (a) of this subsection must be compared to the amount determined under (b) of this subsection and the lesser of the two amounts is the maximum amount that can be levied under this section.

(2) Assessor to maintain taxing district records.

Records of new construction, improvements to property, and increases in the value of state assessed property shall be maintained each year by the county assessor for each taxing district whether or not the district imposes a regular property tax levy.

NEW SECTION

WAC 458-19-030 One hundred six percent levy limit—Consolidation of districts. (RCW 84.55.020).

(1) The first regular property tax levy made by a taxing district which is created after consolidation of two or more districts shall not exceed one hundred six percent of the following amount:

(a) The sum of the highest amount of regular property taxes that could have been lawfully levied by each of the component districts since 1985 for 1986 collection; plus

(b) The sum of each of the amounts resulting from multiplying the assessed value of property attributable to new construction, improvements to property, and increases in the assessed value of state assessed property in each of the component districts in the preceding year by the regular property tax rate of each component district in the preceding year.

(2) **Example.** Following is an example of the calculation prescribed in subsections (1)(a) and (1)(b) of this section. Taxing district "A" and taxing district "B" consolidate, becoming one taxing district. The highest amount of regular property taxes that could have been lawfully levied by district "A" since 1985 for 1986 collection is \$100,000. The highest amount of regular property taxes that could have been lawfully levied by district "B" since 1985 for 1986 collection is \$150,000. The increase in assessed value due to new construction, improvements to property and increase in assessed value of state assessed property in district "A" in the year prior to consolidation was \$600,000. The increase in assessed value due to new construction, improvements to property and increase in assessed value of state assessed property in district "B" in the year prior to consolidation was \$900,000. The regular property tax rate for district "A" in the year prior to consolidation was \$.50 per \$1,000 of assessed value. The regular property tax rate for district "B" in the year prior to consolidation was \$.45 per \$1,000 of assessed value. The maximum amount of regular property taxes that can be levied in the year of consolidation, for taxes payable the following year, by the new consolidated taxing district is calculated as follows:

	Highest regular levy	
District "A" -	\$100,000	
District "B" -	150,000	
Total -	\$250,000	x 1.06 = \$265,000
Increases in assessed value multiplied by levy rate:		

District "A" -	\$600,000 x \$.50 ÷ \$1,000 =	\$300
District "B" -	\$900,000 x \$.45 ÷ \$1,000 =	\$405
		\$705

Maximum regular property taxes that can be levied in the year of consolidation, payable in the year following consolidation

$$\$265,000 + 705 = \$265,705$$

NEW SECTION

WAC 458-19-035 One hundred six percent levy limit—Annexation. (RCW 84.55.030, 84.55.110)

(1) **Increase in area due to annexation.** The first regular property tax levy of a taxing district after annexation by that district of another area or dissimilar district shall not exceed the amount calculated as follows:

(a) Multiply the highest amount of regular property taxes that could have been lawfully levied since 1985 for 1986 collection, of the annexing district as though no annexation had occurred, by one hundred six percent.

(b) Multiply the increase in assessed value in the annexing district since the preceding year attributable to new construction, improvements to property and increase in assessed value of state assessed property by the regular property tax levy rate of the annexing district for the preceding year.

(c) Multiply the current year assessed value of the annexed area or district by the levy rate that would have been used for the current year by the annexing district had there been no annexation.

(d) Add the amounts calculated in subsections (1)(b) and (1)(c) of this section to the amount determined in subsection (1)(a) of this section.

(2) **Example.** Following is an example of the calculations prescribed in subsection (1) of this section. Taxing district "A" annexes a portion of taxing district "B" in 1993. The highest amount of regular property taxes that could have been levied by district "A" since 1985 for 1986 collection is \$100,000. The increase in assessed value from 1992 to 1993 in district "A" due to new construction, improvements to property, and increase in the value of state assessed property is \$700,000. The levy rate for district "A" for 1992 was \$.50 per \$1,000 of assessed value. The 1993 levy rate for district "A", had there been no annexation, would have been \$.48 per \$1,000 of assessed value. The 1993 assessed value of the portion of taxing district "B" that was annexed by taxing district "A" is \$5,000,000. The first regular levy by taxing district "A" after annexation shall not exceed the amount calculated as follows:

District "A" highest levy -	\$100,000
	x 1.06
	\$106,000
A.V. of new construction in district "A" -	\$700,000
District "A" levy rate for 1992 -	x .50
	\$350,000
Divide by \$1,000 -	÷ 1,000
Levy amount for new construction -	\$350
1993 A.V. of annexed portion of district "B" -	\$5,000,000
District "A" levy rate that would have been used in 1993, absent annexation -	x .48

	\$2,400,000
Divide by \$1,000 -	÷ <u>1,000</u>
Levy amount for annexed part of district "B" -	\$2,400
	\$106,000
	2,400
	+ <u>350</u>
Maximum levy amount for district "A" after annexation -	\$108,750

(3) **Loss of area due to annexation.** When a taxing district loses a portion of its area as a result of annexation to another district, the calculation of the one hundred six percent limit for the taxing district which loses part of its area is calculated by multiplying the highest amount that could have been lawfully levied by that taxing district since 1985 for 1986 collection by one hundred six percent. However, only the increase in assessed value from the preceding year, attributable to new construction, improvements to property, and increase in assessed value of state assessed property which is actually situated in the remaining area of the taxing district is added to the amount thus determined, to calculate the one hundred six percent limit. The levy rate shall in no case exceed the statutory dollar rate limit for that class of taxing district.

NEW SECTION

WAC 458-19-040 One hundred six percent levy limit—Newly formed taxing district. (RCW 84.55.035).

The one hundred six percent levy limit does not apply to the first regular levy made by a newly formed taxing district created other than by consolidation or annexation. The newly formed taxing district may levy up to the statutory dollar rate limit for that class of district, subject to the statutory aggregate dollar rate limit and the constitutional limit. The second regular levy by the district and all subsequent regular levies are subject to the one hundred six percent limit.

NEW SECTION

WAC 458-19-045 One hundred six percent levy limit—Removal of limit (lid lift). (RCW 84.55.050).

(1) **Introduction.** The one hundred six percent levy limit may be exceeded when authorized by a majority of the voters voting on a proposition to "lift the lid" of the one hundred six percent limit. This "lid lift" is intended to allow the one hundred six percent limit to be exceeded for the levy made immediately following the vote on the proposition. The purpose of the lid lift is to allow additional taxes to be collected at a time when the statutory aggregate dollar rate limit, the statutory dollar rate limit, and the constitutional limit are not the limitations restricting the raising of additional taxes; the lid lift vote is most effective at a time when the one hundred six percent limit is the limitation that is currently restricting the raising of additional property taxes. This rule explains the procedures for implementing a lid lift ballot proposition.

(2) **Ballot proposition election—when held.** The election to approve a lid lift proposition must be held within the taxing district and may be held at the time of a general election, or at a special election called by the governing body of the taxing district for that purpose. A simple

majority vote is required for approval. The election must be held not more than twelve months prior to the date the proposed levy is to be made. For purposes of this rule, a levy is "made" when the taxing district's budget is certified.

(3) **Ballot contents.** (a) The ballot of the proposition shall state the dollar rate of the proposed levy, which rate may be less than the maximum statutory dollar rate limit allowed for the particular class of taxing district.

(b) The ballot may contain the following conditions or a combination of them and shall clearly state those conditions which apply:

(i) the ballot may limit the number of years the increased levy will continue; however, if one of the purposes of the increased levy is to make redemption payments on bonds of the taxing district, the increased levy shall not exceed nine years;

(ii) the ballot may limit the purpose or purposes of the increased levy.

(c) The ballot of the proposition shall be prepared by the county prosecutor or city attorney, as applicable, in accordance with the provisions of RCW 29.27.060.

(4) **Permanent lid lift.** (a) A permanent lid lift is one where the ballot of the proposition contains none of the conditions stated in subsection (3)(b) of this section.

(b) The first regular levy of a taxing district made after voter approval of a permanent lid lift proposition shall be calculated on the basis of the dollar rate stated in the ballot proposition, but that dollar rate shall be subject to the constitutional limit, the statutory aggregate dollar rate limit and any applicable prorationing.

(c) The one hundred six percent limit on regular levies of a taxing district made subsequent to the first regular levy made after voter approval of a permanent lid lift proposition shall be calculated as stated in WAC 458-19-020, except that instead of multiplying the highest amount that could have been lawfully levied since 1985 by one hundred six percent, the dollar amount of the regular levy calculated in accordance with (b) of this subsection is used.

(5) **Temporary lid lift.** (a) A temporary lid lift is one where the ballot of the proposition contains a time limit on the increased levy or contains a limited purpose or purposes for the increased levy, or both.

(b) The first regular levy of a taxing district made after voter approval of a temporary lid lift proposition shall be calculated on the basis of the dollar rate stated in the ballot proposition, but that dollar rate shall be subject to the constitutional limit, the statutory aggregate dollar rate limit and any applicable prorationing.

(c) The one hundred six percent limit on regular levies of a taxing district made subsequent to the first regular levy made after voter approval of a temporary lid lift proposition shall be calculated as stated in WAC 458-19-020 except that instead of multiplying one hundred six percent by the highest amount since 1985, the dollar amount of the regular levy calculated in accordance with (b) of this subsection is multiplied by one hundred six percent.

(d) After expiration of the time limit or satisfaction of the limited purpose, whichever comes first, the taxing district's subsequent regular levies shall be calculated using the maximum amount allowed under the one hundred six percent limit during the years the levies were made under the ballot proposition, as if there had been no lid lift proposition.

NEW SECTION

WAC 458-19-050 Port district levies. (1) Introduction. This rule describes the various port district levies and the limitations to which they are subject. Port district levies are not limited by the constitutional one percent limit nor by the statutory aggregate dollar rate limit. All port district levies are regular levies, by statutory definition (RCW 84.04.140), regardless of whether they are voted levies.

(2) **Levy for general port purposes.** Port districts may annually levy taxes for general port purposes, including the establishment of a capital improvement fund for future capital improvements. This levy shall not exceed forty-five cents per thousand dollars of assessed value of the port district. This levy may be made without an authorizing vote of the voters of the district.

(3) **Levy for bond repayment.** Port districts may levy taxes for the purpose of payment of the principal and interest on any general bonded indebtedness of the port district. This levy itself is not subject to any dollar rate limitation, other than the limitations on the amount of indebtedness that a port district may incur by contract or borrowing, and the one hundred six percent limit.

(4) **Levy for dredging, canal construction, or land leveling or filling purposes.** Port districts may annually levy taxes for dredging, canal construction, or land leveling or filling purposes, and the proceeds of any such levy must be used exclusively for such purposes. This levy shall not exceed forty-five cents per thousand dollars of assessed value of the port district. This levy must first be authorized by a vote of a majority of the electors of the district voting on whether to make such a levy, submitted at an election held under the provisions of RCW 29.13.020.

(5) **Levy for industrial development district purposes.** Port districts that have adopted a comprehensive scheme of harbor improvements and industrial development may annually levy taxes to be used exclusively for purposes of industrial development districts as described in chapter 53.25 RCW, except that any excess revenue not required to complete projects under chapter 53.25 RCW shall be used solely for the retirement of general obligation bonded indebtedness of the district. This levy shall not exceed forty-five cents per thousand dollars of assessed value of the port district. This levy need not be authorized by a vote of the people of the district, except as provided in (b) of this subsection.

(a) **Levy for limited time period.** This levy is limited to a period of twelve years only.

(b) **Notice to be given if levy to last more than six years.** If this levy is intended to extend beyond the first six years authorized, the port commission shall publish notice of this intention, in one or more newspapers of general circulation in the district, after January 1 and not later than June 1 of the year in which the seventh annual levy is to be made. If a petition by the required number of registered voters in the port district in accordance with RCW 53.36.100 is filed within ninety days of the date of publication of the notice, levies during the seventh through twelfth years may only be made if approved by a majority of the voters of the port district voting on the proposition.

(6) **Calculation of the one hundred six percent limit for port districts.** (a) The levies described in subsections

(2), (3), and (4) of this section are subject to the one hundred six percent limit. For purposes of the calculation of that limit, the dollar amount of those levies are combined and the one hundred six percent limit is calculated as provided in WAC 458-19-020.

(b) For purposes of the one hundred six percent limit, the levy described in subsection (5) shall be treated in the same manner as though it were a separate regular property tax levy made by or for a separate taxing district. The first levy of a port district under subsection (5) shall not be subject to the one hundred six percent limit.

(7) **Limit of indebtedness.** (a) **Without voter approval.** Port districts, other than those described in (a)(i) and (a)(ii) of this subsection, may contract indebtedness or borrow money in an amount not exceeding one-fourth of one percent of the actual value of the taxable property in the district plus the timber assessed value for the district, as "timber assessed value" is defined in RCW 84.33.035(8), without voter approval.

(i) Port districts having less than eight hundred million dollars in value of taxable property may not incur indebtedness, combined with existing indebtedness not authorized by the voters, in excess of three-eighths of one percent of the value of the taxable property of the district.

(ii) Port districts having less than two hundred million dollars in value of taxable property and operating a municipal airport, may contract indebtedness or borrow money not exceeding an additional one-eighth of one percent of the value of the taxable property of the district above that authorized in (a) and (a)(i) of this subsection, without authorization by the voters.

(b) **With voter approval.** (i) Port districts may contract indebtedness or borrow money for district purposes in an amount not to exceed three-fourths of one percent of the taxable value in the district, with the assent of three-fifths of the voters voting at a general or special election called for that purpose.

(ii) Port districts described in (a)(ii) of this subsection may contract indebtedness or borrow money for airport capital improvement purposes up to an additional three-eighths of one percent of the taxable value in the district with the assent of three-fifths of the voters voting at a general or special election called for that purpose, provided the total indebtedness of the district shall not exceed one and one-fourth percent of the taxable property in the district.

NEW SECTION

WAC 458-19-055 One hundred six percent levy limit—Proration of earmarked funds. (1) Introduction. There are levies that may be "earmarked" for specific purposes even though they are part of, or in addition to, the general regular levy made by a taxing district. This rule describes when and how the levy rate of the earmarked levies may be reduced as a result of the operation of the one hundred six percent levy limit.

(2) **Firemen's pension fund.** The legislative authority of a city or town having a regularly organized full time, paid, fire department employing firefighters may reduce the levy rate of a levy made under the authority of RCW 41.16.060 allocated to the firemen's pension fund in the same proportion as the regular property tax levy rate of such

a city or town is reduced by the one hundred six percent limit.

(3) **Mental health services levy.** The county legislative authority shall annually levy a tax under the authority of RCW 71.20.110 not to exceed two and one-half cents per thousand dollars of assessed value of the property in the county for the purposes of providing funds for the coordination of community mental retardation and other developmental disability services and to provide community mental retardation, other developmental disability, or mental health services. The levy rate of this levy allocated to these purposes may be reduced in the same proportion as the regular property tax levy rate of the county is reduced by the one hundred six percent limit.

(4) **Veteran's assistance fund.** The county legislative authority shall annually levy a tax under the authority of RCW 73.08.080 at a rate not less than one and one-eighth cents per thousand dollars of assessed value of the taxable property of the county, unless a lesser amount is levied as provided in that statute, and not to exceed twenty-seven cents per thousand dollars of assessed value for the purpose of providing revenue for a veteran's assistance fund. The levy rate of this levy allocated to this purpose may be reduced in the same proportion as the regular property tax levy of the county is reduced by the one hundred six percent limit.

(5) **Earmarked levies to be reduced only when regular levy affected.** The reduction of these earmarked levies, as described in this section, shall only be made when the general regular levy of the taxing district involved is affected by the one hundred six percent levy limit.

(6) **Affect of voluntary reduction below one hundred six percent levy limit by taxing district.** If a taxing district levying a tax for an earmarked fund voluntarily reduces its regular levy below the maximum levy allowed by the one hundred six percent limit, there shall be no resulting reduction in the levy rate for earmarked funds.

NEW SECTION

WAC 458-19-060 Emergency medical service levy. (RCW 84.52.069). (1) **Introduction.** The emergency medical service (EMS) levy is a regular levy approved by a super majority of registered voters at a general or special election held in accordance with the provisions of RCW 84.52.069. The ballot proposition shall conform to the provisions of RCW 29.30.111. Only a county, emergency medical service district, city, town, public hospital district, or fire protection district is authorized to impose a regular levy for emergency medical care or emergency medical services. The EMS levy, in each year for six consecutive years, shall not exceed fifty cents per thousand dollars of assessed value of the property of the taxing district.

(2) **County-wide EMS levy.** A county-wide EMS levy shall not be placed on the ballot without first obtaining the approval of the legislative authority of any city within the county having a population exceeding fifty thousand. No other taxing district within the county may hold an election on a proposed EMS levy at the same time as the election on a proposed county-wide EMS levy. To the extent feasible, emergency medical care and services shall be provided throughout the county whenever the county levies an EMS

levy. In addition, if a county levies an EMS levy, the following conditions apply:

(a) A taxing district within the county, authorized to levy an EMS levy may do so, but only if the taxing district's EMS levy rate does not exceed the difference between the county's EMS levy rate and fifty cents per thousand dollars of assessed value of the property of the taxing district; and

(b) When a taxing district within the county levies an EMS levy and the voters of the county subsequently approve an EMS levy, then the taxing district shall reduce its EMS levy rate to the extent the combined EMS levy rate of the county and the taxing district exceeds fifty cents per thousand dollars of assessed value in the taxing district; and

(c) An EMS levy of a taxing district within the county, authorized by the voters subsequent to an EMS levy by a county, shall expire concurrently with the county EMS levy.

(3) **EMS levy of taxing district other than county.** If a taxing district within the county, authorized to levy an EMS levy has done so, no other taxing district, other than the county, may concurrently levy an EMS levy within the boundaries of the taxing district.

(4) **EMS levy—constitutional one percent limit.** In the event that a reduction of the EMS levy rate is required under the constitutional one percent limit, any portion of the EMS levy that is in excess of thirty cents per thousand dollars of assessed value shall be reduced at the same rate or eliminated as the regular levy of the administering taxing district is reduced or eliminated, except in the case of an EMS levy by an emergency medical service district; if the EMS levy is a levy of an emergency medical service district, any portion of that levy in excess of thirty cents per thousand dollars of assessed value shall be reduced or eliminated in accordance with RCW 84.52.010 (2)(c).

(5) **EMS levy—one hundred six percent limit.** The one hundred six percent levy limit does not apply to the first EMS levy following voter authorization, but does apply to each EMS levy made in the next five years or until reauthorized by the voters. The EMS levy shall be calculated separately from a taxing district's regular levy for purposes of the one hundred six percent limit.

NEW SECTION

WAC 458-19-065 One hundred six percent levy limit—Protection of future levy capacity. (1) In any year when a taxing district other than the state levies taxes in an amount less than the maximum amount allowed by the one hundred six percent levy limit, whether voluntarily or as a result of the operation of the statutory aggregate dollar rate limit reducing or eliminating the taxing district's levy rate, the one hundred six percent levy limit for succeeding years after 1985 will be calculated as though the maximum lawful levy amount allowed by the one hundred six percent limit had been levied.

(2) **Example.** (a) (These examples do not include any amounts for new construction, improvements to property or increases in the value of state assessed property.) In 1993, the highest amount of regular property taxes that could have been lawfully levied by taxing district "A" as restricted by the one hundred six percent limit was \$100,000. But in 1993 taxing district "A" is otherwise limited by the statutory aggregate dollar rate limit to a maximum levy of \$95,000.

The one hundred six percent limit for the 1994 levy will be calculated on the basis of what could have been the highest levy amount for 1994, that is \$100,000 x 1.06 = \$106,000; not \$95,000 x 1.06 = \$100,700. The amount actually levied in 1993 is not controlling.

(b) In this same example, if the levy amount of district "A" had been limited by the statutory dollar rate limit in 1993 to \$95,000, and \$95,000 was the highest amount of regular property taxes that could have been lawfully levied since 1985, then the one hundred six percent limit for 1994 would be calculated on the basis of \$95,000, that is \$95,000 x 1.06 = \$100,700.

DISTRICT	ORIG LEVY RATE	PRO- RATE FACTOR	FINAL LEVY RATE
County	1.8000	NONE	1.8000
Road	2.2500	NONE	2.2500
Library	.5000	NONE	.5000
Fire	.7000	NONE	.7000
Hospital	.5000	NONE	.5000
Cemetery	.1125	.4138	.0466
Hospital	.2500	.4138	.1034
Totals	6.1125		5.9000

Beginning with the limit of \$5.90, subtract the original levy rates for the county and county road taxing districts, leaving \$1.85 available. Subtract \$1.70 for the library's \$.50, the fire district's \$.70 and the hospital's \$.50, leaving \$.15 available to be shared by the cemetery's \$.1125 and the hospital's \$.25. The proration factor is arrived at by dividing the amount available (\$.15) by the original amount (\$.3625) within that tier ((c) of subsection (2) of this section) resulting in a proration factor of .4138. This factor is then applied to the original levy rates in this tier of \$.1125 and \$.25 for the cemetery and hospital respectively.

NEW SECTION

WAC 458-19-070 Procedure to adjust consolidated levy rate for taxing districts when limits exceeded. (RCW 84.52.010 and RCW 84.52.050). (1) **Introduction.** The aggregate of all regular levy rates of junior taxing districts and senior taxing districts other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed value. The aggregate of all regular tax levies by the state and all taxing districts other than port districts or public utility districts shall not exceed one percent of the true and fair value of any taxable property. When the county assessor finds that either of these limits has been exceeded, the assessor shall recompute the levy rate and establish a new consolidated levy rate in the following manner:

(2) Beginning with the five dollar and ninety cents per thousand dollars of assessed value consolidated levy rate limit, subtract the levy rates of the county and the county road district if the tax code area includes the unincorporated portion of the county, or the levy rates of the county and the city or town if the tax code area includes an incorporated area, as applicable. The levy rate reductions or eliminations shall be made on a pro rata basis within each tier and, as necessary, proceeding until the consolidated levy rate no longer exceeds either of the two limits, beginning with:

(a) The levy rates, if any, by a park and recreation service area under RCW 36.68.525, a park and recreation district under RCW 36.69.145 and a cultural arts, stadium and convention district under RCW 67.38.130;

(b) The levy rate, if any, by a flood control zone district under RCW 86.15.160(3);

(c) The levy rates, if any, by all other junior taxing districts, except fire protection districts, library districts, and the first fifty cents per thousand dollars of assessed valuation levies for metropolitan park districts and public hospital districts;

(d) The levy rates, if any, by fire protection districts as authorized by RCW 52.16.140 and 52.16.160; and

(e) The levy rates, if any, by fire protection districts as authorized by RCW 52.16.130, library districts, and the first fifty cents per thousand dollars of assessed valuation levies for public hospital districts and metropolitan park districts.

(3) **Example.**

NEW SECTION

WAC 458-19-075 Constitutional one percent levy limit calculation. (1) The total amount of regular property tax levies that can be applied to taxable property is limited to no more than one percent of the true and fair value of such property in money. The one percent limit is stated in Article VII, section 2 of the state Constitution and the enabling statute, RCW 84.52.050. The one percent limit is based upon the amount of taxes actually levied on the value of such property, not the dollar rate used in computing those taxes. In order to determine whether the one percent limit is being exceeded, the following calculations are made:

(a) Add all the regular levy rates in the tax code area, including the state school levy at the local rate, any conservation futures levy imposed pursuant to RCW 84.34.230, any emergency medical service levy imposed pursuant to RCW 84.52.069, and any affordable housing levy imposed pursuant to RCW 84.52.____. The levy rate for a port or public utility district is not included.

(b) Multiply the sum obtained by the higher of the real or personal property ratio of the county for that levy year to determine the effective one percent levy rate. If the effective regular levy rates exceed ten dollars per thousand dollars of assessed value, the rates of those districts shall be adjusted in the manner described in WAC 458-19-070, until the sum is equal to ten dollars per thousand dollars of assessed value.

NEW SECTION

WAC 458-19-080 City annexed by fire protection and/or library districts. (1) When a city or town is annexed to a fire protection and/or a library district, the city or town is authorized to levy up to three dollars and sixty cents per thousand dollars of assessed value less the levy made by the fire protection and/or library district. The assessor shall calculate the first levy following annexation as follows:

(a) Calculate the levy and rate for the fire protection and/or library district, including the assessed value of the annexed city or town; then

(b) Subtract the fire protection and/or library district levy rate from the statutory rate of the city or town (\$3.60 per \$1,000 A.V.). The resulting rate is the maximum levy rate for the city or town even if the fire and/or library district rate is later reduced as a result of prorationing pursuant to RCW 84.52.010 to prevent the consolidated levy rate from exceeding the statutory aggregate dollar rate limit.

(2) Calculate the one hundred six percent levy limit for the city or town independently of the calculations performed in subsection (1) of this section.

(3) The fire protection and/or library district levy rate is subtracted from the city or town statutory levy rate before any pro rata reduction under RCW 84.52.010 is made.

WSR 93-18-090
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Center for Health Statistics)
 [Filed September 1, 1993, 10:28 a.m.]

Original Notice.

Title of Rule: Reporting of pregnancy terminations and disclosure of information.

Purpose: To correct inadvertent repeal of reporting requirements of induced terminations of pregnancy, WAC 246-340-100 and 246-340-110.

Statutory Authority for Adoption: RCW 43.70.040.

Statute Being Implemented: Department of Health/Secretary's Powers.

Summary: Each hospital and facility in Washington state where induced terminations are performed during the first, second, or third trimester of pregnancy are required to file a report to the Department of Health within one month of termination. Information on the reports shall not be disclosed to identify individuals without their consent.

Reasons Supporting Proposal: The health care data from health care providers regarding induced terminations are essential to the mission of the Department of Health.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Teresa Jennings, Center for Health Statistics, 1112 Quince Street South, Olympia, WA, 586-8729.

Name of Proponent: Teresa Jennings, Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule requires facilities to report pregnancy terminations and induced abortions that are performed during the first, second, or third trimester of pregnancy. The purpose is to continue the reporting requirements for the health care providers regarding induced terminations of pregnancy. There should be little affect on the public as this is simply a process to keep in place a system already operating. Abortion, however, is always controversial and the possibility of considerable public interest does exist.

Proposal Changes the Following Existing Rules: It is simply moving the rule from chapter 246-340 WAC to chapter 246-490 WAC.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on October 5, 1993, at 1 p.m.; and at the Rock Point Building, West 316 Boone, Suite 80, Spokane, WA 99201-2314, on October 7, 1993, at 1 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, Department of Health, P.O. Box 47902, Olympia, WA 98504-7902, by October 4, 1993.

Date of Intended Adoption: October 7, 1993.

August 31, 1993

Bruce Miyahara
Secretary

NEW SECTION

WAC 246-490-100 Reporting of pregnancy terminations. Each hospital and facility where lawful induced abortions are performed during the first, second, or third trimester of pregnancy shall, on forms prescribed and supplied by the secretary, report to the department during the following month the number and dates of induced abortions performed during the previous month, giving for each abortion the age of the patient, geographic location of patient's residence, patient's previous pregnancy history, the duration of the pregnancy, the method of abortion, any complications, such as perforations, infections, and incomplete evacuations, the name of the physician or physicians performing or participating in the abortion and such other relevant information as may be required by the secretary. All physicians performing abortions in nonapproved facilities, when the physician has determined that termination of pregnancy was immediately necessary to meet a medical emergency, shall also report in the same manner, and shall additionally provide a clear and detailed statement of the facts upon which he or she based his or her judgment of medical emergency.

NEW SECTION

WAC 246-490-110 Disclosure of information. To assure accuracy and completeness in reporting, as required to fulfill the purposes for which abortion statistics are collected, information received by the board or the department through filed reports or as otherwise authorized, shall not be disclosed publicly in such a manner as to identify any individual without their consent, except by subpoena, nor in such a manner as to identify any facility except in a proceeding involving issues of certificates of approval.

WSR 93-18-095
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed September 1, 1993, 10:55 a.m.]

Original Notice.

Title of Rule: Amending WAC 480-09-760 relating to interlocutory orders, the amendatory section is shown below as Appendix A, Docket No. A-930792.

Purpose: The proposed amendment to WAC 480-09-760 would state who may seek review of interlocutory orders and upon what schedule, and would state the commission's power to alter pertinent deadlines.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted because the proposal is pursuant to legislative authorization in RCW 80.01.040.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal would clarify the time for seeking review, of interlocutory orders and for answering petitions for review.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The proposal would have no economic affect.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on October 20, 1993, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, by September 29, 1993.

Date of Intended Adoption: October 20, 1993.

September 1, 1993

Paul Curl
Secretary

APPENDIX A

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-760 Interlocutory orders. The commission has discretion to accept or decline review of interim or interlocutory orders (~~entered by an administrative law judge~~) in an adjudication.

(1) Except where otherwise provided, the commission may review such orders when it finds that:

~~((1))~~ (a) A party's participation is terminated by the ruling and the party's inability to participate thereafter could cause it substantial and irreparable harm; or

~~((2))~~ (b) A review is necessary to prevent substantial prejudice to a party that would not be remediable by post-hearing reviewing; or

~~((3))~~ (c) A review could save the commission and the parties substantial effort or expense, or some other factor is

present that outweighs the costs in time and delay of exercising review.

(2) Any aggrieved party may petition for review of an interlocutory order. Petitions for interlocutory review must be filed with the commission and served on other parties within ten days after entry of the order, stating clearly why the order is in error and citing reasons in support of the petition. Answers must be filed within ten days after the petition is filed. The commission may alter these filing deadlines when doing so is consistent with the public interest.

WSR 93-18-096

PROPOSED RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Filed September 1, 1993, 10:58 a.m.]

Original Notice.

Title of Rule: Adding and amending certain of the commission's rules relating to procedure in chapter 480-09 WAC, and amending provisions in WAC 480-12-033 relating to procedure for review of decisions involving temporary motor carrier authority; provisions in WAC 480-80-240 relating to procedures for tariff filings, including approval without statutory notice; and provisions in WAC 480-149-120 relating to procedures for tariff filings, including approval on less than statutory notice. The amendatory sections are shown below as Appendix B of Docket No. A-930517.

Purpose: The proposals will simplify, clarify, or unify the commission's procedural requirements or will establish procedures for administrative convenience that will improve the commission's ability to process matters before it.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: Chapter 34.05 RCW and RCW 80.36.400.

Summary: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted because the proposal is pursuant to legislative authorization in RCW 80.01.040.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal would add or modify a number of procedural rules or procedures set out in other commission rules. Proposed new WAC 480-09-012 would state where incorporated documents may be viewed and obtained.

WAC 480-09-120 would rearrange text provisions for clarity and add appropriate exceptions from the ban on fax filing.

WAC 480-09-210 and 480-09-220 would move one provision from WAC 480-09-220 to WAC 480-09-210 for clarity.

WAC 480-09-320 would delete requirements relating to "intervenor lists" and substitute use of master service lists for notification of general rate increases.

WAC 480-09-330 would require the filing of 20 copies of prepared testimony and exhibits in general rate cases, and three copies of work papers; require a general rate filing to identify changes in presentation from prior methodology; correct a typographical error; clarify the methodology for calculating the affect of a proposed rate increase; require disclosure of test year revenue generated by the company's most recent general rate increase; and conform announcement requirements with the proposed change in WAC 480-09-320, above.

WAC 480-09-420 would state a standard paper size for pleadings; limit pleadings to 60 pages without prior permission; correct a typographical error; change routine filing requirements for transportation rate proceedings to 19 copies; delete reference to superior court motion practice; clarify motion filing requirements; and add a pertinent reference section.

WAC 480-09-425 would amend the heading to more accurately reflect the text; delete a provision on oral argument, because the commission has the authority to hear oral argument in any event; and clarify that a motion to strike a pleading or part of a pleading does not stay the time for answering the pleading.

WAC 480-09-480 would clarify filing requirements to include segments of the transportation industry; add definitions of record requisition and bench request; add proceedings initiated by petition as cases in which the commission staff is not ordinarily required to respond to discovery requests until after its case is filed; encourage telephone conferences to resolve discovery disputes, simplify procedures and permits flexibility in scheduling conferences; include in the rule what are now informally accepted processes for making and answering record requisitions and bench requests; require notification to parties if discovery response times may be longer than specified; establish procedures for offering deposition excerpts and related exhibits; limit time for proposing corrections to deposition transcripts and limit subjects of corrections to actual corrections of errors; correct timing of right to offer responsive excerpts to the time of admission, rather than the offer, of deposition excerpts; correct typographical error; allow schedule changes without need for prehearing conference order; deleted detailed requirements for hearing and review of discovery rulings, which may be accommodated in existing process with greater flexibility; and clarify that a discovery order not reviewed by the commission is binding on the parties unless modified.

WAC 480-09-500 would allow the commission to hear any matter on brief adjudication when all parties agree and the commission believes the process to be in the public interest; and add hearing examiners as a class to whom the commission may assign a brief adjudication.

WAC 480-09-720 would clarify the appearance requirement for persons seeking to intervene.

WAC 480-09-736 would change the standard for suspension of hearing guidelines from discretion to when

appropriate; allow but would no longer require a hearing to begin in absence of counsel who are late; identify motions that should be stated at the start of a hearing or hearing day; encourage, rather than merely allowing, extended colloquies to be held off the record; update filing requirements for predistributed evidence to reflect current informal practice and to establish a consistent process; clarify requirements for showing amendments to prefiled documents; encourage errata sheets for numerous changes; clarify provisions for use and submission of oversized documents; clarify process for submitting amended exhibits; amend filing requirements for case-related materials; state prefiling requirement for motions that would result in dismissal of a claim or a party; and clarify that tape recordings as well as transcripts will be provided at the ordering party's expense.

WAC 480-09-770 would restate the 60-page length limitation and clarify the number of required copies of briefs.

WAC 480-09-780 would update copy requirements and restate document length limitation for petitions for administrative review and answers to those petitions.

WAC 480-09-810 would update copy requirements for petitions for reconsideration.

WAC 480-12-033 would amend the existing rule relating to brief adjudicative review procedures for decisions on applications for temporary motor carrier authority to conform with existing provisions of WAC 480-09-500.

WAC 480-80-240 would change the term "without statutory notice" to "less than statutory notice" and would add a requirement that such filings be clearly identified in a cover letter, and clarify language without substantive change.

WAC 480-80-320 would conform procedures on cancellation of tariffed services with charges proposed in WAC 480-30-240, above.

WAC 480-149-120 would add the requirement that LSN tariff submissions be clearly identified; clarify language without substantive changes; and extend the review time for solid waste filings from 30 to 45 days, to conform with statutory changes.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The proposal will have negligible economic affect on industry or will affect fewer than the required number of businesses to come within the requirement of chapter 19.85 RCW.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on October 20, 1993, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, by September 29, 1993.

Date of Intended Adoption: October 20, 1993.

September 1, 1993

Paul Curl
Secretary

APPENDIX B

NEW SECTION

WAC 480-09-012 Incorporated and referenced materials. Any document that is incorporated by reference in a commission rule is available for public inspection at the Washington utilities and transportation commission branch of the Washington state library, housed with the commission's headquarters office. The commission secretary will provide a copy of a referenced document upon request, allowing reasonable time for any necessary copying, subject to any pertinent charge and subject to copyright restrictions.

AMENDATORY SECTION (Amending Order R-351, Docket No. A-910835, filed 10/30/91, effective 11/30/91)

WAC 480-09-120 Filing and service. (1) Filing. Filing of any document (~~(shall be deemed)~~) is complete only upon receipt by the secretary or, when authorized by the presiding officer of a proceeding before the commission, upon receipt by the presiding officer.

(a) Except as provided (~~(in WAC 480-80-070 for tariff filings and except for the filing of Form E proof of insurance when a hard copy is received within ten days)~~) in this rule, receipt in the commission's telefax machine, or similar device, does not constitute filing. The following documents may be filed by telefacsimile device when a hard copy is sent by mail, postmarked on the day of filing, and received in the normal course of commerce, except as specifically noted:

- (i) Tariff filings, when a hard copy is filed the next day, as provided in WAC 480-80-070;
- (ii) Form E proof of insurance, when a hard copy is filed within ten days;
- (iii) Tariff filings by solid waste companies, auto transportation companies, steamboat companies and motor carriers; and
- (iv) Proposals to amend commission tariffs, as provided in WAC 480-12-295.

(b) Unless in a particular case the commission specifies a different number of copies, every pleading submitted to the commission shall be filed with three copies for transportation matters and nineteen copies for all other matters.

(c) Filing a document with the commission does not constitute service upon the office of the attorney general or any other party. Likewise, service on the office of the attorney general does not constitute a filing with the commission.

(d) The filing of a pleading with the commission is not complete unless service has been made upon all parties to a proceeding, evidenced by a valid certificate of service or its equivalent as provided in this rule.

(2) Service.

(a) Except as otherwise provided, when any party has appeared by an attorney or other authorized representative in a proceeding before the commission, service of documents required to be served shall be made upon the representative. Service upon the representative is valid service upon the party.

(b) Service by parties. Service by parties shall be made by delivering one copy to each party in person; by mailing, properly addressed with postage prepaid; by commercial parcel delivery company properly tendered with fees prepaid, or by telefacsimile transmission, where originals are mailed

simultaneously. Service by mail shall be complete when a true copy of the document is properly addressed and stamped and deposited in the United States mail. Service by commercial parcel delivery company shall be complete when accepted for delivery by the company.

(c) Service by commission. All notices, complaints, petitions, findings of fact, opinions, and orders required to be served by the commission may be served in person, by mail, by commercial parcel delivery company, properly tendered with fees prepaid, or by telefacsimile transmission, when originals are mailed simultaneously. Service thereof shall be complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail with first class postage affixed, or accepted for delivery by the parcel delivery company.

(d) Certificate of service. There shall appear on the original of every pleading when filed with the commission in accordance with this subsection (2) of this section, either an acknowledgment of service, or the following certificate:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by (authorized method of service pursuant to WAC 480-09-120 (2)(a))
 Dated at this . . . day of
 (signature)

AMENDATORY SECTION (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

WAC 480-09-210 Rule making—Notice of proposed rule—Rules coordinator. (1) In any proposed rule making, the commission may solicit comments from the public on the subject of possible rule making under active consideration within the agency by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.

(2) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the *State Register*. The publication shall contain information as provided in RCW 34.05.320 and shall constitute the proposal of a rule. The commission shall submit a small business economic impact statement for publication in the *State Register* when required to do so by chapter 19.85 RCW, the Regulatory Fairness Act.

(3) Within a reasonable time after the publication of the notice of a proposed rule in the *State Register*, any person may request a copy of the notice by writing to the secretary of the commission.

(4) Petitions for adoption, amendment, or repeal of a rule shall be made pursuant to WAC 480-09-220.

(5) Upon filing notice of a proposed rule with the code reviser, the commission shall have copies of the proposal on file and available for public inspection. The commission will mail a copy to each industry association or trade group, whose members may be affected, that has asked to receive such notices.

(6) Inquiries regarding rules being proposed or being prepared within the commission for proposal may be made to Office of the Secretary, Rules Coordinator, Washington Utilities & Transportation Commission, 1300 S Evergreen Park Dr SW, PO Box 47250, Olympia WA 98504-7250.

(7) Persons may receive notice of proposed rule makings for all commission rules, or for those affecting specific industries, by sending a request in writing to the rules coordinator. The commission may establish a fee for this service based on the estimated actual cost of providing the service. It may decline to establish a fee for specific groupings, and it may group industries together, for efficiency or administrative convenience.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-220 Petitions for rule making, amendment, or repeal. (1) Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

(2) When the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule. When the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. Any petition for promulgation, amendment, or repeal of a rule shall be accompanied by briefs of any applicable law, and shall contain an assessment of economic values affected by the proposed promulgation, amendment, or repeal.

(3) All petitions shall be considered by the commission which may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

(4) Within sixty days after submission of a petition, the commission shall:

(a) Deny the petition in writing, stating its reasons for the denial, and serve a copy of the denial upon the petitioner; or

(b) Initiate rule-making proceedings in accordance with chapter 34.05 RCW.

(5) In rule-making proceedings initiated by interested persons on petition, as well as by the commission on its own motion, the commission will include in its order determining the proceedings its assessment of economic values affected by the rule making involved. In addition, the notice of intention to effect any rule making will contain a solicitation of data, views, and arguments from interested persons on the economic values which may be affected by such rule making.

~~((6) The commission shall submit a small business economic impact statement when required by chapter 19.85 RCW, the Regulatory Fairness Act.))~~

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-320 Filing requirements—~~((Intervenor list))~~ **Master service.** ~~((+))~~ The commission will maintain ~~((an intervenor list for each of the utilities under its jurisdiction))~~ a master service list for each adjudication on which a hearing is held. The list will contain the name and address of each ~~((person who intervened in the utility's latest general rate))~~ party to the proceeding.

~~((2) Public counsel designated by the attorney general shall be placed on the intervenor list maintained by the commission for each utility company.))~~

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-330 Filing requirements—General rate increases. General rate increase filings for utility companies shall include, at a minimum, the following information:

(1) Twenty copies of all testimony and exhibits which the company intends to present as its direct case if the filing is suspended and a hearing held. The filing shall also include three copies of supporting work papers.

(2) To the extent it is not included in the testimony or exhibits, the following information shall be included in the work papers:

(a) A detailed portrayal of the development of the company's requested rate of return.

(b) A detailed portrayal of restating actual and pro forma adjustments which the company proposes. If the company proposes to calculate an adjustment in a manner differing from the method that the commission most recently accepted or authorized for the company, it shall also present a work paper demonstrating how the adjustment would be calculated under the methodology previously accepted by the commission.

(i) Restating actual adjustments are defined as those adjustments which adjust the booked operating results for any defects or infirmities which may exist in actual recorded results which can distort test period earnings. Restating actual adjustments are also used to adjust from an as-recorded basis to a basis which is acceptable for rate making. Examples of restating actual adjustments are adjustments to remove prior period amounts, to eliminate below-the-line items which were recorded as operating expenses in error, to adjust from book estimates to actual amounts, and to eliminate or to normalize extraordinary items which have been recorded during the test period.

(ii) Pro forma adjustments are defined as those adjustments which give effect for the test period to all known and ~~((measured))~~ measurable changes which are not offset by other factors. The filing shall identify dollar values and underlying reasons for each of the proposed adjustments.

(c) A detailed portrayal of revenue sources during the test year and a parallel portrayal, by source, of the changes in revenue produced by the filing, including an explanation of the derivation of the changes.

(d) If the public service company has not achieved its authorized rate of return, an explanation as a policy statement of why it has not and what the company is doing to improve its earnings in addition to its request for increased rates.

(e) A representation of the actual rate base and results of operation of the company during the test period, calculated in the manner used by the commission to calculate the company's revenue requirement in the commission's most recent order granting the company a general rate increase.

(3) The filing shall also include a summary document which briefly states the following information, annualized, as applicable(=). In presenting the following information, the company shall itemize revenues from any temporary, interim,

periodic, or other noncontinuing tariffs. It shall include in its rate increase percentage and revenue increase calculations any revenues from proposed general rate increase tariffs that would supersede revenue from noncontinuing tariffs.

(a) The date and amount of the latest prior general rate increase authorized by the commission, and the revenue realized from that authorized increase in the test period, based on the company's test period customer count.

(b) Total revenues at present rates and at requested rates.

(c) Requested revenue increase in percentage, in total and by major customer class.

(d) Requested revenue increase in dollars, in total and by major customer class.

(e) Requested rate increase in dollars, per average customer by customer class, or other representation, if necessary to depict representative effect. Filings shall also state the effect of the proposed rate increase in dollars per month on typical residential customers by usage categories.

(f) Most current customer count, by major customer class.

(g) Current authorized overall rate of return and authorized rate of return on common equity.

(h) Requested overall rate of return and requested rate of return on common equity, and the method or methods used to calculate rate of return on common equity.

(i) Requested capital structure.

(j) Requested net operating income.

(k) Requested rate base and method of calculation, or equivalent, which it contains.

(l) Requested revenue effect of attrition allowance, if any is requested.

(4) The summary document required in subsection (3) of this section shall also be mailed to all persons on the commission's ~~((intervenor))~~ master service list for the ((utility, with)) company's most recent general rate case and all persons on the master service list for any other rate proceeding involving the company during the prior five years if the rates established or considered in that proceeding may be affected in the company's proposed general rate filing. The utility shall enclose a cover letter stating that the prefiled testimony and exhibits are available from the company upon request.

(5) The most recent annual report to shareholders, if any.

(6) Any cost studies relied upon by the company in support of its filing. In addition, the company shall identify all cost studies conducted in the last five years for any of the company's services, together with a description of the methodology used in such studies.

AMENDATORY SECTION (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

WAC 480-09-420 Pleadings—Applications for authority—Protests. Pleadings. Pleadings before the commission include formal complaints, petitions, answers, replies, and written motions.

(1) Legibility; size; length; service. All pleadings shall be legible and, unless a different size is required by the nature of the pleading, submitted on 8-1/2 x 11 inch paper. Pleadings shall not exceed sixty pages without permission

from the commission. Unless otherwise required for a specific pleading, a copy shall be served upon each party to the proceeding.

(2) Errors in pleadings. When it finds a pleading to be defective or insufficient, the commission may return the pleading to the party filing it for correction. Typographical errors or errors in captions or spelling of names of parties may be corrected by the commission.

(3) Form. Every pleading before the commission shall generally conform with the following form.

At the top of the page shall appear the phrase, "Before the Washington Utilities and Transportation Commission." On the left side of the page, next below, the caption of the proceeding shall be set out or, if no caption exists, the following: "In the Matter of the (Petition, Motion, Answer, etc.) of (name of the pleading party) for (identify relief sought)." Opposite the foregoing caption shall appear the word (Petition, Motion, Reply, etc., of [role of party: e.g., petitioner, respondent, protestant, etc., and name the party if more than one party has the same role in the proceeding]).

The body of the pleading shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the pleading party. The second paragraph shall state all rules or statutes that may be brought into issue by the pleading. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the pleading party.

(4) Number of copies; size. Unless, in a particular case, the commission specifies a different number of copies, the original and three legible copies of each pleading in transportation matters except transportation rate cases, and nineteen copies in all other matters including transportation rate cases, shall be filed with the commission. Copies shall be on three-hole punched white paper, 8-1/2" x 11" in size.

(5) Complaints.

(a) Defined. Formal complaints are those complaints filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed pursuant to RCW 80.54.030, or complaints in proceedings designated by the commission as formal proceedings. ~~((Commission final orders on complaints filed pursuant to RCW 80.54.030 shall be entered within three hundred sixty days after the filing of such complaints.))~~

(b) Contents. Formal complaints must be in writing setting forth clearly and concisely the ground of complaint and the relief requested. Facts constituting the basis of the complaint, including relevant dates, should be stated, together with citations of the statutes or rules of the commission involved. The name and address of the person complained against must be stated in full. The name and address of the complainant and the name and address of complainant's attorney, if any, must appear upon the complaint.

In a proceeding under RCW 80.04.110 or 81.04.110, the provisions of the respective statute shall also apply.

(6) Protests. A person whose interests would be adversely affected by the granting of an application or by a rate change may file a protest. Protests to applications must conform to the requirements of any special rules relative to the type of the application being protested. A protestant must serve a copy of the protest upon the applicant or person requesting a rate change. Protestants are not entitled, as a

matter of right, to a hearing upon the matter being protested, but a protest may contain a request for a hearing. The commission may, whether or not a protest contains such a request, set the matter in question for hearing.

(7) Petitions.

(a) Defined. All pleadings seeking relief (other than complaints or answers) shall be styled "petitions."

(b) Petitions - contents. A petition shall set forth all facts upon which the request for relief is based, with the dates of all relevant occurrences and a citation of the statutes, rules, and regulations of the commission upon which the petition is based.

(8) Motions. ~~((The practice respecting motions shall conform insofar as possible with the practice in the superior court of Washington.))~~

Motions shall be filed separately from any other filing and will not be considered if merely stated within the text of correspondence or a different pleading.

(9) Responsive pleadings.

(a) Answer. Except as otherwise provided in WAC 480-09-425 and 480-09-810(4), any party who desires to respond to a complaint, motion, or petition shall file with the commission and serve upon all other parties an answer. If an answer is not filed, the complaint or petition shall be deemed to be denied by the respondent. Answers shall fully and completely disclose the nature of the defense and shall admit or deny specifically and in detail all material allegations of the complaint or petition. Matters alleged by way of affirmative defense shall be separately stated and numbered.

(b) Reply. The response to an answer is styled a reply. Unless otherwise specified, replies may not be filed without authorization by the commission upon a showing of cause.

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

AMENDATORY SECTION (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

WAC 480-09-425 Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments. (1) Verification. All pleadings, except motions and complaints brought upon the commission's own motion, shall be dated and signed by at least one attorney or representative of record in his or her individual name, stating his or her address, or by the party if the party is not represented.

Pleadings of a party who is not represented by an attorney shall contain a statement that the pleading is true and correct to the best of the signer's belief.

(2) Time for motions. ~~((Any motion directed toward a pleading must be submitted in writing and.))~~ Unless good cause is shown for a delay, any motion directed to a pleading must be filed no later than the time the responsive pleading is due. If no responsive pleading is provided for, the motion must be filed within ten days after service of the pleading. ~~((Motions shall be filed separately from any other filing. Motions on procedural issues may be argued orally during a hearing pursuant to WAC 480-09-736.))~~ Filing a motion to dismiss a pleading, or seeking a similar remedy, does not stay the time for answering the pleading. Other

motions shall be filed within the times specified in WAC 480-09-420 or 480-09-736.

(3) Time for answer; reply.

(a) An answer must be filed within twenty days after the service of the pleading against which it is directed. The filing of an answer is not mandatory. During a hearing, the time for answers to interlocutory pleadings is governed by WAC 480-09-736 and the discretion of the presiding officer.

(b) A request to reply to an answer must be filed within ten days after service of the answer to which it is directed. A request to file a reply is deemed denied unless specifically granted by the commission. If the commission allows a reply, it will set the time for filing.

(c) Whenever the commission believes that the public interest so requires, it may alter the time allowed for any answer.

(4) Liberal construction. All pleadings shall be liberally construed with a view to effect justice among the parties. The commission will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceeding which do not affect the substantial rights of the parties.

(5) Amendments. The commission may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just.

AMENDATORY SECTION (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

WAC 480-09-480 Methods for obtaining data in adjudicative proceedings. (1) General. The only discovery procedure available in adjudicative proceedings before the commission is the subpoena. "Subpoena" as used in this section includes subpoena duces tecum: *Provided*, That in the following proceeding(s) discovery will be available as provided by this section according to a schedule established by prehearing order:

(a) Any proceeding involving a change in the rate levels of a utility company, a solid waste company, or a segment of the ~~((motor carrier))~~ transportation industry;

(b) Any proceeding that the commission declares to be of a precedential nature; or

(c) Any complaint proceeding involving claims of discriminatory and/or anticompetitive conduct.

Nothing in this section shall be construed as imposing any limitation whatsoever on the commission's ability to audit and/or obtain the books and records of public service companies, and the public service companies' obligation to provide information to the commission, whether or not in the context of an adjudicative proceeding. Parties in an adjudicative proceeding may agree on informal discovery procedures in addition to or in place of the procedures contained in this section.

(2) Definitions.

(a) Party. Any party as defined by WAC 480-09-410: *Provided*, That a person who has filed a petition to intervene shall be deemed to be a party for purposes of this section pending a ruling on the petition.

(b) Data. As used in this section, data means information of any type in any form.

(c) Data request. A request for data issued by a party in an adjudicative proceeding. The request may be in writing or may be made by oral motion at a conference or

hearing. Generally, data requests seek extant documents, an analysis, compilation or summary of extant documents into a requested format, or a narrative explaining a policy, position or document. If a party relies on a cost study, it is expected that the party will, upon request, rerun the study based on different assumptions, subject to the standards in (5)(a)(iii) of this section. Parties will not be ordered to respond to a data request which seeks production of a new cost study unless the commission so orders, based upon a compelling need for such production.

(d) Record requisition. A request for data made on the record during a hearing session.

(e) Bench request. A request for data made by or on behalf of the presiding officer.

(f) Depositions. Depositions are described in (5)(b) of this section.

(3) When available. The ~~((data))~~ requests for data and the deposition procedure described in this section shall be available in the context of an adjudicative proceeding when the commission, on its own motion or on motion of a party declares that the adjudicative proceeding meets one of the criteria set forth in subsection (1) of this section.

(4) Procedure. At a prehearing conference, a data request and deposition schedule shall be established, and set forth in a prehearing order. The schedule must provide for deadlines sufficient to allow a timely opportunity for disputes to be resolved ~~((by an administrative law judge, and by subsequent commission order if necessary))~~. In a proceeding initiated by petition or commission complaint, the commission staff shall not be required to respond to data requests prior to the filing of the commission staff direct evidence. ~~((Unless a different schedule is adopted, motions involving))~~ Disputes arising from use of the procedures in this section will be heard ((by an administrative law judge on Wednesday mornings at the hour of 9:00 a.m. If commission review is required, such review will take place on the same day, if possible, as soon as the commission is available to hear argument)) at the earliest reasonable time. Telephone hearings or conferences are encouraged for the argument of discovery disputes. Discovery rulings may be made on the record or by written order. Discovery rulings are subject to review under WAC 480-09-760.

(5) Methods available. Unless otherwise specified in the prehearing order, the following procedures will apply:

(a) Data requests, record requisitions, and bench request.

(i) To whom sent. Written data requests shall be sent to the party of whom the request is made, with copies to all other parties. The commission staff copy shall be sent to the assistant attorney general representing the commission staff. Neither the commissioners nor the secretary of the commission should receive copies of such requests, except upon the filing of a motion to compel or an objection to the request, at which time the specific request or requests shall be attached to the motion or objection. ~~((Data requests may also be made on the record, at hearing or conference.))~~ Each party shall number its data requests sequentially as submitted. Record requisitions and bench requests shall each be described on the record and consecutively numbered.

(ii) ~~((Receipt of))~~ Responses. Responses to data requests and record requisitions shall be sent to the requesting party and to any other party who shall have requested a copy, so long as ~~((such))~~ written data responses are consis-

tent with the terms of any protective order which may be entered in the proceeding. The commission staff copy shall be sent to the assistant attorney general representing the commission staff. Written responses to bench requests shall be served on all parties and filed with the commission in the same manner and quantity as predistributed exhibits.

The party responding to the data request shall provide the response to the data requested to the requesting party within ten days of receipt of the request. In the event the data cannot be supplied within ten days, the responding party shall notify the requesting party, in writing and within five days of receipt of the request, of the reasons why the ten-day limit cannot be met. In this event, the responding party shall also provide a schedule for producing the requested data or shall explain why portions of the data will not be supplied. Weekends and holidays will be excluded in calculating these time limits. Time limits may be modified by prehearing order to the extent necessary to conform to the commission's hearing schedule. Responses to record requisitions and bench requests shall be submitted within ten days after the transcript is filed with the commission unless the presiding officer specifies another schedule. Parties who anticipate problems in making a timely response shall notify other parties of the expected difficulties immediately.

No response to a data request, bench request, or record requisition shall be considered or treated as evidence until it is entered into the record.

(iii) Scope of request. The scope of any request for data shall be for data relevant to the issues identified in the notices of hearing or orders in the adjudicative proceeding. It is not grounds for objection that the information sought will be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to discovery of admissible evidence. The frequency, extent, or scope of discovery shall be limited by the commission if it determines that the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; the party seeking discovery has had ample opportunity to obtain the information sought; or, the discovery is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the responding party's interest in the proceeding, and the importance of the issues at stake in the adjudicative proceeding.

(b) Depositions. Depositions will be available during one or more conferences scheduled in the prehearing order. A party who intends to depose a witness will give at least five days' notice to the commission and all parties prior to the scheduled conference. The conference will be convened at Olympia ~~((by an administrative law judge who will, thereafter, withdraw from further participation in the deposition unless requested by the parties to remain))~~. Should all parties request ~~((the))~~ or consent to participation by an administrative law judge ((to participate)) in the deposition ~~((portion of the conference))~~, or should no party object prior to such participation, the parties will be deemed to have waived the right to argue that the deposition constitutes a "hearing" within the meaning of RCW 34.12.060. Only witnesses who have been identified by a party as a prospective witness will be subject to deposition: *Provided*, That an individual compelled to appear as an adverse witness will

not be deemed to be a "prospective witness" for purposes of this subsection.

(i) Depositions—How conducted. Depositions will be conducted by the parties, using Rule 30 of the Civil Rules of Procedure as a guide. At the request of a party, the deposition may be interrupted for purposes of presenting to an administrative law judge or the commission a dispute regarding the deposition process. However, to avoid interruption, such disputes should, if possible, be reserved to the conclusion of the deposition. The scope of questioning will be the same standard set forth in (5)(a)(iii) of this section. The deposition will be recorded by a court reporter provided by the commission. Each party will be responsible for arranging for the attendance of those of its prospective witnesses who have been asked to be deposed.

(ii) Use of depositions. Except as provided in this subsection, depositions may be used for any purposes. If a witness is available, and a party seeks to offer that witness' deposition into evidence for other than impeachment purposes, that party must do the following:

(A) Offer only those portions of the deposition upon which it intends to rely; and

(B) Provide five working days' written notice (prior to the hearing at which the witness will appear) to other parties of its intent to offer the specified portions of the deposition into evidence. The portions proposed to be offered shall be distributed as other pre-distributed exhibits. Exhibits associated with the deposition shall be separately marked and numbered.

(C) Corrections in the deposition transcript may be made only by motion filed within ten days after delivery of the transcript. Corrections will be allowed only to correct transcription errors and not to modify testimony.

At hearing, if portions of a deposition are admitted into evidence, other parties shall have the right at the time the deposition is admitted to offer other portions of the deposition. Time limits may be modified by prehearing order to the extent necessary to conform to the ((the)) commission's hearing schedule. The portions of the deposition moved into evidence shall be admitted as testimony if the testimony is otherwise admissible, and if admitting the testimony would substantially reduce repetitive questioning.

(6) Procedure for resolving disputes. If a responding party refuses to produce the data requested or refuses to comply with a request for deposition, or if a witness fails to respond to a question at deposition, and the parties have failed in good faith efforts to resolve the dispute, the matter may be brought upon motion filed with the secretary of the commission and presented ((to an administrative law judge)) for resolution as provided in subsection (4) of this section.

Motions shall be timely filed. Responses to the motion shall be filed within five working days of the receipt of the motion, and shall be served on all parties. Time limits may be imposed or modified by ((prehearing order)) the commission or the presiding officer to the extent necessary to conform to the commission's hearing schedule.

~~((Argument on motions under this section will typically be heard at the commission's offices in Olympia, on Wednesdays, beginning at 9:00 a.m. The administrative law judge will notify the parties to the motion of the specific time and place of the argument. The notification may be by telephone or by letter. Oral arguments will be transcribed or~~

~~tape recorded. The administrative law judge will rule on the motion.~~

~~If the ruling of the administrative law judge is unsatisfactory to a party, the administrative law judge, upon oral request at the time the motion is ruled upon, shall refer the matter to the commission for resolution. Oral arguments will be transcribed or tape recorded. If possible, the commission will hear the matter on the same day as soon as the commission is available to hear argument. If this is not possible, the commission will advise the parties, by telephone or by letter, of the time and place of the argument.))~~

If a party fails or refuses to comply with a commission order or an administrative law judge's order that is not reviewed resolving a dispute under this section, the commission may impose sanctions including but not limited to dismissal, striking of testimony, evidence, or cross-examination, or penalties as provided by law.

AMENDATORY SECTION (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

WAC 480-09-500 Brief adjudicative proceedings.

(1) Pursuant to RCW 34.05.482, the commission may use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the commission to give notice and an opportunity to participate to persons other than the parties. Those circumstances may include:

(a) Review of denials or partial denials of applications that are not protested;

(b) Contested applications for temporary authority;

(c) Proceedings which could lead to suspension, cancellation, or revision of authority for failure to maintain tariffs, pay fees, or file required documents; ((and))

(d) Formal complaints in which notice and an opportunity to participate in the proceeding need not be given to persons other than the parties; and

(e) In addition, the commission may hear any other adjudicative matter in a brief adjudication upon the request or consent of all parties to the proceeding, when notice and an opportunity to participate need not be given to persons other than the parties and when the commission believes that the brief adjudication is consistent with the public interest.

In exercising its discretion to conduct a brief adjudication, the commission will consider the benefits for the parties and the commission to be gained from a brief adjudication, the nature of issues involved and whether the commission desires to consider further or in depth an issue that is raised, the likelihood that review in a brief adjudication will provide a more sound decision than considering the issues without the brief adjudication, and whether alternative means of resolving the issues are sufficient to satisfy the parties' and the commission's interests.

(2) Application may be made for a brief adjudicative proceeding by filing a letter of request and certificate of service with the secretary of the commission. If it grants the request, the commission shall designate ((either)) a review judge, a hearing examiner, the director of its transportation division, or the director of its utilities division as a presiding officer in specified brief adjudicative proceedings. The commission may set a matter for brief adjudication on its

own motion when doing so will not prejudice the rights of any party. Each applicant for a brief adjudicative proceeding shall submit a written explanation of its view of the matter along with its application. Parties may file written submissions as provided in the commission's notice that it will conduct the brief adjudicative proceeding. In the discretion of the commission or the presiding officer, oral comments offered by parties may be considered.

(a) If a party to a brief adjudicative proceeding desires an opportunity to make an oral statement, the request should be made in the application or in the response to the application.

(b) A request to make an oral statement may be granted if the presiding officer believes such a statement would benefit him or her in reaching a decision. The commission shall serve upon the parties a notice of the time and place for the brief adjudicative proceeding and the name and telephone number of the scheduled presiding officer at least seven days before the proceeding.

(3) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief statement of the reasons for the decision. The action on the application shall be expressed in a brief written ((order)) statement, which shall be served upon all parties within ten days after ((entry of the order or the decision)) the date of the brief adjudication.

(4) The brief written statement is an initial order. If no party seeks review ((is taken)) of the initial order, it shall ((be)) become the final order only on adoption by the commission.

(5) Service of the initial order shall be made pursuant to WAC 480-09-120.

(6) The commission shall conduct a review of an initial order resulting from a brief adjudicative proceeding upon the written or oral request of a party if the commission receives the request within twenty-one days after service of the initial order. If no request is timely filed, the commission may adopt, modify, or reject the initial order.

(7) A request for review of an initial order shall contain an explanation of the party's view of the matter, with a statement of reasons why the initial order is incorrect, and a certificate of service. Responses to a request for review of an initial order shall be filed with the commission and served upon the other parties within ten days after service of the request for review.

(8) The order on review must be in writing, must include a brief statement of the reasons for the decision, and must be entered within ((thirty)) twenty days after the ((date of the initial order)) deadline for requesting review or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(9) A request for administrative review is deemed to have been denied if the agency does not make a disposition of the matter within thirty days after the request is filed.

(10) The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-720 Appearances—Party status. (1) General. Parties shall enter their appearances at the beginning of the hearing or prehearing conference by giving their names and addresses in writing to the court reporter who will include the same in the record of the hearing or prehearing conference. The presiding officer conducting the hearing or prehearing conference may, in addition, require appearances to be stated orally, so that the identity and interest of all parties present will be known to those in attendance. Appearance may be made on behalf of any party by his or her attorney or other authorized representative, as defined in WAC 480-09-710(1).

(2) Party status may not be accorded ((as a matter of right after)) to a person who fails to appear at the ((initial)) earliest prehearing conference, if one is held, or hearing session, if there is no prehearing conference, without a showing of good cause for failing to timely appear.

AMENDATORY SECTION (Amending Order R-362, Docket No. A-911231, filed 12/19/91, effective 1/19/92)

WAC 480-09-736 Hearing guidelines. These guidelines are of a general nature and are provided to assist the presiding officer in regulating the course of the proceeding. The presiding officer ((has discretion to)) may when appropriate suspend or modify the guidelines or ((to)) use measures not specified ((herein when appropriate in the circumstances of the case)) in this rule.

(1) Starting times will be strictly observed. The proceeding ((will)) may go forward in the absence of counsel who are late.

(2) Motions related to evidence or to the procedural course of the hearing, but not involving dismissal of a party or a part of the proceeding, will be stated and argued at the start of the day, unless they arise from matters emerging during the hearing that are not reasonably foreseeable. ((This rule does not apply to motions with respect to the admissibility of evidence which may require foundation. In such cases,)) The presiding officer should be notified ((that a motion will)) no later than the start of the hearing session of any motion that may be presented during the hearing, such as one that may require foundation regarding the admissibility of evidence.

(3) All counsel are expected to address comments, objections, and statements to the presiding officer rather than to other counsel. Questions will be addressed to the witnesses rather than to counsel.

(4) There will be no off-the-record discussions at the request of counsel unless counsel asks leave to go off the record and states the purpose for the request.

(5) Extended colloquies regarding procedural issues may be conducted off the record. Each attorney will be given the opportunity to state for the record a summary of his or her view on behalf of his or her client when the record resumes.

(6) When predistribution of evidence is required, ((one copy should be addressed specifically to the presiding administrative law judge. One copy should be addressed to the commission's accounting adviser, in care of the secretary of the commission)) each party shall file twenty copies of its evidence with the commission. For predistributed evidence

only, parties need not also serve copies on the commission staff or the assistant attorney general. Each party is responsible for having two revised, corrected copies of its exhibits ready for marking and inclusion in the official case file at the hearing itself. One set of copies should also be brought to the hearing for the court reporter. To advise the parties of corrections, an errata sheet may be used to indicate the corrections to copies that have been predistributed. Counsel should not ask the witness on the stand to correct obvious typographical errors in the prefiled testimony if more than three corrections are required, but should submit an errata sheet or revised documents. The original and required number of copies of the errata sheet or corrected text shall be submitted at the hearing. Substantive corrections shall be disclosed to other parties as soon as need for the correction is discovered. Corrections and revisions should be made or attached to all ~~((copies))~~ documents distributed at the hearing before the copies are distributed. ~~((The presiding officer will advise the parties regarding the number of extra copies to be filed with the commission.))~~

(7) Prefiled testimony may be accompanied by exhibits. Parties should not preassign numbers to their own prefiled testimony and exhibits. Instead the following system should be used, including the witness's initials, and marked serially. For John Q. Witness's prefiled testimony and accompanying exhibits:

Ex (JQW-~~((Testimony))~~ T) Ex (JQW-2)
Ex (JQW-1) Ex (JQW-3)

Counsel unfamiliar with this method of identification should contact the presiding officer for further guidance. The official numbers for the case will be assigned by the administrative law judge at the hearing session.

(8) Each witness should present a short summary of his or her remarks on the opening page or two of prepared testimony. Counsel will be expected to ask as a foundation question the subjects that will be covered by the witness. This foundation question should request only a statement of the subjects to be covered by the witness, e.g., rate of return, and not a summary of the witness's positions on those subjects. ~~((Twenty copies of the summary shall be filed with the secretary of the commission unless the presiding officer advises that a different number is required.))~~

(9) All prepared testimony, exhibits, and pleadings shall be 8-1/2 by 11 inches in size, reduced to that size, or folded to that size if reduction would be illegible, and punched for insertion into three-ring binders. Line numbers shall be set out on all prepared testimony to facilitate transcript or exhibit references. Large ~~((charts))~~ documents may be used at the hearing for illustrative purposes so long as a ~~((letter-size))~~ reduction is provided ~~((or so long as the chart is foldable to 8-1/2" by 11"))~~ for inclusion in the ~~((official))~~ record.

(10) Any ~~((revised pages for))~~ revisions to predistributed or previously admitted testimony or exhibits shall be prominently labeled "REVISED" and bear the date of the revision. The revised portions ~~((should))~~ shall be ~~((indicated))~~ highlighted, in legislative style or other manner clearly indicating the change for ~~((cross-reference to))~~ comparison with the original submissions. This practice should be followed even as to minor changes that involve only one page of an exhibit. Counsel should identify revisions by

page and date at the time an exhibit is presented for identification, sponsored, or offered into evidence, as appropriate.

(11) Cross-examination will be limited to two rounds except upon a showing that good cause exists. Witnesses should not be asked to perform calculations or extract detailed data on the stand. Such questions should be provided to the witness in advance or asked "subject to check." When a witness answers "subject to check," the witness must perform the "check" as soon as possible. A response given "subject to check" will be deemed accurate unless disputed by the witness within ten days of distribution of the transcript or prior to the closing of the record, whichever occurs first.

(12) At the beginning of a hearing session for the purpose of taking testimony from members of the public, public counsel may inform the public of the major contested issues.

(13) All case-related correspondence should be addressed to the secretary of the commission and submitted with sufficient copies, under ~~((existing))~~ commission rules. The parties are cautioned that correspondence addressed directly to an individual may not be logged in, may not be inserted in the case file, and may not constitute a part of the official record for appeal or for other purposes. ~~((In addition, one copy should be addressed to the presiding administrative law judge at the Office of Administrative Hearings, 2420 Bristol Ct SW (3rd Floor), PO Box 42489, Olympia WA 98504-2489.))~~

(14) ~~Petitions or motions ((intended for argument or resolution at previously scheduled hearing sessions should be received by the commission and all parties at least three business days prior to argument)) seeking the dismissal of any party or any portion of a proceeding, or that in the moving party's judgment require the submission of a written motion, petition, brief or statement of authorities, shall be filed with the commission and served on other parties no later than one week prior to the first scheduled hearing session after grounds for the petition or motion become apparent, unless the commission finds that later filing is reasonable under the circumstances. Answers shall be filed with the commission and served on other parties at least three days prior to the hearing. Oral ((response will)) argument may be allowed on the record in the commission's discretion. (This guideline does not require personal service. Petitions or motions, if mailed, should be served so as to effect actual receipt ((three business days before argument)) within the required time.)~~

(15) When the commission is requested to take some action prior to the next hearing session, the petitioner or movant shall effect service upon all other parties. Responses are due in the office of the secretary of the commission no later than the close of the fifth business day following service, except as provided in WAC 480-09-425(3).

(16) The presiding officer shall confer with the parties at the conclusion of the hearing about post-hearing process. The presiding officer will determine whether oral argument, briefs, or both will be required, taking into consideration the parties' preferences. If briefs are required, the presiding officer shall determine a format to be used by all parties. Briefs shall not exceed sixty pages, including appendices and attachments but excluding the cover and index pages,

without permission from the presiding officer. Briefs shall comply with WAC 480-09-770(~~(4)~~).

(17) Each party will bear its own costs for transcripts or tape recordings, including charges for expedited service when requested.

(18) For planning purposes, counsel should be prepared to provide time estimates for cross-examination of witnesses.

(19) Documents provided by or on behalf of members of the public at a public hearing will ordinarily be placed with the hearing file or may be offered as an illustrative exhibit. Letters received by the secretary of the commission and by public counsel from members of the public may be offered into evidence as illustrative of the opinions of the correspondents. Documents which are exceptional in their detail or their probative nature may be offered into evidence separately, provided that a sponsoring witness is available for cross-examination. Only exhibits and testimony offered and received are part of the record and subject to consideration by the commission in its decision.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-770 Briefs. The commission may require the parties to present their arguments and authority orally at the close of the hearing, by written brief, or both. The argument should set out the leading facts and conclusions which the evidence tends to prove, point out the particular evidence relied upon to support the conclusions urged, and cite legal authority. Briefs may be printed, or typewritten (size 8-1/2 inches by 11 inches on three-hole punched paper). All copies shall be clearly legible. Briefs may not exceed sixty pages without prior authorization from the commission. Unless a different number is specified by the commission, an original and three legible copies of each brief (~~(four)~~) in transportation matters and nineteen copies (~~(four)~~) in all other matters including transportation rate cases shall be filed with the secretary of the commission and one copy shall be served on each party before the due date set for filing. Proof of service shall be furnished to the commission as provided in WAC 480-09-120(2).

AMENDATORY SECTION (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

WAC 480-09-780 Entry of initial and final orders—Administrative review. (1) General. Whenever the presiding officer enters an order in accordance with the provisions of RCW 34.05.461, each party of record and the party's attorney, or other authorized representative shall be served with a copy of the order pursuant to the provisions of WAC 480-09-120(2).

(2) Petitions for administrative review - time for filing - who may file - required copies.

(a) Any party may within twenty days after entry of the initial order file a petition for administrative review.

(b) Unless a different number is directed by the commission, an original and three copies of petitions for administrative review of an initial order in transportation matters other than transportation rate cases and nineteen copies in all other matters including transportation rate cases must be filed with the secretary of the commission and one copy

served upon each other party. Proof of service must be made in accordance with WAC 480-09-120(2).

(3) Petitions for administrative review - length - contents. Petitions must clearly identify the nature of the challenge to the initial order, the evidence relied upon to support the challenge, and the nature of the remedy urged by the petition. Petitions for review of initial orders shall be specific and separate contentions must be separately stated and numbered. Petitions for review of findings of fact must be supported by a reference to the pertinent page or part of the record or by a statement of the evidence relied upon to support the petition, and should be accompanied by a recommended finding of fact. Petitions for review of conclusions of law should be supported by reference to the appropriate statute, rule, or case involved and should be accompanied by a recommended conclusion of law. When a petition challenges the summary portion of an initial order, the petition shall include a statement showing the legal or factual justification for the challenge, together with a statement of how the alleged defect in the summary affects the findings of fact, the conclusions of law, or the ultimate decision. Petitions for administrative review shall not exceed sixty pages, without prior permission from the commission.

(4) Answers.

(a) Answers to a petition for administrative review may be filed by any party.

(b) Unless a different number is required, (~~three copies of answers to petitions for review in transportation matters and nineteen copies in all other matters~~) the original plus the number of copies required in subsection (2)(b) of this section, must be filed with the secretary of the commission, and a copy served upon each other party to the proceeding within ten days after the service of the petition. The commission may designate a different time for filing answers to petitions.

(c) A party who did not file a petition for administrative review of an initial order may challenge the order or portions thereof in its answer to the petition of another party.

(5) Oral argument. The commission may in its discretion hear oral argument upon a petition for review at a time and place to be designated by it upon notice to all parties to the proceeding. A party who desires to present oral argument may move for argument, stating why the oral argument will assist the commission in making its decision and why written presentations will be insufficient.

(6) Final order. After reviewing the initial order and any petitions for review, answers, replies, briefs, and oral arguments, and the record or such portions thereof as may be cited by the parties, the commission may by final order adopt, modify, or reject an initial order. The statutory time for judicial review proceedings shall not commence until the date of the commission's final order or, if a petition for reconsideration has been filed, the date the petition is deemed denied or is otherwise disposed of.

AMENDATORY SECTION (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

WAC 480-09-810 Reconsideration. (1) General. Any party to an adjudicative proceeding may file a petition for reconsideration of a final order of the commission within ten days after the date the order is served.

(2) Number of copies - filing - service. Unless a different number has been ordered by the commission, an original and three copies of the petition in transportation matters other than transportation rate cases, and nineteen copies in all other matters including transportation rate cases, shall be filed with the commission and a copy of the petition shall be served by petitioner upon each party of record.

(3) Contents. The petition shall state with particularity each portion or portions of the challenged order contended to be erroneous or incomplete, and shall cite those portions of the record and the laws or rules of the commission relied upon to support the petition, together with brief argument.

(4) Answers. No party shall file an answer unless requested by the commission: *Provided*, That if the commission determines that reconsideration may be appropriate, involving more than the correction of obvious error and involving a possible change in a significant term of the order, it shall request answers from the other affected parties.

(5) Except upon specific direction of the commission, no oral argument shall be permitted on petitions for reconsideration.

(6) Disposition. The petition is deemed denied if, within twenty days from the date the petition is filed, the commission does not either:

(a) Dispose of the petition; or

(b) Serve the parties with a written notice specifying the date by which it will act on the petition.

If the petition is granted, the commission may modify its prior order or take such other action as it may deem appropriate. No petition for reconsideration of an order on reconsideration will be accepted by the commission. No petition for reconsideration may stay the effectiveness of an order.

AMENDATORY SECTION (Amending Order R-342, Docket No. TV-2322, filed 4/15/91, effective 5/16/91)

WAC 480-12-033 Temporary permits. (1) The commission may issue temporary permits for authority to engage in common or contract carrier operations for a period of up to one hundred eighty days, but only after it finds that the issuance of the temporary permit is consistent with the public interest.

(a) In determining whether the requested temporary authority is consistent with the public interest the commission will consider evidence of the following factors:

(i) Any immediate and urgent need for the requested service;

(ii) Any available service capable of meeting the need; and

(iii) Any other circumstances indicating that a grant of temporary authority is consistent with the public interest.

(b) An application for a temporary permit shall be supported by a notarized statement from one or more shippers setting forth all pertinent facts relating to need for the service.

(2) The commission may also issue temporary permits pending the determination of an application filed with the commission for approval of a consolidation or merger of the properties of two or more common carriers or contract

carriers or of a purchase or lease of one or more common or contract carriers or of the transfer of a permit.

In determining whether the requested temporary authority will be granted, the commission will consider whether the failure to grant such authority may result in damage to the motor carrier properties sought to be acquired, or may interfere with the future usefulness of those properties in the performance of adequate and continuous service to the public. The commission may also consider the reasons for seeking to transfer the permit, whether the permit sought to be acquired has been operated during all of the past twelve months, and the reasons for any break in operations.

(3) In all cases, the commission may consider whether the applicant has been cited for violation of motor carrier law or has been denied authority on the basis of fitness.

(4) The commission will publish notice of the issuance of temporary authority under this section in its weekly application docket. The commission shall also publish the names of the shippers which the applicant may serve under the temporary authority issued pursuant to subsection (1) of this section.

(a) Any interested carrier may, within ten days after the date of publication, file a protest to the grant of authority. A copy of the protest must also be served on the applicant and the applicant's attorney or representative if one is named in the docket. The protest and each copy must include a certificate of service in accordance with WAC 480-09-120.

(b) The protest must be accompanied by a notarized statement that the protestant has contacted the shippers supporting an application granted under subsection (1) of this section, that the protestant has discussed their shipping problems with them, and is ready, willing, and able and commits to provide service to their satisfaction on demand. A protest to an application should contain a statement of any reasons why the protestant believes the grant of temporary authority is not consistent with the public interest.

(c) ~~((A protest filed in substantial compliance with this section will be considered an application for a brief adjudicative proceeding. Procedure thereafter is governed by WAC 480-09-500))~~ The commission may grant or deny the protest without hearing. The commission may, in its discretion, on the application of a party or on its own motion, order a brief adjudicative proceeding on the protest. WAC 480-09-500 governs applications for and procedures in brief adjudicative proceedings.

(5) The commission may impose special terms and conditions in connection with the grant of any temporary permit. A temporary permit may be cancelled any time within sixty days after the date of publication, if the commission determines that there is no immediate and urgent need for the service, that another carrier with authority is ready, willing and able to render satisfactory service to the shipper, or that the temporary permit was not issued in the public interest. A temporary permit may be cancelled at any time if the commission determines that its grant was based on fraud, misrepresentation, or erroneous information from the applicant.

(6) If a valid application for motor carrier authority is filed within thirty days after the grant of a temporary permit, that temporary authority will continue in force until the commission grants or denies the application for motor carrier

authority or until the temporary permit is otherwise cancelled pursuant to law, whichever event occurs first.

(7) Emergency temporary authority may be authorized for periods of thirty days or less to meet an immediate and urgent need for service due to emergencies, in which time or circumstances do not reasonably permit the filing and processing of an application for a temporary permit. Emergency temporary authority may also be issued for periods not to exceed ninety days for the hauling of agricultural commodities as defined by WAC 480-12-990, or Christmas trees.

Emergency temporary authority may be granted after application to the commission or any of its duly authorized agents upon payment of the fee set by WAC 480-12-030 and the furnishing of proof of possession of public liability and property damage insurance in limits provided in WAC 480-12-350. Proof of insurance may consist of an insurance policy or a certificate of insurance. Grants of emergency temporary authority are not subject to the provisions of this section regarding protest and cancellation.

(8) Temporary permits may be authorized only when the vehicles to be used in performance of the hauling under said temporary permit have passed a vehicle safety inspection by a commission agent.

AMENDATORY SECTION (Amending Order R-263, Cause No. U-86-42, filed 7/2/86)

WAC 480-80-240 (~~Without~~) Less than statutory notice. (1) On every tariff that is to become effective on less than thirty days' statutory notice L.S.N. by permission(~~g~~) or by regulation or order of the commission, if it is not otherwise excluded from that requirement, notation must be made on the tariff that it is issued under special permission or by order of the commission as follows:

(a) By authority of W.U.T.C. (~~W.S.N.~~) L.S.N. Order No.

(b) By authority of order of the Washington utilities and transportation commission, Cause No.U-. . . .

Note: The commission will not accept a tariff for L.S.N. action unless the cover letter under which the tariff is filed clearly and prominently specifies that the tariff is submitted to become effective in less than thirty days.

(2) Tariffs providing (a) rates for (~~classes of~~) service, etc. not (~~heretofore~~) previously rendered and covered by the utility's tariff, (b) (~~tariff~~) revisions which reflect no basic change affecting the public, (c) changes in banded rates as to which notice to customers has been or will be given in accordance with tariff rules applicable to such service, or (d) initial tariffs not affecting regulated service, may become effective on a minimum of one day's notice.

(3) Requests for permission to change tariffs (~~without~~) on less than statutory notice will be granted by the commission only (~~in instances where~~) when it deems that circumstances or conditions fully justify (~~it~~) the lack of notice. A complete explanation (~~giving the~~) with reasons for (~~such~~) the request (~~will be~~) is required (~~in connection~~) with the tariff revision(~~which~~). The revision (~~will~~) shall bear an effective date not less than thirty days after the revision is filed with the commission (~~receives same and~~). All notices (~~relative thereto will~~) relating to the revision shall contain, in addition to the minimum requirements (~~hereinbefore~~) set

forth above, a statement to the effect that the utility is seeking an earlier effective date than the inserted effective date by means of (~~a W.S.N.~~) an L.S.N. Order, which date is (date sought). If (~~such permission is granted by~~) the commission grants, it will alter the inserted effective date (~~in keeping therewith subsequent to which~~) to conform with the authorized effective date. The utility (~~affected thereby, after receiving advice to that effect,~~) shall then alter (~~to the same extent,~~) the effective date on the tariff revision which is on file at its listed business offices in the territory affected thereby and on all posted notices relative thereto, (~~with all such alterations bearing appropriate reference to~~) to show the effective date that the commission has approved. The alterations shall cite the applicable (~~W.S.N.~~) L.S.N. Order. (~~Said~~) The altered posted notice shall remain posted (~~in that manner~~) until the date originally inserted as the revision's effective date (~~thereof~~).

(4)(a) Any gas company engaged in the distribution of natural gas whereby the rates in its tariff are in part a function of purchased gas costs shall be entitled to an exemption to the thirty-day statutory notice period defined in subsection (1) of this section under the following conditions:

(i) When the federal energy regulatory commission has determined the maximum commodity rate to be charged the gas company based on prospective purchased gas costs of the pipeline supplier for the next six months, and any changes in purchased gas costs below the maximum commodity rate are authorized by tariff to take effect on one day's notice.

(ii) The gas company maintains a separate purchased gas cost schedule as a part of its general tariff defining its prospective maximum commodity rate for natural gas referred to in subsection (a)(i) of this subsection, and this schedule (~~shall have~~) contains a mechanism to reflect changes in purchased gas costs to any schedule that is a part of the distribution company's general tariff.

(iii) The mechanism within the purchased gas cost adjustment schedule shall delineate the maximum commodity rate, current incremental adjustment to the maximum commodity rate, and cumulative adjustment to the maximum commodity rate during the six-month period.

(iv) Each rate schedule which is to incorporate the instant changes in purchased gas costs shall be clearly identified.

(b) Rate changes under this section resulting from changes in purchased gas costs that occur during the six-month interval between determinations of the maximum commodity rate may take effect on a minimum of one day's notice.

(c) The establishment of the maximum commodity rate shall not be eligible for this exemption from the thirty-day statutory notice requirement.

AMENDATORY SECTION (Amending Order R-329, Docket No. T-900076, filed 10/31/90, effective 12/1/90)

WAC 480-149-120 Notice required—Less than statutory notice. (1) Unless (~~two~~) more copies are specifically requested by the commission, one copy of every tariff, supplement or revised page must be filed with the commission and notice must be given to the public by posting copies in a conspicuous place at each station affected

thirty days before the effective date thereof except as provided for in the following sections of this rule or unless specifically authorized by the commission. Filings received on Saturdays, Sundays or holidays will be considered as being received on the following office day.

(2) The following tariffs may be filed on one day's notice to the commission and to the public:

(a) Providing for the opening or closing of navigation or traffic on rivers, harbors, lakes, highways or roads of the state.

(b) Providing for the movement of circuses.

(c) Providing rates for new lines or extensions of lines or service not heretofore covered by any similar form of transportation or service or not competitive with any similar form of transportation or service.

If the new line, extension or service is covered by any form of transportation or service, and/or is competitive therewith, the tariff or supplement so filed, must provide the same rates or fares as those of the existing company unless full statutory notice is given prior to the beginning of operations.

(d) Adoption, suspension or vacating supplements as provided for in WAC 480-149-110.

(3) In the case of a change proposed by a rail carrier, a change resulting in increased rates or decreased value of service shall not become effective for twenty days after the notice is filed with the commission, and a change resulting in decreased rates or increased value of service, or changes which result in neither increases nor reductions, shall not become effective for ten days after the notice is filed with the commission.

(4) In cases of actual emergency, or when real merit is shown, the commission may, in its discretion, permit tariffs to become effective on less than the notice and the publication time periods specified in the statute or this section L.S.N. Application for such authority must be on a form supplied by the commission.

Note: The commission will not accept a tariff for L.S.N. action unless the cover letter under which the tariff is submitted or the form on which it is submitted clearly and prominently specifies that the tariff is submitted to become effective in less than statutory notice.

On every tariff or supplement that is issued on less than ~~((thirty days²))~~ statutory notice by ~~((permission or))~~ order or regulation of the commission, notation must be made that it is issued under L.S.N. order of the Washington utilities and transportation commission, number of (date), or by authority of Rule W.U.T.C. Tariff Circular No. 6, or by authority of decision of the commission in Cause No.

(5) Whenever a carrier files a tariff on not less than ~~((thirty))~~ forty-five days' notice, containing increased rates and charges for collection and disposal of ~~((garbage, refuse, and debris))~~ solid waste, ~~((such))~~ the carrier shall ~~((at the same time, or prior thereto,))~~ notify affected customers no later than the date of filing that a tariff of increased rates and charges is being filed with the Washington utilities and transportation commission, Olympia, Washington, proposed to become effective ~~((on a particular date))~~ the date stated in the filing and that the carrier has asked that it become effective on the date requested. The amount of increased

charges must also be indicated. Notice shall be in writing and sent to customers by United States mail. The notice shall state that the proposed rates shall not become effective until reviewed by the commission. The notice shall also include a statement that affected customers who oppose the increase may express that opposition in writing to reach the Washington utilities and transportation commission ~~((1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002))~~ not later than fourteen days from the date of the notice and shall state the address of the commission headquarters office. A copy of the notice shall also be mailed or delivered to at least one newspaper of general circulation in the area. The tariff filed with the commission must be accompanied by a letter of transmittal fully setting forth the reasons justifying the proposed increased charges. The letter shall also state that notice has been given in the manner outlined above.

WSR 93-18-098
PROPOSED RULES
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
[Filed September 1, 1993, 11:07 a.m.]

Original Notice.

Title of Rule: Chapter 490-100 WAC, Private vocational school regulations.

Purpose: Regulating private vocational schools that offer certificates or diplomas for successful completion of courses/programs.

Statutory Authority for Adoption: Chapter 28C.10 RCW.

Statute Being Implemented: Chapter 28C.10 RCW.

Summary: To incorporate RCW changes enacted by 1993 legislature, to amend agency name/address, and to clarify existing rules.

Name of Agency Personnel Responsible for Drafting: Charles Johnson, Workforce Training and Education Coordinating Board, Olympia, (206) 586-8683; Implementation and Enforcement: Ellen O'Brien Saunders, Executive Director, Workforce Training and Education Coordinating Board, Olympia, (206) 753-5660.

Name of Proponent: Workforce Training and Education Coordinating Board, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Martin Luther King Jr. Room of the Hopf Union Building, Yakima Valley Community College, South 16 and Nob Hill Boulevard, Yakima, Washington 98907, on October 20, 1993, at 1:30 to 2 p.m.

Submit Written Comments to: Executive Director, Workforce Training and Education Coordinating Board, P.O. Box 43105, Olympia, WA 98504-3105, by October 6, 1993.

Date of Intended Adoption: October 20, 1993.

August 31, 1993
Ellen O'Brien Saunders
Executive Director

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-030 Definitions. (1) The following is intended to clarify the statutory exemptions (see RCW 28C.10.030):

(a) "Avocational" or "recreational" means instruction which is primarily intended for leisure and not offered for the purpose of providing a student with employable skills or with competencies that upon completion of the program, course, or class would be customarily applied to gainful employment and is not utilized by the school as a prerequisite for vocational instruction.

(b) Entities not otherwise exempt offering only workshops or seminars lasting not more than three calendar days and consisting of no more than twenty-four contact hours of instruction: *Provided*, That training is completed within the three calendar days; and a vocational education program is not being offered through a series of supplementary seminars.

(2) Under the authority of RCW 28C.10.100, the intent of RCW 28C.10.030(10) to exempt from the act certain enumerated programs of continuing professional education is modified to also exempt review programs offered solely as preparation for tests leading to certification in specific disciplines, but not purporting to provide occupational competencies.

(a) Test preparation programs to which such exemption applies include those leading to: Certification by a state board of accountancy (CPA); certification by the institute of certified management accounting (CMA); admission to practice before a state bar; certification in health occupations initiated by the American Medical Association, American Dental Association, and/or their respective professional auxiliaries; and may include other pretesting review programs related to acquiring public certificates of convenience and necessity.

(b) To qualify for exemption under this section, an entity must apply to the agency on a form created for that purpose and secure approval. The term of any exemption issued shall be limited to one calendar year and is subject to annual renewal following application and reapproval.

(3) The term "revoke" as used in RCW 28C.10.050(~~(2)~~) (3) and elsewhere in these regulations means that the agency terminates the school license. When the license is revoked, the school is no longer legally authorized to continue operating.

(4) The term "suspend" as used in RCW 28C.10.050(~~(2)~~) (3) and elsewhere in these regulations means that because of deficiencies, the agency interrupts for a stated time the school's authority to make offers of training, as that is defined under RCW 28C.10.020(9), and prohibits the school for that time to begin instruction of new students, but it may remain in operation to continue training students already enrolled and in good standing on the date such suspension commences.

(5) The term "to operate" as used in RCW 28C.10.020(10) and elsewhere under the act and these

regulations is further defined to encompass any facility established, kept, or maintained within the state of Washington where, from, or through which education is offered and/or activities consistent with the definition of "private vocational school" under RCW 28C.10.020(7) are being conducted.

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-035 Auxiliary facilities. (See RCW 28C.10.020(7).) Any location within the state of Washington at which an entity provides postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession is deemed to be a private vocational school within the meaning of RCW 28C.10.020(7), except for case-by-case exemptions that may be granted for activities that meet the following definition of "auxiliary facility."

(1) Upon application to the agency on forms provided for that purpose, a licensed private vocational school may be authorized to provide training services at an additional physical site termed an "auxiliary facility."

To qualify for the designation "auxiliary facility," the site must be established by the licensee to meet one or more of the following criteria:

(a) To absorb a temporary overload which the licensed facility cannot accommodate; or

(b) To provide a single, specialized kind of training activity, generally on a short-term basis, under circumstances that cannot readily be accommodated at the licensed facility; or

(c) To provide training under contract(s) with a public agency, private company, or other sponsoring entity: *Provided*, That no fiduciary responsibility is created between students and the licensee under such arrangements: *Provided further*, That the training offered is not open to general enrollment.

(2) To have any of its activities classified as an "auxiliary facility" and not subject to being licensed as a private vocational school, a licensee must secure approval from the agency in advance of conducting operations at such a site by documenting that it meets one of the above definitions and in addition that:

(a) The instructional program(s), site administration, and training provided at the auxiliary facility are significantly integrated with the licensee's primary facility; and

(b) The address of the auxiliary facility will not be represented as a school location.

(3) Activities carried forward at an auxiliary facility must be regularly incorporated into operational and financial data reported to the agency by the licensee: *Provided*, That income derived from activities conducted under contract (see: Subsection (1)(c) of this section) will not be included as "tuition income" for purposes of calculating license fees and/or contributions to the tuition recovery trust fund.

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-040 Cancellation and refund policy. (See RCW 28C.10.050 (1)(b).) As a condition of licensing, each school must adhere to the following uniform state-wide

minimum cancellation and refund policy: *Provided*, That any refund due to students receiving federal financial assistance, grant, or loan, will be refunded by the school to the particular federal financial aid program in accordance with federal law:

(1) Refunds applicable to resident training programs:

(a) A full refund of all money paid if the applicant is not accepted by the school;

~~((2))~~ (b) A full refund of ~~((tuition and fees))~~ all money paid if the applicant withdraws not later than midnight on the fifth business day (excluding Sundays and holidays) after signing the contract or making an initial payment, provided that the applicant has not commenced training;

~~((3))~~ (c) After five business days (excluding Sundays and holidays), the school may retain an established registration fee equal to ten percent of the total tuition cost, or one hundred dollars, whichever is less. "Registration fee" refers to any fee, however named, covering those expenses incurred by an institution in processing student applications and establishing a student records system;

~~((4))~~ (d) The official date of termination of a student shall be the last date of recorded attendance ~~((when withdrawal occurs in any of the following manners))~~:

~~((a))~~ (i) When the school receives notice of the student's intention to discontinue the training program;

~~((b))~~ (ii) When the student is terminated for a violation of a published school policy which provides for termination;

~~((c))~~ (iii) When a student, without notice to the institution, fails to attend classes for thirty calendar days.

~~((5))~~ (e) If training is terminated after entering classes, the student is financially obligated to the school according to the following formulas or maximum charges:

~~((a))~~ (i) Termination during first week or ten percent of ~~((instruction))~~ contracted instructional time, whichever is less. School may retain ten percent of tuition cost plus registration fee established under subsection (3) of this section;

~~((b))~~ (ii) Termination after first week or ten percent of ~~((instruction))~~ contracted instructional time, whichever is less, but prior to completion of twenty-five percent of contracted instructional time. School may retain twenty-five percent of tuition cost plus registration fee established under subsection (3) of this section;

~~((c))~~ (iii) Termination after completion of first twenty-five percent ~~((but prior to completion of))~~ and up to and including fifty percent of contracted instructional time. School may retain fifty percent of tuition cost plus registration fee established under subsection (3) of this section;

~~((d))~~ (iv) Termination after completion of more than fifty percent of contracted instructional time. School may retain the full tuition cost plus registration fee established under subsection (3) of this section.

~~((6))~~ (2) Correspondence/home study programs.

(a) A student may request cancellation in whatever manner. Upon cancellation, all money due the student must be refunded within thirty calendar days.

(b) The following applies as a minimum policy for home study courses without mandatory resident training:

(i) An enrollment may be canceled by an applicant student within five calendar days after midnight of the day on which the enrollment agreement is signed. In the event

of dispute over timely notice, the burden to prove service rests on the sender.

(ii) From five calendar days after midnight of the day on which the enrollment agreement is signed and until such time that the school receives the first completed lesson assignment from the student, the student may cancel the enrollment contract and the school is entitled to retain only a registration fee of either fifty dollars or an amount equal to fifteen percent of the tuition; but in no case is the school entitled to a registration fee greater than one hundred fifty dollars.

(iii) After the school receives the first completed lesson assignment and until the student completes half the total number of lesson assignments in the program, he/she is obligated to the school according to the following:

(iv) Up to and including the first ten percent of the program, ten percent of the total tuition cost plus the amount of the registration fee;

(v) After completing more than ten percent of the program and up to and including completion of twenty-five percent of the program, twenty-five percent of the total tuition cost plus the registration fee;

(vi) After completing more than twenty-five percent of the program and up to and including completion of fifty percent of the program, fifty percent of the total tuition cost plus the amount of the registration fee;

(vii) If the student completes more than one-half of the program, the school shall have earned the full amount of the tuition and registration fee.

(viii) The amount of the course completed shall be calculated by factoring the number of completed lesson assignments received by the school into the total number of lesson assignments contained in the program.

(c) The following applies as minimum requirements for a correspondence/home study program which includes mandatory resident training courses. Programs which include optional resident training, seminars, or other optional contact hours of instruction, shall be subject to refund as home study programs under (b)(i) through (viii) of this subsection. Separate charges may not be made for optional resident training.

(i) For a course that contains mandatory resident training, the tuition price for the home study portion and the tuition price for the resident portion must be separately stated on the enrollment agreement/contract. The total of the two is the price of the program.

(ii) For cancellation and settlement of the home study portion of the combination program, the provisions of (b)(i) through (viii) of this subsection shall apply.

(iii) For the mandatory resident portion of the program, commencing from the first resident class session if the student requests a cancellation, the provisions of subsection (1)(e)(i) through (iv) of this section shall apply.

(iv) The amount of resident training completed shall be calculated by factoring the number of instructional days the student attends resident training into the total number of training days provided in the resident training program.

(d) Upon cancellation, a home study student whose tuition is paid in full shall be entitled to receive all course materials, including kits and equipment.

(3) If a school continues to operate under its license but discontinues instruction in any program after training of

students has begun, the students enrolled in the discontinued program are entitled to a ~~((pro rata))~~ pro rata refund of all tuition and fees paid unless comparable training is arranged by the school to be provided at another public or private vocational school and such arrangements are agreed to in writing by the student as provided by WAC 490-100-220(4).

(a) Notice in advance of the discontinuance must be provided to the agency and to students in writing, including at the least data required under WAC 490-100-220(2).

(b) The term "discontinued" generally applies to the elimination by the school of a particular course offering prior to its completion. However, the term includes circumstances where program(s) commenced at a specific location under terms of an enrollment agreement are relocated to substituted physical site.

(c) A student affected by relocation may voluntarily accept transportation and other arrangements offered by the school in order to continue his/her training or may file a refund claim.

(d) Requests for refunds pursuant to this provision must be made in writing by the enrolled student within ~~((thirty))~~ ninety calendar days following discontinuation of the program. Money due the applicant/student shall be refunded within thirty calendar days after receipt of the request.

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-050 Catalog, brochure, or other written material. (See RCW 28C.10.050 (1)(c).) The catalog/bulletin shall be the school's principal printed means to explain its operations and requirements to prospective and enrolled students. For this reason, it shall be current, comprehensive, and accurate. Each school shall publish ~~((#))~~ in some combination of its catalog, brochure, or other written material ~~((which shall include)), at least~~ the following:

- (1) Date of publication;
- (2) Names of owners having a ten percent or more equity ownership and officers, including any governing boards, and the name and address of its parent corporation, if a subsidiary;
- (3) Names, addresses, and telephone numbers of the school's administrative offices and all auxiliary facilities;
- (4) Names and qualifications of teaching faculty. Such lists shall be accurate as of the date of catalog publication. Any changes of faculty shall be noted on a catalog errata sheet provided each student prior to entering classes;
- (5) The school calendar, including hours of operation, holidays, enrollment periods, and the beginning and ending dates of terms, courses, or programs as may be appropriate;
- (6) Admission procedures including, policies~~((;))~~ and regulations describing accurately and completely all prerequisites (e.g., GED, physical requirements, etc.) ~~((and))~~ needed by an average student to:
 - (a) ~~((Fulfilling))~~ Fulfill the skills assessment requirements adopted/developed by the school and applied to each applicant as part of the admissions process;
 - (b) ~~((Completing))~~ Successfully complete the programs of study in which they are interested; and
 - (c) ~~((Qualifying))~~ Qualify for the fields of employment for which their education is designed.

(7) A description of the exact nature and kind of placement assistance offered, if any. If no assistance is offered, the school shall make this fact known;

(8) The school's policy regarding student conduct, including causes for dismissal and conditions for readmission;

(9) The school's policy and regulations relative to leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory attendance;

(10) The school's policy and regulations relative to standards of progress required of the student. This policy will define the grading system of the school, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, and a description of the probationary period, if any, allowed by the school, and conditions for reentrance for those students dismissed for unsatisfactory progress. A statement will be furnished to the student regarding the student's progress.

(11) An accurate description, whether through words, photos, or other means, of the school's facilities, equipment, and physical plant used for training together with a description of the equipment available for student use ~~((and)), the~~ maximum or usual class size and the average student/teacher ratio;

(12) Total cost of training including registration fee, if any, tuition, books, supplies, equipment, laboratory usage, student activities, insurance and all other charges and expenses necessary for completion of the program;

(13) A description of each ~~((course))~~ program of instruction, including:

(a) Specific ~~((course))~~ program objectives: The educational or vocational objective of each ~~((course or))~~ program including the ~~((name of))~~ job titles in occupations for which the course or program purports to train;

(b) The number of clock or credit hours of instruction ~~((and types of instruction))~~ offered in each course and program and method of instruction employed (e.g., correspondence, classroom, lab, computer assisted) in each course and the average length of time ~~((#))~~ stated in hours, weeks, or months normally required for successful completion;

(c) If instruction is calculated in credit hours, the catalog must ~~((contain))~~ display at least one prominent statement describing the contact hour conversion formula applied by the school: The number of contact hours applicable to each quarter or semester credit hour of lecture, laboratory/practicum, and/or internship/externship.

(d) ~~((Number of lessons ()))~~ For the purpose of correspondence/home study schools(3)), instructional sequences may be described in numbers of lessons completed. "Correspondence and/or home study school" shall mean that the instructional format of the school involves the sequential mailing or distribution of lessons to the student, who studies the material, completes a lesson examination, and returns the examination to the school. The school then grades the lesson/examination (and, in some instances, provides additional comments and instruction), and returns the graded lesson to the student along with the next set of instructional materials;

(e) The scope and sequence of courses or programs required to achieve the educational objective;

(f) A statement indicating what type of certificates, diplomas or other educational credentials are awarded upon graduation or successful completion.

(14) Policy and regulations relative to refund of unearned tuition, fees, and other charges, which must meet the minimum cancellation and refund policy set forth in these rules, including procedures a student shall follow to cancel enrollment before or after instruction has begun;

(15) The following statement shall appear prominently on either the first or last printed page or inside the front or back cover: THIS SCHOOL IS LICENSED UNDER CHAPTER 28C.10 RCW; INQUIRIES OR COMPLAINTS REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: ~~((WASHINGTON STATE BOARD FOR VOCATIONAL EDUCATION, BUILDING 17, AIRDUSTRIAL PARK, MAILSTOP LS 10, OLYMPIA, WASHINGTON 98504 6110))~~ WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD, BUILDING 17, AIRDUSTRIAL PARK, P.O. BOX 43105, OLYMPIA, WASHINGTON 98504-3105 (206/753-5673);

(16) Availability of financial aid, grants and scholarships, if any;

(17) Supplements or errata sheets for the catalog/bulletin or other written materials shall be filed with the agency prior to being used (see RCW 28C.10.110(2));

(a) Supplement pages or errata sheets shall be fastened to or otherwise made an integral part of that publication;

(b) The catalog/bulletin supplement or errata sheets shall include the publication date;

(c) In event that information on a supplement or errata sheet supplants any other information contained in the catalog/bulletin, the insert shall specifically identify the information it contradicts or replaces, including at the least an appropriate page reference.

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-060 Enrollment contract or agreement. (See RCW 28C.10.050 (1)(d).) "Enrollment agreement" is any agreement, instrument or note, however named, which creates or evidences ~~((an))~~ a binding obligation ~~((binding a student))~~ to purchase a course of instruction from a school. Each school shall use an enrollment contract or agreement that includes:

(1) The school's cancellation and refund policy, in accordance with these rules, displayed in a type size no smaller than that used to meet any other requirements of this section;

(2) The following statement: THIS SCHOOL IS LICENSED UNDER CHAPTER 28C.10 RCW; INQUIRIES OR COMPLAINTS REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: ~~((WASHINGTON STATE BOARD FOR VOCATIONAL EDUCATION, BUILDING 17, AIRDUSTRIAL PARK, MAILSTOP LS 10, OLYMPIA, WASHINGTON 98504 6110))~~ WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD, BUILDING 17, AIRDUSTRIAL PARK, P.O. BOX 43105, OLYMPIA, WASHINGTON 98504-3105 (206/753-5673);

(3) Information that will clearly and completely define the terms of the agreement between the student and the school, including at least the following:

(a) The name and address of the school and the student;

(b) The ~~((title of the educational services))~~ program or course title as that appears in the school's catalog, date training is to begin, and the number of hours or units of instruction or lessons for which the student is enrolled;

(c) ~~((The cost))~~ An itemization of all charges, fees, and required purchases being incurred by the student or his/her sponsor in order to complete the training~~((Such costs shall be itemized and shall include)),~~ such as tuition~~((;))~~; fees~~((;))~~; books~~((;))~~; supplies (where appropriate), and all other ~~((charges made))~~ items of expense required by the school ~~((necessary to complete the training))~~. The student enrollment agreement shall ~~((outline))~~ also contain the methods of payment and/or ~~((the))~~ payment schedule being established;

(d) ~~((A statement acknowledging receipt of a copy of the school's catalog and student enrollment agreement by the student;~~

~~((e)))~~ Language explaining that the agreement will be binding only when ~~((officially accepted and the agreement is))~~ it has been fully completed, signed and dated by the student and chief administrative officer or authorized representative of the school prior to the time instruction begins.

(4) A statement that any changes in the agreement shall not be binding on either the student or the school unless such changes have been ~~((approved))~~ acknowledged in writing by the chief administrative officer or an authorized representative of the school and by the student or the student's parent or guardian if he/she is a minor;

(5) "NOTICE TO THE BUYER" which includes the following statements in a position above the space reserved for the student's signature:

(a) "DO NOT SIGN THIS AGREEMENT BEFORE YOU READ IT OR IF IT CONTAINS ANY BLANK SPACES. THIS IS A LEGAL INSTRUMENT.

(b) ALL PAGES OF THE CONTRACT ARE BINDING.

(c) READ BOTH SIDES OF ALL PAGES BEFORE SIGNING.

(d) YOU ARE ENTITLED TO AN EXACT COPY OF THE AGREEMENT, SCHOOL CATALOG AND ANY OTHER PAPERS YOU SIGN AND ARE REQUIRED TO SIGN A STATEMENT ACKNOWLEDGING RECEIPT OF THOSE.

(e) YOU MAY CANCEL THIS CONTRACT BY PROVIDING WRITTEN NOTICE OF SUCH CANCELLATION TO THE SCHOOL AT ITS ADDRESS SHOWN ON THE CONTRACT WHICH NOTICE SHALL BE POSTMARKED NOT LATER THAN MIDNIGHT OF THE FIFTH BUSINESS DAY (EXCLUDING SUNDAYS AND HOLIDAYS) FOLLOWING YOUR SIGNING THIS CONTRACT OR THE WRITTEN NOTICE MAY BE PERSONALLY OR OTHERWISE DELIVERED TO THE SCHOOL WITHIN THAT TIME. IN EVENT OF DISPUTE OVER TIMELY NOTICE, THE BURDEN TO PROVE SERVICE RESTS ON THE SENDER.

(f) IT IS AN UNFAIR BUSINESS PRACTICE FOR THE SCHOOL TO SELL, DISCOUNT OR OTHERWISE TRANSFER THIS CONTRACT OR PROMISSORY NOTE WITHOUT THE SIGNED WRITTEN CONSENT OF THE STUDENT OR HIS/HER FINANCIAL SPONSORS AND A WRITTEN STATEMENT NOTIFYING ALL PARTIES THAT THE CANCELLATION AND REFUND POLICY CONTINUES TO APPLY."

(6) Physically attached to each completed contract shall be a one-page form constructed by the agency and supplied in prototype to each licensee, containing acknowledgements signed by the school and the enrollee relating to the student's rights, responsibilities, and loan repayment obligations; and attesting that the school counseled the enrollee against incurring excessive debt burdens.

(7) The school shall retain ~~((a copy))~~ the original of the student enrollment agreement and one copy shall be deliv-

ered to the student at the time of execution or by return mail when the enrollment is solicited by mail.

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-070 Time of application. (See RCW 28C.10.060.) (1) **Initial licensing.** Any entity (~~desiring to operate a private vocational school(s)~~) must initially be licensed by the agency (~~(no later than)~~) at least thirty calendar days prior to the date on which it first makes offers of educational services or operates as a private vocational school;

(2) **Renewal.** Each private vocational school must annually renew its license. No later than thirty calendar days prior to the anniversary date of its license, the private vocational school must file with the agency a completed application for license renewal, including a financial statement, attested to by the chief administrative officer, and amend any statements or materials on file which are no longer accurate, and pay the required fees.

(3) A license may be denied, revoked, or suspended by the agency's executive director or his/her designee for just cause.

~~((4) **Transition.** A training location in operation on or before June 7, 1990, as an "additional instruction site" (WAC 490-100-100(2)) under a license issued to a common owner but which site is required to be individually licensed as a private vocational school, as a consequence of the enactment of RCW 28C.10.020(7) shall be considered to be licensed under chapter 28C.10 RCW until the expiration date of the license under which its owning entity was operating on June 7, 1990: *Provided*, That during such transition, an affected "additional instruction site" remains otherwise in compliance with the provisions of the act and these rules: *Provided further*, That the license of its owning entity remains valid throughout the transition period described.))~~

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-080 Display of licenses—Loss or destruction—Change of name—Change of location. (See RCW 28C.10.060.) (1) Licenses shall be issued in the name of the applicant school showing that name, its address, and phone number. In the instance of schools under a common ownership, the name (~~and address~~) of the owning entity shall also be shown.

(2) A certificate shall be issued to each auxiliary facility for which approval is requested and granted in accordance with the provisions of WAC (~~490-100-100~~) 490-100-035. It shall contain the identifications described under subsection (1) of this section.

(3) **Display.** Each school shall prominently display its license and/or certificate issued to an auxiliary facility to the public, prospective students, and other interested persons at each location.

(4) **Loss or destruction.** Upon the loss or destruction of any license and/or certificate issued to an auxiliary facility, application for a duplicate and payment of the appropriate license reissuance fee must be made to the agency. See WAC 490-100-120(4).

(5) **Change of name.** No licensee shall adopt or make a change in its name (~~(prior to)~~) without providing prior written notification to the agency together with payment of the appropriate license reissuance fee. See WAC 490-100-120(5).

(6) **Change of location.** No change in the location of licensed premises including auxiliary facilities, if any, shall be made without first applying to and obtaining prior written consent of the agency and making payment of the appropriate license reissuance fee. See WAC 490-100-120(6).

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-090 Change of ownership—License nontransferable. (See RCW 28C.10.060.) (1) The ownership of a licensed entity is deemed to have changed at the consummation of:

- (a) A sale by the sole proprietor of a school;
- (b) A change in the majority interest of general partners of a partnership owning a school; or
- (c) A sale or transfer of stock occurs that creates a change in the majority interest in the issued and outstanding shares of a corporation owning a school.

(2) No license issued under this chapter is transferrable. Simultaneous with consummating the change(s) described under subsection (1) of this section, the license(s) issued to the existing owner(s) expires.

(3) The provisions of subsection (2) of this section notwithstanding, to maintain a continuity of operation(~~;~~) the new ownership (~~(must)~~) may make application for a new license no less than fifteen calendar days prior to the change of ownership. On receipt of such advance application, the agency may extend the existing license for a maximum sixty calendar days beyond the date that ownership changes: *Provided*, That the new applicant's chief administrative officer furnishes a written statement asserting that all conditions set forth in the act and these rules are being met or will be met before offering training or education in the period during which the application for new license is pending.

(4) In event the new owner(s) fail to (~~obtain a license in~~) become licensed within no more than sixty calendar days after the date of sale or transfer of ownership and provided no further extension of time has been granted by the agency, continued operation beyond that date as a private vocational school will constitute a violation of RCW 28C.10.090.

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-100 Application contents. (See RCW 28C.10.050 and 28C.10.060.) Any entity desiring to operate a private vocational school shall apply for license to the agency on forms provided by the agency which shall include the following information attested to by the school's chief administrative officer.

- (1) **Owners, shareholders, and directors:**
 - (a) The complete legal name of the (~~school~~) owner, current telephone number, current mailing address, the school's name, if different from owner, physical address, and date of establishment;

(b) The form of ownership of the school, whether sole proprietorship, partnership, limited partnership, or corporation;

(c) Names, addresses, phone numbers, birthdates, and prior school affiliations ~~((and capacities, and any other appropriate information))~~ if any, of all those with ten percent or more ownership interest;

(d) A school which is a corporation or a subsidiary of another corporation shall submit to the agency as part of the school's application current evidence that the corporation is registered with the Washington secretary of state's office and the name, address and telephone number of the corporation's registered agent;

(e) "Ownership" of a school means:

(i) In the case of a school owned by an individual, that individual;

(ii) In the case of a school owned by a partnership, all full, silent and limited partners having a ten percent or more ownership interest;

(iii) In the case of a school owned by a corporation, the corporation, each corporate director, officer, and each shareholder owning shares of issued and outstanding stock aggregating at least ten percent of the total of the issued and outstanding shares.

(2) **Schools under common ownership.** Application(s) for initial and renewal licensing may be submitted by a single entity on behalf of each private vocational school under its common ownership: *Provided*, That the owning entity controls the licensee's recruiting activities, faculty, and administrators, course curricula and guidelines for teaching, and is otherwise wholly accountable for its operations.

(a) Each license issued to a private vocational school under common ownership shall be valid only for the location listed in the initial and renewal applications and the name ~~((and address))~~ of the owning entity shall be shown thereon in addition to information identifying the individual site.

(b) A single location may be ~~((identified))~~ designated by the owning entity as the principal facility for recordkeeping via prior written notice to the agency.

(3) **Financial statement.** Each school must annually disclose to the agency information reflecting the financial condition of the school at the close of its most recent fiscal or calendar year to demonstrate that it has sufficient financial resources to fulfill its commitments to students. Entities operating a private vocational school must submit:

(a) The fiscal year dates utilized for the school's operations;

(b) A financial statement in a format supplied by the agency that:

(i) Is certified true and accurate by the school's chief administrative officer or his/her designee; and

(ii) Covers the period of the most recently completed of the periods established in (a) of this subsection.

(c) On a showing by the school that inadequate time exists to produce such data in the interval between the ending date of the period established in (a) of this subsection and the due date of an application, the agency will adjust the license period of the school to provide a reasonable interval.

(d) Any entity just starting operations at the time of initial licensing must substitute for the financial statement described under (b) of this subsection, a proposed operating

budget for its initial twelve months' period of operation using a format provided by the agency.

(e) Any entity seeking initial licensing as a private vocational school which has operated another business or businesses for one year or more prior to filing an application under chapter 28C.10 RCW, shall include in its initial application, in addition to the requirements under (d) of this subsection, a financial statement for any one or more such additional business(es) that is prepared by a certified public accountant and/or certified by its chief administrative officer, covering the period of its most recently completed fiscal year.

(f) The owning entity of multiple schools under a common ownership may file financial information with initial or renewal license applications that consists of a single, consolidated financial statement and balance sheet for the corporate entity, as described under (b) of this subsection: *Provided*, That it is accompanied by data extracted therefrom that documents total tuition earnings for each licensee under its common ownership at the close of its most recent fiscal year of operation, or lacking historic data, projects total tuition earnings for a subject school in its first or next completed twelve months of operation.

(4) **Financial references.** The applicant shall furnish the name(s) of one or more bank(s) or other financial institution(s) that may be consulted as financial reference(s) for the entity and school, together with a statement authorizing the agency to verify such information by consulting with the references furnished.

(5) A copy of the applicant's catalog.

(6) A copy of the applicant's enrollment agreement/contract.

(7) Administrators/instructors educational and occupational records, employing qualification forms supplied by the agency for that purpose, evidencing names, Social Security numbers, addresses, phone numbers, positions, education, experience, prior school affiliations, and birthdates.

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-105 Application to operate as agent of private vocational school. (See RCW 28C.10.060.) (1) No person shall act in this state as an agent for a private vocational school for more than thirty calendar days after employment unless the ~~((board))~~ agency has approved the individual's registration as an agent as part of the school's license.

(2) The application shall be in writing, upon forms prepared and supplied by the agency and shall contain at least the following:

(a) The full name, Social Security number, current address, and phone number of the individual applying for registration;

(b) The name, current address, and phone number of the ~~((vocational))~~ employing school ~~((proposed to be represented))~~;

(c) The ~~((past))~~ employment ~~((record))~~ history of the applicant;

(d) The signatures of the applicant and chief administrative officer of the school.

(3) Each ((agent)) individual applying to be registered under this chapter as an agent shall be considered for all purposes under chapter 28C.10 RCW to be acting as an agent of the licensee ((submitting)) designated on his/her application and no person can be independently registered to perform those functions.

(4) Each school shall provide training to a sales agent prior to his/her representing the school in that capacity that includes:

(a) Knowledge of the Private Vocational School Act (chapter 28C.10 RCW) and the regulations contained in this chapter.

(b) A detailed understanding of the school's catalog, enrollment contract, and refund policy.

(c) An organized review of the school's policies and practices governing the ethical conduct of sales agents.

(5) In the instance of an individual who applies to represent a private vocational school that is domiciled in another state and does not operate training facility(ies) within Washington state, the application shall be accompanied by the fee in WAC 490-100-120(2).

(6) Each school to whom the agent is registered shall notify the agency in writing within no more than thirty calendar days following the date that the registered agent ceases to perform those services.

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-120 Fees. (See RCW 28C.10.060(3).) No fee accompanying an application for a license or permit is refundable and no right to license or permit being sought is established or implied through the payment thereof.

(1) Annual fee:

(a) For in-state schools, the annual application fee for licensing ((fee)) is based on total annual tuition income.

(b) For out-of-state schools, the annual application fee for licensing ((fee)) is based on total annual tuition income received from or on behalf of Washington state residents.

(c) Schools not having been in operation prior to the date of their initial licensing shall base their ((annual-fee)) application fee for licensing upon estimated total annual tuition income.

Total Annual Tuition Income	License Fee
Up to \$25,000	\$ 250
\$25,001 to \$50,000	\$ 500
\$50,001 to \$100,000	\$ 600
\$100,001 to \$250,000	\$ 750
\$250,001 to \$500,000	\$1,000
\$500,001 to \$1,000,000	\$1,500
\$1,000,001 to \$2,500,000	\$2,000
Over \$2,500,001	\$2,500

(2) Agents representing out-of-state schools: \$120 annual application fee per agent per school represented.

(3) Fee for late filing of renewal application: \$25 per day for the thirty calendar days prior to the expiration of the current school license;

(4) Loss or destruction of license/auxiliary certificate. Reissuance fee: \$25.

(5) Change of name. Reissuance fee: \$25.

(6) Change of location. Reissuance fee: \$25.

(7) Auxiliary location. Certificate issuance fee: \$25.

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-130 Financial standards. (See RCW 28C.10.050 (1)(a).) The school must demonstrate that it has sufficient financial resources to:

(1) Fulfill its contracted obligations to students;

(2) Meet all refund obligations incurred under a uniform state-wide cancellation and refund policy as specified in these rules;

(3) Meet the school's operational expenses and maintain its financial obligations;

(4) Make scheduled contributions to the tuition recovery trust fund as required under WAC 490-100-180.

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-170 Equipment and materials. (See RCW 28C.10.050 and 28C.10.060.) Equipment, furniture, instructional devices and aids, machinery and other physical features of the classroom, laboratory, or shop shall be adequate in number and condition to achieve the stated educational objectives of the course. It shall be comparable in number and quality with those used by comparable schools with similar programs and educational objectives, comparable to that in current use by the appropriate trade, business or profession, and be of sufficient quantity for the number of enrolled students.

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-180 Tuition recovery trust fund. (See RCW 28C.10.082, and 28C.10.084.) (1) Establishment of fund liability limits. The amount of liability that can be satisfied by this fund on behalf of each individual entity licensed under this chapter shall be based on the following scale:

Total Annual Tuition Income:	Liability Limit:
\$ 0.00 to \$ 50,000	\$ 5,000
\$ 50,001 to \$ 75,000	\$ 7,500
\$ 75,001 to \$ 100,000	\$ 10,000
\$ 100,001 to \$ 150,000	\$ 15,000
\$ 150,001 to \$ 200,000	\$ 20,000
\$ 200,001 to \$ 250,000	\$ 25,000
\$ 250,001 to \$ 350,000	\$ 35,000
\$ 350,001 to \$ 500,000	\$ 50,000
\$ 500,001 to \$ 750,000	\$ 75,000
\$ 750,001 to \$ 1,000,000	\$ 100,000
\$1,000,001 to \$ 1,250,000	\$ 125,000
\$1,250,001 to \$ 1,500,000	\$ 150,000
\$1,500,001 to \$ 1,750,000	\$ 175,000
(\$1,750,001 and above	\$200,000)
\$1,750,001 to \$ 2,000,000	\$ 200,000
\$2,000,001 to \$ 2,250,000	\$ 225,000
\$2,250,001 to \$ 2,500,000	\$ 250,000
\$2,500,001 to \$ 2,750,000	\$ 275,000

Provided: (a) That the calculation of total annual tuition for a school located outside the state of Washington shall include only that income derived from residents of this state during the entity's preceding fiscal year of operation, as evidenced in the financial statement required by WAC ((490-

800-100(4) [490-100-100(4)]) 490-100-100(4); (b) institutions not yet in operation or otherwise lacking a full year's financial data prior to initial licensing, shall have a liability limit calculated on the basis of the total annual tuition estimate that institution supplies under the provisions of WAC 490-100-100(4); (c) no liability established in any circumstance shall be less than five thousand dollars (~~or more than two hundred thousand dollars~~).

(2) (~~Matrix~~) Matrices for calculating initial (~~capitalization~~) deposits and any assessments necessary under subsection (8) of this section:

Level of Liability ((Section)) Subsection 1):	Prorated Participatory Share for the First Five Years:
\$ 5,000	\$0.15%
\$ 7,500	\$0.23%
\$ 10,000	\$0.30%
\$ 15,000	\$0.46%
\$ 20,000	\$0.61%
\$ 25,000	\$0.76%
\$ 35,000	\$1.07%
\$ 50,000	\$1.52%
\$ 75,000	\$2.28%
\$ 100,000	\$3.05%
\$ 125,000	\$3.81%
\$ 150,000	\$4.57%
\$ 175,000	\$5.33%
\$ 200,000	\$6.10%
\$ 225,000	\$6.86%
\$ 250,000	\$7.62%
\$ 275,000	\$8.38%

Level of Liability Subsection (1):	Prorated Participatory Share for the Second Five Years:
\$ 5,000	\$0.04%
\$ 7,500	\$0.06%
\$ 10,000	\$0.08%
\$ 15,000	\$0.12%
\$ 20,000	\$0.33%
\$ 25,000	\$0.41%
\$ 35,000	\$0.58%
\$ 50,000	\$0.82%
\$ 75,000	\$1.24%
\$ 100,000	\$1.65%
\$ 125,000	\$2.06%
\$ 150,000	\$2.47%
\$ 175,000	\$2.89%
\$ 200,000	\$3.30%
\$ 225,000	\$3.71%
\$ 250,000	\$4.12%
\$ 275,000	\$4.53%

(3) Initial (~~capitalization~~) deposit. Each entity applying to be initially licensed under this chapter shall submit to the agency in cash, or by check or money order, the following amounts for deposit into the tuition recovery trust fund, those being calculated by application of the matrix displayed under subsection (2) of this section (~~to an amount totaling two hundred thousand~~);

Level of Liability ((Section)) Subsection 1):	((Capitalization)) Initial Deposit:
\$ 5,000	\$ 305
\$ 7,500	\$ 457
\$ 10,000	\$ 609
\$ 15,000	\$ 914
\$ 20,000	\$ 1,219
\$ 25,000	\$ 1,523
\$ 35,000	\$ 2,133
\$ 50,000	\$ 3,046
\$ 75,000	\$ 4,570

\$ 100,000	\$ 6,093
\$ 125,000	\$ 7,616
\$ 150,000	\$ 9,139
\$ 175,000	\$ 10,663
\$ 200,000	\$ 12,186
\$ 225,000	\$ 13,710
\$ 250,000	\$ 15,233
\$ 275,000	\$ 16,757

(4) (~~Five-year~~) Ten-year contribution under this schedule. As a condition to remaining licensed under this chapter, each entity shall, commencing six months after the due date of its initial (~~capitalization~~) deposit and thereafter, remit to the agency for deposit into the tuition recovery trust fund semiannual payments in cash, or by check or money order in accordance with the following schedule, such amounts being calculated by application of the (~~matrix~~) two matrices and/or formula displayed under subsection (2) of this section to an amount totaling one million dollars; however the calculation of final payment may be adjusted to cover total remittances to equal the total amount of deposit due.

Level of Liability ((Section)) Subsection 1):	Schedule 1 Semiannual Deposit Required for First Five Years:
\$ 5,000	\$ 122
\$ 7,500	\$ 183
\$ 10,000	\$ 244
\$ 15,000	\$ 366
\$ 20,000	\$ 487
\$ 25,000	\$ 609
\$ 35,000	\$ 853
\$ 50,000	\$ 1,219
\$ 75,000	\$ 1,828
\$ 100,000	\$ 2,437
\$ 125,000	\$ 3,046
\$ 150,000	\$ 3,656
\$ 175,000	\$ 4,265
\$ 200,000	\$ 4,874
\$ 225,000	\$ 5,483
\$ 250,000	\$ 6,092
\$ 275,000	\$ 6,702

Level of Liability Subsection (1):	Schedule 2 Semiannual Deposit Required for Second Five Years:
\$ 5,000	\$ 61
\$ 7,500	\$ 92
\$ 10,000	\$ 122
\$ 15,000	\$ 183
\$ 20,000	\$ 244
\$ 25,000	\$ 305
\$ 35,000	\$ 427
\$ 50,000	\$ 609
\$ 75,000	\$ 914
\$ 100,000	\$ 1,219
\$ 125,000	\$ 1,828
\$ 150,000	\$ 2,437
\$ 175,000	\$ 3,046
\$ 200,000	\$ 3,656
\$ 225,000	\$ 4,265
\$ 250,000	\$ 4,874
\$ 275,000	\$ 5,483
\$ 250,000	\$ 6,092
\$ 275,000	\$ 6,702

(5) Transition back into tuition recovery trust fund. (~~A training location operated prior to June 7, 1990, as an "additional instruction site" (WAC 490-100-100(2)) under a license issued to a common owner but required to be individually licensed as a consequence of RCW 28C.10.020(7) will, upon the expiration of its current license to operate:~~

~~(a) Be considered to have commenced its participation in the tuition recovery fund under the terms of RCW~~

~~28C.10.084 on the first date that participation under the fund was commenced by its common owner(s); and~~

~~(b) Be considered to have satisfied the requirement for an "initial capitalization" deposit (RCW 28C.10.084(5) and WAC 490-100-180(3)) by recognizing in its name the initial capitalization deposit received on its behalf from its common owner(s); and~~

~~(c) Begin, effective with the date it is required to be separately licensed and thereafter, to make semiannual contributions to the tuition recovery fund on the basis of its reported total tuition income, calculated under subsection (4) of this section; and~~

~~(d) Begin, effective with the date it is required to be separately licensed and thereafter, to make semiannual deposits that are the same in number as remained unpaid by its common owner(s) on that date, until it has completed the schedule of ten payments described under subsection (4) of this section; and~~

(a) Participants under the fund who completed an assigned schedule of ten semiannual deposits under provisions of RCW 28C.10.084, referenced under subsection (4) of this section as schedule 1, prior to enactment of chapter 445, Laws of 1993, are required thereby to make an additional ten semiannual deposits into the fund under the provisions of schedule 2, as referenced under subsection (4) of this section. The first such deposit under schedule 2 shall be made on or before January 1, 1994. Billings for the correct amount of deposit due shall be created by the agency and mailed to each affected participant prior to December 1, 1993.

(b) Participants under the fund who failed to complete an assigned schedule of ten semiannual deposits under provisions of RCW 28C.10.084, referenced under subsection (4) of this section as schedule 1, prior to the enactment of chapter 445, Laws of 1993, are required to continue making deposits required by schedule 1 until all have been completed. Six months thereafter, such participants shall commence making an additional ten semiannual deposits into the fund under the provisions of schedule 2, as referenced under subsection (4) of this section. Billings for the correct amount of deposit due shall be created by the agency and mailed to each affected participant one month prior to the due date.

(6) The agency will prepare and mail to each licensee semiannual notices of the due dates and amounts of deposits required under subsection (4) of this section. The fee for late filings under WAC 490-100-120(3) of this chapter shall apply to late payments of deposits into the fund for a period cumulating to thirty calendar days. Failure to make a deposit within thirty calendar days is a violation of RCW 28C.10.050 (1)(f).

(7) Each notice conforming to subsection (6) of this section shall include therein at least once each year:

(a) A notation showing the licensee's aggregated prior deposits into the fund;

(b) A notation showing the licensee's balance of remaining payments, based on the most recent deposit received;

(c) A notation showing the cumulated balance existing in the fund at the most recent half-year accounting; and

(d) A summary showing any disbursements made from the fund to satisfy claims in the period since the last such similar summary was disseminated.

(8) Within thirty calendar days after disbursements made to settle claims reduce the operating balance below two hundred thousand dollars until June 30, 1993, or below one million dollars thereafter and recovery of such funds has not been ensured under the provisions of RCW 28C.10.084 (9)(d) and/or (10), the agency shall assess each licensee a pro rata share of an amount required to restore the deficiency created by such disbursements. In making calculations of each respective share the agency shall employ the same percentages of liability established by the ~~((matrix))~~ two matrices appearing under subsection (2) of this section. In the event that the amount of any single such assessment equals or is less than the semiannual amount of deposit established for a licensee under subsection (4) of this section, the assessment shall be paid within thirty calendar days of notice. In the event any single assessment exceeds the amount of its semiannual deposit, the entity may apply to the agency for a schedule of deferred payments. The agency shall grant such deferrals on application, but in no case shall the time extended exceed one year beyond the date of an assessment.

(9) Funds disbursed to settle claims against a current licensee shall be recovered by the agency under a schedule to be negotiated with the affected entity on a case-by-case basis following such disbursement. To secure deferral of payment more than thirty calendar days after demand for recovery is made, the burden to prove manifest hardship rests on the entity but in no case shall the time extended exceed one year beyond the date of the initial demand notice.

AMENDATORY SECTION (Amending WSR 91-01-056, filed 12/13/90, effective 12/13/90)

WAC 490-100-190 Prohibitions. (See RCW 28C.10.110(11).) In addition to the act, it is deemed an unfair business practice for a private vocational school or agent to:

(1) Advertise, offer, sell, or award any educational credential without requiring the consumer to enroll in and successfully complete a prescribed program of study, as outlined in the school's catalog or brochure;

(2) Sell, discount, or transfer contracts or promissory notes for tuition to third parties without the signed consent of the student or his/her financial sponsors, and a statement notifying all parties that the cancellation and refund policy continues to apply;

(3) Misrepresent to students the availability and/or amount of federal grants/loans potentially available.

(4) A school is prohibited from employing the term "accredited" in advertising of any form or manner and/or including that term in any publication(s) unless:

(a) The institution holds a current grant of accreditation;
(b) The term "accredited" is accompanied with equal prominence by the full name and/or seal of the agency or body from whom the licensee holds a current grant of accreditation; and

(c) In the event the referenced accrediting agency is not included in the listing of accrediting agencies currently recognized by the United States Secretary of Education under the provisions of the Higher Education Act (Chapter 34 CFR), as amended, the licensee shall, prior to making

such a representation, supply the agency with evidence of its grant of accreditation and such other information as the agency may require regarding the nature and scope of the referenced accrediting agency.

(5) A school is prohibited under RCW 28C.10.110(3) from advertising in portions of publications devoted to recruiting employees for available jobs — commonly called "help wanted columns": *Provided however*, That a school can advertise under a help wanted classification for the purposes of:

(a) Making an offer of employment for its own bona fide job openings;

(b) Soliciting job opportunities for available graduates.

(c) To establish consistency in the implementation of this section, the following definitions will apply:

(i) "Advertise" means the publishing by a school of information that establishes its identity, location, and nature of course offerings available, and that may or may not contain an offer of training.

(ii) "Help wanted section" means any classified advertising section/subdivision in a publication that contains offers of employment. The particular wording any publication may choose to caption such a section is not material.

(iii) "Newspaper" means a printed publication usually issued daily or weekly, containing news, editorials, advertisements, etc. The proportionate mixture of contents is immaterial. The definition extends, for example, to tabloids such as "nickel-savers" that contain primarily or exclusively advertising. It is not material whether the publication is sold or given away.

(d) For purposes of this section, it is not considered "advertising" if a licensee elects to insert a notice in a "help wanted column" for the purpose of referring the reader to different classified heading in the same issue of the same publication, provided that:

(i) An offer of training is being made by the licensee under an appropriate other section in the same issue of the same publication; and

(ii) Such referral notice contains only the name of the licensee and not its address, telephone number, or description of program(s); and

(iii) The overall size and general appearance of what appears as a notice is consistent with its purpose only to refer readers elsewhere.

~~((5))~~ (6) A school is prohibited from making offers of training in any form or manner without including therein the full name and/or d/b/a under which it is licensed. Permutations of its name and/or d/b/a such as initials or nicknames can be employed only with prior written permission of the agency.

(7) RCW 28C.10.110(12) makes it an unfair business practice to attempt to recruit students within forty feet of a building that contains a welfare or unemployment office. The term "recruiting" is defined by statute. Other terms employed in the statute are further defined as follows:

(a) The distance of "forty feet from a building" shall be measured in a straight line from any doorway affording public access, extended parallel to the building in all directions along sidewalks or curb lines and extending at right angles to the building into adjacent spaces such as, but not limited to, parking lots. In instances of buildings with multiple entrances, the furthest distant point from any part of

the structure that can be determined by the described methodology shall prevail throughout as the minimum distance permitted.

(b) "Welfare or unemployment office" means when applied to state government, buildings offering public access to provide services to clients of:

(i) Employment security department: Employment services division; family independence/opportunities branch; labor exchange branch; and special program branch; and

(ii) Department of social and health services: Children, youth and family services administration; economic and medical services administration; aging and adult services administration; and health and rehabilitative services administration.

(c) In the instance of county and municipal agencies, "welfare or unemployment office" means those buildings offering public access for the purpose of providing shelter, food, employment, health, and social services.

(d) The term "welfare or unemployment office" includes established locations operated by community-based, nonprofit organizations for the purpose of providing shelter, food, employment, health, and social services to disadvantaged populations.

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-200 Complaints. (See RCW 28C.10.080(5) and 28C.10.120.) (1) To be adjudicated under this chapter, a complaint against a licensee by ~~((a))~~ an eligible former student must be filed no more than one calendar year following the student's last recorded date of attendance or, in the case of correspondence students, one calendar year following the date on which the school received the most recently submitted test for grading or, if the school ~~((closes))~~ ceases to provide educational services, within sixty calendar days of the ~~((closure))~~ date it ceases. Such time may be extended by the agency based on a showing that good faith efforts to obtain satisfaction from the school were being pursued by the student during the time elapsed.

(2) The term "a person" used to reference a claimant under RCW 28C.10.120(1) is further defined to mean only such individual(s) who established a fiduciary responsibility through their enrollment in a school or, in the case of a minor, his/her parent or guardian.

(a) No access is provided for private or public agencies, employers, or other entities who contract with a private vocational school to provide services for "a person" or persons.

(b) In any instance where a person established a fiduciary responsibility for only a portion of the contracted costs and was subsidized for the remainder as described under (a) of this subsection, his or her claim will be pro rated to recognizing only the unsubsidized amount.

(3) The term "unfair business practices" under RCW 28C.10.120(1) is further defined to mean those practices described under RCW 28C.10.110 and those described as "prohibited" under WAC 490-100-190.

(4) The "informal hearing" referred to under RCW 28C.10.120(2) shall be convened and conducted under the

procedures described for a postdetermination review under subsection (7) of this section.

(5) Complaints shall be made in writing ~~((t))~~ on a form provided by the agency ~~((and contain))~~ requiring the following information:

(a) The complaining party's name, Social Security number, address, and phone number;

(b) School name, address, and phone number;

(c) Nature of complaint, such as, failure to refund tuition, misrepresentation, or other unfair business practice as specified in the act and these rules;

(d) Facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, financial loss, if any, and any other pertinent information;

(e) An explanation of what efforts have been taken to resolve the problem with the school, if any;

(f) Copies of pertinent documents, such as, the enrollment agreement, financial data and payment contracts, catalog, advertisements, etc.;

(g) The form supplied shall include instructions related to its filing, information regarding the complainant's rights and responsibilities, a listing of expenses eligible for reimbursement consistent with the provisions of subsection (4) (e) and (f) of this section.

(h) In determining any losses suffered by a complainant, the agency shall consider the following as eligible costs:

(i) Tuition charges paid to the school;

(ii) Registration fees paid to the school as defined under WAC 490-100-040(3);

(iii) Payments made by the complainant for child care when such were incurred specifically to facilitate school attendance;

(iv) Costs of transportation from a place of residence to and from classes on a daily basis;

(v) Costs of transportation incurred if relocation from a usual place of residence to a school site is necessitated;

(vi) Costs incurred for purchase of required books, supplies, equipment, uniforms and protective clothing or devices, lab and other user fees or rental charges related to the foregoing;

(vii) Costs incurred for transportation and other directly attributable expenses related to required but unpaid extern or internship participation and/or required field trips; and

(viii) Costs incurred for required insurance;

(i) In estimating a student's costs for nontuition expenses related to an educational program, the agency may employ applicable standard tables developed under Title IV of the Higher Education Act and/or those of the Washington state departments of employment security and social and health services.

~~((3))~~ (6) Upon receipt of a complaint alleging that an institution has failed or is failing to comply with the provisions of the act or this chapter, the agency shall:

(a) ~~((Notify))~~ Evaluate the complaint for completeness and to determine eligibility within ten working days after receipt.

(b) Perfect and accept or reject the complaint and so notify the complainant.

(c) Forward a bona fide complaint to the school by mail ~~((of the nature of the allegations,))~~ including a copy of the complaint and its attachments;

~~((b) Afford))~~ (d) The institution is afforded fifteen working days to respond: *Provided*, That the failure by an institution to submit a timely response will be ~~((treated))~~ considered by the agency as evidencing that it has no defense to offer;

~~((e))~~ (e) Investigate the facts supplied by all parties;

~~((d))~~ (f) Adjudicate the complaint;

~~((e))~~ (g) Notify all parties of the determinations and remedies.

~~((4) Any adjudication made under this section by the staff of the agency which is alleged to be unreasonable or unfair in its effect upon institutions or students, and/or which is alleged to be not in keeping with the intent and purposes of the act or these rules and regulations may be appealed by the affected party(ies) to the deputy director. An informal hearing on the issues shall be conducted by the deputy director in response to such request. He/she may uphold or reject prior determinations of the staff, in whole or in part; may call for further findings; or take any other action he/she deems appropriate under the circumstances, pursuant to the provisions of the act and these rules.))~~

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-205 Appeals. (See RCW 28C.10.120 and 34.05.410.) Any ~~((school feeling aggrieved by any dispute involving))~~ entity disputing the following actions may request a hearing pursuant to WAC 490-100-208 and chapter 34.05 RCW:

(1) A denial of an exemption under RCW 28C.10.030(6).

(2) A denial, suspension or revocation of licensing under RCW 28C.10.050.

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-208 Hearings. (See RCW 28C.10.120.) (1) Any administrative hearing called for under the act or these rules shall be conducted by a designated hearings officer in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(2) A designated hearings officer shall make findings and conclusions in accordance with the Administrative Procedure Act, chapter 34.05 RCW. The findings, conclusions, and any recommendations for action shall be submitted to the executive director for final action pursuant to RCW 34.05.461.

(3) The executive director may accept or reject, in whole or in part, any recommendations made by the hearings officer, may remand for further findings, or take any other action he or she deems appropriate under the circumstances, pursuant to the provisions of the act and these rules.

AMENDATORY SECTION (Amending WSR 91-08-029, filed 3/29/91, effective 3/29/91)

WAC 490-100-210 Record retention. (See RCW 28C.10.060(4) and 28C.10.160.) (1) Each school shall maintain for a minimum of fifty years from the date of each student's enrollment or until such time that it ceases to be

licensed under this chapter; whichever first occurs, student educational records as defined by these rules.

(2) Past and current catalogs, catalog supplements, and errata sheets shall be retained for a period of at least six years from their respective dates of publication.

(3) "Educational records" include, but are not limited to, transcripts that the school (~~is permitted to~~) shall create on a single page summary for each student, indicating:

(a) The name, address, and telephone number of the school;

(b) Full name, address, and telephone number of the student;

(c) Dates of attendance;

(d) Course of instruction or subjects attempted;

(e) Amount of credit, if any, awarded for each subject;

(f) Grade for each subject completed;

(g) Date of completion, graduation, or termination together with notation of document(s) issued signifying satisfactory completion, if achieved (degree, diploma, certificate conferred);

(h) If termination, the reason(s) therefor;

(i) Signature and title of the certifying officer; and

(j) Date that transcript is prepared.

(4) "Financial records" include, but are not limited to, the following and are to be retained for no less than six years from the student's date of enrollment:

(a) Signed and completed enrollment agreements and other contracts;

(b) The student's payment record.

(5) Financial aid records related to Title IV student financial assistance are not under state jurisdiction, but should be maintained in accordance with appropriate federal regulations.

(6) Schools shall maintain for a minimum of at least one year from date of publication or airing a true and legible copy of all newspaper ads and direct mail solicitations together with written or taped transcripts of all broadcast and television advertising purchased in that period.

(7) Each school must provide, upon request, transcripts described under subsection (3) of this section to students who have satisfied all financial obligations currently due and payable directly to the school.

WSR 93-18-099

PROPOSED RULES

**WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD**

[Filed September 1, 1993, 11:09 a.m.]

Original Notice.

Title of Rule: Workforce Training and Education Coordinating Board implementation of state environmental policy, WAC 490-325A-010.

Purpose: To comply with provisions of chapter 43.21C RCW, and chapters 197-11 and 132-24 WAC.

Statutory Authority for Adoption: Chapter 28C.18 RCW.

Statute Being Implemented: Chapter 28C.18 RCW.

Summary: Implementing statutory direction to establish certain agency policies and procedures.

Name of Agency Personnel Responsible for Drafting: Charles Johnson, Workforce Training and Education Coordinating Board, Olympia, (206) 586-8683; Implementation and Enforcement: Ellen O'Brien Saunders, Executive Director, Workforce Training and Education Coordinating Board, Olympia, (206) 753-5660.

Name of Proponent: Workforce Training and Education Coordinating Board, governmental.

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

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

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Martin Luther King Jr. Room of the Hopf Union Building, Yakima Valley Community College, South 16 and Nob Hill Boulevard, Yakima, Washington 98907, on October 20, 1993, at 1 p.m. to 1:30 p.m.

Submit Written Comments to: Executive Director, Workforce Training and Education Coordinating Board, P.O. Box 43105, Olympia, WA 98504-3105, by October 6, 1993.

Date of Intended Adoption: October 20, 1993.

August 31, 1993

Ellen O'Brien Saunders

Executive Director

Chapter 490-325A WAC

STATE ENVIRONMENTAL POLICY ACT RULES

NEW SECTION

WAC 490-325A-010 Implementation of state environmental policy act. (1) It shall be the policy of the work force training and education coordinating board that all actions taken by the board shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and 132-24 WAC.

(2) The executive director of the board, or his or her designee, shall be responsible for administering and implementing this policy.

WSR 93-18-100

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed September 1, 1993, 11:13 a.m.]

Original Notice.

Title of Rule: Bail bond agencies and bail bond agents.

Purpose: For the implementation and administration of the bail bond agents law, a new chapter to Title 18 RCW (chapter 260, Laws of 1993).

Statutory Authority for Adoption: Section 13, chapter 260, Laws of 1993.

Statute Being Implemented: Section 13, chapter 260, Laws of 1993.

Summary: Proposed rule making to implement and administer the bail bond agents law, chapter 260, Laws of 1993, a new chapter to Title 18 RCW.

Reasons Supporting Proposal: To implement and administer the bail bond agents law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Simon Tee and Mary Jelvik, 2424 Bristol Court S.W., Olympia, WA, (206) 586-4567.

Name of Proponent: Department of Licensing, Business and Professions Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule is a new set of rules for the bail bond agents law which became effective July 1, 1993. The rule is necessary for the implementation and administration of the bail bond agents law. The anticipated affect is effective implementation of the law by the Department of Licensing.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Utilities and Transportation Commission Main Hearing Room, Room 250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98502, on October 5, 1993, at 10:00 a.m.

Submit Written Comments to: Simon Tee, Program Manager, Department of Licensing, P.O. Box 9649, Olympia, WA 98507, by September 30, 1993.

Date of Intended Adoption: October 5, 1993.

August 31, 1993
M. C. Collins
Assistant Director

**Chapter 308-19 WAC
BAIL BOND AGENCIES AND BAIL BOND AGENTS**

WAC

**PART A
GENERAL**

- 308-19-010 Promulgation—Authority.
- 308-19-020 Organization.
- 308-19-030 Definitions.

**PART B
LICENSING APPLICATION AND FEES**

- 308-19-100 Bail bond agency applications—Conditions
- 308-19-110 Bail bond branch office license—Conditions
- 308-19-120 Bail bond agency, branch office and agent license applications—Conditions.
- 308-19-130 Bail bond agency, branch office and bail bond agent fees.
- 308-19-140 Expiration and renewal of licenses.
- 308-19-150 Bail bond agent—Termination of services.
- 308-19-160 Inactive license.

**PART C
OFFICE REQUIREMENTS AND LICENSEE'S RESPONSIBILITIES**

- 308-19-200 Filing of licenses.
- 308-19-210 Change of office location.
- 308-19-220 Licensee's responsibilities.
- 308-19-230 Complaint notification.
- 308-19-240 Records.
- 308-19-250 Inspection and audit.

**PART D
PRELICENSE TRAINING AND EXAMINATION REQUIREMENTS**

- 308-19-300 Minimum prelicense training and testing requirements.

**PART A
GENERAL**

NEW SECTION

WAC 308-19-010 Promulgation—Authority. The director of the Department of Licensing, state of Washington, pursuant to the authority vested in the director by Chapter 260, Laws of 1993, does hereby promulgate the following rules and regulations relating to the licensing of bail bond agencies and bail bond agents.

NEW SECTION

WAC 308-19-020 Organization. The Department of Licensing administers the Washington bail bond license law, Chapter 260, Laws of 1993. Submissions and requests for information regarding bail bond agency licenses and bail bond agent licenses may be sent in writing to the Bail Bond Program, Business and Professions Division, Department of Licensing, P.O. Box 9649, Olympia, Washington 98507-9649.

NEW SECTION

WAC 308-19-030 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under Chapter 260, Laws of 1993 unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal partner" means the partner who is the qualified agent of a bail bond agency and who exercises operational control over the agency.

**PART B
LICENSING APPLICATION AND FEES**

NEW SECTION

WAC 308-19-100 Bail bond agency applications—Conditions. Any person desiring to obtain a bail bond agency license must substantiate the experience requirements in Chapter 260, Laws of 1993, Section 4 or pass an examination as provided in this chapter. Persons meeting the experience requirements shall make application for a license on a form prescribed by the director. Persons who do not meet the experience requirements shall make application for an examination and for a license on a form prescribed by the director. Concurrently, the applicant shall:

(1) Pay a fee or fees as prescribed by WAC 308-19-130.

(2) If the applicant is the qualified agent of a corporation, he or she shall furnish a copy of its articles of incorporation, and a list of its officers and directors and their addresses. If the applicant is the qualified agent of a foreign corporation, he or she shall furnish a copy of certificate of authority to conduct business in the state of Washington, a

list of its officers and directors and their addresses, and evidence of current registration with the secretary of state. If the applicant is a partnership or limited partnership, each partner shall apply, qualify and furnish their addresses.

(3) When an agency license is issued to a sole proprietorship, the owner shall act as the qualified agent of the agency without the payment of additional license fees. When an agency license is issued to a corporation, the manager, officer, or chief operating officer shall act as the qualified agent of the agency without the payment of additional fees. When a license is issued to a partnership the principal partner shall act as the qualified agent of the agency without the payment of additional fees.

NEW SECTION

WAC 308-19-110 Bail bond branch office license—Conditions. A licensed bail bond agency desiring to establish a branch office must apply and obtain a bail bond branch office license and pay the required fee. Each branch office shall have a licensed qualified agent.

NEW SECTION

WAC 308-19-120 Bail bond agency, branch office and agent license applications—Conditions. Any person desiring to obtain a bail bond agency, bail bond branch office or bail bond agent license shall make application on a form prescribed by the director and pay a fee as prescribed by WAC 308-19-130.

NEW SECTION

WAC 308-19-130 Bail bond agency, branch office and bail bond agent fees. The following fees for a one-year period shall be charged by Business and Professions Division of the Department of Licensing:

Title of Fee	Fee
Bail bond agency/branch office:	
Application	\$800.00
License renewal	600.00
Late renewal with penalty	900.00
Certification of records	25.00
Bail bond agent:	
Original license	200.00
License renewal	150.00
Late renewal with penalty	250.00
Certification of records	25.00

NEW SECTION

WAC 308-19-140 Expiration and renewal of licenses. Licenses issued to bail bond agents expire on their respective birthdates. However, if an application for the bail bond agent license is received by the Department of Licensing within ninety days from the applicant's birthdate, the license issued shall not expire until the next birthdate. Licenses issued to bail bond agencies expire on December 31 each year. Licenses must be renewed each year on or before the date established herein and a renewal license fee as prescribed by the director in WAC 308-19-130 must be paid.

If the application for a license renewal is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-19-130 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

A license shall be cancelled if an application for a renewal of that license is not received by the director within one year from the date of expiration. A person may obtain a new license by satisfying the procedures and qualifications for licensing, including the successful completion of any current examination and education requirements.

NEW SECTION

WAC 308-19-150 Bail bond agent—Termination of services. A person licensed as a bail bond agent may perform duties and activities as licensed only under the direction and supervision of a licensed qualified agent and as a representative of a bail bond agency. This relationship may be terminated unilaterally by either the agency or the agent. Notice of such termination shall be by the agency's qualified agent to the director without delay and such notice shall be accompanied by, and include the surrender of, the agent's license held by the agency. Notice of termination shall be provided by signature of the agency's qualified agent on the surrendered license. The termination date shall be the postmark date or date the license is hand delivered to the department. If the license held by the agency cannot be surrendered to the department because the license has been lost, the qualified agent shall complete and submit an affidavit of lost license on a form approved by the department.

NEW SECTION

WAC 308-19-160 Inactive license. (1) Any license issued under Chapter 260, Laws of 1993 and not otherwise revoked or suspended shall be deemed "inactive" at any time it is delivered to the director. Until reissued, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with the rules adopted pursuant to Chapter 260, Laws of 1993.

(3) An inactive license may not be renewed. The inactive license will be cancelled if not activated by the expiration date. To obtain a new license the person must satisfy the procedures and qualifications for initial licensing, including the successful completion of any examination and education requirements.

(4) The provisions of Chapter 260, Laws of 1993 relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

**PART C
OFFICE REQUIREMENTS AND LICENSEE'S RE-
SPONSIBILITIES**

NEW SECTION

WAC 308-19-200 Filing of licenses. Licenses of all bail bond agency and bail bond agents shall be on file in the office located at the address appearing on the license.

NEW SECTION

WAC 308-19-210 Change of office location. The qualified agent of a bail bond agency shall notify the department of any change of location and mailing address of the agency office within ten working days by filing a completed change of address form approved by the department.

NEW SECTION

WAC 308-19-220 Licensee's responsibilities. It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing Chapter 260, Laws of 1993.

NEW SECTION

WAC 308-19-230 Complaint notification. Every licensee shall notify in writing, within twenty days after service or knowledge thereof, the office of the Bail Bond Program, Business and Professions Division, Department of Licensing of any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

NEW SECTION

WAC 308-19-240 Records. The following requirements and prohibitions apply to all records and documents required to be maintained by Chapter 260, Laws of 1993, or in these rules:

- (1) They shall be maintained in accordance with generally accepted accounting practices.
- (2) No person shall make any false or misleading statement, or make false or misleading entry, or wilfully fail to make any entry required to be maintained or made, in any such record or document.
- (3) No person shall wilfully fail to produce any such record or document for inspection by the department.
- (4) The minimum records the qualified agent or principal partner of a bail bond agency shall be required to keep are:
 - (a) Bank trust account records;
 - (b) Duplicate receipt book or receipt journal;
 - (c) Prenumbered checks;
 - (d) Check register or cash disbursement journal;
 - (e) Validated bank deposit slips;
 - (f) Reconciled bank monthly statement (client liability vs bank statement);
 - (g) All cancelled checks;
 - (h) All voided checks;
 - (i) Client's information file which indicates client's name, dates of transactions, amount received, amount

disbursed, current balance, check number, receipt number, and item(s) covered;

(j) A transaction folder or file containing a copy of all agreements and related correspondence for each transaction;

(k) Records or description of all collaterals, securities, or monetary instruments received or held in the bail bond business transactions and

(l) Records of training and/or continuing education for each bail bond agents employed in that agency.

(m) Records of exoneration of all bail bond transactions which include: (i) Court, citation or case number (ii) date of issuance of the bail (iii) the defendant's name, address and telephone number (iv) amount of the bond (vi) name of the court (vii) date of exoneration of the bond.

(n) The above records shall be maintained for a minimum period of three years.

(5) All funds and monetary instruments received by the agency from the customers or clients in the business transactions shall be deposited into the trust account within three working days of receipt.

NEW SECTION

WAC 308-19-250 Inspection and audit. All records required to be maintained by a qualified agent of a bail bond agency by Chapter 260, Laws of 1993, or these rules, together with any other business or other types of records of a licensee which may be related to the bail bond activity, together with any personal property which may be the subject of, or related to, a bail bond business transaction shall be subject to inspection and audit at any reasonable time, with or without notice upon demand by the Department of Licensing, for the purposes of determining compliance or noncompliance with the provisions of Chapter 260, Laws of 1993, and these rules.

If records requested by the department are not immediately available because they are not physically present upon the premises at the time the demand is made, they shall be procured and produced to the department as soon as possible, but in any event within twenty-four hours, by the licensee.

A reasonable time for the conduct of such inspection and audit shall be:

(1) If the records or items to be inspected or audited are located anywhere upon a premise any portion of which is open for business or to the public (or members and guests), then at any time the premises are so open, or at which they are usually open; or

(2) If the records or items to be inspected or audited are not located upon a premise set out in section (1) above, then any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

**PART D
PRELICENSE TRAINING AND EXAMINATION
REQUIREMENTS**

NEW SECTION

WAC 308-19-300 Minimum training and examination requirements. (1) The training and examination requirements for bail bond agent license applicants under

Chapter 260, Laws of 1993, Section 7, shall include, as a minimum:

- (a) Four hours of training in the following subjects:
 - (i) Bail bond licensing laws;
 - (ii) Court procedures relating to bail bonds;
 - (iii) Criminal procedure, RCW 10;
 - (iv) Contracts and bail bond agreements;
 - (v) Preparation of promissory notes, mortgages, deeds of trust, assignments and other documents affecting property;
 - (vi) Care and storage of personal property;
 - (vii) Forfeiture of collateral, judgements and collection;
 - (viii) Washington Insurance Code, RCW 48;
 - (ix) Laws relating to notary publics, RCW 42.44;
 - (x) Contact with clients, courts and law enforcement;
 - (xi) Sexual harassment.
- (b) A licensed qualified agent shall certify on each bail bond agent's license application that the training required in this section has been completed.

(2) The examination requirement for bail bond agency or qualified bail bond agent license applicants under Chapter 260, Laws of 1993, Section 4(a), shall include, as a minimum:

- (a) All of the subjects as listed in section (1)(a) above, and
 - (b) As a minimum, the following subjects:
 - (i) Recordkeeping and filing;
 - (ii) Business licensing, taxation and related reporting and recordkeeping requirements.
 - (iii) Personnel management;
 - (iv) Laws relating to employment;
 - (v) The Americans with Disabilities Act;
- (3) The examination for bail bond agency or qualified bail bond agent license applicants shall consist of a minimum of fifty questions covering the subjects listed above in (2)(a) and (b). A score of eighty-five percent must be achieved in order to pass the examination. Applicants who fail to achieve an eighty-five percent score will be required to wait a minimum of fourteen days before reexamination.
- (4) The director will certify training and examination programs for bail bond qualified agents and bail bond agents license applications.

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 93-18-101
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed September 1, 1993, 11:30 a.m.]

Original Notice.

Title of Rule: Amending WAC 480-12-030, 480-12-126, 480-12-127, 480-12-130, 480-12-135, 480-12-250, and 480-12-350 and adopting WAC 480-12-022 and 480-12-131 relating to interstate carrier registration and operation within the state; fee contest; and fees for applications for intrastate authority. The amendatory and new sections are shown below as Appendix A, Docket No. TV-930791.

Purpose: These rules are designed to accomplish several purposes: To implement procedures for contesting fees imposed by the commission; to implement a process for compliance with the federal single or base state registration requirements for interstate carriers; to implement a law authorizing a single trip transit permit for interstate transporters; to increase fees for applications for authority to recover costs of processing applications; and to modernize language for better public understanding.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: Chapter 97, Laws of 1993.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted because the proposal is pursuant to legislative authorization in RCW 80.01.040

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would promulgate new WAC 480-12-022 to establish procedures for challenging fees imposed by the commission, consistent with section 6, chapter 97, Laws of 1993. It would modify existing WAC 480-12-030 to more clearly state the requirement to apply for authority; to increase the application fee for applications for "permanent" and temporary authority and for transfer or acquisition of authority; to more clearly state the commission's authority to review proposed statements of authority and the commission's authority to accept applications without affecting its right later to determine that the statement of requested authority is impermissible or that the application is insufficient; to require registration of insurance consistent with the single state registration program; to clarify language; and to state that applicants must certify the truth of information provided subject to penalties of perjury, to civil penalties, or to revocation or suspension of authority. It would amend WAC 480-12-126 to define registered and registered exempt carriers, to state that compliance is required, to state that trip permits may be obtained, and to bring provisions of the regulation into conformity with state and federal law authorizing single state registration of interstate carriers' vehicles. The proposal would amend WAC 480-12-127 to delete existing provisions regarding interstate carrier regulation and to substitute a requirement that no vehicle be operated in interstate commerce on state public roads by a registered carrier without registering in the single state registration program for Washington state; establishing the registration fee at \$10; state Washington state's participation in the base state program; require interstate carriers based in Washington state to register with Washington state and establish procedures for doing so; authorize the use of trip permits in lieu of registration; and recognize a parallel registration requirement for vehicles operated by interstate exempt carriers. The proposal would amend WAC 480-12-130 by deleting provisions relating to identification cards and regulatory fees and substituting

registration procedures for vehicles operated by interstate exempt carriers. It would also state that registrations of those carriers are for a calendar year ending December 31 and that the commission may refuse to issue a registration receipt until any delinquent fees or penalties have been paid. The proposal would adopt new WAC 480-12-131, providing for single trip transit permits, stating information required for such a permit and establishing its fee at \$10, and stating conditions on the use of such permits. The proposal would amend WAC 480-12-135 to update language; to provide that the commission will replace lost receipts and permits upon application and payment of a \$10 administrative fee to cover costs of doing so; and to conform the procedure with changes made to implement the single state registration program. The proposal would amend WAC 480-12-250 to clarify language; to state where copies of the Uniform System of Accounts may be viewed and where copies may be obtained; and to conform terminology in the section with changes made to implement the single state registration program. Finally, it would amend WAC 480-12-350 to clarify language and to allow registered carriers as defined in the proposal to present evidence of insurance written by a company authorized to write insurance in any state, not restricted to companies authorized to write insurance in Washington state.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

Small Business Economic Impact Statement: Pursuant to chapter 19.85 RCW, a small business economic impact statement is required if more than 10 percent of any one industry within a three-digit standard industry classification code is affected. Interstate and intrastate motor carriers fall within industry group number 421—Trucking and courier services, except air. Within this group, there are 15,606 interstate motor carriers that have registered with the commission in 1992. Of the 15,606 motor carriers previously registered under the old bingo stamp program, it is estimated approximately, 2,575 will declare Washington state as their base state and register with the WUTC, if the proposed rule is adopted. These carriers represent 16 percent of the total industry group within the standard classification code.

Single State Registration System

The proposed changes in WAC 480-12-126 Interstate operations, 480-12-127 Registered carriers, 480-12-130 Interstate exempt carriers, 480-12-135 Permits and receipts, and 480-12-250 Accounts uniform system, are needed to conform and comply with requirements of the federal Interstate Surface Transportation Efficiency Act (ISTEA). Under the Regulatory Fairness Act, no economic impact statement is required where a rule is being adopted to comply with federal law. In addition, the proposed rule changes will reduce interstate motor carriers administrative costs and regulatory fees for operating in Washington state.

Instead of registering individually in each state, the interstate motor carrier will now select one base state and pay fees of all operating jurisdictions to that state, which will forward fees to other participating states. According to the American Trucking Associations, Inc., approximately 250 million dollars will be saved by the motor carrier industry nationwide.

In this state, the proposed rules eliminate the per-vehicle gross weight fee, and charge a \$10 per-vehicle fee. Under the old "bingo stamp" program the WUTC also assessed a gross-weight fee ranging between \$7 and \$48 per vehicle. Based on 1992 figures of stamps sold to the 2,575 interstate motor carriers affected by the proposed rule, it is estimated with elimination of the gross-weight fee, these carriers will save them approximately \$883,252 in annual WUTC fees.

Intrastate Application Fee—WAC 480-12-030

There are approximately 3,717 motor carriers with intrastate operating authority out of a total of 16,462 interstate and intrastate motor carriers classified under standard classification code 421—Trucking and courier services, except air. These carriers represent 22 percent of the industry affected by the proposed rule.

The proposal would increase the fee for filing an original or extended permanent application for operating authority, or the transfer or acquisition of existing authority from \$200 to \$550. It would also increase the fee for an application for temporary authority from \$150 to \$250.

In 1992, there were 685 applications filed for permanent or extended authority, or for transfer or acquisition of existing authority, which are required to be docketed in accordance with commission rules. The average cost for processing an application is approximately \$607. This cost is based on an analysis of the direct staff time involved in the application process. This involves average staff time in the permit and insurance section, regulatory affairs section and the Office of Administrative Hearings, plus court reporter costs.

The processing of temporary permits do not require handling by the Office of Administrative Hearings, nor court reporters. Temporary applications do have to be docketed and are subject to administrative or adjudicative review. The direct-time costs for transportation staff is approximately \$247. Attached is a breakdown of the direct-time costs associated with the handling of permanent and temporary authority applications.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on October 13, 1993, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, by September 29, 1993.

Date of Intended Adoption: October 13, 1993.

September 1, 1993
Paul Curl
Secretary

APPENDIX A

NEW SECTION

WAC 480-12-022 Procedures for contest of fees.

Any fee imposed by the authority of chapter 81.80 RCW shall be contested under RCW 81.80.— (section 6, chapter 97, Laws of 1993) by the procedure set out in this section.

Any person on whom a fee is imposed by the authority of chapter 81.80 RCW shall pay the fee. The payor may petition for a refund of the fee paid, in writing, filed no later than six months after the fee is first due and payable.

The petition shall state the name of the payor/petitioner; the date and the amount paid, including a copy of any receipt, if available; the nature of the fee paid; the amount of the fee that is contested; the statute under which the fee is imposed, if known to the petitioner; and any reasons why the commission may not impose the fee.

The commission may grant the petition administratively or may set the petition for adjudication or for brief adjudication.

AMENDATORY SECTION (Amending Order R-342, Docket No. TV-2322, filed 4/15/91, effective 5/16/91)

WAC 480-12-030 Applications. ~~((1) Applications for permits or extensions for permanent or temporary common or contract authority, requests for permanent or temporary authority to transfer outstanding common or contract carrier permits, and requests for permanent or temporary authority to acquire control of common or contract carriers, shall be made on forms furnished by the commission and, in accordance with any instructions accompanying the forms, shall contain all the information required therein, and shall be accompanied by the documents and exhibits specified in the application form or instructions and the fee of two hundred dollars for applications for permanent authority including applications for extensions, one hundred dollars for applications for temporary authority, fifty dollars for applications for emergency temporary authority, and thirty five dollars for applications for a change of corporate name. Effective January 1, 1992, the application fee for temporary authority will increase to one hundred fifty dollars. No application will be accepted for filing until all required information is supplied, and in the case of applications for permits or extensions, until the authority sought has been expressed in clear and acceptable permit terminology. In the case of a transfer of a portion of a permit, the applicant must also submit a proposed revision of the balance of the permit which complies with WAC 480-12-050(5), which proposed revision will be docketed along with the transfer application.~~

~~(2) Notwithstanding the foregoing, applications to register ICC operating authority with the commission shall be accompanied by the fee of twenty five dollars for motor carriers who have not previously filed currently effective applications for such registration and the fee of ten dollars for motor carriers who have previously filed currently effective applications for such registration.~~

~~(3) All exhibits or papers submitted with application must be plainly written or typed on one side of the paper only, such paper to be of standard letter size, 8 1/2 by 11 inches.)~~ (1) Intrastate authority. Applications to acquire temporary or permanent common or contract motor carrier authority by transfer, by acquisition of control, or by demonstration of need and/or public interest shall be made on forms furnished by the commission and shall contain all the information, documents, and exhibits called for in the form or the form's instructions. No application will be accepted for filing unless it is accompanied by the required fee. The fee for applications seeking original or extended permanent authority, or the transfer or acquisition of existing authority, shall be five hundred fifty dollars; it shall be two hundred fifty dollars for applications for temporary authority, fifty dollars for applications for emergency temporary

authority, and thirty-five dollars for applications for change of corporate name. The commission may refuse to accept applications until all required information is supplied and until the authority sought to be acquired or retained has been expressed in clear and acceptable permit terminology. The commission's acceptance of an application for filing does not indicate the commission's approval of proposed permit language or requested effect of the application, nor is the commission thereafter foreclosed from finding that the information presented in the application is insufficient. An applicant for partial transfer must also submit a proposed revision of the retained portion of the permit complying with WAC 480-12-050(5), which will be docketed with the transfer application.

(2) Interstate authority. Each carrier operating in interstate commerce on the public roads of the state of Washington shall apply to register its insurance with the commission pursuant to WAC 480-12-126 through 480-12-135. Every such application shall be granted if it contains all necessary information and documentation, if the information provided is true and correct, and if the required fee is paid.

(3) All exhibits or papers submitted with an application must be legibly written or typed on one side only of 8 1/2 by 11 inch paper.

(4) Applications for permits and for registration shall require that the applicant certify the truth of all information submitted with the application, under penalties of perjury. False, misleading, or incomplete information may subject the applicant to prosecution, to civil penalties, or to revocation or suspension of authority.

AMENDATORY SECTION (Amending Order R-50, filed 8/8/73)

WAC 480-12-126 ((Registration of interstate authority-)) Interstate operations; requirements; definitions. It shall be unlawful for any carrier to perform ~~((a))~~ any interstate transportation service for compensation upon the public ~~((highways))~~ roads of this state without first having secured appropriate authority from the Interstate Commerce Commission, if ~~((such))~~ that authority is required, and without ~~((first having registered such authority, if any, with the commission.~~

~~It shall also be unlawful for a carrier to perform a transportation service for compensation on the public highways of this state as an interstate carrier of commodities included in the exemptions provided in section 203(b) of the Interstate Commerce Act without having first registered as such a carrier with the commission.~~

~~Such registration shall be granted upon application, without hearing, upon payment of the appropriate filing fee, as set by WAC 480-12-030)) possessing valid insurance and valid evidence that it has registered as specified in these rules.~~

(1) Registered carriers. Carriers operating in interstate or foreign commerce under authority issued by the Interstate Commerce Commission are "registered carriers."

(2) Registered exempt carriers. Carriers operating in interstate or foreign commerce under the exemptions of the Federal Motor Carrier Act without interstate authority issued

by the Interstate Commerce Commission are "registered exempt carriers."

(3) Compliance required. Registered and registered exempt carriers in the conduct of interstate operations must comply with the laws and rules that apply to that activity and to equipment in which it is conducted. Interstate carriers conducting Washington intrastate operations must, as to the intrastate activity, comply with the laws and rules applicable to the activity and to equipment in which it is conducted.

(4) Trip permits. A carrier operating in interstate commerce on the public roads of this state but who has not registered the vehicle's insurance with Washington through its base state, if required to do so, or with the commission, if operating under interstate exemption, must secure a trip permit for each interstate trip as provided in WAC 480-12-131.

AMENDATORY SECTION (Amending Order R-276, Cause No. TV-2092, filed 9/17/87)

~~WAC 480-12-127 Registered carriers. ((1) Carriers engaged exclusively in interstate or foreign commerce are declared to be registered carriers. Those operating under authority issued by the Interstate Commerce Commission shall have their registration number prefixed by "RC." Those operating under the exemptions of the Federal Motor Carrier Act shall be prefixed "RE." Those presently holding permits with the Washington utilities and transportation commission shall be automatically converted to registered carriers with the same registration number as under their present permit. Registered carriers need only comply with such rules and regulations as specifically refer to them or to equipment operated exclusively in interstate commerce across or between points in the state and points outside of the state.~~

~~(2) By reference, the Washington utilities and transportation commission hereby adopts the rules promulgated by the National Association of Regulatory Utility Commissioners and adopted by the Interstate Commerce Commission under PL 89-170 and codified as Part 1023 of Title 49 of the Code of Federal Regulations. Notwithstanding the provisions of any rule herein contained, carriers who qualify may elect to operate in strict accordance with such rules.~~

~~(3) "RC" carriers may meet insurance requirements by filing with the Washington utilities and transportation commission a copy of their insurance filing with the Interstate Commerce Commission. "RE" carriers must meet the same insurance requirements as for permit holders as required by WAC 480-12-350, 480-12-355, 480-12-360 and 480-12-365.)~~ (1) It shall be unlawful for a carrier operating under authority issued by the Interstate Commerce Commission to operate a vehicle in interstate commerce on the public roads of this state without having first secured valid insurance as required by the Interstate Commerce Commission, registered with a base state as required in 49 CFR Part 1023, paid the required Washington state registration fee for that vehicle, and without having in the vehicle a legible receipt showing base state registration. The receipt shall be subject to inspection at all times by the law enforcement agents and the commission's representatives. In the alterna-

tive, the carrier shall first purchase a valid trip permit as provided in WAC 480-12-131.

(2) The registration fee for registered carriers in Washington state is ten dollars for each vehicle operated within the state.

(3) Washington-based carriers. Washington is a participant in the base state insurance registration program established in 49 USC § 11506 and 49 CFR Part 1023. Any carrier whose base state as defined in federal regulation is Washington state shall register for interstate operations as follows:

(a) Between August 1 and November 30 of each year, each such Washington-based interstate carrier shall apply to the commission to register for the following year.

(b) The registering carrier shall state the number of vehicles to be operated in each participating state, provide other required information, and submit the registration fee established by that state for each such vehicle.

(c) The commission within thirty days will provide to the carrier a receipt or receipts showing, at a minimum, the carrier's name and address, its ICC permit number, and the names of the states for which it has registered.

(d) The carrier shall place a receipt or an authorized copy in each vehicle for which it has paid the required fee.

(e) Any Washington-based carrier that begins interstate operations in a state for which it has not registered may register for that state at any time, stating the number of vehicles to be operated in each state and submitting the required information and registration fee for each vehicle. The commission will provide a new receipt, if the carrier has not previously registered, or supplemental receipt, if it has registered, showing the states for which the carrier has registered.

(4) No carrier may operate a vehicle in Washington state that is not registered as specified in this rule unless it is registered for interstate exempt traffic under WAC 480-12-130 or unless it is operated under a trip permit as provided in WAC 480-12-131.

AMENDATORY SECTION (Amending Order R-348, Docket No. TV-910903, filed 9/17/91, effective 10/18/91)

~~WAC 480-12-130 ((Identification cards—Amendment—Substitution.)) Interstate exempt carriers. ((1) No vehicle or combination of vehicles operated by a common or contract carrier or registered carrier upon the highways of this state or the streets of regulated cities shall be so operated without having available within the cab of the motive power vehicle a valid identification cab card properly signed and with appropriate stamp affixed. Such identification card shall be subject to inspection by the commission's representatives at all times.~~

~~(2) An application for sufficient number of identification stamps shall be filed with the commission, accompanied by the necessary stamp and regulatory fee, during the month of October each year, or at any time thereafter that additional stamps are required. Such application shall be on forms furnished by the commission. Except as provided in subsection (3) of this section, the schedule of stamp and maximum regulatory fees is as follows:~~

GROSS LICENSED WEIGHT	STAMP FEE	REGULATORY FEE
Less than 4,000 lbs.	\$10.00	\$ 7.00
4,000 to 7,999 lbs.	10.00	9.00
8,000 to 11,999 lbs.	10.00	11.00
12,000 to 15,999 lbs.	10.00	13.00
16,000 to 19,999 lbs.	10.00	15.00
20,000 to 23,999 lbs.	10.00	17.00
24,000 to 27,999 lbs.	10.00	19.00
28,000 to 31,999 lbs.	10.00	21.00
32,000 to 35,999 lbs.	10.00	23.00
36,000 to 39,999 lbs.	10.00	30.00
40,000 to 43,999 lbs.	10.00	32.00
44,000 to 47,999 lbs.	10.00	34.00
48,000 to 51,999 lbs.	10.00	36.00
52,000 to 55,999 lbs.	10.00	38.00
56,000 to 59,999 lbs.	10.00	40.00
60,000 to 63,999 lbs.	10.00	42.00
64,000 to 67,999 lbs.	10.00	44.00
68,000 to 71,999 lbs.	10.00	46.00
72,000 to 75,999 lbs.	10.00	48.00

Note: The above regulatory fees are maximum only. Under RCW 81.80.320 the commission may, by general order entered before October 1 of any year, reduce the fees on a proportional basis.

(3) The stamp fee named in subsection (2) applies to each stamp applied for. The regulatory fee is also payable in connection with each stamp and is determined as follows:

(a) On any "solo" vehicle, or in combinations pulling any trailer operated either in intrastate or interstate commerce, the regulatory fee shall be as stated in subsection (2) and shall be based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates plus any additional tonnage or log tolerance permits. In the event that trailers or semitrailers are separately licensed for gross weight and not included within the licensed gross weight of the motive power unit, the fees provided herein shall be computed on the basis of the licensed gross weight of the trailers, plus additional weight fees if any, in which case a separate identification cab card will be issued for such trailers in the same manner as for a motive power vehicle.

(b) In lieu of the payment of a full regulatory fee for each vehicle or combination of vehicles operated across or between points in the state and points outside the state exclusively in interstate or foreign commerce, and as to vehicles operated between points in this state and points outside the state in interstate commerce as well as points within this state in intrastate commerce, the regulatory fee may, at the request of the carrier, be paid on the basis of one of the following options:

Option 1. Floater regulatory fee cards.

Carriers who operate vehicles between points in this state and points outside this state exclusively in interstate commerce, and carriers who operate fleets in excess of 200 motive power units between points in this state and points outside this state in interstate commerce as well as points within this state in intrastate commerce may elect to purchase unassigned regulatory fee receipts at one hundred fifty percent of the applicable gross weight fee stated in subsection (2). One of these regulatory fee receipts must be

carried within the cab of the motive power vehicle when such equipment is operated in this state and must be accompanied by a properly executed National Association of Regulatory Utility Commissioners uniform identification cab card and Washington utilities and transportation commission identification stamp. When applied for in this manner the fee must be that for the highest gross licensed weight of such solo or combination with which the receipt showing the payment of regulatory fees may be used.

The carrier must purchase for three dollars an identification stamp for each power unit.

In the case of unladen automobiles and trucks operated in interstate driveaway service across or between points in the state and points outside the state, the carrier may use unassigned National Association of Regulatory Utility Commissioners uniform identification cab cards and Washington utilities and transportation commission identification stamps upon payment of one hundred fifty percent of the applicable gross weight fee and the three dollar stamp fee for each unassigned cab card and stamp.

Option 2. Lump sum regulatory fee payment.

Carriers who operate fleets in excess of 200 motive power vehicles either exclusively in interstate or foreign commerce across or between points in this state and points outside this state or between points in this state and points outside this state in interstate commerce as well as points within this state in intrastate commerce, and who have so operated under Option 1, above, or this option for the immediately preceding calendar year, may elect to pay a lump sum regulatory fee based on the number of power units for which identification stamps have been purchased during the immediately preceding calendar year at the regulatory fee established by general order of the commission entered before October 1st of any year. These carriers must purchase a three dollar identification stamp for each power unit. With a properly executed National Association of Regulatory Utility Commissioners uniform identification cab card and Washington utilities and transportation commission identification stamp attached, no proof of regulatory fee payment need be carried.

Option 3. Single trip transit permit.

Carriers engaged exclusively in casual or occasional interstate or foreign commerce across or between points in the state and points outside the state may as in alternative to all other requirements of this chapter obtain a single trip transit permit, valid for ten days, authorizing a one-way trip into, out of or across the state. This permit will be issued upon payment of a fee of ten dollars and must be carried in the cab of the power vehicle. The carrier must state the name and policy number or binder of the insurance company with whom the carrier has insurance which meets the provisions of WAC 480-12-350.

Option 4. Single trip regulatory fee card.

A carrier registered with the Washington utilities and transportation commission to engage in interstate or foreign commerce across or between points in this state and points outside of this state, may purchase single trip regulatory fee cards, valid for seventy-two hours, authorizing a trip into, out of or across this state, for a fee of ten dollars each.

Prenumbered single trip regulatory fee cards must be purchased at any commission office or port of entry, or from an authorized commission field agent. The card must be carried in the power unit.

(c) In intrastate or interstate commerce between points within the state of Washington the identification cab card and stamp may, at the request of the carrier, not be assigned to any particular motive power vehicle under the following circumstances:

(i) In connection with trucks or tractors to be operated under master leasing agreements provided for in WAC 480-12-210 (1)(h), in which case the cab card may be used only with vehicles operated under such master leasing agreements; and

(ii) In connection with unladen automobiles or trucks in driveaway service, in which case the cab card may be used only with such vehicles in driveaway service. The fees shall be as stated in subsection (3)(a) for the highest gross licensed weight (highest actual weight in driveaway service) on any power vehicle with which the identification cab card and stamp may be used.

(d) In intrastate commerce between points within the state of Washington, a common or contract carrier acquiring the use of private carrier equipment under the provisions of WAC 480-12-210 (1)(e) may, in connection with short term leases, elect to purchase single trip regulatory fee cards, valid for seventy two hours, authorizing a one way trip between points within this state, for a fee of ten dollars each, in lieu of payment of the full regulatory fee.

Prenumbered single trip regulatory fee cards must be purchased in advance and no refunds will be allowed for unused cards. Cards must be filled out, in ink or by typewriter, by the carrier, showing the description of the vehicle, license number, state in which the vehicle is licensed, name of owner, the commodity to be transported, the origin and destination of the shipment and be signed by an officer, agent or employee of the carrier authorized to use the card. The card must be carried in the power unit. The vehicle operating under a single trip regulatory fee card shall be under the control and direction of the motor carrier issuing the card and shall be used only within the scope of the authority of that motor carrier.

At the end of each calendar month a report shall be sent to the commission, showing the card number, date used, origin of shipment, destination of shipment and vehicle number.

(4) On any truck or tractor for which the licensed capacity is increased during the year an IMMEDIATE APPLICATION accompanied by the amount of the increase in regulatory fee is necessary. The commission will provide for amendment of the cab card accordingly.

(5) No refund will be made on unused stamps.

(6) Any "lost" stamps will be replaced only at full stamp and regulatory fee: *Provided, however,* That in unusual circumstances the commission may, by order, waive all or a portion of the replacement cost.

(7) Each carrier shall obtain from the Washington utilities and transportation commission or from the National Association of Regulatory Utility Commissioners a sufficient number of blank identification cab cards to satisfy its requirements. Equipment which is used exclusively within the state, i.e., does not cross the state line, shall use the

Washington utilities and transportation commission prescribed identification cab card. Equipment which is used exclusively in interstate or foreign commerce which crosses the state line shall use the National Association of Regulatory Utility Commissioners uniform identification cab card. Equipment used in both types of operation may use either cab card, however it is recommended that the National Association of Regulatory Utility Commissioners uniform identification cab card be used. Upon receipt of stamps from the commission, an identification cab card shall be duly completed by the carrier for each motive power unit and the appropriate stamp firmly affixed thereto. Such identification cab card shall be placed in the cab of each power unit in accordance with subsection (1).

(8) All identification cab cards and stamps issued for a particular calendar year expire January 31 of each succeeding year. However a stamp may be issued for the ensuing calendar year on or after the first day of October preceding, and may be used from the date of issue.

(9) When a permit is revised or extended, the commission will provide a new copy of the revised or extended authority to be retained on the carrier's vehicle(s), in addition to the cab card.

(10) All delinquent stamp fees, regulatory fees, tariff fees and tariff maintenance fees which are due and payable by the carrier to the commission must be paid at the time application is made. The commission may refuse to issue identification stamps until all such fees are paid.

(11) An identification cab card may be reassigned to a substituted vehicle (power unit) only when the original vehicle has been destroyed or is being permanently withdrawn from the ownership or possession of the permittee.)

(1) No carrier may operate any vehicle or combination of vehicles upon the public roads of this state in interstate commerce under the exemptions of the Federal Motor Carrier Act without first registering with the commission and having available within the cab of the motive power vehicle a valid receipt showing that the carrier has provided Washington state with proof of insurance and paid the per-vehicle fee established by order of the commission. The receipt shall be subject to inspection by law enforcement agents and the commission's representatives at all times. In the alternative, the carrier shall first purchase a valid trip permit as provided in WAC 480-12-131.

(2) Each carrier conducting interstate exempt operations in interstate commerce within the state may apply to register its insurance between August 1 and November 30 of each year, or at any time thereafter when it begins interstate exempt operations within the state or when it identifies additional vehicles as operating in the state. Each application shall be on forms furnished by the commission and accompanied by the required fee.

(3) All receipts issued for a calendar year expire December 31 of that year. A receipt may be issued for the ensuing calendar year on or after the first day of the preceding August.

(4) All delinquent fees or penalties which are due and payable by the carrier to the commission must be paid at the time an application is made. The commission may refuse to issue a receipt until all such fees are paid.

NEW SECTION

WAC 480-12-131 Interstate trip permits. Single trip transit permit. A carrier conducting casual or occasional interstate or foreign commerce on the public roads of Washington state may as an alternative to other interstate carrier registration requirements obtain a single trip transit permit, valid for ten days, authorizing a one-way trip into, within, out of or across the state.

(1) Application. The carrier must present evidence that the carrier has insurance that meets the requirements of WAC 480-12-350 and provide the name and policy number or binder of the insurance company. The carrier shall also provide a description of the vehicle, its license number, the state in which the vehicle is licensed, the name of its owner, the cargo, and the origin and destination of the shipment. The permit will be issued upon payment of a fee of twenty dollars.

(2) The permit must be carried in the cab of the power vehicle. The permit shall be subject to inspection at all times by the law enforcement agents and the commission's representatives. A vehicle operating under a trip permit shall be under the control and direction of the motor carrier purchasing the permit and shall be used only within the scope of the carrier's authority and within the terms of the trip permit.

AMENDATORY SECTION (Amending Order R-276, Cause No. TV-2092, filed 9/17/87)

WAC 480-12-135 (~~Cards~~) permits and receipts—Return required—Loss (~~of~~) improper use of cards or stamps. (~~((1) Upon revocation of a permit or cessation or abandonment of service under a permit, or when equipment is repossessed, the holder thereof shall immediately return to the commission the original permit, together with identification cab cards.~~)

(2) The loss of identification cab cards and/or stamps shall be immediately reported to the commission.

(3) The use of an identification cab card by any person or firm other than the carrier to whom the stamp was issued is unlawful.

(4) The use of an identification cab card without the appropriate stamp firmly affixed is unlawful.

(5) ~~Except as unassigned identification cab cards are properly used as provided for in WAC 480-12-130, each motive power vehicle must have its own assigned identification cab card, and the use of a card on a vehicle other than the one for which it has been prepared is unlawful.~~ (1) When the commission revokes a permit or a receipt that it has issued, when a carrier stops or abandons service under a permit or receipt, or when a carrier's vehicle equipment is sold, abandoned, or repossessed, the holder of the permit or receipt shall immediately return to the commission each original permit or receipt.

(2) A carrier shall report to the commission immediately the physical loss or destruction of a permit or receipt that the commission issued. The commission will replace a physically lost or destroyed current permit or registration receipt that it has issued, upon receiving a written application for replacement stating the reason replacement is needed, the circumstances leading to loss or destruction, and payment of a ten-dollar administrative fee.

(3) The use of a permit or registration receipt by any person or firm other than the carrier to whom it was issued is unlawful.

AMENDATORY SECTION (Amending Order R-313, Docket No. U-89-3099-R, filed 12/15/89, effective 1/15/90)

WAC 480-12-250 Accounts—Uniform system adopted—Reports. (1) The "uniform system of accounts" adopted by the interstate commerce commission is hereby prescribed for the use of Class I (~~and~~), II, and III common and contract carriers (~~in the state of Washington~~) operating under chapter 81.80 RCW. (~~A "uniform system of accounts" is hereby prescribed for the use of Class III common and contract carriers in the state of Washington.~~) The Uniform System of Accounts is available for public inspection at the Washington utilities and transportation branch of the Washington state library, located with the commission's headquarters office. Copies may be obtained upon request from the secretary of the commission, subject to payment of any required fee.

(2) Classification of carriers:

(a) For purposes of the accounting and reporting regulations, common and contract carriers of property shall be divided into the following three classes:

- Class I - Common carriers having average annual gross operating revenues (including interstate and intrastate) of \$5,000,000 or more from operations as motor carriers of property.
- Class II - Common carriers having average annual gross operating revenues (including interstate and intrastate) of more than \$1,000,000 but less than \$5,000,000 from operations as motor carriers of property.
- Class III - Common carriers having average annual gross operating revenues (including interstate and intrastate) of \$1,000,000 or less from operations as motor carriers of property and all contract carriers.

(b) The class to which any carrier belongs shall be determined by the average of its annual gross operating revenues derived from motor carrier operations as a carrier of property (~~for~~) during the past three calendar years or as many full years of the three in which the carrier conducted operations.

(c) Any carrier may, at its option, adopt the methods of a group higher than the one in which it falls on the basis of its average annual gross operating revenues. Notice of such action shall be promptly filed with the commission.

(3) Each Class III common or contract carrier must secure from the commission a copy of "uniform system of accounts" applicable to its business and keep its accounts and other records in conformity therewith to the end that its records may be kept and the annual report required to be filed by it may be compiled in accordance therewith.

(4) For purposes of (~~rendering~~) preparing and filing annual reports, each common and each contract carrier((s)) shall secure from the commission the proper forms and ((make and)) file with the commission its annual report as soon after the close of the calendar year as possible, but in no event later than May 1st of the succeeding year.

(5) (~~Registered~~) Motor carriers operating exclusively in interstate or foreign commerce shall not be required to file annual reports.

(6) Annual reports filed by carriers holding (~~garbage and/or refuse~~) solid waste collection certificates ((and)) in

addition to a common and/or contract carrier permit((s)) must comply with reporting requirements provided in WAC 480-70-230.

AMENDATORY SECTION (Amending Order R-268, Cause No. TV-2002, filed 12/5/86)

WAC 480-12-350 Insurance. Within ten days after the date an applicant is notified ((his)) that its application has been granted, ((and before permit shall be issued)) as a condition to issuing the permit, the applicant shall file with the commission evidence of currently effective liability and property damage insurance ((having been)) written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit granted, in the amount shown on the following table:

	((July 1 January 1 1983 1985))
(1) Property (nonhazardous)	((500,000)) \$ 750,000
(2) Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	((4,000,000)) 5,000,000
(3) Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	((500,000)) 1,000,000
(4) Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	((4,000,000)) 5,000,000

~~((The above amounts do not apply to))~~ Taxicabs whose only operation subject to commission jurisdiction is the operation of ((express)) small parcel general freight service under a permit issued pursuant to chapter 81.80 RCW((= Provided, That such carrier is in compliance)) shall comply with the provisions of RCW 46.72.040 and 46.72.050 in lieu of the above. Such carriers must ~~((also))~~ comply with the reporting requirements ((set forth in)) of this section.

Applications for permits to operate as temporary common carriers or temporary contract carriers shall be accompanied by evidence of the insurance coverage as required herein.

Carriers registering under WAC 480-12-127 as registered interstate carriers may provide evidence of insurance in the amount prescribed by the Interstate Commerce Commission written by a company authorized to write insurance in any state.

Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.

Evidence of insurance shall be submitted either on a ~~((=))~~ uniform motor carrier bodily injury and property damage liability certificate of insurance, ~~((= Form E))~~ filed in triplicate with the commission, or a written binder issued by an insurance agent or insurance company evidencing the ~~((same))~~ coverages as ~~((hereinabove))~~ required above. If a binder is submitted, ~~((the binder))~~ it shall be effective for not longer than sixty days, during which time the carrier must file the required ((Form E shall be filed. Insurance presently on file for existing permit holders shall be sufficient: Provided, The requirements set forth above are in effect)) evidence of insurance.

WSR 93-18-102
PROPOSED RULES
HEALTH CARE AUTHORITY
(Basic Health Plan)
[Filed September 1, 1993, 11:35 a.m.]

Original Notice.

Title of Rule: Chapter 55-01 WAC, The Washington basic health plan.

Purpose: Rule is designed to carry out the purposes of chapter 70.47 RCW, the Health Care Access Act.

Statutory Authority for Adoption: RCW 70.47.050.

Statute Being Implemented: Chapter 70.47 RCW.

Summary: This notice proposes to revise several sections within chapter 55-01 WAC, The Washington basic health plan. These proposed revisions would provide consistency with recent statutory changes to chapter 70.47 RCW. These revisions would also add and clarify definitions used, and provide consistency with the administrative procedures used in each section of chapter 55-01 WAC.

Name of Agency Personnel Responsible for Drafting: John Ehmann and Shari Wentz, 1220 Eastside Street S.E., Olympia, WA, 586-5332; Implementation and Enforcement: Gary L. Christenson, 1220 Eastside Street S.E., Olympia, WA, 586-5332.

Name of Proponent: The Washington Basic Health Plan, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: John A. Cherberg Building, Senate Hearing Room #4, Olympia, Washington 98504, on October 5, 1993, at 2:00 p.m.

Submit Written Comments to: Shari Wentz, P.O. Box 42535, Olympia, WA 98504, FAX (206) 586-4356, by October 5, 1993, 5 p.m.

Date of Intended Adoption: October 13, 1993.

September 1, 1993
Gary L. Christenson
Director, Basic Health Plan

AMENDATORY SECTION (Amending WSR 92-14-088, filed 6/30/92)

WAC 55-01-010 Definitions. The following definitions apply throughout these rules.

(1) "Administrator" means the ~~((Washington Basic Health Plan administrator))~~ administrator of the Washington State Health Care Authority. The administrator may delegate authority to carry out the rules as set forth in this chapter.

~~((2))~~ "Certificate of coverage" means a written document issued by the plan to a subscriber which describes the covered services, premiums, grievance procedures and other rights and responsibilities of enrollees. The certificate of coverage issued to a subscriber shall pertain to the subscriber and family dependents.)

(2) "Appeal procedure" means the formal process for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction. "Appeal" means a problem or concern presented for resolution through an appeal procedure.

(3) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a managed health care system or health care provider, or to ~~((the plan))~~ BHP, when specifically instructed to do so by ~~((the plan))~~ BHP, for covered services provided to the enrollee.

(4) "Covered services" means those services and benefits to which an enrollee is entitled, under the ~~((certificate of coverage))~~ member handbook issued by ~~((the plan))~~ BHP to the enrollee (or to a subscriber on behalf of the enrollee), in exchange for payment of premium and applicable copayments.

(5) "Dependent child" ~~((means an individual's unmarried natural child, stepchild, or legally adopted child, who is either (a) younger than age nineteen, or (b) younger than age twenty three and (i) is a full-time student at an educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on, or (ii) is pursuing a full-time course of institutional on-farm training under the supervision of an educational organization described in WAC 55-01-010 (5)(b)(i)).~~ means an individual's (1) unmarried natural child, stepchild, legally adopted child, foster child, or child who has been legally placed in the individual's home through court order granting guardianship, who is (i) younger than age nineteen, or (ii) younger than age twenty-three and a full-time student at an accredited educational or vocational training institute; and (2) legal dependent of any age who is incapable of self-support due to developmental disability or physical handicap.

(6) "Effective date of enrollment" means the first date, as established by ~~((the plan))~~ BHP, on which an enrollee is entitled to receive covered services from the enrollee's respective participating managed health care system.

(7) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

~~((7))~~ (8) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in ~~((the plan))~~ BHP, and for whom applicable premium payments have been made.

~~((8))~~ (9) "Family" means an individual ~~((or an individual and the individual's))~~ and, if applicable, their spouse, if not legally separated, and the individual's dependent children. For purposes of eligibility determination and enrollment in ~~((the plan))~~ BHP, an individual, spouse, or dependent cannot be a member of more than one family.

~~((9))~~ "Family dependent" means a subscriber's legal spouse, if not legally separated, or the subscriber's (dependent child), who meets all eligibility requirements, is enrolled in the plan, and for whom the applicable premium has been paid.)

(10) "Financial Sponsor" means a person, employer or other entity that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any family dependents.

~~((10))~~ "Grievance procedure" means the formal process for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction. "Grievance" means a problem or concern presented for resolution through a grievance procedure.)

(11) "Gross family income" means ~~((the total income of all members of an enrollee's family, regardless of whether those family members enroll in the plan. (a) For purposes of this definition, for applications for enrollment which are received by the plan on or before March 31, 1989, "income" includes but is not limited to wages and salaries, net income from rentals or self employment, tips, interest income, dividends, royalties, public or private pensions, and Social Security benefits. (b) For purposes of this definition, for applications for enrollment which are received by the plan on or after April 1, 1989 and for premium payments which are made for coverage on or after June 1, 1989, "income" means))~~ total cash receipts of the subscriber and spouse before taxes from all sources, with the exceptions noted below. (i) Income includes money wages and salaries before any deductions, regardless of whether those family members enroll in BHP; net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses); 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); regular payments from social security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance (including aid to families with dependent children, supplemental security income, emergency assistance money payments, and non-federally-funded general assistance or general relief money payments, and training stipends; alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments ~~((college or university scholarships, grants, fellowships and assistantships, if received as or convertible by the recipient into cash))~~ fellowships, assistantships, and work study; and dividend, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings. (ii) Income does not include the following types of money received: capital gains; any assets drawn down as

withdrawals from a bank, the sale of property, a house or a car; tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation). Also excluded are noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food ~~((ef))~~ 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 Federal noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance. (c) "Income" shall not include income earned by dependent children, except for regular payments from social security, nor shall it include income of a family member who resides in another household when such income is not available to those family members seeking enrollment in ~~((the plan))~~ BHP. (d) In the event that an item of income is received periodically, but less frequently than once per month, the latest amount received will be divided by the number of months in the period (i.e., between payments) in order to calculate an average amount per month. That monthly average will be combined with other monthly items of income to derive a monthly total, which will be used in the calculation of income as a percentage of federal poverty level. ~~((For example, if an applicant receives quarterly interest payments in January, April, July, and October, and applies for coverage by the plan in September, the July payment will be divided by three to obtain a monthly income amount.))~~

(12) "Managed health care system" (or "MHCS") means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to enrolled members ~~((a defined patient population enrolled in the plan and in the managed health care system))~~.

(13) "Medicare" means programs established by Title XVIII of public law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(14) "Member handbook" means a written document issued by BHP to a subscriber which describes the covered services, premiums, grievance procedures and other rights and responsibilities of enrollees. The member handbook issued to a subscriber shall apply to the subscriber and family members.

(15) "Nonsubsidized enrollee" means an enrollee who pays, or on whose behalf is paid, the full costs for participation in BHP, including administrative costs, without any subsidy from BHP.

~~((14))~~ (16) "Open enrollment" means a time period designated by the administrator during which enrollees may apply to transfer their membership from one participating managed health care system to another. There shall be at least one open enrollment period of at least twenty consecutive days, at least once annually, in each site served by ~~((the plan))~~ BHP.

~~((15))~~ (17) "Participating," when referring to a managed health care system, means one that has entered into a contract with ~~((the plan))~~ BHP to provide covered services to enrollees. When referring to a health care provider,

"participating" means one who is employed by or has entered into a contract with a participating managed health care system to provide covered services to enrollees.

~~((16))~~ (18) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which a subscriber or financial sponsor makes to ~~((the plan))~~ BHP on behalf of the subscriber and family dependents in consideration for enrollment in ~~((the plan))~~ BHP.

~~((17))~~ (19) "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.

~~((18))~~ (20) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, to provide the schedule of benefits to enrolled members ~~((that is based upon the enrollment of enrollees in the plan and in that MHCS))~~.

(21) "Residence" means the one principal physical location at which an individual lives.

~~((19))~~ (22) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which enrollees shall be entitled to receive from participating managed health care systems.

~~((20))~~ (23) "Service area" means the geographic area served by a participating managed health care system as defined in its contract with ~~((the plan))~~ BHP.

~~((21))~~ (24) "Site" means a geographic area designated by ~~((the plan))~~ BHP in which one or more participating managed health care systems are offered to enrollees for selection.

(25) "Spouse" means the legal wife or husband of a subscriber, if not legally separated, who resides in the same residence.

~~((22))~~ (26) "Subscriber" means an enrollee, or the parent or legal guardian of an enrolled dependent child, who has been designated by ~~((the plan))~~ BHP as the individual to whom ~~((the plan))~~ BHP and the managed health care system will issue all notices, information requests and premium bills on behalf of all enrolled family members. For purposes of Chapter 55-01 WAC, notice to a subscriber shall be considered notice to all enrolled members of the subscriber's family as well.

(27) "Subsidized enrollee" means an enrollee whose gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services, and for whom funds are available to provide a partial subsidy of the premium according to a premium schedule adopted by the administrator.

~~((23))~~ (28) "Subsidy" means the difference between the premium responsibility of a subsidized enrollee and the costs incurred by BHP in providing coverage to that subsidized enrollee. The costs incurred include both the rate paid by the administrator to a managed health care system on behalf of the enrollee and that portion of the administrative cost of providing BHP allocated by the administrator to that enrollee. ~~((rate paid by the administrator to a managed health care system on behalf of an enrollee, and the enrollee's premium responsibility.))~~

~~((24))~~ (29) "Washington Basic Health Plan" or ~~((plan))~~ "BHP" means the system of enrollment and

payment on a prepaid capitated basis for basic health care services, created by chapter 70.47 RCW, and administered by ((the plan)) BHP administrator through participating managed health care systems ((created by chapter 70.47 RCW)). The Washington Basic Health Plan is a program within the Washington State Health Care Authority.

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

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

AMENDATORY SECTION (Amending WSR 92-14-097, filed 6/30/92)

WAC 55-01-020 Schedule of benefits. (1) The administrator shall design and from time to time may revise a schedule of benefits which shall include such physician services, inpatient and outpatient hospital services, prescription drugs and medications, proven preventive and primary care services, all services necessary for prenatal, postnatal and well-child care, and other services as determined by the administrator to be necessary for basic health care and which enrollees shall receive in return for premium payments to ((the plan)) BHP and payment of required copayments. However, ~~((for the period beginning July 1, 1992 and ending June 30, 1993,))~~ the schedule of benefits shall not include prenatal or postnatal services for enrollees who are eligible for coverage under the medical assistance program under chapter 74.09 RCW, except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider ~~((or except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992)).~~ The schedule of benefits may include copayments, limitations and exclusions which the administrator determines are appropriate and consistent with the goals and objectives of ~~((the plan))~~ BHP.

(2) In designing and revising the schedule of benefits, the administrator will consider the effects of particular benefits, copayments, limitations and exclusions on access to necessary basic health care services, as well as the cost to the enrollees and to the state, and will also consider generally accepted practices of the health insurance and managed health care industries.

(3) Prior to enrolling ~~((in the plan))~~ each applicant will be given a complete written description of covered benefits, including all copayments, limitations and exclusions. Enrollees will also be given information on the services, providers, facilities, hours of operation, and other information descriptive of the managed health care system(s) available to enrollees in a given site.

(4) Subscribers will be given written notice by ~~((the plan))~~ BHP of any planned revisions to the benefit package ~~((and the accompanying premiums)),~~ such notice to be mailed at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect. ~~((For purposes of this provision, notice shall~~

~~be deemed complete upon depositing the written revisions in the United States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan. The administrator will make available a separate schedule of benefits for children, eighteen years of age and younger, for those who choose to enroll only their dependent children in the plan.))~~

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

AMENDATORY SECTION (Amending WSR 92-14-088, filed 6/30/92)

WAC 55-01-030 Premiums and copayments. (1) ~~((Each subscriber))~~ Subscribers shall be responsible for paying a monthly premium to ((the plan)) BHP, on behalf of the subscriber and all enrolled family dependents. A third party may, with the approval of the administrator, become a financial sponsor and pay all or a designated portion of the premium on behalf of any enrollee through a mechanism acceptable to the administrator. ((according to a premium schedule to be provided by the plan at the time the subscriber is enrolled by the plan.))

(2) For subsidized enrollees, ((T)) the amount of premium ~~((payable by any subscriber))~~ due will be based upon the subscriber's gross family income and rates payable to participating managed health care systems, and may vary with the number and ages of individuals enrolled from a given family.

(3) For nonsubsidized enrollees, the amount of premium due will be equal to the rate paid by BHP, plus that portion of the administrative cost of providing BHP allocated by the administrator to that enrollee. Nonsubsidized enrollees will also pay the appropriate premium tax as provided by law. A nonsubsidized enrollee who documents a change in income that causes the gross family income to fall below twice the federal poverty level will be eligible to become a subsidized enrollee if funding is available, and will pay a monthly premium as provided by WAC 55-01-030(1). ((A third party may, with the approval of the administrator and through a mechanism acceptable to the administrator, pay the premium on behalf of any enrollee. Premium amounts payable shall be a monthly dollar payment or a percentage of the total rate payable by the plan. A statement of the monthly amount due will be mailed to the subscriber upon determination of eligibility for the plan.))

~~((2))~~ (4) ~~((Based on the information provided by an enrollee on the application for enrollment, and any other information obtained by the plan, the enrollee will be informed of the premium amount due. The plan))~~ BHP will notify subscribers in writing of any revisions to the premium schedule or to the premium amounts payable to ~~((the plan))~~ BHP, such notice to be mailed at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect, except that retroactive enrollment of a newborn or newly adopted child (as provided in WAC 55-01-050(6)) may result in a corresponding retroactive increase in premium payable to ~~((the plan))~~ BHP. ~~((For purposes of this provision, notice shall be deemed complete upon depositing the written revisions in the United~~

~~States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan.)~~

~~((3)) (5) Once ((the plan)) BHP has determined that a subscriber and members of the subscriber's family (if any) are eligible for enrollment, ((the plan)) BHP will bill the subscriber, and financial sponsor if applicable, for the family's first month's premium. The subscriber and family members will not be eligible to receive covered services on the effective date of enrollment specified by ((the plan)) BHP unless the premium bill is paid in full by the due date specified on the bill. ((Thereafter, the plan will bill each subscriber monthly, and the subscriber shall be responsible for payment of the billed amount in full by the date specified on the bill.))~~

~~((4)) (6) Premium bills must be paid in full by the date specified on the bill. Payment may be made by mail to the address specified on the bill, or in person at ((the plan)) BHP's administrative office ((in Olympia, Washington, or by mail to the address specified on the bill)). If ((the plan)) BHP does not receive payment in full of a premium bill by 5:00 p.m. on the date specified on the bill, ((the plan)) BHP shall issue a notice of delinquency to the subscriber, or to the financial sponsor, at the ((subscriber's)) last address on file with ((the plan)) BHP, requiring payment in full by a date not less than ten days from the date of the notice. If full payment is not received by the date specified in the delinquency notice, the subscriber will be sent a final notice of disenrollment stating that the subscriber and enrolled family members will be disenrolled effective the first day of the month following the last month for which full premium payment was received by ((the plan)) BHP. Partial payment of premiums due will be regarded as non-payment. ((The plan)) BHP may disenroll a subscriber and enrolled family members in the event that ((the subscriber receives)) more than two ((delinquency)) disenrollment notices are issued for that family in a twelve-month period.~~

~~((5)) (7) Enrollees shall be responsible for paying any required copayment directly to the provider of a covered service, unless the enrollee has been instructed by his or her managed health care system or ((the plan)) BHP to make payment to another party. Copayments must be paid in full by the enrollee at the time of service. Failure to pay a required copayment in full at the time of service may result in the denial or rescheduling of that service by the managed health care system. Repeated failure to pay copayments in full on a timely basis may result in disenrollment, as provided in WAC 55-01-060(2).~~

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

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

AMENDATORY SECTION (Amending Order 88-001, filed 12/2/88)

WAC 55-01-040 Eligibility. (1) To be eligible for enrollment in ~~((the plan))~~ BHP, an individual must:

(a) ~~((Be under age sixty-five))~~ Not be eligible for medicare;

(b) ~~((Not be eligible for medicare;))~~ Not have health insurance more comprehensive than that offered by BHP at the time of application; and

(c) Reside within the service area of a participating managed health care system~~((; and~~

~~((d) Have a gross family income at the time of enrollment that does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the Federal Department of Health and Human Services)).~~

Persons not meeting all of these criteria, at the time of initial application, as evidenced by information submitted on the application for enrollment or otherwise obtained by ~~((the plan))~~ BHP, will not be enrolled. An enrollee who subsequently fails to meet all of the criteria, or is later determined to have failed to meet all of the criteria at the time of enrollment, will be disenrolled from ~~((the plan))~~ BHP as provided in WAC 55-01-060~~((—except that an enrollee whose gross family income exceeds twice the federal poverty level may continue as an enrollee for up to six months, provided all other criteria are met and provided that the enrollee pays a monthly premium equal to the rate stated in the contract between the plan and the participating managed health care system selected by the enrollee.))~~

(2) To be eligible for subsidized enrollment in BHP, an individual must have a gross family income that does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services.

~~((2)) (3) An individual otherwise eligible for enrollment in ((the plan)) BHP may be denied enrollment if the administrator has determined that acceptance of additional enrollment in a given service area would exceed limits established by the legislature, or additional enrollment in a given MHCS would exceed established contract limits, or would result in an overexpenditure of BHP funds, or would jeopardize the orderly development of BHP. ((would jeopardize the orderly development of the plan in that service area, or would result in an overexpenditure of plan funds.))~~ In the event that the administrator closes enrollment in a given service area, ~~((the plan))~~ BHP will continue to accept applications for enrollment, but will not process those applications for determination of eligibility. ~~((The plan))~~ BHP will place the names of applicants on a waiting list in the order in which applications are received, and will so notify the applicants. In the event that enrollment is reopened by the administrator, applicants whose names appear on the waiting list will be notified by ~~((the plan))~~ BHP of the opportunity to enroll; provided that ~~((the plan))~~ BHP may require new application forms and documentation from applicants on the waiting list, or may contact applicants to verify continued interest in applying, prior to determining their eligibility.

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

AMENDATORY SECTION (Amending WSR 92-14-097, filed 6/30/92)

WAC 55-01-050 Enrollment in the plan. (1) Any individual applying for enrollment in ~~((the plan))~~ BHP must complete, sign, and submit ~~((the plan's))~~ an application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or legal guardian, who shall also be held responsible ~~((by the plan))~~ for payment of premiums due on behalf of the child.

(2) Each applicant shall ~~((complete and sign the application for enrollment, listing))~~ list those family members to be enrolled and supply ~~((ing))~~ such other information as required by ~~((the plan))~~ BHP. (a) Documentation will be required, showing the amount and sources of applicants' income for the most recent complete calendar month as of the date of application. Applicants will also be required to submit a signed copy of their most recent federal income tax form. Income documentation shall be required for all ~~((income-earning))~~ family members, including those not applying for enrollment, except for family members who reside in another household and whose income is not available to the family seeking enrollment, and dependent children. (b) Documentation of residence shall also be required, displaying the applicant's name and address of physical residence. (c) ~~((The plan))~~ BHP may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or managed health care system selection. (d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment ~~((in the plan))~~. ~~((Intentional-s))~~ Submission of false information may result in disenrollment of the applicant and all enrolled family members, retroactive to the date upon which coverage began.

(3) Each family applying for enrollment must designate a participating managed health care system from which all enrolled family members will receive covered services. All applicants from the same family must receive covered services from the same managed health care system (except in cases where a subscriber, who is paying child support for his or her dependents, lives in another covered service area). No applicant will be enrolled for whom designation of a participating managed health care system has not been made as part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) Except as provided in WAC 55-01-040(2), applications for enrollment will be reviewed by ~~((the plan))~~ BHP within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(5) Eligible applicants will be enrolled ~~((in the plan))~~ in the order in which their completed applications, including all required documentation, have been received by ~~((the plan))~~ BHP, provided that the applicant also remits full payment of

the first premium bill ~~((to the plan))~~ by the due date specified by ~~((the plan))~~ BHP.

(6) Not all family members are required to apply for enrollment in ~~((the plan))~~ BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply may not subsequently enroll as a family dependent until the next open enrollment period available to that family member, unless that family member loses other health coverage. Eligible newborn and newly adopted children may be enrolled effective from the date of birth or physical placement with the adoptive parents for adoption, provided that application for enrollment is submitted to ~~((the plan))~~ BHP within sixty days of the date of birth or such placement for adoption. A newly acquired spouse of an enrollee may apply for enrollment within thirty days of the date of marriage and, if found eligible by ~~((the plan))~~ BHP, will be enrolled on the first of a month following completion of the enrollment process by ~~((the plan))~~ BHP, provided that the addition of the spouse does not otherwise render the family ineligible for coverage by ~~((the plan))~~ BHP.

(7) ~~((Any enrollee who disenrolls from the plan for reasons other than (a) ineligibility due to an increase in gross family income or (b) coverage by another health care benefits program may not re-enroll in the plan for a period of twelve months from the effective date of disenrollment.))~~ Enrollees who disenroll from BHP due to loss of eligibility may re-enroll provided they ~~((An enrollee who disenrolls because of ineligibility due to an increase in gross family income may re-enroll in the event that gross family income subsequently falls to a level which qualifies the enrollee for eligibility. An enrollee who disenrolls because of coverage by another health care benefits program may re-enroll in the event that the enrollee becomes ineligible for such other coverage, provided that the enrollee has been continuously covered since the date of disenrollment from the plan, and provides documentation of such continuous coverage to the plan. Before any person shall be re-enrolled in the plan, that person must))~~ complete a new application for enrollment and ~~((must be))~~ are determined by ~~((the plan))~~ BHP to be otherwise eligible for enrollment as of the date of application. Enrollees who are disenrolled from BHP in accordance with WAC 55-01-060(2), except for loss of eligibility, may not re-enroll for a period of twelve months from the effective date of disenrollment.

(8) ~~((The plan))~~ BHP may require any enrollee or applicant for enrollment in ~~((the plan))~~ BHP who appears to meet eligibility requirements for medical care under chapter 74.09 RCW to complete the eligibility determination process under chapter 74.09 RCW prior to enrollment or continued participation in ~~((the plan))~~ BHP.

(9) Once every six months, ~~((the plan))~~ BHP will request verification of information from enrollees ("recertification"), which may include a request to complete a new application form and submit required documentation. At recertification, enrollees will be required to report their gross family income for the preceding most recent complete calendar month as of the recertification date specified by ~~((the plan))~~ BHP, and to provide the same documentation of such income as required of applicants. ~~((The plan))~~ BHP may request information more frequently from an enrollee for the purpose of verifying eligibility if ~~((the plan))~~ BHP

has good cause to believe that the enrollee's income, residence, family size or other eligibility criteria may have changed since the date on which information was last received by ~~((the plan))~~ BHP. Enrollees shall be given at least twenty days from the date of any such information request to respond to the request. Failure to respond within the time designated in any information request shall result in a second request from ~~((the plan))~~ BHP. Failure to respond within the time designated in any second request for information may result in disenrollment of the enrollee. Each enrollee is responsible for notifying ~~((the plan))~~ BHP within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility. If, as a result of the eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee failed to inform BHP of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level.

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: 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 92-14-097, filed 6/30/92)

WAC 55-01-060 Disenrollment from the plan. (1) An enrollee may disenroll effective the first day of any month by giving ~~((the plan))~~ BHP at least ten days prior written notice of the intention to disenroll. Re-enrollment in ~~((the plan))~~ BHP shall be subject to the provisions of WAC 55-01-050(7). The administrator shall also establish procedures for notice by an enrollee of a disenrollment decision, including the date upon which disenrollment shall become effective. Nonpayment of premium by an enrollee shall be considered an indication of the enrollee's intention to disenroll from ~~((the plan))~~ BHP.

(2) ~~((The plan))~~ BHP may disenroll any enrollee from ~~((the plan))~~ BHP for good cause, which shall include: (a) failure to meet the eligibility requirements set forth in WAC 55-01-040; (b) loss of eligibility; (c) nonpayment of premium; (d) repeated failure to pay copayments in full on a timely basis; (e) failure to provide eligibility information necessary to determine whether the enrollee may be eligible for medical care under chapter 74.09 RCW within thirty days of the date of request by ~~((the plan))~~ BHP; (f) failure to apply when such application is required by ~~((the plan))~~ BHP to the Department of Social and Health Services for determination of eligibility for medical care under chapter 74.09 RCW within thirty days of the date of request by ~~((the plan))~~ BHP; (g) providing false information; (h) fraud or abuse ~~((including but not limited to serious misconduct))~~; (i) intentional misconduct; and (j) refusal to accept or follow procedures or treatment determined by a participating provider to be essential to the health of the enrollee, where the managed health care system demonstrates to the satisfac-

tion of ~~((the plan))~~ BHP that no professionally acceptable alternative form of treatment is available from the managed health care system, and the enrollee has been so advised by the managed health care system. ~~((The plan))~~ BHP shall provide the enrollee with advance written notice of its intent to disenroll the enrollee. Such notice shall specify an effective date of disenrollment, which shall be at least ten days from the date of the notice, and shall describe the procedures for disenrollment, including the enrollee's right to appeal the disenrollment decision as set forth in WAC 55-01-070. Prior to the effective date specified, if the enrollee submits ~~((a grievance))~~ an appeal to ~~((the plan))~~ BHP contesting the disenrollment decision, as provided in WAC 55-01-070(3), disenrollment shall not become effective until the date, if any, established as a result of ~~((the plan))~~ BHP's ~~((grievance))~~ appeal procedure, provided that the enrollee otherwise remains eligible and continues to make all premium payments when due; and further provided that the enrollee does not pose a threat of nonconsensual violent, aggressive or sexually aggressive behavior, assault or battery or purposeful damage to or theft of managed health care system property, or the property of staff or providers, patients or visitors while on the property of the managed health care system or one of its participating providers.

(3) Any enrollee ~~((applicant for enrollment in the plan))~~ who ~~((knowingly))~~ provides false information to ~~((the plan))~~ BHP or to a participating managed health care system ~~((may be disenrolled by the plan and))~~ may be held financially responsible for any covered services obtained from ~~((the plan))~~ BHP. The administrator may apply other available remedies as well.

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

AMENDATORY SECTION (Amending Order 88-01 [88-001], filed 12/2/88)

WAC 55-01-070 ~~((Hearings and grievances))~~ Appeals. ~~((The plan))~~ BHP will develop procedures for the expeditious resolution of enrollees' appeals, and will require participating managed health care systems to do the same.

(1) If an enrollee has ~~((a grievance))~~ an appeal pertaining to a managed health care system, the enrollee shall exhaust the managed health care system's ~~((grievance))~~ appeal procedure prior to requesting consideration of the ~~((grievance))~~ appeal by ~~((the plan))~~ BHP. The managed health care system's ~~((grievance))~~ appeal procedure shall provide for expeditious resolution by managed health care system personnel with authority to require corrective action. There shall be a written reply from the managed health care system stating either the decision and its basis, or the reasons for failure to reach a decision, within thirty days of receipt of the written ~~((grievance))~~ appeal. An enrollee has the right to request consideration of the ~~((grievance))~~ appeal by the administrator if the final decision is adverse or if the written reply is not received within thirty days from the date the managed health care system received the written ~~((grievance))~~ appeal.

(2) If an enrollee has ~~((a grievance))~~ an appeal pertaining to actions of ~~((the plan))~~ BHP, the enrollee may submit

the ~~((grievance))~~ appeal to ~~((the plan))~~ BHP for resolution by ~~((the plan))~~ BHP's ~~((grievance))~~ appeal procedure. A written description of ~~((the plan))~~ BHP's ~~((grievance))~~ appeal procedure will be provided to the enrollee upon enrollment, or at any time upon request. ~~((The plan))~~ BHP's ~~((grievance))~~ appeal procedure shall provide for resolution of the ~~((grievance))~~ appeal within thirty days of receipt of complete information describing the ~~((grievance))~~ appeal and its basis.

(3) An enrollee who is involuntarily disenrolled by ~~((the plan))~~ BHP may contest the disenrollment by submitting ~~((a grievance))~~ an appeal to ~~((the plan))~~ BHP, within ten days of the notice of disenrollment, for resolution by ~~((the plan))~~ BHP's ~~((grievance))~~ appeal procedure. ~~((The plan))~~ BHP shall issue and mail a written decision within thirty days of receiving the ~~((grievance))~~ appeal.

(4) An individual whose application for enrollment in ~~((the plan))~~ BHP is denied may contest the denial of enrollment by submitting ~~((a grievance))~~ an appeal to ~~((the plan))~~ BHP, within ten days of the notice by ~~((the plan))~~ BHP of such denial, for resolution by ~~((the plan))~~ BHP's ~~((grievance))~~ appeal procedure. ~~((The plan))~~ BHP shall issue and mail a written decision within thirty days of receiving the ~~((grievance))~~ appeal.

(5) If ~~((the plan))~~ BHP's decision resulting from its ~~((grievance))~~ appeal procedure is adverse to an enrollee or applicant, he or she may, within fifteen days of receiving notice of the ~~((grievance))~~ appeal decision, request a hearing under ~~((chapters))~~ RCW 34.05 ~~((34.04 and 34.12 RCW))~~ in order to contest ~~((the plan))~~ BHP's decision.

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

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

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

AMENDATORY SECTION (Amending Order 88-001, filed 12/2/88)

WAC 55-01-080 Contracts with managed health care systems. (1) The administrator may enter into a contract with any managed health care system which, in the opinion of the administrator, qualifies for participation in ~~((the plan))~~ BHP. The administrator shall establish, and may from time to time revise, minimum standards to be satisfied by participating managed health care systems.

(2) No managed health care system may participate in ~~((the plan))~~ BHP without entering into a written contract with ~~((the plan))~~ BHP.

(3) The administrator shall develop procedures for the resolution of disputes between ~~((the plan))~~ BHP and a managed health care system which will be set forth in the contract between ~~((the plan))~~ BHP and the managed health care system.

WSR 93-18-104
PROPOSED RULES
ENERGY FACILITY SITE
EVALUATION COUNCIL
 [Filed September 1, 1993, 11:46 a.m.]

Original Notice.

Title of Rule: Air operating permits for facilities sited by the Energy Facility Site Evaluation Council (EFSEC).

Purpose: To update EFSEC's air rules consistent with the requirements of the 1990 Clean Air Act amendments and Washington's Clean Air Act.

Other Identifying Information: Rules being changed, WAC 468-39-005, 463-39-020, 463-39-030, 463-39-100, and 463-39-120; and new WAC 463-39-140.

Statutory Authority for Adoption: RCW 80.50.040(1) and chapter 70.94 RCW.

Statute Being Implemented: Chapters 70.94 and 80.50 RCW.

Summary: These rules incorporate by reference most of ecology's latest revisions to its air operating permit program and establish EFSEC's authority to issue air operating permits to facilities under the council's jurisdiction.

Reasons Supporting Proposal: To maintain EFSEC's status as a one-stop facility siting agency. To establish in rule EFSEC's statutory authority to issue air operating permits.

Name of Agency Personnel Responsible for Drafting and Enforcement: Jason Zeller, 925 Plum Street S.E., P.O. Box 43172, Olympia, WA 98504-3172, 956-2047; and Implementation: Allen Fiksdal, 925 Plum Street S.E., P.O. Box 43172, Olympia, WA 98504-3172, 956-2152.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

Rule is necessary because of federal law, Title V of the 1990 Clean Air Act Amendments 40 CFR, Part 70.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules establish EFSEC's authority under the 1990 Clean Air Act amendments and the State Clean Air Act to issue air operating permits to facilities sited under its jurisdiction. The rules enable EFSEC to maintain its statutory requirement to be a "one-stop" facility siting agency.

Proposal Changes the Following Existing Rules: These changes simply update EFSEC's air rules consistent with modifications to applicable state and federal legislation. The rules also set forth EFSEC's appeals procedure in the event a site certification holder violates one of the requirements of its council issues air operating permits.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: 925 Plum Street S.E., Building 4, Room 308, on October 11, 1993, at 2:00 p.m.

Submit Written Comments to: Jason Zeller, P.O. Box 43172, Olympia, WA 98504-3172, by October 6, 1993.

Date of Intended Adoption: October 11, 1993.

September 1, 1993

Jason Zeller
 Manager

**Chapter 463-39 WAC
GENERAL AND OPERATING PERMIT REGULATIONS FOR AIR POLLUTION SOURCES**

[AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92)]

WAC 463-39-005 Adoption by reference. (1) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-400 WAC by reference. ~~Any revisions or changes to these rules are hereby adopted.~~

- 173-400-030 Definitions.
- 173-400-040 General standards for maximum emissions.
- 173-400-050 Emission standards for combustion and incineration units.
- 173-400-060 Emission standards for general process units.
- 173-400-081 Startup and shutdown.
- 173-400-090 Voluntary limits on emissions.
- 173-400-105 Records, monitoring, and reporting.
- 173-400-107 Excess emissions.
- 173-400-110 New source review (NSR).
- 173-400-112 Requirements for new sources in nonattainment areas.
- 173-400-113 Requirements for new sources in attainment or unclassified areas.
- 173-400-114 Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.
- 173-400-120 Bubble rules.
- 173-400-131 Issuance of emission reduction credits.
- 173-400-136 Use of emission reduction credits.
- 173-400-141 Prevention of significant deterioration (PSD).
- 173-400-151 Retrofit requirements for visibility protection.
- 173-400-161 Compliance schedules.
- 173-400-171 Public involvement.
- 173-400-180 Variance.
- 173-400-190 Requirements for nonattainment areas.
- 173-400-200 Creditable stack height and dispersion techniques.
- 173-400-205 Adjustment for atmospheric conditions.
- 173-401-100 Program overview.
- 173-401-200 Definitions.
- 173-401-300 Applicability.
- 173-401-500 Permit applications.
- 173-401-520 Certification.
- 173-401-600 Permit content.
- 173-401-605 Emission standards and limitations.
- 173-401-615 Monitoring and related recordkeeping and reporting requirements.
- 173-401-620 Standard terms and conditions.
- 173-401-625 Federally enforceable requirements.
- 173-401-630 Compliance requirements.
- 173-401-635 Temporary sources.
- 173-401-640 Permit shield.
- 173-401-645 Emergency provision.
- 173-401-650 Operational flexibility.
- 173-401-700 Action on application.

- 173-401-705 Requirement for a permit.
- 173-401-710 Permit renewal, revocation and expiration.
- 173-401-720 Administrative permit amendments.
- 173-401-722 Changes not requiring permit revisions.
- 173-401-724 Off-permit changes.
- 173-401-725 Permit modifications.
- 173-401-730 Reopening for cause.
- 173-401-750 General permits.
- 173-401-800 Public involvement.
- 173-401-810 EPA Review.
- 173-401-820 Review by affected states.

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

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

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

[AMENDATORY SECTION (Amending Order 79-1, filed 8/6/79)]

WAC 463-39-020 Applicability. The provisions of this chapter shall apply state-wide for those sources under the jurisdiction of the energy facility site evaluation council. The provisions of this chapter shall not apply to those facilities incorporated by reference in chapters 173-400 and 173-401 WAC which are not under the jurisdiction of the energy facility site evaluation council.

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

[AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92)]

WAC 463-39-030 Additional definitions. ~~In addition to the definitions contained in WAC 173-400-030, the following terms shall have the following meaning unless a different meaning is plainly required by context.~~ (1) "Council" means the energy facility site evaluation council.

(2) In addition to the definitions contained in WAC 173-400-030 and WAC 173-401-200, "Ecology" and "authority" shall be synonymous with the energy facility site evaluation council unless a different meaning is plainly required by context except for WAC 463-39-120 where the department of ecology is intended.

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

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

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

[AMENDATORY SECTION (Amending Order 79-1, filed 8/6/79)]

WAC 463-39-100 Registration. (1) The owner or operator of each stationary source subject to chapter 80.50 RCW shall register the source with the council.

Registration shall be on forms which have been adopted for use by the department of ecology to be supplied by the council within the time specified thereon.

A report of closure shall be filed with the council within ninety days after ~~whenever~~ operations producing emissions ~~are~~ permanently ceased at any source within the council's jurisdiction above categories.

(2) The council shall ensure that the following, as it pertains to sources covered under this rule, is passed on to ecology in a timely manner for inclusion in its permit register:

(a) Public meetings or hearings on draft operating permits;

(b) Receipt of complete applications;

(c) Permit appeals;

(d) Issuance or denial of final permit, permit modifications, or renewals;

(e) Authorization for a source to operate without an operating permit by limiting its potential to emit to levels below those that would require the source to obtain an operating permit;

(f) Periodic summaries of enforcement order and changes made without revising the permit pursuant to WAC 173-401-722.

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

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

[AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92)]

WAC 463-39-120 Monitoring and special report.

The department of ecology or its designee shall conduct a ~~continuous~~ surveillance program to monitor the quality of the ambient atmospheres to concentrations and movements of air contaminants in accordance with the requirements of chapters 173-400 and 173-401 WAC.

As a part of this program, the director of the department of ecology or an authorized representative of the director may recommend that any source under the jurisdiction of the council conduct stack and/or ambient air monitoring, and to report the results to the council and department of ecology.

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

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

NEW SECTION

WAC 463-39-140 Appeals procedure. Appeals from notices of violation issued by the Council will be handled via the Council's appellate review procedure as provided in WAC 463-54-070 (4)(c).

**WSR 93-18-105
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed September 1, 1993, 11:58 a.m.]

Original Notice.

Title of Rule: WAC 296-14-350 Claim allowance and wage determination in occupational disease cases, 296-14-420 Payment of benefits—Aggravation reopening/new injury, 296-14-910 Appointment of special assistant attorneys general, 296-14-930 Application by attorneys, 296-14-940 List of attorneys, 296-14-950 Appointment of attorney as special assistant, 296-14-960 Limitations of appointment, 296-20-023 Third party settlement—Excess recoveries, and 296-20-098 Tinnitus expressed as a percentage of compensable hearing impairment.

Purpose: WAC 296-14-350, to make the occupational disease rule consistent with Supreme Court decisions; WAC 296-14-420, to clarify when the rule applies to aggravation reopening/new injury claims; WAC 296-14-900, to add the RCW 51.12.102 reference to the purpose statement; WAC 296-14-910, to amend the rule to comply with the agency reorganization and to delete the references to sections that are being repealed; WAC 296-14-930, to amend the rule to comply with the agency reorganization and statutory amendments; WAC 296-14-940, to amend the rule to comply with the agency reorganization and statutory amendments; WAC 296-14-950 and 296-14-960, repealed; WAC 296-20-023, to eliminate reference to chapters 296-20 through 296-23 WAC; and WAC 296-20-098, to adopt a rule that clarifies the department policy on rating tinnitus.

Statutory Authority for Adoption: Chapters 51.12, 51.24, and 51.32 RCW.

Statute Being Implemented: RCW 51.04.020, 51.12.102, 51.24.110, 51.32.100, and 51.32.190(6).

Summary: WAC 296-14-350, we are amending the occupational disease rule so that it is consistent with the Supreme Court decisions of *Landon* and *Fankhauser*. This rule clarifies who the liable insurer is in an occupational disease case. Further, the rule specifies that compensation schedules shall be based on the date of manifestation of the disease not on the date of the worker's last injurious exposure. The date of manifestation is defined in the rule; WAC 296-14-420, the proposal clarifies when the payment of benefits applies to aggravation reopening/new injury claims. The intent of this rule is to ensure that workers with compensable injuries and/or occupational diseases receive benefits when substantial questions arise as to whether the claim should be allowed as an aggravation reopening or new injury; WAC 296-14-900, this rule was amended to include the reference to RCW 51.12.102. In 1993, legislation was passed allowing the department to use Special Assistant Attorneys General to pursue actions against federal program

insurers in addition to third party claims; WAC 296-14-910, "assistant director" is being replaced with "department," to accommodate reorganization in the agency; WAC 296-14-930, "assistant director" is being replaced with "department" to accommodate reorganization in the agency; WAC 296-14-940, this rule is being amended to accommodate reorganization in the agency and to reflect the amendment to RCW 51.12.102; WAC 296-14-950 and 296-14-960, repealed; WAC 296-20-023, we are eliminating references to chapters 296-21A and 296-22 WAC because they have been repealed; and WAC 296-20-098, this rule clarifies department policy on rating tinnitus.

Reasons Supporting Proposal: These proposals are made to update department rules according to case law and statutory amendments. In addition, to adopt a rule clarifying the department policy on tinnitus.

Name of Agency Personnel Responsible for Drafting: Marie Myerchin-Redifer, 7273 Linderson Way, 956-4215; Implementation and Enforcement: Theresa Whitmarsh, Deputy Director/Industrial Insurance.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of state court decision, *Labor and Industries v. Landon*, 117 Wn.2d 122, 814 P.2d 626 (1991); and *Labor and Industries v. Fankhauser*, 121 Wn.2d 304, 849 P.2d 1209 (1993).

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-14-350, the amendment to this rule clarifies who the liable insurer is in an occupational disease case; how Title 51 interacts with the maritime and federal employee compensation acts; that a worker's compensation benefits are based upon the schedule in effect at the time of disease manifestation; and that "manifestation" is the date that the disease requires medical treatment or became totally or partially disabling, whichever occurs first.

WAC 296-14-420, the amendment to this rule specifies when the payment of benefits applies to aggravation reopening/new injury claims. The intent of this rule is to ensure that when substantial questions arise whether the claim should be allowed as an aggravation reopening or new injury, workers with compensable injuries receive prompt payment of benefits. The rule requires the employer, who would be responsible for the new claim, to begin payment of benefits to the worker. If the initial entity who pays benefits, is not found liable, that entity shall be reimbursed by the responsible entity.

WAC 296-14-900, 296-14-910, 296-14-930, 296-14-940, 296-14-950 and 296-14-960, these rules clarify the special assistant attorneys general (SAAG) appointment process for representing the department in third party or federal program insurer cases. In addition, we are streamlining case assignment to the SAAGs by repealing WAC 296-14-950 and 296-14-960.

WAC 296-20-023, we are amending this rule to eliminate out-of-date references to chapters 296-20 through 296-23 WAC. Chapters 296-21A and 296-22 WAC were repealed. The specific WAC citation was replaced with a generic reference to medical aid rules and maximum fee schedules.

WAC 296-20-098, this rule clarifies department policy for the rating of tinnitus by providers. The rule specifies that tinnitus is only ratable if it accompanies an otherwise

compensable hearing impairment. It directs physicians, who rate tinnitus, to rate according to the American Medical Association, Guides to the Evaluation of Permanent Impairment.

Proposal Changes the Following Existing Rules: These proposals amend existing rules making them consistent with state law.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Department of Labor and Industries has considered whether these rules are subject to the Regulatory Fairness Act and has determined that they are not, because they would have minor or negligible economic impact on small businesses. These proposals bring our rules into compliance with case law and 1993 legislative amendments.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way, 1st Floor Auditorium, Tumwater, WA, on October 13, at 10:00 a.m.

Submit Written Comments to: Marie Myerchin-Redifer, Rules Officer, Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, by October 20, 1993.

Date of Intended Adoption: November 15, 1993.

September 1, 1993

Mark O. Brown

Director

AMENDATORY SECTION (Amending Order 88-13, filed 6/24/88)

WAC 296-14-350 Claim allowance and wage determination in occupational disease cases. (1) The liable insurer in occupational disease cases is the insurer on risk at the time of the last injurious exposure to the injurious substance or hazard of disease during employment within the coverage of Title 51 RCW which gave rise to the claim for compensation. Such Title 51 RCW insurer shall not be liable, however, if the worker has a claim arising from the occupational disease that is allowed for benefits under the maritime laws or Federal Employees' Compensation Act.

~~(2) ((The compensation schedules and wage base for claims filed prior to July 1, 1988, shall be determined according to the schedule in effect and the wage paid, if wage based schedules apply, at the time of the last injurious exposure to the substance or hazard giving rise to the claim for compensation.~~

~~(3))~~ The compensation schedules and wage base for claims ~~((filed on or after July 1, 1988,))~~ shall be ~~((determined))~~ based on the schedule in effect on the date of disease manifestation. Compensation shall be based on the monthly wage of the worker as follows:

(a) If the worker was employed at the time the disease required medical treatment or became totally or partially disabling, whichever occurred first, compensation shall be based on the monthly wage paid on that date regardless of whether the worker is employed in the industry that gave rise to the disease or in an unrelated industry.

(b) If the worker was not employed, for causes other than voluntary retirement, at the time the disease required medical treatment or became totally or partially disabling, whichever occurred first, compensation shall be based upon the last monthly wage paid.

~~((e))~~ (3) Benefits shall be paid in accordance with the schedules in effect ~~((at the time))~~ on the date of manifestation. Manifestation is the date the disease required medical treatment or became totally or partially disabling, whichever occurred first, without regard to the date of the contraction of the disease or the date of filing the claim.

AMENDATORY SECTION (Amending WSR 90-19-028, filed 9/12/90, effective 10/13/90)

WAC 296-14-420 Payment of benefits—Aggravation reopening/new injury. (1) Whenever an application for benefits is filed ~~((that requires a determination of))~~ where there is a substantial question whether benefits shall be paid pursuant to the reopening of an accepted claim or allowed as a claim for a new injury or occupational disease, the department shall make ~~((the))~~ a determination in a single order. Where one of the claims is with a self-insured employer and another is with a state fund employer, such determination shall be made jointly by the ~~((assistant directors))~~ program managers for claims administration and self insurance, or their respective designees.

(2) Pending entry of the order, benefits shall be paid promptly by the entity which would be responsible ~~((as))~~ if the claim were determined to be a new injury or occupational disease.

(3) This rule applies only to the singular situation specified in subsection (1) of this section, that is, where the application for benefits raises the question of whether to reopen an accepted claim or instead to allow a new claim; this rule does not apply to any other situation; accordingly, this rule does not apply where the question raised by the application is whether to reopen an accepted, closed claim or instead to reopen another accepted closed claim; nor does the rule apply where the question raised is whether to provide coverage under an accepted, open claim or instead to allow a new claim.

(4) The department is required to act under this rule only if:

(a) There is substantial evidence that the worker will be determined to be entitled to benefits on one of the claims; and

(b) There is uncertainty regarding which of the entities is responsible.

(5) Time-loss compensation shall be paid at the lesser of the two entitlements that may apply to the claim until responsibility has been determined between state fund and self-insured employer, two self-insured employers, or two state fund employers.

~~((4))~~ (6) If, upon final determination of the responsible insurer, the entity that paid benefits under subsection (2) of this section is determined not to be responsible for payment of benefits, such entity shall be reimbursed by the responsible entity for all amounts paid.

AMENDATORY SECTION (Amending Order 88-03, filed 3/31/88)

WAC 296-14-900 Purpose. WAC 296-14-900 through ~~((296-14-960))~~ 296-14-940 implement RCW 51.12.102 and 51.24.110, which authorizes the department to ~~((maintain a list of attorneys from which the attorney general may~~

~~appoint))~~ use special assistant attorneys general ~~((to represent the department in causes of action under RCW 51.24.050)).~~

AMENDATORY SECTION (Amending Order 88-03, filed 3/31/88)

WAC 296-14-910 Definitions. In WAC 296-14-900 through ~~((296-14-960))~~ 296-14-940:

~~((1))~~ "Assistant director" means ~~the assistant or deputy director of the industrial insurance division of the department.~~

(2)) "Department" means the department of labor and industries.

AMENDATORY SECTION (Amending Order 88-03, filed 3/31/88)

WAC 296-14-930 Application by attorneys. (1) An attorney who meets the qualification criteria may seek inclusion on the list of attorneys by filing an application with the ~~((assistant director))~~ department. Application forms may be obtained from the office of the attorney general, the Washington State Bar Association, or the ~~((assistant director))~~ department.

(2) The application form shall be prepared by the department in consultation with the office of the attorney general. The application shall require the applicant to declare under penalty of perjury that the information is true and shall require the applicant to inform the ~~((assistant director))~~ department and the attorney general of any changes in his or her qualifications.

AMENDATORY SECTION (Amending Order 88-03, filed 3/31/88)

WAC 296-14-940 List of attorneys. (1) The department shall determine from the application and from other sources whether an attorney meets the criteria of WAC 296-14-920. The department may consult with the Washington State Bar Association and the office of the attorney general if necessary to make the determination.

(2) ~~((After an attorney has been entered on the list of attorneys, the assistant director shall forward the attorney's completed application form to the attorney general.~~

(3)) The ~~((assistant director))~~ department shall compile and maintain the lists of attorneys from which the attorney general may ~~((appoint))~~ select special assistant attorneys general to represent the department.

~~((4))~~ (3) The ~~((assistant director))~~ department shall, once every ~~((three months))~~ year, provide the attorney general and the Washington State Bar Association with a current copy of the lists of the attorneys.

(4) RCW 51.12.102, 51.24.110 and WAC 296-14-900 through 296-14-940 do not give the attorneys on the special assistant attorney general lists any right to any expectation of employment as a special assistant attorney general and/or assistant attorney general.

(5) The designation "special assistant attorney general" shall not be used by a private attorney on any correspondence or pleadings relating to services, nor shall they refer to themselves as such other than as necessary to show their authority in a specific case to represent the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-14-950 Appointment of attorney as special assistant.
- WAC 296-14-960 Limitations of appointment.

AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)

WAC 296-20-023 Third party settlement—Excess recoveries. (1) In cases where a third party settlement has been made resulting in an excess recovery subject to offset from the ((injured)) worker's future benefits or compensation due, the department or self-insurer is not liable for payment for services rendered by providers.

(2) The ((injured)) worker should be treated and billed in accordance with the department's medical aid rules and ((instructions contained in chapters 296-20 through 296-23 WAC)) maximum fee schedules. When bills are processed against the amount of the excess recovery, the department will notify the provider on the remittance advice.

(3) The department or self-insurer will resume financial responsibility to or on behalf of the ((injured)) worker when the amount of such excess has been reduced to zero.

NEW SECTION

WAC 296-20-098 Tinnitus expressed as a percentage of compensable hearing impairment. (1) When tinnitus accompanies an otherwise compensable hearing impairment, the percentage of tinnitus impairment is added to the percentage of hearing impairment of each affected ear in the binaural hearing impairment formula.

(2) Tinnitus without otherwise compensable hearing impairment is not measurable as a percentage of binaural hearing impairment.

(3) When a physician measures tinnitus in the presence of a compensable hearing impairment, the physician should add zero, three, four, or five percent to each ear to be calculated in accordance with subsection (4) of this section and the American Medical Association Guides to the Evaluation of Permanent Impairment.

(4) Graduations of the severity of tinnitus shall be expressed as an addition to the percentage of hearing impairment of each affected ear as follows:

(a) "Minimal" tinnitus shall describe the range of tinnitus impairment which is not medically significant. Zero percent is added to the hearing impairment of the affected ear in the binaural hearing loss formula to reflect "minimal" tinnitus.

(b) "Mild" tinnitus shall describe the range of tinnitus impairment which is medically significant and in the least severe third of impairments. Three percent is added to the hearing impairment of the affected ear in the binaural hearing loss formula to reflect "mild" tinnitus.

(c) "Moderate" tinnitus shall describe the range of tinnitus impairment which is medically significant and in the middle third of impairments. Four percent is added to the hearing impairment of the affected ear in the binaural hearing loss formula to reflect "moderate" tinnitus.

(d) "Marked" shall describe the range of tinnitus impairment which is medically significant and in the most severe third of impairments. Five percent is added to the hearing impairment of the affected ear in the binaural hearing loss formula to reflect "marked" tinnitus.

**WSR 93-18-106
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed September 1, 1993, 11:59 a.m.]

Original Notice.

Title of Rule: Chapter 296-200 WAC, Contractor certificate of registration renewals—Security—Insurance.

Purpose: Proposed changes to chapter 296-200 WAC clarify the intent of legislation requiring local jurisdictions and building officials to verify that current registration of general or specialty contractors purchasing building permits.

Statutory Authority for Adoption: RCW 18.27.125.

Statute Being Implemented: WAC 296-200-125.

Summary: Proposed addition of WAC 296-200-110 requires verification of the contractor registration number prior to the issuance of a building permit; proposed addition of WAC 296-200-111 allows a city, town or county to accept a notarized copy of the original contractor registration card as verification when purchasing a building permit; and proposed addition of WAC 296-200-112 assigns liability to a city, town or county for failure to verify a contractor's registration number prior to the issuance of a building permit. The rule references the statute for the penalty amount to be imposed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Daniel C. Wolfenbarger, 7273 Linderson Way S.W., Tumwater, WA 98501, (206) 956-5225.

Name of Proponent: Department of Labor and Industries.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule defines the requirement of cities, towns, and counties to verify current contractor registration status of a general or specialty contractor prior to selling a building permit. The rule allows a properly notarized copy of the registration to be used in lieu of the original registration. The rule further assigns liability to those cities, towns, and counties should the registration fail to be verified.

Proposal does not change existing rules.

Small Business Economic Impact Statement: The department has evaluated the proposed regulations' potential economic impact and has determined that a small business economic statement is not required, pursuant to RCW 19.85.020(2). The department has determined that the proposed rule amendments will have a minor or negligible impact on small business. Specifically, the proposed rule amendments do not create an economic burden for any regulated businesses.

Hearing Location: October 5, 1993, Spokane Community College, Bigfoot Room, at 1:00 p.m.-5:00 p.m.; and on

October 11, 1993, Labor and Industries Building, Room S119, at 1:00 p.m.-5:00 p.m.

Submit Written Comments to: Joseph A. Brewer III, Assistant Director, P.O. Box 44400, Olympia, WA 98504-4400, by October 18, 1993.

Date of Intended Adoption: November 12, 1993.

September 1, 1993
Dorette M. Markham
for Mark O. Brown
Director

NEW SECTION

WAC 296-200-110 Verification of registration number by a city, town, or county. Verification of the contractor registration number for the purpose of issuing a building permit shall mean verification only of the registration of the general or specialty contractor who is applying for the building permit.

NEW SECTION

WAC 296-200-111 Verification of nonoriginal registration card by city, town, or county. A city, town, or county may accept, for the purposes of verification, a copy of the original contractor registration card, which has been attested to by the person who applied for that original registration card and which is notarized.

NEW SECTION

WAC 296-200-112 Liability to cities, towns, and counties for failure to verify contractor registration. Failure to verify the contractor's registration number will result in liability, for the penalty amount specified in RCW 18.27.100 (6)(a), only to the city, town, or county that issued the building permit.

PROPOSED

WSR 93-17-050
PERMANENT RULES
OLYMPIC AIR
POLLUTION CONTROL AUTHORITY

[Filed August 13, 1993, 11:09 a.m.]

Date of Adoption: August 11, 1993.

Purpose: Requires air contaminant sources to register annually with Olympic Air Pollution Control Authority (Article 5); and requires all major sources to apply for and obtain a 5 year permit (Article 6).

Citation of Existing Rules Affected by this Order: Amending Regulation 1, Article 5.

Statutory Authority for Adoption: RCW 70.94.151 and 70.94.161.

Pursuant to notice filed as WSR 93-13-076 on June 17, 1993.

Changes Other than Editing from Proposed to Adopted Version: Some reorganization to provide clarification.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Article 6 provisions will become effective upon delegation of the operating permit program to Olympic Air Pollution Control Authority.

Effective Date of Rule: Thirty-one days after filing.
August 12, 1993
Mark V. Goodin
Mechanical Engineer

ARTICLE 5 REGISTRATION

NEW SECTION

SECTION 5.00 DEFINITIONS

For purposes of Article 5, the following definitions apply.

ACTUAL EMISSIONS means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with i. and ii. of this subsection.

i. In general, actual emissions as of a particular date shall equal the rate, in tons per year, at which the emissions unit actually emitted the pollutant during a one-year period which precedes the particular date and which is 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.

ii. The Authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

AIR CONTAMINANT means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

AIR CONTAMINANT GENERATING EQUIPMENT means, for purposes of calculating Article 5 fees, any equipment or process capable of generating or emitting air contaminants except for the equipment and processes listed in i through iiiv. below:

i. Gasoline or other fuel storage tanks located at dispensing facilities as defined in Article 15.

ii. Storage tanks and other equipment located at dry cleaning facilities.

iii. Combustion units with less than 10 million BTUs per hour heat input.

iv. Process equipment with less than 20,000 ACFM flowrate.

v. Paint spray booths and related paint spraying equipment.

vi. Mobile sources.

vii. Any other equipment or process determined appropriate for this exemption by the Authority.

EMISSIONS means a release of air contaminants into the ambient air.

EMISSIONS UNIT means any part of a source which emits or has the potential to emit any pollutant subject to regulation.

FACILITY means the same as "source".

POTENTIAL TO EMIT means the maximum capacity of a 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 if the limitation or the effect it would have on emissions is enforceable by the Authority.

SOURCE means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

STACK means, for purposes of calculating fees pursuant to Article 5, any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, except for the following:

i. Emission points associated with gasoline or fuel dispensing stations.

ii. Emission points associated with dry cleaning facilities.

iii. Pipes or ducts equal to or less than twelve (12) inches in diameter.

iv. Any other emission point determined appropriate for this exemption by the Authority.

TOXIC AIR POLLUTANT means any Class A or Class B toxic air pollutants listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or group of substances within either of these classes is listed in WAC 173-460-150 and 173-4600160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

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

AMENDATORY SECTION

SECTION 5.01 REGISTRATION REQUIRED

(a) All air contaminant sources within the jurisdiction of the Authority, except the sources listed in 5.01 (b) below ~~((in Exhibit A, which is attached hereto and made a part hereof))~~ as now constituted or as hereafter amended, and except sources with or applying for an air operating permit pursuant to RCW 70.94.161, shall be registered with the Authority.

~~(EXHIBIT A
EXCLUSIONS ADOPTED BY THE BOARD AND
ATTACHED AS ADDENDUM)~~

(b) The following source and equipment types are exempt from registration requirements under Article 5:

(1) Air conditioning or ventilating systems not designed to remove containment generated by or released from equipment.

(2) Atmosphere generators used in connection with metal heat treating processes.

(3) Blast cleaning equipment which use(s) a suspension of abrasive in liquid water.

(4) Foundry sand mold forming equipment, unheated.

(5) Fuel burning equipment which:

(i) is used solely for a private dwelling serving two families or less; or

(ii) has an energy input of less than 1 million Btu_(HHV) per hour ~~((a BTU input of not more than 400,000 BTU per hour))~~.

(6) Fumigation vaults.

(7) Insecticide spray equipment, non-commercial.

(8) Internal combustion engines, including gas turbine and jet engines(-), except for the following sources:

(i) Stationary gas turbines engines and stationary internal combustion engines for which a United States Environmental Protection Agency (EPA) New Source Performance Standard has been adopted;

(ii) Stationary internal combustion engines rated at 1000 horse power_(mechanical) or more.

~~((9) Laboratory equipment used exclusively for chemical or physical analysis.))~~

~~((10)9) Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.~~

~~((11)10) Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics.~~

~~((12)11) Surface coating by use of aqueous solution or suspension.~~

~~((13)12) Steam cleaning equipment used exclusively for that purpose.~~

~~((14)13) Storage tanks, reservoirs or containers storing volatile organic compounds:~~

~~(i) of a capacity of 55 gallons or less; or ((used for organic solvents, diluents or thinners.))~~

~~(ii) of a capacity of 10,000 gallons or less used for storage of gasoline; or~~

~~(iii) Of a capacity of 2,000 gallons or less used for ((liquid fuels including lubricating oil, tallow, vegetable oil or wax emulsions)) storage of substances with a true vapor pressure less than 0.01 kPa (0.002 psia).~~

~~((15)14) Vacuum cleaning systems used exclusively for office or residential housekeeping.~~

~~((16)15) Vacuum producing devices used in laboratory operations and vacuum producing devices which do not remove or convey air contaminants from or to another source.~~

~~((17)16) Vents used exclusively for:~~

~~(i) Sanitary or storm drainage systems; or~~

~~(ii) Safety valves; or~~

~~(iii) Storage tanks.~~

~~((18)17) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.~~

~~((19)18) Water cooling towers and cooling ponds except for barometric condensers.~~

~~((20)19) Welding, brazing or soldering equipment.~~

~~((21)20) Asphalt laying equipment including asphalt roofing operations.~~

~~(21) Restaurants and other retail food preparing establishments.~~

~~(22) Spray painting or blasting equipment used at temporary locations to clean or paint bridges, water towers, buildings, or similar structures.~~

~~(25) Sources which, due to the amount and nature of air contaminants produced, and potential to contribute to air pollution, are determined through review by the Control Officer not to warrant registration; provided that for new sources, such determination shall be based upon review of a Notice of Construction.~~

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

NEW SECTION

SECTION 5.02 REGISTRATION PROGRAM

(a) For purposes of this regulation, registration shall be defined as all direct activities associated with the Authority's continuing program for identifying, delineating, itemizing, verifying, and maintaining a current and accurate record of all air contaminant sources, their emissions, and their status of compliance with Regulation 1 within the jurisdiction of the Authority.

(b) The components of such registration program shall include:

(1) Initial registration and annual or other periodic reports from source owners providing the information described in sections 5.03, 5.05, and 5.06.

(2) On-site inspections necessary to verify compliance with Regulation 1 and/or to supplement information provided by sources pursuant to the requirements of sections 5.03, 5.05, and 5.06.

(3) Maintenance of computers and software used to compile and retrieve information provided by sources relating to air contaminant emissions.

(4) Emission inventory reports and emission reduction credits computed from information provided by sources pursuant to the requirements of section 5.03.

(5) Staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to the requirements of section 5.03

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(6) Clerical and other office support provided by the Authority in direct support of the registration program.

(7) Administrative support provided in directly carrying out the registration program.

AMENDATORY SECTION

SECTION 5.03 GENERAL REQUIREMENTS FOR REGISTRATION

(a) Owners or operators of air contaminant sources subject to section 5.01 shall, upon request by the Authority, make annual and/or periodic reports to the Authority regarding emission sources, types and amounts of raw materials and fuels used, types, amounts and concentrations of air contaminants emitted, data on air contaminant generating equipment and control devices, data on emission points, and any other information directly related to the registration program as requested by the Authority.

~~((a))~~ Registration of an installation shall be made by the owner or lessee of the source, or his agent, within thirty (30) days of receipt of forms provided by the Authority. The owner of the source shall be responsible for registration and the accuracy of the information submitted.

(b) Annual registration and periodic reporting for a source as required by the Authority shall be made by the owner or lessee of the source or his agent on forms provided by the Authority or in an Authority approved format. The owner of the source shall be responsible for completion and submittal of the annual registration forms and/or periodic reports within thirty (30) days of receipt of the forms provided by the Authority. The owner of the source shall be responsible for the completeness and correctness of the information submitted.

~~((b))~~ (c) A separate registration shall be required for each source of air contaminant: PROVIDED, that an owner has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process: PROVIDED FURTHER, that an owner need not make a separate registration for identical units of equipment or control apparatus installed, altered or operated in an identical manner on the same premise.

PROVIDED FURTHER, that an owner need not make a separate registration for identical units of equipment or control apparatus installed, altered or operated in an identical manner on the same premise.

~~((c))~~ (d) Each registration shall be signed by the owner or lessee or the agent for such owner or lessee.

(e) The confidentiality provisions of section 3.03 shall be applicable in administering the registration program.

(f) According to the schedule set forth in section 5.03 (f)(1) below, owners or operators of air contaminant sources subject to registration pursuant to section 5.01 above shall develop and implement an **Operations and Maintenance plan** to assure continuous compliance with Regulation 1. **Operation and Maintenance plans** shall include, but not be limited to, the measures listed in section 5.03 (f)(2). A copy of the **Operation and Maintenance plan** shall be retained at the source and shall be made available to all employees of the source and the Authority upon request.

(1) Operation and Maintenance plans required pursuant to section 5.03(f) shall be implemented by the due dates specified in i through iii below.

i. By no later than July 1, 1994 for sources currently registered with the Authority.

ii. No later than 120 days from initial registration with the Authority for existing sources not yet registered with the Authority.

iii. 90 days from commencement of operation for newly constructed or established sources requiring registration.

(2) Operation and Maintenance plans required pursuant to section 5.03(f) shall include, but not be limited to, the following types of measures:

i. Periodic inspection of air contaminant generating equipment and associated control devices to evaluate air contaminant control effectiveness and compliance with applicable emissions limits;

ii. Measures for monitoring and recording of all air contaminant generating equipment and control device performance when required by regulation or an approval order;

iii. Procedures for facilitating prompt repair of any defective equipment or control device associated with air contaminant emissions;

iv. A system for logging all actions required by the plan;

v. Standard procedures for responding to air quality related complaints received by the source;

vi. General policy and measures for minimizing dust emissions and odors.

(3) The Authority shall develop standard provisions and guidelines for operation and maintenance plans and make them available to sources for purposes of complying with section 5.03(f) provisions.

(g) Owners or operators of air contaminant sources subject to section 5.01 above shall be classified according to section 5.04 and shall pay annual registration fees pursuant to sections 5.05 and 5.06.

AMENDATORY SECTION

SECTION 5.04 ((CLASSES OF REGISTRATION)) CLASSIFICATION OF SOURCES

~~((For the purpose of classification, all))~~ All air contaminant sources ((registered by this Authority)) requiring registration pursuant to section 5.01 shall be classified in one of the ((following)) registration classes listed in TABLE 2. A source will be placed in the most ((stringent)) appropriate class as determined by the Authority. For ((the)) purposes of classification, the pollutants listed in TABLE 1 will be ((used)) considered.

TABLE 1: POLLUTANTS

Total Particulates (TSP)
Sulfur Oxides (SOx)
Nitrogen Oxides (NOx)
Volatile Organic Compounds (VOC)
Carbon Monoxide (CO)
Toxic Air Pollutants

TABLE 2: REGISTRATION CLASSES

(a) CLASS RC1 - ((Any facility whose actual emission or potential controlled emissions while operating at design

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capacity, and 8,760 hours per year (or the maximum legal operating rate) are equal to or exceed 100 tons per year of any pollutant in TABLE 1.) Any source with a potential to emit 100 tons per year or more of any pollutant listed in TABLE 1.

(b) CLASS RC2 - ((Any facility whose potential uncontrolled emissions while operating at design capacity, and 8,760 hours per year (or the maximum legal operating rate) are equal to or exceed 100 tons per year for any pollutant in TABLE 1.) Any source, except those sources classifiable under RC1, with a potential to emit 10 tons or more per year of any toxic air pollutants or 25 tons per year of any combination of toxic air pollutants.

(c) CLASS RC3 - ((Any facility which has actual emissions of at least 30 tons per year of any pollutant in TABLE 1.) Any source, except those sources classifiable under RC1 or RC2, with a potential to emit 30 tons per year or more of any pollutant listed in Table 1.

(d) CLASS RC4 - ((Any facility which has actual emissions of at least 10 tons per year of any pollutant in TABLE 1.) Any source, except those sources classifiable under RC6, RC8, RC10, RC11, RC12, or RC13 with a potential to emit at least 10 tons per year, but not more than 30 tons per year, of any pollutant listed in Table 1.

(e) CLASS RC5 - ((Any facility which has actual emissions less than 10 tons per year of any pollutant in TABLE 1 except for volatile organic compounds.) Any source, except those sources classifiable under RC7, RC8, RC9, RC10, RC11, RC12, or RC13 with a potential to emit of less than 10 tons per year of any pollutant listed in Table 1.

(f) CLASS RC6 - ((Any facility which has actual emissions less than 10 tons of volatile organic compounds (VOC) per year and that usually uses more than 15 gallons per month of a volatile organic compound and/or usually has less than 1 ton per year actual emissions of the other pollutants in TABLE 1.) Any source, except those sources classifiable as RC1, RC2, RC3, RC7, RC8, RC10, RC11, RC12, or RC13 with a potential to emit at least 5 tons per year, but not more than 10 tons per year, of any combination of toxic air pollutants.

(g) CLASS RC7 - ((Any facility which usually uses less than 15 gallons of a volatile organic compound per month and/or usually has less than 1 ton per year potential emissions of the other pollutants in TABLE 1.) Any source, except those sources classifiable as RC1, RC2, RC3, RC4, RC8, RC10, RC11, RC12, or RC13 that uses or projects to use an average of less than 100 gallons per month (annual average) of materials containing a volatile organic compounds, or with a maximum potential to emit which is less than 5 tons per year for any combination of toxic air pollutants.

(h) CLASS RC8 - ((All incinerators not classified as RC 1, or RC 2.) All incinerators not classified as RC1, or RC2.

(i) CLASS RC9 - ((Any air contaminant sources whether or not they would be otherwise classified under this Regulation which have an actual or potential odor problem associated with their operation.) Any air contaminant source, not classifiable in any other RC classification, which has an actual or potential odor problem associated with its operation.

(j) CLASS RC10 - ((Any air contaminant sources which are unique and because of special circumstances cannot be adequately classified elsewhere.) Any gasoline terminal or bulk plant, except those terminals or bulk plants classifiable under RC1 or RC2 whose product throughput was greater than 7.2 million gallons for the previous calendar year.

(k) CLASS RC11 (minor gasoline terminals and bulk plants) - Any gasoline terminal or bulk plant, except those terminals or bulk plants classifiable under RC1 or RC2, whose product throughput was equal to or less than 7.2 million gallons for the previous calendar year.

(l) CLASS RC12 (gasoline stations, stage II) - Any gasoline stations requiring stage II vapor recovery.

(m) CLASS RC13 (gasoline stations, general) - Any gasoline stations with total product throughput of greater than 100 thousand gallons during the previous calendar year.

(n) CLASS RC14 - (vacant classification).

(o) CLASS RC15 - Any air contaminant sources which are unique and because of special circumstances cannot be adequately classified elsewhere.

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

AMENDATORY SECTION

SECTION 5.05 ANNUAL REGISTRATION FEES

(a) The Authority shall charge ((an)) annual registration fees pursuant to RCW 70.94.151 according to the annual fee schedules set forth in section 5.05(b) below. Annual fees collected by the Authority shall provide revenue to fund the Authority's ongoing Registration Program. ((The authority shall levy annual registration fees as set forth in TABLE 2 for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the registration program. The Authority shall review the annual registration program on an annual basis.))

((b) Facilities in the following registration classes: RC-1, RC 2, RC 3, RC 4, RC 5, RC 6, RC 7, RC 8, RC 9, and RC 10 shall, upon notification by the Control Officer or his authorized agent, pay the Authority an annual registration fee on or before September 1 of each year in accordance with the following schedule except that any new source which has paid a Notice of Construction filing fee and Plan Examination and Inspection fee shall not be required to pay an additional registration fee during that same billing period.))

TABLE 2

(1) For all facilities, except class RC 6 and RC 7, a fee of \$102.60 per facility, \$42.75 for each item of air contaminant generating equipment, and \$25.65 for each stack or other emission point.

(2) In addition all facilities are subject to the following fees:

CLASS	FEE	POUNDS PER HOUR CAPACITY
RC 1	\$ 1539.00	
RC 2	\$ 684.00	
RC 3	\$ 427.50	
RC 4	\$ 171.00	
RC 5	\$ 0	
RC 6	\$ 85.50	
RC 7	\$ 0	
RC 8	\$ 0.55	Less than 50
	\$ 0.50	Less than 99
	\$ 256.50	100 to 499
	\$ 598.50	500 to 999
RC 9	\$ 256.50	
RC 10	\$ 85.50	

(b) All sources requiring annual registration shall be assessed an annual registration fee consisting of the sum of a "facility fee", "generating equipment fee", "stack fee", "class fee", "emissions fee", and "source specific monitoring fee" according to items (1) through (10) of this subsection and amounts as specified in Table 3. Sources assessed annual operating permit fees under Article 6 of Regulation 1 shall not be assessed annual fees under this section.

(1) FACILITY FEE - All sources requiring registration shall pay an annual "facility fee" of an amount as indicated in Table 3; and

(2) A GENERATING EQUIPMENT FEE of an amount as indicated in Table 3 for each item of air contaminant generating equipment located at the source; and

(3) A STACK FEE of an amount as indicated in Table 3 for each stack located at the source; and

(4) An EMISSIONS FEE of an amount as indicated in Table 3 per ton of each air contaminant listed in Table 1 emitted by the source in excess of ten tons, evaluated on a pollutant by pollutant basis, during the previous calendar year; and

(5) A CLASS FEE of an amount as specified in TABLE 3; and

(6) A SOURCE SPECIFIC MONITORING FEE of an amount as specified in Table 3 if ambient monitoring is a requirement for the source.

(8) The authority shall assess the emissions fee based on actual emissions from the source for the last calendar year when available.

(9d) The annual registration fees required by this section shall be based ((on Authority files, for)) on process rates, equipment specifications, and emissions data from the previous calendar year on file with the Authority. For purposes of assessing annual registration fees, the Authority shall consider updates and revisions to any source's file, received prior to ((as of)) August 1 of the current year. If process rates, equipment specifications, and emissions data from the previous calendar year is not on file with the Authority, the Authority may base the annual fee on the enforceable emissions limitations for the source and maximum capacities and production rates.

(10) For purposes of assessing annual registration fees, definitions for air contaminant generating equipment and stack shall be consistent with the definitions in section 5.00,

and air contaminant generating equipment and stacks which are identical in size, capacity, function, and emissions may be counted as one unit as approved by the Authority.

(c) The Authority shall assess annual registration fees after August 1 of each year to cover the cost of administering the program for the current fiscal year commencing on July 1 and ending on June 30. The Authority shall assess annual registration fees based on the most recent information on file with the Authority including any updates to the source's file received prior to August 1 of that year.

(de) Upon assessment by the Authority, annual registration fees are due and payable and shall be deemed delinquent if not fully paid within thirty (30) days.

(e) Sources classified as RC1 or RC2 shall be given the option to pay their annual fee in quarterly installments. RC1 and RC2 Sources may choose to pay their annual fees in quarterly installments by indicating so on the first invoice received and remitting payment of the first installment back to the Authority along with the duplicate copy of the invoice. Quarterly installments shall be equal to 25% of the total annual registration fee. Installments shall be due 30 days from assessment by the Authority.

(f) Any source which does not pay their annual registration fee or annual registration fee installment within thirty (30) days of the due date, shall be assessed a late penalty in the amount of twenty-five percent of their annual registration fee. This late penalty shall be in addition to the annual registration fee.

(g) Annual registration fees may be appealed according to the procedure specified in section 3.17.

(NEW TABLE) TABLE 3: ANNUAL REGISTRATION FEES

ANNUAL FEE COMPONENT	FEE COMPONENT DESCRIPTION	FEE AMOUNT
Facility Fee	Fee assessed to all sources requiring registration or an operating permit.	\$103.00
Generating Equip. Fee	Fee assessed per each item of air contaminant generating equipment located at the source.	\$43.00
Stack Fee	Fee assessed per each stack located at the source.	\$26.00
Emissions Fee	Fee assessed per ton of TSP, SO ₂ , NO _x , CO, VOC, and toxic air contaminants emissions which exceeded 10 tons per year for the previous calendar year based on actual emissions.	\$10.00
Class Fees:		
RC-1	Major sources (≥100 tpy)	\$1300
RC-2	Major toxic sources	\$1100
RC-3	Criteria pollutants ≥ 30 tpy	\$ 560
RC-4	Criteria pollutants ≥ 10 tpy	\$ 120
RC-5	Criteria pollutant < 10 tpy	\$ 30
RC-6	Toxic air contaminants < 10 tpy	\$ 120
RC-7	< 100 gal/me VOC containing materials	\$ 60
RC-8	Incinerators < 30 tpy emissions	\$ 210
RC-9	Potential odor sources.	\$ 60
RC-10	Maj. gasoline terminals & bulk plants	\$ 150
RC-11	Min. gasoline terminals & bulk plants	\$ 100
RC-12	Gas stations requiring Stage II	\$ 10
RC-13	Gas stations ≥ 100 thousand gal/yr	\$ 0
RC-14	VACANT CLASSIFICATION	na
RC-15	Other sources requiring registration	\$ 100
SOURCE SPECIFIC AMBIENT AIR MONITORING FEES	Fees charged a source for OAPCA to establish and operate a special purpose source specific monitoring station will be determined on a case by case basis when such monitoring is required.	variable

TABLE 3 NOTES: "na" means non-applicable.

(h) On an annual basis, starting with calendar year 1994, the Authority shall conduct a workload analysis to determine the adequacy and fairness of the annual registration fee schedule. The workload analysis shall be based on the Authority's historical record of time and resource expenditures associated with the registration program. The workload

analysis shall be made available upon request to the Authority. Any proposed revisions to the annual fee schedule shall be presented to the Board for adoption after public noticing pursuant to Regulation 1 public noticing requirements and opportunity for a public hearing.

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

AMENDATORY SECTION

SECTION 5.06 NOTICE OF INTENT TO OPERATE

(a) For portable air contaminant sources which locate temporarily at particular sites and move within the OAPCA region a Notice of Intent to Operate must be filed with the Authority pursuant to Article 7, section 7.01(a). The Authority shall not commence processing of a Notice of Intent to Operate until it has received fees as set shown in TABLE 43.

(b) For portable air contaminant sources which come from outside the OAPCA region a Notice of Construction and Application for Approval must be filed pursuant to Article 7, section 7.01.

**TABLE 3
TABLE 4: PORTABLE AIR CONTAMINANT
SOURCE FEES**

PORTABLE AIR CONTAMINANT SOURCE	FEE AMOUNT
Asphalt Plant	\$375
Soil Remediation Plant	\$275
Rock Crusher	\$300
Chipper	\$100
Other	\$100

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

AMENDATORY SECTION

SECTION 5.07 WORK DONE WITHOUT AN APPROVAL

(a) Where work for which a Notice of Intent to Operate is required is commenced prior to making application and receiving approval, the Control Officer or his authorized agent may conduct an investigation as part of the Notice of Intent review. In such a case, an investigation fee, in addition to fees of section 5.07(a), shall be assessed (~~addressed~~) in an amount equal to 3 times the Portable Air Contaminant Source fees of section 5.07(a). Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

NEW ARTICLE

**ARTICLE 6
OPERATING PERMIT PROGRAM**

SECTION 6.00 DEFINITIONS

For purposes of Article 6, the following definitions shall apply.

ACTUAL EMISSIONS means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with i. and ii. of this subsection.

i. In general, actual emissions as of a particular date shall equal the rate, in tons per year, at which the emissions unit actually emitted the pollutant during a one-year period which precedes the particular date and which is 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.

ii. The Authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

AIR CONTAMINANT means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

AIR CONTAMINANT GENERATING EQUIPMENT means, for purposes of calculating Article 6 fees, any equipment or process capable of generating or emitting air contaminants except for the equipment and processes listed in i through iiv. below:

i. Gasoline or other fuel storage tanks located at dispensing facilities as defined in Article 15.

ii. Storage tanks and other equipment located at dry cleaning facilities.

iii. Combustion units with less than 10 million BTUs per hour heat input.

iv. Process equipment with less than 20,000 ACFM flowrate.

v. Paint spray booths and related paint spraying equipment.

vi. Mobile sources.

vii. Any other equipment or process determined appropriate for this exemption by the Authority.

EMISSIONS means a release of air contaminants into the ambient air.

EMISSIONS UNIT means any part of a source which emits or has the potential to emit any pollutant subject to regulation.

FACILITY means the same as "source".

POTENTIAL TO EMIT means the maximum capacity of a 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 if the limitation or the effect it would have on emissions is enforceable by the Authority.

SOURCE means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit

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code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

STACK means, for purposes of calculating Article 6 fees, any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, except for the following:

- i. Emission points associated with gasoline or fuel dispensing stations.
- ii. Emission points associated with dry cleaning facilities.
- iii. Pipes or ducts equal to or less than twelve (12) inches in diameter.
- iv. Any other emission point determined appropriate for this exemption by the Authority.

TOXIC AIR POLLUTANT means any Class A or Class B toxic air pollutants listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or group of substances within either of these classes is listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

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

SECTION 6.01 OPERATING PERMIT PROGRAM.

(a) **COMMITMENT TO ADMINISTER THE PROGRAM.** Olympic Air Pollution Control Authority (Authority), upon full or partial delegation by the U.S. Environmental Protection Agency (EPA) and the Washington Department of Ecology (DOE), shall administer an air operating permit program for the Authority's jurisdiction in accordance with title V of the Federal Clean Air Act (FCAA) and RCW 70.94.161.

(b) **OPERATING PERMIT REGULATION.** The Authority's air operating permit program and regulations which govern the issuance of air operating permits shall conform with the comprehensive Washington state air operating permit program which is consistent with the requirements of title V of the Federal Clean Air Act (FCAA) and RCW 70.94.161.

SECTION 6.02, CLASSIFICATION OF SOURCES

(a) All air contaminant sources requiring an operating permit pursuant to title V of the Federal Clean Air Act (FCAA), RCW 70.94.161, or Regulation 1 shall be classified in one of the operating permit program source classification categories (OP#) listed in TABLE 1. A source will be placed in the most appropriate classification category as determined by the Authority.

(b) For purposes of source classification, the pollutants listed in TABLE 2 will be considered. Air contaminant emissions from a source shall be categorized in the most appropriate pollutant category as determined by the Authority.

(c) Air contaminant emissions accounted as toxic air pollutants shall not be double-counted under any other air pollutant for purposes of classification.

TABLE 1: OPERATING PERMIT PROGRAM SOURCE CLASSIFICATIONS

(a) CLASS OP1 - Any source with a potential to emit 100 tons per year or more of any pollutant listed in TABLE 2.
(b) CLASS OP2 - Any source, except those sources classifiable under OP1, with a potential to emit 10 tons or more per year of any toxic air pollutants or 25 tons per year of any combination of toxic air pollutants.
(c) CLASS OP3 - Any air contaminant source requiring a general operating permit pursuant to title V, section 504(d) of the Federal Clean Air Act (FCAA).
(d) CLASS OP4 - Any other source, except those sources classifiable under OP1, OP2, or OP3 requiring an Operating Permit pursuant to title V of the Federal Clean Air Act (FCAA), RCW 70.94.161, or Regulation 1.

TABLE 2: REGULATED POLLUTANTS

Total Particulates (TSP)
Sulfur Oxides (SOx)
Nitrogen Oxides (NOx)
Volatile Organic Compounds (VOC)
Carbon Monoxide (CO)
Toxic Air Pollutants

SECTION 6.03 OPERATING PERMIT FEES, GENERAL.

(a) **Air Operating Permit Account.** The Authority shall establish and maintain a dedicated account for the Air Operating Permit Program called the **Air Operating Permit Account**. The account shall be funded exclusively by fee revenue from sources requiring an air operating permit pursuant to RCW 70.94.161. All fee revenue collected under Article 6 shall be deposited into the Air Operating Permit Program Account. All direct and indirect costs and expenditures attributable to the Air Operating Permit Program shall be met exclusively with revenue from the Air Operating Permit Account.

(b) **Annual Workload Analysis.** On an annual basis, starting with calendar year 1994, the Authority shall conduct a workload analysis to determine the adequacy and fairness of the Article 6 fee schedules. The workload analysis shall be based on the Authority's historical record of time and resource expenditures attributable to the air operating permit program. The workload analysis shall be made available upon request to the Authority. Any proposed revisions to the annual fee schedule shall be presented to the Board for adoption after public noticing pursuant to Regulation 1 public noticing requirements and opportunity for a public hearing.

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

SECTION 6.04 ANNUAL FEES.

The Authority shall assess an annual air operating permit program fee according to section 6.04 subparts (a) through (g) below to any source requiring an air operating permit pursuant to RCW 70.94.161.

(a) **Effective Date.** Section 6.04 fees shall become effective commencing the date the Authority receives

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delegation from the Washington Department of Ecology to administer the air operating permit program.

(b) **Fee Schedule.** The annual air operating permit program fee charged a source shall consist of the sum of;

(1) A FACILITY FEE of an amount as indicated in Table 3 applicable to all sources subject to the annual air operating permit program fee; and

(2) A GENERATING EQUIPMENT FEE of an amount as indicated in Table 3 for each item of air contaminant generating equipment located at the source; and

(3) A STACK FEE of an amount as indicated in Table 3 for each stack located at the source; and

(4) An EMISSIONS FEE of an amount as indicated in Table 3 per ton of each air contaminant listed in Table 2 emitted by the source in excess of ten tons, evaluated on a pollutant by pollutant basis, during the previous calendar year; and

(5) A CLASS FEE of an amount as specified in TABLE 3; and

(6) A SOURCE SPECIFIC MONITORING FEE of an amount as specified in Table 3 if ambient monitoring is a requirement for the source; and

(7) An AGENCY OVERSIGHT FEE of an amount as determined by the Washington Department of Ecology (DOE) to recover DOE's cost of development and oversight of the air operating permit program.

TABLE 3: ANNUAL FEES FOR AIR OPERATING PERMIT SOURCES

ANNUAL FEE COMPONENT	FEE COMPONENT DESCRIPTION	FEE AMOUNT
Facility Fee	Fee assessed to all sources requiring registration or an operating permit.	\$103.00
Generating Equip. Fee	Fee assessed per each item of air contaminant generating equipment located at the source.	\$342.00
Stack Fee	Fee assessed per each stack located at the source.	\$325.00
Emissions Fee	Fee assessed per ton of TSP, SO ₂ , NO _x , CO, VOC, and toxic air contaminants (see section 6.04 (b) (4)).	\$18.00
Class Fees: OP1 OP2 OP3 OP4	Major sources (≥100 tpy) Major toxic sources General operating permit sources Non-maj requiring operating permit	\$2,250 \$2,050 note 2 \$1,150
SOURCE SPECIFIC AMBIENT AIR MONITORING FEES	Fees charged a source for OAPCA to establish and operate a special purpose source specific monitoring station will be determined on a case by case basis when such monitoring is required.	variable
AGENCY OVERSIGHT FEE	Fees charged a source to recover the Department of Ecology's cost of development and oversight of the Title V Operating Permit program.	variable

TABLE 3 NOTES:

- 1) "na" means non-applicable.
- 2) Annual air operating permit program fees for general operating permit program sources will be adopted separately after general operating permits are developed and adopted.

(c) **Assessment of Annual Fees.** The annual air operating permit program fee charged a source shall be assessed according to section 6.04(c) items (1) through (4) below:

(1) The Authority shall assess annual air operating permit fees after August 1 of each year to cover the direct

and indirect cost of administering the program for the current fiscal year commencing on July 1 and ending on June 30.

(2) The annual fees required by this section shall be based on process rates, equipment specifications, and emissions data from the previous calendar year on file with the Authority. For purposes of assessing annual fees, the Authority shall consider updates and revisions to any source's file received prior to August 1 of the current year. If process rates, equipment specifications, and emissions data from the previous calendar year is not on file with the Authority, the Authority may base the annual fee on the enforceable emissions limitations for the source and maximum capacities and production rates.

(3) The authority shall assess the emissions fee based on actual emissions from the source which occurred during the previous calendar year when available.

(4) For purposes of assessing annual fees, definitions for air contaminant generating equipment and stack shall be consistent with the definitions in section 6.00, and air contaminant generating equipment and stacks which are identical in size, capacity, function, and emissions may be counted as one unit as approved by the Authority.

(d) **Payment of Annual Fees.** Upon assessment by the Authority, annual fees are due and payable and shall be deemed delinquent if not fully paid within thirty (30) days. However, sources classified as OP1, OP2, or OP4 shall be given the option to pay their annual fee in quarterly installments. Sources may choose to pay their annual fees in quarterly installments by indicating so on the first invoice received and remitting payment of the first installment back to the Authority along with the duplicate copy of the invoice. Quarterly installments shall be equal to 25% of the total annual registration fee. Installments shall be due 30 days from assessment by the Authority.

(e) **Late Payment of Annual Fees.** Any source which does not pay their annual fee or annual fee installment within thirty (30) days of the due date, shall be assessed a late penalty in the amount of twenty-five percent of their annual fee. This late penalty shall be in addition to the annual fee.

(f) **Appeal of Annual Fees.** Annual fees may be appealed according to the procedure specified in section 3.17. The sole basis for such appeals shall be that the annual fee assessment contains an arithmetic or clerical error.

(g) **Applicability of Article 5 Registration Fees.** Sources assessed an annual operating permit fee shall not be subject to annual Registration Program Fees under Article 5.

SECTION 6.05 SERVICE FEES FOR OPERATING PERMIT MODIFICATIONS AND APPEALS.

Effective starting the date upon which the Authority receives delegation to administer the air operating permit program pursuant to Title 5 of the federal Clean Air Act Amendments and RCW 70.94.161, the Authority shall charge fees, separate and additional to annual fees, to sources applying for modification, minor modification, or administrative modification of an operating permit, and for services associated with an appeal of a proposed or approved operating permit. For purposes of assessing fees under this section, the terms "modification", "minor modification", "administrative modification", and "permit appeal" shall be

defined consistent with definitions in title V of the Federal Clean Air Act Amendments and RCW 70.94.161. Fees charged by the Authority under this section shall be assessed according to subsections (a) through (f) of this section and shall cover the direct and indirect costs of providing these services pursuant to RCW 70.94.161.

(a) **Operating Permit Modification Fees** - All sources applying for modification of an operating permit shall be assessed a fee consisting of the sum of a "application filing fee", "generating equipment fee", "stack fee", "emissions fee", and "class fee" according to (1) through (6) of this subsection and amounts as specified in Table 4. The full fee for a modification application shall be assessed by the Authority after receipt of a complete application and shall be due and payable within 30 days. However, the Authority shall not commence processing an application for modification until, at a minimum, the APPLICATION FILING FEE portion of the total fee amount has been paid.

(1) All Sources applying for modification of an operating permit shall pay an APPLICATION FILING FEE of an amount as specified in Table 4; and

(2) A GENERATING EQUIPMENT FEE of an amount as specified in Table 4 for each item of air contaminant generating equipment located at the source which is directly or indirectly affected by the proposed modification; and

(3) A STACK FEE of an amount as indicated in Table 4 for each stack located at the source which is directly or indirectly affected by the proposed modification; and

(4) An EMISSIONS FEE of an amount as indicated in Table 4 per ton of each air contaminant listed in Table 2 emitted by the source in excess of ten tons, evaluated on a pollutant by pollutant basis, during the previous calendar year; and

(5) A CLASS FEE of an amount as specified in TABLE 4.

(6) The authority shall assess the EMISSIONS FEE based on the sum of actual emissions from stacks and/or generating equipment for the last calendar year directly or indirectly affected by the proposed modification and potential annual emissions from proposed new emissions units. If actual emissions data for the last calendar year is not on record with the Authority, the Authority may base the EMISSIONS FEE on the enforceable emissions limitations which apply to the source and maximum capacities and production rates.

(b) **Minor Modification Fees** - All sources applying for a minor modification of an operating permit shall pay a fee of an amount dependent on the classification of the source as indicated in Table 4. The fee for processing a minor permit modification application shall be assessed by the Authority after receipt of a complete application and shall be due and payable within 30 days.

(c) **Administrative Modification Fee** - All sources applying for an administrative modification of an operating permit shall pay a fee of an amount dependent on the classification of the source as indicated in Table 4. The fee for processing an administrative permit modification application shall be assessed by the Authority after receipt of a complete application and shall be due and payable within 30 days.

(d) **Operating Permit Appeal Fee** - The cost of Authority services directly or indirectly attributable to an

operating permit appeal case shall be charged directly to the associated source at the rates as specified in Table 4. On a monthly basis, the Authority shall determine the cost of services provided by the Authority which are attributable to the operating permit appeal case and bill the source accordingly. Included in the billing invoice, the Authority shall provide a record of the time the Authority attributed to the case. Payment of the appeal fee shall be due 30 days after the Authority assesses the fee.

(e) **Payment of Service Fees.** Upon assessment by the Authority, fees charged under section 6.05 are due and payable and shall be deemed delinquent if not fully paid within thirty (30) days.

(f) **Appeal of Service Fees.** Any fee assessed under section 6.05 may be appealed according to the procedure specified in section 3.17. The sole basis for such appeals shall be that the fee assessment contains an arithmetic or clerical error.

TABLE 4: OPERATING PERMIT SERVICE FEES

SERVICE ITEM	DESCRIPTION OF FEE COMPONENT	AMOUNT
PERMIT MODIFICATION	a. Filing Fee	\$ 103
	b. Generating Equipment Fee	\$ 196
	c. Stack Fee	\$ 196
	d. Emissions Fee	\$ 6
	e. Class Fee:	
	OP1 - Major sources (≥100 tpy)	\$1,674
OP2 - Major toxic sources	\$1,474	
OP3 - General permit source	na	
OP4 - Non-maj requiring operating permit	\$ 934	
MINOR PERMIT MODIFICATION	a. Class Fee:	
	OP1 - Major sources (≥100 tpy)	\$1,058
	OP2 - Major toxic sources	\$ 852
	OP3 - General permit source	na
	OP4 - Non-maj requiring operating permit	\$ 521
ADMINISTRATIVE PERMIT MOD.	a. Class Fee:	
	OP1 - Major sources (≥100 tpy)	\$ 212
	OP2 - Major toxic sources	\$ 170
	OP3 - General permit source	na
	OP4 - Non-maj requiring operating permit	\$ 104
PERMIT APPEALS	QAPCA will log direct time hours spent on a permit appeal case and charge a fee based on the indicated hourly rate plus any incidental costs:	
	a. General Staff Cost	\$33/hr
	b. Engineer/Control Officer Cost	\$36/hr
	c. Attorney Cost	\$50/hr

SECTION 6.06 RESTRICTING THE POTENTIAL TO EMIT

- A service based fee, additional to annual registration or operating permit fees, shall be assessed to those sources applying to the Authority for approval of enforceable conditions that restrict the source's potential to emit, making the source a minor source and not subject to an operating permit. Fees for restricting a sources potential to emit shall be assessed upon application and according to the Article 7, section 7.13, Plan Examination and Inspection fee schedule. The Authority shall assess the fee based on only those emissions units affected by the enforceable condition as proposed by the applicant.

WSR 93-18-001
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Order 3623—Filed August 18, 1993, 3:17 p.m.]

Date of Adoption: August 18, 1993.

Purpose: Definitions added to more easily determine which agencies are exempt from licensing. Creates less requirements for smaller centers permitting elimination of separate mini-day care center requirements. The amendments make minor revisions to day care center requirements. Creates new WAC 388-150-295.

Citation of Existing Rules Affected by this Order: Amending chapter 388-150 WAC, Minimum licensing requirements for child day care centers.

Statutory Authority for Adoption: RCW 74.15.020 and 74.15.030.

Pursuant to notice filed as WSR 93-16-048 on July 28, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-150-165, changed to reflect an amendment to RCW 46.61.687 passed by 1993 legislature; WAC 388-150-390, changing the word "handicap" to "disability" to reflect current usage; and WAC 388-150-390, correcting a typographical error.

Effective Date of Rule: Thirty-one days after filing.

August 18, 1993

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-010 Definitions. As used and defined under this chapter:

(1) "Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

(2) "Center" means the same as "child day care center."

(3) "Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances indicating the child's health, welfare, and safety is harmed thereby.

(4) "Child day care center" means a facility providing regularly scheduled care for a group of ~~((thirteen or more))~~ children ~~((- within a))~~ one month of age through twelve years of age ~~((- range exclusively-))~~ for periods less than twenty-four hours; except, a program meeting the definition of a family child care home shall not be licensed as a day care center without meeting the requirements of WAC 388-150-020(5)(a).

(5) "Department" means the state department of social and health services.

(6) "Department of health" means the state department of health.

(7) "Infant" means a child eleven months of age and under.

(8) "License" means a permit issued by the department authorizing by law the licensee to operate a child day care center and certifying the licensee meets minimum requirements under licensure.

(9) "Licensee" means the person, organization, or legal entity responsible for operating the center.

(10) "Premises" means the building where the center is located and the adjoining grounds over which the licensee has control.

(11) "Preschool age child" means a child thirty months of age through five years of age not enrolled in kindergarten or an elementary school.

(12) "School-age child" means a child five years of age through twelve years of age enrolled in kindergarten or an elementary school.

(13) "Staff" means a child care giver or a group of child care givers employed by the licensee to supervise a child served at the center.

(14) "Toddler" means a child twelve months of age through twenty-nine months of age.

AMENDATORY SECTION (Amending Orders 3205 and 3205A, filed 7/23/91 and 10/17/91, effective 8/23/91 and 11/17/91)

WAC 388-150-020 Scope of licensing. (1) The person or organization operating a child day care center shall be subject to licensing by authority under chapter 74.15 RCW, unless specifically exempted by RCW 74.15.020(4).

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

(3) RCW 74.15.020(4)(c) exempts from licensing facilities where parents on a mutually cooperative basis exchange care of one another's children. To qualify for this cooperative exemption:

(a) At least one parent or guardian of each child attending the facility regularly shall be involved in the direct care of children at the facility.

(b) Parents or guardians shall be involved in the direct care of children on a relatively equal basis.

(c) No person other than a parent or guardian of a child at the facility may be involved in the care of children or in the operation of the facility.

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

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

(a) Licensed by an Indian tribe;

(b) Certified by the Federal Department of Defense; or

(c) Approved by the superintendent of public instruction's office. The center must be licensed, certified, or approved in accordance with national or state standards or standards approved by the department and be operated on the premises over which the entity operating the center has jurisdiction.

~~((5))~~ (6) The department shall not license the department employee or the member of the department employee's household when such person is involved directly, or in an administrative or supervisory capacity, in the:

(a) Licensing or certification process;

(b) Placement of a child in a licensed or certified center;

or

(c) Authorization of payment for the child in care.

~~((6))~~ (7)(a) The department may license the center located in a private family residence when the portion of the residence accessible to the child is:

~~((a))~~ (i) Used exclusively for the child during the center's operating hours or while the child is in care; or

~~((b))~~ (ii) Separate from the family living quarters.

(b) A child care facility in a separate building on the same premises as a private family residence is a child day care center.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-060 Dual licensure. The department may either:

(1) Issue a child day care center license to the applicant having a ~~((foster home license or other))~~ license involving full-time care; or

(2) Permit simultaneous care for the child and adolescent or adult on the same premises if the applicant or licensee:

(a) Demonstrates evidence that care of one client category will not interfere with the quality of services provided to another category of clients;

(b) Maintains the most stringent maximum capacity limitation for the client categories concerned;

(c) Requests and obtains a waiver permitting dual licensure; and

(d) Requests and obtains a waiver to subsection (2)(b) of this section, if applicable.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-070 Application and reapplication for licensing—Investigation. (1) The person or organization applying for a license or relicensure under this chapter and responsible for operating the center shall comply with application procedures the department prescribes and submit to the department:

(a) A completed department-supplied application for child care agency form, including required attachments, ninety or more days before the:

(i) Expiration of a current license;

(ii) Opening date of a new center;

(iii) Relocation of a center;

(iv) Change of the licensee; or

(v) Change of license category.

(b) A completed criminal history and background inquiry form for each staff person or volunteer having unsupervised or regular access to the child in care; and

(c) The licensing fee.

(2) In addition to the required application materials specified under subsection (1) of this section, the applicant for initial licensure shall submit to the department:

(a) An employment and education resume of the person responsible for the active management of the center and the program supervisor;

(b) Diploma or education transcript copies of the program supervisor; and

(c) Three professional references each for the licensee, director, and program supervisor.

(3) The applicant for a license under this chapter shall be twenty-one years of age or older.

(4) The applicant, licensee, and director shall attend department-provided orientation training.

(5) The department may, at any time, require additional information from the applicant, licensee, staff person, volunteer, member of their households, and other person having access to the child in care as the department deems necessary, including, but not limited to:

(a) Sexual deviancy evaluations;

(b) Substance and alcohol abuse evaluations;

(c) Psychiatric evaluations;

(d) Psychological evaluations; and

(e) Medical evaluations.

(6) The department may perform investigations of the applicant, licensee, staff person, volunteer, member of their households, and other person having access to the child in care as the department deems necessary, including accessing criminal histories and law enforcement files.

(7) The applicant shall conform to rules and regulations approved or adopted by the:

(a) Department of health, promoting the health of the child in care, contained in this chapter; and

(b) State fire marshal's office, establishing standards for fire prevention and protection of life and property from fire, under chapter ~~((212-54))~~ 212-12 WAC, "~~((Day care centers and day treatment centers, standards for fire protection))~~ fire marshal standards."

(8) The department shall not issue a license to the applicant until the department of health and the state fire marshal's office have certified or inspected and approved the center.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-150 Evening and nighttime care. (1) For the center offering child care during evening and nighttime hours, the licensee shall adapt the program, equipment, and staffing pattern to meet the physical and emotional needs of the child away from home at night.

(2) The licensee shall maintain the same staff-to-child ratio in effect during daytime care. At all times, including sleeping hours, staff shall keep the child within continuous visual or auditory range.

(3) The licensee shall arrange child grouping so the sleeping child remains asleep during the arrival or departure of another child.

(4) The licensee shall ensure that staff in charge during evening and nighttime hours meet at least the requirements of a lead worker.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90.)

WAC 388-150-160 Off-site trips. (1) The licensee may transport or permit the off-site travel of the child to attend school, participate in supervised field trips, or engage in other supervised off-site activities only with written parent consent.

(2) The parent's consent may be:

(a) For a specific date and trip; or

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(b) A blanket authorization describing the full range of trips the child may take. In such case, the licensee shall notify the parent in advance about the trip.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-165 Transportation. When the licensee provides transportation for the child in care:

(1) The licensee shall ensure that the motor vehicle operated by the facility is maintained in a safe operating condition;

(2) The licensee shall ensure the motor vehicle in which the child rides during hours of care is equipped with appropriate safety devices and individual seat belts or safety seats for each child to use when the vehicle is in motion. ~~((An individual safety seat is required for the child eleven months of age and younger))~~ The licensee shall assure that children less than two years of age are restrained in a restraint system that complies with standards of the United States department of transportation. Seat belts are not required for buses approved by the state patrol;

(3) The licensee shall ensure the number of passengers does not exceed the seating capacity of the motor vehicle;

(4) The licensee or driver shall carry liability and medical insurance. The driver shall have a current Washington driver's license, valid for the classification of motor vehicle operated;

(5) The driver or staff supervising the child in the motor vehicle shall have current first aid and cardiopulmonary resuscitation training, except that when the center uses more than one vehicle for a field trip, only one person in the group is required to have this training;

(6) The licensee shall ensure a minimum of one staff person, other than the driver, is present in the motor vehicle when:

(a) Seven or more preschool age and younger children are present; or

(b) Staff-to-child ratio guidelines require ~~((a second))~~ additional staff ((person)).

(7) Staff or driver shall not leave the child unattended in the motor vehicle.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-170 Parent communication. (1) The licensee shall orally:

(a) Explain to the parent the center's policies and procedures;

(b) Orient the parent to the center's philosophy, program, and facilities;

(c) Advise the parent of the child's progress and issues relating to the child's care and individual practices concerning the child's special needs; and

(d) Encourage parent participation in center activities~~((;)).~~

(2) The licensee shall give the parent the following written policy and procedure information:

(a) Enrollment and admission requirements;

(b) The fee and payment plan;

(c) A typical activity schedule, including hours of operation;

(d) Meals and snacks served, including guidelines on food brought from the child's home;

(e) Permission for free access by the child's parent to all center areas used by the child;

(f) Signing in and signing out requirements;

(g) Child abuse reporting law requirements;

(h) Behavior management and discipline;

(i) Nondiscrimination statement;

(j) Religious activities, if any;

(k) Transportation and field trip arrangements;

(l) Practices concerning an ill child;

(m) Medication management;

(n) Medical emergencies; and

(o) If licensed for the care of an infant or toddler:

(i) Diapering;

(ii) Toilet training; and

(iii) Feeding.

AMENDATORY SECTION (Amending Order 3151, filed 3/12/91, effective 4/12/91)

WAC 388-150-180 Staff pattern and qualifications.

(1) General qualifications. The licensee, staff, volunteer, and other person associated with the operation of the center who has access to the child in care shall:

(a) Be of good character;

(b) Demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the child in care; and

(c) Not have committed or been convicted of child abuse or any crime involving ~~((physical))~~ harm to another person.

(2) Center management. The licensee shall serve as or employ a director, responsible for the overall management of the center's facility and operation. The director shall:

(a) Be twenty-one years of age or older;

(b) Serve as administrator of the center, ensuring compliance with minimum licensing requirements;

(c) Have knowledge of child development as evidenced by professional references, education, experience, and on-the-job performance;

(d) Have the management and supervisory skills necessary for the proper administration of the center, including:

(i) Record maintenance;

(ii) Financial management; and

(iii) Maintenance of positive relationships with staff, children, parents, and the community;

(e) Have completed ~~((forty five or more))~~ the following number of college quarter credits or department-approved clock hours in early childhood education/child development, or possess an equivalent educational background, or be a certified child development associate:

(i) In centers licensed for twenty-five or more children, the director shall have completed forty-five or more credits;

(ii) In centers licensed for thirteen through twenty-four children, the director shall have completed twenty-five or more credits;

(iii) In centers licensed for twelve or fewer children, the director shall have completed ten or more credits; and

(iv) In (i), (ii) and (iii) above, one-third of the credits may be clock hours.

(f) Have two or more years successful experience working with children of the same age level as those served by the center as evidenced by professional references and on-the-job performance;

(g) Have planning, coordination, and supervisory skills to implement a high quality, developmentally appropriate program; and

(h) Have knowledge of children and how to meet children's needs.

(3) When the director does not meet the qualifications specified in subsections (2)(e), (f), (g), and (h) of this section, the director or licensee shall employ a program supervisor(=) responsible for planning and supervising the center's learning and activity program. In such a case, the director shall have had at least one three credit college class in early childhood development. The program supervisor shall:

(a) Be twenty-one years of age or older;

(b) Meet the education, experience, and competency qualifications specified (~~(in)~~) under subsection(~~(s)~~) (2)(e), (f), (g), and (h) of this section; and

(c) Discharge on-site program supervisory duties (~~(a minimum of)~~) twenty hours ((weekly)) or more a week.

(4) For the center serving the school age child only, the program supervisor may substitute equivalent courses in education, recreation, or physical education for required education.

(5) The director and program supervisor may be one and the same person when qualified for both positions. The director or program supervisor shall normally be on the premises while the child is in care. If temporarily absent from the center, the director and program supervisor shall leave a competent, designated staff person in charge who meets the qualifications of a lead staff person.

(6) The director and program supervisor may also serve as child care staff when such role does not interfere with the director's or program supervisor's management and supervisory responsibilities.

(7) Center staffing. The licensee shall ensure the lead child care staff person in charge of a child or a group of children implementing the activity program:

(a) Is eighteen years of age or older; and

(b) Possesses a high school education or equivalent; or

(c) Has child development knowledge and experience.

(8) The licensee may assign a child care assistant or aide to support lead child care staff. The child care assistant or aide shall be sixteen years of age or older. The child care assistant or aide shall care for the child under the direct supervision of the lead child care staff person. The licensee shall ensure no person under eighteen years of age is assigned sole responsibility for a group of children. The assistant or aide, eighteen years of age or older, may care for a child or group of children without direct supervision by a superior for a brief period time.

(9) The licensee may arrange for a volunteer to support lead child care staff. The volunteer shall be sixteen years of age or older. The volunteer shall care for the child under the direct supervision of the lead child care staff person. The licensee may count the volunteer in the staff-to-child

ratio when the volunteer meets staff qualification requirements.

(10) Support service personnel. The licensee shall provide or arrange for fulfillment of administrative, clerical, accounting, maintenance, transportation, and food service responsibilities so the child care staff is free to concentrate on program implementation.

(11) The licensee shall ensure completion of support service duties occurs in a manner allowing the center to maintain required staff-to-child ratios.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-190 Group size and staff-child ratios.

(1) In centers licensed for thirteen or more children, the licensee shall conduct group activities within the following group size and staff-to-child ratio requirements, according to the age of the ((child)) children:

AGE OF CHILDREN	STAFF-CHILD RATIO	MAXIMUM GROUP SIZE
1 mo. through 11 mos. (infant)	1:4	8
12 mos. through 29 mos. (toddler)	1:7	14
30 mos. through 5 years (preschooler)	1:10	20
5 years and older (school-age child)	1:15	30

(2) In centers licensed for twelve or fewer children, the licensee may combine children of different age groups, provided the licensee:

(a) Maintains the staff-to-child ratio designated for the youngest child in the mixed group; and

(b) Provides a separate care area when four or more infants are in care. In such case the maximum group size shall be eight children.

(3) The licensee shall conduct activities for each group in a specific (~~(classroom))~~ room or other defined space within a larger area.

~~((3))~~ (4) The licensee shall ensure each group is under the direct supervision of a qualified staff person or team of staff involved in directing the child's activities.

~~((4))~~ (5) The department may approve reasonable variations to group size limitations if the licensee maintains required staff-to-child ratios, dependent on:

(a) Staff qualifications;

(b) Program structure; and

(c) Usable square footage.

~~((5))~~ (6) After consulting with the child's parent, the licensee may place the individual child in a different age group and serve the child within the different age group's required staff-to-child ratio based on the child's:

(a) Developmental level; and

(b) Individual needs.

~~((6) During opening and closing periods,))~~ (7) The licensee may briefly combine children of different age groups provided the licensee maintains the staff-to-child ratio and group size designated for the youngest child in the mixed group.

~~((7))~~ (8) In centers licensed for thirteen or more children, the licensee may group ambulatory children between one year, and two and one-half years of age with older children, provided:

(a) The total number of children in the group does not exceed ~~((ten))~~ twelve; and

(b) Two staff are assigned to the group.

~~((8))~~ (9) The licensee shall ensure the staff person providing direct care and supervision of the child is free of other duties at the time of care.

~~((9))~~ (10) The licensee shall maintain required staff-to-child ratios indoors, outdoors, on field trips, and during rest periods. During rest periods, staff may be involved in other activities if staff remain on the premises and each child is within continuous visual and auditory range of a staff person.

~~((10))~~ (11) The licensee shall ensure staff:

(a) Attend the child or group of children at all times; and

(b) Keep each child within continuous visual and auditory range, except when a toilet-trained child uses the toilet.

~~((11))~~ (12) When only one staff person is present, the licensee shall ensure a second staff person is readily available in case of an emergency.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-200 Staff development and training.

(1) The licensee shall have an orientation system making the employee and volunteer aware of program policies and practices. The licensee shall provide staff an orientation including, but not limited to:

- (a) Minimum licensing rules required under this chapter;
- (b) Goals and philosophy of the center;
- (c) Planned daily activities and routines;
- (d) Child guidance and behavior management methods;
- (e) Child abuse and neglect prevention, detection, and reporting policies and procedures;

(f) Special health and developmental needs of the individual child;

(g) The health care plan;

(h) Fire prevention and safety procedures; ~~((and))~~

(i) Personnel policies, when applicable;

(j) Limited restraint techniques;

(k) Cultural relevancy; and

(l) Developmentally appropriate practices.

(2) The licensee shall provide or arrange for regular training opportunities for the child care staff to promote ongoing employee education and enhance practice skills.

(3) The licensee shall conduct periodic staff meetings for planning and coordination purposes.

(4) The licensee shall ensure:

(a) A staff person with basic, standard, current first aid and cardiopulmonary resuscitation (CPR) training, or department of health approved training, is present at all times and in all areas the child is in care; and

(b) Staff's CPR training includes methods appropriate for child age groups in care.

(5) The licensee shall provide or arrange appropriate education and training for child care staff on the prevention and transmission of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

(6) The licensee shall ensure the staff person preparing full meals has a valid food handler permit.

AMENDATORY SECTION (Amending Order 3151, filed 3/12/91, effective 4/12/91)

WAC 388-150-210 Health care plan. (1) The licensee shall maintain current written health policies and procedures for staff orientation and use, and for the parent. The health care plan shall include, but not be limited to, information about the center's procedures concerning:

(a) Communicable disease prevention, reporting, and management;

(b) Action taken for medical emergencies;

(c) First aid;

(d) Care of minor illnesses;

(e) Medication management;

(f) General hygiene practices;

(g) Handwashing practices;

(h) Food and food services; and

(i) Infant care procedures and nursing consultation, where applicable.

(2) In centers licensed for thirteen or more children, the licensee shall use the services of an advisory physician, physician's assistant, or registered nurse to assist in the development, approval, and periodic review of the center's health care plan. This medical practitioner shall sign and date the health plan.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-220 Health supervision and infectious disease prevention. (1) Child. The licensee shall encourage the parent to arrange a physical examination for the child who has not had regular health care or a physical examination within one year before enrollment.

(2) The licensee shall encourage the parent to obtain health care for the child when necessary. The licensee shall not be responsible for providing or paying for the child's health care.

(3) Before or on the child's first day of attendance, the licensee shall have on file a certificate of immunization status form prescribed by the department of health proving the child's full immunization for:

(a) Diphtheria;

(b) Tetanus;

(c) Pertussis (whooping cough);

(d) Poliomyelitis;

(e) Measles (rubeola);

(f) Rubella (German measles);

(g) Mumps; and

(h) Other diseases prescribed by the department of health.

(4) The licensee may accept the child without all required immunizations on a conditional basis if immunizations are:

(a) Initiated before or on enrollment; and

(b) Completed as rapidly as medically possible.

(5) The licensee may exempt the immunization requirement for the child if the parent or guardian:

(a) Signs a statement expressing a religious, philosophical, or personal objection; or

(b) Furnishes a physician's statement of a valid medical reason for the exemption.

(6) Program. Staff shall daily observe and screen the child for signs of illness. The licensee shall care for or discharge home the ill child based on the center's policies concerning the ill child.

(a) When the child has a severe illness or is injured, tired, or upset, staff shall separate the child from other children and attend the child continuously until:

- (i) The child is able to rejoin the group;
- (ii) Staff return the child to the parent; or
- (iii) Staff secure((s)) appropriate health care for the child.

(b) The licensee shall provide a quiet, separate care room or area allowing the child requiring separate care an opportunity to rest.

(c) Staff shall sanitize equipment used by the child if staff suspects the child has a communicable disease.

(d) The licensee may use the separate care room or area for other purposes when not needed for separation of the child.

(7) Staff shall wash, or assist the child to wash hands:

- (a) After the child's toileting or diapering;
- (b) Before the child eats; and
- (c) Before the child participates in food activities.

(8) Staff shall clean and disinfect toys, equipment, furnishings, and facilities according to the center's cleaning and disinfecting policies, as needed.

(9) The licensee shall have appropriate extra clothing available for the child who wets or soils clothes.

(10) Staff shall ensure the child does not share personal hygiene or grooming items.

(11) Staff. Each center employee, volunteer, and other person having regular contact with the child in care shall have a tuberculin (TB) skin test, by the Mantoux method, upon employment or licensure, unless against medical advice.

(a) The person whose TB skin test is positive (ten millimeters or more induration) shall have a chest x-ray within thirty days following the skin test.

(b) The licensee shall not require the person to obtain routine periodic TB retesting or x-ray (biennial or otherwise) after entry testing unless directed to obtain retesting by the person's health care provider or the local health department.

(12) The licensee shall not permit the person with a reportable communicable disease to be on duty in the center or have contact with the child in care unless approved in writing by a health care provider.

(13) Staff shall wash hands:

- (a) After toileting and diapering the child;
- (b) After personal toileting;
- (c) After attending to an ill child; and
- (d) Before serving or preparing food.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-240 Nutrition. (1) The licensee shall provide food meeting the nutritional needs of the child in care, taking into consideration the:

- (a) Number of children in care;
- (b) Child's age and developmental level;
- (c) Child's cultural background;
- (d) Child's handicapping condition; and

(e) Hours of care on the premises.

(2) The licensee shall provide only pasteurized milk or a pasteurized milk product.

(3) The licensee shall provide only whole milk to the child twenty-three months of age or younger except with written permission of the child's parent.

(4) The licensee may serve the child twenty-four months of age or older powdered Grade A milk mixed in the center provided the licensee completes the dry milk mixture, service, and storage in a safe and sanitary manner.

(5) The licensee may provide the child nutrient concentrates, nutrient supplements, a modified diet, or an allergy diet only with written permission of the child's health care provider. The licensee shall obtain from the parent or child's health care provider a written list of foods the child cannot consume.

(6) The licensee shall:

(a) Record food and portion sizes planned and served;

(b) Prepare and date menus one week or more in advance, containing meals and snacks to be served, including parent-provided snacks; and

(c) Specify on the menu a variety of foods enabling the child to consume adequate nutrients.

(7) The licensee shall provide two weeks or more of meal and snack menu variety before repeating the menu.

(8) The licensee shall only make nutrition substitutions of comparable nutrient value and record changes on the menu.

(9) The licensee shall use the following meal pattern to provide food to the child in care in age-appropriate servings:

- (a) Providing the child in care for nine or less hours:
 - (i) Two or more snacks and one meal; or
 - (ii) Two meals and one snack.
- (b) Providing the child in care for nine or more hours:
 - (i) Two or more meals and two snacks; or
 - (ii) One meal and three snacks.
- (c) Providing the child arriving after school a snack;
- (d) Providing the child food at intervals not less than two hours and not more than three and one-half hours apart; and

(e) Allowing the occasional serving of party foods not meeting nutritional requirements.

(10) When serving food, the licensee shall provide the child the following:

- (a) At a minimum, the child's breakfast must contain:
 - (i) A dairy product, including fluid milk, cheese, yogurt, or cottage cheese;
 - (ii) Cereal or bread, whole grain or enriched; and
 - (iii) Fruit or vegetable or juice containing a minimum of fifty percent real juice.

(b) At a minimum, the child's lunch or dinner must contain:

- (i) A dairy product;
- (ii) A protein food including lean meat, fish, poultry, egg, legumes, nut butters, or cheese;
- (iii) Bread or bread alternate, whole grain or enriched; and

(iv) Fruit or vegetable, two total servings.

(c) In centers not serving full meals, the child's snacks must include one or more dairy or protein source provided daily, and contain a minimum of two of the following four components at each snack:

- (i) A dairy product;
- (ii) A protein food;
- (iii) Bread or bread alternate; or
- (iv) Fruit or vegetable or juice containing a minimum of fifty percent real juice.
- (d) The child's food must contain:
 - (i) A minimum of one serving of Vitamin C fruit, vegetable, or juice, provided daily; and
 - (ii) Servings of food high in Vitamin A, provided three or more times weekly.
- (11) The licensee shall provide:
 - (a) Dinner to the child in evening care when the child did not receive dinner at home before arriving at the center;
 - (b) A bedtime snack to the child in nighttime care; and
 - (c) Breakfast to the child in nighttime care if the child remains at the center after the child's usual breakfast time.
- (12) The licensee shall monitor sack lunches, snacks, and other foods brought from the child's home for consumption by the child, all children, or a group of children in care, ensuring safe preparation, storage, and serving and nutritional adequacy.
- (13) For the center permitting sack lunches, the licensee shall have available food supplies to supplement food deficient in meeting nutrition requirements brought from the child's home and to nourish the child arriving without home-supplied food.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-250 Kitchen and food service. (1) The licensee shall provide equipment for the proper storage, preparation, and service of food to meet program needs.

(2) The licensee shall meet food service standards by requiring:

- (a) The staff person preparing full meals have a valid food handler permit;
- (b) The staff person preparing and serving meals wash hands before handling food;
- (c) Handwashing facilities be located in or adjacent to food preparation areas;
- (d) Food be stored in a sanitary manner, especially milk, shellfish, meat, poultry, eggs, and other protein food sources;
- (e) Food requiring refrigeration be stored at a temperature no warmer than forty-five degrees Fahrenheit;
- (f) Frozen food be stored at a maximum temperature of zero degrees Fahrenheit;
- (g) Refrigerators and freezers be equipped with thermometers and be regularly cleaned and defrosted;
- (h) Food be cooked to correct temperatures;
- (i) Raw food be washed thoroughly with clean running water;
- (j) Cooked food to be stored be rapidly cooled and refrigerated after preparation;
- (k) Food be kept in original containers or in clean, labeled containers and stored off the floor;
- (l) Packaged, canned, and bottled food with a past expiration date be discarded;
- (m) Food in dented cans or torn packages be discarded; and
- (n) When food containing sulfiting agents is served, parents be notified.

(3) The child may participate in food preparation as an education activity. The licensee shall supervise the child when the child is in the kitchen or food preparation area.

(4) The licensee shall make kitchen equipment inaccessible to the child, except during planned and supervised kitchen activities. Staff shall supervise food preparation activities. The licensee shall make potentially hazardous appliances and sharp or pointed utensils inaccessible to the child when the child is not under direct supervision.

(5) The licensee shall install and maintain kitchen equipment and clean re-usable utensils in a safe and sanitary manner (~~by~~

~~(a) Sanitizing~~)). (6) The licensee shall sanitize reusable utensils in a dishwasher or through use of a three-compartment dishwashing procedure(~~(a) and~~

~~(b) Using~~)). (7) The licensee shall use only single-use or clean cloths, used solely for wiping food service, preparation, and eating surfaces.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-270 Care of young children. (1) The licensee shall not accept for care a child under one month of age.

(2) Facility. The licensee shall:

(a) Provide a separate, safe play area for the child under one year of age, or the child not walking;

(b) In centers licensed for thirteen or more children, care for the child under one year of age in rooms or areas separate from older children, with:

(i) Not more than eight children under one year of age to a room or area; and

(ii) Handwashing facilities in or adjacent to each such room or area.

(3) Diapering and toileting. The licensee shall ensure:

(a) The diaper changing area is:

(i) Separate from food preparation areas;

(ii) Adjacent to a handwashing sink; and

(iii) Sanitized between use for different children; or

(iv) Protected by a disposable covering discarded after each use.

(b) The designated change area is impervious to moisture and washable;

(c) Diaper changing procedures are posted at the changing area;

(d) Disposable towels or clean, reusable towels, laundered between usage for different children, are used for cleaning the child;

(e) Staff wash hands after diapering the child or helping the child with toileting;

(f) Disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family are used;

(g) Soiled diapers are placed without rinsing into a separate, cleanable, covered container provided with a waterproof liner before transporting to the laundry, parent, or acceptable disposal;

(h) Soiled diapers are removed from the facility daily or more often unless the licensee uses a commercial diaper service;

(i) Toilet training is initiated when the child indicates readiness and in consultation with the child's parent;

- (j) Potty chairs, when in use, are located on washable, impervious surfaces; and
- (k) Toilet training equipment is sanitized after each use.
- (4) Feeding. The licensee and the infant's parent shall agree on a schedule for the infant's feedings.
 - (a) Bottle feedings.
 - (i) The licensee or parent may provide the child's bottle feeding in the following manner:
 - (A) A filled bottle brought from home;
 - (B) Whole milk or formula in ready-to-feed strength; or
 - (C) Formula requiring no preparation other than dilution with water, mixed on the premises.
 - (ii) The licensee shall prepare the child's bottle and nipple in a sanitary manner in an area separate from diapering areas.
 - (iii) The licensee shall sanitize the child's bottle and nipple between uses.
 - (iv) The licensee shall label the child's bottle with the child's name and date prepared.
 - (v) The licensee shall refrigerate a filled bottle if the child does not consume the content immediately and shall discard the bottle's content if the child does not consume the content within twelve hours.
 - (b) To ensure safety and promote nurturing, the licensee shall ensure staff:
 - (i) Hold in a semi-sitting position for feedings the infant unable to sit in a high chair, unless such is against medical advice;
 - (ii) Interact with the child;
 - (iii) Do not prop a bottle;
 - (iv) Do not give a bottle to the reclining child, unless the bottle contains water only;
 - (v) Take the bottle from the child when the child finishes feeding; and
 - (vi) Keep the child in continuous visual and auditory range.
 - (c) The licensee shall provide semi-solid food for the infant, upon consultation with the parent, not before the child is four months of age and not later than ten months of age, unless such is not recommended by the child's health care provider.
- (5) Sleeping equipment. The licensee shall furnish the infant a single-level crib, infant bed, bassinet, or play pen for napping until such time the licensee and parent concur the infant can safely use a mat, cot, or other approved sleeping equipment.
- (6) When the licensee furnishes the infant or child a crib, the licensee shall ensure the crib is:
 - (a) Sturdy and made of wood, metal, or plastic with secure latching devices; and
 - (b) Constructed with two and three-eighths inches or less space between vertical slats when the crib is used for an infant six months of age or younger. The licensee may allow an infant to use a crib not meeting the spacing requirement provided the licensee uses crib bumpers or another effective method preventing the infant's body from slipping between the slats.
- (7) The licensee shall not allow the infant or child to use a stacked crib.
- (8) The licensee shall ensure the infant's or child's crib mattress is:

- (a) Snug fitting, preventing the infant from being caught between the mattress and crib side rails; and
- (b) Waterproof and easily sanitized.
- (9) Program and equipment. The licensee shall provide the infant a daily opportunity for:
 - (a) Large and small muscle development;
 - (b) Crawling and exploring;
 - (c) Sensory stimulation;
 - (d) Social interaction;
 - (e) Development of communication; and
 - (f) Learning self-help skills.
- (10) The licensee shall provide the infant safe, noningestible, and suitable toys and equipment for the infant's mental and physical development.
- (11) Nursing consultation. The licensee licensed for the care of four or more infants shall arrange for regular nursing consultation to include one or more monthly on-site visits by a registered nurse trained or experienced in the care of young children.
- (12) In collaboration with the licensee, the nurse shall advise the center on the:
 - (a) Operation of the infant care program; and
 - (b) Implementation of the child health program.
- (13) The licensee shall obtain a written agreement with the nurse for consultation services.
- (14) The licensee shall document the nurse's on-site consultations.
- (15) The licensee shall ensure the nurse consultant's name and telephone number is posted or otherwise available on the premises.

AMENDATORY SECTION (Amending Order 3151, filed 3/12/91, effective 4/12/91)

- WAC 388-150-280 General safety, maintenance, and site.**
- (1) The licensee shall operate the center:
 - (a) On an environmentally safe site;
 - (b) In a neighborhood free from a condition detrimental to the child's welfare; and
 - (c) In a location accessible to other services to carry out the program.
 - (2) The licensee shall maintain the indoor and outdoor premises in a safe and sanitary condition, free of hazards, and in good repair. The licensee shall ensure furniture and equipment are safe, stable, durable, child-sized, and free of sharp, loose, or pointed parts.
 - (3) The licensee shall:
 - (a) Install handrails or safety devices at child height adjacent to steps, stairways, and ramps;
 - (b) Maintain a flashlight or other emergency lighting device in working condition;
 - (c) Ensure there is no flaking or deteriorating lead-based paint on interior and exterior surfaces, equipment, and toys accessible to the preschool age and younger child;
 - (d) Finish or cover rough or untreated wood surfaces; and
 - (e) Maintain one or more telephones on the premises in working order, accessible to staff.
 - (4) The licensee shall supply bathrooms and other rooms subject to moisture with washable, moisture-impervious flooring.

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(5) The licensee caring for the preschool age and younger child shall equip child-accessible electrical outlets with nonremovable safety devices or covers preventing electrical injury.

(6) The licensee shall ensure staff can gain rapid access in an emergency to a bathroom or other room occupied by the child.

(7) The licensee shall shield light bulbs and tubes in child-accessible areas.

(8) The licensee shall keep the premises free from rodents, fleas, cockroaches, and other insects and pests.

(9) The licensee shall use a housekeeping sink or another appropriate method for drawing clean mop water and disposing waste water.

(10) The licensee shall ensure the mop storage area is ventilated.

(11) The licensee shall ensure no firearm or another weapon is on the premises.

(12) The licensee shall comply with fire safety regulations adopted by the state fire marshal's office.

(13) The licensee shall ensure that rooms or closets to be made inaccessible to children shall be equipped with a lock or approved safety latch.

NEW SECTION

WAC 388-150-295 Water supply, sewage, and liquid wastes. (1) The licensee shall obtain approval of a private water supply by the local health authority or department.

(2) The licensee shall ensure sewage and liquid wastes are discharged into:

(a) A public sewer system; or

(b) An independent sewage system approved by the local health authority or department.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-330 Indoor play area. (1) The center's indoor premises shall contain adequate area for child play and sufficient space to house a developmentally appropriate program for the number and age range of children served. The licensee shall provide a minimum of thirty-five square feet of usable floor space per child, exclusive of a bathroom, hallway, and closet. If the staff removes mats and cots when not in use, the licensee may use and consider the napping area as child care space.

(2)(a) The licensee may consider the kitchen usable space if:

~~((a))~~ (i) Appliances and utensils do not create a safety hazard;

~~((b))~~ (ii) Toxic or harmful substances are not accessible to the child;

~~((c))~~ (iii) Food preparation and storage sanitation is maintained; and

~~((d))~~ (iv) The space is located safely and appropriately for use as a child care activity area.

~~((2))~~ (b) The department may allow the licensee the use of a kitchen for occasional activities, but not include the kitchen in calculating the center's capacity.

(c) The department may allow the licensee to count the kitchen in calculating the center's capacity if the kitchen is:

(i) Adjacent to the care area;

(ii) Available for more than an occasional activity; and
(iii) Large enough for group activities.

(3) The licensee shall provide a minimum of fifty square feet of usable floor space per child for the play and napping of the infant and other child requiring a crib.

~~((3))~~ (4) The licensee may use a room for multiple purposes such as playing, dining, napping, and learning activities, provided the:

(a) Room is of sufficient size; and

(b) Room's usage for one purpose does not interfere with usage of the room for another purpose.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-340 Toilets, handwashing sinks, and bathing facilities. (1) The licensee shall provide a minimum of one indoor flush-type toilet and one adjacent handwash sink for every fifteen ~~((persons))~~ children normally on site, except:

(a) The child eighteen months of age or younger and other children using toilet training equipment need not be included when determining the number of required flush-type toilets;

(b) If urinals are provided, the number of urinals shall not replace more than one-third of the total required toilets; and

(c) For the center serving the school age child only, the number of sinks and toilets for the child shall equal or exceed the number required by the local school district.

(2) The licensee shall supply the child warm running water for hand~~((-))~~ washing at a temperature range ~~((no))~~ not less than eighty-five degrees Fahrenheit and ~~((no))~~ not more than one hundred and twenty degrees Fahrenheit.

(3) The licensee shall locate the child's handwashing facilities in or adjacent to rooms used for toileting.

(4) The licensee shall provide toileting privacy for the child of opposite sex six years of age and older and for other children demonstrating a need for privacy.

(5) The licensee shall provide toilets, urinals, and handwashing sinks of appropriate height and size for the child in care or furnish safe, easily cleanable platforms impervious to moisture.

(6) The licensee shall provide a mounted toilet paper dispenser for each toilet.

(7) The licensee shall ensure rooms used for toileting are ventilated to the outdoors.

~~((7))~~ (8) When the center serves the child not toilet trained, the licensee shall provide developmentally appropriate equipment for the toileting and toilet training of the young child. The licensee shall sanitize the equipment after each child's use.

~~((8))~~ (9) The licensee shall provide the child with soap and individual towels or other appropriate devices for washing and drying the child's hands and face.

~~((9))~~ (10) If the center is equipped with a bathing facility, the licensee shall:

(a) Make the bathing facility inaccessible to the child; or

(b) Ensure the preschool age and younger child is supervised while using the bathing facility; and

(c) Equip the bathing facility with a conveniently located grab bar or other safety device such as a nonskid pad.

AMENDATORY SECTION (Amending Order 3151, filed 3/12/91, effective 4/12/91)

WAC 388-150-390 Discrimination prohibited. (~~The licensee shall comply with federal and state regulatory and statutory requirements, defined under chapter 49.60 RCW, regarding nondiscrimination in employment practices and client services~~) (1) Child day care centers are defined by state and federal law as places of public accommodation and shall not discriminate in employment practices and client services on the basis of race, creed, color, national origin, sex, age, or disability.

(2) Day care centers shall:

(a) Post a nondiscrimination poster;

(b) Have a nondiscrimination plan;

(c) Have a nondiscrimination policy; and

(d) Comply with the requirements of the Americans with Disabilities Act in respect to accessibility.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-460 Program records. The licensee shall maintain the following documentation on the premises:

(1) The daily attendance record:

(a) The parent, or other person authorized by the parent to take the child to or from the center, shall sign in the child on arrival and shall sign out the child at departure, using a full, legal signature; and

(b) When the child leaves the center to attend school or participate in off-site activities as authorized by the parent, the staff person shall sign out the child, and sign in the child on return to the center.

(2) A copy of the report sent to the licensor about the illness or injury to the child in care requiring medical treatment or hospitalization;

(3) Copies of meal and snack menus for a minimum of six months;

(4) The twelve month record indicating the date and time the licensee conducted the required monthly fire evacuation drills;

(5) A written plan for staff development, specifying the content, frequency, and manner of planned training;

(6) Activity program plan records; (~~and~~)

(7) Nursing consultation records, if applicable, including:

(a) A copy of the written agreement with the nurse; and

(b) A summary of the nurse's on-site consultation activities.

(8) A record of:

(a) Accidents;

(b) Injuries; and

(c) Incidents requiring restraint.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-470 Personnel policies and records.

(1) Each employee and volunteer having unsupervised or regular access to the child in care shall complete and submit to the licensee or director by the date of hire:

(a) An application for employment on a department-prescribed form, or its equivalent; and

(b) A criminal history and background inquiry form.

(i) The licensee shall submit this form to the department for the employee and volunteer, within seven calendar days of the employee's first day of employment, permitting a criminal and background history check.

(ii) The department shall discuss the inquiry information with the licensee or director, when applicable.

(2) The licensee employing five or more persons shall have written personnel policies describing staff benefits, if any, duties, and qualifications.

(3) The licensee shall maintain a personnel recordkeeping system, having on file, on the premises, for the licensee, staff person, and volunteer:

(a) An employment application, including work and education history;

(b) Documentation of criminal history and background inquiry form submission;

(c) A record of tuberculin skin test results, x-ray, or an exemption to the skin test or x-ray;

(d) Documentation of HIV/AIDS education and training;

(e) A record of participation in staff development training;

(f) Documentation of orientation program completion;

(g) Documentation of a valid food handler permit, when applicable; and

(h) Documentation of current first aid and CPR training, when applicable.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-490 Reporting of circumstantial changes. A child day care center license is valid only for the address, person, and organization named on the license. The licensee shall promptly report to the licensor any major changes in administrative staff, program, or premises affecting the center's classification, delivery of safe, developmentally appropriate services, or continued eligibility for licensure. A major change includes the:

(1) Center's address, location, space, or phone number;

(2) Maximum number(~~;~~) and age ranges(~~, and sex~~) of children the licensee wishes to serve as compared to current license specifications;

(3) Number and qualifications of the center's staffing pattern that may affect staff competencies to implement the specified program, including:

(a) Change of ownership, chief executive, director, or program supervisor; and

(b) The death, retirement, or incapacity of the licensee.

(4) Name of the licensed corporation, or name by which the center is commonly known, or changes in the center's articles of incorporation and bylaws;

(5) Occurrence of a fire, major structural change, or damage to the premises; and

(6) Plans for major remodeling of the center, including planned use of space not previously department((-))approved.

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/21/90)

WAC 388-150-500 Posting requirements. (1) The licensee shall post the following items, clearly visible to the parent and staff:

- (a) The center's child care license issued under this chapter;
 - (b) A schedule of regular duty hours with the names of ~~((caregiving))~~ staff;
 - (c) A typical activity schedule, including operating hours and scheduled mealtimes;
 - (d) Meal and snack menus;
 - (e) Evacuation plans and procedures, including a diagram of exiting routes; ~~((and))~~
 - (f) Emergency telephone numbers near the telephone;
and
 - (g) Nondiscrimination poster.
- (2) For the staff, the licensee shall post:
- (a) Dietary restrictions and nutrition requirements for particular children;
 - (b) Handwashing practices; and
 - (c) Diaper changing procedures, if applicable.

WSR 93-18-002
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3612—Filed August 18, 1993, 3:25 p.m.]

Date of Adoption: August 18, 1993.

Purpose: Management of the private duty nursing program for the exceptional care program is shifted to the aging and adult services administration within the Department of Social and Health Services. Management of the private duty nursing program for the medically intensive home care program for children is shifted to the division of developmental disabilities within the Department of Social and Health Services. Amended rules to reflect those changes effective July 1, 1993. Text clarifies program requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-071 Private duty nursing services.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-17-028 on August 11, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-86-071(3), changes "shall provide" to "may authorize" and deleted the words "who is trained, available, and reliable". Reworded WAC 388-86-071(4). Deleted second sentence in WAC 388-86-071(6). These minor changes were made after comments received from the publication response of the proposed rules.

Effective Date of Rule: Thirty-one days after filing.

August 18, 1993
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3281, filed 11/19/91, effective 12/20/91)

WAC 388-86-071 Private duty nursing services. (1) The department shall ~~((approve))~~ provide private duty nursing services when:

- (a) The ~~((recipient))~~ client would otherwise be institutionalized;
- (b) The care is provided in a noninstitutional setting;
- (c) The services are medically necessary;
- (d) ~~((The cost of the services will not exceed the cost of:~~

- ~~((i) Available skilled nursing facility care as determined by the exceptional rate review; or~~
- ~~((ii) Hospital care if skilled nursing facility care is not available;~~
- ~~((e))~~ The ((recipient)) client requires more nursing care than is available through ~~((intermittent))~~ home health nursing services;

- ~~((f))~~ (e) A registered or licensed practical nurse provides the care under the direction of a physician; and
- ~~((g) The medical assistance administration gives prior approval to the overall plan of care.)~~

(f) The client meets the requirement of the:

(i) Medically intensive home care program;

(ii) Exceptional care program; or

(iii) End-stage HIV/AIDS program.

(2) For the purpose of this section:

(a) "Medically eligible" means a client having a complex medical need that requires continuous skilled nursing care which can be provided safely outside an institution; and

(b) "Private duty nursing" means four hours or more of continuous skilled nursing services in the home to eligible clients with complex medical needs which cannot be managed within the scope of intermittent home health services.

(3) The division of development disabilities' medically intensive home care program (MIHCP) may authorize private duty nursing services to medically eligible children seventeen years of age and under when:

(a) Services meet the criteria for private duty nursing in subsection (1) of this section;

(b) The cost of private duty nursing does not exceed the cost of institutional care;

(c) Division of development disabilities gives prior approval to the overall plan of care; and

(d) Division of development disabilities may require a family member or other caregiver to participate in the nursing care for at least eight or more hours to supplement the overall plan of care.

(4) Aging and adult services administration may authorize up to sixteen hours per day of private duty nursing services under the exceptional care program (ECP) to a client eighteen years of age and over under criteria established by aging and adult services administration.

(5) The department may authorize private duty nursing services to medically eligible end-stage HIV/AIDS clients when:

(a) The private duty nursing services meet the criteria under subsection (1) of this section;

(b) The cost of private duty nursing does not exceed the cost of institutional care;

(c) Infusion therapy lasting for a continuous four hours requires continuous monitoring by a licensed nurse and the:

(i) Caregiver is unable to assume the care of the client or the client is unable to do self care; and

(ii) Client is homebound.

(d) Medical assistance administration gives prior approval to the overall plan of care.

(e) There is coordination with other agencies providing care to end-stage HIV/AIDS clients. The clients requiring over four hours of private duty nursing shall be referred to the appropriate agency.

(6) The ((recipient)) client and/or family may pay for supplemental services, not covered in the approved plan of care, as provided in WAC 388-83-010(3).

((3)) (7) The department shall contract only with Washington state licensed home health agencies as providers for ((special)) private duty nursing services.

((a) Current providers, as of October 1, 1991, shall be Washington state licensed as home health agencies by April 1, 1992.

~~(b) New providers shall be Washington state licensed before the department will contract with them as providers for special duty nursing services.)~~

**WSR 93-18-005
PERMANENT RULES
DEPARTMENT OF TRANSPORTATION**

[Filed August 19, 1993, 2:04 p.m.]

Date of Adoption: August 19, 1993.

Purpose: The adoption of a revised schedule of tolls for the Washington state ferry system, amending WAC 468-300-010, 468-300-020, and 468-300-040.

Statutory Authority for Adoption: RCW 47.56.030 and 47.60.326.

Pursuant to notice filed as WSR 93-14-113 on July 2, 1993.

Effective Date of Rule: Thirty-one days after filing.
August 19, 1993
Alice B. Tawresey, Chair
Transportation Commission

AMENDATORY SECTION (Amending WSR 92-18-005, filed 8/20/92, effective 9/20/92)

WAC 468-300-010 Ferry passenger tolls.

Effective 03:00 a.m. ~~((September 20, 1992))~~ October 10, 1993

ROUTES	Full Fare	Half Fare	Frequent User Ticket Book 20 Rides ¹	Bicycle Surcharge ²
Via Passenger-Only Ferry				
*Seattle-Vision				
*Seattle-Southworth	3.30	1.65	19.80	N/C
*Seattle-Bremerton				
Via Auto Ferry				
*Fauntleroy-Southworth				
*Seattle-Bremerton				
*Seattle-Winslow	3.30	1.65	19.80	0.50
*Edmonds-Kingston				
Port Townsend-Keystone	1.65	0.85	19.80	0.25
*Fauntleroy-Vashon				
*Southworth-Vashon	2.15	1.10	12.90	0.50
*Pt. Defiance-Tahlequah				
*Mukilteo-Clinton				
*Anacortes to Lopez Shaw, Orcas or Friday Harbor	4.65	2.35	27.90	2.50
Anacortes to Sidney and Sidney to all destinations	6.05	3.05	N/A	4.00
Between Lopez, Shaw, Orcas and Friday Harbor ³	N/C	N/C	N/C	N/C
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	2.25	1.25	N/A	1.50

@ These fares rounded to the nearest multiple of \$.25.

* These routes operate as a one-point toll collection system.

FREQUENT USER TICKETS - Shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage.

BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare.

INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

PERMANENT

HALF FARE - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

SENIOR CITIZENS - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route where passenger fares are collected.

NOTE: Half fare does not include vehicle.

DISABLED - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, may travel at half-fare tolls on any route upon presentation of a WSF (~~Disabled~~) Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability at time of travel. In addition, those (~~disabled~~) persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF (~~Disabled~~) Disability Travel Permit and such endorsement shall allow the attendant to (~~also~~) travel (~~at half fare~~) free.

BUS PASSENGERS - Passengers traveling on public transit buses pay the applicable fare. Passengers traveling in private or commercial buses will be charged the half-fare rate.

MEDICARE CARD HOLDERS - Any person holding a Medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare tolls on any route upon presentation of a WSF (~~Disabled~~) Disability Travel Permit or a Regional Reduced Fare Permit at time of travel.

NOTE: Half-fare privilege does not include vehicle.

FERRY/TRANSIT PASS - A combination ferry-transit monthly pass may be available for a particular route when determined by Washington state ferries and a local public transit agency to be a viable fare instrument. The WSF portion of the fare is based on 21 days of passenger travel at a 50% discount.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

SCHOOL GROUPS - Passengers traveling in authorized school groups for institution-sponsored activities will be charged a flat rate of \$1 per walk-on group or per vehicle of students and/or advisors and staff. Walk-on groups and private vehicles require letter of authorization. Vehicles and drivers will be charged at fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect.

NOTE: The school group rate is not available on the Anacortes-Sidney B.C. route during the peak season.

AMENDATORY SECTION (Amending WSR 92-18-005, filed 8/20/92, effective 9/20/92)

WAC 468-300-020 (~~Auto~~) Vehicle under 20', motorcycle, and stowage ferry tolls.

Effective 03:00 a.m. (~~September 20, 1992~~) October 10, 1993

ROUTES	((Auto w/ Sr. Citizen or Disabled Driver		Frequent User		Motorcycle/Stowage Inel. Driver	
	Auto ⁺	Citizen or Disabled Driver	Frequent User	Auto Height	Motorcycle/Stowage	Frequent User
	Incl. Driver One Way	20 Rides ²	Ticket book 20 Rides ²	Surcharge ⁺	Incl. Driver One Way	Ticket book 20 Rides ²
Fauntleroy-Southworth						
Seattle-Bremerton						
Seattle-Winslow	5.55	4.75	88.80	1.40	2.45	39.20
Port Townsend-Keystone						
Edmonds-Kingston						
*Fauntleroy-Vashon						
*Southworth-Vashon	7.50	6.45	60.00	1.90	3.20	25.60
*Pt. Defiance-Tahlequah						
Mukilteo-Clinton	3.75	3.20	60.00	0.95	1.60	25.60
			10 Rides			
*Anacortes to Lopez	11.60	9.30	46.40	2.90	6.05	48.40
*Shaw, Oreas	13.85	11.55	55.40	3.45	6.50	52.00
*Friday Harbor	15.85	13.55	63.40	3.95	6.90	55.20
Anacortes to Sidney and Sidney to all destinations	26.05	23.05	N/A	6.50	10.05	N/A
Between Lopez, Shaw, Oreas and Friday Harbor ² @	6.50	6.50	26.00	1.75	1.75	N/A

PERMANENT

~~From Lopez, Shaw, Orcas
and Friday Harbor
to Sidney@~~

~~13.25 12.25 N/A 3.25 4.50 N/A))~~

ROUTES	Vehicle Under 20' Incl. Driver One Way	Vehicle Under 20' w/ Sr. Citizen or Disabled Driver	Vehicle Under 20' Over Height Surcharge	Frequent User Ticket book 20 Rides	One Way	Motorcycle/Stowage Incl. Driver Frequent User Ticket book 20 Rides
<u>Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Port Townsend-Keystone Edmonds-Kingston</u>	5.55	4.75	3.35	88.80	2.45	39.20
<u>*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah</u>	7.50	6.45	4.50	60.00	3.20	25.60
<u>Mukilteo-Clinton</u>	3.75	3.20	2.25	60.00	1.60	25.60
			10 Rides			
<u>*Anacortes to Lopez *Shaw, Orcas *Friday Harbor</u>	11.60 13.85 15.85	9.30 11.55 13.55	6.95 8.30 9.50	46.40 55.40 63.40	6.05 6.50 6.90	48.40 52.00 55.20
<u>Anacortes to Sidney and Sidney to all destinations</u>	26.05	23.05	15.65	N/A	10.05	N/A
<u>Between Lopez, Shaw, Orcas and Friday Harbor@</u>	6.50	6.50	4.00	26.00	1.75	N/A
<u>From Lopez, Shaw, Orcas and Friday Harbor to Sidney@</u>	13.25	12.25	8.00	N/A	4.50	N/A

@ These fares rounded to the nearest multiple of \$.25.

* These routes operate as a one-point toll collection system.

~~((HEIGHT SURCHARGE))~~ SIZE - All vehicles up to 20' in length and under 7'6" in height shall pay the ~~((auto))~~ vehicle under 20' toll. Vehicles up to 20' in length but over 7'6" in height ~~((surcharge of 25% of the full fare auto and driver))~~ shall pay a height surcharge of 60% of the vehicle full fare. Upon presentation of a WSF ~~((Disabled))~~ Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, the height surcharge will be waived for vehicles equipped with wheel chair lift or other mechanism designed to accommodate the person with disability.

FREQUENT USER TICKETS - Shall be valid only for 90 days from date of purchase after which time the ticket shall not be accepted for passage.

INTER-ISLAND FARES - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

SENIOR CITIZEN ~~((DISCOUNTS))~~ OR DISABLED DRIVER - ~~((Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full fare passenger rate and adding half fare passenger rate))~~ Half fare discount applies to driver portion of the vehicle fare and only when the driver is eligible.

VANPOOLS - A commuter vanpool which carries ~~((seven))~~ five or more persons on a regular expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$10 fee, a permit valid for one year valid only during the hours shown on the permit. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. ~~((All riders in the van, including the driver,))~~ The \$10.00 fee shall include the driver. Remaining passengers shall pay the applicable passenger fare. Except that the minimum total paid for all ~~((riders))~~ passengers in the van shall not be less than four times the applicable passenger fare.

STOWAGE - Stowage carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

PEAK SEASON SURCHARGE - A 20% surcharge shall be applied effective the second Sunday in May through the second Sunday in October to all vehicles except those using frequent user tickets.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending WSR 92-18-005, filed 8/20/92, effective 9/20/92)

WAC 468-300-040 Oversize vehicle ferry tolls.

Effective 03:00 a.m. (~~September 20, 1992~~) October 10, 1993

ROUTES	Oversize Vehicle Ferry Tolls ¹							Cost Per Ft. Over 80'
	Overall Unit Length - Including Driver							
	20' To Under 30'	30' To Under 40'	40' To Under 50'	50' To Under 60'	60' To Under 70'	70' To and Include 80'		
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	(10.40) <u>13.30</u>	13.90 <u>17.75</u>	19.40 <u>24.30</u>	23.30 <u>29.15</u>		38.85	44.40	0.55
Port Townsend-Keystone Edmonds-Kingston								
*Fauntleroy-Vashon *Southworth-Vashon	(14.05) <u>18.00</u>	18.75 <u>24.00</u>	26.50 <u>34.30</u>	31.50 <u>39.40</u>		52.50	60.00	0.75
*Pt. Defiance-Tahlequah								
Mukilteo-Clinton	(7.00) <u>9.00</u>	9.40 <u>12.00</u>	13.25 <u>16.40</u>	15.75 <u>19.70</u>		26.25	30.00	0.40
*Anacortes to Lopez ² *Shaw, Orcas	(25.90) <u>33.25</u>	34.65 <u>44.30</u>	48.50 <u>60.60</u>	58.15 <u>72.70</u>		96.95	110.80	1.40
*Friday Harbor								
Anacortes to Sidney and Sidney to all destinations	(42.00) <u>48.85</u>	49.70 <u>65.15</u>	64.25 <u>81.40</u>	73.75 <u>97.70</u>	113.65 <u>145.90</u>	129.90 <u>166.70</u>	1.75 <u>2.10</u>	
Between Lopez, Shaw, Orcas and Friday Harbor ³ @	(11.00) <u>14.00</u>	11.00 <u>14.00</u>	11.00 <u>14.00</u>	44.00 <u>55.00</u>	44.00 <u>55.00</u>	44.00 <u>55.00</u>		N/A
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	(24.50) <u>24.75</u>	28.75 <u>33.00</u>	37.25 <u>41.50</u>	42.75 <u>49.75</u>	66.00 <u>74.25</u>	75.25 <u>84.75</u>		1.00

@ These fares rounded to the nearest multiple of \$.25.

* These routes operate as a one-point toll collection system.

¹OVERSIZE VEHICLES - Includes all vehicles 20 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, ~~(autos)~~ vehicles under 20' pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize vehicle toll. Vehicles which are ~~(10)~~ 11 feet in width or wider pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses shall travel free upon display of an annual permit which may be purchased for \$10.

PEAK SEASON SURCHARGE - ~~((Beginning May 9, 1993, an annual peak season surcharge of 20% applies to all oversize vehicle ferry tolls from))~~ A 20% surcharge shall be applied effective the second Sunday in May (of each year) through the second Sunday in October (except for) to all vehicles except those using frequent user tickets. ((The senior citizen discount applies to the driver of an oversize vehicle.))

²STOPOVERS - Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermediate stopover ticket for \$2.50 when first purchasing the appropriate vehicle fare. The stopover is valid for a 24-hour period.

³INTER-ISLAND - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one

transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for interisland travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

DISCOUNT FROM REGULAR TOLL

Oversize vehicles making 12 or more, one-way crossings per week (Sunday thru Saturday) will qualify for a 20% discount from the regular ferry tolls.

EMERGENCY TRIPS DURING NONSERVICE HOURS - While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

BULK NEWSPAPERS - Per 100 lbs. \$2.20

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.10 per 100 lbs.)

PERMANENT

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

EXPRESS SHIPMENTS - A flat handling charge of \$25.00 per parcel is charged.

(Shipments exceeding 100 lbs. assessed \$8.30 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight that can easily be handled by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan inter-island express shipments will be handled at \$5.00 per parcel.

MEDICAL SUPPLIES - A flat handling charge of \$5.00 per shipment is charged.

DISCLAIMER - Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time; nor does it warrant the availability of space on board a vessel on a given sailing.

WSR 93-18-006

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed August 19, 1993, 2:08 p.m.]

Date of Adoption: August 19, 1993.

Purpose: Amending WAC 468-300-700 Preferential loading, to handle livestock during the summer season.

Statutory Authority for Adoption: RCW 47.56.030 and 47.60.326.

Pursuant to notice filed as WSR 93-13-059 on June 17, 1993.

Effective Date of Rule: Thirty-one days after filing.
August 19, 1993

Alice B. Tawresey, Chair
Transportation Commission

AMENDATORY SECTION (Amending Order 61, Resolution No. 298, filed 5/21/87)

WAC 468-300-700 Preferential loading. In order to protect public health, safety and commerce; to encourage more efficient use of the ferry system; and to reduce dependency on ~~((the))~~ single occupant private automobiles:

(1) Preferential loading privileges on vessels operated by Washington state ferries, exempting vehicles from the standard ~~((first come first serve))~~ first-come first-served rule, shall be granted~~((;))~~ in the order set forth below, to:

(a) Emergency vehicles ~~((actually))~~ involved in ~~((emergency operations))~~ or returning from their particular operations, and medical personnel traveling to unscheduled emergency calls (but not when returning from such calls, and not when traveling to or from their place of employment or to or from operations or procedures, whether emergency or not, which are scheduled enough in advance to allow ferry travel without preferential loading);

(b) Vehicles transporting persons with severe illnesses or severe disabilities such that the delay in loading which would otherwise ~~((result would))~~ cause health risks~~((,- undue strain or undue discomfort))~~ to those persons;

(c) Public ~~((transportation and))~~ or pupil transportation vehicles owned or operated by public or private transporta-

tion operators providing transit or charter service under a certificate of public convenience and necessity issued by the utilities and transportation commission of the state of Washington or owned and operated by a local school district or private school system;

(d) Commuter vanpools which are certified in the manner set forth in WAC 468-300-020;

(e) Commuter car pools which shall consist of a minimum number of persons as determined by ferry system management~~((:- Provided, That))~~; and such minimum number shall in no case be less than three~~((,- and provided further that))~~; and a formal registration system may be required ~~((as determined))~~ by ferry system management;

(f) Vehicles carrying livestock and traveling on routes where Washington state ferries is the only major access for land-based traffic, where such livestock (i) is raised for commercial purposes and is recognized by the department of agriculture, county agriculture soil and conservation service as raised on a farm; or (ii) is traveling to participate in a 4H event sanctioned by the county extension agent;

(g) Commercial vehicles traveling on routes where Washington state ferries is the only major access for ~~((landbased))~~ land-based traffic, provided that the vehicles are carrying wholesale perishable article(s) of commerce to be bought or sold in commercial activity or to be used in the production of other such articles;

(h) Overweight or oversize vehicles requiring transport at special times due to tidal conditions, vessel assignments, or availability of space.

(2) Such preferential loading privileges shall be subject to the following conditions:

(a) Privileges shall be granted only where physical facilities are deemed by ferry system management to be adequate to ~~((achieve))~~ allow granting the privilege and achieving an efficient operation;

(b) Documentation outlining qualifications for preferential loading and details of travel will be required in advance from all agencies, companies, or individuals requesting such privileges;

(c) Privileges may be limited to specified time periods as determined by ferry system management;

(d) Privileges may require a minimum frequency of travel, as determined by ferry system management;

(e) Privileges may be limited to a specific number of vehicle spaces for any one sailing; and,

(f) Privileges may require arriving at the ferry terminal a specified time prior to the scheduled sailing.

(3) To obtain more information about the documentation required and conditions imposed under subsection (2) of this section, call Washington state ferries' general information number, (206) 464-6400, or a terminal on a route for which the preferential boarding right is requested.

WSR 93-18-007

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 93-03—Filed August 20, 1993, 12:17 p.m.]

Date of Adoption: August 20, 1993.

Purpose: The purpose of the amendments is to comply with the Washington Clean Air Act and to incorporate the state's upcoming operating permit rule.

Citation of Existing Rules Affected by this Order: Amending WAC 173-400-030, 173-400-040, 173-400-100, 173-400-105, 173-400-110, 173-400-120, 173-400-131, 173-400-141, 173-400-171, 173-400-180, and 173-400-250; and new sections WAC 173-400-081, 173-400-107, 173-400-112, and 173-400-113.

Statutory Authority for Adoption: Washington Clean Air Act, chapter 70.94 RCW.

Pursuant to notice filed as WSR 93-15-052 on July 15, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 173-400-030(5), the definition of "allowable emissions" was revised to use the term "stationary source" in two places instead of the term "source"; WAC 173-400-030(12), the definition of "building, structure, facility, or installation" was deleted; WAC 173-400-030(15), the definition of "combustion and incineration sources" was revised to change the term "sources" to "units" within the definition; WAC 173-400-030(24), the definition of "emission unit" is revised by adding the term "stationary" to source and by clarifying that for purposes of identifying emissions units, ecology is concerned about those pollutants regulated for purposes of protecting air quality; WAC 173-400-030(40), the definition of "major modification" is revised by adding nitrogen oxides as significant for ozone, and in a number of subsections, the word "stationary" is added to the word "source" for clarifying purposes; WAC 173-400-030 (47)(a)(i), in the definition of "net emissions increase," the term "stationary source" is replaced with the term "source" because "net emissions increase" is considered on a plantwide basis. Subsection (c)(i) is revised to include permits and the word "actual" is added to emissions for clarification purposes; WAC 173-400-030 (47)(b), the definition of "net emissions increase" was revised to include a ten year period between the date construction commences and the date that the increase from the change in emissions occurs; WAC 173-400-030 (47)(e)(iv), in the definition of "net emissions increase," the conditions for crediting emissions decrease is revised by adding "order of approval" to "permits" and where "EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21"; WAC 173-400-030(61), the definition of "PM-10 emissions" is revised by clarifying that PM-10 emissions include condensable particulate matter; WAC 173-400-030(68), the definition of "significant," reference to "reduced sulfur compounds" is deleted; WAC 173-400-030(70), the definition of "source" is revised by adding adjacent to contiguous; WAC 173-400-040, General standards for maximum emissions, changes were made regarding RACT to reflect the provisions in section 8, chapter 252, Laws of 1993; WAC 173-400-040 (7)(8)(b), General standards for maximum emissions, changes were made to incorporate the "significance levels" found in WAC 173-400-113(3); a new section WAC 173-400-091, Voluntary limits on emissions, was added to provide a mechanism for establishing federally enforceable provisions that restrict a source's potential to emit to levels below the relevant threshold limits for inclusion in the operating permit program; WAC 173-400-100 (1) and (4), Registration, changes were made to clarify that the key date is EPA approval of

the state permit program - not issuance of an individual permit; WAC 173-400-100 (1)(bb), Registration, changes were made to clarify that all sources within a category for which EPA has published a NSPS must register with ecology or the authority. This provision has also been revised to exempt owners/operators of residential wood heaters from the registration requirements of this section; WAC 173-400-107, Excess emissions, subsections (1), (4), (5) and (6) were revised so that a consistent standard of proof will apply to all situations, independent of the decisionmaking authority; WAC 173-400-107 (6)(c), Excess emissions, a provision was added in recognition of the fact that slowing or shutting down an emissions unit during upset conditions may not minimize emissions; WAC 173-400-110 New source review, subsection (1)(a) applicability, a provision was added to clarify that sources subject to both the registration program and the operating permit program must submit notice of construction applications when establishing or modifying any new source or emission unit or modification; WAC 173-400-110 New source review, subsection (3)(a) final determination, was revised in congruence with section 4, chapter 252, Laws of 1993, to provide the flexibility for a person to integrate review of the notice of construction application with the review of the operating permit application; WAC 173-400-110 New source review, subsection (4) appeals, a provision was added that codifies ecology's current notification practices and clarifies the appeals process under the PSD program; WAC 173-400-110 New source review, a new subsection (6), was added stating that approval to construct or modify a stationary source shall become invalid if construction is not commenced within 18 months, is discontinued for a period of 18 months or more, or is not completed within a reasonable time; WAC 173-400-112(3) Requirements for new sources in nonattainment areas, a provision was added to clarify that a new source in a nonattainment area may not cause any ambient air quality standard to be exceeded; WAC 173-400-112(5) Requirements for new sources in nonattainment areas, changes were made to clarify that offset requirements apply to major new stationary sources or major modifications that are major for the pollutant(s) for which the area is designated nonattainment. Also, a change was made to clarify that a demonstration of reasonable further progress refers to more than the requirement to obtain appropriate offsets; WAC 173-400-112 (5)(a) Requirements for new sources in nonattainment areas, changes were made to clarify that emission offsets may be obtained from an emission unit(s) rather than the whole source and to clarify calculation of the amount of available offsets; WAC 173-400-112 (5)(b) Requirements for new sources in nonattainment areas, dispersion modeling was removed and a provision was added stating that emissions offsets must provide a positive net air quality benefit in the nonattainment area; WAC 173-400-112 (5)(c) requirements for new sources in nonattainment areas, revisions were made to comply with federal requirements that emission reductions be in effect and enforceable by the time the new or modified source commences operation; WAC 173-400-113(6) Requirements for new sources in attainment or unclassifiable areas, revisions were made to ensure that any increase in emissions which triggers PSD review also triggers visibility review; WAC 173-400-114 Requirements for replacement or substantial alteration of emission control technology at an existing

stationary source, a new subsection (2)(c) was added to state that ecology or the authority may prescribe other requirements as authorized by chapter 70.94 RCW for projects not otherwise reviewable under WAC 173-400-110. Also, a new subsection (5), was added stating that approval to replace or substantially alter emission control technology shall become invalid if construction is not commenced within 18 months, is discontinued for a period of 18 months or more, or is not completed within a reasonable time; WAC 173-400-120(5) Bubble rules, revisions were made to reflect the fact that ecology or a local air authority cannot use the Title V operating permit as a means to approve bubbles until this section is revised to meet the "generic" bubble rule requirements of EPA; WAC 173-400-131 (3)(c) Issuance of emission reduction credits, the phrase "but in no case shall the ERC be for less than one ton per year" was deleted; WAC 173-400-131 Issuance of emission reduction credits, subsection (5) approval, was revised to delete references to the state operating permit rule and revisions to a source's operating permit. Subsection (3)(e) conditions, is revised to include emission units; WAC 173-400-141 and elsewhere throughout the text the date January 1, 1993, was changed to March 3, 1993, to incorporate by reference any changes in the federal PSD rules that were made since the last time WAC 173-400-141 was updated; and WAC 173-400-171 Public involvement, subsection (1)(h)(i) applicability, "an order issued under WAC 173-400-090 which establishes limitations on a source's potential to emit" is added to the list

Effective Date of Rule: Thirty-one days after filing.

August 20, 1993

Mary Riveland

Director

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-030 Definitions. ((The following definitions will apply unless a different meaning is clearly required by context:

(1) "Actual emissions" relating to a particular date means the average rate, in weight per unit time of emitted pollutant during the immediately preceding two-year period of normal operation. Ecology or the authority may allow or require the use of an alternative time period if it is more representative of normal operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or burned during the selected time period.

Ecology or the authority may presume that unit specific allowable emissions, which incorporate limits on hours of operation or production rate, are equivalent to the actual emissions of the unit.

(2) "Administrator" shall refer to ecology or the authority unless specifically defined otherwise.

(3) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate

with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(4) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(5) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(6) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is limited in production rate or hours of operation, or both, by an applicable federally enforceable regulatory order) and the most stringent of (a), (b), or (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity.

(a) Standards as set forth in 40 CFR Part 60 and Part 61, if applicable to the source; or

(b) The applicable state implementation plan emission limitation; or

(c) The emission rate specified by an applicable federal enforceable regulatory order.

(7) "Ambient air" means the surrounding outside air.

(8) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

(9) "Authority" means an air pollution control authority activated pursuant to chapter 70.94 RCW that has jurisdiction over the subject source. (This may be delegated by ecology.)

(10) "Best available control technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to this regulation which would be emitted from any proposed new or modified source which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing authority determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW

70.94.152 that a new source will provide "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

(11) "Best available retrofit technology (BART)" means any emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by source. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required. Such standards shall, to the degree possible, set forth the emission reductions achieved and provide for compliance by prescribing appropriate conditions in a regulatory order.

(12) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155 and WAC 173.400.120.

(13) "Capacity factor" means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

(14) "Class I area" means any federal, state, or Indian land which is classified Class I.

(15) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(16) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(17) "Concealment" means 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.

(18) "Director" means director of the Washington state department of ecology or duly authorized representative.

(19) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

(20) "Ecology" means the Washington state department of ecology.

(21) "Emission" means a release of air contaminants into the ambient air.

(22) "Emission reduction credit (ERC)" means a credit granted pursuant to WAC 173.400.131. This is a voluntary reduction in emissions.

(23) "Emission standard" means an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions as set forth in a regulation or regulatory order to assure continuous emission control.

(24) "Emissions unit" means any part of a source which emits or would have the potential to emit any pollutant subject to regulation.

(25) "Excess stack height" means that portion of a stack which exceeds the greater of sixty five meters or the calculated stack height described in WAC 173.400.200(2).

(26) "Fossil fuel fired steam generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(27) "Fugitive dust" means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

(28) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(29) "General process unit" means an emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

(30) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173.400.200 (2)(a)(ii).

(31) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

(32) "In operation" means engaged in activity related to the primary design function of the source.

(33) "Integral vista" means a view perceived from within the Class I area of a specific landmark or panorama located outside the boundary of the Class I area.

(34) "Land manager" means the secretary of the federal department or head of the state department or Indian governing body with authority over the Class I area.

(35) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

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

(36) "Major modification" means any physical change or change in the method of operation as defined in WAC 173.400.141.

(37) "Major source" means: Any source which emits or has the potential to emit one hundred tons per year or more of any pollutant regulated by state or federal law.

(38) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

(39) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

(40) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61.

(41) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

(42) "Net emissions increase" means any emissions increase as defined in WAC 173-400-141.

(43) "New source" means a source which commences construction after the effective date of this chapter. Any addition to, enlargement, modification, replacement, restart after a period of five years of nonoperation, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emission standards have been established shall be construed as construction or installation or establishment of a new source.

(44) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

(45) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

(46) "Notice of construction" means a written application to permit construction of a new source or modification of an existing source.

(47) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(48) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

(49) "Particulate matter" or "particulates" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(50) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

(51) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

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

(53) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(54) "PM-10 emissions" means finely divided solid or liquid material, 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 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

(55) "Potential to emit" means the maximum capacity of a 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 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.

(56) "Prevention of significant deterioration (PSD)" means the program set forth in WAC 173-400-141.

(57) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

(58) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

(59) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case by case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls.

RACT requirements for any source or source category may be adopted as an order or regulation after public involvement per WAC 173-400-171.

(60) "Regulatory order" means an order issued by ecology or an authority to an air contaminant source which approves a notice of construction and/or limits emissions and/or establishes other air pollution control requirements.

(61) "Significant emission" means a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year	Pounds/Day	Pounds/Hour
Carbon monoxide	100		
Nitrogen oxides	40		
Sulfur dioxide	40	800	80
Volatile organic compounds	40		
Particulate matter	25	500	50
PM-10	15		
Lead	.6		
Total reduced sulfur (as H ₂ S)	10		
Total fluoride	3		

(62) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case by case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of

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visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

(63) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties under the control of the same person(s) and those activities that are secondary to the production of a single product or functionally related group of products.

(64) "Source category" means all sources of the same type or classification.

(65) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(66) "Stack height" means the height of an emission point measured from the ground level elevation at the base of the stack.

(67) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760mm (29.92 inches) of mercury.

(68) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(69) "Total reduced sulfur, (TRS)" means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an approved equivalent method and expressed as hydrogen sulfide.

(70) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1988.

(71) "United States Environmental Protection Agency, (USEPA)" shall be referred to as EPA.

(72) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

(73) "Visibility impairment of Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

(74) "Volatile organic compound, (VOC)" means any organic compound which participates in atmospheric photochemical reactions; that is, any organic compound other than those which the USEPA administrator designates as having negligible photochemical reactivity. VOC may be measured by a reference method, an equivalent method, an alternative method or by procedures specified under 40 CFR Part 60. A reference method, an equivalent method, or an alternative method, however, may also measure nonreactive organic compounds. In such cases, an owner or operator may exclude the nonreactive organic compounds when determining compliance with a standard. This reactivity policy exempts the following compounds per the Federal Register: Methane, ethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane, chloropentafluoroethane, methylene chloride, and 1,1,1-trichloroethane (methyl chloroform).) Except as provided elsewhere in this chapter, the following definitions apply throughout the chapter:

(1) "Actual emissions" means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the

emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. Ecology or an authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) Ecology or an authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

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

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(3) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(4) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

(5) "Allowable emissions" means the emission rate of a stationary source calculated using the maximum rated capacity of the stationary source (unless the stationary source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards as set forth in 40 CFR Part 60 or 61;

(b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or

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

(6) "Ambient air" means the surrounding outside air.

(7) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

(8) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(9) "Best available control technology (BACT)" means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "best available control technology" result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61, as they exist on May 7, 1993, or their later enactments as adopted by reference by the director by rule. Emissions from any source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

(10) "Best available retrofit technology (BART)" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

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

(12) "Capacity factor" means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

(13) "Class I area" means any area designated pursuant to §§ 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

Alpine Lakes Wilderness;
Glacier Peak Wilderness;
Goat Rocks Wilderness;
Mount Adams Wilderness;
Mount Rainier National Park;
North Cascades National Park;
Olympic National Park;
Pasayten Wilderness;
Spokane Indian Reservation.

(14) "Combustion and incineration sources" means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(15) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(16) "Concealment" means 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.

(17) "Director" means director of the Washington state department of ecology or duly authorized representative.

(18) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

(19) "Ecology" means the Washington state department of ecology.

(20) "Emission" means a release of air contaminants into the ambient air.

(21) "Emission reduction credit (ERC)" means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

(22) "Emission standard" and "emission limitation" means a requirement established under the FCAA or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment work practice, or operational standard promulgated under the FCAA or chapter 70.94 RCW.

(23) "Emissions unit" means any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the FCAA, chapter 70.94 or 70.98 RCW.

(24) "Excess emissions" means emissions of an air pollutant in excess of any applicable emission standard.

(25) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).

(26) "Existing stationary facility" means a stationary source of air pollutants which has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

(27) "Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

(28) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

(29) "Fossil fuel-fired steam generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(30) "Fugitive dust" means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

(31) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(32) "General process unit" means an emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

(33) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

(34) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

(35) "In operation" means engaged in activity related to the primary design function of the source.

(36) "Integral vista" means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.

(37) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source.

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

(38) "Mandatory Class I federal area" means any area defined in Section 162(a) of the FCAA. The mandatory Class I federal areas in Washington state are as follows:

Alpine Lakes Wilderness;
Glacier Peak Wilderness;
Goat Rocks Wilderness;
Mount Adams Wilderness;
Mount Rainier National Park;
North Cascades National Park;
Olympic National Park;
Pasayten Wilderness.

(39) "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions

increase of any pollutant subject to regulation under the FCAA. Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone. A physical change or change in the method of operation shall not include:

(a) Routine maintenance, repair, and replacement;

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

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

(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(e) Use of an alternative fuel or raw material by a stationary source which:

(i) The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a prevention of significant deterioration permit or notice of construction approval; or

(ii) The stationary source is approved to use under any federally-enforceable notice of construction approval or a PSD permit issued by the environmental protection agency;

(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, in a prevention of significant deterioration permit or a notice of construction approval;

(g) Any change in ownership at a stationary source.

(40) "Major stationary source" means:

(a) Any stationary source which:

(i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the state or Federal Clean Air Acts; or

(ii) Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen.

(b) Any stationary source (or group of stationary sources) which:

(i) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or

(ii) Is located in a "serious" particulate matter (PM₁₀) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM₁₀ emissions.

(c) Any physical change that would occur at a stationary source not qualifying under (a) or (b) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;

(d) A major stationary source that is major for VOCs or NOx shall be considered major for ozone;

(e) The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the stationary source belongs to one of the

following categories of stationary sources or the source is a major stationary source due to (b) of this subsection:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cements plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and
- (xxvii) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.

(f) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

(41) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

(42) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

(43) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modifi-

cation in Section 7411, Title 42, United States Code, and with rules implementing that section.

(44) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61.

(45) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

(46) "Net emissions increase" means:

(a) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular change or change in method of operation at a source; and

(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

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

(c) An increase or decrease in actual emissions is creditable only if:

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

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

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

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

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

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

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown

becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(47) "New source" means:

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted; and

(b) Any other project that constitutes a new source under the Federal Clean Air Act.

(48) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

(49) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

(50) "Notice of construction application" means a written application to permit construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source.

(51) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(52) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

(53) "Order" means any order issued by ecology or a local air authority pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153, and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

(54) "Order of approval" or "approval order" means a regulatory order issued by ecology or the authority to approve the notice of construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.

(55) "Particulate matter" or "particulates" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(56) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

(57) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

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

(59) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(60) "PM-10 emissions" means finely divided solid or liquid material, including condensible particulate matter, with

an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the Washington state implementation plan.

(61) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(62) "Prevention of significant deterioration (PSD)" means the program set forth in WAC 173-400-141.

(63) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

(64) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

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

(66) "Regulatory order" means an order issued by ecology or an authority to an air contaminant source which applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted thereunder, or, for sources regulated by a local air authority, the regulations of that authority.

(67) "Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter (PM)	25
Fine particulate matter (PM ₁₀)	15
Volatile organic compounds (VOC)	40
Lead	0.6
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10

PERMANENT

Total reduced sulfur (including H ₂ S)	10
Municipal waste combustor organics	0.0000035
(measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	
Municipal waste combustor metals (measured as PM)	15
(Municipal waste combustor acid gases (measured as SO ₂ and hydrogen chloride))	

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

(69) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

(70) "Source category" means all sources of the same type or classification.

(71) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(72) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(73) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

(74) "Stationary source" means any building, structure, facility, or installation which emits or may emit any contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the FCAA.

(75) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(76) "Total reduced sulfur (TRS)" means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an approved equivalent method and expressed as hydrogen sulfide.

(77) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1988.

(78) "United States Environmental Protection Agency (USEPA)" shall be referred to as EPA.

(79) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

(80) "Visibility impairment of Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

(81) "Volatile organic compound (VOC)" means:

(a) Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any organic compound other than the following, which have negligible photochemical activity: Methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro 2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); and perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear completely fluorinated alkanes;

(ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations; and

(iii) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

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

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

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-040 General standards for maximum emissions. ((All sources and emissions units are required to meet the emission standards of this chapter. Where an emission standard listed in another chapter is applicable to a specific emissions unit, such standard will take precedent over a general emission standard listed in this chapter. When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the emissions of the common stack

must meet the most restrictive standard of any of the connected emissions units. Further, all emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, ecology or the authority shall, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order to the source or sources for installation of RACT.

(1) Visible emissions. No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity except:

(a) When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and ecology or the authority be advised of the schedule.

(b) When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.

(c) When two or more sources are connected to a common stack, ecology or the authority may allow or require the use of an alternate time period if it is more representative of normal operations.

(d) When an alternate opacity limit has been established per RCW 70.94.331 (2)(c).

(2) Fallout. No person shall cause or permit the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner(s) or operator(s) of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(3) Fugitive emissions. The owner or operator of any emissions unit engaging in materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use best available control technology (BACT) to control emissions of the contaminants for which nonattainment has been designated. Significance will be determined by EPA interpretive ruling for PSD and offsets on file with ecology.

(4) Odors. Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.

(5) Emissions detrimental to persons or property. No person shall cause or permit the emission of any air contami-

nant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

(6) Sulfur dioxide.

No person shall cause or permit the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes, except:

When the owner or operator of an emissions unit supplies emission data and can demonstrate to ecology or the authority that there is no feasible method of reducing the concentration to less than one thousand ppm (on a dry basis, corrected to seven percent oxygen for combustion sources) and that the state and federal ambient air quality standards for sulfur dioxide will not be exceeded. In such cases, ecology or the authority may require specific ambient air monitoring stations be established, operated, and maintained by the owner or operator at mutually approved locations. All sampling results will be made available upon request and a monthly summary will be submitted to ecology or the authority.

(7) Concealment and masking. No person shall cause or permit the installation or use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(8) Fugitive dust sources.

(a) The owner or operator of a source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.

(b) The owner(s) or operator(s) of any existing source(s) of fugitive dust that has been identified as a significant contributor to a Category I PM 10 area shall be required to use reasonably available control technology to control emissions. Significance will be determined by the definition found in 40 CFR Part 51, Appendix S, as amended through July 1, 1990.) All sources and emissions units are required to meet the emission standards of this chapter. Where an emission standard listed in another chapter is applicable to a specific emissions unit, such standard will take precedent over a general emission standard listed in this chapter. When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emissions units. Further, all emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, ecology or the authority shall, as provided in section 8, chapter 252, Laws of 1993, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

(1) Visible emissions. No person shall cause or permit the emission for more than three minutes, in any one hour,

of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity except:

(a) When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and ecology or the authority be advised of the schedule.

(b) When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.

(c) When two or more sources are connected to a common stack, ecology or the authority may allow or require the use of an alternate time period if it is more representative of normal operations.

(d) When an alternate opacity limit has been established per RCW 70.94.331 (2)(c).

(2) Fallout. No person shall cause or permit the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner(s) or operator(s) of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(3) Fugitive emissions. The owner or operator of any emissions unit engaging in materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use reasonable and available control methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the contaminants for which nonattainment has been designated.

(4) Odors. Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.

(5) Emissions detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

(6) Sulfur dioxide.

No person shall cause or permit the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes, except:

When the owner or operator of an emissions unit supplies emission data and can demonstrate to ecology or the authority that there is no feasible method of reducing the

concentration to less than one thousand ppm (on a dry basis, corrected to seven percent oxygen for combustion sources) and that the state and federal ambient air quality standards for sulfur dioxide will not be exceeded. In such cases, ecology or the authority may require specific ambient air monitoring stations be established, operated, and maintained by the owner or operator at mutually approved locations. All sampling results will be made available upon request and a monthly summary will be submitted to ecology or the authority.

(7) Concealment and masking. No person shall cause or permit the installation or use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(8) Fugitive dust sources.

(a) The owner or operator of a source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.

(b) The owner(s) or operator(s) of any existing source(s) of fugitive dust that has been identified as a significant contributor to a PM-10 nonattainment area shall be required to use reasonably available control technology to control emissions. Significance will be determined by the criteria found in WAC 173-400-113(3).

NEW SECTION

WAC 173-400-081 Startup and shutdown. In promulgating technology-based emission standards and making control technology determinations (e.g., BACT, RACT, LAER, BART) ecology and the authorities shall consider any physical constraints on the ability of a source to comply with the applicable standard during startup or shutdown. Where ecology or the authority determines that the source or source category, operated and maintained in accordance with good air pollution control practice, is not capable of achieving continuous compliance with an emission standard during startup or shutdown, ecology or the authority shall include in the standard appropriate emission limitations, operating parameters, or other criteria to regulate the performance of the source during startup or shutdown conditions. In modeling the emissions of a source for purposes of demonstrating attainment or maintenance of national ambient air quality standards, ecology and the authorities shall take into account any incremental increase in allowable emissions under startup or shutdown conditions authorized by an emission limitation or other operating parameter adopted under this rule. Any emission limitation or other parameter adopted under this rule which increases allowable emissions during startup or shutdown conditions over levels authorized in an approved state implementation plan shall not take effect until approved by EPA as a SIP amendment.

NEW SECTION

WAC 173-400-091 Voluntary limits on emissions.

(1) Upon request by the owner or operator of a source, ecology or the authority with jurisdiction over the source shall issue a regulatory order that limits the source's potential to emit any air contaminant or contaminants to a level

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agreed to by the owner or operator and ecology or the authority with jurisdiction over the source.

(2) A condition contained in an order issued under this section shall be less than the source's otherwise allowable annual emissions of a particular contaminant under all applicable requirements of the chapter 70.94 RCW and the FCAA, including any standard or other requirement provided for in the Washington state implementation plan. The term "condition" refers to limits on production or other limitations, in addition to emission limitations.

(3) Any order issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with any condition established under this section. Monitoring requirements shall use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of WAC 173-400-105.

(4) Any order issued under this section shall be subject to the notice and comment procedures under WAC 173-400-171.

(5) The terms and conditions of a regulatory order issued under this section shall be federally enforceable, upon approval of this section as an element of the Washington state implementation plan. Any proposed deviation from a condition contained in an order issued under this section shall require revision or revocation of the order.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-100 Registration. ~~((The owner or operator of each source within the following source categories shall register the source with ecology or an authority:~~

- ~~(1) Agricultural drying and dehydrating operations;~~
- ~~(2) Asphalt plants;~~
- ~~(3) Beverage can surface coating operations;~~
- ~~(4) Bulk gasoline terminals;~~
- ~~(5) Cattle feedlots with facilities for one thousand or more cattle;~~
- ~~(6) Chemical plants;~~
- ~~(7) Ferrous foundries;~~
- ~~(8) Fertilizer plants;~~
- ~~(9) Flexible vinyl and urethane coating and printing operations;~~
- ~~(10) Grain handling, seed processing, pea and lentil processing facilities;~~
- ~~(11) Metallic mineral processing plants;~~
- ~~(12) Mineralogical processing plants;~~
- ~~(13) Nonferrous foundries;~~
- ~~(14) Other metallurgical processing plants;~~
- ~~(15) Petroleum refineries;~~
- ~~(16) Power boilers using coal, hog fuel, oil, or other solid or liquid fuel;~~
- ~~(17) Pressure sensitive tape and label surface coating operations;~~
- ~~(18) Rendering plants;~~
- ~~(19) Scrap metal operations;~~
- ~~(20) Synthetic organic chemical manufacturing industries;~~
- ~~(21) Sulfuric acid plants;~~
- ~~(22) Synthetic fiber production facilities;~~
- ~~(23) Veneer dryers;~~

- ~~(24) Wood waste incinerators including wigwam burners;~~
- ~~(25) Other incinerators designed for a capacity of one hundred pounds per hour or more;~~
- ~~(26) Stationary internal combustion engines rated at five hundred horse power or more;~~
- ~~(27) Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;~~
- ~~(28) Any category of stationary sources to which a federal standard of performance (NSPS) applies;~~
- ~~(29) Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);~~
- ~~(30) Any major source.~~

~~Registration shall be on forms to be supplied by ecology or the authority within the time specified on the form.~~

~~A report of closure shall be filed within ninety days with ecology or an authority if under their jurisdiction when operations producing emissions permanently cease at any source within the above categories.))~~ (1) Except as provided in subsection (4) of this section, the owner or operator of each source within the following source categories shall register the source with ecology or the authority:

- (a) Agricultural drying and dehydrating operations;
- (b) Asphalt plants;
- (c) Beverage can surface coating operations;
- (d) Bulk gasoline terminals;
- (e) Cattle feedlots with facilities for one thousand or more cattle;
- (f) Chemical plants;
- (g) Ferrous foundries;
- (h) Fertilizer plants;
- (i) Flexible vinyl and urethane coating and printing operations;
- (j) Grain handling, seed processing, pea and lentil processing facilities;
- (k) Metallic mineral processing plants;
- (l) Mineralogical processing plants;
- (m) Nonferrous foundries;
- (n) Other metallurgical processing plants;
- (o) Petroleum refineries;
- (p) Power boilers using coal, hog fuel, oil, or other solid or liquid fuel;
- (q) Pressure sensitive tape and label surface coating operations;
- (r) Rendering plants;
- (s) Scrap metal operations;
- (t) Synthetic organic chemical manufacturing industries;
- (u) Sulfuric acid plants;
- (v) Synthetic fiber production facilities;
- (w) Veneer dryers;
- (x) Wood waste incinerators including wigwam burners;
- (y) Other incinerators designed for a capacity of one hundred pounds per hour or more;
- (z) Stationary internal combustion engines rated at five hundred horse power or more;
- (aa) Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;
- (bb) Any category of stationary sources subject to a federal standard of performance (NSPS) under 40 CFR Part

60, other than Subpart AAA (Standards of Performance for New Residential Wood Heaters);

(cc) Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);

(dd) Any major stationary source.

(2) Registration shall be on forms to be supplied by ecology or the authority within the time specified on the form.

(3) A report of closure shall be filed with ecology or the authority within ninety days after operations producing emissions permanently cease at any source within the above categories.

(4) Permit program sources, as defined in RCW 70.94.030(17), are not required to comply with the registration requirements of this section after the Environmental Protection Agency grants interim or final approval for the state operating permit program.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-105 Records, monitoring, and reporting. ((The owner or operator of a source shall upon notification by the director of ecology, maintain records on the type and quantity of emissions from the source and other information deemed necessary to determine whether the source is in compliance with applicable emission limitations and control measures.

(1) Emission inventory. The owner(s) or operator(s) of any air contaminant source shall submit an inventory of emissions from the source each year. The inventory may include stack and fugitive emissions of particulate matter, PM 10, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants, and shall be submitted (when required) no later than one hundred five days after the end of the calendar year. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.

(2) Monitoring. Ecology shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

As a part of this program, the director of ecology or an authorized representative may require any source under the jurisdiction of ecology to conduct stack and/or ambient air monitoring and to report the results to ecology.

(3) Investigation of conditions. Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from ecology or an authority shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families.

(4) Source testing. To demonstrate compliance, ecology may conduct or require that a test be conducted of the source using approved EPA methods from 40 C.F.R. 60 Appendix A which are adopted by reference, or approved procedures contained in "Source Test Manual—Procedures for Compli-

ance Testing," state of Washington, department of ecology, as of July 12, 1990, on file at ecology. The operator of a source may be required to provide the necessary platform and sampling ports for ecology personnel or others to perform a test of an emissions unit. Ecology shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(5) Report of startup, shutdown, breakdown or upset condition(s). If a startup, shutdown, breakdown or upset condition occurs which could result in an emissions violation or a violation of an ambient air quality standard, the owner(s) or operator(s) of the source(s) shall take the following actions as applicable:

(a) For a planned condition, such as a startup or shutdown, the condition shall be reported to ecology or the authority in advance of its occurrence.

(b) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to ecology or the authority as soon as possible.

Upon request by ecology or the authority, the owner(s) or operator(s) of the source(s) shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

Compliance with the requirements of WAC 173-400-105(5) does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of this chapter or an applicable chapter nor from the resulting liabilities for failure to comply.

(6) Continuous monitoring and recording. Owners and operators of the following categories of sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified:

(a) Fossil fuel fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or

(B) Only gaseous fuel is burned.

(ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million BTU per hour heat input or if sulfur dioxide control equipment is not required.

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to ecology or the authority by the owner(s) or operator(s).

(b) Sulfuric acid plants.

Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

~~(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.~~

~~Opacity where fresh feed capacity is more than twenty thousand barrels per day.~~

~~(d) Wood residue fuel-fired steam generators.~~

~~(i) Opacity, except where steam generator capacity is less than one hundred million BTU per hour heat input.~~

~~(ii) Continuous monitoring equipment. The requirements of WAC 173-400-105 (6)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by WAC 173-400-105 (6)(d) shall be subject to approval by ecology.~~

~~(e) Owners and operators of those sources required to install continuous monitoring equipment under this chapter shall demonstrate to ecology or the authority, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5, promulgated October 6, 1975, and amended November 7, 1986, which is adopted by reference.~~

~~(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, ecology determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.~~

~~(g) Exemptions. This subsection (6) does not apply to any source which is:~~

~~(i) Subject to a new source performance standard. These sources will be governed by WAC 173-400-115.~~

~~(ii) Not subject to an applicable emission standard.~~

~~(h) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this chapter during periods of monitoring system malfunctions provided that the source owner(s) or operator(s) shows to the satisfaction of ecology or the authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.~~

~~(7) Change in raw materials or fuels. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by WAC 173-400-105(1) shall require the submittal of sufficient information to ecology or the authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. Ecology or the authority may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.) The owner or operator of a source shall upon notification by the director of ecology, maintain records on the type and quantity of emissions from the source and other information deemed necessary to determine whether the source is in compliance with applicable emission limitations and control measures.~~

~~(1) Emission inventory. The owner(s) or operator(s) of any air contaminant source shall submit an inventory of emissions from the source each year. The inventory may include stack and fugitive emissions of particulate matter,~~

PM₁₀, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants, and shall be submitted (when required) no later than one hundred five days after the end of the calendar year. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.

(2) Monitoring. Ecology shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

As a part of this program, the director of ecology or an authorized representative may require any source under the jurisdiction of ecology to conduct stack and/or ambient air monitoring and to report the results to ecology.

(3) Investigation of conditions. Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from ecology or an authority shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families.

(4) Source testing. To demonstrate compliance, ecology or the authority may conduct or require that a test be conducted of the source using approved EPA methods from 40 CFR 60 Appendix A which are adopted by reference, or approved procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, as of July 12, 1990, on file at ecology. The operator of a source may be required to provide the necessary platform and sampling ports for ecology personnel or others to perform a test of an emissions unit. Ecology shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(5) Continuous monitoring and recording. Owners and operators of the following categories of sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel-fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or

(B) Only gaseous fuel is burned.

(ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million BTU per hour heat input or if sulfur dioxide control equipment is not required.

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to ecology or the authority by the owner(s) or operator(s).

(b) Sulfuric acid plants.

Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where steam generator capacity is less than one hundred million BTU per hour heat input.

(ii) Continuous monitoring equipment. The requirements of (e) of this subsection do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by (d) of this subsection shall be subject to approval by ecology.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this chapter shall demonstrate to ecology or the authority, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5, promulgated October 6, 1975, and amended November 7, 1986, which is adopted by reference.

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, ecology determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(g) Exemptions. This subsection (5) does not apply to any source which is:

(i) Subject to a new source performance standard. These sources will be governed by WAC 173-400-115.

(ii) Not subject to an applicable emission standard.

(h) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this chapter during periods of monitoring system malfunctions provided that the source owner(s) or operator(s) shows to the satisfaction of ecology or the authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(6) Change in raw materials or fuels for sources not subject to requirements of the operating permit program. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by subsection (1) of this section shall require the submittal of sufficient information to ecology or the authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. Ecology or the authority may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.

NEW SECTION

WAC 173-400-107 Excess emissions. (1) The owner or operator of a source shall have the burden of proving to ecology or the authority or the decision-making authority in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsections (4), (5) and (6) of this section.

(2) Excess emissions determined to be unavoidable under the procedures and criteria in this section shall be excused and not subject to penalty.

(3) Excess emissions which represent a potential threat to human health or safety or which the owner or operator of the source believes to be unavoidable shall be reported to ecology or the authority as soon as possible. Other excess emissions shall be reported within thirty days after the end of the month during which the event occurred or as part of the routine emission monitoring reports. Upon request by ecology or the authority, the owner(s) or operator(s) of the source(s) shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(4) Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been prevented through careful planning and design and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

(5) Maintenance. Excess emissions due to scheduled maintenance shall be considered unavoidable if the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.

(6) Excess emissions due to upsets shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates that:

(a) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;

(b) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(c) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-110 New source review (NSR). ((+))
Applicability.

~~(a) A notice of construction must be approved by ecology or the authority prior to the construction, installa-~~

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tion, or establishment of a new source or emissions unit which is required to register per WAC 173 400 100.

(b) Ecology or the authority may require a notice of construction prior to the construction, installation, or establishment of any other new source, other than a single family or duplex dwelling.

(c) The notice of construction and new source review shall apply only to the emission unit(s) affected and the contaminants involved.

(d) The owner(s) or operator(s) of any source that is required to register per WAC 173 400 100 shall notify ecology or the authority prior to replacement of air pollution control equipment or process equipment other than equivalent replacement for routine maintenance and repair. Ecology or the authority may determine that a notice of construction is required.

(2) **Additional information.** Within thirty days of receipt of a notice of construction, ecology or the authority may require the submission of additional plans, specifications, and other information necessary for the review of the proposed new or modified source.

(3) **Requirements for new sources.** Ecology or the authority shall review notice(s) of construction, plans, specifications, and other associated information to determine that:

(a) The new source will be in accord with applicable federal and state rules and regulations, including NSPS and NESHAPS and the new source will use BACT for emissions control; and

(b) Requirements for nonattainment areas;

(i) If the new source is a major source or the proposed change is a major modification, it will comply with LAER for emissions of the contaminants for which nonattainment has been designated; and

(ii) If the new source is a major source or the proposed change is a major modification and is located in an area that is not in attainment for carbon monoxide or ozone and the source will emit carbon monoxide or VOCs, it is required that there be an analysis of alternative sites, sizes, and production processes and environmental control techniques for the proposed new source which demonstrates that benefits of the proposed new source significantly outweigh the environmental and social costs imposed as a result of its location, construction, and modification. This analysis is the responsibility of the applicant, who may use an environmental impact statement prepared under the State Environmental Policy Act (SEPA) or the National Environmental Policy Act (NEPA) as a source of information; and

(iii) The proposed new source will not violate the requirements for reasonable further progress established by the state implementation plan. If the new source is a major source or the proposed change is a major modification, the total new allowable emissions from all sources existing at the time of application for notice of construction plus proposed allowable emissions for the new source, of the contaminants for which nonattainment has been designated, shall be no greater than the total allowable emissions from existing sources, except that: (A) Ecology or the authority may require that new total allowable emissions be reduced to less than existing total allowable emissions, as necessary to achieve air quality attainment goals stated in an approved plan of attainment, and (B) the emissions from the proposed

new source may be approved without an offsetting reduction from existing sources if an adequate emissions growth allowance is included in an approved plan of attainment. The above requirements must be met by reducing emissions from existing source(s). Arrangements for such offsetting reduction(s) of actual emissions must be made by the owner(s) or operator(s) of the proposed new source. The proposed new source may be constructed only after the issuance of a regulatory order(s) to the proposed new source and to all the source(s) that provided the offset. The said orders shall include new allowable emissions limits for all the affected sources; and

(iv) If the new source is a major source or the proposed change is a major modification, the owner(s) or operator(s) shall demonstrate that all major sources owned or operated by such person (or persons under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the Federal Clean Air Act; and

(v) In a locality that does not meet national ambient air quality standards and has not been designated a nonattainment area, a proposed new major source or major modification must reduce the impact of its emissions upon air quality by obtaining sufficient emissions reductions to, at a minimum, compensate for its adverse ambient impact. An ecology approved air quality model shall be used to demonstrate a net air quality benefit where the source would otherwise cause or contribute to a violation of any national ambient air quality standard.

(c) **Requirements for attainment areas.** If the proposed new source is located in an area that is in attainment for contaminants that would be emitted by the source and the source is located in an ozone attainment area if the source would emit VOCs;

(i) The allowable emissions from the proposed new source will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any national ambient air quality standard. This requirement will be considered to be met if the impact at any location within a nonattainment area or a locality exceeding the applicable standard does not exceed the following levels:

Pollutant	Annual Average	24 Hour Average	8 Hour Average	3 Hour Average	1 Hour Average
CO			0.5 mg/m ³		2 mg/m ³
TSP	1.0 ug/m ³	5 ug/m ³			
SO ₂	1.0 ug/m ³	5 ug/m ³		25 ug/m ³	30 ug/m ³
PM 10	1.0 ug/m ³	5 ug/m ³			
NO ₂	1.0 ug/m ³				

(ii) The proposed new source will not cause a violation of any ambient air quality standard.

(iii) An offsetting emissions reduction that satisfies the requirements of WAC 173 400 110 (3)(b) may be used to satisfy the requirements of WAC 173 400 110 (3)(c) and (d) if required.

(d) **Visibility requirements.** Any new major source or new major modification shall evaluate the visibility impairment per 40 CFR 52.21(e) for all Class I areas in Washington and neighboring states. The evaluation shall comply with the following:

(i) When the land manager has officially designated visibility to be an important attribute, the owner(s) or operator(s) of the new source shall demonstrate that the potential emissions in combination with emissions from all other sources permitted after January 1, 1982, shall not cause or contribute to a significant visibility impairment.

(ii) Ecology shall upon receipt of an application for a notice of construction notify the land managers of potentially affected areas. Notification shall be in writing and include a copy of all information relevant to the application including the information developed for this section. This information shall be transmitted to the land manager within thirty days of receipt of the application and at least sixty days prior to public hearing on the application for permit to construct.

(iii) All evaluations of visibility impairment required under this section shall use the models on file with ecology or equivalent models approved by ecology or EPA.

(iv) The results of the evaluation shall be sent to the land manager of the affected areas for review and recommendation. The review shall consider the degree of visibility impairment, duration, geographic extent, frequency, and time. The recommendation of the land managers concerning adverse impact on visibility shall be sent to ecology within thirty days of receipt of the evaluation results.

(v) Should ecology concur with the recommendation of the land manager, the notice of construction shall be approved or disapproved according to the recommendation. Ecology may find the review of a land manager inadequate and make its own determination. A finding of significant visibility impairment shall require a disapproval of the notice of construction, unless sufficient mitigating measures are developed.

(vi) Ecology or land managers may demonstrate that the new source would cause impairment of an integral vista officially designated at least six months before the new source submitted a complete application. The protection of an integral vista by controls on the source shall consider the time necessary for compliance, the energy and nonair quality environmental effects of compliance and the productive life of the source.

(vii) Ecology may require visibility monitoring at the site of the new source or potentially affected areas as a part of the applicable regulatory order. The monitoring period may be before or after construction or both.

(4) **Preliminary determination.** Within thirty days after receipt of all information required, ecology or the authority shall:

(a) Make preliminary determinations on the matters set forth in subsection (3)(b), (c), and (d) of this section if applicable; and

(b) Initiate compliance with the provisions of WAC 173-400-171 relating to public notice and public comment, as applicable.

(5) **Final determination.** If, after review of all information received including public comment, ecology or the authority finds that all the conditions in subsection (3) of this section are satisfied, whichever is applicable, the authority will issue a regulatory order to approve the notice of construction for the proposed new source or modification.

(6) **Appeal of approval.** A notice of construction approval can be appealed to the state pollution control hearings board per RCW 70.94.025.

(7) **Portable sources.** For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction, providing that the owner(s) or operator(s) notifies ecology or the authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable ecology or the authority to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time (one year or less) and ecology or the authority may set specific conditions for operation during that period. A temporary source shall be required to comply with all applicable emission standards.

(8) **Commencement of construction.** The owner(s) or operator(s) of the new source shall not commence construction until the applicable notice of construction has been approved.) (1) **Applicability.**

(a) A notice of construction application must be filed by the owner or operator and an order of approval issued by ecology or an authority prior to the establishment of any new source or emission unit or modification which is listed in WAC 173-400-100 or required to obtain a permit under RCW 70.94.161.

(b) Ecology or the authority may require that a notice of construction application be filed by the owner or operator of a proposed new source or modification and an order of approval issued by ecology or an authority prior to the establishment of any new source or emission unit or modification, other than a single family or a duplex dwelling.

(c) New source review of a modification shall be limited to the emission unit or units proposed to be added to an existing source or modified and the air contaminants whose emissions would increase as a result of the modification.

(2) **Completeness determination.** Within thirty days of receipt of a notice of construction application, ecology or the authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary, based upon review of information already supplied, to complete the application. For a project subject to PSD review under WAC 173-400-141 a completeness determination includes a determination that the application provides all information required to conduct PSD review.

(3) **Final determination.**

(a) Within sixty days of receipt of a complete application, ecology or the authority shall either issue a final decision on the application or, for those projects subject to public notice, initiate notice and comment procedures under WAC 173-400-171 on a proposed decision, followed as promptly as possible by a final decision. A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the notice of construction application required by this section. A notice of construction application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines.

(b) Every final determination on a notice of construction application shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of ecology or the authority.

(c) If the new source is a major stationary source or the change is a major modification, ecology or the authority shall submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA.

(4) Appeals. An order of approval, any conditions contained in an order of approval, or the denial of a notice of construction application may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW. Ecology or the authority shall promptly mail copies of each order approving or denying a notice of construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising parties of their rights of appeal to the Pollution Control Hearings Board and, where applicable, to the EPA Environmental Appeals Board.

(5) Portable sources. For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction application, providing that the owner(s) or operator(s) notifies ecology or the authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable ecology or the authority to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time (one year or less) and ecology or the authority may set specific conditions for operation during that period. A temporary source shall be required to comply with all applicable emission standards.

(6) Approval to construct or modify a stationary source shall become invalid if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. Ecology or the authority may extend the eighteen-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.

NEW SECTION

WAC 173-400-112 Requirements for new sources in nonattainment areas. Ecology or an authority reviewing an application to establish a new source or modification in a nonattainment area, shall issue an order of approval, which order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this chapter, if they determine that the proposed project satisfies each of the following requirements:

(1) The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, emission standards adopted under chapter 70.94 RCW and, for sources regulated by an authority, the applicable emission standards of that authority.

(2) The proposed new source will employ BACT for all air contaminants, except that if the new source is a major stationary source or the proposed modification is a major modification it will achieve LAER for the contaminants for which the area has been designated nonattainment and for which the proposed new source or modification is major.

(3) The proposed new source will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the state implementation plan and will comply with WAC 173-400-113(3) for all contaminants for which the area has not been designated nonattainment.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification, ecology or the authority has determined, based on review of an analysis performed by the source of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(5) If the proposed new source or the proposed modification is major for the contaminant for which the area is designated nonattainment, allowable emissions from the proposed new source or modification of that contaminant are offset by reductions in actual emissions from existing sources in the nonattainment area. Emission offsets must be sufficient to ensure that total allowable emissions from existing major stationary sources in the nonattainment area, new or modified sources which are not major stationary sources, and the proposed new or modified source will be less than total actual emissions from existing sources (prior to submittal of the application) so as to represent (when considered together with the nonattainment provisions of section 172 of the FCAA) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:

(a) The proposed new level of allowable emissions of the source or emission unit(s) providing the reduction must be less than the current level of actual emissions of that source or emissions unit(s). No emission reduction can be credited for actual emissions which exceed the current allowable emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders, or permits cannot be credited.

(b) The emission reductions must provide for a net air quality benefit. For marginal ozone nonattainment areas, the total emissions of volatile organic compounds or total emissions of nitrogen oxides are reduced by a ratio of 1.1 to 1 for the area in which the new source is located. For any other nonattainment area, the emissions offsets must provide a positive net air quality benefit in the nonattainment area. Determinations on whether emissions offsets provide a positive net air quality benefit will be made in accordance with the guidelines contained in 40 CFR 51 Appendix S.

(c) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the new or modified source commences operation. The new source may not commence operation before the date such reductions are actually achieved. An emission reduction credit issued under WAC 173-400-131 may be used to satisfy some or all of the offset requirements of this subsection.

(6) If the proposed new source is a major stationary source or the proposed modification is a major modification, the owner or operator has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules contained in an EPA-approved state implementation plan.

(7) If the proposed new source is a major stationary source or the proposed modification is a major modification for the purposes of the PSD program described in WAC 173-400-141, it meets the requirements of that program for all contaminants for which the area has not been designated nonattainment.

(8) If the proposed new source or modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the source meets all applicable requirements of that chapter.

(9) If the proposed new source is a major stationary source or the proposed modification is a major modification, ecology or the authority has complied with the visibility protection review requirements of 40 CFR 52.28(c) through (e) except for (c)(4)(i), (g), and (h), as in effect on March 3, 1993, and determined that the project meets the criteria set forth in 40 CFR 52.28(g). For purposes of this subsection, definitions referenced in 40 CFR 52.28(b) are incorporated by reference, except that the term "visibility protection area" means any Class I area, and terms defined in WAC 173-400-030 shall have the meanings defined in that section. References in 40 CFR 52.28 to "the Administrator" shall mean the agency (either ecology or the authority) processing the notice of construction application.

NEW SECTION

WAC 173-400-113 Requirements for new sources in attainment or unclassifiable areas. Ecology or an authority reviewing an application to establish a new source or modification in an area that is in attainment or unclassifiable for any air contaminant the new source would emit and that is in attainment or unclassifiable for ozone if the proposed new or modified source would emit VOCs or NO_x, shall issue an order of approval, which order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this chapter, if they determine that the proposed project satisfies all of the following requirements:

(1) The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, emission standards adopted under chapter 70.94 RCW

and, for sources regulated by an authority, the applicable emission standards of that authority.

(2) The proposed new source or modification will employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.

(3) Allowable emissions from the proposed new source or modification will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any ambient air quality standard. This requirement will be considered to be met if the projected impact of the allowable emissions from the proposed new source or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment area does not exceed the following levels for the pollutant(s) for which the area has been designated nonattainment:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO-	-	0.5 mg/m ³	-	-	2 mg/m ³
SO ₂	1.0 µg/m ³	5 µg/m ³	-	25 µg/m ³	30 µg/m ³
PM ₁₀	1.0 µg/m ³	5 µg/m ³	-	-	-
NO ₂	1.0 µg/m ³	-	-	-	-

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification for purposes of the PSD program described in WAC 173-400-141, it meets all applicable requirements of that chapter.

(5) If the proposed new source or the proposed modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the source meets all applicable requirements of that program.

(6) If, within the meaning of the PSD program described in WAC 173-400-141, the proposed new source is a major stationary source or the proposed modification is a major modification, ecology or the authority has complied with the visibility protection review requirements of 40 CFR 52.27(d) through (f), as in effect on March 3, 1993, and has determined that the source would not cause an adverse impact upon visibility. References in 40 CFR 52.27 to "the Administrator" shall mean the agency (either ecology or the authority) processing the notice of construction application.

NEW SECTION

WAC 173-400-114 Requirements for replacement or substantial alteration of emission control technology at an existing stationary source. (1) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source or emission unit shall file a notice of construction application with the appropriate authority, or with ecology in areas or for sources over which ecology has jurisdiction. Replacement or substantial alteration of control technology does not include routine maintenance, repair or similar parts replacement.

(2) For projects not otherwise reviewable under WAC 173-400-110, ecology or the authority may:

(a) Require that the owner or operator employ RACT for the affected emission unit;

(b) Prescribe reasonable operation and maintenance conditions for the control equipment; and

(c) Prescribe other requirements as authorized by chapter 70.94 RCW.

(3) Within thirty days of receipt of a notice of construction application under this section ecology or the authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty days of receipt of a complete notice of construction application under this section ecology or the authority shall either issue an order of approval or a proposed RACT determination for the proposed project.

(4) Construction shall not commence, as defined in WAC 173-400-030(15), on a project subject to review under this section until ecology or the authority issues a final order of approval. However, any notice of construction application filed under this section shall be deemed to be approved without conditions if ecology or the authority takes no action within thirty days of receipt of a complete notice of construction application.

(5) Approval to replace or substantially alter emission control technology shall become invalid if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. Ecology or the authority may extend the eighteen-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-120 Bubble rules. ~~((1) Applicability. The owner(s) or operator(s) of any source(s) may apply for a bubble for any contaminant regulated by state or federal law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions units involved.~~

~~(2) Conditions. A bubble may be authorized provided the following conditions have been demonstrated to the satisfaction of ecology or the authority.~~

~~(a) The contaminants exchanged must be of the same type, that is, particulates for particulates, sulfur dioxide for sulfur dioxide, etc.~~

~~(b) The bubble will not interfere with the attainment and maintenance of air quality standards.~~

~~(c) The bubble will not result in a delay in compliance by any source, nor a delay in any existing enforcement action.~~

~~(d) The bubble will not supersede NSPS, NESHAPS, BACT, or LAER. The emissions of hazardous (NESHAPS) contaminants shall not be increased.~~

~~(e) The bubble will not result in an increase in the sum of actual emission rates of the contaminant involved from the emissions units involved.~~

~~(f) A bubble may not be authorized only for opacity limits. However, if the emission limit for particulates for a given emissions unit is increased as part of a bubble, the~~

~~opacity limit for the given emissions unit may be increased subject to the following limitations:~~

~~(i) The new opacity limit shall be specific for the given emissions unit;~~

~~(ii) The new opacity limit shall be consistent with the new particulates limit;~~

~~(iii) An opacity greater than sixty percent shall never be authorized;~~

~~(iv) If the given emissions unit emits or has the potential to emit 100 tons per year or more of particulate matter, the opacity shall be monitored continuously.~~

~~(g) The emission limits of the bubble are equivalent to existing limits in enforceability.~~

~~(h) Concurrently with or prior to the authorization of a bubble, each affected source shall receive or have received a regulatory order that establishes total allowable emissions from the source of the contaminant being bubbled, expressed as weight of the contaminant per unit time. The new total allowable emissions shall be considered RACT.~~

~~(i) There will be no net adverse impact upon air quality from the establishment of new emission requirements for a specific source or emissions unit. Determination of net adverse impact shall include but not be limited to public perception of opacity and public perception of odorous contaminants.~~

~~(j) Specific situations may require additional demonstration as requested by ecology or the authority.~~

~~(3) Jurisdiction. Whenever a bubble application involves emissions units, some of which are under the jurisdiction of ecology and some of which are under the jurisdiction of an authority, approval will require concurrence by both authorities. The new emission limits for each emissions unit will be enforced by the authority of original jurisdiction.~~

~~(4) Additional information. Within thirty days, after the receipt of a bubble application and all supporting data and documentation, ecology or the authority may require the submission of additional information needed to review the application.~~

~~(5) Approval. Within thirty days after all the required information has been received, ecology or the authority shall approve or deny the application, based on a finding that conditions in subsection (2)(a) through (j) of this section have been satisfied or not. If the application is approved, a regulatory order or equivalent document shall be issued which includes new allowable emissions expressed in weight of pollutant per unit time for each emissions unit involved in the application. The order or equivalent document must include all requirements necessary to assure that conditions in subsection (2)(a) through (j) of this section will be satisfied. If the bubble depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit the operation of the affected equipment.)~~ (1) Applicability. The owner(s) or operator(s) of any source(s) may apply for a bubble for any contaminant regulated by state or federal law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions units involved.

(2) Conditions. A bubble may be authorized provided the following conditions have been demonstrated to the satisfaction of ecology or the authority.

(a) The contaminants exchanged must be of the same type, that is, PM₁₀ for PM₁₀, sulfur dioxide for sulfur dioxide, etc.

(b) The bubble will not interfere with the attainment and maintenance of air quality standards. No bubble shall be authorized in a nonattainment area unless there is an EPA-approved SIP which demonstrates attainment for that area.

(c) The bubble will not result in a delay in compliance by any source, nor a delay in any existing enforcement action.

(d) The bubble will not supersede NSPS, NESHAPS, BACT, or LAER. The emissions of hazardous contaminants shall not be increased.

(e) The bubble will not result in an increase in the sum of actual emission rates of the contaminant involved from the emissions units involved.

(f) A bubble may not be authorized only for opacity limits. However, if the emission limit for particulates for a given emissions unit is increased as part of a bubble, the opacity limit for the given emissions unit may be increased subject to the following limitations:

(i) The new opacity limit shall be specific for the given emissions unit;

(ii) The new opacity limit shall be consistent with the new particulates limit;

(iii) An opacity greater than sixty percent shall never be authorized;

(iv) If the given emissions unit emits or has the potential to emit one hundred tons per year or more of particulate matter, the opacity shall be monitored continuously.

(g) The emission limits of the bubble are equivalent to existing limits in enforceability.

(h) Concurrent with or prior to the authorization of a bubble, each emission unit involved in a bubble shall receive or have received a regulatory order or permit that establishes total allowable emissions from the source of the contaminant being bubbled, expressed as weight of the contaminant per unit time.

(i) There will be no net adverse impact upon air quality from the establishment of new emission requirements for a specific source or emissions unit. Determination of net adverse impact shall include but not be limited to public perception of opacity and public perception of odorous contaminants.

(j) Specific situations may require additional demonstration as requested by ecology or the authority.

(3) Jurisdiction. Whenever a bubble application involves emissions units, some of which are under the jurisdiction of an authority, approval will require concurrence by both authorities. The new emission limits for each emissions unit will be enforced by the authority of original jurisdiction.

(4) Additional information. Within thirty days, after the receipt of a bubble application and all supporting data and documentation, ecology or the authority may require the submission of additional information needed to review the application.

(5) Approval. Within thirty days after all the required information has been received, ecology or the authority shall approve or deny the application, based on a finding that conditions in subsection (2)(a) through (j) of this section have been satisfied or not. If the application is approved, a

regulatory order or equivalent document shall be issued which includes new allowable emissions limits expressed in weight of pollutant per unit time for each emissions unit affected by the bubble. The regulatory order or equivalent document shall include any conditions required to assure that subsection (2)(a) through (j) of this section will be satisfied. If the bubble depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit operation of the affected equipment.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-131 Issuance of emission reduction credits. ~~((1) Applicability. The owner(s) or operator(s) of any source(s) may apply to ecology or the authority for an emission reduction credit (ERC) if the source proposes to reduce its actual emissions rate for any contaminant regulated by state or federal law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions unit(s) involved.~~

~~(2) Time of application. The application for an ERC must be made prior to or within one hundred eighty days after the emission reduction has been accomplished.~~

~~(3) Conditions. An ERC may be authorized provided the following conditions have been demonstrated to the satisfaction of ecology or the authority:~~

~~(a) The quantity of emissions in the ERC shall be less than or equal to the old allowable emissions rate or the old actual emissions rate, whichever is the lesser, minus the new allowable emissions rate.~~

~~(b) The ERC application must include a description of all the changes that are required to accomplish the claimed emissions reduction, such as, new control equipment, process modifications, limitation of hours of operation, permanent shutdown of equipment, specified control practices, etc.~~

~~(c) The ERC must be large enough to be readily quantifiable relative to the source strength of the emissions unit(s) involved, but in no case shall the ERC be for less than one ton per year.~~

~~(d) No part of the emission reductions claimed for credit shall have been used as part of a determination of net emission increase, nor as part of an offsetting transaction under WAC 173-400-110 (3)(e), nor as part of a bubble transaction under WAC 173-400-120, nor to satisfy NSPS, BACT, or LAER.~~

~~(e) Concurrently with or prior to the authorization of an ERC, the applicant shall receive (have received) a regulatory order that establishes total allowable emissions from the source of the contaminant for which the ERC is requested, expressed as weight of contaminant per unit time. The new allowable emissions shall be considered RACT.~~

~~(f) The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.~~

~~(4) Additional information. Within thirty days after the receipt of an ERC application and all supporting data and documentation, ecology or the authority may require the submission of additional information needed to review the application.~~

~~(5) Approval. Within thirty days after all the required information has been received, ecology or the authority shall~~

approve or deny the application, based on a finding that conditions in subsection (3)(a) through (e) of this section have been satisfied or not. If the ERC application has not been approved or denied within thirty days, the ERC will be automatically approved. If the application is approved, ecology or the authority shall:

(a) Issue a regulatory order or equivalent document to assure that the emissions from the source will not exceed the proposed new allowable emission rate(s) claimed in the ERC application, expressed as weight of pollutant per unit time. The regulatory order or equivalent document must include all requirements that are necessary to provide such assurance. If the ERC depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit the startup of the affected equipment; and,

(b) Issue a certificate of emission reduction credit. The certificate shall specify the issue date, the contaminant(s) involved, the nonattainment area involved, if applicable, and the person to whom the certificate is issued.) (1) Applicability. The owner(s) or operator(s) of any source(s) may apply to ecology or the authority for an emission reduction credit (ERC) if the source proposes to reduce its actual emissions rate for any contaminant regulated by state or federal law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions unit(s) involved.

(2) Time of application. The application for an ERC must be made prior to or within one hundred eighty days after the emission reduction has been accomplished.

(3) Conditions. An ERC may be authorized provided the following conditions have been demonstrated to the satisfaction of ecology or the authority.

(a) The quantity of emissions in the ERC shall be less than or equal to the old allowable emissions rate or the old actual emissions rate, whichever is the lesser, minus the new allowable emissions rate.

(b) The ERC application must include a description of all the changes that are required to accomplish the claimed emissions reduction, such as, new control equipment, process modifications, limitation of hours of operation, permanent shutdown of equipment, specified control practices, etc.

(c) The ERC must be large enough to be readily quantifiable relative to the source strength of the emissions unit(s) involved.

(d) No part of the emission reductions claimed for credit shall have been used as part of a determination of net emission increase, nor as part of an offsetting transaction under WAC 173-400-112(4), nor as part of a bubble transaction under WAC 173-400-120, nor to satisfy NSPS, NESHAPS, BACT, or LAER.

(e) Concurrent with or prior to the authorization of an ERC, the applicant shall receive (have received) a regulatory order or permit that establishes total allowable emissions from the source or emissions unit of the contaminant for which the ERC is requested, expressed as weight of contaminant per unit time.

(f) The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.

(4) Additional information. Within thirty days after the receipt of an ERC application and all supporting data and documentation, ecology or the authority may require the

submission of additional information needed to review the application.

(5) Approval. Within thirty days after all required information has been received, ecology or the authority shall approve or deny the application, based on a finding that conditions in subsection (3)(a) through (e) of this section have been satisfied or not. If the application is approved, ecology or the authority shall:

(a) Issue a regulatory order or equivalent document to assure that the emissions from the source will not exceed the allowable emission rates claimed in the ERC application, expressed in weight of pollutant per unit time for each emission unit involved. The regulatory order or equivalent document shall include any conditions required to assure that subsection (3)(a) through (e) of this section will be satisfied. If the ERC depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit operation of the affected equipment; and

(b) Issue a certificate of emission reduction credit. The certificate shall specify the issue date, the contaminant(s) involved, the emission decrease expressed as weight of pollutant per unit time, the nonattainment area involved, if applicable, and the person to whom the certificate is issued.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-136 Use of emission reduction credits.

((1) Permissible use. An ERC may be used to satisfy the requirements for authorization of a bubble under WAC 173-400-120, as a part of a determination of "net emissions increase," as an offsetting reduction to satisfy the requirements for new source review per WAC 173-400-110 (3)(e), to satisfy requirements for PSD review per WAC 173-400-110 (4)(e), or to satisfy requirements for visibility review per WAC 173-400-110 (4)(e).

(2) Surrender of ERC certificate. When an ERC is used under subsection (1) of this section, the certificate for the ERC must be surrendered to the issuing authority. If only a portion of the ERC is used, the amended certificate will be returned to the owner.

(3) Conditions of use. An ERC may be used only for the contaminant(s) for which it was issued. Ecology or the authority may impose additional conditions of use to account for temporal and spatial differences between the emissions unit(s) that generated the ERC and the emissions unit(s) that use the ERC.

(4) Sale of an ERC. An ERC may be sold or otherwise transferred to a person other than the person to whom it was originally issued. Within thirty days after the transfer of ownership, the certificate must be surrendered to the issuing authority. After receiving the certificate, the issuing authority shall reissue the certificate to the new owner.

(5) Time of use. An unused ERC and any unused portion thereof shall expire ten years after date of original issue.

(6) Discount due to change in SIP. If reductions in emissions beyond those identified in the state implementation plan are required to meet an ambient air quality standard, if the standard cannot be met through controls on operating sources, and if the plan must be revised, an ERC may be discounted by ecology or the authority after public involve-

~~ment per WAC 173-400-171. Any such discount shall not exceed the percentage of additional emission reduction needed to reach attainment.)) (1) Permissible use. An ERC may be used to satisfy the requirements for authorization of a bubble under WAC 173-400-120, as a part of a determination of "net emissions increase," as an offsetting reduction to satisfy the requirements for new source review per WAC 173-400-112, 173-400-113(3) or (6), or to satisfy requirements for PSD review per WAC 173-400-113(4).~~

~~(2) Surrender of ERC certificate. When an ERC is used under subsection (1) of this section, the certificate for the ERC must be surrendered to the issuing authority. If only a portion of the ERC is used, the amended certificate will be returned to the owner.~~

~~(3) Conditions of use. An ERC may be used only for the contaminant(s) for which it was issued. Ecology or the authority may impose additional conditions of use to account for temporal and spatial differences between the emissions unit(s) that generated the ERC and the emissions unit(s) that use the ERC.~~

~~(4) Sale of an ERC. An ERC may be sold or otherwise transferred to a person other than the person to whom it was originally issued. Within thirty days after the transfer of ownership, the certificate must be surrendered to the issuing authority. After receiving the certificate, the issuing authority shall reissue the certificate to the new owner.~~

~~(5) Time of use. An unused ERC and any unused portion thereof shall expire ten years after date of original issue.~~

~~(6) Discount due to change in SIP. If reductions in emissions beyond those identified in the state implementation plan are required to meet an ambient air quality standard, if the standard cannot be met through controls on operating sources, and if the plan must be revised, an ERC may be discounted by ecology or the authority after public involvement per WAC 173-400-171. Any such discount shall not exceed the percentage of additional emission reduction needed to reach attainment.~~

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-141 Prevention of significant deterioration (PSD). ~~((Section 40 CFR 52.21, Subparts (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r), (t), (v), and (w), Prevention of Significant Deterioration of Air Quality, as in effect on July 1, 1989, are incorporated by reference with the following additions and modifications:~~

~~(1) Construction of "administrator." In 40 CFR 52.21 (b)(17), federally enforceable, (f)(1)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (l) and (2), air quality models, (p)(2), federal land manager, and (t), disputed permits or redesignations, the word "administrator" shall be construed in its original meaning. In 40 CFR 52.21 (b)(3)(iii) administrator shall mean both the administrator of EPA and the director of ecology.~~

~~(2) Contemporaneous. Subpart 40 CFR 52.21 (b)(3)(ii) is changed to read: "An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs at the same time or within ten years prior to the change. If a decrease occurred more than one year prior to the change it can only be credited if~~

~~the decrease has been documented by an emission reduction credit."~~

~~(3) Public participation. Subpart 40 CFR 51.166(q) public participation, as in effect July 1, 1989, is hereby incorporated by reference, with the following modifications:~~

~~(a) In 40 CFR 51.166 (q)(2)(iv), the word "administrator" shall be construed in its original meaning.~~

~~(b) In 40 CFR 51.166 (q)(2)(iv), the phrase "specified time period" shall mean thirty days.~~

~~(4) Section 40 CFR 51.166 Subpart (p)(1) Sources Impacting Federal Class I areas—additional requirements—Notice to EPA, as in effect on July 1, 1989, is herein incorporated by reference.~~

~~(5) Secondary emissions. Subpart 40 CFR 52.21 (b)(18) is changed to read:~~

~~Emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:~~

~~(a) Emissions from ships or trains coming to or from the new or modified stationary source; and~~

~~(b) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.~~

~~(6) List of Class I areas. The following areas are the Class I areas in Washington state as of January 1, 1989:~~

~~Mount Rainier National Park
North Cascade National Park
Olympic National Park
Alpine Lakes Wilderness Area
Glacier Peak Wilderness Area
Goat Rocks Wilderness Area
Mount Adams Wilderness Area
Pasayten Wilderness Area-))~~

~~Section 40 CFR 52.21, Subparts (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r), (t), (v), and (w), Prevention of Significant Deterioration of Air Quality, as in effect on March 3, 1993, are incorporated by reference with the following additions and modifications:~~

~~(1) Construction of "administrator." In 40 CFR 52.21 (b)(17), federally enforceable, (f)(1)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (l) and (2), air quality models, (p)(2), federal land manager, and (t), disputed permits or redesignations, the word "administrator" shall be construed in its original meaning. In 40 CFR 52.21 (b)(3)(iii) administrator shall mean both the administrator of EPA and the director of ecology.~~

~~(2) Contemporaneous. Subpart 40 CFR 52.21 (b)(3)(ii) is changed to read: "An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs. If a decrease occurred more than one year prior to the date of submittal of the notice of construction application for the~~

particular change it can only be credited if the decrease has been documented by an emission reduction credit."

(3) Public participation. Subpart 40 CFR 51.166(q) public participation, as in effect March 3, 1993, is hereby incorporated by reference except that in 40 CFR 51.166(q)(2)(iv), the phrase "specified time period" shall mean thirty days and the word "administrator" shall mean the EPA administrator.

(4) Section 40 CFR 51.166 Subpart (p)(1) Sources Impacting Federal Class I areas - additional requirements - Notice to EPA, as in effect on March 3, 1993, is herein incorporated by reference.

(5) Secondary emissions. Subpart 40 CFR 52.21 (b)(18) is changed to read:

Emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains coming to or from the new or modified stationary source; and

(b) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(6) Significant. The definition of "significant" in 40 CFR 52.21 (b)(23) is changed to exclude from the list of pollutants which may trigger PSD review any pollutant listed under FCAA § 112.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-171 Public involvement. ~~((1) Applicability. Ecology or the authority shall provide public notice prior to the approval or denial of any of the following types of applications or other actions:~~

~~(a) Notice of construction for any new or modified source or emissions unit, if a net significant emissions increase for any pollutant regulated by state or federal law would result; or~~

~~(b) Any application or other proposed action for which a public hearing is required by PSD rules; or~~

~~(c) Any order to determine RACT; or~~

~~(d) An order to establish a compliance schedule or a variance; or~~

~~(e) The establishment or disestablishment of a nonattainment area, or the changing of the boundaries thereof; or~~

~~(f) An order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation; or~~

~~(g) An order to authorize a bubble; or~~

~~(h) Any application or other proposed action made pursuant to this chapter in which there is a substantial public interest according to the discretion of ecology or the authority.~~

~~(2) Public notice. Public notice shall be made only after all information required by ecology or the authority has been submitted and after applicable preliminary determinations, if any, have been made. The cost of providing public notice shall be borne by the applicant or other initiator of the action. Public notice shall include:~~

~~(a) Availability for public inspection in at least one location near the proposed project, of the nonproprietary information submitted by the applicant and of any applicable preliminary determinations, including analyses of the effect(s) on air quality.~~

~~(b) Publication in a newspaper of general circulation in the area of the proposed project of notice:~~

~~(i) Giving a brief description of the proposal;~~

~~(ii) Advising of the location of the documents made available for public inspection;~~

~~(iii) Advising of a thirty day period for submitting written comment to ecology or the authority;~~

~~(iv) Advising that a public hearing may be held if ecology or the authority determines within a thirty day period that significant public interest exists.~~

~~(e) A copy of the notice will be sent to the EPA regional administrator.~~

~~(3) Public comment. No final decision on any application or action of any of the types described in subsection (1) of this section, shall be made until the public comment period has ended and any comments received have been considered. Unless a public hearing is held, the public comment period shall be the thirty day period for written comment published as provided above. If a public hearing is held the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.~~

~~(4) Public hearings. The applicant, any interested governmental entity, any group or any person may request a public hearing within the thirty day period published as above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. Ecology or the authority may, in its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time(s) and place(s) as ecology or the authority deems reasonable.~~

~~(5) Other requirements of law. Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, such procedures may be used in lieu of the provisions of this section.~~

~~(6) Public information. Copies of notices of construction, orders, and modifications thereof which are issued hereunder shall be available for public inspection on request at ecology or the authority.) (1) Applicability. Ecology or the authority shall provide public notice prior to the approval or denial of any of the following types of applications or other actions:~~

~~(a) Notice of construction application for any new or modified source or emissions unit, if a significant net increase in emissions of any pollutant regulated by state or federal law would result; or~~

~~(b) Any application or other proposed action for which a public hearing is required by PSD rules; or~~

~~(c) Any order to determine RACT; or~~

~~(d) An order to establish a compliance schedule or a variance; or~~

(e) The establishment or disestablishment of a nonattainment area, or the changing of the boundaries thereof; or

(f) An order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation; or

(g) An order to authorize a bubble; or

(h) Notice of construction application or regulatory order used to establish a creditable emission reduction;

(i) An order issued under WAC 173-400-090 which establishes limitations on a source's potential to emit; or

(j) Any application or other proposed action made pursuant to this chapter in which there is a substantial public interest according to the discretion of ecology or the authority.

(2) Public notice. Public notice shall be made only after all information required by ecology or the authority has been submitted and after applicable preliminary determinations, if any, have been made. The cost of providing public notice shall be borne by the applicant or other initiator of the action. Public notice shall include:

(a) Availability for public inspection in at least one location near the proposed project, of the nonproprietary information submitted by the applicant and of any applicable preliminary determinations, including analyses of the effect(s) on air quality.

(b) Publication in a newspaper of general circulation in the area of the proposed project of notice:

(i) Giving a brief description of the proposal;

(ii) Advising of the location of the documents made available for public inspection;

(iii) Advising of a thirty-day period for submitting written comment to ecology or the authority;

(iv) Advising that a public hearing may be held if ecology or the authority determines within a thirty-day period that significant public interest exists.

(c) A copy of the notice will be sent to the EPA regional administrator.

Public participation procedures for notice of construction applications that are processed in coordination with an application to issue or modify an operating permit shall be conducted as provided in the state operating permit rule.

(3) Public comment. No final decision on any application or action of any of the types described in subsection (1) of this section, shall be made until the public comment period has ended and any comments received have been considered. Unless a public hearing is held, the public comment period shall be the thirty-day period for written comment published as provided above. If a public hearing is held the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) Public hearings. The applicant, any interested governmental entity, any group or any person may request a public hearing within the thirty-day period published as above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. Ecology or the authority may, in its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time(s) and place(s) as ecology or the authority deems reasonable.

(5) Other requirements of law. Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, such procedures may be used in lieu of the provisions of this section.

(6) Public information. Copies of notices of construction, orders, and modifications thereof which are issued hereunder shall be available for public inspection on request at ecology or the authority.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-180 Variance. ~~((Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to ecology for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.~~

~~(1) Jurisdiction.~~ Sources in any area over which a local air pollution control authority has jurisdiction shall make application to that authority rather than ecology. Ecology or the authority may grant such variance, but only after public involvement per WAC 173-400-171.

~~(2) Full faith and credit.~~ Variances granted in compliance with state and federal laws by an authority for sources under their jurisdiction will be accepted as variances to this regulation.

~~(3) EPA concurrence.~~ No variance or renewal shall be construed to set aside or delay any requirements of the Federal Clean Air Act except with the approval and written concurrence of the USEPA.) Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to ecology for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

(1) Jurisdiction. Sources in any area over which a local air pollution control authority has jurisdiction shall make application to that authority rather than ecology. Variances to state rules shall require ecology's approval prior to being issued by an authority. Ecology or the authority may grant such variance, but only after public involvement per WAC 173-400-171.

(2) Full faith and credit. Variances granted in compliance with state and federal laws by an authority for sources under their jurisdiction will be accepted as variances to this regulation.

(3) EPA concurrence. No variance or renewal shall be construed to set aside or delay any requirements of the Federal Clean Air Act except with the approval and written concurrence of the USEPA.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-250 Appeals. Decisions and orders of ecology or an authority may be appealed to the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC. ~~((PSD permits issued by ecology are appealable only to ecology pursuant to 40 CFR Part 124.))~~

WSR 93-18-015
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed August 24, 1993, 11:27 a.m.]

Date of Adoption: July 14, 1993.

Purpose: To update fees.

Citation of Existing Rules Affected by this Order:
 Amending WAC 246-907-030.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 93-12-003 on May 19, 1993.

Changes Other than Editing from Proposed to Adopted Version: Shopkeeper's fee amended to accurately reflect that a shopkeeper's fee is required when a shopkeeper sells any amount of OTC drugs.

Effective Date of Rule: Thirty-one days after filing.
 August 20, 1993
 Bruce Miyahara
 Secretary

AMENDATORY SECTION (Amending Order 334, filed 2/17/93, effective 3/20/93)

WAC 246-907-030 Fees. The following fees shall be charged by the professional licensing division of the department of health:

- (a) PHARMACY LOCATION
 - Original pharmacy fee \$275.00
 - Original pharmacy assistant utilization fee 50.00
 - Renewal pharmacy fee 200.00
 - Renewal pharmacy assistant utilization fee 60.00
 - Penalty pharmacy fee 275.00
- (b) VENDOR
 - Original fee 60.00
 - Renewal fee 60.00
 - Penalty fee 60.00
- (c) PHARMACIST
 - Exam fee (full exam) 200.00
 - Reexamination fee (jurisprudence portion) 40.00
 - Original license fee 100.00
 - Renewal fee, active and inactive license 105.00
 - Renewal fee, retired license 20.00
 - Penalty fee 105.00
 - Reciprocity fee 250.00
 - Certification of license status to other states 20.00
 - Retired license 20.00
 - Temporary permit 50.00
- (d) SHOPKEEPER
 - ~~((i)) SHOPKEEPER (sixteen or more drugs)~~
 - Original fee 25.00
 - Renewal fee 25.00
 - Penalty fee 12.50
- ~~((i))~~ SHOPKEEPER - with differential hours
 - Original fee 25.00
 - Renewal fee 25.00
 - Penalty fee 10.00

- (e) DRUG MANUFACTURER
 - Original fee 450.00
 - Renewal fee 450.00
 - Penalty fee 450.00
- (f) DRUG WHOLESALER - full line
 - Original fee 450.00
 - Renewal fee 450.00
 - Penalty fee 450.00
- (g) DRUG WHOLESALER - OTC only
 - Original fee 250.00
 - Renewal fee 250.00
 - Penalty fee 250.00
- (h) DRUG WHOLESALER - export
 - Original fee 450.00
 - Renewal fee 450.00
 - Penalty 450.00
- (i) PHARMACY ASSISTANT - Level "A"
 - Original fee 40.00
 - Renewal fee 30.00
 - Penalty fee 40.00
- (j) PHARMACY INTERN
 - Original registration fee 15.00
 - Renewal registration fee 15.00
- (k) CONTROLLED SUBSTANCES ACT (CSA) REGISTRATIONS
 - Dispensing registration fee (i.e. pharmacies) 65.00
 - Dispensing renewal fee (i.e. pharmacies) 50.00
 - Distributors registration fee (i.e. wholesalers) 90.00
 - Distributors renewal fee (i.e. wholesalers) 90.00
 - Manufacturers registration fee 90.00
 - Manufacturers renewal fee 90.00
 - Physician assistant registration fee 15.00
 - Physician assistant renewal fee 10.00
 - ARNP with prescriptive authorization registration fee 20.00
 - ARNP with prescriptive authorization renewal fee 20.00
 - Sodium pentobarbital for animal euthanization registration fee 30.00
 - Sodium pentobarbital for animal euthanization renewal fee 30.00
 - Other CSA registrations 30.00
- (l) LEGEND DRUG SAMPLE - distributor registration fees
 - Original fee 275.00
 - Renewal fee 200.00
 - Penalty fee 200.00
- (m) POISON MANUFACTURER/SELLER - license fees
 - Original fee 30.00
 - Renewal fee 30.00
- (n) Facility inspection fee 150.00

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- (o) PRECURSOR CONTROL PERMIT
 - Original fee 50.00
 - Renewal fee 50.00
- (p) LICENSE REISSUE
 - Reissue fee 15.00

**WSR 93-18-021
PERMANENT RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT**

[Order 93-06—Filed August 25, 1993, 10:47 a.m.]

Date of Adoption: August 24, 1993.

Purpose: To update and revise chapter 365-140 WAC, State funding of local emergency food programs.

Citation of Existing Rules Affected by this Order: Amending WAC 365-140-030, 365-140-040, 365-140-050, and 365-140-060.

Statutory Authority for Adoption: RCW 43.63A.060 and section 222(5), chapter 232, Laws of 1992.

Pursuant to notice filed as WSR 93-08-087 on April 7, 1993.

Changes Other than Editing from Proposed to Adopted Version: Definitions, contractor funding allowances, awarding of contracts, and administrative cost allowances have been clarified.

Effective Date of Rule: Thirty-one days after filing.

August 24, 1993

Gene Canque Liddell
Director

AMENDATORY SECTION (Amending Order 87-11, filed 9/18/87)

WAC 365-140-030 Definitions. (1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "Food bank" means ~~((a site where food is collected and distributed to clients at no))~~ an emergency food program that distributes food and other products on a regular basis without a charge.

(4) "Food ~~((distribution center))~~ distributor" means a ~~((site where food is collected, warehoused, and distributed to food banks without charge on a regional, county))~~ food distribution agency that collects, warehouses, and distributes food and other products to emergency food programs and other charities on a county, regional, or state-wide basis.

(5) "Commodity program" means a program that primarily distributes USDA surplus commodities to clients (TEFAP).

(6) "Emergency food assistance program" means the multifaceted state-wide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local food banks and food ~~((distribution centers))~~ distributors, tribes or tribal organizations, and other food programs.

(7) "Applicant" means a public or private nonprofit organization, tribe or tribal organization which applies for state emergency food assistance.

(8) "Contractor" means an applicant which has been awarded state funds under the emergency food assistance program, and which has entered into a contract with the department of community development to provide emergency food assistance to individuals.

(9) "Lead agency contractor" means a contractor which may subcontract with one or more local organizations to provide emergency food assistance to individuals.

(10) "Tribal food voucher program" means the state-wide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist tribes or tribal organizations in issuing food vouchers to clients.

(11) "Religious service" means any sectarian or non-denominational service, rite, or meeting that involves worship of a higher being.

~~((11) "Unmet need" means an area of the state, region, or county that is currently not being adequately served by existing emergency food assistance providers.))~~

(12) "Participating agency" means a local public or private nonprofit organization which enters into a subcontract with a ~~((lead agency))~~ contractor to provide emergency food program services.

AMENDATORY SECTION (Amending WSR 89-22-032, filed 10/27/89, effective 11/27/89)

WAC 365-140-040 Contractor funding allocation and award of contracts. ~~((Each county of the state is allocated a portion of the total appropriation by the legislature.))~~ At least sixty-five percent of the total allocation appropriated by the legislature shall be contracted for food banks and food distributors. The specific appropriation for timber-dependent communities shall be contracted to food banks in those communities. Of the remainder of the total allocation, not including department administration costs, allocations shall be contracted to the tribal food voucher program, special dietary needs foods, special dietary needs training and a discretionary program. Allocations shall be contracted to food banks and food distributors on the following basis:

(1) Sixty percent of ~~((total))~~ funds allocated for food banks and food distributors shall be provided by county to a public or private nonprofit organization for food banks.

(2) Forty percent of ~~((total))~~ funds allocated for food banks and food distributors shall be provided by county to a public or private nonprofit organization for food distribution centers.

(3) A formula for distributing the funds in proportion to need shall be established by the department in consultation with a committee appointed by the director or the director's designee. The formula shall address the following:

- (a) Poverty population in each county; and
- (b) Unemployed population in each county ~~((and~~
- ~~((e) Unmet needs in each county)).~~

(4) The department may award the combined allocation for two or more counties to a single applicant.

(5) The department shall award a ~~((food bank))~~ contract to no more than one food bank lead agency contractor in each county, with the exception of Pierce County, where there may be two food bank lead agency contractors, and King County, where there may be five food bank lead

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agency contractors to administer subcontracts with one or more local providers of emergency food bank services.

(6) The department shall award ~~((a))~~ contracts to food ~~((distribution centers))~~ distributors which are designated jointly by the emergency food assistance program and the food bank lead agency contractors.

(7) The department shall pay for services provided under the emergency food assistance program after the contractor submits a monthly report of expenditures incurred and a request for reimbursement.

(8) In the event that funds are not claimed by an eligible organization in a county or that a portion of the funds allocated to a county remains unspent, the ~~((lead agency))~~ contractor may request ~~((permission))~~ authorization from the department to reallocate funds, within its service area, to an area of unmet need.

AMENDATORY SECTION (Amending Order 87-11, filed 9/18/87)

WAC 365-140-050 Applicant eligibility criteria. (1) The applicant must have a certified form from the IRS stating nonprofit status under section 501(c)3, have a sponsor providing 501(c)3 status, or be a public nonprofit agency.

(2) The applicant must not require participation in a religious service as a condition of receiving emergency food or a food voucher.

(3) The applicant must provide food or food vouchers to individuals in an emergency, regardless of residency.

(4) The applicant must practice nondiscrimination in providing services and employment.

(5) The applicant must not deny food or food vouchers to an individual because of his or her inability to pay.

(6) Applicants for funding as participating agency or food ~~((distribution center))~~ distributor must have had a food bank program or food distribution center in operation for one year prior to the beginning date of the contract year ~~((, except in areas with unmet need))~~.

(7) The applicant for food bank lead agency contractor may or may not actually provide emergency food program services.

AMENDATORY SECTION (Amending Order 87-11, filed 9/18/87)

WAC 365-140-060 Financial support application process. (1) Potential applicants will be notified by the department that in order to be considered for state emergency food financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period ~~((July 1 - June 30))~~ indicated on the contract face sheet. Failure of an applicant to make application in a timely manner, as specified by the department, may result in denial of the funding request.

(3) Department funds may not supplant other existing funding sources.

(4) The total ~~((amount of funds provided to a contractor under this program may not exceed the total funding received from other sources for emergency food services during the fiscal year))~~ funds received by a food bank or food distributor contractor from the department for the

emergency food assistance program must be equally matched by funds from other sources during the fiscal year. No more than fifty percent of that match may be documented in-kind contributions; other emergency food assistance contractors are not required to meet such a match.

~~((5))~~ Administrative costs ~~((under this program are limited to ten percent of the total award for providing direct emergency food assistance services. The administrative costs of a lead agency contractor are limited to ten percent of the contractor's award for providing direct services plus ten percent of the multi-agency service provider contract total. Total administrative costs for a lead agency contractor may not exceed fifteen percent of a county's total allocation.~~

~~((6))~~ for food bank and food distributor contractors under this program are limited to ten percent of the total contract award. Administrative costs for food bank lead agency contractors who also provide direct emergency food assistance services are limited to ten percent of the contractor's allocation for providing direct services as a participating food bank, and ten percent of the total contract award as food bank lead agency contractor; total administrative costs, however, may not exceed fifteen percent of the total contract award.

(6) Of their total contract award, tribal contractors may not spend more than ten percent on administrative costs and five percent on operational expenditures. The balance of funds is to be used for food vouchers issued to clients.

(7) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

~~((7))~~ (8) Department funds may not be used to defray costs of distributing USDA commodities under the commodity program.

~~((8))~~ ~~Department funds may not be used to defray costs of meal programs.~~

**WSR 93-18-024
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Order 3626—Filed August 25, 1993, 11:00 a.m., effective October 1, 1993]

Date of Adoption: August 25, 1993.

Purpose: To implement a recent increase in the food stamp standard utility allowance effective on October 1, 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-505 Utility allowances.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: 7 CFR 273.9 (d)(6)(vi) and Letter of Approval from Food and Nutrition Services.

Pursuant to notice filed as WSR 93-15-060 on July 15, 1993.

Effective Date of Rule: October 1, 1993.

August 25, 1993

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3473, filed 10/28/92, effective 11/28/92)

WAC 388-49-505 Utility allowances. (1) The department shall:

- (a) Establish an annualized standard utility allowance for use in calculating shelter costs;
- (b) Obtain FNS approval of the methodology used to establish the standard utility allowance;
- (c) Establish a separate annualized telephone allowance;
- (d) Obtain FNS approval of the methodology used to establish the telephone allowance.

(2) The annual standard utility allowance shall be ~~((one))~~ two hundred ~~((and ninety six))~~ seven dollars.

(3) The monthly telephone standard shall be ~~((twenty five))~~ twenty-seven dollars.

WSR 93-18-025
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3627—Filed August 25, 1993, 11:02 a.m.]

Date of Adoption: August 25, 1993.

Purpose: Removes the requirement that the mother remain eligible for medical assistance for a child under one year of age. Clarifies the purpose of establishing the age of a medical client. Clarification of technical language to enhance understanding of field staff.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-017 Social Security number and 388-83-020 Age.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-15-046 on July 14, 1993.

Effective Date of Rule: Thirty-one days after filing.

August 25, 1993

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 2194, filed 1/17/85)

WAC 388-83-017 Social Security number. (1) As a condition of eligibility, each ~~((applicant for or recipient of))~~ medical ((assistance)) program client shall ~~((be required to))~~:

(a) Furnish a Social Security number~~((s for all persons for whom assistance is being requested))~~; or ~~((s))~~

(b) Apply for a Social Security number~~((s))~~ if ~~((they are))~~ the number is unknown or ~~((have))~~ has not been issued.

~~((e))~~ ~~((In the case of))~~ (2) The department shall provide Medicaid for a period of one year for a child born to a woman eligible for and receiving medical assistance~~((s))~~ on the date of the child's birth, ~~((medical assistance may be provided for the child))~~ before the department shall require an application for a Social Security number ~~((for a period of one year))~~, if:

~~((i))~~ (a) The child remains a member of the mother's household~~((s))~~; and

~~((ii))~~ (b) The mother ~~((remains eligible for medical assistance))~~ continues to live in Washington state.

~~((2))~~ (3) The ~~((applicant/recipient has the responsibility to))~~ client shall report ~~((promptly and accurately any))~~ a new Social Security number to the department within twenty days of its receipt.

~~((3))~~ ~~((Assistance will))~~ (4) The department shall not ~~((be denied, delayed))~~ deny, delay, or ~~((terminated))~~ terminate medical care to a client pending issuance of a Social Security number~~((s if))~~ when the ~~((applicant/recipient provides verification that he/she has met))~~ client meets the requirement in subsection (1)(b) of this section.

~~((4))~~ ~~((If))~~ (5) When the ~~((applicant or recipient))~~ client fails or refuses to comply with the requirement in subsection (1) of this section, for each person included in the assistance unit, the department shall not determine eligibility for such person ~~((s cannot be determined and they shall be excluded))~~. The department shall exclude such person from the assistance unit and ~~((denied))~~ deny medical ~~((assistance))~~ care for that person. See WAC 388-83-033 for a child not eligible for a Medicaid program because the child does not have a Social Security number.

~~((5))~~ (6) The department shall assist ~~((the applicant))~~ a client in obtaining a Social Security number by:

(a) Referring ~~((him or her))~~ the client to the nearest Social Security office; and ~~((by))~~

(b) Furnishing to the client from department records any verification requested by the Social Security administration.

~~((6))~~ ~~((These rules shall be effective April 1, 1985.))~~

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

WAC 388-83-020 Age. ~~((No age requirement is imposed as a condition of eligibility in regard to medical assistance.))~~ The department shall consider the age of ~~((the applicant is established))~~ a client to determine ~~((whether))~~ the ~~((individual may be related to a federal aid category, or may be eligible for the under age twenty one category))~~ appropriate category of medical program or services.

WSR 93-18-026
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3624—Filed August 25, 1993, 11:05 a.m.]

Date of Adoption: August 25, 1993.

Purpose: Need standards are reviewed and updated annually. This amendment will enable field staff to use correct need standards in making eligibility determinations for clients effective September 1, 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 388-29-100 Standards of assistance—Basic requirements.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-15-047 on July 14, 1993.

Effective Date of Rule: Thirty-one days after filing.

August 25, 1993

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3506, filed 1/27/93, effective 2/27/93)

WAC 388-29-100 Standards of assistance—Basic requirements. (1) The statewide monthly need standard for basic requirements shall be:

(a) A household with an obligation to pay shelter costs effective ~~((September 1, 1992))~~ September 1, 1993.

Treat a household residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as a renter if the household member makes a utility payment in lieu of a rental payment.

This need standard includes recipients owning, purchasing, or renting their home.

Effective April 23, 1990, this need standard includes a homeless family or person:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Need Standard
1	\$ ((718)) <u>739</u>
2	((909)) <u>935</u>
3	((1,125)) <u>1,158</u>
4	((1,323)) <u>1,361</u>
5	((1,524)) <u>1,569</u>
6	((1,730)) <u>1,781</u>
7	((1,998)) <u>2,056</u>
8	((2,211)) <u>2,276</u>
9	((2,428)) <u>2,500</u>
10 or more	((2,639)) <u>2,716</u>

(b) A household with shelter provided at no cost effective ~~((September 1, 1992))~~ September 1, 1993, except as described under subsection (1)(a) of this section.

The monthly standard for a client with shelter provided at no cost includes requirements for food, clothing, energy costs, personal maintenance and necessary incidentals, household maintenance and operations, and transportation.

Recipients in Household	Need Standard
1	\$ ((437)) <u>449</u>
2	((554)) <u>569</u>
3	((686)) <u>705</u>
4	((807)) <u>828</u>
5	((929)) <u>955</u>
6	((1,055)) <u>1,084</u>
7	((1,218)) <u>1,251</u>
8	((1,348)) <u>1,385</u>
9	((1,481)) <u>1,522</u>
10 or more	((1,609)) <u>1,653</u>

(2) One hundred eighty-five percent of the statewide monthly need standard for basic requirements is:

(a) A household with shelter costs effective ~~((September 1, 1992))~~ September 1, 1993.

Recipients in Household	185% of Need Standard
1	\$ ((1,328)) <u>1,367</u>
2	((1,681)) <u>1,730</u>
3	((2,081)) <u>2,142</u>
4	((2,447)) <u>2,518</u>
5	((2,819)) <u>2,903</u>
6	((3,200)) <u>3,295</u>
7	((3,696)) <u>3,804</u>
8	((4,090)) <u>4,211</u>
9	((4,491)) <u>4,625</u>
10 or more	((4,882)) <u>5,025</u>

(b) A household with shelter provided at no cost effective ~~((September 1, 1992))~~ September 1, 1993.

Recipients in Household	185% of Need Standard
1	\$ ((808)) <u>830</u>
2	((1,024)) <u>1,052</u>
3	((1,269)) <u>1,304</u>
4	((1,492)) <u>1,531</u>
5	((1,718)) <u>1,766</u>
6	((1,951)) <u>2,005</u>
7	((2,253)) <u>2,314</u>
8	((2,493)) <u>2,562</u>
9	((2,739)) <u>2,815</u>
10 or more	((2,976)) <u>3,058</u>

(3) The statewide monthly payment standard for general assistance-unemployable, and alcoholism and drug addiction treatment and support act programs shall be:

(a) Payment standard for a household with an obligation to pay shelter costs effective January 1, 1991.

Treat a household residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as a renter if the household member makes a utility payment in lieu of a rental payment.

This payment standard includes recipients owning, purchasing, or renting their home.

Effective April 23, 1990, this payment standard includes a homeless family or person:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Payment Standard
1	\$ 339
2	428
3	531
4	624
5	719
6	817
7	943

PERMANENT

8	1,044
9	1,146
10 or more	1,246

(b) Payment standard for a household with shelter provided at no cost effective January 1, 1991, except as described under subsection (3)(a) of this section.

The monthly payment standard for a client with shelter provided at no cost includes requirements for food, clothing, energy costs, personal maintenance and necessary incidentals, transportation, and household maintenance and operations.

Recipients in Household	Payment Standard
1	\$ 206
2	261
3	323
4	380
5	438
6	497
7	574
8	635
9	698
10 or more	758

(4) The statewide monthly payment standard for aid to families with dependent children, family independence program, refugee assistance, and general assistance for pregnant women shall be:

(a) Payment standard for a household with an obligation to pay shelter costs effective January 1, 1993.

Treat a household residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as a renter if the household member makes a utility payment in lieu of a rental payment.

This payment standard includes recipients owning, purchasing, or renting their home.

Effective April 23, 1990, this payment standard includes a homeless family or person:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Payment Standard
1	\$ 349
2	440
3	546
4	642
5	740
6	841
7	971
8	1,075
9	1,180
10 or more	1,283

(b) Payment standard for a household with shelter provided at no cost effective January 1, 1993, except as described under subsection (4)(a) of this section.

The monthly payment standard for a client with shelter provided at no cost includes requirements for food, clothing, energy costs, personal maintenance and necessary incidentals, transportation, and household maintenance and operations.

Recipients in Household	Payment Standard
1	\$ 212
2	268
3	332
4	391
5	451
6	511
7	591
8	654
9	718
10 or more	780

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 93-18-036
PERMANENT RULES
DEPARTMENT OF HEALTH
(Podiatric Medical Board)
[Filed August 26, 1993, 3:02 p.m.]

Date of Adoption: July 16, 1993.

Purpose: Permits applicants to obtain temporary permits to practice while completing application documentation; describes types of advertising that is prohibited; and requires notification of current address.

Statutory Authority for Adoption: RCW 18.22.015.

Pursuant to notice filed as WSR 93-08-082 on April 6, 1993.

Effective Date of Rule: Thirty-one days after filing.

August 2, 1993

N. Jerry Schlesinger, D.P.M.
Chairman, Podiatry Board

NEW SECTION

WAC 246-922-035 Temporary practice permit. A temporary permit to practice podiatric medicine and surgery may be issued to an individual licensed in another state that has substantially equivalent licensing standards to those in Washington.

(1) The temporary permit may be issued upon receipt of the following:

(a) Documentation from the reciprocal state that the licensing standards used for issuing the license are substantially equivalent to the current Washington licensing standards;

(b) A completed application form and application and temporary permit fees;

(c) Verification of all state licenses, whether active or inactive, indicating that the applicant is not subject to charges or disciplinary action for unprofessional conduct or impairment; and

(d) Verification from the federation of state podiatric medical board's disciplinary action data bank that the applicant has not been disciplined by a state board or federal agency.

(2) The temporary permit shall be issued for sixty days at which time it will become invalid.

(3) A temporary permit shall be issued only once to each applicant. An applicant who does not complete the application process shall not receive a subsequent temporary permit or refund.

NEW SECTION

WAC 246-922-235 Prohibited publicity and advertising. A podiatric physician and surgeon shall not use or allow to be used any form of public communications or advertising connected with his or her profession or in his or her professional capacity as a podiatric physician which is false, fraudulent, deceptive, or misleading or which contains any implication or statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts.

NEW SECTION

WAC 246-922-275 Address notification. A licensee shall furnish the board with a current mailing address. The board may rely upon the last mailing address of record for purposes of service or delivery of any official board documents, including the service of adjudicative proceeding documents. The licensee shall notify the department within thirty days of a change in the licensee's mailing address.

WSR 93-18-043

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed August 27, 1993, 1:56 p.m.]

Date of Adoption: August 27, 1993.

Purpose: To maintain economic efficiency of the logging industry.

Statutory Authority for Adoption: RCW 46.44.105(2).

Pursuant to notice filed as WSR 93-13-119 on June 22, 1993.

Effective Date of Rule: Thirty-one days after filing.

August 27, 1993

R. W. Jenson
Deputy Chief
for Roger W. Bruett
Chief

Chapter 446-80 WAC

EXEMPTION TO WEIGHING REQUIREMENT

NEW SECTION

WAC 446-80-005 Promulgation. By authority of RCW 46.44.105(12), the Washington state patrol hereby adopts the following rules establishing standards for size, weight, and load enforcement activities authorized in chapter 46.44 RCW.

NEW SECTION

WAC 446-80-010 Stopping at scales exemption. The requirement to stop at a weighing facility when traffic control signs indicate the weighing facility is open does not apply to: Unladen trucks towing or carrying a pole trailer, as defined in RCW 46.04.414, whose design and use is for transporting logs, except at the points of entry weighing facilities listed below.

Points of entry are:

Vancouver Port of Entry	I-5 MP 15
Bow Hill Port of Entry	I-5 MP 235
Plymouth Port of Entry	I-82 MP 1
Spokane Port of Entry	I-90 MP 300
Walla Walla Port of Entry	SR-12 MP 308
Home Valley	SR-14 MP 50
Goldendale	SR-97 MP 13
Tonasket	SR-97 MP 315
Kettle Falls	SR-395 MP 239

WSR 93-18-053

PERMANENT RULES

SECRETARY OF STATE

[Filed August 30, 1993, 9:55 a.m.]

Date of Adoption: August 30, 1993.

Purpose: Implement the provisions of RCW 29.60.070, which requires periodic review of county election policies and procedures.

Statutory Authority for Adoption: RCW 29.60.020.

Pursuant to notice filed as WSR 93-15-058 on July 15, 1993.

Effective Date of Rule: Thirty-one days after filing.

August 30, 1993

Ralph Munro

Secretary of State

Karen Flynn

Election Certification

and Training Board

Chapter 434-60 WAC

ELECTION REVIEW PROCESS

NEW SECTION

WAC 434-60-010 Intent. It is the intent of this chapter to provide procedures to be followed in the conduct of election reviews as required by chapter 29.60 RCW.

PERMANENT

NEW SECTION

WAC 434-60-020 Definitions. As used in this chapter:

(1) "Election review" means the process of examining all or a part of a county's election policies and procedures and includes the review of any documentation of those procedures;

(2) "Election review staff" means the person or persons employed by the secretary of state for the purpose of conducting election reviews;

(3) "Scheduled election review" means an election review conducted in each county at least once every four years. A scheduled election review may be held on one or more contiguous dates or may be conducted in phases;

(4) "Election review checklists" means a document listing the various activities and tasks required to be completed in order to conduct an election in accordance with state law and administrative rules;

(5) "Special election review" means an election review conducted in a county or counties whenever the unofficial returns of a primary or election indicate that a mandatory recount is likely in a race for the state legislature, congress, or state-wide office;

(6) "Preliminary scheduled review report" means that report made by the election review staff to the county auditor and the county canvassing board and which contains a copy of the election review checklist, any recommendations made by the review staff, and a preliminary conclusion/evaluation of the county's election procedures;

(7) "Final scheduled review report" means that report made by the election review staff which contains a copy of the election review checklist, recommendations made by the review staff, any response to those recommendations made by the county auditor or the county canvassing board, and an evaluation/conclusion written by the staff;

(8) "Special review recommendations" means recommendations made by the review staff to the county auditor and the county canvassing board following the conduct of any special review;

(9) "Election certification and training board" means that board created pursuant to the provisions of RCW 29.60.010 which is responsible for hearing and ruling on any appeals made by a county auditor or any member of the county canvassing board following the conduct of an election review;

(10) "County auditor designee" is that person designated by the county auditor to participate in the review process, pursuant to the provisions of RCW 29.60.080. Such a designee must be certified as qualified as required by chapter 29.60 RCW.

NEW SECTION

WAC 434-60-030 Scheduled reviews—Auditor request. Not later than March 1, any county auditor may request that the secretary of state designate his or her county for a scheduled review during that calendar year. The secretary of state shall, whenever practical, honor that request. In the event the secretary is unable to schedule a county that has requested review, he or she shall, not later than March 15, notify the county of his or her decision and the reasons for that decision.

NEW SECTION

WAC 434-60-040 Scheduled reviews—Secretary of state to designate. Not later than March 15 the secretary of state shall designate, in writing, the counties selected for a scheduled review during that calendar year. The designation may include tentative dates for the conduct of the reviews. Whenever possible, scheduled reviews shall be conducted on dates that are mutually agreeable to the secretary and to the county auditor, except that those parts of the review process dealing with the actual conduct and canvassing of the election itself must be conducted between election day and the certification of the election returns. In designating counties to be reviewed, the secretary shall take into consideration any complaints filed with his or her office pursuant to the provisions of RCW 29.60.070 (1)(b).

NEW SECTION

WAC 434-60-050 Notice of review. Whenever any scheduled review is to be held in a county, the secretary of state shall provide written notice to the county auditor and to the chairs of the state committees of any major political party of the date and time the review is scheduled to begin. Notice for scheduled reviews shall be provided at least thirty days in advance of the review. Notice of a special review shall be provided to the county auditor and the political party chairs, by telephone or by electronic facsimile transmission, not later than twenty-four hours after the determination has been made to conduct the special review.

NEW SECTION

WAC 434-60-060 Notification of review process. At least five days prior to a scheduled review, or as soon as possible prior to a special review, the review staff shall notify the county auditor of the number of persons conducting the review, any policies and procedures of special interest, and of any needs incidental to their review. The county auditor will provide adequate working accommodations, and copies of any county election policies or procedures, at the time scheduled for the review. Review staff will make every effort to minimize any disruption to the normal work of the county during the review process.

NEW SECTION

WAC 434-60-070 Frequency of scheduled reviews. Each county shall be designated for a scheduled review at least once every four years, but nothing in this section shall prevent a county from being reviewed more than once in a four-year period should either the county auditor or the secretary of state desire such a review. Special reviews conducted because of potential mandatory recounts shall not constitute a scheduled review, except that the review staff may take into consideration the results of any special review conducted when the scheduled review is held.

NEW SECTION

WAC 434-60-080 Special review—Legislative district race. A special review shall be conducted in any legislative district contained entirely within one county whenever the unofficial returns from a legislative race indicate that a

mandatory recount is likely. Such a review may be as extensive as a scheduled review or may, at the secretary of state's discretion, concentrate only on those aspects of the election process dealing with ballot accountability, audit trail procedures, and ballot security. In any legislative district encompassing more than one county where the unofficial returns indicate that a mandatory recount is likely for a legislative district race, the secretary of state may direct a partial review in each county or may prioritize the review process. In prioritizing the review process, the secretary shall take into consideration the following factors:

- (1) The date and results of the last scheduled review held in each county;
- (2) Any request from a county auditor for a special review;
- (3) Any written complaints filed with the secretary pursuant to the provisions of RCW 29.60.070 (1)(b);
- (4) Any written complaints, from any resident of the county regarding the specific election in question;
- (5) Any media stories or reports alleging election irregularities with respect to the election in question.

NEW SECTION

WAC 434-60-090 Special review of congressional or state-wide races. In conducting special reviews for congressional or state-wide offices, the secretary of state may prioritize the review process, using the same criteria as is used in prioritizing special reviews in joint legislative districts.

NEW SECTION

WAC 434-60-100 Expense of reviews. The expenses of reviews, including review staff salaries and travel expenses, will not be charged to the county being reviewed. However reasonable and necessary office expenses incidental to the review process, such as copying charges, computer printouts, and telephones, will be provided by the county being reviewed.

NEW SECTION

WAC 434-60-110 Election review checklist. The secretary of state shall develop an election review checklist, which shall be the basis for any scheduled election review and which shall also serve, in whole or in part, as the basis for any special review. The checklist shall be provided to every county auditor and to the chairs of the state central committees of each major political party. The checklist shall be provided to any other person requesting it at actual reproduction cost.

NEW SECTION

WAC 434-60-120 Adoption of election review checklist. The election certification and training board shall approve, by majority vote, the checklist to be used and additionally shall, in conjunction with the office of the secretary of state, adopt rules to cover those checklist activities not currently mandated by either statute or rule.

NEW SECTION

WAC 434-60-130 Preliminary scheduled review report. As soon as practical, but in any event not later than January 15 of the year following a scheduled review, the review staff shall issue a preliminary scheduled review report. The report shall be made to the county auditor and the county canvassing board only, and shall include, but not be limited to, the following:

- (1) A copy of the completed election review checklist;
- (2) A narrative description of recommendations made by the review staff;
- (3) Any other information the review staff deems pertinent;
- (4) A preliminary conclusion/evaluation of the county's election procedures.

The preliminary scheduled review report is exempt from public inspection and copying, as provided by RCW 42.17.310.

NEW SECTION

WAC 434-60-140 Response from county auditor/canvassing board. The county auditor or the county canvassing board may respond, in writing, to the preliminary report issued by the review staff. Such a response shall be provided to the review staff not later than thirty days following the issuance of the preliminary report, and may take issue with any aspect of the preliminary report or may detail what action is being taken by the county in response to any recommendations made by the review staff.

NEW SECTION

WAC 434-60-150 Final scheduled review report. As soon as practicable, but in any event not later than March 1 of the year following a scheduled review, the review staff shall issue a final scheduled review report. The report shall be made to the county auditor and the county canvassing board, and shall include, but not be limited to, the following:

- (1) A copy of the completed review checklist;
- (2) A narrative description of any general observations by the review staff;
- (3) A narrative description of any recommendations made by the review staff;
- (4) A response by the county auditor or the county canvassing board, if any;
- (5) A conclusive/evaluation by the review staff. A copy of the final scheduled review report shall be provided to the chairperson of the election certification and training board and a copy shall also be kept on file by the secretary of state.

NEW SECTION

WAC 434-60-160 Special review recommendations. After conducting a special review, the review staff shall make any recommendations to the county auditor and the county canvassing board that they deem necessary to minimize the possibilities of any administrative errors being made either prior to or during the conduct of a mandatory recount. Such recommendations shall be in writing and shall be made not later than five days following the certification of the election returns or twenty-four hours in advance of the

conduct of a mandatory recount, whichever occurs first. The county auditor and/or the canvassing board may respond in writing to any recommendations, and such response shall become part of the official record of the special review.

NEW SECTION

WAC 434-60-170 Distribution of special review recommendations and response. In addition to those persons specified in WAC 434-60-160 as receiving a copy of the special review recommendations, the review staff shall, after the county auditor and county canvassing board has had an opportunity to respond, provide a copy of its recommendations and any response to any person requesting them at actual reproduction costs. Nothing in this section shall prevent the review staff from modifying or amending its recommendations, based on the response received from the county auditor or county canvassing board. In the event the special review recommendations are modified or amended, only the final recommendations and any response by the county shall be made available for inspection and copying. A copy of the special review recommendations and any response shall be provided to the chairperson of the election certification and training board and a copy shall also be kept on file by the secretary of state.

NEW SECTION

WAC 434-60-180 Appeal from scheduled review report. Any county auditor or member of the county canvassing board may appeal the recommendations or the conclusion/evaluation of any final scheduled review report to the election certification and training board. Any appeal must be in writing, must detail the specific exceptions made to the final scheduled review report, and must be filed with the board not later than thirty days following the issuance of the report.

NEW SECTION

WAC 434-60-190 Processing of appeal. Within thirty days of an appeal being filed, the election certification and training board shall meet to consider the appeal. The board may request that the county auditor, the review staff, or any other persons they deem appropriate, appear before them and assist them in their consideration of the appeal. The board shall have access to all written material prepared by the review staff, including a copy of the preliminary scheduled review report. The board, by majority vote, may accept the final report, may modify all or part of the final report, or may reject the report in total. In the event the board rejects the report, they shall direct that a new review be conducted and shall detail, in writing, the reasons for rejecting the original report. The board shall issue a written summary of its findings following any consideration of any appeal. The summary shall include the minutes of any meeting of the board to consider the appeal, a summary of the testimony of any witnesses appearing before them, and the reasons for any decision made.

NEW SECTION

WAC 434-60-200 Standards for evaluating appeals. In determining whether or not an appeal filed pursuant to RCW 29.60.070 and WAC 434-60-160 should be upheld and the final scheduled review report either modified or set aside, the certification and training board shall consider the following factors:

(1) Whether or not the course of action or activity recommended by the review staff is required by federal or state law or by administrative rule;

(2) Whether or not the findings or the course of action or activity recommended by the review staff enhances the standardization and uniformity of election practices and procedures throughout the state;

(3) Whether or not the findings or the course of action or activity recommended by the review staff enhances the security or integrity of the ballots or the ballot counting process;

(4) Whether or not the course of action or activity recommended by the review staff would cause unnecessary hardship or expense to the county making the appeal.

WSR 93-18-054

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed August 30, 1993, 10:03 a.m.]

Date of Adoption: August 30, 1993.

Purpose: To adopt a permanent new section to chapter 192-16 WAC, to clarify policy in adjudication where an individual volunteers to be laid off as part of a company reduction-in-force.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Pursuant to notice filed as WSR 93-15-115 on July 21, 1993.

Effective Date of Rule: Thirty-one days after filing.

August 30, 1993

Vernon E. Stoner

Commissioner

NEW SECTION

WAC 192-16-070 Interpretive regulations—Voluntary quit—RCW 50.20.050. A layoff or reduction-in-force will not be considered to be a voluntary quit pursuant to RCW 50.20.050, if:

(1) The employer announced a layoff or reduction-in-force; and

(2) The claimant volunteered to be one of the people included in the layoff or reduction-in-force; and

(3) The employer determines which individuals are laid off or released through a reduction-in-force; and

(4) The employer accordingly laid off or released the claimant due to a reduction-in-force.

WSR 93-18-065
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
[Order 5005—Filed August 30, 1993, 4:24 p.m.]

Date of Adoption: August 30, 1993.

Purpose: To amend the rule to require origin labeling of apples which were produced outside the state of Washington and are graded, packed or repacked within the state.

Citation of Existing Rules Affected by this Order: Amending WAC 16-403-220.

Statutory Authority for Adoption: Chapter 15.17 RCW. Pursuant to notice filed as WSR 93-17-102 on August 18, 1993.

Effective Date of Rule: Thirty-one days after filing. August 30, 1993

John King
Acting Director

AMENDATORY SECTION (Amending WSR 92-15-056, filed 7/13/92, effective 8/13/92)

WAC 16-403-220 Marking requirements—Open or closed containers. (1) The containers shall bear the correct name of the variety or "variety unknown," the name of the grower, packer, or distributor, and his address, the grade, the numerical count or the minimum diameter of apples packed in a closed container, and the net contents either in terms of dry measure or weight. The minimum weight of individual apples within the container may be stated in lieu of, in combination with, or in addition to, minimum diameter as a declaration of size. All open containers and consumer packages must bear statement of net weight or volume.

(a) When the numerical count is not shown, the minimum diameter or minimum weight of individual apples shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, or whole inches and not less than eight inch fractions thereof or in terms of whole grams.

(b) When used in combination with minimum diameter as a size designation, the following minimum fruit weights shall be used:

Table with 2 columns: Red Delicious and Golden Delicious. Rows list diameters and weights in grams.

(c) The word "minimum," or its abbreviation, when following a diameter size or weight size marking, means that the apples are of the size marked or larger.

(2) Over-wrapped consumer units may be marked with count, if all specimens can be counted.

(3) Any of these marks may be placed on either the end or side of the container. (California requires end markings.)

(4) When containers are marked as to number, each container shall contain the correct number of apples designated by the markings.

(5) Grade markings on consumer-type packages must be at least one-fourth inch in height.

(6) Apples which were produced outside of the state of Washington and which are graded, packed, or repacked in the state of Washington, shall be correctly labeled as to the state or country of origin, e.g., "Product of Oregon," "Grown in Oregon," "Produced in Canada."

Such marking shall be placed on the same end or side panel of the container as other markings related to grade, variety, net contents, and name and address of the grower, packer, or distributor, and shall be of similar print size. Consumer type packages shall not be required to bear a statement as to origin when such marking has been placed on the master shipping container.

WSR 93-18-083
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed August 31, 1993, 4:23 p.m.]

Date of Adoption: August 31, 1993.

Purpose: Expand the opportunity for group membership into the retrospective rating program.

Citation of Existing Rules Affected by this Order: Amending WAC 296-17-911 and 296-17-917.

Statutory Authority for Adoption: RCW 51.04.020(1).

Other Authority: RCW 51.16.035.

Pursuant to notice filed as WSR 93-15-102 on July 21, 1993.

Effective Date of Rule: Thirty-one days after filing. August 31, 1993

Mark O. Brown
Director

AMENDATORY SECTION (Amending Order 86-18, filed 2/25/86)

WAC 296-17-911 Group dividends. Group dividends will be calculated provided:

(1) Employers qualify as a group as defined by WAC 296-17-910.

(2) Group submits a satisfactorily completed:

(a) Application for group dividend plan no later than:

(i) April 30 for the coverage period beginning the following July 1;

(ii) July 31 for the coverage period beginning the following October 1;

(iii) October 31 for the coverage period beginning the following January 1;

(iv) January 31 for the coverage period beginning the following April 1.

(b) Employer's authorization for release of insurance data and group membership enrollment application for each employer account to be enrolled by the 15th day of the month preceding the start of any quarter within the coverage period;

(c) Group dividend agreement by the 15th day of the month preceding the start of the coverage period.

(3) A dividend is declared under provisions of WAC 296-17-905.

PERMANENT

Employers associated with the group at any time during the term of the group dividend agreement will remain parties to the group dividend agreement for the balance of its term.

Members of the organization or association which do not elect to participate in the group dividend at the inception of the agreement (~~(shall not)~~) may become participating members in the group any quarter during the term of the agreement.

Each employer included as a group member in the group dividend agreement will maintain an individual account with the department and will continue to pay quarterly premiums based on assigned risk classification(s) and individual experience rating.

The department may withhold any member's pro rata share from the group's dividend and credit the employer's industrial insurance account when premiums, penalties, or assessments are owing the department.

Dividends will be calculated in accordance with WAC 296-17-905 and are subject to WAC 296-17-907 and 296-17-915.

The payment of the group dividend will be made by the department to the association and shall be distributed to the individual group members by the association.

AMENDATORY SECTION (Amending Order 87-17, filed 5/29/87)

WAC 296-17-917 Qualifications for employer group participation in retrospective rating plan. The department may enroll interested groups in the retrospective rating plan provided:

(1) Employers qualify as a group as defined by WAC 296-17-910.

(2) Employers have industrial insurance accounts in good standing with the department such that at the time the agreement is processed no outstanding premium, penalties, or assessments are due and quarterly reporting of payroll has been made in accordance with WAC 296-17-310.

(3) Group submits a satisfactorily completed:

(a) Application for group retrospective rating plan no later than:

(i) April 30 for the coverage period beginning the following July 1;

(ii) July 31 for the coverage period beginning the following October 1;

(iii) October 31 for the coverage period beginning the following January 1;

(iv) January 31 for the coverage period beginning the following April 1.

(b) Employer's authorization for release of insurance data and group membership enrollment application for each employer account to be enrolled by the 15th day of the month preceding the start of any quarter within the coverage period;

(c) Group retrospective rating plan agreement by the 15th day of the month preceding the start of the coverage period.

(4) The group may be required to post a surety bond or other security deposit separate from the individual employer's cash deposits required for establishing industrial insurance accounts with the department:

(a) The group's surety bond must be on the prescribed forms authorized by the department;

(b) The group's surety bond shall be secured in one thousand dollar increments provided further that if the group's estimated maximum premium due falls within two increment ranges, a surety bond at the higher level increment shall be obtained;

(c) The group's surety bond shall remain in force and effect for the period required retrospective premium calculations are made.

The amount of such surety bond or other security deposit, if required, may be fixed by the department in any amount equal to or less than the difference between the group's estimated standard premium and the maximum premium due under the retrospective rating plan. Past reporting data and current rate levels will be used to determine the estimated standard premium and maximum percentage retrospective premium due under the plan.

Each employer included as a group member in the group retrospective rating plan agreement will maintain an individual account with the department and will continue to pay quarterly premiums based on assigned risk classification(s) and individual experience rating.

Employers associated with the group at any time during the term of the group retrospective rating plan agreement will remain parties to the agreement for the balance of its term.

Members of the organization or association which do not elect to participate in the group retrospective rating plan at the inception of the agreement (~~(shall not)~~) may become participating members in the group any quarter during the term of the agreement.

(5) The group maintains any existing retrospective rating account in good standing with the department with no outstanding additional premium assessment or interest therein due at the time the agreement is processed. The department may at its discretion, determine that a group is in good standing if the group and the department agree upon a payment schedule or other arrangements satisfactory to the department for payment of additional premium assessments or interest due. Said payment schedule or other established satisfactory arrangements shall be made prior to the time the agreement is processed.

Final determination of an employer's eligibility to participate in a group plan under this section rests with the department subject to review under chapter 51.52 RCW.

The payment of the group retrospective premium adjustment will be made to or collected from the association. The distribution to the individual group members or collection from the individual group members will be done by the association.

Group retrospective premium adjustment will be calculated according to WAC 296-17-914 and is subject to WAC 296-17-915 and 296-17-916.

WSR 93-18-091
PERMANENT RULES
DEPARTMENT OF HEALTH

[Order 390—Filed September 1, 1993, 10:44 a.m.]

Date of Adoption: August 31, 1993.

Purpose: Amend chapter 246-338 WAC, Medical test site rules, to bring into compliance with federal regulation (CLIA 88) for state exemption; increase in fees to support program as required by RCW 70.42.090.

Citation of Existing Rules Affected by this Order: Amending WAC 246-338-010, 246-338-020, 246-338-030, 246-338-040, 246-338-050, 246-338-060, 246-338-070, 246-338-080, 246-338-090, 246-338-100, 246-338-110, and 246-338-990.

Statutory Authority for Adoption: Chapter 70.42 RCW. Pursuant to notice filed as WSR 93-14-036 on June 29, 1993.

Effective Date of Rule: Thirty-one days after filing.
August 31, 1993
Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 205, filed 10/16/91, effective 10/16/91)

WAC 246-338-010 Definitions. For the purpose of chapter 70.42 RCW and this chapter, the following words and phrases have these meanings unless the context clearly indicates otherwise.

(1) "Accreditation body" means a public or private organization or agency which accredits, certifies, or licenses medical test sites, by establishing and monitoring standards judged by the department to be consistent with federal law and regulation, and this chapter.

(2) "Authorized person" means any individual allowed by Washington state law or rule to order tests or receive test results.

(3) "Case" means any slide or group of slides, from one patient specimen source, submitted to a medical test site, at one time, for the purpose of cytological or histological examination.

(4) "Certificate of waiver" means a medical test site performing one or more of the tests listed under WAC 246-338-030~~((10))~~ (11), and no other tests.

(5) "Days" means calendar days.

(6) "Department" means the department of health.

~~(7) ("Designated specialty test site supervisor" means an available individual, designated in writing by the owner of the medical test site, meeting the qualifications and performing the duties of a designated test site supervisor, as described in this chapter for an assigned specialty or subspecialty.~~

~~(8))~~ (8) "Designated test site supervisor" means the available individual responsible for the technical functions of the medical test site and meeting the ~~((department))~~ qualifications ~~((under this chapter))~~ for Laboratory Director, listed in 42 CFR Part 493 Subpart M - Personnel for Moderate and High Complexity Testing.

~~((9))~~ (8) "Disciplinary action" means license or certificate of waiver denial, suspension, condition, revocation, civil fine, or any combination of the preceding actions, taken by the department against a medical test site.

~~((10))~~ (9) "Facility" means one or more locations where tests are performed, within one campus or complex, under one owner.

~~((11))~~ (10) "Federal law and regulation" means ~~((Public Law 100-578))~~ Section 353 of the Public Health

Service Act, Clinical Laboratory Improvement Amendments of 1988, ~~((Public Health Service Act,))~~ and regulations implementing the federal amendments, 42 CFR Part 493 - Laboratory Requirements.

~~((12))~~ (11) "Forensic" means investigative testing in which the results are never used for health care or treatment, or referral to health care or treatment, of the individual.

~~((13))~~ (12) "Licensed test" means all tests categorized as physician-performed microscopic procedures or moderate or high complexity tests consistent with federal law and regulation and not specifically listed as waived under WAC 246-338-030(11), or defined as forensic under subsection (11) of this section.

(13) "Limited public health testing" means a combination of fifteen or less waived tests, as listed under WAC 246-338-030(11), or tests of moderate complexity, as defined under subsection (12) of this section;

(14) "May" means permissive or discretionary on the part of the department.

~~((14))~~ (15) "Medical test site" or "test site" means any facility or site, public or private, which analyzes materials derived from the human body for the purposes of health care, treatment, or screening. A medical test site does not mean:

(a) A facility or site, including a residence, where a test approved for home use by the Federal Food and Drug Administration is used by an individual to test himself or herself without direct supervision or guidance by another and where this test is not part of a commercial transaction; or

(b) A facility or site performing tests solely for forensic purposes.

~~((15))~~ (16) "Owner" means the person, corporation, or entity legally responsible for the business requiring licensure or a certificate of waiver as a medical test site under chapter 70.42 RCW.

~~((16))~~ (17) "Performance specification" means a value or range of values for a test that describe its accuracy, precision, analytical sensitivity, analytical specificity, reportable range and reference range.

(18) "Person" means any individual, public organization, private organization, agent, agency, corporation, firm, association, partnership, or business.

~~((17))~~ "Principle health care provider" means the attending physician or other health care provider recognized as primarily responsible for diagnosis and treatment of a patient or, in the absence of such, the health care provider initiating diagnosis, testing or therapy for a patient.

~~(18))~~ (19) "Physician" means an individual with a doctor of medicine, doctor of osteopathy, doctor of podiatric medicine, or equivalent degree who is a licensed professional under chapter 18.71 RCW Physicians; chapter 18.57 RCW Osteopathy—Osteopathic medicine and surgery; or chapter 18.22 RCW Podiatric medicine and surgery.

(20) "Physician-performed microscopic procedures" means only those tests listed under WAC 246-338-020 (2)(b)(i) through (vii), when the tests are performed by a physician in conjunction with a patient's visit.

(21) "Provisional license" ~~((or "provisional certificate of waiver"))~~ means an interim approval issued by the department to the owner of a medical test site.

~~((19))~~ (22) "Recordkeeping" means books, files, or records necessary to show compliance with the quality

control and quality assurance requirements under this chapter.

~~((20))~~ (23) "Shall" means compliance is mandatory.

~~((21))~~ "Site" or "mobile site" means ~~one or more locations where tests are performed, under one owner, changing or extending location to perform tests on a regular or intermittent basis.~~

~~((22))~~ (24) "Specialty" means a group of similar subspecialties or tests. The specialties for a medical test site are as follows:

- (a) Chemistry;
- (b) Cytogenetics;
- (c) Diagnostic immunology;
- (d) Immunohematology;
- (e) Hematology;
- (f) Histocompatibility;
- (g) Microbiology;
- (h) Pathology; and
- (i) Radiobioassay.

~~((23))~~ (25) "Subspecialty" means a group of similar tests. The subspecialties of a specialty for a medical test site are as follows, for:

(a) Chemistry, the subspecialties are routine chemistry, urinalysis, endocrinology, toxicology, and other chemistry;

(b) Diagnostic immunology, the subspecialties are syphilis serology ~~((;))~~ and general immunology ~~((; HIV, and alpha-feto-protein));~~

(c) Immunohematology, the subspecialties are blood group and Rh typing, antibody detection, antibody identification, crossmatching, ~~((transfusion services and blood banking;))~~ and other immunohematology;

(d) Hematology, the subspecialties are routine hematology, coagulation, and other hematology;

(e) Microbiology, the subspecialties are bacteriology, mycology, parasitology, virology, and mycobacteriology; and

(f) Pathology, the subspecialties are histopathology, diagnostic cytology, and oral pathology.

~~((24))~~ (26) "Supervision" means authoritative procedural guidance by a qualified individual, assuming the responsibility for the accomplishment of a function or activity by technical personnel.

~~((25))~~ (27) "Technical personnel" means individuals employed to perform any test or part of a test.

~~((26))~~ (28) "Test" means any examination or procedure conducted on a sample taken from the human body, including screening.

AMENDATORY SECTION (Amending Order 205, filed 10/16/91, effective 10/16/91)

WAC 246-338-020 Licensure of the medical test sites. (1) After July 1, 1990, no person shall advertise, operate, manage, own, conduct, open, or maintain a medical test site without first obtaining from the department, a license or a certificate of waiver as described under chapter 70.42 RCW and this chapter.

(2) Applicants requesting a medical test site license or renewal shall:

(a) Submit a completed application and fee for the appropriate category of license to the department on forms furnished by the department, including signature of the owner; ~~((and))~~

(b) Submit a completed application and fee for physician-performed microscopic procedures if the medical test site restricts its testing performance to waived tests as listed under WAC 246-338-030(11) and one or more of the tests listed in this section:

(i) Wet mounts, including preparations of vaginal, cervical or skin specimens;

(ii) Potassium hydroxide (KOH) preparations;

(iii) Pinworm examinations;

(iv) Fern tests;

(v) Post-coital direct, qualitative examinations of vaginal or cervical mucous;

(vi) Urine sediment examinations; and

(vii) Any other tests specifically categorized under federal law and regulation as physician-performed microscopic procedures;

(c) File a separate application for each facility except under the following conditions:

(i) If the medical test site is not at a fixed location and moves from testing site to testing site, or uses a temporary testing location such as a health fair, the medical test site may apply for a single license for the home base location;

(ii) If the medical test site is a not-for-profit or state or local government laboratory that engages in limited public health testing at different locations, the owner may file an application for a single license;

(d) Furnish full and complete information to the department in writing, as required for proper administration of rules implementing chapter 70.42 RCW including:

(i) Name, address, and phone number of the medical test site;

(ii) Name, address, and phone number of the owner of the medical test site;

(iii) Number and types of tests performed, planned, or projected;

(iv) Names and qualifications including educational background, training, and experience of the designated test site supervisor ~~((; and any designated specialty test site supervisor));~~

(v) Names and qualifications including educational background, training, and experience of technical personnel, if requested by the department, in order to determine consistency with federal law and regulation;

(vi) Name ~~((and type))~~ of proficiency testing program or programs used by the medical test site and a copy of the enrollment form for initial application;

(vii) Other information as required to implement chapter 70.42 RCW; and

(viii) Methodologies for tests performed, when the department determines the information is necessary, consistent with federal law and regulation.

(e) Submit to inspections by the Health Care Financing Administration (HCFA) or HCFA agents as a condition of licensure or approval, for the purpose of validation or in response to a complaint against the medical test site; and

(f) Authorize the department to release to HCFA or HCFA agents all records and information requested by HCFA;

~~((The department shall also issue a license for a medical test site if the medical test site:~~

~~(a) Is accredited, certified, or licensed by an accreditation body under WAC 246-338-040; and~~

~~(b) Submits the following to the department for department approval:~~

~~(i) Information defined under subsection (2)(a) and (b) of this section; and~~

~~(ii) Proof of accreditation, certification, or licensure by an accreditation body including a copy of the most recent:~~

~~(A) On-site inspection results;~~

~~(B) Statement of deficiencies;~~

~~(C) Plan of correction for the deficiencies cited; and~~

~~(D) Any disciplinary action and results of any disciplinary action taken by the accreditation body against the medical test site; or~~

~~(iii) Authorization for an accreditation body to submit to the department such records or other information about the medical test site required for the department to determine whether or not standards are consistent with chapter 70.42 RCW and this chapter.~~

(4)) The owner or applicant shall submit an application and fee to the department thirty days prior to the expiration date of the current license.

((5)) (4) The department shall:

(a) Issue or renew a license for the medical test site, valid for two years, when the applicant or owner meets the requirements of chapter 70.42 RCW and this chapter, subject to subsection ((6)) (7) of this section;

(b) Terminate a provisional license, at the time a two-year license for the medical test site is issued;

(c) Establish fees to be paid under WAC 246-338-990;

(d) Prohibit transfer or reassignment of a license without thirty days prior written notice to the department and the department's approval;

(e) Examine records of the medical test site, if the department believes a person is conducting tests without an appropriate license;

(f) Give written notice of any violations to the medical test site, including a statement of deficiencies observed and requirements to:

(i) Present a written plan of correction to the department within fourteen days following the date of postmark; and

(ii) Comply within a specified time, not to exceed sixty days, after department approval of a written plan of correction;

(g) Allow the owner a reasonable period of time, not to exceed sixty days, to correct a deficiency unless the deficiency is an immediate threat to life, health, or safety.

((6)) (5) The department shall also issue a license for a medical test site if the medical test site:

(a) Is accredited, certified, or licensed by an accreditation body under WAC 246-338-040; and

(b) Submits to the department:

(i) Information defined under subsection (2)(a) and (d) of this section;

(ii) Proof of accreditation, certification or licensure by an accreditation body within eleven months of issuance of the medical test site license; and

(c) Authorizes the accrediting body to submit, upon request from the department:

(i) On-site inspection results;

(ii) Statement of deficiencies;

(iii) Plan of correction for the deficiencies cited;

(iv) Any disciplinary action and results of any disciplinary action taken by the accreditation body against the medical test site; and

(v) Any records or other information about the medical test site required for the department to determine whether or not standards are consistent with chapter 70.42 RCW and this chapter.

(6) The department shall require the owner of a medical test site to reapply for a medical test site license if:

(a) Proof of accreditation is not supplied to the department within eleven months of issuance of the medical test site license; or

(b) The medical test site has its accreditation denied or terminated by the accreditation body.

(7) The department may:

(a) Issue, to a medical test site applying for licensure for the first time a provisional license valid for a period of time not to exceed two years from date of issue;

(b) Conduct on-site review of a medical test site at any time to determine compliance with chapter 70.42 RCW and this chapter; and

(c) Initiate disciplinary action, as described under chapter 70.42 RCW and this chapter, if the owner or applicant fails to comply with chapter 70.42 RCW and this chapter, consistent with chapter 34.05 RCW, Administrative Procedure Act.

((7)) (8) The department may:

(a) Extend a license for a period not to exceed six months beyond the expiration date of the license; or

(b) Issue a license for a period of one year for applications for licensure or renewal submitted during September 1993 to October 1994.

(9) The owner shall notify the department, in writing, at least thirty days prior to the date of a proposed change of ownership and provide the following information:

(a) Full name, address, and location of the current owner and prospective new owner, if known;

(b) Name and address of the medical test site and the new name of the medical test site, if known;

(c) Changes in technical personnel and supervisors, if known; and

(d) The date of the proposed change of ownership.

((8)) (10) The prospective new owner shall submit the information required under subsection (2)(a) and ((b)) (d) of this section, at least thirty days prior to the change of ownership.

((9)) (11) The owner shall inform the department within thirty days, in writing, of:

(a) The date of opening or closing the medical test site; and

(b) Any changes in ((the information related to license application, excluding tests which would not affect category change, within thirty days after the change, unless specifically stated otherwise under chapter 70.42 RCW or this chapter));

(i) Name;

(ii) Location; or

(iii) Designated test site supervisor.

(12) The owner shall inform the department within six months, in writing, of any changes in:

(a) Tests, specialties and subspecialties; and

(b) Test methodology.

AMENDATORY SECTION (Amending Order 205, filed 10/16/91, effective 10/16/91)

WAC 246-338-030 Waiver from licensure of medical test sites. (1) The department shall grant a certificate of waiver to a medical test site performing only the tests listed under this section.

(2) Applicants requesting a certificate of waiver or renewal shall:

(a) Submit a completed application and fee for initial certificate of waiver or renewal to the department on forms furnished by the department, including signature of the owner; and

(b) File a separate application for each facility except under the following conditions:

(i) If the medical test site is not at a fixed location and moves from testing site to testing site, or uses a temporary testing location such as a health fair, the medical test site may apply for a single certificate of waiver for the home base location;

(ii) If the medical test site is a not-for-profit or state or local government laboratory that performs, at different locations, only those tests listed in subsection (11) of this section, the owner may file an application for a single certificate of waiver;

(c) Furnish full and complete information to the department in writing, as required for proper administration of rules to implement chapter 70.42 RCW including:

(i) Name, address, and phone number of the medical test site;

(ii) Name, address, and phone number of the owner of the medical test site;

(iii) Number and types of tests performed, planned or projected;

(iv) Names and qualifications including educational background, training and experience of the ~~((designated test site supervisor))~~ personnel directing and supervising the medical test site;

(v) Names and qualifications including educational background, training, and experience of ~~((technical))~~ personnel performing the test procedures, if requested by the department, in order to determine consistency with federal law and regulation;

(vi) Other information as required to implement chapter 70.42 RCW; and

(vii) Methodologies for tests performed, when the department determines the information is necessary consistent with federal law and regulation.

(3) The owner or applicant shall submit an application and fee to the department thirty days prior to the expiration date of the current certificate of waiver.

(4) The department shall:

(a) Grant a certificate of waiver or renewal of a certificate of waiver for the medical test site valid for two years when the applicant or owner meets the requirements of chapter 70.42 RCW and this chapter, subject to subsection (5) of this section;

~~(b) ((Terminate a provisional certificate of waiver at the time a two-year certificate of waiver for the medical test site is issued;~~

~~(e))~~ Establish fees to be paid under WAC 246-338-990; and

~~((d))~~ (c) Prohibit transfer or reassignment of a certificate of waiver without thirty days prior written notice to the department and the department's approval.

(5) The department may:

(a) Extend a certificate of waiver for a period not to exceed six months beyond the expiration date of the certificate of waiver; or

(b) Issue a certificate of waiver for a period of one year for initial or renewal applications submitted during September 1993 to October 1994.

~~((waivered))~~ waived site is conducting tests requiring a license, the department shall:

(a) Conduct on-site reviews of the medical test site;

(b) Examine records of the medical test site;

(c) Give written notice of any violations to the medical test site, including a statement of deficiencies observed and requirements to:

(i) Present a written plan of correction to the department within fourteen days following the date of postmark; and

(ii) Comply within a specified time not to exceed sixty days after department approval of a written plan of correction;

(d) Allow the owner a reasonable period of time, not to exceed sixty days, to correct a deficiency unless the deficiency is an immediate threat to life, health, or safety.

~~((6))~~ (7) The department may:

~~(a) ((Grant a provisional certificate of waiver to a medical test site, applying for a certificate of waiver for the first time, valid for a period of time not to exceed two years from date of issue;~~

~~(b))~~ Conduct on-site review of a medical test site at any time to determine compliance with chapter 70.42 RCW and this chapter; and

~~((e))~~ (b) Initiate disciplinary action, as described under chapter 70.42 RCW and this chapter, if the owner or applicant fails to comply with chapter 70.42 RCW and this chapter, consistent with chapter 34.05 RCW, Administrative Procedure Act.

~~((7))~~ (8) The owner shall notify the department, in writing, at least thirty days prior to the date of a proposed change of ownership and provide the following information:

(a) Full name, address, and location of the current owner and prospective new owner, if known;

(b) Name and address of the medical test site and the new name of the medical test site, if known;

(c) Changes in ~~((technical personnel and supervisors))~~ personnel directing the medical test site, if known; and

(d) The date of the proposed change of ownership.

~~((8))~~ (9) The prospective new owner shall submit the information required under subsection (2)(a) and ~~((b))~~ (c) of this section, at least thirty days prior to the change of ownership.

~~((9))~~ (10) The owner shall inform the department within thirty days, in writing, of:

(a) The date of opening or closing the medical test site; and

~~(b) Any ((change in the information related to certificate of waiver application, excluding tests which would not effect category change or licensure, within thirty days after the change, unless specifically stated otherwise under chapter 70.42 RCW and this chapter))~~ changes in:

(i) Name;
 (ii) Location; or
 (iii) Personnel directing the medical test site.
 ((+10)) (11) The department shall grant a certificate of waiver if the medical test site performs only the tests listed in this section and no other tests unless specifically disallowed or allowed under federal law and regulation:

- ((a) Microscopic examination:
 (i) For pinworms by adhesive method;
 (ii) Of urine sediment;
 (iii) Of wet mounts;
 (iv) Of potassium hydroxide (KOH) preparations;
 (v) For fern tests;
 (vi) Of gram stains, limited to discharges and exudates;
 (vii) Of nasal smears by Hansel or Wright-Giemsa stain;
 (b) Any microscopic examination by an individual meeting the qualifications of a designated test site supervisor, only when the same individual diagnoses and treats his or her own patients;
 (c) Examination of urine by reagent strip or tablet methods;
 (d) Urine specific gravity;
 (e) Examination of whole blood, limited to whole blood glucose, by visual reading of reagent strip, tablet method or using instrumentation approved for home use by the Federal Food and Drug Administration;
 (f) Group A strep screen by direct antigen test;
 (g) Qualitative serum and urine pregnancy test kits, excluding instrumentation methods;
 (h) Micro hematocrit, spun hematocrit;
 (i) Erythrocyte sedimentation rate;
 (j) Qualitative examination of stool specimens for occult blood;
 (k) Primary inoculation of bacteriological or mycological media for visual reading of a color reaction only for presence or absence of growth, not including identification and susceptibility testing;
 (l) Semen analysis;
 (m) Screening tests for Sickle cell, other than electrophoresis methods;
 (n) Ovulation test using visual color test for human luteinizing hormone;
 (o) Whole blood clotting time;
 (p) Antistreptolysin O (ASO) screen by slide agglutination test or equivalent;
 (q) C reactive protein (CRP) screen by slide agglutination test or equivalent;
 (r) Rheumatoid factor screen by slide agglutination test or equivalent;
 (s) Infectious mononucleosis screen by slide agglutination test or equivalent; and
 (t) Culture for colony counts for urinary tract infections, not including identification and susceptibility testing.)) (a) Dipstick or tablet reagent urinalysis;
(b) Fecal occult blood;
(c) Ovulation tests-visual color comparison tests for human luteinizing hormone;
(d) Urine pregnancy tests-visual color comparison tests;
(e) Erythrocyte sedimentation rate-nonautomated;
(f) Hemoglobin-copper sulfate-nonautomated;
(g) Blood glucose by glucose monitoring devices cleared by the FDA specifically for home use;

(h) Spun microhematocrit; and
(i) Hemoglobin by single analyte instruments with self-contained or component features to perform specimen/reagent interaction, providing direct measurement and readout.

((+11)) (12) The department ((may)) will make additions or deletions to the list of ((waivered)) waived tests under subsection ((+10)) (11) of this section, by rule, ((when requests are received):

(a) In compliance with the department's established protocol, available upon request from the department; and
 (b) On or before each May 31.

(12) Requests for additions or deletions to the list of waived tests shall include:

(a) Evidence that the test meets the criteria in subsection (13) (a), (b), or (c) of this section; and

(b) A written agreement to pay the department a fee based on the cost of direct staff time, as defined in WAC 246-338-990 (1)(h)(iii).

(13) The department shall use the following criteria when determining additional waived tests not listed under subsection (10) of this section, which are determined to have insignificant risk of an erroneous result, including those which:

(a) Pose no reasonable risk of harm to the patient if performed incorrectly;

(b) Are approved by the Federal Food and Drug Administration for home use; or

(c) Are so simple and accurate as to render the likelihood of erroneous result negligible, and judged by the department to require three or less of the following functions:

(i) Calculation;

(ii) Specimen or reagent preparation;

(iii) Six or more steps in the test procedure;

(iv) Calibrated or volumetric measurement;

(v) Independent judgment other than a single observation and recording of results;

(vi) External calibration;

(vii) External quality control; and

(viii) Equipment maintenance)) consistent with federal law and regulation.

((+14)) (13) If the medical test site ((performs)) adds tests not included under subsection ((+10)) (11) of this section, the owner shall apply for licensure as defined under chapter 70.42 RCW and ((this chapter)) WAC 246-338-020.

AMENDATORY SECTION (Amending Order 205, filed 10/16/91, effective 10/16/91)

WAC 246-338-040 Approval of accreditation bodies.

(1) The department shall, under RCW 70.42.040, recognize((s)) the ((following)) accreditation bodies ((under RCW 70.42.040):

(a) United States Department of Health and Human Services, Health Care Financing Administration (HCFA);

(b) National Institute on Drug Abuse (NIDA);

(c) United States Food and Drug Administration (FDA); limited to the manufacture of blood and blood products;

(d) College of American Pathologists (CAP);

(e) Joint Commission on Accreditation of Healthcare Organizations (JCAHO); and

~~(f) Commission on Office Laboratory Accreditation (COLA)) granted deemed status by HCFA.~~

~~(2) ((If the owner or applicant of a medical test site requests the department to consider accreditation bodies not currently approved by the department under this section, the owner or applicant shall:~~

~~(a) Apply for acceptance of a specified accreditation body for a medical test site with the department;~~

~~(b) Require the accreditation body to submit to the department a copy of the rules, regulations, and standards used by the accreditation body;~~

~~(c) Agree to and request on-site inspections of the medical test site by the accrediting body, at a frequency similar to department inspections of medical test sites; and~~

~~(d) Agree to submit to the department within thirty days of application for licensure or renewal of licensure, information required under WAC 246-338-020 (3)(b)(i) through (iii).)) The department, upon request, shall furnish a list of the deemed accreditation bodies.~~

~~(3) The department shall:~~

~~(a) ((Require the accreditation body to demonstrate to the department the use of accreditation, certification, or licensure standards consistent with federal law and regulations, and this chapter;~~

~~(b) Require department approved accreditation bodies to submit changes in standards to the department at least thirty days before changes are effective;~~

~~(c) Review accreditation standards of bodies approved under subsection (1) of this section when changes are made in standards;~~

~~(d) Require the accreditation body to demonstrate to the department the use of on-site inspectors with qualifications meeting or exceeding the requirements as follows:~~

~~(i) Qualifies as a designated test site supervisor or specialty test site supervisor as defined under chapter 70.42 RCW and this chapter; or~~

~~(ii) Qualifies with any of the requirements in 42 CFR 493.1427;~~

~~(e)) Revoke deemed status from any organization which has deeming authority removed by HCFA;~~

~~(b) Require the accreditation bodies to agree in writing to:~~

~~(i) Allow the department to have jurisdiction to investigate complaints, do random on-site inspections and take disciplinary action against a medical test site if indicated; and~~

~~(ii) Notify the department within thirty days of any medical test that has had its accreditation withdrawn, revoked or limited.~~

~~(4) The department may deny or terminate the license for a medical test site, if the owner or applicant fails to authorize the accreditation body to notify the department of the test site's compliance with the standards of the accreditation body.~~

~~(5) The department shall notify the medical test site if an accreditation body loses department acceptance of approval as an accreditation body for the medical test site.~~

~~(6) The owner or applicant of a medical test site shall reapply for licensure within thirty days, if the acceptance of approval of the accreditation body for the medical test site is denied or terminated.~~

AMENDATORY SECTION (Amending Order 205, filed 10/16/91, effective 10/16/91)

WAC 246-338-050 Proficiency testing. (1) Effective January 1, 1994:

(a) All licensed medical test sites shall comply with federal proficiency testing requirements listed in 42 CFR Part 493-Laboratory Requirements, Subpart H-Participation in Proficiency Testing for Laboratories Performing Tests of Moderate or High Complexity;

(b) By December 31 of each year, each medical test site, excluding those granted a certificate of waiver, shall submit to the department a copy of proficiency testing enrollment form(s) for the tests the medical test site will perform during the following calendar year;

(c) The department will recognize only those programs approved by the HCFA;

(d) The department shall evaluate proficiency testing results according to the grading criteria listed in 42 CFR Part 493 Subparts H and I; and

(e) The department, upon request, shall furnish:

(i) 42 CFR Part 493 Subparts H and I; and

(ii) A list of the programs approved by HCFA.

(2) Until December 31, 1993, each medical test site shall comply with proficiency testing requirements as described in this section.

(3) Except where there is no available proficiency test, each licensed medical test site shall demonstrate satisfactory participation in a department-approved proficiency testing program appropriate for the test or tests performed on-site, excluding ((waived)) waived tests as listed under WAC 246-338-030((10)) (11).

((2)) (4) The department, upon request, shall furnish a list of the approved proficiency testing programs under RCW 70.42.050.

((3)) (5) The department may approve the owner or applicant's use of a specific proficiency testing program when the program:

(a) Assures the quality of test samples;

(b) Appropriately evaluates the testing results;

(c) Identifies performance problems in a timely manner;

(d) Has the technical ability required to prepare and distribute samples;

(e) Uses methods assuring samples mimic actual patient specimens when possible and where applicable;

(f) Uses homogenous samples if applicable;

(g) Maintains stability of samples within the time frame specified in written instructions for analysis by proficiency testing participants;

(h) Provides necessary documentation to establish requirements under this section;

(i) Uses an appropriate process for determining the correct answer for each sample; and

(j) Uses at least two samples per test each ((quarter)) testing event if applicable.

((4)) (6) The medical test site shall:

(a) Assure testing of proficiency testing samples in a similar manner as patient specimens are tested, unless otherwise specifically requested by the proficiency testing program;

PERMANENT

(b) Assure testing of proficiency testing samples on-site by the technical personnel performing examinations on patient specimens;

(c) Maintain reports of graded results received from the proficiency testing program and documentation of the:

- (i) Test methodology;
- (ii) Identification of technical personnel performing the tests; and
- (iii) Reporting of results of the proficiency testing samples; and
- (d) Request that the proficiency testing program provide a copy of the graded proficiency testing results to the department.

~~((5))~~ (7) The department shall evaluate proficiency testing results by using the following grading criteria:

(a) An evaluation of scores for the last four shipments of proficiency testing samples including:

- (i) Tests;
- (ii) Subspecialties; and
- (iii) Specialties;
- (b) Maintenance of a minimum acceptable score for satisfactory participation as follows:

(i) Seventy-five percent for all tests, subspecialties, and specialties except for human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and immunohematology; and

(ii) One hundred percent for all tests, subspecialties, and specialties for HIV/AIDS and immunohematology;

- (c) A grade of marginal performance occurs when:
 - (i) An unsatisfactory score is obtained on any single test in a shipment for immunohematology or HIV/AIDS; or
 - (ii) For all other tests, subspecialties, or specialties if:
 - (A) Unsatisfactory scores are obtained in any specialty or subspecialty on two of any three successive shipments; or
 - (B) An unsatisfactory score is obtained on a single test on two of any three successive shipments;

(d) A grade of unsatisfactory performance occurs when unsatisfactory shipment scores are obtained on a single test or in a specialty or subspecialty on three of any four successive shipments.

~~((6))~~ (8) For marginal performance on proficiency testing samples the following department and medical test site actions shall occur:

- (a) The department shall mail a cautionary letter to the designated test site supervisor; and
- (b) The medical test site shall:
 - (i) Determine the cause of the marginal proficiency testing performance; and
 - (ii) Keep records at the medical test site showing what action was taken to correct the problem.

~~((7))~~ (9) In addition the department may require the owner of the medical test site demonstrating marginal performance in any identified test, subspecialty or specialty, to:

- (a) Submit a plan of correction to the department within fifteen days from receipt of notice; and
- (b) Provide or ensure:
 - (i) Additional training of personnel;
 - (ii) Necessary technical assistance to meet the requirements of the proficiency testing program and the department;
 - (iii) Participation in a program of additional proficiency testing, if available; or

(iv) Any combination of training, technical assistance, or testing described under (b)(i), (ii), and (iii) of this subsection.

~~((8))~~ (10) For unsatisfactory performance on proficiency testing samples the department shall send to the owner and designated test site supervisor by certified mail:

- (a) A letter identifying the particular problem;
- (b) Acknowledgement of previous contacts; and
- (c) A notice to the medical test site to cease performing the identified test, subspecialty, or specialty.

~~((9))~~ (11) The owner shall notify the department within fifteen days of the receipt of the notice of the decision to voluntarily stop performing tests on patient specimens for the identified test, subspecialty, or specialty.

~~((10))~~ (12) The owner may petition the department for reinstatement of approval to perform tests on patient specimens after demonstrating satisfactory performance on two successive shipments of proficiency testing samples for the identified test, subspecialty, or specialty.

~~((11))~~ (13) The department shall notify the owner in writing, within fifteen days of receipt of petition, of the decision related to the request for reinstatement.

AMENDATORY SECTION (Amending Order 205, filed 10/16/91, effective 10/16/91)

WAC 246-338-060 Personnel. (1) Owners shall ensure medical test sites ~~((have))~~:

- (a) Have a designated test site supervisor responsible for:
 - (i) The overall technical supervision and management of the test site personnel; and
 - (ii) Performing and reporting of testing procedures;
- (b) Have technical personnel, competent to perform tests and report test results; and
- (c) Meet the standards for personnel qualifications and responsibilities in compliance with federal regulation, as listed in 42 CFR Part 493 Subpart M-Personnel for Moderate and High Complexity Testing, with the following exceptions:

(i) A person that achieved a satisfactory grade through an examination conducted by or under the sponsorship of the United States Public Health Service for director, on or before July 1, 1970, would qualify as a director, technical supervisor, technical consultant, general supervisor and testing personnel for the specialties in which a satisfactory grade was achieved for moderate and high complexity testing; and

(ii) A person that has completed 60 semester hours of academic credit including chemistry and biology as well as a structured curriculum in medical laboratory techniques at an accredited institution would qualify as testing personnel for high complexity testing.

(2) The department, upon request, shall furnish 42 CFR Part 493 Subpart M.

(3) Owners of medical test sites shall~~((:~~):

- ~~((a) Verify or arrange for appropriate education and training of personnel on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and~~

~~((b) Use infection control standards and educational material consistent with the approved curriculum manual "Know — HIV/AIDS prevention education for health care~~

facility employees," January 1991, published by the department office on HIV/AIDS)) establish, post and observe safety precautions to ensure protection from physical, chemical, biochemical and electrical hazards and biohazardous materials.

~~((3))~~ (4) Designated test site supervisors shall:

- (a) Establish and approve policies for:
 - (i) Performing, recording, and reporting of tests;
 - (ii) Maintaining an ongoing quality assurance program;
 - (iii) Supervision of testing; and
 - (iv) Compliance with chapter 70.42 RCW and this chapter;

(b) Evaluate, verify, and document the following related to technical personnel:

- (i) Education, experience, and training in test performance and reporting tests results;
- (ii) Sufficient numbers to cover the scope and complexity of the services provided;
- (iii) Access to training appropriate for the type and complexity of the test site services offered; and
- (iv) Maintenance of competency to perform test procedures and report test results;

(c) Be present, on call, or delegate the duties of the designated test site supervisor to ~~((a designated specialty test site supervisor or))~~ an on-site technical person during testing.

~~((4) The designated test site supervisor shall meet one or more of the following qualifications:~~

~~(a) A licensed professional under chapter 18.71 RCW Physicians; chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery;~~

~~(b) A licensed professional under chapter 18.32 RCW, Dentistry; chapter 18.22 RCW, Podiatry; chapter 18.36A RCW, Naturopathy; chapter 18.50 RCW, Midwifery; and advanced registered nurse practitioner, recognized under chapter 18.88 RCW, Registered Nurses, when they are functioning as the principle health care provider, limited to the tests performed on patients within the legal scope of their practice; or~~

~~(c) Individuals meeting the requirements consistent with 42 CFR 493.1415 (b)(1-5).~~

~~(5) The designated test site supervisor or designated specialty test site supervisor shall meet the appropriate requirements under 42 CFR 493.1421 if the medical test site performs tests in any of the following specialties or subspecialties:~~

- ~~(a) Cytology;~~
- ~~(b) Histopathology, excluding dermatopathology;~~
- ~~(c) Oral pathology;~~
- ~~(d) Histocompatibility;~~
- ~~(e) Cytogenetics; or~~
- ~~(f) Transfusion services and blood banking.))~~

AMENDATORY SECTION (Amending Order 205, filed 10/16/91, effective 10/16/91)

WAC 246-338-070 Recordkeeping. The medical test site shall:

(1) Unless specified otherwise in subsection (2)(a), (b), and (c) of this section, maintain ~~((documentation))~~ for two years ~~((of))~~:

- (a) Test requisitions or equivalent;
- (b) Test reports;

(c) Quality control records; ~~((and))~~

(d) Quality assurance records; and

(e) Discontinued procedures.

(2) Maintain ~~((documentation of))~~:

(a) The items listed in subsection (1)(a), (b), (c), ~~((and))~~ (d), and (e) of this section for transfusion services ~~((and blood banking))~~ for five years;

(b) Abnormal cytology and all histology reports for ten years; and

(c) Normal cytology reports for ~~((three))~~ five years.

(3) Request the following written information to accompany a test requisition:

(a) Patient's name or other method of specimen identification;

(b) Name or other suitable identifier of the authorized person ordering the test;

(c) Date of specimen collection, and time if appropriate;

(d) Source of specimen, if appropriate;

(e) Type of test ordered;

(f) Sex and age of the patient, if appropriate; and

(g) For cytology and histology specimens:

(i) Pertinent clinical information; and

(ii) For pap smears:

(A) The last menstrual period; and

(B) Indication whether the patient has history of cervical cancer or its precursors.

(4) Assure specimen records include:

(a) A medical test site identification;

(b) The patient's name or other method of specimen identification;

(c) The date the specimen was received at the medical test site, and time if appropriate; ~~((and))~~

(d) The reason for specimen rejection or limitation;

(e) The date of specimen testing; and

(f) The identification of the personnel who performed the test.

(5) Assure that test reports:

(a) Are maintained in a manner permitting identification and reasonable accessibility;

(b) Are released only to authorized persons or designees;

(c) Include the name of the medical test site, or where applicable, the name and address of each medical test site performing each test;

(d) Include the date reported; ~~((and))~~

(e) Include the time reported, if appropriate;

(f) Include any information regarding specimen rejection or limitation; and

(g) Include the exact language of the report from the testing facility, if the specimen was referred to another medical test site for testing.

(6) Assure cytology reports:

(a) Distinguish between unsatisfactory specimen and negative results; and

(b) Contain narrative descriptions for any abnormal results, such as the Bethesda system of terminology as published in the Journal of the American Medical Association, 1989, Volume 262, pages 931-934, for any abnormal results.

(7) Establish and make available ~~((reference ranges))~~ for use by authorized persons ordering or utilizing the test results;

(a) Reference ranges; and
 (b) A list of test methods, including performance specifications.

(8) Issue corrected reports when indicated.
 (9) Establish criteria for and maintain appropriate documentation of:

(a) Temperature-controlled spaces and equipment;
 (b) Preventive maintenance activities;
 (c) Equipment function checks;
 (d) Procedure calibrations;
 (e) Validation, precision, and accuracy checks;
 (f) Expiration date, lot numbers, and other pertinent information for:

(i) Reagents;
 (ii) Solutions;
 (iii) Culture media;
 (iv) Controls, as defined in WAC 246-338-090;
 (v) Calibrators, as defined in WAC 246-338-090;
 (vi) Standards, as defined in WAC 246-338-090;
 (vii) Reference materials, as defined in WAC 246-338-090; and
 (viii) Other testing materials;
 (g) Testing of quality control samples; and
 (h) Any remedial action taken in response to quality control, quality assurance, personnel, and proficiency testing.

(10) Refer specimens for testing only to a medical test site with a valid license, or to an interstate laboratory with a valid CLIA certificate.

(11) Maintain, or be able to reproduce, a copy of the report for all specimens that are referred for testing.

AMENDATORY SECTION (Amending Order 205, filed 10/16/91, effective 10/16/91)

WAC 246-338-080 Quality assurance. (1) The medical test site shall establish and implement a written quality assurance plan, including policies and procedures, designed to:

(a) Monitor, evaluate, and review quality control, proficiency testing data, and test results, including biannual evaluation of:

(i) Accuracy of test results for tests that are not covered by proficiency testing; and
 (ii) Relationship between test results when the medical test site performs the same test on different instruments or at different locations within the medical test site;

(b) Identify and correct problems;
 (c) Establish and maintain accurate, reliable, and prompt reporting of test results;
 (d) Verify all tests performed and reported by the medical test site conform to specified performance criteria in quality control under WAC 246-338-090; and
 (e) Establish and maintain the adequacy and competency of the technical personnel.

(2) The quality assurance plan shall include mechanisms or systems to:

(a) Establish and apply criteria for specimen acceptance and rejection;
 (b) Notify the appropriate individuals as soon as possible when test results indicate potential life-threatening conditions;

(c) Assess problems identified during quality assurance reviews and discuss them with the appropriate staff;
 (d) Evaluate all test reporting systems to verify accurate and reliable reporting, transmittal, storage, and retrieval of data;

(e) Document all ~~((corrective))~~ action~~((s))~~ taken~~((t))~~ to~~((t))~~ identify and correct problems or potential problems; ~~((and~~

~~((ii) Implement corrective actions; and))~~
 (f) Make available appropriate instructions for specimen collection, handling, preservation, and transportation; and
 (g) Make available to clients updates of testing changes that would affect test results or the interpretation of test results.

(3) The owner shall maintain adequate space, facilities, and essential utilities for the performance and reporting of tests.

(4) The medical test site shall establish and implement policies and procedures for infectious and hazardous medical wastes consistent with local, state, and federal authorities.

AMENDATORY SECTION (Amending Order 205, filed 10/16/91, effective 10/16/91)

WAC 246-338-090 Quality control. (1) For the purpose of this section, the following words and phrases have the following meanings, unless the context clearly indicates another meaning:

(a) "ABO, A, A₁, B, O, anti-A, anti-B, anti-D, anti Rh₀, Rh₀ (D), HLA, HLA-A, B, and DR" means taxonomy classifications for blood groups, types, cells, sera, or antisera;

(b) "Calibrator" means a material, solution, or lyophilized preparation designed to be used in calibration. The values or concentrations of the analytes of interest in the calibration material are known within limits ascertained during its preparation or before use;

(c) "Control" means a material, solution, lyophilized preparation, or pool of collected serum designed to be used in the process of quality control. The concentrations of the analytes of interest in the control material are known within limits ascertained during its preparation or before routine use;

(d) "Control slide" means a preparation fixed on a glass slide used in the process of quality control;

(e) "Reference material" means a material or substance, calibrator, control or standard where one or more properties are sufficiently well established for use in calibrating a process or for use in quality control;

(f) "Standard" means a reference material of fixed and known chemical composition capable of being prepared in essentially pure form, or any certified reference material generally accepted or officially recognized as the unique standard for the assay regardless of level or purity of the analyte content.

(2) The medical test site shall use quality control procedures providing and assuring accurate and reliable test results and reports, meeting the requirements of this chapter.

(3) The medical test site shall have written procedures and policies available in the work area including:

(a) Analytical methods used by the technical personnel;
 (b) Specimen collection and processing procedures;
 (c) Preparation of solutions, reagents, and stains;

- (d) Calibration procedures;
 - (e) Proper maintenance of equipment;
 - (f) Quality assurance policies;
 - (g) Quality control procedures;
 - (h) Corrective actions when quality control results deviate from expected values or patterns;
 - (i) Procedures for reporting test results;
 - (j) Limitations of methodologies; and
 - (k) Alternative or backup methods for performing tests including the use of a reference facility if applicable.
- (4) The medical test site shall perform quality control complying with the requirements of this section for each specialty and subspecialty as follows:
- (a) At least as frequently as specified in this section;
 - (b) More frequently if recommended by the manufacturer of the instrument or test procedure; or
 - (c) More frequently if specified by the medical test site; ~~(; or~~
 - ~~(d) Less frequently only when the medical test site documents satisfactory performance and receives prior approval from the department;))~~
- (5) The medical test site shall:
- (a) Perform procedural calibration or recalibration, ~~((if applicable, to instrument or method used))~~ in accordance with manufacturer's instructions, when:
 - (i) ~~((A new lot number of reagents for a procedure is introduced;~~
 - ~~(ii) There is major preventive maintenance or replacement of critical parts of equipment or instrumentation;~~
 - ~~(iii) Controls begin to reflect an unusual trend or are outside acceptable range limits;~~
 - ~~((iv))~~ Recommended by the manufacturer; or
 - ~~((v))~~ (ii) Specified by the medical test site's established schedule, with at least the frequency recommended by the manufacturer;
 - (b) Perform calibration verification using materials appropriate for verifying the minimal, mid-point and maximum points of the reportable range, unless the medical test site can demonstrate an alternative method of assuring the accuracy of the procedure throughout the reportable range for patient test results:
 - (i) When a complete change of reagents for a procedure is introduced;
 - (ii) When there is major preventive maintenance or replacement of critical parts of equipment or instrumentation;
 - (iii) When controls begin to reflect an unusual trend or are outside acceptable range limits; or
 - (iv) At least every six months;
- ~~((b))~~ (c) If patient values are above the maximum or below the minimum calibration point or the linear range:
- (i) Report the patient results as greater than the upper limit or less than the lower limit or an equivalent designation; or
 - (ii) Use an appropriate procedure to rerun the sample allowing results to fall within the established linear range;
- ~~((e))~~ (d) For quantitative tests:
- (i) Include two reference materials of different concentrations each day of testing unknown samples, if these reference materials are available; or
 - (ii) Have an equivalent mechanism to assure the quality, accuracy, and precision of the test, if reference materials are not available;

~~((d))~~ (e) For qualitative tests, include positive and negative reference material each day of testing unknown samples;

~~((e))~~ (f) Determine the statistical limits for each lot number of unassayed reference materials through repeated testing;

~~((f))~~ (g) Use the manufacturer's reference material limits for assayed material, provided they are:

- (i) Verified by the medical test site; and
- (ii) Appropriate for the methods and instrument used by the medical test site;

~~((g))~~ (h) Make reference material limits readily available;

(i) Report patient results only when reference materials are within acceptable limits;

~~((h) Establish and make readily available reference material limits;~~

~~((i))~~ (j) Use materials within their documented expiration date, ~~(; unless the test site provides evidence the materials are stable and reliable beyond the expiration date);)~~

~~((j))~~ (k) For microbiology:

(i) Check each batch or shipment of reagents, discs, stains, antisera, and identification system for reactivity with positive and negative reference organisms including:

(A) Each time of use for fluorescent stains ~~((and Deoxyribonucleic Acid (DNA) probes based on radioisotope methods));~~

(B) ~~((Each week of use for reagents and stains;))~~ Each day of use for:

(I) Stains, unless specifically stated otherwise in this section; DNA probes; reagents used in mycobacteriology; catalase, coagulase, beta-lactamase, and oxidase reagents; and

(II) Direct antigen detection systems, using positive and negative controls that evaluate both the extraction and reaction phase;

(C) Each week of use for Gram and acid-fast stains, bacitracin, optochin, ONPG, X, and V discs or strips; and

~~((C))~~ (D) Each month of use for antisera; ~~((and~~

~~((D) Each week of use for direct antigen detection systems, using positive and negative controls that evaluate both the extraction and reaction phase;~~

(ii) Check each new batch of media and each new lot of antimicrobial discs or other testing systems, before initial use and each week of testing using approved reference organisms, when testing antimicrobial susceptibility;))

(i) When testing antimicrobial susceptibility, check each new batch of media and each new lot of antimicrobial discs or other testing systems using approved reference organisms:

(A) Before initial use; and

(B) Each day of testing, or weekly, if the medical test site can meet the quality control requirements for antimicrobial disc susceptibility testing as outlined by the National Committee for Clinical Laboratory Standards (NCCLS), available upon request from the department;

(iii) Document zone sizes or minimum inhibitory concentration for reference organisms are within established limits;

(iv) Have available and use appropriate stock organisms for quality control purposes;

(v) Have available a collection of slides, photographs, gross specimens, or text books for reference sources to aid in identification of microorganisms;

(vi) Document appropriate steps in the identification of microorganisms on patient specimens;

(vii) Check each batch or shipment of noncommercial media for sterility, ability to support growth, and if appropriate, selectivity, inhibition, or biochemical response;

(viii) If commercially manufactured media quality control results are used:

(A) Verify that the product insert specifies that the quality control checks meet the requirements, as outlined by NCCLS, for media quality control;

(B) Keep records of the manufacturer's quality control results;

~~((B))~~ (C) Document visual inspection of the media before use; and

~~((C))~~ (D) Follow the manufacturer's specifications for using the media;

(ix) When performing susceptibility testing for mycology:

(A) Test each drug each day of use with at least one control strain that is susceptible to the drug; and

(B) Document that controls are within established limits before reporting patient results;

(x) When performing parasitology:

(A) Use a calibrated ocular micrometer for determining the size of ova and parasites, if size is a critical parameter; and

(B) Check permanent stains using reference materials, each month of use;

~~((A))~~ (l) For syphilis serology:

(i) Use equipment, glassware, reagents, reference materials, and techniques conforming to manufacturers' specifications;

(ii) Perform serologic tests on unknown specimens concurrently with a positive serum reference material with known titer or graded reactivity and a negative reference material; and

(iii) Employ reference materials for all test components to ensure reactivity;

~~((A))~~ (m) For general immunology:

(i) Perform serologic tests on unknown specimens with a positive and a negative reference material;

(ii) Employ reference materials for all test components to ensure reactivity; and

(iii) Report test results only when the predetermined reactivity pattern of the reference material is observed;

~~((A))~~ (n) For chemistry, when performing blood gas analysis, include:

(i) A two-point calibration and a reference material each eight hours of testing; and

(ii) A one-point calibration or reference material each time patient samples are tested, unless automated instrumentation internally verifies calibration at least every thirty minutes; or

(iii) Another calibration and reference material schedule, approved by the department as equivalent to this subsection;

~~((A))~~ (o) For hematology and coagulation:

(i) Use one level of reference material each ~~((day))~~ eight hours of testing patient samples for manual blood counts; ~~((and))~~

(ii) Use two levels of reference materials each ~~((day))~~ eight hours of testing for:

(A) Instrumentation methods; and

(B) Manual tilt tube method for coagulation~~((-)); and~~

(iii) Run manual coagulation tests and cell counts in duplicate;

~~((A))~~ (p) For immunohematology, for the services offered:

(i) Perform ABO grouping by testing unknown red cells with Federal Food and Drug Administration approved anti-A and anti-B grouping sera;

(ii) Confirm ABO grouping of unknown serum with known A₁ and B red cells;

(iii) Determine the Rh₀(D) group by testing unknown red cells with anti-D (anti Rh₀) blood grouping serum;

(iv) Employ a control system capable of detecting false positive Rh test results, when required by the manufacturer; and

(v) Perform quality control checks of cells and antisera each day of use;

~~((A))~~ (q) For transfusion services:

(i) Perform ABO grouping, Rh₀(D) typing, antibody detection, and identification and compatibility testing as described by the Food and Drug Administration under 21 CFR Part 606, with the exception of 21 CFR Part 606.20a, Personnel, and 21 CFR Part 640; ~~((and))~~

(ii) Collect, store, process, distribute and date blood and blood products as described by the Food and Drug Administration under 21 CFR Parts 606, 610.53 and 640;

~~((A))~~ (iii) When provided by an outside entity, have an agreement approved by the director for procurement, transfer and availability of blood and blood products; and

(iv) Promptly investigate all transfusion reactions according to the medical test site's procedures;

(r) For histopathology:

(i) Use positive control slides for each special stain to check for intended level of reactivity;

(ii) Retain stained slides at least ten years and specimen blocks at least two years from the date of examination; ~~((and))~~

(iii) Retain remnants of tissue specimens in an appropriate preserved state until the portions submitted for microscopic examination have been examined and diagnosed; and

(iv) Include on all reports the signature or initials of the technical supervisor, as defined under 42 CFR Part 493 Subpart M;

~~((A))~~ (s) For cytology:

(i) Develop criteria for submission of material and the assessment of the adequacy of the sample submitted, including notifying the physician;

(ii) Retain all negative slides for ~~((three))~~ five years from the date of examination of the slide;

(iii) Retain all abnormal slides for ten years from the date of examination;

(iv) Include in quality control the rescreening and documentation of benign gynecological slides as follows:

(A) One hundred percent of slides from patient with a known history of cervical cancer or its precursors;

(B) Selection of benign slides for a total rescreening of a minimum of ten percent of all benign slides including patients identified in ~~((A))~~ (s)(iv)(A) of this subsection; or

(C) Another method demonstrating equivalent effectiveness in discovering errors;

(v) Assure that quality control is performed by a person meeting the personnel requirements for technical supervisor or general supervisor in cytology, as defined under 42 CFR Part 493 Subpart M;

(vi) Evaluate the results of the quality control rescreen prior to reporting results for the cases selected;

(vii) Review (~~of~~) cytologic specimens or records of previous reviews, for the prior five years, if available, for each abnormal cytology result;

~~((viii))~~ (viii) Correlate abnormal cytology reports with prior cytology reports and with histopathology reports, if available, and determine the cause of any discrepancies;

~~((viii))~~ (ix) Document reviews of negative slides from cases known to have a history of abnormal slides;

~~((viii))~~ (x) Evaluate and document technical personnel slide examination performance, comparing against the medical test site's overall statistics; ~~and~~

~~((ix))~~ (xi) Evaluate and document significant discrepancies in examination of cytology slides;

~~((ix))~~ (xii) Establish an annual statistical evaluation of the number of cytology cases examined, number of specimens processed by specimen type, volume of patient cases reported by diagnosis, number of cases where cytology and histology are discrepant, number of cases where histology results were unavailable for comparison and number of cases where rescreen of negative slides resulted in reclassification as abnormal;

(xiii) Take effective measures when staining to prevent cross-contamination between gynecologic and nongynecologic specimens;

(xiv) The technical supervisor shall:

(A) Confirm all gynecological smears interpreted to be outside normal limits;

(B) Review all nongynecological cytological preparations;

(C) Sign or initial all reports from (s)(xiv)(A) or (B) of this subsection; and

(D) Establish, document and reassess, at least every six months, the workload limits for each cytotechnologist;

(xv) Technical personnel shall examine, unless federal law and regulation specify otherwise, no more than one hundred cytological slides in a twenty-four hour period and in no less than a eight-hour period; and

(xvi) All slide preparations must be evaluated on the premises;

(t) For histocompatibility:

(i) Use applicable quality control standards for immunohematology, transfusion services, and diagnostic immunology as described in this chapter;

(ii) For renal allotransplantation:

(A) Have available and follow criteria for:

(I) Selecting appropriate patient serum samples for crossmatching;

(II) The technique used in crossmatching;

(III) Preparation of donor lymphocytes for crossmatching;

(IV) Reporting crossmatch results;

(V) The preparation of lymphocytes for Human Leukocyte Antigen HLA-A, B and DR typing;

(VI) Selecting typing reagents; and

(VII) The assignment of HLA antigens;

(B) Have available:

(I) Serum specimens for all potential transplant recipients at initial typing, for periodic screening, for pretransplantation crossmatch, and following sensitizing events;

(II) Results of final crossmatches before an organ or tissue is transplanted; and

(III) A list of individuals for fresh panel bleeding if frozen panels are not used;

(C) Have appropriate storage and maintenance of both recipient sera and reagents;

(D) Indicate, when applicable:

(I) Source;

(II) Bleeding date;

(III) Identification number; and

(IV) Volume remaining for reagent typing sera inventory;

(E) Properly label and store:

(I) Cells;

(II) Complement;

(III) Buffers;

(IV) Dyes; and

(V) Reagents;

(F) Type all potential transplant recipient cells and cells from organ donors referred to the medical test site;

(G) Have adequate reagent trays for typing recipient and donor cells to define all HLA-A, B, and DR specificities as required to determine splits and cross-reactivity;

(H) Have a written policy establishing when antigen redefinition and retyping are required;

(I) Screen recipient sera for preformed antibodies with a suitable lymphocyte panel;

(J) Use a suitable cell panel for screening patient sera containing all the major HLA specificities and common splits;

(K) Use the mixed lymphocyte culture, or equivalent, to determine cellularly defined antigens;

(L) ~~((Include positive and negative reference materials on each tray; and~~

~~(M))~~ On each tray:

(I) Include positive and negative reference materials; and

(II) Use positive controls for specific cell types when applicable;

(M) Use controls to monitor the test components and each phase of the test system for:

(I) Each compatibility test; and

(II) Typing for disease associated antigens;

(N) Use quality control procedures to monitor the efficacy of the method if immunologic reagents are used to remove contaminating cells during the isolation of lymphocytes or lymphocyte subsets;

(O) Have each individual performing tests evaluate a previously tested specimen as an unknown on a monthly basis; and

(P) Participate in at least one national or regional cell exchange program, if available, or develop an exchange system with another medical test site;

(iii) When performing only transfusions, (~~either~~) and nonrenal transplantation, excluding bone marrow and living transplants, (~~or disease-associated studies,~~) meet all the

requirements specified in this section except for the requirements for the performance of mixed lymphocyte cultures; ~~((and))~~

~~(iv) When performing bone marrow transplantation, meet all the requirements specified in this section including the performance of mixed lymphocyte cultures, or equivalent, to evaluate class II compatibility;~~

~~(v) When performing disease-associated studies, meet all the requirements specified in this section except for the performance of mixed lymphocyte cultures, antibody screening and crossmatching; and~~

~~(vi) Test donor for HIV reactivity;~~

~~((+)) (u) For cytogenetics:~~

~~(i) Document the ((number of));~~

~~(A) Number of metaphase chromosome spreads and cells counted and karyotyped; ((and))~~

~~(B) Number of chromosomes counted for each metaphase spread;~~

~~(C) Media used;~~

~~(D) Quality of banding; and~~

~~(E) Sufficient resolution to support the reported results;~~

~~(ii) Assure an adequate number of karyotypes are prepared for each patient, according to the indication given for performing cytogenetics study;~~

~~(iii) Use an adequate patient identification system for:~~

~~(A) Patient specimens;~~

~~(B) Photographs, photographic negatives, or computer stored images of metaphase spreads and karyotypes;~~

~~(C) Slides; and~~

~~(D) Records;~~

~~(iv) Include in the final report:~~

~~(A) The number of cells counted and karyotyped; and~~

~~(B) An interpretation of the karyotypes findings;~~

~~(v) Use appropriate nomenclature on final reports; and~~

~~(vi) When performing determination of sex by X and Y chromatin counts, perform confirmatory testing on all atypical results;~~

~~((+)) (v) For radiobioassay and radioimmunoassay:~~

~~(i) Check the counting equipment for stability each day of use with radioactive standards or reference sources; and~~

~~(ii) Meet Washington state radiation standards described under chapter 70.98 RCW, and chapter 402-10 through 402-24, 402-32 through 402-34, 402-62, and 402-70 WAC.~~

~~((6) If a medical test site performs cytology examinations, the designated test site supervisor or designated specialty test site supervisor shall:~~

~~(a) Confirm all gynecological smears interpreted to be outside normal limits;~~

~~(b) Review all nongynecological cytological preparations; and~~

~~(c) Sign or initial all reports from (a) or (b) of this subsection.~~

~~(7) Technical personnel shall examine, unless federal law and regulation specify otherwise, no more than one hundred and twenty cytological slides in a twenty-four hour period and in no less than a six-hour period, consisting of:~~

~~(a) No more than eighty unevaluated cytological slides per day; and~~

~~(b) No more than forty slides for quality control purposes.)~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-338-100 Disciplinary action. (1) The department may take disciplinary action against the license of a medical test site ~~((if the medical test site fails to meet the requirements of chapter 70.42 RCW or this chapter, or if an applicant, owner, designated test site supervisor, designated specialty test site supervisor, or any technical personnel of the medical test site violates any provision of chapter 70.42 RCW or this chapter.~~

(2) The department may take the following disciplinary actions individually or in any combination:

~~(a) Denial of a license to a medical test site applicant when the applicant:~~

~~(i) Refused) or an application for a license as a medical test site upon a determination that the licensee or applicant has engaged in or committed any of the following:~~

~~(a) Failure or refusal to comply with the requirements of chapter 70.42 RCW or the rules adopted under chapter 70.42 RCW;~~

~~((ii) Had a license revoked for cause and never reissued under chapter 70.42 RCW;~~

~~((iii)) (b) Knowingly, or with reason to know, made a false statement of a material fact in the application for a license or in any data attached thereto or in any record required by the department;~~

~~((iv)) (c) Refused to allow representatives of the department to examine any book, record, or file required under this chapter;~~

~~((v)) (d) Willfully prevented, interfered with, or attempted to impede in any way, the work of a representative of the department; or~~

~~((vi)) (e) Misrepresented or was fraudulent in any aspect of the owner's or applicant's business(;~~

~~(b) Place conditions on a license limiting or cancelling a test site's authority to conduct any test or group of tests when the owner or applicant:~~

~~(i) Failed or refused to comply with the requirements of chapter 70.42 RCW or the rules adopted under chapter 70.42 RCW;~~

~~((ii) Knowingly or with reason to know made a false statement of a material fact in the application for a license or in any data attached or in any record required by the department;~~

~~((iii) Refused to allow representatives of the department to examine any book, record, or file required under this chapter;~~

~~(iv) Willfully prevented, interfered with, or attempted to impede in any way, the work of a representative of the department;~~

~~(v) Willfully prevented or interfered with preservation of evidence of a known violation of this chapter or the rules adopted under chapter 70.42 RCW; or~~

~~(vi) Misrepresented or was fraudulent in any aspect of the owner's or applicant's business;~~

~~(c) Suspend a medical test site license when the owner or applicant:~~

~~(i) Failed or refused to comply with the requirements of chapter 70.42 RCW or the rules adopted under chapter 70.42 RCW;~~

~~(ii) Knowingly, or with reason to know, made a false statement of a material fact in the application for a license or in any data attached or in any record required by the department;~~

~~(iii) Refused to allow representatives of the department to examine any book, record, or file required by this chapter;~~

~~(iv) Willfully prevented, interfered with, or attempted to impede in any way, the work of a representative of the department;~~

~~(v) Willfully prevented or interfered with preservation of evidence of a known violation of chapter 70.42 RCW or the rules adopted under chapter 70.42 RCW;~~

~~(vi) Misrepresented or was fraudulent in any aspect of the owner or applicant's business;~~

~~(vii) Used false or fraudulent advertising; or~~

~~(viii) Failed to pay any civil monetary penalty assessed by the department under chapter 70.42 RCW within twenty-eight days after the assessment becomes final;~~

~~(d) Revoke a medical test site license when the owner or applicant:~~

~~(i) Failed or refused to comply with the requirements of chapter 70.42 RCW or the rules adopted under chapter 70.42 RCW;~~

~~(ii) Knowingly, or with reason to know, made a false statement of a material fact in the application for a license or in any data attached or in any record required by the department;~~

~~(iii) Refused to allow representatives of the department to examine any book, record, or file required by this chapter;~~

~~(iv) Willfully prevented, interfered with, or attempted to impede in any way, the work of a representative of the department;~~

~~(v) Willfully prevented or interfered with preservation of evidence of a known violation of chapter 70.42 RCW or the rules adopted under chapter 70.42 RCW;~~

~~(vi) Misrepresented or was fraudulent in any aspect of the owner's or applicant's business;~~

~~(vii) Used false or fraudulent advertising; or~~

~~(viii) Failed to pay any civil monetary penalty assessed by the department under chapter 70.42 RCW within twenty-eight days after the assessment becomes final;~~

~~(e) Impose monetary penalties of up to ten thousand dollars per day that a owner or applicant:~~

~~(i) Failed or refused to comply with the requirements of chapter 70.42 RCW or the rules adopted under chapter 70.42 RCW;~~

~~(ii) Knowingly, or with reason to know, made a false statement of a material fact in the application for a license or in any data attached or in any record required by the department;~~

~~(iii) Refused to allow representatives of the department to examine any book, record, or file required under this chapter;~~

~~(iv) Willfully prevented, interfered with, or attempted to impede in any way, the work of any representative of the department;~~

~~(v) Willfully prevented, or interfered with, preservation of evidence of any known violation of chapter 70.42 RCW or the rules adopted under chapter 70.42 RCW;~~

~~(vi) Misrepresented or was fraudulent in any aspect of the owner's or applicant's business; or~~

~~(vii) Used false or fraudulent advertising)).~~

~~((3))~~ (2) Except as provided in subsection (3) of this section, the following actions may be taken against the applicant or licensee, individually or in any combination, as a disciplinary action:

(a) Denial of the license or renewal thereof;

(b) Conditions on the license which limit or cancel the test site's authority to conduct any tests or group of tests;

(c) Suspension of the license;

(d) Revocation of the license;

(e) Monetary penalties, not exceeding ten thousand dollars per violation.

(3) Upon a determination that the licensee or applicant has engaged in or committed any of the following described conduct, the sanction shall be as specified for that conduct. If more than one sanction is listed, the sanction may be ordered individually or in any combination:

(a) If the applicant was the holder of a license under chapter 70.42 RCW which was revoked for cause and never reissued by the department, then the license application may be denied;

(b) If the licensee willfully prevents or interferes with preservation of evidence of a known violation of chapter 70.42 RCW or the rules adopted under this chapter, a monetary penalty not exceeding ten thousand dollars per violation may be assessed or the license may be:

(i) Conditioned in a manner limiting or canceling the authority to conduct tests or groups of tests;

(ii) Suspended;

(iii) Revoked;

(c) If the licensee used false or fraudulent advertising, a monetary penalty not exceeding ten thousand dollars per violation may be assessed or the license may be suspended or revoked;

(d) If the licensee failed to pay any civil monetary penalty assessed by the department under chapter 70.42 RCW within twenty-eight days after the assessment becomes final, the license may be suspended or revoked;

(e) If the licensee intentionally referred its proficiency testing samples to another medical test site or laboratory for analysis, a monetary penalty not exceeding ten thousand dollars per violation may be assessed or the license may be:

(i) Conditioned in a manner limiting or canceling the authority to conduct tests or groups of tests;

(ii) Suspended;

(iii) Revoked.

(4) The department may summarily suspend or revoke a license when ((#)) the department finds continued licensure of a test site immediately jeopardizes the public health, safety, or welfare.

~~((4))~~ (5) The department shall give written notice of any disciplinary action taken by the department to the owner or applicant for licensure, including notice of the opportunity for a hearing.

(6) A medical test site, convicted of fraud and abuse, false billing or kickbacks under state law must report this information to the department within thirty days.

AMENDATORY SECTION (Amending Order 205, filed 10/16/91, effective 10/16/91)

WAC 246-338-110 Adjudicative proceedings. (1) A ~~(license owner)~~ licensee or applicant contesting a disciplinary action shall, within twenty-eight days of ~~(receipt)~~ service of the (department's decision) notice of disciplinary action, file ~~(a written)~~ an application (for an) of adjudicative proceeding with the (Legal Support Section) Department of Health, Office of Professional Standards, 2413 Pacific Avenue, P.O. Box (2245) 47872, Olympia, WA (98507-2245) 98504-7872. ((The application shall include or have attached:

- ~~(a) A specific statement of the issue or issues and law involved;~~
- ~~(b) The grounds for contesting the department decision; and~~
- ~~(c) A copy of the contested department decision.)~~

(2) The adjudicative proceeding is governed by chapter 34.05 RCW, the Administrative Procedure Act, this chapter, and chapter ~~((246-08))~~ 246-10 WAC.

~~((If a provision of this chapter conflicts with chapter 246-08 WAC, the provision in this chapter governs.))~~

(3) Any ~~((test site in receipt of a denial, condition, suspension, or revocation of its license, or a civil monetary penalty upheld after administrative review))~~ licensee or applicant aggrieved upon issuance of the decision after the conduct of an adjudicative proceeding may, within sixty days of service of the ((administrative determination)) adjudicative proceeding decision, petition the superior court for review of the decision under chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 205, filed 10/16/91, effective 10/16/91)

WAC 246-338-990 Fees. (1) For the purpose of this section, the following words and phrases have the following meanings:

(a) "Accredited by organization" means a testing site is accredited, certified, or licensed by an organization meeting the requirements of WAC 246-338-040, Approval of accreditation bodies;

(b) "Low volume" means a medical test site performing not more than two thousand licensed tests per year;

(c) "Category A" means a medical test site performing ((less)) greater than two thousand licensed tests per year, not more than ten thousand licensed tests per year and ((two)) three or less specialties;

~~((e))~~ (d) "Category B" means a medical test site performing ((less)) greater than two thousand licensed tests per year, not more than ten thousand licensed tests per year and ((three)) at least four specialties;

~~((d))~~ (e) "Category C" means a medical test site performing greater than ten thousand ((to)) licensed tests per year, not more than twenty-five thousand licensed tests per year and three or less specialties;

~~((e))~~ (f) "Category D" means a medical test site performing ((less)) greater than ten thousand licensed tests per year, not more than twenty-five thousand licensed tests per year and four or more specialties;

~~((f))~~ (g) "Category E" means a medical test site performing greater than twenty-five thousand, but not more

than fifty thousand licensed tests per year ((and three or less specialties));

~~((g))~~ (h) "Category F" means a medical test site performing greater than ((twenty five)) fifty thousand, but not more than seventy-five thousand licensed tests per year ((and four or more specialties));

~~((h))~~ (i) "Category G" means a medical test site performing greater than seventy-five thousand, but not more than one hundred thousand licensed tests per year;

(j) "Category H" means a medical test site performing greater than one hundred thousand, but not more than five hundred thousand licensed tests per year;

(k) "Category I" means a medical test site performing greater than five hundred thousand, but not more than one million licensed tests per year;

(l) "Category J" means a medical test site performing more than one million licensed tests per year;

(m) "Direct staff time" means all state employees' work time, including travel time and expenses involved in((;

~~((;))~~ functions associated with medical test site licensure or complaint investigation including:

~~((A))~~ (i) On-site follow up visit; and

~~((B))~~ (ii) Telephone contacts and staff or management conferences in response to a deficiency statement or complaint((;

~~((;))~~ (iii) Preparation and participation in a continuing education or training event for a medical test site; and

(iii) Evaluation of evidence submitted under WAC 246-338-030(12), with a request for addition or deletion to the tests listed under WAC 246-338-030(10), including actual costs for supplies, printings and mailings;

(i) "Licensed test" means all tests not specifically listed as waived under WAC 246-338-030(10), or defined as forensic under WAC 246-338-010(12);

(j) "Temporary" means a medical test site performing licensed tests at locations separate from the medical test site's permanent location with a frequency of five times a year or less)).

(2) The department shall assess and collect biennial fees for medical test sites as follows:

(a) Charge fees, based on the requirements authorized under RCW 70.42.090 and this section;

(b) ~~((Prorate fees for the remainder of the biennial period, when the owner or applicant applies for a license or certificate of waiver during a biennium;~~

~~((e) Adjust))~~ Assess additional fees when a medical test site ((increases or decreases the complexity or volume of testing;)) adds licensed tests that result in a change of category; and

~~((d))~~ (c) Determine fees according to criteria below:

(i) Certificate of waiver	((50 per year or)) \$100 per biennium;
(ii) Physician-performed microscopic procedures	150 per biennium;
(iii) Low volume	1000 per biennium;
(iv) Category A	((400 per year or 800)) 1500 per biennium;
((iii)) (v) Category B	((450 per year or 900)) 1800 per biennium;
((iv)) (vi) Category C	((500 per year or 1000)) 2100 per biennium;
((v)) (vii) Category D	((600 per year or 1200)) 2500 per biennium;
((vi)) (viii) Category E	((700 per year or 1400)) 3000 per biennium;
((vii)) (ix) Category F	((850 per year or 1700)) 3500 per biennium;
((viii)) Mobile site	200 per year or 400 per biennium;
((ix)) Temporary	50 per year or 100 per biennium;))

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(x) Category G	4100 per biennium;
(xi) Category H	4700 per biennium;
(xii) Category I	5000 per biennium;
(xiii) Category J	5500 per biennium;
(xiv) Accredited by((A)) organization (other than HCFA 125 per year or 250 per biennium; (B) HCFA))	(50 per year or 100)) 300 per biennium;
((*)) (xv) Follow up survey for deficiencies	direct staff time;
((*)) (xvi) Complaint investigation	direct staff time((=
(xiii) Continuing education	direct staff time;
(xiv) Evaluation of requests for additions or deletions to the list of waived tests	direct staff time)).

(3) The department shall exclude from fee charges the women, infant, and children (WIC) programs performing only hemocrit testing ((~~only~~)) or hemoglobin testing as listed in WAC 246-338-030 (11)(f) or (i) for food distribution purposes and the Washington state migrant council performing only hemocrit testing ((~~only~~)) or hemoglobin testing as listed in WAC 246-338-030 (11)(f) or (i) for nutritional evaluation.

WSR 93-18-092
PERMANENT RULES
DEPARTMENT OF HEALTH

[Order 393B—Filed September 1, 1993, 10:47 a.m.]

Date of Adoption: May 14, 1993.

Purpose: Updates title of state association; amends requirements for the expiration date of spectacle prescriptions; and repeals the section setting forth conditions for determination of contact lens specifications by dispensing opticians.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-851-530; and amending WAC 246-851-110 and 246-851-360.

Statutory Authority for Adoption: RCW 18.54.070.

Pursuant to notice filed as WSR 93-08-079 on April 6, 1993.

Changes Other than Editing from Proposed to Adopted Version: Proposed changes to WAC 246-851-360 as originally filed: Change subsection (1), delete proposed change. Rationale: Does not add to the clarity of the rule.

Change subsection (5), change wording to: Expiration date for all optical prescriptions; not more than two years for contact lenses. Rationale: Due to the nature of contact lenses, a two year expiration date is necessary to assure the patient is adequately monitored.

WAC 246-851-540 and 246-851-550, to be adopted at a later date.

WAC 246-851-560, the board determined not to adopt this rule.

Effective Date of Rule: Thirty-one days after filing.

August 27, 1993
 Garard Gustafson, OD
 Chair
 Board of Optometry

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-110 Courses presumed to qualify for credit. Courses offered by the organizations listed in this section will be presumed to qualify as continuing education

courses without specific prior approval of the board, but the board reserves the authority to refuse to accept credits in any course if the board determines that the course did not provide information or training sufficient in amount or relevancy. Organizations for the purposes of this section shall include:

- (1) The American Optometric Association.
- (2) Any college or school of optometry whose scholastic standards are deemed sufficient by the board under RCW 18.53.060(2).
- (3) The Washington Association of Optometric ((~~Association~~)) Physicians.
- (4) Any state optometric association which is recognized by the licensing authority of its state as a qualified professional association or educational organization.
- (5) The state optometry board.
- (6) The optometry licensing authority of any other state.
- (7) The American Academy of Optometry.
- (8) The Optometric Extension Program.
- (9) The College of Optometrists (~~(and Visual))~~ in Vision Development.
- (10) The National Eye Research Foundation.
- (11) Regional congresses of any of the organizations listed in subsections (1) through (10) of this section.
- (12) The Council on Post-Graduate Education of the American Optometric Association.

AMENDATORY SECTION (Amending Order 308B, filed 9/30/92, effective 10/31/92)

WAC 246-851-360 Required identification on prescriptions. Written optical prescriptions related to the practice of optometry must include as a minimum:

- (1) Typed or commercially printed name, address of practice and telephone number of the prescribing doctor of optometry.
- (2) Date of prescription.
- (3) Patient's name.
- (4) Signature of prescribing doctor of optometry and license number.
- (5) Expiration date (~~((~~of~~))~~) for all optical prescriptions; not more than two years for contact lenses.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-851-530 Determination of contact lens specifications by dispensing opticians.

WSR 93-18-093
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Occupational Therapy Practice Board)
 [Order 394B—Filed September 1, 1993, 10:50 a.m.]

Date of Adoption: July 14, 1993.

Purpose: To establish reentry, renewal and endorsement requirements for professionally inactive occupational

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therapists and assistants; to further define requirements for issuance of limited permits; and housekeeping revisions.

Citation of Existing Rules Affected by this Order:
Amending WAC 246-847-070, 246-847-080, 246-847-115, 246-847-130, and 246-847-200.

Statutory Authority for Adoption: RCW 18.59.130.

Pursuant to notice filed as WSR 93-12-089 on May 28, 1993.

Effective Date of Rule: Thirty-one days after filing.

August 23, 1993

Carol Neva
for Clark Battan, OTR/L
Board Chair

NEW SECTION

WAC 246-847-055 Initial application for individuals who have not practiced within the past four years. (1) Any initial applicant who has not been actively engaged in the practice of occupational therapy within the past four years shall provide, in addition to the requirements for licensure as specified in RCW 18.59.050 and WAC 246-847-200:

(a) Evidence of having successfully completed an approved occupational therapy or occupational therapy assistant program within the past four years and documentation of thirty hours of continued competency as described in WAC 246-847-065 for the previous two-year period; or

(b) Evidence of having passed the examination as defined in WAC 246-847-080 within the previous two-year period and documentation of thirty hours of continued competency as described in WAC 246-847-065 for the previous two year-period; or

(c) Evidence of having successfully completed a board approved educational program specifically designed for occupational therapists or occupational therapy assistants preparing for re-entry into the field of occupational therapy.

(2) The applicant may be required to appear before the board for oral interview.

NEW SECTION

WAC 246-847-068 Renewal of expired license. (1) The license of any occupational therapist or occupational therapy assistant who has not placed his or her license on inactive status as described in WAC 246-847-070 and fails to renew the license by the date set by the secretary for renewal shall automatically expire. The licensee may, within four years from the date of expiration, request the license be renewed upon payment of the renewal and late renewal fees determined by the secretary and completion of continued competency requirements as specified in WAC 246-847-065.

(2) If a license has expired for four years or more, the license may be renewed under the following conditions:

(a) Submission of a written application to the board on forms provided by the secretary together with:

(b) Renewal and late fees; and

(c) Evidence of having passed the examination as defined in WAC 246-847-080 within the previous two-year period and documentation of thirty hours of continued competency as described in WAC 246-847-065 for the previous two-year period; or

(d) Evidence of having successfully completed a board approved educational program specifically designed for occupational therapists or occupational therapy assistants preparing for reentry into the field of occupational therapy.

(3) The applicant may be required to appear before the board for oral interview.

AMENDATORY SECTION (Amending Order 112B, filed 2/12/91, effective 3/15/91)

WAC 246-847-070 Inactive status. An occupational therapist or occupational therapy assistant, in good standing, may place his or her license on inactive status by giving written notice to the secretary, and may within two years thereafter resume active practice upon payment of a late renewal fee and by completion of the continued competency requirements as specified in WAC ((308-171-041)) 246-847-065. A license may be reinstated after a period of inactive status of up to four years, with proof of completion of continued competency within two years prior to reactivation and payment of a late renewal fee. A license may be reinstated after a period of inactive status of more than four years under such circumstances as the secretary determines with the advice of the board. A person whose license is on inactive status shall not practice as an occupational therapist or occupational therapy assistant until his or her license is activated.

AMENDATORY SECTION (Amending Order 300B, filed 8/24/92, effective 9/24/92)

WAC 246-847-080 Examinations. (1) The current series of the American Occupational Therapy Certification Board examination shall be the official examination for licensure as an occupational therapist or as an occupational therapy assistant.

(2) The examination for licensure as an occupational therapist shall be conducted twice a year(~~(, in January and July)~~).

(3) The examination for licensure as an occupational therapy assistant shall be conducted twice a year(~~(, in January and July)~~).

(4) The program manager of the board shall negotiate with the American Occupational Therapy Certification Board for the use of the certification examination.

(5) The examination shall be conducted in accordance with the American Occupational Therapy Certification Board security measures and contract.

(6) Applicants shall be notified of the examination results in accordance with the procedures developed by the American Occupational Therapy Certification Board.

(7) Examination scores will not be released except as authorized by the applicant in writing.

(8) To be eligible for a license, applicants must attain a passing score on the examination administered by the American Occupational Therapy Certification Board.

AMENDATORY SECTION (Amending Order 213B, filed 11/14/91, effective 12/15/91)

WAC 246-847-115 Limited permits. (1) An applicant is eligible for a limited permit under RCW 18.59.040(7),

provided the applicant takes the first examination for which he or she is eligible.

(2) An applicant who successfully passes the examination for licensure and who has a valid limited permit through the department of health at the time the examination results are made public shall be deemed to be validly licensed under the limited permit for the next thirty calendar days.

NEW SECTION

WAC 246-847-125 Applicants currently licensed in other states or territories. (1) Before licensure may be extended to any individual currently licensed to practice as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or a territory of the United States as provided in RCW 18.59.070(2), the following conditions must be met:

- (a) Evidence of having met the requirements for licensure as provided in RCW 18.59.050; and
- (b) Verification of current licensure from any state, the District of Columbia, or a territory of the United States on forms provided by the secretary; and
- (c) Verification of having passed the examination as defined in WAC 246-847-080; and
- (d) Evidence of having been actively engaged in the practice of occupational therapy within the preceding four-year period.

(2) If the applicant has not been actively engaged in the practice of occupational therapy within the past four years, the following conditions must be met:

- (a) Evidence of having taken and passed the examination as defined in WAC 246-847-080 within the previous two-year period and documentation of thirty hours of continued competency as described in WAC 246-847-065 for the previous two-year period; or
 - (b) Evidence of having successfully completed a board approved educational program specifically designed for occupational therapists or occupational therapy assistants preparing for reentry into the field of occupational therapy.
- (3) The applicant may be required to appear before the board for oral interview.

AMENDATORY SECTION (Amending Order 112B, filed 2/12/91, effective 3/15/91)

WAC 246-847-130 Definition of "commonly accepted standards for the profession." "Commonly accepted standards for the profession" in RCW 18.59.040 (5)(b) and 18.59.070 shall mean having passed the American Occupational Therapy Association certification examination, not having engaged in unprofessional conduct or gross incompetence as established by the board in WAC (~~(308-171-300)~~) 246-847-160 for conduct occurring prior to June 11, 1986 and as established in RCW 18.130.180 for conduct occurring on or after June 11, 1986, and not having been convicted of a crime of moral turpitude or a felony which relates to the profession of occupational therapy.

AMENDATORY SECTION (Amending Order 112B, filed 2/12/91, effective 3/15/91)

WAC 246-847-200 Application for licensure. (1) Effective February 1, 1989, all persons applying for licensure including a limited permit, shall submit compliance with the education requirements of WAC (~~(308-171-320)~~) 246-847-190.

(2) Those persons submitting application in 1989 who are unable to comply with WAC (~~(308-171-320)~~) 246-847-190 may upon written application be granted an extension to December 31, 1989.

WSR 93-18-094
PERMANENT RULES
LIQUOR CONTROL BOARD
 [Filed September 1, 1993, 10:53 a.m.]

Date of Adoption: August 25, 1993.

Purpose: To identify the names that must appear on liquor licenses in order to reflect the true party in interest.

Citation of Existing Rules Affected by this Order:
 Amending WAC 314-12-030.

Statutory Authority for Adoption: RCW 66.08.030.
 Pursuant to notice filed as WSR 93-15-117 on July 21, 1993.

Effective Date of Rule: Thirty-one days after filing.
 August 31, 1993
 M. Carter Mitchell
 Public Information Officer

AMENDATORY SECTION (Amending WSR 93-10-092, filed 5/4/93, effective 6/4/93)

WAC 314-12-030 License to reflect true party in interest—Display of licenses. (1) Pursuant to the requirements of RCW 66.24.010(1), any license issued shall be issued in the name(s) of the true party or parties in interest.

(2) All licenses (except certificates of approval and agent's licenses) shall be prominently displayed on the licensed premises.

(3) For purposes of this section, "true party" shall apply to any person or entity having a substantial interest in the business conducted on the premises to be licensed.

(4) For purposes of this section, "substantial interest" shall mean any of the following:

(a) Receipt of, or the right to receive, ten percent or more of the gross sales from the licensed business during any calendar or fiscal year of the licensed business. Gross sales, as used in this section, shall include the entire gross receipts of every kind and nature from the sales and services made in, upon, or from the premises, whether on a credit or cash basis, whether operated by the licensee or manager, except:

Any rebates or refunds to customers;

The licensee's cost of meals and beverage provided to employees;

The amount of sales tax receipts or admission taxes;

(b) An investment in the licensed business of ten thousand dollars or more; or (~~issued or outstanding stock on the licensed business.~~)

(c) Ownership of stock constituting more than ten percent of the issued or outstanding stock of the licensed business.

(5) For purposes of this section, "substantial interest" shall not mean:

(a) A bonus paid to an employee, if the employee is on a fixed wage or salary and the bonus is not more than twenty-five percent of the employee's prebonus annual compensation, or the bonus is based on a written incentive/bonus program and is not out of the ordinary for the services rendered;

(b) Repayment of a loan or payment on a contract to purchase property unless the loan or contract holder exercises control over or participates in the management of the licensed business;

(c) Reasonable payment for rent on a fixed or percentage basis under a bona fide lease or rental obligation unless the lessor or property manager exercises control over or participates in the management of the business;

(d) Payment of franchise fees on a fixed or percentage basis under a bona fide franchise agreement;

(e) Payment of dividends to corporate stockholders.

WSR 93-18-097

PERMANENT RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Order R-396, Docket No. UG-930243—Filed September 1, 1993, 11:02 a.m.]

In the matter of amending WAC 480-93-010 relating to all gas operators compliance with federal standards.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 93-13-035, filed with the code reviser on June 11, 1993. The commission brings this proceeding pursuant to RCW 80.01.040.

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 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The commission scheduled this matter for oral comment and adoption under Notice No. WSR 93-13-035, for 9:00 a.m., Wednesday, August 4, 1993, 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 until July 21, 1993.

No written comments were presented by any party.

The existing federal program under 49 CFR 199 requires intrastate natural gas operators to test operation, maintenance, and emergency response employees for the presence of prohibited drugs. The amendment to WAC 480-93-010 will give the commission pipeline safety staff jurisdiction to audit the intrastate natural gas operator's for compliance with 49 CFR 199.

The rule change proposal was considered for adoption at the commission's regularly scheduled open public meeting on August 4, 1993, before Chairman Sharon L. Nelson, Commissioner Richard D. Casad and Commissioner Richard

Hemstad. Oral comments were made by Dennis Lloyd on behalf of the commission staff. After considering oral comment, the commission adopted the rule, as noticed.

In reviewing the entire record, the commission determines that WAC 480-93-010 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 34.05.080.

ORDER

THE COMMISSION ORDERS That WAC 480-93-010 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 34.05.080.

THE COMMISSION FURTHER ORDERS That this order and the attached rule, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 31st day of August, 1993.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner
Richard Hemstad, Commissioner

APPENDIX A

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-010 Compliance with federal standards. Gas gathering, storage, distribution, and transmission facilities of all gas operators in this state shall be designed, constructed, maintained, and operated in compliance with the provisions of 49 CFR, Parts 192 ((~~Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (effective November 12, 1970, except for those provisions applicable to design, installation, construction, initial inspection, and initial testing of new pipelines which become effective March 13, 1971) as developed and issued by the office of pipeline safety (OPS), United States Department of Transportation (DOT), under Public Law (PL) 90-481, and as published in the Federal Register, Vol. 35, No. 161, dated August 19, 1970, and all subsequent additions, deletions, or amendments thereto when appropriately authorized, issued, and made official by OPS-DOT)) and 199 in effect on (the date this rule is adopted), except that any specific provisions in this chapter control in the event of inconsistency between this chapter and the referenced federal rules. 49 CFR, Parts 192 and 199, are available for public inspection in the commission branch of the Washington state library, located with the headquarters office of the commission. Copies are available from the Government Printing Office Bookstore, Seattle, Washington.~~

ERRATUM

Reviser's note: Due to a clerical error, the filing date on WSR 93-15-071 should have been July 16, 1993, instead of July 17, 1993, as was published in issue 93-15 of the Washington State Register. The effective date of this emergency rule is July 16, 1993.

WSR 93-18-004
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
 [Order 5003—Filed August 19, 1993, 9:38 a.m.]

Date of Adoption: August 19, 1993.

Purpose: Emergency rules relating to the use of Mevinphos (Phosdrin) in chapter 16-219 WAC.

Statutory Authority for Adoption: Chapters 17.21 and 15.58 RCW.

Pursuant to 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: In recent events concerning the use of Phosdrin, ten individuals have visited the emergency room and three individuals were admitted to the hospital with symptoms of pesticide poisoning. Additional restrictions on the application of Phosdrin are being adopted. Only certified applicators will be allowed to mix, load or apply Phosdrin. Dealers will be required to provide a copy of the rules to anyone purchasing the product.

Effective Date of Rule: Immediately.

August 19, 1993
 John M. King
 Acting Director

NEW SECTION

WAC 16-219-016 Certified applicator requirements—Mevinphos (Phosdrin). All mixing, loading of any apparatus, or application of mevinphos (Phosdrin) shall be conducted by a certified applicator who is licensed to apply the product: PROVIDED, That when an aerial application is to be made, the pilot may not act as the certified applicator for mixing and loading or otherwise assist in the mixing and loading operation.

NEW SECTION

WAC 16-219-026 Dealer requirements—Mevinphos (Phosdrin). Pesticide dealers shall provide a copy of the Mevinphos (Phosdrin) rules to the purchaser at the time of distribution.

NEW SECTION

WAC 16-219-027 Applicator site observations—Mevinphos (Phosdrin). Any application site onto which Mevinphos (Phosdrin) will be applied shall be observed by the licensed applicator responsible for the application at least fifteen minutes prior to the start of the application. Observations shall be made to determine the presence of humans and nearby dwellings.

WSR 93-18-009**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 93-83—Filed August 20, 1993, 1:58 p.m.]

Date of Adoption: August 20, 1993.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19000S; and amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to 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: Catch Record Card Area 4 closes August 22 when coho quota is projected to be attained. Area 4 waters east of the Bonilla-Tatoosh line open starting August 23 without a weekly bag limit. In Catch Record Card Area 2, the 25 fathom line is lifted in accordance with Pacific Fisheries Management Council recommendations.

Effective Date of Rule: Immediately.

August 20, 1993
 Judith Freeman
 Deputy
 for Robert Turner
 Director

NEW SECTION

WAC 220-56-19000T Coastal salmon - Saltwater seasons and bag limits. Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 2, and 4, except as provided for in this section:

(1) Areas and times open to salmon angling are as follows:

(a) Catch Record Card Area 4 - July 12 through 11:59 p.m. August 22, 1993. Waters west of the Bonilla-Tatoosh line closed Fridays and Saturdays. Bag limit F except that no more than six salmon may be retained in any seven consecutive days.

(b) On August 23, 1993 those waters of Catch Record Area 4 east of the Bonilla-Tatoosh line remain open through September 30 or the coho quota, whichever comes first. Bag limit F.

(c) Catch Record Card Area 2 - July 11 through September 30 or the coho quota, whichever comes first. Closed to salmon angling each Friday and Saturday. Bag limit F except that no more than four salmon may be retained in any seven consecutive days.

(2) Terminal gear is limited to single point barbless hooks only.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000S Coastal salmon-Saltwater seasons and bag limits (93-80).

WSR 93-18-016
EMERGENCY RULES
DEPARTMENT OF HEALTH
(Chiropractic Disciplinary Board)
[Filed August 24, 1993, 11:30 a.m.]

Date of Adoption: August 24, 1993.

Purpose: To adopt two new rules regarding mandatory reporting.

Statutory Authority for Adoption: RCW 18.26.110.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To protect the public from unprofessional conduct by a chiropractor and to facilitate interagency cooperation. Due to cancellation of August board meeting, as there was no quorum, this rule must be refiled.

Effective Date of Rule: Immediately.

August 24, 1993
Connie M. Glasgow
Program Manager

NEW SECTION

WAC 246-807-395 State and federal agencies. The board requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a chiropractor has been judged to have demonstrated incompetency or negligence in the practice of chiropractic, or has otherwise committed unprofessional conduct; or whose practice is impaired as a result of a mental, physical or chemical condition.

NEW SECTION

WAC 246-807-396 Professional standards review organizations. Unless prohibited by federal or state law, every professional standards review organization operating within the State of Washington shall report to the board any determinations that a chiropractor has engaged or is engaging inconsistent, excessive utilization of any chiropractic test, treatment or procedure when such procedures are unnecessary under the circumstances in which such services were provided.

WSR 93-18-023
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3625—Filed August 25, 1993, 10:57 a.m., effective September 1, 1993]

Date of Adoption: August 25, 1993.

Purpose: Need standards are reviewed and update annually. This amendment will enable field staff to use correct need standards in making eligibility determinations for clients effective September 1, 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 388-29-100 Standards of assistance—Basic requirements.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to 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: Increase need standards for AFDC clients.

Effective Date of Rule: September 1, 1993.

August 25, 1993
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3506, filed 1/27/93, effective 2/27/93)

WAC 388-29-100 Standards of assistance—Basic requirements. (1) The statewide monthly need standard for basic requirements shall be:

(a) A household with an obligation to pay shelter costs effective ~~((September 1, 1992))~~ September 1, 1993.

Treat a household residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as a renter if the household member makes a utility payment in lieu of a rental payment.

This need standard includes recipients owning, purchasing, or renting their home.

Effective April 23, 1990, this need standard includes a homeless family or person:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Need Standard
1	\$ ((718)) <u>739</u>
2	((909)) <u>935</u>
3	((1,125)) <u>1,158</u>
4	((1,323)) <u>1,361</u>
5	((1,524)) <u>1,569</u>
6	((1,730)) <u>1,781</u>

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7	((1,998)) <u>2,056</u>
8	((2,214)) <u>2,276</u>
9	((2,428)) <u>2,500</u>
10 or more	((2,639)) <u>2,716</u>

(b) A household with shelter provided at no cost effective ~~((September 1, 1992))~~ September 1, 1993, except as described under subsection (1)(a) of this section.

The monthly standard for a client with shelter provided at no cost includes requirements for food, clothing, energy costs, personal maintenance and necessary incidentals, household maintenance and operations, and transportation.

Recipients in Household	Need Standard
1	\$ ((437)) <u>449</u>
2	((554)) <u>569</u>
3	((686)) <u>705</u>
4	((807)) <u>828</u>
5	((929)) <u>955</u>
6	((1,055)) <u>1,084</u>
7	((1,218)) <u>1,251</u>
8	((1,348)) <u>1,385</u>
9	((1,481)) <u>1,522</u>
10 or more	((1,609)) <u>1,653</u>

(2) One hundred eighty-five percent of the statewide monthly need standard for basic requirements is:

(a) A household with shelter costs effective ~~((September 1, 1992))~~ September 1, 1993.

Recipients in Household	185% of Need Standard
1	\$ ((1,328)) <u>1,367</u>
2	((1,681)) <u>1,730</u>
3	((2,081)) <u>2,142</u>
4	((2,447)) <u>2,518</u>
5	((2,819)) <u>2,903</u>
6	((3,200)) <u>3,295</u>
7	((3,696)) <u>3,804</u>
8	((4,090)) <u>4,211</u>
9	((4,491)) <u>4,625</u>
10 or more	((4,882)) <u>5,025</u>

(b) A household with shelter provided at no cost effective ~~((September 1, 1992))~~ September 1, 1993.

Recipients in Household	185% of Need Standard
1	\$ ((808)) <u>830</u>
2	((1,024)) <u>1,052</u>
3	((1,269)) <u>1,304</u>
4	((1,492)) <u>1,531</u>
5	((1,718)) <u>1,766</u>
6	((1,951)) <u>2,005</u>
7	((2,253)) <u>2,314</u>
8	((2,493)) <u>2,562</u>
9	((2,739)) <u>2,815</u>
10 or more	((2,976)) <u>3,058</u>

(3) The statewide monthly payment standard for general assistance-unemployable, and alcoholism and drug addiction treatment and support act programs shall be:

(a) Payment standard for a household with an obligation to pay shelter costs effective January 1, 1991.

Treat a household residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as a renter if the household member makes a utility payment in lieu of a rental payment.

This payment standard includes recipients owning, purchasing, or renting their home.

Effective April 23, 1990, this payment standard includes a homeless family or person:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Payment Standard
1	\$ 339
2	428
3	531
4	624
5	719
6	817
7	943
8	1,044
9	1,146
10 or more	1,246

(b) Payment standard for a household with shelter provided at no cost effective January 1, 1991, except as described under subsection (3)(a) of this section.

The monthly payment standard for a client with shelter provided at no cost includes requirements for food, clothing, energy costs, personal maintenance and necessary incidentals, transportation, and household maintenance and operations.

Recipients in Household	Payment Standard
1	\$ 206
2	261
3	323
4	380
5	438
6	497
7	574
8	635
9	698
10 or more	758

(4) The statewide monthly payment standard for aid to families with dependent children, family independence program, refugee assistance, and general assistance for pregnant women shall be:

(a) Payment standard for a household with an obligation to pay shelter costs effective January 1, 1993.

Treat a household residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as a renter

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if the household member makes a utility payment in lieu of a rental payment.

This payment standard includes recipients owning, purchasing, or renting their home.

Effective April 23, 1990, this payment standard includes a homeless family or person:

(i) Lacking a fixed, regular, and adequate nighttime residence;

(ii) Residing in a public or privately operated shelter designed to provide temporary living accommodations; or

(iii) Provided temporary lodging through a public or privately funded emergency shelter program.

Recipients in Household	Payment Standard
1	\$ 349
2	440
3	546
4	642
5	740
6	841
7	971
8	1,075
9	1,180
10 or more	1,283

(b) Payment standard for a household with shelter provided at no cost effective January 1, 1993, except as described under subsection (4)(a) of this section.

The monthly payment standard for a client with shelter provided at no cost includes requirements for food, clothing, energy costs, personal maintenance and necessary incidentals, transportation, and household maintenance and operations.

Recipients in Household	Payment Standard
1	\$ 212
2	268
3	332
4	391
5	451
6	511
7	591
8	654
9	718
10 or more	780

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 93-18-030
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 93-84—Filed August 25, 1993, 4:52 p.m.]

Date of Adoption: August 25, 1993.
 Purpose: Commercial fishing regulations.
 Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-24-02000X; and amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to 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.

Effective Date of Rule: Immediately.

August 25, 1993
 Robert Turner
 Director

NEW SECTION

WAC 220-24-02000Y Commercial salmon troll.

Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1)(a) In waters north of Carroll Island (48 00 18 N) it is lawful to fish for and possess all salmon species other than chinook and coho salmon from 12:01 a.m. August 8, 1993 through 11:59 p.m. August 25, 1993.

(b) All salmon taken in the fishery provided for in this subsection must be sold by 11:59 p.m. August 26, 1993, and must be sold within the Salmon Management and Catch Reporting Area where taken or in an immediately adjacent closed Salmon Management and Catch Reporting Area.

(c) Lawful terminal gear during the fishing period provided for in this subsection is restricted to barbless bare blued single shank, single point hooks only. Flashers are legal.

(2)(a) In waters south of a line projected true west from the Queets River to the Oregon-Washington border excluding Conservation Zone 1, described as those waters surrounding the mouth of the Columbia River inside a line projected six miles due west from North Head along 46 18 00 N latitude to 124 13 18 W longitude, then southerly along a line 167 true to 46 11 06 N latitude and 124 11 00 W (the Columbia River Buoy) then northeast along the red buoy line to the tip of the south jetty, it is lawful to fish for and possess salmon on the following days:

- August 27 through August 28,
- September 1 through September 2,
- September 6 through September 7,
- September 11 through September 12,
- September 16 through September 17,
- September 21 through September 22,
- September 26 through September 27,
- October 1 through October 2,
- October 6 through October 7,
- October 11 through October 12,
- October 16 through October 17,

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October 21 through October 22,
October 26 through October 27,
and October 31, 1993.

(b) All salmon taken during the two day open periods provided for in this subsection must be sold within 24 hours of the closing date of each fishery and must be sold in the Salmon Management and Catch Reporting Area where taken or in an immediately adjacent closed Salmon Management and Catch Reporting Area.

(c) No vessel may land more than 35 coho salmon in each of the two day open periods provided for in this subsection.

(d) Lawful terminal gear during the fishing periods provided for in this subsection is restricted to single point, single shank barbless hooks.

(3) In the fisheries authorized in this section:

(a) No chinook salmon smaller than 28 inches in total length nor coho salmon smaller than 16 inches in total length may be taken or retained. Except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(b) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(c) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook taken south of Cape Falcon that are less than 26 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000X Commercial salmon troll.
(93-73)

WSR 93-18-037
EMERGENCY RULES
DEPARTMENT OF HEALTH
(Center for Health Statistics)
[Filed August 26, 1993, 3:03 p.m.]

Date of Adoption: August 26, 1993.

Purpose: To correct inadvertent repeal of reporting requirement of induced terminations of pregnancy and to move the requirement into the appropriate chapter.

Statutory Authority for Adoption: RCW 43.70.040 and [43.70.]050.

Pursuant to 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 previous emergency rule adopted under WSR 93-14-034 inadvertently repealed WAC 246-340-100 and 246-340-110. These rules set up the reporting requirements for health care providers regarding induced terminations of pregnancy. This health care data is essential to the mission of the Department of Health.

Emergency rule WSR 93-14-034 will remain in effect. WAC 246-340-100 and 246-340-110 will be added to chapter 246-490 WAC.

Effective Date of Rule: Immediately.

August 26, 1993
Bruce Miyahara
Secretary

NEW SECTION

WAC 246-490-100 Reporting of pregnancy terminations. Each hospital and facility where lawful induced abortions are performed during the first, second, or third trimester of pregnancy shall, on forms prescribed and supplied by the secretary, report to the department during the following month the number and dates of induced abortions performed during the previous month, giving for each abortion the age of the patient, geographic location of patient's residence, patient's previous pregnancy history, the duration of the pregnancy, the method of abortion, any complications, such as perforations, infections, and incomplete evacuations, the name of the physician or physicians performing or participating in the abortion and such other relevant information as may be required by the secretary. All physicians performing abortions in nonapproved facilities, when the physician has determined that termination of pregnancy was immediately necessary to meet a medical emergency, shall also report in the same manner, and shall additionally provide a clear and detailed statement of the facts upon which he or she based his or her judgment of medical emergency.

NEW SECTION

WAC 246-490-110 Disclosure of information. To assure accuracy and completeness in reporting, as required to fulfill the purposes for which abortion statistics are collected, information received by the board or the department through filed reports or as otherwise authorized, shall not be disclosed publicly in such a manner as to identify any individual without their consent, except by subpoena, nor in such a manner as to identify any facility except in a proceeding involving issues of certificates of approval.

WSR 93-18-038
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3628—Filed August 27, 1993, 10:11 a.m., effective September 1, 1993, 12:01 a.m.]

Purpose: Expands the provider type of who can provide Medicaid services in schools. Adds licensed registered nurse, licensed physical therapist or psychiatrist, occupational therapist, speech pathologists or audiologists.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-022 School medical services for special education students.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to 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 provider types are expanded and will be in place for federal financial participation of the services provided to the students at the beginning of the school year.

Effective Date of Rule: September 1, 1993, 12:01 a.m.
August 27, 1993
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3474, filed 10/28/92, effective 11/28/92)

WAC 388-86-022 School medical services for special education students. (1) The department shall pay school districts or educational service districts (ESD) for medical services to an eligible categorically needy or medically needy child when a school district or ESD furnishes the medical services to a special education student as part of the child's individualized education program (IEP) or individualized family service plan (IFSP).

(2) Such medical services shall be provided by:

(a) Qualified Medicaid providers as described under WAC ~~((388-87-007))~~ 388-87-005 ~~((4))~~;

(b) Psychologists, licensed by the state of Washington or granted an educational staff associate certificate (ESA) by the state board of education; or

(c) A person trained and supervised by a:

(i) Licensed registered nurse;

(ii) Licensed physical therapist or physiatrist;

(iii) Licensed occupational therapist; or

(iv) Speech pathologist or audiologist, who has been granted a certificate of clinical competence by the American speech, hearing, and language association or a person who completed the equivalent educational and work experience necessary for such a certificate.

(3) The department shall require recommendations and referrals to be updated at least annually.

(4) The department shall pay for ~~((such))~~ school-based medical services according to the department-established rate or the billed amount, whichever is lower.

(5) The department shall not pay individual school practitioners who provide school-based medical services.

(6) ~~((For medical services billed to Medicaid,))~~ The department shall require school districts or ESD to pursue third-party resources for medical services billed to Medicaid.

WSR 93-18-040
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 93-85—Filed August 27, 1993, 10:40 a.m., effective August 29, 1993, 12:01 a.m.]

Date of Adoption: August 27, 1993.
Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-903.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to 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: Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin. Additional fishing time is necessary to compensate for low effort occurring due to Fraser Panel fisheries overlapping nontreaty openings in Areas 7B and 7C. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: August 29, 1993, 12:01 a.m.
August 27, 1993
Robert Turner
Director

NEW SECTION

WAC 220-47-904 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday August 29th, 1993 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 6, 7, and 7A - Gill new gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 7PM to 8AM Nightly, August 30, 31.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

WSR 93-18-045
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 93-86—Filed August 27, 1993, 3:49 p.m., effective August 30, 1993, 6:00 a.m.]

Date of Adoption: August 27, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-32-05100Z; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a

rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of fall chinook are available in the area between Bonneville Dam and McNary Dam. This rule is consistent with the decision of the August 26, 1993, meeting of the Columbia River Compact.

Effective Date of Rule: August 30, 1993, 6:00 a.m.

August 27, 1993

Robert Turner

Director

NEW SECTION

WAC 220-32-05100A Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open for salmon and shad: 6 a.m. August 30, 1993 to 6 p.m. September 2, 1993.

Sturgeon may be retained only for subsistence purposes.

(b) Open area: SMCRA 1F, 1G, and 1H

(c) Mesh: no mesh restriction

(2) Notwithstanding the provisions of WAC 220-32-058, closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the

Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2-mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) **Spring Creek is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline of the hatchery fishway to one and one-half mile downstream from the western shoreline of the hatchery fishway.**

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. August 28, 1993:

WAC 220-32-05100Z Columbia River salmon seasons above Bonneville. (93-74)

WSR 93-18-058

EMERGENCY RULES

WILDLIFE COMMISSION

[Order 611—Filed August 30, 1993, 11:10 a.m.]

Date of Adoption: August 14, 1993.

Purpose: West Medical Lake (Spokane County) and Long Lake (Okanogan County), these waters are proposed for rehabilitation during October 1993. West Medical Lake is currently open April 25, 1993, to July 6, 1993, and September 1, 1993, to September 30, 1993. Long Lake is currently open April 25, 1993, to July 31, 1993. This proposed rule change would waive the catch, size and possession limits on all game fish species in both bodies of water. It would also afford an additional one month season on Long Lake.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to 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: [No information supplied by agency.]

Effective Date of Rule: Immediately.

August 30, 1993

Chris Drivdahl

for Curt Smith

Director

for Dean A. Lydig

Chair, Wildlife Commission

NEW SECTION

WAC 232-28-61937 1992-94 Washington game fish seasons and catch limits — West Medical Lake (Spokane County) and Long Lake (Okanogan County). Notwithstanding the provisions of WAC 232-28-619, the following game fish seasons and catch, size, and possession limits apply:

Medical Lake, West (Spokane County): Effective 12:01 a.m. September 1, 1993, through 12:00 midnight, September 30, 1993; catch, size and possession limits on all game fish species are waived.

Long Lake (Okanogan County): Additional season, effective 12:01 a.m. September 1, 1993, through 12:00 midnight, September 30, 1993; catch, size and possession limits on all game fish species are waived.

WSR 93-18-059

EMERGENCY RULES

HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Filed August 30, 1993, 1:05 p.m.]

Date of Adoption: August 30, 1993.

Purpose: To amend Health Care Authority eligibility rules to allow enrollment in the WSGPA caregivers health plan.

Citation of Existing Rules Affected by this Order: New sections WAC 182-14-010, 182-14-020, 182-14-030, 182-14-040, 182-14-050, 182-14-060, 182-14-070, 182-14-080, 182-14-090, and 182-14-100.

Statutory Authority for Adoption; Chapter 41.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Effective date is necessary because of imminent peril to the public health, safety or general welfare of the public. RCW 34.05.380(3).

Effective Date of Rule: Immediately.

Elin S. Meyer

Rules Coordinator

Chapter 182-14 WAC WASHINGTON STATE GROUP PURCHASING ASSOCIATION CAREGIVERS HEALTH PLAN

NEW SECTION

WAC 182-14-010 Purpose. The purpose of this chapter is to establish eligibility for the Washington state group purchasing association caregivers health plan, hereafter referred to as the WSGPA caregivers health plan. The WSGPA caregivers health plan merges the health care purchasing power of child care workers, home care workers, foster parents and eligible employees of non-profit human services organizations that contract with state agencies. The WSGPA caregivers health plan will be administered by the health care authority administrator.

NEW SECTION

WAC 182-14-020 Definitions. The following definitions apply to WAC 182-14-010 through 182-14-100.

(1) Administrator. The administrator of the health care authority.

(2) Effective date. The day on which coverage begins.

(3) Continuous coverage. Continuous group or individual health insurance plan coverage in effect for at least three months immediately prior to the effective coverage date of the WSGPA caregivers health plan.

(4) Open enrollment. That period of time, set by the health care authority, when eligible employees may sign up for coverage of their choice, change plans or add eligible dependents.

(5) Full-time employee. Those employees working thirty or more hours per week or one hundred twenty hours per calendar month.

(6) Part-time employee. Those employees working between eight and twenty-nine hours per week or thirty-two to one hundred nineteen hours per calendar month.

(7) Permanent employees. Those employees who are expected to be employed for more than six months.

(8) Nonpermanent employees. Those employees who are in pay status at least twenty hours per week and are expected to be employed for no more than six months. A nonpermanent employee becomes a permanent employee on the first day of the seventh month of employment.

(9) Dependents. Eligible dependents include:

(a) Lawful spouse.

(b) Dependent children through age nineteen. As used in these rules, "children" includes natural children, stepchild-

dren, legally adopted children, and foster children approved by the health care authority. To qualify for HCA approval, a foster child must:

(i) Be living with the subscriber in a parent-child relationship;

(ii) Be dependent upon the subscriber for financial support;

(iii) Not be eligible for coverage under Medicare, Medicaid, or similar government health care entitlement programs; and

(iv) 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.

(c) Dependent children age twenty through age twenty-three who are dependent upon the employee 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 and for the quarter following graduation provided the employee is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap, provided such condition occurs prior to age twenty or during the time the dependent was covered under a WSGPA caregivers health plan as a full-time student. Evidence of such disability and dependency must be furnished to the HCA upon application, and as periodically requested thereafter.

NEW SECTION

WAC 182-14-030 Eligible entities or individuals.

The following entities or individuals are eligible to participate in the WSGPA caregivers health plan subject to the terms and conditions set forth in WAC 182-14-040:

(1) Owners and operators of licensed child day care centers, licensed family child care homes and preschools or other child care education programs exempted from licensing as provided in chapter 74.15 RCW on behalf of themselves, their eligible employees, employees' spouses and dependents;

(2) Individuals providing in-home long-term care services to persons whose care is financed in whole or in part through the following department of social and health services (DSHS) programs may apply on behalf of themselves, their eligible employees, employees' spouses and dependent children:

(a) Personal care as provided in chapter 74.09 RCW;

(b) Community options program entry system (COPES), as provided in chapter 74.09 RCW;

(c) Chore services as provided in chapter 74.08 RCW;

(3) Foster parents contracting with DSHS under chapter 74.13 RCW and licensed by DSHS under chapter 74.15 RCW on behalf of themselves and their spouses and dependent children;

(4) Private nonprofit human services provider organizations under contract with Washington state agencies on behalf of their eligible employees, employees' spouses and dependent children.

NEW SECTION

WAC 182-14-040 Terms and conditions of participation. Eligible entities, or individuals may participate in the WSGPA caregivers health plan provided:

(1) The administrator approves the individual's or entity's application;

(2) The entity enrolls at least seventy-five percent of its full-time employees, who do not have other health insurance coverage, in the WSGPA caregivers health plan;

(3) The entity submits to the administrator the number of hours each eligible employee works per week/month and the employees' current group health coverage, if any, and its termination date;

(4) The WSGPA caregivers health plan is the only group health care insurance coverage provided by the entity to its employees.

NEW SECTION

WAC 182-14-050 Ineligible employees. Employees working for eligible entities which do not participate in the WSGPA caregivers health plan will be ineligible for individual coverage under the WSGPA caregivers health plan. Employees who are employed by an eligible entity for fewer than eight hours per week or thirty-two hours per calendar month are ineligible for coverage under the WSGPA caregivers health plan.

NEW SECTION

WAC 182-14-060 Enrollment and effective date of coverage. (1) Permanent employee. Permanent employees and their dependents shall enroll within ninety days of their employment and coverage becomes effective on the first date of the month after receipt of application and the first month's premium.

Employees not enrolled within ninety days of employment may not enroll until the next open enrollment period unless they can provide evidence of continuous coverage under another health plan. If such evidence of coverage is provided, the employee may enroll and pay the premium within thirty-one days of the termination date of the previous plan and, coverage would begin on the date following the expiration date of previous coverage.

(2) Nonpermanent employee. Nonpermanent employees and their dependents may enroll in their sixth month of employment and coverage will be effective the first day of the seventh month of employment.

(3) Dependents.

(a) New dependents without previous coverage whose enrollment results in premium adjustments. New dependents whose enrollment will result in a premium adjustment shall enroll within sixty days of the date of marriage, birth, or placement of an adopted or foster child. New dependents not enrolled within sixty days may not enroll until the next open enrollment period. Upon receipt of application and premium, coverage begins for new dependents on the date of birth for newborn (natural or adopted), date of placement for adopted child or foster child, or date of marriage for spouse.

(b) New dependents without previous coverage whose enrollment does not result in premium adjustments. Children whose enrollment will not result in a premium adjustment

may enroll at any time and coverage will begin at the date of birth or placement of an adopted or foster child.

(c) New dependents or spouses with continuous coverage. A new dependent or spouse with continuous health care coverage shall enroll within thirty-one days of the termination date of their previous coverage. Upon receipt of the application and premium, coverage becomes effective the date following the expiration date of previous coverage.

(4) Eligible employees and dependents who discontinue WSGPA caregivers health plan. Eligible employees and dependents who discontinue WSGPA caregivers health plan may enroll during the first open enrollment following a twelve-month waiting period.

(5) Confined enrollee. If an enrollee or dependent (other than a newborn child) is confined in a hospital, skilled nursing facility, approved chemical dependency facility or other approved inpatient facility when coverage would normally begin, no benefits will be provided for services rendered prior to discharge.

NEW SECTION

WAC 182-14-070 Preexisting condition restriction. Enrollees in the WSGPA caregivers health plan are subject to a twelve-month preexisting condition period. A preexisting condition is any illness, injury, or condition for which the enrollee received medical or surgical treatment, consultations, diagnostic testing or prescription drugs in the three months immediately preceding the enrollee's effective date of coverage. Persons who have continuous coverage shall have the twelve-month preexisting period reduced for each month of prior continuous coverage.

NEW SECTION

WAC 182-14-080 Contribution to the Washington state group purchasing association account. (1) Permanent employees:

(a) Full-time employees. Employers must pay at least fifty percent of the premium rate established by the HCA for full-time permanent employees enrolled in the WSGPA caregivers health plan.

(b) Part-time employees working at least twenty hours per week. Employers must pay a prorated share of their contribution for full-time employees for part-time employees working between twenty and thirty hours a week, or between eighty and one hundred twenty hours a month.

(c) Part-time employees working less than twenty hours per week. Eligible employees working between eight and twenty hours per week, or between thirty-two and eighty hours per calendar month are eligible for an employer premium contribution according to the employer's written benefits policy. The employer contribution shall be a prorated share of the full-time contribution.

(2) Nonpermanent employees. Employer contributions for nonpermanent employees who become eligible for the WSGPA caregivers health plan shall be the same rate as those set forth for permanent employees in subsection (1) of this section.

(3) Individual enrollees. Individual enrollees in the WSGPA caregivers health plan are responsible for payment of their entire premium.

NEW SECTION

WAC 182-14-090 Termination of coverage. WSGPA caregivers health plan ends on the earliest of the following dates:

- (1) The date the plan terminates;
- (2) At midnight, the last day of the last month for which the premium has been paid;
- (3) At midnight on the last day of the month in which a dependent's eligibility ceases; or
- (4) For any subscriber or dependent confined in an inpatient facility on the date when coverage would otherwise terminate, until discharge from that facility or until benefits are exhausted, whichever occurs first.

NEW SECTION

WAC 182-14-100 Continued medical coverage under COBRA and group conversion. (1) COBRA. Eligible employees and eligible dependents who become ineligible for WSGPA caregivers health plan and who qualify for continued coverage under the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA), including any amendments hereinafter enacted, may continue their WSGPA caregivers health plan coverage by self-payment of plan premiums in accordance with federal COBRA statutes and regulations.

(2) Group conversion policies. Group conversion policies are available to all enrollees upon termination of the WSGPA caregivers health plan or COBRA coverage if application is made within thirty-one days after termination of their group or COBRA plan.

WSR 93-18-063

RESCISSION OF EMERGENCY RULES DEPARTMENT OF AGRICULTURE

[Filed August 30, 1993, 3:58 p.m.]

Purpose: The department is rescinding emergency rules WSR 93-18-004, filed August 19, 1993; and WSR 93-13-046, filed June 14, 1993.

August 30, 1993
John M. King
Acting Director

WSR 93-18-064

EMERGENCY RULES DEPARTMENT OF AGRICULTURE

[Order 5004—Filed August 30, 1993, 4:01 p.m.]

Date of Adoption: August 30, 1993.

Purpose: Emergency rules relating to the use of mevinphos (Phosdrin) in chapter 16-219 WAC.

Citation of Existing Rules Affected by this Order:
Amending WAC 16-219-015.

Statutory Authority for Adoption: Chapters 17.21 and 15.58 RCW.

Pursuant to 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: During recent events concerning the use of Phosdrin, individuals have visited the emergency room and three individuals were admitted to the hospital with symptoms of pesticide poisoning. The department is prohibiting the use and application of Phosdrin in orchards until a hearing is held to consider the permanent adoption of prohibiting the use and application.

Effective Date of Rule: Immediately.

August 30, 1993

John M. King

Acting Director

variations shall be made to determine the presence of humans and nearby dwellings.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-219-020 Application requirements—Mevinphos (Phosdrin).
- WAC 16-219-025 Restricted entry interval—Posting—Mevinphos (Phosdrin).
- WAC 16-219-030 Training—Mevinphos (Phosdrin).

NEW SECTION

WAC 16-219-014 Use and application—Mevinphos (Phosdrin). The use and application of all formulations containing the active ingredient mevinphos (Phosdrin) shall be prohibited in all orchards throughout the state of Washington.

AMENDATORY SECTION [(Amending Order 3015, filed 7/23/93)]

WAC 16-219-015 Restricted use pesticides—Mevinphos (Phosdrin). For the purposes of (~~WAC 16-219-015 through 16-219-030~~) WAC 16-219-014 through 16-219-027, all formulations of mevinphos (Phosdrin) are declared to be restricted use pesticides due to its acute toxicity. If any restriction in (~~WAC 16-219-015 through 16-219-030~~) WAC 16-219-014 through 16-219-027 is in conflict with restrictions on the pesticide label, the most restrictive statement will apply.

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

NEW SECTION

WAC 16-219-016 Certified applicator requirements—Mevinphos (Phosdrin). All mixing, loading of any apparatus, or application of mevinphos (Phosdrin) shall be conducted by a certified applicator who is licensed to apply the product: PROVIDED, That when an aerial application is to be made, the pilot may not act as the certified applicator for mixing and loading or otherwise assist in the mixing and loading operation.

NEW SECTION

WAC 16-219-026 Dealer requirements—Mevinphos (Phosdrin). Pesticide dealers shall provide a copy of the Mevinphos (Phosdrin) rules to the purchaser at the time of distribution.

NEW SECTION

WAC 16-219-027 Applicator site observations—Mevinphos (Phosdrin). Any application site onto which Mevinphos (Phosdrin) will be applied shall be observed by the licensed applicator responsible for the application at least fifteen minutes prior to the start of the application. Obser-

WSR 93-18-077
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 93-87—Filed August 31, 1993, 3:40 p.m.]

Date of Adoption: August 31, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000Y; and amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to 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. This troll fishery was modified to a 4 day fishing period with a 70 coho possession limit based on the recommendation of the Pacific Fisheries Management Council in a conference call August 30, 1993.

Effective Date of Rule: Immediately.

August 31, 1993

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-24-02000Z Commercial salmon troll. Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh line, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

- (1) In waters south of a line projected true west from the Queets River to the Oregon-Washington border excluding Conservation Zone 1, described as those waters surrounding the mouth of the Columbia River inside a line projected six miles due west from North Head along 46 18 00 N latitude to 124 13 18 W longitude, then southerly along a line 167

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true to 46 11 06 N latitude and 124 11 00 W (the Columbia River Buoy) then northeast along the red buoy line to the tip of the south jetty, it is lawful to fish for and possess salmon from 12:01 am September 1, 1993 through 11:59 pm September 4, 1993.

(2) All salmon taken during the fishery provided for herein must be sold by 11:59 pm September 5, 1993 and must be sold in the Salmon Management and Catch Reporting Area where taken or in an immediately adjacent closed Salmon Management and Catch Reporting Area.

(3) No vessel may land more than 70 coho salmon in the fishery provided for herein.

(4) Lawful terminal gear is restricted to single point, single shank barbless hooks.

(5) No chinook salmon smaller than 28 inches in total length nor coho salmon smaller than 16 inches in total length may be taken or retained. Except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(6) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(7) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook taken south of Cape Falcon that are less than 26 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000Y Commercial salmon troll.
(93-84)

WSR 93-18-078

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 93-88—Filed August 31, 1993, 3:42 p.m., effective September 4, 1993, 12:01 a.m.]

Date of Adoption: August 31, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-44-05000E; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These regulations were adopted by the Pacific Fisheries Management Council and will be implemented by the National Marine Fisheries Service. This regulation is needed to maintain consistency between state and federal regulations.

Effective Date of Rule: September 4, 1993, 12:01 a.m.

August 31, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-44-05000F Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. September 4, 1993, until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

(1) The following definitions apply to this section:

(a) Fixed two-week fishing period. Each of the following is defined as a fixed, two-week fishing period (hours given are on a 24-hour basis):

0001 hours August 25 to 2400 September 7;
0001 hours September 8 to 2400 hours October 5;
0001 hours October 6 to 2400 hours October 19;
0001 hours October 20 to 2400 hours November 2;
0001 hours November 3 to 2400 hours November 16;
0001 hours November 17 to 2400 hours November 30;
0001 hours December 1 to 2400 hours December 14;
0001 hours December 15 to 2400 hours December 31;

(b) Fixed four-week periods. Each of the following is defined as a fixed, four-week fishing period (hours given are on a 24-hour basis):

0001 hours August 11 to 2400 hours September 7;
0001 hours September 8 to 2400 hours October 5;
0001 hours October 6 to 2400 hours November 2;
0001 hours November 3 to 2400 hours November 30;
0001 hours December 1 to 2400 hours December 31;

(c) Cumulative limit - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel in a specified period of time, without a limit on the number of landings or trips.

(d) Vessel trip - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(e) Vessel trip limit - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

(f) Daily trip limit - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours local time.

(g) Week - Wednesday through the following Tuesday.

(2) Widow rockfish - Cumulative trip limit of 30,000 pounds in a fixed four-week period. No minimum size. Unless the fishery for widow rockfish is closed, a vessel which has landed its four week, cumulative trip limit may begin to fish on the limit for the next four-week period so long as the fish are not landed until the next four-week period.

(3) Shortbelly rockfish - No maximum poundage per two-week or four-week fishing period. No minimum size.

(4) Pacific ocean perch - No limit on the number of vessel trips landings less than 1,000 pounds per vessel trip. Landings greater than 1,000 pounds but not to exceed 3,000 pounds allowed only if Pacific ocean perch represent 20 percent or less of fish aboard per vessel trip. No landings of more than 3,000 pounds per vessel trip. No minimum size.

(5) Pacific Whiting - The trip limit for Pacific Whiting is 10,000 pounds per vessel coastwide. No limit on the number of vessel trips. No minimum size.

(6) Sebastes complex - All other species of rockfish except widow, shortbelly, Pacific ocean perch and thornyhead or idiot rockfish (*Sebastes* spp.) - Cumulative trip limit of 50,000 pounds per fixed two-week period. No more than 6,000 pounds of this amount may be yellowtail rockfish. No minimum size. Unless the fishery for the Sebastes complex or yellowtail rockfish is closed, a vessel which has landed its two-week, cumulative trip limit may begin to fish on the limit for the next two-week period so long as the fish are not landed until the next two-week period.

(7) Black rockfish - The trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(8) Deepwater complex - Sablefish, Dover sole, and thornyhead rockfish - Cumulative trip limit of 60,000 pounds per fixed four week period. No more than 35,000 pounds of this amount may be thornyheads. Unless the fishery for the deepwater complex is closed, a vessel which has landed its two-week, cumulative trip limit may begin to fish on the limit for the next two-week period so long as the fish are not landed until the next two-week period.

The following limits apply to sablefish taken under this subsection:

(a) Trawl vessels - Landings above 1,000 pounds of sablefish are allowed only if sablefish represent 25 percent or less of the total combined weight of the legal deepwater complex onboard. To determine the amount of sablefish allowed, multiply Dover sole and thornyhead by .33. No more than 5,000 pounds of sablefish may be smaller than 22 inches in length in any landing. Minimum size for dressed sablefish is 15.5 inches from the anterior insertion of the first dorsal fin to the tip of the tail. To convert from dressed weight to round weight, multiply the dressed weight by 1.6.

(b) Non-trawl vessels - Effective 0001 hours June 5, until further notice, 250 pounds (round weight) daily trip limit. To convert round weight from dressed weight, multiply the dressed weight by 1.6.

Non-trawl sablefish landings are prohibited from 0001 hours June 2 to 2400 hours June 4. Fishing gear may remain in the water during this period.

(9) It is unlawful during the unloading of the catch and prior to this being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a cumulative trip limit, vessel trip limit or daily trip limit.

(10) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 4, 1993:

WAC 220-44-05000E Coastal bottomfish catch limits. (93-41)

**WSR 93-18-085
RESCISSION OF EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3593A—Filed August 31, 1993, 4:41 p.m., effective September 1, 1993, 12:01 a.m.]

Date of Adoption: August 31, 1993.

Purpose: Rescind WSR 93-16-003 filed July 22, 1993. Aging and adult services administration does not want an emergency filed on chapter 388-88 WAC because a final rule filed October 27, 1993, will be effective November 27, 1993, and an emergency filing is not needed.

Citation of Existing Rules Affected by this Order: Rescinding chapter 388-88 WAC, Medical care—Nursing home care.

Effective Date of Rule: September 1, 1993, 12:01 a.m.
August 31, 1993

Dewey Brock, Chief
Office of Vendor Services

**WSR 93-18-089
EMERGENCY RULES
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed September 1, 1993, 10:23 a.m.]

Date of Adoption: August 27, 1993.

Purpose: To amend the Grays Harbor pilotage district tariff.

Citation of Existing Rules Affected by this Order: Amending WAC 296-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Pursuant to 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 severe decline in vessel traffic in the Grays Harbor area has resulted in the need to immediately increase the pilotage tariff to provide revenue for pilotage services.

Effective Date of Rule: Immediately.

EMERGENCY

August 31, 1993
Armand L. Tiberio
Chair

AMENDATORY SECTION (Amending WSR 93-13-055,
filed 6/16/93, effective 7/17/93)

**WAC 296-116-185 Tariffs, and pilotage rates for the
Grays Harbor pilotage district.**

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of
Grays Harbor:

Each vessel shall be charged according to
its draft and tonnage. The draft charges
shall be \$~~((47.07))~~ 61.19 per meter (or
\$~~((44.32))~~ 18.62 per foot) and the tonnage
charge shall be \$~~((0.1501))~~ 0.19513 per
net registered ton. The minimum net
registered tonnage charge is \$~~((525.17))~~
682.72. The charge for an extra vessel
(in case of tow) is \$~~((300.1+))~~ 390.14.

Boarding fee:

Per each boarding/deboarding from a
boat \$~~((226.42))~~
294.35

Harbor shifts:

For each shift from dock to dock, dock to
anchorage, anchorage to dock, or anchor-
age to anchorage \$~~((376.46))~~
489.40

Delays per hour \$~~((89.77))~~
116.70

Cancellation charge (pilot only) . . . \$~~((150.05))~~
195.07

Cancellation charge (pilot boat only) \$~~((450.15))~~
585.20

Travel allowance:

Boarding or deboarding a vessel off Grays
Harbor entrance \$~~((69.67))~~
90.57

Pilot when traveling to an outlying port to
join a vessel or returning through an
outlying port from a vessel which has
been piloted to sea shall be paid
\$~~((525.18))~~ 682.73 for each day or frac-
tion thereof, and the travel expense in-
curred \$~~((525.18))~~
682.73

Bridge transit:

Charge for each bridge transited . . . \$~~((164.80))~~
214.24

Miscellaneous:

The balance of amounts due for pilotage
rates not paid within 30 days of invoice
will be assessed at 1 1/2% per month late
charge.

EMERGENCY

WSR 93-18-003
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE
 [Memorandum—August 17, 1993]

The board of trustees of Community College District #1, meeting in regular session on August 10, 1993, revised their board meeting schedule for the 1993 calendar year. Dates of the scheduled meetings are unchanged; however, the meetings have been rescheduled to begin at 10:30 a.m. The board of trustees adopted the following schedule for the remainder of the 1993 calendar year:

September 14, 1993	10:30 a.m.
October 12, 1993	10:30 a.m.
November 9, 1993	10:30 a.m.
December 14, 1993	10:30 a.m.

WSR 93-18-010
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE
 [Memorandum—August 17, 1993]

Reviser's note: This is a duplicate filing of WSR 93-18-003, and has not been republished.

WSR 93-18-012
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
 [Memorandum—August 19, 1993]

SPECIAL MEETING
BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE

Skagit Valley College	September 1, 1993
2405 College Way	10:00 a.m.-2:00 p.m.
Mount Vernon, WA 98273	Cardinal Cove at Big Lake

There will be a special meeting of the board of trustees on Wednesday, September 1, 1993, 10:00 a.m. - 2:00 p.m. in the Meeting Room at Cardinal Cove for the specific purpose of a planning retreat. No action will be taken at this meeting.

Skagit Valley College will schedule meetings in locations that are free of mobility barriers, and interpreters for deaf individuals and brailled or taped information for blind individuals can be provided when adequate notice is given to the president's office at the college.

WSR 93-18-020
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Beef Commission)
 [Memorandum—August 24, 1993]

The previously scheduled Washington State Beef Commission board meeting scheduled for November 11-12, 1993, has been changed to November 9, 1993.

WSR 93-18-031
NOTICE OF PUBLIC MEETINGS
OFFICE OF MARINE SAFETY
 [Memorandum—August 25, 1993]

The September meetings of the Southern Puget Sound Regional Marine Safety Committee and the Strait of Juan de Fuca/Northern Puget Sound Regional Marine Safety Committee have been cancelled.

The next meeting of the Southern Puget Sound Regional Marine Safety Committee will be Thursday, November 4, 1993, at 8:00 a.m. at the Port of Tacoma's World Trade Center, 3600 Port of Tacoma Road, Tacoma, WA.

The next meeting of the Strait of Juan de Fuca/Northern Puget Sound Regional Marine Safety Committee will be Wednesday, November 17, 1993, at 12 noon at National Oceanic and Atmospheric Administration, 7600 Sand Point Way N.E., Conference Rooms A and B, Seattle, WA.

WSR 93-18-033
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD
 [Memorandum—August 26, 1993]

MEETING NOTICE

Public Meeting:	October 6, 1993
	8:00 a.m. - 2:00 p.m.
	Chautauqua Lodge
	Long Beach
Public Hearing:	October 6, 1993
	10:00 a.m.
	Chautauqua Lodge
	Long Beach

If you have questions, please contact Karen Pendleton at (206) 753-5989.

WSR 93-18-034
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
 [Memorandum—August 20, 1993]

The September 1993 Washington State Transportation Commission meetings will be held at 1:00 p.m. on Wednesday, September 15, and 9:00 a.m. on Thursday, September 16, 1993, at the Red Lion Hotel, 2525 North 20th, Pasco, WA. There also will be committee meetings at 9:00 a.m., Wednesday, September 15, in the Red Lion Hotel.

The October 1993 Washington State Transportation Commission meeting will be held at 1:00 p.m. on Wednesday, October 20, and 9:00 a.m. on Thursday, October 21, 1993, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be committee meetings at 9:00 a.m., Wednesday, October 20, in the Transportation Building, Rooms 1D2 and 1D22, Olympia, Washington.

MISCELLANEOUS

WSR 93-18-044
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—August 25, 1993]

Following is a revised meeting schedule for regular meetings to be held by the University of Washington's Faculty Senate.

SCHEDULE OF SENATE AND EXECUTIVE COMMITTEE MEETINGS 1993-94

Autumn Quarter, 1993

Executive committee agenda deadline	September 22
Executive committee meeting	October 4*
Senate meeting	October 21
Executive committee agenda deadline	October 27
Executive committee meeting	November 8*
Senate meeting	December 2

Winter Quarter, 1994

Executive committee agenda deadline	December 8
Executive committee meeting	January 10**
Senate meeting	January 27
Executive committee agenda deadline	February 2
Executive committee meeting	February 14**
Senate meeting	March 3

Spring Quarter, 1994

Executive committee agenda deadline	March 9
Executive committee meeting	March 28*
Senate meeting	April 14
(Senate elections begin)	April 18
Executive committee meeting - Nominations	April 18*
Executive committee agenda deadline	April 20
Executive committee meeting	May 2*
Senate meeting	May 26

- * Continuation meetings may be held the following Monday.
- ** Continuation meeting may be held on the Tuesday in the following week.

Senate meetings are held at 2:30 p.m. in 301 Gowen Hall.
 Executive committee meetings are held at 2:30 p.m. in 142 Administration Building.

WSR 93-18-055
RULES COORDINATOR
HEALTH CARE AUTHORITY
 [Filed August 30, 1993, 10:25 a.m.]

Elin Meyer, Internal Control and Operations Policy Manager, will continue to be the rules coordinator for the Health Care Authority.

Margaret T. Stanley
 Administrator

WSR 93-18-056
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR
 (Efficiency and Accountability Commission)
 [Memorandum—August 26, 1993]

Efficiency and Accountability Commission meetings are scheduled from 8:30 a.m. to 1:00 p.m. in the Seattle World Trade Center according to the following schedule:

- September 1, 1993
- November 3, 1993
- December 1, 1993
- January 5, 1994
- March 2, 1994
- May 4, 1994
- July 6, 1994
- September 7, 1994
- November 2, 1994
- December 7, 1994

The Seattle World Trade Center is located in the Main Terminal of the Seattle-Tacoma International Airport.

If you have questions or would like additional information call (206) 586-0823.

WSR 93-18-057
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD
 [Memorandum—August 27, 1993]

MEETING NOTICE FOR SEPTEMBER 1993
TRANSPORTATION IMPROVEMENT BOARD
 OLYMPIA, WASHINGTON 98504-0901

Increase subcommittee, 5:00 p.m., Thursday, September 16, 1993, in Pasco at the Red Lion Inn, 2525 North 20th.

Work session, 7:00 p.m., Thursday, September 16, 1993, in Pasco at the Red Lion Inn.

Board meeting, 9:00 a.m., Friday, September 17, 1993, in Pasco at the Red Lion Inn.

The next scheduled meeting is October 22, 1993, in Spokane, Washington. A notice with further detail of the October meeting will be mailed October 1, 1993.

Special needs: For special accommodation needs or to request an auxiliary aid, please contact the TIB office at (206) 753-7198 by October 15, 1993.

WSR 93-18-060
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
 [Memorandum—August 30, 1993]

FOREST PRACTICES BOARD COMMITTEE MEETINGS

The Forest Practices Board committee meetings are open to the public. These are working meetings in which the committees develop and review rule concepts and language for proposed forest practice rules. Public comments are usually taken at the end of the meeting only.

Meeting information:

Wildlife Committee

September 3 9:00 a.m.
 Location: Natural Resources Building
 Room 461
 1111 Washington Street S.E.
 Olympia, WA

October 1 9:00 a.m.
 October 21 9:00 a.m.
 Location: Department of Trade and Economic
 Development
 Westin Building
 2001 6th Avenue, Suite 2600
 Seattle, WA

Cumulative Effects Committee

September 2 11:00 a.m. - Cafeteria Conference Room
 September 21 10:00 a.m. - Room 461
 Location: Natural Resources Building
 1111 Washington Street S.E.
 Olympia, WA

Small Landowner Issues Committee

September 9 3:00 p.m.
 Location: Natural Resources Building
 Room 175
 1111 Washington Street S.E.
 Olympia, WA

Additional information may be obtained from: Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (206) 902-1412.

WSR 93-18-088
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
 [Memorandum—September 1, 1993]

The Washington Forest Practices Board will hold a retreat on October 6, 1993. The meeting will convene at 10:00 a.m. at the UW Pack Forest, near Eatonville. The board will be developing overall strategies for its rule making. No public testimony will be taken.

Additional information may be obtained from: Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, (206) 902-1413.

WSR 93-18-103
ATTORNEY GENERAL'S OPINION
 [Filed September 1, 1993, 11:36 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
 WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney

General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by September 29, 1993. 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 September 29, 1993, 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 (206) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, 905 Plum Street, 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 requests.

93-8-5 Request by Leonard Nord, Chairman, Washington Citizens Commission on Salaries For Elected Officials

Questions related to the operation of the Washington Citizens Commission on Salaries for Elected Officials.

MISCELLANEOUS

Table of WAC Sections Affected

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16-88-030	NEW-P	93-16-092	16-219-026	NEW-E	93-18-064	16-229-400	NEW-P	93-12-044
16-88-040	NEW-P	93-16-092	16-219-027	NEW-E	93-18-004	16-229-410	NEW-P	93-12-044
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16-201-010	NEW-P	93-12-044	16-219-027	NEW-E	93-18-064	16-229-430	NEW-P	93-12-044
16-201-020	NEW-P	93-12-044	16-219-030	NEW-P	93-12-128	16-229-440	NEW-P	93-12-044
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16-201-110	NEW-P	93-12-044	16-228-900	REP-W	93-06-007	16-230-260	AMD	93-17-041
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16-201-180	NEW-P	93-12-044	16-228-910	NEW-P	93-04-114	16-230-281	NEW-E	93-12-038
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16-201-220	NEW-P	93-12-044	16-228-915	NEW-P	93-04-114	16-230-290	AMD-P	93-12-129
16-201-230	NEW-P	93-12-044	16-228-915	NEW-W	93-06-007	16-230-290	AMD	93-17-041
16-201-240	NEW-P	93-12-044	16-228-915	NEW-P	93-06-075	16-230-300	REP-E	93-12-038
16-201-250	NEW-P	93-12-044	16-228-915	NEW	93-10-047	16-230-300	REP-P	93-12-129
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16-219-014	NEW-E	93-18-064	16-229-015	NEW-P	93-12-044	16-461-011	NEW-P	93-08-060
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16-219-015	RESCIND	93-18-063	16-229-070	NEW-P	93-12-044	16-555-010	AMD	93-10-063
16-219-015	AMD-E	93-18-064	16-229-080	NEW-P	93-12-044	16-555-020	AMD-P	93-04-094
16-219-016	NEW-E	93-18-004	16-229-090	NEW-P	93-12-044	16-555-020	AMD	93-10-063
16-219-016	RESCIND	93-18-063	16-229-100	NEW-P	93-12-044	16-561-100	NEW-P	93-16-070
16-219-016	NEW-E	93-18-064	16-229-110	NEW-P	93-12-044	16-561-110	NEW-P	93-16-070
16-219-020	NEW-P	93-12-128	16-229-120	NEW-P	93-12-044	16-561-120	NEW-P	93-16-070
16-219-020	NEW-E	93-13-038	16-229-130	NEW-P	93-12-044	16-570-040	AMD-P	93-07-085
16-219-020	RESCIND	93-13-045	16-229-140	NEW-P	93-12-044	16-570-040	AMD	93-11-032
16-219-020	NEW-E	93-13-046	16-229-150	NEW-P	93-12-044	16-602-020	AMD-P	93-15-099
16-219-020	NEW	93-16-017	16-229-160	NEW-P	93-12-044	16-602-040	NEW-E	93-12-039
16-219-020	REP-P	93-18-061	16-229-170	NEW-P	93-12-044	16-602-040	NEW-P	93-15-100
16-219-020	RESCIND	93-18-063	16-229-180	NEW-P	93-12-044	16-620-150	NEW-P	93-17-059
16-219-020	REP-E	93-18-064	16-229-200	NEW-P	93-12-044	16-620-270	AMD-P	93-17-059
16-219-025	NEW-P	93-12-128	16-229-210	NEW-P	93-12-044	16-674-002	REP	93-03-079
16-219-025	NEW-E	93-13-038	16-229-220	NEW-P	93-12-044	16-674-010	AMD	93-03-079
16-219-025	RESCIND	93-13-045	16-229-230	NEW-P	93-12-044	16-674-020	REP	93-03-079
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16-219-025	REP-E	93-18-064	16-229-280	NEW-P	93-12-044	16-674-100	NEW	93-03-079
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44-01-030	AMD-E	93-14-081	51-11-0532	AMD-P	93-08-077	51-11-1313	NEW-P	93-08-077
44-01-100	AMD-E	93-14-081	51-11-0532	AMD-W	93-08-084	51-11-1314	NEW-P	93-08-077
44-01-110	AMD-E	93-14-081	51-11-0538	AMD-P	93-08-077	51-11-1320	NEW-P	93-08-077
44-01-120	AMD-E	93-14-081	51-11-0538	AMD-W	93-08-084	51-11-1321	NEW-P	93-08-077
44-01-130	AMD-E	93-14-081	51-11-0539	AMD-P	93-08-077	51-11-1322	NEW-P	93-08-077
44-01-140	AMD-E	93-14-081	51-11-0539	AMD-W	93-08-084	51-11-1323	NEW-P	93-08-077
44-01-150	AMD-E	93-14-081	51-11-0540	AMD-P	93-08-077	51-11-1330	NEW-P	93-08-077
44-01-160	AMD-E	93-14-081	51-11-0540	AMD-W	93-08-084	51-11-1331	NEW-P	93-08-077
44-01-170	AMD-E	93-14-081	51-11-0542	AMD-P	93-08-077	51-11-1332	NEW-P	93-08-077
44-10-030	AMD-E	93-07-017	51-11-0542	AMD-W	93-08-084	51-11-1333	NEW-P	93-08-077
50-14-020	AMD-P	93-11-087	51-11-0601	AMD-P	93-08-077	51-11-1334	NEW-P	93-08-077
50-14-020	AMD	93-13-142	51-11-0601	AMD-W	93-08-084	51-11-1334	NEW-C	93-16-111
50-14-030	AMD-P	93-11-087	51-11-0601	AMD-W	93-16-112	51-11-1401	NEW-P	93-08-077
50-14-030	AMD	93-13-142	51-11-0601	AMD-P	93-16-113	51-11-1401	NEW-W	93-08-084
50-14-040	AMD-P	93-11-087	51-11-0602	AMD-P	93-16-113	51-11-1402	NEW-P	93-08-077
50-14-040	AMD	93-13-142	51-11-0603	AMD-P	93-16-113	51-11-1402	NEW-W	93-08-084
50-14-050	AMD-P	93-11-087	51-11-0605	AMD-P	93-08-077	51-11-1410	NEW-P	93-08-077
50-14-050	AMD	93-13-142	51-11-0605	AMD-W	93-08-084	51-11-1411	NEW-P	93-08-077
50-14-060	AMD-P	93-11-087	51-11-0606	AMD-P	93-08-077	51-11-1412	NEW-P	93-08-077
50-14-060	AMD	93-13-142	51-11-0606	AMD-W	93-08-084	51-11-1412	NEW-C	93-16-111
50-14-070	AMD-P	93-11-087	51-11-0607	AMD-P	93-08-077	51-11-1413	NEW-P	93-08-077
50-14-070	AMD	93-13-142	51-11-0607	AMD-W	93-08-084	51-11-1414	NEW-P	93-08-077
50-14-080	AMD-P	93-11-087	51-11-0608	AMD-P	93-08-077	51-11-1414	NEW-C	93-16-111
50-14-080	AMD	93-13-142	51-11-0608	AMD-W	93-08-084	51-11-1415	NEW-P	93-08-077
50-14-090	AMD-P	93-11-087	51-11-0625	AMD-P	93-16-113	51-11-1415	NEW-C	93-16-111
50-14-090	AMD	93-13-142	51-11-0626	AMD-P	93-16-113	51-11-1420	NEW-P	93-08-077
50-14-100	AMD-P	93-11-087	51-11-0627	AMD-P	93-16-113	51-11-1421	NEW-P	93-08-077
50-14-100	AMD	93-13-142	51-11-0628	AMD-P	93-16-113	51-11-1422	NEW-P	93-08-077
50-14-110	AMD-P	93-11-087	51-11-0629	AMD-P	93-16-113	51-11-1423	NEW-P	93-08-077
50-14-110	AMD	93-13-142	51-11-0630	AMD-P	93-16-113	51-11-1424	NEW-P	93-08-077
50-14-130	AMD-P	93-11-087	51-11-0631	AMD-P	93-08-077	51-11-1430	NEW-P	93-08-077
50-14-130	AMD	93-13-142	51-11-0631	AMD-W	93-08-084	51-11-1431	NEW-P	93-08-077
50-20-130	AMD-P	93-13-144	51-11-0700	AMD-P	93-08-077	51-11-1432	NEW-P	93-08-077
50-20-130	AMD	93-16-033	51-11-1000	AMD-P	93-08-077	51-11-1433	NEW-P	93-08-077
50-30-030	AMD-P	93-13-143	51-11-1006	AMD-P	93-16-113	51-11-1434	NEW-P	93-08-077
50-30-030	AMD	93-16-032	51-11-1100	NEW-P	93-08-077	51-11-1435	NEW-P	93-08-077
50-48-100	AMD-P	93-05-052	51-11-1101	NEW-W	93-08-084	51-11-1436	NEW-P	93-08-077
50-48-100	AMD	93-07-113	51-11-1102	NEW-W	93-08-084	51-11-1437	NEW-P	93-08-077
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51-04-015	AMD-P	93-16-110	51-11-1104	NEW-W	93-08-084	51-11-1441	NEW-P	93-08-077
51-04-018	AMD-W	93-14-017	51-11-1105	NEW-W	93-08-084	51-11-1442	NEW-P	93-08-077
51-04-018	AMD-P	93-16-110	51-11-1106	NEW-W	93-08-084	51-11-1450	NEW-P	93-08-077
51-04-020	AMD-W	93-14-017	51-11-1107	NEW-W	93-08-084	51-11-1451	NEW-P	93-08-077
51-04-020	AMD-P	93-16-110	51-11-1108	NEW-W	93-08-084	51-11-1452	NEW-P	93-08-077
51-04-025	AMD-W	93-14-017	51-11-1109	NEW-W	93-08-084	51-11-1453	NEW-P	93-08-077
51-04-025	AMD-P	93-16-110	51-11-1110	NEW-P	93-08-077	51-11-1454	NEW-P	93-08-077
51-04-030	AMD-W	93-14-017	51-11-1120	NEW-P	93-08-077	51-11-1454	NEW-C	93-16-111
51-04-030	AMD-P	93-16-110	51-11-1130	NEW-P	93-08-077	51-11-1501	NEW-P	93-08-077
51-04-060	AMD-W	93-14-017	51-11-1131	NEW-P	93-08-077	51-11-1501	NEW-W	93-08-084
51-04-060	AMD-P	93-16-110	51-11-1132	NEW-P	93-08-077	51-11-1502	NEW-W	93-08-084
51-11-0101	AMD-P	93-08-077	51-11-1133	NEW-P	93-08-077	51-11-1503	NEW-W	93-08-084
51-11-0101	AMD-W	93-08-084	51-11-1134	NEW-P	93-08-077	51-11-1504	NEW-W	93-08-084
51-11-0200	AMD-P	93-08-077	51-11-1140	NEW-P	93-08-077	51-11-1505	NEW-W	93-08-084
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51-11-0402	AMD-P	93-16-113	51-11-1144	NEW-P	93-08-077	51-11-1513	NEW-P	93-08-077
51-11-0502	AMD-P	93-08-077	51-11-1150	NEW-P	93-08-077	51-11-1513	NEW-C	93-16-111
51-11-0502	AMD-W	93-08-084	51-11-1160	NEW-P	93-08-077	51-11-1520	NEW-P	93-08-077
51-11-0502	AMD-W	93-16-112	51-11-1201	NEW-P	93-08-077	51-11-1521	NEW-P	93-08-077
51-11-0502	AMD-P	93-16-113	51-11-1201	NEW-W	93-08-084	51-11-1522	NEW-P	93-08-077
51-11-0503	AMD-P	93-08-077	51-11-1210	NEW-P	93-08-077	51-11-1530	NEW-P	93-08-077
51-11-0503	AMD-W	93-08-084	51-11-1301	NEW-P	93-08-077	51-11-1531	NEW-P	93-08-077
51-11-0505	AMD-P	93-08-077	51-11-1301	NEW-W	93-08-084	51-11-1532	NEW-P	93-08-077
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51-11-0525	AMD-P	93-16-113	51-11-1302	NEW-W	93-08-084	51-11-1601	NEW-W	93-08-084
51-11-0527	AMD-P	93-16-113	51-11-1303	NEW-P	93-08-077	51-11-1602	NEW-W	93-08-084
51-11-0528	AMD-P	93-08-077	51-11-1303	NEW-W	93-08-084	51-11-1603	NEW-W	93-08-084
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131-48-030	NEW-E	93-14-010	132G-116-285	NEW	93-02-063	132J-125-020	NEW	93-04-022
131-48-030	NEW-P	93-18-067	132G-116-290	REP	93-02-063	132J-125-030	NEW	93-04-022
131-48-040	NEW-E	93-14-010	132G-116-295	NEW	93-02-063	132J-125-055	NEW	93-04-022
131-48-040	NEW-P	93-18-067	132G-116-300	REP	93-02-063	132J-125-060	NEW	93-04-022
131-48-050	NEW-E	93-14-010	132G-116-305	NEW	93-02-063	132J-125-065	NEW	93-04-022
131-48-050	NEW-P	93-18-067	132G-116-310	REP	93-02-063	132J-125-070	NEW	93-04-022
131-48-060	NEW-E	93-14-010	132G-116-315	NEW	93-02-063	132J-125-075	NEW	93-04-022
131-48-060	NEW-P	93-18-067	132G-116-320	REP	93-02-063	132J-125-080	NEW	93-04-022
131-48-070	NEW-E	93-14-010	132G-116-330	REP	93-02-063	132J-125-085	NEW	93-04-022
131-48-070	NEW-P	93-18-067	132G-116-340	AMD	93-02-063	132J-125-090	NEW	93-04-022
131-48-080	NEW-E	93-14-010	132G-116-350	REP	93-02-063	132J-125-095	NEW	93-04-022
131-48-080	NEW-P	93-18-067	132H-116-315	AMD-P	93-08-067	132J-125-100	NEW	93-04-022
131-48-090	NEW-E	93-14-010	132H-116-315	AMD	93-12-007	132J-125-105	NEW	93-04-022
131-48-090	NEW-P	93-18-067	132H-120-050	AMD-P	93-08-068	132J-125-110	NEW	93-04-022
131-48-100	NEW-E	93-14-010	132H-120-050	AMD	93-12-008	132J-125-115	NEW	93-04-022
131-48-100	NEW-P	93-18-067	132H-120-200	AMD-P	93-08-068	132J-125-120	NEW	93-04-022
131-48-110	NEW-E	93-14-010	132H-120-200	AMD	93-12-008	132J-125-125	NEW	93-04-022
131-48-110	NEW-P	93-18-067	132H-120-220	AMD-P	93-08-068	132J-125-130	NEW	93-04-022
131-48-120	NEW-E	93-14-010	132H-120-220	AMD	93-12-008	132J-125-135	NEW	93-04-022
131-48-120	NEW-P	93-18-067	132H-120-225	AMD-P	93-08-068	132J-125-140	NEW	93-04-022
131-48-130	NEW-E	93-14-010	132H-120-225	AMD	93-12-008	132J-125-145	NEW	93-04-022
131-48-130	NEW-P	93-18-067	132H-120-245	AMD-P	93-08-068	132J-125-150	NEW	93-04-022
131-48-140	NEW-E	93-14-010	132H-120-245	AMD	93-12-008	132J-125-155	NEW	93-04-022
131-48-140	NEW-P	93-18-067	132H-120-300	AMD-P	93-08-068	132J-125-160	NEW	93-04-022
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132G-116-025	NEW	93-02-063	132H-120-335	AMD	93-12-008	132J-125-180	NEW	93-04-022
132G-116-030	AMD	93-02-063	132H-120-475	AMD-P	93-08-068	132J-125-190	NEW	93-04-022
132G-116-035	NEW	93-02-063	132H-120-475	AMD	93-12-008	132J-125-200	NEW	93-04-022
132G-116-040	REP	93-02-063	132H-160-180	AMD-P	93-12-098	132J-125-210	NEW	93-04-022
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132G-116-110	REP	93-02-063	132J-116-040	AMD-P	93-15-119	132J-125-310	NEW	93-04-022
132G-116-115	NEW	93-02-063	132J-116-050	AMD-P	93-15-119	132J-128-010	REP-P	93-15-120
132G-116-120	REP	93-02-063	132J-116-060	AMD-P	93-15-119	132J-128-020	REP-P	93-15-120
132G-116-125	NEW	93-02-063	132J-116-070	REP-P	93-15-119	132J-128-030	REP-P	93-15-120
132G-116-130	REP	93-02-063	132J-116-080	AMD-P	93-15-119	132J-128-040	REP-P	93-15-120
132G-116-135	NEW	93-02-063	132J-116-090	AMD-P	93-15-119	132J-128-050	REP-P	93-15-120
132G-116-140	REP	93-02-063	132J-116-100	AMD-P	93-15-119	132J-128-060	REP-P	93-15-120
132G-116-145	NEW	93-02-063	132J-116-110	AMD-P	93-15-119	132J-128-070	REP-P	93-15-120
132G-116-150	REP	93-02-063	132J-116-120	AMD-P	93-15-119	132J-128-080	REP-P	93-15-120
132G-116-155	NEW	93-02-063	132J-116-130	AMD-P	93-15-119	132J-128-090	REP-P	93-15-120
132G-116-160	REP	93-02-063	132J-116-140	AMD-P	93-15-119	132J-128-100	REP-P	93-15-120
132G-116-170	REP	93-02-063	132J-116-150	AMD-P	93-15-119	132J-128-110	REP-P	93-15-120
132G-116-175	NEW	93-02-063	132J-116-160	AMD-P	93-15-119	132J-128-120	REP-P	93-15-120
132G-116-180	REP	93-02-063	132J-116-170	AMD-P	93-15-119	132J-128-130	REP-P	93-15-120
132G-116-185	NEW	93-02-063	132J-116-180	AMD-P	93-15-119	132J-128-140	REP-P	93-15-120
132G-116-190	REP	93-02-063	132J-116-190	AMD-P	93-15-119	132J-128-200	NEW-P	93-15-120
132G-116-195	NEW	93-02-063	132J-116-200	REP-P	93-15-119	132J-128-210	NEW-P	93-15-120
132G-116-200	REP	93-02-063	132J-116-210	AMD-P	93-15-119	132J-136-020	REP-P	93-15-121
132G-116-205	NEW	93-02-063	132J-116-220	AMD-P	93-15-119	132J-136-025	REP-P	93-15-121
132G-116-210	REP	93-02-063	132J-116-240	AMD-P	93-15-119	132J-136-030	REP-P	93-15-121
132G-116-215	NEW	93-02-063	132J-120-010	REP	93-04-022	132J-136-040	REP-P	93-15-121
132G-116-220	REP	93-02-063	132J-120-020	REP	93-04-022	132J-136-050	REP-P	93-15-121
132G-116-225	NEW	93-02-063	132J-120-030	REP	93-04-022	132L-133-020	NEW-P	93-06-067
132G-116-230	REP	93-02-063	132J-120-040	REP	93-04-022	132L-133-020	NEW	93-13-050
132G-116-235	NEW	93-02-063	132J-120-050	REP	93-04-022	132N-156-300	AMD-P	93-15-081
132G-116-240	REP	93-02-063	132J-120-060	REP	93-04-022	132N-156-310	AMD-P	93-15-081
132G-116-245	NEW	93-02-063	132J-120-070	REP	93-04-022	132N-156-320	AMD-P	93-15-081
132G-116-250	REP	93-02-063	132J-120-080	REP	93-04-022	132N-156-330	AMD-P	93-15-081
132G-116-255	NEW	93-02-063	132J-120-090	REP	93-04-022	132N-156-400	AMD-P	93-15-081
132G-116-260	REP	93-02-063	132J-120-100	REP	93-04-022	132N-156-420	AMD-P	93-15-081
132G-116-265	NEW	93-02-063	132J-120-110	REP	93-04-022	132N-156-430	AMD-P	93-15-081
132G-116-270	AMD	93-02-063	132J-120-120	REP	93-04-022	132N-156-440	AMD-P	93-15-081
132G-116-275	NEW	93-02-063	132J-120-130	REP	93-04-022	132N-156-450	AMD-P	93-15-081

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132N-156-510	AMD-P	93-15-081	136-310-010	AMD-P	93-18-028
132N-156-520	AMD-P	93-15-081	136-320-010	AMD-P	93-07-045
132N-156-530	AMD-P	93-15-081	136-320-010	AMD	93-14-003
132N-156-540	AMD-P	93-15-081	136-320-020	AMD-P	93-07-045
132N-156-550	AMD-P	93-15-081	136-320-020	AMD	93-14-003
132N-156-560	AMD-P	93-15-081	136-320-030	AMD-P	93-07-045
132N-156-570	AMD-P	93-15-081	136-320-030	AMD	93-14-003
132N-156-580	AMD-P	93-15-081	136-320-040	AMD-P	93-07-045
132N-156-600	AMD-P	93-15-081	136-320-040	AMD	93-14-003
132N-156-610	AMD-P	93-15-081	136-320-050	AMD-P	93-07-045
132N-156-620	AMD-P	93-15-081	136-320-050	AMD	93-14-003
132N-156-630	AMD-P	93-15-081	136-320-060	AMD-P	93-07-045
132N-156-640	AMD-P	93-15-081	136-320-060	AMD	93-14-003
132N-156-650	AMD-P	93-15-081	136-320-070	AMD-P	93-07-045
132N-156-700	AMD-P	93-15-081	136-320-070	AMD	93-14-003
132N-156-710	AMD-P	93-15-081	136-320-080	AMD-P	93-07-045
132N-156-720	AMD-P	93-15-081	136-320-080	AMD	93-14-003
132N-156-730	AMD-P	93-15-081	139-05-240	AMD-W	93-05-039
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132N-156-750	AMD-P	93-15-081	139-05-240	AMD	93-13-098
132N-156-760	AMD-P	93-15-081	139-05-242	NEW-C	93-03-084
132P-136-010	AMD-P	93-12-099	139-05-242	NEW-C	93-08-030
132P-136-020	AMD-P	93-12-099	139-05-242	NEW	93-13-103
132P-136-030	AMD-P	93-12-099	139-05-250	AMD-P	93-08-055
132P-136-040	AMD-P	93-12-099	139-05-250	AMD	93-13-097
132P-136-050	AMD-P	93-12-099	139-05-910	REP-P	93-10-029
132P-136-060	AMD-P	93-12-099	139-05-910	REP	93-13-100
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132T-20-020	REP-P	93-15-079	139-05-912	NEW	93-13-101
132T-20-030	REP-P	93-15-079	139-10-220	AMD-W	93-05-040
132T-20-040	REP-P	93-15-079	139-10-220	AMD-P	93-07-120
132T-20-050	REP-P	93-15-079	139-10-220	AMD	93-13-099
132T-20-052	REP-P	93-15-079	139-10-222	NEW-C	93-03-085
132T-20-054	REP-P	93-15-079	139-10-222	NEW	93-07-119
132T-20-058	REP-P	93-15-079	162-12-100	AMD-P	93-15-122
132T-20-060	REP-P	93-15-079	162-12-110	REP-P	93-15-122
132T-20-070	REP-P	93-15-079	162-12-120	AMD-P	93-15-122
132T-20-075	REP-P	93-15-079	162-12-130	AMD-P	93-15-122
132T-20-090	REP-P	93-15-079	162-12-135	AMD-P	93-15-122
132T-20-095	REP-P	93-15-079	162-12-140	AMD-P	93-15-122
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132T-20-105	REP-P	93-15-079	162-12-160	AMD-P	93-15-122
132T-20-115	REP-P	93-15-079	162-12-170	AMD-P	93-15-122
132T-20-140	REP-P	93-15-079	162-12-180	AMD-P	93-15-122
132T-20-150	REP-P	93-15-079	162-18-010	REP-P	93-15-122
132T-20-155	REP-P	93-15-079	162-18-020	REP-P	93-15-122
132T-20-190	REP-P	93-15-079	162-18-030	REP-P	93-15-122
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132T-24-030	REP-P	93-15-079	162-18-070	REP-P	93-15-122
132T-24-040	REP-P	93-15-079	162-18-080	REP-P	93-15-122
132T-24-050	REP-P	93-15-079	162-18-090	REP-P	93-15-122
132T-24-060	REP-P	93-15-079	162-18-100	REP-P	93-15-122
132T-24-070	REP-P	93-15-079	162-22	AMD-P	93-15-122
132T-24-080	REP-P	93-15-079	162-22-010	AMD-P	93-15-122
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132V-120-300	AMD-P	93-13-049	162-22-050	AMD-P	93-15-122
132V-120-310	AMD-P	93-13-049	162-22-060	AMD-P	93-15-122
132V-120-320	AMD-P	93-13-049	162-22-070	AMD-P	93-15-122
132V-300-010	NEW	93-03-078	162-22-080	AMD-P	93-15-122
132V-300-010	AMD-P	93-14-021	162-22-090	AMD-P	93-15-122
132V-300-020	NEW	93-03-078	162-22-100	NEW-P	93-15-122
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162-26-070	AMD-P	93-15-122	162-26-070	AMD-P	93-15-122
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162-30-090	NEW-P	93-15-122	162-30-090	NEW-P	93-15-122
162-30-100	NEW-P	93-15-122	162-30-100	NEW-P	93-15-122
173-19-2205	AMD-P	93-09-062	173-19-2205	AMD-P	93-09-062
173-19-2205	AMD	93-17-063	173-19-2205	AMD	93-17-063
173-19-240	AMD-P	93-10-100	173-19-240	AMD-P	93-10-100
173-19-240	AMD	93-17-062	173-19-240	AMD	93-17-062
173-19-2401	AMD	93-07-116	173-19-2401	AMD	93-07-116
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173-19-2401	AMD	93-17-062	173-19-2401	AMD	93-17-062
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173-19-2521	AMD-P	93-05-043	173-19-2521	AMD-P	93-05-043
173-19-2521	AMD	93-12-011	173-19-2521	AMD	93-12-011
173-19-3201	AMD-P	93-15-054	173-19-3201	AMD-P	93-15-054
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173-19-3503	AMD-C	93-04-064	173-19-3503	AMD-C	93-04-064
173-19-3503	AMD	93-08-026	173-19-3503	AMD	93-08-026
173-19-3903	AMD-P	93-03-091	173-19-3903	AMD-P	93-03-091
173-19-3903	AMD	93-13-020	173-19-3903	AMD	93-13-020
173-19-3506	AMD-P	93-18-081	173-19-3506	AMD-P	93-18-081
173-19-3911	AMD-P	93-06-051	173-19-3911	AMD-P	93-06-051
173-19-3911	AMD-C	93-13-047	173-19-3911	AMD-C	93-13-047
173-19-410	AMD-C	93-16-013	173-19-410	AMD-C	93-16-013
173-19-410	AMD-C	93-04-065	173-19-410	AMD-C	93-04-065
173-19-410	AMD-C	93-07-091	173-19-410	AMD-C	93-07-091
173-19-410	AMD-W	93-11-074	173-19-410	AMD-W	93-11-074
173-19-4203	AMD-P	93-06-050	173-19-4203	AMD-P	93-06-050
173-19-4203	AMD-C	93-11-061	173-19-4203	AMD-C	93-11-061
173-19-4203	AMD	93-12-107	173-19-4203	AMD	93-12-107
173-19-4205	AMD-P	93-14-117	173-19-4205	AMD-P	93-14-117
173-19-450	AMD	93-04-063	173-19-450	AMD	93-04-063
173-50-040	AMD-P	93-13-127	173-50-040	AMD-P	93-13-127
173-50-050	AMD-P	93-13-127	173-50-050	AMD-P	93-13-127
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173-50-080	AMD-P	93-13-127	173-50-080	AMD-P	93-13-127
173-50-090	AMD-P	93-13-127	173-50-090	AMD-P	93-13-127
173-50-100	AMD-P	93-13-127	173-50-100	AMD-P	93-13-127
173-50-120	AMD-P	93-13-127	173-50-120	AMD-P	93-13-127
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173-50-200	AMD-P	93-13-127	173-50-200	AMD-P	93-13-127
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173-164-010	REP	93-14-116	173-164-010	REP	93-14-116
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173-164-020	REP	93-14-116	173-164-020	REP	93-14-116
173-164-030	REP-P	93-09-064	173-164-030	REP-P	93-09-064
173-164-030	REP	93-14-116	173-164-030	REP	93-14-116
173-164-040	REP-P	93-09-064	173-164-040	REP-P	93-09-064
173-164-040	REP	93-14-116	173-164-040	REP	93-14-116
173-164-050	REP-P	93-09-064	173-164-050	REP-P	93-09-064
173-164-050	REP	93-14-116	173-164-050	REP	93-14-116
173-164-060	REP-P	93-09-064	173-164-060	REP-P	93-09-064
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173-164-070	REP-P	93-09-064	173-164-070	REP-P	93-09-064
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173-202-020	AMD-E	93-07-090	173-220-225	AMD-P	93-03-066	173-226-240	NEW-P	93-03-066
173-202-020	AMD	93-11-062	173-220-225	AMD-E	93-03-067	173-226-240	NEW-E	93-03-067
173-205	NEW-C	93-14-004	173-220-225	AMD	93-10-099	173-226-240	NEW	93-10-099
173-205	NEW-C	93-17-051	173-226-010	NEW-P	93-03-066	173-226-250	NEW-P	93-03-066
173-205-010	NEW-P	93-08-085	173-226-010	NEW-E	93-03-067	173-226-250	NEW-E	93-03-067
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173-205-030	NEW-P	93-08-085	173-226-020	NEW-P	93-03-066	173-226-250	NEW	93-10-099
173-205-040	NEW-P	93-08-085	173-226-020	NEW-E	93-03-067	173-250-010	REP-P	93-09-064
173-205-050	NEW-P	93-08-085	173-226-020	NEW	93-10-099	173-250-010	REP	93-14-116
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173-205-100	NEW-P	93-08-085	173-226-040	NEW-E	93-03-067	173-250-040	REP-P	93-09-064
173-205-110	NEW-P	93-08-085	173-226-040	NEW	93-10-099	173-250-040	REP	93-14-116
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173-205-130	NEW-P	93-08-085	173-226-050	NEW-E	93-03-067	173-303-016	AMD-P	93-12-109
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173-216-010	AMD	93-10-099	173-226-060	NEW-E	93-03-067	173-303-045	AMD-P	93-12-109
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173-216-050	AMD-E	93-03-067	173-226-090	NEW-P	93-03-066	173-303-083	AMD-P	93-12-109
173-216-050	AMD	93-10-099	173-226-090	NEW-E	93-03-067	173-303-084	AMD-P	93-12-109
173-216-070	AMD-P	93-03-066	173-226-090	NEW	93-10-099	173-303-090	AMD-P	93-12-109
173-216-070	AMD-E	93-03-067	173-226-090	AMD-P	93-13-127	173-303-100	AMD-P	93-12-109
173-216-070	AMD	93-10-099	173-226-100	NEW-P	93-03-066	173-303-101	AMD-P	93-12-109
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173-220-020	AMD-E	93-03-067	173-226-140	NEW-P	93-03-066	173-303-200	AMD-P	93-12-109
173-220-020	AMD	93-10-099	173-226-140	NEW-E	93-03-067	173-303-201	AMD-P	93-12-109
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173-220-040	AMD-E	93-03-067	173-226-160	NEW-P	93-03-066	173-303-240	AMD-P	93-12-109
173-220-040	AMD	93-10-099	173-226-160	NEW-E	93-03-067	173-303-281	AMD-P	93-12-109
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173-220-045	REP-E	93-03-067	173-226-170	NEW-P	93-03-066	173-303-290	AMD-P	93-12-109
173-220-045	REP	93-10-099	173-226-170	NEW-E	93-03-067	173-303-300	AMD-P	93-12-109
173-220-050	AMD-P	93-03-066	173-226-170	NEW	93-10-099	173-303-320	AMD-P	93-12-109
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173-220-050	AMD	93-10-099	173-226-180	NEW-E	93-03-067	173-303-350	AMD-P	93-12-109
173-220-060	AMD-P	93-03-066	173-226-180	NEW	93-10-099	173-303-370	AMD-P	93-12-109
173-220-060	AMD-E	93-03-067	173-226-180	NEW-P	93-03-066	173-303-390	AMD-P	93-12-109
173-220-060	AMD	93-10-099	173-226-190	NEW-E	93-03-067	173-303-400	AMD-P	93-12-109
173-220-070	AMD-P	93-03-066	173-226-190	NEW	93-10-099	173-303-505	AMD-P	93-12-109
173-220-070	AMD-E	93-03-067	173-226-190	NEW-P	93-03-066	173-303-506	NEW-E	93-02-049
173-220-070	AMD	93-10-099	173-226-200	NEW-E	93-03-067	173-303-506	NEW	93-02-050
173-220-090	AMD-P	93-03-066	173-226-200	NEW	93-10-099	173-303-510	AMD-P	93-12-109
173-220-090	AMD-E	93-03-067	173-226-210	NEW-P	93-03-066	173-303-515	AMD-P	93-12-109
173-220-090	AMD	93-10-099	173-226-210	NEW-E	93-03-067	173-303-520	AMD-P	93-12-109
173-220-100	AMD-P	93-03-066	173-226-210	NEW	93-10-099	173-303-600	AMD-P	93-12-109
173-220-100	AMD-E	93-03-067	173-226-220	NEW-P	93-03-066	173-303-610	AMD-P	93-12-109
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173-303-660	AMD-P	93-12-109	173-400-040	AMD	93-18-007	173-401-915	NEW-P	93-17-100
173-303-670	AMD-P	93-12-109	173-400-070	AMD-W	93-07-042	173-401-920	NEW-P	93-17-100
173-303-680	AMD-P	93-12-109	173-400-075	AMD	93-05-044	173-401-925	NEW-P	93-17-100
173-303-800	AMD-P	93-12-109	173-400-081	NEW-S	93-05-048	173-401-930	NEW-P	93-17-100
173-303-802	AMD-P	93-12-109	173-400-081	NEW	93-18-007	173-401-935	NEW-P	93-17-100
173-303-805	AMD-P	93-12-109	173-400-091	NEW	93-18-007	173-401-940	NEW-P	93-17-100
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173-303-807	AMD-P	93-12-109	173-400-100	AMD	93-18-007	173-420-020	NEW	93-04-006
173-303-810	AMD-P	93-12-109	173-400-105	AMD-S	93-05-048	173-420-030	NEW	93-04-006
173-303-830	AMD-P	93-12-109	173-400-105	AMD	93-18-007	173-420-040	NEW	93-04-006
173-303-840	AMD-P	93-12-109	173-400-107	NEW-S	93-05-048	173-420-050	NEW	93-04-006
173-303-900	AMD-P	93-12-109	173-400-107	NEW	93-18-007	173-420-060	NEW	93-04-006
173-303-910	AMD-P	93-12-109	173-400-110	AMD-S	93-05-048	173-420-070	NEW	93-04-006
173-303-9903	AMD-P	93-12-109	173-400-110	AMD	93-18-007	173-420-080	NEW	93-04-006
173-303-9904	AMD-P	93-12-109	173-400-112	NEW-S	93-05-048	173-420-090	NEW	93-04-006
173-303-9905	AMD-P	93-12-109	173-400-112	NEW	93-18-007	173-420-100	NEW	93-04-006
173-303-9906	AMD-P	93-12-109	173-400-113	NEW-S	93-05-048	173-420-110	NEW	93-04-006
173-303-9907	AMD-P	93-12-109	173-400-113	NEW	93-18-007	173-422	AMD-C	93-17-061
173-303-9908	NEW-P	93-12-109	173-400-114	NEW-S	93-05-048	173-422-010	AMD-P	93-03-092
173-322-010	AMD-P	93-12-108	173-400-114	NEW	93-18-007	173-422-010	AMD	93-10-062
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173-322-030	AMD-P	93-12-108	173-400-116	NEW-W	93-07-042	173-422-020	AMD	93-10-062
173-322-040	AMD-P	93-12-108	173-400-120	AMD-S	93-05-048	173-422-030	AMD-P	93-03-092
173-322-050	AMD-P	93-12-108	173-400-120	AMD	93-18-007	173-422-030	AMD	93-10-062
173-322-060	AMD-P	93-12-108	173-400-131	AMD-S	93-05-048	173-422-035	AMD-P	93-03-092
173-322-070	AMD-P	93-12-108	173-400-131	AMD	93-18-007	173-422-035	AMD	93-10-062
173-322-080	AMD-P	93-12-108	173-400-136	AMD-S	93-05-048	173-422-040	AMD-P	93-03-092
173-322-090	AMD-P	93-12-108	173-400-136	AMD	93-18-007	173-422-040	AMD	93-10-062
173-322-100	AMD-P	93-12-108	173-400-141	AMD-S	93-05-048	173-422-050	AMD-P	93-03-092
173-322-110	AMD-P	93-12-108	173-400-141	AMD	93-18-007	173-422-050	AMD	93-10-062
173-328-010	NEW	93-09-065	173-400-171	AMD-S	93-05-048	173-422-060	AMD-P	93-03-092
173-328-020	NEW	93-09-065	173-400-171	AMD	93-18-007	173-422-060	AMD	93-10-062
173-328-030	NEW	93-09-065	173-400-180	AMD-S	93-05-048	173-422-065	NEW-P	93-03-092
173-328-040	NEW	93-09-065	173-400-180	AMD	93-18-007	173-422-065	NEW	93-10-062
173-328-050	NEW	93-09-065	173-400-230	AMD	93-05-044	173-422-070	AMD-P	93-03-092
173-328-060	NEW	93-09-065	173-400-250	AMD-S	93-05-048	173-422-070	AMD	93-10-062
173-328-070	NEW	93-09-065	173-400-250	AMD	93-18-007	173-422-075	NEW-P	93-03-092
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173-351-010	NEW-P	93-12-110	173-401	NEW-C	93-18-082	173-422-080	REP-P	93-03-092
173-351-100	NEW-P	93-12-110	173-401-100	NEW-P	93-07-062	173-422-080	REP	93-10-062
173-351-120	NEW-P	93-12-110	173-401-200	NEW-P	93-07-062	173-422-090	AMD-P	93-03-092
173-351-130	NEW-P	93-12-110	173-401-300	NEW-P	93-07-062	173-422-090	AMD	93-10-062
173-351-140	NEW-P	93-12-110	173-401-400	NEW-P	93-07-062	173-422-095	NEW-P	93-03-092
173-351-200	NEW-P	93-12-110	173-401-500	NEW-P	93-07-062	173-422-095	NEW	93-10-062
173-351-210	NEW-P	93-12-110	173-401-510	NEW-P	93-07-062	173-422-100	AMD-P	93-03-092
173-351-220	NEW-P	93-12-110	173-401-520	NEW-P	93-07-062	173-422-100	AMD	93-10-062
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173-351-420	NEW-P	93-12-110	173-401-625	NEW-P	93-07-062	173-422-130	AMD	93-10-062
173-351-430	NEW-P	93-12-110	173-401-630	NEW-P	93-07-062	173-422-130	AMD-P	93-12-080
173-351-440	NEW-P	93-12-110	173-401-635	NEW-P	93-07-062	173-422-130	AMD-E	93-12-081
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173-351-460	NEW-P	93-12-110	173-401-645	NEW-P	93-07-062	173-422-140	AMD	93-10-062
173-351-465	NEW-P	93-12-110	173-401-650	NEW-P	93-07-062	173-422-150	REP-P	93-03-092
173-351-480	NEW-P	93-12-110	173-401-700	NEW-P	93-07-062	173-422-150	REP	93-10-062
173-351-490	NEW-P	93-12-110	173-401-705	NEW-P	93-07-062	173-422-160	AMD-P	93-03-092
173-351-500	NEW-P	93-12-110	173-401-710	NEW-P	93-07-062	173-422-160	AMD	93-10-062
173-351-600	NEW-P	93-12-110	173-401-720	NEW-P	93-07-062	173-422-170	AMD-P	93-03-092
173-351-700	NEW-P	93-12-110	173-401-722	NEW-P	93-07-062	173-422-170	AMD	93-10-062
173-351-720	NEW-P	93-12-110	173-401-725	NEW-P	93-07-062	173-422-180	REP-P	93-03-092
173-351-730	NEW-P	93-12-110	173-401-730	NEW-P	93-07-062	173-422-180	REP	93-10-062
173-351-740	NEW-P	93-12-110	173-401-735	NEW-P	93-07-062	173-430	AMD-P	93-03-090
173-351-750	NEW-P	93-12-110	173-401-750	NEW-P	93-07-062	173-430	AMD-E	93-04-002
173-351-760	NEW-P	93-12-110	173-401-800	NEW-P	93-07-062	173-430	AMD-C	93-09-063
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173-430-020	AMD-E	93-04-002	180-20-060	NEW	93-08-007	180-51-100	AMD	93-04-115
173-430-020	AMD-E	93-12-012	180-20-065	NEW-P	93-04-117	180-72-040	AMD-E	93-14-009
173-430-020	AMD	93-14-022	180-20-065	NEW	93-08-007	180-72-040	AMD-P	93-18-068
173-430-030	AMD-P	93-03-090	180-20-070	NEW-P	93-04-117	180-72-045	AMD-E	93-14-009
173-430-030	AMD-E	93-04-002	180-20-070	NEW	93-08-007	180-72-045	AMD-P	93-18-068
173-430-030	AMD-E	93-12-012	180-20-075	NEW-P	93-04-117	180-72-050	AMD-E	93-14-009
173-430-030	AMD	93-14-022	180-20-075	NEW	93-08-007	180-72-050	AMD-P	93-18-068
173-430-040	AMD-P	93-03-090	180-20-080	NEW-P	93-04-117	180-72-060	AMD-E	93-14-009
173-430-040	AMD-E	93-04-002	180-20-080	NEW	93-08-007	180-72-060	AMD-P	93-18-068
173-430-040	AMD-E	93-12-012	180-20-090	NEW-P	93-04-117	180-72-065	AMD-E	93-14-009
173-430-040	AMD	93-14-022	180-20-090	NEW	93-08-007	180-72-065	AMD-P	93-18-068
173-430-050	AMD-P	93-03-090	180-20-095	NEW-P	93-04-117	180-72-070	AMD-E	93-14-009
173-430-050	AMD-E	93-04-002	180-20-095	NEW	93-08-007	180-72-070	AMD-P	93-18-068
173-430-060	AMD-P	93-03-090	180-20-100	REP-P	93-04-117	180-78-010	AMD-P	93-04-120
173-430-060	AMD-E	93-04-002	180-20-100	REP	93-08-007	180-78-010	AMD	93-07-101
173-430-060	AMD-E	93-12-012	180-20-101	NEW-P	93-04-117	180-79-010	AMD-P	93-04-120
173-430-060	AMD	93-14-022	180-20-101	NEW	93-08-007	180-79-010	AMD	93-07-101
173-430-070	AMD-P	93-03-090	180-20-105	REP-P	93-04-117	180-79-236	AMD	93-05-007
173-430-070	AMD-E	93-04-002	180-20-105	REP	93-08-007	180-87-001	REP-P	93-17-077
173-430-070	AMD-E	93-12-012	180-20-106	REP-P	93-04-117	182-08-160	AMD-E	93-17-001
173-430-070	AMD	93-14-022	180-20-106	REP	93-08-007	182-08-175	NEW-E	93-17-001
173-430-080	AMD-P	93-03-090	180-20-111	NEW-P	93-04-117	182-08-190	AMD-E	93-17-001
173-430-080	AMD-E	93-04-002	180-20-111	NEW	93-08-007	182-12-110	AMD-E	93-17-091
173-430-080	AMD-E	93-12-012	180-20-115	NEW-P	93-04-117	182-12-111	AMD-E	93-17-091
173-430-080	AMD	93-14-022	180-20-115	NEW	93-08-007	182-12-115	AMD-E	93-17-091
173-433-100	AMD	93-04-105	180-20-120	NEW-P	93-04-117	182-12-122	AMD-E	93-17-091
173-433-110	AMD	93-04-105	180-20-120	NEW	93-08-007	182-14-010	NEW-E	93-18-059
173-433-170	AMD	93-04-105	180-20-123	NEW-P	93-04-117	182-14-020	NEW-E	93-18-059
173-460-020	AMD-P	93-14-118	180-20-123	NEW	93-08-007	182-14-030	NEW-E	93-18-059
173-460-030	AMD-P	93-14-118	180-20-125	NEW-P	93-04-117	182-14-040	NEW-E	93-18-059
173-460-040	AMD-P	93-14-118	180-20-125	NEW	93-08-007	182-14-050	NEW-E	93-18-059
173-460-050	AMD-P	93-14-118	180-20-130	NEW-P	93-04-117	182-14-060	NEW-E	93-18-059
173-460-060	AMD-P	93-14-118	180-20-130	NEW	93-08-007	182-14-070	NEW-E	93-18-059
173-460-080	AMD-P	93-14-118	180-20-135	NEW-P	93-04-117	182-14-080	NEW-E	93-18-059
173-460-090	AMD-P	93-14-118	180-20-135	NEW	93-08-007	182-14-090	NEW-E	93-18-059
173-460-100	AMD-P	93-14-118	180-20-140	NEW-P	93-04-117	182-14-100	NEW-E	93-18-059
173-460-110	AMD-P	93-14-118	180-20-140	NEW	93-08-007	192-10-010	REP-P	93-17-012
173-460-150	AMD-P	93-14-118	180-20-145	NEW-P	93-04-117	192-10-015	REP-P	93-17-012
173-460-160	AMD-P	93-14-118	180-20-145	NEW	93-08-007	192-10-020	REP-P	93-17-012
173-491-020	AMD-P	93-04-108	180-20-150	NEW-P	93-04-117	192-10-030	REP-P	93-17-012
173-491-020	AMD	93-13-011	180-20-150	NEW	93-08-007	192-10-040	REP-P	93-17-012
173-491-040	AMD-P	93-04-108	180-20-155	NEW-P	93-04-117	192-10-050	REP-P	93-17-012
173-491-040	AMD	93-13-011	180-20-155	NEW	93-08-007	192-10-060	REP-P	93-17-012
173-491-050	AMD	93-03-089	180-20-160	NEW-P	93-04-117	192-10-070	REP-P	93-17-012
173-491-050	AMD-P	93-04-108	180-20-160	NEW	93-08-007	192-10-080	REP-P	93-17-012
173-491-050	AMD	93-13-068	180-20-200	REP-P	93-04-117	192-10-090	REP-P	93-17-012
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182-12-111	AMD-E	93-17-091	180-20-205	REP-P	93-04-117	192-10-110	REP-P	93-17-012
182-12-115	AMD-E	93-17-091	180-20-205	REP	93-08-007	192-10-120	REP-P	93-17-012
182-12-122	AMD-E	93-17-091	180-20-210	REP-P	93-04-117	192-10-130	REP-P	93-17-012
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180-16-223	AMD-P	93-04-116	180-20-215	REP	93-08-007	192-10-160	REP-P	93-17-012
180-16-223	AMD	93-07-102	180-20-220	REP-P	93-04-117	192-10-170	REP-P	93-17-012
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180-20-005	NEW	93-08-007	180-20-225	REP-P	93-04-117	192-10-190	REP-P	93-17-012
180-20-030	NEW-P	93-04-117	180-20-225	REP	93-08-007	192-10-200	REP-P	93-17-012
180-20-030	NEW	93-08-007	180-20-230	REP-P	93-04-117	192-10-210	REP-P	93-17-012
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180-20-031	NEW	93-08-007	180-26-020	AMD-P	93-04-118	192-10-230	REP-P	93-17-012
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192-12-186	AMD-P	93-13-137	212-12-025	NEW	93-05-032	212-26-040	REP-E	93-04-061
192-12-186	AMD	93-16-053	212-12-030	NEW-E	93-04-061	212-26-040	REP	93-05-032
192-16-070	NEW-E	93-13-007	212-12-030	NEW	93-05-032	212-26-045	REP-E	93-04-061
192-16-070	NEW-P	93-15-115	212-12-035	NEW-E	93-04-061	212-26-045	REP	93-05-032
192-16-070	NEW	93-18-054	212-12-035	NEW	93-05-032	212-26-050	REP-E	93-04-061
192-30-010	REP-P	93-17-012	212-12-040	NEW-E	93-04-061	212-26-050	REP	93-05-032
192-30-020	REP-P	93-17-012	212-12-040	NEW	93-05-032	212-26-055	REP-E	93-04-061
192-30-030	REP-P	93-17-012	212-12-044	NEW-E	93-04-061	212-26-055	REP	93-05-032
192-30-040	REP-P	93-17-012	212-12-044	NEW	93-05-032	212-26-060	REP-E	93-04-061
192-30-100	REP-P	93-17-012	212-14-001	REP-E	93-04-061	212-26-060	REP	93-05-032
192-30-200	REP-P	93-17-012	212-14-001	REP	93-05-032	212-26-065	REP-E	93-04-061
192-30-210	REP-P	93-17-012	212-14-005	REP-E	93-04-061	212-26-065	REP	93-05-032
192-30-220	REP-P	93-17-012	212-14-005	REP	93-05-032	212-26-070	REP-E	93-04-061
192-30-230	REP-P	93-17-012	212-14-010	REP-E	93-04-061	212-26-070	REP	93-05-032
194-10-030	AMD	93-02-033	212-14-010	REP	93-05-032	212-26-075	REP-E	93-04-061
194-10-100	AMD	93-02-033	212-14-015	REP-E	93-04-061	212-26-075	REP	93-05-032
194-10-110	AMD	93-02-033	212-14-015	REP	93-05-032	212-26-080	REP-E	93-04-061
194-10-130	AMD	93-02-033	212-14-020	REP-E	93-04-061	212-26-080	REP	93-05-032
194-10-140	AMD	93-02-033	212-14-020	REP	93-05-032	212-26-085	REP-E	93-04-061
196-24-041	NEW-P	93-09-024	212-14-025	REP-E	93-04-061	212-26-085	REP	93-05-032
196-24-041	NEW	93-13-064	212-14-025	REP	93-05-032	212-26-090	REP-E	93-04-061
196-24-097	NEW-P	93-09-022	212-14-030	REP-E	93-04-061	212-26-090	REP	93-05-032
196-24-097	NEW	93-13-065	212-14-030	REP	93-05-032	212-26-095	REP-E	93-04-061
196-24-098	NEW-P	93-09-023	212-14-035	REP-E	93-04-061	212-26-095	REP	93-05-032
196-24-098	NEW	93-13-066	212-14-035	REP	93-05-032	212-26-100	REP-E	93-04-061
196-26-020	AMD-P	93-07-111	212-14-040	REP-E	93-04-061	212-26-100	REP	93-05-032
196-26-020	AMD	93-10-057	212-14-040	REP	93-05-032	212-26-105	REP-E	93-04-061
204-10-120	AMD-P	93-05-029	212-14-045	REP-E	93-04-061	212-26-105	REP	93-05-032
204-10-120	AMD	93-11-018	212-14-045	REP	93-05-032	212-28-001	REP-E	93-04-061
204-30-010	REP-P	93-16-067	212-14-050	REP-E	93-04-061	212-28-001	REP	93-05-032
204-30-020	REP-P	93-16-067	212-14-050	REP	93-05-032	212-28-010	REP-E	93-04-061
204-30-030	REP-P	93-16-067	212-14-055	REP-E	93-04-061	212-28-010	REP	93-05-032
204-30-040	REP-P	93-16-067	212-14-055	REP	93-05-032	212-28-015	REP-E	93-04-061
204-30-050	REP-P	93-16-067	212-14-060	REP-E	93-04-061	212-28-015	REP	93-05-032
204-30-060	REP-P	93-16-067	212-14-060	REP	93-05-032	212-28-020	REP-E	93-04-061
204-30-070	REP-P	93-16-067	212-14-070	REP-E	93-04-061	212-28-020	REP	93-05-032
204-30-080	REP-P	93-16-067	212-14-070	REP	93-05-032	212-28-025	REP-E	93-04-061
204-44-040	NEW-P	93-05-028	212-14-080	REP-E	93-04-061	212-28-025	REP	93-05-032
204-44-040	NEW	93-11-017	212-14-080	REP	93-05-032	212-28-030	REP-E	93-04-061
204-82A-070	AMD-P	93-10-002	212-14-090	REP-E	93-04-061	212-28-030	REP	93-05-032
204-82A-070	AMD	93-15-075	212-14-090	REP	93-05-032	212-28-035	REP-E	93-04-061
204-84-010	REP-P	93-05-029	212-14-100	REP-E	93-04-061	212-28-035	REP	93-05-032
204-84-010	REP	93-11-018	212-14-100	REP	93-05-032	212-28-040	REP-E	93-04-061
204-84-020	REP-P	93-05-029	212-14-105	REP-E	93-04-061	212-28-040	REP	93-05-032
204-84-020	REP	93-11-018	212-14-105	REP	93-05-032	212-28-045	REP-E	93-04-061
204-84-030	REP-P	93-05-029	212-14-110	REP-E	93-04-061	212-28-045	REP	93-05-032
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204-84-040	REP	93-11-018	212-14-115	REP	93-05-032	212-28-055	REP-E	93-04-061
204-84-050	REP-P	93-05-029	212-14-120	REP-E	93-04-061	212-28-055	REP	93-05-032
204-84-050	REP	93-11-018	212-14-120	REP	93-05-032	212-28-060	REP-E	93-04-061
204-84-060	REP-P	93-05-029	212-14-12001	REP-E	93-04-061	212-28-060	REP	93-05-032
204-84-060	REP	93-11-018	212-14-12001	REP	93-05-032	212-28-065	REP-E	93-04-061
204-84-070	REP-P	93-05-029	212-14-125	REP-E	93-04-061	212-28-065	REP	93-05-032
204-84-070	REP	93-11-018	212-14-125	REP	93-05-032	212-28-070	REP-E	93-04-061
204-84-080	REP-P	93-05-029	212-14-130	REP-E	93-04-061	212-28-070	REP	93-05-032
204-84-080	REP	93-11-018	212-14-130	REP	93-05-032	212-28-075	REP-E	93-04-061
204-84-090	REP-P	93-05-029	212-26-001	REP-E	93-04-061	212-28-075	REP	93-05-032
204-84-090	REP	93-11-018	212-26-001	REP	93-05-032	212-28-080	REP-E	93-04-061
204-84-100	REP-P	93-05-029	212-26-005	REP-E	93-04-061	212-28-080	REP	93-05-032
204-84-100	REP	93-11-018	212-26-005	REP	93-05-032	212-28-085	REP-E	93-04-061
212-12	NEW-C	93-04-060	212-26-010	REP-E	93-04-061	212-28-085	REP	93-05-032
212-12-001	NEW-E	93-04-061	212-26-010	REP	93-05-032	212-28-090	REP-E	93-04-061
212-12-001	NEW	93-05-032	212-26-015	REP-E	93-04-061	212-28-090	REP	93-05-032
212-12-005	NEW-E	93-04-061	212-26-015	REP	93-05-032	212-28-095	REP-E	93-04-061
212-12-005	NEW	93-05-032	212-26-020	REP-E	93-04-061	212-28-095	REP	93-05-032
212-12-011	NEW-E	93-04-061	212-26-020	REP	93-05-032	212-28-100	REP-E	93-04-061

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Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
212-64-015	REP	93-05-032	212-65-090	REP-E	93-04-061	220-24-02000U	NEW-E	93-15-008
212-64-020	REP-E	93-04-061	212-65-090	REP	93-05-032	220-24-02000U	REP-E	93-15-097
212-64-020	REP	93-05-032	212-65-095	REP-E	93-04-061	220-24-02000V	NEW-E	93-15-097
212-64-025	REP-E	93-04-061	212-65-095	REP	93-05-032	220-24-02000V	REP-E	93-16-031
212-64-025	REP	93-05-032	212-65-100	REP-E	93-04-061	220-24-02000W	NEW-E	93-16-031
212-64-030	REP-E	93-04-061	212-65-100	REP	93-05-032	220-24-02000W	REP-E	93-16-082
212-64-030	REP	93-05-032	212-70-010	REP-E	93-04-061	220-24-02000X	NEW-E	93-16-082
212-64-033	REP-E	93-04-061	212-70-010	REP	93-05-032	220-24-02000X	REP-E	93-18-030
212-64-033	REP	93-05-032	212-70-020	REP-E	93-04-061	220-24-02000Y	NEW-E	93-18-030
212-64-035	REP-E	93-04-061	212-70-020	REP	93-05-032	220-24-02000Y	REP-E	93-18-077
212-64-035	REP	93-05-032	212-70-030	REP-E	93-04-061	220-24-02000Z	NEW-E	93-18-077
212-64-037	REP-E	93-04-061	212-70-030	REP	93-05-032	220-32-05100A	NEW-E	93-18-045
212-64-037	REP	93-05-032	212-70-040	REP-E	93-04-061	220-32-05100T	REP-E	93-04-073
212-64-039	REP-E	93-04-061	212-70-040	REP	93-05-032	220-32-05100U	NEW-E	93-04-073
212-64-039	REP	93-05-032	212-70-050	REP-E	93-04-061	220-32-05100U	REP-E	93-06-015
212-64-040	REP-E	93-04-061	212-70-050	REP	93-05-032	220-32-05100V	NEW-E	93-06-015
212-64-040	REP	93-05-032	212-70-060	REP-E	93-04-061	220-32-05100V	REP-E	93-06-069
212-64-043	REP-E	93-04-061	212-70-060	REP	93-05-032	220-32-05100W	NEW-E	93-06-069
212-64-043	REP	93-05-032	212-70-070	REP-E	93-04-061	220-32-05100Y	NEW-E	93-15-098
212-64-045	REP-E	93-04-061	212-70-070	REP	93-05-032	220-32-05100Y	REP-E	93-17-008
212-64-045	REP	93-05-032	212-70-080	REP-E	93-04-061	220-32-05100X	NEW-E	93-15-049
212-64-050	REP-E	93-04-061	212-70-080	REP	93-05-032	220-32-05100X	REP-E	93-15-098
212-64-050	REP	93-05-032	212-70-090	REP-E	93-04-061	220-32-05100Z	NEW-E	93-17-008
212-64-055	REP-E	93-04-061	212-70-090	REP	93-05-032	220-32-05100Z	REP-E	93-18-045
212-64-055	REP	93-05-032	212-70-100	REP-E	93-04-061	220-32-05500C	NEW-E	93-10-061
212-64-060	REP-E	93-04-061	212-70-100	REP	93-05-032	220-32-05500C	REP-E	93-12-010
212-64-060	REP	93-05-032	212-70-110	REP-E	93-04-061	220-32-05500D	NEW-E	93-12-010
212-64-065	REP-E	93-04-061	212-70-110	REP	93-05-032	220-32-05500D	REP-E	93-13-030
212-64-065	REP	93-05-032	212-70-120	REP-E	93-04-061	220-32-05500E	NEW-E	93-13-030
212-64-067	REP-E	93-04-061	212-70-120	REP	93-05-032	220-33-01000M	REP-E	93-05-017
212-64-067	REP	93-05-032	212-70-130	REP-E	93-04-061	220-33-01000N	NEW-E	93-05-017
212-64-068	REP-E	93-04-061	212-70-130	REP	93-05-032	220-33-01000N	REP-E	93-06-014
212-64-068	REP	93-05-032	212-70-140	REP-E	93-04-061	220-33-01000P	NEW-E	93-06-070
212-64-069	REP-E	93-04-061	212-70-140	REP	93-05-032	220-33-01000P	REP-E	93-07-001
212-64-069	REP	93-05-032	212-70-150	REP-E	93-04-061	220-33-01000Q	NEW-E	93-07-001
212-64-070	REP-E	93-04-061	212-70-150	REP	93-05-032	220-33-03000E	NEW-E	93-12-041
212-64-070	REP	93-05-032	212-70-160	REP-E	93-04-061	220-33-03000E	REP-E	93-13-078
212-65-001	REP-E	93-04-061	212-70-160	REP	93-05-032	220-33-03000F	NEW-E	93-13-078
212-65-001	REP	93-05-032	212-70-170	REP-E	93-04-061	220-36-02100L	NEW-E	93-14-108
212-65-005	REP-E	93-04-061	212-70-170	REP	93-05-032	220-36-02100L	REP-E	93-16-034
212-65-005	REP	93-05-032	212-70-180	REP-E	93-04-061	220-36-023	AMD-P	93-09-074
212-65-010	REP-E	93-04-061	212-70-180	REP	93-05-032	220-36-023	AMD-C	93-13-006
212-65-010	REP	93-05-032	212-70-190	REP-E	93-04-061	220-36-023	AMD	93-14-042
212-65-015	REP-E	93-04-061	212-70-190	REP	93-05-032	220-40-02100U	NEW-E	93-14-108
212-65-015	REP	93-05-032	212-70-200	REP-E	93-04-061	220-40-02100U	REP-E	93-16-034
212-65-020	REP-E	93-04-061	212-70-200	REP	93-05-032	220-40-027	AMD-P	93-09-074
212-65-020	REP	93-05-032	212-70-210	REP-E	93-04-061	220-40-027	AMD-C	93-13-006
212-65-025	REP-E	93-04-061	212-70-210	REP	93-05-032	220-40-027	AMD	93-14-042
212-65-025	REP	93-05-032	212-70-220	REP-E	93-04-061	220-44-04000D	NEW-E	93-11-010
212-65-030	REP-E	93-04-061	212-70-220	REP	93-05-032	220-44-050	AMD-P	93-04-095
212-65-030	REP	93-05-032	212-70-230	REP-E	93-04-061	220-44-050	AMD	93-07-093
212-65-035	REP-E	93-04-061	212-70-230	REP	93-05-032	220-44-05000B	REP-E	93-09-067
212-65-035	REP	93-05-032	212-70-240	REP-E	93-04-061	220-44-05000C	NEW-E	93-09-067
212-65-040	REP-E	93-04-061	212-70-240	REP	93-05-032	220-44-05000C	REP-E	93-10-094
212-65-040	REP	93-05-032	212-70-250	REP-E	93-04-061	220-44-05000D	NEW-E	93-10-094
212-65-045	REP-E	93-04-061	212-70-250	REP	93-05-032	220-44-05000D	REP-E	93-12-078
212-65-045	REP	93-05-032	212-70-260	REP-E	93-04-061	220-44-05000E	NEW-E	93-12-078
212-65-050	REP-E	93-04-061	212-70-260	REP	93-05-032	220-44-05000E	REP-E	93-18-078
212-65-050	REP	93-05-032	220-16-015	AMD-P	93-12-092	220-44-05000F	NEW-E	93-18-078
212-65-055	REP-E	93-04-061	220-16-015	AMD	93-15-051	220-44-09000B	NEW-E	93-10-094
212-65-055	REP	93-05-032	220-16-460	NEW-P	93-04-096	220-47-302	AMD-P	93-09-073
212-65-060	REP-E	93-04-061	220-16-460	NEW-W	93-17-065	220-47-302	AMD	93-14-041
212-65-060	REP	93-05-032	220-20-010	AMD-P	93-12-092	220-47-304	AMD-P	93-09-073
212-65-065	REP-E	93-04-061	220-20-010	AMD	93-15-051	220-47-304	AMD	93-14-041
212-65-065	REP	93-05-032	220-20-020	AMD-P	93-09-074	220-47-307	AMD-P	93-09-073
212-65-070	REP-E	93-04-061	220-20-020	AMD-C	93-13-006	220-47-311	AMD-P	93-09-073
212-65-070	REP	93-05-032	220-20-020	AMD	93-14-042	220-47-311	AMD	93-14-041
212-65-075	REP-E	93-04-061	220-20-02500A	NEW-E	93-11-040	220-47-401	AMD-P	93-09-073
212-65-075	REP	93-05-032	220-20-026	NEW-P	93-12-092	220-47-401	AMD	93-14-041
212-65-080	REP-E	93-04-061	220-20-026	NEW-C	93-15-050	220-47-411	AMD-P	93-09-073
212-65-080	REP	93-05-032	220-20-026	NEW	93-17-021	220-47-411	AMD	93-14-041
212-65-085	REP-E	93-04-061	220-24-02000T	NEW-E	93-10-043	220-47-901	NEW-E	93-17-009
212-65-085	REP	93-05-032	220-24-02000T	REP-E	93-15-008	220-47-901	REP-E	93-17-053

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-47-902	NEW-E	93-17-053	220-56-19000S	REP-E	93-18-009	220-56-36000C	NEW-E	93-07-092
220-47-902	REP-E	93-17-108	220-56-19000T	NEW-E	93-18-009	220-56-36000C	REP-E	93-08-017
220-47-903	NEW-E	93-17-108	220-56-191	NEW-P	93-04-096	220-56-36000D	NEW-E	93-08-017
220-47-903	REP-E	93-18-040	220-56-191	NEW-C	93-08-033	220-56-36000D	REP-E	93-10-096
220-47-904	NEW-E	93-18-040	220-56-191	NEW	93-14-043	220-56-36000E	NEW-E	93-10-096
220-48-005	AMD-P	93-12-092	220-56-19100A	NEW-E	93-13-036	220-56-380	AMD-P	93-04-096
220-48-005	AMD	93-15-051	220-56-19100A	REP-E	93-15-016	220-56-380	AMD	93-08-034
220-49-02000E	NEW-E	93-06-044	220-56-19100B	NEW-E	93-15-016	220-56-38000L	NEW-E	93-09-027
220-52-019	AMD-P	93-12-092	220-56-19100C	NEW-E	93-17-093	220-56-38000L	REP-E	93-15-022
220-52-019	AMD	93-15-051	220-56-195	AMD-P	93-04-096	220-56-38000M	NEW-E	93-15-022
220-52-01901	AMD-P	93-12-092	220-56-195	AMD-C	93-08-033	220-56-38000M	REP-E	93-17-016
220-52-01901	AMD	93-15-051	220-56-195	AMD	93-14-043	220-56-38000N	NEW-E	93-15-032
220-52-043	AMD-P	93-12-092	220-56-19500J	NEW-E	93-14-071	220-56-38000N	REP-E	93-17-016
220-52-043	AMD	93-15-051	220-56-220	AMD-P	93-04-096	220-56-38000P	NEW-E	93-17-016
220-52-046	AMD-P	93-12-092	220-56-220	AMD-W	93-17-065	220-56-382	AMD-P	93-04-096
220-52-046	AMD	93-15-051	220-56-235	AMD-P	93-04-096	220-56-382	AMD	93-08-034
220-52-050	AMD-P	93-12-092	220-56-235	AMD	93-08-034	220-56-390	AMD-P	93-04-096
220-52-050	AMD	93-15-051	220-56-240	AMD-P	93-04-096	220-56-390	AMD	93-08-034
220-52-051	AMD-P	93-12-092	220-56-240	AMD	93-08-034	220-57-137	AMD-P	93-04-096
220-52-051	AMD	93-15-051	220-56-240	AMD-P	93-10-095	220-57-137	AMD	93-08-034
220-52-05100N	NEW-E	93-09-028	220-56-240	AMD-C	93-15-009	220-57-14000N	NEW-E	93-14-040
220-52-05100P	NEW-E	93-11-057	220-56-240	AMD-C	93-15-010	220-57-160	AMD-P	93-04-096
220-52-068	NEW-P	93-12-092	220-56-240	AMD-C	93-18-076	220-57-160	AMD	93-08-034
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220-52-069	AMD	93-15-051	220-56-245	AMD-P	93-04-096	220-57-16000R	REP-E	93-06-068
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220-52-07300N	REP-E	93-07-006	220-56-270	AMD	93-08-034	220-57-270	AMD-W	93-17-065
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220-57-51500I	NEW-E	93-08-016	230-20-070	AMD-P	93-13-061	232-28-234	REP	93-11-012
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222-12-050	AMD	93-12-001	230-25-160	AMD-P	93-07-081	232-28-61904	REP-P	93-13-140
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222-16-010	AMD-E	93-07-060	230-30-060	AMD-P	93-07-081	232-28-61906	REP-P	93-13-140
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222-16-010	AMD-E	93-15-071	230-30-072	AMD-P	93-08-066	232-28-61908	REP-P	93-13-140
222-16-050	AMD-P	93-05-010	230-30-072	AMD	93-13-063	232-28-61909	REP-P	93-13-140
222-16-050	AMD	93-12-001	230-30-075	AMD	93-04-007	232-28-61910	REP-P	93-13-140
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222-16-070	AMD	93-12-001	230-30-080	AMD	93-12-082	232-28-61912	REP-P	93-13-140
222-16-080	AMD-P	93-05-010	230-30-095	REP-P	93-07-083	232-28-61913	REP-P	93-13-140
222-16-080	AMD-E	93-07-060	230-30-095	REP	93-12-082	232-28-61914	NEW-W	93-03-015
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222-16-080	AMD-E	93-15-071	230-30-097	NEW	93-12-082	232-28-61917	REP-P	93-13-140
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222-20-010	AMD	93-12-001	230-30-100	AMD	93-12-082	232-28-61919	REP-P	93-13-140
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222-24-050	AMD	93-12-001	230-30-106	AMD	93-10-005	232-28-61923	REP-P	93-13-140
222-30-020	AMD-P	93-05-010	230-30-300	AMD-P	93-06-036	232-28-61924	NEW	93-04-047
222-30-020	AMD	93-12-001	230-30-300	AMD	93-10-005	232-28-61924	REP-P	93-13-140
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222-30-040	AMD-E	93-10-015	230-40-055	AMD	93-12-082	232-28-61925	REP-P	93-13-140
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222-34-040	AMD-P	93-05-010	230-40-120	AMD-W	93-17-064	232-28-61926	REP-P	93-13-140
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236-14-100	NEW-W	93-10-090	246-01-090	NEW	93-08-004	246-08-370	REP	93-13-005
236-14-100	NEW-P	93-15-126	246-01-100	NEW	93-08-004	246-08-380	REP-P	93-08-071
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236-14-200	NEW-P	93-09-068	246-05-001	NEW-P	93-15-091	246-08-420	NEW	93-08-004
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236-14-200	NEW-P	93-15-126	246-05-010	NEW-P	93-15-091	246-08-450	NEW	93-08-004
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236-14-300	NEW-P	93-15-126	246-08-001	REP	93-13-005	246-10-101	NEW	93-13-005
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236-14-900	NEW-P	93-09-068	246-08-030	REP-P	93-08-071	246-10-103	NEW-P	93-08-071
236-14-900	NEW-W	93-10-090	246-08-030	REP	93-13-005	246-10-103	NEW	93-13-005
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236-22-010	AMD	93-16-079	246-08-050	REP-P	93-08-071	246-10-105	NEW-P	93-08-071
236-22-020	NEW-P	93-09-030	246-08-050	REP	93-13-005	246-10-105	NEW	93-13-005
236-22-020	NEW	93-16-079	246-08-060	REP-P	93-08-071	246-10-106	NEW-P	93-08-071
236-22-030	NEW-P	93-09-030	246-08-060	REP	93-13-005	246-10-106	NEW	93-13-005
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236-22-038	NEW-P	93-09-030	246-08-104	NEW	93-13-005	246-10-114	NEW	93-13-005
236-22-038	NEW	93-16-079	246-08-105	NEW-P	93-08-071	246-10-115	NEW-P	93-08-071
236-22-040	NEW-P	93-09-030	246-08-105	NEW	93-13-005	246-10-115	NEW	93-13-005
236-22-040	NEW	93-16-079	246-08-106	NEW-P	93-08-071	246-10-116	NEW-P	93-08-071
236-22-050	NEW-P	93-09-030	246-08-106	NEW	93-13-005	246-10-116	NEW	93-13-005
236-22-050	NEW	93-16-079	246-08-110	REP-P	93-08-071	246-10-117	NEW-P	93-08-071
236-22-060	NEW-P	93-09-030	246-08-110	REP	93-13-005	246-10-117	NEW	93-13-005
236-22-060	NEW	93-16-079	246-08-120	REP-P	93-08-071	246-10-118	NEW-P	93-08-071
236-22-070	NEW-P	93-09-030	246-08-120	REP	93-13-005	246-10-118	NEW	93-13-005
236-22-070	NEW	93-16-079	246-08-130	REP-P	93-08-071	246-10-119	NEW-P	93-08-071
236-22-080	NEW-P	93-09-030	246-08-130	REP	93-13-005	246-10-119	NEW	93-13-005
236-22-080	NEW	93-16-079	246-08-140	REP-P	93-08-071	246-10-120	NEW-P	93-08-071
236-22-100	AMD-P	93-09-030	246-08-140	REP	93-13-005	246-10-120	NEW	93-13-005
236-22-100	AMD	93-16-079	246-08-150	REP-P	93-08-071	246-10-121	NEW-P	93-08-071
236-22-200	NEW-P	93-09-030	246-08-150	REP	93-13-005	246-10-121	NEW	93-13-005
236-22-200	NEW	93-16-079	246-08-160	REP-P	93-08-071	246-10-122	NEW-P	93-08-071
236-22-210	NEW-P	93-09-030	246-08-160	REP	93-13-005	246-10-122	NEW	93-13-005
236-22-210	NEW	93-16-079	246-08-170	REP-P	93-08-071	246-10-123	NEW-P	93-08-071
242-02-220	AMD-P	93-08-032	246-08-170	REP	93-13-005	246-10-123	NEW	93-13-005
242-02-220	AMD	93-11-068	246-08-180	REP-P	93-08-071	246-10-124	NEW-P	93-08-071
242-02-562	NEW-W	93-06-045	246-08-180	REP	93-13-005	246-10-124	NEW	93-13-005
244-12-060	AMD-P	93-07-038	246-08-190	REP-P	93-08-071	246-10-201	NEW-P	93-08-071
244-12-060	AMD-W	93-09-049	246-08-190	REP	93-13-005	246-10-201	NEW	93-13-005
244-12-060	AMD-P	93-09-053	246-08-200	REP-P	93-08-071	246-10-202	NEW-P	93-08-071
244-12-060	AMD	93-13-013	246-08-200	REP	93-13-005	246-10-202	NEW	93-13-005
244-12-100	NEW-P	93-07-038	246-08-210	REP-P	93-08-071	246-10-203	NEW-P	93-08-071
244-12-100	NEW-W	93-09-049	246-08-210	REP	93-13-005	246-10-203	NEW	93-13-005
244-12-100	NEW-P	93-09-053	246-08-320	REP-P	93-08-071	246-10-204	NEW-P	93-08-071
244-12-100	NEW	93-13-013	246-08-320	REP	93-13-005	246-10-204	NEW	93-13-005
246-01-001	NEW	93-08-004	246-08-330	REP-P	93-08-071	246-10-205	NEW-P	93-08-071
246-01-010	NEW	93-08-004	246-08-330	REP	93-13-005	246-10-205	NEW	93-13-005
246-01-020	NEW	93-08-004	246-08-340	REP-P	93-08-071	246-10-301	NEW-P	93-08-071
246-01-030	NEW	93-08-004	246-08-340	REP	93-13-005	246-10-301	NEW	93-13-005
246-01-040	NEW	93-08-004	246-08-350	REP-P	93-08-071	246-10-302	NEW-P	93-08-071
246-01-050	NEW	93-08-004	246-08-350	REP	93-13-005	246-10-302	NEW	93-13-005

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-290-020	AMD-P	93-04-122	246-290-654	NEW	93-08-011	246-318-530	AMD	93-07-011
246-290-020	AMD	93-08-011	246-290-660	NEW-P	93-04-122	246-318-540	AMD	93-07-011
246-290-030	AMD-P	93-04-122	246-290-660	NEW	93-08-011	246-318-550	AMD	93-07-011
246-290-030	AMD	93-08-011	246-290-662	NEW-P	93-04-122	246-318-560	AMD	93-07-011
246-290-040	AMD-P	93-04-122	246-290-662	NEW	93-08-011	246-318-570	AMD	93-07-011
246-290-040	AMD	93-08-011	246-290-664	NEW-P	93-04-122	246-318-580	AMD	93-07-011
246-290-050	AMD-P	93-04-122	246-290-664	NEW	93-08-011	246-318-590	AMD	93-07-011
246-290-050	AMD	93-08-011	246-290-666	NEW-P	93-04-122	246-318-600	AMD	93-07-011
246-290-060	AMD-P	93-04-122	246-290-666	NEW	93-08-011	246-318-610	AMD	93-07-011
246-290-060	AMD	93-08-011	246-290-668	NEW-P	93-04-122	246-318-620	AMD	93-07-011
246-290-100	AMD-P	93-04-122	246-290-668	NEW	93-08-011	246-318-630	AMD	93-07-011
246-290-100	AMD	93-08-011	246-290-670	NEW-P	93-04-122	246-318-640	AMD	93-07-011
246-290-110	AMD-P	93-04-122	246-290-670	NEW	93-08-011	246-318-650	AMD	93-07-011
246-290-110	AMD	93-08-011	246-290-672	NEW-P	93-04-122	246-318-660	AMD	93-07-011
246-290-120	AMD-P	93-04-122	246-290-672	NEW	93-08-011	246-318-670	AMD	93-07-011
246-290-120	AMD	93-08-011	246-290-674	NEW-P	93-04-122	246-318-680	AMD	93-07-011
246-290-130	AMD-P	93-04-122	246-290-674	NEW	93-08-011	246-318-690	AMD	93-07-011
246-290-130	AMD	93-08-011	246-290-676	NEW-P	93-04-122	246-318-700	AMD	93-07-011
246-290-135	NEW-P	93-04-122	246-290-676	NEW	93-08-011	246-318-710	AMD	93-07-011
246-290-135	NEW	93-08-011	246-290-678	NEW-P	93-04-122	246-318-720	AMD	93-07-011
246-290-200	AMD-P	93-04-122	246-290-678	NEW	93-08-011	246-318-730	AMD	93-07-011
246-290-200	AMD	93-08-011	246-290-680	NEW-P	93-04-122	246-318-740	AMD	93-07-011
246-290-210	REP-P	93-04-122	246-290-680	NEW	93-08-011	246-318-750	AMD	93-07-011
246-290-210	REP	93-08-011	246-290-686	NEW-P	93-04-122	246-318-760	AMD	93-07-011
246-290-230	AMD-P	93-04-122	246-290-686	NEW	93-08-011	246-318-770	AMD	93-07-011
246-290-230	AMD	93-08-011	246-290-690	NEW-P	93-04-122	246-318-780	AMD	93-07-011
246-290-250	AMD-P	93-04-122	246-290-690	NEW	93-08-011	246-318-790	AMD	93-07-011
246-290-250	AMD	93-08-011	246-290-692	NEW-P	93-04-122	246-318-799	REP	93-07-011
246-290-300	AMD-P	93-04-122	246-290-692	NEW	93-08-011	246-318-800	AMD	93-07-011
246-290-300	AMD	93-08-011	246-290-694	NEW-P	93-04-122	246-318-810	AMD	93-07-011
246-290-310	AMD-P	93-04-122	246-290-694	NEW	93-08-011	246-318-820	AMD	93-07-011
246-290-310	AMD	93-08-011	246-290-696	NEW-P	93-04-122	246-318-830	AMD	93-07-011
246-290-320	AMD-P	93-04-122	246-290-696	NEW	93-08-011	246-318-840	AMD	93-07-011
246-290-320	AMD	93-08-011	246-293-440	REP-P	93-08-071	246-318-850	AMD	93-07-011
246-290-330	AMD-P	93-04-122	246-293-440	REP	93-13-005	246-318-860	AMD	93-07-011
246-290-330	AMD	93-08-011	246-294-001	NEW	93-03-047	246-318-870	AMD	93-07-011
246-290-400	REP-P	93-04-122	246-294-010	NEW	93-03-047	246-318-99902	AMD	93-07-011
246-290-400	REP	93-08-011	246-294-020	NEW	93-03-047	246-321-018	NEW-W	93-04-091
246-290-420	AMD-P	93-04-122	246-294-030	NEW	93-03-047	246-321-018	NEW-P	93-08-078
246-290-420	AMD	93-08-011	246-294-040	NEW	93-03-047	246-321-018	NEW	93-16-030
246-290-440	AMD-P	93-04-122	246-294-050	NEW	93-03-047	246-323-022	NEW-W	93-04-091
246-290-440	AMD	93-08-011	246-294-060	NEW	93-03-047	246-323-022	NEW-P	93-08-078
246-290-450	REP-P	93-04-122	246-294-070	NEW	93-03-047	246-323-022	NEW	93-16-030
246-290-450	REP	93-08-011	246-294-080	NEW	93-03-047	246-325-022	NEW-W	93-04-091
246-290-470	AMD-P	93-04-122	246-294-090	NEW	93-03-047	246-325-022	NEW-P	93-08-078
246-290-470	AMD	93-08-011	246-294-100	NEW	93-03-047	246-325-022	NEW	93-16-030
246-290-480	AMD-P	93-04-122	246-310-280	AMD-P	93-08-070	246-327-090	NEW-W	93-04-091
246-290-480	AMD	93-08-011	246-310-280	AMD	93-13-015	246-327-090	NEW-P	93-08-078
246-290-601	NEW-P	93-04-122	246-310-381	NEW-E	93-13-044	246-327-090	NEW	93-16-030
246-290-601	NEW	93-08-011	246-316-020	AMD-W	93-04-091	246-327-990	AMD-E	93-14-093
246-290-610	NEW-P	93-04-122	246-316-020	AMD-P	93-08-078	246-327-990	AMD-P	93-17-045
246-290-610	NEW	93-08-011	246-316-020	AMD	93-16-030	246-329-035	NEW-W	93-04-091
246-290-620	NEW-P	93-04-122	246-316-040	AMD-W	93-04-091	246-329-035	NEW-P	93-08-078
246-290-620	NEW	93-08-011	246-316-040	AMD-P	93-08-078	246-329-035	NEW	93-16-030
246-290-630	NEW-P	93-04-122	246-316-040	AMD	93-16-030	246-331-100	NEW-W	93-04-091
246-290-630	NEW	93-08-011	246-316-045	NEW-W	93-04-091	246-331-100	NEW-P	93-08-078
246-290-632	NEW-P	93-04-122	246-316-045	NEW-P	93-08-078	246-331-100	NEW	93-16-030
246-290-632	NEW	93-08-011	246-316-045	NEW	93-16-030	246-331-990	AMD-E	93-14-093
246-290-634	NEW-P	93-04-122	246-316-050	AMD-W	93-04-091	246-331-990	AMD-P	93-17-045
246-290-634	NEW	93-08-011	246-316-050	AMD-P	93-08-078	246-336-100	NEW-W	93-04-091
246-290-636	NEW-P	93-04-122	246-316-050	AMD	93-16-030	246-336-100	NEW-P	93-08-078
246-290-636	NEW	93-08-011	246-316-240	AMD-E	93-12-004	246-336-100	NEW	93-16-030
246-290-638	NEW-P	93-04-122	246-316-260	AMD-E	93-12-004	246-336-990	AMD-E	93-14-093
246-290-638	NEW	93-08-011	246-318-010	AMD	93-07-011	246-336-990	AMD-P	93-17-045
246-290-639	NEW-P	93-04-122	246-318-040	AMD-W	93-04-091	246-338-010	AMD-P	93-14-036
246-290-639	NEW	93-08-011	246-318-040	AMD-P	93-08-078	246-338-010	AMD	93-18-091
246-290-640	NEW-P	93-04-122	246-318-040	AMD	93-16-030	246-338-020	AMD-P	93-14-036
246-290-640	NEW	93-08-011	246-318-042	NEW-W	93-04-091	246-338-020	AMD	93-18-091
246-290-650	NEW-P	93-04-122	246-318-042	NEW-P	93-08-078	246-338-030	AMD-P	93-14-036
246-290-650	NEW	93-08-011	246-318-042	NEW	93-16-030	246-338-030	AMD	93-18-091
246-290-652	NEW-P	93-04-122	246-318-500	AMD	93-07-011	246-338-040	AMD-P	93-14-036
246-290-652	NEW	93-08-011	246-318-510	AMD	93-07-011	246-338-040	AMD	93-18-091
246-290-654	NEW-P	93-04-122	246-318-520	AMD	93-07-011	246-338-050	AMD-P	93-14-036

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-338-050	AMD	93-18-091	246-388-070	AMD-W	93-04-091	246-810-020	AMD	93-14-011
246-338-060	AMD-P	93-14-036	246-388-070	AMD-P	93-08-078	246-810-990	AMD-P	93-10-071
246-338-060	AMD	93-18-091	246-388-070	AMD	93-16-030	246-810-990	AMD	93-14-011
246-338-070	AMD-P	93-14-036	246-388-072	NEW-W	93-04-091	246-815-100	AMD	93-06-042A
246-338-070	AMD	93-18-091	246-388-072	NEW-P	93-08-078	246-815-990	AMD-P	93-12-121
246-338-080	AMD-P	93-14-036	246-388-072	NEW	93-16-030	246-815-990	AMD	93-16-073
246-338-080	AMD	93-18-091	246-420-005	NEW-W	93-11-075	246-816-220	AMD-P	93-08-106
246-338-090	AMD-P	93-14-036	246-490-100	NEW-E	93-18-037	246-816-220	AMD-W	93-13-014
246-338-090	AMD	93-18-091	246-490-100	NEW-P	93-18-090	246-816-225	NEW-P	93-08-106
246-338-100	AMD-P	93-14-036	246-490-110	NEW-E	93-18-037	246-816-225	NEW-W	93-13-014
246-338-100	AMD	93-18-091	246-490-110	NEW-P	93-18-090	246-816-225	NEW-P	93-16-028
246-338-110	AMD-P	93-14-036	246-491-005	NEW-W	93-11-075	246-816-370	AMD-P	93-16-029
246-338-110	AMD	93-18-091	246-520-001	REP-P	93-16-099	246-818-120	AMD	93-07-108
246-338-990	AMD-P	93-14-036	246-520-005	NEW-W	93-11-075	246-818-130	AMD-S	93-07-107
246-338-990	AMD	93-18-091	246-520-010	REP-P	93-16-099	246-818-130	AMD	93-12-005
246-340-001	REP-E	93-14-034	246-520-020	REP-P	93-16-099	246-818-140	AMD	93-07-108
246-340-001	REP-P	93-14-035	246-520-030	REP-P	93-16-099	246-824-040	AMD-P	93-10-040
246-340-010	REP-E	93-14-034	246-520-040	REP-P	93-16-099	246-824-040	AMD	93-14-011
246-340-010	REP-P	93-14-035	246-520-050	REP-P	93-16-099	246-824-071	NEW-P	93-10-040
246-340-020	REP-E	93-14-034	246-520-060	REP-P	93-16-099	246-824-071	NEW	93-14-011
246-340-020	REP-P	93-14-035	246-520-070	REP-P	93-16-099	246-824-072	NEW-P	93-10-040
246-340-030	REP-E	93-14-034	246-610-005	NEW-W	93-11-075	246-824-072	NEW	93-14-011
246-340-030	REP-P	93-14-035	246-650-005	NEW-W	93-11-075	246-824-073	NEW-P	93-10-040
246-340-040	REP-E	93-14-034	246-680-005	NEW-W	93-11-075	246-824-073	NEW	93-14-011
246-340-040	REP-P	93-14-035	246-760-005	NEW-W	93-11-075	246-824-200	NEW-P	93-02-066
246-340-050	REP-E	93-14-034	246-762-005	NEW-W	93-11-075	246-824-200	NEW-W	93-16-023
246-340-050	REP-P	93-14-035	246-806-075	NEW-P	93-16-100	246-824-210	NEW-P	93-02-066
246-340-060	REP-E	93-14-034	246-806-090	AMD-P	93-06-090	246-824-210	NEW-W	93-16-023
246-340-060	REP-P	93-14-035	246-806-090	AMD-W	93-09-054	246-824-220	NEW-P	93-02-066
246-340-070	REP-E	93-14-034	246-806-090	AMD-P	93-16-100	246-824-220	NEW-W	93-16-023
246-340-070	REP-P	93-14-035	246-806-091	NEW-P	93-16-100	246-824-230	NEW-P	93-02-066
246-340-080	REP-E	93-14-034	246-806-092	NEW-P	93-16-100	246-824-230	NEW-W	93-16-023
246-340-080	REP-P	93-14-035	246-806-100	AMD-P	93-06-090	246-824-240	NEW-P	93-02-066
246-340-085	NEW-W	93-04-091	246-806-100	AMD	93-09-055	246-824-240	NEW-W	93-16-023
246-340-085	NEW-P	93-08-078	246-806-110	AMD-P	93-06-090	246-824-990	AMD-P	93-10-071
246-340-085	NEW	93-16-030	246-806-110	AMD	93-09-055	246-824-990	AMD	93-14-011
246-340-090	REP-E	93-14-034	246-806-130	AMD-P	93-06-090	246-828-005	NEW	93-07-009
246-340-090	REP-P	93-14-035	246-806-130	AMD	93-09-055	246-828-340	AMD	93-07-010
246-340-100	REP-E	93-14-034	246-806-140	AMD-P	93-06-090	246-828-400	NEW	93-07-008
246-340-100	REP-P	93-14-035	246-806-140	AMD	93-09-055	246-828-410	NEW	93-07-008
246-340-110	REP-E	93-14-034	246-806-150	REP-P	93-06-090	246-828-420	NEW	93-07-008
246-340-110	REP-P	93-14-035	246-806-150	REP	93-09-055	246-828-430	NEW	93-07-008
246-340-990	REP-E	93-14-034	246-806-160	AMD-P	93-06-090	246-838-500	NEW	93-07-007
246-340-990	REP-P	93-14-035	246-806-160	AMD	93-09-055	246-828-510	NEW	93-07-007
246-358-001	AMD	93-03-032	246-806-190	AMD-P	93-06-090	246-828-520	NEW	93-07-007
246-358-001	AMD-E	93-07-052	246-806-190	AMD	93-09-055	246-828-530	NEW	93-07-007
246-358-001	AMD-P	93-07-106	246-807-210	AMD-P	93-14-094	246-828-540	NEW	93-07-007
246-358-001	AMD	93-12-043	246-807-210	AMD-C	93-17-094	246-828-550	NEW	93-07-007
246-358-010	AMD	93-03-032	246-807-280	AMD-P	93-14-094	246-828-560	NEW	93-07-007
246-358-020	NEW	93-03-032	246-807-280	AMD-C	93-17-094	246-828-570	NEW-P	93-13-145
246-358-025	AMD	93-03-031	246-807-290	AMD-P	93-14-094	246-828-570	NEW	93-17-044
246-358-030	NEW	93-03-031	246-807-290	AMD-C	93-17-094	246-828-990	AMD-P	93-10-071
246-358-035	REP	93-03-032	246-807-311	NEW-P	93-14-094	246-828-990	AMD	93-14-011
246-358-045	AMD	93-03-032	246-807-311	NEW-C	93-17-094	246-830-460	NEW-P	93-14-133
246-358-055	AMD	93-03-032	246-807-320	AMD-P	93-14-094	246-830-465	NEW-P	93-14-133
246-358-065	AMD	93-03-032	246-807-320	AMD-C	93-17-094	246-830-470	NEW-P	93-14-133
246-358-075	AMD	93-03-032	246-807-395	NEW-E	93-10-006	246-830-475	NEW-P	93-14-133
246-358-085	AMD	93-03-032	246-807-395	NEW-P	93-14-094	246-830-480	NEW-P	93-14-133
246-358-095	AMD	93-03-032	246-807-395	NEW-C	93-17-094	246-830-485	NEW-P	93-14-133
246-358-105	AMD	93-03-032	246-807-395	NEW-E	93-18-016	246-830-486	NEW-P	93-14-133
246-358-115	AMD	93-03-032	246-807-396	NEW-E	93-10-006	246-830-990	AMD-P	93-10-071
246-358-125	AMD	93-03-032	246-807-396	NEW-P	93-14-094	246-830-990	AMD	93-14-011
246-358-135	AMD	93-03-032	246-807-396	NEW-C	93-17-094	246-836-990	AMD-P	93-10-071
246-358-140	NEW	93-03-032	246-807-396	NEW-E	93-18-016	246-836-990	AMD	93-14-011
246-358-145	AMD	93-03-032	246-807-500	NEW-P	93-14-094	246-838-050	AMD-P	93-16-101
246-358-155	AMD	93-03-032	246-807-500	NEW-C	93-17-094	246-838-090	AMD-P	93-16-101
246-358-165	AMD	93-03-032	246-807-510	NEW-P	93-14-094	246-838-110	AMD-P	93-16-101
246-358-175	AMD	93-03-032	246-807-510	NEW-C	93-17-094	246-838-120	AMD	93-04-080
246-358-990	AMD	93-03-031	246-807-520	NEW-P	93-14-094	246-838-120	AMD-P	93-16-101
246-360-005	NEW-W	93-11-075	246-807-520	NEW-C	93-17-094	246-838-121	NEW-P	93-16-101
246-374-005	NEW-W	93-11-075	246-807-530	NEW-P	93-14-094	246-838-130	AMD-P	93-16-101
246-376-005	NEW-W	93-11-075	246-807-530	NEW-C	93-17-094	246-838-270	AMD-P	93-16-101
246-378-005	NEW-W	93-11-075	246-810-020	AMD-P	93-10-071	246-838-320	REP-P	93-16-101

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246-838-330	NEW	93-04-080	246-849-240	NEW-P	93-03-046	246-883-030	AMD	93-05-046
246-838-340	NEW-P	93-16-101	246-849-240	NEW	93-10-008	246-886-030	AMD-E	93-17-004
246-838-350	NEW-P	93-16-101	246-849-250	NEW-P	93-03-046	246-887-132	NEW-P	93-08-108
246-838-360	NEW-P	93-16-101	246-849-250	NEW	93-10-008	246-887-132	NEW	93-14-037
246-838-990	AMD	93-07-023	246-849-260	NEW-P	93-03-046	246-887-160	AMD	93-06-093
246-839-115	NEW-P	93-06-091	246-849-260	NEW	93-10-008	246-887-160	AMD-P	93-08-109
246-839-115	NEW	93-11-007	246-849-270	NEW-P	93-03-046	246-887-160	AMD	93-14-038
246-839-350	AMD-P	93-16-098	246-849-270	NEW	93-10-008	246-901-030	AMD-P	93-08-107
246-839-360	AMD-P	93-16-098	246-849-990	AMD-P	93-10-071	246-901-030	AMD-W	93-13-039
246-839-400	AMD-P	93-16-098	246-849-990	AMD	93-14-011	246-901-035	NEW-P	93-12-123
246-839-410	AMD-P	93-16-098	246-851-110	AMD-P	93-08-079	246-901-060	AMD-P	93-08-107
246-839-420	AMD-P	93-16-098	246-851-110	AMD	93-18-092	246-901-060	AMD	93-17-097
246-839-745	NEW-P	93-16-097	246-851-270	REVIEW	93-03-030	246-901-065	NEW-P	93-08-107
246-839-990	AMD-P	93-08-080	246-851-360	REVIEW	93-03-030	246-901-065	NEW	93-17-097
246-839-990	AMD	93-12-125	246-851-360	AMD-P	93-08-079	246-903-010	AMD	93-04-016
246-843-001	AMD-P	93-08-105	246-851-360	AMD	93-18-092	246-903-020	AMD	93-04-016
246-843-001	AMD	93-13-004	246-851-520	REVIEW	93-03-030	246-903-030	AMD	93-05-045
246-843-010	AMD-P	93-08-105	246-851-530	REVIEW	93-03-030	246-907-030	AMD-P	93-12-003
246-843-010	AMD	93-13-004	246-851-530	REP-P	93-08-079	246-907-030	AMD	93-18-015
246-843-090	AMD-P	93-08-105	246-851-530	REP	93-18-092	246-915-020	AMD	93-04-081
246-843-090	AMD	93-13-004	246-851-540	NEW-P	93-08-079	246-915-080	AMD	93-04-081
246-843-180	AMD-P	93-08-105	246-851-550	NEW-P	93-08-079	246-915-085	NEW-W	93-04-082
246-843-180	AMD	93-13-004	246-851-560	NEW-P	93-08-079	246-915-120	AMD	93-04-081
246-843-205	AMD-P	93-08-105	246-853-020	AMD-P	93-17-095	246-915-140	AMD-W	93-04-082
246-843-205	AMD	93-13-004	246-853-190	AMD-P	93-17-095	246-915-145	NEW-W	93-04-082
246-843-990	AMD-P	93-10-071	246-853-275	NEW-P	93-17-095	246-917-100	AMD-P	93-17-043
246-843-990	AMD	93-14-011	246-854-020	AMD-P	93-17-095	246-917-110	AMD-P	93-17-043
246-845-020	REP-P	93-10-039	246-854-030	AMD-P	93-17-095	246-917-120	AMD-P	93-17-043
246-845-020	REP	93-14-011	246-854-040	AMD-P	93-17-095	246-917-121	AMD-P	93-05-047
246-845-030	REP-P	93-10-039	246-854-050	AMD-P	93-17-095	246-917-121	AMD	93-11-008
246-845-030	REP	93-14-011	246-854-060	AMD-P	93-17-095	246-917-220	NEW-P	93-17-043
246-845-040	REP-P	93-10-039	246-854-080	AMD-P	93-17-095	246-917-990	AMD-W	93-11-073
246-845-040	REP	93-14-011	246-854-090	AMD-P	93-17-095	246-917-990	AMD-P	93-12-122
246-845-050	NEW-P	93-10-039	246-854-100	REP-P	93-17-095	246-917-990	AMD-E	93-12-124
246-845-050	NEW	93-14-011	246-854-110	NEW-P	93-17-095	246-917-990	AMD	93-16-102
246-845-060	NEW-P	93-10-039	246-854-115	NEW-P	93-17-095	246-918-005	AMD-P	93-17-042
246-845-060	NEW	93-14-011	246-857-020	REP	93-04-017	246-918-009	NEW-P	93-17-042
246-845-070	NEW-P	93-10-039	246-857-030	REP	93-04-017	246-918-250	AMD-P	93-17-042
246-845-070	NEW	93-14-011	246-857-040	REP	93-04-017	246-918-260	AMD-P	93-05-047
246-845-080	NEW-P	93-10-039	246-857-050	REP	93-04-017	246-918-260	AMD	93-11-008
246-845-080	NEW	93-14-011	246-857-060	REP	93-04-017	246-922-035	NEW-P	93-08-082
246-845-090	NEW-P	93-10-039	246-857-070	REP	93-04-017	246-922-035	NEW	93-18-036
246-845-090	NEW	93-14-011	246-857-080	REP	93-04-017	246-922-235	NEW-P	93-08-082
246-845-100	NEW-P	93-10-039	246-857-090	REP	93-04-017	246-922-235	NEW	93-18-036
246-845-100	NEW	93-14-011	246-857-100	REP	93-04-017	246-922-275	NEW-P	93-08-082
246-845-110	NEW-P	93-10-039	246-857-110	REP	93-04-017	246-922-275	NEW	93-18-036
246-845-110	NEW	93-14-011	246-857-120	REP	93-04-017	246-924-040	AMD-P	93-02-065
246-845-990	AMD-P	93-10-071	246-857-130	REP	93-04-017	246-924-040	AMD	93-06-092
246-845-990	AMD	93-14-011	246-857-140	REP	93-04-017	246-924-050	AMD-P	93-02-065
246-847-055	NEW-P	93-12-089	246-857-150	REP	93-04-017	246-924-050	AMD	93-06-092
246-847-055	NEW	93-18-093	246-857-160	REP	93-04-017	246-924-055	NEW-P	93-02-065
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246-847-068	NEW	93-18-093	246-857-180	REP	93-04-017	246-924-060	AMD-P	93-02-065
246-847-070	AMD-P	93-12-089	246-857-190	REP	93-04-017	246-924-060	AMD	93-06-092
246-847-070	AMD	93-18-093	246-857-200	REP	93-04-017	246-924-065	NEW-P	93-02-065
246-847-080	AMD-P	93-12-089	246-857-210	REP	93-04-017	246-924-065	NEW	93-06-092
246-847-080	AMD	93-18-093	246-857-220	REP	93-04-017	246-924-070	AMD-P	93-04-014
246-847-115	AMD-P	93-12-089	246-857-230	REP	93-04-017	246-924-070	AMD-E	93-06-023
246-847-115	AMD	93-18-093	246-857-240	REP	93-04-017	246-924-070	AMD	93-07-078
246-847-125	NEW-P	93-12-089	246-857-250	REP	93-04-017	246-924-100	AMD-P	93-16-074
246-847-125	NEW	93-18-093	246-857-260	REP	93-04-017	246-924-100	AMD-E	93-16-075
246-847-130	AMD-P	93-12-089	246-857-270	REP	93-04-017	246-924-350	REP-P	93-02-067
246-847-130	AMD	93-18-093	246-857-280	REP	93-04-017	246-924-350	REP	93-07-036
246-847-200	AMD-P	93-12-089	246-857-290	REP	93-04-017	246-924-351	NEW-P	93-02-067
246-847-200	AMD	93-18-093	246-857-300	REP	93-04-017	246-924-351	NEW	93-07-036
246-849-200	NEW-P	93-03-046	246-857-310	REP	93-04-017	246-924-352	NEW-P	93-02-067
246-849-200	NEW	93-10-008	246-857-320	REP	93-04-017	246-924-352	NEW	93-07-036
246-849-210	NEW-P	93-03-046	246-857-330	REP	93-04-017	246-924-353	NEW-P	93-02-067
246-849-210	NEW	93-10-008	246-857-340	REP	93-04-017	246-924-353	NEW	93-07-036
246-849-220	NEW-P	93-03-046	246-863-050	AMD-P	93-04-101	246-924-354	NEW-P	93-02-067
246-849-220	NEW	93-10-008	246-863-050	AMD	93-10-007	246-924-354	NEW	93-07-036
246-849-230	NEW-P	93-03-046	246-863-130	NEW-W	93-04-018	246-924-355	NEW-P	93-02-067
246-849-230	NEW	93-10-008	246-869-245	NEW-W	93-07-051	246-924-355	NEW	93-07-036

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246-924-356	NEW-P	93-02-067	246-976-680	AMD-P	93-13-124	250-61-080	REP-P	93-12-106
246-924-356	NEW	93-07-036	246-976-720	AMD-P	93-13-124	250-61-080	REP-S	93-18-027
246-924-357	NEW-P	93-02-067	246-976-730	AMD-P	93-13-124	250-61-090	REP-P	93-12-106
246-924-357	NEW	93-07-036	246-976-770	AMD-P	93-13-124	250-61-090	REP-S	93-18-027
246-924-358	NEW-P	93-02-067	246-976-780	AMD-P	93-13-124	250-61-100	REP-P	93-12-106
246-924-358	NEW	93-07-036	246-976-790	AMD-P	93-13-124	250-61-100	REP-S	93-18-027
246-924-359	NEW-P	93-02-067	246-976-810	AMD-P	93-13-124	250-61-110	REP-P	93-12-106
246-924-359	NEW	93-07-036	246-976-820	AMD-P	93-13-124	250-61-110	REP-S	93-18-027
246-924-360	REP-P	93-02-067	246-976-830	NEW-P	93-13-124	250-61-120	REP-P	93-12-106
246-924-360	REP	93-07-036	246-976-840	NEW-P	93-13-124	250-61-120	REP-S	93-18-027
246-924-361	NEW-P	93-02-067	246-976-850	NEW-P	93-13-124	250-61-130	REP-P	93-12-106
246-924-361	NEW	93-07-036	246-976-860	NEW-P	93-13-124	250-61-130	REP-S	93-18-027
246-924-363	NEW-P	93-02-067	246-976-990	AMD-P	93-13-124	250-61-140	REP-P	93-12-106
246-924-363	NEW	93-07-036	248-14-001	AMD-P	93-18-022	250-61-140	REP-S	93-18-027
246-924-364	NEW-P	93-02-067	248-14-071	REP-P	93-18-022	250-61-150	REP-P	93-12-106
246-924-364	NEW	93-07-036	248-14-075	NEW-P	93-18-022	250-61-150	REP-S	93-18-027
246-924-365	NEW-P	93-02-067	248-14-080	AMD-P	93-18-022	250-61-160	REP-P	93-12-106
246-924-365	NEW	93-07-036	248-14-240	AMD-P	93-18-022	250-61-160	REP-S	93-18-027
246-924-366	NEW-P	93-02-067	248-14-249	AMD-P	93-18-022	250-61-170	REP-P	93-12-106
246-924-366	NEW	93-07-036	250-18-010	AMD-P	93-16-076	250-61-170	REP-S	93-18-027
246-924-367	NEW-P	93-02-067	250-18-020	AMD-P	93-16-076	250-61-180	REP-P	93-12-106
246-924-367	NEW	93-07-036	250-18-050	AMD-P	93-16-076	250-61-180	REP-S	93-18-027
246-924-370	REP-P	93-02-067	250-18-060	AMD-P	93-16-076	250-62-010	NEW-P	93-12-106
246-924-370	REP	93-07-036	250-20-011	AMD-P	93-03-087	250-62-010	NEW-S	93-18-027
246-924-380	REP-P	93-02-067	250-20-011	AMD-E	93-04-070	250-62-020	NEW-P	93-12-106
246-924-380	REP	93-07-036	250-20-011	AMD	93-08-010	250-62-020	NEW-S	93-18-027
246-924-390	REP-P	93-02-067	250-20-015	AMD-P	93-03-087	250-62-030	NEW-P	93-12-106
246-924-390	REP	93-07-036	250-20-015	AMD-E	93-04-070	250-62-030	NEW-S	93-18-027
246-924-400	REP-P	93-02-067	250-20-015	AMD	93-08-010	250-62-040	NEW-P	93-12-106
246-924-400	REP	93-07-036	250-20-021	AMD-P	93-03-087	250-62-040	NEW-S	93-18-027
246-924-410	REP-P	93-02-067	250-20-021	AMD-E	93-04-070	250-62-050	NEW-P	93-12-106
246-924-410	REP	93-07-036	250-20-021	AMD	93-08-010	250-62-050	NEW-S	93-18-027
246-924-420	REP-P	93-02-067	250-20-031	AMD-P	93-03-087	250-62-060	NEW-P	93-12-106
246-924-420	REP	93-07-036	250-20-031	AMD-E	93-04-070	250-62-060	NEW-S	93-18-027
246-924-430	REP-P	93-02-067	250-20-031	AMD	93-08-010	250-62-070	NEW-P	93-12-106
246-924-430	REP	93-07-036	250-20-041	AMD-P	93-03-087	250-62-070	NEW-S	93-18-027
246-924-440	REP-P	93-02-067	250-20-041	AMD-E	93-04-070	250-62-080	NEW-P	93-12-106
246-924-440	REP	93-07-036	250-20-041	AMD	93-08-010	250-62-080	NEW-S	93-18-027
246-924-450	REP-P	93-02-067	250-20-051	AMD-P	93-03-087	250-62-090	NEW-P	93-12-106
246-924-450	REP	93-07-036	250-20-051	AMD-E	93-04-070	250-62-090	NEW-S	93-18-027
246-924-475	NEW-P	93-11-038	250-20-051	AMD	93-08-010	250-62-100	NEW-P	93-12-106
246-924-475	NEW-E	93-12-042	250-25	AMD-C	93-14-098	250-62-100	NEW-S	93-18-027
246-924-475	NEW	93-16-027	250-25-060	AMD-P	93-11-088	250-62-110	NEW-P	93-12-106
246-930-499	AMD-P	93-10-072	250-25-070	AMD-P	93-11-088	250-62-110	NEW-S	93-18-027
246-930-499	AMD	93-14-095	250-25-080	AMD-P	93-11-088	250-62-120	NEW-P	93-12-106
246-933-010	AMD-P	93-04-079	250-40	AMD-C	93-15-043	250-62-120	NEW-S	93-18-027
246-933-010	AMD	93-08-029	250-40-030	AMD-P	93-11-093	250-62-130	NEW-P	93-12-106
246-933-180	NEW-P	93-04-079	250-40-030	AMD-E	93-13-034	250-62-130	NEW-S	93-18-027
246-933-180	NEW	93-08-029	250-40-040	AMD-P	93-11-093	250-62-140	NEW-P	93-12-106
246-933-190	NEW-P	93-13-052	250-40-040	AMD-E	93-13-034	250-62-140	NEW-S	93-18-027
246-933-980	AMD-P	93-04-079	250-40-050	AMD-P	93-11-093	250-62-150	NEW-P	93-12-106
246-933-980	AMD	93-08-029	250-40-050	AMD-E	93-13-034	250-62-150	NEW-S	93-18-027
246-933-990	AMD-P	93-04-121	250-40-060	AMD-P	93-11-093	250-62-160	NEW-P	93-12-106
246-933-990	AMD	93-08-028	250-40-060	AMD-E	93-13-034	250-62-160	NEW-S	93-18-027
246-933-990	AMD-P	93-10-071	250-40-070	AMD-P	93-11-093	250-62-170	NEW-P	93-12-106
246-933-990	AMD	93-14-011	250-40-070	AMD-E	93-13-034	250-62-170	NEW-S	93-18-027
246-935-060	AMD-P	93-08-081	250-44-050	AMD	93-07-061	250-62-180	NEW-P	93-12-106
246-935-060	AMD	93-12-126	250-44-110	AMD	93-07-061	250-62-180	NEW-S	93-18-027
246-935-070	AMD-P	93-04-079	250-44-130	AMD	93-07-061	250-62-190	NEW-P	93-12-106
246-935-070	AMD	93-08-029	250-61-010	REP-P	93-12-106	250-62-190	NEW-S	93-18-027
246-935-080	REP-P	93-04-079	250-61-010	REP-S	93-18-027	250-62-200	NEW-P	93-12-106
246-935-080	REP	93-08-029	250-61-020	REP-P	93-12-106	250-62-200	NEW-S	93-18-027
246-935-125	AMD-P	93-04-079	250-61-020	REP-S	93-18-027	250-62-210	NEW-P	93-12-106
246-935-125	AMD	93-08-029	250-61-030	REP-P	93-12-106	250-62-210	NEW-S	93-18-027
246-935-990	AMD-P	93-10-071	250-61-030	REP-S	93-18-027	250-65	AMD-C	93-14-099
246-935-990	AMD	93-14-011	250-61-040	REP-P	93-12-106	250-65-030	AMD-P	93-11-089
246-976-470	AMD-P	93-13-124	250-61-040	REP-S	93-18-027	250-65-040	AMD-P	93-11-089
246-976-510	AMD-P	93-13-124	250-61-050	REP-P	93-12-106	250-65-050	AMD-P	93-11-089
246-976-520	AMD-P	93-13-124	250-61-050	REP-S	93-18-027	250-65-060	AMD-P	93-11-089
246-976-560	AMD-P	93-13-124	250-61-060	REP-P	93-12-106	250-66-020	AMD-P	93-11-094
246-976-600	AMD-P	93-13-124	250-61-060	REP-S	93-18-027	250-66-020	AMD-C	93-14-103
246-976-610	AMD-P	93-13-124	250-61-070	REP-P	93-12-106	250-70-030	AMD-P	93-11-090
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250-76-020	AMD-C	93-14-101	275-19-020	REP-P	93-18-008	275-25-010	AMD-E	93-11-051
250-76-070	AMD-P	93-11-091	275-19-030	REP-P	93-18-008	275-25-010	AMD-P	93-11-053
250-76-070	AMD-C	93-14-101	275-19-040	REP-P	93-18-008	275-25-010	AMD	93-15-013
250-78-050	AMD-P	93-11-092	275-19-050	REP-P	93-18-008	275-25-040	AMD-E	93-11-051
250-78-050	AMD-C	93-14-102	275-19-060	REP-P	93-18-008	275-25-040	AMD-P	93-11-053
250-78-060	AMD-P	93-11-092	275-19-070	REP-P	93-18-008	275-25-040	AMD	93-15-013
250-78-060	AMD-C	93-14-102	275-19-075	REP-P	93-18-008	275-25-300	REP-E	93-11-051
251-04-030	AMD-E	93-14-092	275-19-080	REP-P	93-18-008	275-25-300	REP-P	93-11-053
251-04-030	AMD-P	93-16-020	275-19-100	REP-P	93-18-008	275-25-300	REP	93-15-013
251-04-040	AMD-E	93-14-092	275-19-110	REP-P	93-18-008	275-25-310	REP-E	93-11-051
251-04-040	AMD-P	93-16-020	275-19-130	REP-P	93-18-008	275-25-310	REP-P	93-11-053
251-04-050	AMD-E	93-14-092	275-19-135	REP-P	93-18-008	275-25-310	REP	93-15-013
251-04-050	AMD-P	93-16-020	275-19-140	REP-P	93-18-008	275-25-330	REP-E	93-11-051
251-06-020	AMD-E	93-14-092	275-19-145	REP-P	93-18-008	275-25-330	REP-P	93-11-053
251-06-020	AMD-E	93-16-020	275-19-150	REP-P	93-18-008	275-25-330	REP	93-15-013
251-08-005	AMD-E	93-14-092	275-19-160	REP-P	93-18-008	275-25-340	REP-E	93-11-051
251-08-005	AMD-P	93-16-020	275-19-165	REP-P	93-18-008	275-25-340	REP-P	93-11-053
251-08-090	AMD-E	93-14-092	275-19-170	REP-P	93-18-008	275-25-340	REP	93-15-013
251-08-090	AMD-P	93-16-020	275-19-180	REP-P	93-18-008	275-25-810	REP-E	93-11-051
251-10-060	AMD-E	93-13-008	275-19-200	REP-P	93-18-008	275-25-810	REP-P	93-11-053
251-10-060	AMD-P	93-16-095	275-19-210	REP-P	93-18-008	275-25-810	REP	93-15-013
251-10-061	NEW-E	93-13-008	275-19-220	REP-P	93-18-008	275-25-840	REP-E	93-11-051
251-10-061	NEW-P	93-16-095	275-19-230	REP-P	93-18-008	275-25-840	REP-P	93-11-053
251-12-240	AMD	93-06-033	275-19-240	REP-P	93-18-008	275-25-840	REP	93-15-013
251-12-290	AMD	93-06-033	275-19-250	REP-P	93-18-008	275-26-065	AMD	93-04-029
251-17-090	AMD-E	93-13-008	275-19-260	REP-P	93-18-008	275-38-860	AMD-P	93-14-074
251-17-090	AMD-P	93-16-095	275-19-270	REP-P	93-18-008	275-38-860	AMD-E	93-14-076
251-18-180	AMD-E	93-13-008	275-19-280	REP-P	93-18-008	275-38-860	AMD	93-17-034
251-18-180	AMD-P	93-16-095	275-19-300	REP-P	93-18-008	275-38-906	AMD-P	93-14-074
251-18-190	AMD-E	93-13-008	275-19-320	REP-P	93-18-008	275-38-906	AMD-E	93-14-076
251-18-190	AMD-P	93-16-095	275-19-400	REP-P	93-18-008	275-38-906	AMD	93-17-034
251-18-240	AMD-E	93-13-008	275-19-410	REP-P	93-18-008	275-155-020	AMD-P	93-14-073
251-18-240	AMD-E	93-14-092	275-19-430	REP-P	93-18-008	275-155-020	AMD	93-17-027
251-18-240	AMD-P	93-16-020	275-19-450	REP-P	93-18-008	275-155-050	AMD-P	93-14-073
251-18-240	AMD-P	93-16-095	275-19-455	REP-P	93-18-008	275-155-050	AMD	93-17-027
251-18-260	AMD-E	93-14-092	275-19-500	REP-P	93-18-008	284-07-060	NEW-C	93-04-062
251-18-260	AMD-P	93-16-020	275-19-530	REP-P	93-18-008	284-07-060	NEW	93-07-020
251-18-280	AMD-E	93-14-092	275-19-550	REP-P	93-18-008	284-07-070	NEW-P	93-15-105
251-18-280	AMD-P	93-16-020	275-19-560	REP-P	93-18-008	284-12-200	NEW-P	93-15-111
251-19-010	AMD-E	93-13-008	275-19-570	REP-P	93-18-008	284-12-210	NEW-P	93-15-111
251-19-010	AMD-P	93-16-095	275-19-580	REP-P	93-18-008	284-12-220	NEW-P	93-15-111
251-19-060	AMD-E	93-13-008	275-19-585	REP-P	93-18-008	284-12-230	NEW-P	93-15-111
251-19-060	AMD-P	93-16-095	275-19-590	REP-P	93-18-008	284-12-250	NEW-P	93-15-111
251-19-100	AMD-E	93-13-008	275-19-595	REP-P	93-18-008	284-12-260	NEW-P	93-15-111
251-19-100	AMD-P	93-16-095	275-19-600	REP-P	93-18-008	284-12-270	NEW-P	93-15-111
251-22-116	NEW	93-14-115	275-19-610	REP-P	93-18-008	284-12-280	NEW-P	93-15-111
251-22-167	AMD-P	93-11-103	275-19-650	REP-P	93-18-008	284-13-160	NEW-P	93-15-106
251-22-167	AMD	93-14-115	275-19-660	REP-P	93-18-008	284-13-210	NEW-P	93-15-109
251-22-167	AMD	93-16-061	275-19-675	REP-P	93-18-008	284-13-220	NEW-P	93-15-109
251-22-195	AMD-P	93-11-103	275-19-680	REP-P	93-18-008	284-13-280	NEW-P	93-15-112
251-22-195	AMD	93-14-115	275-19-700	REP-P	93-18-008	284-13-310	NEW-P	93-15-114
251-22-195	AMD	93-16-061	275-19-710	REP-P	93-18-008	284-13-320	NEW-P	93-15-114
251-22-197	NEW-P	93-11-103	275-19-750	REP-P	93-18-008	284-13-330	NEW-P	93-15-114
251-22-197	NEW	93-14-115	275-19-760	REP-P	93-18-008	284-13-340	NEW-P	93-15-114
251-22-200	AMD-P	93-11-103	275-19-770	REP-P	93-18-008	284-13-350	NEW-P	93-15-114
251-22-200	AMD	93-14-115	275-19-800	REP-P	93-18-008	284-13-360	NEW-P	93-15-114
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260-44-060	AMD-P	93-18-070	275-19-830	REP-P	93-18-008	284-13-390	NEW-P	93-15-114
260-48-110	AMD-E	93-09-008	275-19-900	REP-P	93-18-008	284-13-400	NEW-P	93-15-114
260-48-110	AMD-P	93-11-060	275-19-910	REP-P	93-18-008	284-13-410	NEW-P	93-15-114
260-48-110	AMD	93-14-124	275-19-920	REP-P	93-18-008	284-13-420	NEW-P	93-15-114
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260-48-328	AMD	93-14-125	275-19-940	REP-P	93-18-008	284-13-510	NEW-P	93-15-104
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260-48-331	NEW	93-14-126	275-19-960	REP-P	93-18-008	284-13-540	NEW-P	93-15-104
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260-70-025	AMD-P	93-18-072	275-19-980	REP-P	93-18-008	284-13-560	NEW-P	93-15-104
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284-18-040	REP-P	93-15-107	296-14-350	AMD-P	98-18-105	296-17-57003	AMD	93-12-093
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284-18-060	REP-P	93-15-107	296-14-900	AMD-P	98-18-105	296-17-572	AMD	93-12-093
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284-18-080	REP-P	93-15-107	296-14-930	AMD-P	98-18-105	296-17-574	AMD	93-12-093
284-18-090	REP-P	93-15-107	296-14-940	AMD-P	98-18-105	296-17-579	AMD-P	93-07-114
284-18-100	REP-P	93-15-107	296-14-950	REP-P	98-18-105	296-17-579	AMD	93-12-093
284-18-110	REP-P	93-15-107	296-14-960	REP-P	98-18-105	296-17-580	AMD-P	93-07-114
284-18-120	REP-P	93-15-107	296-15-022	AMD-P	93-07-115	296-17-580	AMD	93-12-093
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284-18-370	NEW-P	93-15-107	296-15-065	AMD-P	93-07-115	296-17-58502	NEW	93-12-093
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284-18-390	NEW-P	93-15-107	296-17-350	AMD-P	93-07-114	296-17-594	AMD	93-12-093
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284-18-910	NEW-P	93-15-107	296-17-501	AMD-P	93-07-114	296-17-61804	AMD	93-12-093
284-18-920	NEW-P	93-15-107	296-17-501	AMD	93-12-093	296-17-646	AMD-P	93-07-114
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284-22-030	AMD-P	93-14-072	296-17-512	AMD-P	93-07-114	296-17-67602	AMD	93-12-093
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284-22-050	AMD-P	93-14-072	296-17-521	AMD-P	93-07-114	296-17-686	AMD	93-12-093
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284-92-010	NEW-P	93-15-108	296-17-524	AMD	93-12-093	296-17-708	AMD-P	93-07-114
284-92-020	NEW-P	93-15-108	296-17-526	AMD-P	93-07-114	296-17-708	AMD	93-12-093
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284-92-240	NEW-P	93-15-108	296-17-53504	AMD-P	93-07-114	296-17-715	AMD	93-12-093
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284-92-410	NEW-P	93-15-108	296-17-555	AMD-P	93-07-114	296-17-747	AMD	93-12-093
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284-92-430	NEW-P	93-15-108	296-17-56101	NEW-P	93-07-114	296-17-758	AMD	93-12-093
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296-17-76201	AMD	93-12-093	296-21-140	REP-P	93-11-095	296-21A-070	REP	93-16-072
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296-17-76205	AMD	93-12-093	296-21-170	REP-P	93-11-095	296-21A-086	REP	93-16-072
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296-17-777	AMD	93-12-093	296-21-180	REP-P	93-11-095	296-21A-090	REP	93-16-072
296-17-855	AMD-P	93-07-114	296-21-180	REP	93-16-072	296-21A-095	REP-P	93-11-095
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296-17-873	AMD-P	93-07-114	296-21-190	REP	93-16-072	296-21A-125	REP-P	93-11-095
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296-17-89501	NEW	93-12-093	296-21-230	REP-P	93-11-095	296-21A-130	REP	93-16-072
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296-20-010	AMD	93-16-072	296-21-270	NEW-P	93-11-095	296-22-01701	REP	93-16-072
296-20-01002	AMD-P	93-11-095	296-21-270	NEW	93-16-072	296-22-020	REP-P	93-11-095
296-20-01002	AMD	93-16-072	296-21-280	NEW-P	93-11-095	296-22-020	REP	93-16-072
296-20-015	AMD-P	93-11-095	296-21-280	NEW	93-16-072	296-22-021	REP-P	93-11-095
296-20-015	AMD	93-16-072	296-21-290	NEW-P	93-11-095	296-22-021	REP	93-16-072
296-20-01501	AMD-P	93-11-095	296-21-290	NEW	93-16-072	296-22-022	REP-P	93-11-095
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296-20-023	AMD-P	93-18-105	296-21-310	NEW	93-16-072	296-22-024	REP-P	93-11-095
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296-23A-266	REP	93-16-072	296-62-07403	NEW-P	93-02-057	296-62-07635	NEW	93-04-111
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296-23A-325	REP	93-16-072	296-62-07413	NEW-P	93-02-057	296-62-07672	NEW	93-04-111
296-23A-330	REP-P	93-11-095	296-62-07413	NEW	93-07-044	296-62-07711	AMD-P	93-10-101
296-23A-330	REP	93-16-072	296-62-07413	AMD-P	93-16-108	296-62-3090	AMD-P	93-10-101
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296-23A-340	REP-P	93-11-095	296-62-07417	NEW-P	93-02-057	296-62-14505	AMD-P	93-10-101
296-23A-340	REP	93-16-072	296-62-07417	NEW	93-07-044	296-62-14507	AMD-P	93-10-101
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296-23A-345	REP	93-16-072	296-62-07419	NEW-P	93-02-057	296-62-14511	AMD-P	93-10-101
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308-61-440	REP	93-08-076	308-125-035	REP	93-17-020	314-16-190	AMD-P	93-06-066
308-61-450	REP	93-08-076	308-125-040	AMD-P	93-12-127	314-16-190	AMD	93-10-092
308-63-010	NEW	93-08-076	308-125-040	AMD	93-17-020	314-16-196	AMD-P	93-06-066
308-63-020	NEW	93-08-076	308-125-045	AMD-P	93-12-127	314-16-196	AMD	93-10-092
308-63-030	NEW	93-08-076	308-125-045	AMD	93-17-020	314-16-250	AMD-P	93-12-119
308-63-040	NEW	93-08-076	308-125-050	AMD-P	93-12-127	314-16-250	AMD	93-15-026
308-63-050	NEW	93-08-076	308-125-050	AMD	93-17-020	314-20-015	AMD-P	93-07-109
308-63-060	NEW	93-08-076	308-125-060	AMD-P	93-12-127	314-20-015	AMD	93-11-028
308-63-070	NEW	93-08-076	308-125-060	AMD	93-17-020	314-20-030	AMD-P	93-07-110
308-63-080	NEW	93-08-076	308-125-065	NEW-P	93-12-127	314-20-030	AMD	93-10-070
308-63-090	NEW	93-08-076	308-125-065	NEW	93-17-020	314-20-070	AMD-P	93-06-066
308-63-100	NEW	93-08-076	308-125-070	AMD-P	93-12-127	314-20-070	AMD	93-10-092
308-63-110	NEW	93-08-076	308-125-070	AMD	93-17-020	314-20-180	NEW-E	93-11-027
308-63-120	NEW	93-08-076	308-125-085	AMD-P	93-12-127	314-20-180	NEW-P	93-12-116
308-63-130	NEW	93-08-076	308-125-085	AMD	93-17-020	314-20-180	NEW	93-15-023
308-63-140	NEW	93-08-076	308-125-090	AMD-P	93-12-127	314-24-095	AMD-P	93-07-109
308-63-150	NEW	93-08-076	308-125-090	AMD	93-17-020	314-24-095	AMD	93-11-028
308-63-160	NEW	93-08-076	308-125-100	AMD-P	93-12-127	314-24-160	AMD-P	93-07-109
308-65-010	NEW	93-08-076	308-125-100	AMD	93-17-020	314-24-160	AMD	93-11-028
308-65-020	NEW	93-08-076	308-125-110	AMD-P	93-12-127	314-38-050	NEW-P	93-17-071
308-65-030	NEW	93-08-076	308-125-110	AMD	93-17-020	314-40-030	AMD-P	93-07-109
308-65-040	NEW	93-08-076	308-125-130	AMD-P	93-12-127	314-40-030	AMD	93-11-028
308-65-050	NEW	93-08-076	308-125-130	AMD	93-17-020	314-52-080	AMD-P	93-07-109
308-65-060	NEW	93-08-076	308-125-140	AMD-P	93-12-127	314-52-080	AMD	93-11-028
308-65-070	NEW	93-08-076	308-125-140	AMD	93-17-020	314-70-050	NEW-P	93-07-109
308-65-080	NEW	93-08-076	308-125-160	REP-P	93-12-127	314-70-050	NEW	93-11-028
308-65-090	NEW	93-08-076	308-125-160	REP	93-17-020	315-02-230	NEW	93-04-004

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
315-33B-060	AMD-P	93-16-096	317-20-090	NEW	93-07-005
315-34-040	AMD	93-03-008	317-20-100	NEW-P	93-02-055
317-01-010	NEW-P	93-06-086	317-20-100	NEW	93-07-005
317-01-010	NEW	93-11-004	317-20-110	NEW-P	93-02-055
317-01-020	NEW-P	93-06-086	317-20-110	NEW	93-07-005
317-01-020	NEW	93-11-004	317-20-120	NEW-P	93-02-055
317-01-030	NEW-P	93-06-086	317-20-120	NEW	93-07-005
317-01-030	NEW	93-11-004	317-20-130	NEW-P	93-02-055
317-02-010	NEW-P	93-06-087	317-20-130	NEW	93-07-005
317-02-010	NEW	93-11-003	317-20-140	NEW-P	93-02-055
317-02-020	NEW-P	93-06-087	317-20-140	NEW	93-07-005
317-02-020	NEW	93-11-003	317-20-150	NEW-P	93-02-055
317-02-030	NEW-P	93-06-087	317-20-150	NEW	93-07-005
317-02-030	NEW	93-11-003	317-20-155	NEW	93-07-005
317-02-040	NEW-P	93-06-087	317-20-160	NEW-P	93-02-055
317-02-040	NEW	93-11-003	317-20-160	NEW	93-07-005
317-02-050	NEW-P	93-06-087	317-20-165	NEW-P	93-02-055
317-02-050	NEW	93-11-003	317-20-165	NEW	93-07-005
317-02-060	NEW-P	93-06-087	317-20-170	NEW-P	93-02-055
317-02-060	NEW	93-11-003	317-20-170	NEW	93-07-005
317-02-070	NEW-P	93-06-087	317-20-180	NEW-P	93-02-055
317-02-070	NEW	93-11-003	317-20-180	NEW	93-07-005
317-02-080	NEW-P	93-06-087	317-20-190	NEW-P	93-02-055
317-02-080	NEW	93-11-003	317-20-190	NEW	93-07-005
317-02-090	NEW-P	93-06-087	317-20-200	NEW-P	93-02-055
317-02-090	NEW	93-11-003	317-20-200	NEW	93-07-005
317-02-100	NEW-P	93-06-087	317-20-210	NEW-P	93-02-055
317-02-100	NEW	93-11-003	317-20-210	NEW	93-07-005
317-02-110	NEW-P	93-06-087	317-20-220	NEW-P	93-02-055
317-02-110	NEW	93-11-003	317-20-220	NEW	93-07-005
317-02-120	NEW-P	93-06-087	317-20-230	NEW-P	93-02-055
317-02-120	NEW	93-11-003	317-20-230	NEW	93-07-005
317-03-010	NEW-P	93-06-088	317-20-240	NEW-P	93-02-055
317-03-010	NEW	93-11-002	317-20-240	NEW	93-07-005
317-03-020	NEW-P	93-06-088	317-20-900	NEW-P	93-02-055
317-03-020	NEW	93-11-002	317-20-900	NEW	93-07-005
317-03-030	NEW-P	93-06-088	317-30-010	NEW-P	93-02-054
317-05-010	NEW-P	93-02-053	317-30-010	NEW	93-07-003
317-05-010	NEW	93-07-004	317-30-020	NEW-P	93-02-054
317-05-020	NEW-P	93-02-053	317-30-020	NEW	93-07-003
317-05-020	NEW	93-07-004	317-30-030	NEW-P	93-02-054
317-05-030	NEW-P	93-02-053	317-30-030	NEW	93-07-003
317-05-030	NEW	93-07-004	317-30-040	NEW-P	93-02-054
317-10-035	AMD-P	93-09-069	317-30-040	NEW	93-07-003
317-10-035	AMD	93-14-096	317-30-050	NEW-P	93-02-054
317-10-060	AMD-P	93-06-089	317-30-050	NEW	93-07-003
317-10-060	AMD	93-11-001	317-30-060	NEW-P	93-02-054
317-20	NEW-P	93-02-055	317-30-060	NEW	93-07-003
317-20-010	NEW	93-07-005	317-30-070	NEW-P	93-02-054
317-20-010	NEW-P	93-02-055	317-30-070	NEW	93-07-003
317-20-010	NEW	93-07-005	317-30-080	NEW-P	93-02-054
317-20-020	NEW-P	93-02-055	317-30-080	NEW	93-07-003
317-20-020	NEW	93-07-005	317-30-090	NEW-P	93-02-054
317-20-025	NEW	93-07-005	317-30-090	NEW	93-07-003
317-20-030	NEW-P	93-02-055	317-30-100	NEW-P	93-02-054
317-20-030	NEW	93-07-005	317-30-100	NEW	93-07-003
317-20-040	NEW-P	93-02-055	317-30-110	NEW-P	93-02-054
317-20-040	NEW	93-07-005	317-30-110	NEW	93-07-003
317-20-050	NEW-P	93-02-055	317-30-120	NEW-P	93-02-054
317-20-050	NEW	93-07-005	317-30-120	NEW	93-07-003
317-20-055	NEW-P	93-02-055	317-30-130	NEW-P	93-02-054
317-20-055	NEW	93-07-005	317-30-130	NEW	93-07-003
317-20-060	NEW-P	93-02-055	317-30-140	NEW-P	93-02-054
317-20-060	NEW	93-07-005	317-30-140	NEW	93-07-003
317-20-065	NEW-P	93-02-055	317-30-150	NEW-P	93-02-054
317-20-065	NEW	93-07-005	317-30-150	NEW	93-07-003
317-20-066	NEW-P	93-02-055	317-30-900	NEW-P	93-02-054
317-20-066	NEW	93-07-005	317-30-900	NEW	93-07-003
317-20-070	NEW-P	93-02-055	317-100-010	NEW-P	93-09-070
317-20-070	NEW	93-07-005	317-100-010	NEW	93-14-097
317-20-080	NEW-P	93-02-055	317-100-020	NEW-P	93-09-070
317-20-080	NEW	93-07-005	317-100-020	NEW	93-14-097
317-20-090	NEW-P	93-02-055	317-100-030	NEW-P	93-09-070
317-100-030	NEW	93-14-097	317-100-040	NEW-P	93-09-070
317-100-040	NEW-P	93-09-070	317-100-040	NEW	93-14-097
317-100-040	NEW	93-14-097	317-100-050	NEW-P	93-09-070
317-100-050	NEW	93-14-097	317-100-050	NEW	93-14-097
317-100-060	NEW-P	93-09-070	317-100-060	NEW-P	93-09-070
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317-100-080	NEW	93-14-097	317-100-080	NEW	93-14-097
317-100-090	NEW-P	93-09-070	317-100-090	NEW-P	93-09-070
317-100-090	NEW	93-14-097	317-100-090	NEW	93-14-097
318-04-020	AMD-P	93-11-072	318-04-020	AMD-P	93-11-072
318-04-020	AMD	93-14-105	318-04-030	AMD-P	93-11-072
318-04-030	AMD-P	93-11-072	318-04-030	AMD	93-14-105
318-04-030	AMD-E	93-14-106	318-04-030	AMD-E	93-14-106
318-04-050	AMD-P	93-11-072	318-04-050	AMD-P	93-11-072
318-04-050	AMD	93-14-105	318-04-050	AMD	93-14-105
326-02-031	NEW-P	93-12-135	326-02-031	NEW-P	93-12-135
326-02-031	NEW-E	93-12-136	326-02-031	NEW-E	93-12-136
326-02-031	NEW	93-16-080	326-02-032	NEW-P	93-12-135
326-02-032	NEW-P	93-12-135	326-02-032	NEW-E	93-12-136
326-02-033	NEW-P	93-12-135	326-02-033	NEW-P	93-12-135
326-02-033	NEW-E	93-12-136	326-02-033	NEW-E	93-12-136
326-02-033	NEW	93-16-080	326-02-033	NEW	93-16-080
326-02-034	NEW-P	93-12-135	326-02-034	NEW-P	93-12-135
326-02-034	NEW-E	93-12-136	326-02-034	NEW-E	93-12-136
326-20-125	NEW	93-16-080	326-20-125	NEW	93-16-080
326-30-042	NEW-E	93-15-088	326-30-042	NEW-E	93-15-088
326-30-051	AMD-E	93-16-081	326-30-051	AMD-E	93-16-081
326-40-010	AMD-E	93-05-037	326-40-010	AMD-E	93-05-037
326-40-060	AMD-E	93-16-081	326-40-060	AMD-E	93-16-081
332-24-710	NEW	93-03-007	332-24-710	NEW	93-03-007
332-24-720	NEW-P	93-03-064	332-24-720	NEW-P	93-03-064
332-24-720	NEW	93-07-002	332-24-720	NEW	93-07-002
332-24-730	NEW-P	93-04-107	332-24-730	NEW-P	93-04-107
332-24-730	NEW-P	93-10-107	332-24-730	NEW-P	93-10-107
332-24-730	NEW-W	93-10-108	332-24-730	NEW-W	93-10-108
332-24-730	NEW	93-14-016	332-24-730	NEW	93-14-016
332-26-010	NEW-E	93-15-048	332-26-010	NEW-E	93-15-048
332-26-040	NEW-E	93-15-048	332-26-040	NEW-E	93-15-048
332-26-050	NEW-E	93-15-048	332-26-050	NEW-E	93-15-048
332-26-060	NEW-E	93-15-048	332-26-060	NEW-E	93-15-048
332-26-080	NEW-E	93-09-020	332-26-080	NEW-E	93-09-020
332-26-080	AMD-E	93-10-058	332-26-080	AMD-E	93-10-058
352-12-020	AMD	93-08-025	352-12-020	AMD	93-08-025
352-12-020	AMD-E	93-10-060	352-12-020	AMD-E	93-10-060
352-12-020	RESCIND	93-14-068	352-12-020	RESCIND	93-14-068
352-12-030	AMD	93-08-025	352-12-030	AMD	93-08-025
352-12-030	AMD-E	93-10-060	352-12-030	AMD-E	93-10-060
352-12-020	RESCIND	93-14-068	352-12-020	RESCIND	93-14-068
352-12-050	AMD	93-06-001	352-12-050	AMD	93-06-001
352-32-010	AMD	93-06-001	352-32-010	AMD	93-06-001
352-32-010	AMD	93-08-025	352-32-010	AMD	93-08-025
352-32-030	AMD	93-06-001	352-32-030	AMD	93-06-001
352-32-035	AMD	93-06-001	352-32-035	AMD	93-06-001
352-32-120	AMD	93-06-001	352-32-120	AMD	93-06-001
352-32-250	AMD	93-08-025	352-32-250	AMD	93-08-025
352-32-250	AMD-E	93-10-060	352-32-250	AMD-E	93-10-060
352-32-250	AMD-E	93-14-069	352-32-250	AMD-E	93-14-069
352-32-250	AMD-P	93-14-070	352-32-250	AMD-P	93-14-070
352-32-252	AMD	93-08-025	352-32-252	AMD	93-08-025
352-32-252	AMD-E	93-10-060	352-32-252	AMD-E	93-10-060
352-32-252	RESCIND	93-14-068	352-32-252	RESCIND	93-14-068
352-32-285	AMD	93-06-001	352-32-285	AMD	93-06-001
352-67-010	NEW-P	93-16-066	352-67-010	NEW-P	93-16-066
352-67-020	NEW-P	93-16-066	352-67-020	NEW-P	93-16-066
352-67-030	NEW-P	93-16-066	352-67-030	NEW-P	93-16-066
352-67-040	NEW-P	93-16-066	352-67-040	NEW-P	93-16-066
352-67-050	NEW-P	93-16-066	352-67-050	NEW-P	93-16-066

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352-70-020	AMD-P	93-16-065	356-18-145	NEW-C	93-14-060	356-47-065	REP-E	93-14-061
352-70-040	AMD-P	93-16-065	356-18-145	NEW-E	93-14-066	356-47-065	REP-P	93-14-063
352-70-050	AMD-P	93-16-065	356-18-145	NEW-C	93-18-052	356-47-070	REP-E	93-14-061
352-70-060	AMD-P	93-16-065	356-18-150	AMD-P	93-08-072	356-47-070	REP-P	93-14-063
356-05-157	NEW-P	93-04-097	356-18-150	AMD-C	93-12-084	356-47-080	REP-E	93-14-061
356-05-157	NEW-C	93-08-046	356-18-150	AMD-C	93-14-060	356-47-080	REP-P	93-14-063
356-05-157	NEW-W	93-10-026	356-18-150	AMD-E	93-14-066	356-47-090	REP-E	93-14-061
356-05-157	NEW-P	93-10-028	356-18-150	AMD-C	93-18-052	356-47-090	REP-P	93-14-063
356-05-157	NEW-C	93-14-056	356-18-230	REP-P	93-02-037	356-47-100	REP-E	93-14-061
356-05-157	NEW-C	93-18-048	356-18-230	REP	93-06-081	356-47-100	REP-P	93-14-063
356-05-160	REP-W	93-02-035	356-22-005	NEW-P	93-10-028	356-47-120	REP-E	93-14-061
356-05-171	NEW-P	93-14-059	356-22-005	NEW-C	93-14-056	356-47-120	REP-P	93-14-063
356-05-171	NEW-E	93-14-066	356-22-005	NEW-C	93-18-048	356-56-020	NEW-E	93-14-091
356-05-171	NEW-C	93-18-052	356-22-070	AMD	93-02-040	356-56-020	NEW-P	93-16-019
356-05-214	REP-P	93-17-017	356-22-070	AMD-P	93-08-047	356-56-021	NEW-E	93-14-091
356-05-307	NEW-P	93-12-100	356-22-070	AMD	93-12-085	356-56-021	NEW-P	93-16-019
356-05-307	NEW-W	93-16-021	356-22-125	NEW-P	93-14-065	365-24-010	REP-P	93-15-086
356-06-003	NEW-E	93-14-092	356-22-125	NEW-C	93-18-046	365-24-020	REP-P	93-15-086
356-06-003	NEW-P	93-16-020	356-26-030	AMD-P	93-08-042	365-24-030	REP-P	93-15-086
356-06-080	AMD-E	93-14-092	356-26-030	AMD	93-12-088	365-24-040	REP-P	93-15-086
356-06-080	AMD-P	93-16-020	356-26-040	AMD	93-02-040	365-24-050	REP-P	93-15-086
356-09-040	AMD-P	93-12-100	356-26-060	AMD-P	93-02-038	365-24-060	REP-P	93-15-086
356-09-040	AMD-W	93-16-021	356-26-060	AMD-C	93-06-077	365-24-100	REP-P	93-15-086
356-09-050	AMD-P	93-12-100	356-26-060	AMD	93-08-048	365-24-110	REP-P	93-15-086
356-09-050	AMD-W	93-16-021	356-26-060	AMD-P	93-12-102	365-24-210	REP-P	93-15-086
356-10-020	AMD-E	93-14-092	356-26-060	AMD-E	93-14-092	365-24-220	REP-P	93-15-086
356-10-020	AMD-P	93-16-020	356-26-060	AMD-P	93-16-020	365-24-230	REP-P	93-15-086
356-10-030	AMD-P	93-04-097	356-26-060	AMD-W	93-16-021	365-24-240	REP-P	93-15-086
356-10-030	AMD-C	93-08-046	356-26-075	NEW-E	93-15-018	365-24-310	REP-P	93-15-086
356-10-030	AMD-W	93-10-026	356-26-075	NEW-P	93-18-051	365-24-312	REP-P	93-15-086
356-10-050	AMD-P	93-14-064	356-26-100	AMD-E	93-14-092	365-24-320	REP-P	93-15-086
356-10-050	AMD-C	93-18-049	356-26-100	AMD-P	93-16-020	365-24-330	REP-P	93-15-086
356-10-060	AMD-P	93-08-043	356-26-105	NEW-P	93-12-101	365-24-410	REP-P	93-15-086
356-10-060	AMD-C	93-12-083	356-26-105	NEW-W	93-16-021	365-24-420	REP-P	93-15-086
356-10-060	AMD-C	93-14-058	356-26-110	AMD-P	93-14-062	365-24-430	REP-P	93-15-086
356-10-060	AMD-P	93-14-064	356-26-110	AMD-C	93-18-047	365-24-440	REP-P	93-15-086
356-10-060	AMD-C	93-18-049	356-30-130	AMD-P	93-08-042	365-24-450	REP-P	93-15-086
356-14-075	AMD-P	93-08-044	356-30-130	AMD	93-12-088	365-24-460	REP-P	93-15-086
356-14-075	AMD	93-12-087	356-30-260	AMD-P	93-06-079	365-24-510	REP-P	93-15-086
356-14-110	AMD-P	93-14-092	356-30-260	AMD-C	93-09-058	365-24-520	REP-P	93-15-086
356-14-110	AMD-P	93-16-020	356-30-260	AMD-W	93-14-055	365-24-530	REP-P	93-15-086
356-14-220	AMD-W	93-02-035	356-30-330	AMD-C	93-02-036	365-24-540	REP-P	93-15-086
356-14-260	AMD-P	93-08-072	356-30-330	AMD-C	93-04-099	365-24-610	REP-P	93-15-086
356-14-260	AMD-C	93-12-084	356-30-330	AMD-C	93-08-045	365-24-620	REP-P	93-15-086
356-14-260	AMD-C	93-14-060	356-30-330	AMD-W	93-09-060	365-24-710	REP-P	93-15-086
356-14-260	AMD-E	93-14-066	356-30-331	NEW-E	93-09-003	365-24-720	REP-P	93-15-086
356-14-260	AMD-P	93-18-052	356-30-331	NEW-P	93-09-057	365-24-730	REP-P	93-15-086
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356-15-030	AMD-C	93-14-060	356-34-022	NEW-W	93-02-035	365-24-824	REP-P	93-15-086
356-15-030	AMD-E	93-14-066	356-34-090	AMD	93-02-040	365-24-830	REP-P	93-15-086
356-15-030	AMD-C	93-18-052	356-35-010	AMD-C	93-02-041	365-24-832	REP-P	93-15-086
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356-15-060	AMD-P	93-02-039	356-35-010	AMD-W	93-07-054	365-24-850	REP-P	93-15-086
356-15-060	AMD-C	93-06-080	356-35-010	AMD-P	93-10-027	365-24-852	REP-P	93-15-086
356-15-060	AMD-C	93-09-059	356-35-010	AMD	93-14-067	365-24-854	REP-P	93-15-086
356-15-060	AMD	93-12-086	356-47	REP-C	93-18-050	365-24-856	REP-P	93-15-086
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388-34-015	REP-W	93-08-113	388-34-384	REP-P	93-16-106	388-37-360	REP	93-16-058
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388-34-370	REP-P	93-16-106	388-37-160	REP-P	93-08-074	388-49-015	AMD-P	93-11-030
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388-233-0100	NEW	93-17-029	388-235-7300	NEW	93-16-058	388-280-1110	NEW-P	93-08-075
388-235	NEW-C	93-12-050	388-235-7500	NEW-P	93-08-074	388-280-1110	NEW	93-12-054
388-235	NEW-C	93-13-022	388-235-7500	NEW	93-16-058	388-280-1120	NEW-P	93-08-075
388-235	NEW-C	93-14-085	388-235-7600	NEW-P	93-08-074	388-280-1120	NEW	93-12-054
388-235-0010	NEW-P	93-08-074	388-235-7600	NEW	93-16-058	388-280-1130	NEW-P	93-08-075
388-235-0010	NEW	93-16-058	388-235-8000	NEW-P	93-08-074	388-280-1130	NEW	93-12-054
388-235-0020	NEW-P	93-08-074	388-235-8000	NEW	93-16-058	388-280-1140	NEW-P	93-08-075
388-235-0020	NEW	93-16-058	388-235-8100	NEW-P	93-08-074	388-280-1140	NEW	93-12-054
388-235-0030	NEW-P	93-08-074	388-235-8100	NEW	93-16-058	388-280-1150	NEW-P	93-08-075
388-235-0030	NEW	93-16-058	388-235-8100	NEW	93-16-058	388-280-1150	NEW	93-12-054
388-235-0040	NEW-P	93-08-074	388-235-8130	NEW-P	93-08-074	388-280-1150	NEW	93-12-054
388-235-0040	NEW	93-16-058	388-235-8130	NEW	93-16-058	388-280-1160	NEW-P	93-08-075
388-235-0050	NEW-P	93-08-074	388-235-8140	NEW-P	93-08-074	388-280-1160	NEW	93-12-054
388-235-0050	NEW	93-16-058	388-235-8140	NEW	93-16-058	388-330-010	AMD-P	93-07-035
388-235-0060	NEW-P	93-08-074	388-235-8150	NEW-P	93-08-074	388-330-010	AMD-C	93-10-018
388-235-0060	NEW	93-16-058	388-235-8150	NEW	93-16-058	388-330-010	AMD-C	93-12-096
388-235-0070	NEW-P	93-08-074	388-235-8200	NEW-P	93-08-074	388-330-010	AMD	93-15-040
388-235-0070	NEW	93-16-058	388-235-8200	NEW	93-16-058	388-330-020	AMD-P	93-07-035
388-235-0080	NEW-P	93-08-074	388-235-9000	NEW-P	93-08-074	388-330-020	AMD-C	93-10-018
388-235-0080	NEW	93-16-058	388-235-9000	NEW	93-16-058	388-330-020	AMD-C	93-12-096
388-235-0090	NEW-P	93-08-074	388-235-9100	NEW-P	93-08-074	388-330-020	AMD	93-15-040
388-235-0090	NEW	93-16-058	388-235-9100	NEW	93-16-058	388-330-030	AMD-P	93-07-035
388-235-0100	NEW-P	93-08-074	388-235-9200	NEW-P	93-08-074	388-330-030	AMD-C	93-10-018
388-235-0100	NEW	93-16-058	388-235-9200	NEW	93-16-058	388-330-030	AMD-C	93-12-096
388-235-0110	NEW-P	93-08-074	388-235-9300	NEW-P	93-08-074	388-330-030	AMD	93-15-040
388-235-0110	NEW	93-16-058	388-235-9300	NEW	93-16-058	388-330-050	AMD-P	93-07-035
388-235-1500	NEW-P	93-08-074	388-235-9500	NEW-P	93-08-074	388-330-050	AMD-C	93-10-018
388-235-1500	NEW	93-16-058	388-235-9520	NEW-P	93-08-074	388-330-050	AMD-C	93-12-096
388-235-2000	NEW-P	93-08-074	388-235-9530	NEW-P	93-08-074	388-330-050	AMD	93-15-040
388-235-2000	NEW	93-16-058	388-235-9540	NEW-P	93-08-074	388-538-001	NEW-P	93-14-046
388-235-3000	NEW-P	93-08-074	388-235-9550	NEW-P	93-08-074	388-538-001	NEW-E	93-14-047
388-235-3000	NEW	93-16-058	388-235-9560	NEW-P	93-08-074	388-538-001	NEW	93-17-039
388-235-4000	NEW-P	93-08-074	388-235-9570	NEW-P	93-08-074	388-538-050	NEW-P	93-14-046
388-235-4000	NEW	93-16-058	388-235-9580	NEW-P	93-08-074	388-538-050	NEW-E	93-14-047
388-235-5000	NEW-P	93-08-074	388-235-9600	NEW-P	93-08-074	388-538-050	NEW	93-17-039
388-235-5000	NEW	93-16-058	388-240-0010	NEW-P	93-15-080	388-538-060	NEW-P	93-14-046
388-235-5040	NEW-P	93-08-074	388-240-0020	NEW-P	93-15-080	388-538-060	NEW-E	93-14-047
388-235-5050	NEW-P	93-08-074	388-240-1100	NEW-P	93-15-080	388-538-060	NEW	93-17-039
388-235-5050	NEW	93-16-058	388-240-1200	NEW-P	93-15-080	388-538-070	NEW-P	93-14-046
388-235-5060	NEW	93-16-058	388-240-2100	NEW-P	93-15-080	388-538-070	NEW-E	93-14-047
388-235-5070	NEW-P	93-08-074	388-240-2300	NEW-P	93-15-080	388-538-070	NEW	93-17-039
388-235-5070	NEW	93-16-058	388-240-2400	NEW-P	93-15-080	388-538-080	NEW-P	93-14-046
388-235-5080	NEW-P	93-08-074	388-240-2450	NEW-P	93-15-080	388-538-080	NEW-E	93-14-047
388-235-5080	NEW	93-16-058	388-240-2500	NEW-P	93-15-080	388-538-080	NEW	93-17-039
388-235-5090	NEW-P	93-08-074	388-240-2550	NEW-P	93-15-080	388-538-090	NEW-P	93-14-046
388-235-5090	NEW	93-16-058	388-240-2570	NEW-P	93-15-080	388-538-090	NEW-E	93-14-047
388-235-5100	NEW-P	93-08-074	388-240-2600	NEW-P	93-15-080	388-538-090	NEW	93-17-039
388-235-5100	NEW	93-16-058	388-240-3100	NEW-P	93-15-080	388-538-095	NEW-P	93-14-046
388-235-5200	NEW-P	93-08-074	388-240-4100	NEW-P	93-15-080	388-538-095	NEW-E	93-14-047
388-235-5200	NEW	93-16-058	388-240-4200	NEW-P	93-15-080	388-538-095	NEW	93-17-039
388-235-5300	NEW-P	93-08-074	388-240-4400	NEW-P	93-15-080	388-538-100	NEW-P	93-14-046
388-235-5300	NEW	93-16-058	388-240-4600	NEW-P	93-15-080	388-538-100	NEW-E	93-14-047
388-235-5400	NEW-P	93-08-074	388-240-5100	NEW-P	93-15-080	388-538-100	NEW	93-17-039
388-235-5400	NEW	93-16-058	388-240-6100	NEW-P	93-15-080	388-538-110	NEW-P	93-14-046
388-235-5500	NEW-P	93-08-074	388-280-1010	NEW-P	93-08-075	388-538-110	NEW-E	93-14-047
388-235-5500	NEW	93-16-058	388-280-1010	NEW	93-12-054	388-538-110	NEW	93-17-039
388-235-5600	NEW-P	93-08-074	388-280-1020	NEW-P	93-08-075	388-538-120	NEW-P	93-14-046
388-235-5600	NEW	93-16-058	388-280-1020	NEW	93-12-054	388-538-120	NEW-E	93-14-047
388-235-5700	NEW-P	93-08-074	388-280-1030	NEW-P	93-08-075	388-538-120	NEW	93-17-039
			388-280-1030	NEW	93-12-054	388-538-130	NEW-P	93-14-046

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388-538-130	NEW	93-17-039	390-16-207	AMD	93-16-064	392-105-060	AMD-P	93-03-002
388-538-140	NEW-P	93-14-046	390-16-207	AMD-P	93-17-107	392-105-060	AMD	93-07-039
388-538-140	NEW-E	93-14-047	390-16-226	NEW-P	93-12-031	392-121-445	AMD	93-04-054
388-538-140	NEW	93-17-039	390-16-226	NEW	93-16-064	392-122-110	AMD-P	93-18-018
388-538-150	NEW-P	93-14-046	390-16-230	AMD-P	93-12-027	392-122-400	NEW-P	93-07-046
388-538-150	NEW-E	93-14-047	390-16-230	AMD	93-16-064	392-122-400	NEW	93-12-017
388-538-150	NEW	93-17-039	390-16-230	AMD-P	93-17-107	392-122-401	NEW-P	93-07-046
388-539-001	NEW-P	93-14-024	390-16-232	NEW-P	93-12-032	392-122-401	NEW	93-12-017
388-539-001	NEW-E	93-14-028	390-16-232	NEW	93-16-064	392-122-405	NEW-P	93-07-046
388-539-001	NEW	93-17-037	390-16-234	NEW-P	93-12-033	392-122-405	NEW	93-12-017
388-539-050	NEW-P	93-14-024	390-16-234	NEW	93-16-064	392-122-410	NEW-P	93-07-046
388-539-050	NEW-E	93-14-028	390-16-240	AMD-P	93-12-028	392-122-410	NEW	93-12-017
388-539-050	NEW	93-17-037	390-16-240	AMD	93-16-064	392-122-415	NEW-P	93-07-046
388-539-100	NEW-P	93-14-024	390-16-308	AMD	93-04-072	392-122-415	NEW	93-12-017
388-539-100	NEW-E	93-14-028	390-16-310	AMD-P	93-12-029	392-123-046	AMD-P	93-11-034
388-539-100	NEW	93-17-037	390-16-310	AMD	93-16-064	392-123-046	AMD	93-17-006
388-539-150	NEW-P	93-14-024	390-16-312	AMD-P	93-12-030	392-123-054	AMD-P	93-11-034
388-539-150	NEW-E	93-14-028	390-16-312	AMD	93-16-064	392-123-054	AMD	93-17-006
388-539-150	NEW	93-17-037	390-17-011	NEW-P	93-12-018	392-123-071	AMD-P	93-11-034
388-540-001	NEW-P	93-13-001	390-17-011	NEW	93-16-064	392-123-071	AMD	93-17-006
388-540-001	NEW-E	93-13-130	390-17-013	NEW-P	93-12-018	392-123-072	AMD-P	93-11-034
388-540-001	NEW	93-16-039	390-17-013	NEW	93-16-064	392-123-072	AMD	93-17-006
388-540-005	NEW-P	93-13-001	390-17-015	NEW-P	93-12-018	392-127-015	AMD-P	93-18-041
388-540-005	NEW-E	93-13-130	390-17-015	NEW	93-16-064	392-139-007	AMD-P	93-18-062
388-540-005	NEW	93-16-039	390-17-017	NEW-P	93-12-018	392-139-055	AMD-P	93-18-062
388-540-010	NEW-P	93-13-001	390-17-017	NEW	93-16-064	392-139-056	REP-P	93-18-062
388-540-010	NEW-E	93-13-130	390-17-030	NEW-P	93-12-018	392-139-057	REP-P	93-18-062
388-540-010	NEW	93-16-039	390-17-030	NEW	93-16-064	392-139-058	NEW-P	93-18-062
388-540-020	NEW-P	93-13-001	390-17-050	NEW-P	93-12-018	392-139-310	AMD-P	93-18-062
388-540-020	NEW-E	93-13-130	390-17-050	NEW-P	93-16-062	392-139-320	AMD-P	93-18-062
388-540-020	NEW	93-16-039	390-17-050	NEW-E	93-16-063	392-139-606	NEW-P	93-18-062
388-540-030	NEW-P	93-13-001	390-17-052	NEW-P	93-12-018	392-139-610	AMD-P	93-18-062
388-540-030	NEW-E	93-13-130	390-17-052	NEW	93-16-064	392-139-611	NEW-P	93-18-062
388-540-030	NEW	93-16-039	390-17-060	NEW-P	93-12-018	392-139-615	AMD-P	93-18-062
388-540-040	NEW-P	93-13-001	390-17-060	NEW-P	93-12-046	392-139-616	NEW-P	93-18-062
388-540-040	NEW-E	93-13-130	390-17-065	NEW-P	93-12-018	392-139-620	AMD-P	93-18-062
388-540-040	NEW	93-16-039	390-17-070	NEW-P	93-17-107	392-139-621	NEW-P	93-18-062
388-540-050	NEW-P	93-13-001	390-17-100	NEW-P	93-12-018	392-139-625	AMD-P	93-18-062
388-540-050	NEW-E	93-13-130	390-17-100	NEW	93-16-064	392-139-626	NEW-P	93-18-062
388-540-050	NEW	93-16-039	390-17-200	NEW-P	93-12-018	392-139-660	AMD-P	93-18-062
388-540-060	NEW-P	93-13-001	390-17-200	NEW	93-16-064	392-139-670	AMD-P	93-18-062
388-540-060	NEW-E	93-13-130	390-17-205	NEW-P	93-12-018	392-139-675	REP-P	93-18-062
388-540-060	NEW	93-16-039	390-17-205	NEW	93-16-064	392-139-676	AMD-P	93-18-062
390-05-190	NEW-P	93-12-019	390-17-300	NEW-P	93-12-018	392-139-680	NEW-P	93-18-062
390-05-190	NEW	93-16-064	390-17-300	NEW	93-16-064	392-139-681	NEW-P	93-18-062
390-05-190	AMD-P	93-17-107	390-17-305	NEW-P	93-12-018	392-139-685	NEW-P	93-18-062
390-05-200	AMD-P	93-12-020	390-17-305	NEW	93-16-064	392-139-690	NEW-P	93-18-062
390-05-200	AMD	93-16-064	390-17-310	NEW-P	93-12-018	392-139-691	NEW-P	93-18-062
390-05-205	AMD-P	93-12-021	390-17-310	NEW	93-16-064	392-139-901	NEW-P	93-18-062
390-05-205	AMD	93-16-064	390-17-315	NEW-P	93-12-018	392-139-902	NEW-P	93-18-062
390-05-210	AMD-P	93-12-022	390-17-315	NEW	93-16-064	392-140-250	REP-P	93-07-047
390-05-210	AMD	93-16-064	390-17-400	NEW-P	93-12-018	392-140-250	REP	93-12-015
390-05-215	AMD-P	93-12-023	390-17-400	NEW	93-16-064	392-140-252	REP-P	93-07-047
390-05-215	AMD	93-16-064	390-18-010	AMD-P	93-12-034	392-140-252	REP	93-12-015
390-05-235	AMD-P	93-17-107	390-18-010	AMD	93-16-064	392-140-253	REP-P	93-07-047
390-12-170	AMD-P	93-15-101	390-18-020	AMD-P	93-12-035	392-140-253	REP	93-12-015
390-16-011	AMD-P	93-10-049	390-18-020	AMD	93-16-064	392-140-254	REP-P	93-07-047
390-16-011	AMD-E	93-10-051	390-18-050	NEW	93-04-072	392-140-254	REP	93-12-015
390-16-011	AMD	93-15-004	390-20-020	AMD	93-04-072	392-140-255	REP-P	93-07-047
390-16-012	AMD-P	93-10-049	390-20-110	AMD	93-04-072	392-140-255	REP	93-12-015
390-16-012	AMD-E	93-10-051	390-37-140	AMD-P	93-09-001	392-140-256	REP-P	93-07-047
390-16-012	AMD	93-15-004	390-37-140	AMD-C	93-10-050	392-140-256	REP	93-12-015
390-16-031	AMD-P	93-04-127	390-37-140	AMD	93-15-004	392-140-257	REP-P	93-07-047
390-16-031	AMD	93-09-002	390-37-142	AMD-P	93-09-001	392-140-257	REP	93-12-015
390-16-038	AMD-P	93-12-024	390-37-142	AMD-C	93-10-050	392-140-258	REP-P	93-07-047
390-16-038	AMD-P	93-16-062	390-37-142	AMD	93-15-004	392-140-258	REP	93-12-015
390-16-038	AMD-E	93-16-063	392-12-170	AMD-P	93-15-101	392-140-259	REP-P	93-07-047
390-16-041	AMD-P	93-04-127	392-105-030	AMD-P	93-03-002	392-140-259	REP	93-12-015
390-16-041	AMD	93-09-002	392-105-030	AMD	93-07-039	392-140-265	REP-P	93-07-047
390-16-044	NEW-P	93-15-002	392-105-035	AMD-P	93-03-002	392-140-265	REP	93-12-015
390-16-044	NEW-E	93-15-003	392-105-035	AMD	93-07-039	392-140-266	REP-P	93-07-047
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392-171-531	AMD-P	93-15-085	392-315-055	REP-P	93-11-033
392-171-536	AMD-P	93-15-085	392-315-055	REP	93-17-007
392-171-551	AMD-P	93-15-085	392-315-060	REP-E	93-08-037
392-171-556	AMD-P	93-15-085	392-315-060	REP-P	93-11-033
392-171-561	AMD-P	93-15-085	392-315-060	REP	93-17-007
392-171-564	NEW-P	93-15-085	392-315-065	REP-E	93-08-037
392-171-581	AMD-P	93-15-085	392-315-065	REP-P	93-11-033
392-171-593	NEW-P	93-15-085	392-315-065	REP	93-17-007
392-171-596	AMD-P	93-15-085	392-315-070	REP-E	93-08-037
392-171-646	AMD-P	93-15-085	392-315-070	REP-P	93-11-033
392-171-651	AMD-P	93-15-085	392-315-070	REP	93-17-007
392-171-688	NEW-P	93-15-085	392-315-075	REP-E	93-08-037
392-171-691	AMD-P	93-15-085	392-315-075	REP-P	93-11-033
392-171-696	AMD-P	93-15-085	392-315-075	REP	93-17-007
392-171-728	NEW-P	93-15-085	392-315-080	REP-E	93-08-037
392-171-736	AMD-P	93-15-085	392-315-080	REP-P	93-11-033
392-171-835	NEW-P	93-15-085	392-315-080	REP	93-17-007
392-171-900	NEW-P	93-15-085	392-315-085	REP-E	93-08-037
392-171-901	NEW-P	93-15-085	392-315-085	REP-P	93-11-033
392-171-905	NEW-P	93-15-085	392-315-085	REP	93-17-007
392-171-910	NEW-P	93-15-085	392-315-090	REP-E	93-08-037
392-171-915	NEW-P	93-15-085	392-315-090	REP-P	93-11-033
392-171-925	NEW-P	93-15-085	392-315-090	REP	93-17-007
392-171-930	NEW-P	93-15-085	392-315-095	REP-E	93-08-037
392-171-935	NEW-P	93-15-085	392-315-095	REP-P	93-11-033
392-171-940	NEW-P	93-15-085	392-315-095	REP	93-17-007
392-171-945	NEW-P	93-15-085	392-315-100	REP-E	93-08-037
392-171-950	NEW-P	93-15-085	392-315-100	REP-P	93-11-033
392-171-955	NEW-P	93-15-085	392-315-100	REP	93-17-007
392-171-960	NEW-P	93-15-085	392-315-105	REP-E	93-08-037
392-173-005	AMD-P	93-15-083	392-315-105	REP-P	93-11-033
392-173-010	AMD-P	93-15-083	392-315-105	REP	93-17-007
392-173-015	AMD-P	93-15-083	392-315-110	REP-E	93-08-037
392-173-030	AMD-P	93-15-083	392-315-110	REP-P	93-11-033
392-173-047	NEW-P	93-15-083	392-315-110	REP	93-17-007
392-173-080	AMD-P	93-15-083	392-315-115	REP-E	93-08-037
392-196-005	AMD	93-07-037	392-315-115	REP-P	93-11-033
392-196-030	AMD	93-07-037	392-315-115	REP	93-17-007
392-196-080	AMD	93-07-037	392-315-120	REP-E	93-08-037
392-196-095	AMD	93-07-037	392-315-120	REP-P	93-11-033
392-202-110	AMD	93-08-005	392-315-120	REP	93-17-007
392-202-110	AMD-P	93-15-034	392-315-125	REP-E	93-08-037
392-315-005	REP-E	93-08-037	392-315-125	REP-P	93-11-033
392-315-005	REP-P	93-11-033	392-315-125	REP	93-17-007
392-315-005	REP	93-17-007	392-315-130	REP-E	93-08-037
392-315-010	REP-E	93-08-037	392-315-130	REP-P	93-11-033
392-315-010	REP-P	93-11-033	392-315-130	REP	93-17-007
392-315-010	REP	93-17-007	392-315-135	REP-E	93-08-037
392-315-015	REP-E	93-08-037	392-315-135	REP-P	93-11-033
392-315-015	REP-P	93-11-033	392-315-135	REP	93-17-007
392-315-015	REP	93-17-007	392-315-140	REP-E	93-08-037
392-315-020	REP-E	93-08-037	392-315-140	REP-P	93-11-033
392-315-020	REP-P	93-11-033	392-315-140	REP	93-17-007
392-315-020	REP	93-17-007	392-315-145	REP-E	93-08-037
392-315-025	REP-E	93-08-037	392-315-145	REP-P	93-11-033
392-315-025	REP-P	93-11-033	392-315-145	REP	93-17-007
392-315-025	REP	93-17-007	392-315-150	REP-E	93-08-037
392-315-030	REP-E	93-08-037	392-315-150	REP-P	93-11-033
392-315-030	REP-P	93-11-033	392-315-150	REP	93-17-007
392-315-030	REP	93-17-007	392-315-155	REP-E	93-08-037
392-315-035	REP-E	93-08-037	392-315-155	REP-P	93-11-033
392-315-035	REP-P	93-11-033	392-315-155	REP	93-17-007
392-315-035	REP	93-17-007	392-315-160	REP-E	93-08-037
392-315-040	REP-E	93-08-037	392-315-160	REP-P	93-11-033
392-315-040	REP-P	93-11-033	392-315-160	REP	93-17-007
392-315-040	REP	93-17-007	392-315-165	REP-E	93-08-037
392-315-045	REP-E	93-08-037	392-315-165	REP-P	93-11-033
392-315-045	REP-P	93-11-033	392-315-165	REP	93-17-007
392-315-045	REP	93-17-007	399-10-010	AMD-P	93-15-089
392-315-050	REP-E	93-08-037	399-10-020	AMD-P	93-15-089
399-10-030	AMD-P	93-15-089			
399-30-040	AMD-P	93-15-090			
415-04-010	AMD-P	93-08-054			
415-04-010	AMD	93-11-079			
415-04-020	AMD-P	93-08-054			
415-04-020	AMD	93-11-079			
415-08-010	AMD-P	93-08-054			
415-08-010	AMD	93-11-079			
415-08-020	AMD-P	93-08-054			
415-08-020	AMD	93-11-079			
415-08-025	NEW-P	93-08-054			
415-08-025	NEW	93-11-079			
415-08-030	AMD-P	93-08-054			
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415-08-060	REP	93-11-079			
415-08-080	AMD-P	93-08-054			
415-08-080	AMD	93-11-079			
415-08-090	AMD-P	93-08-054			
415-08-090	AMD	93-11-079			
415-08-100	AMD-P	93-08-054			
415-08-100	AMD	93-11-079			
415-08-105	NEW-P	93-08-054			
415-08-105	NEW	93-11-079			
415-08-110	REP-P	93-08-054			
415-08-110	REP	93-11-079			
415-08-120	REP-P	93-08-054			
415-08-120	REP	93-11-079			
415-08-130	REP-P	93-08-054			
415-08-130	REP	93-11-079			
415-08-140	REP-P	93-08-054			
415-08-140	REP	93-11-079			
415-08-150	REP-P	93-08-054			
415-08-150	REP	93-11-079			
415-08-160	REP-P	93-08-054			
415-08-160	REP	93-11-079			
415-08-170	REP-P	93-08-054			
415-08-170	REP	93-11-079			
415-08-180	REP-P	93-08-054			
415-08-180	REP	93-11-079			
415-08-190	REP-P	93-08-054			
415-08-190	REP	93-11-079			
415-08-200	REP-P	93-08-054			
415-08-200	REP	93-11-079			
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415-08-210	REP	93-11-079			
415-08-220	REP-P	93-08-054			
415-08-220	REP	93-11-079			
415-08-230	REP-P	93-08-054			
415-08-230	REP	93-11-079			
415-08-240	REP-P	93-08-054			
415-08-240	REP	93-11-079			
415-08-250	REP-P	93-08-054			
415-08-250	REP	93-11-079			
415-08-260	REP-P	93-08-054			
415-08-260	REP	93-11-079			
415-08-270	REP-P	93-08-054			
415-08-270	REP	93-11-079			
415-08-280	AMD-P	93-08-054			
415-08-280	AMD	93-11-079			
415-08-290	REP-P	93-08-054			
415-08-290	REP	93-11-079			
415-08-300	REP-P	93-08-054			
415-08-300	REP	93-11-079			
415-08-310	REP-P	93-08-054			
415-08-310	REP	93-11-079			
415-08-320	REP-P	93-08-054			
415-08-320	REP	93-11-079			
415-08-330	REP-P	93-08-054			
415-08-330	REP	93-11-079			
415-08-340	REP-P	93-08-054			

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415-08-340	REP	93-11-079	415-112-810	AMD-P	93-08-051	434-60-020	NEW	93-18-053
415-08-350	REP-P	93-08-054	415-112-810	AMD-S	93-17-023	434-60-030	NEW-P	93-15-058
415-08-350	REP	93-11-079	415-112-820	AMD-P	93-08-051	434-60-030	NEW	93-18-053
415-08-360	REP-P	93-08-054	415-112-820	AMD-S	93-17-023	434-60-040	NEW-P	93-15-058
415-08-360	REP	93-11-079	415-112-830	NEW-P	93-08-051	434-60-040	NEW	93-18-053
415-08-370	REP-P	93-08-054	415-112-830	NEW-S	93-17-023	434-60-050	NEW-P	93-15-058
415-08-370	REP	93-11-079	434-19-012	AMD-E	93-14-081	434-60-050	NEW	93-18-053
415-08-380	REP-P	93-08-054	434-19-014	AMD-E	93-14-081	434-60-060	NEW-P	93-15-058
415-08-380	REP	93-11-079	434-19-020	AMD-E	93-14-081	434-60-060	NEW	93-18-053
415-08-390	REP-P	93-08-054	434-19-056	AMD-E	93-14-081	434-60-070	NEW-P	93-15-058
415-08-390	REP	93-11-079	434-19-080	AMD-E	93-14-081	434-60-070	NEW	93-18-053
415-08-400	REP-P	93-08-054	434-19-081	AMD-E	93-14-081	434-60-080	NEW-P	93-15-058
415-08-400	REP	93-11-079	434-19-082	AMD-E	93-14-081	434-60-080	NEW	93-18-053
415-08-410	REP-P	93-08-054	434-19-083	AMD-E	93-14-081	434-60-090	NEW-P	93-15-058
415-08-410	REP	93-11-079	434-19-084	AMD-E	93-14-081	434-60-090	NEW	93-18-053
415-08-420	AMD-P	93-08-054	434-19-085	AMD-E	93-14-081	434-60-100	NEW-P	93-15-058
415-08-420	AMD	93-11-079	434-19-086	AMD-E	93-14-081	434-60-100	NEW	93-18-053
415-08-430	REP-P	93-08-054	434-19-087	AMD-E	93-14-081	434-60-110	NEW-P	93-15-058
415-08-430	REP	93-11-079	434-19-088	AMD-E	93-14-081	434-60-110	NEW	93-18-053
415-08-440	REP-P	93-08-054	434-19-097	AMD-E	93-14-081	434-60-120	NEW-P	93-15-058
415-08-440	REP	93-11-079	434-19-098	AMD-E	93-14-081	434-60-120	NEW	93-18-053
415-08-450	REP-P	93-08-054	434-19-101	AMD-E	93-14-081	434-60-130	NEW-P	93-15-058
415-08-450	REP	93-11-079	434-19-102	REP-E	93-14-081	434-60-130	NEW	93-18-053
415-08-460	REP-P	93-08-054	434-19-114	AMD-E	93-14-081	434-60-140	NEW-P	93-15-058
415-08-460	REP	93-11-079	434-19-118	AMD-E	93-14-081	434-60-140	NEW	93-18-053
415-08-470	REP-P	93-08-054	434-19-190	AMD-E	93-14-081	434-60-150	NEW-P	93-15-058
415-08-470	REP	93-11-079	434-19-191	AMD-E	93-14-081	434-60-150	NEW	93-18-053
415-08-480	REP-P	93-08-054	434-19-192	AMD-E	93-14-081	434-60-160	NEW-P	93-15-058
415-08-480	REP	93-11-079	434-19-193	AMD-E	93-14-081	434-60-160	NEW	93-18-053
415-104-011	NEW-P	93-08-053	434-19-194	AMD-E	93-14-081	434-60-170	NEW-P	93-15-058
415-104-011	NEW	93-11-078	434-19-195	AMD-E	93-14-081	434-60-170	NEW	93-18-053
415-104-782	NEW-P	93-08-053	434-50-010	AMD-E	93-14-080	434-60-180	NEW-P	93-15-058
415-104-782	NEW	93-11-078	434-50-010	AMD-E	93-14-107	434-60-180	NEW	93-18-053
415-104-783	NEW-P	93-08-053	434-50-010	REP-P	93-16-114	434-60-190	NEW-P	93-15-058
415-104-783	NEW	93-11-078	434-50-015	AMD-E	93-14-080	434-60-190	NEW	93-18-053
415-104-784	NEW-P	93-08-053	434-50-015	AMD-E	93-14-107	434-60-200	NEW-P	93-15-058
415-104-784	NEW	93-11-078	434-50-015	REP-P	93-16-114	434-60-200	NEW	93-18-053
415-104-785	NEW-P	93-08-053	434-50-020	AMD-E	93-14-080	434-79-010	AMD-E	93-14-088
415-104-785	NEW	93-11-078	434-50-020	AMD-E	93-14-107	434-110-010	NEW-P	93-16-114
415-108-010	AMD-P	93-08-052	434-50-020	REP-P	93-16-114	434-110-020	NEW-P	93-16-114
415-108-010	AMD	93-11-077	434-50-025	REP-P	93-16-114	434-110-030	NEW-P	93-16-114
415-108-100	REP-P	93-08-052	434-50-030	REP-P	93-16-114	434-110-040	NEW-P	93-16-114
415-108-100	REP	93-11-077	434-50-031	NEW-E	93-14-080	434-110-050	NEW-P	93-16-114
415-108-110	REP-P	93-08-052	434-50-031	NEW-E	93-14-107	434-110-060	NEW-P	93-16-114
415-108-110	REP	93-11-077	434-50-032	NEW-E	93-14-080	434-110-070	NEW-P	93-16-114
415-108-120	REP-P	93-08-052	434-50-032	NEW-E	93-14-107	434-110-075	NEW-P	93-16-114
415-108-120	REP	93-11-077	434-50-033	NEW-E	93-14-080	434-110-080	NEW-P	93-16-114
415-108-130	REP-P	93-08-052	434-50-033	NEW-E	93-14-107	434-110-090	NEW-P	93-16-114
415-108-130	REP	93-11-077	434-50-034	NEW-E	93-14-080	434-110-100	NEW-P	93-16-114
415-108-150	REP-P	93-08-052	434-50-034	NEW-E	93-14-107	434-110-120	NEW-P	93-16-114
415-108-150	REP	93-11-077	434-50-035	AMD-E	93-14-080	434-110-130	NEW-P	93-16-114
415-108-160	REP-P	93-08-052	434-50-035	AMD-E	93-14-107	434-600-010	NEW	93-04-001
415-108-160	REP	93-11-077	434-50-035	REP-P	93-16-114	434-610-010	NEW	93-04-001
415-108-620	NEW-P	93-08-052	434-50-036	NEW-E	93-14-080	434-610-020	NEW	93-04-001
415-108-620	NEW	93-11-077	434-50-036	NEW-E	93-14-107	434-610-025	NEW	93-04-001
415-108-630	NEW-P	93-08-052	434-50-037	NEW-E	93-14-080	434-610-030	NEW	93-04-001
415-108-630	NEW	93-11-077	434-50-037	NEW-E	93-14-107	434-610-040	NEW	93-04-001
415-108-640	NEW-P	93-08-052	434-50-038	NEW-E	93-14-109	434-610-050	NEW	93-04-001
415-108-640	NEW	93-11-077	434-50-040	AMD-E	93-14-080	434-610-060	NEW	93-04-001
415-108-650	NEW-P	93-08-052	434-50-040	AMD-E	93-14-107	434-610-070	NEW	93-04-001
415-108-650	NEW	93-11-077	434-50-040	REP-P	93-16-114	434-610-080	NEW	93-04-001
415-108-660	NEW-P	93-08-052	434-50-045	AMD-E	93-14-080	434-610-090	NEW	93-04-001
415-108-660	NEW	93-11-077	434-50-045	AMD-E	93-14-107	434-610-100	NEW	93-04-001
415-108-671	NEW-E	93-15-059	434-50-045	REP-P	93-16-114	434-610-110	NEW	93-04-001
415-108-671	NEW-P	93-15-082	434-50-050	AMD-E	93-14-080	434-610-120	NEW	93-04-001
415-112-015	NEW-P	93-08-051	434-50-050	AMD-E	93-14-107	434-615-010	NEW	93-04-001
415-112-015	NEW-S	93-17-023	434-50-050	REP-P	93-16-114	434-615-020	NEW	93-04-001
415-112-535	REP-P	93-08-051	434-50-055	AMD-E	93-14-080	434-615-030	NEW	93-04-001
415-112-535	REP-S	93-17-023	434-50-055	AMD-E	93-14-107	434-620-010	NEW	93-04-001
415-112-561	NEW-E	93-15-059	434-50-055	REP-P	93-16-114	434-624-010	NEW	93-04-001
415-112-561	NEW-P	93-15-082	434-60-010	NEW-P	93-15-058	434-624-020	NEW	93-04-001
415-112-722	REP-P	93-08-051	434-60-010	NEW	93-18-053	434-624-030	NEW	93-04-001
415-112-722	REP-S	93-17-023	434-60-020	NEW-P	93-15-058	434-624-040	NEW	93-04-001

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434-626-010	NEW	93-04-001	440-22-420	NEW-P	93-18-008
434-626-020	NEW	93-04-001	440-22-430	NEW-P	93-18-008
434-660-010	NEW-P	93-14-002	440-22-450	NEW-P	93-18-008
434-663-001	NEW-P	93-14-001	440-22-455	NEW-P	93-18-008
434-663-005	NEW-P	93-14-001	440-22-460	NEW-P	93-18-008
434-663-020	NEW-P	93-14-001	440-22-465	NEW-P	93-18-008
434-663-030	NEW-P	93-14-001	440-22-500	NEW-P	93-18-008
434-663-050	NEW-P	93-14-001	440-22-505	NEW-P	93-18-008
434-663-060	NEW-P	93-14-001	440-22-510	NEW-P	93-18-008
434-663-070	NEW-P	93-14-001	440-22-515	NEW-P	93-18-008
440-22-001	NEW-P	93-18-008	440-22-520	NEW-P	93-18-008
440-22-005	NEW-P	93-18-008	440-22-525	NEW-P	93-18-008
440-22-010	NEW-P	93-18-008	440-22-530	NEW-P	93-18-008
440-22-015	NEW-P	93-18-008	440-22-550	NEW-P	93-18-008
440-22-020	NEW-P	93-18-008	440-22-560	NEW-P	93-18-008
440-22-025	NEW-P	93-18-008	440-22-565	NEW-P	93-18-008
440-22-030	NEW-P	93-18-008	440-22-600	NEW-P	93-18-008
440-22-035	NEW-P	93-18-008	440-22-610	NEW-P	93-18-008
440-22-040	NEW-P	93-18-008	440-22-620	NEW-P	93-18-008
440-22-045	NEW-P	93-18-008	440-22-900	NEW-P	93-18-008
440-22-050	NEW-P	93-18-008	440-22-905	NEW-P	93-18-008
440-22-055	NEW-P	93-18-008	440-22-910	NEW-P	93-18-008
440-22-060	NEW-P	93-18-008	440-22-915	NEW-P	93-18-008
440-22-065	NEW-P	93-18-008	440-22-920	NEW-P	93-18-008
440-22-070	NEW-P	93-18-008	440-22-925	NEW-P	93-18-008
440-22-075	NEW-P	93-18-008	440-22-930	NEW-P	93-18-008
440-22-080	NEW-P	93-18-008	440-22-935	NEW-P	93-18-008
440-22-085	NEW-P	93-18-008	440-25-005	NEW-E	93-11-050
440-22-090	NEW-P	93-18-008	440-25-005	NEW-P	93-11-052
440-22-100	NEW-P	93-18-008	440-25-005	NEW	93-15-014
440-22-105	NEW-P	93-18-008	440-25-010	NEW-E	93-11-050
440-22-110	NEW-P	93-18-008	440-25-010	NEW-P	93-11-052
440-22-115	NEW-P	93-18-008	440-25-010	NEW	93-15-014
440-22-120	NEW-P	93-18-008	440-25-020	NEW-E	93-11-050
440-22-125	NEW-P	93-18-008	440-25-020	NEW-P	93-11-052
440-22-150	NEW-P	93-18-008	440-25-020	NEW	93-15-014
440-22-155	NEW-P	93-18-008	440-25-030	NEW-E	93-11-050
440-22-160	NEW-P	93-18-008	440-25-030	NEW-P	93-11-052
440-22-165	NEW-P	93-18-008	440-25-030	NEW	93-15-014
440-22-175	NEW-P	93-18-008	440-25-040	NEW-E	93-11-050
440-22-180	NEW-P	93-18-008	440-25-040	NEW-P	93-11-052
440-22-200	NEW-P	93-18-008	440-25-040	NEW	93-15-014
440-22-205	NEW-P	93-18-008	440-25-050	NEW-E	93-11-050
440-22-210	NEW-P	93-18-008	440-25-050	NEW-P	93-11-052
440-22-215	NEW-P	93-18-008	440-25-050	NEW	93-15-014
440-22-220	NEW-P	93-18-008	440-25-060	NEW-E	93-11-050
440-22-225	NEW-P	93-18-008	440-25-060	NEW-P	93-11-052
440-22-230	NEW-P	93-18-008	440-25-060	NEW	93-15-014
440-22-240	NEW-P	93-18-008	440-25-070	NEW-E	93-11-050
440-22-245	NEW-P	93-18-008	440-25-070	NEW-P	93-11-052
440-22-250	NEW-P	93-18-008	440-25-070	NEW	93-15-014
440-22-260	NEW-P	93-18-008	440-25-080	NEW-E	93-11-050
440-22-270	NEW-P	93-18-008	440-25-080	NEW-P	93-11-052
440-22-275	NEW-P	93-18-008	440-25-080	NEW	93-15-014
440-22-280	NEW-P	93-18-008	440-25-090	NEW-E	93-11-050
440-22-285	NEW-P	93-18-008	440-25-090	NEW-P	93-11-052
440-22-288	NEW-P	93-18-008	440-25-090	NEW	93-15-014
440-22-290	NEW-P	93-18-008	440-25-100	NEW-E	93-11-050
440-22-292	NEW-P	93-18-008	440-25-100	NEW-P	93-11-052
440-22-294	NEW-P	93-18-008	440-25-100	NEW	93-15-014
440-22-296	NEW-P	93-18-008	440-25-110	NEW-E	93-11-050
440-22-298	NEW-P	93-18-008	440-25-110	NEW-P	93-11-052
440-22-300	NEW-P	93-18-008	440-25-110	NEW	93-15-014
440-22-310	NEW-P	93-18-008	440-25-120	NEW-E	93-11-050
440-22-320	NEW-P	93-18-008	440-25-120	NEW-P	93-11-052
440-22-325	NEW-P	93-18-008	440-25-120	NEW	93-15-014
440-22-330	NEW-P	93-18-008	446-40-070	AMD-P	93-10-001
440-22-335	NEW-P	93-18-008	446-40-070	AMD	93-15-074
440-22-350	NEW-P	93-18-008	446-80-005	NEW-P	93-13-119
440-22-355	NEW-P	93-18-008	446-80-005	NEW	93-18-043
440-22-400	NEW-P	93-18-008	446-80-010	NEW-P	93-13-119
440-22-405	NEW-P	93-18-008	446-80-010	NEW	93-18-043
448-13-080	AMD-P	93-18-013	448-13-080	AMD-P	93-18-013
448-13-210	AMD-P	93-18-013	458-12-010	AMD-P	93-05-016
458-12-010	AMD-P	93-05-016	458-12-010	AMD	93-08-049
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458-12-240	REP	93-08-049	458-12-342	AMD-P	93-05-016
458-12-342	AMD-P	93-05-016	458-12-342	AMD	93-08-049
458-14-015	AMD-P	93-05-015	458-14-015	AMD-P	93-05-015
458-14-015	AMD	93-08-050	458-14-015	AMD	93-08-050
458-14-025	AMD-P	93-05-015	458-14-025	AMD-P	93-05-015
458-14-025	AMD	93-08-050	458-14-026	NEW-P	93-05-015
458-14-026	NEW-P	93-05-015	458-14-026	NEW	93-08-050
458-14-127	AMD-P	93-05-015	458-14-127	AMD-P	93-05-015
458-14-127	AMD	93-08-050	458-14-127	AMD	93-08-050
458-14-170	AMD-P	93-05-015	458-14-170	AMD-P	93-05-015
458-14-170	AMD	93-08-050	458-14-170	AMD	93-08-050
458-14-171	NEW-P	93-05-015	458-14-171	NEW-P	93-05-015
458-14-171	NEW	93-08-050	458-14-171	NEW	93-08-050
458-16	PREP	93-18-066	458-16	PREP	93-18-066
458-16-160	NEW-E	93-16-012	458-16-160	NEW-E	93-16-012
458-16-210	AMD-E	93-16-012	458-16-210	AMD-E	93-16-012
458-16-240	AMD-E	93-16-012	458-16-240	AMD-E	93-16-012
458-16-300	AMD-E	93-16-012	458-16-300	AMD-E	93-16-012
458-16-310	AMD-E	93-16-012	458-16-310	AMD-E	93-16-012
458-18-220	AMD-P	93-03-024	458-18-220	AMD-P	93-03-024
458-18-220	AMD-E	93-03-025	458-18-220	AMD-E	93-03-025
458-18-220	AMD	93-06-096	458-18-220	AMD	93-06-096
458-19	PREP	93-16-103	458-19	PREP	93-16-103
458-19-005	NEW-P	93-18-087	458-19-005	NEW-P	93-18-087
458-19-010	NEW-P	93-18-087	458-19-010	NEW-P	93-18-087
458-19-015	NEW-P	93-18-087	458-19-015	NEW-P	93-18-087
458-19-020	NEW-P	93-18-087	458-19-020	NEW-P	93-18-087
458-19-025	NEW-P	93-18-087	458-19-025	NEW-P	93-18-087
458-19-030	NEW-P	93-18-087	458-19-030	NEW-P	93-18-087
458-19-035	NEW-P	93-18-087	458-19-035	NEW-P	93-18-087
458-19-040	NEW-P	93-18-087	458-19-040	NEW-P	93-18-087
458-19-045	NEW-P	93-18-087	458-19-045	NEW-P	93-18-087
458-19-050	NEW-P	93-18-087	458-19-050	NEW-P	93-18-087
458-19-055	NEW-P	93-18-087	458-19-055	NEW-P	93-18-087
458-19-060	NEW-P	93-18-087	458-19-060	NEW-P	93-18-087
458-19-065	NEW-P	93-18-087	458-19-065	NEW-P	93-18-087
458-19-070	NEW-P	93-18-087	458-19-070	NEW-P	93-18-087
458-19-075	NEW-P	93-18-087	458-19-075	NEW-P	93-18-087
458-19-080	NEW-P	93-18-087	458-19-080	NEW-P	93-18-087
458-20-101	PREP	93-02-046	458-20-101	PREP	93-02-046
458-20-101	AMD-P	93-08-013	458-20-101	AMD-P	93-08-013
458-20-101	AMD	93-13-126	458-20-101	AMD	93-13-126
458-20-102	AMD-E	93-13-085	458-20-102	AMD-E	93-13-085
458-20-102	PREP	93-17-086	458-20-102	PREP	93-17-086
458-20-115	PREP	93-12-111	458-20-115	PREP	93-12-111
458-20-115	AMD-P	93-15-064	458-20-115	AMD-P	93-15-064
458-20-116	PREP	93-12-112	458-20-116	PREP	93-12-112
458-20-116	AMD-P	93-15-065	458-20-116	AMD-P	93-15-065
458-20-117	PREP	93-12-113	458-20-117	PREP	93-12-113
458-20-117	AMD-P	93-15-066	458-20-117	AMD-P	93-15-066
458-20-119	AMD-P	93-07-069	458-20-119	AMD-P	93-07-069
458-20-119	AMD-C	93-18-079	458-20-119	AMD-C	93-18-079
458-20-121	PREP	93-17-085	458-20-121	PREP	93-17-085
458-20-122	PREP	93-16-086	458-20-122	PREP	93-16-086
458-20-124	AMD-P	93-07-070	458-20-124	AMD-P	93-07-070
458-20-124	AMD-C	93-18-080	458-20-124	AMD-C	93-18-080
458-20-125	PREP	93-16-083	458-20-125	PREP	93-16-083
458-20-149	REP	93-03-005	458-20-149	REP	93-03-005
458-20-150	PREP	93-12-114	458-20-150	PREP	93-12-114
458-20-150	AMD-P	93-15-067	458-20-150	AMD-P	93-15-067
458-20-165	PREP	93-16-084	458-20-165	PREP	93-16-084
458-20-166	PREP	93-17-084	458-20-166	PREP	93-17-084
458-20-167	PREP	93-12-115	458-20-167	PREP	93-12-115
458-20-168	AMD-E	93-13-086	458-20-168	AMD-E	93-13-086
458-20-174	PREP	93-02-047	458-20-174	PREP	93-02-047
458-20-179	PREP	93-17-083	458-20-179	PREP	93-17-083

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458-20-17901	AMD	93-07-066	458-61-480	AMD-E	93-14-015
458-20-185	PREP	93-17-082	458-61-490	REP-E	93-14-015
458-20-186	PREP	93-17-082	458-61-500	REP-E	93-14-015
458-20-209	PREP	93-16-087	458-61-510	AMD-E	93-14-015
458-20-210	PREP	93-16-085	458-61-520	AMD-E	93-14-015
458-20-226	PREP	93-17-081	458-61-530	REP-E	93-14-015
458-20-229	AMD	93-04-077	458-61-540	AMD-E	93-14-015
458-20-230	AMD	93-03-004	458-61-548	NEW-E	93-14-015
458-20-258	PREP	93-18-042	458-61-550	AMD-E	93-14-015
458-20-261	PREP	93-17-080	458-61-553	NEW-E	93-14-015
458-20-900	NEW-E	93-13-087	458-61-555	AMD-E	93-14-015
458-30-262	AMD-P	93-04-020	458-61-560	REP-E	93-14-015
458-30-262	AMD-E	93-04-021	458-61-570	REP-E	93-14-015
458-30-262	AMD	93-07-067	458-61-590	AMD-E	93-14-015
458-40-610	PREP	93-17-110	458-61-610	AMD-E	93-14-015
458-40-634	PREP	93-07-068	458-61-620	REP-E	93-14-015
458-40-634	AMD-P	93-11-081	458-61-630	REP-E	93-14-015
458-40-634	AMD	93-14-090	458-61-640	AMD-E	93-14-015
458-40-640	PREP	93-13-102	458-61-650	AMD-E	93-14-015
458-40-650	PREP	93-17-110	458-61-660	AMD-E	93-14-015
458-40-660	AMD-P	93-10-091	458-61-670	AMD-E	93-14-015
458-40-660	AMD	93-14-051	458-61-680	REP-E	93-14-015
458-40-670	AMD-P	93-10-091	458-61-690	REP-E	93-14-015
458-40-670	AMD	93-14-051	460-20A-220	PREP	93-16-025
458-40-690	PREP	93-09-029	460-20A-230	PREP	93-16-025
458-61	PREP	93-18-017	460-24A-050	PREP	93-16-025
458-61-010	REP-E	93-14-015	460-24A-150	NEW-P	93-16-026
458-61-015	NEW-E	93-14-015	460-24A-170	PREP	93-16-024
458-61-020	REP-E	93-14-015	463-30-055	NEW-P	93-07-094
458-61-025	NEW-E	93-14-015	463-30-055	NEW	93-12-013
458-61-030	AMD-E	93-14-015	463-39	AMD-P	93-18-104
458-61-040	REP-E	93-14-015	463-39-005	AMD-P	93-18-104
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458-61-070	AMD-E	93-14-015	463-39-100	AMD-P	93-18-104
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458-61-090	AMD-E	93-14-015	463-39-140	NEW-P	93-18-104
458-61-100	AMD-E	93-14-015	468-16-030	AMD	93-03-020
458-61-110	REP-E	93-14-015	468-16-040	AMD	93-03-020
458-61-120	AMD-E	93-14-015	468-16-050	AMD	93-03-020
458-61-130	AMD-E	93-14-015	468-16-060	AMD	93-03-020
458-61-140	REP-E	93-14-015	468-16-070	AMD	93-03-020
458-61-150	AMD-E	93-14-015	468-16-090	AMD	93-03-020
458-61-200	AMD-E	93-14-015	468-16-100	AMD	93-03-020
458-61-210	AMD-E	93-14-015	468-16-120	AMD	93-03-020
458-61-220	AMD-E	93-14-015	468-16-130	AMD	93-03-020
458-61-230	AMD-E	93-14-015	468-16-140	AMD	93-03-020
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458-61-240	REP-E	93-14-015	468-16-160	AMD	93-03-020
458-61-250	AMD-E	93-14-015	468-16-170	AMD	93-03-020
458-61-255	NEW-E	93-14-015	468-16-180	AMD	93-03-020
458-61-270	REP-E	93-14-015	468-16-190	AMD	93-03-020
458-61-280	REP-E	93-14-015	468-16-200	AMD	93-03-020
458-61-300	AMD-E	93-14-015	468-38-075	NEW-P	93-17-067
458-61-310	REP-E	93-14-015	468-38-100	AMD-P	93-17-067
458-61-320	REP-E	93-14-015	468-38-280	AMD-P	93-16-069
458-61-330	AMD-E	93-14-015	468-38-360	AMD	93-04-071
458-61-335	AMD-E	93-14-015	468-52-010	NEW	93-03-033
458-61-340	AMD-E	93-14-015	468-52-020	NEW	93-03-033
458-61-360	REP-E	93-14-015	468-52-030	NEW	93-03-033
458-61-370	AMD-E	93-14-015	468-52-040	NEW	93-03-033
458-61-375	NEW-E	93-14-015	468-52-050	NEW	93-03-033
458-61-376	NEW-E	93-14-015	468-52-060	NEW	93-03-033
458-61-380	REP-E	93-14-015	468-52-070	NEW	93-03-033
458-61-390	REP-E	93-14-015	468-95-035	NEW-C	93-07-055
458-61-400	AMD-E	93-14-015	468-95-035	NEW-C	93-10-068
458-61-410	AMD-E	93-14-015	468-95-035	NEW	93-17-018
458-61-420	AMD-E	93-14-015	468-95-037	NEW-C	93-07-055
458-61-430	AMD-E	93-14-015	468-95-037	NEW-C	93-10-068
458-61-440	REP-E	93-14-015	468-95-037	NEW	93-17-018
458-61-450	REP-E	93-14-015	468-300-010	AMD-P	93-14-113
458-61-460	REP-E	93-14-015	468-300-010	AMD	93-18-005
468-300-020	AMD-P	93-14-113	468-300-020	AMD-P	93-18-005
468-300-020	AMD	93-18-005	468-300-040	AMD-P	93-14-113
468-300-040	AMD-P	93-14-113	468-300-040	AMD	93-18-005
468-300-700	AMD-P	93-08-012	468-300-700	AMD-P	93-08-012
468-300-700	AMD-W	93-09-048	468-300-700	AMD-E	93-13-027
468-300-700	AMD-E	93-13-027	468-300-700	AMD-P	93-13-059
468-300-700	AMD	93-18-006	468-300-700	AMD	93-18-006
478-116-370	AMD-P	93-08-110	478-116-370	AMD-P	93-08-110
478-116-370	AMD	93-14-130	478-116-370	AMD	93-14-130
478-116-400	AMD-P	93-08-110	478-116-400	AMD-P	93-08-110
478-116-400	AMD	93-14-130	478-116-400	AMD	93-14-130
478-116-410	REP-P	93-08-110	478-116-410	REP-P	93-08-110
478-116-410	REP	93-14-130	478-116-410	REP	93-14-130
478-116-420	REP-P	93-08-110	478-116-420	REP-P	93-08-110
478-116-420	REP	93-14-130	478-116-420	REP	93-14-130
478-116-430	REP-P	93-08-110	478-116-430	REP-P	93-08-110
478-116-430	REP	93-14-130	478-116-430	REP	93-14-130
478-116-440	AMD-P	93-08-110	478-116-440	AMD-P	93-08-110
478-116-440	AMD	93-14-130	478-116-440	AMD	93-14-130
478-116-450	AMD-P	93-08-110	478-116-450	AMD-P	93-08-110
478-116-450	AMD	93-14-130	478-116-450	AMD	93-14-130
478-116-460	AMD-P	93-08-110	478-116-460	AMD-P	93-08-110
478-116-460	AMD	93-14-130	478-116-460	AMD	93-14-130
478-116-470	REP-P	93-08-110	478-116-470	REP-P	93-08-110
478-116-470	REP	93-14-130	478-116-470	REP	93-14-130
478-116-480	REP-P	93-08-110	478-116-480	REP-P	93-08-110
478-116-480	REP	93-14-130	478-116-480	REP	93-14-130
478-116-490	REP-P	93-08-110	478-116-490	REP-P	93-08-110
478-116-490	REP	93-14-130	478-116-490	REP	93-14-130
478-116-500	REP-P	93-08-110	478-116-500	REP-P	93-08-110
478-116-500	REP	93-14-130	478-116-500	REP	93-14-130
478-116-510	REP-P	93-08-110	478-116-510	REP-P	93-08-110
478-116-510	REP	93-14-130	478-116-510	REP	93-14-130
478-116-511	REP-P	93-08-110	478-116-511	REP-P	93-08-110
478-116-511	REP	93-14-130	478-116-511	REP	93-14-130
478-116-520	AMD-P	93-08-110	478-116-520	AMD-P	93-08-110
478-116-520	AMD	93-14-130	478-116-520	AMD	93-14-130
478-116-530	REP-P	93-08-110	478-116-530	REP-P	93-08-110
478-116-530	REP	93-14-130	478-116-530	REP	93-14-130
478-116-540	AMD-P	93-08-110	478-116-540	AMD-P	93-08-110
478-116-540	AMD	93-14-130	478-116-540	AMD	93-14-130
478-116-550	AMD-P	93-08-110	478-116-550	AMD-P	93-08-110
478-116-550	AMD	93-14-130	478-116-550	AMD	93-14-130
478-116-560	REP-P	93-08-110	478-116-560	REP-P	93-08-110
478-116-560	REP	93-14-130	478-116-560	REP	93-14-130
478-116-582	AMD-P	93-08-110	478-116-582	AMD-P	93-08-110
478-116-582	AMD	93-14-130	478-116-582	AMD	93-14-130
478-116-586	AMD-P	93-08-110	478-116-586	AMD-P	93-08-110
478-116-586	AMD	93-14-130	478-116-586	AMD	93-14-130
478-116-588	AMD-P	93-08-110	478-116-588	AMD-P	93-08-110
478-116-588	AMD	93-14-130	478-116-588	AMD	93-14-130
478-116-589	NEW-P	93-08-110	478-116-589	NEW-P	93-08-110
478-116-589	NEW	93-14-130	478-116-589	NEW	93-14-130
478-116-601	AMD-P	93-08-110	478-116-601	AMD-P	93-08-110
478-116-601	AMD	93-14-130	478-116-601	AMD	93-14-130
480-09-012	NEW-P	93-18-096	480-09-012	NEW-P	93-18-096
480-09-120	AMD-P	93-18-096	480-09-120	AMD-P	93-18-096
480-09-210	AMD-P	93-18-096	480-09-210	AMD-P	93-18-096
480-09-220	AMD-P	93-18-096	480-09-220	AMD-P	93-18-096
480-09-320	AMD-P	93-18-096	480-09-320	AMD-P	93-18-096
480-09-330	AMD-P	93-18-096	480-09-330	AMD-P	93-18-096
480-09-420	AMD-P	93-18-096	480-09-420	AMD-P	93-18-096
480-09-425	AMD-P	93-18-096	480-09-425	AMD-P	93-18-096
480-09-480	AMD-P	93-18-096	480-09-480	AMD-P	93-18-096
480-09-500	AMD-P	93-18-096	480-09-500	AMD-P	93-18-096
480-09-720	AMD-P	93-18-096	480-09-720	AMD-P	93-18-096
480-09-736	AMD-P	93-18-096	480-09-736	AMD-P	93-18-096
480-09-760	AMD-P	93-18-096	480-09-760	AMD-P	93-18-096
480-09-770	AMD-P	93-18-096	480-09-770	AMD-P	93-18-096
480-09-780	AMD-P	93-18-096	480-09-780	AMD-P	93-18-096
480-09-810	AMD-P	93-18-096	480-09-810	AMD-P	93-18-096

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480-12-010	AMD-P	93-11-098	490-04B-010	NEW-P	93-02-045	491-10-010	NEW-P	93-16-016
480-12-010	AMD	93-15-036	490-04B-010	NEW	93-06-005	495B-104-010	NEW	93-05-018
480-12-022	NEW-P	93-18-101	490-08B-010	NEW-P	93-02-045	495B-104-020	NEW	93-05-018
480-12-030	AMD-E	93-17-003	490-08B-010	NEW	93-06-005	495B-104-030	NEW	93-05-018
480-12-030	AMD-P	93-18-101	490-08B-020	NEW-P	93-02-045	495B-108-010	NEW	93-05-018
480-12-033	AMD-P	93-18-096	490-08B-020	NEW	93-06-005	495B-108-020	NEW	93-05-018
480-12-083	AMD-P	93-11-099	490-08B-030	NEW-P	93-02-045	495B-108-030	NEW	93-05-018
480-12-083	AMD	93-15-035	490-08B-030	NEW	93-06-005	495B-108-040	NEW	93-05-018
480-12-126	AMD-E	93-17-003	490-08B-040	NEW-P	93-02-045	495B-108-050	NEW	93-05-018
480-12-126	AMD-P	93-18-101	490-08B-040	NEW	93-06-005	495B-108-060	NEW	93-05-018
480-12-127	AMD-E	93-17-003	490-08B-050	NEW-P	93-02-045	495B-108-070	NEW	93-05-018
480-12-127	AMD-P	93-18-101	490-08B-050	NEW	93-06-005	495B-108-080	NEW	93-05-018
480-12-130	AMD-E	93-17-003	490-08B-060	NEW-P	93-02-045	495B-116-010	NEW	93-05-018
480-12-130	AMD-P	93-18-101	490-08B-060	NEW	93-06-005	495B-116-020	NEW	93-05-018
480-12-131	NEW-P	93-18-101	490-08B-070	NEW-P	93-02-045	495B-116-030	NEW	93-05-018
480-12-135	AMD-E	93-17-003	490-08B-070	NEW	93-06-005	495B-116-040	NEW	93-05-018
480-12-135	AMD-P	93-18-101	490-08B-080	NEW-P	93-02-045	495B-116-050	NEW	93-05-018
480-12-150	AMD-P	93-11-097	490-08B-080	NEW	93-06-005	495B-116-060	NEW	93-05-018
480-12-150	AMD	93-15-038	490-10-010	NEW-P	93-02-045	495B-116-070	NEW	93-05-018
480-12-181	AMD	93-05-038	490-10-010	NEW	93-06-005	495B-116-080	NEW	93-05-018
480-12-250	AMD-P	93-18-101	490-13-010	NEW-P	93-02-045	495B-116-090	NEW	93-05-018
480-12-285	AMD-P	93-11-098	490-13-010	NEW	93-06-005	495B-116-100	NEW	93-05-018
480-12-285	AMD	93-15-036	490-100-030	AMD-P	93-18-098	495B-116-110	NEW	93-05-018
480-12-350	AMD-E	93-17-003	490-100-035	AMD-P	93-18-098	495B-116-120	NEW	93-05-018
480-12-350	AMD-P	93-18-101	490-100-040	AMD-P	93-18-098	495B-116-130	NEW	93-05-018
480-30-015	AMD-P	93-11-099	490-100-050	AMD-P	93-18-098	495B-116-140	NEW	93-05-018
480-30-015	AMD	93-15-035	490-100-060	AMD-P	93-18-098	495B-116-150	NEW	93-05-018
480-30-030	AMD-P	93-11-096	490-100-070	AMD-P	93-18-098	495B-116-160	NEW	93-05-018
480-30-030	AMD	93-15-037	490-100-080	AMD-P	93-18-098	495B-116-170	NEW	93-05-018
480-35-030	AMD-P	93-11-096	490-100-090	AMD-P	93-18-098	495B-116-180	NEW	93-05-018
480-35-030	AMD	93-15-037	490-100-100	AMD-P	93-18-098	495B-116-190	NEW	93-05-018
480-40-015	AMD-P	93-11-099	490-100-105	AMD-P	93-18-098	495B-116-200	NEW	93-05-018
480-40-015	AMD	93-15-035	490-100-120	AMD-P	93-18-098	495B-116-210	NEW	93-05-018
480-40-030	AMD-P	93-11-096	490-100-130	AMD-P	93-18-098	495B-116-220	NEW	93-05-018
480-40-030	AMD	93-15-037	490-100-170	AMD-P	93-18-098	495B-116-230	NEW	93-05-018
480-70-055	AMD-P	93-11-099	490-100-180	AMD-P	93-18-098	495B-116-240	NEW	93-05-018
480-70-055	AMD	93-15-035	490-100-190	AMD-P	93-18-098	495B-116-250	NEW	93-05-018
480-70-700	NEW-P	93-13-139	490-100-200	AMD-P	93-18-098	495B-116-260	NEW	93-05-018
480-70-710	NEW-P	93-13-139	490-100-205	AMD-P	93-18-098	495B-116-270	NEW	93-05-018
480-70-720	NEW-P	93-13-139	490-100-208	AMD-P	93-18-098	495B-116-280	NEW	93-05-018
480-70-730	NEW-P	93-13-139	490-100-210	AMD-P	93-18-098	495B-120-010	NEW	93-05-018
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480-70-750	NEW-P	93-13-139	490-100-250	AMD	93-06-006	495B-120-030	NEW	93-05-018
480-70-760	NEW-P	93-13-139	490-276-010	NEW-P	93-02-045	495B-120-040	NEW	93-05-018
480-70-770	NEW-P	93-13-139	490-276-010	NEW	93-06-005	495B-120-045	NEW	93-05-018
480-70-780	NEW-P	93-13-139	490-276-020	NEW-P	93-02-045	495B-120-050	NEW	93-05-018
480-70-790	NEW-P	93-13-139	490-276-020	NEW	93-06-005	495B-120-060	NEW	93-05-018
480-80-240	AMD-P	93-18-096	490-276-030	NEW-P	93-02-045	495B-120-070	NEW	93-05-018
480-80-390	AMD	93-09-050	490-276-030	NEW	93-06-005	495B-120-080	NEW	93-05-018
480-93-010	AMD-P	93-13-035	490-276-040	NEW-P	93-02-045	495B-120-090	NEW	93-05-018
480-93-010	AMD	93-18-097	490-276-040	NEW	93-06-005	495B-120-100	NEW	93-05-018
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480-110-023	NEW	93-12-062	490-276-050	NEW	93-06-005	495B-120-120	NEW	93-05-018
480-110-176	AMD-P	93-06-056	490-276-060	NEW-P	93-02-045	495B-120-130	NEW	93-05-018
480-110-176	AMD	93-12-062	490-276-060	NEW	93-06-005	495B-120-135	NEW	93-05-018
480-120-021	AMD	93-06-055	490-276-070	NEW-P	93-02-045	495B-120-140	NEW	93-05-018
480-120-031	AMD-P	93-02-068	490-276-070	NEW	93-06-005	495B-120-150	NEW	93-05-018
480-120-031	AMD	93-07-089	490-276-080	NEW-P	93-02-045	495B-120-160	NEW	93-05-018
480-120-051	AMD	93-06-055	490-276-080	NEW	93-06-005	495B-120-170	NEW	93-05-018
480-120-086	REP	93-06-055	490-276-090	NEW-P	93-02-045	495B-120-180	NEW	93-05-018
480-120-350	NEW-P	93-05-013	490-276-090	NEW	93-06-005	495B-120-190	NEW	93-05-018
480-120-350	NEW	93-11-026	490-276-100	NEW-P	93-02-045	495B-120-200	NEW	93-05-018
480-120-500	NEW	93-06-055	490-276-100	NEW	93-06-005	495B-122-010	NEW	93-05-018
480-120-505	NEW	93-06-055	490-276-110	NEW-P	93-02-045	495B-122-020	NEW	93-05-018
480-120-510	NEW	93-06-055	490-276-110	NEW	93-06-005	495B-122-030	NEW	93-05-018
480-120-515	NEW	93-06-055	490-276-120	NEW-P	93-02-045	495B-130-010	NEW	93-05-018
480-120-520	NEW	93-06-055	490-276-120	NEW	93-06-005	495B-131-010	NEW	93-05-018
480-120-525	NEW	93-06-055	490-276-130	NEW-P	93-02-045	495B-132-010	NEW	93-05-018
480-120-530	NEW	93-06-055	490-276-130	NEW	93-06-005	495B-133-020	NEW	93-05-018
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495B-140-060	NEW 93-05-018	495E-116-010	NEW-P 93-09-033	495E-120-170	NEW 93-13-107
495B-140-070	NEW 93-05-018	495E-116-010	NEW 93-13-106	495E-120-180	NEW-P 93-09-034
495B-140-080	NEW 93-05-018	495E-116-020	NEW-P 93-09-033	495E-120-180	NEW 93-13-107
495B-140-090	NEW 93-05-018	495E-116-020	NEW 93-13-106	495E-120-190	NEW-P 93-09-034
495B-140-100	NEW 93-05-018	495E-116-030	NEW-P 93-09-033	495E-120-190	NEW 93-13-107
495B-140-110	NEW 93-05-018	495E-116-030	NEW 93-13-106	495E-122-010	NEW-P 93-09-035
495B-168-010	NEW 93-05-018	495E-116-040	NEW-P 93-09-033	495E-122-010	NEW 93-13-108
495B-168-020	NEW 93-05-018	495E-116-040	NEW 93-13-106	495E-122-020	NEW-P 93-09-035
495B-168-030	NEW 93-05-018	495E-116-050	NEW-P 93-09-033	495E-122-020	NEW 93-13-108
495B-168-040	NEW 93-05-018	495E-116-050	NEW 93-13-106	495E-122-030	NEW-P 93-09-035
495B-168-050	NEW 93-05-018	495E-116-060	NEW-P 93-09-033	495E-122-030	NEW 93-13-108
495B-168-060	NEW 93-05-018	495E-116-060	NEW 93-13-106	495E-122-040	NEW-P 93-09-035
495B-276-010	NEW 93-05-018	495E-116-070	NEW-P 93-09-033	495E-122-040	NEW 93-13-108
495B-276-020	NEW 93-05-018	495E-116-070	NEW 93-13-106	495E-132-010	NEW-P 93-09-036
495B-276-030	NEW 93-05-018	495E-116-080	NEW-P 93-09-033	495E-132-010	NEW 93-13-109
495B-276-040	NEW 93-05-018	495E-116-080	NEW 93-13-106	495E-133-020	NEW-P 93-09-037
495B-276-050	NEW 93-05-018	495E-116-090	NEW-P 93-09-033	495E-133-020	NEW 93-13-110
495B-276-060	NEW 93-05-018	495E-116-090	NEW 93-13-106	495E-134-010	NEW-P 93-09-038
495B-276-070	NEW 93-05-018	495E-116-100	NEW-P 93-09-033	495E-134-010	NEW 93-13-111
495B-276-080	NEW 93-05-018	495E-116-100	NEW 93-13-106	495E-140-010	NEW-P 93-09-039
495B-276-090	NEW 93-05-018	495E-116-110	NEW-P 93-09-033	495E-140-010	NEW 93-13-112
495B-276-100	NEW 93-05-018	495E-116-110	NEW 93-13-106	495E-140-020	NEW-P 93-09-039
495B-276-110	NEW 93-05-018	495E-116-120	NEW-P 93-09-033	495E-140-020	NEW 93-13-112
495B-276-120	NEW 93-05-018	495E-116-120	NEW 93-13-106	495E-140-030	NEW-P 93-09-039
495B-276-130	NEW 93-05-018	495E-116-130	NEW-P 93-09-033	495E-140-030	NEW 93-13-112
495B-276-140	NEW 93-05-018	495E-116-130	NEW 93-13-106	495E-140-040	NEW-P 93-09-039
495B-280-010	NEW 93-05-018	495E-116-140	NEW-P 93-09-033	495E-140-040	NEW 93-13-112
495B-280-015	NEW 93-05-018	495E-116-140	NEW 93-13-106	495E-140-050	NEW-P 93-09-039
495B-280-020	NEW 93-05-018	495E-116-150	NEW-P 93-09-033	495E-140-050	NEW 93-13-112
495B-280-030	NEW 93-05-018	495E-116-150	NEW 93-13-106	495E-140-060	NEW-P 93-09-039
495B-280-040	NEW 93-05-018	495E-116-160	NEW-P 93-09-033	495E-140-060	NEW 93-13-112
495B-280-050	NEW 93-05-018	495E-116-160	NEW 93-13-106	495E-140-070	NEW-P 93-09-039
495B-280-060	NEW 93-05-018	495E-116-170	NEW-P 93-09-033	495E-140-070	NEW 93-13-112
495B-280-070	NEW 93-05-018	495E-116-170	NEW 93-13-106	495E-140-080	NEW-P 93-09-039
495B-280-080	NEW 93-05-018	495E-116-180	NEW-P 93-09-033	495E-140-080	NEW 93-13-112
495B-280-090	NEW 93-05-018	495E-116-180	NEW 93-13-106	495E-140-090	NEW-P 93-09-039
495B-280-100	NEW 93-05-018	495E-116-190	NEW-P 93-09-033	495E-140-090	NEW 93-13-112
495B-280-110	NEW 93-05-018	495E-116-190	NEW 93-13-106	495E-140-100	NEW-P 93-09-039
495B-280-120	NEW 93-05-018	495E-120-010	NEW-P 93-09-034	495E-140-100	NEW 93-13-112
495B-300-010	NEW 93-05-018	495E-120-010	NEW 93-13-107	495E-140-110	NEW-P 93-09-039
495B-300-020	NEW 93-05-018	495E-120-020	NEW-P 93-09-034	495E-140-110	NEW 93-13-112
495B-300-030	NEW 93-05-018	495E-120-020	NEW 93-13-107	495E-168-010	NEW-P 93-09-040
495B-300-040	NEW 93-05-018	495E-120-030	NEW-P 93-09-034	495E-168-010	NEW 93-13-113
495B-310-010	NEW 93-05-018	495E-120-030	NEW 93-13-107	495E-168-020	NEW-P 93-09-040
495B-310-020	NEW 93-05-018	495E-120-040	NEW-P 93-09-034	495E-168-020	NEW 93-13-113
495B-310-030	NEW 93-05-018	495E-120-040	NEW 93-13-107	495E-168-030	NEW-P 93-09-040
495B-310-040	NEW 93-05-018	495E-120-045	NEW-P 93-09-034	495E-168-030	NEW 93-13-113
495B-325-010	NEW 93-05-018	495E-120-045	NEW 93-13-107	495E-168-040	NEW-P 93-09-040
495D-104-010	AMD 93-03-086	495E-120-050	NEW-P 93-09-034	495E-168-040	NEW 93-13-113
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495D-135-040	AMD-P 93-16-093	495E-120-060	NEW-P 93-09-034	495E-168-050	NEW 93-13-113
495E-104-010	NEW-P 93-09-031	495E-120-060	NEW 93-13-107	495E-168-060	NEW-P 93-09-040
495E-104-010	NEW 93-13-104	495E-120-070	NEW-P 93-09-034	495E-168-060	NEW 93-13-113
495E-104-020	NEW-P 93-09-031	495E-120-070	NEW 93-13-107	495E-276-010	NEW-P 93-09-041
495E-104-020	NEW 93-13-104	495E-120-080	NEW-P 93-09-034	495E-276-010	NEW 93-13-114
495E-104-030	NEW-P 93-09-031	495E-120-080	NEW 93-13-107	495E-276-020	NEW-P 93-09-041
495E-104-030	NEW 93-13-104	495E-120-090	NEW-P 93-09-034	495E-276-020	NEW 93-13-114
495E-108-010	NEW-P 93-09-032	495E-120-090	NEW 93-13-107	495E-276-030	NEW-P 93-09-041
495E-108-010	NEW 93-13-105	495E-120-100	NEW-P 93-09-034	495E-276-030	NEW 93-13-114
495E-108-020	NEW-P 93-09-032	495E-120-100	NEW 93-13-107	495E-276-040	NEW-P 93-09-041
495E-108-020	NEW 93-13-105	495E-120-110	NEW-P 93-09-034	495E-276-040	NEW 93-13-114
495E-108-030	NEW-P 93-09-032	495E-120-110	NEW 93-13-107	495E-276-050	NEW-P 93-09-041
495E-108-030	NEW 93-13-105	495E-120-120	NEW-P 93-09-034	495E-276-050	NEW 93-13-114
495E-108-040	NEW-P 93-09-032	495E-120-120	NEW 93-13-107	495E-276-060	NEW-P 93-09-041
495E-108-040	NEW 93-13-105	495E-120-130	NEW-P 93-09-034	495E-276-060	NEW 93-13-114
495E-108-050	NEW-P 93-09-032	495E-120-130	NEW 93-13-107	495E-276-070	NEW-P 93-09-041
495E-108-050	NEW 93-13-105	495E-120-140	NEW-P 93-09-034	495E-276-070	NEW 93-13-114
495E-108-060	NEW-P 93-09-032	495E-120-140	NEW 93-13-107	495E-276-080	NEW-P 93-09-041
495E-108-060	NEW 93-13-105	495E-120-150	NEW-P 93-09-034	495E-276-080	NEW 93-13-114
495E-108-070	NEW-P 93-09-032	495E-120-150	NEW 93-13-107	495E-276-090	NEW-P 93-09-041
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495E-276-110	NEW	93-13-114			
495E-276-120	NEW-P	93-09-041			
495E-276-120	NEW	93-13-114			
495E-276-130	NEW-P	93-09-041			
495E-276-130	NEW	93-13-114			
495E-276-140	NEW-P	93-09-041			
495E-276-140	NEW	93-13-114			
495E-280-010	NEW-P	93-09-042			
495E-280-010	NEW	93-13-115			
495E-280-015	NEW-P	93-09-042			
495E-280-015	NEW	93-13-115			
495E-280-020	NEW-P	93-09-042			
495E-280-020	NEW	93-13-115			
495E-280-030	NEW-P	93-09-042			
495E-280-030	NEW	93-13-115			
495E-280-040	NEW-P	93-09-042			
495E-280-040	NEW	93-13-115			
495E-280-050	NEW-P	93-09-042			
495E-280-050	NEW	93-13-115			
495E-280-060	NEW-P	93-09-042			
495E-280-060	NEW	93-13-115			
495E-280-070	NEW-P	93-09-042			
495E-280-070	NEW	93-13-115			
495E-280-080	NEW-P	93-09-042			
495E-280-080	NEW	93-13-115			
495E-280-090	NEW-P	93-09-042			
495E-280-090	NEW	93-13-115			
495E-280-100	NEW-P	93-09-042			
495E-280-100	NEW	93-13-115			
495E-280-110	NEW-P	93-09-042			
495E-280-110	NEW	93-13-115			
495E-280-120	NEW-P	93-09-042			
495E-280-120	NEW	93-13-115			
495E-300-010	NEW-P	93-09-043			
495E-300-010	NEW	93-13-116			
495E-300-020	NEW-P	93-09-043			
495E-300-020	NEW	93-13-116			
495E-300-030	NEW-P	93-09-043			
495E-300-030	NEW	93-13-116			
495E-300-040	NEW-P	93-09-043			
495E-300-040	NEW	93-13-116			
495E-300-050	NEW-P	93-09-043			
495E-300-050	NEW	93-13-116			
495E-325-010	NEW-P	93-09-044			
495E-325-010	NEW	93-13-117			
495E-400-010	NEW-P	93-09-045			
495E-400-010	NEW	93-13-118			
495E-400-020	NEW-P	93-09-045			
495E-400-020	NEW	93-13-118			
495E-400-030	NEW-P	93-09-045			
495E-400-030	NEW	93-13-118			
495E-400-040	NEW-P	93-09-045			
495E-400-040	NEW	93-13-118			
495E-400-050	NEW-P	93-09-045			
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